Education (Scotland) Bill

Groupings of Amendments for Stage 3

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

- the list of groupings (that is, the order in which amendments will be debated). Any procedural points relevant to each group are noted;
- the text of amendments to be debated on the day of Stage 3 consideration, set out in the order in which they will be debated. **THIS LIST DOES NOT REPLACE THE MARSHALLED LIST, WHICH SETS OUT THE AMENDMENTS IN THE ORDER IN WHICH THEY WILL BE DISPOSED OF.**

Note: The time limits indicated are those set out in the timetabling motion to be considered by the Parliament before the Stage 3 proceedings begin. If that motion is agreed to, debate on the groups above the line must be concluded by the times indicated, although the amendments in those groups may still be moved formally and disposed of later in the proceedings.

Groupings of amendments

Group 1: Support needs
1, 5, 165, 166, 167, 168, 321, 248, 249, 76

Group 2: Accreditation and quality assurance of qualifications
98, 125, 147, 154, 156, 158, 159, 161, 162, 163, 164, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 8, 9, 10, 193, 194, 195, 196, 197, 199, 200, 207, 208, 209, 225, 226, 227, 228, 251, 253, 252, 260, 261, 266, 276, 277, 282, 284, 285, 288, 289, 304, 305, 306, 307, 308, 309, 310, 311, 313, 314

Notes on amendments in this Group
Amendment 158 pre-empts amendment 159
Amendment 161 pre-empts amendment 162
Amendment 163 pre-empts amendment 164
Amendment 251 pre-empts amendment 253
Amendment 251 pre-empts amendment 252
Amendment 251 pre-empts amendment 254 in Group 11
Amendment 276 pre-empts amendment 277
Amendment 304 pre-empts amendment 305
Amendment 304 pre-empts amendment 306

1 hour

Group 3: Minor and technical
99, 75, 77, 78, 79, 83, 84, 97

Group 4: Qualifications Scotland: duties when exercising functions
100, 2, 101, 102, 103, 104, 105, 106, 107, 157, 318, 265

Group 5: Strategic Advisory Council
108, 110, 111, 112, 113, 114, 115, 116, 117, 3, 4, 118, 119, 120, 121, 122, 123, 124

Group 6: Unique learner number
109, 224

2 hours

Group 7: Charters
126, 127, 128, 129, 130, 130A, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145

Notes on amendments in this Group
Amendment 129 pre-empts amendment 131
Amendment 130 pre-empts amendment 131
Amendment 136 pre-empts amendment 137

Group 8: Corporate plan of Qualifications Scotland
146, 148, 149, 150, 151

Notes on amendments in this Group
Amendment 148 pre-empts amendment 149

Group 9: Laying of reports before the Scottish Parliament
152, 153, 160, 47, 247

Group 10: Interest Committees of Qualifications Scotland
155, 255, 275, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303

3 hours 10 minutes

Group 11: Curriculum Scotland
6, 7, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 250, 74, 254, 256, 262, 263, 264, 312

Notes on amendments in this Group
Amendment 254 is pre-empted by amendment 251 in Group 2

Group 12: Independence of the Chief Inspector
11, 12, 13, 198, 14, 15, 16, 20, 21, 23, 31, 32, 33, 34, 36, 43, 44, 49, 50, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 89, 90, 93, 94, 95

Notes on amendments in this Group
Amendment 13 pre-empts amendment 198
Amendment 20 pre-empts amendment 201 in Group 14
Amendment 23 pre-empts amendment 24 in Group 14
Amendment 23 pre-empts amendment 25 in the Group 13
Amendment 23 pre-empts amendment 26 in Group 14

Amendment 32 pre-empts amendment 205 in Group 15
Amendment 36 is pre-empted by amendment 229 in Group 14
Amendment 43 pre-empts amendment 239 in Group 16
Amendment 43 pre-empts amendment 240 in Group 16

Group 13: Purpose of inspection
17, 18, 25, 45, 80

Notes on amendments in this Group
Amendment 25 is pre-empted by amendment 23 in Group 12

4 hours 10 minutes

Group 14: Frequency of inspection
19, 201, 22, 202, 203, 24, 26, 27, 28, 229, 230, 241

Notes on amendments in this Group
Amendment 201 is pre-empted by amendment 20 in Group 12
Amendment 24 is pre-empted by amendment 23 in Group 12
Amendment 26 is pre-empted by amendment 23 in Group 12
Amendment 229 pre-empts amendment 36 in Group 12

Group 15: Functions of the Chief Inspector
204, 205, 206, 35, 210, 221, 53, 257, 258, 259

Notes on amendments in this Group
Amendment 205 is pre-empted by amendment 32 in Group 12

Group 16: Involvement of teachers, college staff and others in inspection matters
29, 30, 38, 39, 234, 235, 236, 239, 240, 240A, 81

Notes on amendments in this Group
Amendment 239 is pre-empted by amendment 43 in Group 12
Amendment 240 is pre-empted by amendment 43 in Group 12

5 hours 10 minutes

Group 17: Chief Inspector: duties when exercising functions
211, 319, 212, 320, 213, 214, 215, 215A, 216, 217, 218, 219, 220

Group 18: Advisory Council
222, 223

Group 19: Inspection plan
231, 232, 233, 37, 237, 238, 41, 42

6 hours 5 minutes

Group 20: Reports of the Chief Inspector
46, 242, 243, 48, 244, 245, 51, 52, 246

Group 21: Board members of Qualifications Scotland
267, 268, 269, 270, 271, 82, 272, 273, 274, 278, 279, 85, 280, 96, 315, 316, 317

7 hours 10 minutes

Group 22: Qualifications Scotland staff: chief examiner and chief executive
281, 283, 86, 87, 88, 286, 287

Group 23: Appointment of Chief Inspector
91, 92

7 hours 50 minutes

Amendments in debating order

Group 1: Support needs

Miles Briggs

1 In section 3, page 2, line 23, leave out <additional> and insert <educational>

Miles Briggs

5 After section 13, insert—

<*Guidance*

Guidance about assistance for people with educational support needs

(1) Qualifications Scotland—

(a) must prepare and publish guidance on arrangements that can be made to assist people with educational support needs to undertake a Qualifications Scotland qualification,

(b) may revise the guidance from time to time and, where it does so, must publish the guidance as revised.

(2) Guidance must be published under subsection (1) before the expiry of the period of 6 months beginning with the day on which this section comes into force.>

Pam Duncan-Glancy

165 In section 25, page 11, line 23, leave out second <the> and insert <an inclusive>

Pam Duncan-Glancy

166 In section 25, page 11, line 24, leave out <(including those with additional support needs)>

Pam Duncan-Glancy

167 In section 25, page 11, line 24, at end insert—

<( ) persons with educational support needs,>

Pam Duncan-Glancy

168 In section 25, page 11, line 24, at end insert—

<( ) persons with protected characteristics who have difficulties in communicating (in relation to speech, language or otherwise) and may need to use inclusive communication as set out in section 4 of the Social Security (Scotland) Act 2018,>

Jenny Gilruth

321 In section 49, page 23, line 16, leave out first <the> and insert <an inclusive>

Pam Duncan-Glancy

248 In section 49, page 23, line 17, leave out <(including those with additional support needs)>

Pam Duncan-Glancy

249 In section 49, page 23, line 17, at end insert—

<( ) persons with educational support needs,>

Miles Briggs

76 In section 54, page 24, line 32, at end insert—

<"educational support needs" means—

(a) in relation to a child or a young person within the meaning of the Education (Additional Support for Learning) (Scotland) Act 2004, additional support needs,

(b) in relation to any other person, support needs within the meaning of section 8 of the Further and Higher Education (Scotland) Act 2005,>

Group 2: Accreditation and quality assurance of qualifications

Pam Duncan-Glancy

98 Leave out section 4

Willie Rennie

125 After section 9, insert—

<*Expert Group on Qualifications Standards*

Expert Group on Qualifications Standards

(1) Qualifications Scotland must establish a group, to be known as the Expert Group on Qualifications Standards, for the purposes of advising Qualifications Scotland on the quality of qualifications devised under section 2(1)(a).

(2) Members of, and members of staff of, Qualifications Scotland may not be appointed as members of the group.>

Stephen Kerr

147 In section 14, page 7, line 26, leave out subsection (3)

Pam Duncan-Glancy

154 In section 15, page 8, line 34, leave out subsection (4)

Willie Rennie

156 After section 15, insert—

<Annual quality assurance compliance report

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

(a) prepare and publish a report on the operation during that year of its arrangements, made in accordance with section 3(a), for satisfying itself as to the quality of qualifications devised under section 2(1)(a), and

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

(2) The Scottish Ministers must lay a copy of a report under subsection (1) before the Scottish Parliament.

(3) A report under subsection (1) must set out—

(a) the arrangements that were in place during the financial year, and

(b) how Qualifications Scotland complied with those arrangements during that year.

(4) It is otherwise for Qualifications Scotland to determine the form and content of each report and, in particular, the report may be part of another document.

(5) In preparing a report under subsection (1), Qualifications Scotland must consult—

(a) the Learner Interest Committee,

(b) the Teacher and Practitioner Interest Committee.>

Pam Duncan-Glancy

158 Leave out section 19

Pam Duncan-Glancy

159 Move section 19 to after section 25A

Pam Duncan-Glancy

161 Leave out section 20

Pam Duncan-Glancy

162 Move section 20 to after section 25A

Pam Duncan-Glancy

163 Leave out section 21

Pam Duncan-Glancy

164 Move section 21 to after section 25A

Willie Rennie

169 After section 25, insert—

<Review of arrangements for assuring quality of qualifications

Review of arrangements for assuring quality of qualifications

(1) The Scottish Ministers must appoint a person to undertake a review of the effectiveness of Qualifications Scotland's arrangements, made in accordance with section 3(a), for satisfying itself as to the quality of qualifications devised under section 2(1)(a).

(2) The Scottish Ministers—

(a) must make an appointment under subsection (1) as soon as reasonably practicable and, in any event, no later than 3 months after this section comes into force,

(b) must not appoint a person under subsection (1) who is a member of, or a member of staff of, Qualifications Scotland.

(3) The person appointed under subsection (1) must—

(a) after undertaking the review, prepare a report of the review,

(b) submit the report to the Scottish Ministers.

(4) The Scottish Ministers must—

(a) give a copy of the report to Qualifications Scotland,

(b) lay a copy of the report before the Scottish Parliament, and

(c) publish the report.>

Willie Rennie

170 In section 25A, page 11, line 34, leave out <and publish>

Willie Rennie

171 In section 25A, page 11, line 35, leave out <lay a copy of the report> and insert <publish the report and lay a copy of it>

Willie Rennie

172 In section 25A, page 12, line 1, leave out <an assessment of>

Willie Rennie

173 In section 25A, page 12, line 2, at beginning insert <an assessment of>

Willie Rennie

174 In section 25A, page 12, line 3, at beginning insert <an assessment of>

Willie Rennie

175 In section 25A, page 12, line 6, after <review> insert <, including whether they intend to bring forward legislation in relation to the accreditation function>

Willie Rennie

176 In section 25A, page 12, line 6, at end insert—

<( ) If the Scottish Ministers state in the report that they intend to bring forward legislation in relation to the accreditation function, they must—

(a) within one year of publication of the report, bring forward such legislation, or

(b) as soon as reasonably practicable following the expiry of that period, lay a statement before the Scottish Parliament setting out—

(i) whether they still intend to bring forward such legislation,

(ii) where they still intend to bring forward such legislation, their timescales for doing so,

(iii) where they no longer intend to bring forward such legislation, their reasons for that.>

Willie Rennie

177 In section 25A, page 12, line 7, leave out <this section> and insert <subsections (1)(a) and (b)>

Willie Rennie

178 In section 25A, page 12, line 23, at end insert—

<"bringing forward legislation", in relation to the accreditation provisions, means—

(a) laying before the Scottish Parliament for approval by resolution a draft Scottish statutory instrument under Part 2 of the Public Services Reform (Scotland) Act 2010 containing an order making provision in relation to the accreditation provisions, or

(b) introducing a Bill to the Scottish Parliament which includes or consists of provision in relation to the accreditation provisions,>

Pam Duncan-Glancy

179 Leave out section 25A

Pam Duncan-Glancy

8 After section 25A, insert—

<The accreditation function

(1) The function referred to in section (*Functions of Curriculum Scotland*)(g) is 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) Curriculum 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 schedule (*Curriculum Scotland*).

