

ANGUS COUNCIL

EDUCATION COMMITTEE

23 JANUARY 2001

**STANDARDS IN SCOTLAND'S SCHOOLS ETC ACT 2000:
GUIDANCE ON SECTION 15 – REQUIREMENT THAT EDUCATION BE PROVIDED
IN MAINSTREAM SCHOOLS**

REPORT BY THE DIRECTOR OF EDUCATION

ABSTRACT

This report seeks Education Committee's endorsement of an officer response to a consultation exercise on Section 15 of the Standards in Scotland's Schools etc Act 2000.

1. RECOMMENDATIONS

It is recommended that the Education Committee:

- a) notes the contents of the enclosed officer response (Appendix) to the draft circular from the Scottish Executive;
- b) approves the officer response to the draft circular.

2. BACKGROUND

- 2.1 Reference is made to the meeting of the Education Committee on 21 November 2000 when the Committee was advised of a consultation exercise in respect of the draft guidance produced by SEED on Section 15 of the Standards in Scotland's Schools Etc Act 2000. The legislation places a requirement on Education Authorities to provide education for all children in mainstream schools unless certain, specified, exceptions apply (Article 8 of the minute of the meeting refers).
- 2.2 The time allowed for this consultation exercise was unusually short, and approval was, therefore, given by the Education Committee for the submission of an officer response. This response has been considered and endorsed by the Joint Consultative Committee (Teachers) at the last meeting of the JCC on 11 December 2000. It has now been submitted to the Scottish Executive.

3. HUMAN RIGHTS IMPLICATIONS

- 3.1 Protocol 1 : Article 2 states that "No person shall be denied the right to education. In the exercise of any function which it assumes in relation to education and teaching, the state shall respect the rights of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions". The duty is in relation to the parents' convictions and goes only as far as to respect them, but there are positive obligations to do so.

The Human Rights provisions will have to be considered alongside Section 15 of the Standards in Scotland's Schools etc Act 2000 in which the presumption of mainstream education for children with special educational needs is described. In the light of these legislative requirements it is highly likely that the authority will face increasing pressure from parents to further develop specialist facilities in schools across Angus.

4. CONSULTATION

In accordance with the standing orders of the Council, this report has been the subject of consultation with the Chief Executive, the Director of Law & Administration and the Director of Finance.

Jim Anderson
Director of Education

NOTE: 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