

STANDARDS IN SCOTLAND'S SCHOOLS ETC. ACT 2000

EXPLANATORY NOTES

THE ACT

Inspections

Section 9 – Inspection of education authority

26. [Section 9](#) complements the powers of inspection of schools contained in section 66(1) of the 1980 Act. It gives a new power to Scottish Ministers to request an inspection of a local authority in relation to their school education functions. Previously there had been no provision for the inspection of education authorities. The persons who may be requested to carry out the inspection are Her Majesty's Inspectors of Schools (HMI) as defined in section 135(1) of the 1980 Act, or any other person appointed by Scottish Ministers, or HMI and such other persons together. In allowing inspection by HMI and other persons together, this provision goes further than that in section 66(1) of the 1980 Act.
27. [Section 9\(1\)](#) provides for the inspection of education authorities, but only in relation to the exercise of their functions in relation to the provision of school education, which includes pre-school education. It is envisaged that the main focus of inspection would be on the quality of the management of schools and meeting the purposes of the Act and the 1980 Act. Inspection need not be limited to the education department of the authority but could cover activities of other departments which were relevant to the authority's school education functions. However, how local education authorities organise their finances and conduct their administration generally would not primarily be matters for HMI : these would be matters for audit and local commissioners to investigate.
28. [Section 9\(2\)](#) allows for inspections of the carrying out of the general function and in relation to aspects of the function. Accordingly, the teaching of primary education could be looked at generally, or literacy among primary pupils. These functions would not include review of an individual case or investigation of an individual case, unless that matter arose as incidental to the review of a function or aspect of a function.
29. [Section 9\(3\)](#) gives the education authority a duty to help those carrying out the inspection. This provision assumes co-operation between those inspecting and the education authority and, unlike section 66(3) of the 1980 Act, does not create a criminal offence of obstructing an investigation.

Section 10 – Code of practice as regards inspection of education authority

30. [Section 10](#) allows the Scottish Ministers to issue codes of practice as regards inspection of education authorities under section 9. These codes of practice would be primarily to give education authorities guidance as to how inspectors would properly conduct inspections. Also covered would be best practices as regards co-operation by education

authorities with inspectors. The codes of practice would be reviewed from time to time and updated according to experience.

Section 11 – Inspection of educational establishment

31. **Section 11** amends section 66 of the 1980 Act to allow for joint inspections by HMI and other inspectors appointed by Scottish Ministers, as provided for in relation to the inspection of education authorities by section 9 of the Act. The newly inserted section 66(1AA) of the 1980 Act allows, in terms of paragraph (a) of that subsection, for inspections on specific matters rather than just general inspections. Paragraph (b) of the subsection extends the power of HMI and other inspectors to inspect establishments which are not schools but have an arrangement with education authorities to provide certain types of pre-school education under section 32 of the Act, i.e. publicly funded pre-school centres.
32. To help clarify the effect of this provision, it has been incorporated into section 66 of the 1980 Act for illustrative purposes, as shown in the annex.

Section 12 – Code of practice as regards inspection of educational establishment

33. This section allows the Scottish Ministers to issue codes of practice as regards inspection of schools, pre-schools and initial and in-service teacher training provided by higher education institutions. These codes of practice would be primarily to give guidance as to how inspectors would properly conduct these inspections. The codes of practice would be reviewed from time to time and updated according to experience.