

New amendments to Bills lodged on 30 March 2000

Standards in Scotland's Schools etc. Bill – Stage 2

Section 1

Nicola Sturgeon

- 29** In section 1, page 1, line 10, at end insert <irrespective of the child's sex, race, colour, nationality, ethnic or national origin, or any disability that the child may have.>

Nicola Sturgeon

- 30** In section 1, page 1, line 10, at end insert—
- <(2) In making or entering into arrangements for the provision of school education, education authorities shall ensure that the welfare of children and young persons, including their physical, emotional and educational welfare, is a primary consideration.>

After section 1

Karen Gillon

- 31** After section 1, insert—
- <(2) In making or entering into arrangements for the provision of school education, education authorities shall ensure that the welfare of children and young people is a primary consideration.
- (3) In subsection (2), the welfare of children and young people shall include their physical, emotional and educational welfare and shall include safety and supervision on school transport, and the eradication of bullying within schools.>

Section 2

Karen Gillon

- A** As an amendment to amendment 14, in line 1, leave out <enabling> and insert <take account of the need to direct the provision towards setting aims and establishing conditions which encourage and enable>

Karen Gillon

- 32** In section 2, page 1, line 16, at end insert—
- <() In carrying out their duty under this section, an education authority shall give due regard to the child's or young person's welfare as a primary consideration.>

Karen Gillon

- 33** In section 2, page 1, line 16, at end insert—
- <(2) In carrying out their duties under this section, an education authority shall—

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- (a) give due regard to the child's or young person's views in all matters affecting the child or young person; and
 - (b) ensure that the child or young person is given the opportunity to indicate whether the child or young person wishes to express a view, and, if so, to ascertain and take account of that view, in all decisions affecting the child or young person.
- (3) Without prejudice to the generality of subsection 2(b) above, a child of twelve years of age or more shall be presumed to have capacity to express a view.>

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Mr Jamie Stone

- A** As an amendment to amendment 33, line 3, leave out <all>

Karen Gillon

- 34** In section 2, page 1, line 16, at end insert—

- <() In carrying out their duties under this section, an education authority shall give due regard to the religion, racial origin and cultural and linguistic background of the child or young person.>

After section 2

Karen Gillon

- 35** After section 2, insert—

<Duty of education authority in relation to children with special needs

In examining, assessing and providing school education for a child or young person with special educational needs, and in reviewing such provision, an education authority shall ascertain and take account of the views of the child or young person, in relation to appropriate support and provision to be offered, including choice of school; and those views shall be recorded and form part of any Record of Needs.>

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Mr Jamie Stone

- A** As an amendment to amendment 35, line 6, at end insert <, subject to the welfare of the child or young person being paramount>

Section 3

Karen Gillon

- 36** In section 3, page 1, line 25, at end insert—

- <() A headteacher shall endeavour to secure improvement in the quality of school education which is provided in the school for such functions as are delegated to him by his education authority; and shall exercise his functions in relation to such provision with a view to raising standards and in such way as is consistent with the duty under subsection (2) and in accordance with the policies of the education authority.>

Section 4

Karen Gillon

- 37 In section 4, page 2, line 6, after <authorities> insert <and bodies representative of teachers>

Nicola Sturgeon

- 38 In section 4, page 2, line 11, leave out <may> and insert <shall>

Section 5

Nicola Sturgeon

- 39 In section 5, page 2, line 17, leave out <, other than teachers,>

Nicola Sturgeon

- 40 In section 5, page 2, line 18, leave out <giving> and insert <seeking and taking account of the views of>

Karen Gillon

- 41 In section 5, page 2, line 18, leave out <giving children, young persons and> and insert <seeking and taking account of the views of children and young persons and after giving>

Nicola Sturgeon

- 42 In section 5, page 2, line 19, leave out <an opportunity to make their views known>

Karen Gillon

- 43 In section 5, page 2, line 21, leave out from <July> to <July> in line 22 and insert <October 2001; and

(b) by the end of October>

Karen Gillon

- 44 In section 5, page 2, line 23, at end insert—
- <() In preparing a statement under subsection (1), the education authority shall consult the chief social work officer of the relevant local authority and shall take account of the children's services plans for the authority, prepared under section 19 of the Children (Scotland) Act 1995.>

Section 6

Karen Gillon

- 45 In section 6, page 3, line 11, after <school> insert <, with staff employed at the school>

Nicola Sturgeon

- 46 In section 6, page 3, line 19, leave out <, and extent to which,>

Section 45

Nicola Sturgeon

- 47 In section 45, page 21, line 8, at end insert—

<“**9AA Notification of disciplinary action to Council**

The employer of a registered teacher shall, before holding a disciplinary hearing on grounds of alleged incompetence, notify the Council in order that the Council may advise whether additional support should be offered to the teacher that would avoid the necessity of disciplinary action being taken.>

Section 46

Nicola Sturgeon

- 48 In section 46, page 23, line 15, at end insert—

<“() that a complaint about a registered person by—

- (i) the parent of any child who is taught by that person; or
- (ii) the head teacher or any registered teacher employed in the same educational establishment as that person,

provides reasonable evidence that the person may have been guilty of serious professional misconduct and that the complaint is not of a trivial or vexatious nature;”>

After section 37

Mr Jamie Stone

- 49 After section 37, insert—

<Exclusion from school

Child’s rights in respect of exclusions

- (1) Where an education authority decide to exclude a pupil from a school which he attends, the pupil shall have a right to appeal to the appeal committee established under section 28D of the Education (Scotland) Act 1980 and from a decision of that committee to the sheriff.
- (2) The powers of the appeal committee and the sheriff in relation to appeals under this section shall be the same as their powers under section 28H of the Education (Scotland) Act 1980 in relation to appeals by parents and young people.
- (3) Before taking any decision in relation to exclusion from school, an education authority shall ascertain and take account of the views of, and any information given by, the child or young person.
- (4) After a decision has been reached to exclude a child or young person, the education authority shall—

- (a) advise the pupil of his right to appeal against the exclusion; and
- (b) give the pupil written reasons for the exclusion.>