

Education (Scotland) Bill

2nd Groupings of Amendments for Stage 2

This document provides procedural information which will assist in preparing for and following proceedings on the above Bill. The information provided is as follows:

- the list of groupings (that is, the order in which amendments will be debated). Any procedural points relevant to each group are noted;
- a list of any amendments already debated;
- the text of amendments to be debated on the second day of Stage 2 consideration, set out in the order in which they will be debated. **THIS LIST DOES NOT REPLACE THE MARSHALLED LIST, WHICH SETS OUT THE AMENDMENTS IN THE ORDER IN WHICH THEY WILL BE DISPOSED OF.**

Groupings of amendments

Educational attainment: inequalities of outcome, National Improvement Framework, planning and reporting etc.

104, 104A, 104B, 104C, 104D, 104E, 104F, 104G, 105, 106, 106A, 106B, 107, 107A, 107B, 107C, 107D, 107E, 159, 108, 109, 110, 160, 161, 162, 163, 129

Reporting etc. duties: health promotion and parental involvement

111, 112

Children unable to attend early learning and childcare

113

Teaching time in schools

164, 165, 173

School meals and clothing grants

114, 115, 116, 117, 118, 166, 167, 119, 120, 121, 122, 123, 124, 125, 168, 169, 170, 174

Enforcement of statutory duties of education authorities: consultation on regulations as to procedure

171

Appointment of Chief Education Officer

172

Head teachers: education and training standards

133, 135, 136, 137, 138, 139

Regulations under Part 2: procedure

127, 128

Amendments already debated

Ability to appeal against decision not to provide Gaelic medium education

With 132 – 134

Amendments in debating order

Educational attainment: inequalities of outcome, National Improvement Framework, planning and reporting etc.

Angela Constance

104 Before section 1, insert—

<Pupils experiencing inequalities of outcome

After section 3 of the Standards in Scotland's Schools etc. Act 2000 insert—

“3A Pupils experiencing inequalities of outcome: Scottish Ministers’ duty

- (1) The Scottish Ministers must, when exercising their powers relating to school education, have due regard to the need to exercise the powers in the way mentioned in subsection (2).
- (2) The way is a way designed to reduce inequalities of outcome for—
 - (a) pupils who experience those inequalities as a result of socio-economic disadvantage, and
 - (b) pupils who—
 - (i) experience those inequalities other than as a result of socio-economic disadvantage, and
 - (ii) are of such description as may be specified in regulations made by the Scottish Ministers.
- (3) Regulations under subsection (2)(b)(ii) are subject to the affirmative procedure.

3B Pupils experiencing inequalities of outcome: education authority’s duties

- (1) This section applies where—
 - (a) an education authority is making a decision of a strategic nature about the carrying out of its functions relating to school education, or
 - (b) an education authority is considering what steps to take to implement such a decision.
- (2) The authority must have due regard to the need to carry out its functions relating to school education in the way mentioned in section 3A(2).
- (3) The authority must—
 - (a) seek and have regard to the views of persons mentioned in subsection (4) in relation to the decision and steps,
 - (b) provide any advice and support that the authority thinks appropriate to those persons in relation to its consideration of the decision and steps.
- (4) The persons are—
 - (a) the headteachers of such schools managed by the authority as the authority thinks appropriate,
 - (b) such pupils as the authority thinks appropriate,
 - (c) the parents of such pupils as the authority thinks appropriate,

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- (d) such voluntary organisations as the authority thinks appropriate,
- (e) any other persons the authority thinks appropriate.”>

Mark Griffin

- 104A** As an amendment to amendment 104, line 10, after <disadvantage,> insert—
<() pupils who are looked after children,>

Malcolm Chisholm

- 104B** As an amendment to amendment 104, line 10, after <disadvantage,> insert—
<(aa) pupils who experience those inequalities as a result of serious, chronic or intermittent health conditions,>

Malcolm Chisholm

- 104C** As an amendment to amendment 104, line 13, after <disadvantage> insert <or serious, chronic or intermittent health conditions>

Mark Griffin

- 104D** As an amendment to amendment 104, line 16, at end insert—
<() In subsection (2), the reference to “looked after children” is to be construed in accordance with section 17(6) of the Children (Scotland) Act 1995.>

