Introduction

The Education (Scotland) Act 2016 received Royal Assent on 8th March 2016.

The Act introduces measures to improve Scottish education including: improving the attainment of pupils from poorer backgrounds; widening access to gaelic medium education; giving children a voice in matters that affect them; and extending the rights of children with additional support needs. It will also streamline the process of making a complaint to Scottish Ministers.


The Act introduces the National Improvement Framework (NIF).

Part 1: school education

Introduces a duty on Scottish Ministers and education authorities to take steps to reduce inequalities for pupils as a result of socio-economic disadvantage or other causes.

Both Scottish ministers and education authorities must prepare and publish an annual plan setting out what steps they propose to take to reduce inequalities.

In deciding what steps to take the authority must “seek and have regard to the views of” pupils and parents, as well as headteachers and others.

The Act introduces the National Improvement Framework (NIF) - a statement of Scotland’s “strategic priorities and objectives in relation to school education”. The Framework must be reviewed each year.

Each authority must prepare, consult on, and publish a strategy for parental involvement.

Part 2: Gaelic medium education

Gaelic medium education is where pupils are taught primarily through Scottish Gaelic with English being taught as the secondary language.

Parents of pre-school children can request an assessment of the need for Gaelic medium education in their area. A request can only relate to one child and must be accompanied by evidence that there is a demand from parents of other children in the same area.

Authorities must, as far as is reasonable, seek to accommodate the demand for Gaelic medium primary education and Gaelic medium education for early learning and childcare. The condition is that the specified child and the other children that the authority has information on must number five or more.

Every education authority must promote the potential provision of school education in the...
area by publicising Gaelic medium education in a way the authority deems appropriate.

Part 3: Misc. provisions

Learning hours
An education authority must make sure that the prescribed number of learning hours are made available during each school year to each pupil.

Statutory guidance is expected to set prescribed learning hours to 25 hours per week.

School meals
The Act sets out revised eligibility criteria for free school meals related to the Welfare Reform Act 2007 and the Children and Young People (Scotland) Act 2014. As a result of the Children and Young People Act, all pupils in Primary 1-3 are entitled to a free school meal. The Act provides the power to require provision of meals other than school lunches.

Clothing Grants
Scottish Ministers can require an education authority to pay a clothing grant of a certain value for a pupil. Prior to this Act, individual authorities decided on the value of clothing grants. Statutory Regulations will be issued which will establish an actual value of grant.

Appointment of Chief Education Officer
Every education authority must appoint an officer to advise on, and oversee, implementation of this Act. Qualifications for, and specific duties of, this role will be confirmed by statutory regulation.

Mandatory Head Teacher Qualification
Introduces a mandatory qualification for headteachers (relating to the Into Headship Qualification [Standard for Headship]).

The main Modifications of the Education (Additional Support for Learning (Scotland) Act 2004 are:

Capacity of children and young people
Under the Education (Additional Support for Learning) (Scotland) Act 2004, parents, carers and young people over the age of 16 with capacity (which means they understand what is being asked and any decision made) have certain rights relating to the identification, planning and review of their own educational support needs. This Act extends these rights to children who are 12 and over and have capacity.

Support service
The Act also introduces plans for a new service to help children aged 12 and over understand and make use of their rights. It will also provide advocacy (if the child wants it) to support them in any meetings between themselves and the local authority.

Assessment of wellbeing
An education authority or Tribunal must always consider how a child's involvement in decision-making affects their wellbeing (as defined under the Children and Young People (Scotland) Act 2014).

Making a complaint
The Act will also streamline the process of making a complaint to Scottish Ministers. (This is called a Section 70 complaint as it comes from Section 70 of the Education (Scotland) Act 1980). These complaints can be made by parents or other interested parties to Scottish Ministers if it is felt a responsible body (for example the local authority) has failed to carry out a legal duty under education law.