Education (Scotland) Bill

[AS AMENDED AT STAGE 2]

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Education (Scotland) Bill

[AS AMENDED AT STAGE 2]

An Act of the Scottish Parliament to provide for the establishment and functions of Qualifications Scotland; to provide for the establishment and functions of the office of His Majesty's Chief Inspector of Education in Scotland; and for connected purposes.

PART 1

QUALIFICATIONS SCOTLAND

Establishment

1 Qualifications Scotland

(1) A body corporate to be known as Qualifications Scotland (in Gaelic, Teisteanasan Alba) is established.

(2) Qualifications Scotland has the functions conferred on it by or under this Act and any other enactment.

(3) Schedule 1 makes further provision about the status, membership, staffing, procedures and powers of Qualifications Scotland.

Functions

2 The function of awarding qualifications

(1) Qualifications Scotland has the following functions—

(a) to devise qualifications (whether for itself or others to award),

(b) to approve education and training establishments as suitable for presenting persons for Qualifications Scotland qualifications,

(c) to determine a person's entitlement to Qualifications Scotland qualifications and, where a person is so entitled, to award and record such a qualification,

(d) to keep under review and revise qualifications devised under paragraph (a), and

(e) to make arrangements for, assist in or carry out the assessment of persons undertaking education and training.

(2) The functions mentioned in paragraphs (a) and (d) of subsection (1) include the power to—

(a) devise a programme of learning to be used in connection with the qualification,

(b) determine what a person is required to do and the level of competence the person is required to demonstrate in order to attain the qualification,

(c) determine the means of assessing whether the person has done what is required or demonstrated the level of competence required.

(3) In exercising the function mentioned in paragraph (b) of subsection (1), Qualifications Scotland is to have regard to the matters mentioned in sub-paragraphs (i) to (iii) of section 3(b).

(4) Qualifications Scotland may not exercise any of its functions under this section in relation to a degree.

(5) For the purpose of subsection (4), "degree" means a degree which is awarded by a university or by an institution specified as competent to grant it by virtue of section 48 of the Further and Higher Education (Scotland) Act 1992.

3 The quality assurance function

Qualifications Scotland—

(a) must, in respect of qualifications devised under section 2(1)(a), make such arrangements as it considers appropriate to satisfy itself as to the quality of such qualifications,

(b) may, in respect of education and training establishments which have been approved under section 2(1)(b), make such arrangements as it considers appropriate to satisfy itself as—

(i) the quality of the procedures adopted by such establishments for assessing the standards of attainment of persons undertaking Qualifications Scotland qualifications (and, in particular, such persons with additional support needs),

(ii) the quality of the internal arrangements adopted by such establishments for monitoring and controlling the effectiveness of such procedures, and

(iii) the overall suitability of such establishments for presenting persons for Qualifications Scotland qualifications.

4 The accreditation function

(1) Qualifications Scotland has the function of—

(a) accrediting qualifications as meeting such requirements as are specified by it, and

(b) making such arrangements as it considers appropriate to satisfy itself as to the suitability of the establishments which provide, or are to provide, qualifications accredited under paragraph (a).

(2) Qualifications Scotland must publish the requirements specified by it in pursuance of subsection (1)(a).

(3) The function conferred by subsection (1) is to be carried out by the Accreditation Committee established under paragraph 12 of schedule 1.

(4) Qualifications Scotland may not exercise any of its functions under this section in relation to a degree (within the meaning of section 2(5)).

5 The advisory function

(1) Qualifications Scotland must, on request, provide the Scottish Ministers with advice regarding any matter to which Qualifications Scotland's functions relate.

(2) Qualifications Scotland may, at any other time, provide the Scottish Ministers with such advice as it thinks fit regarding any matter to which its functions relate.

6 Working with, or recognition of, others

(1) Qualifications Scotland may, whether within or outwith Scotland—

(a) provide services (including advice or assistance),

(b) act as agent for another person,

in respect of any matter to which its functions relate.

(2) Qualifications Scotland must work in collaboration with others (whether within or outwith Scotland), where appropriate, in respect of any matter to which its functions relate.

(3) Qualifications Scotland may confer fellowships or other awards on persons who, in the opinion of Qualifications Scotland, have made an outstanding contribution to the advancement of education or training.

7 Duties when exercising functions

In the exercise of its functions, Qualifications Scotland must—

(a) promote and advance education and training, including education and training which reflects current and future needs in relation to improving Scotland's economy,

(b) have regard to the needs and interests of children, young people and other persons using its services, including those who are receiving, or wish to receive—

(zi) British Sign Language learner education,

(zii) British Sign Language medium education,

(i) Gaelic learner education,

(ii) Gaelic medium education, or

(iii) the teaching of British Sign Language or the Gaelic language in the provision of further education by education authorities,

(c) have regard to any advice provided to it by the Strategic Advisory Council (see section 9),

(d) have regard to the economic, social and environmental priorities of the Scottish Ministers.

8 Consultation with Strategic Advisory Council

(1) Qualifications Scotland must, in the exercise of its functions, consult the Strategic Advisory Council in every case in which it appears to Qualifications Scotland appropriate to do so.

(2) Qualifications Scotland must have regard to any guidance issued by the Scottish Ministers as to the fulfilment of the requirement imposed by subsection (1).

(3) The Scottish Ministers must publish any guidance issued as mentioned in subsection (2).

Strategic Advisory Council

9 Strategic Advisory Council

(1) The Scottish Ministers must by regulations establish an advisory council (referred to in this Act as the Strategic Advisory Council) for the purposes of—

(a) considering matters relating to—

(i) Qualifications Scotland qualifications,

(ii) the functions, and procedure, of Qualifications Scotland, and

(b) providing advice in relation to those matters to Qualifications Scotland or the Scottish Ministers (in response to a request from the person to whom the advice is to be given or on its own initiative).

(2) Regulations under subsection (1) may, in particular, make provision for or in connection with—

(a) the appointment of persons as members of the Strategic Advisory Council (including the number, or limits on the number, of persons who may be appointed, the skills, knowledge and expertise such persons are to have, and any other conditions of appointment),

(b) the tenure of office of the conveners and other members (including the circumstances in which they are to cease to hold office or may be removed or suspended from office),

(c) the appointment and constitution of, and exercise of functions by, committees and sub-committees (including committees and sub-committees which consist of or include persons who are not members of the council),

(d) the procedure of the council (including the validation of proceedings in the event of vacancies or defects in appointment),

(e) allowing a representative of the Scottish Ministers to observe or participate at meetings of the council,

(f) the manner in which the council is to provide advice (including the manner in which, and persons to whom, it is to provide copies of advice),

(fa) the provision by Qualifications Scotland of any information that the council reasonably requests for the purpose of performing its functions,

(g) the provision by Qualifications Scotland of responses to any advice provided to it by the council (including the manner in which, and persons to whom, it is to provide copies of such responses), and

(h) the payment by Qualifications Scotland to the conveners and other members of the council of such allowances and expenses, if any, as the Scottish Ministers determine.

(3) Provision made by the regulations must include the following—

(a) that two members of the council are to be appointed as conveners, one (but only one) of whom must also be a member of Qualifications Scotland,

(aa) that members of staff of Qualifications Scotland may not be appointed as members of the council,

(ab) that one or more members appointed to the council must represent the interests of parents of children and young people undertaking a relevant qualification,

(ac) that members of the council are to be appointed for a period of 4 years,

(ad) that members of the council may be reappointed for one further period of 4 years,

(b) that the council must—

(i) before providing advice on any matter which it is considering, consult such persons having an interest in that matter as it considers appropriate,

(ii) in the exercise of its functions, consult Qualifications Scotland in every case in which it appears to the council appropriate to do so,

(iii) have regard to any guidance issued by the Scottish Ministers as to compliance with the requirements imposed by virtue of sub-paragraphs (i) and (ii),

(iv) allow members of staff of Qualifications Scotland to observe or participate in meetings of the council at the discretion of the conveners.

(4) The Scottish Ministers must publish any guidance issued as mentioned in subsection (3)(b)(iii).

Charters

10 The learner charter

(1) Qualifications Scotland must prepare and publish a learner charter before the expiry of the period of 6 months beginning with the day on which this section comes into force.

(2) The learner charter—

(a) must set out what children, young people and adults undertaking a Qualifications Scotland qualification should expect from Qualifications Scotland in the exercise of its functions,

(b) may include such other information as Qualifications Scotland considers appropriate.

(3) In preparing the learner charter, Qualifications Scotland must consult such persons as it considers appropriate.

(4) The persons consulted under subsection (3) must include—

(a) persons undertaking a Qualifications Scotland qualification,

(b) persons appearing to Qualifications Scotland to represent the interests of the persons mentioned in paragraph (a),

(ba) persons undertaking a Qualifications Scotland qualification who—

(i) use British Sign Language,

(ii) have protected characteristics listed in section 4 of the Equality Act 2010,

(iii) have additional support needs,

(c) the Scottish Ministers.

(5) For the purpose of subsection (3), it is immaterial that anything done by way of consultation was done before the Bill for this Act was passed or after that but before this section comes into force.

11 The teacher and practitioner charter

(1) Qualifications Scotland must prepare and publish a teacher and practitioner charter before the expiry of the period of 6 months beginning with the day on which this section comes into force.

(2) The teacher and practitioner charter—

(a) must set out what persons providing teaching or training in respect of a Qualifications Scotland qualification should expect from Qualifications Scotland in the exercise of its functions,

(b) may include such other information as Qualifications Scotland considers appropriate.

(3) In preparing the teacher and practitioner charter, Qualifications Scotland must consult such persons as it considers appropriate.

(4) The persons consulted under subsection (3) must include—

(a) persons providing teaching or training in respect of a Qualifications Scotland qualification,

(b) persons appearing to Qualifications Scotland to represent the interests of the persons mentioned in paragraph (a),

(ba) the committee established in accordance with paragraph 11 of schedule 1,

(c) the Scottish Ministers.

(5) For the purpose of subsection (3), it is immaterial that anything done by way of consultation was done before the Bill for this Act was passed or after that but before this section comes into force.

12 Reviewing and revising the charters

(1) Qualifications Scotland must review—

(a) the learner charter, and

(b) the teacher and practitioner charter,

in accordance with this section.

(2) Each charter must be reviewed—

(a) within 5 years of its publication under section 10(1) or (as the case may be) 11(1), and

(b) thereafter, within 5 years of the charter last being reviewed.

