



# Post-16 Education (Scotland) Act 2013

## 2013 asp 12

### *Review of further and higher education*

#### **17 Review of further and higher education**

After section 14 of the 2005 Act insert—

##### **“14A Review of fundable further and higher education**

- (1) The Council may, with the consent of the Scottish Ministers, review the extent to which fundable further education or fundable higher education is being provided by post-16 education bodies in a coherent manner.
- (2) A review may relate to—
  - (a) any aspect of the funding or provision of fundable further education or fundable higher education (generally or in particular areas); or
  - (b) any aspect of the legislation or administrative framework which governs the funding or provision of fundable further education or fundable higher education.
- (3) When seeking the consent of the Scottish Ministers to conduct a review, the Council must provide a case for review which—
  - (a) describes the scope of the proposed review; and
  - (b) explains why it is satisfied that any pre-conditions to conducting a review which the Scottish Ministers may determine are met in relation to the proposed review.
- (4) When conducting a review, the Council must consult—
  - (a) the governing body of any post-16 education body and any regional strategic body to which the review relates;
  - (b) the representatives of any trade union recognised by any such body or which otherwise appears to the Council to be representative of its staff;
  - (c) any body which appears to the Council to be representative of trade unions in Scotland;
  - (d) the students’ association of any post-16 education body to which the review relates; and

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*Status: This is the original version (as it was originally enacted).*

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- (e) any body which appears to be the Council to be representative of the interests of students of post-16 education bodies generally.
- (5) The bodies to which this subsection applies must provide the Council with such information, and make available for inspection such accounts and other documents, as the Council may reasonably require for the purposes of conducting a review.
- (6) Subsection (5) applies to—
  - (a) post-16 education bodies; and
  - (b) regional strategic bodies.
- (7) On completing a review, the Council must provide the Scottish Ministers, and any post-16 education body and regional strategic body to which the review relates, with a report of the review which—
  - (a) sets out the conclusions which 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.
- (8) The Council, when conducting and reporting on a review, must have regard to the importance of ensuring that public funds provided for fundable further education and fundable higher education are used as economically, efficiently and effectively as possible.”.