(4) The Chief Regulator appointed under section (*The Chief Regulator*) is responsible for overseeing delivery by the Accreditation Committee.

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

Pam Duncan-Glancy

9 After section 25A, insert—

<The regulation function

(1) The function referred to in section (*Functions of Curriculum Scotland*)(h) is the function of developing and promoting the implementation of regulated assessment and examination arrangements in relation to Curriculum Scotland qualifications which—

(a) ensure regulated assessments and examinations are fair, valid and reliable,

(b) promote the consistency of standards between examinations over time,

(c) maintain public confidence in the examination system,

(d) give a reliable indication of achievement, and

(e) indicate a consistent level of attainment (including over time) between comparable examinations and assessments.

(2) The function described in subsection (1) is to be carried out by the Chief Regulator appointed under section (*The Chief Regulator*).>

Pam Duncan-Glancy

10 After section 25A, insert—

<*Chief Regulator*

The Chief Regulator

(1) Curriculum Scotland must appoint a member of staff to act in the role of Chief Regulator.

(2) The Chief Regulator is responsible for overseeing delivery of—

(a) the accreditation function as described in sections (*Functions of Curriculum Scotland*)(g) and (*The accreditation function*), and

(b) the regulation function as described in sections (*Functions of Curriculum Scotland*)(h) and (*The regulation function*).

(3) The Chief Regulator must act independently from the Board of Curriculum Scotland in the exercise of their functions under this Act.

(4) Curriculum Scotland may issue strategic guidance to the Chief Regulator in respect of the exercise of its functions but must not direct the outcome of any individual decision relating to accreditation or regulation.>

Douglas Ross

193 After section 25A, insert—

<PART

THE CHIEF REGULATOR OF EXAMINATIONS IN SCOTLAND

Establishment and status

The Chief Regulator of Examinations in Scotland

(1) There is to be a Chief Regulator of Examinations in Scotland ("The Chief Regulator").

(2) The validity of anything done by the Chief Regulator is not affected by a defect in a person's appointment as Chief Regulator.

(3) Schedule (*The Office of the Chief Regulator of Examinations in Scotland*) makes further provision about the Chief Regulator.>

Douglas Ross

194 After section 25A, insert—

<*Functions*

The Chief Regulator: regulation function

(1) The Chief Regulator must develop and promote the implementation of regulated assessment and examination arrangements in relation to Qualifications Scotland qualifications which—

(a) give a reliable indication of achievement, and

(b) indicate a consistent level of attainment (including over time) between comparable assessments and examinations.

(2) In exercising the functions under this section, the Chief Regulator is to operate independently of any member of—

(a) Qualifications Scotland,

(b) the Scottish Government.>

Douglas Ross

195 After section 25A, insert—

<The Chief Regulator: complaints function

(1) The Chief Regulator must investigate, or make arrangements for the investigation of, complaints in relation to assessments and examinations for Qualifications Scotland qualifications.

(2) In exercising the functions under this section, the Chief Regulator is to operate independently of any member of—

(a) Qualifications Scotland,

(b) the Scottish Government.

(3) The Parliamentary corporation may make further provision about the investigation of complaints under this section, including in relation to—

(a) the processes for making complaints,

(b) the processes for investigating complaints,

(c) the processes for responding to complaints,

(d) the timescales in which investigations must be completed,

(e) such other matters as the Parliamentary corporation considers appropriate.>

Douglas Ross

196 After section 25A, insert—

<*Accountability*

The Chief Regulator: annual report

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

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

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

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

Pam Duncan-Glancy

197 After section 27, insert—

<The Chief Regulator of Education

(1) The Chief Inspector is to appoint a person to the role of Chief Regulator of Education in Scotland ("the Chief Regulator")—

(2) The Chief Regulator is responsible for overseeing delivery of—

(a) the regulation function as set out in section (*The regulation function*),

(b) the accreditation function as set out in section (*The accreditation function*).

(3) The Chief Regulator must act independently in the exercise of the Chief Regulator's functions under this Act (but this does not prevent the Chief Inspector and Chief Regulator from sharing information with each other).

(4) The Chief Regulator is to report to the Chief Inspector on the performance of the Chief Regulator's functions.>

Pam Duncan-Glancy

199 After section 29, insert—

<Assistance with regulation and accreditation

The Chief Inspector must work with the Chief Regulator to ensure that the Chief Regulator is adequately resourced to discharge the Chief Regulator's functions under this Act independently and effectively.>

Pam Duncan-Glancy

200 After section 29, insert—

<Review of scope and function of accreditation and regulation in Scotland

(1) The Chief Regulator must—

(a) undertake a review of the scope and purpose of the accreditation of qualifications in Scotland,

(b) prepare and publish a report on that review, no later than 1 year after commencement of this Act.

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

(2) The report must, in particular, set out an assessment of what steps (if any) the Scottish Ministers should take as a result of the findings of the review.

(3) When undertaking the review under subsection (1), the Chief Regulator must consult—

(a) Qualifications Scotland, and

(b) such other persons as the Chief Regulator considers appropriate.>

Pam Duncan-Glancy

207 After section 33, insert—

<The accreditation function

(1) The Chief Inspector, with delivery by the Chief Regulator, has the function of—

(a) accrediting qualifications as meeting such requirements as are specified by the Chief Inspector, and

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

(2) The Chief Inspector 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 and Regulation Committee as set out under section (*Accreditation and Regulation Committee*).

(4) The Chief Regulator may assist with overseeing delivery by the Accreditation and Regulation Committee.

(5) The Chief Regulator may not exercise any of its functions under this section in relation to a degree (within the meaning of section 2(5)).>

Pam Duncan-Glancy

208 After section 33, insert—

<The regulation function

(1) The Chief Regulator must develop and promote the implementation of regulated assessment and examination arrangements in relation to Qualifications Scotland qualifications which—

(a) ensure regulated assessments and examinations are fair, valid and reliable,

(b) promote consistency of standards between examinations over time,

(c) maintain public confidence in the examination system,

(d) give a reliable indication of achievement, and

(e) indicate a consistent level of attainment (including over time) between comparable examinations and assessments.

(2) The Chief Regulator must pay due regard to the Accreditation and Regulation Committee when delivering this function.>

Pam Duncan-Glancy

209 After section 33, insert—

<The accreditation function

(1) The Chief Inspector 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 under paragraph (a).

(2) The Chief Inspector must publish the requirements specified by it in pursuance of subsection (1).

(3) The function conferred by subsection (1) is to be carried out by the Accreditation Committee established under section (*The Accreditation Committee*).

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

Pam Duncan-Glancy

225 After section 35, insert—

<*Accreditation and Regulation Committee*

Accreditation and Regulation Committee

(1) The Chief Regulator must establish and maintain a committee to be known as the Accreditation and Regulation Committee.

(2) The functions of the committee are to—

(a) carry out the function conferred by section (*Accreditation function*),

(b) carry out the function conferred by section (*Regulation function*),

(c) advise the Scottish Ministers on any matters relating to the functions.

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

(a) is not subject to the direction or control of the Chief Inspector or the Chief Regulator, and

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

(4) The committee is to consist of—

(a) the convener appointed by the Scottish Ministers, and

(b) individuals appointed by the convener as committee members.

(5) The Scottish Ministers may assign to a person appointed as a member of the office of the Chief Inspector—

(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).

(7) The Scottish Ministers may by regulation make further provision for the committee in relation to—

(a) the administration,

(b) membership,

(c) procedure,

(d) authority to perform functions, and

(e) power for the Scottish Ministers to issue directions to the committee.

(8) The committee must, in respect of each reporting period, report to the Chief Regulator on the exercise of its functions.

(9) In this section, "reporting period" is the period of 1 year beginning with the day after Royal Assent and each subsequent period of 1 year.>

Pam Duncan-Glancy

226 After section 35, insert—

<Accreditation and Regulation Committee: annual report

(1) The Accreditation and Regulation 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,

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

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

(2) The report must include—

(a) a summary of the qualifications considered for accreditation during the reporting period,

(b) an account of the Committee's decisions, processes and any recommendations made to the Chief Regulator or the Scottish Ministers, and

(c) any other matters the Committee considers relevant to the exercise of its functions.>

Pam Duncan-Glancy

227 After section 35, insert—

<Reporting

Chief Regulator: reporting

(1) The Chief Regulator must, as soon as reasonably practical at the end of each financial year—

(a) prepare and publish an annual report of the Chief Regulator's activities in relation to the exercise of its functions during that financial year,

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

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

(2) The report may be published as a standalone document or as a distinct section of the Chief Inspector's report under section 38.>

Pam Duncan-Glancy

228 After section 35, insert—

<Accreditation Committee

The Accreditation Committee

(1) The Chief Inspector 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 (*The accreditation function*)(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 the Chief Inspector, and

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

(4) The Scottish Ministers may by regulations provide for—

(a) the appointment of persons as members of the Accreditation Committee,

(b) the tenure of office of the conveners and other members,

(c) the appointment and constitution of, and exercise of functions by, the committee and any sub-committees,

(d) the procedure of the committee.>

Pam Duncan-Glancy

251 In section 54, page 24, leave out lines 15 and 16

Pam Duncan-Glancy

253 In section 54, page 24, line 15, leave out <paragraph 12 of schedule 1> and insert <section (*Accreditation and Regulation Committee*)>

Pam Duncan-Glancy

252 In section 54, page 24, line 15, leave out <paragraph 12 of schedule 1> and insert <section (*The Accreditation Committee*)>

Pam Duncan-Glancy

260 In section 55, page 25, line 17, at end insert—

<( ) section (*Accreditation and Regulation Committee*)(7)>

Pam Duncan-Glancy

261 In section 55, page 25, line 17, at end insert—

<( ) section (*The Accreditation Committee*)(4),>

Pam Duncan-Glancy

266 In schedule 1, page 27, leave out lines 17 and 18

Stephen Kerr

276 In schedule 1, page 29, line 18, leave out from <or> to end of line 19

Stephen Kerr

277 In schedule 1, page 29, line 19, leave out <Qualifications Scotland> and insert <the Chief Inspector>

Ross Greer

282 In schedule 1, page 30, line 27, at end insert—

<(c) a chief accreditation officer.>

Ross Greer

284 In schedule 1, page 30, line 27, at end insert—

<( ) The chief accreditation officer—

(a) is to be appointed by Qualifications Scotland to undertake such role relating to Qualifications Scotland's functions under section 4 as the Accreditation Committee determines,

(b) must, in the exercise of any functions relating to that role, act independently of the chief examiner (but this does not prevent the chief accreditation officer and the chief examiner from sharing information with each other).>

Ross Greer

285 In schedule 1, page 30, line 27, at end insert—

<( ) An individual may not simultaneously hold more than one role mentioned in sub-paragraph (1).>

Ross Greer

288 In schedule 1, page 30, line 31, after <executive> insert <, chief accreditation officer>

Pam Duncan-Glancy

289 In schedule 1, page 31, line 20, leave out from <other> to end of line 22

Pam Duncan-Glancy

304 In schedule 1, page 33, line 22, leave out paragraph 12

Ross Greer

305 In schedule 1, page 33, line 36, leave out <, or members of staff of,>

Ross Greer

306 In schedule 1, page 33, line 36, at end insert—

<( ) Members of staff of Qualifications Scotland may not be appointed as members of the committee but they must be allowed to observe or participate in meetings of the committee at the discretion of the convener.>

Pam Duncan-Glancy

307 In schedule 1, page 34, leave out lines 31 to 33

Pam Duncan-Glancy

308 In schedule 1, page 35, line 3, leave out from <other> to end of line 7

Pam Duncan-Glancy

309 In schedule 1, page 35, leave out lines 21 to 30

Pam Duncan-Glancy

310 In schedule 1, page 35, line 32, leave out <or (as the case may be) the Accreditation Committee's>

Pam Duncan-Glancy

311 In schedule 1, page 35, line 34, leave out <or (as the case may be) the Accreditation Committee>

Douglas Ross

313 After schedule 1, insert—

<SCHEDULE

(introduced by section (The Chief Regulator of Examinations in Scotland))

THE CHIEF REGULATOR OF EXAMINATIONS IN SCOTLAND

Status

1 The Chief Regulator is, as Chief Regulator, 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 Regulator's functions, the Chief Regulator is not subject to the direction or control of—

(a) Qualifications Scotland,

(b) the Scottish Government.

