

Midlothian Consultation on the Education (Scotland) Bill 2017

Report by Dr Grace Vickers, Head of Education

1. Purpose of the Report

Further to the November Cabinet report and the previous report on Education Governance: next steps report which was published by the Scottish Government in June 2017, the purpose of this report is to present to Cabinet the outcome of the Midlothian consultation on the new Education (Scotland) Bill 2017. A copy of national 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.

2.1 The content of the Bill

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 ne 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 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 schools.

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 launched a local consultation which commenced on Monday 13 November and closed on Monday 18th December.

2.2 The outcome of the Midlothian Survey

In total twenty two responses to the survey were received. A summary of respondents is shown in table 1 below:

Respondent	Responses
Member of staff	16
Parent/carer	6
Group (2 CPP, 2 CC, 1 PC)	
Primary Head Teacher group response	
Secondary Head Teacher group response	
Grand Total	22

Table 1: Summary of respondents

It should also be noted that separate responses will also be submitted by individuals, the headteacher unions, teacher unions and a range of other bodies including solace, cosla, ades, the individual trade unions and Religious Representatives.

Overall, the responses have the following key themes:

Advantages

- Allow Headteachers to plan for the specific needs of their School and Communities.
- Increased feedback to Parent/Pupil Councils and the wider School Community.
- Increased flexibility in staffing and recruitment.
- Wider consultation within School communities
- Ensure Headteachers have the freedom to choose the systems of planning, reporting and monitoring that best suits the needs of their School community.

Disadvantages

- Requirements for additional training HR/Finance/Legal issues.
- Most actions already facilitated well by Local authority, worry about time required to implement in individual Schools.
- All staff already require registration to professional bodies SSSC, GTCS etc..
- Additional burden on support staff and drain on Headteachers time.
- Already a focus within schools to ensure collaboration across the school community. Local Authority also provides support and encouragement to reach out across the school community and keeps this as focus and priority.

Midlothian is in agreement with the national endeavour to close the poverty related attainment gap. The Council is also broadly in agreement with the ambition and the key principles. However, it remains unclear what educational

benefit this governance review seeks to achieve. In line with COSLA, we have serious concerns about the premise of this governance review and the flawed assumptions which are fundamental to the document; that schools are not currently empowered to make decisions about individual learning and school life, that regional collaboration does not currently occur. We also know that schools alone cannot tackle poverty and disadvantage and we believe that this requires a full council approach. Key themes have emerged throughout including the challenges of recruiting suitably qualified teachers, the lack of supply and the Devolved School Management Scheme (DSM). A number of concerns were raised by Parent Council Chairs, the Education Advisory Group and the Head Teacher Executive on the lack of detail stated in the consultation document which makes it challenging to answer the large number of open questions contained within the national survey.

As outlined in the previous consultation which was called *Empowering teachers, parents and communities to achieve excellence and equity in education* Midlothian Council requests more detail and clarity on what is actually being proposed. Overall, this lack of detail in the consultation document and the complex open questions may have resulted in a low response rate to both the Midlothian consultation and consequently may be the same in terms of response rate to the national survey. It should be noted that more respondents started the questionnaire than completed the questionnaire.

A full copy of the final Midlothian Council consultation response which will be submitted to the Scottish Government is filed in appendix 1.

There is still time to respond to the national consultation which can be found at the following link: <https://consult.gov.scot/learning-directorate/education-scotland-bill/>
The national survey closes on 30 January 2018.

2 Report Implications

3.1 Resource

The resource to deliver the pace of change within the Education (Scotland) Bill 2017 will be challenging. The lack of detail regarding plans to alter Education Governance is also challenging as it is at this stage uncertain how the system changes required to deliver future findings to empower schools, decentralise management and the support through the encouragement of school clusters and creation of new educational regions will be carried out in practice.

3.2 Risk

Midlothian Council welcome the relentless focus on closing the attainment gap in Education but we recognise that this requires a total Midlothian approach. The Education (Scotland) Bill 2017 outlines a 'school-centric' approach rather than a holistic approach. It should be noted that the previous Education Governance Review: *Empowering teachers, parents and communities to achieve excellence and equity in education* 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); this Bill 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 wording within the Bill calls for a regional improvement plan and not a local plan and it is the view of Midlothian Council that this is a significant risk to the local

democratic accountability of education services. Therefore, it is important that the local level plans remain in place to support schools in order to ensure continuous improvements.

3.3 Single Midlothian Plan and Business Transformation

The ambition in the delivery plan 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 Midlothian Council response to the national consultation on the Education (Scotland) Bill 2017.

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 as outlined in the Single Midlothian Plan.

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 contents of this report
- Note the outcome of the Midlothian survey.
- Authorise officers to submit the Midlothian response to the Scottish Government before 30 January 2018

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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