

Education, Children and Young People Committee  
Wednesday 4 June 2025  
19<sup>th</sup> Meeting, 2025 (Session 6)

## Subordinate Legislation

### Negative instruments

1. At its meeting today, the Committee will be considering the following negative instruments—
  - The Scotland Act 1998 (Agency Arrangements) (Specification) (Recognition of Qualifications) Order 2025 (**Annexe A**);
  - The Education (Appeal Committee Procedures) (Scotland) Amendment Regulations 2025 (**Annexe B**);
  - The St Mary's Music School (Aided Places) (Scotland) Amendment Regulations 2025 (**Annexe C**);
  - The Teachers' Pension Scheme (Scotland) Amendment Regulations 2025 (**Annexe D**).
2. More information about the instruments is set out in the annexes to this paper.

**Clerks to the Committee**  
**May 2025**

## Annexe A

# Note by the Clerk on the Scotland Act 1998 (Agency Arrangements) (Specification) (Recognition of Qualifications) Order 2025 (SI 2025/555)

## Overview

1. At this meeting, the Committee will consider the following Scottish Statutory Instrument (SSI), which is subject to annulment by resolution of the Parliament until 21 June 2025. The Committee is invited to consider the instrument and decide what, if any, recommendations to make.
2. More information about the instrument is summarised below:

**Title of instrument:** [The Scotland Act 1998 \(Agency Arrangements\) \(Specification\) \(Recognition of Qualifications\) Order 2025 \(SI/2025/555\)](#)

**Laid under:** The Scotland Act 1998

**Laid on:** 13 May 2025

**Procedure:** Negative

**Deadline for Committee consideration:** 16 June 2025

**Deadline for Chamber consideration:** 21 June 2025

## Procedure

3. Under the negative procedure, an instrument is laid after it is made, and is subject to annulment by resolution of the Parliament for a period of 40 days beginning on the day it is laid.
4. Once laid, the instrument is referred to:
  - the Delegated Powers and Law Reform (DPLR) Committee, for scrutiny on various technical grounds, and
  - a lead committee, whose remit includes the subject-matter of the instrument, for scrutiny on policy grounds.
5. Any MSP may propose, by motion, that the lead committee recommends annulment of the instrument. If such a motion is lodged, it must be debated at a meeting of the Committee, and the Committee must then report to the Parliament (by the advisory deadline referred to above).
6. If there is no motion recommending annulment, the lead committee is not required to report on the instrument.

## Delegated Powers and Law Reform Committee consideration

7. The DPLR Committee considered the instrument on 27 May 2025 and reported on it in its [Subordinate Legislation considered by the Delegated Powers and Law Reform Committee on 27 May 2025 report](#).
8. The DPLR Committee agreed not to draw the instrument to the attention of the Parliament. The DPLR Committee welcomed the Scottish Government's intent to amend an aspect of the Policy Note for this instrument, and of the Policy Note for SSI 2025/67, [to address an issue raised by the Committee, explained in full in this Instrument Responses document](#).

## Purpose of the instrument

9. The instrument specifies certain functions of the Scottish Ministers, which relate to the comparability and recognition of UK and overseas qualifications, and the provision of information or advice about such qualifications or the systems awarding them. The functions are specified under powers at section 93 of the 1998 Act, with a view to enabling the Scottish Government and the UK Government to enter into arrangements making provision for those functions to be exercised on behalf of the Scottish Ministers by a Minister of the Crown.
10. The Policy Note accompanying the instrument is included in Appendix A. It includes a summary of consultation undertaken on the instrument, impact assessments carried out, and the anticipated financial effects.

## Committee consideration

11. So far, no motion recommending annulment has been lodged.
12. Members are invited to consider the instrument and decide whether there are any points they wish to raise. If there are, options include:
  - seeking further information from the Scottish Government (and/or other stakeholders) through correspondence, and/or
  - inviting the Minister (and/or other stakeholders) to attend the next meeting to give evidence on the instrument.
13. It would then be for the Committee, at the next meeting, to consider the additional information gathered and decide whether to make recommendations in relation to the instrument.
14. If Members have no points to raise, the Committee should note the instrument (that is, agree that it has no recommendations to make).
15. However, should a motion recommending annulment be lodged later in the 40-day period, it may be necessary for the Committee to consider the instrument again.

## Appendix A: Scottish Government Policy Note

### THE SCOTLAND ACT 1998 (AGENCY ARRANGEMENTS) (SPECIFICATION) (REGOGNITION OF QUALIFICATIONS) ORDER 2025

The above instrument is made by His Majesty, in exercise of the power conferred on Him by section 93(3) of the Scotland Act 1998 (“the 1998 Act”) at the Court at Buckingham Palace, on 6 May 2025. The instrument is required to be made at a meeting of the Privy Council, then laid under negative procedure in both the Scottish Parliament and at the UK Parliament (under Type H procedure as set out at Schedule 7 of the 1998 Act).

