

Notice of meeting and agenda



Cabinet

Venue: Council Chambers,
Midlothian House, Dalkeith, EH22 1DN

Date: Tuesday, 15 August 2017

Time: 11:00

John Blair
Director, Resources

Contact:

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Further Information:

This is a meeting which is open to members of the public.

Recording Notice: Please note that this meeting will be recorded. The recording will be publicly available following the meeting. The Council will comply with its statutory obligations under the Data Protection Act 1998 and the Freedom of Information (Scotland) Act 2002.

1 Welcome, Introductions and Apologies

2 Order of Business

Including notice of new business submitted as urgent for consideration at the end of the meeting.

3 Declarations of Interest

Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

4 Minutes

- | | | |
|------------|---|----------------|
| 4.1 | Minutes of Cabinet of 13 June 2017 - For Approval | 5 - 16 |
| 4.2 | Minutes of Special Cabinet of 12 July 2017 - For Approval | 17 - 20 |

5 Public Items (Education Interest)

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|------------|---|------------------|
| 5.1 | Inspection of Hawthornden Primary School - Report by Head of Education | 21 - 28 |
| 5.2 | Update on the Children and Young People (Scotland) Act 2014 Parts 4 - Named Person - Report by Head of Children's Services | 29 - 32 |
| 5.3 | Scottish Government - Education Governance Review - Next Steps - Report by Head of Education | 33 - 96 |
| 5.4 | Scottish Government's Consultation - Education Governance Review – Fair Funding to achieve Excellence and Equity in Education - Report by Head of Education | 97 - 132 |
| 5.5 | Anti Fraud and Corruption, and Anti Bribery Policies - Report by Internal Audit Manager | 133 - 154 |
| 5.6 | Objections to Proposed Traffic Regulation Order School Streets Lasswade Primary School | 155 - 218 |

6 Public Items (No Education Interest)

- | | | |
|------------|--|------------------|
| 6.1 | Registration of Care at Home staff in Midlothian - Report by Chief Social Work Officer | 219 - 222 |
| 6.2 | Quarter One Performance Reports 2017/18 – (To Follow) | |
| | (a) Adult and Social Care | |
| | (b) Customer and Housing Services | |
| | (c) Children's Services | |
| | (d) Communities and Economy | |
| | (e) Education | |
| | (f) Commercial Operations | |
| | (g) Finance and Integrated Service Support | |
| | (h) Property and Facilities Management | |
| | (i) Midlothian Council | |

THE CABINET IS INVITED (A) TO CONSIDER RESOLVING TO DEAL WITH THE UNDERNOTED BUSINESS IN PRIVATE IN TERMS OF PARAGRAPH 6 OF PART 1 OF SCHEDULE 7A TO THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973 - THE RELEVANT REPORT IS THEREFORE NOT FOR PUBLICATION; AND (B) TO NOTE THAT NOTWITHSTANDING ANY SUCH RESOLUTION, INFORMATION MAY STILL REQUIRE TO BE RELEASED UNDER THE FREEDOM OF INFORMATION (SCOTLAND) ACT 2002 OR THE ENVIRONMENTAL INFORMATION REGULATIONS 2004.

7 Private Items (Education Interest)

No private reports with an education interest to be discussed at this meeting.

8 Private Items (No Education Interest)

8.1 Irrecoverable Debt Write-Off - Report by Head of Finance and Integrated Service Support

Minute of Meeting



Cabinet

Date	Time	Venue
13 June 2017	11am	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

Councillor Milligan	Councillor Imrie
Councillor Curran	Councillor Muirhead
Councillor Hackett	

Religious Representatives:

Mr V Bourne Rev.R. Halley Mr M Khan	
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1 Apologies

1.1 No apologies had been received.

2 Order of Business

The Order of Business was as stated on the Agenda.

In light of the recent terrorist attacks in Manchester and London, the Chief Executive asked that the meeting hear from Rev.Ruth Halley and thereafter to stand to observe a minute silence in memory of the victims.

3 Declarations of interest

No declarations of interest were received.

4. Reports

Agenda No	Report Title	Presented by:
5.1	Membership and Terms of Reference	Director, Resources
Outline of report and summary of discussion		
<p>The report set out the membership and terms of reference of the Cabinet and invited consideration of the portfolios to be allocated to each of its elected Members.</p> <p>Councillor Milligan tabled for information the Portfolios to be allocated to each Member of the Cabinet.</p>		

Decision
<p>(a)To note the Membership and Terms of Reference of the Cabinet as detailed within the report;</p> <p>(b)To welcome Matin Khan as a newly appointed Religious Representative on the Cabinet whilst welcoming back both Vic Bourne and Ruth Halley; and</p> <p>(c)To approve the undernoted Cabinet Portfolio Holders:</p> <p>Cllr Derek Milligan –</p> <ul style="list-style-type: none">• Finance and Integrated Support• Property and Facilities Management• Adult Services• Primary Care and Older People's Services <p>Cllr Jim Muirhead –</p> <ul style="list-style-type: none">• Education and Children's Services <p>Cllr Stephen Curran –</p> <ul style="list-style-type: none">• Customer and Housing Services

Cllr John Hackett –

- Commercial Operations

Cllr Russell Imrie –

- Communities and Economy
- Zero Waste
- Strategic Transportation

Action

Director, Resources

Agenda No	Report Title	Presented by:
5.2	Inspection of Hawthorn Children and Families Centre	Head of Children's Services

Outline of report and summary of discussion

Based on the findings of this inspection the Care Inspectorate awarded the following grades:

Quality of Care and Support	Grade 6 – Excellent
Quality of Environment	Not assessed
Quality of Staffing	Grade 5 – Very Good
Quality of Management and Leadership	Not assessed

The Inspection Team noted the following strengths:

- They looked at the service's child protection policy and procedures and noted that staff received annual child protection training and were familiar with the processes to be followed. Staff were confident in their roles with regard to protecting and safeguarding children.
- The service offered a quality preventative service to protect the most vulnerable children across Midlothian.
- There was evidence that children received excellent support for their health and wellbeing needs from management and staff. Many children presented with complex needs and we evidenced that the staff were committed to providing a service which promoted positive outcomes.
- Staff demonstrated that they knew the personal care and support needs of individual children very well and responded in a caring and professional manner. Strong relationships with parents, children and other agencies had helped staff to develop strategies to support children's early learning additional support needs.
- Staff worked well as a team and the management team were visible within play rooms and active in their support of the staff.

The Inspection Team reported that the authority could do better in the following area:

- The service should continue to use the children's wellbeing indicators to describe and underpin some of the photographs and events displayed throughout the centre.

The Director, Education, Communities and Economy was heard in amplification of the report after which several Members as well as Vic Bourne congratulated all concerned with this very positive inspection report.

Decision

(a) To note the content of the inspection report;

(b) To pass this report to the Performance, Review and Scrutiny Committee for its consideration; and

(c) To congratulate the Management and staff connected with Hawthorn Children and Families Centre on the excellent work being carried out at the Centre.

Action

Director Education, Communities and Economy/ Head of Education

Agenda No	Report Title	Presented by:
5.3	Creating a World-Class Education System through Excellence and Equity: Attainment and Achievement Report, June 2017	Head of Education

Outline of report and summary of discussion

The report advised that further to the December Council Attainment Report outlining the local measures in respect of the 2015-16 examination diet, the purpose of this report is to provide an overview of secondary school examination attainment in session 2015-16 using the senior phase national benchmarking attainment measures, called 'Insight'. The report also provided an update on progress through the Broad General Education (P1-S3) including Curriculum for Excellence levels and Standardised Assessment data. In addition the report also celebrated a number of wider achievements across the education service.

The Head of Education was heard in amplification of the report.

Decision

(a) To congratulate Pupils, Staff and Parents on the significant improvements in performance outlined in this report;

(b) Note the next steps for improvement as outlined within the report: and

(c) Note that a Seminar on this subject would be held later within the year as previously agreed.

Action

Head of Education

Agenda No	Report Title	Presented by:
5.4	Proposal for Consideration in Corporately Endorsing/Adopting Meeting the Needs of Transgender Young People Guidance, from LGBT Youth Scotland.	Head of Education

Outline of report and summary of discussion

The report sought approval to adopt guidance as an example of good practice, and for the key principles to be incorporated into subsequent policy updates in Education.

The report highlighted that this guidance was based on the real experiences of transgender young people, and good practice approaches suggested by young people, teachers and youth workers. It is designed to enable teachers to gain confidence including transgender identified in their teaching, and supporting transgender learners in their schools. The Head of Education was heard in amplification of the report.

Decision

To endorse this guidance as good practice within Midlothian Schools.

Action

Head of Education

Agenda No	Report Title	Presented by:
5.5	School Session Dates for the Academic Year 2018/19	Head of Education

Outline of report and summary of discussion

The report advised that the authority was required to set school session dates each year with regard to statutory attendance. This requirement was undertaken a year in advance of a school academic year and agreed with parents, teaching unions and council etc.

Consultation had been undertaken with the appropriate teaching unions, schools and Parent Councils to draw up a scheme of session dates for Midlothian schools for the academic year 2018/19. The proposed scheme for 2018/19 was attached to the report as an appendix.

Officers from Edinburgh, East Lothian and Midlothian Councils had ensured that session dates were synchronised with neighbouring council areas wherever possible bearing in mind some differences in local holidays.

The Head of Education was heard in amplification of the report during which she advised that although these dates had been agreed by the Joint Secretaries of the Midlothian Negotiating Committee for Teachers, including Jim Glen the Local Assistant Secretary, the EIS nationally had since entered into a formal dispute with Midlothian Council on these dates due to a difference in interpretation of the proposed agreement.

Decision
<p>(a) To agree the school session dates for 2018/19 as set out in the report;</p> <p>(b) To note that discussions would continue with the EIS and that further update reports would be submitted to Cabinet as appropriate.</p>
Action
Head of Education

Agenda No	Report Title	Presented by:
5.6	Early Learning and Childcare – Expansion to 1140 hours – Blueprint Documents	Head of Education
Outline of report and summary of discussion		
<p>The report provided a summary of the blueprint documents recently published by the Scottish Government on the increase in the entitlement to free early learning and childcare for all three and four year olds and eligible two year olds from 600 to 1,140 hours per year by August 2020. It also provided an update on preparations being undertaken to facilitate this. The Head of Education was heard in amplification of the report.</p>		
Decision		
<p>(a) To note the legislative requirements and work undertaken to date;</p> <p>(b) That a Briefing on Early Years and School Estate Strategy would take place before the end of June with a Seminar for Elected Members prior to a report being presented to Council in September; and</p> <p>(c) To note that further reports would be submitted to Cabinet and Council as information was forthcoming from the Scottish Government regarding resource requirements.</p>		
Action		
Head of Education		

Agenda No	Report Title	Presented by:
6.1	Environmental Health Food Service Plan 2017/18	Director, Education, Communities and Economy
Outline of report and summary of discussion		
<p>The report advised of the Environmental Health Food Service Plan for 2017/2018 and recommended approval thereof. The Director, Education, Communities and Economy was heard in amplification of the report.</p>		
Decision		
To approve the Environmental Health Food Service Plan 2017/18.		
Action		
Director, Education, Communities and Economy		

Agenda No	Report Title	Presented by:
6.2	Professional Dog Walkers' Registration Scheme	Director, Education, Communities and Economy
Outline of report and summary of discussion		
The report sought approval for the introduction of a voluntary registration scheme for professional dog walkers in Midlothian. The Director, Education, Communities and Economy was heard in amplification of the report.		
Decision		
To continue consideration of this matter for a more detailed report encompassing the varied areas associated with the dog fouling/registration etc.		
Action		
Director, Education, Communities and Economy		

Agenda No	Report Title	Presented by:				
6.3	New Build Council Housing – Local Letting Initiative	Joint Director, Health and Social Care				
Outline of report and summary of discussion						
<p>The report proposed a Local Letting Initiative (LLI) to be used for the allocation of housing at Eastfield Farm Road, Penicuik. The report advised that in August 2014, Midlothian Council agreed to the development of 12 homes, designed to meet the needs of people with very complex needs, on the site which was previously the John Chant Centre at Eastfield Farm Road, Penicuik. These council houses were being built to meet the need for housing options for people with a learning disability and complex needs and would provide the best environment to support people whilst ensuring they can live in their own tenancy with dignity and privacy. This development had been specifically designed to meet the needs of these households and will reduce cost pressures on the General Fund by £0.590 per annum compared to the alternative care requirements in accommodating these households in mainstream accommodation.</p>						
<p>Table 1: Housing Mix at Complex Care Development, Eastfield Farm Road</p>						
<table><tr><th>Property Type</th><th>Number of Properties</th></tr><tr><td>1 Bed, 2 Person Ground Floor Property</td><td>12</td></tr></table>			Property Type	Number of Properties	1 Bed, 2 Person Ground Floor Property	12
Property Type	Number of Properties					
1 Bed, 2 Person Ground Floor Property	12					
<p>Following a procurement process, Richmond Fellowship had been appointed to provide supported living services to tenants living within the development.</p>						
<p>In order to allocate these units in a way that ensured that Housing Applicants in the most need were accommodated, a Complex Care Housing Allocation Panel had been established to agree which applicants with complex care needs would be allocated a property in this development. The Panel would recommend allocations for all lets and prioritise applicants based on assessed need, where it is determined that an individual’s support needs cannot be easily met in mainstream accommodation. The Joint Director, Health and Social Care was heard in</p>						

amplification of the report.
Decision
To approve a Local Letting Initiative as outlined in the report for the allocation of housing at Eastfield Farm Road, Penicuik.
Action
Joint Director, Health and Social Care

Agenda No	Report Title	Presented by:
6.4.1	Midlothian Council Annual Performance Report –2016-17	Chief Executive
Outline of report and summary of discussion		
The Annual Performance Report for Midlothian Council was submitted detailing the delivery of Midlothian Council's priorities through the Community Planning Partnership and the Single Midlothian Plan. The Council Transformation Strategy and Individual Service Plans outlined how Midlothian Council would deliver its contribution to the Single Midlothian Plan. The Chief Executive highlighted to the Cabinet the notable items and also the challenges going forward from the Report. and responded to questions raised by the members of the Cabinet.		
Decision		
To note the report.		
Action		
Chief Executive.		

Agenda No	Report Title	Presented by:
6.4.2	Adult Social Care	Chief Executive
Outline of report and summary of discussion		
The Annual Performance Report for Adult Social Care was submitted advising that the creation of a new Health and Care Partnership provided an opportunity to make significant change in how we deliver health and care services. The aim was to achieve this ambitious vision by changing the emphasis of services by being fully committed to the principles of reducing inequalities, promoting opportunities and eliminating discrimination in line with the Equality Act and Human Rights legislation. The Joint Director, Health and Social Care highlighted to the Cabinet the notable items and also the challenges going forward from the Report and responded to questions raised by the members of the Cabinet.		
Decision		
To note the report.		
Action		
Joint Director, Health and Social Care		

Agenda No	Report Title	Presented by:
6.4.3	Customer and Housing Services	Joint Director, Health and Social Care
Outline of report and summary of discussion		
<p>The Annual Performance Report for Customer and Housing Services was submitted advising that in adopting a Transformation approach, we have become more efficient and at the same time we have delivered changes resulting in improvements to the way we work, the services we deliver and the quality of life experienced by local people. These changes are evidenced in the delivery of new affordable homes and better outcomes through Customer & Housing Services. The Head of Customer and Housing Services Care highlighted to the Cabinet the notable items and also the challenges going forward from the Report and responded to questions raised by the members of the Cabinet.</p>		
Decision		
To note the report.		
Action		
Joint Director, Health and Social Care		

Agenda No	Report Title	Presented by:
6.4.4	Children's Services	Director, Education, Communities and Economy
Outline of report and summary of discussion		
<p>The Annual Performance Report for Children's Services was submitted advising that over the past year they had committed to building a new service that was flexible and responsive within a spectrum of early intervention, effective and proportionate and ensuring the protection of every child and different ways of working to senior managers in order to help change and improve the services we provide. The service review was now complete with almost everyone in post and with staff ready to move to new premises at the end of May 2017. The Director, Education, Communities and Economy highlighted to the Cabinet the notable items and also the challenges going forward from the Report and responded to questions raised by the members of the Cabinet.</p>		
Decision		
To note the report.		
Action		
Director, Education, Communities and Economy		

Agenda No	Report Title	Presented by:
6.4.5	Communities and Economy	Director, Education, Communities and Economy

Outline of report and summary of discussion

The Annual Performance Report for Communities and Economy was submitted advising that the core aims and responsibilities for the Communities and Economy Service were as follows:

- Providing for optimal social, economic and physical environments for our communities.
- Growing the Midlothian economy through supporting new and expanding businesses, attracting inward investment, and promoting key employment sectors.
- Acting as a key driver in the development of our most disadvantaged communities.
- Maintaining high standards of public health, consumer confidence and public safety.
- Progress in 2016/17 can be summarised under four main areas; overall strategy, servicing communities, economic development, and service development/improvement.

The Director, Education, Communities and Economy highlighted to the Cabinet the notable items and also the challenges going forward from the Report and responded to questions raised by the members of the Cabinet.

Decision

To note the report.

Action

Director, Education, Communities and Economy

Agenda No	Report Title	Presented by:
6.4.6	Education	Head of Education

Outline of report and summary of discussion

The Annual Performance Report for Education was submitted advising that progress in delivery of strategic outcomes involved:

- Committed to the creation of a World-Class Education system through excellence and equity, the report for this quarter focuses on the summary of the year for the education service.
- The *Good to Great* Improvement Strategy was shared with all Head Teachers and Managers last session. As part of this strategy we are critically aware of the importance of excellent pedagogy, leadership, collaboration and collective responsibility. The core ingredients of the Good to Great strategy are:
- To adopt an evidence based practice approach to educational improvement based on the forensic use of data with clear improvements

<ul style="list-style-type: none"> shared and understood by all To create a leadership culture of continuing professional development where systems thinking becomes a habit focussed on delivering improved outcomes for every child To embrace Jim Collin's <i>Good to Great</i> Strategy: keeping it simple through a commitment to continuous improvement delivering results that are always better than our previous best. <p>The Head of Education highlighted to the Cabinet the notable items and also the challenges going forward from the Report and responded to questions raised by the members of the Cabinet.</p>
Decision
To note the report.
Action
Head of Education

Agenda No	Report Title	Presented by:
6.4.7	Commercial Operations	Director, Resources
Outline of report and summary of discussion		
The Annual Performance Report for Commercial Operations was submitted. The Director, Resources highlighted to the Cabinet the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed in the Report. Thereafter the Director, Resources responded to questions raised by the members of the Cabinet.		
Decision		
To note the report.		
Action		
Director, Education, Communities and Economy		

Agenda No	Report Title	Presented by:
6.4.8	Finance and Integrated Services	Director, Resources
Outline of report and summary of discussion		
The Annual Performance Report for Finance and Integrated Services was submitted. The Director, Resources highlighted to the Cabinet the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed in the Report. Thereafter the Director, Resources responded to questions raised by the members of the Cabinet.		
Decision		
To note the report.		
Action		
Director, Resources		

Agenda No	Report Title	Presented by:
6.4.9	Property and Facilities	Director, Resources
Outline of report and summary of discussion		
The Annual Performance Report for Property and Facilities was submitted. The Director, Resources highlighted to the Cabinet the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed in the Report. Thereafter the Director, Resources responded to questions raised by the members of the Cabinet.		
Decision		
To note the report.		
Action		
Director, Education, Communities and Economy		

Agenda No	Report Title	Presented by:
6.5	2015/16 Local Government Benchmarking Framework Results	Chief Executive
Outline of report and summary of discussion		
The report updated Cabinet on the Local Government Benchmarking Framework and to present an overview of the Council's performance against the indicators for 2015/16. The Chief Executive highlighted to the Cabinet the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed in the Report. Thereafter the Chief Executive responded to questions raised by the members of the Cabinet.		
Decision		
To note the report.		
Action		
Chief Executive		

Exclusion of Members of the Public

In view of the nature of the business to be transacted, the Cabinet agreed that the public be excluded from the meeting during discussion of the undernoted item, as contained in the Addendum hereto, as there might be disclosed exempt information as defined in paragraph 3 of Part I of Schedule 7A to the Local Government (Scotland) Act 1973:-

Objections to Proposed Disabled Person's Parking Place Parking Bay at 2 Monksrig Road, Penicuik – Grant Permission for Parking Bay.

The Cabinet thereafter agreed to proceed as detailed in the Addendum hereto.

The meeting terminated at 12.55pm.



Special Meeting of Cabinet

Date	Time	Venue
12 July 2017	1pm	Committee Room, Midlothian House, Buccleuch Street, Dalkeith

Present:

Councillor Milligan - Convener	Councillor Muirhead – Depute Convener
Councillor Imrie	Councillor Curran

Religious Representatives (Non-voting observers for Education Business):

In attendance:

Suzanne Ross - Solicitor	

1. Apologies

1.1 It was noted that apologies had been received from Councillor Hackett

2. Order of Business

2.1 The order of business was confirmed as outlined in the agenda that had been circulated. The Clerk confirmed that an updated appendix had been circulated to Members which represented an indicative approach to the Recruitment of the Joint Director.

3. Declarations of interest

3.1 The Convener requested that any Elected Member who had to declare an interest in a particular item to do so as the item arose.

4. Reports

Report No.	Report Title	Presented by:
4.1	Appointment of Joint Director, Health and Social Care	Chief Executive

Outline of report and summary of discussion

The Cabinet heard from the Chief Executive who presented a report which informed Cabinet of Eibhlin McHugh's intention to retire from her role as Joint Director, Health and Social Care and as a result of this, agree to the recruitment process for the position of Joint Director, Health and Social Care.

The Chief Executive emphasised that whilst the recruitment plan represented the separate posts i.e. the Joint Director, Health and Social Care and the Chief Officer of the Midlothian Integration Joint Board, the preferred approach in the appointment of these posts would be reflective of the current arrangements with one person occupying both roles. The Chief Executive further emphasised that the updated recruitment plan as circulated might be subject to minor amendments during the recruitment process.

Councillor Imrie asked why this role was not just a matter for the Midlothian Integration Joint Board. The Chief Executive confirmed that this was a three way recruitment process involving Midlothian Council – specifically the Cabinet- the Midlothian Integration Joint Board and NHS Lothian.

The Convener asked the Chief Executive whether there was an opportunity to realise savings through restructuring as a result of the current Joint Director vacating the post. The Chief Executive confirmed that the Midlothian Integration Joint Board was subject to a savings challenge and his view was that this would be realised through longer term savings as a result of service transformation. Further there could be further restructuring potential as a result of other proposed changes and cited Education Governance as an example.

Councillor Milligan followed this up by asking that the financial position was kept in mind and further asked whether this would be reflected with flexibility in relation to the terms of the contract of the successful candidate. The Chief Executive responded by confirming that that it would be difficult from an organisational

perspective not to have a Joint Director of Health and Social Care and Chief Officer of the Midlothian Integration Joint Board. Further the Chief Executive confirmed that over time the responsibilities of the role might change.

Councillor Muirhead was then heard in relation to the business transformation aspiration of the Council and whether the Council could ensure that the recruitment of this post would not restrict this transformation. The Chief Executive confirmed his view that this role was vital in providing capacity in relation to the leadership that was required to make the changes within the organisation. He further confirmed that Midlothian was 'ahead of the game' in relation to the integration process in spite of the budget challenges. Further the Chief Executive confirmed that he felt there would be risk to the organisation if the role was not recruited to on a permanent basis by way of the kind of person that would be attracted to the post. The Chief Executive also reminded the Cabinet that it did not preclude the post holder from being subject to the organisational change policy if they were offered a permanent contract.

Councillor Milligan concluded the debate by speaking on behalf of the Cabinet in stating that Eibhlin McHugh would be sadly missed and would be 'a hard act to follow'.

In conclusion the Cabinet agreed the recommendations contained within the report.

Decision

The Cabinet agreed to:

- a) Note the intention of Eibhlin McHugh to retire from her role as Joint Director, Health and Social Care and in doing so thanked Eibhlin McHugh for her service to the Council and supporting significant transformation in Health and Social Care services in Midlothian;
- b) Approve the recruitment for the Joint Director, Health and Social Care; and
- c) The recruitment process for the position of the Joint Director, Health and Social Care as outlined in the updated appendix and in light of the discussion during the meeting.

Action

Chief Executive

Inspection of Hawthornden Primary School

Report by Dr Grace Vickers, Head of Education

1.0 Purpose of Report

The report outlines the outcome of the above inspection as carried out by Education Scotland which was communicated in their letter dated 20 June 2017.

2.0 Background

2.1 A new Head Teacher was appointed to Hawthornden Primary School, which appointment took effect on 09 January 2017, following the departure of the previous Head Teacher in August 2016. In the interim, the school was managed by an Acting Head Teacher. Hawthornden Primary School was inspected on the week beginning 06 March 2017. The report was published on 23 June 2017 and has been distributed to all Portfolio Holders and Church Representatives on the Cabinet for their information. A copy is included in Appendix one.

2.2 Following inspection, Education Scotland gathers evaluations of the core quality indicators to keep track of how well all Scottish Early, Learning and Childcare settings and schools are doing. Noted below are the evaluations for Hawthornden Primary School:

Primary Stages

Leadership of change	Satisfactory
Learning, Teaching and Assessment	Satisfactory
Ensuring wellbeing, equality and inclusion	Satisfactory
Raising Attainment and Achievement	Satisfactory

2.3 The following particular strengths were indicated by the inspection team:

- The good start of the newly appointed Head Teacher in making improvements to the school.
- Children who enthusiastically speak about strategies to support their learning.
- Positive relationships between children, staff and the emphasis and impact on parental partnerships.
- Staff who are engaged in practitioner enquiry and are enthusiastic about developing the work of the school.

2.4 The following areas for improvement were agreed between Education Scotland, the School and the Education service:

- Improve the quality of learning, teaching and assessment across the school to ensure all children are making the best possible progress in their learning.
- To raise attainment in literacy and numeracy, staff need to improve the use of assessment information during the course of their teaching to meet the individual needs of children.
- Develop flexible curricular pathways, to ensure that there are shared standards and expectations across the school so that children make the best possible progress in their learning.

- Ensure that the specialist provision is better integrated within the school so that children, particularly on part-time placements achieve their full entitlement to a broad general education.

2.5 Conclusion

Education Scotland will ask for a report on progress within 12 months of the inspection. This report will inform any decision made by Education Scotland regarding further engagement. This may include another inspection visit. When such a decision is made, Education Scotland will again write to Midlothian Council detailing the improvements the school has made and outline any further action, in agreement with Midlothian Council, that they intend to take. Midlothian Council will continue to inform parents/carers about the school's progress as part of its arrangements for reporting on the quality of its schools.

3.0 Report Implications

3.1 Resource

There are no financial and human resource implications associated with this report.

3.2 Risk

Education Scotland visit a sample of nursery, primary and secondary schools every year to find out how they are performing. A report is published which informs parents about the key strengths of the school, its capacity for further improvement and sets out the main points for action.

Following the publication of that report further visits may be made to the school, either by Education Scotland or by the Education Authority to assist improvement and monitor progress. A follow-through report on the progress of the school is published by either Education Scotland or by the Education Authority, normally within 2 years of the date of publication of the original report.

Monitoring, review and evaluation of progress by Education Officers in the Quality Improvement Team is the control measure in place to reduce the risk of failure of the school to demonstrate its capacity to improve.

3.3 Single Midlothian Plan and Business Transformation

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 Impact on Performance and Outcomes

The setting will continue to improve its work in line with its improvement plan and the Education Service will continue to challenge and support the setting in relation to developing and implementing a range of quality improvement strategies.

3.5 Adopting a Preventative Approach

The Education (Scotland) Act 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. Midlothian is highly committed to closing the attainment gap which complements the strategies employed by Midlothian which are highlighted in the National Improvement Framework report which was presented to Council on 3 November 2015.

3.6 Involving Communities and Other Stakeholders

Copies of the report have been made available to Elected Members, parents of children currently in the school and other interested parties.

3.7 Ensuring Equalities

The School Improvement Plan will be screened for equalities implications.

3.8 Supporting Sustainable Development

The School Improvement Plan allows for sustainable development and improvement.

3.9 IT Issues

There are no IT implications.

4.0 Recommendations

Cabinet is asked to:

- Note the content of the inspection report.
- Note the areas for further development.
- Note the positive steps by Education Scotland to review their findings in twelve month's time.
- Pass this report to the Performance, Review and Scrutiny Committee for its consideration.

25 July 2017

Report Contact: Grace Vickers, Head of Education

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Background Papers: (Please see Appendix 1 – Inspection - HawthorndenPS)

20 June 2017

Dear Parent/Carer

In March a team of inspectors from Education Scotland visited Hawthornden Primary School and Specialised Provision. During our visit, we talked to parents/carers and young people and worked closely with the headteacher and staff. We gathered evidence to evaluate the quality of leadership and management, learning provision and children's successes and achievements.

The inspection team found the following strengths in the school's work:

- The good start of the newly appointed headteacher in making improvements to the school.
- Children who enthusiastically speak about strategies to support their learning.
- Positive relationships between children and staff and the emphasis and impact of parental partnerships.
- Staff who are engaged in practitioner enquiry and are enthusiastic about developing the work of the school.

The following areas for improvement were identified and discussed with the headteacher and representatives from Midlothian Council:

- Improve the quality of learning, teaching and assessment across the school to ensure all children are making the best possible progress in their learning.
- To raise attainment in literacy and numeracy staff need to improve the use of assessment information during the course of their teaching to meet the individual needs of children.
- Develop flexible curricular pathways, to ensure that there are shared standards and expectations across the school so that children make the best possible progress in their learning.
- Ensure that the specialist provision is better integrated within the school so that children, particularly on part-time placements achieve their full entitlement to a broad general education.

Quality indicators help schools, education authorities and inspectors to judge what is good and what needs to be improved in the work of the school. You can find these quality indicators in the publication *How good is our school*¹? Following the inspection of each school, the Scottish Government gathers evaluations of three important quality indicators to keep track of how well all Scottish schools are doing.

Here are Education Scotland's evaluations for Hawthornden Primary School

Leadership of Change	satisfactory
Learning, teaching and assessment	satisfactory
Raising attainment and achievement	satisfactory
Ensuring wellbeing, equality and inclusion	satisfactory

The letter and more detailed summarised inspection findings will be available on the Education Scotland website at <https://education.gov.scot/inspection-reports/midlothian/5542227>

What happens next?

We will ask for a report on progress within 12 months of the inspection. This report will inform any decision made by Education Scotland regarding further engagement. This may include another inspection visit. When such a decision is made, we will write to you again detailing the improvements the school has made and outlining any further action, agreed with Midlothian Council that we intend to take.

Elizabeth Paterson
HM Inspector

¹ How good is our school? (4th Edition) 2015 [How good is our school? \(fourth edition\)](#)

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Update on the Children and Young People (Scotland) Act 2014 Parts 4 - Named Person**Report by: Joan Tranent, Head of Children's Services, Education, Communities and Economy****1 Purpose of Report**

To provide an update on the Named Person, Part 4 of the Children and Young People (Scotland) Act 2014 where following the Supreme Court judgment of the 28 July 2016, the information sharing provisions of that Part were not 'in accordance with the law'.

2 Background**The Children and Young People (Information Sharing) (Scotland) Bill**

The purpose of the Bill is to respond to the Supreme Court judgment of the 28 July 2016 which found that while the aims of Part 4 of the Children and Young People (Scotland) Act 2014 Act were "legitimate and benign", the information sharing provisions of that Part were not "in accordance with the law". You may wish to review the specific changes to Parts 4 and Part 5 of the Act by referring to an amended version of Parts 4 and 5 which can be accessed on the Scottish Government Getting it right for every child website at <http://www.gov.scot/Resource/0052/00521303.pdf>

- 2.1** The Bill will introduce a duty on public and other services to consider if the sharing of information will promote, support or safeguard the wellbeing of a child or young person. It will also ensure that the sharing is compatible with current law.
- 2.2** The Bill specifically makes changes to the information sharing provisions in Part 4 of the Children and Young People (Scotland) Act 2014 in response to the Supreme Court's finding and intensive engagement with stakeholders which took place in 2016. The Bill also makes changes to Part 5 of the 2014 Act in order to keep the information sharing provisions of Parts 4 and 5 in alignment.
- 2.3** The aim of the Bill is to bring consistency, clarity and coherence to the practice of sharing information about children's and young people's wellbeing across Scotland. It ensures that the rights of children, young people and parents are respected when information is shared under Part 4 (Provision of Named Persons) and Part 5 (Child's Plan) for the purpose of promoting, supporting or safeguarding children's or young people's wellbeing.
- 2.4** The Bill process will be followed by a formal public consultation on the revised statutory guidance for Parts 4 and 5 of the Act and the Code of Practice on information sharing. The Scottish Government will work with Parliament to agree a timetable to enable commencement in 2018.

3 Report Implications

3.1 Resource

Within Midlothian we had undertaken extensive training with children's services, education and health staff prior to the court judgement. Training has ceased whilst we awaited the outcome of the Supreme Court and the necessary guidance. Midlothian council along with our health colleagues shall now develop a training programme ensuring the new code of practice on information sharing is embedded within our practice going forward.

3.2 Risk

The risks involved in breaching The Data Protection Act 1998 are considerable both from a financial and reputational perspective. Therefore training in this area needs to be carried out across all relevant service areas to ensure that we comply with the law on data protection as it applies to Parts 4 & 5 of the Act.

3.3 Single Midlothian Plan and Business Transformation

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

Implementing the Children and Young People Act is a legislative requirement of the Council and its partners and is reflected throughout the 2017/18 Single Midlothian Plan. The anticipated timescale for implementation of the Named Person is 2018/19.

3.5 Impact on Performance and Outcomes

The successful implementation of the Act should improve outcomes for children and young people across Midlothian, and particularly those who need additional support through the Named Person, who have a Child's Plan or who are looked after.

3.6 Adopting a Preventative Approach

Many of the provision of the Act are preventative, such as early learning and childcare, and the named person service is intended to provide early support to families.

3.7 Involving Communities and Other Stakeholders

The Community Planning GIRFEMC Board undertook stakeholder consultation on the new Children's Services plan, 2016/19 and the Act was central to the structure and content of this plan. More widely, the Council and partner organisations in Midlothian have been working together to implement the provisions of the Act. Implementing each provision involves different groups of stakeholders.

3.8 Ensuring Equalities

The Scottish Government undertook an EQIA process on the Act. The equality impact assessment is available here:

<http://www.scotland.gov.uk/Topics/People/Young-People/legislation/impact>

Scottish Government is committed to supporting the Act and has stated that the implementation by local authorities will be fully funded; however this will need to be closely monitored.

3.9 IT Issues

The Named Person provision will require a significant level of training to ensure all staff involved in delivering the Service are familiar with the new SEEMiS module. This work is progressing.

4 Summary

The Children and Young People (Scotland) Act 2014 is a significant Act that has a widespread effect on outcomes for children and young people in Midlothian, and changes the way that the Council and its partners work. To date, services have been put in place or amended in line with the requirements of the Act and work is continuing as the further provisions come into force such as the new Information Sharing (Scotland) Bill referred to in this report.

5 Recommendations

- Note the update on the Named Person and Child Plan's, Parts 4& 5 of The Children & Young People (Scotland) Act 2014.
- Note the new Bill on Information Sharing presented to parliament on 19 June 2017 in response to the Supreme Court Judgement of 28 July 2016 which found the information sharing provisions of the Part were 'not in accordance with the law'.

25 July 2017

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Background Papers: None

Scottish Government: Education Governance Review - Next Steps**Report by Grace Vickers, Head of Education, Education, Communities & Economy****1. Purpose of the Report**

Further to the previous report on Education Governance which was presented to Council on 20 December 2016, the purpose of this report is to draw Cabinet's attention to the Education Governance: Next steps report which was published by the Scottish Government in June 2017.

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*. The consultation closed on 6 January 2017 and a full copy of the Midlothian Council response was approved by Council on 20 December 2016.

In June 2017, the Scottish Government published the outcome of this national consultation in their report entitled Education Governance: Next Steps. A copy of this report is filed in appendix 1. This publication is in five main sections:

- Chapter 1: Introduction
- Chapter 2: The Case for Change
- Chapter 3: A school and teacher-led system - Empowering teachers, parents and communities
- Chapter 4: Educational improvement services to support a school and teacher-led system.
- Chapter 5: Delivering an empowered system: next steps

A number of the changes outlined will require legislative change and the Scottish Government will consult on a new Education Bill in autumn 2017.

Chapter 4 outlines the proposed changes for local authorities and states that this devolution of power to the school level means that the traditional roles of national and local government will change. Headteachers will be empowered to make high quality decisions to drive up attainment and close the equity gap; putting the needs of children and their families first and helping to build a more open, flexible and dynamic system.

Local government's role and importance is clear. A range of local authority provision, such as Children's Services and Community Learning and Development, have a very important role to play as we continue to improve outcomes for children and families. Local authorities will remain democratically accountable for the provision of early learning and childcare and of schools. Local authorities will focus on delivering excellent educational support services for children and young people – their role will be key in supporting schools and establishments to drive improvement and deliver better outcomes for children (2017: 33).

Section 4.2 also outlines the proposed functions which will be undertaken by local authorities as follows:

- provide education support services, including: the supply of schools; the provision of denominational and Gaelic medium schools where required; the administration of placing and admissions procedures, including for children with additional support needs (including independent sector where appropriate); planning for future requirements; and securing excellent headteachers for the schools in their area;
- provide HR services for all school staff and respond to HR requests from headteachers;
- be the employer of the education workforce within their schools and local authority early learning and childcare settings;
- support the provision of early learning and childcare delivered by funded providers (in the private and voluntary sector) as well as local authority nurseries in various establishments to maximise its educational benefit to young children;
- appoint headteachers with the appropriate involvement of parent councils;
- be accountable to local communities for the provision of education support services including early learning and childcare in their area;
- appoint a Chief Education Officer as set out in the Education (Scotland) Act 2016 in order to fulfil their responsibilities in relation to education support services;
- have a new duty to collaborate to support improvement on a regional basis;
- be responsible for improvement through their provision of education support services,
- their regional collaboration and securing leadership in their schools;
- collaborate with other local authorities and national agencies to provide staff (including headteachers and teachers) to work within the regional improvement collaborative;
- ensure that other local authority provision, such as Children's Services, Library and Community Services, Community Learning and Development and third sector partners work effectively with schools and regional improvement collaboratives to provide care and education to children and their families;
- continue to channel the vast majority of funding for school education, including their role in Attainment Challenge funding, ensuring that public resources allocated for the delivery of education in Scotland are properly accounted for.