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

Appointment

3 The Chief Regulator is to be an individual appointed by the Parliamentary corporation.

Period and conditions of office

4 The Chief Regulator is appointed for such period not exceeding 4 years as the Parliamentary corporation determines.

5 The Parliamentary corporation may reappoint a person as the Chief Regulator.

6 The Parliamentary corporation may determine the other terms and conditions on which the Chief Regulator is appointed.

Early termination of appointment

7 (1) A person's appointment as Chief Regulator ends if—

(a) the person resigns by giving written notice to the Parliamentary corporation, or

(b) the Parliamentary corporation gives written notice that the person is removed from their appointment as the Chief Regulator.

(2) The Parliamentary corporation may remove a person as Chief Regulator if—

(a) the Parliamentary corporation considers that the person is—

(i) unable to perform the functions of the Chief Regulator, or

(ii) unsuitable to continue as the Chief Regulator, or

(b) the Scottish Parliament agrees by resolution to remove the person appointed as Chief Regulator.

Direction about premises and sharing of resources

8 The Chief Regulator must comply with any direction given to the Chief Regulator by the Parliamentary corporation in relation to the sharing of premises, staff, services or other resources, with bodies such as Qualifications Scotland.

9 The Parliamentary corporation is to make any direction under this section publicly available.

10 A direction under this section may vary or revoke a previous direction.>

Pam Duncan-Glancy

314 In schedule 2, page 37, line 13, after <staff> insert <, including for the purposes of assisting the Chief Regulator in the exercise of their functions under this Act>

Group 3: Minor and technical

Pam Duncan-Glancy

99 In section 6, page 3, line 12, leave out <where appropriate> and insert <in every case in which it appears to Qualifications Scotland appropriate to do so>

Jenny Gilruth

75 In section 54, page 24, line 28, at end insert—

<"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,>

Jenny Gilruth

77 In section 54, page 24, line 40, at end insert—

<"Learner Interest Committee" means the committee established in accordance with paragraph 10 of schedule 1,>

Jenny Gilruth

78 In section 54, page 25, line 2, at end insert—

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

Jenny Gilruth

79 In section 54, page 25, line 6, at end insert—

<"Teacher and Practitioner Interest Committee" means the committee established in accordance with paragraph 11 of schedule 1.>

Jenny Gilruth

83 In schedule 1, page 29, leave out lines 9 to 11

Jenny Gilruth

84 In schedule 1, page 29, leave out lines 15 and 16

Jenny Gilruth

97 In schedule 4, page 40, line 24, leave out <32AAA> and insert <32AAZA>

Group 4: Qualifications Scotland: duties when exercising functions

Ross Greer

100 In section 7, page 3, line 21, at end insert—

<(aa) in every case in which it appears to Qualifications Scotland appropriate to do so, consult such persons with an interest as Qualifications Scotland considers appropriate,>

Stephen Kerr

2 In section 7, page 3, line 31, at end insert—

<( ) have regard to any recommendations made or advice given to it by Education Scotland relating to—

(i) the curriculum,

(ii) professional learning and development for persons providing teaching or training in respect of a Qualifications Scotland qualification.>

Pam Duncan-Glancy

101 In section 7, page 3, line 31, at end insert—

<(ca) have regard to the Scottish Credit and Qualifications Framework prepared by the Scottish Credit and Qualifications Framework Partnership (a Scottish charity with the charity number SC037958), as it has effect for the time being,>

Pam Duncan-Glancy

102 In section 7, page 3, line 31, at end insert—

<(cb) have regard to any representations made in writing to Qualifications Scotland about the exercise of its functions by—

(i) the Scottish Further and Higher Education Funding Council,

(ii) the Skills Development Scotland Co. Limited (company number SC202659),>

Pam Duncan-Glancy

103 In section 7, page 3, line 31, at end insert—

<( ) have regard to any developments in how persons undertake education and training that are relevant to the assessment of such persons,>

Ross Greer

104 In section 7, page 3, line 33, at end insert—

<( ) have regard to the need to operate in a way which is transparent and accountable,>

Ross Greer

105 In section 7, page 3, line 33, at end insert—

<( ) so far as reasonably practicable, prioritise the provision of services in Scotland.>

Ross Greer

106 In section 7, page 3, line 33, at end insert—

<( ) For the purposes of subsection (1)(aa), persons with an interest are—

(a) persons undertaking a Qualifications Scotland qualification,

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

(c) such other persons as Qualifications Scotland considers appropriate.>

Pam Duncan-Glancy

107 In section 7, page 3, line 33, at end insert—

<(3) The Scottish Ministers may by regulations modify—

(a) subsection (1)(ca) so as to substitute another credit and qualifications framework for the credit and qualifications framework for the time being mentioned there,

(b) subsection (1)(cb)(ii)—

(i) so as to substitute another person for the person for the time being mentioned there, or

(ii) where the person changes its name, by modifying the reference to the person to reflect that change of name.

(4) Subsection (1)(ca) does not apply during any period in which the credit and qualifications framework for the time being mentioned there does not have effect.

(5) In this section, "credit and qualifications framework" means a system for comparing qualifications in Scotland by reference to the level of skills and experience required to obtain such qualifications.>

Pam Duncan-Glancy

157 After section 16, insert—

<Guidance for Qualifications Scotland

(1) The Scottish Ministers may, from time to time, issue guidance to Qualifications Scotland, as considered necessary.

(2) Guidance under subsection (1)—

(a) may—

(i) be general, or

(ii) relate to a particular matter or function, and

(b) must—

(i) be in writing,

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

(3) Qualifications Scotland must have regard to the guidance published under subsection (1) when performing its functions.

(4) Where Qualifications Scotland does not follow the guidance, Qualifications Scotland must publish its reasons for not following the guidance, where appropriate.>

Jenny Gilruth

318 After section 17, insert—

<Guidance by the Scottish Ministers

(1) In addition to having regard to any guidance issued as mentioned in section 8(2) or 9(3)(b)(iii), Qualifications Scotland must also have regard to any other guidance issued by the Scottish Ministers in respect of the exercise of Qualifications Scotland's functions.

(2) The Scottish Ministers must publish any guidance issued as mentioned in subsection (1).>

Pam Duncan-Glancy

265 In section 55, page 25, line 20, at end insert—

<( ) section 7(3)(a) or (b)(i),>

Group 5: Strategic Advisory Council

Pam Duncan-Glancy

108 In section 8, page 4, line 4, at end insert—

<(4) Qualifications Scotland must publish its procedures for—

(a) fulfilling the requirement imposed by subsection (1),

(b) providing responses to any advice provided to it by the council.

(5) If Qualifications Scotland revises the procedures published under subsection (4), it must publish the procedures as revised.>

Pam Duncan-Glancy

110 In section 9, page 4, line 23, after <office)> insert <(subject to subsection (3)(ac) and (ad))>

Martin Whitfield

111 In section 9, page 5, line 5, at end insert—

<( ) that one or more members appointed to the council must represent the interests of children and young people,>

Pam Duncan-Glancy

112 In section 9, page 5, line 5, at end insert—

<( ) that one or more members appointed to the council must represent the interests of persons undertaking a relevant qualification,

( ) that one or more members appointed to the council must be registered teachers providing relevant teaching or training in schools,

( ) that one or more members appointed to the council must be college teaching staff providing relevant teaching or training,

( ) that one or more members appointed to the council must be representatives of an education trade union operating in Scotland,

( ) that one or more members appointed to the council must have knowledge of additional support needs of persons undertaking a relevant qualification,>

Pam Duncan-Glancy

113 In section 9, page 5, line 5, at end insert—

<( ) that one or more members appointed to the council must have knowledge of the skills relevant to business and industry,>

Pam Duncan-Glancy

114 In section 9, page 5, line 5, at end insert—

<( ) that a representative of Directors of Education in Scotland must be appointed as a member of the council,>

Pam Duncan-Glancy

115 In section 9, page 5, line 5, at end insert—

<( ) that a representative of colleges in Scotland must be appointed as a member of the council,>

Pam Duncan-Glancy

116 In section 9, page 5, line 5, at end insert—

<( ) that a representative of the funding body responsible for funding further and higher education in Scotland must be appointed as a member of the council,>

Pam Duncan-Glancy

117 In section 9, page 5, line 5, at end insert—

<( ) that a representative of universities in Scotland must be appointed as a member of the council,>

Miles Briggs

3 In section 9, page 5, line 7, after <parents> insert <and carers>

Miles Briggs

4 In section 9, page 5, line 7, leave out <relevant> and insert <Qualifications Scotland>

Pam Duncan-Glancy

118 In section 9, page 5, line 8, after <council> insert <—

( )>

Pam Duncan-Glancy

119 In section 9, page 5, line 8, leave out <of 4 years> and insert <not exceeding 4 years ("a term")>

Pam Duncan-Glancy

120 In section 9, page 5, leave out line 9 and insert—

<( ) may be reappointed for one or more further terms, but may not serve more than 12 years in total as a member,>

Ross Greer

121 In section 9, page 5, leave out lines 11 and 12

Ross Greer

122 In section 9, page 5, line 13, leave out from <consult> to end of line 14 and insert <in every case in which it appears to the council appropriate to do so—

(A) consult such of the persons and committees mentioned in subsection (3A) as the council considers appropriate,

(B) have regard to any consultation carried out by Qualifications Scotland,>

Ross Greer

123 In section 9, page 5, line 16, leave out <sub-paragraphs (i) and> and insert <sub-paragraph>

Ross Greer

124 In section 9, page 5, line 18, at end insert—

<(3A) The persons and committees referred to in subsection (3)(b)(ii)(A) are—

(a) Qualifications Scotland,

(b) the Learner Interest Committee,

(c) the Teacher and Practitioner Interest Committee,

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

(e) such other persons as the Strategic Advisory Council considers appropriate.>

Group 6: Unique learner number

Pam Duncan-Glancy

109 In section 9, page 4, line 11, at end insert—

<( ) whether, in order to allow Qualifications Scotland to exercise its functions effectively—

(A) a unique learner number system should be established,

(B) a national data sharing agreement should be developed between schools, and>

Pam Duncan-Glancy

224 In section 35, page 16, line 31, at end insert—

<( ) Advice provided by the Advisory Council must include advice on whether, in order to allow the Chief Inspector to exercise the Chief Inspector's functions effectively—

(a) a unique learner number system should be established,

(b) a national data sharing agreement should be developed between schools, colleges and universities.>

Group 7: Charters

Pam Duncan-Glancy

126 In section 10, page 5, line 23, leave out from <prepare> to end of line 24 and insert <—

(a) prepare a learner charter in collaboration with—

(i) the Learner Interest Committee, and

(ii) such invited persons as wish to participate,

(b) publish the charter before the expiry of the period of 6 months beginning with the day on which this section comes into force.>

Martin Whitfield

127 In section 10, page 5, line 30, at end insert—

<( ) In preparing the learner charter, Qualifications Scotland must have regard to the desirability of the charter seeking to secure better or further effect of the rights of children.>

Pam Duncan-Glancy

128 In section 10, page 5, line 30, at end insert—

<( ) In preparing the learner charter, Qualifications Scotland must have regard to the needs of adults undertaking a relevant qualification to ensure that education is delivered in a format that suits the person's individual needs.>

Pam Duncan-Glancy

129 In section 10, page 5, line 31, leave out subsections (3) and (4) and insert—

<(3A) The persons invited by Qualifications Scotland to participate in the preparation of the learner charter must include—

(a) children and young people undertaking a Qualifications Scotland qualification,

(b) other persons undertaking a Qualifications Scotland qualification,

(c) parents and carers of the persons mentioned in paragraph (a),

(d) other persons appearing to Qualifications Scotland to represent the interests of the persons mentioned in paragraphs (a) and (b),

(e) persons undertaking a Qualifications Scotland qualification who use British Sign Language,

(f) persons undertaking a Qualifications Scotland qualification who have educational support needs,

(g) persons undertaking a Qualifications Scotland qualification who have experience of being in the care system as children or young people.

(3B) In inviting persons to participate in the preparation of the learner charter, Qualifications Scotland must encourage equal opportunities and in particular the observance of the equal opportunity requirements.