### Summary Box

The instrument specifies certain functions of the Scottish Ministers, which relate to the comparability and recognition of UK and overseas qualifications, and the provision of information or advice about such qualifications or the systems awarding them. The functions are specified under powers at section 93 of the 1998 Act, with a view to enabling the Scottish Government and the UK Government to enter into arrangements making provision for those functions to be exercised on behalf of the Scottish Ministers by a Minister of the Crown.

## Policy Objectives

### Policy Objectives

On 13 May 2025, the Scottish Ministers laid the Scotland Act 1998 (Agency Arrangements) (Specification) (Recognition of Qualifications) Order 2025 (“**the Order**”) at the Scottish Parliament and the UK Government laid the Order before the UK Parliament. This Order will enable the Scottish Government and the UK Government to put in place agency arrangements for a Minister of the Crown, in practice currently the Secretary of State for Education in the UK Government, to exercise relevant devolved functions in providing the UK ENIC services (see below) to customers in Scotland on behalf of the Scottish Ministers.

### The UK ENIC services

The European Network of Information Centres (ENIC)<sup>1</sup> services offer a range of data and support linked to comparability of qualifications from abroad. The UK’s National Information Centre (“UK ENIC”) provides these services (“**the UK ENIC services**”). An external provider, Ecctis Limited, carries out the UK ENIC services through a contract with the UK Government’s Department for Education (“**DfE**”).

The UK ENIC services offer comparability statements for individuals seeking to demonstrate the comparability of their overseas qualifications with UK qualifications, or vice versa, for the purpose of work or study. The services are used, for example, by

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<sup>1</sup> <https://www.enic.org.uk/what-is-recognition/lisbon-recognition-convention/enic-naric>

foreign nationals with overseas qualifications who wish to work or study in the UK, including in some cases refugees, and also by those with UK qualifications who wish to work or study abroad. The UK ENIC services also provide support for sector bodies and higher and further learning institutions considering applications from potential employees or students from outside the UK.

Individuals can apply for their own statement of comparability and organisations can be given access to comprehensive databases to make comparison judgements for themselves. The UK ENIC services are used heavily by a range of organisations in Scotland, particularly universities who use them to support consideration of applications from students from abroad. They are also used by services supporting refugees, as well as professional regulatory bodies such as the General Teaching Council for Scotland.

The UK ENIC services support obligations under two international treaties: the Global Convention on the Recognition of Qualifications concerning Higher Education, signed by the United Kingdom at Paris on 25th November 2019 and the Convention on the Recognition of Qualifications concerning Higher Education in the European Region, signed by the United Kingdom on 7th November 1997 (together “**the Conventions**”).

The Conventions aim to facilitate academic and professional mobility between states and enhance international cooperation and trust in higher education. The Conventions oblige signatory states to implement the recognition of qualifications from other signatory states and set out how recognition decisions shall be made. The Conventions also require signatory states each to establish and maintain a national information centre that facilitates access to information about higher education and qualifications. The UK ENIC services fulfil information and recognition functions for the United Kingdom.

Since 1997, the services have been delivered through a series of contracts procured and managed by the UK Government and operating UK-wide.

#### The UK ENIC services offer

The UK ENIC services include:

- a) ‘**statements of comparability**’ that evidence the comparability of overseas qualifications with UK qualifications. This is useful for access to higher education and to employment in the UK including health and social care, business administration, law, ICT, construction, and engineering.
- b) ‘**UK qualification reference statements**’ that provide information about an individual’s UK qualification, such as qualification entry requirements, the level of the qualification, progression routes or information about the relevant issuing body. This can be useful to demonstrate the scope of a qualification overseas or in the UK.
- c) ‘**refugee bundle services**’ and ‘**standard bundle services**’ that provide a specified number of ‘statements of comparability’ for relevant organisations and companies. This

is useful for those who make frequent applications for the 'statement of comparability' service. Bundles provide a cheaper and more convenient option than one-off 'statement of comparability' applications.

d) 'subscription packages' allowing subscribers access to a range of services including, but not limited to, access to an online database(s) for five to an unlimited number of users depending upon the subscription package selected.

### Scottish users

#### *Individual applications in Scotland*

Over the three years 2022 to 2024, there were just under 1,300 individual applications from residents in Scotland to the UK ENIC services. It is not known whether these individuals intended to use the statements of comparability in Scotland or elsewhere in the UK, and it is not possible to obtain this information, since the purpose of requesting the comparison is not recorded.

The figures above do not include individuals resident overseas who paid for services before coming to study or work in Scotland; such applications cannot be identified because the intended destination of an individual within the UK is not requested by the UK ENIC services at point of application. We do not know, and do not have a way of knowing, how many individuals from overseas paid for services to access employment or work in Scotland.

