

Contents

Introduction	3
Stage 1	4
Committee Report and Scottish Government Response	4
Stage 1 Debate	5
Stage 2	7
Day 1	7
Day 2	8
Day 3	11
Stage 3	14
Bibliography	15

Introduction

The Education (Scotland) Bill was introduced on 4 June 2024. The Bill seeks to replace the Scottish Qualifications Authority (SQA) with a new body, Qualifications Scotland, and to set out the functions of a new office, His Majesty's Chief Inspector of Education in Scotland. These actions form part of a wider programme of education reform.

The Bill, as introduced, would give Qualifications Scotland substantially the same functions as the SQA currently holds. The Bill would retain the accreditation function within the qualifications body, with changes to the internal governance arrangements, but would make no changes to the function.

The Bill would make changes to the governance arrangements of the new body, notably providing for Learner and Teacher & Practitioner Charters and Learner and Teacher & Practitioner Interest Committees. The Charters would set out what Learners, Teachers, and Practitioners should expect from the new body and the Committees are intended to provide forums for their interests to be better reflected in the operation of the new body.

His Majesty's Chief Inspector of Education would take on the inspection functions, thus separating the curriculum improvement and inspection functions that are currently both carried out by Education Scotland. The new structures are intended to provide for greater independence of inspectorate.

Stage 1

The Education, Children and Young People Committee was the lead committee at Stage 1. It published [its report on 6 December 2024](#). The [Government responded on 13 December 2024](#). The Stage 1 debate was held on 16 December 2024 and the Parliament agreed to the general principles of the Bill.

Committee Report and Scottish Government Response

The Committee's report acknowledged the need for a new qualifications body but expressed concerns that Qualifications Scotland may not be sufficiently different from the SQA to inspire confidence and rebuild trust.

The Committee said that it had concerns that there is "insufficient separation of, and distinction between, the awarding and accreditation functions". The Committee recommended that the Scottish Government "explore more fully the options of where else the accreditation function could sit" as well as "clarify what it considers the scope and function of regulation [of qualifications] should be."

The Government's response noted that it had undertaken analysis on options for where the accreditation and regulation function should be sited. The Government [published details of this analysis in March 2025](#). The Government also said "a short-life working group was established in October 2023 to look at the role of accreditation and regulation of qualifications and how it currently operates in relation to other forms of oversight across the wider qualifications system."

The Committee highlighted a number of issues around the board of Qualifications Scotland and the various committees the bill proposes. The Committee sought clarification on how different stakeholders' views would feed into the work of the new organisation. The Government set out its position in its response to the Committee. One issue the Government raised was that members of a board of a public body have a "duty to effectively govern the organisation they are appointed to, regardless of other roles they hold, and should therefore not represent the interests of other organisations". In other words, the Government's view is that members of the board should not represent other bodies on the board, such as a teaching trade union. The Government set out the overall intention:

“ The Scottish Government has consistently highlighted the need to involve all those with a stake in how Qualifications Scotland operates, including children and young people, teachers, practitioners, parents and carers. This is key to delivering a fair and credible qualifications system that enhances the learning and teaching experience and supports better outcomes for all. The Scottish Government believes the full package of proposed governance and accountability measures, such as the interest committees, the Strategic Advisory Council and the Charters, will support the Board to ensure all these views are heard and fairly and transparently inform decision-making. Furthermore, Board members in particular are required to demonstrate they have the necessary skills and expertise to facilitate and support inclusion and participation, and to effectively manage any tensions that may arise as part of their responsibilities.”

Scottish Government, 2024¹

There was also broad support for establishing HM Chief Inspector of Education as a stand-alone body, and the Committee stressed the importance of the inspectorate's independence. The Government's response stated:

“ Provision has been included to ensure that, in performing their functions, the Chief Inspector is not subject to the direction or control of any member of Scottish Government (schedule 2, paragraph 2(1)), except where otherwise specified in the legislation. The powers that Ministers do retain under the Bill are considered necessary to enable them to carry out some of their own functions relating to school education, including the duty to endeavour to secure improvement in the quality of school education in Scotland and the regulation of independent schools, including when using their powers of direction in this regard.”

The Committee recommended that the Bill be amended to include a "clear statement on the purpose of inspections". The Government's response set out what it considers to be the purposes of inspections, but questioned whether setting these out in legislation may "inadvertently, curtail the ability of the Chief Inspector to develop their approach to inspection in future".

