

Scottish Government consultation on the new Education (Scotland) Bill 2017**Report by Dr Grace Vickers, Head of Education, Education, Communities & Economy****1. Purpose of the Report**

Further to the previous report on Education Governance: Next Steps which was published by the Scottish Government in June 2017, the purpose of this report is to present to Cabinet the Scottish Government consultation on the new Education (Scotland) Bill 2017. A copy of this consultation can be found at the following link: <https://consult.gov.scot/learning-directorate/education-scotland-bill/>

2. Background

On 13 September 2016, the Scottish Government launched a consultation on Education Governance called *Empowering teachers, parents and communities to achieve excellence and equity in education: A Governance Review*. In June 2017, the Scottish Government published the outcome of this national consultation in their report entitled Education Governance: Next Steps. A number of the changes outlined will require legislative change and the Scottish Government have now launched the consultation on a new Education (Scotland) Bill 2017. This bill is in five main sections:

- The Headteachers' Charter
- Parental and Community Engagement
- Pupil Participation
- Regional Improvement Collaboratives
- Education Workforce Council for Scotland

Chapter one outlines the proposal for a Headteachers' Charter which will include details regarding the management of the curriculum, improvement, staffing and funding. Page 9 proposes that 'under the Bill local authorities will retain their duty to improve the quality of school education but will be required to achieve this through their participation in the work of the Regional Improvement Collaboratives. The reform will deliver more empowered schools while maintaining the democratic accountability of local authorities for education. These changes will not result in additional bureaucracy or additional layers of reporting on improvement; there will be a school improvement plan and a regional improvement plan, both of which will inform the National Improvement Plan. Local authorities will no longer be required to develop individual improvement plans. This is a significant departure from the 2000 Act, as amended by the Education (Scotland) Act 2016, and could potentially minimise local democratic accountability for the quality of education.

Chapter two outlines that the Bill will include provisions to make the existing legal duties, in relation to parental involvement, clearer and stronger.

Chapter three outlines that there will be provisions in the Education Bill to ensure that the principles of pupil participation are pursued in every school.

Chapter four outlines that the new Bill will include provisions to provide appropriate legislative underpinning for national and local government participation in the new Regional Improvement Collaboratives.

Chapter five outlines the provisions in the Education Bill to establish an Education Workforce Council which will take on the responsibilities of the GTCS, the Community Learning and Development Standards Council and register other educational professionals.

In line with previous consultations, Midlothian has launched a local consultation which commenced on Monday 13 November and will close on Monday 11th December. Respondents can get involved in the Midlothian survey by clicking on the following link: [link to be inserted]

Following consultation with stakeholders in Midlothian, a further report will be brought back to Cabinet in January 2018 prior to submission to the Scottish Government.

Alternatively respondents can respond directly to the national consultations at the following link: <https://consult.gov.scot/learning-directorate/education-scotland-bill/>
The national survey closes on 30 January 2018.

3 Report Implications

3.1 Resource

The resource to deliver the pace of change within the Education Governance – Next Steps will be challenging. In addition, the launch of the Fair Funding Review in June 2017 alongside this Education Governance report will examine the system changes required to deliver future funding to empower schools, decentralise management and the support through the encouragement of school clusters and creation of new educational regions and will implement any proposals arising from the Governance and Parental Involvement reviews at the earliest opportunity. In particular the Scottish Government will support the development and expansion of school clusters and increased regional working throughout 2017-18.

3.2 Risk

The previous Cabinet report dated 11 October 2016, highlighted the following risks: we welcome the relentless focus on closing the attainment gap in Education but we recognise that this requires a total Midlothian approach; although the delivery plan clearly states in the opening ambition statement that in order to close the attainment gap “our efforts must also extend beyond the classroom and across our communities and wider public services if we are to succeed in our ambition” (2016: 4); the delivery plan then continues with a narrow focus on the school level leavers without recognition of the critical role that other services including the Community Planning Partnerships and the third sector play in supporting education to close the poverty related attainment gap.