Section 5 outlines the short, medium and long term actions which will be undertaken. In the short term, the Scottish Government will focus on engagement with teachers and practitioners, with parents, children and young people, and with all partners involved currently in the delivery of education, to take these changes forward. Work will begin immediately to ensure that enhanced improvement services are available to teachers and practitioners

as early as possible, and so that when the legislation and structural changes are in place, this support is widely available to schools and functioning well.

The specific priorities in the short term will include:

- Commencing appointment **in summer 2017** of a substantive Chief Executive for a strengthened Education Scotland, with the appointment of Regional Directors, to follow thereafter.
- Working in partnership with local authorities and partners to develop the shape and composition of the regional improvement collaboratives. We will ensure that the experience of current and emerging partnership working informs the establishment of regional improvement collaboratives.
- Strengthening of parental involvement and parental and community engagement, consulting on legislative changes to strengthen, expand and improve the Scottish Schools (Parental Involvement) Act 2006. We will consult on these changes as part of our consultation on our Education Bill in **autumn 2017**.
- Strengthening parental and community engagement by working with the Scottish Parent Teacher Council **over the next year** to learn from their Partnership Schools initiative to ensure that schools support parents to play an active part in school improvement.
- Strengthening the voice of children and young people by supporting all schools to promote and support pupil participation, consulting on a requirement that every school pursues the key principles of pupil participation. This will be included in our consultation on our Education Bill in **autumn 2017**.
- Consulting on an approach to fair funding, as set out in
 - Education Governance – Fair Funding to achieve Excellence and Equity in Education, published alongside this document.
- Developing the Headteachers' charter and consulting on a proposed approach to the legislation to underpin this, in time for the introduction of an Education Bill by **June 2018**.
- Beginning work from **June 2017** on transferring relevant functions from national bodies, ensuring that there is continued stability for schools, children and young people during this period. This will include national support for professional learning and leadership development which will become part of Education Scotland.
- Establishing a Scottish Education Council by **October 2017**, chaired by the Deputy First Minister and Cabinet Secretary for Education and Skills, to ensure a system-wide focus on improvement can be delivered.
- Consulting on establishing an Education Workforce Council for Scotland which will take on the responsibilities of the GTCS, the Community Learning and Development Standards Council and register other education professionals. The full scope of the functions to be undertaken by this body will be included in our consultation on our Education Bill in **autumn 2017**.
- Working with the wider school workforce to introduce professional standards for these staff. We will start this work from **September 2017** onwards.
- Making clear our expectations by **early autumn 2017** of the SQA, including the importance of listening and being open to the voices of learners, teachers and parents. We will ensure that the Chair regularly reports to Ministers on the

improvements being made in relation to these matters. We will request that SQA outline in their annual corporate plan their strategic communications and engagement plans.

- Working with our partners, and particularly the profession, to establish new Career pathways for teachers allowing greater opportunities for development and progression into leadership, specialist or improvement roles. We will start these discussions in **September 2017**.
- Enhancing the leadership support package to build the capacity and culture for teachers and headteachers to take on their new more empowered roles. This is an ongoing commitment but one we will start working on from **August 2017**.

3. Report Implications

3.1 Resource

The resource to deliver the pace of change within the Education Governance – Next Steps will be challenging. We have already experienced an increased resource demand through the number of on-going consultations, response to a number of requests for data and data checking exercises for the upload of pupil level data. The most significant resource implications of the actions required are contained within section 5. In September, the results of the Financial Review of the Early Learning and Childcare sector were published and this review explored the expenditure on funded childcare to enable us to better predict the cost implications of different delivery models as we move towards the forthcoming expansion to 1140 hours by 2020. Further submissions are required by September 2017. 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 finding 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.

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 delivery plan is already clearly embedded in the Single Midlothian Plan – reducing inequalities. Last year the transformation project on Early Years was concluded in order to ensure that we have a strong foundation from which to plan for the delivery of 1140 hours by 2020. 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 is requested to approve the following:

- To note the short, medium and long term actions proposed in the Scottish Government's report entitled *Education Governance – Next Steps*

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>

25 July 2017

Report Contact:

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EDUCATION GOVERNANCE: NEXT STEPS

EMPOWERING OUR TEACHERS, PARENTS AND COMMUNITIES TO DELIVER EXCELLENCE AND EQUITY FOR OUR CHILDREN



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EDUCATION GOVERNANCE: NEXT STEPS EMPOWERING OUR TEACHERS, PARENTS AND COMMUNITIES TO DELIVER EXCELLENCE AND EQUITY FOR OUR CHILDREN

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CONTENTS

Ministerial Foreword	1
Executive Summary	3
Chapter 1 Introduction	9
Chapter 2 The Case for Change	13
Chapter 3 A school and teacher-led system - Empowering teachers, parents and communities	23
Chapter 4 Educational improvement services to support a school and teacher-led system	30
Chapter 5 Delivering an empowered system - The Next Steps	42

FOREWORD BY THE DEPUTY FIRST MINISTER AND CABINET SECRETARY FOR EDUCATION AND SKILLS



Improving the education and life chances of our children and young people is the defining mission of this Government. Our vision for education is to close the unacceptable gap in attainment between our least and most disadvantaged children and to raise attainment for all.

While there are many strengths in Scottish education, and much to celebrate, it is also clear that we can, and must, achieve more. The attainment gap is not unique to Scotland and will not be closed easily, but we must have an education system which allows children to achieve their full potential whatever their background. This is critical for Scotland to succeed in tomorrow's world.

Children and young people are at the heart of our system and their success fundamentally depends on the quality of learning and teaching in our classrooms, the quality of our early learning and childcare centres, and leadership in our schools supported by parents and communities. The people best placed to work with parents and communities to drive improvement for our children are our teachers, practitioners and learning professionals. We undertook to review the governance of our system to ensure that each part of it – from early learning and childcare provision through to secondary school education – has a relentless focus on improving learning and teaching. Teachers must be free to deliver what the children in their care need. To achieve this, we need a system where teachers are the leaders of learning in our schools, with the responsibility for delivering excellence and equity, and with greatly enhanced support available to them.

Scotland's diverse communities mean that there is no 'one size fits all' solution. We know, however, what must be consistent across Scotland: excellent school leaders and teachers, strong curriculum and improvement support, more transparent measures of progress, and engaged parents and communities. We are determined to achieve this and recognise that schools, teachers and parents are best placed to decide what will work best for the children in their communities.

The role of the Scottish Government, and local government, is to provide the right support for teachers and practitioners to deliver excellent learning and teaching. They must have the freedom to make decisions – and government must ensure they have the training, resources and skills to deliver.

We know that the best education systems in the world benefit from a collective determination within the teaching profession and within all levels of government to drive improvement; it is the culture of continuous improvement that will deliver results.

We also know that excellent schools have great leadership and we need to support, empower and build the capacity of brilliant leaders in every school. We need teachers to have opportunities to develop their careers in different ways, whether that is in the classroom, in specific curriculum areas, or in leadership roles. In driving these reforms we intend to provide teachers with the freedom and support to reach their own potential. We will introduce new pathways in the teaching profession to develop different and exciting careers which will be more satisfying for teachers and deliver more for our children.

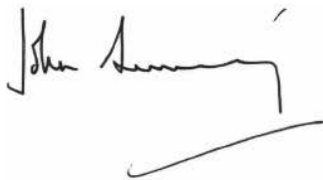
We accept that the responsibility of this Government is to work with our partners in local government to create the culture and capacity for teachers and practitioners to improve the learning outcomes in their classrooms – and across our schools and early learning centres. We expect to be held to account for this, just as parents expect schools to be accountable to them.

The structure of the present system is too complex and support for improvement varies to an unacceptable extent across the country. Teachers and schools need consistently excellent education support services and consistently excellent improvement services. They do not all have these now and we must change that as quickly as we can. It is a collaborative effort, which starts with leadership in our schools and should be complemented by our local authorities and supported by new regional improvement collaboratives which are relevant to, designed by, and close to the communities they serve.

We also want parents to have a crystal clear understanding of who has lead responsibility for their child's school experience: their children's teachers. Parents have a right to expect their local school to engage fully with them throughout their children's education. With more consistent information than ever before available to parents, they will be empowered to demand and see delivered the education that their children rightly deserve.

We must all work together to move from a good system to a great system, with strong collaboration and collective responsibility for the progress and attainment of every child in Scotland. Advice from the International Council of Education Advisers has been clear – to improve our education system we must tackle culture, capacity and structure. This Next Steps paper addresses all three.

This will not happen overnight, but the work has already begun and our determination is clear: to deliver the world-leading education system our children and young people deserve.

A handwritten signature in black ink, appearing to read 'John Swinney', with a long horizontal flourish underneath.

John Swinney MSP
Deputy First Minister and
Cabinet Secretary for Education and Skills

EXECUTIVE SUMMARY

Scotland has good schools and great teachers but our ambition is to build a consistently excellent education system which delivers for all our children.

We are determined to create an education system which ensures that every child achieves the highest standards in literacy and numeracy, with the best range of skills, qualifications and achievements to enable them to seize the opportunity to succeed. Current evidence shows while our system has many strengths there are also weaknesses and we must improve performance.

Scotland has a proud history of providing universal education to our children. The majority of young people are performing well under Curriculum for Excellence – at least 80% of pupils are achieving third level or better in literacy and numeracy by the end of S3¹. The number of Higher passes has risen by 29.8% since 2007 and passes at Advanced Higher have risen by 42.5% in the same period². A higher percentage of young people now leave school for positive destinations than at any time on record³. The highest ever proportion of school leavers from the most deprived communities are going on to a positive initial destination – 88.7%⁴. More of our population is educated beyond school than any other European country (47.8% tertiary educated)⁵.

However, the latest results from the international study PISA⁶ found that Scotland's overall performance has declined in science and reading compared to 2012, and is unchanged in maths. Our relative performance compared to other countries has deteriorated across all three areas. Performance has measurably deteriorated in science and maths since 2006. The Scottish Survey of Literacy and Numeracy (SSLN) which monitored national performance in literacy and numeracy has shown a decline in numeracy (2011 to 2015) and literacy (2012 to 2016). There is still a clear gap in attainment between children from more deprived and less deprived backgrounds.

This paper sets out our work to fully deliver bold but necessary reform to Scottish education. The purpose of that reform is to drive improvement and to enable our education system to realise our ambition of excellence and equity for all.

An education system centred around children and young people

Children and young people must be at the heart of our education system. Decisions about their learning must be taken as close to them as possible by the people that they know and where they have an opportunity to influence those decisions. This is their future so they should have the right to participate and to have their views listened to and acted upon. Evidence shows that involving young people in their own learning and promoting the student voice is an important lever for school improvement⁷. We will strengthen the voice of children and young people through more effective and consistent pupil participation.

- 1 Scottish Government (2016a) *Achievement of Curriculum for Excellence (CfE) Level*. <http://www.gov.scot/stats/bulletins/01253>
- 2 SQA (2016) *Attainment Statistics (August)*. https://www.sqa.org.uk/sqa/files_ccc/2016-sqa-attainment-summary.pdf
- 3 Scottish Government (2016b) *Summary statistics for attainment, leaver destinations and healthy living, No.6: 2016 Edition*. <http://www.gov.scot/Publications/2016/06/4523>
- 4 Scottish Government (2017a) *Initial Destinations of Senior Phase School Leavers*. <http://www.gov.scot/Publications/2017/03/2421>
- 5 Eurostat Data, *Population by Educational Attainment Level* (2016)
- 6 Scottish Government (2015) *Programme for International Student Assessment (PISA) 2015: Highlights from Scotland's Results* <http://www.gov.scot/Resource/0051/00511095.pdf>
- 7 Ruddick, J and Flutter, J (2004) *How to Improve your School: Giving Pupils a Voice*, Journal of In-service Education, Continuum Press

Evidence from the OECD⁸ shows that when parents are fully involved in their child's learning we see better outcomes for children, parents and schools. Research from PISA⁹ and Growing up in Scotland¹⁰, which studies a number of children and young people's lives over a period of time, shows that while many parents are engaged positively in their child's learning some parents face barriers; particularly those from poorer backgrounds. The evidence base for the importance of parental involvement has been further strengthened with the National Parent Forum of Scotland's review¹¹ of our own legislation, the Scottish Schools (Parental Involvement) Act 2006.

Parents should rightly be involved in the running of their children's schools and we will support and strengthen parental engagement through enhanced parent councils. This will mean stronger duties on schools to ensure that parent councils play a full role in substantive matters such as school improvement and school policies. We will also take steps to modernise and strengthen the legislation on parental involvement to ensure that the wider parent forum – the parents beyond the parent council – can be involved in a variety of ways.

However, we recognise that a parent's most important engagement with school is about their child's education and learning that goes on in the home. Evidence from key academics such as Dr Janet Goodall¹² suggests that parental engagement in children's learning has the greatest impact on outcomes for children. As Sosu and Ellis (2014) note¹³ *“effective parental involvement programmes that have an impact on the attainment gap are those that focus on helping parents to use appropriate strategies to support their children's learning at home”*. We will also boost support to those parents who do not currently engage as much as they would want to through enhancing the availability of home-school link workers and extending family learning.

A school and teacher-led education system

The primary focus of our reform is to shape an education system to create a school and teacher-led system. Decisions that shape the education of our young people will be made in classrooms, schools and establishments by people working directly with young people.

Our policy is based on international evidence about what works and on the simple premise that the people best placed to make decisions about learning for our children are those professionals qualified to do so. The OECD considered the relationship between school autonomy and performance using evidence gathered through PISA and concluded *“At the country level, the greater the number of schools that have the responsibility to define and elaborate their curricula and assessments, the better the performance of the entire school system...”*¹⁴.

Decisions about improving learning and teaching and the funding to support these new statutory duties will rest at school level. The role of everyone else within the education system will be to support the learning that takes place in our classrooms, our schools and establishments. Each individual responsible for taking decisions in the system should consider whether it will contribute to an improvement in learning in classrooms.

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- 8 OECD (2012) *Parental Involvement in Selected PISA Countries and Economies*, OECD Publishing Paris [http://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=EDU/WKP\(2012\)10&docLanguage=En](http://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=EDU/WKP(2012)10&docLanguage=En)
 - 9 OECD (2017a) *PISA 2015 Results (Volume III) Students' Well-being*, PISA, OECD Publishing Paris <http://www.oecd.org/edu/pisa-2015-results-volume-iii-9789264273856-en.htm>
 - 10 Bradshaw, P, Hall, J, Hill, T, Mabelis, J, and Philo, D (2012) *Growing Up in Scotland: Early experiences of primary school*, Scottish Government, Edinburgh <http://www.gov.scot/Publications/2012/05/7940>
 - 11 National Parent Forum of Scotland (2017) *Review of the Scottish Schools Parental Involvement Act 2006* <http://www.npfs.org.uk/2017/05/23/review-of-the-impact-of-the-2006-parental-involvement-act/>
 - 12 Harris and Goodall (2007) *Engaging Parents in Raising Achievement Do Parents Know They Matter?* Educational Research <http://dera.ioe.ac.uk/6639/>
 - 13 Sosu, Edward and Ellis, Sue (2014) *Closing the attainment gap in Scottish Education*, Joseph Rowntree Foundation, York <https://www.jrf.org.uk/sites/default/files/jrf/migrated/files/education-attainment-scotland-full.pdf>
 - 14 OECD (2011) *PISA in Focus (2011/9) School autonomy and accountability: Are they related to student performance?* <https://www.oecd.org/pisa/pisaproducts/pisainfocus/48910490.pdf>

Focusing on the quality of teaching and learning

The quality of teaching and learning is the most important in-school factor in determining a child's educational outcomes. In her review of the evidence Sammons states that around 5–18% of variance in student outcomes can be attributed to schools and some studies indicate that up to 55% of the variance in outcomes can be explained at classroom level¹⁵. Graham Donaldson in his review of teacher education *Teaching Scotland's Future* (2011)¹⁶ is clear that:

“High quality people achieve high quality outcomes for children”.

We want to support teachers to achieve their full potential.

Teachers will:

- be the leaders of learning in their classrooms;
- be supported through a revolutionised offer of support and improvement;
- help develop new career pathways allowing greater opportunities for career development and progression into leadership, specialist or improvement roles; and
- be supported by streamlined professional learning so that there is a coherent learning offer to teachers.

We recognise the importance of all skilled staff working with our children and young people and we will enhance the professionalism of support staff.

Supporting leadership

The research evidence suggests that the impact of leadership on student achievement is second only to the quality of learning and teaching¹⁷. Evidence from the OECD¹⁸ shows that *“school leaders can make a difference in school and student performance if they are granted autonomy to make important decisions”*.

Responses from headteacher associations to the Governance Review consultation stated clearly that headteachers should be able to focus on their key business of learning and teaching¹⁹. We will ensure that our school leaders have the autonomy to be leaders of learning within a clear national policy framework. We will work closely with the profession and professional associations to establish a Headteachers' Charter, which sets out the new powers for headteachers. The Pupil Equity Fund has begun this journey and we are determined to give headteachers more of the powers that they need to make the biggest difference to children. We will transform the level of clear, practical support for headteachers at a regional basis – giving them all the help and advice they need to improve the curriculum, learning, teaching, and assessment.

15 Sammons, P (2007) *School Effectiveness and Equity: Making Connections*, CfBT Education Trust, Reading <https://www.educationdevelopmenttrust.com/~media/cfbtcorporate/files/research/2007/r-school-effectiveness-and-equity-full-2007.pdf>

16 Donaldson, G (2011) *Teaching Scotland's Future*, Scottish Government, Edinburgh <http://www.gov.scot/Resource/Doc/337626/0110852.pdf>

17 Day et al (2011) *Successful school leadership: linking with learning and achievement: Linking with Learning* (UK Higher Education OUP Humanities & Social Sciences Education OUP).

18 OECD (2008) *Improving School Leadership*, OECD Publishing, Paris <http://www.oecd.org/edu/school/improvingschoolleadership-home.htm>

19 Scottish Government (2017b) *Education Governance. Empowering teachers, parents and communities to achieve excellence and equity in education. An analysis of consultation responses*, Scottish Government, Edinburgh <http://www.gov.scot/Topics/Education/thegovernancereview/consultationresponses>

Headteachers already have a deep sense of responsibility and moral purpose to do the very best for the children in their care. The reforms we are proposing here are about liberating them to concentrate on learning and teaching. Where devolution of responsibility would not improve learning and teaching, then it will not happen. We will not turn headteachers into chief-administrators of their schools; they will be the leaders of learning and we will empower them to do this, with improved support and the clarity of a strong national framework.

Headteachers will:

- be the leaders of learning in their schools;
- be supported through a revolutionised offer of support and improvement;
- be responsible for raising attainment and closing the poverty-related attainment gap;
- deliver quality and improvement at school level;
- select and managing the teachers and staff in their school;
- decide on school management and staffing structure, including business managers;
- decide on curriculum content and offer;
- work with partners including local authority support staff and others to meet learners' additional support needs at school level;
- collaborate for school improvement at school, cluster and regional level;
- lead self-evaluation and improvement of school performance;
- monitor school progress and reporting; and
- manage defined and greater proportions of school funding (this will be part of the accompanying consultation on funding).

We will develop leadership pathways to enable and inspire people to become headteachers. We will ensure there is an enhanced leadership support package to develop aspiring leaders, new headteachers and experienced leaders. We will introduce a fast-track leadership route to support aspiring and talented teachers who are keen to progress. We will strengthen career pathways with new cluster leader and system leader roles, and we will ensure that headteachers have the tools they need to drive improvement.

A relentless focus on improvement

Scotland has a proud history of providing universal education to our children. Now, perhaps more than ever, a relentless focus on improvement is needed to keep up with the world changing around us. Innovations in communication, particularly in the digital world, mean that those who stand still get left behind. This change must not be seen, however, as a challenge, it is an incredible opportunity which our children are best placed to grasp.

Over the last few years, support for curriculum development and learning has become inconsistent across Scotland and it is inhibiting our ability to keep up with global trends. McKinsey's 2010 report on school systems, *How the world's most improved school systems keep getting better*,²⁰ observed that:

"As the school systems we studied have progressed on their improvement journey, they seem to have increasingly come to rely on a "mediating layer" that acts between the centre and the schools. This mediating layer sustains improvement by providing three things of importance to the system: targeted hands-on support to schools, a buffer between the school and the centre, and a channel to share and integrate improvements across schools".

20 Mourshed, M, Chijioke, C and Barber, M (2010) *How the world's most improved school systems keep getting better*, McKinsey & Company, London <http://www.mckinsey.com/industries/social-sector/our-insights/how-the-worlds-most-improved-school-systems-keep-getting-better>

It is delivering this support which is the second major focus of our reform. We will ensure that schools have access to excellent education improvement services. These will be focussed on supporting headteachers and teachers in securing improvement in their schools and will be provided by new regional improvement collaboratives.

Regional improvement collaboratives will:

- provide excellent educational improvement support for headteachers, teachers and practitioners through dedicated teams of professionals. These teams will draw on Education Scotland staff, local authority staff and others;
- provide coherent focus across all partners through delivery of an annual regional plan and associated work programme aligned with the National Improvement Framework;
- facilitate collaborative working across the region, including sharing best practice, supporting collaborative networks and pursuing partnership approaches; and
- be led by a Regional Director, to be appointed by the Scottish Government and to report to the HM Chief Inspector/Chief Executive of Education Scotland.

The role of the Scottish Government

The role of the Scottish Government and the various national agencies is to set national education policy and a national framework for improvement which will support a school and teacher-led system. Terms and conditions of service including pay will continue to be set at a national level. The Scottish Qualifications Authority will remain an integral part of the system.

This Next Steps paper provides Education Scotland with a significantly enhanced role and purpose. Education Scotland will have a strengthened inspection and improvement function. Inspection will be a crucial tool that supports the system-wide goal to continuously improve. Education Scotland will have a renewed focus on professional learning and leadership, providing clarity and coherence to the national landscape. Delivery via the new regional improvement collaboratives will mean that hands on advice, support and guidance can flow directly to schools to support improvement.

We will take steps to ensure initial teacher education prepares students to enter the profession with consistently well-developed skills to teach key areas such as literacy, numeracy and health and wellbeing. Registration of the workforce will be enhanced by a new body, the Education Workforce Council for Scotland, to support the professionals and provide confidence to parents and carers.

Scottish Ministers will set national priorities in education and will continue to be accountable to Parliament for the performance of the education system. More and more, however, those priorities will be directed by the improvements that the system tells us we need to achieve. The Government will establish a Scottish Education Council, chaired by the Deputy First Minister and Cabinet Secretary for Education and Skills, to ensure a system-wide focus on improvement is delivered. Government will continue to provide funding for education provision and support.

The role of Local Government

The school and teacher-led system needs all partners, including local government to focus on their contribution to improve performance. Local authorities' role and importance is crucial and they will be democratically accountable for the services they provide to schools and centres. Schools will now have much greater responsibility for key decisions and local authorities will have a vital role to play in enabling and supporting that. There will be a new duty on local authorities to collaborate to support improvement on a regional basis. They will also be responsible for improvement through their provision of education support services, their regional collaboration, and in securing leadership in their schools.

They will oversee quality in the provision of early learning and childcare, as well as being a key provider of services. Local authority education support services will include: the supply of schools; the provision of denominational and Gaelic medium schools where required; the administration of placing and admissions procedures, including for children with additional support needs (including independent sector where appropriate); the provision of support services such as human resource functions; planning for future requirements; and securing excellent headteachers for the schools in their area. This will retain important local accountability for the supply and quality of leadership in schools in our communities. The vast majority of the funding for school education will continue to be channelled through local authorities, and they will continue to have a role in ensuring that public resources allocated for the delivery of education in Scotland are properly accounted for.

Next steps

We have set out our vision for change. Some of these changes can be delivered without legislation and we will start working with partners now to deliver these quickly. We will establish the regional improvement collaboratives, taking account of the collaboration that is already underway, and we will realign national agencies to support the regional improvement collaboratives and strengthen inspection.

We are committed to bringing forward a new Education Governance Bill to deliver those changes that require legislation. We will work closely with partners to consult on proposed legislative changes and will introduce legislation in the second year of this Parliament.

We are consulting on the development of a more consistent approach to funding to ensure that schools have a greater role in how the education budget is spent.

Some of these changes will take time and we will seek to work with partners to deliver a stronger and more empowered education system.

Ultimately, however, the evidence shows us that improvement will not be achieved as a result of changes to structures; it will come through changes in culture and practice. So we will work with the whole system to start further empowering schools and improving the offer to teachers on learning and curricular support immediately.

We have a clear purpose and ambition. We are absolutely determined to improve attainment at every level and close the attainment gap so that every child in Scotland realises their potential.

1. INTRODUCTION

Improving the education and life chances of our children and young people is the defining mission of this Government.

There is a strong and shared commitment to the vision of excellence and equity for all children and young people across Scottish education as set out in the National Improvement Framework:

- **excellence through raising attainment:** ensuring that every child achieves the highest standards in literacy and numeracy, set out within Curriculum for Excellence levels, and the right range of skills, qualifications and achievements to allow them to succeed; and
- **achieving equity:** ensuring every child has the same opportunity to succeed, with a particular focus on closing the poverty-related attainment gap.

Within this broad overall vision the National Improvement Framework is galvanising efforts to align our collective improvement activities across the whole education system, to address our key priorities:

- improvement in attainment, particularly in literacy and numeracy;
- closing the attainment gap between the least and most disadvantaged children; and
- improvement in employability skills and sustained, positive school leaver destinations for all young people.

This Government was elected to deliver a range of reforms to help us transform education in Scotland to ensure it delivers excellence and equity for all. We published our Delivery Plan for Scottish education in June 2016²¹. The focus of the plan is on action around three core aims – to close the attainment gap, to ensure we have a curriculum that delivers, and to empower our teachers, schools and communities.

Since then, we have taken strong and decisive action to address each of these core aims. This includes £120 million per annum Pupil Equity Funding direct to schools as part of the £750 million investment over this Parliamentary term to close the poverty-related attainment gap, supported by well-evidenced strategies of what works.

Our focus on closing the attainment gap and improving the life chances of children and young people extends beyond education. Evidence suggests that:

*“...even if we found all the factors that make schools more or less effective, we would still not be able to affect more than 30 percent of the variance in pupils’ outcomes. It has therefore become increasingly clear that a narrow focus on the school as an institution will not be sufficient to enable work on more equitable educational outcomes to progress ... Interventions will need to impact more directly on pupils’ environment and life chances”.*²²

We recognise that tackling the attainment gap will also require us to tackle deep seated, multigenerational, deprivation, poverty and inequalities. The Fairer Scotland Action Plan²³ sets out the range of actions we are taking to do so across a number of key areas, and makes clear our commitment to eradicating child poverty.

21 Scottish Government (2016c) *Delivering Excellence and Equity in Scottish Education: A Delivery Plan for Scotland* <http://www.gov.scot/Publications/2016/06/3853>

22 Muijs, D (2010). In C Raffo, A Dyson, H Gunter, D Hall, L Jones, & A Kalambouka (Eds.), *Education and Poverty in Affluent Countries*. Abingdon, GB: Routledge <https://eprints.soton.ac.uk/165859/>

23 Scottish Government (2016d) *Fairer Scotland Action Plan* <http://www.gov.scot/Resource/0050/00506841.pdf>

We have also listened to what teachers have told us and are delivering greater clarity about Curriculum for Excellence through the definitive advice published by the Chief Inspector of Education in August 2016 and the subsequent publication of benchmarks for each curriculum area.

We are also tackling bureaucracy and workload by reducing the burden of assessment, both on teachers and on young people, through changes to the National Qualifications.

This Governance Review is central to our aim of empowering our teachers, schools, parents and communities to deliver the necessary changes in our education system.

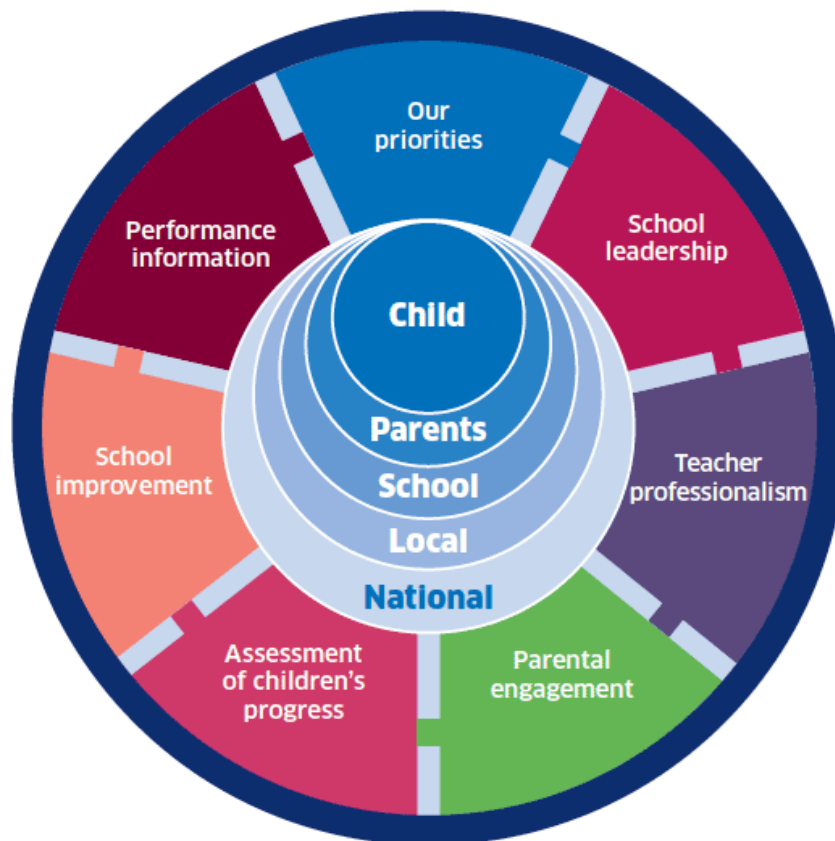
The review has considered the organising system of early learning and childcare and school education. The role and functions of national government, local government and national bodies which govern, lead and support the delivery of education were all within scope of the review. A significant period of consultation took place between September 2016 and January 2017 with 1,154 written responses being received and almost 700 individuals taking part in consultation events across the country. We have also drawn on evidence from the OECD, the International Council of Education Advisers and other international evidence to inform our thinking.

Many responses to the Governance Review consultation argued against the need for change within the education system²⁴. This Government has considered these views, along with the current performance in Scottish education, and has reflected on the commitments given to the public at the Scottish Parliament election in May 2016. We cannot accept the erosion of educational improvement capacity within the system and the proposals in this document seek to halt and reverse that trend. We believe this is the moment to undertake reforms focused on delivering improvements in education and empowering our teaching professionals to be the key drivers of improved outcomes for our children.

Our work is closely aligned to the drivers of improvement outlined in the National Improvement Framework:

- school leadership;
- teacher professionalism;
- parental engagement;
- assessment of children's progress;
- school improvement; and
- performance improvement.

²⁴ Scottish Government (2017b) op.cit



We believe teachers are best placed, with support from communities and parents, to drive educational improvement for our children. The organising system of education must be focussed on providing the most effective framework for teachers to work within. We also recognise that any framework must be supported by a culture of leadership and collaboration, building capacity for improvement in the system, data on children's progress, and clear accountability structures.

Our reforms will put children and young people at the heart of school education. We remain guided by the principles set out in our consultation, that our education system must:

- be focussed on improving outcomes, and support the delivery of excellence and equity for all children and young people;
- meet the needs of all of our children and young people, no matter where they live or their family circumstances;
- support and empower children and young people, parents, teachers, practitioners and communities;
- be supported by a fair and transparent funding system to ensure the maximum public benefit and best value for money; and
- support children and young people to make smooth transitions into formal learning, through school and into further education, training or employment.

This paper sets out our plans for education governance reform that will empower schools to deliver excellence and equity for the benefit of every child and young person in Scotland.

Following this introductory chapter, this paper is organised in four further chapters. Chapter 2 sets out the case for change, drawing on the Governance Review consultation and a range of additional international evidence. Chapter 3 sets out our plans to deliver a school and teacher-led system and the actions which will empower teachers, practitioners, headteachers, parents and communities to ensure that the vast majority of decisions that support learning and teaching are made at school level. Chapter 4 sets out the education improvement and support there will be at school, local, regional and national level including our approach to funding to support the new system. Chapter 5 summarises the actions we will take to deliver a school and teacher-led system.

2. THE CASE FOR CHANGE

2.1 Context

We have a good education system with hardworking, committed teachers, early years practitioners, other learning professionals and support staff. There are many aspects of Scottish education to be proud of and we have strong foundations on which to build and achieve our vision. This was endorsed by the OECD in their report *Improving Schools in Scotland (2015)*²⁵. Our teachers feel a deep sense of purpose and responsibility to give every child in Scotland the best education; we need to give them more freedom and to acknowledge this level of responsibility through reforming governance and decision making. The case for change is about moving towards a school and teacher-led system and simplifying the support and improvement services which are built around the needs of schools. More decisions need to be taken at school level, based on the needs of children in each community. There is a range of evidence and research to support this principle. For example, The Association of Directors of Education in Scotland (ADES) state in their 2017 report *Towards a Learning System*²⁶ that:

“the delivery approach must be flexible and responsive, taking account of local circumstances and drawing on a range of major stakeholders who are supportive of Scottish education. It should be an uncomplicated model but one that has sufficient sophistication to be able to flex to meet differing needs. . . At the heart of this endeavour is our desire to have a confident, reflective, self-improving school system where the responsibility for improvement is increasingly set at school rather than local authority level”.

Curriculum for Excellence places the child at the centre of education, and empowers teachers to develop and deliver a curriculum which suits the needs of each individual child or young person. We need to empower every teacher and school to make full use of the flexibility within Curriculum for Excellence if it is to deliver the learning and teaching that every child needs. More decisions about the curriculum need to be taken by teachers locally. The OECD confirmed this in their review:²⁷

“Curriculum for Excellence needs to be less managed from the centre and become more a dynamic, highly equitable curriculum being built constantly in schools, networks and communities with a strengthened ‘middle’ in a vision of collective responsibility”.

We are committed to putting children and young people at the heart of the services that support them. Getting it Right for Every Child (GIRFEC) is our national approach to ensure that everyone works together to improve a child's outcomes.

The National Improvement Framework sets a strategic direction for education which aligns with the evidence of the OECD, recognising that both school leadership and teacher professionalism are key drivers of improvement. Through the Scottish Attainment Challenge and the new Pupil Equity Fund we are targeting resources to those who need it most.

25 OECD (2015a) *Improving Schools in Scotland: An OECD Perspective*, OECD Publishing, Paris <http://www.oecd.org/edu/school/improving-schools-in-scotland.htm>

26 The Association of Directors of Education in Scotland (ADES) (2017) *Towards a Learning System* <http://thestaffcollege.uk/wp-content/uploads/2017/04/Towards-a-Learning-System-v1.0.pdf>

27 OECD (2015a) op.cit.

A review by the National Parent Forum of Scotland²⁸ concluded that the Scottish Schools (Parental Involvement) Act 2006 has helped to support a “step-change” in the quality of parental involvement across Scotland. We are also investing in our Developing the Young Workforce programme to support young people to moving into employment and training.

Our investment in universally accessible and high-quality early learning and childcare should equip children with skills and confidence to carry into their schooling and help close the poverty-related attainment gap which we know begins in the early years. The expansion of free early learning and childcare, to 1,140 hours a year for all 3 and 4 year olds, and eligible 2 year olds, represents one of the most significant expansions of the education system in recent times. The Minister for Childcare and Early Years made a policy statement to Parliament on 23 March 2017²⁹ which sets out a vision for an early learning and childcare system based on the principles of quality, flexibility, accessibility and affordability. The Scottish Government is working in close collaboration with all its partners to deliver this vision, and the Governance Review provides a further context and framework within which current and future provision will operate. The findings of this review, and the actions as they relate to early learning and childcare, will therefore be integrated into the joint working groups established to deliver the expansion programme.

2.2 Performance and the attainment gap

The majority of young people are performing well under Curriculum for Excellence – at least 80% of pupils are achieving third level or better in literacy and numeracy by the end of S3³⁰. The number of Higher passes has risen by 29.8% since 2007 and passes at Advanced Higher have risen by 42.5% in the same period³¹.

A higher percentage of young people left school in 2014/15 for positive destinations than at any time on record³². The highest ever proportion of school leavers from the most deprived communities went on to a positive initial destination – 88.7%. We have seen annual increases in attainment. For example, the proportion of school leavers reaching at least SCQF Level 5 is up from 82.1% in 2011/12 to 87.1% in 2015/16 and there were a record high number of Advanced Higher passes (19,518) in 2016³³. In addition, more of our population is educated beyond school than in any other European country (47.8% tertiary educated)³⁴.

The OECD (2015)³⁵ identified many strengths in our system: learners are enthusiastic and motivated; teachers are engaged; and professional and system leaders are highly committed. However, there are also significant challenges.

The latest results from the international study PISA³⁶ found that Scotland’s overall performance declined in science and reading compared to 2012, and was unchanged in maths. Our relative performance compared to other countries has deteriorated across all three areas.

28 National Parent Forum of Scotland (2017) op.cit.

29 http://www.parliament.scot/parliamentarybusiness/report.aspx?r=10860&mode=html#iob_99441

30 Scottish Government (2016a) op.cit

31 Scottish Qualifications Authority. (2016) op.cit

32 Scottish Government (2016b) op.cit

33 Parentzone Scotland. <https://education.gov.scot/parentzone/>

34 Eurostat Data, *Population by Educational Attainment Level* (2016)

35 OECD (2015a) op.cit.

36 Scottish Government (2015a) *Programme for International Student Assessment (PISA) 2015: Highlights from Scotland’s Results* <http://www.gov.scot/Resource/0051/00511095.pdf>

The SSLN monitors national performance in literacy and numeracy has shown a decline in numeracy (2011 to 2015)³⁷ and literacy (2012 to 2016)³⁸.

Evidence also shows that there continues to be widespread variation in outcomes and in the performance of local authorities and schools. The current system is not achieving excellence and equity for all. Whilst we are seeing improvements, they are not fast enough or being driven effectively enough in all localities. There is clear evidence to support this within the Education Scotland 2017 report on *Quality and Improvement in Scottish Education*³⁹ which states:

“the quality of education children and young people experience within and across sectors is still too variable. Scottish education does not yet provide all children and young people with consistently high-quality learning experiences. Unless this variability is addressed we will not achieve the national ambition of excellence and equity for all learners.”

The Accounts Commission report School Education (2014)⁴⁰ found that *“whilst there has been improvement in performance over the last decade, there is significant variation in attainment between individual councils, schools, and groups of pupils... [and] ... some schools have achieved better attainment results than their levels of deprivation would indicate.”*

No matter what data we use, or which aspect of attainment we look at, there is a clear gap between children from more deprived and less deprived backgrounds. Whilst the gap has narrowed on many measures in recent years, there is clearly more to do. This is not a situation that anyone should continue to accept.