Mary Scanlon

- 104E** As an amendment to amendment 104, line 16, at end insert—
<() In this Act inequalities of outcome includes inequalities in terms of access to and participation in education for pupils mentioned in subsection (2).>

Malcolm Chisholm

- 104F** As an amendment to amendment 104, line 24, at end insert—
<() In carrying out its duties with regard to pupils under section 3A(2)(aa), the authority must provide those pupils with such medical treatment and medication as they might require while in attendance at school to enable them to attend school and reduce inequalities of outcome.>

Mark Griffin

- 104G***As an amendment to amendment 104, line 34, at end insert—
<() the representatives of any trade union which appears to the authority to be representative of the teaching staff at such schools managed by the authority as the authority thinks appropriate,>

Angela Constance

- 105** Leave out section 1

Angela Constance

- 106** After section 1, insert—

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<National Improvement Framework

- (1) The Standards in Scotland's Schools etc. Act 2000 is amended as follows.
- (2) After section 3B (inserted by section (*Pupils experiencing inequalities of outcome*)) insert—

“3C National Improvement Framework

- (1) In pursuance of the duty imposed on them by section 3(1), the Scottish Ministers must prepare and publish a statement setting out strategic priorities and objectives in relation to school education (the “National Improvement Framework”).
- (2) The Scottish Ministers must review each year the National Improvement Framework.
- (3) In carrying out a review under subsection (2), the Scottish Ministers must—
 - (a) give the persons mentioned in subsection (4) an opportunity to express views on the National Improvement Framework, and
 - (b) have regard to any such views.
- (4) The persons are—
 - (a) education authorities,
 - (b) persons appearing to the Scottish Ministers to be representative of teachers employed by education authorities for the provision of school education,
 - (c) pupils who are being provided with school education,
 - (d) parents of such pupils.
- (5) The Scottish Ministers must specify, in such manner as they may determine, the way in which they have complied with the duties imposed by subsection (3).
- (6) If the Scottish Ministers wish to modify the National Improvement Framework following a review under subsection (2), they must prepare and publish a new National Improvement Framework which takes account of the modifications.

3D Carrying out of education authority's duty under section 3(2)

- (1) Subsection (2) applies where an education authority is carrying out the duty imposed on it by section 3(2) to endeavour to secure improvement in the quality of school education which is provided in the schools managed by it.
 - (2) The education authority must carry out the duty with a view to achieving the strategic priorities set out in the National Improvement Framework.
 - (3) In subsection (1), “school education” means school education directed as is described in section 2.”.
- (3) Sections 4 (national priorities in education) and 5 (education authority's annual statement of improvement objectives) are repealed.
 - (4) In section 58(1) (interpretation)—
 - (a) the definitions of “annual statement of education improvement objectives” and “national priorities in education” are repealed, and

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(b) after the definition of “moveable property” insert—

““National Improvement Framework” has the meaning given by subsection (1) of section 3C; and includes (except in that subsection) a new National Improvement Framework published under subsection (6) of that section;”.>

Liam McArthur

106A As an amendment to amendment 106, line 10, at end insert—

<() The National Improvement Framework may not include provision for a national standardised assessment in literacy and numeracy in any year of primary or secondary education.>

Mary Scanlon

106B As an amendment to amendment 106, line 29, at end insert—

<3CA National Improvement Framework: targets

- (1) In pursuance of the National Improvement Framework the Scottish Ministers must by regulations make provision for targets to be met by the Scottish Ministers and education authorities to reduce inequalities of outcome for pupils of the type mentioned in section 3A(2).
- (2) Regulations under subsection (1) must be made by no later than 30 June 2017.
- (3) Regulations under subsection (1) are subject to the affirmative procedure.>

Angela Constance

107 After section 1, insert—

<Plans and reports

- (1) The Standards in Scotland’s Schools etc. Act 2000 is amended as follows.
- (2) After section 3D (inserted by section (*National Improvement Framework*)) insert—

“3E Annual plan: Scottish Ministers

- (1) Before the beginning of the planning period each year, the Scottish Ministers must prepare and publish a plan setting out—
 - (a) the steps that they propose to take during the planning period with a view to reducing inequalities of outcome for pupils of a type mentioned in section 3A(2), and
 - (b) the educational benefits for those pupils that they consider will result from taking those steps.
- (2) In subsection (1), “planning period” means the period of 12 months beginning with such day as the Scottish Ministers may prescribe by regulations.
- (3) Regulations under subsection (2) are subject to the negative procedure.

