

Education, Children and Young People Committee
Wednesday 5 November 2025
31st Meeting, 2026 (Session 6)

Note by the Clerk on The Qualifications Scotland (Appointment of Initial Members) Regulations 2025 (SSI 2025/278)

Overview

1. At this meeting, the Committee will consider the following Scottish Statutory Instrument (SSI), which is subject to the negative procedure. 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 Qualifications Scotland \(Appointment of Initial Members\) Regulations 2025](#) (SSI 2025/278)

Laid under: [Education \(Scotland\) Act 2025](#)

Laid on: 6 October 2025

Procedure: Negative

Deadline for committee consideration: 24 November 2025

Deadline for Chamber consideration: 30 November 2025

Commencement: 1 December 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 at its meeting on 28 October 2025 and reported on it in its [*Delegated Powers and Law Reform Committee, 76th Report, 2025 \(Session 6\)*](#).

Purpose of the instrument

8. The purpose of this instrument is to appoint members of the Scottish Qualifications Authority (SQA) as initial Board members of Qualifications Scotland, under the power in schedule 3, paragraph 5(2) of the 2025 Act. The instrument lists the seven members of SQA who will become members of Qualifications Scotland. Under the 2025 Act, the SQA will be dissolved and replaced by the new qualifications body; Qualifications Scotland.
9. The Policy Note accompanying the instrument is included in Annexe A. 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.

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.

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

Clerks to the Committee
October 2025

Annexe A: Scottish Government Policy Note

POLICY NOTE

THE QUALIFICATIONS SCOTLAND (APPOINTMENT OF INITIAL MEMBERS) REGULATIONS 2025

SSI 2025/278

The above instrument was made in exercise of the powers conferred by paragraph 5(2) of schedule 3 of the Education (Scotland) Act 2025 ("the 2025 Act").
The instrument is subject to negative procedure.

Summary Box

The purpose of this instrument is to appoint members of the Scottish Qualifications Authority (SQA) as initial Board members of Qualifications Scotland, under the power in schedule 3, paragraph 5(2) of the 2025 Act. The instrument lists the seven members of SQA who will become members of Qualifications Scotland. Under the 2025 Act, the SQA will be dissolved and replaced by the new qualifications body; Qualifications Scotland.

Policy Objectives

The primary purpose of this SSI and the underpinning policy is to support a smooth and robust transition from the Scottish Qualifications Authority (SQA) to Qualifications Scotland by establishing an initial Board ahead of the new body becoming operational. This objective is partially delivered by this instrument which sets out that individuals named in the instrument who are, immediately before the member appointment date SQA Board members, are to be taken to have been appointed as members of the Qualifications Scotland Board.

Seven individuals are named. This is done under regulation making powers in schedule 3, paragraph 5(2) of the 2025 Act. Paragraph 5(5) gives these members the designation of "initial members" of Qualifications Scotland. Under paragraph 5(1) of schedule 3, the "member appointment date" is the date on which paragraph 5(1) fully comes into force.

Under separate commencement regulations, this will be 1 December 2025.

This arrangement is designed to maintain continuity of expertise from the SQA Board and support strategic readiness for Qualifications Scotland. This approach ensures that there is no loss of momentum from the move from SQA to Qualifications Scotland and the work to deliver qualifications, alongside the wider transformational work to reform the qualifications system to better meet the needs of learners, teacher and practitioners, and the wider education system.

All of the individuals appointed as initial members under this instrument were originally appointed to the SQA through the regulated ministerial public appointments process. Five of these appointments were made in 2024 with the understanding that they would transition to the Qualifications Scotland, with the other two members' appointments ensuring a continuation of corporate and institutional memory, and that valuable qualifications system experience is available to the Qualifications Scotland Board. This SSI is a mechanism that allows their appointment to the new body without the need to undertake another full

recruitment round, whilst recognising these members have previously been appointed in a regulated way, on merit and via a fair and transparent process.

The following individuals are named in the instrument:

- Ronnie Erskine
- Seán Hagney
- Simon Hewitt
- Caroline McFarlane
- John Morton
- Ken Thomson
- Michelle Wailes

The schedule of this instrument also sets out that these members are to be taken as being appointed as members of Qualifications Scotland under provisions of schedule 1 of the 2025 Act. Six of these members will be taken to be appointed under schedule 1 paragraph 2 (1) (d) of the Act, known as ordinary members; and one member, Ken Thomson, will be taken to be appointed under schedule 1 paragraph 2 (1) (b), known as the convener of the Accreditation Committee.