The Committee argued that there should be more clarity on wider education reform and the future role of Education Scotland. It also highlighted the importance of leadership and culture to the delivery of improvements.

Stage 1 Debate

The [Stage 1 debate took place on 18 December 2024](#).

The debate reflected the topics considered by the Education, Children and Young People Committee at Stage 1 and in its report on the Bill.

The Cabinet Secretary for Education and Skills, Jenny Gilruth MSP, noted that the Bill is part of a broader education reform agenda, including non-legislative reforms. She also said:

“ I know that rebuilding trust with Scotland’s teachers will be critical. That is why, as I have previously set out to the Parliament, reform is not in itself a panacea. Cultural change in both Government and our agencies will be essential if we are to build a new qualifications system that carries the credence that children, parents and the teaching profession will expect.”

Scottish Parliament, 2024²

The Cabinet Secretary highlighted the importance of working with stakeholders, including teachers, parents, and pupils, to ensure the success of the reforms. She also indicated a willingness to work with MSPs across the Parliament on how to amend the Bill, including on strengthening provisions to "deliver the necessary separation between the awarding and accreditation functions of Qualifications Scotland".

Opposition spokespeople argued that the Bill should be strengthened in a number of areas. Miles Briggs MSP said that the new organisations should be more accountable to Parliament. Pam Duncan-Glancy MSP criticized the Bill for not addressing the deeper issues in the education system and called for better representation of teachers and trade

unions in the governance structures of Qualifications Scotland. Ross Greer MSP stressed the importance of effective communication and engagement with teachers and pupils. Willie Rennie MSP emphasised the importance of the independence of both the inspectorate and the accreditation and regulation of qualifications.

Parliament agreed to the general principles of the Bill. The result was: For 96, Against 0, Abstentions 21. Scottish Labour MSPs abstained.

Stage 2

Stage 2 is an amending stage where amendments are considered and voted on in Committee. The Education, Children and Young People Committee considered the Bill at Stage 2 over 3 days.

Overall there were a high number of substantive amendments proposed to the Bill. However relatively few were moved and voted on at Stage 2; very often the Cabinet Secretary agreed with opposition Members to work on alternative amendments for Stage 3. Sometimes this was to tidy up drafting and sometimes this was to seek to negotiate and come to an agreed position before Stage 3.

The following sections of this briefing are not an exhaustive account of the changes to the Bill or the debates at Stage 2. The purpose is to highlight the main changes and the areas where the Cabinet Secretary has agreed to work with other members to develop amendments at Stage 3.

Day 1

The [first consideration of Stage 2 of the Bill took place on 23 April 2025](#).

Accreditation function

Willie Rennie MSP, Pam Duncan-Glancy MSP and Stephen Kerr MSP lodged amendments that would move the accreditation function away from Qualifications Scotland. [SPICe published a blog on the accreditation and regulation of qualifications in June 2025](#). Essentially the Committee had the following suite of options. Moving the accreditation function into:

- the office of the Chief Inspector of Education
- the Scottish Credit and Qualifications Framework Partnership
- Education Scotland
- a new statutory curriculum and improvement body, “Curriculum Scotland”.

There was also a proposal to establish a Chief Regulator of Examinations in Scotland.

The Cabinet Secretary had also lodged an amendment which would require the Government to undertake a review of the operation of the accreditation provisions, including “the scope of the accreditation function” and “whether the accreditation function should remain a function of Qualifications Scotland”.

During a fairly lengthy debate it was clear that there was appetite for change but no consensus of what that change may be. The Committee agreed to the Government amendment but agreed to work together ahead of Stage 3 on potential amendments.

Committees of Qualifications Scotland

The Bill provides for two consultative committees to be part of the structures of Qualifications Scotland: a Learner Interest Committee and a Teacher & Practitioner

Interest Committee. Members lodged amendments to the structures and membership of these committees. The Committee agreed to amendments lodged by Ross Greer MSP that ensure that almost all of the members of these interest committees will be, or will have recently been, learners or teachers & practitioners respectively.

Day 2

The [second consideration of Stage 2 of the Bill took place on 30 April 2025 across two sessions that day.](#)

Scottish Credit and Qualifications Framework (SCQF)

Pam Duncan Glancy MSP and Stephen Kerr MSP lodged amendments to make the SCQF more explicit within the qualifications portfolio of the new body. The Government agreed with the principle that Qualifications Scotland has a statutory duty to have regard to the SCQF. However, the Cabinet Secretary argued that a specific framework for Qualifications Scotland is not necessary on the basis that the SCQF exists and qualifications are benchmarked against it. These amendments were either not pressed or not agreed to. The Government agreed to work with the Members on this area ahead of Stage 3.

