

ANGUS COUNCIL

EDUCATION COMMITTEE

10 OCTOBER 2000

STANDARDS IN SCOTLAND'S SCHOOLS ETC ACT 2000

REPORT BY THE DIRECTOR OF EDUCATION

ABSTRACT

This report draws the Committee's attention to a new and potentially important piece of legislation.

1 RECOMMENDATIONS

It is recommended that the Education Committee:

- a notes the commencement dates of the various Sections of the Standards in Scotland's Schools etc Act 2000 (Annex A)
- b notes that the full text of the Act is available for perusal on the internet at www.scotland-legislation.hmso.gov.uk
- c delegates to the Directors of Education and Law & Administration the task of ensuring that the Council complies with the terms of the Act, and of keeping the Education Committee informed on progress with this task as appropriate.

2 BACKGROUND

- 2.1 At the meeting of the Education Committee on 19 October 1999, consideration was given to a draft "Improvement in Scottish Education" Bill, and to a consultation document on the General Teaching Council for Scotland (Articles 3 (a) and 3 (b) of the note of the meeting refer).
- 2.2 The parliamentary process considering both these matters has culminated in one of the first major pieces of legislation to emerge from the Scottish Parliament – The Standards in Scotland's Schools etc Act 2000.
- 2.3 This Act received Royal Assent on 14 July 2000.
- 2.4 On 15 September 2000, the Scottish Executive issued SEED Circular No 2/2000. Annex A to that Circular is appended to this report. It sets out the commencement date for each of the Act's 61 Sections and three Schedules.

3 DETAILED IMPLICATIONS

- 3.1 Several Sections of the Act, although important to the functioning of the Scottish education service as a whole, will impinge only indirectly on the powers and duties of the Council (eg Sections 45 to 52 on the GTC, Sections 17 to 23 on self governing schools).

- 3.2 Several Sections within the Act largely reflect current practice, although that practice is now to be governed by the law (eg School Development Plans – Section 6; Education Authorities Annual Statement of Improvement Objectives – Section 5). Some work is likely to be required in order to ensure full compliance with the detailed terms of the Act.
- 3.3 There are some Sections which will require careful consideration to ensure that the Council's procedures and policies are fully compliant with the law as it now stands.
- 3.4 Much of the work now required can be taken forward by officers of the Council (including teaching staff) and should be essentially operational in nature. It is proposed that responsibility for undertaking this work should be delegated to the Director of Education and the Director of Law & Administration, on the understanding that the Education Committee is appropriately apprised of any issues which require its attention.

4 CONSULTATION

- 4.1 In accordance with the Standing Orders of the Council, this report has been the subject of consultation with the Chief Executive, the Director of Finance and the Director of Law & Administration.

Jim Anderson
Director of Education

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above report.

APPENDIX

Dates of Commencement

Section	Title	When to commence
1	Right of child to school education	13 October
2	Duty of education authority in providing school education	13 October
3	Raising standards	13 October
4	National priorities in education	13 October
5	Education authorities annual statement of improvement objectives	13 October
6	School development plans	13 October
7	Review of school performance	13 October
8	Delegation schemes	13 October
9	Inspection of education authority	23 August
10	Code of practice as regards inspection of education authority	23 August
11	Inspection of educational establishment	13 October
12	Code of practice as regards inspection of educational establishments	13 October
13	Guidance to education authorities raising standards and delegation schemes	13 October
14	Guidance to education authorities as to home education	13 October
15	Requirement that education be provided in mainstream schools	2001
16	No justification for corporal punishment	13 October

17	Ending of self-governing status of school	13 October
18	Order supplementary to ending of self-governing status	13 October
19	Transfer of staff of self-governing school	13 October
20	Provision of information in relation to self-governing school	13 October
21	Educational endowments in relation to self-governing school	13 October
22	Interruption of process of transition to self-governing status	28 July
23	Purported disposal of property of self-governing school	On Royal Assent
24	Registration of independent school	13 October
25	Welfare of pupil attending independent school	13 October
26	Role of School Board in raising standards and improving quality of education	13 October
27	Election to School Board after school ceases to be self-governing	13 October
28	Vacancies for parent members of School Board	23 August
29	Restriction on councillor's membership of School Board	13 October
30	Involvement of School Board in preparing short list for appointment of headteacher etc	13 October
31	Delegation of education authority's functions to School Board	13 October
32	Provision of education for pre-school children etc	2002
33	Fees	2002
34	Guidance to education authorities as respects discharge of certain functions	2002
35	Provision of school education by persons other than education authorities	2002
36	Inspection of establishments other than schools	2002
37	Provision of transport etc. by education authority	2002
38	Admission of children under school age to primary school	13 October
39	Repeal of Part II of Education (Scotland) Act 1996	2002
40	Education outwith school	13 October
41	Rights of appeal against exclusion from school	13 October
42	Grants in respect of activities relating to school education	13 October
43	Placing requests : extent of education authority's duty	13 October
44	Further provision as respects placing requests	13 October except 44(4)(vii) which is not to be commenced until after working group on capacity has reported
45	Functions of the (GTC) Council	13 October
46	Constitution of the Council	Part on 13 October and remainder on 1 November 2001
47	Further provision as to keeping of register of teachers	13 October
48	Provision of information by Council	13 October
49	Provision of information to Council	Part on 13 October and remainder at a later date
50	Professional Conduct Committee and Investigating and Disciplinary Sub-committees	Part on 1 November 2001 and remainder at a later date

51	Appeals	Part on 13 October and remainder on 1 November 2001
52	Amendment of section 17 of 1965 Act (<i>interpretation in 1965 Act</i>)	Tied to the commencement of section 50
53	Power of Council to borrow money	13 October
54	Power of Scottish Ministers to require Council to establish committees	13 October
55	Abolition of SJNC	Advice to follow
56	Guidance to education authorities as to manner of conducting sex education	13 October
57	Consent of child to medical procedures	13 October
58	Interpretation	13 October
59	Regulations	13 October
60	Amendments and repeals	Part on 23 August and remainder later
61	Short title, commencement, transitional provisions and savings	On Royal Assent
Sch 1	Amendments of 1988 Act consequential on restricting by-elections for parent members of School Boards	23 August
Sch 2	Minor and Consequential Amendments and Repeals	Part on 23 August and remainder later
Sch 3	Further Repeals	Part on 13 October and remainder later