



Post-16 Education (Scotland) Act 2013

2013 asp 12

Duties of Funding Council in relation to widening access

15 Council to have regard to desirability of widening access

(1) Section 20 of the 2005 Act is amended as follows.

(2) After subsection (4) insert—

“(4A) In exercising its functions, the Council is to—

- (a) have regard to the desirability of enabling, encouraging and improving participation in fundable further education and fundable higher education by persons belonging to any socio-economic group which the Council reasonably considers to be under-represented in such education; and
- (b) in particular, promote collaboration and sharing of good practice between the persons mentioned in subsection (4B) in relation to enabling, encouraging and improving such participation.

(4B) Those persons are—

- (a) post-16 education bodies;
- (b) regional strategic bodies; and
- (c) post-16 education bodies and regional strategic bodies.”.

(3) After subsection (6) insert—

“(7) For the purposes of subsection (4A), a socio-economic group is to be treated as under-represented in fundable further education or fundable higher education if participation in such education by persons in that group is disproportionately low.

(8) The Council may take into account any social or economic characteristics which they consider appropriate when determining which groups are to constitute “socio-economic groups” for the purposes of subsection (4A).

(9) The Council must consult the Scottish Ministers before determining—

- (a) which groups are to constitute “socio-economic groups” for the purposes of subsection (4A); and

- (b) whether a socio-economic group so determined is under-represented in fundable further education or fundable higher education.”.

16 Council to review progress with widening access

After section 19 of the 2005 Act insert—

“19A Reviews of progress with widening access

- (1) The Council must conduct reviews of the extent to which progress is being made in enabling, encouraging and improving participation in fundable further education and fundable higher education by persons belonging to socio-economic groups which the Council reasonably considers to be under-represented in such education.
- (2) The first such review must be completed before the end of the period of three years beginning with the date on which this section comes into force.
- (3) Subsequent reviews must be completed before the end of the period of three years beginning with the date on which the immediately preceding review was completed.
- (4) On completing a review, the Council must provide the persons mentioned in subsection (5) with a report of the review which—
 - (a) sets out the conclusions it has reached;
 - (b) explains why it has reached those conclusions; and
 - (c) makes any recommendations for action in consequence of those conclusions as it considers appropriate.
- (5) Those persons are—
 - (a) the Scottish Ministers;
 - (b) each regional strategic body; and
 - (c) each post-16 education body.
- (6) The bodies to which this subsection applies must provide the Council with such information, and make available such accounts and other documents, as the Council may reasonably require for the purposes of conducting a review.
- (7) Subsection (6) applies to—
 - (a) post-16 education bodies; and
 - (b) regional strategic bodies.
- (8) For the purposes of subsection (1), a socio-economic group is to be treated as under-represented in fundable further education or fundable higher education if participation in such education by persons in that group is disproportionately low.
- (9) The Council may take into account any social or economic characteristics which they consider appropriate when determining which groups are to constitute “socio-economic groups” for the purposes of subsection (1).
- (10) The Council must consult the Scottish Ministers before determining—
 - (a) which groups are to constitute “socio-economic groups” for the purposes of subsection (1); and

Status: This is the original version (as it was originally enacted).

- (b) whether a socio-economic group so determined is under-represented in fundable further education or fundable higher education.”.