Qualifications Scotland: duties when exercising functions

Opposition Members and the Scottish Government lodged amendments to create more specific duties on Qualifications Scotland when carrying out its duties (under Section 7). These included:

- Having regard to the current and future needs in relation to improving Scotland's economy and to the "economic, social and environmental priorities of the Scottish Ministers". The Cabinet Secretary noted that public bodies are already required to have regard to the priorities of the Government, but nevertheless she said the Government would support this amendment. This amendment was agreed to.
- Having regard to "developments in knowledge and skills learning" or the advice from other public bodies. The Cabinet Secretary suggested that the Government supports the intent behind these amendments but suggested that the drafting should be changed and invited Members to work with her on similar amendments at Stage 3. These amendments were not moved.
- Working in a transparent and accountable way. The Cabinet Secretary agreed with the intent of this amendment but suggested that the language should be more specific and invited the Member to work with the Government on potential alternative wording for an amendment at stage 3.
- Have regard to BSL education, both BSL medium education and learning BSL. These were amendments lodged by the Government and agreed by the Committee.

Consultation by Qualifications Scotland

Members lodged a number of amendments to section 8 on the duties to consult to be placed on Qualifications Scotland. Broadly speaking these were intended to widen and to create greater specificity in these duties. The Cabinet Secretary agreed in principle with some of these suggestions and committed to working with Opposition Members on matters

to do with consulting stakeholders.

Strategic Advisory Council

Section 9 of the Bill concerned the duties of Ministers to make regulations to establish a Strategic Advisory Council. The function of this Council will be to consider matters relating to Qualifications Scotland and provide advice to both Qualifications Scotland and Scottish Ministers. Ministers will have a duty to make the regulations and Section 9(2) provides a list of the types of provision these regulations may contain; Section 9(3) provides a list of the types of provision that the regulations must contain. The majority of the proposed amendments to this section focused on the latter list.

Under the “must” list, the amendments lodged by several MSPs covered the types of people who must be members of the Council, or who would be excluded. Ross Greer MSP lodged amendments that would prevent Qualifications Scotland staff from being members, but would allow them to observe proceedings. This was agreed by the Committee. The Cabinet Secretary argued that there should be some flexibility through the regulation-making powers to amend the membership of the Council, but said that she would be content to discuss the matter further with Opposition Members.

An amendment by Miles Briggs prescribed that at least one member of the Council must represent the interests of parents/carers. Pam Duncan-Glancy MSP also lodged an amendment limiting the terms of office for members of council. These amendments were agreed to on the casting vote of the Convener, Douglas Ross MSP.

Review of qualifications

Pam Duncan-Glancy MSP lodged amendments to introduce a duty to review qualifications where concerns have been raised. The Cabinet Secretary said that she was sympathetic to the intent of the amendments and suggested that further discussion could be had on this matter before Stage 3. Pam Duncan-Glancy MSP did not move these amendments.

Charters

There were a high number of amendments lodged in relation to the Learner and Teacher & Practitioner Charters set out under sections 10 and 11 of the Bill.

A key theme of the amendments was to specify how the charters would be co-produced. The Cabinet Secretary agreed to work with Members to develop amendments at Stage 3 to strengthen duties in this respect.

There were also amendments lodged by Pam Duncan-Glancy MSP which sought to create duties on Qualifications Scotland to comply with the Charters, which were not agreed to by the Committee. However an amendment which created a duty on Qualifications Scotland to include in its annual report details of any failures to satisfy the expectations of a Charter was agreed to by the Committee on the casting vote of the Convener.

Pam Duncan-Glancy MSP lodged an amendment specifying that, while developing the Learner Charter, Qualifications Scotland must consult persons taking its qualifications who are BSL users; have protected characteristics under the Equality Act 2010; and have additional support needs. This was also agreed to on the casting vote of the Convener.