(3C) Qualifications Scotland must, prior to finalisation of the learner charter—

(a) give the Strategic Advisory Council and the Scottish Ministers the opportunity to comment on it, and

(b) have regard to the comments (if any) received from the council and Ministers in response.>

Pam Duncan-Glancy

130 In section 10, page 5, line 31, leave out subsections (3) and (4) and insert—

<(3A) The persons invited by Qualifications Scotland to participate in the preparation of the learner charter must include—

(a) children and young people undertaking a Qualifications Scotland qualification,

(b) other persons undertaking a Qualifications Scotland qualification,

(c) parents and carers of the persons mentioned in paragraph (a),

(d) other persons appearing to Qualifications Scotland to represent the interests of the persons mentioned in paragraphs (a) and (b),

(e) persons undertaking a Qualifications Scotland qualification who use British Sign Language,

(f) persons undertaking a Qualifications Scotland qualification who have educational support needs,

(g) persons undertaking a Qualifications Scotland qualification who have experience of being in the care system as children or young people,

(h) persons from socio-economically disadvantaged backgrounds, to be construed in accordance with the public sector duty in section 1 of the Equality Act 2010.

(3B) In inviting persons to participate in the preparation of the learner charter, Qualifications Scotland must encourage equal opportunities and in particular the observance of the equal opportunity requirements.

(3C) Qualifications Scotland must, prior to finalisation of the learner charter—

(a) give the Strategic Advisory Council and the Scottish Ministers the opportunity to comment on it, and

(b) have regard to the comments (if any) received from the council and Ministers in response.>

Jenny Gilruth

130A As an amendment to amendment 130, line 15, leave out <, to be construed in accordance with the public sector duty in section 1 of the Equality Act 2010>

Martin Whitfield

131 In section 10, page 5, line 34, after <qualification> insert <, including children and young people>

Pam Duncan-Glancy

132 In section 10, page 6, line 3, leave out <(3)> and insert <(1)(a)>

Pam Duncan-Glancy

133 In section 10, page 6, line 4, leave out <consultation> and insert <preparation>

Pam Duncan-Glancy

134 In section 10, page 6, line 5, at end insert—

<( ) Before publishing a learner charter under subsection (1)—

(a) Qualifications Scotland must submit a draft learner charter to the Strategic Advisory Council,

(b) the Strategic Advisory Council must recommend what revisions (if any) should be made to the charter, and

(c) Qualifications Scotland must have regard to any recommendations made.>

Pam Duncan-Glancy

135 In section 11, page 6, line 7, leave out from <prepare> to end of line 9 and insert <—

(a) prepare a teacher and practitioner charter in collaboration with—

(i) the Teacher and Practitioner Interest Committee, and

(ii) such invited persons as wish to participate,

(b) publish the charter before the expiry of the period of 6 months beginning with the day on which this section comes into force.>

Pam Duncan-Glancy

136 In section 11, page 6, line 16, leave out subsections (3) and (4) and insert—

<(3A) The persons invited by Qualifications Scotland to participate in the preparation of the teacher and practitioner charter must include—

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

(b) persons training to be a teacher,

(c) persons appearing to Qualifications Scotland to represent the interests of the persons mentioned in paragraphs (a) and (b).

(3B) In inviting persons to participate in the preparation of the teacher and practitioner charter, Qualifications Scotland must encourage equal opportunities and in particular the observance of the equal opportunity requirements.

(3C) Qualifications Scotland must, prior to finalisation of the teacher and practitioner charter—

(a) give the Strategic Advisory Council and the Scottish Ministers the opportunity to comment on it, and

(b) have regard to the comments (if any) received from the council and Ministers in response.>

Pam Duncan-Glancy

137 In section 11, page 6, line 23, at end insert—

<( ) persons who are representatives of education trade unions operating in Scotland,

( ) persons with knowledge in the areas which are the subject of Qualifications Scotland qualifications,

( ) persons representing colleges in Scotland,>

Pam Duncan-Glancy

138 In section 11, page 6, line 25, leave out <(3)> and insert <(1)(a)>

Pam Duncan-Glancy

139 In section 11, page 6, line 26, leave out <consultation> and insert <preparation>

Pam Duncan-Glancy

140 In section 11, page 6, line 27, at end insert—

<( ) Before publishing a teacher and practitioner charter under subsection (1)—

(a) Qualifications Scotland must submit a draft teacher and practitioner charter to the Strategic Advisory Council,

(b) the Strategic Advisory Council must recommend what revisions (if any) should be made to the charter, and

(c) Qualifications Scotland must have regard to any recommendations made.>

Pam Duncan-Glancy

141 In section 12, page 6, line 31, at end insert—

<( ) any other charters drafted,>

Pam Duncan-Glancy

142 In section 12, page 6, line 37, leave out subsection (2A)

Pam Duncan-Glancy

143 In section 12, page 7, line 1, leave out subsection (3) and insert—

<(3A) Following the review of a charter, Qualifications Scotland must prepare a report for the Strategic Advisory Council on the review.

(3B) The report under subsection (3A) must include details of any proposed revisions to the charter that Qualifications Scotland considers appropriate.

(3C) As soon as reasonably practicable after receiving a report under subsection (3A), the Strategic Advisory Council must—

(a) consider the report, and

(b) recommend what revisions (if any) should be made to the charter.

(3D) Qualifications Scotland must have regard to any recommendations made by the Strategic Advisory Council under subsection (3C)(b).>

Pam Duncan-Glancy

144 In section 12, page 7, line 2, at end insert—

<( ) Section 10(1)(a) and (3A) to (3C) or (as the case may be) section 11(1)(a) and (3A) to (3C) applies to the revision of a charter as it applies to its preparation.>

Pam Duncan-Glancy

145 In section 12, page 7, line 5, leave out subsection (5)

Group 8: Corporate plan of Qualifications Scotland

Ross Greer

146 In section 14, page 7, line 14, at end insert—

<(1A) Before the corporate plan is submitted to the Scottish Ministers, it must be approved by a vote of the members of Qualifications Scotland, in which a majority of those voting cast their vote in favour of it.>

Ross Greer

148 In section 14, page 7, leave out lines 29 to 32 and insert—

<( ) such persons who are undertaking, or have recent experience of undertaking, a Qualifications Scotland qualification as Qualifications Scotland considers appropriate,

( ) such persons who are providing teaching or training in respect of a Qualifications Scotland qualification as Qualifications Scotland considers appropriate,

( ) such employers as Qualifications Scotland considers appropriate,>

Pam Duncan-Glancy

149 In section 14, page 7, line 31, at end insert—

<(ba) representatives from recognised trade unions which represent the interests of the persons mentioned in subsection (3A)(b),>

Ross Greer

150 In section 14, page 8, line 15, after <Subsections> insert <(1A) and>

Pam Duncan-Glancy

151 In section 14, page 8, line 17, at end insert—

<( ) In subsection (3A)(ba), "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.>

Group 9: Laying of reports before the Scottish Parliament

Pam Duncan-Glancy

152 In section 15, page 8, line 22, at end insert—

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

Pam Duncan-Glancy

153 In section 15, page 8, leave out subsection (2)

Pam Duncan-Glancy

160 In section 20, page 10, line 5, at end insert—

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

Stephen Kerr

47 In section 37, page 18, line 27, leave out <may> and insert <must>

Pam Duncan-Glancy

247 In section 40, page 19, line 31, after <must> insert <, at the same time,>

Group 10: Interest Committees of Qualifications Scotland

Ross Greer

155 After section 15, insert—

<Reports of advice to Qualifications Scotland from certain committees

(1) Qualifications Scotland must prepare and publish reports setting out a summary of—

(a) the advice provided to it by—

(i) the Learner Interest Committee,

(ii) the Teacher and Practitioner Interest Committee,

(iii) the Accreditation Committee,

(b) Qualifications Scotland's response to such advice.

(2) Qualifications Scotland must publish a report under subsection (1) within the period of 12 months beginning with—

(a) in the case of the first report, the day on which this section comes into force,

(b) in the case of subsequent reports, the day on which the last report was published under subsection (1).>

Pam Duncan-Glancy

255 In section 54, page 24, line 32, at end insert—

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

Pam Duncan-Glancy

275 In schedule 1, page 29, leave out lines 12 to 14

Pam Duncan-Glancy

290 In schedule 1, page 31, line 24, at end insert—

<( ) There is no requirement on Qualifications Scotland to consult the Scottish Ministers before appointing a member to any committee or sub-committee established under sub-paragraph (1). >

Martin Whitfield

291 In schedule 1, page 32, line 8, leave out from <who> to <qualification> in line 9 and insert <(whether or not they have experience in relation to undertaking a Qualifications Scotland qualification)>

Martin Whitfield

292 In schedule 1, page 32, leave out line 19

Pam Duncan-Glancy

293 In schedule 1, page 32, line 19, at end insert—

<( ) In appointing persons to the committee, Qualifications Scotland must—

(a) encourage equal opportunities and in particular the observance of the equal opportunity requirements,

(b) have regard to the desirability of the committee including persons who—

(i) have experience of being in the care system,

(ii) are from a socio-economically disadvantaged background, or

(iii) have educational support needs.>

Pam Duncan-Glancy

294 In schedule 1, page 32, leave out lines 20 and 21

Ross Greer

295 In schedule 1, page 32, line 27, at end insert—

<( ) Qualifications Scotland must convene a meeting of members of Qualifications Scotland and of the committee where—

(a) the committee reasonably requests a meeting, or

(b) Qualifications Scotland otherwise considers it appropriate to do so.>

Pam Duncan-Glancy

296 In schedule 1, page 32, line 29, at end insert—

<*The Parent and Carer Interest Committee*

(1) Qualifications Scotland must establish and maintain a committee to be known as the Parent and Carer 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 who are parents and carers of children and young people undertaking a Qualifications Scotland qualification.

(3) The committee—

(a) may include one member of Qualifications Scotland,

(b) other than any appointment under paragraph (a), must consist of persons who are parents and carers of children and young people who are undertaking, or have recent experience of undertaking, a Qualifications Scotland qualification.>

Ross Greer

297 In schedule 1, page 33, line 4, after <of> insert <—

(i) one or more persons who are undertaking, or who have recent experience of undertaking, training to be teachers in schools, and

(ii)>

Pam Duncan-Glancy

298 In schedule 1, page 33, line 6, after <training> insert <in a school or college>

Pam Duncan-Glancy

299 In schedule 1, page 33, line 13, at end insert—

<( ) In appointing persons to the committee, Qualifications Scotland must encourage equal opportunities and in particular the observance of the equal opportunity requirements.>

Pam Duncan-Glancy

300 In schedule 1, page 33, leave out lines 14 and 15

Pam Duncan-Glancy

301 In schedule 1, page 33, line 20, at end insert—

<(ca) representatives from recognised trade unions which represent the interests of the persons mentioned in sub-paragraph (3A)(b),>

Pam Duncan-Glancy

302 In schedule 1, page 33, line 21, at end insert—

<( ) In sub-paragraph (6)(ca), "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.>

Ross Greer

303 In schedule 1, page 33, line 21, at end insert—

<( ) Qualifications Scotland must convene a meeting of members of Qualifications Scotland and of the committee where—

(a) the committee reasonably requests a meeting, or

(b) Qualifications Scotland otherwise considers it appropriate to do so.>

Group 11: Curriculum Scotland

Pam Duncan-Glancy

6 After section 25A, insert—

<PART

CURRICULUM SCOTLAND

Establishment

Curriculum Scotland

(1) A body corporate to be known as Curriculum Scotland is established.

