

Education (Scotland) Bill

1st Marshalled List of Amendments for Stage 2

The Bill will be considered in the following order—

Sections 5 to 17

Sections 1 to 4

Long Title

Schedule

Sections 18 to 28

Amendments marked * are new (including manuscript amendments) or have been altered.

Section 5

Dr Alasdair Allan

- 1 In section 5, page 3, line 14, after <age> insert <and has not commenced attendance at a primary school>

Dr Alasdair Allan

- 2 In section 5, page 3, line 30, after <as> insert <or in relation to>

Section 6

Dr Alasdair Allan

- 3 In section 6, page 4, line 13, leave out from <under> to <authority> and insert <resident in the area of the authority who are under school age and have not commenced attendance at a primary school>

Dr Alasdair Allan

- 4 In section 6, page 4, line 20, leave out <under school age> and insert <who are under school age and have not commenced attendance at a primary school>

Section 7

Dr Alasdair Allan

- 5 In section 7, page 4, line 35, leave out <in respect of children in different year groups> and insert <from parents of children—
- (i) who are resident in the GMPE assessment area, and
 - (ii) who are in a different year group in relation to the specified child>

Mary Scanlon

- 140 In section 7, page 4, line 38, at end insert—

<(4A) In making an initial assessment, the authority may also take into account any information available to it (whether as a result of a previous assessment under this section or section 10 in relation to any part of the authority’s area or otherwise) about—

- (a) the availability and suitability of any premises in the authority’s area in which GMPE is being, or could reasonably be, provided,
- (b) the potential to assign or recruit persons to teach GMPE in the GMPE assessment area.>

Dr Alasdair Allan

- 6 In section 7, page 5, line 1, leave out <conditions in subsection (6) are> and insert <condition in subsection (6) is>

Mary Scanlon

- 141 In section 7, page 5, line 1, leave out from third <the> to end of line 2 and insert—
- <(i) and not satisfied that the condition in subsection (6A) is met, the authority must determine that there is a potential need for GMPE in the area,
 - (ii) and satisfied that the condition in subsection (6A) is met, the authority must determine that, despite there being a potential need for GMPE in the area, it may not be possible to secure such provision,>

Dr Alasdair Allan

- 7 In section 7, page 5, line 3, leave out <those conditions are> and insert <that condition is>

Dr Alasdair Allan

- 8 In section 7, page 5, line 5, leave out <conditions are> and insert <condition is>

Dr Alasdair Allan

- 9 In section 7, page 5, line 6, leave out <taken together,>

Dr Alasdair Allan

- 10 In section 7, page 5, leave out lines 8 and 9

Mary Scanlon

- 142 In section 7, page 5, line 9, at end insert—
- <(6A) The condition is that information taken into account under subsection (4A) tends to indicate that the provision of GMPE could not reasonably be secured in the GMPE assessment area.>

Mary Scanlon

- 143 In section 7, page 5, line 10, leave out subsection (7) and insert—

<(7A) An education authority may resolve that the reference to the number “5” in subsection (6)(a) is, in the application of that subsection to that authority, to be read as such other number as is specified in the resolution.

(7B) An education authority may only make a resolution under subsection (7A) after it has carried out such consultation as it considers appropriate of—

(a) parents of—

(i) pupils at primary schools managed by the authority, and

(ii) children below school age resident in the authority’s area, and

(b) such other persons as it considers appropriate.>

Dr Alasdair Allan

11 In section 7, page 5, line 11, leave out <paragraph (a) of>

Dr Alasdair Allan

12 In section 7, page 5, line 13, leave out <paragraph> and insert <subsection>

Section 8

Mary Scanlon

144 In section 8, page 5, line 18, leave out <7(5)(a)> and insert <7(5)(a)(i)>

Mary Scanlon

145 In section 8, page 5, line 24, after <section> insert <7(5)(a)(ii) or>

Dr Alasdair Allan

13 In section 8, page 5, line 32, leave out subsection (3)

Dr Alasdair Allan

14 In section 8, page 5, line 35, leave out <The> and insert <An education>

Dr Alasdair Allan

15 In section 8, page 5, line 35, leave out <4> and insert <6>

Dr Alasdair Allan

16 In section 8, page 5, line 36, leave out <the> and insert <a>

Dr Alasdair Allan

17 In section 8, page 5, line 36, after <send> insert <to the persons mentioned in subsection (4A)>

Dr Alasdair Allan

18 In section 8, page 5, line 37, leave out <and the reasons for it to—> and insert <,>

- () its decision to act as mentioned in subsection (1)(a) or (b) or, as the case may be, subsection (2)(a), (b) or (c), and
- () the reasons for its determination and decision.

