



Education (Scotland) Act 1980

1980 CHAPTER 44

PART I

PROVISION OF EDUCATION BY EDUCATION AUTHORITIES

School education and further education

1 Duty of education authorities to secure provision of education

- (1) Subject to subsection (2) below, it shall be the duty of every education authority to secure that there is made for their area adequate and efficient provision of school education and further education.
- (2) The duty imposed on an education authority by subsection (1) above shall not include the provision of school education in nursery schools and nursery classes, but an education authority shall have power to provide for their area school education in nursery schools and nursery classes.
- (3) Every education authority—
 - (a) shall have power to secure for their area, and
 - (b) without prejudice to the duty imposed on them by subsection (1) above, shall be under a duty to secure for pupils in attendance at schools in their area, the provision of adequate facilities for social, cultural and recreative activities and for physical education and training.
- (4) The facilities for further education that may be provided by an education authority shall include facilities for vocational and industrial training.
- (5) In this Act—
 - (a) " school education" means progressive education appropriate to the requirements of pupils in attendance at schools, regard being had to the age, ability and aptitude of such pupils, and includes—

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- (i) activities in schools and classes (hereinafter in this Act called "nursery schools" and "nursery classes"), being activities of a kind suitable in the ordinary case for pupils who are under school age ;
- (ii) special education;
- (iii) the teaching of Gaelic in Gaelic-speaking areas;
- (b) further education includes—
 - (i) compulsory part-time and in exceptional cases full-time courses of instruction approved in terms of the regulations made under section 2 of this Act given in colleges (hereinafter in this Act referred to as "junior colleges ") to young persons not exempt from attendance under section 45(8) of this Act and designed to enable them to develop their various aptitudes and capacities and to prepare them for the responsibilities of citizenship;
 - (ii) voluntary part-time and full-time courses of instruction for persons over school age ;
 - (iii) social, cultural and recreative activities and physical education and training, either as part of a course of instruction or as organised voluntary leisure-time occupation;
 - (iv) the teaching of Gaelic in Gaelic-speaking areas;
- (c) "special education" means education by special methods appropriate to the requirements of pupils whose physical, intellectual, emotional or social development cannot, in the opinion of the education authority, be adequately promoted by ordinary methods of education, and shall be given in special schools or by other appropriate means.

2 Secretary of State may prescribe standards, etc., for education authorities

The Secretary of State may make regulations prescribing the standards and general requirements to which every education authority shall conform in discharging their functions under section 1 of this Act

3 Fees not to be charged in public schools, etc.: exceptions

- (1) Subject to the provisions of subsections (2) to (5) below, school education and compulsory further education provided by an education authority shall be provided without payment of fees.
- (2) An education authority shall have power to charge fees for school education in some or all of the classes in a limited number of schools under their management.
- (3) An education authority may award to any pupil in a class in which fees are charged by virtue of subsection (2) above a scholarship, by way of remission in whole or in part of the fee, in any case where, having regard to the pupil's ability and aptitude, it appears to the authority proper to do so; but such a pupil shall not be regarded for the purposes of section 11(1)(a) of this Act (provision of free books, etc.) as receiving free education.
- (4) An education authority shall not exercise the power conferred by subsection (2) above except where it may be exercised without prejudice to the adequate provision of free school education for their area whether—
 - (a) at schools under their management, or

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- (b) at other schools by virtue of arrangements made by them with the managers of those schools or, in the case of schools under the management of another education authority, with that authority.
- (5) Where an education authority are providing school education for an outwith-area pupil in a school under their management—
- (a) in classes in which fees are charged under the provisions of subsection (2) above, the education authority may charge in respect of that pupil, in addition to the fee charged by virtue of that subsection, such extra fee as they think proper,
 - (b) in classes in which no fees are charged, the education authority may charge in respect of that pupil such fee as they think proper.

In this subsection " outwith-area pupil " means, in relation to any education authority, a pupil who is not deemed to belong for the purposes of section 23 of this Act to the area of that authority.

- (6) An education authority shall have power to make charges in respect of the use of some or all of—
- (a) any facilities for voluntary further education provided by them,
 - (b) any facilities provided by them under section 1(3) of this Act.