Scots residing overseas might use the UK ENIC services to obtain a qualification reference statement (in respect of a UK qualification) or use equivalent services in their intended destination country.

#### *Use of the UK ENIC services by Scottish organisations*

The UK ENIC services are used heavily by a range of organisations in Scotland, particularly universities who use it to support consideration of applications from students from abroad. It is also used by services supporting refugees, as well as professional regulatory bodies, such as the General Teaching Council for Scotland.

There are currently 29 member organisations based in Scotland. Members receive access to comprehensive databases which they can access directly at will to make comparison judgements for themselves. Members also have the option of submitting enquiries to the UK ENIC services membership team if they need additional specific help beyond what they have been able to achieve themselves.

There were a total of around 7,650 queries submitted by Scottish member organisations to UK ENIC services over the three years 2022 to 2024. However, this information does not reflect the usage of the actual databases through the membership scheme. Queries only arise where members need help with something which they have not been able to work out for themselves from reviewing the information in the database.

### Devolution considerations

A new contract for provision of the UK ENIC services procured by DfE started on 28 March 2025. It was awarded to Ecctis Limited and runs for five years. At a late stage in the procurement process, the DfE, the Scottish Government, Welsh Government and Northern Ireland Executive, came to the shared view that the provision of the UK ENIC services relate to the devolved matter of education; historically, it was considered that the provision of the UK ENIC services was reserved, as it related to both immigration (as its primary purpose) and education. This did not affect the procurement of the UK ENIC services.

The Recognition of Overseas Qualifications (Charges) (Scotland) Regulations 2025 (SSI 2025/67) ("**the Scottish Regulations**") came into force on 28 March 2025 at the same time as the new contract. The Scottish Regulations provide the statutory basis for Scottish customers to be charged for UK ENIC services from the start of the new contract.

### The Order

During the preparation of the Scottish Regulations, the Scottish Ministers agreed in principle with UK Ministers from the DfE and the Scotland Office to make arrangements for the function of delivering UK ENIC services to be exercised on their behalf by a Minister of the Crown, pursuant to this Order. This enables continued provision of the services by a Minister of the Crown (via the contract with Ecctis Limited) to customers in Scotland, under an agency arrangement with the Scottish Ministers.

Prior to the section 93 Order coming into force on 1 July 2025, a Memorandum of Understanding has been agreed and is operating between the Scottish Government and UK Government. This Memorandum of Understanding sets out the understanding between the two Governments as regards the delivery of the UK ENIC services in Scotland by a Minister of the Crown on behalf of Scottish Ministers, until the Order and, subsequently, the agency agreement can come into force. The agency arrangements are likely to be on very similar terms to those agreed in the Memorandum of Understanding.

The detailed arrangements for the exercise of the specified functions will be set out in an agency agreement between the UK Government and the Scottish Government. The Order specifies the functions in relation to which such arrangements can be made.

Article 1 of the Order provides that the Order extends UK-wide. The power in the 1998 Act extends UK-wide; these functions will be exercised territorially in Scotland and England, and possibly in other parts of the UK in some circumstances.

Article 2 of the Order defines "UK ENIC service" and the terms required within that definition.

Article 3 of the Order specifies the functions which are to be subject to agency arrangements. Article 3(2)(a) allows the Scottish Ministers to make arrangements

with a Minister of the Crown to procure and manage any contract to deliver the UK ENIC services. Article 3(2)(b) allows the Scottish Ministers to make arrangements with a Minister of the Crown to handle all aspects of payments by, and refunds to, Scottish customers in respect of UK ENIC services. The wording encompasses the current practice whereby charges are paid by Scottish customers to the DfE, rather than directly to the contractor, but would also allow for the latter, should the practice change in future.

### **UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility**

The Scottish Ministers have made the following statement regarding children's rights:

*In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 (the Act), the Scottish Ministers certify that, in their view, the Scotland Act 1998 (Agency Arrangements) (Specification) (Recognition of Qualifications) Order 2025 is compatible with the UNCRC requirements as defined by section 1(2) of the Act.*

### EU Alignment Consideration

The UK ENIC services support obligations under the Conventions.

The Order supports the Scottish Government's commitment to maintaining and advancing the high standards that Scotland shares with the EU. The Order indirectly supports the Scottish Government's policy to maintain alignment with the EU.

The UK ENIC services are important in supporting foreign students in progressing with studies at Scottish HEIs and foreign workers securing employment in Scotland. This is to the benefit of Scottish institutions, employers and the Scottish economy. It is also reciprocally important: Scots seeking to work or study abroad can use similar ENIC services in their destination country.

The Order is consistent with EU law and practice. The Order supports: maintaining and advancing the high standards that Scotland shares with the EU, through the mutual recognition and validation of qualifications; reciprocal access to EU markets for people and services, as explained above; and a future Scotland's re-accession by maintaining cross-border ties and supporting the movement of people across borders.