(4A) The persons are—>

Dr Alasdair Allan

- 19 In section 8, page 6, line 1, leave out <The> and insert <An education>

Dr Alasdair Allan

- 20 In section 8, page 6, line 3, leave out <and the reasons for it,> and insert <,
() its decision to act as mentioned in subsection (1)(a) or (b) or, as the case may be, subsection (2)(a), (b) or (c),
() the reasons for its determination and decision,>

Dr Alasdair Allan

- 21 In section 8, page 6, line 4, leave out <that> and insert <its>

Section 9

Dr Alasdair Allan

- 22 In section 9, page 6, line 12, at beginning insert <in pursuance of the original request,>

Dr Alasdair Allan

- 23 In section 9, page 6, leave out lines 14 to 16

Mary Scanlon

- 146 In section 9, page 6, line 32, leave out subsection (4)

Section 10

Dr Alasdair Allan

- 24 In section 10, page 7, line 17, at beginning insert <Subject to subsection (7A),>

Dr Alasdair Allan

- 25 In section 10, page 7, line 21, leave out from beginning to end of line 24

Dr Alasdair Allan

- 26 In section 10, page 7, line 25, leave out from <under> to end of line 27 and insert <by virtue of subsection (2)(d) before the end of the period of 4 weeks beginning with the day on which the views are sought,>

Dr Alasdair Allan

- 27 In section 10, page 7, line 34, leave out <under school age> and insert <who are under school age and have not commenced attendance at a primary school>

Dr Alasdair Allan

- 28 In section 10, page 8, leave out lines 7 and 8

Dr Alasdair Allan

- 29 In section 10, page 8, line 9, after first <to> insert <assign or>

Mary Scanlon

- 147 In section 10, page 8, line 9, at end insert—
<() the potential to assign or recruit persons to provide services to support the speech, language and communication development needs of children in relation to GMPE in the GMPE assessment area,>

Angus MacDonald

- 130 In section 10, page 8, leave out lines 13 to 20

Angus MacDonald

- 131 In section 10, page 8, line 20, at end insert—
<() the potential to develop or increase—
(i) the use of the Gaelic language in the education authority's area, and
(ii) the carrying out of activities relating to the Gaelic language in the authority's area.>

Dr Alasdair Allan

- 30 In section 10, page 8, line 20, at end insert—
<(7A) The education authority must decide to secure the provision of GMPE in the GMPE assessment area unless, having regard to the matters mentioned in subsection (6), the authority considers that it would be unreasonable to do so.>

Dr Alasdair Allan

- 31 In section 10, page 8, line 22, leave out <or subsection (7)>

Dr Alasdair Allan

- 32 In section 10, page 8, line 22, at end insert—
<() modify subsection (6) so as to amend, remove or add to the matters for the time being mentioned in that subsection,>

Section 11

Dr Alasdair Allan

- 33 In section 11, page 8, line 30, after <decision> insert <with reference to—
- (i) each of the matters mentioned in section 10(6), and
 - (ii) its duty under section 10(7A)>

Rhoda Grant

- 132 In section 11, page 9, line 8, at end insert—
- <(8) Where the authority decides not to secure the provision of GMPE in the GMPE assessment area, a person to whom the authority is required to send a copy of the report under subsection (3) may appeal to the Scottish Ministers against that decision.
 - (9) The Scottish Ministers must by regulations make provision about appeals under subsection (8).
 - (10) Regulations under subsection (9) may in particular—
 - (a) provide that the function of determining an appeal under subsection (8) is to be performed on the Scottish Ministers' behalf by such other person as may be specified in the regulations,
 - (b) make provision for or in connection with—
 - (i) the procedure to be followed in connection with appeals,
 - (ii) time limits within which appeals are to be brought,
 - (iii) circumstances in which appeals may not be brought,
 - (iv) factors to be taken into account in the determination of an appeal,
 - (v) the steps to be taken by an education authority following the determination of an appeal.>