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

(3) Schedule (*Curriculum Scotland*) makes further provision for the membership, staffing, procedures and powers of Curriculum Scotland.>

Pam Duncan-Glancy

7 After section 25A, insert—

<*Functions*

Functions of Curriculum Scotland

Curriculum Scotland's main functions are to—

(a) support curriculum development,

(b) support quality classroom teaching,

(c) support regional improvement,

(d) support professional development of staff in schools,

(e) support professional development of other educators,

(f) facilitate collaboration between education practitioners,

(g) accredit qualifications,

(h) regulate assessment and examination arrangements,

(i) provide advice to the Scottish Ministers regarding any matter to which its functions relate.>

Pam Duncan-Glancy

180 After section 25A, insert—

<Working with, or recognition of, others

(1) Curriculum 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) Curriculum Scotland must work in collaboration with others (whether within or outwith Scotland), in every case in which it appears to Curriculum Scotland appropriate to do so, in respect of any matter to which its functions relate.>

Pam Duncan-Glancy

181 After section 25A, insert—

<Duties when exercising functions

(1) In the exercise of its functions, Curriculum Scotland must—

(a) promote and advance the national curriculum, especially in respect of 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 likely to be affected by the exercise of its functions, including those who are receiving, or wish to receive—

(i) British Sign Language learner education,

(ii) British Sign Language medium education,

(iii) Gaelic learner education,

(iv) Gaelic medium education, or

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

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

(d) have regard to the Scottish Credit and Qualifications Framework prepared by the Scottish Credit and Qualifications Framework Partnership (a Scottish charity with the charity number SC037958), as it has effect for the time being,

(e) have regard to any representations made in writing to Curriculum Scotland about the exercise of its functions by—

(i) the Scottish Further and Higher Education Funding Council,

(ii) the Skills Development Scotland Co. Limited (company number SC202659).

(2) The Scottish Ministers may by regulations modify subsection (1)(d) so as to substitute another credit and qualifications framework for the credit and qualifications framework for the time being mentioned there.

(3) Subsection (1)(d) does not apply during any period in which the credit and qualifications framework for the time being mentioned there does not have effect.

(4) In this section, "credit and qualifications framework" means a system for comparing qualifications in Scotland by reference to the level of skills and experience required to obtain such qualifications.>

Pam Duncan-Glancy

182 After section 25A, insert—

<*Charters*

Drafting of charters

(1) Curriculum Scotland must, from time to time, consider whether to prepare and publish charters setting out what persons using its services should expect from it in the exercise of its functions.

(2) In the process of preparing a charter for publication in accordance with subsection (1), Curriculum Scotland must consult such persons as it considers appropriate, including but not limited to—

(a) persons Curriculum Scotland consider representative of the interests of individuals likely to be affected by the functions to which the proposed charter relates,

(b) any committees established in accordance with paragraph 10 of schedule (*Curriculum Scotland*) which Curriculum Scotland considers to be related to the functions to which the proposed charter relates,

(c) the Scottish Ministers.>

Pam Duncan-Glancy

183 After section 25A, insert—

<Reviewing and revising charters

(1) Curriculum Scotland must review any charters drafted in accordance with the provisions under section (*Drafting of charters*)(1) in accordance with this section.

(2) Each charter must be reviewed—

(a) within 5 years of its initial publication, and

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

(3) Curriculum Scotland must, when reviewing a charter, consult—

(a) persons Curriculum Scotland consider representative of the interests of individuals likely to be affected by the functions to which the proposed charter relates,

(b) any committees established in accordance with paragraph 10 of schedule (*Curriculum Scotland*) which Curriculum Scotland considers to be related to the functions to which the proposed charter relates.

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

(5) As soon as reasonably practicable after revising a charter, Curriculum Scotland must publish the charter as so revised.>

Pam Duncan-Glancy

184 After section 25A, insert—

<*Accountability of Curriculum Scotland*

Corporate plan of Curriculum Scotland

(1) Curriculum 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 Curriculum 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 Curriculum Scotland plans to undertake,

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

(A) the requirements of section (*Duties when exercising functions*),

(B) the expectations set out in its charters,

(b) may include such other material as Curriculum 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 (*The accreditation function*) (but see section 19).

(4) Before preparing a corporate plan Curriculum 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) representatives from recognised trade unions which represent the interests of person in subsection (4)(b),

(e) such other persons as Curriculum Scotland considers appropriate,

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

(5) 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.

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

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

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

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

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

(a) Curriculum Scotland must publish it, and

(b) the Scottish Ministers must lay a copy of it before the Scottish Parliament on the same day as its publication.

(9) Curriculum 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.

(10) Subsections (5) to (7) apply to a new corporate plan, and to a modified corporate plan submitted under subsection (7), as they apply to the corporate plan submitted under.

(11) In subsection (4)(d), "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.>

Pam Duncan-Glancy

185 After section 25A, insert—

<Annual report of Curriculum Scotland

(1) Curriculum 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,

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

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

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

(a) the requirements of section (*Duties when exercising functions*),

(b) the expectations set out in its charters.

(3) Where Curriculum 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 Curriculum 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 Curriculum Scotland that are carried out by its Accreditation Committee (but see section 20).

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

Pam Duncan-Glancy

186 After section 25A, insert—

<Accounts and audit of Curriculum Scotland

(1) Curriculum 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 Curriculum Scotland, send it to the Auditor General for Scotland for auditing.>

Pam Duncan-Glancy

187 After section 25A, insert—

<Scottish Ministers' power to direct Curriculum Scotland

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

(2) A direction issued by the Scottish Ministers to Curriculum 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 Curriculum Scotland.

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

Pam Duncan-Glancy

188 After section 25A, insert—

<Provision of information by Curriculum Scotland

Curriculum 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 Curriculum Scotland's functions.>

Pam Duncan-Glancy

189 After section 25A, insert—

<Funding and powers

Financial assistance

(1) The Scottish Ministers may provide such financial assistance to Curriculum 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.>

Pam Duncan-Glancy

190 After section 25A, insert—

<Funding and use of resources

(1) Curriculum 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) Curriculum 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.>

Pam Duncan-Glancy

191 After section 25A, insert—

<General powers

Curriculum 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.>

Pam Duncan-Glancy

192 After section 25A, insert—

<*Supporting provisions*

Publication of documents

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

(a) persons who have difficulties in communicating (in relation to speech, language or otherwise) and may need to use inclusive communication as set out in section 4 of the Social Security (Scotland) Act 2018,

(b) children and young people (including those with educational support needs),

(c) users of British Sign Language,

(d) users of the Gaelic language,

(e) users of the Scots language,

(f) other persons likely to be affected by the functions of Curriculum Scotland.>

Pam Duncan-Glancy

250 After section 50, insert—

<Transfer of staff, property etc. to Curriculum Scotland

(1) The Scottish Ministers must, by regulations, provide for the transfer of relevant staff, property, rights, liabilities and obligations to Curriculum Scotland.

(2) Prior to making regulations under subsection (1) the Scottish Ministers must—

(a) consult with representatives from recognised trade unions which represent the interests of relevant staff,

(b) consult with such other persons as the Scottish Ministers consider appropriate,

(c) prepare a proposed staffing plan in relation to Curriculum Scotland.

(3) In this section—

"relevant" means relevant to the performance of the functions of Curriculum Scotland,

"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.>

Pam Duncan-Glancy

74 After section 50, insert—

<Miscellaneous and transitional measures in relation to Curriculum Scotland

(1) Section (*Transfer of staff, property etc. to Curriculum Scotland*) makes provision about the transfer of the staff and property of Education Scotland to Curriculum Scotland.

(2) Any relevant thing done by or in relation to Education Scotland before the transfer 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 Curriculum Scotland.

(3) Any relevant thing which, immediately before the transfer date, is in the process of being done by or in relation to Education Scotland may continue to be done by or in relation to Curriculum Scotland on and after that date.

(4) For the purposes of this section, the transfer date is the day one year after this section comes into force.>

Pam Duncan-Glancy

254 In section 54, page 24, line 15, leave out <12 of schedule 1> and insert <11 of schedule (*Curriculum Scotland*)>

Pam Duncan-Glancy

256 In section 55, page 25, line 15, at end insert—

<( ) section (*Duties when exercising functions*)(2),>

Pam Duncan-Glancy

262 In section 55, page 25, line 19, at end insert—

<( ) section (*Transfer of staff, property etc. to Curriculum Scotland*)(1)>

Pam Duncan-Glancy

263 In section 55, page 25, line 19, at end insert—

<( ) schedule (*Curriculum Scotland*), paragraph 2(2),>

Pam Duncan-Glancy

264 In section 55, page 25, line 19, at end insert—

<( ) schedule (*Curriculum Scotland*), paragraph 12(6),>

Pam Duncan-Glancy

312 After schedule 1, insert—

<SCHEDULE

(introduced by section (Curriculum Scotland))

CURRICULUM SCOTLAND

PART 1

STATUS

Exclusion of Crown status

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

PART 2

MEMBERSHIP

Number and appointment of members

2 (1) Curriculum Scotland is to consist of—

(a) a member appointed by the Scottish Ministers to chair Curriculum 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 8(1), and

(d) at least 8 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 Curriculum Scotland.

Appointment as a member: criteria

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

(2) The members of Curriculum 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,

(b) 5 or more persons who are (subject to sub-paragraph (3))—

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

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

(c) one or more persons who appear to the Scottish Ministers to have knowledge of the interests of the staff of Curriculum Scotland,

(d) one or more persons who appear to the Scottish Ministers to have knowledge of the skills relevant to business and industry.

(3) In appointing persons to satisfy sub-paragraph (2)(b), 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 Curriculum Scotland, and

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

(4) 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 (b)(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 (b)(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 (c), such persons as the Scottish Ministers consider representative of the interests of staff of Curriculum Scotland,

(e) in the case of paragraph (d), such persons as the Scottish Ministers consider representative of the skills development sector,

(f) any co-opted members appointed by Curriculum Scotland under paragraph 7.

(5) A person may not be appointed as a member of Curriculum 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 Act1986,

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

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

(6) Sub-paragraph (5)(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 bankrupt),

(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.

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

(8) 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 Curriculum Scotland,

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

(9) For the purpose of sub-paragraph (4), it is immaterial that anything done by way of this consultation was done before the Bill for this Act was passed or after that but before 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 Curriculum 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 Curriculum 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 Curriculum 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(5), or

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

(2) The Scottish Ministers may remove a member of Curriculum 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 Curriculum 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 Curriculum Scotland may pay each member such remuneration and allowances (including expenses), if any, as the Scottish Ministers determine.

Co-oped members

7 (1) Curriculum Scotland may appoint a person as a co-opted member of Curriculum Scotland.

(2) Curriculum Scotland may make an appointment under sub-paragraph (1) only—

(a) with the consent of the Scottish Ministers, and

(b) if Curriculum Scotland considers the appointment to be necessary to ensure that its members (taken as a whole) have the knowledge, skills and experience relevant to its functions.

(3) Curriculum Scotland may have no more than 2 co-opted members at any time.

(4) A co-opted member—

(a) may take part in proceedings of Curriculum Scotland to the extent that Curriculum Scotland determines, but

(b) may not vote in any such proceedings.

(5) A co-opted member—

(a) is appointed for such period not exceeding 2 years as Curriculum Scotland determines,

(b) may be reappointed on one or more occasions, provided that the total period of reappointment does not exceed 2 years.

(6) Sub-paragraph (2) applies to a re-appointment made under sub-paragraph (5)(b) as it applies to an appointment made under sub-paragraph (1).

(7) A person may not be appointed (or re-appointed) as a co-opted member if the person may not be appointed as a member under paragraph 3(5).

(8) A person's appointment as a co-opted member ends if—

(a) the person resigns by giving written notice to Curriculum Scotland,

(b) during the person's period of appointment, the person becomes ineligible to be appointed as a co-opted member under sub-paragraph (7), or

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

(9) Curriculum Scotland or the Scottish Ministers may remove a co-opted member by virtue of sub-paragraph (8)(c) only if—

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

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

(c) Curriculum Scotland considers or, as the case may be, the Scottish Ministers consider that the co-opted member is—

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

(ii) unsuitable to continue as a co-opted member.

(10) Other than as provided in this paragraph, a co-opted member of Curriculum Scotland is appointed on such terms and conditions (including as to remuneration and allowances) as Curriculum Scotland, with the consent of the Scottish Ministers, determines.

(11) A reference in paragraphs 3 to 6 to a member or the members of Curriculum Scotland does not include a reference to a co-opted member.

PART 3

STAFF

Chief executive and other staff

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

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

(3) Curriculum Scotland may appoint other staff.

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

Staff pensions

9 (1) Curriculum 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 Curriculum 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

10 (1) In addition to the committee established in accordance with paragraph 11, Curriculum 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 Curriculum Scotland.

(3) There is no requirement on Curriculum Scotland to consult the Scottish Ministers before appointing a member to any committee or sub-committee established under sub-paragraph (1).