### Consultation

No public consultation has been undertaken as there is not a substantial impact on users of the UK ENIC services or fundamental changes to the services offered. However, the Scottish Government engaged with three representative Scottish member organisations to confirm the use and value of the UK ENIC services.

The Scottish Government has had extensive engagement on the devolution considerations and the required legislation with DfE, the Welsh Government and the



Department for the Economy, Northern Ireland. Agreement that the better view is that the services relate to the devolved matter of education was only reached shortly before implementation of the new contract, procurement for which began in April 2024. On this timeframe, and in these circumstances, there was no meaningful alternative option to present to Scottish stakeholders.

### Impact Assessments

A Child Rights and Wellbeing Impact Assessment has been completed.

A Data Protection Impact Assessment has not been completed. This is because the Order and agency arrangements do not make any changes to the way personal data is gathered or processed.

An Equalities Impact Assessment has been completed.

No other impact assessments have been undertaken, as there is no realistic alternative to the Order as part of a package of measures to ensure the UK ENIC services continue to be delivered in Scotland, in support of the Conventions.

### Financial Effects

The Order does not directly regulate or deregulate business. There is no significant impact on business, charities, or voluntary bodies because the Order does not create any new requirements for any of these sectors and do not impact an organisation carrying out its business activities wholly or in part as a private service.

The Order does not make any changes to the UK ENIC services or the charges for those services. The Order has been prepared quickly to facilitate the continuation of services which are used either directly by businesses and other organisations, or which support them indirectly.

Accordingly, the Minister for Higher and Further Education confirms that no BRIA is necessary for the Order, but any future changes to the UK ENIC services delivered in Scotland will be subject to appropriate impact assessment.

Scottish Government  
Lifelong Learning and Skills Directorate  
April 2025

## Annexe B

# Note by the Clerk on the Education (Appeal Committee Procedures) (Scotland) Amendment Regulations 2025 (SSI 2025/144)

## Overview

1. At this meeting, the Committee will consider the following Scottish Statutory Instrument (SSI), which is subject to annulment by resolution of the Parliament until 23 June 2025. The Committee is invited to consider the instrument and decide what, if any, recommendations to make.
2. More information about the instrument is summarised below:

**Title of instrument:** [The Education \(Appeal Committee Procedures\) \(Scotland\) Amendment Regulations 2025 \(SSI 2025/144\)](#)

**Laid under:** The Education (Scotland) Act 1980 and the Education (Additional Support for Learning) (Scotland) Act 2004.

**Laid on:** 15 May 2025

**Procedure:** Negative

**Deadline for Committee consideration:** 23 June 2025

**Deadline for Chamber consideration:** 23 June 2025

## Procedure

3. Under the negative procedure, an instrument is laid after it is made, and is subject to annulment by resolution of the Parliament for a period of 40 days beginning on the day it is laid.
4. Once laid, the instrument is referred to:
  - the Delegated Powers and Law Reform (DPLR) Committee, for scrutiny on various technical grounds, and
  - a lead committee, whose remit includes the subject-matter of the instrument, for scrutiny on policy grounds.
5. Any MSP may propose, by motion, that the lead committee recommend annulment of the instrument. If such a motion is lodged, it must be debated at a meeting of the Committee, and the Committee must then report to the Parliament (by the advisory deadline referred to above).
6. If there is no motion recommending annulment, the lead committee is not required to report on the instrument.

## **Delegated Powers and Law Reform Committee consideration**

7. The DPLR Committee will consider the instrument on 3 June 2025 and will report to the Parliament on its consideration following that meeting.

## **Purpose of the instrument**

8. This instrument proposes amendments to the regulations governing school admission and exclusion appeal hearings in Scotland. Its purpose is to amend the current provisions which allow appeal committee hearings to be held remotely, providing continued flexibility and ensuring that appellants can attend hearings in person if they wish to do so.
9. The Policy Note accompanying the instrument is included in Appendix B. It includes a summary of consultation undertaken on the instrument, impact assessments carried out, and the anticipated financial effects.

## **Committee consideration**

10. So far, no motion recommending annulment has been lodged.
11. Members are invited to consider the instrument and decide whether there are any points they wish to raise. If there are, options include:
  - seeking further information from the Scottish Government (and/or other stakeholders) through correspondence, and/or
  - inviting the Minister (and/or other stakeholders) to attend the next meeting to give evidence on the instrument.
12. It would then be for the Committee, at the next meeting, to consider the additional information gathered and decide whether to make recommendations in relation to the instrument.
13. If Members have no points to raise, the Committee should note the instrument (that is, agree that it has no recommendations to make).
14. However, should a motion recommending annulment be lodged later in the 40-day period, it may be necessary for the Committee to consider the instrument again.