Section 12

Dr Alasdair Allan

- 34 In section 12, page 9, line 14, leave out <enable> and insert <require>

Mary Scanlon

- 148 In section 12, page 9, line 26, at end insert—
- <() provide that in carrying out an assessment of the need for Gaelic medium education in response to a request under section 5(1), an education authority must have regard to the potential to assign or recruit persons to provide services to support the speech, language and communication development needs of children in relation to GMPE in the GMPE assessment area,>

Section 13

Mary Scanlon

- 149 In section 13, page 10, line 24, after <resources> insert <(including services to support pupils' speech, language and communication development needs)>

Section 16

Dr Alasdair Allan

- 35 In section 16, page 11, line 14, leave out from first <Part> to end of line and insert <this Part,>

Dr Alasdair Allan

- 36 In section 16, page 11, leave out line 20

Dr Alasdair Allan

- 37 In section 16, page 11, line 25, leave out from beginning to <section> in line 26 and insert—
<() In this Part—

“area”, in relation to an education authority, is (except where the context otherwise requires) to be construed in accordance with section 135(1) of the 1980 Act>

Dr Alasdair Allan

- 38 In section 16, page 11, leave out lines 27 to 29

Dr Alasdair Allan

- 39 In section 16, page 11, line 38, leave out from <other> to end of line 5 on page 12

Dr Alasdair Allan

- 40 In section 16, page 12, line 8, at end insert—

<“primary education” is to be construed in accordance with section 135(2) of the 1980 Act but does not include—

- (a) early learning and childcare the availability of which an education authority is required to secure under section 47(1) of the Children and Young People (Scotland) Act 2014, and
- (b) any school education that an education authority is enabled to secure the provision of under section 1(1C) of the 1980 Act,

“primary school” is to be construed in accordance with section 135(2) of the 1980 Act but does not include a nursery school or nursery class (within the meaning of section 135(1) of that Act),>

Section 17

Liam McArthur

- 150 In section 17, page 12, line 14, after <of> insert <the Age of Legal Capacity (Scotland) Act 1991 and>

Schedule

Liam McArthur

- 151 In the schedule, page 17, line 3, at end insert—
- <In section 2 of the Age of Legal Capacity (Scotland) Act 1991 (exceptions to general rule that persons aged under 16 have no legal capacity), after subsection (4C) insert—
- “(4D) A person under the age of sixteen years shall have legal capacity to exercise rights conferred on the person by the Education (Additional Support for Learning) (Scotland) Act 2004 where that person has a general understanding of what it would mean to exercise such rights; and without prejudice to the generality of this subsection a person aged twelve years of age or more shall be presumed to be of sufficient age and maturity to have such understanding.”>

Liam McArthur

- 152 In the schedule, page 17, line 8, leave out from beginning to end of line 29 and insert—
- <() References in this Act to a child who has capacity or who lacks capacity are to be construed in accordance with section 2(4D) of the Age of Legal Capacity (Scotland) Act 1991.>

Dr Alasdair Allan

- 41 In the schedule, page 17, line 8, leave out <or young person>

Dr Alasdair Allan

- 42 In the schedule, page 17, line 9, leave out <or young person>

Dr Alasdair Allan

- 43 In the schedule, page 17, line 10, leave out <or young person>

Dr Alasdair Allan

- 44 In the schedule, page 17, line 12, leave out <or young person>

Dr Alasdair Allan

- 45 In the schedule, page 17, line 13, leave out <or young person>

Dr Alasdair Allan

- 46 In the schedule, page 17, line 17, leave out <or young person>

Dr Alasdair Allan

- 47 In the schedule, page 17, line 22, leave out from first <or> to second <person> and insert <, if the child>

Dr Alasdair Allan

- 48 In the schedule, page 17, line 25, leave out <or young person>

Dr Alasdair Allan

- 49 In the schedule, page 17, line 28, leave out <or young person>

Dr Alasdair Allan

- 50 In the schedule, page 17, line 30, leave out from <subsection> to end of line 38 and insert <this Act, a young person lacks capacity to do something if the young person does not have sufficient understanding to do it.>