3F Annual plan: education authority

- (1) Before the beginning of the planning period each year, each education authority must prepare and publish a plan (an “annual plan”) setting out—

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- (a) the steps that the authority proposes to take during the planning period with a view to reducing inequalities of outcome for pupils of a type mentioned in section 3A(2),
 - (b) the steps that the authority proposes to take during the planning period to comply with the duties imposed on it by section 3B(3),
 - (c) the steps that the authority proposes to take during the planning period in pursuance of the National Improvement Framework, and
 - (d) any educational benefits for pupils that the authority considers will result from taking those steps.
- (2) As soon as reasonably practicable after publishing an annual plan, each education authority must give a copy of the plan to the Scottish Ministers.
 - (3) If a new National Improvement Framework is published by virtue of section 3C(6), each education authority must—
 - (a) review the authority’s annual plan,
 - (b) make any revisions that are necessary in view of the new National Improvement Framework, and
 - (c) if the authority makes any revisions under paragraph (b), publish a revised annual plan and give a copy of it to the Scottish Ministers.
 - (4) In subsection (1), “planning period” means the period of 12 months beginning with such day as the Scottish Ministers may prescribe by regulations.
 - (5) Regulations under subsection (4) are subject to the negative procedure.

3G Annual report: Scottish Ministers

- (1) As soon as reasonably practicable after the end of the period to which a plan published under section 3E(1) relates, the Scottish Ministers must prepare and publish a report (an “annual report”) setting out for that period—
 - (a) the steps they have taken with a view to reducing inequalities of outcome for pupils of a type mentioned in section 3A(2),
 - (b) any steps they have taken in pursuance of the National Improvement Framework, and
 - (c) any educational benefits for pupils that they consider result from taking those steps.
- (2) In preparing an annual report, the Scottish Ministers must take account of information deriving from benchmarking with other countries in so far as they consider it relevant to the matters that are to be included in the report.
- (3) As soon as reasonably practicable after publishing an annual report the Scottish Ministers must lay a copy of the report before the Scottish Parliament.

3H Annual report: education authority

- (1) As soon as reasonably practicable after the end of the period to which a plan published under section 3F(1) relates, each education authority must prepare and publish a report setting out for that period—

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- (a) the steps the authority has taken with a view to reducing inequalities of outcome for pupils of a type mentioned in section 3A(2),
 - (b) the steps the authority has taken to comply with the duties imposed on it by section 3B(3),
 - (c) any steps the authority has taken in pursuance of the National Improvement Framework, and
 - (d) any educational benefits for pupils that the authority considers result from taking those steps.
- (2) As soon as reasonably practicable after publishing a report an education authority must give a copy of it to the Scottish Ministers.

3I Equal opportunities

- (1) Each education authority must prepare and publish each year a statement (an “annual statement”) setting out for the relevant period the ways in which the authority will, in providing school education, encourage equal opportunities and in particular the observance of the equal opportunity requirements.
- (2) As soon as reasonably practicable after the end of each relevant period, each education authority must prepare and publish a report setting out any activities carried out by it in pursuance of its annual statement.
- (3) In this section—
 - “equal opportunities” and “equal opportunity requirements” have the same meanings as in the exceptions to Section L2 of Schedule 5 to the Scotland Act 1998, and
 - “relevant period”, in relation to an annual statement, means the period of 12 months beginning with the day after the day on which the annual statement is published.”.
- (3) In the title of section 6, for “development” substitute “improvement”.
- (4) In section 6 (school improvement plans)—
 - (a) in subsection (1)(a)—
 - (i) for “a development” substitute “an improvement”, and
 - (ii) for the words from “objectives”, where it first occurs, to “objectives”, where it second occurs, substitute “authority’s plan (or revised plan) under section 3F, report under section 3H and strategy for parental involvement”, and
 - (b) in each of subsections (1)(b) and (3) to (6), for “development”, wherever it occurs, substitute “improvement”.
- (5) In section 7 (review of school performance), after subsection (1), insert—
 - “(1A) In defining measures and standards of performance for the purposes of subsection (1), an education authority must take into account—
 - (a) the National Improvement Framework, and
 - (b) the plan (or revised plan) published by the authority under section 3F.”.
- (6) In section 8(2)(a) (preparation of school improvement plan delegated to headteacher), for “development” substitute “improvement”.