(2A) Qualifications Scotland must, when reviewing a charter, consult the committees established in accordance with paragraphs 10 and 11 of schedule 1.

(3) Following the review of a charter, Qualifications Scotland may revise the charter as it considers appropriate.

(4) As soon as reasonably practicable after revising a charter, Qualifications Scotland must publish the charter as so revised.

(5) Section 10(3) and (4) or (as the case may be) section 11(3) and (4) applies to a review of a charter as it applies to its preparation.

13 Other charters

Qualifications Scotland must, from time to time, consider whether to prepare and publish charters setting out what persons using its services (other than those mentioned in sections 10(2)(a) and 11(2)(a)) should expect from it in the exercise of its functions.

Accountability of Qualifications Scotland

14 Corporate plan of Qualifications Scotland

(1) Qualifications Scotland must submit a corporate plan to the Scottish Ministers as soon as reasonably practicable after the day on which this section comes into force.

(2) A corporate plan under this section—

(a) must set out—

(i) the main objectives of Qualifications Scotland,

(ii) the outcomes by reference to which the achievement of those objectives will be assessed,

(iii) a general description of the main activities which Qualifications Scotland plans to undertake,

(iv) what Qualifications Scotland intends to do to satisfy—

(A) the requirements of section 7,

(B) the expectations set out in its charters,

(b) may include such other material as Qualifications Scotland considers appropriate.

(3) Despite subsection (2)(a), a corporate plan need not include details of objectives or activities which relate to the function conferred by section 4(1) (but see section 19).

(3A) Before preparing a corporate plan Qualifications Scotland must consult—

(a) persons who are undertaking, or have recent experience of undertaking, a relevant qualification,

(b) registered teachers and college teaching staff providing relevant teaching or training,

(c) employers,

(d) such other persons as Qualifications Scotland considers appropriate,

on how Qualifications Scotland can, in the exercise of its functions, align with the economic, social and environmental priorities of the Scottish Ministers.

(4) The Scottish Ministers must—

(a) approve the corporate plan,

(b) approve the corporate plan with any modifications they consider appropriate, or

(c) reject the corporate plan.

(5) Where the Scottish Ministers intend to approve the corporate plan with modifications, they must consult Qualifications Scotland before doing so.

(6) Where the Scottish Ministers reject the corporate plan—

(a) the Scottish Ministers must publish their reasons for rejecting the plan, and

(b) Qualifications Scotland must, as soon as reasonably practicable, modify the corporate plan and resubmit it to the Scottish Ministers.

(7) As soon as reasonably practicable after a corporate plan is approved by the Scottish Ministers—

(a) Qualifications Scotland must publish it, and

(b) the Scottish Ministers must lay a copy of it before the Scottish Parliament.

(8) Qualifications Scotland—

(a) may submit a new corporate plan to the Scottish Ministers at any time, and

(b) must do so when so required by the Scottish Ministers.

(9) Subsections (4) to (6) apply to a new corporate plan, and to a modified corporate plan submitted under subsection (6), as they apply to the corporate plan submitted under subsection (1).

15 Annual report of Qualifications Scotland

(1) Qualifications Scotland must, as soon as reasonably practicable after the end of each financial year—

(a) prepare and publish a report on its activities during that year, and

(b) send a copy of the report to the Scottish Ministers.

(2) The Scottish Ministers must lay a copy of the report before the Scottish Parliament.

(3) A report under subsection (1) must include a statement of what Qualifications Scotland has done during that year to satisfy—

(a) the requirements of section 7,

(b) the expectations set out in its charters.

(3A) Where Qualifications Scotland has failed to satisfy any expectation set out in its charters during that year, a report under subsection (1) must set out—

(a) any failures,

(b) the reasons for those failures,

(c) the steps that Qualifications Scotland has taken, or intends to take, to remedy those failures.

(4) Despite subsection (1)(a), a report under that subsection need not include details of the activities of Qualifications Scotland that are carried out by its Accreditation Committee (but see section 20).

(5) It is otherwise for Qualifications Scotland to determine the form and content of each report.

16 Accounts and audit of Qualifications Scotland

(1) Qualifications Scotland must—

(a) keep proper accounts and accounting records,

(b) prepare in respect of each financial year a statement of accounts, and

(c) send a copy of the statement to the Scottish Ministers.

(2) The Scottish Ministers must, as soon as reasonably practicable after receiving a copy statement of accounts from Qualifications Scotland, send it to the Auditor General for Scotland for auditing.

17 Scottish Ministers' power to direct Qualifications Scotland

(1) Qualifications Scotland must comply with any direction issued to it by the Scottish Ministers.

(2) A direction issued by the Scottish Ministers to Qualifications Scotland—

(a) may be general or relate to a particular function or matter,

(b) may vary or revoke an earlier direction under this section,

(c) must—

(i) be in writing, and

(ii) be published by the Scottish Ministers as soon as reasonably practicable after it is communicated to Qualifications Scotland.

(3) Before issuing such a direction (other than a direction revoking an earlier direction), the Scottish Ministers must consult Qualifications Scotland about it.

18 Provision of information by Qualifications Scotland

Qualifications Scotland must provide the Scottish Ministers with such information as the Scottish Ministers reasonably request relating to the carrying out or proposed carrying out of Qualifications Scotland's functions.

Accountability of the Accreditation Committee

19 Corporate plan of the Accreditation Committee

(1) The Accreditation Committee must prepare and publish a corporate plan as soon as reasonably practicable after the day on which this section comes into force.

(2) The corporate plan—

(a) must set out how the committee intends to exercise its functions,

(b) may include such other material as the committee considers appropriate.

(3) The committee—

(a) may prepare a new corporate plan at any time, and

(b) must publish any such new plan.

20 Annual report of the Accreditation Committee

(1) The Accreditation Committee must, as soon as reasonably practicable after the end of each financial year—

(a) prepare and publish a report on its activities during that year, and

(b) send a copy of the report to the Scottish Ministers.

(2) The Scottish Ministers must lay a copy of the report before the Scottish Parliament.

(3) It is for the Accreditation Committee to determine the form and content of each report.

21 Scottish Ministers' power to direct the Accreditation Committee

(1) The Accreditation Committee must comply with any direction issued to it by the Scottish Ministers.

(2) A direction issued by the Scottish Ministers to the committee—

(a) may be general or relate to a particular function or matter,

(b) may vary or revoke an earlier direction under this section,

(c) must—

(i) be in writing, and

(ii) be published by the Scottish Ministers as soon as reasonably practicable after it is communicated to the committee.

(3) Before issuing such a direction (other than a direction revoking an earlier direction), the Scottish Ministers must consult the committee about it.

Funding and powers

22 Financial assistance

(1) The Scottish Ministers may provide such financial assistance to Qualifications Scotland as the Scottish Ministers consider appropriate.

(2) For the purposes of subsection (1), "financial assistance" includes grants, loans, guarantees and indemnities.

(3) The Scottish Ministers may specify conditions (including conditions as to repayment or the payment of interest) which apply in respect of any financial assistance provided.

23 Funding and use of resources

(1) Qualifications Scotland may, where it appears to it to be necessary or expedient for the purposes of, or in connection with, or to be otherwise conducive to, the performance of its functions—

(a) invest sums not immediately required for the performance of its functions,

(b) accept, hold and administer gifts of any kind,

(c) hold and maintain land or other property,

(d) subject to the satisfaction of any criteria set by the Scottish Ministers in respect of such a charge, charge for providing a service.

(2) Qualifications Scotland must have the consent of the Scottish Ministers to—

(a) borrow from someone other than the Scottish Ministers,

(b) acquire or dispose of land,

(c) form or promote (whether alone or with others) a company under the Companies Act 2006,

(d) where an amount is specified by virtue of subsection (4), enter into a contract with a value in excess of that amount.

(3) For the purposes of subsection (2), the consent of the Scottish Ministers may be given—

(a) in respect of a particular transaction or description of transactions,

(b) subject to conditions.

(4) The Scottish Ministers may, for the purposes of subsection (2)(d), from time to time specify—

(a) an amount,

(b) how the value of a contract is to be determined.

24 General powers

Qualifications Scotland may do anything which appears to it—

(a) to be necessary or expedient for the purposes of, or in connection with, the performance of its functions, or

(b) to be otherwise conducive to the performance of its functions.

Supporting provisions

25 Publication of documents

In publishing a document under this Part, Qualifications Scotland must have regard to the importance of communicating in the way that best meets the needs of—

(a) children and young people (including those with additional support needs),

(aa) users of British Sign Language,

(b) users of the Gaelic language,

(ba) users of the Scots language,

(c) other users of the services of Qualifications Scotland.

Review of accreditation function

25A Review of accreditation function

(1) The Scottish Ministers must, as soon as reasonably practicable after the end of the review period—

(a) undertake a review of the operation of the accreditation provisions,

(b) prepare and publish a report on that review,

(c) lay a copy of the report before the Scottish Parliament.

(2) The report must, in particular, set out an assessment of—

(a) the scope of the accreditation function,

(b) whether the accreditation function should remain a function of Qualifications Scotland,

(c) what steps (if any) the Scottish Ministers intend to take as a result of the findings of the review.

(3) The Scottish Ministers may delegate their functions under this section to such person as they consider appropriate.

(4) When undertaking the review under subsection (1)(a), the Scottish Ministers (or, if applicable, the person to whom the review is delegated under subsection (3)) must consult—

(a) Qualifications Scotland, and

(b) such other persons as the Scottish Ministers (or, if applicable, the person to whom the review is delegated) consider appropriate.

(5) In this section—

"accreditation function" means the function conferred by section 4(1),

"accreditation provisions" means—

(a) section 4,

(b) section 19,

(c) section 20,

(d) paragraph 12 of schedule 1, and

(e) paragraphs 9, 13 and 14 of schedule 1 insofar as they relate to the Accreditation Committee,

"review period" means the period of 2 years beginning with the day on which the accreditation provisions come into force (or, if they come into force on different days, the day on which the last of them comes into force).

PART 2

HIS MAJESTY'S CHIEF INSPECTOR OF EDUCATION IN SCOTLAND

Establishment

26 His Majesty's Chief Inspector of Education in Scotland

(1) The office of His Majesty's Chief Inspector of Education in Scotland (in Gaelic, Àrd-Neach-sgrùdaidh an Rìgh airson Foghlam ann an Alba) is established.

(2) Schedule 2 makes further provision about the office.