## Appendix B: Scottish Government Policy Note

### THE EDUCATION (APPEAL COMMITTEE PROCEDURES) (SCOTLAND) AMENDMENT REGULATIONS 2025

These amendments are made in exercise of the powers conferred by sections 28D(3) of the Education (Scotland) Act 1980, and section 22 and paragraph 6(6) of schedule 2 of the Education (Additional Support for Learning) (Scotland) Act 2004.

### Summary Box

**Purpose of the instrument:** This instrument proposes amendments to the regulations governing school admission and exclusion appeal hearings in Scotland. Its purpose is to amend the current provisions which allow appeal committee hearings to be held remotely, providing continued flexibility and ensuring that appellants can attend hearings in person if they wish to do so.

### Policy Objectives

The objectives of these amendments are:

- To introduce a new definition of “hearing”, which allows for hearings to be held remotely or through the use of “remote facilities”, which is also defined.
- To ensure that, where an appellant wishes to attend the hearing in person, the education authority must make arrangements for them to do so.
- To ensure that individuals who may be digitally excluded continue to have access to in-person hearings.
- To provide for appeal hearings to be held in person, wholly remotely, or partly remotely and partly in person (hybrid), ensuring greater choice and accessibility for appellants.
- To require that where an appeal involves a mix of in-person and remote participants (which will be particularly relevant to combined hearings with multiple appellants), an appellant who wishes to attend in person can do so and all appeal committee members must attend in person.

### UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

The Scottish Ministers have made the following statement regarding children’s rights.

In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 (“the Act”), the Scottish Ministers certify that, in their view, the Education (Appeal Committee Procedures) (Scotland) Amendment Regulations 2025 are compatible with the UNCRC requirements as defined by section 1(2) of the Act.

## **EU Alignment Consideration**

This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU.

## **Consultation**

The Scottish Government undertook a public consultation on the proposed regulations, which ran from 16 January to 12 March 2024. In addition, targeted engagement took place with education authorities, parent representative bodies, and equality and children's rights advocacy organisations to ensure those views were captured during the consultation.

The consultation responses indicated broad support for maintaining the option of remote hearings, provided that appropriate safeguards are in place to protect participation and access, particularly for digitally excluded groups. Many respondents emphasised the importance of ensuring that appellants are offered a choice of hearing format and that fully remote hearings should only proceed with the agreement of all parties involved. Concerns were raised about digital exclusion, differences in participation quality between remote and in-person hearings and fairness in combined hearings where appellants may express different preferences.

Reflecting on the views expressed during the consultation, the regulations will ensure that an appellant who wishes to attend a hearing in person can do so. The agreement of all parties is required before a hearing can proceed entirely remotely.

A full list of organisations consulted, and who agreed to the release of this information, is attached to the consultation report published on the Scottish Government website. It includes education authorities, Enquire, Society of Local Authority Lawyers and Administrators in Scotland and Convention of Scottish Local Authorities

## **Impact Assessments**

An Equality Impact Assessment has been completed and found generally positive or neutral impacts. The assessment indicates that the proposals promote inclusivity and do not disadvantage individuals who are digitally excluded. A Children's Rights and Wellbeing Impact Assessment has also been carried out. This showed generally positive and neutral impacts, and while there is potential for certain negative impacts, these would not amount to an incompatibility with children's rights and can be mitigated by following the recommendations that will be set out in guidance. The guidance will highlight that appellants should be offered a choice of hearing format and will reiterate that education authorities must comply with their wider duties under equality and human rights legislation.

**Financial Effects**

The Cabinet Secretary for Education and Skills confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government  
Learning Directorate  
13 May 2025

## Annexe C

### Note by the Clerk on the St Mary's Music School (Aided Places) (Scotland) Amendment Regulations 2025 (SSI 2025/151)

#### Overview

1. At this meeting, the Committee will consider the following Scottish Statutory Instrument (SSI), which is subject to annulment by resolution of the Parliament until 24 June 2025. The Committee is invited to consider the instrument and decide what, if any, recommendations to make.

2. More information about the instrument is summarised below:

**Title of instrument:** [The St Mary's Music School \(Aided Places\) \(Scotland\) Amendment Regulations 2025 \(SSI 2025/151\)](#)

**Laid under:** The Education (Scotland) Act 1980

**Laid on:** 16 May 2025

**Procedure:** Negative

**Deadline for Committee consideration:** 23 June 2025

**Deadline for Chamber consideration:** 24 June 2025

#### Procedure

3. Under the negative procedure, an instrument is laid after it is made, and is subject to annulment by resolution of the Parliament for a period of 40 days beginning on the day it is laid.

4. Once laid, the instrument is referred to:

- the Delegated Powers and Law Reform (DPLR) Committee, for scrutiny on various technical grounds, and
- a lead committee, whose remit includes the subject-matter of the instrument, for scrutiny on policy grounds.