The Government has recognised this challenge and we have already taken a number of steps to tackle this gap and drive improvement in the system. This includes the introduction of the National Improvement Framework, the Scottish Attainment Challenge and establishing the Pupil Equity Fund. The expansion of early learning and childcare and our commitment to provide an additional graduate in nurseries in Scotland's most deprived areas by August 2018 will also make an important contribution.

However, we must do more. We cannot accept a situation where our educational performance is falling behind and an attainment gap exists based on background and geography. International evidence indicates that we can do more to close the poverty-related attainment gap and learn from other high-performing nations:

“countries such as Finland and Canada display strong overall performance and, equally important, show that a disadvantaged socioeconomic background does not necessarily result in poor performance at school”⁴¹.

37 Scottish Government (2016e), *Scottish Survey of Literacy and Numeracy 2015 (Numeracy)* <http://www.gov.scot/Publications/2016/05/2836>

38 Scottish Government (2017c) *Scottish Survey of Literacy and Numeracy 2016 (Literacy)* <http://www.gov.scot/Publications/2017/05/7872>

39 Education Scotland (2017) *Quality Improvement in Scottish Education* https://education.gov.scot/Documents/QuISE_full_2012_16_web.pdf

40 The Accounts Commission (2014) *School Education* http://www.audit-scotland.gov.uk/docs/local/2014/nr_140619_school_education.pdf

41 Andreas Schleicher, A & Stewart, V (2008) *Learning from World-Class Schools*, Educational Leadership, ASCD, Alexandria, http://www.ascd.org/publications/educational_leadership/oct08/vol66/num02/Learning_from_World-Class_Schools.aspx

2.3 Creating a school, teacher and practitioner-led system

We want to see more decisions about school life being driven by schools themselves. McKinsey's 2010 report⁴² notes that there is a “*striking correlation*” between educational performance and the level of school empowerment. The OECD⁴³ state that “*inherent in the principle of [Curriculum for Excellence] is the enhancement of the role that should be exercised by schools and teachers*”. Investing in the professionalism and autonomy of our teaching profession means trusting teachers to make the best decisions for our children and young people, within a broad, clear national framework.

However, our current education system does not always allow teachers, practitioners and headteachers to be the key decision makers. If we are to empower our schools, parents and communities there are a number of things we need to change. These are:

- **The legal framework and where decisions are taken.** Under the current legislation the majority of the legal responsibilities for education sit with local authorities. This leads to differences across local authorities about the decisions which can be taken at a school level. The Accounts Commission found significant variation in attainment between individual local authorities. Responses to the Governance Review consultation highlighted a lack of consistency in relation to school devolution across local authorities⁴⁴. This can have a significant impact on achieving excellence and equity; for example by taking a mandated approach to the number of subjects young people study in S4 across an entire education authority. This shuts down curriculum flexibility and decisions which should be taken for individual young people at school level.
- **Culture and capacity within the system.** There is considerable variation in the level and quality of support provided to teachers, headteachers and parents. There is no clear and consistent framework of support for teachers to be able to build their professional skills or to support collaboration. The increased support for leadership capacity within the system has been welcomed but has highlighted the lack of support for professional learning. While there are good examples of engagement between schools, parents and communities this is not consistent and the recent review of parental involvement concluded that the role and function of parent councils need to be more clearly defined, protected and promoted.
- **Collaboration between local authorities and schools.** We know that the level of performance and capacity varies across local authorities and across schools⁴⁵ and that system-wide collaboration could help to address this variation. There are some emerging examples of collaboration but this is not consistent. Responses to the Governance Review consultation highlight the need to promote greater use of joined-up approaches at a national, local, schools and practitioner level.
- **The way in which funding is distributed and staff are allocated to schools.** The high proportion of fixed costs within school budgets means that while headteachers may nominally have budgetary control, in practice they have little or no flexibility to target resources as they might wish. Governance Review consultation responses highlighted a desire for greater control at a school level over their staff.
- **Too much bureaucracy** means that teachers and headteachers spend too much of their time on paperwork and not enough time leading their schools and focusing on learning and teaching.

42 Mourshed, M, Chijioke, C & Barber, M (2010) op.cit.

43 OECD (2015a) op.cit.

44 Scottish Government (2017b) op.cit

45 OECD (2015a) op.cit.

2.3.1 Legal framework and where decisions are taken

Legal responsibility for the delivery of education currently rests mainly with local authorities not with individual schools and teachers. While there are some requirements for local authorities to consult with headteachers when making strategic decisions, how this is done is at the discretion of the local authority. This can lead to a dependency or compliance culture in schools rather than one of empowerment. The introduction of the Pupil Equity Fund is beginning to change this. Headteachers have more power to decide what they need to do in their school to close the attainment gap, with local and national advice available to guide them.

Local authorities devolve decision making and funding to schools through Devolved School Management Schemes. Each local authority is obliged to have such a Scheme and this is supported by national guidelines. However, local authorities can determine which schools within their area are covered by the Scheme and the detailed provisions setting out accountability arrangements, the decisions schools and headteachers are able to take and the level and flexibility of control over funding at a school level. Again, this limits the ability of headteachers to make decisions.

The variability of approach across local authorities means that decisions which a headteacher is empowered to take in one authority are taken by the authority in another part of Scotland. This process is not transparent to parents or communities.

We know the benefits of supporting parental involvement in education. The Scottish Schools (Parental Involvement) Act 2006 aimed to provide a new approach to parental involvement. However, that framework is now over 10 years old and a review of the legislation undertaken by the National Parent Forum of Scotland (NPFS) has identified substantial variation between local authorities in the approach taken to parental involvement and a need to strengthen the legislation to ensure a clear and strong role for parent councils in the life and work of their school⁴⁶.

2.3.2 Culture and capacity

Headteachers, teachers and practitioners

The quality of teaching and the leadership of the school are the most important factors in improving a child's educational outcomes within schools. Curriculum for Excellence is based on the concept of the teacher as an empowered professional making curriculum decisions and leading learning within their classroom and school.

It is important that teachers and headteachers are empowered to take decisions as leaders of learning but also that they are supported in developing the skills and knowledge to secure improvement in their schools and classrooms. That is why the Government invested in *Teaching Scotland's Future*, our programme to support professional learning and leadership. We know that as a result of this programme⁴⁷ more teachers are engaged in professional learning. We also know that there are barriers which limit access. These include staff shortages, budget, and a lack of consistency and coherence in the current professional learning offer.

Professional learning should be supported by an annual professional review and development discussion and underpinned by Professional Update. We have heard real concerns that in too many cases these have become box-ticking processes rather than a genuine opportunity for professional reflection and an assurance that the entitlement and obligation to professional learning is being delivered.

⁴⁶ National Parent Forum of Scotland (2017) op.cit.

⁴⁷ Scottish Government (2015b) *Evaluation of the Impact of the Implementation of Teaching Scotland's Future* <http://www.gov.scot/Publications/2016/03/5736/0>

We know that teachers value professional learning and would welcome a clearer framework and greater access to high-quality opportunities. The responsibility for the provision of professional support rests with the employer, and local authorities have traditionally also provided local improvement support to schools as part of their statutory responsibilities. We heard strong messages from teachers and headteachers that they value such local support but that it had been diluted both in terms of quality and quantity in recent years. There is also a real lack of subject-specific professional learning on offer within local authorities. It is clear that there is now a significant gap in the system.

While there has been a considerable focus on the skills and expertise of teachers and their leaders we should also recognise the crucial role played by the wider education workforce such as early years practitioners, classroom assistants, additional support for learning assistants and school librarians. Our *Skills Investment Plan: Prospectus for Scotland's Early Learning and Childcare Sector*⁴⁸ was published in March 2017 and through this we are already taking specific actions to increase the capacity and capability of early years practitioners. A Quality Action Plan for early learning and childcare, due for publication in October 2017, will identify what more needs to be done to ensure we maximise these skills.

Children and families

Parental involvement in their child's education covers a wide range of different interactions, from engagement in their own child's learning through home learning; formal communication with the school such as reports and parents' evenings; volunteering at school events; and more formal engagement through the parent council. It is important that we do not see parental engagement solely through the prism of involvement with the parent council. There is clear evidence⁴⁹ that children whose parents are engaged and interested in their school activities tend to perform better at school and are less likely to report feeling lonely or dissatisfied. The OECD, drawing on research by Epstein, concluded that *"student learning is most effective when it is the result of a partnership between the school, teachers, parents and the community"*⁵⁰.

Scottish parents show variable levels of engagement compared to other OECD countries. In Scotland the level of parental engagement is higher than the OECD average but significant numbers of parents (18%) reported that their participation in school was hindered by inconvenient meeting times and difficulty getting time off work⁵¹. We also know that there are socioeconomic differences in the levels of engagement. Growing up in Scotland 2012⁵² looked at the levels of parental engagement and the role teachers play in encouraging this and found differences in both the levels of engagement and the perceived level of advice. A further Growing Up in Scotland report, published in 2016,⁵³ concluded that children living in advantaged circumstances were more likely to undertake frequent home learning activities than children living in less advantaged circumstances. This doesn't mean that families in low income households are less interested – it may be due to a lack of access to the connections and advice available to higher income households, and it may be due to negative experiences of school when young.

48 Skills Development Scotland (2017) *Skills Investment Plan: Prospectus for Scotland's Early Learning and Childcare Sector*
<http://www.skillsdevelopmentscotland.co.uk/media/43127/early-learning-and-childcare-sip-digital.pdf>

49 OECD (2017a) op. cit.

50 Epstein, J (1995) *School Family Community Partnerships: Caring for the Children We Share*, Phi Delta Kappan, Vol 76, No. 9, p. 701-712 <https://eric.ed.gov/?id=EJ502937>

51 OECD (2017a) op.cit.

52 Bradshaw, P, Hall, J, Hill, T, Mabelis, J, and Philo, D (2012) op. cit.

53 Bradshaw, P; King, T; Knudsen, L; Law, J & Sharp, C (2016) *Language development and enjoyment of reading: impacts of early parent-child activities in two Growing Up in Scotland cohorts* Edinburgh, Scottish Government <http://www.gov.scot/Publications/2016/06/2715>

Responses to the Governance Review consultation, particularly from parents of children with additional support needs, suggest there are elements of the current system which need to be addressed⁵⁴. This includes a desire for improved communication with parents about the operation of the education system including on roles, responsibilities and accountability.

While there is a substantial amount of information and routes to engagement available to parents, it is evident that these are often challenging and confusing. Having a clear understanding of the whole system in a simple and easily accessible way would help parents to engage more positively.

Communities

Learning does not stop at the school gate. Communities, businesses, third sector groups, youth work, colleges and universities all have an important role to play in giving our children a holistic learning experience and contribute to lifelong learning. These groups want to work in partnership with the schools in their local communities.

Children and young people consulted by Young Scot in partnership with Children in Scotland and the Scottish Youth Parliament told us that they wanted to see closer engagement between their schools and community. They saw the opportunities available in the community to allow them to build skills and links with prospective employers and they also emphasised the positive contribution they could make.

School is a crucial part of a young person's life but it is only one part, and children and young people talked about the importance of their other roles and responsibilities – in their family, with their friends, in sports teams, in their out of school learning and activities, and in their community. Youth work and community organisations told us that they were keen to play a more active role and work with teachers and schools. We value the significant contribution that Community Learning and Development services make to the progress and achievement of children in Scotland and we want to see this continue to expand.

The role of national government and national bodies

In their *Governing Education in a Complex World*⁵⁵ report, the OECD tells us that:

“Even in decentralised systems, the national or state level remains very important in triggering and steering education reform. The central level most often provides the system-wide vision needed to enable effective delivery of reform as well as equitable access and outcomes for students...”

The national government and its agencies provides the strategic vision and sets the context for reform. Government provides the framework for support and the funding for education delivery. Government is held to account through Parliament for the performance of our education system as a whole.

At the moment the lines of accountability between local and national bodies are not clear enough. Respondents to the Governance Review told us that the national landscape felt cluttered with a lack of clarity about responsibilities⁵⁶. However, there appeared to be little desire for change from many respondents. We heard a strong desire for greater support for professional learning but a lack of clarity about who should be responsible for that support. Respondents wanted greater collaboration and joint working between national bodies. The culture and accountability of some national organisations was also raised as an issue of concern.

54 Scottish Government (2017b) op.cit

55 Burns, T and F. Koster (eds) (2016) *Governing Education in a Complex World*, Educational Research and Innovation, OECD Publishing, Paris <http://dx.doi.org/10.1787/9789264255364-en>

56 Scottish Government (2017b) op.cit

2.3.3 Collaboration between local authorities and schools

The OECD review of Curriculum for Excellence (2015)⁵⁷ provided a number of recommendations to help the Scottish education system to become world leading.

They noted that:

- teachers who work in cultures of professional collaboration have a stronger impact on student achievement, are more open to change and improvement, and develop a greater sense of self-efficacy; and
- there needs to be clarity about the kinds of collaboration that work best to bring about the innovations and improvements to enhance student learning, and to create coherent and cohesive cultures of system-wide collaboration.

We have referred previously to the variability in practice and outcomes across authorities and schools, and the potential for collaboration to address some of that variability. The Scottish Parliament Education and Skills Committee noted⁵⁸ that the *“variation in performance of education authorities is concerning. Education authorities should collaborate more effectively to share best practice.”*

At a regional level, we have seen a number of attempts in recent years to develop stronger collaborative ties and partnership working. However, a number of those have not succeeded due to the challenge of reconciling a partnership approach with democratic accountability at local authority level.

There is strong research evidence to suggest regions can play an important role in strengthening the capacity to manage change and promote school improvement across local authorities⁵⁹. There is no legal barrier to prevent local authorities from collaborating in order to secure educational improvement and there is some interesting emerging collaborative practice.

The majority of organisations who responded to the Governance Review consultation were concerned about the establishment of educational regions⁶⁰. The strongest sense of opposition came from local authorities. However, a number of models of regional collaboration are beginning to emerge, but these models do not yet have sufficient depth, pace or impact as they are currently constituted. The International Council of Education Advisers (ICEA) told us in March⁶¹ that in Scotland *“collaboration was uneven and was not sufficiently ingrained throughout the education system”*. Their report will be published shortly. IPPR Scotland⁶² note that *“Regional education partnerships should be created above the level of local authorities to lead on workforce planning, teachers’ continuing professional development and to take responsibility for funding, evaluating and measuring the impact of attainment activity in schools at a regional level”*. They also recommended that *“Decisions in the school system should be made at the most local level possible, with decision-making power devolved to headteachers, classroom teachers, parents and pupils, and only retained at local authority, regional or national level when there is a strong case for doing so”*.

57 OECD (2015a) op.cit.

58 Education and Skills Committee (2017) 2nd Report, 2017 (Session 5): Performance and Role of Key Education and Skills Bodies http://www.parliament.scot/S5_Education/Reports/ESS052017R02.pdf

59 Ainscow, M (2015) *Towards Self-improving School Systems*, (Routledge),

60 Scottish Government (2017b) op.cit

61 Scottish Government (2017d, forthcoming) *Report of the Initial Findings of the International Council of Education Advisers – June 2017*, Scottish Government, Edinburgh

62 IPPR (2017) *Autonomy in the Right Place: School Governance Reform in Scotland* <http://www.ippr.org/publications/autonomy-in-the-right-place-school-governance-reform-in-scotland>

There is clear evidence that successful partnerships require local leadership, buy-in and direction, but also that without an external prompt and support collaborative partnerships can often struggle. There is a strong evidence base about what works in supporting collaboration including from the evaluation of the School Improvement Partnership Programme in Scotland (2015)⁶³.

Teachers and practitioners told us that they want to work collaboratively with their peers and there are lots of good examples of collaborative working taking place⁶⁴. However, there is no national vision or framework to support collaboration and we are not using the clear evidence about what works.

In short, and to conclude, collaboration often depends on the enthusiasm of an individual and too often it happens in spite of, rather than because of, the current system and structures.

2.3.4 The distribution of funding and ways in which staff are allocated

The bulk of the money local authorities spend on school education is funded through General Revenue Grant from the Scottish Government, which forms part of the overall local government settlement.

Money provided for education through the local government settlement is not ring-fenced, and it is for individual local authorities to determine how much funding should be allocated to education and then to individual schools and centrally managed education support services. That assessment, generally set out in local authorities' Devolved School Management Schemes, is made on the basis of local needs and priorities, but also reflecting statutory obligations and agreed national priorities. There is little transparency over the allocations and factors that are taken into account in doing so, and considerable variation in how local authorities decide to spend their education budget.

This system leads to a wide variation in both the level and method of allocation of funding to schools across Scotland.

We know that there is also wide variation in per pupil spend. For example, Scottish Government figures show that, in 2015-16, the average spend per pupil in Scotland was £4,877 in primary and £6,920 in secondary. However, per pupil spending in primary ranges from £4,200 in one central local authority to £8,968 in one of the island authorities. While island authorities or those with more rural areas do generally spend the most per pupil (because of the generally higher cost of providing education in those areas) this does not account for all the variation. Even among urban authorities, there are some large differences.

This suggests that pupils or schools with similar characteristics in different local authority areas may attract very different levels of funding.

The Accounts Commission report *School Education* (2014)⁶⁵ suggested that funding could have a more significant impact on attainment if it was targeted at those schools and pupils where the need to improve attainment was greatest. They found that it is *how* councils decide to spend their education budget, rather than the overall level of spend, which has the most impact on attainment levels.

63 Chapman, C. Lowden, K. Chestnutt, H. Hall, S. McKinney, S. and Friel, N. (2015) *School Improvement Partnership Programme in Scotland* <http://eprints.gla.ac.uk/112298/1/112298.pdf>

64 Chapman, C. Chestnutt, H. Friel, N. Hall, S. and Lowden, K (2016) *Professional capital and collaborative inquiry networks for educational equity and improvement?* Journal of Professional Capital and Community, 1(3), pp. 178-197. <http://eprints.gla.ac.uk/119442/>

65 The Accounts Commission (2014) op.cit.

In Spring 2016, we extended the Scottish Attainment Challenge to commit a total of £750 million over the lifetime of this Parliament to tackle the poverty-related attainment gap, targeting resources at the children, schools and communities most in need. This funding comprises two elements; the Pupil Equity Fund and Attainment Scotland funding. Pupil Equity Funding is allocated directly to 95% of schools in Scotland at a rate of £1,200 for each pupil in P1 to S3 known to be eligible for free school meals. Attainment Scotland funding uses SIMD data to provide targeted support for children and young people in greatest need through the Challenge Authorities and Schools Programme, as well as funding a number of national programmes.

However, this funding represents a small proportion of the total gross expenditure on education in Scotland, £4.9 billion in 2015-16. The bulk of that funding is generally allocated to schools by reference to pupil numbers or the numbers of teachers required to support the pupil roll, rather than additional needs-based factors such as deprivation, which we know can impact on attainment and the life chances of individual children. Giving more money directly to headteachers will give them more power and autonomy, though we recognise that there were concerns about the additional bureaucracy associated with this in Governance Review responses. We need strong and effective educational support services for schools which liberate them from bureaucracy and provide high-quality administrative support. There is also evidence that a lack of control over which staff work in schools limits headteacher empowerment and the extent to which the school can improve. We believe we need to give headteachers more flexibility and control so that they have the right people in place at the right time.

2.3.5 Too much bureaucracy

The Government is committed to tackling bureaucracy and we have worked closely with partners to develop and drive proposals for change. We recognise that there are a number of factors that drive bureaucracy at a school, local authority and national level.

It is important that all activity is proportionate and focused on improving learning and teaching and safeguarding children. All national organisations have a role to play in minimising bureaucracy and paperwork. The Education Scotland review of bureaucracy and workload published in September 2016⁶⁶, found that the workload demands and requirements that local authorities place on schools needed significant improvements in a number of local authorities. The report highlighted the importance of all local authorities adopting good practice.

Empowering schools and allowing teachers, practitioners and headteachers to be leaders of learning changes the relationship between schools and local authorities. Schools will need to continue to undertake curriculum planning, assessment, tracking and monitoring learning outcomes, and planning for self-evaluation and improvement. However strengthened support services for schools are needed to liberate schools from bureaucracy. We want schools to be empowered to make decisions about resources. The business functions and paperwork associated with areas such as finance and human resources should not be undertaken by educational staff. High-quality, consistent support services are needed to liberate schools from this.

66 Education Scotland (2016) *Review of local authorities' actions to tackle unnecessary bureaucracy and undue workload in schools* <https://education.gov.scot/improvement/Documents/Review-of-Local-Authorities.pdf>

3. A SCHOOL AND TEACHER-LED SYSTEM – EMPOWERING TEACHERS, PARENTS AND COMMUNITIES

Decisions that will shape the education of children and young people will rightly be taken as close to them as possible. In order to deliver and support our vision of a school and teacher-led system, it is crucial that we take account of what the evidence tells us will work, including the excellent practice currently taking place in many of our schools. In particular, we need to support the National Improvement Framework drivers of teacher professionalism and school leadership. We want to significantly strengthen the practical, curriculum area, and sector-specific improvement support which is available to teachers at regional level.

3.1 Teachers and practitioners – improving the quality of learning and teaching

Teachers and practitioners are the most important factor in improving children's outcomes in schools. As Dylan Wiliam, emeritus professor of education at the University College London's Institute of Education argues "*the only thing that really matters is the quality of the teacher*"⁶⁷. Teachers are best placed to make the best decisions regarding children and young people's learning, when fully empowered and well supported to do so. Curriculum for Excellence is based on the teacher as an empowered professional making curriculum decisions and leading learning within their classroom and school. We will take forward a number of actions which support and enhance this.

We will trust and invest in teachers and practitioners as empowered, skilled, confident, collaborative and networked professionals. To ensure that they flourish, we will transform the support available to teachers and practitioners at every level of the system.

New regional improvement collaboratives, set out in detail in Chapter 4, will provide teams of professionals who have the singular focus of helping teachers to improve their practice. These teams will include sector and curriculum area specialists as well as additional support for learning experts such as educational psychologists. They will provide advice and support to enable teachers and schools to drive improvement, making use of all available evidence and data. They will help teachers to access the practical improvement support they need, when they need it. Further work will be done in collaboration with partners on what this could look like.

There is widespread acceptance that teacher knowledge base is an important component of teacher quality. When teachers' skills and student performance are compared across countries⁶⁸, there is a positive relationship between them. Improving skills among teachers can therefore improve student performance. There is a need to ensure that all those working with children and young people are able to support their needs to ensure that they overcome barriers to their learning. This must be delivered within a context of inclusive practice. We must focus on both initial teacher education and career-long professional learning in order to address the barriers to a more empowered teacher workforce and to benefit from a more open, dynamic and flexible system.

Initial teacher education is the gateway to the profession and we want to continue to attract aspiring and highly motivated individuals who are attracted to teaching because it makes a difference. We also want to inspire an ongoing commitment to learning throughout a teacher's career.

67 Wiliam, D (2009). *Assessment for learning: why, what and how?* London: Institute of Education, University of London.

68 OECD (2017b) *Empowering and Enabling Teachers to Improve Equity and Outcomes for All*, Fig 1.6 http://www.istp2017.uk/media/1086/istp2017final_version.pdf

We will take steps to ensure initial teacher education prepares students to enter the profession with consistently well-developed skills to teach key areas such as literacy, numeracy and health and wellbeing.

Since 2012-13 we have invested £4.6 million to enable teachers to undertake SCQF level 11 (Masters level) professional learning as part of its aim to ensure that teachers have the necessary skills and knowledge. To date it has supported around 4,600 teachers to undertake study at Masters level.

Michael Fullan argues that leading for coherence requires the development of leaders at all levels within the system⁶⁹. The professional learning offer is currently patchy across different parts of Scotland. Many different organisations offer aspects of professional learning for teachers. We will learn from Ontario, which is arguably one of the best international reference points. The Ontario provincial government agreed a clear agenda around professional learning with schools and teacher unions. We can build on the commitments made with the teacher professional associations at the International Summit on the Teaching Profession 2017 in Edinburgh which recognised the importance of equity related professional learning and the need to incentivise professional learning for teachers.

We will streamline and enhance professional learning so that there is a coherent learning offer to teachers which is focussed on curriculum area and sector-specific issues. More professional learning will be provided by teachers, for teachers, through the regional improvement collaboratives.

Evidence throughout the Governance Review consultation indicated that there is a need to ensure that teachers and the wider education workforce are able to support children and young people with additional support needs⁷⁰. We will shortly publish revised guidance on the presumption to mainstream education for consultation. In addition, the 10-year strategy for the commissioning of national services will be published for consultation. This will include a focus on leadership and training.

We will recognise the contribution of the whole school workforce by working with them to introduce professional standards for these staff, including classroom assistants, to recognise the importance of the whole education team.

The removal of the Chartered Teacher scheme in 2012 closed off a possible additional career option for teachers who wanted to expand their role without leaving behind classroom teaching. There were significant issues with the design of the scheme which limited the impact of some Chartered Teachers on school improvement. The lack of promoted posts in Scottish teaching, particularly in the primary sector, arguably does not enhance the idea of teaching as a profession with strong career progression routes. This could be seen as a barrier to innovation and to building the necessary confidence required if schools are genuinely to lead the system. We are keen to learn from a range of international examples which support career progression. Figure 1 outlines the three distinct career routes for teachers in Singapore: teaching track, leadership track and specialist track. These complementary tracks allow linear progression but also for teachers to move between tracks. The need to provide clarity on career progression in order to increase the appeal of teaching as a profession in Scotland was discussed at the recent International Summit on the Teaching Profession 2017 in Edinburgh.

69 Fullan, M and Quinn, J (2016) *Coherence: The right drivers in action for schools, districts and systems*, CA: Corwin/London: Sage.

70 Scottish Government (2017b) op.cit

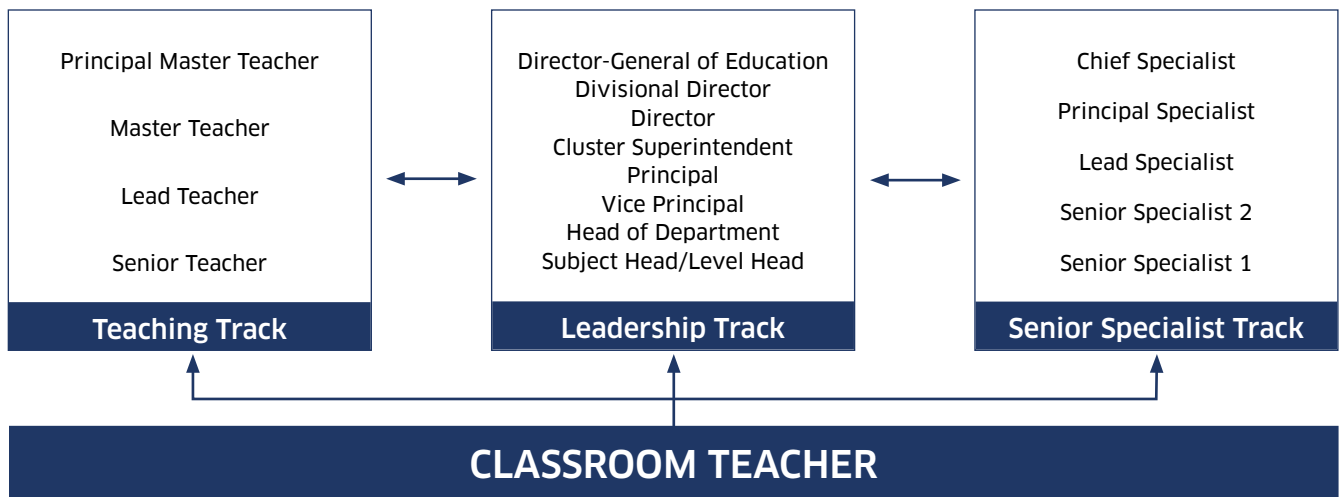


Fig. 1 Source: <http://moe.gov.sg/careers/teach/career-info/>

Recognising the importance of the role of teachers and practitioners, we also want to continue to ensure that teaching and the wider education workforce are attractive career paths. The International Council of Education Advisers recommended⁷¹ that we consider:

- ways of making the teaching profession more attractive, particularly around the structure for career progression;
- how to make use of high-performing teachers and their leadership skills within schools e.g. creating a peer support role to support and mentor other teachers; and
- establishing clear, broad and multiple career pathways for teaching professionals, and look at ways for teachers to progress while remaining in the classroom.

We will work with our partners to establish new career pathways for teachers allowing greater opportunities for development and progression into leadership, specialist or improvement roles.

3.2 Headteachers – supporting school leadership

Leadership is the essential ingredient that binds the separate parts of an education system together and is a pre-requisite for achieving system-wide transformation. Leadership capacity doesn't just emerge, it needs to be built and requires modelling by leaders.

In their 2008 publication “*Improving School Leadership*”⁷², the OECD stated that:

“Research has shown that school leaders can make a difference in school and student performance if they are granted autonomy to make important decisions. However autonomy alone does not automatically lead to improvements unless it is well supported. In addition, it is important that the core responsibilities of school leaders be clearly defined and delimited. School leadership responsibilities should be defined through an understanding of the practices most likely to improve teaching and learning.”

The OECD paper identified four main policy levers which, taken together, can improve school leadership practice, and we will address each of these. They are:

- define school leadership responsibilities;
- distribute school leadership;
- develop skills for effective school leadership; and
- make school leadership an attractive profession.

71 Scottish Government (2017d) op.cit

72 OECD (2008) op.cit.

Headteachers feel a deep sense of responsibility to improve children's life chances and to do everything possible to help them to succeed. This level of dedication and responsibility needs to be formally reflected in legislation, to give headteachers the power and autonomy to make decisions for the children in their care. This needs to include the responsibility to choose and manage the staff in their school. The blend of staff in a school needs to match the needs of the children, families and the local community. At present there is a lack of flexibility in this area which can significantly affect the pace of school improvement and the overall quality of learning, teaching and attainment.

We will clearly define school leadership responsibilities, legislating to create a Headteachers' Charter, which will be developed in partnership with the profession and professional associations. We will trust and invest in the leadership of schools and support empowered headteachers.

Headteachers will:

- be the leaders of learning in their schools;
- be supported through a revolutionised offer of support and improvement;
- be responsible for raising attainment and closing the poverty-related attainment gap;
- deliver quality and improvement at school level;
- select and managing the teachers and staff in their school;
- decide on school management and staffing structure, including business managers;
- decide on curriculum content and offer;
- work with partners including local authority support staff and others to meet learners' additional support needs at school level;
- collaborate for school improvement at school, cluster and regional level;
- lead self-evaluation and improvement of school performance;
- monitor school progress and reporting; and
- manage defined and greater proportions of school funding (this will be part of the accompanying consultation on funding).

We will distribute school leadership to ensure headteachers are supported by peer networks, regional improvement collaboratives, local authority support and the wider school community including pupil and parent councils.

We created the Scottish College for Educational Leadership (SCEL) in order to bring clarity and coherence to educational leadership in Scotland. To ensure that all teachers engage with the most relevant, meaningful and inspiring leadership development, SCEL is developing pathways that include opportunities for teachers, middle leaders, new headteachers, experienced headteachers and system leaders. Notably they are also responsible for the development and delivery of the Into Headship qualification which, further to our recent consultation on Standard for Headship will be required for appointment to the headteacher role from 2020 onwards. There is however a perception that headteachers require additional skills and support in order to fully capitalise on the benefits of a more empowered system. We discuss the future role of SCEL in Section 4.4 of Chapter 4, however the functions which it currently fulfils in relation to provision of educational leadership development is critical in a school and teacher-led system.

We will develop skills for effective school leadership by enhancing the leadership support package to build the capacity and culture for teachers and headteachers to take on their new more empowered role.

We recognise the concerns raised during the Governance Review consultation about the need to continue to attract and retain excellent headteachers. We must do more to support teachers to become headteachers and to ensure it is seen as an attractive and fulfilling career.

We will take specific actions to increase the attraction of school leadership. We will develop a specific recruitment campaign for headteachers building on our Teachers make People campaign.

We will develop a mechanism to identify aspiring headteachers early in their career and develop a programme of professional learning and work experiences to lead them to the Into Headship course – this will provide a fast-track leadership route for talented teachers providing a clear pathway to headship.

Research evidence suggests that formal collaboration between schools and the development of executive headship roles can play a significant role in impacting on student outcomes and supporting school improvement more broadly including by strengthening leadership⁷³.

We will develop new Executive Heads and Cluster Leaders with partners to strengthen school leadership.

The dilution of educational expertise and leadership at a local authority level was identified by a number of stakeholders during the Governance Review consultation as a key area of concern. We know that leadership needs to be nurtured and modelled and we need to work collectively to ensure we support leadership beyond school level. The regional improvement collaboratives will provide a route for teachers, headteachers and system leaders to collaborate and we will support this leadership pathway.

We will develop a coherent approach to the leadership capacity across the whole system from the classroom to policy level and work with partners to develop a new system leadership role to provide clear progression opportunities and to strengthen educational leadership at all levels in the system.

3.3 Empowering Children, Parents and Communities

Our system is based on trusting the professional judgement of teachers and practitioners but engagement and communication with children and young people, parents and carers is crucial in ensuring that learning at school is supported at home. Children want to have their voice heard in decisions that affect them. Parents can only be partners in their child's education if they are valued as equal partners.

3.3.1 Children and young people

School is a critically important part of children and young people's lives but it is not the only significant part. Consultation with children and young people by the Children's Parliament, Scotland's Commissioner for Children and Young People and Children in Scotland⁷⁴ emphasised the importance of understanding the breadth of young people's lives.

Young people talked about balancing school work with commitments like sports, family, friends and volunteering. Children and young people have said that they want their schools and teachers to realise the value of extra-curricular achievements in their education and the pressure that they face in other parts of their life as well as in school. They want schools to be more engaged in the community and to see it as a resource so that they can build their skills and access opportunities.

⁷³ Chapman, C, and Muijs, D (2013) *Collaborative school turnaround: a study of the impact of school federations on student outcomes*. Leadership and Policy in Schools, 12 (3). pp. 200-226. ISSN 1570-0763. <http://eprints.gla.ac.uk/87561/>

⁷⁴ Scottish Government (2017e) *Excite.ED: How to Deliver Excellence and Equity in Scottish Education*, Scottish Government, Edinburgh.

Children also want to play an active role in the running of their school. When children and young people are consulted or involved in decision making it is important that decision makers show that their input is valued and that they can affect change. Finally, children and young people want to have more of a say in the decisions that affect them, both locally and nationally, and they want that input to be valued.

We will strengthen the voice of children and young people by supporting all schools to promote and support pupil participation. As part of this we will consult on a requirement that every school pursues the key principles of pupil participation.

3.3.2 Parents and families

Evidence from the OECD⁷⁵ suggests that when parents are fully involved in their child's learning we see better outcomes for children, parents and schools. The international study PISA shows that higher parental engagement is associated with higher performance by their children. We also know that if schools are to improve attainment they need to collaborate with the local community and with local partner organisations⁷⁶.

The findings from the Governance Review consultation, public events and discussions with various stakeholders suggest that many parents are well engaged with their child's school and learning, and that they are adequately represented under current arrangements⁷⁷.

However, as outlined in Chapter 2, further research indicates that there are socio-economic differences in the levels of engagement, and this view may not represent the opinions of, or contributions from, parents who generally are less likely to engage with schools. The quality action plan for early learning and childcare, due for publication in October 2017, will consider how we can establish parental involvement from the earliest stage in the learner journey by integrating early learning and childcare with the range of family support available.

We also know that parent councils could be supported to play a much stronger role in substantive matters such as school improvement and school policies, and that we could be more innovative to ensure that the wider parent forum are provided with a greater variety of ways to be involved.

We will strengthen parental involvement by consulting on legislative changes to strengthen, expand and improve the Scottish Schools Parental Involvement Act 2006 acting on the National Parent Forum of Scotland's review of the Act.⁷⁸ This will:

- **strengthen the duties on schools to ensure that parent councils play a full part in the decision making of schools;**
- **expand relevant aspects of the Act to involve parents from early years settings;**
- **provide a stronger focus on parental engagement in learning within the legislation;**
- **improve and extend the duties on headteachers to engage the entire parent forum; and**
- **include proposals to extend the links between parent councils and pupils.**

Evidence published by PISA⁷⁹ shows that, in Scotland, students whose parents are interested in their child's activities at school are more likely to want top grades, less likely to report being dissatisfied with life and less likely to report feeling lonely. However, some parents

⁷⁵ OECD (2017a) op.cit.

⁷⁶ OECD (2016) *Governing Education in a Complex World*
<http://www.oecd.org/edu/governing-education-in-a-complex-world-9789264255364-en.htm>

⁷⁷ Scottish Government (2017b) op.cit

⁷⁸ National Parent Forum for Scotland (2017) op.cit.

⁷⁹ OECD (2017a) op.cit.

find it more difficult to engage in their child's learning – some because of practical challenges and others because they feel less confident in engaging. While PISA found that the level of parental engagement in Scotland was higher than OECD average (88% compared to 78%), around 18% of parents reported that their participation at school was hindered by inconvenient meeting times and difficulty of getting off work. In thinking about how best to engage with parents, schools need to recognise the changing reality of home and work. For some people work and family commitments and working patterns make it difficult to physically attend school meetings. Many schools are exploring different ways of communicating with parents and the potential technology offers to allow parents more immediate access to information about their child's learning and this should be welcomed.

In addition to their recommendation on the Scottish Schools (Parental Involvement) Act 2006, the National Parent Forum of Scotland's review⁸⁰ looked at how we might improve a wide range of practical matters related to communication with parents, learning at home and home/school partnerships.

We will ensure that every school has access to a home to school link worker to support parents and families who find it challenging to engage in their child's learning and feel excluded from the work and life of their child's school.

We will respond to the other non-legislative recommendations of the National Parent Forum's review in the Autumn.

3.3.3 Communities

Early learning and childcare and schools do not exist in isolation and we recognise that many of the factors which influence a child's outcomes are outside the school gates in the family, the community and society⁸¹. Schools, however, make a major difference. They make that difference by working with families and communities and recognising the reality of the lives of the children and young people. Many schools are at the heart of their local communities. Improvement planning at school, cluster and regional level should take account of the work of the relevant Community Planning Partnerships. This will enable schools to strengthen their knowledge of, and engagement with, the wider community to achieve collective impact⁸². The contribution of Community Learning and Development (CLD) professionals should also feature as an integral part of local planning, taking account of local authority CLD plans, published through The Requirements for Community Learning and Development (Scotland) Regulations 2013.

