

Memorandum of Understanding (2026)

Qualifications Scotland Strategic Advisory Council

1. Purpose of this Memorandum

This Memorandum of Understanding (“MoU”) sets out the working relationships between:

- Qualifications Scotland
- The Strategic Advisory Council (“the Council”)
- The Scottish Ministers

This MoU provides a high-level framework to support effective collaboration, transparency, and accountability. It is not legally binding.

Where there is any inconsistency between this MoU and the Education (Scotland) Act 2025 or the Qualifications Scotland (Strategic Advisory Council) (Establishment) Regulations 2026, the legislation takes precedence.

2. Statutory Context

The Council is established under the Qualifications Scotland (Strategic Advisory Council) (Establishment) Regulations 2026.

Its purposes are those set out in section 9(1) of the Education (Scotland) Act 2025, namely to:

- Consider matters relating to Qualifications Scotland’s functions and qualifications
- Provide advice to:
 - Qualifications Scotland, and/or
 - Scottish Ministers

3. Role of the Council

The Council is an independent statutory advisory body.

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Qualifications Scotland

Strategic Advisory Council
MoU & Terms of Reference

Its role is to:

- Provide informed, evidence-based advice on matters relating to Qualifications Scotland
- Represent a broad range of stakeholder interests
- Ensure that stakeholder perspectives inform the development and delivery of qualifications and associated functions

The Council does not:

- Exercise executive or decision-making powers
- Direct the operations of Qualifications Scotland

4. Relationship between the Parties

4.1 Council and Qualifications Scotland

The relationship is based on:

- Mutual respect for roles
- Openness and transparency
- Timely exchange of information

Qualifications Scotland will:

- Provide information reasonably requested by the Council
- Respond in writing to formal advice provided by the Council
- Provide explanations where requested information cannot be shared

The Council will:

- Engage constructively with Qualifications Scotland
- Have regard to consultations undertaken by Qualifications Scotland
- Consult Qualifications Scotland and its committees where appropriate

4.2 Council and Scottish Ministers

The Council may provide advice directly to Scottish Ministers.

Where it does so:

- A copy must also be provided to Qualifications Scotland

Scottish Ministers may:

- Appoint members and conveners
- Participate in or observe Council meetings (via representatives)

4.3 Qualifications Scotland and Scottish Ministers

Qualifications Scotland remains accountable to Scottish Ministers for the performance of its statutory functions.

The Council supports, but does not replace, this accountability relationship.

5. Membership and Appointments

Membership is determined by Scottish Ministers in accordance with the 2026 Regulations and includes representation from:

The membership of the Council is to consist of:

- one or more persons who appear to the Scottish Ministers to represent the interests of children and young people,
- one or more persons who appear to the Scottish Ministers to have knowledge of the needs and interests of persons with educational support needs who are undertaking a Qualifications Scotland qualification,
- one or more persons who appear to the Scottish Ministers to represent the interests of parents and carers of children and young people undertaking a Qualifications Scotland qualification,
- one or more persons who are representatives of a trade union (within the meaning given by section 1 of the Trade Union and Labour Relations (Consolidation) Act 1992) which appears to the Scottish Ministers to be representative of the interests of staff of educational establishments in Scotland,
- one or more persons who appear to Scottish Ministers to be representative of the business, industry and skills sectors,

- one or more persons acting as the director of education of an education authority,
- one or more persons who are representatives of the Scottish Further and Higher Education Funding Council,
- one or more persons who appear to the Scottish Ministers to be representative of colleges of further education within the meaning of section 35(1) of the 2005 Act,
- one or more persons who appear to the Scottish Ministers to be representative of higher education institutions within the meaning of section 35(1) of the 2005 Act,
- such other persons having the skills, knowledge and expertise relevant to the functions of the Council as the Scottish Ministers consider appropriate.

Key principles:

- Members act in the public interest, not as delegates
- Members of Qualifications Scotland staff cannot be members of the Council
- Two conveners are appointed by Scottish Ministers (one must also be a member of Qualifications Scotland)

6. Ways of Working

The Council will:

- Determine its own procedures, including quorum
- Establish committees or sub-committees as required
- Hold at least one meeting per financial year to be open to the public. The Council, together with Qualifications Scotland, must take reasonable steps to promote attendance at such meetings by members of the public.
- Promote transparency and stakeholder engagement

The Council and Qualifications Scotland will:

- Work collaboratively and proactively
- Share information and insight early where possible
- Avoid unnecessary formality where informal engagement is effective

7. Advice and Information Sharing

7.1 Advice from the Council

Where the Council provides advice in writing:

- To Qualifications Scotland → copied to Scottish Ministers
- To Scottish Ministers → copied to Qualifications Scotland