5. Any MSP may propose, by motion, that the lead committee recommend annulment of the instrument. If such a motion is lodged, it must be debated at a meeting of the Committee, and the Committee must then report to the Parliament (by the advisory deadline referred to above).

6. If there is no motion recommending annulment, the lead committee is not required to report on the instrument.

## Delegated Powers and Law Reform Committee consideration

7. The DPLR Committee considered the instrument on 27 May 2025 and reported on it in its [Subordinate Legislation considered by the Delegated Powers and Law Reform Committee on 27 May 2025 report](#).

8. The DPLR Committee agreed not to draw the instrument to the attention of the Parliament.

## Purpose of the instrument

9. The purpose of the instrument is to amend the St Mary's Music School (Aided Places) (Scotland) Regulations 2015 ("the 2015 Regulations") as follows:

1. To revise the income levels which determine eligibility for financial assistance under the Aided Places Scheme ("the Scheme"), in order that the lower income bands are uprated by inflation, and additional income bands are created for families on higher household incomes.
2. To uprate figures relating to clothing and travel grants by cumulative CPI as at February 2025.
3. To update reference to non-domicile status to reflect changes made to tax legislation by the UK Government.
4. To remove references to child tax credit and working tax credit. As part of the managed migration of UK government legacy benefits to Universal Credit, tax credits ended on 5 April 2025. As a result of these changes, the references to tax credits in paragraph 15 of the 2015 Regulations (which relates to remission of fees for school meals) are redundant and so these references are removed. This reflects recent amendments made to the qualifying benefits for free school meals as set out in section 53 of the Education (Scotland) Act 1980.

10. The Policy Note accompanying the instrument is included in Appendix B. It includes a summary of consultation undertaken on the instrument, impact assessments carried out, and the anticipated financial effects.

## Committee consideration

11. So far, no motion recommending annulment has been lodged.

12. Members are invited to consider the instrument and decide whether there are any points they wish to raise. If there are, options include:

- seeking further information from the Scottish Government (and/or other stakeholders) through correspondence, and/or
- inviting the Minister (and/or other stakeholders) to attend the next meeting to give evidence on the instrument.



13. It would then be for the Committee, at the next meeting, to consider the additional information gathered and decide whether to make recommendations in relation to the instrument.

14. If Members have no points to raise, the Committee should note the instrument (that is, agree that it has no recommendations to make).

15. However, should a motion recommending annulment be lodged later in the 40-day period, it may be necessary for the Committee to consider the instrument again.

## Appendix C: Scottish Government Policy Note

### THE ST MARY'S MUSIC SCHOOL (AIDED PLACES) (SCOTLAND) AMENDMENT REGULATIONS 2025 (SSI 2025/151)

The above instrument was made in exercise of the powers conferred by sections 73(f) and 74(1) of the Education (Scotland) Act 1980. The instrument is subject to negative procedure.

### Summary Box

The purpose of the instrument is to amend the St Mary's Music School (Aided Places) (Scotland) Regulations 2015 ("the 2015 Regulations") as follows:

1. To revise the income levels which determine eligibility for financial assistance under the Aided Places Scheme ("the Scheme"), in order that the lower income bands are uprated by inflation, and additional income bands are created for families on higher household incomes.
2. To uprate figures relating to clothing and travel grants by cumulative CPI as at February 2025.
3. To update reference to non-domicile status to reflect changes made to tax legislation by the UK Government.
4. To remove references to child tax credit and working tax credit. As part of the managed migration of UK government legacy benefits to Universal Credit, tax credits ended on 5 April 2025. As a result of these changes, the references to tax credits in paragraph 15 of the 2015 Regulations (which relates to remission of fees for school meals) are redundant and so these references are removed. This reflects recent amendments made to the qualifying benefits for free school meals as set out in section 53 of the Education (Scotland) Act 1980.

### Policy Objectives

The St Mary's Music School (Aided Places) (Scotland) Amendment Regulations 2025 ("the Regulations") amend the the 2015 Regulations, which provide the legislative framework for the administration of the Scheme.

The Regulations amend the basis on which parental contribution should be calculated, by altering the income levels which determine the level of assistance provided by the Scheme.

These adjustments affect the existing bands and monetary amounts used when calculating what assistance is available in respect of tuition and boarding fees, clothing grants, uniform grants, and additional fee relief for parents and guardians with more than one child at the school.

The amendments also introduce two additional income bands, asking parents and guardians to make a greater contribution to their fees from any household income earned above £125,000 and £145,000.

Given the pressure on public funds, Ministers have agreed it is reasonable only to apply CPI to the lower income bands, in order to protect them from paying higher contributions. Higher income families will still benefit from the reduction in fees due on the lower portion of their income (up to £45,000), but not on their income at higher levels.

### **UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility**

In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 (“the Act”), the Scottish Ministers certify that, in their view, the Regulations are compatible with the UNCRC requirements as defined by section 1(2) of the Act.