27 Deputy Chief Inspector of Education in Scotland

(1) There is to be a Deputy Chief Inspector of Education in Scotland who has the function of deputising for the Chief Inspector.

(2) The Chief Inspector is, with the approval of the Scottish Ministers, to appoint a person who is an Inspector under section 28 as the Deputy Chief Inspector.

28 His Majesty's Inspectors of Education in Scotland

(1) There are to be His Majesty's Inspectors of Education in Scotland, appointed by His Majesty by Order in Council on the recommendation of the Scottish Ministers.

(2) His Majesty may appoint such number of Inspectors as the Scottish Ministers determine.

(3) An Inspector—

(a) holds and vacates office at His Majesty's pleasure,

(b) otherwise holds office in accordance with such terms and conditions as the Scottish Ministers determine.

(4) The validity of anything done by an Inspector is not affected by a defect in a person's appointment as an Inspector.

(5) A person who, immediately before the coming into force of this section, is one of His Majesty's inspectors within the meaning of section 135(1) of the Education (Scotland) Act 1980 is taken to have been appointed under this section as one of His Majesty's Inspectors of Education in Scotland.

29 Assistance with inspections

(1) The Chief Inspector may appoint such persons as appear to the Chief Inspector to be suitable to assist in the carrying out of inspections.

(2) Such a person is—

(a) to be paid such remuneration or allowances (including expenses) as the Chief Inspector, with the approval of the Scottish Ministers, determines, and

(b) otherwise to hold office in accordance with such other terms and conditions as the Chief Inspector, with the approval of the Scottish Ministers, determines.

Functions

30 The inspection function

(1) The Chief Inspector is to secure the inspection of relevant educational establishments.

(2) In carrying out that function, the Chief Inspector—

(a) must secure the inspection of relevant educational establishments, other than excepted establishments, at such intervals and to such extent as the Chief Inspector considers appropriate (but in accordance with any regulations made under subsection (4)),

(b) must comply with any written request from the Scottish Ministers requiring the Chief Inspector to secure the inspection of—

(i) a relevant educational establishment,

(ii) a type of relevant educational establishment,

(iii) a sample of a type of relevant educational establishment,

(c) may secure the inspection of an excepted establishment only on a request from the Scottish Ministers under paragraph (b).

(3) For the purpose of this section, the Chief Inspector is to secure the inspection of an establishment—

(a) by directing an Inspector to carry out the inspection,

(b) by directing a person appointed under section 29(1) to carry out the inspection,

(c) by carrying out the inspection personally,

(d) through a combination of the ways described in paragraphs (a) to (c).

(4) The Scottish Ministers may by regulations specify the intervals at which establishments are to be inspected in accordance with subsection (2)(a).

(5) Before making regulations under subsection (4), the Scottish Ministers must consult—

(a) the Chief Inspector,

(b) the Advisory Council (see section 35),

(ba) registered teachers,

(bb) persons who appear to the Scottish Ministers to represent the interests of registered teachers,

(c) such other persons as the Scottish Ministers consider appropriate.

31 Meaning of "relevant educational establishment" and "excepted establishment"

(1) In this Act, "relevant educational establishment" means—

(a) a school,

(b) a provider of school education under arrangements entered into by virtue of section 35 of the Standards in Scotland's Schools etc. Act 2000,

(c) a provider of further education,

(d) an institution which—

(i) provides education and training wholly or mainly for individuals who are, or are training to be, teachers in schools, and

(ii) is a higher education institution (within the meaning of section 35(1) of the Further and Higher Education (Scotland) Act 2005),

(e) a place where a child or young person is provided with residential accommodation by, or in pursuance of an arrangement with—

(i) an education authority,

(ii) the managers of a grant-aided school, or

(iii) the proprietor of an independent school,

for the purposes of the child or young person's attendance at a school,

(f) an education authority.

(2) A reference in this Act to a relevant educational establishment includes a reference to the premises of an establishment mentioned in subsection (1)(a) to (d).

(3) But—

(a) where the subject of an inspection is a higher education institution, it may be inspected under section 30 only in relation to education and training which is provided as mentioned in subsection (1)(d)(i),

(b) where the subject of an inspection is a place mentioned in subsection (1)(e), it may be inspected under section 30 only with a view to determining whether the child or young person's welfare is adequately safeguarded and promoted there,

(c) where the subject of an inspection is an education authority, it may be inspected under section 30 only in relation to the functions of the authority which relate to the provision of school education, whether exercised individually or with others.

(4) In this Act, "excepted establishment" means—

(a) a place where fundable further education is provided by a post-16 education body (within the meaning of section 35(1) of the Further and Higher Education (Scotland) Act 2005),

(b) a place mentioned in subsection (1)(d).

(5) Any expression used in this section and in the Education (Scotland) Act 1980 has the same meaning in this section as in that Act.

(6) The Scottish Ministers may by regulations modify this section so as to modify the meaning of—

(a) "relevant educational establishment",

(b) "excepted establishment".

(7) Before making regulations under subsection (6), the Scottish Ministers must consult—

(a) the Chief Inspector,

(b) the Advisory Council, and

(c) such other persons as the Scottish Ministers consider appropriate.

32 The voluntary arrangements function

(1) The Chief Inspector may enter into arrangements with any person for the provision to that person of inspections or advice in relation to the provision of education.

(2) Where an inspection is carried out or advice is provided by virtue of subsection (1), the Chief Inspector may recover the expenses incurred in respect of providing the advice or carrying out the inspection from the person with whom the arrangements were made.

33 The advisory function

(1) The Chief Inspector must, on request, provide the Scottish Ministers with advice regarding any matter to which the Chief Inspector's functions relate.

(2) The Chief Inspector may, at any other time, provide the Scottish Ministers with such advice as the Chief Inspector thinks fit regarding any matter to which the Chief Inspector's functions relate.

33A Working with others

The Chief Inspector must have regard to the desirability of working in collaboration with others, where appropriate, in respect of any matter to which the Chief Inspector's functions relate.

34 Duty when exercising functions

(1) In the exercise of the Chief Inspector's functions, the Chief Inspector must—

(a) set and uphold high standards in education governance and accountability,

(b) have regard to—

(i) the statutory roles and responsibilities of any persons or bodies that the Chief Inspector works with in the exercise of the Chief Inspector's functions,

(ii) the need for relevant educational establishments to have adequate arrangements in place to safeguard and promote the welfare of children and young people,

(iii) the needs and interests of children, young people and other persons who are receiving or will receive education at a relevant educational establishment, including those who are receiving, or wish to receive—

(ZA) British Sign Language learner education,

(ZB) British Sign Language medium education,

(A) Gaelic learner education,

(B) Gaelic medium education, or

(C) the teaching of British Sign Language or the Gaelic language in the provision of further education by education authorities.

Advisory Council

35 Advisory Council

(1) The Chief Inspector must establish and maintain an Advisory Council.

(2) In appointing members to it, the Chief Inspector must endeavour to ensure that the Advisory Council (taken as a whole) is representative of the interests of persons likely to be affected by the Chief Inspector's functions.

(3) The function of the Advisory Council is to advise the Chief Inspector in relation to the exercise of the Chief Inspector's functions (when asked to so by the Chief Inspector or on its own initiative).

(4) The Chief Inspector must—

(a) have regard to any advice provided by the Advisory Council, and

(b) where the Chief Inspector decides not to act in accordance with that advice, provide the Advisory Council with an explanation of—

(i) what action (if any) the Chief Inspector has taken, or intends to take, in response, and

(ii) the reasons for that response or proposed response.

Accountability

36 Inspection plan

(1) The Chief Inspector must, as soon as reasonably practicable after the day on which this section comes into force—

(a) prepare and publish an inspection plan, and

(b) lay the inspection plan before the Scottish Parliament.

(2) An inspection plan under this section—

(a) must set out—

(i) the period to which the plan applies,

(ii) the frequency with which different types of relevant educational establishments, other than excepted establishments, will be inspected,

(iii) the approximate number of such establishments to be inspected,

(iv) information about the different types of inspection model which may be used,

(v) the standards against which establishments will be evaluated,

(vi) where a relevant educational establishment provides or secures the provision of outdoor education, information about—

(A) how that outdoor education will be inspected,

(B) the standards against which such outdoor education will be measured,

(vii) the process for making recommendations to establishments,

(viii) the process for establishments to respond to any recommendations received,

(b) may include such other material as the Chief Inspector considers appropriate.

(3) The Chief Inspector—

(a) must keep the inspection plan under review,

(b) may prepare a new inspection plan at any time, and

(c) must publish and lay before the Scottish Parliament any such new inspection plan.

(4) In preparing an inspection plan, the Chief Inspector must consult—

(a) the Scottish Ministers,

(b) the Advisory Council,

(ba) such persons as the Chief Inspector considers representative of relevant educational establishments, and

(c) such other persons as the Chief Inspector considers appropriate.

(4A) Before publishing an inspection plan under subsection (1)(a) or (3)(c), the Chief Inspector must lay a draft of the plan before the Scottish Parliament for a period of 60 days.

(4B) The Chief Inspector must have regard to—

(a) any representations about the draft plan made to the Chief Inspector during that period,

(b) any resolution relating to the draft plan passed by the Parliament, and

(c) any report relating to the draft plan published by any committee of the Parliament for the time being appointed by virtue of the Parliament's standing orders.

(4C) In calculating the period of 60 days for the purposes of subsection (4A), no account is to be taken of any time during which the Parliament is dissolved or is in recess for more than 4 days.

(5) The Scottish Ministers may by regulations modify this section in order to make provision about the frequency with which the Chief Inspector must review the inspection plan (including any revised inspection plan).

(6) Before making regulations under subsection (5), the Scottish Ministers must consult—

(a) the Chief Inspector,

(b) the Advisory Council,

(ba) such persons as the Chief Inspector considers representative of relevant educational establishments, and

(c) such other persons as the Scottish Ministers consider appropriate.

37 Reports on inspections

(1) The Chief Inspector must—

(a) secure the preparation of a report on the findings of each inspection carried out in pursuance of section 30(2), and

(b) publish each such report.

(1A) In preparing a report under subsection (1)(a), the Chief Inspector must have regard to any representations made by persons representing the interests of registered teachers or college teaching staff providing relevant teaching or training in the inspected establishment.

(2) The Chief Inspector must, as soon as reasonably practicable after it has been prepared, give the Scottish Ministers a copy of any report relating to an inspection requested by them under section 30(2)(b).