We will strengthen parental and community engagement by working with the Scottish Parent Teacher Council to learn from their Partnership Schools initiative to ensure that schools support parents to play an active part in school improvement.

We will strengthen school, parental and community engagement by requiring that every school has a teacher or professional who has responsibility for promoting parental, family and community engagement.

80 National Parent Forum of Scotland (2017) op.cit.

81 Cummings, C, Dyson, A and Todd, L (2011) *Beyond the School Gates, Can Full Service and Extended Schools Overcome Disadvantage?* Routledge, <https://www.routledge.com/Beyond-the-School-Gates-Can-Full-Service-and-Extended-Schools-Overcome/Cummings-Dyson-Todd/p/book/9780415548755>

82 Henig, J R, Riehl, C J, Rebell, M A, & Wolff, J R (2015). *Putting collective impact in context: A review of the literature on local cross-sector collaboration to improve education*. New York, NY: Teachers College, Columbia University, Department of Education Policy and Social Analysis
<http://www.wallacefoundation.org/knowledge-center/Documents/Putting-Collective-Impact-Into-Context.pdf>

4. EDUCATIONAL IMPROVEMENT SERVICES TO SUPPORT A SCHOOL AND TEACHER-LED SYSTEM

We need to ensure that there is excellent support in place for schools and early learning and childcare settings in order for them to thrive. Every part of Scottish education has a key part to play in delivering this and should have a collective focus on delivering excellence and equity for our children and young people.

One of the key recommendations from the OECD in their report *Improving Schools in Scotland: An OECD Perspective*⁸³, called for a strengthened “middle” operating through collaboration across schools, and in and across local authorities. We also know that effective collaboration is an important driver of improvement, and we need to ensure that it is the hallmark of our system.

4.1 Regional improvement collaboratives

Empowered schools will need excellent educational improvement services aligned to the National Improvement Framework and informed by performance data on all aspects of school improvement. These should include curriculum area specialist support and hands-on improvement support when required.

Across Scotland the tailored education improvement support which local authorities are able to provide to schools has significantly reduced over recent years. Understandably resources available have focussed on frontline delivery. In a number of smaller local authorities there is no longer the critical mass to deliver the improvement support which schools need. Many local authorities have moved to a model of education and children’s services. This has advantages in bringing staff together from across professional groups to support children and their families. Whilst we recognise the value of this, it is important that there are sufficient numbers of staff with educational expertise and with a dedicated focus on improving educational outcomes within regional teams. Local authorities have identified the benefit of working across boundaries to support improvement. However, these initiatives vary in their nature, scope and maturity and schools in different parts of the country may not yet have felt the benefit of this collaboration.

In Wales, local authorities have been working together in regional consortia arrangements to support school improvement since 2011. We have looked closely at the Welsh model for regional collaboration and have noted the importance of clarity of purpose, leadership and clear accountability.

We will establish regional improvement collaboratives in Scotland to embed collaboration for improvement across all of our schools. The collaboratives will provide an enhanced educational improvement service to support teachers, practitioners and headteachers to deliver excellence and equity in education. These collaboratives will respond to the recommendations, including from the OECD, ICEA and IPPR Scotland, to drive and focus collaboration across our system. This regional approach will involve decentralising some Education Scotland resources to support improvement closer to schools. It will also involve local authorities sharing resource at a regional level to ensure an enhanced improvement capability.

We want an improved offer to all schools with some consistency of role, but we also want to empower schools and communities to shape the regional improvement offer which best meets their needs and to take account of their school improvement plans when developing regional plans and priorities.

⁸³ OECD (2015a) op.cit.

We believe this is the most efficient and effective way to strengthen collaboration to improve education across Scotland, by pooling and strengthening the existing resources and by investing further in systematic improvement.

Regional improvement collaboratives will:

- provide excellent educational improvement support for headteachers, teachers and practitioners through dedicated teams of professionals. These teams will draw on Education Scotland staff, local authority staff and others;
- provide coherent focus across all partners through delivery of an annual regional plan and associated work programme aligned with the National Improvement Framework;
- facilitate collaborative working across the region, including sharing best practice, supporting collaborative networks and pursuing partnership approaches using technology to support this and embedding research informed practice. They will contribute to the work of the national Children and Young People's Collaborative;
- be led by a Regional Director, to be appointed by the Scottish Government and provide a direct line of accountability for the performance of the regional improvement collaboratives to Ministers. The Regional Director will report to the HM Chief Inspector/ Chief Executive of Education Scotland;
- be set up through the creation of a new legislative duty for local authorities to collaborate on specific functions to support their headteachers' duties to raise attainment and close the poverty-related attainment gap which we will consult on in the autumn as part of a new Education Governance Bill; and
- be funded through a combination of decentralising the national resources of Education Scotland and pooling of local government resources to support regional improvement delivery.

To focus the regional offer from Government and the national bodies, we anticipate that Scotland will initially establish up to seven regional improvement collaboratives. However, in ensuring that the regional offer is tailored to local needs, we will work with local professionals, local government and national bodies in defining the detailed regional improvement collaborative geographies and the arrangements for regional improvement models. We are keen to build consensus and partnership in their design, however, we must progress with pace.

As we have set out above, it is our aim to embed and support a culture of collaboration across our education system. The establishment of regional improvement collaboratives will build on the effective partnership working which currently takes place between schools, authorities, national bodies and other partners. It will strengthen the networks, relationships and support that is available to evaluate and share good practice, ensuring that the knowledge and innovation within our system is shared across it.

We will work with partners to ensure that the experience of current and emerging partnership working informs the establishment of regional improvement collaboratives.

4.2 School level – supporting collaboration

Collaboration at a school level is already a strong feature of Scottish education, particularly where schools work in clusters. Many schools and establishments are working collaboratively as are many teachers and practitioners, however, this is not universal. The model of collaborative working differs and the governance structures often make collaboration harder. Where it does take place effectively, it has a demonstrable and positive impact on children and young people.

We will provide a clear vision and framework within which effective school level collaboration can take place. We will work with partners to develop this framework and support development of resources and tools to support collaborative approaches in the classroom. As part of their inspection process Education Scotland will look at how schools and establishments are working collaboratively with others and we will share evidence about what works.

We will support schools and establishments to work together in a learning journey cluster to develop a 3-18 curriculum offer, support transitions and clearly focus on outcomes. We will also support schools and partners in working to support transitions to a positive destination as part of their wider learner journey.

The OECD stressed the importance of creating coherent and cohesive cultures of system-wide collaboration. We know that collaboration can cover a wide range of practice and that not all kinds of professional collaboration are equally effective. We also know that successful collaborative partnerships require local leadership, buy-in and direction, but that without an external prompt and support such collaborative partnerships often struggle. We are clear therefore that action is needed to embed and support effective collaboration at a school level.

Fullan and Munby⁸⁴ summarise what factors need to be in place to support effective system-wide school collaboration. These factors, which will inform our approach to collaboration, are:

- a clear focus on outcomes;
- partnerships must be founded on a clearly articulated shared moral purpose;
- transparency, trust and honesty are crucial;
- commitment to and capacity for peer review;
- peer review needs to be carried out within a long term relationship and a commitment to continuously improving practice and systems;
- partnerships must have a plan to move from collaboration to co-responsibility to a position of shared professional accountability;
- partnerships should go beyond school leaders and engage with students, families, teachers and communities; and
- partnerships welcome scrutiny and support from other partnerships as their contribution to a connected local, regional and national system.

We recognise that many teachers and practitioners want to work collaboratively, so we must remove the barriers that prevent this from happening.

We will establish a system of support through the regional improvement collaboratives to encourage and facilitate school improvement partnerships.

The National Improvement Framework will provide the evidence and regional improvement collaboratives will be tasked with supporting schools to identify potential partners. These collaborative partnerships may cross local authority boundaries. The focus will be linking schools which either have a shared challenge or where one school is keen to learn from successful practice in another school. The School Improvement Partnership Programme evaluation (2015)⁸⁵ has shown the effectiveness of these kinds of school partnerships in tackling educational inequity.

84 Fullan, M and Munby, S (2016) *Inside-out and downside-up: How leading from the middle has the power to transform education systems* Education Development Trust <https://www.educationdevelopmenttrust.com/~media/EDT/files/News/f-global-dialogue-inside-out-and-downside-up-feb.pdf>

85 Chapman, C. Lowden, K. Chestnutt, H. Hall, S. McKinney, S. and Friel, N. (2015) op.cit.

4.3 Local authority level – focussing on world class educational support services

This devolution of power to the school level means that the traditional roles of national and local government will change. Headteachers will be empowered to make high quality decisions to drive up attainment and close the equity gap; putting the needs of children and their families first and helping to build a more open, flexible and dynamic system.

Local government's role and importance is clear. A range of local authority provision, such as Children's Services and Community Learning and Development, have a very important role to play as we continue to improve outcomes for children and families. Local authorities will remain democratically accountable for the provision of early learning and childcare and of schools. Local authorities will focus on delivering excellent educational support services for children and young people – their role will be key in supporting schools and establishments to drive improvement and deliver better outcomes for children.

Local authorities will:

- provide education support services, including: the supply of schools; the provision of denominational and Gaelic medium schools where required; the administration of placing and admissions procedures, including for children with additional support needs (including independent sector where appropriate); planning for future requirements; and securing excellent headteachers for the schools in their area;
- provide HR services for all school staff and respond to HR requests from headteachers;
- be the employer of the education workforce within their schools and local authority early learning and childcare settings;
- support the provision of early learning and childcare delivered by funded providers (in the private and voluntary sector) as well as local authority nurseries in various establishments to maximise its educational benefit to young children;
- appoint headteachers with the appropriate involvement of parent councils;
- be accountable to local communities for the provision of education support services including early learning and childcare in their area;
- appoint a Chief Education Officer as set out in the Education (Scotland) Act 2016 in order to fulfil their responsibilities in relation to education support services;
- have a new duty to collaborate to support improvement on a regional basis;
- be responsible for improvement through their provision of education support services, their regional collaboration and securing leadership in their schools;
- collaborate with other local authorities and national agencies to provide staff (including headteachers and teachers) to work within the regional improvement collaborative;
- ensure that other local authority provision, such as Children's Services, Library and Community Services, Community Learning and Development and third sector partners work effectively with schools and regional improvement collaboratives to provide care and education to children and their families; and
- continue to channel the vast majority of funding for school education, including their role in Attainment Challenge funding, ensuring that public resources allocated for the delivery of education in Scotland are properly accounted for.

4.4 National support for an empowered system

The Governance Review set out that the following organisations were within scope:

- Scottish Government;
- Education Scotland;
- Care Inspectorate (in relation to early years and childcare provision);
- Scottish Social Services Council (in relation to education, early years and childcare provision) (SSSC);
- Scottish Qualifications Authority (SQA);
- General Teaching Council for Scotland (GTCS);
- Scottish College for Educational Leadership (SCEL); and
- Universities providing Initial Teacher Education.

Evidence⁸⁶ points strongly to the importance of shared national priorities and a collective achievement so there is a clear line of sight between learning and teaching in the classroom through to school performance and the achievement of wider priorities.

We have a clear, shared and agreed vision for Scottish education: a vision of excellence and equity set out through our National Improvement Framework. This paper sets out our vision and plans for a school and teacher-led system, with a world-class support system in place to deliver on this ambition.

In order to capitalise on our shared vision and to ensure that there is coherence, pace and challenge at a national level, we recognise the need to provide an overarching structure to support the system.

We will establish a Scottish Education Council, chaired by the Deputy First Minister and Cabinet Secretary for Education and Skills, to ensure a system-wide focus on improvement can be delivered.

The role of national bodies including the Scottish Government, is to establish and support this national vision, in such a way that ensures a clear line of sight to the classroom. We are clear that a number of functions in education continue to need to be undertaken at a national level. These are:

- education policy;
- a national framework to support improvement and the curriculum;
- inspection and review of early learning and childcare, school education, educational psychology, community learning and development, children's services and local authorities;
- development, accreditation and awarding of national qualifications;
- national support for professional learning and leadership development for the teaching profession and wider education workforce;
- teacher workforce planning and initial teacher education; and
- terms and conditions of service for teachers, including pay professional standards and registration of teachers.

However, the findings from the Governance Review consultation, public events and discussions with various stakeholders suggest that currently the responsibilities at a national level are not clear and some functions feel too far removed from the classroom⁸⁷.

We will clarify and simplify the national landscape.

86 Fullan, M Rincón-Gallardo, S and Hargreaves, A (2015) *Professional Capital as Accountability*; Education policy analysis archives, volume 23 number 15; <http://epaa.asu.edu/ojs/article/view/1998/1511>

87 Scottish Government (2017b) op.cit

4.4.1 Education policy

The Scottish Government is responsible for setting clear priorities for Scottish education and for setting the national policy context within which the education system operates supported by our national research strategy⁸⁸. While respondents to the Governance Review debated the merits of individual policies no-one suggested that there was no need for a national vision for education or national priorities. The OECD have emphasised the importance of a strategic vision to secure effective delivery of reform. At a national level we must also monitor and evaluate the impact of reform we have set out in this paper, to ensure we are a learning system.

However, an empowered system does suggest a clarified role for national government – for example, empowering teachers and headteachers to make decisions about curriculum content raises questions about the extent to which we can mandate or require certain elements of that curriculum. The freedom for headteachers to choose the staffing mix and management structure within their schools could have implications for the national pupil-teacher ratio. We accept that empowering schools and devolving power also has implications for national government and we will continue to engage with partners, including parents and professional associations on the balance between national priorities and local flexibility.

The Scottish Government will remain responsible for national education policy.

4.4.2 A national framework to support improvement and the curriculum

Within the broad overall vision of achieving excellence and equity the National Improvement Framework is galvanising efforts to align our collective improvement activities across the whole education system, to address our key priorities:

- improvement in attainment, particularly in literacy and numeracy;
- closing the attainment gap between the most and least disadvantaged children;
- improvement in children and young people's health and wellbeing; and
- improvement in employability skills and sustained, positive school leaver destinations for all young people.

Education Scotland is currently responsible for supporting quality and improvement in Scottish Education. Innovations such as the National Improvement Hub have been welcomed. However, the responsibility for improvement needs to be held at all levels of the system and should be a collective responsibility for all. We have set out an enhanced responsibility for improvement at a regional level, designed and driven at local level, to align with the National Improvement Framework. Learning from each of the regional improvement collaboratives will be shared nationally.

4.4.3 Inspection of early learning and childcare and school education

Inspections and reviews are designed to improve outcomes for learners through providing assurance on the quality of education and promoting improvement and innovation to enhance learners experiences. Currently Education Scotland undertakes inspections for all educational establishments including education in early years settings while the Care Inspectorate inspect care and social care settings. Education Scotland and the Care Inspectorate undertake joint inspections where an establishment is providing care and education for example early learning provision or schools with residential accommodation.

⁸⁸ Scottish Government (2017f) *A research strategy for Scottish Education*
<http://www.gov.scot/Publications/2017/04/8907>

The need to ensure both consistency of standards and oversight of the best educational practice across Scotland indicates that inspection should remain a national function. In order to ensure inspection is seen as part of the improvement cycle, rather than as a quality assurance audit, it is important that the inspection and improvement functions remain together at a national level in Education Scotland.

Some establishments are subject to inspection by both the Care Inspectorate and Education Scotland and while both Inspectorates have adopted a more joined up approach to inspection, respondents to the Governance Review reported that the current process is unsatisfactory, overly bureaucratic and can lead to confusion for parents⁸⁹. We believe that there is more that can be done to bring these two inspection processes more closely together.

Education Scotland and the Care Inspectorate will further enhance their single shared inspection model for early learning and childcare and ensure that an institution will only be subject to a single inspection per cycle.

4.4.4 Development, accreditation and award of national qualifications

Scottish Qualifications Authority (SQA) is the national body in Scotland responsible under statute for the development, accreditation, assessment and certification of qualifications. Whilst respecting SQA's independent responsibility for delivering these core functions, we expect SQA to have in place appropriate and robust processes to ensure accuracy, and for consulting and engaging with a wide range of stakeholders.

We will make clear our expectations of SQA on the importance of listening, and being open to, the voices of learners, teachers and parents. We will ensure that the Chair regularly reports to Ministers on the improvements being made in relation to these matters. We will request that SQA outline in their annual corporate plan their strategic communications and engagement plans.

4.4.5 Pay, workforce planning and initial teacher education

Many respondents to the Governance Review consultation cited the importance of the Scottish Negotiating Committee for Teachers (SNCT) which is the tripartite body comprising members from teaching organisations, local authorities, and the Scottish Government with responsibility for agreeing pay and terms and conditions for teachers⁹⁰. The 2001 teachers' agreement, *A Teaching Profession for the 21st Century*⁹¹, introduced a new negotiating framework for teachers' pay and conditions of service and this is supported by the SNCT. As we made clear during the Governance Review consultation, we remain committed to national terms and conditions of service including pay.

We remain committed to national terms and conditions of service including pay.

⁸⁹ Scottish Government (2017b) op.cit

⁹⁰ Scottish Government (2017b) op.cit

⁹¹ Scottish Government (2006) *A Teaching Profession for the 21st Century: Agreement reached following recommendations made in the McCrone Report*. <http://www.gov.scot/Resource/Doc/158413/0042924.pdf>

The Scottish Government undertakes an annual teacher workforce planning exercise each autumn to estimate how many student teachers should be enrolled by the relevant universities in the following year to ensure that we maintain an adequate supply of teachers to meet local authorities' and schools' requirements. This process is led by the Scottish Government supported by the national Teacher Workforce Planning Advisory Group comprising:

- Convention of Scottish Local Authorities (COSLA);
- Professional Associations;
- Headteacher organisations;
- Scottish Funding Council;
- General Teaching Council for Scotland (GTCS);
- Education Scotland;
- Universities providing Initial Teacher Education;
- Universities Scotland; and
- Association of Directors of Education in Scotland (ADES).

In recent years the process has been supplemented by more detailed local information and this has strengthened confidence in the workforce planning process. We will build on this approach in the future strengthening local input and continue to work with the national Teacher Workforce Planning Advisory Group.

Workforce planning will continue to be undertaken at a national level but with an enhanced role for local authorities and regional improvement collaboratives to ensure that national planning reflects local need.

4.4.6 Professional standards and registration of teachers and wider education workforce

One of the strengths of our education system is that we have national teacher professional standards underpinned by a national registration scheme which ensures the high quality of our teaching profession. We remain absolutely committed to these safeguards. It is right that we have a national system to determine who has the skills and expertise to work with our children and young people but that system also needs to be flexible and prompt in dealing with requests so that qualified, high-quality teachers are able to get into classrooms as quickly as possible.

It is also important that we have a system to identify people who should not be working with children and to address issues of competence. Procedures for dealing with competence investigations in relation to professional standards need to be robust and operate at a faster pace where possible. Professional Update where teachers demonstrate that they are continuing to meet the professional standards needs to have more impact on improving teachers' knowledge, skills and competences.

We support a professional workforce and recognise that there are many professionals, such as education support staff and Community Learning and Development (CLD) professionals, who play a key role in educating our children and supporting our teachers. Currently, not all of these professionals are part of a national registration scheme.

We will therefore consult on establishing an Education Workforce Council for Scotland which will take on the responsibilities of the GTCS, the Community Learning and Development Standards Council and register other education professionals. The full scope of the functions to be undertaken by this body will be included in our consultation on our Education Bill in autumn 2017.

4.4.7 National support for professional learning and leadership development

Currently the support for professional learning and leadership development of teachers rests with a number of different national bodies. Education Scotland has core responsibility for professional learning as set out in their Framework document. The Scottish College for Educational Leadership (SCEL) has responsibility for leadership development and the GTCS has brought together professional associations and other partners to develop a professional learning framework. In order to simplify the landscape and provide clarity to teachers, we believe that one national government agency should have responsibility for national support for professional learning and leadership. The improved regional organisation of Education Scotland, as outlined earlier in this paper, will mean that they are best placed to co-ordinate hands-on professional learning and leadership development to teachers in line with a focus on developing methods of improvement that work for local circumstances.

We will simplify the national support for professional learning and leadership development by placing these functions in a renewed and revitalised Education Scotland.

Education Scotland will have a significantly enhanced role and purpose going forward, with a strengthened inspection and improvement function. We do not accept the calls for these functions to be split; inspection remains a crucial tool that supports the system-wide goal of continuous improvement. Education Scotland will have a renewed focus on professional learning and leadership, providing clarity and coherence to the national landscape. Delivery via the new regional improvement collaboratives will mean that hands on advice, support and guidance can flow directly to schools to support improvement.

The table below sets out a comparison of which national bodies are responsible to which function now and how they will look in the future.

Function at national level	Body currently responsible	Body to be responsible in future
Education policy	Scottish Government Education Scotland (for community learning, adult learning and youth work)	Scottish Government
Inspection/Scrutiny	Education Scotland Care Inspectorate	Education Scotland Care Inspectorate
Improvement/ Curriculum Support	Education Scotland	Education Scotland
National qualifications	Scottish Qualifications Authority	Scottish Qualifications Authority
Professional learning	General Teaching Council for Scotland Education Scotland Scottish College for Educational Leadership Universities	Led by Education Scotland, supported by providers including Universities

Function at national level	Body currently responsible	Body to be responsible in future
Leadership development	Scottish College for Educational Leadership Universities General Teaching Council for Scotland Education Scotland	Education Scotland
Initial teacher Education	Aberdeen Dundee Edinburgh Glasgow Strathclyde University of the West of Scotland University of the Highlands and Islands Stirling Royal Conservatoire	Aberdeen Dundee Edinburgh Glasgow Strathclyde University of the West of Scotland University of the Highlands and Islands Stirling Royal Conservatoire Other routes into teaching and other providers as required
Initial teacher Education accreditation	General Teaching Council for Scotland (accreditation of ITE)	Education Workforce Council
Workforce Planning	Scottish Government in close collaboration with COSLA Professional Associations Headteacher organisations Scottish Funding Council General Teaching Council for Scotland Education Scotland Universities providing ITE Universities Scotland Association of Directors of Education in Scotland	Scottish Government in close collaboration with COSLA Professional Associations Headteacher organisations Scottish Funding Council Education Workforce Council Education Scotland Universities providing ITE Universities Scotland Association of Directors of Education in Scotland
Terms and conditions	Scottish Negotiating Committee for Teachers	Scottish Negotiating Committee for Teachers
Professional standards, regulations and registration	General Teaching Council for Scotland Scottish Social Services Council	Education Workforce Council Scottish Social Services Council

4.5 Fair Funding for an Empowered System

The transformation of education governance outlined in this paper needs to be supported by a fair and transparent funding system that puts schools at the heart of decision making.

There are broadly three approaches to funding that could support our vision for a school and teacher-led system.

A Fixed National Funding Formula

In recent years, many education systems have moved towards decentralisation of school funding through the use of funding formulas.

Under this approach, money for education in Scotland (or relevant parts of the education system) would be ring-fenced and go directly to schools, via the local authority. The total amount of money available to schools in an individual local authority could be calculated from the top down, determined by the current local government distribution calculation mechanism, or from the bottom up, based on the characteristics of the school population in that authority.

Allocations could be determined on a unit cost per child basis by a broad range of input variables and criteria, such as deprivation, rurality, etc. Alternatively, they could be determined by providing a school allocation based on pupil numbers and historic spend, supplemented by additional funds reflecting particular needs. The services currently provided for and funded centrally by local authorities, for example additional support needs and capital spending, could either be included within that formula, or excluded from it. Portions of funding would be allocated directly to clusters and regions to support collaborative working and maximise the use of resources.

While the OECD⁹² have found that a *“well designed funding formula can be the most efficient, stable and transparent method of funding schools”*, there is little direct evidence at present about the role and success of funding formulas in driving improved educational outcomes. In addition, moving towards a national funding formula could introduce unacceptable instability and inflexibility into education funding. We do not therefore intend to proceed with consulting on a fixed national funding formula.

As highlighted in Chapter 2, the Accounts Commission⁹³ suggests that it is how local authorities decide to spend their education budget, rather than the overall level of spending, which has most impact on attainment. The review of literature suggests that the impact of funding on attainment could be more significant if it was targeted at those schools and pupils where the need to improve attainment was greatest. A Centre for Economic Performance Paper⁹⁴ similarly found that *“increases in resourcing are usually more effective for disadvantaged pupils and/or schools”*. With this in mind, we are consulting on two possible approaches to funding, alongside this paper.

A national approach to devolved funding within the new “Headteachers’ Charter”

This paper sets out our intention to legislate to create a Headteachers’ Charter which will define across Scotland the leadership responsibilities of headteachers. The Charter could also provide for a Scotland-wide approach to funding. Set out in legislation, such an approach could build on best practice, bring consistency to the way local authorities fund schools while allowing some degree of flexibility in decision making to reflect local circumstances, and ensure maximum devolution to headteachers. It could also set out clearly where responsibilities for funding are held and shared.

92 OECD, (2012) *Equity and Quality in Education: Supporting Disadvantaged Students and Schools*. <https://www.oecd.org/education/school/50293148.pdf>

93 The Accounts Commission (2014) op.cit.

94 Gibbons, S and McNally, S (2013) *The Effects of Resources Across School Phases: A Summary of Recent Evidence*, Centre for Economic Performance Discussion Paper No. 1226.

Increased targeting of elements of funding, building on the approach taken to Pupil Equity Funding (PEF)

Through the establishment of the Pupil Equity Fund, we are already ensuring that more money to tackle attainment is going directly to schools, with headteachers having discretion over how that money is spent. An alternative to a national approach to devolved funding within the Headteachers' Charter – or that could be used in conjunction with the Charter – would be to build on and further embed this approach so that more funding would be targeted directly to schools in relation to specific additional need factors and for specific purposes.

We propose to develop an approach to funding that truly empowers schools, and provides the framework of support which schools need, based on the outcome of the consultation.

5. DELIVERING AN EMPOWERED SYSTEM – THE NEXT STEPS

5.1 Delivering changes over the short, medium and longer term

We have set out a clear vision for education, one which is led by teachers and schools, where collaboration is key to driving improvement, and where all children and young people are able to reach their potential. In the previous chapters, we have set out a number of actions which we believe are necessary to deliver this, and in practice, this will lead to a number of changes for everyone involved in education. A number of these changes will require legislative change. Whilst national Government has a role to play in directing and supporting many of these changes, it is clear that collective and shared effort will be required from all partners if the system is to be open, responsive and dynamic. However, we are clear that this work must begin now.

In the short term, our focus will therefore be to engage with teachers and practitioners, with parents, children and young people, and with all partners involved currently in the delivery of education, to take these changes forward. Work will begin immediately to ensure that enhanced improvement services are available to teachers and practitioners as early as possible, and so that when the legislation and structural changes are in place, this support is widely available to schools and functioning well.

Specific priorities in the short term will include:

- Commencing appointment **in summer 2017** of a substantive Chief Executive in for a strengthened Education Scotland, with the appointment of Regional Directors, to follow thereafter.
- Working in partnership with local authorities and partners to develop the shape and composition of the regional improvement collaboratives. We will ensure that the experience of current and emerging partnership working informs the establishment of regional improvement collaboratives.
- Strengthening of parental involvement and parental and community engagement, consulting on legislative changes to strengthen, expand and improve the Scottish Schools (Parental Involvement) Act 2006. We will consult on these changes as part of our consultation on our Education Bill in **autumn 2017**.
- Strengthening parental and community engagement by working with the Scottish Parent Teacher Council **over the next year** to learn from their Partnership Schools initiative to ensure that schools support parents to play an active part in school improvement.
- Strengthening the voice of children and young people by supporting all schools to promote and support pupil participation, consulting on a requirement that every school pursues the key principles of pupil participation. This will be included in our consultation on our Education Bill in **autumn 2017**.
- Consulting on an approach to fair funding, as set out in *Education Governance – Fair Funding to achieve Excellence and Equity in Education*, published alongside this document.
- Developing the Headteachers' charter and consulting on a proposed approach to the legislation to underpin this, in time for the introduction of an Education Bill by **June 2018**.
- Beginning work from **June 2017** on transferring relevant functions from national bodies, ensuring that there is continued stability for schools, children and young people during this period. This will include national support for professional learning and leadership development which will become part of Education Scotland.

- Establishing a Scottish Education Council by **October 2017**, chaired by the Deputy First Minister and Cabinet Secretary for Education and Skills, to ensure a system-wide focus on improvement can be delivered.
- Consulting on establishing an Education Workforce Council for Scotland which will take on the responsibilities of the GTCS, the Community Learning and Development Standards Council and register other education professionals. The full scope of the functions to be undertaken by this body will be included in our consultation on our Education Bill in **autumn 2017**.
- Working with the wider school workforce to introduce professional standards for these staff. We will start this work from **September 2017** onwards.
- Making clear our expectations by **early autumn 2017** of the SQA, including the importance of listening and being open to the voices of learners, teachers and parents. We will ensure that the Chair regularly reports to Ministers on the improvements being made in relation to these matters. We will request that SQA outline in their annual corporate plan their strategic communications and engagement plans.
- Working with our partners, and particularly the profession, to establish new career pathways for teachers allowing greater opportunities for development and progression into leadership, specialist or improvement roles. We will start these discussions in **September 2017**.
- Enhancing the leadership support package to build the capacity and culture for teachers and headteachers to take on their new more empowered roles. This is an ongoing commitment but one we will start working on from **August 2017**.

In the medium to longer term, we will embed these changes, ensuring that capacity is built and developed across the system, to ensure schools and teachers are fully empowered to take on their new role. Specific actions across the medium to longer term will include:

- Developing a specific recruitment campaign for headteachers building on the Teachers make People campaign in **spring 2018**.
- Developing a mechanism by **end of 2018** to identify aspirant headteachers early in their career and develop a programme of professional learning and work experiences to lead them to the Into Headship course – this will provide a fast-track leadership route for talented teachers providing a clear pathway to headship.
- Developing by the **end of 2018** new Executive Consultant Head and Cluster Leader roles with partners to strengthen school leadership.
- Developing by the **end of 2018** a new Systems Leadership role to provide clear progression opportunities and to strengthen educational leadership at all levels in the system.
- Ensuring by **2019** that every school has access to a home to school link worker to support parents and families who find it challenging to engage in their child's learning and feel excluded from the work and life of their child's school.
- We will strengthen school, parental and community engagement by requiring from **2019** that every school has a teacher or professional who has responsibility for promoting parental, family and community engagement.
- Working with Education Scotland and the Care Inspectorate to develop by the **end of 2018** a single shared inspection model for early learning and childcare and a commitment that each institution will only be subject to a single inspection per cycle.
- Developing an approach to funding that truly empowers schools, and provides the framework of support which schools need, based on the outcome of the consultation. We are launching our consultation on funding today and will set out our proposals by **summer 2018**.

5.2 What the system will look like in practice

As we have made clear, and based on international evidence of what works, we want our system to be open, responsive and dynamic. We accept that if we are to achieve that, and empower our schools, parents and communities, we cannot prescribe exactly how the system will look. We are clear, however, on how our system should feel and work for every person and at every level of the system. The table below sets out our expectations.

Children and Young People	<ul style="list-style-type: none"> • Realising their potential, being placed at the centre of learning • Successful, confident, responsible and resilient young people equipped for future success in learning, life and work • Closing the attainment gap with no pattern between living in poverty and lower attainment • Giving every child from lowest to highest performing the chance to do even better • Every child's needs met with all services in the school and community working together well • Giving children and young people a greater say in school decisions which affect them through enhanced participation • Supporting children with additional support needs with expertise at a regional level
Parents	<ul style="list-style-type: none"> • Engaging in their own child's learning and to understand their child's progress • Making decisions as equal partners with teachers on what is in the best interest for each child • Empowering Parent Councils to play a full role in school governance • Helping schools work in partnership with the parent community to shape and steer matters such as school improvement • Supporting parental and community engagement with new roles within the teaching profession and education workforce

Teachers	<ul style="list-style-type: none"> • Being the leaders of learning in their classrooms • Helping develop new career pathways allowing greater opportunities for career development and progression into leadership, specialist or improvement roles • Being supported by streamlined professional learning so that there is a coherent learning offer to teachers • Using professional autonomy to lead learning • Engaging in a refreshed and re-energised profession • Being supported by a renewed “offer” from Government to teachers, including: <ul style="list-style-type: none"> • new career pathways into leadership, specialist or improvement roles • improvement of ITE and professional learning • professional learning expanded and available at regional level • Enhancing support from all levels of the system including: <ul style="list-style-type: none"> • hands on, highly credible support from regional improvement collaboratives • increasing peer-to-peer and school-to-school support focussed on the core business of improving teaching and learning • support is increasingly about collaborative working rather than paperwork or written guidance
Headteachers and Schools	<ul style="list-style-type: none"> • Being the leaders of learning in their schools • Being supported through a revolutionised offer of support and improvement • Raising attainment and closing the poverty-related attainment gap • Delivering quality and improvement at school level • Selecting and managing the teachers and staff in their school • Deciding school management and staffing structure, including business managers • Deciding curriculum content and offer • Working with partners to meet learners’ additional support needs at school level • Collaborating for school improvement at school, cluster and regional level • Leading self-evaluation and improvement of school performance • Monitoring school progress and reporting • Managing defined and greater proportions of school funding (this will be part of the accompanying consultation on funding)

School Clusters	<ul style="list-style-type: none"> • Connecting early years, primary and secondary schools around a learning cluster. Providing dedicated resource to support transitions • Ensuring learning clusters are supported by a senior leader within each cluster • Empowering headteachers to share resources and staffing to meet the needs of children across the learning cluster • Working together and with other public services and the third sector to provide family learning and support for children and families beyond the traditional school day
Local Government	<ul style="list-style-type: none"> • Providing education support services, including: the supply of schools; the provision of denominational and Gaelic-medium schools where required; the administration of placing and admissions procedures, including for children with additional support needs (including independent sector where appropriate); such as HR functions; planning for future requirements; and securing excellent headteachers for the schools in their area • Providing HR services for all school staff and respond to HR requests from headteachers • Being the employer of the education workforce within their schools and local authority early learning and childcare settings • Supporting the provision of early learning and childcare delivered by funded providers (in the private and voluntary sector) as well as local authority nurseries in various establishments to maximise its educational benefit to young children • Appointing headteachers • Being accountable to local communities for the provision of education support services including early learning and childcare in their area • Appointing a Chief Education Officer as set out in the Education (Scotland) Act 2016 in order to fulfil their responsibilities in relation to education support services • Having a new duty to collaborate to support improvement on a regional basis • Being responsible for improvement through their provision of education support services, their regional collaboration and securing leadership in their schools • Collaborating with other local authorities and national agencies to provide staff (including headteachers and teachers) to work within the regional improvement collaborative • Ensuring that other local authority provision, such as Children's Services and Library and Community Services work effectively with schools and regional improvement collaboratives to provide care and education to children and their families

Regional improvement collaboratives	<ul style="list-style-type: none"> • Providing a relentless focus on improvement and closing the attainment gap • Identifying and reporting on regional educational priorities with regional plans under the National Improvement Framework • Providing dedicated teams with sole focus on supporting collaboration and improving standards in all schools in the region • Providing professional learning • Providing clear accountability with Regional Directors reporting to the Chief Executive, Education Scotland
Inspectorates	<ul style="list-style-type: none"> • Supporting the new system with increased frequency of inspection – a new framework provided clarifying expectations on inspection and reporting. A single shared inspection model for early education and childcare
Scottish Government	<ul style="list-style-type: none"> • Providing strategic vision and national leadership of education • Providing accountability for national education bodies • Providing national standards and national priorities for education through the National Improvement Plan • Funding education • Recommending legislation to Parliament • Providing accountability for the performance of the regional improvement collaboratives • Providing accountability to Parliament for the performance of the overall system

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Scottish Social Services Council (SSSC) – <http://www.sssc.uk.com/>



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Scottish Government's Consultation: Education Governance Review – Fair Funding to achieve Excellence and Equity in Education**Report by Grace Vickers, Head of Education, Education, Communities & Economy****1. Purpose of the Report**

The purpose of this report is to draw Cabinet's attention to the Scottish Government's consultation entitled Education Governance Review – Fair funding to achieve excellence and equity in education. The consultation was launched in June 2017 and closes on 13 October 2017.

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*. The consultation closed on 6 January 2017 and a full copy of the Midlothian Council response was approved by Council on 20 December 2016.

In June 2017, the Scottish Government published the outcome of this national consultation in their report entitled Education Governance: Next Steps. In the same month the Scottish Government also launched the fair funding consultation and a copy of this is filed in appendix 1.

This consultation invites views on: the way school education is currently funded in Scotland, including early year's provision within school settings; the purpose of developing a new, more consistent approach to school funding; and the principles that should underpin any changes. It also sets out and seeks views on possible future funding approaches to support our vision of excellence and equity for all children and young people across Scottish education.

The Scottish Government are inviting responses to this consultation by **Friday 13 October 2017**. Individuals can respond using the Scottish Government's consultation platform, Citizen Space. You can view and respond to the consultation online at:

<https://consult.scotland.gov.uk/empowering-schools/education-governance-fair-funding>.

Following consultation with stakeholders in Midlothian, a further report will be brought back to Cabinet in September 2017 prior to submission to the Scottish Government.

3. Report Implications

3.1 Resource

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.

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. Last year the transformation project on Early Years was concluded in order to ensure that we have a strong foundation from which to plan for the delivery of 1140 hours by 2020. 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 Government's 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 is requested to:

- Note the launch of the Scottish Government's Consultation entitled Education Governance Review – Fair funding to achieve excellence and equity in education.
- Note that a further report outlining the Midlothian response to this consultation will be brought back to Cabinet in September 2017.

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>

25 July 2017

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EDUCATION GOVERNANCE

FAIR FUNDING TO ACHIEVE EXCELLENCE AND EQUITY IN EDUCATION

A consultation

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CONTENTS

Foreword	1
About this Consultation	2
Executive Summary	3
Introduction	5
Chapter 1 Why Review School Funding?	7
Chapter 2 Current System of Funding	10
Chapter 3 Aims and Principles: The Case for Change	16
Chapter 4 Fair Funding: Future Approach	20
Summary of Questions and Respondent Information Form	25

FOREWORD BY THE DEPUTY FIRST MINISTER AND CABINET SECRETARY FOR EDUCATION AND SKILLS



Improving the education and life chances of our children and young people is the defining mission of this Government. Our vision for education is to close the unacceptable gap in attainment between our most and least disadvantaged children and to raise attainment for all.

I believe that decisions about a child's learning should be made as close to that child as possible, and that decisions about a child's needs and how to meet them should be made by those around the child. This is a vision of empowerment and devolution – devolution from local authorities to schools – to include teachers, headteachers, parents and communities – and devolution from a national to a local or a regional level.

