

T: 0300 244 4000

E: scottish.ministers@gov.scot

Douglas Ross MSP
Convener
Education, Children and Young People Committee
The Scottish Parliament

17 April 2025

Dear Convener,

As you will be aware, the Scottish Government has lodged a series of amendments to the Education (Scotland) Bill.

The Stage 1 report issued by the Committee provided clear guidance for areas of review. The report highlighted: the Board of Qualifications Scotland and its composition, the need for provisions for British Sign Language Users, the importance of recognising children and parents, the appetite for increased engagement and dialogue across the Interest Committees and Strategic Advisory Council, the need to set out the purpose of inspection and to give clarity on the role of the inspectorate around child protection and safeguarding.

The amendments the Government has presented are the result of careful and extensive consideration of the evidence submitted, primarily the Stage 1 report, and the views received from stakeholders during the broad consultation and engagement exercises undertaken whilst developing the Bill.

In addition to these amendments there are some technical changes which relate to the dissolution of the SQA and the transitional provisions included in the Bill. Alongside these amendments, I am grateful to those Committee members, and interested MSPs, who have also sought to provide their own amendments to further strengthen the Bill's provisions. I will continue engagement with colleagues as the Bill continues to progress through Parliament.

I trust that this letter, and the accompanying overview of amendments lodged by the Scottish Government, will be of interest to the Committee. I look forward to discussing these in the coming weeks.

Yours sincerely

JENNY GILRUTH

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.gov.scot

Education (Scotland) Bill

Scottish Government Stage 2 Amendments

The Scottish Government is pleased to bring forward a series of amendments to the Education (Scotland) Bill, in advance of the commencement of Stage 2 proceedings on the Bill.

Please note that the numbers below do not correspond to the reference numbers for the amendments. Individual amendment numbers have been noted for each section.

Part 1 – Qualifications Scotland

Statutory review of scope and location of accreditation function

1. We have submitted an amendment (amendment 73) which sets out a requirement for the Scottish Ministers to undertake or secure a review of the accreditation provisions within the Bill after two years of operation of those provisions. A report of the review will have to be prepared and published with a copy laid before the Scottish Parliament.

Board membership – staff member and staff voice

2. We have submitted an amendment (amendment 53) which requires the appointed member of the Board of Qualifications Scotland with knowledge of staff interests to, where appropriate, consult with i) members of staff, ii) representatives from recognised trade unions and iii) any other relevant parties. Under a separate amendment (amendment 49), a member appointed for their knowledge of staff interests must also be appointed as convener of any committee established concerning staff governance.

Board membership - size

3. We have submitted an amendment (amendment 42) which increases the maximum number of Board members that may be appointed by the Scottish Ministers - other than the Chair, the Accreditation Convener and the Chief Executive - from 10 to 11.
4. We have also submitted an amendment (amendment 41) which increases the minimum number of Board members that may be appointed by the Scottish Ministers - other than the Chair, the Accreditation Convener and the Chief Executive - from 6 to 7.

Strategic Advisory Council consultation

5. We have submitted amendments (amendments 63, 64 and 65) which require that regulations establishing the Strategic Advisory Council must provide that in the exercise of its functions it is to consult, in every case in which it appears to it appropriate, (i) Qualifications Scotland, (ii) the Learner Interest Committee, (iii) the Teacher and Practitioner Interest Committee, (iv) and other committees and (v) any other persons deemed appropriate.

Publication of guidance relating to the Strategic Advisory Council

6. We have also submitted an amendment (amendment 59) which requires the publication of any guidance which is issued by the Scottish Ministers to Qualifications Scotland about how it consults with the Strategic Advisory Council. Similarly, another amendment (amendment 67) requires the publication of any guidance which is issued by the Scottish Ministers to the Strategic Advisory Council about how it consults.

Children and young people, and parents and carers

7. We have submitted an amendment (amendment 54) which provides that Qualifications Scotland must, in the exercise of its functions, have regard to the needs and interests of children and young people (as well as others) using its services.
8. We have also submitted an amendment (amendment 69) which provides that, in preparing the learner charter, Qualifications Scotland must consult: (i) children and young people undertaking a Qualifications Scotland qualification; (ii) other persons undertaking a QS qualification; (iii) parents and carers of those in (i); and (iv) other persons appearing to represent the interests of (i) and (ii).

Dissolution of the SQA and transitional provision

9. We have submitted an amendment (amendment 95) which clarifies that, with regard to the Bill's transitional provisions, this section does not apply to any functions other than those as regards Scotland.
10. We have also submitted an amendment (amendment 113) which provides that certain provisions in the Bill concerning the dissolution of the SQA may only be commenced once the SQA has no functions exercisable otherwise than in or as regards Scotland. This is a technical change and is made in recognition of the fact that an order under section 104 of the Scotland Act 1998 is being sought from the UK Government to make various provisions to support the implementation of the Bill (such as updating references to the SQA in reserved legislation). In light of the reach of the Education (Scotland) Act 1996, it is the Scottish Government's intention to seek the inclusion within that order of provisions that recognise that. Under this amendment, the SQA will continue to be dissolved by this Bill, but this reflects the order in which things are intended to take place.

Part 2 – Inspectorate

Purpose of inspection

11. We have submitted amendments (amendments 84, 85 and 111) which provide that His Majesty's Chief Inspector of Education in Scotland is, so far as relevant, to carry out their functions for certain purposes. These purposes are: (a) promoting improvement in the quality of education in Scotland, including by (i) supporting education providers to improve by sharing effective practice, and (ii) sharing evidence to inform the development of education policy; and (b) providing assurance to the public that education providers are being held accountable for the quality of education in Scotland. A power is included for the Scottish Ministers to modify those purposes by regulations in future, subject to consultation and the Parliament approving affirmative regulations.

Duties regarding safeguarding and child protection and regarding children and young people

12. We have submitted an amendment (amendment 88) requiring the Chief Inspector, in exercising their functions, to have regard to the need for relevant educational establishments to have adequate arrangements in place to safeguard and promote the welfare of children and young people.

13. The same amendment also requires the Chief Inspector to have regard to the needs and interests of children and young people and other persons who are receiving or will receive education at a relevant educational establishment.

Collaboration with others

14. We have submitted an amendment (amendment 87) to require the Chief Inspector to have regard to the desirability of working in collaboration with others where appropriate.

Technical change to section 31

15. We have also submitted a technical amendment (amendment 86) to clarify that the intention is that, in the interests of accessibility, any change to the Bill's definition of "relevant educational establishment" or "excepted establishment" would be able to be made on the face of the Act rather than needing to remain in standalone regulations.

Draft Inspection Plan

16. We have also lodged amendments in response to an amendment from Ross Greer (amendment 92) which would require a draft inspection plan to be laid before Parliament as set out in his amendment but for a shorter period of 40 days, to align with the timescale used in a number of other similar cases.

Across both parts of the Bill

Provisions for users of British Sign Language

We have submitted amendments (amendments 55, 56, 89 and 90) to sections 7 and 34 which require Qualifications Scotland and the Chief Inspector in the exercise of their functions, to have regard to the needs and interests of users of British Sign Language (BSL) Learner Education and BSL medium education, and of those receiving the teaching of BSL in the provision of further education.

We have also submitted amendments (amendments 72 and 94) to sections 25 and 49 which require Qualifications Scotland and the Chief Inspector to have regard to the importance of communicating in the way that best meets the needs of users of BSL when publishing documents.

Finally, an amendment (amendment 108) to section 54 outlines the definitions of (i) BSL, (ii) BSL learner education and (iii) BSL medium education.