

STANDARDS IN SCOTLAND'S SCHOOLS ETC. ACT 2000

EXPLANATORY NOTES

THE ACT

Raising Standards

Section 3 – Raising standards

7. This section is part of the improvement framework in the Act and places statutory duties on Scottish Ministers and education authorities in relation to the improvement in the quality of school education.
8. The duty imposed on the Scottish Ministers by section 3(1) covers both public provision of education by education authorities and provision by the independent sector.
9. The duties imposed on an education authority by section 3(2) extend only to schools managed by them. They do extend however to education provided outwith school by an authority in terms of section 14 of the 1980 Act (for children who are ill or excluded etc.) and also to provision of pre-school education under arrangements made by the education authority with other providers under section 35 (section 3(3)).
10. **Section 3(4)** provides that in relation to Scottish Ministers' and authorities' duties to endeavour to secure improvement in school education, what is being referred to is school education informed by the guiding philosophy of the development of the child to which it must now be directed under section 2 of the Act.

Section 4 – National priorities in education

11. The “national priorities” to be identified under section 4 are areas where improvement is desirable. Examples might be improvement in literacy, numeracy, mathematics, teaching, reduction in truancy or exclusions. They might also set a target for a particular percentage of improvement across the country.
12. Scottish Ministers will define by order what the priorities for education should be following consultation. The priorities will be subject to the approval of Parliament. In addition to imposing a duty on the Scottish Ministers to set “national priorities” this section gives them a discretion to define and publish “measures of performance” in respect of the priority. These “measures of performance” are prescribed methods of measuring what progress is being made across the country. They are set centrally so that improvement is measured on a uniform basis across the country.

Section 5 – Education authority's annual statement of improvement objectives

13. This section sets out the planning machinery which education authorities must now have in place to deliver improvement in education in their area in accordance with national priorities laid down by Scottish Ministers. Detailed plans setting out objectives in accordance with national priorities must be drawn up on an annual basis, by dates to

be set by Scottish Ministers after consultation, setting out the improvement which the education authority is setting itself to deliver.

14. These plans must say how the authority intends to involve parents in their children's education. The authority must also say how it will encourage equal opportunities in schools and how it will provide and, if already provided, develop Gaelic medium education.
15. Section 5(3) requires education authorities to set objectives in respect of each of the national priorities set by the Scottish Ministers and approved by Parliament and by reference to published measures of performance. Although objectives must be set in respect of the national priorities, education authorities have the discretion to introduce further objectives of their own not covered by the national priorities and set out their own additional independent measures of performance.

Section 6 – School development plans

16. Section 6 requires, as part of the improvement planning process, education authorities to produce complementary documents additional to the annual statement of education improvement objectives. These “school development plans”, give the detailed planning in relation to each school as to how that school is to go about delivering the progress aimed at in the annual statement of education improvement objectives. By virtue of section 8(2)(a), preparation of the plan in respect of any school covered by a scheme under that section is delegated to the headteacher.
17. Section 6(3) requires the development plan to include an account of what proposals the headteacher has for consulting pupils at the school and involving them in decision making concerning the everyday running of the school. This subsection does not actually require consultation with the pupils or their involvement in decision making concerning the running of the school, but only that any intentions or proposals to do this are set out in the development plan.
18. The Scottish Ministers will determine the time-scales for the preparation of and reporting on school development plans after consulting education authorities.

Section 7 – Review of school performance

19. This section provides for education authorities to review schools' performance in relation to quality of education and against “measures of performance”. This review must be published.
20. **Section 7(1)** places a duty on education authorities to publish a report on the performance of schools managed by them, indicating the quality of education provided and set against the objectives set down and measured according to measures of performance. Measures of performance may be different for different categories of schools. This differs from the measures of performance set nationally which have to be uniform throughout the country.
21. In terms of section 7(2), if an education authority concludes that a school is not performing satisfactorily, they are under a statutory duty to take steps to remedy the under performance.

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.