POLICY NOTE

THE QUALIFICATIONS SCOTLAND (STRATEGIC ADVISORY COUNCIL) (ESTABLISHMENT) REGULATIONS 2026

SSI 2026/36

The above instrument was made in exercise of the powers conferred by section 9 of the Education (Scotland) Act 2025. The instrument is subject to negative procedure.

Summary Box

This instrument establishes the Strategic Advisory Council under section 9 of the Education (Scotland) Act 2025 as a statutory forum for providing independent, expert and representative advice to Qualifications Scotland and Scottish Ministers. The Regulations prescribe the Council's purpose and function, consultation requirements, membership, appointment terms, proceedings, allowances and expenses, how it provides and receives advice, and provisions around the validity of anything done by the SAC.

Policy Objectives

The purpose of this instrument is to establish the Strategic Advisory Council ("the Council") under section 9 of the Education (Scotland) Act 2025 ("the 2025 Act"). The Council will serve as a formal mechanism through which stakeholders across Scotland's education and skills system can provide independent, expert, and representative advice to Qualifications Scotland on their functions. This is intended to ensure that the qualifications system remains responsive to the evolving needs and interests of learners, parents and carers, educators, training providers, employers, and other groups with a stake in the qualifications sector.

The Regulations set out the detailed arrangements for the Council's purpose, membership, governance structure and advisory activities.

Provisions

Establishment and Purpose

Regulation 3 formally establishes the Council. Regulation 4 provides that the Council's purposes are those set out in section 9(1) of the 2025 Act. Those purposes are to consider matters relating to Qualifications Scotland qualifications, functions and procedures and to provide advice on these matters to Qualifications Scotland and Scottish Ministers.

Membership

The membership of the Council is set out in regulation 6. These provisions have been designed to ensure that the Council provides a balanced, representative, and strategic perspective on Scotland's qualifications system.

Regulation 6 provides that the membership is to include representatives of key groups across the education and skills landscape. This includes individuals under regulation 6(1)(a) who represent the interests of children and young people, ensuring the learner voice is central to the Council's work, and, under regulation 6(1)(b), persons with knowledge of learners undertaking qualifications with educational support needs, bringing perspectives on accessibility and inclusion. "Educational support needs" are defined in section 63(1) of the 2025 Act as including: (a) in relation to a child or a young person within the meaning of the Education (Additional Support for Learning) (Scotland) Act 2004, additional support needs, and (b) in relation to any other person, support needs within the meaning of section 8 of the Further and Higher Education (Scotland) Act 2005.

In addition to the above members, a broad range of other stakeholders are to be represented, including representatives of parents and carers (regulation 6(1)(c)), trade union representatives of teachers, college lecturers and other education staff (regulation 6(1)(d)), representatives from business, industry and the skills sectors (regulation 6(1)(e)), directors of education from education authorities (regulation 6(1)(f)), representatives of the Scottish Funding Council (regulation 6(1)(g)), and persons representative of further education colleges and higher education institutions (regulation 6(1)(h) and (i)). Collectively, this structure ensures that qualifications policy remains connected to classroom practice, local authority delivery, learner progression, post-school pathways and labour market needs.

To retain flexibility, regulation 6(j) enables Scottish Ministers to appoint additional members with relevant skills, knowledge and expertise as required, ensuring the Council can respond to emerging priorities.

Regulation 6(2) provides for two conveners to be appointed by Scottish Ministers. One, and only one, must be drawn from Qualifications Scotland, with the other required to be drawn from the wider stakeholder membership. This helps ensure that the Council's leadership is not dominated by the body it advises. Regulation 6(3) further protects independence by prohibiting staff of Qualifications Scotland from serving as members.

These membership categories for the Council are designed to ensure that it operates with a strategic and representative focus. The intention is that the Council brings together individuals who can speak on behalf of key sectors and organisations across the education and skills system. The emphasis is therefore on members who can provide system-level insight and who collectively reflect the wider strategic context in which qualifications are developed and delivered.

This approach distinguishes the role of the Council from that of Qualifications Scotland's Interest Committees. These committees, which will work with both the Board of Qualifications Scotland and the Council, are designed to bring forward the practical, frontline perspectives of those directly involved in delivering and undertaking learning and assessment. This includes registered teachers, college teaching staff and other practitioners, as well as children, young people and adult learners who engage with qualifications. Their purpose is to ensure that lived experience, from designing and teaching qualifications through to taking and being assessed in them, informs decision-making in a structured and consistent way.

Proceedings

Provision 12 reflects the principle in the Act that the Council should regulate its own procedure, including quorum, allowing it to adopt arrangements suited to its operational needs. The requirement for at least one public meeting per financial year, and for reasonable steps to promote attendance at such meetings to be taken forward by the Council and Qualifications Scotland, meets the transparency expectations that are central to creation of Qualifications Scotland. Similarly, provisions allowing staff of Qualifications Scotland and a representative of the Scottish Ministers to observe or participate in meetings ensure appropriate connectivity and oversight without constraining the Council's independence.

Provision of information and advice

Provision 13 supports the Council's advisory role under section 9(1)(b) of the Act by establishing clear requirements for information-sharing and responses between the Council, Qualifications Scotland, and Scottish Ministers. These provisions promote accountability and transparency, particularly through the obligation on Qualifications Scotland to provide written responses to advice and share these with Ministers.

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 (the Act), the Scottish Ministers certify that, in their view, the Qualifications Scotland (Strategic Advisory Council) (Establishment) Regulations 2026 are compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration

This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU.

Consultation

Aside from engagement with the Scottish Funding Council (SFC), no other specific consultation was deemed necessary for this instrument. The public consultation on the Education (Scotland) Act 2025 sought views on proposed governance arrangements for Qualifications Scotland and showed broad support for increased stakeholder involvement through mechanisms such as an advisory council. The SFC, which is the only stakeholder group named explicitly in the legislation, confirmed its support for being included as a statutory member of the Strategic Advisory Council, recognising the importance of its role in ensuring coherence between qualifications policy and tertiary education funding and planning.

Impact Assessments

In line with the UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024, a Children's Rights and Wellbeing Impact Assessment (CRWIA) has been completed. This instrument is expected to have a positive impact on children's rights and wellbeing.

An Equality Impact Assessment (EQIA) was also conducted. The inquiry considered all protected characteristics under the Equality Act 2010 with consideration of the three aims of eliminating discrimination, advancing equality of opportunity and fostering good relations. The assessment concluded that no equality issues were identified in relation to the regulations.

No other impact assessments were conducted for this instrument as these were not considered necessary.

Financial Effects

The Cabinet Secretary confirms that no Business and Regulatory Impact Assessment (BRIA) is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

This instrument is not expected to incur any new or additional costs beyond those already planned. The running costs of the Strategic Advisory Council will be met from the existing funding allocation for Qualifications Scotland, as part of its core governance and stakeholder engagement responsibilities. No separate budget or routine expenditure is required.

Scottish Government
Education Reform Directorate

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