Liz Smith

- 50A As an amendment to amendment 50, line 2, leave out from <to> to the end and insert <—
- (a) in relation to an act that may be carried out by a young person under a provision of this Act, if the young person does not have sufficient understanding to carry out the act,
 - (b) in relation to a decision of the young person mentioned in a provision of this Act, if the young person does not have sufficient understanding—
 - (i) to make the decision,
 - (ii) to communicate the decision,
 - (iii) to understand the decision and its implications for the young person, and
 - (iv) to retain the memory of the decision,
 - (c) in relation to the provision, under a provision of this Act, of any information, advice, or co-ordinated support plan by an education authority to the young person, if the young person does not have sufficient understanding to understand the information, advice or (as the case may be) plan,
 - (d) in relation to any view of the young person mentioned in this Act, if the young person does not have sufficient understanding to express the view.>

Liam McArthur

- 153 In the schedule, page 18, line 5, leave out from beginning to end of line 12 on page 19

Dr Alasdair Allan

- 51 In the schedule, page 18, line 6, leave out <and young persons>

Dr Alasdair Allan

52 In the schedule, page 18, line 14, leave out <or young person>

Dr Alasdair Allan

53 In the schedule, page 18, line 15, leave out <or young person>

Dr Alasdair Allan

54 In the schedule, page 18, line 17, leave out <or young person>

Dr Alasdair Allan

55 In the schedule, page 18, line 18, leave out <or young person>

Dr Alasdair Allan

56 In the schedule, page 18, line 20, leave out <or young person>

Dr Alasdair Allan

57 In the schedule, page 18, line 21, leave out <or young person>

Dr Alasdair Allan

58 In the schedule, page 18, line 23, leave out <, young person>

Dr Alasdair Allan

59 In the schedule, page 18, line 25, leave out <or young person>

Dr Alasdair Allan

60 In the schedule, page 18, line 26, leave out <or young person>

Dr Alasdair Allan

61 In the schedule, page 18, line 28, leave out <is in the best interests> and insert <would adversely affect the wellbeing>

Dr Alasdair Allan

62 In the schedule, page 18, line 28, leave out <or young person>

Dr Alasdair Allan

63 In the schedule, page 18, line 29, leave out <or young person>

Dr Alasdair Allan

64 In the schedule, page 18, line 33, leave out <or young person>

Dr Alasdair Allan

65 In the schedule, page 18, line 34, leave out <or young person>

Dr Alasdair Allan

66 In the schedule, page 18, line 35, leave out <is not in the best interests> and insert <would adversely affect the wellbeing>

Dr Alasdair Allan

67 In the schedule, page 18, line 35, leave out <or young person>

Dr Alasdair Allan

68 In the schedule, page 18, line 36, leave out <or young person>

Dr Alasdair Allan

69 In the schedule, page 18, line 37, leave out <, young person>

Dr Alasdair Allan

70 In the schedule, page 19, line 1, leave out <is in the child's best interests> and insert <would adversely affect the wellbeing of the child>

Dr Alasdair Allan

71 In the schedule, page 19, line 5, leave out <is in the child's best interests> and insert <would adversely affect the wellbeing of the child>

Dr Alasdair Allan

72 In the schedule, page 19, leave out lines 7 to 12

Dr Alasdair Allan

73 In the schedule, page 19, line 12, at end insert—

<3AA Assessment of wellbeing

- (1) Subsection (2) applies where, by virtue of this Act, an education authority or Tribunal is required to consider whether the wellbeing of a child who has attained the age of 12 years would, or would not, be adversely affected.
- (2) The authority or, as the case may be, Tribunal is to consider the matter by reference to the extent to which the child is or would be—
 - safe,
 - healthy,
 - achieving,
 - nurtured,
 - active,
 - respected,

responsible, and
included.