The Government's plans for realising this vision are set out in *Education Governance: Next Steps – Empowering Our Teachers, Parents and Communities to Deliver Excellence and Equity for Our Children*, published alongside this consultation. That paper sets out how we will ensure that Scotland's education system allows children to achieve their full potential, whatever their strengths and background. However, we are clear that, in order to deliver this transformational change, our education system must be underpinned by fair and transparent funding that puts schools at the heart of decision-making. The way we fund schools needs to recognise the crucial role of the school and support the collaborative and flexible culture we are seeking to develop.

Education represents the single largest component of local authority spending, with 45% of local authority budgets directed towards the provision and delivery of education, and gross expenditure totalling around £5 billion per year.

In its 2014 report, *School Education*, the Accounts Commission suggested that it is *how* local authorities decide to spend their education budget, rather than the overall level of spending, which has most impact on attainment levels. Importantly, that report also concluded that the impact of funding on attainment could be more significant if it was targeted at those schools and pupils where the need to improve attainment was greatest.

How we fund education in Scotland has an important role to play in helping to achieve our aims. Through this consultation, I want to hear your views on how we can best use the resources we have available to deliver the best possible outcomes for all our children and young people.

John Swinney MSP
Deputy First Minister and
Cabinet Secretary for Education and Skills

ABOUT THIS CONSULTATION

This consultation seeks views on the Scottish Government's future approach to school funding.

The consultation invites views on the way education is currently funded in Scotland, the purpose of developing a new, more consistent approach to school funding, and the principles that should underpin any changes. It also sets out and seeks views on possible future approaches.

This consultation does not advocate a preferred Scottish Government approach. We want to hear your views as we develop options further.

Responding to this consultation

We are inviting responses to this consultation by **Friday 13 October 2017**. Please respond using the Scottish Government's consultation platform, Citizen Space. You can view and respond to the consultation online at: <https://consult.scotland.gov.uk/empowering-schools/education-governance-fair-funding>. You can save and return to your responses while the consultation is still open. Please ensure that consultation responses are submitted before the closing date of **Friday 13 October**.

If you are unable to respond online, please complete the Respondent Information Form (see 'Handling your Response' below) and send to:

email: FairFunding@gov.scot

or write to us at:

Empowering Schools Unit
Scottish Government
2A – South
Victoria Quay
Edinburgh
EH6 6QQ

Handling your response

If you respond using Citizen Space (<http://consult.scotland.gov.uk/>), you will be directed to the Respondent Information Form. Please indicate how you wish your response to be handled and, in particular, whether you are happy for your response to be published.

If you are unable to respond via Citizen Space, please complete and return the Respondent Information Form included in this document. If you ask for your response not to be published, we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

Next steps

Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material, responses will be made available to the public at <http://consult.scotland.gov.uk>. If you use Citizen Space to respond, you will receive a copy of your response via email.

Following the closing date, all responses will be analysed and considered, along with other available evidence, to help us shape future proposals for the funding of Scotland's schools.

EXECUTIVE SUMMARY

This consultation seeks views on the Scottish Government's future approach to school funding.

*Education Governance: Next Steps – Empowering Our Teachers, Parents and Communities to Deliver Excellence and Equity for Our Children (Next Steps)*¹, published alongside this consultation, sets out our vision for a school and teacher-led system, where decisions about learning and teaching rest at school level. The way schools are funded needs to support that vision.

The consultation invites views on: the way school education is currently funded in Scotland, including early years provision within school settings; the purpose of developing a new, more consistent approach to school funding; and the principles that should underpin any changes. It also sets out and seeks views on possible future funding approaches to support our vision of excellence and equity for all children and young people across Scottish education.

Chapter 1 sets out why we are reviewing school funding, and the scope of this consultation.

Effective governance needs to be supported by a fair and transparent funding system that puts children and young people at the heart of decision-making. It is right that, as part of our whole-system governance review, we ask whether current practice could be improved, and funding more targeted to where it is needed the most.

As set out in *Next Steps*, the Scottish Government does not intend to develop a fixed national funding formula. There is little direct evidence at present about the role and success of funding formulas in driving improved educational outcomes. In addition, moving towards a national funding formula could introduce unacceptable instability and inflexibility to education funding.

Funding can have an important role to play in achieving positive outcomes and supporting equity. The development of a fair, more consistent, transparent and targeted method of allocating funding could provide a way to address current equity issues within the system.

This consultation seeks views on two possible approaches to achieving that aim.

Chapter 2 describes the current system of funding for schools. While there are a series of defined and publicly available methodologies for allocating money from the Scottish Government to local authorities, largely through the local government finance settlement, there is no single transparent approach to allocating money from local authority to education, and then to school level.

Education represents the largest single part of local government spending, accounting for around 45% of general fund net revenue expenditure in 2015-16. Total gross expenditure on education was £4.9 billion, with over two-thirds of primary, secondary and special school expenditure on staffing, (53% spent on teachers and 15% on non-teaching staff). Support services account for 4% and 'all other expenditure' the remaining 28%.

This chapter also describes the original aims of, and current practice in relation to, Devolved School Management in Scotland.

¹ Scottish Government (2017) *Education Governance: Next Steps – Empowering Our Teachers, Parents and Communities to Deliver Excellence and Equity for Our Children*
<http://www.gov.scot/Topics/Education/thegovernancereview>

Chapter 3 considers the challenges presented by the way schools are currently funded, and concludes that the current system of funding schools falls some way short of meeting the Scottish Government’s aims and principles for any future approach to funding. This chapter highlights, in particular the following issues, and seeks views on how funding could be better targeted to support excellence and equity for all:

- wide variation in the amount of spending per pupil between local authorities;
- relatively little targeting of funding on the basis of particular needs;
- considerable variation between local authorities in the influence headteachers have on spending decisions; and
- lack of transparency regarding the method of calculation and level of school budgets.

In light of these issues, and to reflect the vision of a school and teacher-led system set out in *Next Steps*, **Chapter 4** describes and seeks views on two possible approaches to funding in the future.

Next Steps sets out the Scottish Government’s intention to legislate to create a Headteachers’ Charter which will define across Scotland headteacher leadership responsibilities. The Charter could incorporate within it a standardised Scotland-wide approach to funding allocation, devolving the maximum amount of funding to schools.

An alternative approach – or one that could be used in conjunction with the approach set out above – would be to build on the approach currently being taken in relation to Pupil Equity Funding. Under this approach, more funding would be targeted directly to schools in relation to specific need factors.

The consultation also seeks views on the support, accountability and reporting mechanisms that should underpin greater devolution of responsibility for funding decisions to headteachers.

Conclusion

This consultation is your opportunity to shape how schools are funded in Scotland. The deadline for responses is **Friday 13 October 2017**.

INTRODUCTION

Improving the education and life chances of our children and young people is the defining mission of this Government.

The National Improvement Framework set out the Scottish Government's vision for excellence and equity for all children and young people across Scottish education:

- **Excellence through raising attainment:** ensuring that every child achieves the highest standards in literacy and numeracy, set out within Curriculum for Excellence levels, and the right range of skills, qualifications and achievements to allow them to succeed; and
- **Achieving equity:** ensuring every child has the same opportunity to succeed, with a particular focus on closing the poverty related attainment gap.

Scotland has a good education system which is delivering well for a great many young people in Scotland. In 2016 the number of Advanced Higher passes reached a record high, while the number of Higher passes was second only to the 2015 record². A record proportion of young people from Scotland's most deprived communities went into a positive initial destination in 2015-16 – 88.7%, up from 83.9% in 2011-12³.

While current evidence shows our system has many strengths, there are areas where we must improve performance. The majority of young people are performing well, but the current system is not maximising education outcomes for all, with the circumstances of a child's life still having a disproportionate impact on their chance of success. The Scottish Survey of Literacy and Numeracy (SSLN) data published in May 2017⁴ showed the size of the deprivation related performance gap in literacy has not changed since 2012 and, coupled with the Programme for International Student Assessment (PISA) statistics published in December 2016⁵, makes the case for education reform clear.

This Government has been taking strong and decisive action to address the weaknesses in the system by providing teachers and schools with the tools they need to deliver excellence and equity for all children and young people across Scottish Education. This action includes the Scottish Attainment Challenge funding, which is a key part of our work focussed on tackling the poverty related attainment gap. Over the lifetime of this Parliament, we will target £750 million at the children, schools and communities most in need, with £120 million per annum going directly to schools. We have listened to teachers and have significantly streamlined the volume of advice regarding the Curriculum for Excellence. Through changes to the National Qualifications, we are reducing bureaucracy and workload by reducing the burden of assessment, both on teachers and on young people. We are also increasing investment and support in the early years through the significant expansion of early learning and childcare.

2 SQA (2016) *Attainment Statistics* (August). https://www.sqa.org.uk/sqa/files_ccc/2016-sqa-attainment-summary.pdf

3 Scottish Government (2016) *Summary statistics for attainment, leaver destinations and healthy living*, No.6: 2016 Edition. <http://www.gov.scot/Publications/2016/06/4523>

4 Scottish Government (2017 c) *Scottish Survey of Literacy and Numeracy 2016 (Literacy)* <http://www.gov.scot/Publications/2017/05/7872>

5 Scottish Government (2015) *Programme for International Student Assessment (PISA) 2015: Highlights from Scotland's Results* <http://www.gov.scot/Resource/0051/00511095.pdf>

We have an unwavering focus on improving Scotland's education system for every child and we will continue to make the changes necessary to strengthen Scottish education. This consultation forms part of our review of education governance and is central to our aim of empowering our teachers, schools and communities to deliver the necessary changes in our education system. *Education Governance: Next Steps – Empowering Our Teachers, Parents and Communities to Deliver Excellence and Equity for Our Children*⁶, published alongside this consultation, sets out how we will reform Scottish Education to realise our ambition of excellence and equity for all.

With current education spending worth £4.9 billion in 2015-16, it is clear that now is the right time to ask whether the current funding system could be improved and whether resources are being directed to where they are needed most.

The consultation invites views on how schools are funded and how the current equity issues within the system could be addressed to support our vision of excellence and equity for all children and young people across Scotland.

⁶ Scottish Government (2017) *Education Governance: Next Steps – Empowering Our Teachers, Parents, and Communities to Deliver Excellence and Equity for Our Children*
<http://www.gov.scot/Topics/Education/thegovernancereview>

1. WHY REVIEW SCHOOL FUNDING?

1.1 The Governance Review

The Scottish Government's Education Governance Review *Empowering Teachers, Parents and Communities to Achieve Excellence and Equity in education: A Governance Review*⁷ was launched in September 2016. It sought views on the way education in Scotland should be run, and the principles that should inform our approach to fair funding for schools. Putting the relationship between pupils and teachers at its heart, its aim was to systematically consider and question how each part of the education system – from early learning and childcare provision, through to secondary school education – can support our vision of excellence and equity in education.

Following 16 weeks of engagement and consultation, the Governance Review closed on 6 January 2017. Over 1,000 parents, teachers, members of the public and organisations submitted formal written responses to the consultation and almost 700 people took part in the public engagement sessions across Scotland. All of those responses have been analysed, and are published alongside *Next Steps* and this consultation. In addition, we asked Children in Scotland, Young Scot and the Scottish Youth Parliament to ensure that the voices of children and young people were heard. In parallel with the Governance Review, the National Parent Forum undertook a review of the Scottish Schools Parental Involvement Act 2006. We have also drawn on evidence from the Organisation for Economic Co-operation and Development (OECD), the International Council of Education Advisers (ICEA) and international evidence to inform the way forward.

A consultation on the expansion of Early Learning and Childcare (ELC) ran between October 2016 and January 2017. This covered a range of key policy areas, including funding models. The Scottish Government set out its response to the ELC consultation on 23 March 2017 in *A Blueprint for 2020: The Expansion of Early Learning and Childcare in Scotland 2017-18 Action Plan*⁸.

1.2 Education Governance: Next Steps – Empowering Our Teachers, Parents and Communities to Deliver Excellence and Equity for Our Children

The Scottish Government believes that teachers and practitioners are best placed to work with communities and parents to drive educational improvement. The organising system of education must be focussed on providing the best framework for them to do so. That framework must in turn be supported by building capacity for improvement in the system, a culture of leadership and collaboration and strong accountability.

Grouped around five main themes, *Next Steps* sets out specific proposals for reform in order to create an education system that:

- is centred around children and young people;
- is school and teacher-led;
- focusses on the quality of teaching and learning;
- supports leadership; and
- has a relentless focus on improvement.

⁷ Scottish Government (2016) *Empowering Teachers, Parents and Communities to Achieve Excellence and Equity in education: A Governance Review* <http://www.gov.scot/Publications/2016/09/1251>

⁸ Scottish Government (2017) *A Blueprint for 2020: The Expansion of Early Learning and Childcare in Scotland 2017-18 Action Plan* <http://www.gov.scot/Publications/2017/03/8937>

1.3 Fair Funding

Effective governance needs to be supported by a fair and transparent funding system that puts children and young people at the heart of decision-making.

It is right that, as part of this whole-system review, we also ask whether current practice could be improved, and allocation more targeted to need, so that every child receives the teaching, support and guidance they require, regardless of their circumstances, the school they attend, or the local authority they live in.

Next Steps discusses three possible approaches to funding in the future to support our vision for a school and teacher-led system, and to bring greater consistency, transparency and fairness to school funding, including the development of a fixed national funding formula.

While many education systems have moved in recent years towards decentralisation of funding in this way, there is little direct evidence at present about the role and success of funding formulas in driving improved educational outcomes. In addition, moving towards a national funding formula could introduce unacceptable instability and inflexibility to education funding. *Next Steps* makes it clear that local authorities will remain democratically accountable for the provision of early learning and childcare and for schools. They will focus on delivering world class educational support services, and their role will be key in supporting headteachers and schools to drive improvements and deliver better outcomes for children. The vast majority of the funding for school education will continue to be channelled through local authorities, and they will continue to have a role in ensuring that public resources allocated for the delivery of education in Scotland are properly accounted for. The Scottish Government does not therefore intend to develop a fixed national funding formula.

However, there is some evidence that the approach taken to funding *can* help improve educational outcomes. The Accounts Commission report *School Education* (2014)⁹ stated that “*Evidence from our literature review suggests that it is how councils decide to spend their education budget rather than the overall level of spend which has most impact on attainment levels. The literature also suggests the impact of funding on attainment could be more significant if it was targeted at those schools and pupils where the need to improve attainment was greatest.*” A Centre for Economic Performance paper also found that “*increases in resourcing are usually more effective for disadvantaged pupils and/or schools*”¹⁰.

Funding can have an important role to play in achieving positive outcomes and supporting both horizontal equity – where there is equal treatment of similar pupils and/or schools, no matter where they are in Scotland – and vertical equity – whereby pupils or schools are treated differently, according to their differing characteristics and learning needs.

The development of a fair, more consistent, transparent and targeted method of allocating funding could provide a way to address current equity issues within the system and ensure that resource goes where it is needed most.

This consultation seeks views on two possible approaches to meeting those aims.

⁹ Accounts Commission (2014) *School Education*
http://www.audit-scotland.gov.uk/uploads/docs/report/2014/nr_140619_school_education.pdf

¹⁰ Gibbons, S and McNally, S (2013) *The Effects of Resources Across School Phases: A Summary of Recent Evidence*, Centre for Economic Performance Discussion Paper No. 1226

1.4 Scope of consultation

This consultation focusses and seeks views on how we can ensure that operational funding for early years and school-age education at a **school level** is allocated fairly and to best effect. The following areas of school funding are therefore within scope:

- teacher costs;
- non-teaching staff costs, for example, teaching support or school administration staff; and
- all other school-related discretionary expenditure, for example books, materials, etc.

Some areas of expenditure cannot easily be assessed or allocated at individual school level, for reasons of complexity and accountability, and historically have been considered to be more effectively managed centrally (e.g. at an education authority level). They are therefore outwith the immediate scope of this consultation, although consultees are invited to offer views on what areas of school expenditure should or should not be managed at headteacher level (Question 4). At present, the areas generally dealt with centrally include the following:

- all capital expenditure, including any Public-Private Partnership (PPP)/Private Finance Initiative (PFI) costs;
- school building maintenance costs;
- IT services and their associated costs;
- utilities costs;
- central support services, such as Educational Psychologists;
- school meal services;
- school transport;
- some aspects of costs relating to Additional Support Needs;
- costs associated with early years provision outside school settings;
- other children's services, for example care services; and
- clothing grants and similar allowances.

The consultation sets out how education is currently funded, the benefits, limitations and implications of that approach, and the opportunities for developing a funding model fit for the future.

2. CURRENT SYSTEM OF FUNDING

2.1 Overview

School funding is complex and currently lacks transparency.

While there are a series of defined and publicly available methodologies for allocating money from the Scottish Government to local authorities, largely through the local government finance settlement, there is no single or transparent approach to allocating money from local authority to education and then to school level.

This makes it difficult to establish a fully comprehensive picture of how school level budgets are determined. However, what is clear is that there is a great deal of variation across Scotland.

2.2 Education funding in Scotland

2.2.1 Role of Local Authorities in delivering education

Next Steps sets out the changing role of national and local government to support the devolution of powers to school level.

Currently, local authorities have statutory duties both in relation to the delivery of education and in how they spend public funds. Legal responsibilities for delivering education currently sit largely with local authorities, who are responsible for school education and early learning and childcare provision in their area. Under the Education (Scotland) Act 1980, they are required to deliver ‘adequate and efficient’ education. Under the Local Government in Scotland Act 2003, they are bound by a number of duties in relation to securing best value and accountability for expenditure. They also have a range of other legislative duties which impact on the allocation decisions they take, for example in relation to additional support for learning.

2.2.2 Scottish Government funding

The bulk of the money local authorities spend on school education and early learning and childcare provision is funded through the General Revenue Grant from the Scottish Government, which forms part of the overall local government settlement.

Central Government funding for education – and most other local authority services – is allocated to individual local authorities using a distribution formula and a series of needs-based indicators. While most of the indicators used to assess need in education relate to population bandings or pupil numbers, some relate to more specific ‘need’ factors, such as measures of deprivation and ‘rurality’.

Funding allocations to local authorities through this route are not budgets or spending targets. The vast majority of money provided for education through the local government settlement is not ring-fenced, and it is for individual local authorities to determine how much funding should be allocated to education and then to individual schools and centrally managed education services. That assessment – generally set out in the local authority’s Devolved School Management Scheme (DSM) – is made on the basis of local needs and priorities, but also reflecting statutory obligations and agreed national priorities. Further information about DSM is set out in section 2.3.

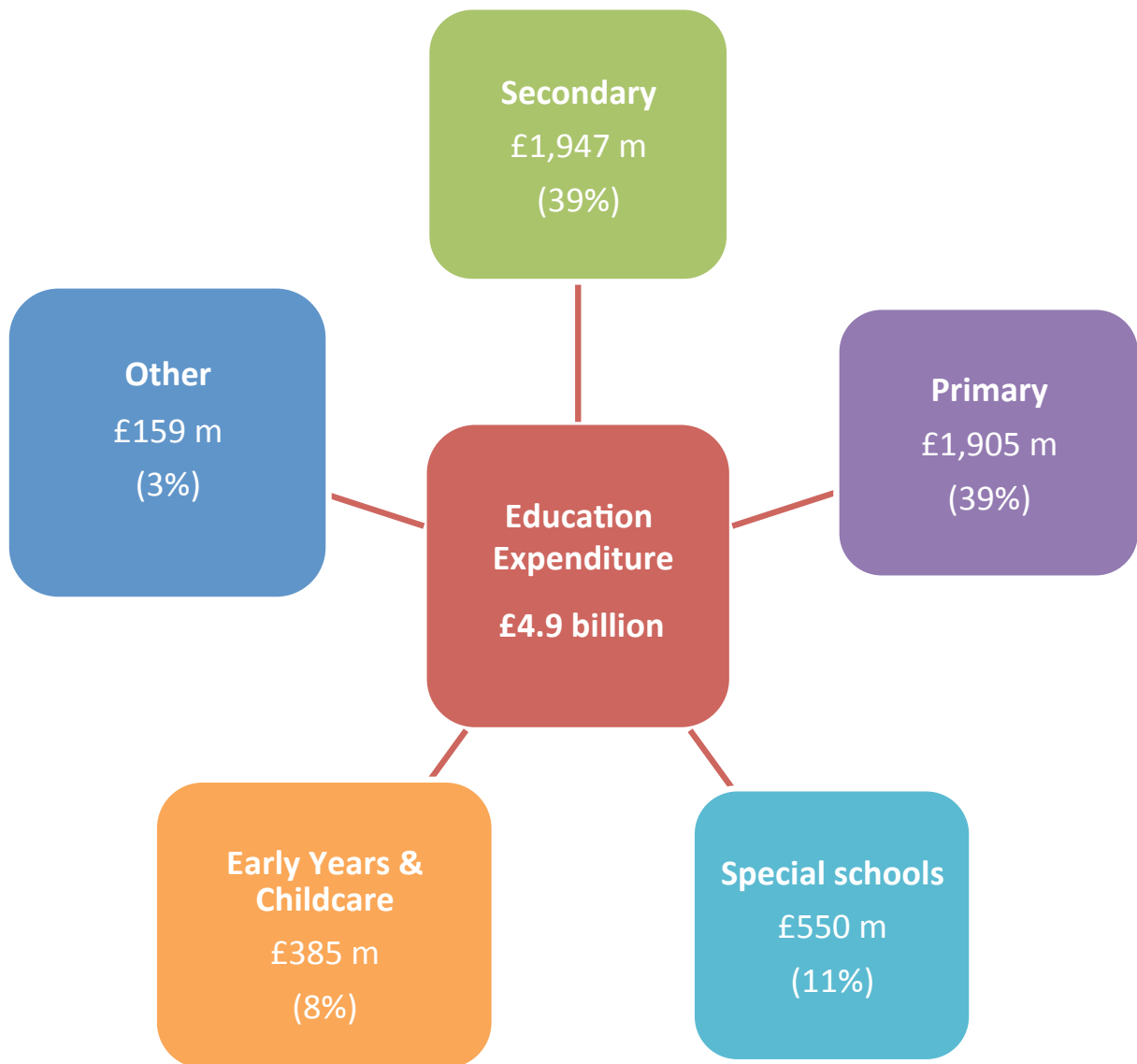
Local authorities and schools also receive funding to support specific education initiatives or needs, for example to support teacher numbers, teacher pay or closing the attainment gap.

This system leads to a wide variation in both the level and method of allocation of schools funding across Scotland.

2.2.3 Current spending on education by Local Authorities

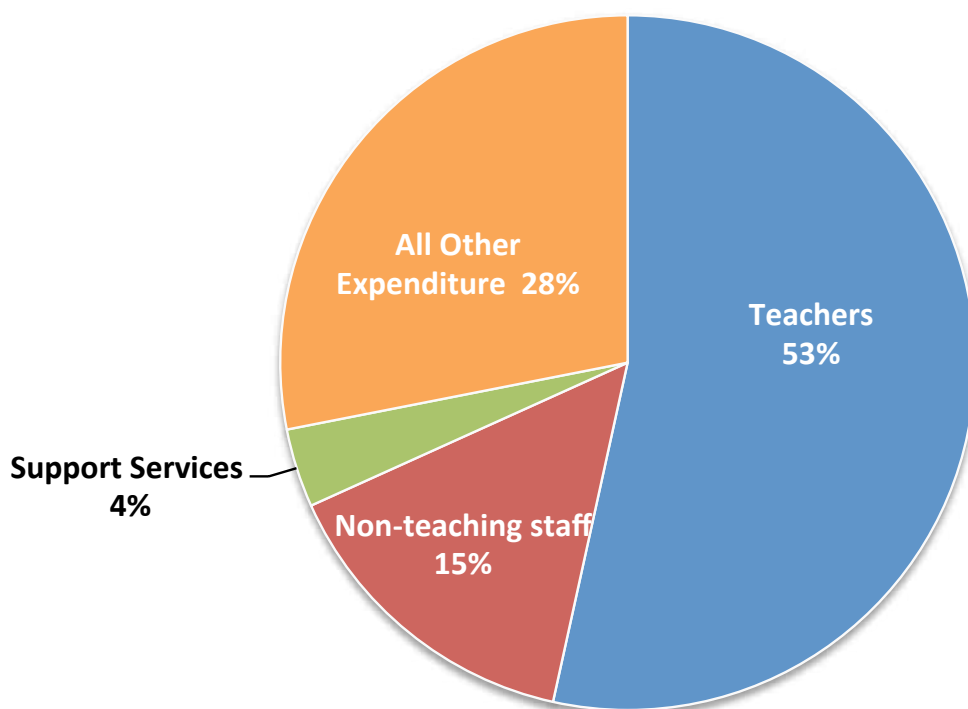
Education represents the largest single part of local government spending, accounting for £4.9 billion of gross expenditure in 2015-16. Nearly 90% of this was spent on primary, secondary and special schools. 8% of education spending was on early learning and childcare.

2015-16 Education Expenditure by Sector



Over two-thirds of spending on primary, secondary and special education is on staffing, with 53% spent on teachers and 15% on non-teaching staff, support services accounting for 4% and 'all other expenditure' accounting for 28% (this includes building maintenance costs, utilities, school meals and transport). These proportions have remained relatively stable in recent years.

2015-16 School Expenditure by Type of Cost



Estimated capital expenditure on education by local authorities totalled £653 million in 2015-16, 26% of total local authority capital expenditure. The bulk of this expenditure was on primary and secondary education.

2.2.4 Scottish Attainment Challenge funding

It is important that funding goes to where it is needed the most. Allocating ring-fenced funding directly to schools has therefore become a key part of the Scottish Government's work focussed on tackling the poverty related attainment gap.

In Spring 2016, the Scottish Government extended the Scottish Attainment Challenge to commit a total of £750 million over the lifetime of this Parliament to tackle the attainment gap, targeting resources at the children, schools and communities most in need through:

Pupil Equity Funding, available for headteachers to use for additional staffing or resources that they consider will help to raise attainment. In 2017-18, this funding is directly provided to schools in Scotland at a rate of £1,200 for each pupil in P1 to S3 known to be eligible for free school meals. 95% of schools in Scotland currently benefit from this funding. Headteachers are free to decide how to make best use of this funding. As with all current education funding, the scheme is administered by local authorities, who enter into a grant agreement with the Scottish Government, setting out how much funding each school will receive. Headteachers are accountable to their local authority for the use of the funding, which they will report on through current reporting mechanisms. These reports will be publicly available so that parents can understand how this funding is being used in their school.

Attainment Scotland funding, providing targeted support for children and young people in greatest need through the Challenge Authorities and Schools Programme, as well as funding a number of national programmes, including staffing supply and capacity, professional learning and school leadership. This includes working with nine Challenge Authorities with the greatest concentration of primary age children living in Scottish Index of Multiple Deprivation (SIMD) 1 and 2 areas to implement authority wide improvement plans, based on initiatives to improve literacy, numeracy and health and wellbeing.

2.2.5 Early Learning and Childcare (ELC)

Funding for Early Learning and Childcare is currently included within the General Revenue Grant provided as part of the local government settlement.

Local authorities then decide how best to allocate this resource in order to meet their statutory duties. This includes their statutory duty to ensure that funded Early Learning and Childcare entitlement is available to all eligible children in their area.

The Children and Young People (Scotland) Act 2014 increased the funded entitlement from 475 hours per year to 600 hours per year for all three and four year olds, and eligible two year olds. Local authorities can deliver the entitlement through their own nurseries and provision, or contract with providers in the private and third sectors.

In 2015-16 local authority revenue expenditure on Early Learning and Childcare was around £385 million, accounting for around 7.8% of total local authority expenditure on education.

This figure is expected to rise year on year over the period to 2019-20 as additional funding was provided to local authorities to support delivery of the provisions in the Children and Young People (Scotland) Act 2014, including expansion of funded entitlement from 475 to 600 hours, extension of entitlement to eligible two-year-olds and increased flexibility. However, analysis presented in the *Financial Review of Early Learning and Childcare in Scotland*¹¹, published in September 2016, indicates that so far not all of the resources allocated to local authorities to support the delivery of the 2014 Act have been spent on ELC.

The Scottish Government is committed to almost doubling the funded entitlement to 1,140 hours per year by 2020. In October 2016, we set out our vision for the expansion as part of *A Blueprint for 2020* consultation. That consultation sought views on the key policy aspects of the expansion, including potential funding models.

The Minister for Childcare and Early Years set out the Scottish Government's response to the consultation in *A Blueprint for 2020: The Expansion of Early Learning and Childcare in Scotland*¹². This includes a new 'Funding Follows the Child' approach which will be introduced alongside the expanded entitlement in 2020.

This approach will ensure that funding for ELC directly supports eligible children and their families, ensure financially sustainable provision and deliver Fair Work practices across all sectors. It will underpin a more progressive and provider-neutral service model which allows parents to access a greater choice of high-quality settings and removes barriers which can make it difficult for private and third sector providers to offer the funded entitlement. The details of the new model will be developed jointly with local authorities through a Service Models Working Group, due to report by the end of March 2018.

11 Scottish Government (2016) *Financial Review of Early Learning and Childcare in Scotland: the current landscape*, <http://www.gov.scot/Resource/0050/00506148.pdf>

12 Scottish Government (2017) *A Blueprint for 2020: The Expansion of Early Learning and Childcare in Scotland 2017-18 Action Plan* <http://www.gov.scot/Publications/2017/03/8937>

2.2.6 Additional Support Needs

As part of general spending on education, local authorities also provide significant resource to support pupils with additional support needs. Of the £4.9 billion spent on education in 2015-16, £584 million (12% of total education spend) was on additional support for learning, an increase of £5 million on 2014-15.

In addition, the Scottish Government provides £11.3m of funding to 10 specific services dedicated to providing specialist additional support. These include: seven grant-aided special schools; Enquire, the national advice and information service for parents and carers on additional support for learning; CALL Scotland, which provides adaptations and assistive technology support for pupils with complex additional support needs; and the Scottish Sensory Centre, which provides training to teachers and other staff in supporting pupils with hearing and visual impairment.

The Scottish Government is currently considering whether the focus on building capacity of services as part of the Doran Review (a strategic review of learning practices for children and young people with complex additional support needs) could be aligned with the regional models of service delivery for children and young people with additional support needs. In its report¹³ on implementation of the Education (Additional Support for Learning) (Scotland) Act 2004 in May 2017, the Education and Skills Committee called for a financial review and for annual reporting on implementation of the Act. Ministers are already required to collect and publish information on implementation, including the cost of provision of additional support for learning.

2.3 Devolved School Management

2.3.1 Aims

Under the Standards in Scotland's Schools etc. Act 2000, every education authority is required to have a Devolved School Management (DSM) Scheme and to delegate to headteachers the preparation of school improvement plans. DSM schemes set out the functions and control over a portion of the local authority's education budget that is delegated to individual schools and headteachers. The education authority is free to decide to which schools the scheme should apply, i.e. it does not have to apply to all schools.

DSM was introduced in 1993 to enhance and improve the management of resources at school level. The guidelines produced at that time required local authorities to devolve 80% of school budgets to headteachers, with the twin aims of improving local decision-making and providing more flexibility to headteachers in responding to the needs of individual schools. The guidelines were revised in 2006, with a recommendation that local authorities increase the level of devolved budgets to 90%. That advice reflected the principle that everything that could be devolved should be devolved, except for certain areas of expenditure that were not considered suitable for devolution (for example, expenditure that was centrally funded, such as capital expenditure, including all PPP/PFI costs; school meals; school milk).

Further revised guidelines, introduced in 2012, were focussed less on the percentage of budget devolved, and based on a number of key principles grouped into the four main themes of: subsidiarity and empowerment; partnership working; accountability and responsibility; and local flexibility.

¹³ Scottish Parliament Education & Skills Committee (2017) *How is Additional Support for Learning working in practice, 6th Report*, http://www.parliament.scot/S5_Education/Reports/ASN_6th_Report_2017.pdf

2.3.2 Current practice

While practice varies widely, DSM schemes in general are often very technical, providing only a partial view of the process by which funding is allocated to schools.

In addition to the areas of spending that have always been dealt with centrally, the portion of the budget delegated to headteachers appears to have reduced in recent years. Some local authorities now control elements of spend which were previously delegated.

Latest Scottish Government data from the Local Financial Return suggests that around a third of education expenditure is ‘centrally managed’. However, the range reported by local authorities is wide and may not fully reflect actual experience, given the likely inconsistencies in the way spending is recorded.

However, national requirements, such as the Scottish Government’s commitment to maintaining the pupil teacher ratio, and local requirements, such as local authority control over the staff employed by the authority and school management structures, mean that, in practice, headteachers appear to have direct control over only a very small proportion of their budgets.

It is clear that DSM schemes are not currently fulfilling their aims and full potential to empower headteachers in their spending decisions.

Chapter 3 considers the challenges presented by the way schools are currently funded, and the principles that will underpin our future approach to funding.

Question 1

- (a) What are the **advantages** of the current system of funding schools?
 - (b) What are the **disadvantages** of the current system of funding schools?
-

Question 2

- (a) What are the benefits to headteachers of the current Devolved School Management schemes?
 - (b) What are the barriers that headteachers currently face in exercising their responsibilities under Devolved School Management? How could these barriers be removed?
-

3. AIMS AND PRINCIPLES: THE CASE FOR CHANGE

3.1 Fair funding principles

The Governance Review consultation proposed that any future approach to funding should:

- **Support excellence and equity** – ensuring every child and young person has the same opportunity to succeed
- **Be fair** – placing the needs of all children and young people at the centre
- **Be simple, transparent and predictable** – ensuring the costs of delivering education can be easily understood and explained and that schools are able to manage and plan ahead with certainty
- **Deliver value for money** – ensuring that every penny spent is used effectively

Responses to the Governance Review were generally supportive of these principles and the principle more generally of supporting excellence and equity through funding. There was some concern about an overly formulaic approach to funding, but support for greater flexibility over funding and budgetary control, for example, in relation to procurement.

A number of other points were made in response to the consultation, for example the need for adaptability to local circumstances and situations, affordability, and the need to ensure that Getting it Right for Every Child (GIRFEC) principles are taken into account in the provision of local services. Some respondents were also concerned that there could be a tension between achieving simplicity and fairness and about the inclusion of value for money as a guiding principle.

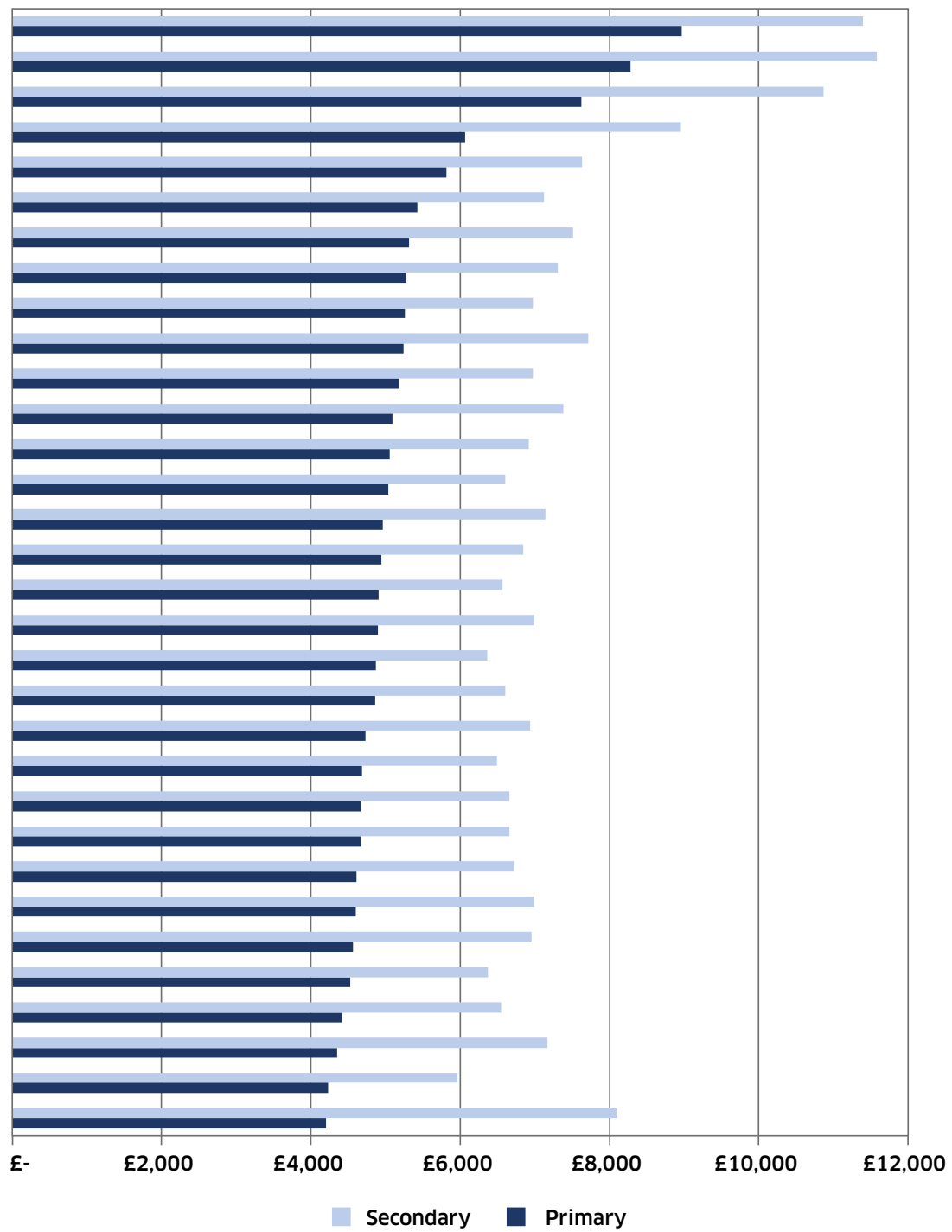
The Scottish Government believes that the current system of funding schools falls some way short of meeting these principles.

3.1.1 Supporting excellence and equity; fairness

Because the allocation of funding in schools is – for the most part – a matter for local authorities, there is wide variation in the amount of spending per pupil between authorities. We recognise that national policy initiatives, in particular the commitment to maintain the pupil teacher ratio, have restricted the extent of this variation to a degree (given that staffing costs generally account for almost 70% of spending) but the available evidence shows that it continues to exist.

For example, Scottish Government figures show that, in 2015-16, the average spend per pupil in Scotland was £4,877 in primary and £6,920 in secondary. However, per pupil spending in primary ranges from £4,200 in one central local authority to £8,968 in one of the island authorities.