A public appointment round is underway to recruit additional members to the Qualifications Scotland Board, running in parallel with this legislative instrument to ensure all members are in place when the body is established. Initial and prospective members have been mapped against the Board Skills Matrix and statutory requirements to ensure the skills and experience needed of the Board will be met.

This instrument is made under a power which is not yet in force. Under section 4 of the Interpretation and Legislative Reform (Scotland) Act 2010, a power to make a SSI may be exercised during the pre-commencement period if it is necessary or expedient to do so for the purpose of bringing the Act into force or giving full effect to the Act at or after the time when the provision conferring the power comes into force. The provisions establishing Qualifications Scotland and making provision about its membership will be commenced on 1 December, along with the power in paragraph 5(2) of schedule 3. It is considered expedient to rely on anticipatory exercise of that power for the purposes of bringing the Act into force and giving full effect to it, to ensure that Qualifications Scotland has a functioning Board, in line with the requirements of the 2025 Act, from the day it is established.

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 Qualifications Scotland (Appointment of Initial Members) 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

While there was no specific consultation on this instrument, specific consultation on the 2025 Act sought views on the proposed Board model for Qualifications Scotland. The consultation showed that respondents broadly agreed that the Board should reflect a balance of corporate governance expertise and practitioner experience from schools and colleges to effectively oversee qualifications delivery. This SSI supports the outcomes of that public consultation by enabling the appointment of members in line with the model agreed by Scottish Parliament.

Impact Assessments

In line with the UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024, a Children's Rights and Wellbeing Impact Assessment (CRWIA) has been completed. This instrument is expected to have a positive impact on children's rights and wellbeing. This instrument represents an important step towards the establishment of Qualifications Scotland. This new body places children and young people at the centre of the qualifications system.

The body's remit, designing, assessing, awarding, and accrediting qualifications, supports Article 28 (right to education), Article 29 (development of talents and abilities), and Article 30 (respect for cultural identity). In addition, new mechanisms to strengthen learner and stakeholder involvement directly support Article 12, ensuring children and young people have meaningful opportunities to express their views and influence decisions that affect them.

An Equality Impact Assessment (EQIA) was also conducted. The inquiry considered all protected characteristics under the Equality Act 2010 with consideration of the three aims of eliminating discrimination, advancing equality of opportunity and fostering good relations. No positive or negative impacts were identified for any of the surveyed groups. The EQIA recommends that the Scottish Government continues to work with the necessary groups to ensure current and future appointments to the Board of Qualifications Scotland continue to be made in line with public sector equality duties.

As initial members are named in this Order, a Data Protection Impact Assessment (DPIA) has been completed in line with data protection obligations. In accordance with Article 36(4) of the UK General Data Protection Regulation (UK GDPR), the proposed processing was submitted to the Information Commissioner's Office (ICO) for prior consultation. The ICO has confirmed they are content with the approach taken.

No other impact assessments were conducted for this instrument as these were not considered necessary. The impact assessments, or screenings, that were completed for the Education (Scotland) Act 2025 are available here¹.

¹ Child Rights and Wellbeing Impact Assessment (CRWIA)
<https://www.gov.scot/publications/education-scotland-bill-child-rights-wellbeing-impact-assessment-crwia/>
Data Protection Impact Assessment (DPIA)
<https://www.gov.scot/publications/education-scotland-bill-data-protection-impact-assessment/>
Equality Impact Assessment (EQIA)
<https://www.gov.scot/publications/education-bill-equality-impact-assessment/>
Fairer Scotland Duty Summary
<https://www.gov.scot/publications/education-scotland-bill-fairer-scotland-duty-summary/>
Island Communities Impact Assessment (ICIA)

Financial Effects

The Cabinet Secretary confirms that no Business and Regulatory Impact Assessment (BRIA) is necessary as the instrument has no financial effects on the Scottish Government, local government or on business. A full BRIA was completed for the Education (Scotland) Bill and is available here²:

This instrument is not expected to incur any new or routine costs.

Scottish Government
Education Reform Directorate
October 2025

<https://www.gov.scot/publications/education-bill-island-communities-impact-assessment/>
Strategic Environment Assessment – Pre-Screening Notification
<https://www.gov.scot/publications/education-scotland-bill-strategic-environment-assessment-sea-pre-screening-notification/>

² Business and Regulatory Impact Assessment (BRIA) <https://www.gov.scot/publications/education-bill-business-regulatory-impact-assessment/>