- (3) The Scottish Ministers may by regulations modify the list in subsection (2) so as to amend, remove or add to the matters for the time being mentioned in the list.
- (4) Before making any regulations under subsection (3), the Scottish Ministers must consult such persons as they consider appropriate.>

Liam McArthur

154 In the schedule, page 19, line 15, leave out from <attained> to <parents> in line 17 and insert <capacity,

(b) the right is one that is also exercisable (on the authority of the child) by a parent>

Liam McArthur

155 In the schedule, page 19, line 24, leave out from beginning to <child,”> in line 26 and insert—

<() in subsection (3)—

(i) for paragraph (a) substitute—

“(a) in the case of a child who has capacity—

(i) the child, or

(ii) if the child has authorised a parent of the child to make the request on the child’s behalf, that parent,

(aa) in the case of a child who lacks capacity, the child’s parent,”,

(ii) in paragraph (b)(ii), the words “the authority are satisfied that” are repealed,>

Liam McArthur

156 In the schedule, page 19, line 31, leave out <(3)(aa)> and insert <(3)(a)(i)>

Dr Alasdair Allan

74 In the schedule, page 20, leave out line 4

Dr Alasdair Allan

75 In the schedule, page 20, line 7, leave out <or young person>

Dr Alasdair Allan

76 In the schedule, page 20, line 11, leave out <or young person>

Dr Alasdair Allan

77 In the schedule, page 21, leave out line 1

Dr Alasdair Allan

78 In the schedule, page 21, leave out line 16

Dr Alasdair Allan

79 In the schedule, page 21, line 22, leave out from <, and> to end of line 23

Dr Alasdair Allan

80 In the schedule, page 21, line 25, leave out <(2)(b), in each of sub-paragraphs (i) and (ii)> and insert <(2)(b)(i)>

Dr Alasdair Allan

81 In the schedule, page 21, line 27, leave out <(6)(b), in each of sub-paragraphs (i) and (ii)> and insert <(6)(b)(i)>

Dr Alasdair Allan

82 In the schedule, page 22, line 3, leave out from <, and> to end of line 5

Dr Alasdair Allan

83 In the schedule, page 22, line 6, leave out paragraph 14

Dr Alasdair Allan

84 In the schedule, page 22, leave out lines 9 and 10

Dr Alasdair Allan

85 In the schedule, page 22, leave out lines 23 and 24

Liam McArthur

157 In the schedule, page 22, line 29, leave out from beginning to end of line 20 on page 23 and insert—

<() in paragraph (a) for the words “the parent of the child” substitute “who has capacity—

(i) the child, or

(ii) if the child has authorised a parent of the child to make the reference on the child’s behalf, that parent,” and

() after paragraph (a) insert—

“(aa) where the decision, failure or information relates to a child who lacks capacity, the parent of the child,” and

() after subsection (3)(e) insert—

“(ea) a decision of an education authority in relation to any question of whether a child has capacity to exercise a right under this Act.”.>

Dr Alasdair Allan

86 In the schedule, page 22, line 31, leave out from <and> to end of line 33

Dr Alasdair Allan

87 In the schedule, page 22, line 37, leave out from first <in> to <interests> and insert <whose wellbeing would, in the opinion of the Tribunal, not be adversely affected were the child>

Dr Alasdair Allan

88 In the schedule, page 22, line 39, leave out from beginning to end of line 2 on page 23

Dr Alasdair Allan

89 In the schedule, page 23, line 6, leave out from <or> to end of line 7

Dr Alasdair Allan

90 In the schedule, page 23, line 9, leave out <best interests> and insert <wellbeing>

Dr Alasdair Allan

91 In the schedule, page 23, line 9, leave out <or young person>

Dr Alasdair Allan

92 In the schedule, page 23, line 11, at end insert—

<“(7A) For the purposes of subsection (7), it is irrelevant whether the further reference, and the last reference, mentioned in that subsection relate to the same or to different specified schools (which expression is to be construed in accordance with paragraph 2(3) of schedule 2).

(7B) Nothing in subsection (7) prevents a further reference being made during the period mentioned in that subsection if the last reference so mentioned is, by virtue of rules under paragraph 11 of schedule 1, withdrawn before any hearing by a Tribunal in relation to the last reference is held.