(4) When appointing members to a committee, Curriculum Scotland must have regard to the desirability of ensuring that the interests of—

(a) persons with protected characteristics,

(b) persons who have difficulties in communicating (in relation to speech, language or otherwise) and recognise the importance of communicating in an inclusive way as set out in section 4 of the Social Security (Scotland) Act 2018,

(c) persons with additional support needs,

(d) persons from socio-economically disadvantaged backgrounds, to be construed in accordance with the public sector duty in section 1 of the Equalities Act 2010,

(e) persons who are care experienced,

are represented, when relevant, on the committee.

(5) Curriculum 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, Curriculum Scotland.

(6) Subject to paragraph 11(3), a committee or sub-committee must comply with any directions given to it by Curriculum Scotland.

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

The Accreditation Committee

11 (1) Curriculum 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 (*The accreditation function*),

(b) report to the Chief Regulator,

(c) 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 Curriculum Scotland, and

(b) must act independently of Curriculum Scotland (but this does not prevent the committee or any sub-committee of it and Curriculum 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, Curriculum Scotland.

(5) The Scottish Ministers may assign to a person appointed as a member of Curriculum 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 CURRICULUM SCOTLAND AND ITS COMMITTEES

Regulation of procedure

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

(2) But during consideration of any matter which Curriculum 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) Curriculum 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 10(6) includes the power for Curriculum 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 Curriculum 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 Curriculum Scotland.

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

(7) Subject to this paragraph and any regulations made under it, Curriculum 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

13 (1) Curriculum 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 Curriculum 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 (*Corporate plan of Curriculum Scotland*),

(b) approving its annual report prepared under section (*Annual report of Curriculum Scotland)*,

(c) approving its accounts for submission to the Scottish Ministers under section (*Accounts and audit of Curriculum Scotland*),

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

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

Member consultation requirement

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

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

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

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

(c) other persons appearing to Curriculum 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 Curriculum 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).>

Group 12: Independence of the Chief Inspector

Stephen Kerr

11 In section 27, page 13, line 1, leave out <approval of the Scottish Ministers> and insert <consent of the Parliamentary corporation>

Stephen Kerr

12 In section 28, page 13, line 5, leave out <Scottish Ministers> and insert <Parliamentary corporation>

Stephen Kerr

13 In section 28, page 13, line 6, leave out <Scottish Ministers determine> and insert <Chief Inspector, with the consent of the Parliamentary corporation, determines>

Pam Duncan-Glancy

198 In section 28, page 13, line 6, leave out <determine> insert <, in consultation with the Chief Inspector, consider appropriate to carry out the inspection function and meet the requirement for inspections set out in the inspection plan>

Stephen Kerr

14 In section 28, page 13, line 9, leave out <Scottish Ministers determine> and insert <Chief Inspector, with the consent of the Parliamentary corporation, determines>

Stephen Kerr

15 In section 29, page 13, line 22, leave out <approval of the Scottish Ministers> and insert <consent of the Parliamentary corporation>

Stephen Kerr

16 In section 29, page 13, line 24, leave out <approval of the Scottish Ministers> and insert <consent of the Parliamentary corporation>

Stephen Kerr

20 In section 30, page 13, line 31, leave out from <(but> to end of line 2 on page 14

Stephen Kerr

21 In section 30, page 14, line 2, at end insert—

<( ) The Scottish Ministers may make a request to the Chief Inspector to secure an inspection of a relevant educational establishment.>

Stephen Kerr

23 In section 30, page 14, line 9, leave out subsections (4) and (5)

Stephen Kerr

31 In section 31, page 15, line 11, leave out subsection (4)

Stephen Kerr

32 In section 31, page 15, line 18, leave out subsections (6) and (7)

Stephen Kerr

33 In section 33, page 15, line 33, leave out <the Scottish Ministers> and insert <a committee of the Scottish Parliament, whose remit includes matters relating to education for the time being appointed by virtue of the standing orders,>

Stephen Kerr

34 In section 33, page 15, line 35, leave out <the Scottish Ministers> and insert <a committee of the Scottish Parliament, whose remit includes matters relating to education for the time being appointed by virtue of the standing orders,>

Stephen Kerr

36 In section 36, page 17, line 11, leave out <, other than excepted establishments,>

Stephen Kerr

43 In section 36, page 18, line 6, leave out subsections (5) and (6)

Stephen Kerr

44 In section 36, page 18, line 14, at end insert—

<( ) Before making regulations under subsection (5), the Scottish Ministers must seek the views of a committee of the Scottish Parliament whose remit includes matters relating to education for the time being appointed by virtue of the standing orders.>

Stephen Kerr

49 In section 38, page 18, line 35, leave out from <send> to <Ministers,> on line 36

Stephen Kerr

50 In section 39, page 19, line 9, leave out from <send> to <Ministers,> on line 10

Stephen Kerr

54 In section 40, page 19, leave out lines 29 and 30

Stephen Kerr

55 In section 43, page 20, leave out line 13

Stephen Kerr

56 In section 43, page 20, line 17, leave out <(including, where applicable, the permission of the Scottish Ministers)>

Stephen Kerr

57 Leave out section 46

Stephen Kerr

58 In section 47, page 22, line 1, at end insert—

<( ) 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.>

Stephen Kerr

59 In section 47, page 22, line 2, leave out <Scottish Ministers> and insert <Chief Inspector>

Stephen Kerr

60 In section 47, page 22, line 2, leave out <, on a referral under section 46,>

Stephen Kerr

61 In section 47, page 22, line 3, leave out <Scottish Ministers> and insert <Chief Inspector>

Stephen Kerr

62 In section 47, page 22, line 9, leave out <Scottish Ministers> and insert <Chief Inspector>

Stephen Kerr

63 In section 47, page 22, line 14, at end insert—

<( ) For the purposes of this section and section 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.>

Stephen Kerr

64 In section 48, page 22, line 16, leave out <Scottish Ministers> and insert <Chief Inspector>

Stephen Kerr

65 In section 48, page 22, line 17, leave out <Scottish Ministers> and insert <Chief Inspector>

Stephen Kerr

66 In section 48, page 22, line 22, leave out <Scottish Ministers> and insert <Chief Inspector>

Stephen Kerr

67 In section 48, page 22, line 26, leave out <Scottish Ministers> and insert <Chief Inspector>

Stephen Kerr

68 In section 48, page 23, line 1, leave out <Scottish Ministers> and insert <Chief Inspector>

Stephen Kerr

69 In section 48, page 23, line 5, leave out subsection (6)

Stephen Kerr

70 In section 48, page 23, line 7, leave out <Scottish Ministers exercise their> and insert <Chief Inspector exercises the>

Stephen Kerr

71 In section 48, page 23, line 8, leave out <they> and insert <the Chief Inspector>

Stephen Kerr

72 In section 48, page 23, line 9, leave out <their> and insert <the Chief Inspector's>

Stephen Kerr

73 In section 48, page 23, line 11, leave out <Scottish Ministers> and insert <Chief Inspector>

Stephen Kerr

89 In schedule 2, page 36, leave out line 32

Stephen Kerr

90 In schedule 2, page 37, line 5, leave out <Scottish Ministers> and insert <Parliamentary corporation>

Stephen Kerr

93 In schedule 2, page 37, line 8, leave out <Scottish Ministers> and insert <Parliamentary corporation>

Stephen Kerr

94 In schedule 2, page 37, line 15, leave out <approval of the Scottish Ministers> and insert <consent of the Parliamentary corporation>

Stephen Kerr

95 In schedule 2, page 37, line 27, leave out paragraph 7

Group 13: Purpose of inspection

Jenny Gilruth

17 Before section 30, insert—

<Purpose of inspection

(1) The Chief Inspector is, so far as relevant, to carry out the Chief Inspector's functions for the purposes of—

(a) recognising effective practice adopted by relevant educational establishments,

(b) promoting improvement in the quality of education in Scotland, including by—

(i) supporting relevant educational establishments to improve by—

(A) identifying areas for improvement,

(B) establishing where support may be required to make improvements,

(C) sharing effective practice,

(ii) sharing evidence to inform the development of education policy,

(c) providing assurance to the public that the quality of education provided in relevant educational establishments is being assessed and that establishments are being held to account accordingly.

(2) The Scottish Ministers may by regulations modify this section so as to add, remove or vary a purpose of inspection.

(3) Before making regulations under subsection (2), the Scottish Ministers must consult—

(a) the Chief Inspector,

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

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

Stephen Kerr

18 In section 30, page 13, line 27, at end insert—

<(1A) An inspection under subsection (1) must include an assessment of, and any recommendations for improvements relating to—

(a) the implementation and effectiveness of discipline policies,

(b) the quality of the learning environment,

(c) the support provided to persons with additional support needs, including access to appropriate resources and specialist support,

(d) the morale and wellbeing of teachers and staff,

(e) whether the number of teachers and staff in the establishment can meet the needs of the persons undertaking a qualification in that establishment,

(f) the type of employment contract held by teachers and staff in the establishment,

(g) the number of teachers in the establishment who—

(i) are completing probationary service, or

(ii) are newly qualified teachers, having completed their probationary service no more than 5 years before the date of the inspection,

(h) such other matters as the Chief Inspector considers appropriate.>

Jenny Gilruth

25 In section 30, page 14, line 13, leave out <(see section 35)>

Stephen Kerr

45 In section 37, page 18, line 19, at end insert—

<( ) A report under subsection (1) must include information on the matters set out in section 30(1A).>

Jenny Gilruth

80 In section 55, page 25, line 15, at end insert—

<( ) section (*Purpose of inspection*)(2),>

Group 14: Frequency of inspection

Stephen Kerr

19 In section 30, page 13, line 29, at beginning insert <subject to subsection (2A),>

Pam Duncan-Glancy

201 In section 30, page 13, line 31, after <(but> insert <subject to subsection (2A), and>

Stephen Kerr

22 In section 30, page 14, line 2, at end insert—

<(2A) Where the relevant educational establishment is a school, the Chief Inspector must secure the inspection of that school at least once every 4 years.>

Pam Duncan-Glancy

202 In section 30, page 14, line 2, at end insert—

<(2A) Where the relevant educational establishment is a school, the Chief Inspector must secure the inspection of that school at least once every 7 years.>

Pam Duncan-Glancy

203 In section 30, page 14, line 2, at end insert—

<(2A) Where the relevant educational establishment is a school, the Chief Inspector must secure the inspection of that school at least once every 11 years.>

Jenny Gilruth

24 In section 30, page 14, line 9, leave out <intervals at> and insert <minimum frequency with>

Jenny Gilruth

26 In section 30, page 14, leave out lines 14 to 16 and insert—

<( ) such persons as are required to be consulted under subsection (6),>

Jenny Gilruth

27 In section 30, page 14, line 17, at end insert—

<(6) The persons who are required to be consulted under this subsection are—

(a) where the regulations in respect of which consultation is being carried out will specify the minimum frequency with which schools are to be inspected—

(i) such registered teachers as the Scottish Ministers consider appropriate,

(ii) such persons who appear to the Scottish Ministers to represent the interests of registered teachers as the Scottish Ministers consider appropriate,

(b) where the regulations in respect of which consultation is being carried out will specify the minimum frequency with which providers of further education are to be inspected—

(i) such college teaching staff as the Scottish Ministers consider appropriate,

(ii) such persons who appear to the Scottish Ministers to represent the interests of college teaching staff as the Scottish Ministers consider appropriate.>

Jenny Gilruth

28 In section 30, page 14, line 17, at end insert—

<(7) The Scottish Ministers must—

(a) within 12 months of this section coming fully into force, lay before the Scottish Parliament for approval by resolution a draft Scottish statutory instrument containing regulations in respect of schools which they are empowered to make under subsection (4), and

(b) if the draft Scottish statutory instrument is approved by the Scottish Parliament, make the regulations contained in the draft instrument.

(8) For the purpose of subsection (7), "schools" is to be construed in accordance with the definition of "school" in section 135(1) of the Education (Scotland) Act 1980 other than that it is not to include a nursery school.>

Pam Duncan-Glancy

229 In section 36, page 17, leave out lines 10 and 11 and insert—

<(iia) a risk-based method by which the frequency of inspection of relevant educational establishments, other than excepted establishments, is to be set, reflecting the need for establishments assessed as being higher risk to be inspected more frequently than those assessed as being lower risk,>

Pam Duncan-Glancy

230 In section 36, page 17, line 11, at end insert—

<(iib) details of how the risk level of a relevant educational establishment will be assessed for the purposes of determining the frequency of inspection under sub-paragraph (iia),>

Pam Duncan-Glancy

241 After section 36, insert—

<Request for inspection

(1) A relevant educational establishment may request that the Chief Inspector carry out an inspection of that establishment during the next academic year notwithstanding the fact that they would not otherwise be inspected during that year in line with the inspection plan published under section 36.