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- (7) In section 58(1) (interpretation), in the definition of “school development plan”—
- (a) for “development”, where it first occurs, substitute “improvement”, and
 - (b) for “a development” substitute “an improvement”.>

Mary Scanlon

107A As an amendment to amendment 107, line 10, after <3A(2),> insert—

- <() where the targets under section 3CA have been set, the steps they propose to take during the planning period to meet those targets,>

Mary Scanlon

107B As an amendment to amendment 107, line 25, after <Framework,> insert—

- <() where the targets under section 3CA have been set, the steps the authority proposes to take during the planning period to meet those targets,>

Mary Scanlon

107C As an amendment to amendment 107, line 47, after <Framework,> insert—

- <() where the targets under section 3CA have been set, the steps they have taken during the planning period to meet those targets,>

Mary Scanlon

107D As an amendment to amendment 107, line 64, after <Framework,> insert—

- <() where the targets under section 3CA have been set, the steps the authority has taken to meet those targets,>

Mark Griffin

107E As an amendment to amendment 107, line 68, at end insert—

<Review of methodology informing the National Improvement Framework

- (1) The Scottish Ministers must, for the purposes of subsection (2)—
 - (a) undertake a review of any methodology used to inform any system of standardised testing provided for in the National Improvement Framework,
 - (b) publish a report of the review, and
 - (c) lay the report before the Parliament,no later than 6 months after the day of Royal Assent.
- (2) The purpose of a review under subsection (1)(a) is to consider whether any system of standardised testing provided for in the National Improvement Framework should be informed by the studies and survey mentioned in subsection (3).
- (3) Those studies and survey are—
 - (a) the study known as the Trends in International Mathematics and Science Study,
 - (b) the study known as the Progress in International Reading Literacy Study,

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- (c) the survey known as the OECD Teaching and Learning International Survey.
- (4) The Scottish Ministers must in conducting the review consult such persons as they consider appropriate.>

Mary Scanlon

159 After section 1, insert—

<Guidance

- <() In section 13 (guidance to education authorities) of the Standards in Scotland’s Schools etc. Act 2000—
 - (a) the existing provision becomes subsection (1),
 - (b) after that subsection insert—
 - “(2) Before issuing any guidance in relation to the duties of education authorities under section 3B or 3D, the Scottish Ministers must consult the following persons about the proposed guidance—
 - (a) each education authority,
 - (b) the parents of any pupils that the Scottish Ministers think appropriate,
 - (c) any voluntary organisations that the Scottish Ministers think appropriate,
 - (d) any other persons that the Scottish Ministers think appropriate.”>

Angela Constance

108 Leave out section 2

Angela Constance

109 Leave out section 3

Angela Constance

110 Leave out section 4

Mark Griffin

160 After section 4, insert—

<Review

- (1) The Scottish Ministers must—
 - (a) undertake a review of the effectiveness of the measures in this Part in reducing inequalities of outcome for pupils such as are mentioned in section 3A of the Standards in Scotland’s Schools etc. Act 2000 (“the 2000 Act”),
 - (b) publish a report of the review, and
 - (c) lay the report before the Parliament,
no later than 12 months after the day of Royal Assent.
- (2) The Scottish Ministers must in conducting the review consult such persons as they consider appropriate.