### **EU Alignment Consideration**

This instrument is not relevant to the Scottish Government’s policy to maintain alignment with the EU.

### **Consultation**

There is no statutory obligation to consult in relation to the Scheme, however, St Mary’s Music School (“the School”) has been consulted on the amendments made by the Regulations throughout the process and has raised no objections.

### **Impact Assessments**

A Child Rights and Wellbeing impact assessment, and an Equalities impact assessment have been completed on the Regulations and are attached.

Other impact assessments have been carefully considered. However given the limited scope of the amendments, the lack of substantive change to the text of the 2015 Regulations, and the modest financial impact, it has not been considered necessary to carry out any further impact assessments.

### **Financial Effects**

The Cabinet Secretary for Education and Skills confirms that no Business and Regulatory Impact Assessment is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

There is no expected financial impact on the School, as the total fees remitted are not altered by the Regulations. Although demand for places may possibly change as a result of the increase in fees following the January 2025 introduction of VAT on independent school fees, it is not expected that demand for aided places will be affected by the changes to the Regulations.

Parents and guardians of pupils at the School can expect to see their contribution to fees vary by a modest amount depending on their income level. The inflationary uplift for lower income households will improve affordability for these families; less contribution will be required at lower income levels under £45,000, whereas an increased contribution is required on income above £45,000.

Two new income bands have been introduced for households earning over £125,000 and £145,000. These new income bands will have a limited impact on overall Scottish Government costs, but reduce the funding allocation further for higher income households. This means that more of the funding for the aided places scheme will be directed to families on lower incomes. This aligns with wider SG priorities, targeting support to low-income families.

There is unlikely to be a significant financial cost or benefit to the Scottish Government, as the reduction in parental contributions of those on lower incomes is likely to be largely offset by increased contributions from those on higher incomes.

Scottish Government  
Learning Directorate  
07 May 2025

## Annexe D

# Note by the Clerk on the Teachers' Pension Scheme (Scotland) Amendment Regulations 2025 (SSI 2025/152)

## Overview

1. At this meeting, the Committee will consider the following Scottish Statutory Instrument (SSI), which is subject to annulment by resolution of the Parliament until 24 June 2025. The Committee is invited to consider the instrument and decide what, if any, recommendations to make.

2. More information about the instrument is summarised below:

**Title of instrument:** [The Teachers' Pension Scheme \(Scotland\) Amendment Regulations 2025 \(SSI 2025/152\)](#)

**Laid under:** The Public Service Pensions Act 2013

**Laid on:** 16 May 2025

**Procedure:** Negative

**Deadline for Committee consideration:** 23 June 2025

**Deadline for Chamber consideration:** 24 June 2025

## Procedure

3. Under the negative procedure, an instrument is laid after it is made, and is subject to annulment by resolution of the Parliament for a period of 40 days beginning on the day it is laid.

4. Once laid, the instrument is referred to:

- the Delegated Powers and Law Reform (DPLR) Committee, for scrutiny on various technical grounds, and
- a lead committee, whose remit includes the subject-matter of the instrument, for scrutiny on policy grounds.

5. Any MSP may propose, by motion, that the lead committee recommend annulment of the instrument. If such a motion is lodged, it must be debated at a meeting of the Committee, and the Committee must then report to the Parliament (by the advisory deadline referred to above).

6. If there is no motion recommending annulment, the lead committee is not required to report on the instrument.

## **Delegated Powers and Law Reform Committee consideration**

7. The DPLR Committee will consider the instrument on 3 June 2025 and will report to the Parliament on its consideration following that meeting.

### **Purpose of the instrument**

8. The purpose of this instrument is to make changes to the Teachers' Pension Scheme (Scotland) Regulation (no. 2) 2014 to amend the eligibility criteria for membership of the Scottish Teachers' Pension Scheme from 1 August 2025.

9. The Policy Note accompanying the instrument is included in Appendix D. It includes a summary of consultation undertaken on the instrument, impact assessments carried out, and the anticipated financial effects.

### **Committee consideration**

10. So far, no motion recommending annulment has been lodged.

11. Members are invited to consider the instrument and decide whether there are any points they wish to raise. If there are, options include:

- seeking further information from the Scottish Government (and/or other stakeholders) through correspondence, and/or
- inviting the Minister (and/or other stakeholders) to attend the next meeting to give evidence on the instrument.

12. It would then be for the Committee, at the next meeting, to consider the additional information gathered and decide whether to make recommendations in relation to the instrument.

13. If Members have no points to raise, the Committee should note the instrument (that is, agree that it has no recommendations to make).

14. However, should a motion recommending annulment be lodged later in the 40-day period, it may be necessary for the Committee to consider the instrument again.