The ongoing proposed changes to governance structures which will be consulted on early in 2017 is maybe challenging to Local Authorities as the delivery plan clearly states a commitment to regional working although there is little detail within the delivery plan to establish what this may look like. ADES is already committed to working together and sharing best practice on a regional basis and this way of working does not require the proposed legislative change suggested. If we are all to focus on the national endeavour to close the poverty related attainment gap then we should be focussing on what delivers improved outcomes rather than a review of structural governance arrangements. Caution should also be applied to the reference of funding directly to schools with an enhanced role for central government related to the attainment challenge, the role of Education Scotland, standardised testing and the transparency of attainment data proposed to be published on a school by school basis on Parent Zone similar to what is in place at present for the Senior Phase qualifications through Insight. We need to question the role of the Local Authority in these changes.

3.3 Single Midlothian Plan and Business Transformation

The ambition in the new Bill is already clearly embedded in the Single Midlothian Plan – reducing inequalities. Themes addressed in this report:

- ☐ Community safety
- ☐ Adult health, care and housing
- ☒ Getting it right for every Midlothian child
- ☒ Improving opportunities in Midlothian
- ☐ Sustainable growth
- ☐ Business transformation and Best Value
- ☐ None of the above

3.4 Key Priorities within the Single Midlothian Plan

GIRFEC 5: Our people will be successful learners, confident individuals, effective contributors and responsible citizens.

3.5 Impact on Performance and Outcomes

To close the gap by improving ‘attainment versus deprivation’ and ‘attainment for all’ outcomes for children and young people.

3.6 Adopting a Preventative Approach

This report aims to take preventative action in order to close the attainment versus deprivation gap by implementing key policies and programmes which are designed to target support to children and young people from disadvantaged communities.

3.7 Involving Communities and Other Stakeholders

This report presents the Scottish Governments response to the national consultation on educational governance.

3.8 Ensuring Equalities

The recommendations in this report should continue to promote equity of attainment for disadvantaged children and support the steps being taken towards narrowing the attainment gap by imposing duties on education authorities and the Scottish Ministers in relation to reducing pupils’ inequalities of educational outcome together with a duty to report on progress.

3.9 Supporting Sustainable Development

There are no impacts arising directly from this report.

3.10 IT Issues

There are no IT issues to consider within this report

4 Recommendations

Cabinet are requested to approve the following:

- To note the publication of the Scottish Government’s Consultation on the Education (Scotland) Bill 2017.
- To note the launch of the Midlothian survey which will close on Monday 11th December.
- To authorise officers to bring a further report back to Cabinet in January outlining the result of the Midlothian survey.

Supporting Papers for on-going reviews in Scottish Education:

Standards in Scotland's Schools Act (2000):

http://www.legislation.gov.uk/asp/2000/6/pdfs/asp_20000006_en.pdf

Statutory Guidance: Standards in Scotland's Schools etc. Act 2000: Scottish

Government Consultation: <https://consult.scotland.gov.uk/strategy-and-performance-unit/statutory-guidance>

Education (Scotland) Act 2016:

http://www.legislation.gov.uk/asp/2016/8/pdfs/asp_20160008_en.pdf

Updated guidance on Chapter 3 of the Standards in Scotland Schools Act, August

2016: <http://www.gov.scot/Publications/2016/08/5386/4>

Scottish Schools (Parental Involvement) Act 2006 by the National Parent Forum of Scotland: <http://www.gov.scot/Resource/Doc/148166/0039411.pdf>

Financial Review of Early Learning and Childcare in Scotland: the current landscape (Scottish Government; September 2016):

<http://www.gov.scot/Resource/0050/00506148.pdf>

Empowering teachers, parents and communities to achieve excellence and equity in education: A Governance Review: <https://consult.scotland.gov.uk/empowering-schools/a-governance-review>

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