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- (3) A report under subsection (1)(b) must set out whether there are any additional measures that should be implemented for the educational benefit of pupils such as are mentioned in section 3A of the 2000 Act.
- (4) Where a report recommends the implementation of additional measures, it must also set out—
 - (a) whether additional funding will be made available to local authorities to fund these measures, and
 - (b) where funding is to be made available, if it is to be made available by moving a Scottish rate resolution (under section 80C of the Scotland Act 1998) that increases the rate of income tax to be paid by Scottish taxpayers.>

Mark Griffin

161 After section 4, insert—

<Inspection of primary schools

In section 66 of the 1980 Act (inspection of educational establishments), after subsection (1B) insert—

- “(1C) A report of an inspection of a primary school managed by an education authority under subsection (1) must include an assessment of the steps being taken in the school to reduce inequalities of outcome experienced by pupils of a type mentioned in section 3A(2) of the Standards in Scotland’s Schools etc. Act 2000.”>

Mark Griffin

162 After section 4, insert—

<The 2025 target

- (1) The Scottish Ministers must ensure that at least 95% of pupils completing their seventh year of primary education have successfully attained the experiences and outcomes specified in relation to literacy at the second level of the Curriculum for Excellence.
- (2) The duty in subsection (1) is to be complied with—
 - (a) by no later than the end of the 2024 to 2025 school year, and
 - (b) in each subsequent school year.
- (3) The Scottish Ministers must, as soon as reasonably practicable after the end of the 2024 to 2025 school year, lay before the Scottish Parliament a report stating whether the target set out in subsection (1) has been met and, if it has not been met, giving reasons for this.>

Mark Griffin

163 After section 4, insert—

<The 2020 target

- (1) The Scottish Ministers must ensure that at least 95% of children are achieving the expected learning and development outcomes at the time of the child health review carried out at age 27 to 30 months.
- (2) The duty in subsection (1) is to be complied with—
 - (a) by no later than the end of 2020, and

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- (b) in each subsequent year.
- (3) The Scottish Ministers must, as soon as reasonably practicable after the end of 2020, lay before the Scottish Parliament a report stating whether the target set out in subsection (1) has been met and, if it has not been met, giving reasons for this.>

Angela Constance

- 129 In the long title, page 1, line 1, leave out <impose duties in relation to> and insert <make provision in relation to school education about priorities, objectives and>

Reporting etc. duties: health promotion and parental involvement

Angela Constance

- 111 After section 4, insert—

<Duties in relation to promotion of health

In section 2A of the Standards in Scotland's Schools etc. Act 2000 (duties in relation to promotion of health), after subsection (4), insert—

- “(4A) Each education authority must prepare and publish each year a statement (an “annual statement”) setting out the ways in which the authority proposes to carry out the duty imposed by subsection (2) during the relevant period.
- (4B) As soon as reasonably practicable after the end of each relevant period, each education authority must prepare and publish a report setting out the ways in which the authority has carried out the duty imposed by subsection (2) during the relevant period.
- (4C) In subsections (4A) and (4B), “relevant period”, in relation to an annual statement, means the period of 12 months beginning with the day after the day on which the annual statement is published.”.>

Angela Constance

- 112 After section 4, insert—

<Parental involvement

- (1) The Scottish Schools (Parental Involvement) Act 2006 is amended as follows.
- (2) In section 2 (strategies for parental involvement)—
 - (a) after subsection (4) insert—
 - “(4A) Each education authority must publish—
 - (a) their strategy for parental involvement prepared under subsection (1), and
 - (b) any strategy for parental involvement revised by the authority under subsection (3)(b).”, and
 - (b) subsection (5) is repealed.
- (3) After section 2 insert—

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“2A Strategy for parental involvement: annual report

- (1) Each education authority must prepare and publish each year a report (an “annual report”) on the activities undertaken by the authority during the relevant period in pursuance of the general policies set out in the authority’s strategy for parental involvement.
- (2) In subsection (1), “relevant period”, in relation to an annual report, means the period of 12 months ending with the day on which the report is published.”.>

Children unable to attend early learning and childcare

Angela Constance

113 Before section 18, insert—

<Children unable to attend early learning and childcare

In section 14 of the 1980 Act (education for children unable to attend school etc.), after subsection (3) insert—

- “**(4)** Subsection (1) applies to a pupil who receives school education under arrangements entered into by an education authority under section 35 of the Standards in Scotland’s Schools etc. Act 2000 (provision of school education by persons other than education authorities) as it applies to a pupil mentioned in that subsection, but as if—
 - (a) in paragraph (a), the reference to a suitable educational establishment for the purpose of receiving education were a reference to a place where early learning and childcare is provided for the purpose of receiving early learning and childcare,
 - (b) in paragraph (b), the reference to an establishment were a reference to a place, and
 - (c) the reference to education elsewhere than at an educational establishment were a reference to early learning and childcare at a place other than a place where such learning and childcare is normally provided.”.>

Teaching time in schools

Angela Constance

164 Before section 18, insert—

<Learning hours

- (1) The 1980 Act is amended as follows.
- (2) After section 2 insert—

“2ZA Learning hours

- (1) An education authority and the managers of a grant-aided school must secure that no fewer than the prescribed number of learning hours are made available during each school year to each pupil for whose school education the authority is, or the managers are, responsible.