(2) If the relevant educational establishment is a school operated by a local authority, it may only make a request under subsection (1) with the agreement of the operating local authority.

(3) Where the Chief Inspector has received a request under subsection (1), the Chief Inspector must, as soon as reasonably practicable—

(a) confirm whether the establishment will be inspected in the next academic year, and

(b) if the establishment will not be inspected in the specified year, provide reasons for that decision to the local authority and the establishment in writing.

(4) In this section, "academic year" means a period of one year beginning on 1 August.>

Group 15: Functions of the Chief Inspector

Ross Greer

204 In section 30, page 14, line 17, at end insert—

<(6) The Chief Inspector may secure the inspection of education provided at home to a person of school age who does not attend a relevant educational establishment.

(7) For the purposes of subsection (6), "school age" has the meaning given in section 31 of the Education (Scotland) Act 1980.

(8) The Scottish Ministers may by regulations provide for further details in relation to the Chief Inspector's power under subsection (6).>

Ross Greer

205 In section 31, page 15, line 21, at end insert—

<( ) Regulations under subsection (6) may in particular modify the meaning of "relevant educational establishment" to include the provision of home education.>

Roz McCall

206 After section 31, insert—

<Childminders: streamlining inspection requirements

(1) The Scottish Ministers must by regulations make provision to prevent the routine duplication of inspections of childminding services by His Majesty's Chief Inspector of Education in Scotland and the Care Inspectorate (Social Care and Social Work Improvement Scotland).

(2) Regulations under subsection (1) must provide that—

(a) where a childminder is already subject to inspection by the Care Inspectorate in relation to educational provision for children within the early years and childcare

sector, the Chief Inspector may not conduct a separate inspection of that service except where—

(i) specifically requested to do so by the Care Inspectorate,

(ii) a significant concern has been raised about educational provision requiring immediate inspection, or

(iii) a joint inspection has been agreed.

(3) In exercising its functions under this Act, the Chief Inspector must have regard to the desirability of avoiding duplication of inspection activity in relation to childminding services registered with the Care Inspectorate.

(4) Regulations under this section must be laid before the Scottish Parliament within the period of 1 year beginning with the day after Royal Assent.>

Stephen Kerr

35 After section 33, insert—

<The whistleblower function

(1) The Chief Inspector must secure the provision of a confidential means for persons to report concerns related to wrongdoing, misconduct, maladministration, or breaches of statutory obligations within relevant educational establishments.

(2) In the exercise of the function under this section, the Chief Inspector must—

(a) act in the public interest,

(b) follow best practice in relation to whistleblowing.

(3) The Scottish Ministers may by regulations make provision about the reporting of concerns under subsection (1), including—

(a) the processes for reporting concerns,

(b) the processes for reviewing and investigating concerns,

(c) the processes for referring concerns to another person or body,

(d) the preparation and publication of guidance on reporting concerns,

(e) the provision of information relating to the concern by another person or body,

(f) the processes for maintaining confidentiality in relation to concerns,

(g) protection from dismissal, disciplinary action or discrimination for the person reporting the concern,

(h) the provision of legal assistance and advice for the person reporting the concern,

(i) such other matters as the Scottish Ministers consider appropriate.>

Miles Briggs

210 After section 33, insert—

<Child protection and safeguarding function

(1) The Chief Inspector must oversee the enforcement of child protection and safeguarding measures in relevant educational establishments.

(2) The Scottish Ministers may by regulations make further provision about the Chief Inspector's function under subsection (1), including—

(a) how child protection and safeguarding measures in relevant educational establishments are to be inspected by the Chief Inspector,

(b) the process by which complaints can be made to the Chief Inspector in relation to child protection and safeguarding measures,

(c) the steps that can be taken by the Chief Inspector in response to such complaints.>

Ross Greer

221 After section 34, insert—

<*Report on home education*

Report on home education

(1) The Chief Inspector must within 2 years of Royal Assent prepare and publish a report on home education.

(2) The report under subsection (1) must include consideration of—

(a) whether home education should be subject to inspection by the Chief Inspector,

(b) whether any changes are required to the duties of education authorities to ensure that home education is of an adequate standard,

(c) any other matters that the Chief Inspector considers appropriate.

(3) The Scottish Ministers must—

(a) consider the report published under subsection (1), and

(b) within 6 months of publication of the report, lay a statement before the Scottish Parliament which must include information about what changes, if any, they intend to make.>

Stephen Kerr

53 After section 39, insert—

<Report on whistleblower function

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

(a) prepare and publish a report in relation to concerns raised under section (*The whistleblower function*), and

(b) lay the report before the Scottish Parliament.

(2) A report under subsection (1) must include a summary of—

(a) the number of concerns reported,

(b) the nature of those concerns,

(c) the outcome of any investigations,

(d) any recommendations made to educational establishments or to the Scottish Ministers.

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

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

(a) the period of 1 year beginning with the day on which this section comes into force,

(b) each subsequent period of 1 year.>

Ross Greer

257 In section 55, page 25, line 16, after <30(4)> insert <and (8)>

Stephen Kerr

258 In section 55, page 25, line 17, at end insert—

<( ) section (*The whistleblower function*)(3),>

Miles Briggs

259 In section 55, page 25, line 17, at end insert—

<( ) section (*Child protection and safeguarding function*)(2),>

Group 16: Involvement of teachers, college staff and others in inspection matters

Stephen Kerr

29 After section 30, insert—

<Co-design of inspections

(1) Any inspection carried out in pursuance of section 30(2) must be designed in consultation with persons representing the interests of registered teachers or college teaching staff providing relevant teaching or training in the inspected educational establishment.

(2) The Scottish Ministers may, by regulations, make further provision about designing an inspection in accordance with subsection (1).>

Stephen Kerr

30 After section 30, insert—

<Consultation on inspections

(1) The Chief Inspector must, for each review period, consult the following persons on the design of inspections carried out in pursuance of section 30(2)—

(a) registered teachers,

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

(c) persons representing the interests of the persons mentioned in paragraphs (a) and (b),

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

(2) If any person mentioned in subsection (1) makes a recommendation to the Chief Inspector on the design of inspections, the Chief Inspector must—

(a) accept, and make arrangements to implement, the recommendation, or

(b) provide a written response as to why the Chief Inspector does not accept the recommendation.

(3) In this section, "review period" means the period of 12 months beginning on the day after Royal Assent, and thereafter, each period of 12 months.>

Stephen Kerr

38 In section 36, page 17, line 21, at end insert—

<(ix) the process for registered teachers and college teaching staff to make recommendations on the format and content of inspections, >

Stephen Kerr

39 In section 36, page 17, line 21, at end insert—

<(x) the process for the Chief Inspector to respond to any recommendations received under sub-paragraph (ix),>

Ross Greer

234 In section 36, page 17, line 31, after <establishments> insert <as the Chief Inspector considers appropriate>

Pam Duncan-Glancy

235 In section 36, page 17, line 31, at end insert—

<( ) such persons as the Chief Inspector considers representative of the interests of persons (other than relevant educational establishments) likely to be affected by the Chief Inspector's functions,>

Stephen Kerr

236 *In substitution for amendment 40*

In section 36, page 17, line 31, at end insert—

<( ) such persons as the Chief Inspector considers representative of registered teachers and college teaching staff as the Chief Inspector considers appropriate,>

Ross Greer

239 In section 36, page 18, leave out lines 12 and 13 and insert—

<( ) such persons as the Scottish Ministers consider representative of relevant educational establishments as the Scottish Ministers consider appropriate,>

Pam Duncan-Glancy

240 In section 36, page 18, line 13, at end insert—

<( ) such persons as the Scottish Ministers consider representative of the interests of persons (other than relevant educational establishments) likely to be affected by the Chief Inspector's functions,>

Jenny Gilruth

240A As an amendment to amendment 240, line 4, after <functions> insert <as the Scottish Ministers consider appropriate>

Stephen Kerr

81 In section 55, page 25, line 16, at end insert—

<( ) section (*Co-design of inspections*)(2)>

Group 17: Chief Inspector: duties when exercising functions

Pam Duncan-Glancy

211 In section 33A, page 16, line 2, leave out <have regard to the desirability of working> and insert <work>

Jenny Gilruth

319 In section 33A, page 16, line 3, leave out <where appropriate> and insert <in every case in which it appears to the Chief Inspector appropriate to do so>

Pam Duncan-Glancy

212 In section 34, page 16, line 8, at end insert—

<(zi) the Scottish Ministers' strategic priorities and objectives in relation to school education as set out in the National Improvement Framework,>

Jenny Gilruth

320 In section 34, page 16, line 16, after <including> insert <those with educational support needs and>

Pam Duncan-Glancy

213 In section 34, page 16, line 22, at end insert—

<(iv) the needs and interests of children, young people and other persons who are receiving or will receive education at a relevant educational establishment who —

(A) require additional support,

(B) have needs related to inclusive communication.>

Pam Duncan-Glancy

214 In section 34, page 16, line 22, at end insert—

<( ) the experience of persons providing teaching or training in a relevant educational establishment.>

Pam Duncan-Glancy

215 In section 34, page 16, line 22, at end insert—

<( ) the experience of persons providing support to persons with additional support needs at a relevant educational establishment.>

Jenny Gilruth

215A As an amendment to amendment 215, line 2, leave out <additional> and insert <educational>

Pam Duncan-Glancy

216 In section 34, page 16, line 22, at end insert—

<( ) the morale and wellbeing of teachers and staff.>

Pam Duncan-Glancy

217 In section 34, page 16, line 22, at end insert—

<( ) challenge unnecessary bureaucracy and offer practical assistance to schools and local authorities.>

Martin Whitfield

218 In section 34, page 16, line 22, at end insert—

<( ) The Scottish Ministers must publish and keep under review guidance in relation to the meaning of "adequate arrangements" for the purposes of subsection (1)(b)(ii), including the intended effect of such arrangements.>

Pam Duncan-Glancy

219 In section 34, page 16, line 22, at end insert—

<( ) For the purpose of subsection (1)(b)(zi), the "National Improvement Framework" means the National Improvement Framework for the time being in effect, as prepared and published under section 3C of the Standards in Scotland's Schools etc. Act 2000.>

Pam Duncan-Glancy

220 In section 34, page 16, line 22, at end insert—

<( ) For the purposes of subsection (1)(b)(iv)(B), "inclusive communication" has the meaning set out in section 4 of the Social Security (Scotland) Act 2018.>

Group 18: Advisory Council

Pam Duncan-Glancy

222 In section 35, page 16, line 26, leave out <endeavour> and insert <have regard to the need>

Ross Greer

223 In section 35, page 16, line 28, after <functions> insert <, including—

(a) persons who are receiving education at relevant educational establishments,

(b) parents and carers of persons receiving education at such establishments,

(c) persons who are providing teaching or training at such establishments,

(d) members of the Chief Inspector's staff.>

Group 19: Inspection plan

Pam Duncan-Glancy

231 In section 36, page 17, line 12, at end insert—

<( ) where a relevant educational establishment is to receive notice of an inspection, information about—

(A) when that notice will be given, and

(B) the form in which the notice will be given,>

Ross Greer

232 In section 36, page 17, line 15, at end insert—

<( ) how inspections will evaluate the extent to which relevant educational establishments are taking action to secure better or further effect of the rights of children,>

Pam Duncan-Glancy

233 In section 36, page 17, line 15, at end insert—

<( ) how an assessment will be made as to whether an establishment is upholding its duty of care to—

(A) persons undertaking education or training in the establishment,

(B) persons employed in the establishment,>

Liz Smith

37 In section 36, page 17, leave out lines 16 to 19 and insert—

<( ) information about the extent to which, and how, inspections will evaluate outdoor education (including the standards against which outdoor education will be measured),>

Ross Greer

237 In section 36, page 17, line 32, at end insert—

<( ) Before publishing an inspection plan under subsection (1)(a), the Chief Inspector must lay a draft of the plan before the Scottish Parliament for a period of 40 days.>

Ross Greer

238 In section 36, page 17, line 33, leave out <(1)(a) or>

Jenny Gilruth

41 In section 36, page 17, line 34, leave out <60> and insert <40>

Jenny Gilruth

42 In section 36, page 18, line 3, leave out <60> and insert <40>

Group 20: Reports of the Chief Inspector

Jenny Gilruth

46 In section 37, page 18, line 22, leave out <relevant>

Ross Greer

242 In section 37, page 18, line 23, at end insert—

<(1B) Subsection (1C) applies where an inspection is carried out in pursuance of section 30(2) in respect of a single relevant educational establishment or what the Chief Inspector considers to be connected relevant educational establishments.