7.2 Responses

Qualifications Scotland must:

- Provide a written response to written advice
- Share that response with Scottish Ministers

8. Transparency and Openness

The Council is committed to:

- Openness in its proceedings
- Public engagement
- Clear communication of its advice and impact

This includes:

- Publishing agendas, papers, and minutes where appropriate
- Holding at least one public meeting annually

9. Review of this MoU

This MoU will be reviewed:

- Within 12 months of initial adoption
- Thereafter at intervals of no more than 3 years
- Or earlier if required due to legislative or organisational change

QUALIFICATIONS SCOTLAND STRATEGIC ADVISORY COUNCIL

TERMS OF REFERENCE (2026)

1. Purpose

The Strategic Advisory Council (“the Council”) provides independent advice on matters relating to Qualifications Scotland’s functions and qualifications, in accordance with the Education (Scotland) Act 2025 and associated Regulations.

2. Functions

The Council will:

- Consider strategic and operational issues relating to qualifications
- Provide advice to:
 - Qualifications Scotland
 - Scottish Ministers
 - Reflect stakeholder perspectives across Scotland
 - Contribute to transparency and public confidence

3. Duties in Exercising Functions

In carrying out its functions, the Council must:

- Consult, where appropriate:
 - Qualifications Scotland
 - Learner Interest Committee
 - Teacher and Practitioner Interest Committee
 - Other relevant committees or stakeholders

- Have regard to:
 - Consultations undertaken by Qualifications Scotland
 - Guidance issued by Scottish Ministers

4. Membership

Membership is appointed by Scottish Ministers in line with Regulations.

4.1 Composition

Includes representation from:

- one or more persons who appear to the Scottish Ministers to represent the interests of children and young people,
- one or more persons who appear to the Scottish Ministers to have knowledge of the needs and interests of persons with educational support needs who are undertaking a Qualifications Scotland qualification,
- one or more persons who appear to the Scottish Ministers to represent the interests of parents and carers of children and young people undertaking a Qualifications Scotland qualification,
- one or more persons who are representatives of a trade union (within the meaning given by section 1 of the Trade Union and Labour Relations (Consolidation) Act 1992) which appears to the Scottish Ministers to be representative of the interests of staff of educational establishments in Scotland,
- one or more persons who appear to Scottish Ministers to be representative of the business, industry and skills sectors,
- one or more persons acting as the director of education of an education authority,
- one or more persons who are representatives of the Scottish Further and Higher Education Funding Council,
- one or more persons who appear to the Scottish Ministers to be representative of colleges of further education within the meaning of section 35(1) of the 2005 Act,
- one or more persons who appear to the Scottish Ministers to be representative of higher education institutions within the meaning of section 35(1) of the 2005 Act,
- such other persons having the skills, knowledge and expertise relevant to the functions of the Council as the Scottish Ministers consider appropriate.

4.2 Tenure

- Up to 4 years per term
- Maximum of 12 years total service

5. Conveners

- Two conveners appointed by Scottish Ministers
- One must also be a member of Qualifications Scotland

Responsibilities include:

- Chairing meetings
- Agreeing agendas
- Ensuring effective functioning of the Council

6. Meetings

- Frequency: determined by the Council (typically 4 -6 per year)
- At least one meeting per year must be open to the public
- Additional workshops or informal sessions may be held

Participants:

- Qualifications Scotland staff (by invitation)
- Scottish Government representatives (by invitation)

7. Committees and Sub-Committees

The Council may:

- Establish committees or sub-committees
- Include non-members where appropriate
- Define their remit and membership

8. Quorum

To be determined by the Council as part of its procedures.

9. Secretariat

Support will be provided by Qualifications Scotland's Corporate Governance Manager, including:

- Agenda planning
- Papers and minutes
- Coordination of advice and responses

10. Advice Process

- Advice issued by the Strategic Advisory Council should reflect the collective position of the group. While unanimity on all issues is not required, the advice presented should be agreed upon collectively.
- May be issued in writing
- Will be evidence-based and transparent

11. Conduct and Standards

Members will:

- Act in the public interest
- Declare conflicts of interest
- Respect confidentiality where required

12. Transparency

The Council will:

- Publish information on its work where appropriate
- Support public understanding of its role
- Encourage stakeholder engagement

13. Allowances and Expenses

Members are entitled to be reimbursed by Qualifications Scotland for expenses that appear to Qualifications Scotland to be necessary or expedient for the proper discharge of their functions. Members are responsible for the payment of tax and any

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other liabilities in relation to expenses. Reimbursement will be at Qualifications Scotland's agreed rates.

14. Review

These Terms of Reference will be reviewed:

- Annually (light touch)
- Formally every 3 years or as required