## Appendix D: Scottish Government Policy Note

### THE TEACHERS' PENSION SCHEME (SCOTLAND) (AMENDMENT) REGULATIONS 2025 (SSI 2025/152)

The above instrument was made in exercise of the powers conferred by sections 1(1) and (2)(d) and 3 of, and paragraph 4(b) of schedule 2 of, the Public Service Pensions Act 2013. The instrument is subject to negative procedure.

### Summary Box

The purpose of this instrument is to make changes to the Teachers' Pension Scheme (Scotland) Regulation (no. 2) 2014 to amend the eligibility criteria for membership of the Scottish Teachers' Pension Scheme from 1 August 2025.

### Policy Objectives

The purpose of this instrument is to update and amend The Teachers' Pension Scheme (Scotland) Regulation (no.2) 2014.

The aim of this instrument is to provide clarity on who can be a member of the Scottish Teachers' Pension Scheme (STPS). The STPS is the default pension scheme for all teachers working in local authority and independent schools in Scotland. It also extends to lecturers working in further education colleges and post-1992 universities. Non-academic staff are not eligible.

The amendments in this instrument provide clarity on the eligibility criteria in five key areas:

#### Local Authority Schools

The instrument clarifies and extends eligibility to membership of the STPS to all posts covered by the Scottish Negotiating Committee for Teachers (SNCT) terms and conditions.

The applicable roles covered by the SNCT Handbook are Teacher; Chartered/Lead/Principal/Depute/Head Teacher; Music Instructor; Educational Psychologist/Senior/Depute/Principal; Education Support Officer; Quality Improvement Officer, and Quality Improvement Manager.

#### Researchers in Higher Education

The amendments extend eligibility to researchers in post-1992 institutions who have previously worked as lecturers and include staff at UK satellite campuses.

#### Further Education

The scheme is designed for lecturers who are delivering frontline teaching and where timetabled classes or lectures to take up most of their role. There are some support staff employed within further education institutions, whose roles include an element of teaching, however, lecturing or teaching is not the primary purpose of their role and,

therefore, they should not be eligible for membership of the scheme. The instrument amends the term 'teacher' to 'lecturer' in scheme regulations to clarify that, within further education institutions, only lecturers are eligible for membership of the STPS.

### Secondments

A consistent and uniform approach was required to accommodate secondments within the STPS. The instrument extends eligibility for STPS membership to cover secondments where a teacher is seconded to another educational role, up to a maximum period of four years.

### Senior Managers

Over a considerable period of time, the education sector has seen the introduction of many management posts which are relevant to education, but do not themselves involve direct face-to-face teaching. The instrument clarifies that where a current member of STPS is promoted to a post connected to the control or supervision of teachers, they are eligible to retain membership of the STPS.

### **UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility**

The Scottish Ministers have made the following statement regarding children's rights. In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024, the Scottish Ministers certify that, in their view, the Teachers' Pension Scheme (Scotland) (Amendment) Regulations 2025 is compatible with the UNCRC requirements as defined by section 1(2) of the Act.

### **EU Alignment Consideration**

This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU.

### **Consultation**

To comply with the requirements of section 21(1) of the Public Service Pensions Act 2013 a formal policy consultation took place from 23 August 2024 to 15 November 2024. In particular, representatives of Teachers' employers and employees in Scotland, other Scottish Government interests and UK Government departments were consulted. A total of 13 consultation responses were received: six from employers, four from trade unions and employer associations, and two responses from scheme members. All the proposals received widespread support from stakeholders who responded to the consultation. Four out of five of the proposals received 100% support from respondents who expressed a view and one of the proposals was supported by 11 out of 13 respondents. Not all respondents gave a view on each question.

While respondents were supportive, they did raise concerns about some aspects of the proposals. In particular they sought clear timescales about how long before entering a senior manager role, members were required to have been in the STPS and if previous membership of the Teachers' Pension Scheme (TPS) in England and Wales would allow eligibility in the same way. Respondents also asked for clarity on the position with



individuals who become eligible/ineligible for the STPS in their current role because of these changes.

Amendments have been made to reflect the related issues raised by respondents to the consultation. The instrument includes a time limit on members moving to research or senior manager roles, ensuring that those commencing the role within 12 months of being a member of the STPS or TPS can retain eligibility. Transitional protections will also be included for members who are newly eligible/ineligible for the STPS because of the changes, and they will be allowed to remain in the STPS or the Local Government Scheme, if they choose, until they leave their current role. Therefore, the proposals were taken forward as set out in the consultation.

### **Impact Assessments**

An equality impact statement in respect of The Teachers' Pension Scheme (Scotland) (Amendment) Regulations 2025 was prepared and was included with the consultation response document, available on the <sup>2</sup>SPPA website.

### **Financial Effects**

The Minister for Public Finance confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Public Pensions Agency  
An Agency of the Scottish Government  
9 May 2025

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<sup>2</sup> <https://pensions.gov.scot/teachers/scheme-governance-and-legislation/consultations>