

# STANDARDS IN SCOTLAND'S SCHOOLS ETC. ACT 2000

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## EXPLANATORY NOTES

### THE ACT

#### *Raising Standards*

#### *Section 8 – Delegation schemes*

22. This section gives a statutory framework to the delegation by education authorities of functions to schools. Schools do not have a separate legal personality to that of the education authority which manages them, and accordingly delegation is to be to the “headteacher”, who is an employee of the education authority. All education authorities must have a scheme drawn up for the delegation of functions to the headteachers of schools managed by them within their area. However, not all schools managed by them need to be covered by the scheme. For example, it may not be appropriate to delegate any functions to schools below a certain size or in the opinion of the education authority certain types of school may not have staff sufficiently qualified to perform the delegated tasks.
23. [Section 8\(1\)](#) makes it mandatory for education authorities to draw up schemes for delegating some of their functions to schools managed by them within their area. The key function which it is envisaged will be delegated is the spending of the school budget as allocated in each education authority’s annual budget. In some cases an education authority will want to retain the spending of some of the budget.
24. [Section 8\(2\)](#) provides that the preparation of the school development plan referred to in section 6 of the Act shall be delegated to the headteacher. This does not preclude local education authorities from delegating responsibility for the preparation of the school development plan to the headteacher of schools, which are not covered by the delegation scheme. In addition to the preparation of the school development plan, education authorities may delegate any other functions which they think fit. This could include, for example, hiring staff and giving advice on major capital projects.
25. [Section 8\(3\)](#) requires that a local authority include as part of its delegation scheme the requirement that the headteacher should carry out the delegated functions in a way that is consistent with the local authority’s obligations under section 3 to promote improvement.