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- (2) For the purposes of subsection (1)—
- (a) an education authority is “responsible” for the school education of a pupil if the pupil belongs to the authority’s area and the pupil is, or is about to be, provided with school education—
 - (i) in a public school which is under the management of the authority, or
 - (ii) by virtue of arrangements made or entered into by the authority,
 - (b) the managers of a grant-aided school are “responsible” for the school education of a pupil if the pupil is provided with school education in a grant-aided school which is under the management of the managers of the school (except where the education is provided for the pupil in the school by virtue of arrangements as mentioned in paragraph (a)(ii)).
- (3) Subsection (1) does not apply in relation to a pupil if the education authority is, or (as the case may be) the managers of the grant-aided school are, satisfied that it is not in the pupil’s best interests for the prescribed number of learning hours to be made available to the pupil during a school year.
- (4) Regulations under subsection (1) may make—
- (a) different provision for different purposes,
 - (b) different provision for different types of pupil.
- (5) In this section—
- “learning hours” means hours of school education of such type as may be prescribed,
 - “prescribed” means prescribed by the Scottish Ministers by regulations,
 - “school education” does not include early learning and childcare,
 - “school year” means the period of 12 months beginning on 1 August.”.

- (3) In section 133 (regulations etc.)—
- (a) in subsection (2), for “(2YA)” substitute “(2XA)”,
 - (b) after subsection (2) insert—

“(2XA)Subsection (2) does not apply to any regulations under section 2ZA(1) or (5); and such regulations are subject to the affirmative procedure.”,
 - (c) in subsection (4)—
 - (i) after paragraph (a) insert—

“(aa) in relation to regulations made under section 2ZA(1), by an education authority or the managers of a grant-aided school;”, and
 - (ii) for the words “that authority”, in each place where they occur, substitute “the authority, managers”, and
 - (d) in subsection (5)(c), after “authority” insert “, managers”.>

Mark Griffin

165 Before section 18, insert—

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<Minimum amount of teacher contact time for primary pupils

After section 1 of the 1980 Act, insert—

“1ZA Minimum amount of teacher contact time for primary pupils

- (1) In discharging its functions under section 1, an education authority must ensure that each pupil in attendance at a primary school managed by the authority spends at least 25 hours per week in classes conducted by—
 - (a) a registered teacher, or
 - (b) an individual who meets such requirements as to training, qualifications, experience or position as may be specified in regulations made by the Scottish Ministers.
- (2) An education authority need not, in relation to a particular pupil, comply with the duty in subsection (1) during any week in which the pupil is not in attendance at school for the full school week for the purpose of facilitating the pupil’s induction into the school.
- (3) The duty in subsection (1) is to be regarded as complied with in relation to a particular pupil if it would have been complied with but for the pupil’s absence from school for all or part of a week.
- (4) In subsection (1), the reference to attendance at a primary school does not include attendance at a nursery class in such a school.”>

Angela Constance

- 173 In the long title, page 1, line 5, after second <schools> insert <to enable provision to be made requiring a minimum number of hours of school education to be provided;>

School meals and clothing grants

Angela Constance

- 114 In section 18, page 12, line 21, at end insert <, and
- (b) pupils who receive school education under arrangements entered into by an education authority under section 35 of the Standards in Scotland’s Schools etc. Act 2000 (provision of school education by persons other than education authorities)>

Angela Constance

- 115 In section 18, page 12, line 22, leave out from <pupils> to end of line 23 and insert <or secure the provision of a school lunch, free of charge, to pupils falling within subsection (7).>

Angela Constance

- 116 In section 18, page 12, line 24, at end insert <or secure the provision of>

Angela Constance

- 117 In section 18, page 12, line 27, after <provides> insert <or secures the provision of>

