

2021 No. 251

EDUCATION

**The Registration of Independent Schools (Scotland) Amendment
Regulations 2021**

Made - - - - *23rd June 2021*

Laid before the Scottish Parliament *25th June 2021*

Coming into force - - *8th October 2021*

The Scottish Ministers make the following regulations in exercise of the powers conferred by sections 98(3) and 98A(2) of the Education (Scotland) Act 1980(a) and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Registration of Independent Schools (Scotland) Amendment Regulations 2021 and come into force on 8 October 2021.

Amendment of the Registration of Independent Schools (Scotland) Regulations 2006

2.—(1) The Registration of Independent Schools (Scotland) Regulations 2006(b) are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) omit paragraph (b),

(b) after paragraph (d), insert—

“(da) “regulated work with children” has the meaning given in section 91(2) and schedule 2 of the 2007 Act;

(db) “scheme record” has the meaning given in section 48 of the 2007 Act;”,

(c) for paragraph (f), substitute—

“(f) “the 2007 Act” means the Protection of Vulnerable Groups (Scotland) Act 2007(c).”.

(a) 1980 c.44. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46). Section 98 of the Education (Scotland) Act 1980 (“the 1980 Act”) was relevantly amended by paragraph 1(2) of schedule 1 and paragraph 1 of schedule 2 of the School Education (Ministerial Powers and Independent Schools) (Scotland) Act 2004 (asp 12) (“the 2004 Act”). Section 98A of the 1980 Act was substituted by section 4(2) of the 2004 Act.

(b) S.S.I. 2006/324.

(c) 2007 asp 14.

(3) In schedule 1 (particulars information – applications for registration and registered schools)—

(a) after paragraph 4, insert—

“**4A.** The intended number of teachers to be employed by or in the school.”,

(b) in paragraph 9—

(i) omit the word “and” after sub-paragraph (f),

(ii) for sub-paragraph (g), substitute—

“(g) Child Protection Policy and Procedure, including a statement of the school’s policy and practice on seeking scheme records issued by the Scottish Ministers under section 52(a) or section 53(b) of the 2007 Act, which statement shall also include a statement detailing what checks are made, including those with reference to the 2007 Act, in respect of all persons doing or to be doing regulated work with children;

(h) First Aid Policy and Procedures.”,

(c) after paragraph 9, insert—

“**9A.** A description of the proposed leadership and governance arrangements of the school.

9B. A document that sets out the school’s management structure.”,

(d) in paragraph 10—

(i) for “criminal record certificates under Part V of the 1997 Act” substitute “scheme records issued by the Scottish Ministers under section 52 or section 53 of the 2007 Act”,

(ii) for “in or to be in a child care position” substitute “doing or to be doing regulated work with children”,

(e) after paragraph 10, insert—

“**11.**—(1) A statement confirming—

(a) that the school has a child protection co-ordinator and a deputy child protection co-ordinator, and

(b) the training relevant to those roles that each person appointed to those roles has undertaken.

(2) In this paragraph—

“child protection co-ordinator” is a person employed by or in the school with responsibility for co-ordinating and overseeing matters related to child protection, and

“deputy child protection co-ordinator” is a person employed by or in the school with responsibility for deputising for or assisting the child protection co-ordinator.

12. A statement confirming that all proposed teachers are included in the register maintained by the Council under the Public Services Reform (General Teaching Council for Scotland) Order 2011(c).”.

(a) Section 52 of the Protection of Vulnerable Groups (Scotland) Act 2007 (“the 2007 Act”) was substituted by S.S.I. 2015/423 and amended by S.S.I. 2018/52.

(b) Section 53 of the 2007 Act was amended by S.S.I. 2015/330 and S.S.I. 2015/423.

(c) S.S.I. 2011/215, amended by S.S.I. 2013/50, S.S.I. 2013/197 and S.S.I. 2015/153.

(4) In schedule 2 (particulars information – registered schools)—

(a) in paragraph 3—

(i) for “criminal record certificates under Part V of the 1997 Act” substitute “scheme records issued by the Scottish Ministers under section 52 or section 53 of the 2007 Act”,

(ii) for “in a child care position” substitute “doing regulated work with children”,

(b) after paragraph 4, insert—

5. A statement confirming that all teachers employed by or in the school are included in the register maintained by the Council under the Public Services Reform (General Teaching Council for Scotland) Order 2011.

6. A statement confirming that all persons employed by or in the school have undertaken appropriate child protection training within the previous 12 month period.

7. The unique school identifier code created by the Scottish Government and assigned to the school upon registration of the school with the Registrar.”.

SHIRLEY-ANNE SOMERVILLE
A member of the Scottish Government

St Andrew’s House,
Edinburgh
23rd June 2021

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Register of Independent Schools (Scotland) Regulations 2006 (“the 2006 Regulations”).

The 2006 Regulations set out the information that is to be included in an application for registration of an independent school and the information that is to be furnished to the Registrar by a registered school in terms of sections 98 and 98A of the Education (Scotland) Act 1980.

Regulation 2(2) of these Regulations amends the definitions in regulation 2 of the 2006 Regulations. The amendments insert new definitions and update a legislative reference in the 2006 Regulations.

Regulation 2(3) of these Regulations amends schedule 1 of the 2006 Regulations, which sets out the information that must be included in an application for registration of an independent school and the information that is to be furnished to the Registrar by a registered school. The amendments require information to be provided in relation to the school’s first aid policies and procedures, leadership and governance arrangements, management structure; child protection officers and their training; the number of proposed teachers at the school; and the registration of the school’s teachers with the General Teaching Council for Scotland. The amendments also update references in the 2006 Regulations relating to the Protection of Vulnerable Groups (Scotland) Act 2007 (“the 2007 Act”).

Regulation 2(4) of these Regulations amends schedule 2 of the 2006 Regulations, which sets out the information that must be furnished to the Registrar by a registered school. The amendments require information to be provided in relation to the registration of the school’s teachers with the General Teaching Council for Scotland; child protection training of all persons employed by or in the school; and the unique identifier code assigned to the school. The amendments also update references in the 2006 Regulations relating to the 2007 Act.

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