Pam Duncan-Glancy MSP lodged an amendment to require Qualifications Scotland, while developing and reviewing the relevant Charters, to consult with the Learner Interest and

Teacher & Practitioners Interest Committees provided for in Schedule 1 of the Bill. The Cabinet Secretary agreed with the principle but suggested that there were issues with the drafting of these amendments. Pam Duncan-Glancy MSP did not move the amendment on the Learner Charter; she did move the equivalent amendment on the Teacher and Practitioner Charter, as well as an amendment on consulting those Committees when reviewing both Charters. Those amendments were agreed on the casting vote of the Convener.

Miles Briggs MSP lodged an amendment to specify that Qualifications Scotland prepare and publish a Parent Charter. Similarly, Pam Duncan-Glancy MSP lodged an amendment proposing a Post-School Learner and Practitioner Charter. The Cabinet Secretary noted that Qualifications Scotland would have the power to create additional Charters and these amendments were not agreed to by the Committee.

Publication of documents

Sections 25 and 54 of the Bill require that any documents published under the Bill by Qualifications Scotland or the Chief Inspector of Education would have regard to the importance of communicating in the way that best meets the needs of certain groups. The Cabinet Secretary lodged amendments to include BSL users under these duties. Ross Greer MSP similarly lodged amendments to include users of the Scots language. These amendments were agreed to.

Curriculum body

Stephen Kerr MSP lodged an amendment to define the functions of Education Scotland. Pam Duncan-Glancy MSP lodged amendments which would establish a new public body, Curriculum Scotland. This would be responsible for the “curriculum for the education of children and young people in Scotland.”

The Cabinet Secretary agreed that the role and function of Education Scotland does need to be clearer. She argued that this is taking place through on a non-statutory basis and will be strengthened by the removal of the inspection function from Education Scotland.

These amendments were not moved on the basis that further discussions would be taking place prior to Stage 3 on where the accreditation function would sit in the future.

Chief Inspector of Education: removal of Sovereign's role

Ross Greer MSP moved several amendments which would remove the Privy Council and His Majesty from the appointment process of the Chief Inspector of Education and would also remove “His Majesty” from the full formal title of the Chief Inspector. Overall, Mr Greer pressed two of these amendments to a vote and they were not agreed to by the Committee; the remainder were not moved.

Independence of the Chief Inspector of Education

Sue Webber MSP lodged a number of amendments which would remove the process for recommending the Chief Inspector of Education from Scottish Ministers and place that duty on the Scottish Parliament. These amendments would have also make the inspectorate accountable directly to the Parliament. Willie Rennie MSP also lodged a number of amendments in this area which removed Ministers from a number of processes, such as appointing inspectors (other than the Chief Inspector) and determining the frequency of inspections among other things.

The Cabinet Secretary argued against these amendments and none of the substantive amendments on the inspectorate were pressed.

Appointment of the Chief Inspector of Education

Stephen Kerr MSP lodged an amendment which sought to specify that a person could only be appointed to the role of Chief Inspector of Education if they were a registered teacher and with expertise of leadership in educational establishments. He also lodged an amendment to limit the term of office of the Chief Inspector to seven years.

The Cabinet Secretary noted that requiring a candidate to be a registered teacher could limit the field of candidates, effectively removing individuals with teaching and leadership experience from jurisdictions where teachers are not required to be registered. These amendments were not moved and the Cabinet Secretary said she was willing to discuss with the Stephen Kerr MSP alternative amendments which would prescribe the expertise and experience of candidate prior to Stage 3.

Advisory Council

Ross Greer MSP, Pam Duncan-Glancy MSP and Miles Briggs MSP all lodged amendments to specify the membership of the Advisory Council provided for in Section 35 of the Bill. The Cabinet Secretary suggested that she would work with Members to develop amendments seeking to achieve these aims and most amendments on this matter were not moved or were withdrawn.

Day 3

The [third consideration of Stage 2 of the Bill took place on 7 May 2025](#).

Inspections: purpose and matters to be considered

The Cabinet Secretary, Stephen Kerr MSP and Pam Duncan-Glancy MSP all proposed amendments that would set out the purposes of inspection. The amendments proposed by the Government and Pam Duncan-Glancy MSP both included a focus on inspections supporting improvements. Stephen Kerr MSP's amendment included a more prescriptive list of what inspections should assess. None of the MSPs pressed their substantive amendments in this group and the Cabinet Secretary agreed to work with members on a "strengthened amendment at stage 3".

Frequency of inspections

Stephen Kerr MSP sought to ensure that schools be inspected at least every three years. He did not move his amendments on the basis that there would be further discussion with the Cabinet Secretary on this matter.