(3) The Chief Inspector may lay a copy of any report published under subsection (1) before the Scottish Parliament.

(4) It is for the Chief Inspector to determine the form and content of each report.

38 Annual report

(1) The Chief Inspector must, as soon as reasonably practicable after the end of each financial year—

(a) prepare and publish a report on the Chief Inspector's activities during that financial year,

(b) send a copy of the report to the Scottish Ministers, and

(c) at the same time as sending a copy of the report to the Scottish Ministers, lay a copy of the report before the Scottish Parliament.

(2) A report under subsection (1) must include, in relation to any advice provided by the Advisory Council during the financial year, a summary of—

(a) the advice provided,

(b) the Chief Inspector's response to that advice.

(3) It is otherwise for the Chief Inspector to determine the form and content of each report.

39 Report on performance of the Scottish education system

(1) The Chief Inspector must, as soon as reasonably practicable after the end of each reporting period—

(a) prepare and publish a report on the Chief Inspector's assessment of the performance of the Scottish education system (so far as it relates to the Chief Inspector's functions) during the reporting period,

(b) send a copy of the report to the Scottish Ministers, and

(c) at the same time as sending a copy of the report to the Scottish Ministers, lay a copy of the report before the Scottish Parliament.

(2) It is for the Chief Inspector to determine the form of each report and, in particular, the report may be part of another document.

(3) In this section, "reporting period" means—

(a) the period beginning with the day on which this section comes into force and ending on the following 31 July, and

(b) each subsequent period of 1 year beginning on 1 August.

(4) The Scottish Ministers may by regulations modify this section so as to modify the meaning of "reporting period".

(5) Before making regulations under subsection (4), the Scottish Ministers must consult—

(a) the Chief Inspector,

(b) the Advisory Council, and

(c) such other persons as the Scottish Ministers consider appropriate.

40 Other reports

(1) The Chief Inspector may, in addition to the reports published under sections 37 to 39, prepare and publish a report about any other matter relating to the Chief Inspector's functions.

(2) The Chief Inspector—

(a) must send a copy of any report published under subsection (1) to the Scottish Ministers,

(b) must lay a copy of any report published under subsection (1) before the Scottish Parliament.

41 Protection from actions of defamation

(1) For the purposes of the law of defamation any statement in a report published by the Chief Inspector has absolute privilege.

(2) In this section, "statement" has the same meaning as in the Defamation and Malicious Publication (Scotland) Act 2021.

Powers

42 General powers

The Chief Inspector may do anything which appears to the Chief Inspector—

(a) to be necessary or expedient for the purposes of, or in connection with, the performance of the Chief Inspector's functions, or

(b) to be otherwise conducive to the performance of those functions.

Cooperation with inspections

43 Powers of entry and inspection

(1) A person carrying out an inspection of a relevant educational establishment in pursuance of section 30 may enter the establishment.

(2) The power conferred by subsection (1)—

(a) must be exercised at a reasonable hour,

(b) extends to a dwelling-house only with the permission of the Scottish Ministers,

(c) does not authorise entry by force.

(3) A person who proposes to exercise the power conferred by subsection (1) must, if so requested, produce evidence of the person's identity and authorisation to carry out the inspection (including, where applicable, the permission of the Scottish Ministers) before exercising the power.

(4) A person carrying out an inspection may take onto the premises such other persons as the person carrying out the inspection considers necessary.

44 Duty to provide assistance

(1) The managers of a relevant educational establishment must, in connection with the inspection of that establishment—

(a) make available, and allow the taking of copies of, any documents kept by the establishment which the persons carrying out the inspection consider relevant to the inspection of the establishment,

(b) take all reasonable steps to secure such access as the persons carrying out the inspection require to any place where, by arrangement with the establishment, education is provided to those in attendance at the establishment,

(c) otherwise provide the persons carrying out the inspection with such assistance and co-operation as they reasonably require for the purposes of, or in connection with, the inspection of the establishment.

(2) For the purpose of subsection (1), "managers", in relation to a relevant educational establishment, means the governing body, trustees, or other person or body of persons responsible for the management of the establishment.

45 Offences

(1) A person commits an offence if the person fails, without reasonable excuse, to comply with the duty imposed by section 44.

(2) A person commits an offence if the person intentionally obstructs an Inspector or other person in the carrying out of an inspection of a relevant educational establishment under this Part.

(3) A person who commits an offence under subsection (1) or (2) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Enforcement following school-related inspections

46 Necessary improvements: referral to Scottish Ministers

(1) This section applies where, after an inspection carried out in pursuance of section 30(2) of a public school, a grant-aided school or an education authority, the report on the inspection prepared under section 37 identifies that a relevant person requires to take action to secure improvement in—

(a) in the case of inspection of a school, a matter relating to the school or the school education provided in it,

(b) in the case of inspection of an education authority, the way the education authority exercises a function in relation to the provision of school education.

(2) The Chief Inspector must make a referral to the Scottish Ministers where it appears to the Chief Inspector that—

(a) having been given sufficient opportunity to secure improvement in the matter or exercise of the function in question, the relevant person is failing or has failed to take satisfactory action to do so, and

(b) having regard to the seriousness of the failure, an enforcement direction is justified.

(3) A referral under subsection (2) must—

(a) be in writing,

(b) specify the failure mentioned in subsection (2)(a), and

(c) include recommendations as to the action which, in the opinion of the Chief Inspector, the relevant person requires to take to remedy, or prevent the recurrence of, the failure.

(4) Where a referral is made under subsection (2), the Chief Inspector must inform the relevant person of that fact.

(5) For the purposes of this section and sections 47 and 48—

(a) "relevant person" means—

(i) in relation to the inspection of a public school or an education authority, the education authority,

(ii) in relation to the inspection of a grant-aided school, the managers of the school,

(b) any expression used in this section and in the Education (Scotland) Act 1980 has the same meaning as in that Act.

47 Preliminary notice of enforcement action

(1) The Scottish Ministers may give a preliminary notice to a relevant person where, on a referral under section 46, it appears to the Scottish Ministers that—

(a) the relevant person is failing or has failed to take satisfactory action to secure improvement in the matter or exercise of the function in question, and

(b) having regard to the seriousness of the failure, an enforcement direction is justified.

(2) A preliminary notice is a notice which—

(a) informs the relevant person of the failure mentioned in subsection (1)(a), and

(b) requires the relevant person to submit to the Scottish Ministers, within such period as is specified in the notice, a written response which—

(i) states that the person has not so failed and gives reasons supporting that statement, or

(ii) states that the person has so failed but gives reasons (if there are any such reasons) why an enforcement direction should not be given to the person.

48 Enforcement direction

(1) The Scottish Ministers may give a relevant person an enforcement direction where, following service under section 47(1) of a preliminary notice, it appears to the Scottish Ministers that—

(a) the relevant person is failing or has failed to take satisfactory action to secure improvement in the matter or exercise of the function in question, and

(b) having regard to the seriousness of the failure, an enforcement direction is justified.

(2) The Scottish Ministers may give an enforcement direction under subsection (1) only after whichever is the earlier of—

(a) receipt of the written response mentioned in section 47(2)(b),

(b) the expiry of the period specified in the preliminary notice.

(3) An enforcement direction is a direction in writing by the Scottish Ministers—

(a) requiring the recipient to take, within such period as is specified in the direction, such action as is so specified (being action calculated to remedy, or prevent the recurrence of, the failure mentioned in subsection (1)(a)), and

(b) with which the recipient must comply.

(4) An enforcement direction may—

(a) specify different periods for the taking of different actions,

(b) specify conditions which are to apply to the exercise of such functions of the relevant person as the direction specifies in relation to—

(i) where the referral arose from an inspection of a school, the school and the school education provided in it, or

(ii) where the referral arose from an inspection of an education authority, the provision of school education.

(5) The Scottish Ministers may—

(a) vary an enforcement direction by giving a further such direction (without any requirement for a further preliminary notice under section 47),

(b) revoke an enforcement direction.

(6) Before giving, varying or revoking an enforcement direction, the Scottish Ministers must consult the Chief Inspector.

(7) If the Scottish Ministers exercise their power to give, vary or revoke an enforcement direction, they must—

(a) prepare a report on their exercise of the power, and

(b) lay the report before the Scottish Parliament.

(8) The Scottish Ministers may, instead of or as well as giving an enforcement direction, make such recommendations to the relevant person as they think appropriate.

Supporting provisions

49 Publication of documents

In publishing a document under this Part, the Chief Inspector must have regard to the importance of communicating in the way that best meets the needs of—

(a) children and young people (including those with additional support needs),

(aa) users of British Sign Language,

(b) users of the Gaelic language,

(ba) users of the Scots language,

(c) others affected by the exercise of the Chief Inspector's functions.

PART 3

GENERAL AND MISCELLANEOUS

50 Transfer of staff, property etc. to Qualifications Scotland

Schedule 3 makes provision about the transfer of the staff and property of the Scottish Qualifications Authority to Qualifications Scotland.

51 Dissolution of the Scottish Qualifications Authority

The Scottish Qualifications Authority is dissolved.

52 Transitional provisions

(1) Any relevant thing done by or in relation to the Scottish Qualifications Authority before the dissolution date, so far as is required for continuing its effect on and after that date, has effect as if done by or in relation to Qualifications Scotland.

(2) Any relevant thing which, immediately before the dissolution date, is in the process of being done by or in relation to the Scottish Qualifications Authority may continue to be done by or in relation to Qualifications Scotland on and after that date.

(3) The Scottish Qualifications Authority must provide Qualifications Scotland with any information that Qualifications Scotland reasonably requires for the exercise of its functions.

(3A) This section does not apply to things done by or in relation to the Scottish Qualifications Authority which relate to its functions exercisable otherwise than in or as regards Scotland.

(4) In this section—

"dissolution date" means the day on which section 51 comes into force,

"relevant thing" means anything which, if it were to be done on or after the dissolution date, would be done by or in relation to Qualifications Scotland.

53 Consequential modifications

Schedule 4 makes modifications of other enactments in consequence of this Act.