(1C) The Chief Inspector must, unless the Chief Inspector considers that there are exceptional circumstances which justify not doing so, give a copy of the report prepared under subsection (1)(a) in respect of the inspection to the establishment or establishments in question—

(a) as soon as reasonably practicable after it has been prepared, and

(b) before it is published.>

Ross Greer

243 In section 37, page 18, line 29, at end insert—

<(5) The managers of a relevant educational establishment must, in discharging their functions in respect of the establishment, have regard to the most recent report published under subsection (1) in respect of the establishment.

(6) For the purposes of subsection (5), "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.>

Stephen Kerr

48 In section 38, page 18, line 33, after <on> insert <—

( ) the performance of relevant educational establishments during that financial year,

( )>

Ross Greer

244 In section 38, page 18, line 38, after <include> insert <—

( )>

Ross Greer

245 In section 38, page 19, line 1, at end insert—

<( ) the number of times during the financial year that the Chief Inspector has not provided a copy of a report as mentioned in section 37(1C) because the Chief Inspector considered that there were exceptional circumstances which justified not doing so.>

Stephen Kerr

51 In section 39, page 19, line 11, at end insert—

<( ) A report prepared under subsection (1)(a) must include an overview of the findings set out in reports published under section 37(1) during the reporting period insofar as those findings relate to the performance of the Scottish education system.>

Stephen Kerr

52 In section 39, page 19, line 12, after <is> insert <otherwise>

Ross Greer

246 In section 39, page 19, line 13, at end insert—

<(2A) The managers of a relevant educational establishment must, in discharging their functions in respect of the establishment, have regard to the most recent report on the performance of the Scottish education system published under subsection (1).

(2B) For the purposes of subsection (2A), "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.>

Group 21: Board members of Qualifications Scotland

Pam Duncan-Glancy

267 In schedule 1, page 27, line 20, leave out <7> and insert <8>

Pam Duncan-Glancy

268 In schedule 1, page 27, line 20, at end insert <, and

( ) any co-opted members appointed by Qualifications Scotland under paragraph 6A.>

Martin Whitfield

269 In schedule 1, page 27, line 31, at end insert—

<( )one or more persons who appear to the Scottish Ministers to have knowledge of the interests of children and young people,>

Pam Duncan-Glancy

270 In schedule 1, page 27, line 33, after <training> insert <in schools>

Pam Duncan-Glancy

271 In schedule 1, page 28, line 2, at end insert—

<(e) one or more persons who appear to the Scottish Ministers to have knowledge of the skills relevant to business and industry.>

Jenny Gilruth

82 In schedule 1, page 28, line 9, at end insert—

<( ) If a member appointed to satisfy sub-paragraph (2)(ba)(i) or (ii) ceases to be a person mentioned in that sub-paragraph—

(a) the member is, for the duration of the member's period of appointment, to be treated for the purposes of this paragraph as if the member continued to be a person mentioned in that sub-paragraph,

(b) the Scottish Ministers must have regard to the desirability of appointing as a member, as soon as reasonably practicable, a person who is mentioned in sub-paragraph (2)(ba).>

Pam Duncan-Glancy

272 In schedule 1, page 28, line 18, after <training> insert <in schools>

Pam Duncan-Glancy

273 In schedule 1, page 28, line 23, at end insert—

<( ) in the case of paragraph (e), such persons as the Scottish Ministers consider representative of the skills development sector.>

Ross Greer

274 In schedule 1, page 28, line 23, at end insert—

<(3A) Before inviting applications for appointment of a member whose appointment is intended to satisfy sub-paragraph (2)(a), the Scottish Ministers must take such steps as they consider appropriate to encourage applications from those who are—

(a) 16 or 17 years of age, or

(b) young adults.>

Pam Duncan-Glancy

278 In schedule 1, page 29, line 21, at end insert—

<"schools" is to be construed in accordance with section 135(1) of the Education (Scotland) Act 1980.>

Ross Greer

279 In schedule 1, page 29, line 22, leave out from <sub-paragraph> to <done> in line 23 and insert <this paragraph, it is immaterial that—

<( ) anything done by way of consultation as mentioned in sub-paragraph (3) was done, or

( ) any steps mentioned in sub-paragraph (3A) were taken,>

Jenny Gilruth

85 In schedule 1, page 30, line 17, after <months,> insert—

<( ) the member—

(i) was appointed to satisfy paragraph 3(2)(ba)(i) or (ii), and

(ii) has ceased to be a person mentioned in that paragraph,>

Pam Duncan-Glancy

280 In schedule 1, page 30, line 23, at end insert—

<*Co-opted members*

6A(1) Qualifications Scotland may appoint a person as a co-opted member of Qualifications Scotland.

(2) Qualifications Scotland may make an appointment under sub-paragraph (1) only—

(a) with the consent of the Scottish Ministers, and

(b) if Qualifications Scotland considers the appointment to be necessary to ensure that its members (taken as a whole) have the knowledge, skills and experience relevant to its functions.

(3) Qualifications Scotland may have no more than 2 co-opted members at any time.

(4) A co-opted member—

(a) may take part in proceedings of Qualifications Scotland to the extent that Qualifications Scotland determines, but

(b) may not vote in any such proceedings.

(5) A co-opted member—

(a) is appointed for such period not exceeding 2 years as Qualifications Scotland determines,

(b) may be reappointed on one or more occasions, provided that the total period of reappointment does not exceed 2 years.

(6) Sub-paragraph (2) applies to a re-appointment made under sub-paragraph (5)(b) as it applies to an appointment made under sub-paragraph (1).

(7) A person may not be appointed (or re-appointed) as a co-opted member if the person may not be appointed as a member under paragraph 3(4).

(8) A person's appointment as a co-opted member ends if—

(a) the person resigns by giving written notice to Qualifications Scotland,

(b) during the person's period of appointment, the person becomes ineligible to be appointed as a co-opted member under sub-paragraph (7), or

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

(9) Qualifications Scotland or the Scottish Ministers may remove a co-opted member by virtue of sub-paragraph (8)(c) only if—

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

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

(c) Qualifications Scotland considers or, as the case may be, the Scottish Ministers consider that the co-opted member is—

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

(ii) unsuitable to continue as a co-opted member.

(10) Other than as provided in this paragraph, a co-opted member of Qualifications Scotland is appointed on such terms and conditions (including as to remuneration and allowances) as Qualifications Scotland, with the consent of the Scottish Ministers, determines.

(11) A reference in paragraphs 3 to 6 to a member or the members of Qualifications Scotland does not include a reference to a co-opted member.>

Jenny Gilruth

96 In schedule 3, page 39, line 35, at end insert—

<(2A) Regulations under sub-paragraph (2) may provide that—

(a) a person mentioned in sub-paragraph (2B) is to be treated for the purposes of schedule 1 as if the person were appointed as a member of Qualifications Scotland to satisfy paragraph 3(2)(ba)(i) or (ii) of that schedule,

(b) where, before the member appointment date, such a person has ceased to be a person mentioned in that paragraph, the person is to be treated for the purposes of schedule 1 as if the person had ceased to be a person mentioned in that paragraph after being appointed as a member of Qualifications Scotland.

(2B) A person referred to in sub-paragraph (2A) is a person who—

(a) is to be taken to have been appointed as a member of Qualifications Scotland by virtue of regulations made under sub-paragraph (2), and

(b) was a person mentioned in paragraph 3(2)(ba)(i) or (as the case may be) (ii) of schedule 1 when appointed as a member of the Scottish Qualifications Authority.>

Pam Duncan-Glancy

315 In schedule 3, page 40, line 4, after <Act> insert <subject to subsection (4A) and (4B)>

Pam Duncan-Glancy

316 In schedule 3, page 40, line 4, at end insert—

<(4A) The appointment of an initial member under this paragraph must be terminated no later than 6 months after the member appointment date.

(4B) An initial member whose appointment is terminated in accordance with sub-paragraph (4A) may be reappointed, but only after undertaking the same application process as any person who is not an initial member.>

Pam Duncan-Glancy

317 In schedule 3, page 40, line 4, at end insert—

<(4A) Qualifications Scotland must establish a scheme for the appraisal of initial members.

(4B) Qualification Scotland must conduct an appraisal of any initial member under subsection (4A) no later than 6 months after the member appointment date.>

Group 22: Qualifications Scotland staff: chief examiner and chief executive

Ross Greer

281 In schedule 1, page 30, line 27, leave out <, as a member of staff, a chief executive.> and insert <as members of staff—

(a) a chief executive,

(b) a chief examiner,>

Ross Greer

283 In schedule 1, page 30, line 27, at end insert—

<( ) The chief examiner is to be appointed by Qualifications Scotland to undertake such role relating to Qualification Scotland's functions under sections 2 and 3 as Qualifications Scotland determines, but that role must include responding to written advice provided to Qualifications Scotland by the Expert Group on Qualifications Standards under section *(Expert Group on Qualifications Standards)*.>

Stephen Kerr

86 In schedule 1, page 30, line 29, at end insert—

<( ) Qualifications Scotland may only appoint a person as chief executive if Qualifications Scotland and the Scottish Ministers consider the person—

(a) is a fit and proper person,

(b) has experience of leadership,

(c) has skills, knowledge and expertise in—

(i) education,

(ii) the regulation of educational qualifications, or

(iii) public sector governance.>

Stephen Kerr

87 In schedule 1, page 30, line 29, at end insert—

<( ) Qualifications Scotland may only appoint a person as chief executive if Qualifications Scotland and the Scottish Ministers consider—

(a) that person demonstrates a commitment to the values of openness, transparency and accountability,

(b) that, under the person's leadership, Qualifications Scotland would—

(i) be clear and accessible in its decision-making,

(ii) ensure that standards and assessments in relation to relevant qualifications are subject to appropriate scrutiny,

(iii) engage with—

(A) children, young people and other persons undertaking a relevant qualification,

(B) persons providing relevant teaching or training in educational establishments,

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

(iv) publish data, reports and decisions in relation to the exercise of Qualifications Scotland's functions,

(v) respond appropriately to developments in—

(A) education policy,

(B) the needs of children, young people and other persons undertaking a relevant qualification,

(C) employers,

(vi) maintain a fair and transparent system for handling—

(A) appeals in relation to the awarding of relevant qualifications,

(B) complaints in relation to any aspect of the exercise of Qualification Scotland's functions.

( ) In this paragraph, "relevant qualification" means a Qualifications Scotland qualification.>

Stephen Kerr

88 In schedule 1, page 30, line 29, at end insert—

<( ) A chief executive is appointed for such period, not exceeding 7 years, as the Scottish Ministers may determine.

( ) A person who has been appointed chief executive is ineligible for re-appointment at any time.>

Ross Greer

286 In schedule 1, page 30, line 29, at end insert—

<( ) Qualifications Scotland may appoint an individual as the chief examiner only where it considers that the individual has suitable experience of working in the education, training, qualifications or skills development sector.>

Ross Greer

287 In schedule 1, page 30, line 31, after <executive> insert <, chief examiner>

Group 23: Appointment of Chief Inspector

Stephen Kerr

91 In schedule 2, page 37, line 5, at end insert—

<( ) The Scottish Ministers may recommend the appointment of an individual as the Chief Inspector only where they consider that the individual has—

(a) suitable teaching experience, and

(b) relevant experience of acting in a leadership role in an educational establishment.>

Stephen Kerr

92 In schedule 2, page 37, line 7, at end insert—

<( ) The Chief Inspector is to hold office for such period not exceeding 7 years.

( ) A person who has been appointed as Chief Inspector is ineligible for re-appointment at any time.>

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