Gross Revenue Expenditure per Pupil, by Local Authority, 2015-16



The Accounts Commission in its 2014 report on *School Education in Scotland*¹⁴, found those authorities with more island or rural areas generally spend more per pupil, for a number of reasons, including:

- the lower than average number of pupils in each school;
- the greater population dispersion and therefore distances that pupils have to travel;
- the greater number of primary schools required, leading to higher maintenance and running costs; and
- the difficulty of recruiting permanent and supply teaching staff without offering financial inducements.

That greater need is reflected in the share of funding islands and rural areas receive through the needs-based formulas within the local government settlement.

However, even among urban authorities, there are still large differences in spending per pupil, with those differences mainly influenced by how much is spent on teachers, and the composition of the teaching workforce, which will in part be influenced by the need to maintain the pupil teacher ratio.

This variation suggests that pupils or schools with similar characteristics in different local authority areas may attract very different levels of funding. That is significant given the OECD and Accounts Commission's findings that there is variation in attainment and achievement levels between local authorities and that some schools and local authorities achieve better attainment levels than others with similar socio-economic profiles¹⁵, and the Accounts Commission's finding that the positive impact of funding on attainment could be more significant if it was targeted at those schools and pupils where the need to improve attainment was greatest¹⁶.

However, local authority Devolved School Management Schemes suggest that the majority of education funding is allocated to schools by reference to pupil numbers or the number of teachers required to support the pupil roll, with relatively little funding allocated on the basis of additional needs-based factors such as deprivation, which we know can impact on an individual pupil's likely attainment.

There is also substantial variation in the content and operation of Devolved School Management schemes across Scotland, and in the proportion of education spending allocated for central purposes or delegated to schools. This suggests that there is considerable variation between local authorities in the influence that headteachers have on decisions about spending, and the flexibility they have within the budgets devolved to them.

If we are to create a more equitable system, where we can be sure that funding reflects need and schools are at the heart of decision-making, this variation in approach and outcome across Scotland must be addressed.

14 Accounts Commission (2014) *School Education*
http://www.audit-scotland.gov.uk/uploads/docs/report/2014/nr_140619_school_education.pdf

15 OECD (2015) *Improving Schools In Scotland: An OECD Perspective*
<http://www.oecd.org/education/school/Improving-Schools-in-Scotland-An-OECD-Perspective.pdf>

16 Accounts Commission (2014) *School Education*
http://www.audit-scotland.gov.uk/uploads/docs/report/2014/nr_140619_school_education.pdf

3.1.2 Simplicity, transparency and predictability

The system for allocating funding to schools is complex, opaque, and varies widely between local authorities. While the local government settlement uses a series of defined methodologies for allocating money to local authorities which take account of a wide number of needs-based factors, there is little transparency over the method of allocating funds from local authorities to education, and then to individual schools.

There appears to be substantial variation in how local authorities spend and allocate their education budget, and how they record that spending. Those differences make it difficult for teachers and parents to understand what level of funding their school receives and why, and for local authorities to understand the differences between them and other local authorities. Addressing these issues is important, given the Accounts Commission's findings that *'to ensure services are being provided as efficiently as possible, councils must fully understand the factors influencing their spend per pupil, and how this compares to other councils'*¹⁷ and that it is how local authorities decide to spend their education budget – rather than the overall spend – which has the most impact on attainment levels.

Because of the range of factors that need to be taken into account in funding individual schools, and the services supporting it, no approach to funding can ever be truly simple. Similarly, the specific amount of money that a school will receive in the future can never be entirely predicted, as that will depend on a number of factors, including the local authority's available budget. Nevertheless, these principles are important if we are to fully understand the impact of different spending decisions. The Scottish Government believes that a new approach to funding could go some way towards ensuring greater simplicity, transparency and predictability.

3.1.3 Delivering value for money

Funding must support how education is organised and the Scottish Government's focus on a school and teacher-led system which puts children and young people at the heart of education policy and practice.

While some respondents to the Governance Review expressed some concerns about the inclusion of value for money as a key principle, it is an important driver in ensuring that funding is fair. Value for money is not about cutting costs, but about maximising the impact of each pound spent to improve the outcomes for all children in Scottish education; ensuring the optimal use of resources to achieve the best outcomes, and that our schools are spending effectively. Lack of transparency, variation and the relatively small amounts of funding allocated on the basis of more complex additional need factors, such as rurality or deprivation, means that we cannot currently be sure that funding is being directed to where it is needed most.

The Scottish Government proposes that these principles should be reflected in any future approach to funding.

Question 3

How can funding for schools be best targeted to support excellence and equity for all?

¹⁷ Accounts Commission (2014) *School Education*
http://www.audit-scotland.gov.uk/uploads/docs/report/2014/nr_140619_school_education.pdf

4. FAIR FUNDING: FUTURE APPROACH

The Scottish Government proposes to introduce a new approach to funding for schools which meets the principles set out in Chapter 3, reflects the ambitious reforms set out in *Next Steps*, and supports improved outcomes for all our young people.

Next Steps sets out specific proposals for reform in order to create an education system that:

- is centred around children and young people;
- is school and teacher-led;
- focusses on the quality of teaching and learning;
- supports leadership; and
- has a relentless focus on improvement.

School funding needs to reflect and support the greater devolution of responsibility to headteachers described in that paper.

As set out in Chapter 1, the Scottish Government does not intend to develop a fixed national funding formula.

However, school funding needs to be more transparent and better targeted to need, and to reflect the new, enhanced role of headteachers. This chapter therefore seeks views on two possible approaches to achieving those aims: by enshrining a national approach to the devolution of funding within the new Headteachers' Charter; and/or through increased targeting of elements of funding, building on the Pupil Equity Funding approach.

4.1 Enshrining a national approach to the devolution of funding within the new 'Headteachers' Charter'

Headteachers' Charter

Next Steps sets out the Scottish Government's intention to legislate to create a Headteachers' Charter which will be developed in partnership with the profession. The intention is to invest in the leadership of schools and support empowered headteachers to raise attainment and close the attainment gap, within a strong national framework.

Headteachers will:

- be the leaders of learning in their schools;
- be supported through a revolutionised offer of support and improvement;
- be responsible for raising attainment and closing the poverty-related attainment gap;
- deliver quality and improvement at school level;
- select and manage the teachers and staff in their school;
- decide on school management and staffing structure, including business managers;
- decide on curriculum content and offer;
- work with partners, including local authority support staff and others, to meet learners' additional support needs at school level;
- collaborate for school improvement at school, cluster and regional level;
- lead self-evaluation and improvement of school performance;
- monitor school progress and reporting; and
- manage defined and greater proportions of school funding.

Fair Funding

In addition to devolving the maximum amount of funding to schools, the Charter could also provide for a Scotland-wide approach to funding allocation, incorporating within it a standardised approach to school funding.

Building on existing best practice, such an approach could retain flexibility in decision-making to reflect local circumstances, while mandating and bringing consistency and transparency across Scotland to:

- the proportion of funding to be allocated directly to schools;
- the proportion of funding to be allocated to particular areas of spending;
- the way in which funding responsibilities are held and shared between schools, local authorities, regional improvement collaboratives and others;
- the decisions that local authorities take in allocating funding to schools, by bringing consistency to the formulas they use and the factors they take into account in allocating budgets, reflecting need and overarching policy aims;
- the financial role and responsibilities of headteachers; and
- the training and support headteachers can expect to receive from local authorities and regional improvement collaboratives.

Implementation

As all local authorities are currently obliged to have a Devolved School Management scheme, this approach would be unlikely to require the development of any new bespoke delivery mechanisms, although there may be some administrative impacts in some local authorities if the changes are a significant departure from current practice.

Next Steps makes it clear that we will transform the level of clear, practical support for headteachers at a regional level to ensure they have all of the help and advice they need to improve the curriculum, learning, teaching and assessment. Similarly, substantially increased devolution of funding responsibility would need to be accompanied by increased support to headteachers, for example, a greater role for business managers and potentially new financial procedures. The Scottish Government would ensure that headteachers have the support necessary to enable them to have the skills and confidence to grasp the opportunities that such a change would bring. This approach would potentially also require the development of new accountability mechanisms and some transitional arrangements to ensure smooth transition to a new system.

A thorough process would be undertaken to agree the content of a Scotland-wide approach to devolving funding to headteachers. That would be taken forward by the Scottish Government, in conjunction with teachers and local government partners.

Benefits

A consistent, national approach to funding through the Headteachers' Charter could achieve a fair and more transparent allocation of resources by ensuring funds are allocated in an optimum and consistent way, based on need, and in accordance with overarching policy aims. It could support more empowered schools, but headteachers would have to have the ability to choose the staffing mix and management structure within their schools, which could have implications for the national pupil teacher ratio. This potential implication for national government is acknowledged in *Next Steps*. We will discuss with partners, including professional associations and parents, how we develop the right balance between national priorities and local flexibility as we move to a more empowered system.

This approach could provide clarity over the way that local authorities fund schools, by providing for minimum spending levels in certain areas of the budget, based on a formula,

and could help to promote greater stability in funding, allowing headteachers to plan for the longer term. It would use a familiar method of doing so as its basis (DSM), ensuring the retention of flexibility to meet local circumstances.

Such an approach fits well with the Accounts Commission's finding that it is how local authorities decide to spend their education budget that has most impact on attainment levels. A Headteachers' Charter could mandate some elements of spend, based on proven examples of what works.

This approach would promote equity within local authorities by ensuring the funding was allocated on a fair basis, and between authorities, by ensuring minimum spends as a proportion of budget. Without some direction on the amount of funding to be allocated to education, however, it would be difficult to achieve 'horizontal' equity, whereby similar schools in different local authorities receive similar amounts of funding. Care would also have to be taken to ensure that, in ensuring consistency and transparency, headteachers and schools were not constrained or disadvantaged.

Question 4

- (a) What elements of school spending should headteachers be responsible for managing and why?
- (b) What elements of school spending should headteachers **not** be responsible for managing and why?
- (c) What elements of school spending are not suitable for inclusion in a standardised, Scotland-wide approach and why?

4.2 Increased targeting of elements of funding, building on the approach taken to Pupil Equity Funding (PEF)

Overview

An alternative approach – or one that could be used in conjunction with the approach set out above – would be to build on the approach currently being taken in relation to Pupil Equity Funding. Under this approach, more funding would be targeted directly to schools in relation to specific need factors known to impact on performance and outcomes.

The current system for funding schools would be largely retained with this approach, but a greater proportion of funding would be allocated in this way, directly to schools, and potentially also school clusters and regional improvement collaboratives, to support particular needs and policy aims. As with the PEF approach, the headteacher would be responsible for decisions on spending, within national guidance, but overall accountability would be likely to remain with the local authority, through which the funding would be directed.

The PEF is currently allocated on the basis of known entitlement to Free School Meals. Under this approach, funding could be allocated on a formulaic basis dependent on the purpose for which it was being provided. It could take into account a wider range of factors aligned with policy goals in addition to deprivation, and could be adapted flexibly to support particular parts of the education system or particular policy aims and priorities.

Implementation

This approach could build on delivery mechanisms, procedures, principles and evaluation which are already or currently being put in place through the PEF (set out in 2.2.4). However, allocating a larger amount of funding in this way would require a thorough review to: identify various aspects of need and how they are currently met in Scotland; develop and agree methodologies for measuring and distributing funding; develop clear guidance for schools; and to develop and maintain monitoring and accountability measures reflecting governance arrangements. That review would be taken forward by the Scottish Government, in conjunction with teachers and local government partners.

Substantially increased devolution of funding responsibility would need to be accompanied by increased support to headteachers, for example, a greater role for business managers and new financial procedures. Depending on the proportion of funding allocated directly to headteachers, this approach might also require the development of potentially new accountability mechanisms.

Benefits

Aligning more funding with particular need or policy aims in this way could provide better targeting of resources towards those pupils who are in greatest need, regardless of which local authority they reside in. In this respect, it could do much to address the consequences of apparent variations in the current system and achieve value for money. This approach also aligns well with a Centre for Economic Performance finding that increases in resourcing are usually more effective for disadvantaged pupils and/or schools¹⁸.

This approach would also strengthen school and teacher leadership by allowing teachers greater control over resources, and would improve the transparency of a greater proportion of school funding. However, it is considerably more limited in scope than the Headteachers' Charter approach, which would ensure maximum devolution of funding responsibility to headteachers.

Question 5

- (a) What would be the **advantages** of an approach where the current system of funding schools is largely retained, but with a greater proportion of funding allocated directly to:
 1. Schools;
 2. Clusters; or
 3. Regional Improvement Collaboratives?
- (b) What would be the **disadvantages** of an approach where the current system of funding schools is largely retained, but with a greater proportion of funding allocated directly to:
 1. Schools;
 2. Clusters; or
 3. Regional Improvement Collaboratives?

¹⁸ Gibbons, S and McNally, S (2013) *The Effects of Resources Across School Phases: A Summary of Recent Evidence*, Centre for Economic Performance Discussion Paper No. 1226

Question 6

The Scottish Government's education governance reforms will empower headteachers to make more decisions about resources at their school. What support will headteachers require to enable them to fulfil these responsibilities effectively?

Question 7

What factors should be taken into account in devising accountability and reporting measures to support greater responsibility for funding decisions at school level?

Question 8

Do you have any other comments about fair funding for schools?

SUMMARY OF QUESTIONS AND RESPONDENT INFORMATION FORM

Question 1

- (a) What are the **advantages** of the current system of funding schools?
- (b) What are the **disadvantages** of the current system of funding schools?

Question 2

- (a) What are the benefits to headteachers of the current Devolved School Management schemes?
- (b) What are the barriers that headteachers currently face in exercising their responsibilities under Devolved School Management? How could these barriers be removed?

Question 3

How can funding for schools be best targeted to support excellence and equity for all?

Question 4

- (a) What elements of school spending should headteachers be responsible for managing and why?
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Education Governance:

Fair Funding to Achieve Excellence and Equity in Education – A Consultation

RESPONDENT INFORMATION FORM

Please Note this form **must** be completed and returned with your response.

Are you responding as an individual or an organisation?

- ☐ Individual
- ☐ Organisation

Full name or organisation's name

Phone number

Address

Postcode

Email

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- ☐ Publish response with name
- ☐ Publish response only (without name)
- ☐ Do not publish response

Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

- ☐ Yes
- ☐ No



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**Anti Fraud and Corruption, and Anti Bribery Policies
Report by the Internal Audit Manager****1 Purpose of Report**

The purpose of this report is to present the Anti Fraud and Corruption Policy and Strategy and Anti Bribery Policy to the Cabinet for approval.

2 Background

- 2.1 Midlothian Council has well established anti-fraud related policies. The Internal Audit Section, with assistance from Legal and Human Resources, undertake regular reviews of these policies, updating for any new national guidance. Over recent years, CIPFA have published a code of practice on 'Managing the Risk of Fraud and Corruption' and 'Fighting Fraud and Corruption Locally' and there have been publications from the Scottish Government including 'Scotland's Serious Organised Crime Strategy'. The Council's policies have been updated to reflect these new guides as detailed below. The updated policies have been presented to CMT and the Audit Committee and have been discussed with the Trade Unions.

3 Main updates to Policies**3.1 Anti Fraud and Corruption policy**

The main updates to this policy include: updating in line with the CIPFA Code of Practice on Managing the Risk of Fraud and Corruption; to reflect the transfer of responsibility for investigating housing benefit fraud to the Single Fraud Investigation Service of the Department for Work and Pensions; and the establishment of the Corporate Fraud team within Internal Audit. Reference has also been made to the Council's Integrity Group, joint working and data sharing arrangements.

3.2 Anti Bribery Policy

Following a recommendation by CIPFA in the Code of Practice on Managing the Risk of Fraud and Corruption, the anti-bribery sections of the Anti Fraud and Corruption Policy and Strategy now form a stand-alone policy. In addition, an anti-bribery procedure (Appendix 3) has been produced requiring services to carry out an annual risk assessment on the Service area's vulnerabilities to bribery.

4.1 Resource

There are no direct resource implications arising out of this report.

4.2 Risk

The report directly addresses the Council's exposure to fraud risk and details the Council's key policies designed to counteract these risks.

4.3 Single Midlothian Plan and Business Transformation

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

4.4 Key Priorities within the Single Midlothian Plan

Although this report does not relate directly to the key priorities within the Single Midlothian Plan, by preventing and detecting fraud, additional resources may be available to support the Council's objectives.

4.5 Impact on Performance and Outcomes

The Council's performance and outcomes will be improved by preventing and / or detecting fraud.

4.6 Adopting a Preventative Approach

Having a robust fraud prevention strategy contributes to safeguarding the Council's financial resources and delivery of services.

4.7 Involving Communities and Other Stakeholders

The policies have been reviewed by Human Resources with the Anti Bribery policy and procedure also having been reviewed by Legal Services. The Policies have been discussed with Trade Union Representatives and have also been submitted to the Council's Integrity Group for discussion.

4.8 Ensuring Equalities

There are no equalities issues with regard to this report.

4.9 Supporting Sustainable Development

Having anti-fraud related policies in place reduces the risk of threats to sustainable development.

4.10 IT Issues

There are no IT issues with regard to this report.

5 Summary

The Council's Anti Fraud and Corruption policy has been updated and a separate Anti Bribery policy has been developed in accordance with current best practice.

6 Recommendations

Cabinet is invited to:

1. endorse the updates to the Anti Fraud and Corruption, and Anti Bribery policies attached to this report

Date 25 July 2017

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Appendices:

Appendix 1 – Anti Fraud and Corruption Policy

Appendix 2 – Anti Bribery Policy

Appendix 3 – Anti Bribery Procedure



ANTI FRAUD AND CORRUPTION POLICY AND STRATEGY

CONTENTS

1. Introduction
2. Definitions
3. Policy Statement
4. Strategy – Deterrence and Prevention
5. Fraud Response Plan
6. Recovery and Criminal Proceedings
7. Associated Polices
8. Conclusion

1. INTRODUCTION

- 1.1 In accordance with the principles of good corporate governance in administering public funds, Midlothian Council is fully committed to an effective Anti Fraud and Corruption Policy.
- 1.2 The Council's Anti Fraud and Corruption Policy details how the Council:
- promotes an anti-fraud and anti corruption culture among elected Members, employees and the public;
 - deters and prevents fraud and corruption;
 - detects and investigates fraud and corruption; and
 - recovers and insitgates criminal proceedings
- 1.3 National trends indicate that fraud related losses can equate to around 3% of expenditure. Any loss of funds due to fraud and corruption may impact on the ability of Midlothian Council to achieve its priorities which for the next 3 years are:
- reducing inequalities in the health of our population;
 - reducing inequalities in the outcomes of learning in our population; and
 - reducing inequalities in the economic circumstances of our population.

2. DEFINITIONS

2.1 Fraud:

The Accounts Commission for Scotland describes fraud as the use of deception with the intention of obtaining private gain, avoiding an obligation or causing loss to another party. Fraud can be used to describe a wide variety of dishonest behaviour such as forgery, false representation and the concealment of material facts. The fraudulent use of Information and Communication Technology (ICT) resources is included in this definition, where its use is a material factor in carrying out a fraud.

Examples of Fraud include, but are not limited to:

- distorting or concealing both financial and non-financial information;
- knowingly and intentionally obtaining or attempting to obtain benefits to which there is no entitlement;
- falsification or alteration of accounting records or other documents;
- misappropriation of assets or theft;
- suppression or omission of the effects of transactions from records or documents;
- recording incorrect information eg time records that do not reflect actual hours worked; and
- wilful misrepresentation of transactions or of the Council's state of affairs which may involve the misuse of funds or other resources, or the supply of false information.

2.2 Corruption:

Corruption is the unlawful offering, giving, soliciting or acceptance of an inducement or reward which could influence the actions taken by the Council, it's Elected Members or its employees. This also applies to business partners where a relationship is in place for them to undertake duties on behalf of the Council. Corruption can also include bribery and is not entirely removed from fraud as offences may overlap between them.

Examples of Corruption include, but are not exclusive to:

- disclosure of Information;
- using a position of authority inappropriately;
- altering contracts or official forms;
- misuse of IT systems;
- falsifying records; and
- making purchases of goods or services which are unnecessary or excessive

3. POLICY STATEMENT

- 3.1 The Council has adopted a local [Code of Corporate Governance](#) which can be viewed on the Council's website or on the intranet. The adoption of the Code demonstrates a commitment to the fundamental principles of good corporate governance, namely openness and inclusivity, integrity and accountability.
- 3.2 The Council is determined that the prevailing culture is one of honesty and integrity and is opposed to all aspects of fraud and corruption.
- 3.3 There is an expectation and obligation that all individuals and organisations associated with the Council will act with integrity and that, in this context, Elected Members and employees will lead by example.
- 3.4 Elected Members are subject to the Councillors' Code of Conduct as issued by the Scottish Ministers under the Ethical Standards in Public Life etc (Scotland) Act 2000. Elected Members are made fully aware of the terms of the Code as part of the initial induction process. Breaches of the Code by any Elected Member may give rise to a complaint to the Standards Commission for Scotland.
- 3.5 The Council has an Employee [Code of Conduct](#) which sets out the minimum standards of conduct and behaviours expected at work. The Disciplinary Procedure provides examples of behaviour considered gross misconduct, and this includes theft, fraud or any other act of dishonesty.
- 3.6 Midlothian Council is fully committed to the prevention, deterrence and detection of bribery and upholding all relevant laws, including the Bribery Act 2010. A separate Anti Bribery Policy has been created and this sets out a framework to enable the Council's employees and those that the Council has

dealings with to understand and implement arrangements to ensure compliance with the Bribery Act 2010.

- 3.7 Council employees are important elements in the stance against fraud and corruption and have a duty to raise any concerns they may have on these issues which impact on the Council's activities. This may be achieved by reporting through the Council's Whistle Blowing - Public Interest Disclosure Policy which makes specific provision for whistle blowing (i.e. the right to raise concerns by employees within the terms of the Public Disclosure Interest Act 1998 without fear of victimisation for doing so). As a first step, disclosures should normally be raised with the Internal Audit Manager but where disclosures are made to Management, Heads of Service, Directors or the Chief Executive then these officers must also inform the Internal Audit Manager.
- 3.8 Members of the public are positively encouraged to raise any concerns they may have on fraud and corruption issues which impact on the Council's activities. This may be achieved by reporting concerns via the Council's website via "[Report/ Fraud, corruption and whistleblowing](#)", by clicking on the [link](#) or by contacting Internal Audit directly (see contact details under 5.3).
- 3.9 The types of allegations or suspicions which should be reported for investigation fall into the broad categories in the list below (this is for guidance and is not exhaustive and further advice on any matter can be sought from Internal Audit).

Allegations or suspicions in relation to theft, misappropriation or misuse of:

- assets, cash, stores, other property or contracts of the Council or where there is a funding relationship with the Council;
- cash, property or other belongings of an employee, where suspicion falls on another Council employee.

and also:

- a criminal offence (e.g. fraud, stealing from the Council, fraudulently claiming wages, theft from clients);
- failure to comply with any legal obligation (e.g. the statutory obligation to provide a certain level of care is deliberately ignored);
- miscarriage of justice;
- conduct by officers of the Council or Elected Members which is unlawful or in breach of the Council's Standing Orders, Financial Regulations, Employee Code of Conduct or other policies;
- corruption or bribery;
- concerns over child protection / the protection of vulnerable adults;
- danger to the health and safety of an individual;
- danger to the environment; or
- deliberate concealment of any of the above.

4. STRATEGY - DETERRENCE AND PREVENTION

- 4.1 The Local Government (Scotland) Act 1973 specifies that every local authority must make proper arrangements for the administration of its financial affairs. Accordingly, the Council has adopted Financial Regulations and Financial Directives which provide the framework for managing its financial affairs.
- 4.2 The Act provides that each Council must appoint a 'Proper Officer' with responsibility for the administration of its financial affairs (i.e. the s95 Officer). The Council has resolved that the 'Proper Officer' is the Head of Finance and Integrated Service Support and they work with other senior managers and Internal Audit in developing the anti-fraud and corruption culture. The Head of Finance and Integrated Service Support is also the Council's nominated Anti-Money Laundering Officer.
- 4.3 The Act also specifies that local authorities must make Standing Orders with respect to contracts for the supply of goods or materials and the execution of works. The Council has adopted Standing Orders for contracts (Standing Order 20) which ensure that uniform contracting procedures of the highest standard are laid down for use throughout the Council.
- 4.4 The Council has set up an Integrity Group which considers the risk of fraud and corruption in key areas together with the risk of Serious and Organised Crime within Midlothian. The Director, Resources is the chair for the group and has responsibility for overseeing the Council's compliance with the provisions of this policy.
- 4.5 The Council has a Procurement Policy and Procedures Manual which standardises the methods of procurement within the Council. These are mandatory for all Council employees involved in procurement. A central record of activity across the Council (Tenders, Quotations and Contracts Registers) is held by the Procurement Manager.
- 4.6 The Council has established an Audit Committee which reviews and monitors the following areas of corporate governance:
- reviewing and promoting the Council's system of internal control, aimed at ensuring that the Council's activities are carried out in an efficient and controlled manner, and that its assets are safeguarded;
 - evaluation of the Council's control environment, including measures to prevent and detect fraud;
 - evaluation of the Council's risk management framework including regular reviews of the Council's high risks and corporate risk register; and
 - scrutiny of the Anti Fraud and Corruption Policy.
- 4.7 Internal Audit has a Corporate Fraud team which comprises 2 Accredited Counter Fraud Specialist officers. This team provides support to services in preventing and detecting instances of fraud. This support includes providing

anti-fraud training and advice, conducting enquiries on behalf of services and carrying out investigations.

- 4.8 It is important to stress that the responsibility for the prevention and detection of fraud and corruption rests with management, and to this end the Council's managers have developed systems and procedures which incorporate efficient and effective internal controls. These systems contribute towards the prevention of fraud and corruption by ensuring that there are sound arrangements to control the following:
- the legitimacy of expenditure;
 - the security of assets and income;
 - the reliability of management information;
 - the accuracy of financial and other records; and
 - compliance with statutory requirements including the Bribery Act 2010.
- 4.9 The existence, appropriateness and effectiveness of these internal controls are independently monitored on a planned basis by Internal Audit which undertakes a series of systems and risk based audits on the basis of a predetermined annual audit plan which is approved by the Audit Committee. The Corporate Fraud work plan may be changed 'in year' to focus on new or emerging fraud threats identified as part of information sharing and intelligence.
- 4.10 Internal Audit carry out follow up reviews to ensure that control weaknesses have been addressed.
- 4.11 Every year, each Head of Service is required to undertake an annual self assessment of their area of responsibility using an assurance template and within this they are required to confirm whether all risks and controls relating to fraud are detailed in appropriate risk registers and that all officers are aware of the Council's policies on fraud and corruption.
- 4.12 The Council works with other Local Authorities and Enforcement Agencies, including Police Scotland to deter and detect fraud and corruption, sharing data across departments and agencies where appropriate. It participates in the National Fraud Initiative which is undertaken every 2 years.
- 4.13 The Council undertakes appropriate recruitment vetting of all employees prior to employment to prevent potentially dishonest employees from being appointed.

5. FRAUD RESPONSE PLAN

- 5.1 Where any matter arises which involves, or is thought to involve, a fraud, corruption or financial irregularity, the relevant Head of Service / Director must immediately notify the Internal Audit Manager for consideration of appropriate action. Managers must only establish the basic facts of the suspicion and should not attempt to carry out any detailed investigation themselves.
- 5.2 Good advice at an early stage is the key step to achieving a successful outcome when fraud or corruption is suspected. Investigations that are badly handled can lead to potential prosecutions failing. The Council provides mechanisms for members of the public and employees to contact the Internal Audit Manager to report any suspected frauds, corruption and irregularities.
- 5.3 This can be done in a number of ways, including:
- Use of the e-mail link InternalAudit@midlothian.gov.uk;
 - Telephone the Internal Audit team on 0131 271 3572;
 - Write a confidential letter to the Internal Audit Manager: Midlothian Council, Fairfield House, 8 Lothian Road, Dalkeith, Midlothian. EH22 3AA;
 - Fill out a report (anonymously if desired) via the Council's website via "[Report/ Fraud, corruption and whistleblowing](#)";
 - Book a confidential appointment with the Internal Audit Manager on 0131 271 3517 or 3285; and
 - If the concern is about an Elected Member of the Council, the individual may wish instead to exercise their right to contact the Standards Commission for Scotland website: <http://www.standardscommissionscotland.org.uk/>. The individual may wish to inform the Internal Audit Manager of this course of action.
- 5.4 Where the Internal Audit Manager is satisfied that a matter will be investigated appropriately, the responsibility can be discharged to the Service.
- 5.5 Where the nature of the investigation requires specialist skills, a degree of independence, or the investigation is of a scale which cannot be managed by the Service, Internal Audit will reserve the right to carry out the investigation. This will include investigations where initially it has been agreed to allow the Service to do the preliminary work. It may on occasion be appropriate for Internal Audit not to pass information and evidence of fraud to the Service at an early stage.
- 5.6 The investigation, undertaken by Internal Audit, will:
- establish the facts as far as possible, including any criminal or disciplinary matters;
 - identify any control weaknesses and recommend control improvements, where required;
 - provide management with a written, factual report into the incident; and
 - record information for fraud statistics.
- 5.7 A summary of all reported suspicions will be presented to the Audit Committee and External Audit on an annual basis by the Internal Audit Manager.

Significant matters will be reported to the Audit Committee as soon as is reasonably practicable.

- 5.8 Investigations into suspected wrongdoing of employees will be investigated within the standards and provisions set out in the relevant Disciplinary Procedure. Advice can be sought from OD/HR Services.
- 5.9 The Senior Auditor, Internal Audit is responsible for planning and coordinating the Council's participation in the National Fraud Initiative which is a comprehensive data matching exercise between public sector bodies to highlight potential frauds in a number of areas for example Housing Benefits, Payroll, Social Care, Blue Badges, Housing Tenancies, Insurance etc.
- 5.10 Where appropriate, the Council co-operates with other local authorities and public sector bodies in the prevention, detection and investigation of fraud and corruption.
- 5.11 The Council has protocols in place to facilitate joint working and data and intelligence sharing to support counter fraud activity.

6. RECOVERY AND CRIMINAL PROCEEDINGS

- 6.1 Where the investigation reveals that criminal activity appears to have taken place, the Internal Audit Manager, in consultation with the relevant Director, will determine whether the matter should be referred to Police Scotland. The Council will always seek to prosecute cases where criminality has been identified.
- 6.2 Where an incident involves a break-in or theft, staff should automatically report the incident to Police Scotland for investigation and without delay. Following this, the incident must be reported to the Internal Audit Manager.
- 6.3 Where a fraud, corrupt act or irregularity is material, consideration is also given to recovering losses in a civil court. The relevant Director, in consultation with the Internal Audit Manager and the Legal Services Manager will determine whether action should be taken to recover any monies lost. In determining whether such action shall be taken, due account will be taken of all the salient factors, such as:
 - the amount of the loss;
 - the costs of any recovery action; and
 - the prospects of successful recovery of the sums lost.
- 6.4 As well as the possibility of civil and criminal prosecution, any employee that breaches this policy will face action in accordance with the Council's Disciplinary procedures which could result in dismissal for gross misconduct.
- 6.5 The Council will publicise all successful fraud and corruption prosecutions as a deterrent to potential fraudsters and to demonstrate its commitment to protect

public monies. This decision is made by the Chief Executive, in liaison with the relevant Director.

7. ASSOCIATED POLICIES

7.1 The following policies should be read in connection with this policy:

- Anti Bribery Policy;
- Anti Money Laundering Policy;
- Whistle Blowing – Public Interest Disclosure Policy;
- Information and Communication Technology Policy;
- Employee Code of Conduct; and
- Disciplinary Procedure

8. CONCLUSION

8.1 The Council has in place a clear set of systems and procedures to assist it in combating the constant threat of fraud and corruption. The Council is determined that these arrangements will be regularly reviewed to ensure that they keep pace with best practice in relation to fraud and corruption prevention and detection.

8.2 The Council maintains a continuous overview of existing systems of control, as well as reviewing on a regular basis all relevant policies, procedures and regulations.

Version Control	
Compiled March 2006	Approved by CMT - April 2006 Approved by Cabinet - May 2006 Presented to Standards Committee
Updated November 2008	Submitted to Cabinet for approval – December 2008
Updated November 2010	Submitted to Audit Committee for scrutiny – December 2010
Updated December 2011	To include reference to the Bribery Act 2010
Updated November 2012	To include reference to the Local Government Fraud Strategy Inclusion of a Fraud Response Plan Creation of a separate Public Interest Disclosure Policy Approved by CMT – December 2012 Submitted to Audit Committee for scrutiny – December 2012
Updated December 2016	Amended to comply with CIPFA guidelines



ANTI-BRIBERY POLICY

CONTENTS

1. Introduction
2. Scope
3. Council's Commitment
4. What is Bribery?
5. What is the Council's Position on Bribery?
6. Preventing Bribery – Adequate Procedures
7. Employee Responsibilities
8. Consequences of Improper Behaviour
9. Review

1 Introduction

- 1.1 Midlothian Council is fully committed to the prevention, deterrence and detection of bribery and upholding all relevant laws, including the Bribery Act 2010.
- 1.2 Bribery is a criminal offence and is unacceptable in any form and will lead to disciplinary action against employees where allegations are substantiated. The Council operates a zero tolerance approach to bribery.
- 1.3 This Policy sets out a framework to enable the Council's employees and those that the Council has dealings with to understand and implement arrangements to ensure compliance with the Bribery Act 2010.
- 1.4 This Policy should be read in conjunction with the Council's Anti Fraud and Corruption Policy and Strategy, Anti Money Laundering Policy, Employee Code of Conduct (which contains reference to Gifts and Hospitality) and the Whistle Blowing – Public Interest Disclosure Policy.
- 1.5 This Policy and the associated Procedure (Appendix 4) provide information and guidance for employees on how to prevent, recognise and deal with bribery.
- 1.6 The Audit Committee, Cabinet and Corporate Management team have been involved in the production and approval of the Anti Bribery Policy and there is therefore Elected Member and Senior Management commitment and endorsement of these.

2 Scope

- 2.1 This policy applies to all Council activities. For partners, joint ventures and suppliers we will seek to promote adoption of policies consistent with the principles set out in this policy.
- 2.2 This Policy applies to all Council employees, including all levels and grades, those permanently employed, fixed term, on secondment from another organisation, casual and agency staff. It also applies to contractors, agents, volunteers and consultants with which the Council has dealings.

3 Council's Commitment

- 3.1 Midlothian Council commits to:
 - setting out a clear anti-bribery policy and keeping this up to date;

- making all employees and others within the scope of paragraph 2 aware of their responsibilities to adhere strictly to this policy at all times;
- provide a channel for all employees to report suspected breaches of this policy; and
- include, where appropriate, clauses in contracts to prevent bribery.

4 What is Bribery?

4.1 Bribery is an inducement or a reward offered, promised or provided to gain personal, commercial, regulatory or contractual advantage.

4.2 Offences under The Bribery Act 2010 are:

Individual offences

- Section 1 - bribery of another person, offering an advantage (financial or otherwise) to another person in return for beneficial treatment.
- Section 2 - accepting a bribe, receiving or requesting an advantage (financial or otherwise) from another person in return for beneficial treatment.
- Section 6 - bribing a foreign official.

Corporate offence

- Section 7 - allowing an associated person to bribe another person (ie failure by an organisation to prevent bribery). An associated person can be an employee or a contractor providing a service on behalf of the Council.

4.3 The maximum penalty for individuals under the Act is 10 years imprisonment and /or unlimited fines. Failure by an organisation to prevent bribery carries an unlimited fine.

5 Preventing Bribery – Adequate Procedures

5.1 An organisation will have a statutory defence against prosecution under section 7 bribery offences if it puts into place 'adequate procedures' designed to prevent bribery. Ultimately it will be for a court to decide whether these procedures are adequate.

5.2 Midlothian Council's procedures to prevent bribery are attached at Appendix 4.

5.3 These procedures will be applied by all Services in all dealings proportionally based on the level of risk.

6 Employee Responsibilities

- 6.1 Employees must ensure they read, understand and comply with this policy.
- 6.2 The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all employees working for the Council.
- 6.3 Employees should raise any concerns as soon as possible if they believe or suspect that a breach of this policy has occurred or may occur in the future. These concerns should be raised in line with the Council's Whistle Blowing-Public Interest Disclosure Policy.

7 Consequences of Improper Behaviour

- 7.1 All allegations relating to bribery or corrupt practices will be investigated by the Council.
- 7.2 In all circumstances where it is considered that a criminal offence may have been committed, the Council will notify Police Scotland.
- 7.3 The Council will seek, wherever possible, to recover any losses suffered as a result of an act of bribery or corruption.
- 7.4 As well as the possibility of civil and criminal prosecution, employees that breach this policy will face action in line with the Council's Disciplinary Procedures which could result in dismissal for gross misconduct.

8 Gifts and Hospitality

- 8.1 This policy does not change the requirements relating to Gifts and Hospitality currently contained in the Employee Code of Conduct.
- 8.2 Gifts, offers of hospitality or favours from or to a third party, a contractor, client or partner organisation of the Council are capable of being perceived as constituting a bribe.
- 8.3 Employees and their family members should never accept or offer a gift, hospitality, favour or any other form of inducement which may influence or be perceived as influencing actions or decisions related to their job.

9 Review

- 9.1 This policy and associated procedures will be reviewed periodically and at least every three years to reflect organisational changes, best practice, operational experience and legislative updates in order to maintain its effectiveness and compliance with the Bribery Act 2010.

ANTI-BRIBERY PROCEDURE

Contents

1. Introduction
2. The Bribery Act 2010
3. Top level commitment and responsibility for bribery prevention measures
4. Carry out a risk assessment
5. Put in place proportionate bribery prevention measures
6. Review due diligence measures
7. Communication and training
8. Monitoring and review

1 Introduction

This procedure is intended to provide guidance for assessing and mitigating the risk of Bribery and should be read in conjunction with the Council's Anti Bribery Policy and Anti Fraud and Corruption Policy and Strategy.

2 The Bribery Act 2010

- 2.1 The Bribery Act 2010 came into force on 1 July 2011 and under the Act the Council must ensure that there are adequate procedures in place to prevent bribery by employees, or of persons associated with the Council. This includes anyone who performs services for or on behalf of the Council including permanent employees, temporary employees, agency staff, contractors and third sector partners.
- 2.2 Failure to comply with the requirements of the Act could result in imprisonment and / or unlimited fines.
- 2.3 Guidance on the content of Bribery procedures has been produced by the Ministry of Justice and this includes the need for procedures based on the following six principles:
 - Top Level Commitment
 - Risk Assessment
 - Proportionate Procedures
 - Due Diligence
 - Communications
 - Monitoring and Review
- 2.4 These six principles have been used to develop these procedures but are not prescriptive and are intended to be flexible with outcomes focussed on allowing for the different circumstances of each Service area.