54 Interpretation

(1) In this Act—

"Accreditation Committee" means the committee established under paragraph 12 of schedule 1,

"additional support needs" is to be construed in accordance with section 1 of the Education (Additional Support for Learning) (Scotland) Act 2004,

"Advisory Council" means the council established by the Chief Inspector in accordance with section 35,

"British Sign Language" is to be construed in accordance with section 5(1) of the British Sign Language (Scotland) Act 2015,

"British Sign Language learner education" means the teaching of British Sign Language to, and learning of the language by, pupils to whom education is provided primarily by means of the English language,

"British Sign Language medium education" means teaching and learning by means of British Sign Language,

"Chief Inspector" means His Majesty's Chief Inspector of Education in Scotland,

"Deputy Chief Inspector" means the Deputy Chief Inspector of Education in Scotland appointed under section 27,

"education authority" has the meaning given by section 135(1) of the Education (Scotland) Act 1980,

"Gaelic language" means Gaelic language as used in Scotland,

"Gaelic learner education" means the teaching of the Gaelic language to, and learning of the language by, pupils to whom education is provided primarily by means of the English language,

"Gaelic medium education" means teaching and learning by means of the Gaelic language,

"Inspectors" means His Majesty's Inspectors of Education in Scotland appointed under section 28,

"Qualifications Scotland qualification" means a qualification devised or awarded by Qualifications Scotland,

"relevant educational establishment" has the meaning given by section 31,

"Scots language" means the Scots language as used in Scotland,

"Strategic Advisory Council" means the council established in connection with Qualifications Scotland by virtue of section 9.

(2) A reference (however expressed) to undertaking a qualification is a reference to undertaking education or training with the intention of obtaining a qualification.

55 Regulation-making powers

(1) Any power of the Scottish Ministers to make regulations under this Act includes the power to make—

(a) different provision for different purposes,

(b) incidental, supplementary, consequential, transitional, transitory or saving provision.

(2) Regulations under any of the following provisions are subject to the affirmative procedure—

(a) section 30(4),

(b) section 31(6),

(c) section 36(5),

(d) section 39(4).

(3) Regulations under any of the following provisions are subject to the negative procedure—

(a) section 9(1),

(b) paragraph 2(2) of schedule 1,

(c) paragraph 13(6) of schedule 1,

(d) paragraph 5(2) of schedule 3.

(4) Regulations under section 56—

(a) are subject to the affirmative procedure if they add to, replace or omit any part of the text of an Act,

(b) otherwise, are subject to the negative procedure.

(5) This section does not apply to regulations under section 57.

56 Ancillary provision

(1) The Scottish Ministers may by regulations make any incidental, supplementary, consequential, transitional, transitory or saving provision they consider appropriate for the purposes of, in connection with or for giving full effect to this Act or any provision made under it.

(2) Regulations under this section may modify any enactment (including this Act).

57 Commencement

(1) Sections 54 to 56, this section and section 58 come into force on the day after Royal Assent.

(2) The other provisions of this Act come into force on such day as the Scottish Ministers may by regulations appoint.

(2A) Regulations bringing the following provisions into force may be made only once the Scottish Qualifications Authority has no functions exercisable otherwise than in or as regards Scotland—

(a) section 51 (dissolution of the Scottish Qualifications Authority),

(b) paragraph 11 of schedule 4 (repeal of Part 1 and associated schedules of the Education (Scotland) Act 1996).

(3) Regulations under this section may—

(a) include transitional, transitory or saving provision,

(b) make different provision for different purposes.

58 Short title

The short title of this Act is the Education (Scotland) Act 2025.

SCHEDULE 1
(introduced by section 1(3))

QUALIFICATIONS SCOTLAND

PART 1

STATUS

Exclusion of Crown status

1 (1) Qualifications Scotland—

(a) is not a servant or agent of the Crown, and

(b) does not enjoy any status, immunity or privilege of the Crown.

(2) Qualifications Scotland's members and staff are not to be regarded as civil servants.

PART 2

MEMBERSHIP

Number and appointment of members

2 (1) Qualifications Scotland is to consist of—

(a) a member appointed by the Scottish Ministers to chair Qualifications Scotland ("the chairing member"),

(b) a member appointed by the Scottish Ministers to be the convener of the Accreditation Committee,

(c) the chief executive appointed under paragraph 7(1), and

(d) at least 7 but no more than 12 other members appointed by the Scottish Ministers.

(2) The Scottish Ministers may by regulations amend sub-paragraph (1)(d) by substituting a different number for any number for the time being specified there.

(3) Before making regulations under sub-paragraph (2), the Scottish Ministers must consult Qualifications Scotland.

Appointment as a member: criteria

3 (1) The Scottish Ministers may appoint a person as a member of Qualifications Scotland only if they consider that the person has skills, knowledge and expertise relevant to the functions of Qualifications Scotland.

(2) The members of Qualifications Scotland must include—

(a) one or more persons who appear to the Scottish Ministers to have knowledge of the interests of persons undertaking a relevant qualification,

(ba) 5 or more persons who are (subject to sub-paragraph (2A))—

(i) registered teachers providing relevant teaching or training, or

(ii) college teaching staff providing relevant teaching or training,

(d) one or more persons who appear to the Scottish Ministers to have knowledge of the interests of the staff of Qualifications Scotland.

(2A) In appointing persons to satisfy sub-paragraph (2)(ba), the Scottish Ministers must ensure that—

(a) the total number of persons appointed to satisfy that sub-paragraph amounts to more than one third of the total number of members of Qualifications Scotland, and

(b) any difference between the number of persons appointed to satisfy sub-paragraphs (i) and (ii) is no more than one.

(3) Before inviting applications for appointment of a member whose appointment is intended to satisfy a paragraph of sub-paragraph (2), the Scottish Ministers must consult the following persons as to the knowledge and any other attributes that those seeking appointment in satisfaction of the relevant paragraph should possess—

(a) in the case of paragraph (a), such persons as the Scottish Ministers consider representative of persons undertaking a relevant qualification,

(b) in the case of paragraph (ba)(i), such persons as the Scottish Ministers consider representative of the interests of registered teachers providing relevant teaching or training,

(c) in the case of paragraph (ba)(ii), such persons as the Scottish Ministers consider representative of the interests of college teaching staff providing relevant teaching or training,

(d) in the case of paragraph (d), such persons as the Scottish Ministers consider representative of the interests of staff of Qualifications Scotland.

(4) A person may not be appointed as a member of Qualifications Scotland if—

(a) the person is—

(i) a member of the Scottish Parliament,

(ii) a member of the House of Commons,

(iii) a member of the House of Lords,

(b) the person is disqualified—

(i) as a company director under the Company Directors Disqualification Act 1986,

(ii) as a charity trustee under the Charities and Trustee Investment (Scotland) Act 2005,

(iii) under a disqualification provision analogous to either of those mentioned in sub-paragraph (i) or (ii) anywhere in the world.

(5) Sub-paragraph (4)(b) does not apply to a person who is disqualified as mentioned in that sub-paragraph only by—

(a) section 11 of the Company Directors Disqualification Act 1986 (undischarged bankrupts),

(b) section 69(2)(b) of the Charities and Trustee Investment (Scotland) Act 2005 (which disqualifies undischarged bankrupts etc. from being charity trustees), or

(c) a provision analogous to either of those mentioned in paragraph (a) or (b) anywhere in the world.

(6) The Scottish Ministers must, when appointing members of Qualifications Scotland, do so in a manner which encourages equal opportunities and in particular the observance of the equal opportunity requirements.

(7) In this paragraph—

"college teaching staff" means persons employed as teaching staff by colleges of further education, within the meaning of section 35 of the Further and Higher Education (Scotland) Act 2005,

"equal opportunities" and "equal opportunity requirements" have the same meaning as in Section L2 (equal opportunities) of Part II of schedule 5 of the Scotland Act 1998,

"registered teacher" has the meaning given by section 135(1) of the Education (Scotland) Act 1980,

"relevant qualification" means—

(a) a Qualifications Scotland qualification, or

(b) a qualification accredited by Qualifications Scotland,

"relevant teaching or training" means teaching or training provided to a person in respect of a relevant qualification being undertaken by the person.

(8) For the purpose of sub-paragraph (3), it is immaterial that anything done by way of consultation was done before the Bill for this Act was passed or after that but before this paragraph comes into force.

Period and conditions of membership

4 (1) A member is appointed for such period not exceeding 4 years as the Scottish Ministers determine.

(2) The Scottish Ministers may reappoint as a member a person who is, or has been, a member of Qualifications Scotland.

(3) The Scottish Ministers may assign to one of the members—

(a) the function of deputising for the chairing member,

(b) the function of chairing Qualifications Scotland during any period when there is no chairing member.

(4) A member to whom such a function is assigned—

(a) is assigned the function for such period as the Scottish Ministers specify in the assignment,

(b) may resign the assignment by informing the Scottish Ministers in writing to that effect,

(c) is assigned it, and ceases to be assigned it, in accordance with such terms and conditions as the Scottish Ministers determine.

(5) The Scottish Ministers may, subject to any provision made by this Act, determine other terms and conditions of membership.

Early termination of membership

5 (1) A person's appointment as a member of Qualifications Scotland ends if—

(a) the person resigns by giving written notice to the Scottish Ministers,

(b) during the person's period of appointment, the person becomes ineligible to be appointed as a member under paragraph 3(4), or

(c) the Scottish Ministers give the person written notice that the person is removed from Qualifications Scotland.

(2) The Scottish Ministers may remove a member of Qualifications Scotland by virtue of sub-paragraph (1)(c) only if—

(a) the member is apparently insolvent (within the meaning of section 16 of the Bankruptcy (Scotland) Act 2016),

(b) the member has been absent, without reasonable excuse, from meetings of Qualifications Scotland for a period of longer than 6 consecutive months, or

(c) the Scottish Ministers consider that the member is—

(i) unable to perform the functions of a member, or

(ii) unsuitable to continue as a member.

Members' remuneration and allowances

6 Qualifications Scotland may pay each member such remuneration and allowances (including expenses), if any, as the Scottish Ministers determine.

PART 3

STAFF

Chief executive and other staff

7 (1) Qualifications Scotland is to have, as a member of staff, a chief executive.

(2) Qualifications Scotland is to appoint each chief executive with the approval of the Scottish Ministers.

(3) Qualifications Scotland may appoint other staff.

(4) The chief executive and other staff are appointed on such terms and conditions as Qualifications Scotland, with the approval of the Scottish Ministers, determines.

Staff pensions

8 (1) Qualifications Scotland may, with the approval of the Scottish Ministers, pay or make arrangements for the payment of pensions, allowances and gratuities to, or in respect of, any person who is or has been a member of staff of Qualifications Scotland.