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Angela Constance

118 In section 18, page 12, line 31, after <provide> insert <or secure the provision of>

Mary Scanlon

166 In section 18, page 13, line 9, at end insert <,
() the pupil is in primary one, two or three.>

Mary Scanlon

167* In section 18, page 13, line 9, at end insert <,
() the pupil is in primary education.>

Angela Constance

119 In section 18, page 13, line 23, leave out <(1)> and insert <(1)(a) under the management of the authority>

Angela Constance

120 In section 18, page 13, line 24, after <provide> insert <or secure the provision of>

Angela Constance

121 In section 18, page 13, line 27, leave out <(1)> and insert <(1)(a)>

Angela Constance

122 In section 18, page 13, line 27, after <provided,> insert—
<() at any place where school education is provided under arrangements mentioned in subsection (1)(b),>

Angela Constance

123 In section 18, page 13, line 33, after <provided> insert <, or the provision of which is secured, by an education authority>

Angela Constance

124 In section 18, page 13, line 35, at end insert—
<() After section 53 insert—

“53ZA Power to require provision of meals other than school lunches

- (1) The Scottish Ministers may by regulations make provision for or in connection with imposing a duty on education authorities to provide, or secure the provision of, a free meal (other than a school lunch) of a prescribed description at prescribed times of the day to each pupil mentioned in subsection (2).
- (2) The pupil is an eligible pre-school child who falls within section 53(7).
- (3) Regulations under subsection (1) may in particular—
 - (a) make such modifications of section 53 as the Scottish Ministers consider necessary or expedient,
 - (b) apply any of the provisions of section 53 (with or without prescribed modifications),

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- (c) modify sections 53A and 53B in consequence of any provision made by the regulations.
- (4) In this section—
 - “eligible pre-school child” has the same meaning as in section 47(2) of the Children and Young People (Scotland) Act 2014,
 - “prescribed” means prescribed by the Scottish Ministers by regulations,
 - “school lunch” has the same meaning as in section 53(12).”.>

Angela Constance

125 In section 18, page 13, line 35, at end insert—

- <() In section 56A (food and drink: nutritional requirements), in subsection (2)—
 - (a) in paragraph (a), for “53(1)(a)” substitute “53(2) or (3)”, and
 - (b) in paragraph (b)(i), for “53(1)(a)” substitute “53(2) or (3)”.
- () In section 56E (food and drink: guidance about sustainable development), in subsection (1)—
 - (a) in paragraph (a), for “section 53(1)(a)” substitute “subsection (2) or (3) of section 53 to pupils mentioned in subsection (1)(a) of that section”,
 - (b) in paragraph (b), for “that section” substitute “section 53(2) or (3) to such pupils”, and
 - (c) in paragraph (c)(i), for “that section” substitute “section 53(2) or (3) to such pupils”.>

Angela Constance

168 In section 18, page 13, line 38, at end insert <, nor to any regulations under section 53ZA(1) or 54A(1)>

Angela Constance

169 After section 18, insert—

<Clothing grants

After section 54 of the 1980 Act insert—

“54A Power to require education authorities to make clothing grants

- (1) The Scottish Ministers may by regulations make provision requiring an education authority to pay a grant of a specified amount to or in respect of a pupil of a specified description for the provision of clothing for the pupil.
- (2) Regulations under subsection (1) may make the payment of a grant subject to specified conditions (including conditions as to repayment).
- (3) Regulations under subsection (1) may make different provision for different purposes.
- (4) In this section, “specified” means specified in the regulations.”.>

Mary Scanlon

170 After section 18, insert—

THIS IS NOT THE MARSHALLED LIST

<Provision of school clothing grants

- (1) The 1980 Act is amended as follows.
- (2) For section 54 (provision of clothing for pupils at public schools) substitute—