4 Duty of education authorities to provide child guidance service

It shall be the duty of every education authority to provide for their area a child guidance service in child guidance clinics or elsewhere, and the functions of that service shall include—

- (a) the study of handicapped, backward and difficult children;
- (b) the giving of advice to parents and teachers as to appropriate methods of education and training for such children;
- (c) in suitable cases, the provision of special education for such children in child guidance clinics;
- (d) the giving of advice to a local authority within the meaning of the Social Work (Scotland) Act 1968 regarding the assessment of the needs of any child for the purposes of any of the provisions of that or any other enactment.

5 Special education for children with certain disabilities

- (1) It shall be the duty of every education authority to provide the Secretary of State at such times as he may direct with information on the provision made by that education authority of special educational facilities for children who suffer from—
- (a) the dual handicap of blindness and deafness; or
 - (b) autism or other forms of early childhood psychosis; or
 - (c) acute dyslexia.
- (2) The arrangements made by an education authority for the special education of children who suffer as mentioned in subsection (1) above shall, so far as is practicable, provide for the giving of such education in any school under the management of the education authority.

6 Social activities, physical education, etc.

- (1) For the purpose of securing the provision of facilities for social, cultural and recreative activities and physical education and training, an education authority may—
 - (a) establish, maintain and manage—
 - (i) camps, outdoor centres, playing fields and swimming pools;
 - (ii) play areas and centres ;
 - (iii) sports halls, centres and clubs;
 - (iv) youth, community and cultural centres and clubs,and other places at which any such facilities as aforesaid are available;
 - (b) organise holiday classes, games, expeditions and other activities.
- (2) In the exercise of their powers under subsection (1) above an education authority—
 - (a) may assist any body whose objects include;
 - (b) shall, so far as practicable, co-operate with local authorities and with voluntary societies or bodies whose objects include,
the provision or promotion of social, cultural and recreative activities and physical education and training or the facilities for such activities, education and training.
- (3) In this section " local authority " means a regional, islands or district council.

7 Provision of educational facilities to be in accordance with schemes

- (1) The functions of an education authority under the foregoing provisions of this Act shall be exercised in accordance with schemes prepared as hereinafter provided and approved by the Secretary of State under section 69 of this Act, except where such functions relate to—
 - (a) further education as described in sub-paragraphs (ii) and (iii) of section 1(5) (b) of this Act other than such voluntary part-time or full-time courses of instruction for persons over school age as the Secretary of State may direct; or
 - (b) such facilities as are mentioned in section 6(1) of this Act; or
 - (c) special education other than in special schools.
- (2) It shall be the duty of an education authority within such time as may be prescribed to prepare and submit for the approval of the Secretary of State a scheme or schemes for the exercise of their powers and duties under the foregoing provisions of this Act.
- (3) An education authority may at any time, and shall if and when so required by the Secretary of State, prepare and submit for his approval a revised scheme or modification of an existing scheme under this section.
- (4) In considering and determining for the purposes of any scheme for the provision of school education what amount of public school accommodation or additional public school accommodation is required for their area, an education authority shall have regard to and take into account every school, whether public or not, and whether situated in the area or not, which, in their opinion, gives, or will when completed give, efficient school education, and is, or will when completed be, suitable and available for the education of the pupils in their area.
- (5) An education authority shall for the purposes of subsection (4) above have power to call upon all head teachers and managers of schools other than public schools for such information and for access to and delivery of all such documents as shall to the education authority appear to be necessary to enable them to discharge their duties

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under this Act, and an education authority may from time to time appoint fit and proper persons to procure such information and to inspect such documents.

- (6) In the preparation of any scheme for the provision of school education, an education authority shall, in particular, have regard to the expediency of securing the provision of boarding accommodation, either in boarding schools or in hostels, for pupils for whom education as boarders is considered by then-parents and by the authority to be desirable.
- (7) In the preparation of any scheme for further education, an education authority shall have regard to such of the following considerations as may be relevant—
- (a) to any facilities for such education provided for their area by universities, central institutions, colleges of education, educational associations, and other bodies and to the need for consultation with any such organisations as aforesaid and with the education authorities for adjacent areas; and the scheme may include such provisions as to the co-operation of any such bodies or authorities as may have been agreed between them and the authority preparing the scheme ;
 - (b) to the need for consultation with persons concerned or engaged in crafts, industries, commerce or other employments in their area ;
 - (c) to the need for securing the adequate provision of technical education and, keeping in view the requirements of the crafts, industries, commerce and other employments in the area and the provision therefor made elsewhere, to the need for the establishment of local technical colleges offering courses of suitable standard;
 - (d) to the expediency of securing the provision of boarding accommodation, either as part of a junior college or in hostels, for pupils for whom residence at a distance from their homes is necessary in order that the greatest advantage may be derived from compulsory further education; and
 - (e) to the desirability of securing the provision of residential colleges for other forms of further education.
- (8) Where general arrangements under section 50 of this Act are part of the measures to be taken by the authority to secure the adequate provision of school or compulsory further education for persons resident in any part of their area, information regarding the said arrangements shall be included in the appropriate scheme prepared under this section.