(2) Those arrangements may include—

(a) making payments towards the provision of those pensions, allowances and gratuities,

(b) providing and maintaining schemes for the payment of those pensions, allowances and gratuities.

(3) The reference in sub-paragraph (1) to pensions, allowances and gratuities includes pensions, allowances and gratuities by way of compensation for loss of office.

PART 4

PROCEDURE

CHAPTER 1

COMMITTEES

Committees

9 (1) In addition to those established in accordance with paragraphs 10 to 12, Qualifications Scotland—

(a) may establish such further committees as it sees fit,

(b) may establish such sub-committees as it sees fit, other than in relation to the Accreditation Committee where the committee itself may establish such sub-committees as it sees fit.

(2) The membership of a committee or sub-committee may include persons who are not members of Qualifications Scotland.

(3) Qualifications Scotland may pay such remuneration and allowances (including expenses) as the Scottish Ministers determine to each member of a committee or sub-committee who is not a member of, or member of staff of, Qualifications Scotland.

(4) Subject to paragraph 12(3)(a), a committee or sub-committee must comply with any directions given to it by Qualifications Scotland.

(5) If Qualifications Scotland establishes a committee under sub-paragraph (1) with functions which primarily concern the governance of the staff of Qualifications Scotland, the convener of the committee must be a member appointed to satisfy paragraph 3(2)(d).

The Learner Interest Committee

10 (1) Qualifications Scotland must establish and maintain a committee to be known as the Learner Interest Committee.

(2) The function of the committee is to advise the members and staff of Qualifications Scotland in relation to the exercise of Qualifications Scotland's functions from the perspective of persons undertaking a Qualifications Scotland qualification.

(3A) The committee—

(a) may include one member of Qualifications Scotland who was appointed to satisfy paragraph 3(2)(a),

(b) other than any appointment made under paragraph (a), must consist of—

(i) children and young people who are undertaking, or have recent experience of undertaking, a Qualifications Scotland qualification, and

(ii) other persons who are undertaking, or have recent experience of undertaking, a Qualifications Scotland qualification.

(3B) The committee members appointed by virtue of sub-paragraph (3A)(b) must not include persons who are members of, or members of staff of, Qualifications Scotland.

(3C) In the event that a committee member is appointed by virtue of sub-paragraph (3A)(a), Qualifications Scotland must appoint that committee member and another committee member as co-conveners of the committee.

(3D) A committee member appointed by virtue of sub-paragraph (3A)(a) is not entitled to vote at any meeting of the committee.

(4A) The persons mentioned in sub-paragraph (4) must include children and young people.

(5) Before appointing a person as a member of the committee, Qualifications Scotland must consult the Scottish Ministers.

(6) In the exercise of its functions, the committee must, in every case in which it appears to the committee appropriate to do so, consult—

(a) the Strategic Advisory Council,

(b) the Teacher and Practitioner Interest Committee,

(c) any other committee or sub-committee established by Qualifications Scotland,

(d) such other persons as the committee considers appropriate.

(7) For the purposes of sub-paragraph (3A)(b)(i), "children and young people" means persons under the age of 18.

The Teacher and Practitioner Interest Committee

11 (1) Qualifications Scotland must establish and maintain a committee to be known as the Teacher and Practitioner Interest Committee.

(2) The function of the committee is to advise the members and staff of Qualifications Scotland in relation to the exercise of Qualifications Scotland's functions from the perspective of persons providing teaching or training in respect of a Qualifications Scotland qualification.

(3A) The committee—

(a) may include one member of Qualifications Scotland who was appointed to satisfy paragraph 3(2)(ba),

(b) other than any appointment made under paragraph (a), must consist of persons who are providing teaching or training, or have recent experience of providing teaching or training, in respect of a Qualifications Scotland qualification.

(3B) The committee members appointed by virtue of sub-paragraph (3A)(b) must not include persons who are members of, or members of staff of, Qualifications Scotland.

(3C) In the event that a committee member is appointed by virtue of sub-paragraph (3A)(a), Qualifications Scotland must appoint that committee member and another committee member as co-conveners of the committee.

(3D) A committee member appointed by virtue of sub-paragraph (3A)(a) is not entitled to vote at any meeting of the committee.

(5) Before appointing a person as a member of the committee, Qualifications Scotland must consult the Scottish Ministers.

(6) In the exercise of its functions, the committee must, in every case in which it appears to the committee appropriate to do so, consult—

(a) the Strategic Advisory Council,

(b) the Learner Interest Committee,

(c) any other committee or sub-committee established by Qualifications Scotland,

(d) such other persons as the committee considers appropriate.

The Accreditation Committee

12 (1) Qualifications Scotland must establish and maintain a committee to be known as the Accreditation Committee.

(2) The functions of the committee are to—

(a) carry out the function conferred by section 4(1),

(b) advise the Scottish Ministers on any matters relating to that function.

(3) In carrying out its functions, the committee (and any sub-committee of it)—

(a) is not subject to the direction or control of Qualifications Scotland, and

(b) must act independently of Qualifications Scotland (but this does not prevent the committee or any sub-committee of it and Qualifications Scotland from sharing information with each other).

(4) The committee is to consist of—

(a) the convener appointed under paragraph 2(1)(b), and

(b) individuals appointed by the convener as committee members, a majority of whom must not be members of, or members of staff of, Qualifications Scotland.

(5) The Scottish Ministers may assign to a person appointed as a member of Qualifications Scotland—

(a) the function of deputising for the convener,

(b) the function of convening the committee during any period when there is no convener.

(6) A member to whom such a function is assigned—

(a) is assigned the function for such period as the Scottish Ministers specify in the assignment,

(b) may resign the assignment by informing the Scottish Ministers in writing to that effect,

(c) is assigned it, and ceases to be assigned it, in accordance with such terms and conditions as the Scottish Ministers determine,

(d) is, when exercising the function, to be treated as being a member of the committee (if not otherwise such a member).

CHAPTER 2

ADMINISTRATION OF QUALIFICATIONS SCOTLAND AND ITS COMMITTEES

Regulation of procedure

13 (1) In each financial year, at least one meeting of Qualifications Scotland is to be open to the public.

(2) But during consideration of any matter which Qualifications Scotland is satisfied should be dealt with on a confidential basis, those entitled to attend as members of the public may be temporarily excluded.

(3) Qualifications Scotland must take reasonable steps to promote attendance at its public meetings by members of the public.

(4) The power to give directions with which compliance is required under paragraph 9(4) includes the power for Qualifications Scotland to direct its committees or sub-committees—

(a) to open at least one of their meetings each financial year to the public, and

(b) to take reasonable steps to promote attendance at their respective public meetings by such persons as Qualifications Scotland considers appropriate.

(5) At any meeting of the Accreditation Committee, a quorum is established only if the majority of members present at the meeting are not members, or members of staff, of Qualifications Scotland.

(6) The Scottish Ministers may by regulations make such further provision as they see fit in relation to the procedure (including quorum) of Qualifications Scotland and that of any of its committees or sub-committees.

(7) Subject to this paragraph and any regulations made under it, Qualifications Scotland may regulate its own procedure (including quorum) and that of any of its committees or sub-committees other than—

(a) the Accreditation Committee,

(b) any sub-committee of the Accreditation Committee.

(8) Subject to this paragraph and any regulations made under it, the Accreditation Committee may regulate its own procedure (including quorum) and that of any of its sub-committees.

Authority to perform functions

14 (1) Qualifications Scotland may authorise—

(a) any of its members,

(b) any committee or sub-committee established by it,

(c) any member of its staff,

(d) subject to the consent of the Scottish Ministers, any other person,

to perform such of its functions (and to such extent) as it may determine.

(2) But Qualifications Scotland may not authorise another person to perform any of the following functions—

(a) approving its corporate plan for submission to the Scottish Ministers under section 14,

(b) approving its annual report prepared under section 15,

(c) approving its accounts for submission to the Scottish Ministers under section 16,

(d) the functions of the Accreditation Committee.

(3) The Accreditation Committee may authorise—

(a) any of its members,

(b) any sub-committee established by it,

(c) any member of staff of Qualifications Scotland,

to perform such of its functions (and to such extent) as it may determine.

(4) But the Accreditation Committee may not authorise another person to perform any of the following functions—

(a) approving the corporate plan prepared under section 19,

(b) approving the annual report prepared under section 20.

(5) The giving of authority under this paragraph to perform a function does not—

(a) affect Qualifications Scotland's or (as the case may be) the Accreditation Committee's responsibility for the performance of the function, or

(b) prevent Qualifications Scotland or (as the case may be) the Accreditation Committee from performing the function itself.

Member consultation requirement

14A(1) In the exercise of Qualifications Scotland's functions, the members appointed to satisfy paragraph 3(2)(d) must, in every case in which Qualifications Scotland considers it appropriate to do so, consult such persons with an interest as Qualifications Scotland considers appropriate.

(2) For the purposes of sub-paragraph (1), persons with an interest are—

(a) persons who are members of staff of Qualifications Scotland,

(b) representatives from recognised trade unions which represent the interests of the persons mentioned in paragraph (a),

(c) other persons appearing to Qualifications Scotland to represent the interests of the persons mentioned in paragraph (a).

(3) In sub-paragraph (2)(b), "trade union" has the meaning given by section 1 of the Trade Union and Labour Relations (Consolidation) Act 1992 and "recognised", in relation to a trade union, is to be construed in accordance with section 178(3) of that Act.

Validity of things done

15 The validity of anything done by Qualifications Scotland or its committees or sub-committees is not affected by—

(a) a vacancy in membership,

(b) a defect in the appointment of a member or the chief executive,

(c) a person's membership ending by virtue of paragraph 5(1)(b).

SCHEDULE 2
(introduced by section 26(2))

THE OFFICE OF HIS MAJESTY'S CHIEF INSPECTOR OF EDUCATION IN SCOTLAND

PART 1

STATUS

Status

1 The Chief Inspector is, as Chief Inspector, to be regarded as a juristic person distinct from the individual for the time being holding the office.

Independence

2 (1) In performing the Chief Inspector's functions, the Chief Inspector is not subject to the direction or control of any member of the Scottish Government.

(2) Sub-paragraph (1) is subject to any contrary provision in this or any other enactment.

PART 2

APPOINTMENT AND TERMS

Appointment

3 The office of Chief Inspector is to be held by an individual appointed by His Majesty by Order in Council on the recommendation of the Scottish Ministers.

Period and conditions of office

4 (1) The Chief Inspector holds and vacates office at His Majesty's pleasure.