“54 Provision of school clothing grants

- (1) This section applies to pupils in attendance at public schools and other educational establishments under the management of an education authority.
- (2) The authority must provide pupils falling within subsection (3) with a school clothing grant.
- (3) A pupil falls within this subsection if—
 - (a) the pupil is, or the parents are, in receipt of—
 - (i) income support,
 - (ii) an income-based jobseeker’s allowance (payable under the Jobseekers Act 1995),
 - (iii) an income-related allowance under Part 1 of the Welfare Reform Act 2007 (employment and support allowance),
 - (b) the parents of the pupil are in receipt of support provided under Part 6 of the Immigration and Asylum Act 1999.
- (4) The Scottish Ministers may by regulations modify subsection (3) by—
 - (a) adding a description of pupil by reference to—
 - (i) any benefit or allowance received by the pupil, or the parents of the pupil, in such circumstances as may be prescribed in the regulations,
 - (ii) any tax credit, or element of a tax credit, within the meaning of the Tax Credits Act 2002 received by the pupil, or the parents of the pupil, in such circumstances as may be so prescribed,
 - (iii) the yearly stage of primary or secondary education of the pupil,
 - (b) adding such other description of pupil as may be prescribed in the regulations.
- (5) In addition to the pupils specified in subsection (3) the authority may also provide school clothing grants in relation to pupils who satisfy such conditions as it thinks fit.
- (6) In this section, “school clothing grant” means a non-repayable financial payment made to the parents of a pupil so as to ensure the pupil is appropriately clothed to take part in the education provided.”.>

Angela Constance

- 174 In the long title, page 1, line 5, after second <schools> insert <to enable provision to be made about school clothing grants;>

THIS IS NOT THE MARSHALLED LIST

Enforcement of statutory duties of education authorities: consultation on regulations as to procedure

Gordon MacDonald

171 In section 19, page 14, line 22, at end insert—

<() Before making any regulations under subsection (5), the Scottish Ministers must consult such persons as they consider appropriate.”.>

Appointment of Chief Education Officer

Liam McArthur

172 Leave out section 20

Head teachers: education and training standards

Angela Constance

133 After section 22, insert—

<Head teachers: education and training standards

(1) After section 90 of the 1980 Act insert—

“90A Head teachers: education and training standards

- (1) The Scottish Ministers may by regulations under section 2 or 74(1) prescribe that only persons falling within subsection (2) may be appointed by education authorities or managers of grant-aided schools as head teachers of schools.
- (2) A person falls within this subsection if the person has achieved such standards of education and training as may be specified in regulations mentioned in subsection (1).
- (3) Regulations made by virtue of subsections (1) and (2) may—
 - (a) provide for exemptions or exceptions,
 - (b) make different provision for different purposes,
 - (c) make consequential, transitional or transitory provision or savings.”.

(2) After section 98D of the 1980 Act insert—

“98DA Head teachers of independent schools: education and training standards

- (1) The Scottish Ministers may by regulations make provision for or in connection with the standards of education and training to be achieved by persons who are to be appointed as head teachers of independent schools.
- (2) Regulations under subsection (1) may make provision in relation to—
 - (a) a registered school,
 - (b) a school in respect of which an application under section 98A is made.
- (3) Regulations under subsection (1) may—

THIS IS NOT THE MARSHALLED LIST

- (a) provide for exemptions or exceptions,
 - (b) make different provision for different purposes,
 - (c) make consequential, transitional or transitory provision or savings.”.
- (3) In section 133 of the 1980 Act (regulations, etc.), after subsection (2B) insert—
- “(2BA) Subsection (2) above shall not apply to any regulations under—
- (a) section 2 or 74(1) that make provision such as is mentioned in section 90A, or
 - (b) section 98DA(1);
- and such regulations shall be subject to the affirmative procedure.”.>

Angela Constance

- 135** In the long title, page 1, line 3, leave out <about> and insert <in relation to>

Angela Constance

- 136** In the long title, page 1, line 4, leave out <about>

Angela Constance

- 137** In the long title, page 1, line 4, leave out <for appointing> and insert <the appointment of>

Angela Constance

- 138** In the long title, page 1, line 4, leave out <and in relation to> and insert <, the>

Angela Constance

- 139** In the long title, page 1, line 5, after second <schools> insert <and the standards of education and training of persons to be appointed as head teachers>

Regulations under Part 2: procedure

Dr Alasdair Allan

- 127** In section 25, page 15, line 36, leave out <1(3)(b)> and insert <7(7) or 12(1)>

Dr Alasdair Allan

- 128** In section 25, page 16, line 1, leave out <12(1) or>

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