8 Religious instruction

- (1) Whereas it has been the custom in the public schools of Scotland for religious observance to be practised and for instruction in religion to be given to pupils whose parents did not object to such observance or instruction, but with liberty to parents, without forfeiting any of the other advantages of the schools, to elect that their children should not take part in such observance or receive such instruction, be it enacted that education authorities shall be at liberty to continue the said custom, subject to the provisions of section 9 of this Act.
- (2) It shall not be lawful for an education authority to discontinue religious observance or the provision of instruction in religion in terms of subsection (1) above, unless and until a resolution in favour of such discontinuance duly passed by the authority has been submitted to a poll of the local government electors for the education area taken for the purpose, and has been approved by a majority of electors voting thereat.

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- (3) A poll under subsection (2) above shall be by ballot and shall be taken in accordance with rules to be made by the Secretary of State, which rules may apply with any necessary modifications any enactments relating to parliamentary or local government elections.

9 Conscience clause

Every public school and every grant-aided school shall be open to pupils of all denominations, and any pupil may be withdrawn by his parents from any instruction in religious subjects and from any religious observance in any such school; and no pupil shall in any such school be placed at any disadvantage with respect to the secular instruction given therein by reason of the denomination to which such pupil or his parents belong, or by reason of his being withdrawn from any instruction in religious subjects.

10 Safeguards for religious beliefs

Where the parent of any pupil who is a boarder at any public school, junior college or other educational establishment under the management of an education authority requests that the pupil be permitted to attend worship in accordance with the tenets of a particular religious denomination on Sundays or other days exclusively set apart for religious observance by the religious body to which his parent belongs, or to receive religious instruction or to practise religious observance in accordance with such tenets outside the working hours of the school, junior college or other educational establishment, the education authority shall make arrangements for affording to the pupil reasonable opportunities for so doing, and such arrangements may provide for affording facilities for such worship, instruction or observance on the premises of the school, junior college or other educational establishment, so however that such arrangements shall not entail expenditure by the education authority.

11 Provision of books, materials and special clothing free of charge

- (1) An education authority shall provide free of charge for all pupils belonging to their area who are given free education—
- (a) at schools or junior colleges under their management, or
 - (b) at other schools by virtue of arrangements made by them with the managers of those schools or, in the case of schools under the management of another education authority, with that authority,

books, writing materials, stationery, mathematical instruments, practice material and other articles which are necessary to enable the pupils to take full advantage of the education provided ; and the authority may make similar provision, with or without charge, for other pupils resident in their area and attending any school or other educational establishment.

- (2) An education authority may provide—
- (a) for pupils in attendance at any school, junior college or other educational establishment under their management, articles of clothing suitable for physical exercise or for other activities of the school, college or establishment for which special clothing is desirable, and

- (b) for persons who make use of facilities for physical education or training provided by the authority under section 1(3) of this Act, articles of clothing suitable for such physical education or training.

12 Library service

- (1) An education authority may, as an ancillary means of promoting education, provide, by purchase or otherwise, such books and other printed matter, pictures, gramophone records, tape recordings, films and other materials as they may think desirable, for pupils attending schools, junior colleges or other educational establishments in their area.
- (2) For the purposes of this section, an education authority may—
 - (a) make such arrangements as they consider necessary for the management of a library service provided by "them including the accommodation and distribution of books and other materials, and
 - (b) enter into arrangements with the managers of public libraries.

13 Provision of hostels

An education authority may provide and maintain hostels for pupils attending educational establishments in their area.

14 Power to provide education elsewhere than at an educational establishment

If an education authority are satisfied that by reason of any extraordinary circumstances a pupil is unable to attend a suitable educational establishment for the purpose of receiving education, they may make special arrangements for him to receive education elsewhere than at an educational establishment.