(2) The Scottish Ministers may determine the other terms and conditions on which the Chief Inspector is appointed.

PART 3

STAFF

Staff

5 (1) The Chief Inspector may appoint staff.

(2) Those staff are appointed on such terms and conditions as the Chief Inspector, with the approval of the Scottish Ministers, determines.

PART 4

PROCEDURE

Authority to perform functions

6 (1) The Chief Inspector may authorise an Inspector to perform such of the Chief Inspector's functions (and to such extent) as the Chief Inspector may determine.

(2) Sub-paragraph (1) is without prejudice to the ability of the Deputy Chief Inspector to perform the Chief Inspector's functions when deputising for the Chief Inspector under section 27.

(3) The giving of authority under this paragraph to perform a function does not—

(a) affect the Chief Inspector's responsibility for the performance of the function, or

(b) prevent the Chief Inspector from performing the function.

7 (1) The Scottish Ministers may assign to an Inspector the function of deputising for the Chief Inspector during any period when both—

(a) there is no Chief Inspector, or the Chief Inspector is unable to act, and

(b) there is no Deputy Chief Inspector, or the Deputy Chief Inspector is unable to act.

(2) An Inspector to whom such a function is assigned—

(a) is assigned the function for such period as the Scottish Ministers specify in the assignment,

(b) may resign the assignment by informing the Scottish Ministers in writing to that effect,

(c) is assigned it, and ceases to be assigned it, in accordance with such terms and conditions as the Scottish Ministers determine.

Validity of things done

8 The validity of anything done by the Chief Inspector is not affected by a defect in a person's appointment as Chief Inspector.

SCHEDULE 3
(introduced by section 50)

TRANSFER OF STAFF, PROPERTY ETC. TO QUALIFICATIONS SCOTLAND

Transfer date

1 In this schedule, "transfer date" means the date on which this paragraph comes into force.

Transfer of staff

2 (1) With effect from the transfer date, any person who, immediately before that date, was employed by the Scottish Qualifications Authority, is transferred into the employment of Qualifications Scotland.

(2) The contract of employment of a person transferred by virtue of sub-paragraph (1)—

(a) is not terminated by the transfer, and

(b) has effect from the transfer date as if originally made between the person and Qualifications Scotland.

(3) Without prejudice to sub-paragraph (2), where a person is transferred by virtue of sub-paragraph (1)—

(a) all the rights, powers, duties and liabilities of the Scottish Qualifications Authority under or in connection with the person's contract of employment are transferred to Qualifications Scotland on the transfer date, and

(b) anything done before that date by or in relation to the Scottish Qualifications Authority in respect of the person or the contract is to be treated from that date as having been done by or in relation to Qualifications Scotland.

(4) If, before the transfer date, the person informs the Scottish Qualifications Authority that the person does not wish to become an employee of Qualifications Scotland—

(a) sub-paragraphs (1) to (3) do not apply to the person, and

(b) the person's contract of employment is terminated on the day before the transfer date.

(5) A person is not to be treated for any purpose as being dismissed by reason of the operation of any provision of this paragraph in relation to the person.

(6) Nothing in this paragraph affects any right of a person so transferred to terminate the person's contract of employment if the terms and conditions of employment are changed substantially to the detriment of the person.

(7) No such right arises by reason only that, by virtue of this paragraph, the identity of the person's employer changes.

Transfer of property

3 (1) With effect from the transfer date, all property, rights, liabilities and obligations to which sub-paragraph (2) applies, are transferred to, and vest in, Qualifications Scotland.

(2) Sub-paragraph (1) applies to—

(a) all property (including corporeal and incorporeal moveable property) which immediately before the transfer date was owned by the Scottish Qualifications Authority, and

(b) all rights, liabilities and obligations which, immediately before the transfer date, subsisted in respect of the Scottish Qualifications Authority.

(3) Sub-paragraph (1) has effect in relation to any property or liabilities to which it applies despite any provision (of whatever nature) which would otherwise prevent, penalise or restrict the transfer of the property or liabilities.

Duty to secure vesting of foreign property

4 The Scottish Qualifications Authority and Qualifications Scotland must take all such steps as may be required to secure that the vesting in Qualifications Scotland of any foreign property, right, liability or obligation of the Scottish Qualifications Authority, is effective under the relevant foreign law.

Appointment of initial board members

5 (1) The person who is, immediately before the date on which this paragraph fully comes into force (the "member appointment date"), the chairing member of the Scottish Qualifications Authority is, on that date, taken to have been appointed as the chairing member of Qualifications Scotland under paragraph 2(1)(a) of schedule 1.

(2) The Scottish Ministers may by regulations provide that a person who is, immediately before the member appointment date, a member (other than the chairing member) of the Scottish Qualifications Authority, is to be taken to have been appointed as a member of Qualifications Scotland under paragraph 2(1) of schedule 1.

(3) A person who is a member of Qualifications Scotland by virtue of sub-paragraph (1) or (2) is referred to in this paragraph as an "initial member".

(4) Except as may be agreed between the Scottish Ministers and an initial member, the terms of the member's appointment are the same as the terms on which the member was appointed as a member of the Scottish Qualifications Authority so far as consistent with this Act.

(5) For the purposes of this paragraph, the "chairing member of the Scottish Qualifications Authority" is the chairman of the Scottish Qualifications Authority appointed under paragraph 8 of schedule 1 of the Education (Scotland) Act 1996.

SCHEDULE 4
(Introduced by section 53)

CONSEQUENTIAL MODIFICATIONS

PART 1

QUALIFICATIONS SCOTLAND

CHAPTER 1

APPLICATION OF LEGISLATION RELATING TO PUBLIC BODIES TO QUALIFICATIONS SCOTLAND

Ethical Standards in Public Life etc. (Scotland) Act 2000

1 (1) The Ethical Standards in Public Life etc. (Scotland) Act 2000 is modified as follows.

(2) In schedule 3 (devolved public bodies)—

(a) at the appropriate place in alphabetical order, insert "Qualifications Scotland",

(b) the entry relating to the Scottish Qualifications Authority is repealed.

Scottish Public Services Ombudsman Act 2002

2 (1) The Scottish Public Services Ombudsman Act 2002 is modified as follows.

(2) In Part 2 of schedule 2 (listed authorities: entries amendable by order in council)—

(a) after the entry relating to the Principal Reporter (paragraph 32AA), insert—

"32AAA Qualifications Scotland.",

(b) the entry relating to the Scottish Qualifications Authority (paragraph 49) is repealed.

Freedom of Information (Scotland) Act 2002

3 (1) The Freedom of Information (Scotland) Act 2002 is modified as follows.

(2) In Part 7 of schedule 1 (Scottish public authorities: others)—

(a) after the entry relating to the Poverty and Inequality Commission (paragraph 75AC), insert—

"75AD Qualifications Scotland.",

(b) the entry relating to the Scottish Qualifications Authority (paragraph 96) is repealed.

Public Appointments and Public Bodies etc. (Scotland) Act 2003

4 (1) The Public Appointments and Public Bodies etc. (Scotland) Act 2003 is modified as follows.

(2) In schedule 2 (the specified authorities), under the heading "Executive bodies"—

(a) at the appropriate place in alphabetical order, insert "Qualifications Scotland",

(b) the entry relating to the Scottish Qualifications Authority is repealed.

Public Services Reform (Scotland) Act 2010

5 (1) The Public Services Reform (Scotland) Act 2010 is modified as follows.

(2) In schedule 5 (improvement of public functions: listed bodies), under the heading "Scottish public authorities with mixed functions or no reserved functions"—

(a) at the appropriate place in alphabetical order, insert "Qualifications Scotland",

(b) the entry relating to the Scottish Qualifications Authority is repealed.

(3) In schedule 8 (information on exercise of public functions: listed public bodies)—

(a) at the appropriate place in alphabetical order, insert "Qualifications Scotland",

(b) the entry relating to the Scottish Qualifications Authority is repealed.

Public Records (Scotland) Act 2011

6 (1) The Public Records (Scotland) Act 2011 is modified as follows.

(2) In the schedule (authorities to which Part 1 applies), under the heading "Others"—

(a) at the appropriate place in alphabetical order, insert "Qualifications Scotland",

(b) the entry relating to the Scottish Qualifications Authority is repealed.

Procurement Reform (Scotland) Act 2014

7 (1) The Procurement Reform (Scotland) Act 2014 is modified as follows.

(2) In Part 3 of the schedule (contracting authorities: others)—

(a) after the entry relating to the private rented housing panel (paragraph 42), insert—

"42ZA Qualifications Scotland",

(b) the entry relating to the Scottish Qualifications Authority (paragraph 60) is repealed.

Gender Representation on Public Boards (Scotland) Act 2018

8 (1) The Gender Representation on Public Boards (Scotland) Act 2018 is modified as follows.

(2) In schedule 1 (public authorities)—

(a) at the appropriate place in alphabetical order, insert "Qualifications Scotland",

(b) the entry relating to the Scottish Qualifications Authority is repealed.

Islands (Scotland) Act 2018

9 (1) The Islands (Scotland) Act 2018 is modified as follows.

(2) In the schedule (duties in relation to island communities: relevant authorities), under the heading "Scottish public authorities with mixed functions or no reserved functions"—

(a) after the entry relating to the Mobility and Access Committee for Scotland (paragraph 19), insert—

"19A Qualifications Scotland",

(b) the entry relating to the Scottish Qualifications Authority (paragraph 31) is repealed.

CHAPTER 2

OTHER MODIFICATIONS RELATING TO QUALIFICATIONS SCOTLAND

Further and Higher Education (Scotland) Act 1992

10 (1) The Further and Higher Education (Scotland) Act 1992 is modified as follows.

(2) In section 6(1)(b)(i) (further education to which section 1 applies), for "the Scottish Qualifications Authority" substitute "Qualifications Scotland".

(3) In section 38(3)(d) (meaning of higher education), for "Scottish Qualifications Authority" substitute "Qualifications Scotland".

Education (Scotland) Act 1996

11 (1) The Education (Scotland) Act 1996 is modified as follows.

(2) Part 1 (the Scottish Qualifications Authority) is repealed.

(3) Schedule 1 (the Scottish Qualifications Authority) is repealed.

(4) Schedule 2 (further provisions and savings relating to the winding down period) is repealed.

(5) Schedule 3 (transitional provisions for SQA) is repealed.