3 Top level commitment and responsibility for bribery prevention measures

The Audit Committee, Cabinet and Corporate Management team have been involved in the production and approval of the Bribery Prevention Procedures and there is therefore Elected Member and Senior Council Management commitment and endorsement of these.

- 3.1 The Council's Monitoring Officer has overall corporate responsibility for these policies and procedures and ensuring that the Council complies with the Bribery Act 2010.
- 3.2 Individual Services must appoint an officer within their Service area for developing and monitoring bribery prevention procedures and for providing copies of these procedures to the Council's Monitoring Officer.

4 Carry out a Risk Assessment

- 4.1 All Services must carry out a risk assessment on the Service area's vulnerabilities to bribery. This should highlight areas where effort needs to be focussed and ensure that procedures are proportionate to the risks faced by the Council.
- 4.2 This risk assessment must be carried out at least annually and should be incorporated into the Risk Management process and included in each Service's risk register.

5 Put in place proportionate bribery prevention measures

- 5.1 Having identified any relevant areas of risk, Services must put in place adequate measures and controls that address the potential areas for bribery. These need to be applied proportionately based on the level of risk identified through the risk assessment.
- 5.2 These measures should be reviewed on a regular basis to ensure they are effective, especially if new practices or business arrangements are put in place, which may impact on the Council's ability to continue to comply with the Bribery Act 2010 and any relevant guidelines.

6 Due Diligence Measures

- 6.1 Due diligence involves assessing a proposed or existing business relationship or transaction, and ensuring any risk of bribery is mitigated by putting in place appropriate procedures and checks where the risk assessment has highlighted the risk of bribery.
- 6.2 These procedures should include checking that the businesses or people with whom we work with are trustworthy, solvent and have a good reputation for doing

business (through for example, enquiries with business contacts, review of the intranet, review of CVs of agents, financial statements, references etc).

- 6.3 Where procedures or checks are already in place to do this (e.g. tendering processes) managers and employees must ensure that all steps outlined in the process are followed correctly and completed fully.
- 6.4 Services should carry out and fully document these due diligence checks to satisfy themselves that any risk is mitigated and to provide an audit trail of the work undertaken to achieve this.

7 Communication and Training

- 7.1 Services should ensure that the Council's position on bribery is clearly communicated to all employees, including those on permanent and fixed term contracts; those on secondment from other organisations; casual workers; and agency staff; and to any external parties with whom the Council has dealings including contractors and third sector partners. In addition, the policy and procedure will be drawn to the attention of all tenderers for Council contracts.
- 7.2 Services need to determine the best way to communicate the policy and procedures on anti-bribery which will depend on the nature and locations of the Service, and the level of risk identified through the risk assessments.
- 7.3 Possible methods include induction training, team briefings, emails / letters from Service Directors and should include specific training in areas identified as high risk.
- 7.4 Services also need to consider how they communicate the policy and procedures to any third parties and partner organisations.
- 7.5 The policy and procedure will be published on the Council's website.

8 Review

- 8.1 The procedure and associated policy will be reviewed periodically and at least every three years to reflect organisational changes, best practice, operational experience and legislative updates in order to maintain its effectiveness and compliance with the Bribery Act 2010.

**Objections to Proposed Traffic Regulation Order
School Streets Lasswade Primary School****Report by Ricky Moffat, Head of Commercial Operations****1 Purpose of Report**

The purpose of this report is to update Cabinet on the response to consultations and advertising of a proposed Traffic Regulation Order for the introduction of School Streets (banning most driving at times, with some exemptions) around Lasswade Primary School. The Council is invited to consider objections, and to seek approval for making the Order

2 Background

- 2.1 At its meeting of 28 June 2016 Council agreed to support the introduction of 'School Streets' at Kings Park Primary, Dalkeith, and Lasswade Primary, Bonnyrigg. Following this decision, informal consultation was carried out in September 2016 on the principle and extent of School Street restrictions. Letters were sent to parents/carers (via pupils at the school), and to residents of surrounding streets, and were made available on-line (including on site notices on-site), seeking comments to the proposals. There also had previously been coverage of the proposals in the local press. Some 261 responses were received, with 226 (87%) in support and 27 (10%) opposed to the principle, with 8 (3%) blank/other replies
- 2.2 The majority of replies supported extending the restrictions to all five Pendreich streets - View, Drive, Terrace, Avenue, and Grove (see map Appendix 1). Similarly, the majority of replies supported the longer time restriction, i.e. including morning finish and afternoon start times for the nursery sessions Monday-Thursday, and the finish time for the Friday afternoon nursery session, even though these did not coincide or overlap with school start or finish times.
- 2.3 Following further consideration of the responses by officers, the Traffic Regulation Order as proposed covers the full extent of the five streets: Pendreich View, Drive, Terrace, Avenue, and Grove, as detailed in Appendix 1.

The proposed times include school start/finish times, extended earlier in morning and later in the afternoon to allow for similar nursery start/finish times as shown in the table.

Mon -Thu	8:15 -9:00
	3:10 – 3:55 pm
Fridays	8:15 -9:00
	12:10 – 12:55 pm

The Monday - Thursday nursery morning finish and afternoon start, and Friday afternoon nursery finish are not included, as school children are not starting or finishing then, nursery children should be supervised by parents/carers and traffic levels are lower.

- 2.4 In response to advertising the proposed Traffic Regulation Order, 17 objections were received to the proposal (10 fewer than had opposed the principle at the earlier consultation). Twelve of these were from people wanting to drive to/from the school, and five were from others residents of nearby areas wanting their street to be included or who felt their area would be adversely affected. The full contents of the objections are included in Appendix 2 (names/addresses have been redacted) and a summary of the main points and responses are contained in Appendix 3 (in order received).
- 2.5 Of the 17 objectors, 6 were from parents/carers from the Westmill area of Lasswade, three were from Newtongrange, three were from streets near to, but outside of the proposed restricted area, two were from other parts of Bonnyrigg, and there was one each from Easthouses, Woodburn, and rural Lasswade.
- 2.6 The proposed Traffic Regulation Order can be made in full if the objections are rejected, or in part (e.g. to cover a smaller area, or less time) if Cabinet agrees that a lesser restriction would be preferred. As there were significantly more responses to the informal consultation in favour of the larger area, it is recommended that the Order is made in full

3 Report Implications

3.1 Resource

The cost of making the Traffic Regulation Order, installing signs, and issuing permits for residents can be met from within existing budgets.

3.2 Risk

If the Traffic Regulation Order is not made, there will be a continued risk to pupils in and around the school from traffic. If the Traffic Regulation Order is made and the problems suggested by some of the objectors occur on other roads further work may be required.

3.3 Single Midlothian Plan and Business Transformation

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

Reducing injury, road accidents, Increasing walking and cycling as a mode of transport.

3.5 Impact on Performance and Outcomes

Resolution of this matter will contribute to the Council's response to the issues raised by parents/carers and residents, and help achieve injury accident reduction targets.

3.6 Adopting a Preventative Approach

Reducing traffic around the school should help reduce the possibility of road accidents, traffic congestion and pollution.

3.7 Involving Communities and Other Stakeholders

The intention to restrict motor traffic in streets around Lasswade Primary School was notified by press advert, street and on-line notices, and direct communication with Community Council, emergency services and other stakeholders. No objections were received from these organisations, but 17 objections were received from individuals.

3.8 Ensuring Equalities

An equalities impact assessment has been carried out. Blue badge holders are exempt from the restrictions.

3.9 Supporting Sustainable Development

Encouraging more use of walking and cycling, and discouraging use of motor vehicles will contribute to sustainable travel habits.

3.10 IT Issues

There are no IT issues arising from this report.

4 Summary

- 4.1 The proposed Traffic Regulation Order would restrict use of Pendreich View, Drive, Terrace, Avenue, and Grove during the periods when pupils are walking to and from the school. This principle was supported by over 200 people who responded to informal consultation. 17 people objected to the proposed Traffic Regulation Order when the details were published. Council is being asked to decide whether to uphold these objections and withdraw or amend the proposals, or to reject the objections and agree to make the Traffic Regulation Order.
- 4.2 Most respondents to informal consultation supported restricting traffic around the school. Objectors suggest it will cause other problems further away and or make it harder for them to take children to or from the school.
- 4.3 Although there were 17 objections to the proposed Order, there were many more responses to the informal consultation (which supported the principle of School street restrictions and including all five Pendreich streets) suggesting that this is a more accurate assessment of public opinion.

5 Recommendations

- 5.1 Cabinet is invited to:
- (a) Consider the objections detailed in Appendix 2, and the responses to the objections in Appendix 3; and
 - (b) following such consideration, authorise the making of Traffic Regulation Order T5.3.8 to introduce traffic restrictions around Lasswade Primary School.

25 July 2017

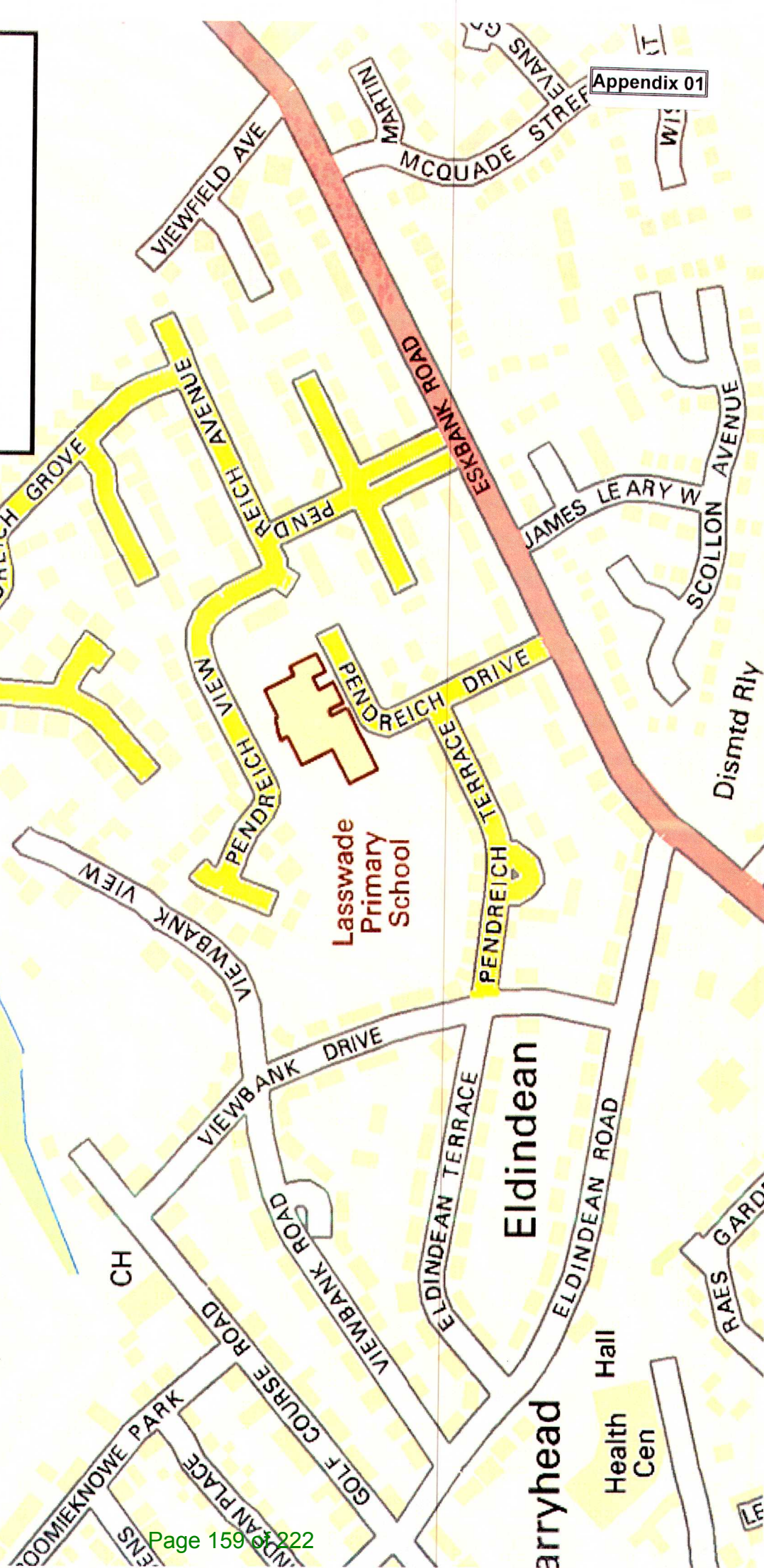
Report Contact: Lindsay Haddow
Tel No: 0131 271 3501
E-mail: lindsay.haddow@midlothian.gov.uk

Appendices:

- 1 Map of area around Lasswade Primary School
- 2 Objections to Traffic Regulation Order.
- 3 Summary of objections and responses.
- 4 Letter to parents/carers/residents
- 5 Draft order
- 6 Recommended routes leaflet

BONIN YKIGG AND LASSWADE

Proposed restricted streets



David Chambers

From:
Sent:
To:
Subject:



Hi David

I refer to your communication dated 9th march 2017 re the proposed banning of motor vehicles from streets around Lasswade primary school at designated times.

I wish to make a formal objection to the proposal and would like confirmation by reply that this email has been noted as such.

As a parent of 2 young girls, I completely agree that the safety and well being of all children is paramount. However, I do not agree that taking the actions outlined in your communication is required nor will it improve safety.

I would like to know how many children have been injured outside of Lasswade primary school as a direct result of the so called issues you raise?

I am of the opinion that the proposed measures are not for safety reasons as highlighted but actually for the benefit of the local residents that appear to be unhappy with some parents irresponsible parking?

I would like to understand what input local residents have had in this proposal being brought to asses how much weight has been given to safety and how much to pacifying neighbours of the school who presumably knew the school was close by when they opted to purchase their respective homes?

What next? The banning of parking around sporting stadia when events are on? Young children attend such events and local residents may be unhappy with the volume of traffic on event days?

We live within the catchment area but far outside a reasonable walking distance to the school so we have no option but to travel by car.

Our elderly parents often assist in collecting our daughters when my wife and I have work commitments.....the proposed changes would have a big impact on them and most probably us as they may no longer be able to assist?

Our youngest daughter is at nursery and as such my wife has to make 3 separate trips to the school daily which is far from ideal but clearly necessary. The proposed changes will make a challenging day even more so!

I am also concerned that the proposed changes could well be dangerous throughout the winter months when the weather is at its worst. How far from the school will the pavements be properly cleared/gritted when snowing/icey underfoot? Will there be suitable safety measures in place for children crossing ALL roads throughout the dark, wet mornings/afternoons?

I believe it is fair and reasonable that the information and evidence compiled to base this proposal on should be shared with the people who will be adversely impacted by it.

I look forward to receiving your considered response in due course along with the information requested.


Click [here](#) to report this email as spam.

RECEIVED 20.03.17 TH.

2

18 March 2017

Legal Services Manager
Midlothian Council
Midlothian House
Buccleuch Street
DALKEITH
EH22 1DN

Dear Sir or Madam

**Proposed Midlothian Council (School Streets) (Prohibition of Motor Vehicles)
Traffic Regulation Order 15.3.8**

I refer to the above proposal and wish to object unless Viewbank Avenue can be included as a prohibited street. Viewbank Avenue is currently being used as an access route into the Cala building site, formerly the Broomieknowe Golf Club practice field. Cala have advised that this access will be operational during the time of the building works, estimated two years minimum. The access point is immediately opposite my driveway. There has also been a special measure to provide six parking spaces for Cala senior site staff and site visitors outside the perimeter fence and in the Avenue itself. Measures which will encourage school run vehicles to park here will obstruct the access of vehicles to and from the building site and cause even more scope for disruption for residents than exists at present.

It is not just a simple drop off or pick up involved. Parents who have used this location to pick up leave their cars for around half an hour, giving them time to walk to school, wait for the child then walk back.

I would ask that if you go ahead with the scheme, Viewbank Avenue is added as a prohibited area.

Yours faithfully

MIDLOTHIAN COUNCIL

22 MAR 2017

RECEIVED

Dear Sir / Madam,

Ref: TO/RS.3.8 The Midlothian Council (School Streets)
(Prohibition of Motor Vehicles) traffic regulation order 201

I wish to strongly object to the proposed restrictions to all the roads prefixed by Kendrick in Bonnyrigg. I am a parent of a child at Lasswade Primary School and I am greatly concerned about the safety of my child crossing busier roads, if I am forced to park further away from the school at drop off and pick up times. As well as a school-aged child I have a young baby and I will find this restriction incredibly inconvenient, as I will be forced to park a lot further from the school and have to transport her across busy roads. When my son applied to Lasswade Primary I was informed that they had school places for 60% of children in catchment and 40% of children out of the catchment area. I understand that this type of restriction is fairly common place in Edinburgh schools, but it is

my understanding that it is closer to 100% of children who live within the catchment area for their school. As a parent of a child who lives outside the catchment area, it would be unreasonable to expect me to walk my child to school, to ease the current traffic congestion in the Pendreich area.

I accept that restrictions need to be applied to the street immediately outside of the school, as the traffic congestion is terrible at school drop off and pick up times. However, I believe that restricting all of the roads prefixed with Pendreich is too extensive. I have parked for the last 5½ years in Pendreich Avenue, a 3-minute walk from the school. I have always parked courteously and have been mindful of residents driveways being kept clear for their access. I accept that Pendreich View becomes very congested at the beginning and end of the school day and would be happy to see restrictions applied to this street. However, the current proposal is too extensive and I question where I will sensibly be able to park in the future, if this restriction is applied. I believe that parents will be forced to park in the Waverleys, Viewfield, the new Cala Estate or even worse, Eskbank Road, which is a very busy main road.

My main objection to this proposal is that by parking further away from the school my son will be forced to cross much busier roads in order for him to get to school and I am concerned for his safety. As Eskbank Road currently has no restrictions (e.g. double yellow lines) then I believe a lot of school traffic will end up parked on the main road. This will make Eskbank Road unsafe for children to cross. I accept that there is a pedestrian crossing which is manned by a lollipop crossing patrol, but I do not believe this will be adequate for the volume of traffic involved.

One suggestion I have would be to stagger the school start time, as it is staggered at the end of the school day (pick up for lower school is 3.15 and upper school 3.25). I propose that upper school children be dropped off for 8.50 and lower school children be dropped off at 9am. This would ease some of the current congestion in the streets surrounding the school. I also believe that allowing the children to go straight into school, rather than having to line-up outside, which takes several minutes longer, would alleviate our current situation. On rainy days, when children are allowed to go directly to their classrooms, the traffic

Congestion is much less of a problem currently.

I also feel very strongly that the residents surrounding the school have had a number of meetings to discuss the issue of school parking, but as a parent of a Lasswade school child I have not had the opportunity to be consulted. I would invite some kind of consultation meeting with Lasswade Primary School Parents, as I believe our views have not been taken into consideration.

I do hope that my objection to this proposed traffic regulation order 201 is taken seriously and I sincerely hope that a slightly more relaxed restriction can eventually be applied.

I look forward to hearing from you in due course and would welcome a meeting to discuss my concerns.

Yours faithfully,



David Chambers

From:
Sent:
To:
Cc:
Subject:

Objection to restricted car access to Lasswade Primary School

Hello David.

I'm writing to share my family objections as part of the feedback to be gathered on proposed changes to car access for drop off/pick up at Lasswade primary school.

My objection is based primarily on safety issues for my child and others in the West Mill area of Lasswade for the following reasons:

1. There is no continuous footpath for our children to walk on to get to Lasswade Primary
2. There are no assisted crossing facilities for our children to cross two busy main commuter roads (at least 2 if not 3 crossings would need to be made).
3. The road leading up to the school (B704/Hill head) is a hard walk for small children, parent with buggies and grandparents who we rely on for care.

The walk to school from Westmill Haugh takes approx 40 minutes based on the one occasion I have tried it when walking at pace. This walk, uphill is a lot to ask of a 5 year old each day.

My neighbours and I look forward to hearing the outcome of your feedback gathering.

Kind regards

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MIDLOTHIAN COUNCIL

23 MAR 2017

RECEIVED

Legal Services Manager
Midlothian Council
Midlothian House
Buccleuch Street
Dalkeith
EH22 1DN

22 March 2017

Your Ref: TO/R5.3.8

Dear Sir

Re: Proposed banning of motor vehicles (with exceptions) from streets around Lasswade Primary School, Bonnyrigg at all times when children are travelling to and from school

As a grandparent who for several years has been tasked with both taking my grandchildren to school and picking them up after school each week, I wish to take this opportunity to respond to the above proposal.

I totally agree that the parking situation around Lasswade Primary school (as no doubt in all Midlothian's primary schools) is difficult. And I certainly agree that everyone is trying to do their best to ensure that all the children get to school safely. However blocking off all these roads will probably just have the effect of moving the parking situation on to streets outwith your proposed ban-zone causing dissatisfaction amongst their residents.

The truth of the matter is that many pupils are delivered to school from well outwith walking distance. Even if all the pupils at the school were resident in the catchment area it does not follow that their carers live close by. Over and above this many, many people drop off children on their way to work each morning - without their cars they could not manage to get to work in time. Then of course we have to acknowledge that we cannot allow little children to wander off to school on their own - all the roads are too dangerous for them to negotiate and they need to be accompanied as who knows who they might meet en-route.

For experience it would appear to me that there is more of a problem during the morning drop-off when everyone is arriving at the same time, than at the afternoon pick-up. Also people picking up children are on their way home so are able to make their journey without time restrictions.

With all this in mind I would like to make a proposal of my own which hope you will at least consider as a sensible approach to dropping off children safely - at the moment there is no reasonable place for this to take place.

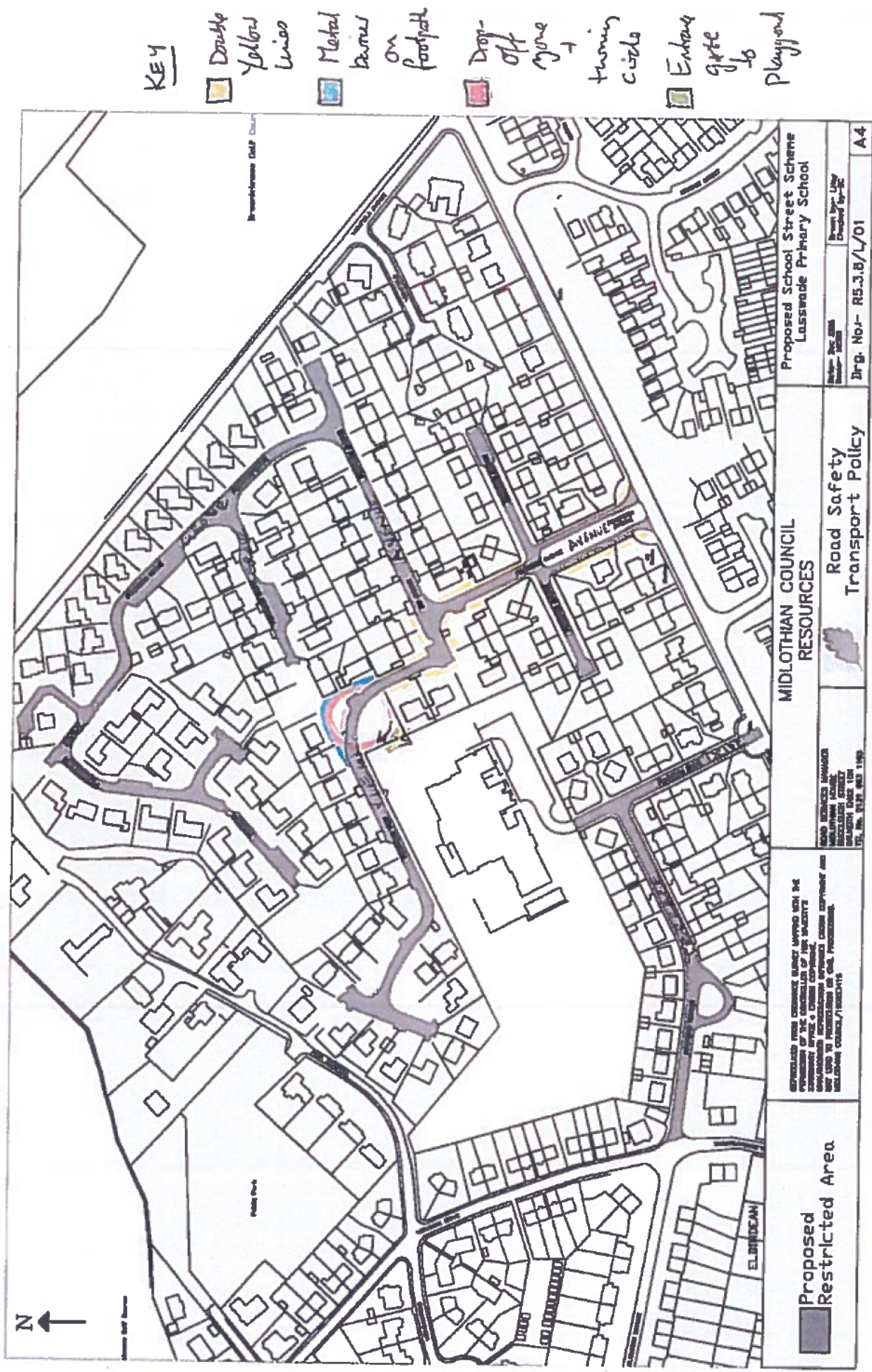
My proposal is as follows:-

- 1) Do not ban vehicles from entering Pendreich Avenue but place double yellow lines all the way along the main part of this road to its junction with Pendreich View then round into the first part of Pendreich View.
- 2) Create a secure drop-off zone by utilising the corner triangle of grass outside the school playground. This zone would consist of a roadway of one car width and would be entered in a one-way, anti-clockwise, direction, culminating in a turning circle to take cars back out to return down Pendreich Avenue to Eskbank Road.
- 3) The pavement could be restricted to the other side of the road with a metal barrier to stop children stepping off the pavement into the drop-off zone.
- 4) A new entrance gate, which only opened inwards into the school playground, could be located off the drop-off zone to allow children to safely access the playground.
- 5) There would be no opportunity to park in this area, simply drop-off and drive away.
- 6) All other streets would be subject to your ban as in your proposal.

To illustrate the above I have over-drawn this on your map of the area and attach it to this letter. I believe this would be a "middle-ground" approach that would go some way to helping out a lot of parents/grandparents/carers and would not be cost prohibitive.

I have been very familiar with this area for many years so I believe my comments are justified and I sincerely hope they will be taken into consideration .

Yours faithfully



Your ref: TO/R5.3.8

FAO Legal Services Manager
Midlothian Council
Midlothian House
Buccleuch Street
Dalkeith
EH22 1DN



Date: 22 March 2017

Dear Sir/Madam

The Midlothian Council (School Streets) (Prohibition of Motor Vehicles) Traffic Reg. Order 201_
Reference: TO/R5.3.8

I am writing in connection with the above proposed Traffic Order, and would like to note my objections to the Council's School Streets Scheme ("the Scheme").

I live outside the catchment area for Lasswade Primary School and while I have and would still consider walking my children to school, unfortunately there are no safe means of doing so. I have supported the Scheme (in principle) in the past, as I can appreciate the advantages. However, having now reviewed the Council's proposals in full, I cannot understand why so many streets have to be affected.

- You note the main reason for the Scheme is the safety of the children attending the school. For the children living in the Scheme zone, their safety will be improved a great deal. However, for many of those outside of this area, they now need to contend with a busy main road that was never an issue until now. As far as I am concerned, if the Scheme goes ahead, a currently safe situation shall become a dangerous one for my children and incidentally, all of those who cannot reach the School on foot.
- As a result of the above point, children will be forced to walk out towards the main A6094 (Eskbank Road), and in most cases, have to cross this busy road. This seems contrary to the point of the Scheme which is to ensure the safety of the children
- I would ask what has given rise to the Scheme proposal in the first place? Your two sentences listed in the "Statement of the Council's Reasons..." do not provide sufficient justification for the Scheme. I would expect a formal proposal to outline a more comprehensive rationale. For example, I have been attending this School for five years now, and have heard of no accidents whether involving cars, children or otherwise – any of which may have indicated a need for such a Scheme.
- By encompassing so many streets in the Scheme, you are simply moving what you consider to be "a problem" elsewhere. Parents trying to pick up and drop off their children will start parking in other surrounding residential streets, where you will find residents complaining of the same issues (more on that later). I expect James Leary way and Scolian Avenue to become the new Pendreich View. The closure of Pendreich Grove seems excessive and I would welcome a response to your reasons for its inclusion in the Scheme.

- This domino effect would only lead to further road closures, presumably – where does this end?
- With such a major change being tabled, your proposal does not mention what you intend to do to support those affected, in order to make the situation safe. I for one, would be happy to take advice from the Council on how I could drop off and collect my children safely.

In summary, despite the Scheme proposing to make the passage to school safer, for many families, it will become a dangerous logistical situation. I am one of many who feel this is not, "The Midlothian Council (School Streets) Scheme", but is in fact, "The Pendreich Residents (School Streets) Scheme". Given a) the lack of evidence supporting why the Scheme was needed from a safety perspective, and b) how often I (and others) have witnessed residents' careless driving and expressions of frustration at school bell time, I am sure you will appreciate why I believe the Scheme has been mostly driven by the Pendreich residents and less by concern for the safety of the children.

I look forward to hearing from you, should you wish to discuss this further. I would be happy to speak about the issues in more detail.

Yours faithfully



David Chambers

From: [REDACTED]
Sent: [REDACTED]
To: [REDACTED]
Subject: Lasswade Primary School - objection

Dear David,

I have received a notice regarding the proposed banning of motor vehicles from the streets around Lasswade Primary School & would like to express my objection to this proposal.

I live in Lasswade village & would be unable to walk my children to school for various reasons. There isn't a safe & available footpath all the way to the school & in all honesty it would not be feasible to walk there & back & commute to work in a reasonable time.

I feel all that would happen if this proposal was accepted would be the same problems being pushed out into other streets therefore not really helping anyone other than the current occupants of the homes directly next to the school. Surely when they bought their properties they were aware of the school & made that judgement anyway. As a parent of more than 1 child, the thought of walking whilst juggling various ages of children would be difficult & stressful.

Maybe another option to lower the current vehicle numbers would be to offer a school bus?

I look forward to hearing from you.

[REDACTED]

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Director of Legal Services
Midlothian Council

COUNCIL

27 MAR 2017

RECEIVED

20th March 017

OBJECTION TO TO/R5.3.8

PROPOSED MIDLOTHIAN COUNCIL (SCHOOL STREETS) (PROHIBITION OF MOTOR VEHICLES) TRAFFIC REGULATION ORDER which covers Pendreich Avenue, Pendreich Drive, Pendreich Grove, Pendreich Terrace and Pendreich View.

The Council has proposed to make this new Order to prohibit motor vehicles from driving on roads close to Lasswade Primary School, Pendreich Drive, Bonnyrigg at times when children are travelling to and from the school.

Putting it simply I would like to voice my objection to the above proposal. As a Grandparent who regularly drops off and collects children from the school, I can see no value in the proposal for anyone, other than residents, who may believe that they suffer some mild inconvenience for around 30 minutes twice per school day, of which there are only around 190 in a year.

An argument could be made, and no doubt is being made that it is a safety issue, but I'm not aware that there have been incidents or accidents, and I personally have seen no evidence of unsafe behaviour or practices by either children or parents, or motorists. I have also not witnessed any inconsiderate parking such as blocking of residents driveways. In addition I am discounting any argument regarding traffic fumes/pollution as a lot of children will now be forced to walk further through busy traffic areas, and those who already walk will simply encounter the same traffic in other streets

Some parents/ carers have little choice other than to drive in order to drop off and collect the children and more than a few have babes in arms with them who would find it a major inconvenience if not permitted to use the streets identified in the proposal.

It is my opinion, that this proposal, if executed, will achieve precisely nothing, other than to inconvenience those who dare to transport their children by car. They will continue to use their cars and will simply use roads and streets not covered by the order. If using the streets noted in the prohibition order, is a problem, and I don't agree that it is, you are simply moving it, not solving it. There are no practical alternatives for parking, other than the surrounding streets, that I can think of.

The range of streets selected for your order is also in my view disproportionate in solving the so called problem and I feel that there may be an element of resident over reaction here. I suspect that residents of some of the included area have garnered an awareness of your plan to solve this non problem by moving it, and have asked to be included, so that it gets moved even further afield.

Your proposal I would suspect has been initiated by a resident of one of the above streets who would prefer to have the roads to themselves, and not out of consideration for the schoolchildren.

It is my view that your proposal is an ill thought out reaction in an attempt to solve a non existent problem and if your argument for the proposal is built around child safety, anyone could make a similar and possibly even a better child safety argument on behalf of those who will be forced to park further afield, and walk even further to school, potentially crossing busy roads and junctions.

If , as I strongly suspect, the proposal is (directly or indirectly) resident driven, I do appreciate their desire for quiet, peaceful, traffic free streets, but I would also like to remind of the number of schoold days in a year, and the brief periods in each school day when there are a handful of additional vehicles in their streets.



David Chambers

From:
Sent:
To:
Subject:

To the Legal Services Manager,

I am writing to object in principal to the proposal to prohibit motor vehicles to drop off or collect children from Lasswade Primary and its nearby streets.

I fully understand the reason is to satisfy local residents however little or no consideration appears to be given to the littlest people who are directly affected by this proposal.

The changes already made in the street within the last year, were welcome, including restricting parking to one side of the street, as they do appear to have stopped the double sided parking problem which made manoeuvring impossible.

We live in Lasswade and our nearly 5 year old starts P1 in August 2017, he has however been attending preschool at Lasswade Primary for the past 2 years. Unfortunately, he will not be able to walk to school himself from our house, not now and not at aged 10 if nothing is done to improve the infrastructure. The roads require numerous appropriate crossings, coupled with signs along the route indicating school children are crossing. Are you familiar with these walking routes? The section along Elm Row does not even have a continuous pavement that runs from us to the school, our children would be forced to walk out onto the road at this section down from where the old petrol station was. Couple these issues with those on the one existing Lasswade pathway that is dark, remote, steep, with lack of any safe handrail, poorly maintained in adverse weather (slippery leaves, not gritted) and no sane parent would allow their child along these routes to take risks on a daily basis in order to get to school.

In our street at West Mill Pend and our direct neighbours from West Mill Road and West Mill Haugh, I personally know of 15 children that will be attending Lasswade from August 2017, there are likely many more that I'm unaware of. These 15 children come from 12 different houses which means a convoy of cars travelling to the school on a daily basis. The car seat rules mean that we are no longer able to give our neighbours kids a lift by taking 4 in total as would have been the way in the past. I myself also have a baby daughter and so with 2 car seats in the back I'm up to capacity in the back of our car. I have a high backed booster seat which allows me to sometimes offer a lift to one neighbour's daughter but other than that, I'm very restricted.

With all these points in mind, some of my neighbours and I discussed organising a 10-12 seater taxi to do the daily drop off and collection. My understanding is that this proposal now means that a taxi, organised by us parents and dropping off multiple children, is also restricted by the ban. With the majority of our children all having just turned 5 and starting P1 there is no way that the taxi driver would or should then walk with 8-10 small children to the school alone. Surely stopping streets away, as this proposal suggests, means that children will be required to cross more roads thus surely statistically making their trip to school more dangerous.

We would welcome a solution that works with our community directly. If a school bus were to be put on to collect and drop off the children from Lasswade village then much of the traffic from this area would not be there and measures like these, which will only push the problem out to surrounding streets, would be unnecessary.

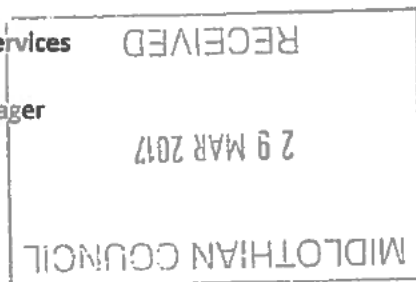
I welcome your thoughts on the points I've raised. Should you wish to reply by letter rather than email, my address is [REDACTED]

Regards
[REDACTED]

Click [here](#) to report this email as spam.

Director of Legal Services

Legal Services Manager
Midlothian Council
Midlothian House
Buccleuch Street
Dalketh
EH22 1DN



24th March 2017

OBJECTION TO TO/R5.3.8 PROPOSED MIDLOTHIAN COUNCIL (SCHOOL STREETS) (PROHIBITION OF MOTOR VEHICLES) TRAFFIC REGULATION ORDER which covers Pendreich Avenue, Pendreich Drive, Pendreich Grove, Pendreich Terrace and Pendreich View.

I have some serious concerns regarding the implications of this TRO and wish to raise objections and complaints based around a number of key principles:

- Consultation and Engagement
- Appropriateness (criteria for selection)
- Vehicle displacement
- Safety
- Best Value
- Sustainability and Enforcement
- Current Situation
- Impact on Families
- Extent of the proposed restriction
- Additional Comments

CONSULTATION AND ENGAGEMENT

I feel like there is an extremely short period of time to submit an objection. Up to the 31st March only allows two weeks from my receipt of notice for the proposals to be considered, however I appreciate that is determined by the legislation. There is, however, a distinct lack of information around the proposals available online or at Midlothian Council offices.

One of my key objections is based on the processes behind the decision making and that there appears to have been absolutely no real or meaningful consultation with the public and parents on this. I recall toward the end of last year a survey was sent out to parents and residents, which I duly filled in and returned, however apart from that I have not been asked to engage in any other type of consultation. I consider a formal consultation exercise/process would be appropriate in these circumstances.

The Community Empowerment (Scotland) Act is supposed to help empower communities by strengthening their voices in the decisions that matter to them. It is also supposed to improve outcomes for communities by ensuring that local service providers work together even more closely with communities to meet the needs of the people who use them. The act makes it clear that people should be able to have their say in decisions that affect them and the decision making processes behind this proposal doesn't seem to appreciate those concepts.

Mr Chambers kindly sent me some information on the responses to the survey: "There were about 227 responses to the informal consultation letter. 198 (87%) were in favour (of the general intention to restrict vehicular movements close to the school at times when children are travelling), 21 (9%) were against and 8 were mixed /unclear. Just over half of replies supported including Pendreich Avenue and Pendreich Grove as well as Pendreich View, Drive and Terrace."

In my opinion this wasn't presented as an informal consultation letter. It was a survey. I would also expect (but couldn't confirm unless the Council did some analysis) that the majority of responses would be from residents in the local streets, which from looking at the map appears that could include at least around 200 addresses. Any resident in any street is probably going to want to see traffic cut down and would approve proposals such as this which, in my opinion, really don't affect them. This doesn't however provide a sound basis for justifying the enforcement of Traffic Orders. I would also predict that the 50% who supported extending the TRO to the additional streets would have all been almost exclusively from residents within those streets. It would therefore be useful to for the Council to provide information regarding how many responses to the survey were from residents in comparison with parents who do not live on the affected streets.