The Bill, as introduced, provided Ministers with the power to make regulations setting out the frequency of inspections. Pam Duncan-Glancy MSP lodged amendments that would require Ministers to consult teachers and their representatives before making such regulations. This amendment was agreed by the Committee.

Raising concerns

Amendments were lodged which would require the inspectorate to ensure that there is a structure in place to take complaints and hear from whistleblowers. These were lodged by Miles Briggs MSP and Stephen Kerr MSP respectively, and both included amendments that would require the inspectorate to report on these functions. Miles Briggs MSP linked these amendments to the issues raised in [petition PE1979](#).

The Cabinet Secretary suggested that consideration of structures to consider complaints and whistleblowing around child protection would be taken forward through discussion with local authority partners and others. She suggested that the Chief Inspector of Education would not be best placed to hold these functions. She also noted that there are a number of existing complaint processes and routes for individuals. The amendments were not moved.

Safeguarding: people and buildings

The Cabinet Secretary, Willie Rennie MSP and Miles Briggs MSP all lodged amendments that would require inspectors to consider the welfare of children and young people. Liz Smith MSP lodged amendments that would require inspectors to inspect documentation on the safety of buildings.

The Committee agreed to the Government amendment. The others were not pressed.

Chief Inspector of Education: duties when exercising functions

Section 34 of the Bill provides for duties on the Chief Inspector when carrying out inspections. As introduced, the Bill provided for a duty to “have regard to the needs and interests of persons” undertaking Gaelic education. The Cabinet Secretary’s amendments added BSL education to this duty. The Committee agreed to these amendments. Other Members lodged amendments which would add a range of considerations under this duty. Most of these were not moved.

Stephen Kerr MSP lodged an amendment to include reference to the Chief Inspector of Education setting and upholding high standards in education governance and accountability. The Committee agreed to this amendment.

Inspection plans: preparation and matters to be covered

Section 36 provides that the Chief Inspector of Education prepare and publish an inspection plan. As introduced, the Bill provided that this plan must set out a number of matters, including the amount and frequency of inspections and the models of inspections to be used.

There were a number of amendments lodged which sought to prescribe what the plan should include. These included:

- how the inspectorate will give notice of inspections
- how inspectors will make recommendations
- how outdoor education provision would be inspected
- how the mental and physical wellbeing support will take place.

The Committee agreed to the amendment in relation to outdoor education on the casting vote of the Convener. The Committee also agreed to the amendment in relation to how the

inspectorate will make recommendations.

Ross Greer MSP lodged amendments which would require the Chief Inspector to lay a draft of the plan in Parliament, and to have regard to views expressed by Parliament or others before publishing the plan. This was agreed by the Committee. Mr Greer's amendment provided that the consultation period would be 60 days, not including periods of recess. The Government introduced amendments to shorten this timescale to 40 days. The Committee did not agree to this, on the casting vote of the Convener.

Reports on inspections

The Bill provides that the Inspectorate must prepare and publish a report following any inspection. The Bill, as introduced, provides that the Chief Inspector would determine the form and content of any report. The Committee agreed to an amendment that would require the inspectorate, while preparing these reports, to have regard to the views expressed by representatives of teaching or other staff in the establishment being inspected.

Reports on performance of the education system

The Bill will require the Chief Inspector of Education to publish reports on the performance of the Scottish education system as a whole every year. The intention is that this will be based on the inspections that take place through the year.

Stephen Kerr MSP lodged an amendment that sought to prescribe some aspects of what these reports should include, such as an assessment of the aims and implementation of national education policy and to make recommendations on these matters. The Cabinet Secretary agreed to have further discussion on the topic of these amendments. Stephen Kerr MSP did not move the amendments.

Ross Greer MSP sought to introduce a duty on education establishments to have regard to these national reports. The Cabinet Secretary was sympathetic to the intent of these amendments and suggested further discussion prior to Stage 3. Ross Greer MSP did not move this amendment.

Stage 3

Consideration of amendments and the debate at Stage 3 is expected to take place prior to summer recess 2025.

Bibliography

- 1 Scottish Government. (2024). Response to the Education, Children and Young People Committee. Retrieved from <https://www.parliament.scot/-/media/files/committees/education-children-and-young-people-committee/education-scotland-bill--scottish-government-response-to-stage-one-report-13-december-2024.pdf>
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