Scottish Qualifications Authority Act 2002

12 The Scottish Qualifications Authority Act 2002 is repealed.

Further and Higher Education (Scotland) Act 2005

13 (1) The Further and Higher Education (Scotland) Act 2005 is modified as follows.

(2) In section 5 (fundable further and higher education)—

(a) in subsection (1)(b)(i), for "the Scottish Qualifications Authority" substitute "Qualifications Scotland",

(b) in subsection (4)(d), for "Scottish Qualifications Authority" substitute "Qualifications Scotland".

(3) In section 22(5)(d) (consultation and collaboration), for "the Scottish Qualifications Authority" substitute "Qualifications Scotland".

(4) in section 23B (regional colleges: planning, consultation and collaboration)—

(a) in subsection (3)(j), for "the Scottish Qualifications Authority" substitute "Qualifications Scotland",

(b) in subsection (5)(h), for "the Scottish Qualifications Authority" substitute "Qualifications Scotland".

(5) In section 23M (regional strategic bodies: consultation and collaboration)—

(a) in subsection (1)(k), for "the Scottish Qualifications Authority" substitute "Qualifications Scotland",

(b) in subsection (3)(i), for "the Scottish Qualifications Authority" substitute "Qualifications Scotland".

Children and Young People (Scotland) Act 2014

14 (1) The Children and Young People (Scotland) Act 2014 is modified as follows.

(2) In schedule 1 (authorities to which section 2 applies), in paragraph 7, for "The Scottish Qualifications Authority" substitute "Qualifications Scotland".

Coronavirus (Recovery and Reform) (Scotland) Act 2022

15 (1) The Coronavirus (Recovery and Reform) (Scotland) Act 2022 is modified as follows.

(2) In section 5 (interpretation of Chapter)—

(a) in subsection (1), in paragraph (a)(ii) of the definition of "educational establishment", for "the Scottish Qualifications Authority under section 2 of the Education (Scotland) Act 1996 as suitable for presenting persons for SQA qualifications" substitute "Qualifications Scotland under section 2(1)(b) of the Education (Scotland) Act 2025 as suitable for presenting persons for Qualifications Scotland qualifications",

(b) in subsection (2)(b), for "the Scottish Qualifications Authority under section 2 of the Education (Scotland) Act 1996 as suitable for presenting persons for SQA qualifications" substitute "Qualifications Scotland under section 2(1)(b) of the Education (Scotland) Act 2025 as suitable for presenting persons for Qualifications Scotland qualifications".

PART 2

THE OFFICE OF HIS MAJESTY'S CHIEF INSPECTOR OF EDUCATION IN SCOTLAND

CHAPTER 1

APPLICATION OF LEGISLATION RELATING TO OFFICE-HOLDERS TO THE CHIEF INSPECTOR

Freedom of Information (Scotland) Act 2002

16 (1) The Freedom of Information (Scotland) Act 2002 is modified as follows.

(2) In Part 2 of schedule 1 (Scottish public authorities: non-ministerial office holders in the Scottish Administration), for the entry in paragraph 10 substitute "His Majesty's Chief Inspector of Education in Scotland".

Protection of Vulnerable Groups (Scotland) Act 2007

17 (1) The Protection of Vulnerable Groups (Scotland) Act 2007 is modified as follows.

(2) In section 19(3) (information held by public bodies etc.)—

(a) after the entry relating to "Healthcare Improvement Scotland" insert "His Majesty's Chief Inspector of Education in Scotland",

(b) the entry relating to "Her Majesty's Inspectors of Schools" is repealed.

(3) In section 97 (general interpretation), the definition of Her Majesty's Inspectors of Schools is repealed.

(4) In schedule 5 (index), the entry relating to Her Majesty's Inspectors of Schools is repealed.

Public Services Reform (Scotland) Act 2010

18 (1) The Public Services Reform (Scotland) Act 2010 is modified as follows.

(2) In schedule 8 (information on exercise of public functions: listed public bodies), after the entry relating to Her Majesty's Chief Inspector of Constabulary insert "His Majesty's Chief Inspector of Education in Scotland".

(3) In schedule 19 (scrutiny functions: persons etc. subject to user focus duty), for the entry relating to Her Majesty's inspectors of schools substitute "His Majesty's Chief Inspector of Education in Scotland".

(4) In schedule 20 (scrutiny functions: persons etc. subject to duty of co-operation), for the entry relating to Her Majesty's inspectors of schools substitute "His Majesty's Chief Inspector of Education in Scotland".

Public Records (Scotland) Act 2011

19 (1) The Public Records (Scotland) Act 2011 is modified as follows.

(2) In the schedule (authorities to which Part 1 applies), under the heading "Scottish Administration", for the entry relating to Her Majesty's inspectors of schools substitute "His Majesty's Chief Inspector of Education in Scotland".

Procurement Reform (Scotland) Act 2014

20 (1) The Procurement Reform (Scotland) Act 2014 is modified as follows.

(2) In Part 1 of the schedule (contracting authorities: Scottish Administration and Scottish Parliament), for the entry in paragraph 10 substitute "His Majesty's Chief Inspector of Education in Scotland".

CHAPTER 2

OTHER MODIFICATIONS RELATING TO THE CHIEF INSPECTOR

Education (Scotland) Act 1980

21 (1) The Education (Scotland) Act 1980 is modified as follows.

(2) Sections 66 to 66D (inspections) are repealed.

(3) In section 72 (expenses of Secretary of State), subsections (3) to (5) are repealed.

(4) In section 125A (welfare of children and young persons in accommodation provided for purposes of school attendance), the words from "; and the powers" to the end are repealed.

(5) In section 135 (interpretation), the following definitions are repealed—

(a) enforcement direction,

(b) Her Majesty's inspectors,

(c) preliminary notice.

Standards in Scotland's Schools etc. Act 2000

22 (1) The Standards in Scotland's Schools etc. Act 2000 is modified as follows.

(2) Sections 9 to 12 (inspections) are repealed, together with the italic heading preceding section 9.

Scottish Schools (Parental Involvement) Act 2006

23 (1) The Scottish Schools (Parental Involvement) Act 2006 is modified as follows.

(2) In section 8 (functions of a Parent Council)—

(a) in subsection (5), for "Her Majesty's inspectors" substitute "His Majesty's Chief Inspector of Education in Scotland,",

(b) in subsection (6)—

(i) for "Her Majesty's inspectors receive" substitute "His Majesty's Chief Inspector of Education in Scotland receives",

(ii) for "they are" substitute ", the Chief Inspector is",

(iii) for "their functions and are" substitute "the Chief Inspector's functions and is".

Schools (Consultation) (Scotland) Act 2010

24 (1) The Schools (Consultation) (Scotland) Act 2010 is modified as follows.

(2) In section 1(3)(e) (overview of key requirements), for "HMIE" substitute "the Chief Inspector".

(3) In section 5(5) (correction of the paper), for "HMIE" substitute "the Chief Inspector" in both places where it appears.

(4) In section 7(2)(b) (public meeting), for "HMIE" substitute "the Chief Inspector".

(5) In section 8 (involvement of HMIE)—

(a) in subsection (1)—

(i) in the opening words, for "HMIE" substitute "the Chief Inspector",

(ii) in paragraph (b)(ii), for "HMIE agree" substitute "the Chief Inspector agrees",

(b) in subsection (2), for "HMIE are" substitute "The Chief Inspector is",

(c) in subsection (3)—

(i) in the opening words, for "HMIE" substitute "the Chief Inspector",

(ii) in paragraph (a), for "HMIE consider" substitute "the Chief Inspector considers",

(iii) in paragraph (b), for "HMIE consider" substitute "the Chief Inspector considers",

(d) in subsection (4)—

(i) in the opening words, for "HMIE are" substitute "the Chief Inspector is",

(ii) in paragraph (b), for "them" substitute "the Chief Inspector",

(iii) in paragraph (c)—

(A) for "HMIE" where it first appears substitute "the Chief Inspector",

(B) for "HMIE consider" substitute "the Chief Inspector considers",

(e) in subsection (5), for "HMIE" substitute "the Chief Inspector",

(f) in subsection (6), for "HMIE's" substitute "the Chief Inspector's",

(g) in subsection (7)—

(i) for "HMIE" substitute "the Chief Inspector",

(ii) for "Her Majesty's Inspectors (including any of them)" substitute "His Majesty's Chief Inspector of Education in Scotland".

(6) The heading of section 8 becomes "Involvement of the Chief Inspector".

(7) In section 9(1) (consultation report), for "HMIE's" substitute "the Chief Inspector's" in both places where it appears.

(8) In section 10(2)(c)(ii) (content of the report), for "HMIE's" substitute "the Chief Inspector's".

(9) In section 17(3A) (grounds for call-in etc.)—

(a) for "HMIE" where it first appears, substitute "The Chief Inspector",

(b) for "HMIE" where it second appears, substitute "the Chief Inspector".

(10) In section 17B(3) (review by Panel)—

(a) for "HMIE" substitute "The Chief Inspector",

(b) for "them" substitute "the Chief Inspector".

(11) In section 21(2) (definitions)—

(a) after the entry relating to a call-in notice, insert—

""the Chief Inspector's report" and "the Chief Inspector" are defined in section 8(6) and (7),",

(b) the words ""HMIE's report" and "HMIE" are defined in section 8(6) and (7)," are repealed.

Public Services Reform (Scotland) Act 2010

25 (1) The Public Services Reform (Scotland) Act 2010 is modified as follows.

(2) In section 115(6) (persons required to comply with joint inspection requests), for the entry relating to Her Majesty's inspectors of schools substitute "His Majesty's Chief Inspector of Education in Scotland,".

Education (Scotland) Act 2016

26 (1) The Education (Scotland) Act 2016 is modified as follows.

(2) In section 12(3) (full assessments: persons notified), for the text in paragraph (a) substitute "His Majesty's Chief Inspector of Education in Scotland,".

Schools General (Scotland) Regulations 1975

27 (1) The Schools General (Scotland) Regulations 1975 (S.I. 1975/1135) is modified as follows.

(2) Part 4 (inspection) is revoked.

Education (Scotland) Bill

[AS AMENDED AT STAGE 2]

An Act of the Scottish Parliament to provide for the establishment and functions of Qualifications Scotland; to provide for the establishment and functions of the office of His Majesty's Chief Inspector of Education in Scotland; and for connected purposes.

Introduced by: Jenny Gilruth
On: 4 June 2024
Bill type: Government Bill

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