(7C) But where a further reference is made in the circumstances mentioned in subsection (7B), the President may, if satisfied that there is good reason to do so, decide that the reference is not to proceed to consideration by a Tribunal.>

Dr Alasdair Allan

93 In the schedule, page 23, line 15, leave out <(3)(ea)(i) or (as the case may be) (ii)> and insert <(3)(ea)>

Dr Alasdair Allan

94 In the schedule, page 23, line 30, leave out from <, and> to end of line 31

Dr Alasdair Allan

- 95 In the schedule, page 23, line 36, leave out <is in the best interests> and insert <would adversely affect the wellbeing>

Dr Alasdair Allan

- 96* In the schedule, page 23, line 39, at end insert—
- <In section 27A (collection of data on additional support needs), for subsection (1) substitute—
- “(1) The Scottish Ministers must each year collect from each education authority such information as is specified in regulations made by the Scottish Ministers relating to children and young persons having additional support needs for whose school education the authority is responsible.
- (1A) Before making regulations under subsection (1), the Scottish Ministers must consult such persons as they consider appropriate.”>

Dr Alasdair Allan

- 97 In the schedule, page 23, line 39, at end insert—
- <In section 29 (interpretation)—
- (a) in subsection (1), after the definition of “Tribunal” insert—
- ““young person” means a person who—
- (a) is aged 16 years or over,
- (b) is a pupil at a school, and
- (c) has, since attaining the age of 16 years or over, remained a pupil at that or another school.”,
- (b) in subsection (2), the words ““young person”” are repealed.>

Liam McArthur

- 158 In the schedule, page 24, line 41, at end insert—
- <31B Support service: further provision**
- (1) The Scottish Ministers must by regulations make such provision as they consider necessary or expedient for or in connection with the purpose mentioned in subsection (2).
- (2) The purpose is to make provision for the services to be provided to children who have attained the age of 12 years old, and to their parents, by the support service established under section 31A.
- (3) Regulations under subsection (1) may in particular make provision for—
- (a) the date on which the support service will come into being,
- (b) the date on which services provided by the support service will be made available,
- (c) who is to manage the support service,

- (d) who is responsible for the delivery of services through the support service,
 - (e) the type of support to be made available through the support service,
 - (f) how to access services through the support service.
- (4) Regulations under subsection (1) must be made no later than 12 months after the day of Royal Assent.
- (5) Regulations under subsection (1) are subject to the affirmative procedure.>

Dr Alasdair Allan

- 98 In the schedule, page 25, line 1, leave out <after paragraph 11(2)(ka)> and insert <in paragraph 11(2)—
- () after paragraph (f) insert—
 - “(fa) seeking the views of children whose parents have made references to a Tribunal under section 18(1) in relation to the children,” and
 - () after paragraph (ka)>

Dr Alasdair Allan

- 99 In the schedule, page 25, line 3, after <alone> insert <and without holding a hearing>

Dr Alasdair Allan

- 100 In the schedule, page 25, line 6, at end insert <or>

Dr Alasdair Allan

- 101 In the schedule, page 25, leave out line 7

Dr Alasdair Allan

- 102 In the schedule, page 25, line 8, leave out <is in the best interests> and insert <would adversely affect the wellbeing>

Dr Alasdair Allan

- 103 In the schedule, page 25, line 9, leave out from <or> to end of line 10 and insert—
- <(kc) the practice and procedure relating to matters that may be determined by a convener alone by virtue of paragraph (kb),
 - (kd) applying (with such modifications as may be specified) section 19(2) to a convener determining a matter by virtue of paragraph (kb) as that section applies to a Tribunal,” and
- () in paragraph (v), after “Tribunal” where it second occurs, insert “, or a convener alone following a determination mentioned in paragraph (kb).”>

Before section 1

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

Section 1

Angela Constance

105 Leave out section 1

After section 1

Angela Constance

106 After section 1, insert—

<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
 - (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;”.>

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—
 - (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—
 - (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”.
- (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”.>

Section 2

Angela Constance

- 108 Leave out section 2

Section 3

Angela Constance

- 109 Leave out section 3

Section 4

Angela Constance

- 110 Leave out section 4

After section 4

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—

“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.”.>

Before section 18

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.”.>

Section 18

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>

Angela Constance

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

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),
 - (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

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

After section 22

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—
 - (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.”.>

Section 25

Dr Alasdair Allan

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

Rhoda Grant

134 In section 25, page 15, line 36, after <1(3)(b)> insert <or 11(9)>

Dr Alasdair Allan

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

Long Title

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>

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>

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