There is no explanatory letter in provided with the proposals. There are two paragraphs which state:

"Midlothian Council is constantly seeking to improve road safety for children as they travel to and from school. In some locations there is a concern that children walking, cycling or scooting to school are at particular risk from the volumes of cars delivering or collecting children in the vicinity of the school premises, sometimes compounded by inconsiderate parking.

The Council therefore proposes to create a 'School Streets' zone around Lasswade Primary School, Pendreich Drive, Bonnyrigg. The zone will embrace the whole lengths of Pendreich Avenue, Pendreich Drive, Pendreich Grove, Pendreich Terrace and Pendreich View."

In my opinion this is very unhelpful as this doesn't provide nearly enough information to the community as to why these proposals were initiated or why they might be an effective solution.

The lack of consultation with parents is also worrying, in particular with parents who really have no option but to drive to the school. There were no drop in sessions for parents or local residents, no formal consultation and no real engagement with parents or the community that I am aware of; which I feel makes this decision and the process behind it extremely flawed.

A member from Lasswade Parent Council, although welcoming of the proposals, has also suggested there was no consultation with them stating that "none of this was done via the parent council, we had meetings where it was discussed in the very early stages but this decision has been very much made by the council with support from police".

The parent council have also said "The proposed traffic calming measures were first talked about a few years ago but it is not a straightforward matter and so police, planning and councillors have been doing lots of work. It was difficult to judge if and when to do a consultation via parent council for a few reasons - we had no idea when it would happen so it's pointless spending lots of time doing one now when it wouldn't take effect for another 3yrs for instance. Also the council are duty bound to do a consultation so why double up if they are doing one anyway? This is the first I have seen of it so we certainly haven't been holding back information".

It is very unclear to me therefore who exactly has been representing the school and also the parents in this process, and I see no evidence that this is responding to any demand from parents, or even residents. If the parent council were involved I am afraid they didn't gauge the views or opinions of parents and gave no information to parents that they were perhaps pursuing this as an option. No empirical evidence has been presented by Midlothian Council to support the assertion that this is a robust proposal. I'm sure that in the background officers and Police Scotland have perhaps been working very hard on this, but it doesn't help the public when there is no information presented as to what has been done. Is there, for example, a log of issues or complaints or incidents that can be provided that supports the idea that there is a significant problem currently?

In addition the local Community Council was not invited to provide feedback while these proposals were being developed. The Community Council was only just told about these proposals in the letter that was sent out. The next Community Council meeting is the 20th April, and so misses the opportunity to submit comments by the 31st March which is probably not acceptable. There was no opportunity to discuss at an earlier stage with the local community if they felt this would be an appropriate solution and if so, how those proposals should be developed and what they might look like.

The proposed order has not been developed through active engagement and I don't understand why the council would not send letters/surveys to residents living on the periphery of the scheme who may also be affected by the implementation of this proposed order.

Meaningful consultation with parents, residents and the Community Council would have supported a better understanding and appreciation of the issues, and more consideration of alternatives, and perhaps the identification of more innovative, appropriate and proportionate solutions.

I would also ask what committee at Midlothian Council considered and approved these proposals. It would be very helpful to see the copy of the committee report as it may hold some of the answers to some of the questions. I expect it will outline the range of evidence that led the development of the proposals and the identification of streets, identifies alternatives and explains why these were not explored as viable options.

It would also be helpful to see a copy of the consultation report which might highlight all the consultation to date, identify feedback and demonstrate how the proposals were informed and developed by this feedback.

For a proposal of this nature, which is likely to inspire some controversy and has significant public interest, more engagement with the community and in particular the peripheral streets/residents should have been undertaken. In particular the community council should have been invited to submit a view in the early stages and engage with the wider community.

Does the Council have a clear procedural and decision making process in the promotion or initiation of permanent Traffic Regulation Orders, as I don't see any evidence of this in the proposal documents? There is no evidence as to why the Council officers have determined that a TRO is necessary. Most areas who examine TROs such as this have clear assessment and prioritisation criteria to determine whether a TRO is appropriate for a particular school area and it would be really helpful to see the prioritising criteria or matrix used in Midlothian to decide which schools out of the

32 primary and 6 secondary could be suitable for a traffic order such as this, and how Lasswade Primary fits in to that and scores against other schools.

I do not feel that Midlothian Council made every reasonable effort to consult with the community. Even during this period for receiving objections only notices which the most eagle eyed person could spot were put up and letters sent home in children's folders, rather than directly to the parents. It would have been reasonable to expect the Council to deliver letters to the home addresses of all residents and parents. In addition no use was made of social media (which is unreasonable given the age we live in) and indeed the wider community and residents on the periphery of the scheme were given no information at all.

It does not appear to me that due regard has been given to various matters in the process before these proposals were developed, and that further consultation and consideration of what is currently working (e.g. traffic cones) and other alternatives needs to be examined with support and engagement from the community who are demonstrably willing to work with the Council and Police Scotland to provide appropriate solutions.

APPROPRIATENESS

There is a severe lack of background documentation and evidence to demonstrate why officers consider the proposed TRO is necessary and indeed appropriate in the area identified.

It is clear that TROs are not appropriate for all schools and that has been highlighted in the evaluation of the Edinburgh pilot schemes. As mentioned above it would be really helpful to see the prioritising criteria or matrix used in Midlothian to decide which schools out of the 32 primary and 6 secondary could be suitable for a traffic order such as this, and how Lasswade Primary fits in to that and scores against other schools.

Generally agreed criteria in other Local Authority areas for initiating a TRO seems to include the requirement for peripheral streets to be able to accommodate displaced traffic and contain appropriate parking capacity; and for schools to sign a written commitment to promote the scheme to parents.

In other LA areas in Scotland selection criteria generally includes:

1. proven positive support from school staff, parents and parent councils;
2. current commitment to promoting walking and cycling activities;
3. schools willing to formally sign a written commitment to ensure that they will pro-actively promote the scheme to parents, regularly ascertain pupil travel data, and facilitate the gathering of views from parents/the school community;
4. the school entrance should not be on a bus route;
5. There should be good infrastructure provision i.e. peripheral streets can accommodate displaced traffic movements, and contain appropriate parking capacity;
6. the availability of suitable 'Park and Stride' locations;
7. peripheral streets can safely enable new 'Park and 'Stride' movements via appropriate footways and crossing points;
8. An evaluation of the school's location on the road network;

Examining the above I would urge the Council to rethink the approach to the current proposals:

1. The proposals do not demonstrate proven support from school staff and parents
2. I think the school does promote walking and cycling initiatives well
3. I'm not sure what evidence there is around travel data but I would suggest there that has been no real commitment to gather a range of views from a range of parents among the school community
4. Although the school entrance is not directly on the main road, it is just off a busy main road with a bus route, and in most places there are no parking restrictions on the main road. It is possible (although you would hope common sense would prevail) that some people may just start parking on the very busy main road. I think the potential for cars parking on the main road will be far more dangerous than the current situation.
5. There is definitely not good infrastructure provision. There is no evidence the surrounding streets can accommodate displaced traffic movements and they definitely don't contain appropriate parking capacity. Pendreich Drive, Grove, Terrace and View are quiet streets, where residents have their own driveways. In addition to being quiet the streets are very very wide and open, with good visibility, while the peripheral residential streets are all much narrower. Other recommendations for similar TROs in other areas are that they should only be implemented where there is suitable alternative parking available such as a nearby leisure centre or supermarket.
6. With respect to the availability of suitable 'Park and Stride' locations I can't really comment as I'm not aware of any current locations.
7. Whether peripheral streets can safely enable new 'Park and 'Stride' movements via appropriate footways and crossing points I don't know, but given the layout of the streets I doubt it and there is also no doubt that more children will now be forced to cross the very busy Eskbank Road where there is high volume traffic including buses, HGVs and even construction traffic around the new Cala housing development.
8. I haven't seen any evidence that an evaluation of the school's location on the road network has been carried out and the potential implications of the order have been appropriately examined.

Police Scotland also highlighted the following issues associated with vehicle displacement in the Edinburgh pilot, where they identified an "increased road safety risk at Cramond where due to the local road layout children are being escorted over a much busier road". The proposals at LPS would have the same effect whereby more children and families would now have to be escorted over Eskbank road.

VEHICLE DISPLACEMENT

Many local residents have expressed great concern over the displacement of vehicles to other surrounding residential streets (evidence of this on the LPS Parent Council facebook page and local residents forum facebook page). The proposals do not suggest to parents (who do have to drive) where they can park alternatively; safely and legally. Surely it is the responsibility of the Council, when enforcing this new order, to support parents who have no option but to use the car in finding an alternative location to park.

If parents who have no alternative but to drive can't park around Pendreich they will simply use the next best alternative. It is inevitable that cars will now park in the much narrower residential streets at the other side of the main road (Eskbank road) or along Eldindean and therefore these proposals just shift any current problems elsewhere. Those residents have not been consulted on these proposals and there is no evidence that the Council has considered any mitigating steps to address the inevitable consequences. There is a severe lack of parking capacity in the neighbouring streets and they are much narrower, with poorer visibility and a higher density of residents than the streets around Pendrieck, likely leading to a range of safety issues.

There is also a concern that given the lack of parking restrictions on Eskbank Road there is a possibility of some parents stopping/parking there. This would pose a serious safety concern, and again there is no evidence that the Council have considered this or have planned any mitigating measures.

Although perhaps not ideal for residents living near the school I'm sure that many are used to the current situation, and personally I have never witnessed anyone parked across someone's driveway. The new proposal is likely to cause tensions between residents in the peripheral residential areas not used to parents parking there or driving along the streets and I suspect the Council and the school will be faced with the knock on effect of an increased number of complaints in this regard. These residents should also have been consulted on these proposals, as well as the wider community.

Drivers are aware that there is a school in the immediate vicinity and drive very slowly. The only vehicles on the Pendreich streets at the proposed times will generally be residents or parents. Another concern is that this isn't necessarily the case on the surrounding streets where drivers may not be expecting as many children and families on foot as there could be in future.

These proposals will inevitably reduce any potential road safety issues at those immediate locations related to the TRO, however, it is very clear that the knock on effect will be to increase road safety issues and make them worse across the wider area away from the relative safety of the proximity of the school gates. As I previously mentioned currently traffic is extremely slow around the proposed streets for the TRO and this will likely not be the case elsewhere. Parents are very vigilant with regards the safety of all children and at the school gates this is well known.

The proposals will also mean that where parents who must drive eventually find somewhere appropriate and safe to park (if they do at all given the limited capacity in the neighbouring streets or danger of the main road) they are required to park for a longer period of time. Rather than just being able to drop older children off near the school and away from the main road those children will now have to be escorted to the school gates. In the case of younger children they need escorted anyway – but this will now take much longer leading to longer parking and potential increased inconvenience for residents.

The options for parents to park elsewhere are very limited it is debatable whether these proposals will disperse cars over a wider area. Evidence that this has been considered by the Council would be welcome.

SAFETY

A major safety concern which must be addressed is the risk of parents parking on Eskbank Road. This is something which must be mitigated and steps taken to ensure it doesn't happen at any point along the road.

With the enforcement of the proposed TRO drivers will park on, or on the other side of, the main road (unless the Council have identified alternatives that can be communicated) and the safety of some young school children is put at increased risk, as now they will have to walk along and cross the main road, which is extremely busy, and accommodates buses, bus stops, HGVs and construction traffic with regards the Cala homes development.

There is a manned crossing point on Eskbank road, however you still have to walk along the road to get to it and it therefore does expose some children to a risk they weren't previously exposed to. It is unclear whether the council intend to put any additional crossing patrols along this route.

Police Scotland also agree that there was an "increased road safety risk at Cramond where due to the local road layout children are being escorted over a much busier road" as would be the case for LPS pupils. If there was ever going to be a fatality it is far far more likely to happen at this point rather than anywhere along Pendreich and increasing the number of children and families who have to contend with the main road should be a significant consideration and concern.

The realities of walking along high volume, high speed, busy roads with young children are very stressful for parents. In particular when you have very young, nursery age children who often try and not hold their parents hand or run off in the opposite direction to their parents. All children and families must practice good road safety and be exposed to this learning and be aware of the risks, but the local community and indeed the school are gaining nothing by exposing more children and families to this kind of increased safety risk, as well as additional stress and anxiety. These proposals clearly expose more children to more risk than was previously the case.

It is not reasonable to expose even more children and families to the main road, and indeed the more congested the pavements and crossings around the main roads become with pedestrians, buggies, scooters, bikes etc. the increased likelihood there is for a serious accident or fatality.

As mentioned in the previous section highlighting issues that will arise from the vehicle displacement there will be implications in the wider area including potentially faster traffic speeds, increased safety risks associated with the narrower streets, less vigilance as it's further away from the school gates and the exposure of more children and families to the risks and potential dangers of the main road.

With more traffic on surrounding streets and the issues mentioned above it is also possible that those who currently feel safe letting their children walk or cycle to school may become nervous and start to feel unsafe – potentially encouraging a small proportion to drive their children to school as they may feel it's a safer alternative. This isn't beyond comprehension as I've heard it anecdotally through the residents' forum.

No parent would ever wish to endanger a child. Before a recent move I lived in Lasswade for 15 years have not been aware of any traffic accidents concerning a pupil or parent at the school in the

streets mentioned. I feel that these restrictions are an extreme measure which will only result in increased safety risks to children and families while also inconveniencing and causing increased pressure and stress for many parents, as well as residents of the wider community. It is clear that capacity of the current surrounding infrastructure in terms of street width and parking capacity; and increased safety risks, that a TRO to the extent proposed is a completely inappropriate option in these particular circumstances.

It is also worth noting that before the Edinburgh pilot schemes were implemented around 70% of residents and parents surveyed perceived the main benefit of the pilots would be "improved safety of children travelling to/from school". Interestingly in the after surveys this had reduced to 50%. The evaluation report therefore notes that "Perceptions are therefore now less positive as far as child safety is concerned".

BEST VALUE

This proposal does not represent good value for the Council and residents of Midlothian for a wide range of reasons.

As already touched on in the consultation section there is no evidence of any clear procedural and decision making processes behind this proposed order. There has been no community wide engagement, no empirical evidence demonstrating a requirement for this TRO, no engagement around the benefits or otherwise of the proposal and no consideration of the implications or the adverse impacts and how these might be mitigated.

I can appreciate that on the face of it banning traffic from outside school gates might seem like a good idea with a range of benefits; however it is also clear that this is not an appropriate solution for all schools and Lasswade Primary School is one of those schools. It appears that this proposal has been progressed with out any consideration as to whether it would be a reasonable, appropriate and effective solution for this particular school.

The fact that the Council has committed to making Lasswade Primary School a three stream school, and are already looking for alternative sites to re-locate the school within the next three years, it seems irrational for the Council to be prioritising this school area and investing significant sums of money in this proposal, when it's possible another school within the local authority area could benefit from this available funding, and where any value (if there has been reasonable thought process behind proposals against identified criteria) will be realised over a much longer term.

With the relocation of the school planned it would be far more resource efficient to explore some of the alternative solutions suggested (In particular continuing with the use of the no-parking cones which have led to a massive improvement this school year) and allow this funding to be used at an alternative location where there could be far more benefits and sustained over a longer term. In three years' time all the signage that has been put in place to enforce this TRO will just have to be removed, and the permits issued to residents no longer of any use.

The funding may help future proof an alternative primary school where there is no relocation or closures planned, and where there may be similar issues but better capacity for vehicle displacement, alternative parking available, safer alternative routes and more support from the community. The current proposals do not seem to make good business sense in a climate of

continuing cuts to spending and efficiency savings having to be made across the Council. There will be other schools who, with support from the local community, may wish to make use of a TRO opportunity and the funding available and where the proposed schemes will also have some longevity and longer term benefit from the initial financial outlay.

At a time of severe budget cuts and pressure on resources I don't feel the Local Authority can justify this expenditure to its residents. The cost must be in the region of 15-22k for a TRO, and identifying a school which is relocating makes little sense. In addition evaluations from Edinburgh show "Perceptions are therefore now less positive as far as child safety is concerned" since the TRO was implemented.

It is also unclear as to whether any evaluation of the order is planned at any point, but given it represents a significant change I would consider some kind of evaluation at some stage would be appropriate.

SUSTAINABILITY AND ENFORCEMENT

Some of my previous comments consider the sustainability of the proposals including the fact the TRO is inappropriate for this particular school, and also the financial viability of the proposal in terms of the schools relocation plans.

By having a range of travel plan options available to schools the local school community can help tailor the most appropriate solution towards helping reduce congestion and its associated risks outside of schools. What has been made clear through the other pilot schemes across Scotland however is that part-time restrictions to motor vehicles are not appropriate for many school locations.

There are still a range of other options open to the school community for consideration. The proposals and statement released with them has no reference to what other alternative solutions may have already been considered, and it is difficult to propose new ideas without this information, but could include for example; Double yellow lines, CCTV deterrents, Enforcement and the issuing of tickets regarding unsafe parking practices; New Designated Drop off zones (is the old Mayshade site an option?); expanding provisions of school bus services; White Access Protection Markings across driveways; and other measures.

This year the school has been using no parking cones along the stretch of Pendreich View outside the school. These have been working extremely well and certainly no parents have been ignoring them. I think if the Council spoke to parents and evaluated the success of this, more proportionate measure, the Council would appreciate that there are other alternative solutions available which parents will be more supportive of and which are effective.

I am aware of some successful walk and cycle to school campaigns that have been previously run in Midlothian but I don't recall any "parks mart" campaigns. This could involve writing out to all parents with really positive messages. Possibly packs with leaflets and school information and where the campaign genuinely is positively encouraging considerate parking and school drop off practices. It's possible that to date the messages have been presented in a more negative way—as opposed to a really positive and exciting campaign aimed at behavioural change. I really believe this kind of approach could ultimately make all the difference. People are known to respond positively to

positive campaigns, and by encouraging some parents to think a little differently – or by presenting the issue in a fresh way - the school and local residents could see some real additional benefits. Since my association with the school I can honestly say I have never had one letter home in relation to parking issues with exception of the survey that was sent out last year regarding this TRO.

A safe parking campaign with a really positive message and which encourages parents to get involved and get enthusiastic will help tackle the root cause of any problems across Midlothian and encourage better parking practices all around – not just at the school gates.

If proposals such as these were to go ahead around any primary school in Midlothian it is vital that a map of routes to the school is produced, not just for walking and cycling but which also indicate and identify safe locations further away from school streets in which to park or drop off children. It is negligent of the Council to enforce TROs such as this without this, and without identifying reasonable and safe alternative locations for parents to park when they need to. The documents made available regarding this proposed TRO show no regard to this, and once again I would insist that active consultation would have provided a forum for such matters to be duly considered.

For the TRO to be sustainable there needs to be strong ongoing commitment from the school and school community. At this stage I am very unsure whether this is the case. The lack of evidence and documentation associated with the draft proposal does not demonstrate that there is, and at this stage there has been no active engagement with parents and the wider community. With the school relocation planned there may also not be a strong enough commitment or appetite to sustain this over the longer term.

If it is the case that the Council has no powers to enforce the TRO then I imagine this will be undertaken by the Police. If the Council intend to work with Police Scotland to ensure that levels of enforcement will be appropriate to ensure the enforcement order isn't ignored then surely they could commit the same level of "appropriate" enforcement to ensure any inappropriate parking practices are dealt with currently.

CURRENT SITUATION

Parents who have little choice but to drive to/from school are just as concerned about the safety of all children as any other parent and it would be wrong for anyone to suggest otherwise. I would suggest that currently, there MIGHT be a small number of persistent offenders who might be parking inconsiderately. I personally have NEVER witnessed a car parked across someone's drive or with a wheel on the pavement which makes me wonder how big a problem it actually is, or whether it is more of a perceived problem. I have heard anecdotally of people witnessing inconsiderate parking or driving, but as I say I have never witnessed it myself.

There should be more of a desire to look at ways of targeting these parents as well as encouraging the wider school community to walk and cycle more if that's an option for them. I think that Lasswade Primary has been pretty good at this, but the Council must remember there are still a number of parents for whom, unfortunately, walking or cycling is impossible.

Currently the school is operating with no parking cones along Pendreich View. This has been a recent development and started in October 2016. This appears to me to have been very successful and I have seen no examples of parents ignoring this. Visibility has improved as a result and many many

parents seem very happy with this system. Should it not be the case that we evaluate this new approach before taking any new drastic measures which might increase the safety risk for our children? The use of parking cones has been a new initiative since the survey regarding restrictions on streets was sent out last year. This already demonstrates that everything hadn't been tried prior to that, and in fact we have now found a solution that is working. A solution that is far more cost effective in the short, medium and long term – especially as the intention is to relocate the school.

I strongly suggest you allow the school and parents to continue the use of the no parking cones on Pendreich View (or commit to double yellow lines) as well as continue to explore a number of other potential initiatives, such as the potential for CCTV use to help deter or target any persistent offenders. Irresponsible parking should continue to be tackled under current enforcement and with the measures outlined above should take less resource to enforce than any new TRO.

I completely empathise with residents who live in a nice quite street which is disrupted by increased traffic twice a day, however I strongly suspect residents just "perceive" current circumstances as a difficulty in their lives. It happens for 15mins a day, twice a day, 190 days per year (52% of the year). There is absolutely no evidence this TRO will add any additional "benefits" to their lives. It will only result in a detrimental impact on children's safety, a reduction in "amenity" for residents on peripheral streets and a significant inconvenience and increased stress to some parents and families.

I would suggest that residents of the Pendreich area should be able to accept some additional traffic at school start and finishing times for the next few years before the school is relocated. For many people across Midlothian who live near large employers, bus stops or train stations, community halls and other facilities these issues around parking are with them all day, for the whole year. A TRO therefore seems a completely disproportionate and ineffective response in this case.

The number of children from outwith the catchment attending Lasswade is decreasing significantly. A few years ago I believe it was about 50%, whereas now it is around 30%. The new intake plans for the next school year show that only 5 out of catchment placement requests were expected or submitted for the new P1 intake. What this suggests to me is that this is not a worsening problem but that actually the situation is improving and likely to improve further.

IMPACT ON FAMILIES

Given the impact of the proposed TRO on families who have little choice but to drive it is only right that parents who drive and will be significantly impacted are therefore treated as key stakeholders and allowed the opportunity to feed into this process. There has been no opportunity to get involved in these discussions and nothing in school newsletters, on the school or Council websites or social media while these proposals have been developed.

Many families are struggling to cope with multiple pressures at the moment and I would suggest the Council has underestimated how many families at LPS are struggling with multiple challenges and the impact that these proposals will have on them.

The Council need to encourage parents to thrive for the benefits of children, and by adding the pressure of having to navigate children along and across a main road, when you are juggling young children, or the pressure of getting to work or other places, will only lead to increased stress and anxiety among some parents.

In addition some families have elderly grandparents who support them by helping out with school pick up and drop offs when they can. The associated safety risks of the main road are likely to make some less willing to do so. If an older person now has to park a good distance away, in an unsafe street, where they are unsure whether there will be any parking available and take the child across the main road this is likely to make them far less confident picking up/dropping grandchildren off at school or nursery. My mum, for example, although not a blue badge holder had a hip replacement in 2016 and also suffers from arthritis which can flare up. Asking her to find a suitable place to park across the busy main road, and then escort her grandchildren across it, is a big ask, and something I am unlikely to do should these proposals go ahead. I will have to find alternative arrangements which will be no easy task.

The significant change that these proposals represent, as well as compromising children's safety, will also substantially add to the stress and uncertainty as to how parents manage their day to day activities. For example on a Monday I will have the school drop off, followed by a drop off at the Crescent Playgroup in Dalkeith for 9am, then off to work. On a Friday the playgroup finishes at 12pm, and I need to be at the school to collect my son for 12:15pm.

These timescales become incredibly challenging to manage when you consider the processes involved i.e. getting the children/buggies in to the car and strapped in, then driving to school, time spent looking for a safe place to park, getting children out the car, strapping the one year old into the buggy while trying to hold your 3 year olds hand – knowing that that you have to manage all this across the main road where your children's lives are at risk and also trying to make sure your child isn't the last one left in the playground or sent to the school office because you are late. My husband and I also work full time so you can imagine the added dimension of complexity as we try to manage our working hours to compliment school timetables as it is. I may be in a position where I have to ask even more concessions from my already understanding employer.

I would invite any officer from the Council, or any local Councillor to come and do a trial run with me and my children under the proposed new scenario, so they can truly experience first-hand the challenges for some parents, and the anxiety associated with the dangers of the main road. It doesn't seem reasonable to expose even more children to the main road, and indeed the more congested the pavements and crossing around the main roads become with pedestrians, buggies, scooters etc. the increased likelihood there is for a serious accident or fatality.

EXTENT OF THE PROPOSED RESTRICTIONS

The extent of the proposed restrictions is completely disproportionate to the problem and rather than increasing child safety it will place our children at a much greater risk. The proposed plan published by Midlothian Council which shows the proposed restricted streets in red makes it appear that all those streets are heavily used by either parents parking or children walking to and from the school. This is absolutely not the case at the moment.

There has been no reasoning produced by the Council as to why these streets were proposed, and again I would ask you to return to the survey analysis and identify the respondents who thought extending the restricted area might be a good idea. You are likely to find that those responses came from residents living on those streets. There is therefore no evidence or reasoning that the inclusion

of these streets will promote child safety. Conversely it will push children in to danger by forcing them on to the area around the main road.

The Council needs to be absolutely clear what the decision making and procedural processes were behind these proposals and what assessment and prioritisation was undertaken. I think the Council also needs to be absolutely clear on what the main purpose of these proposals is, as at the moment that is very unclear. If children's safety is the priority then these proposals do very little to support that.

I have made some annotations on the map which the Council published in relation to this TRO. One outlines what I think many parents would agree would be a far more proportionate restricted area and could support the aim of increased safety for children at the school gates. This would include restrictions along Pendreich View and Pendreich Drive only. I consider this would be a far more reasonable proposal; although again, with the school relocation planned, it would not be value for money in the longer term.

The other map demonstrates where I would suggest the main routes for walking children are, and highlights that a significant area you have identified for these restrictions are not currently heavily used, therefore it is unclear why these streets have been included. It is possible that Midlothian Council has carried out a wide range of analysis which has provided the intelligence to develop the proposals as they are, and if that is the case it would be helpful if Midlothian Council could make this information available so that parents and residents have an improved understanding.

ADDITIONAL COMMENTS

As a parent I support a reduction in traffic congestion around school gates, and I also appreciate the benefits of increased activity levels for children; however this new traffic order will put children and families at risk for no proven additional benefits, while at the same time having a significant and detrimental impact on many parents, and indeed other local residents.

I would strongly urge the Council to reconsider these proposals in collaboration with the local community, and I would strongly suggest there are other more effective ways to spend the resources that may have been identified to support this order. I am confident that a number of more innovative and effective solutions (that do not just displace an issue and expose more children to the main road) could be considered with any funding that is available.

As I mentioned previously No Parking Traffic Cones have been outside the school gates along Pendreich View and this has been very successful. The Council need to consider these options and what is currently being done that is working well. Perhaps since the Council began considering this TRO the climate has shifted slightly; and parking and congestion issues around the school are being managed better by parents.

I would love to be able to walk all my children to school, particularly in the summer. They are able to catch up with friends on route and it's a nice bonding time between parents and children, however unfortunately for our family it is just not possible, as it is impossible for many other families. I have never seen any dangerous driving practices or inconsiderate parking around the school myself and personally I have always parked responsibly. In addition I sometimes share the school run with some of my neighbours, therefore reducing congestion and helping to cut carbon emissions. This is

unlikely to continue if I have more children to see safely across Eskank Road. I feel nervous enough at the thought of escorting my own children safely across.

It does not appear that due regard has been given to various matters in the process before these proposals were developed, and that further consultation and consideration of what is currently working (e.g. traffic cones) and other alternatives needs to be examined.

If there is a very small minority of parents who continue to engage in unsafe parking practices then let's deal with them, rather than move the problem elsewhere and put children's lives at risk in the process, or alternatively re-consider the scope of the proposed restrictions.

There needs to be a robust baseline of information and empirical evidence to truly understand the current situation and prepare for the potential impacts if these proposals were to go ahead. At the moment this appears to be lacking. It is also impossible to monitor, evaluate and measure the impact of the order if this information is not available and completely understood.

There has been a lack of engagement with parents and it hasn't been explained properly to people why the Council are considering this proposal, why Lasswade Primary is an appropriate school and what the potential impacts might be. I fear that robust evidence, assessment, analysis and prioritisation is not taking the lead in decision making, and it absolutely should be. If the Council intends to spend money on a potential issue this needs to be evidence based, and perhaps resources should be spent either in school areas where it could be an appropriate solution. Prioritisation of resources is essential.

On this basis, and on the basis of the information that Midlothian Council made available, I have to object to the current proposals, and look forward to clarification on the points I have raised within this letter of objection.

Yours Sincerely,



Reference - T0/R5.3-8

Dear Sir/Madam

MIDLOTHIAN COUNCIL

29
30 MAR 2017

T4

RECEIVED

We are writing to raise an objection to the planned area of which cars will be banned from around Lasswade Primary School.

As parents of children who attend this school we obviously have strong views towards the childrens safety, but we feel this area has been taken too far with 40' (number given by parent council) of children, who are non-catchment attending Lasswade we feel this will not discourage parents/cars from driving. Talking to other parents it is clear they will only find other streets to park. Therefore this does not solve the main issue, although obviously it will directly at the school, it just moves it to other streets. Those streets will still have school children walking them and will now have more traffic and parents competing for spaces potentially leading to dangerous driving.

As we live in a street very close to the school and

one of the closest outside of the bar, we fear for the amount of traffic our street will now have to cope with. Parents already use this as a drop off. James Leary Way is horrendous for parked cars at present and will not cope with increased traffic. Cars already blocked views for safe movement by parking on the corners. This is not going to make for a safe environment for pupils and general public. We feel other ways need to be sought to solve the issue. Perhaps catchment areas and pupil placement should be looked at in near future.

Many thanks



26th March 2017

Legal Services Manager
Midlothian Council
Midlothian House
Buccleuch Street
Dalkeith
EH22 1DN

Dear sir/madam,

**Statutory Notice TO/R5.3.8:
Proposed Road Closures in Pendreich, Bonnyrigg**

I write to register my objections to the proposed closures of roads in the Pendreich area of Bonnyrigg. The grounds of my objections are:

- I do not live in the area but need regular vehicular access at the times indicated
- No reasons or supportive evidence for the proposals have been stated.
- No analysis has been presented of the resulting impact on the surrounding streets.

Yours faithfully,

A large grey rectangular box redacting the signature of the sender.

David Chambers

From: [REDACTED]
Sent: [REDACTED]
To: [REDACTED]
Subject: Lasswade Primary School proposed car restrictions

Dear Mr Chambers

I am writing to submit an objection in relation to the planned car restrictions in the streets surrounding Lasswade Primary School.

I appreciate that we live less than two miles away from the School, however it is not distance that prevents me from walking my son (who is currently at the school nursery and due to start P1 in August), but the conditions of the route.

Given his age you'll appreciate that walking up the steep gradient from the bottom of the valley of Lasswade is very challenging, and would take a significant amount of time, which is just not feasible for the start of the school day. This is compounded by the fact that I also have a one year old daughter who I will have to make the journey to and from School with.

This brings me on to safety. The route to the School is a main commuter route with high volumes of traffic and having to negotiate this on foot twice every day with two young children is very dangerous. We are not on a cycle path, there is not a continuous pavement to the School and certainly no pedestrian friendly crossings until you get in the vicinity of the School itself. I'd also be concerned about having to make the journey in bad weather, particularly in the winter months when the mornings and evenings are dark and when ice can affect the pavements and roads.

Unfortunately the bus stops are inconvenient, again requiring crossing the main road to reach them.

I fully support that the safety of the School children directly outside the school gates is paramount. The paint and cones that were introduced this year to limit parking to one side of the street certainly helped with this and alleviated traffic congestion, so I would like to see that continued on a permanent basis.

However, I feel the proposed ban of parking cars entering all the surrounding streets is more a measure to pacify local residents, and will only force those families that need to drive their children to School to park in other neighbouring streets, and therefore pushing the problem out wider.

I wonder, given there is now a large cohort of School children in Lasswade partly due to the Miller Homes development, whether it would be possible to operate a School bus from Lasswade to the school? This would surely help reduce traffic whilst ensuring pupils were safely transported to and from school.

I would appreciate it if you could please acknowledge receipt of my email and I look forward to hearing from you in due course.

Kind regards



Sent from my iPhone

Click [here](#) to report this email as spam.

David Chambers

From: [REDACTED]
Sent: [REDACTED]
To: [REDACTED]
Subject: Objection to parking restriction

David

I believe you are the person to contact with objections to the proposed parking restriction around Lasswade primary school.

We live at [REDACTED] and our son currently attends the Lasswade primary nursery class. He is due to start primary one in August.

I would like to strongly object to the proposed parking restriction on the grounds that it is not feasible for us to walk to school from where we live and we have no choice but to take a car. The walk would involve walking up a steep hill which is very difficult for a small child. In addition, it is an extremely busy main commuter route which only has narrow pavements, in fact in some places no pavement. If you are familiar with the area I am sure you would agree that it's not a route you would consider walking with a small child. With little legs it is also likely to take over 45 mins to get there and he would be exhausted (I know this because I tried it with him one Sunday!).

If the restrictions were in place then we would be forced to park in a street outwith the restriction zone. I'm not sure what the benefit would be to anyone, (apart from the people who live in the immediate vicinity of the school) as we would still be parking in a residential area and driving along streets filled with school children making their way to school.

If I could be assured a parking space outwith the restricted zone then I'm not too adverse to walking my son from there. However, in bad weather where there are icy pavements then I'm not sure how well gritted the pavements further out from the school will be.

Perhaps one idea to consider would be to give permits to people who have a genuine need to be taking a car to drop children at school, and this would reduce traffic from people who are within easy walking distance from the school.

I hope you will take my points on board. Look forward to hearing from you.

Thanks

[REDACTED]


30/03/17

Dear Sir/Madam,

I am writing to lodge an objection to your proposed Parking/Vehicular Access Restriction for the area surrounding Lasswade Primary School your Ref TO/R5.3.8.

My objections to the proposal are that you are just moving the problem onto the main road and into the house estate on the opposite side on the main road thereby creating problems with residents in this estate as it will cause conflict and anti-social behaviour albeit legal parking from the residents who will park out with their own parking drives etc. to discourage any parking by parents who have to drop their children off by car.

You will also end up congestion the main road with cars parking on the Lasswade Primary School side and now doubt others will take to parking on the grass verge on the opposite side thereby congesting a road that does not have any congestion on it at the moment as the traffic free flows. Attempting to put parking restrictions in place may seem one option but this would hamper the drop off by the Breakfast club bus in the mornings as the bus regularly drops off the children there who are then escorted up to the school. Also as parking offences have not been de-regulated by yourselves do you have enough Traffic Wardens to police this? As I am sure Police Scotland stopped funding these officers and you cannot employ traffic attendants like Edinburgh City Council has.

I am also a parent who works full time I have Family Friendly policy in place which allows me to start later but having any additional delay in having to park further away may place that in jeopardy as I cannot amend it anymore the only option would be to reduce my working hours there by causing financial hardship. I already have to navigate the 20 MPH zone to get to my place of work which has seen my journey time increase have you taken this into account? As I will not be the only working parent experiencing this. Have you explored creating a safe drop off zone for parents like myself? I have said on the last survey have you tried targeting the offenders bad parkers and aggressive drivers as I'm sure this would be more beneficial than taking a wide sweeping approach. The only people who will gain out of this are the residents who have campaigned for this. I have one question why on earth

did they buy a house next to a school? The residents are not above reproach I have a photograph of one of the residents vehicle parking over the public footpath obviously trying to attempt anyone performing a three point turn in their mind set they were in the right but not realising that they do not own the road in front of their drive way as it connects to a public footpath.

I hope you find these objections in good faith.

Regards,



David Chambers

From:
Sent:
To:
Cc:
Subject:

Ref: TO/R5.3.8 - Objection to proposed order

Dear Mr Chambers

I refer to the above proposed order and my telephone conversation today with your colleague.

I wish to submit my objection to the above proposed order under explanation that I consider the zone should also include Viewbank Drive, Viewbank Road & Viewbank View.

I also wish to note my concerns regarding parents parking their vehicles on the pavement on the corner of Viewbank View and Drive in order to run down and collect their children. We have also seen an increase in vehicles parking at the entrance to the children's playpark on Viewbank View which is a no parking zone and we feel puts our daughter's safety at risk when walking to and from the School. We also feel concerned about vehicles not adhering to the speed limits in and around the Lasswade Primary School.

I trust my objections can be considered and look forward to hearing of the outcome.

If you require any further information, please do not hesitate to contact me.

Many thanks

Kind regards

Sent from my iPhone



29th March 2017

Legal Services Manager

Midlothian Council


Midlothian House

Buccleuch Street

Dalkeith

EH22 1DN

I write to you in dispute of the decision of the road closure. I am a parent of a  and have a

 who will also attend the school in the year 2020. We currently have over a 6 mile round trip to do the school run for both schools, I need to bring my children to school by car and also due to the timings of the schools getting out and traffic I need to park in close vicinity to the school. I have been driving to the school for over 8 years and whilst yes there are many parents who do not observe speed restrictions I'm also very concerned about the driving of the residents with regard to their speed and also a great concern with people dropping off what must be grand children in the morning and then the residents driving out the street at great speed to take them to other schools, this isn't going to stop any of this happening.

I'm in total agreement with shutting the roads immediately around the school as initially proposed, but closing all streets will just move the problem into another area in which children are still walking to school, this is not going to prevent any accidents in fact will we see more as parents will be driving in a greater hurry as they will also have time to travel by foot and then the next thing will be residents in those streets complaining of the parking. Perhaps now is the time I should maybe take up taxis from the council to and from school, at what cost will this be yearly to yourselves?. Since the cones have been in place people have been observing careful parking and in fact since the cones were uplifted a few weeks ago parents have remained parking as though they were there. Is this just the residents fed up and making a greater issue than it is? The school has been there for years and if you buy a house next to a school I'm afraid you need to realise people will park in your street for a small amount of time morning and afternoon, for a small percentage of the year. Is it really such a great issue as long as the children's safety is paramount?

I am happy to be contacted to discuss any of the points I have mentioned.

Regards



This is a summary of the main points of the 17 objections received to the proposal. The full contents of the objections are included in Appendix 1 (names/addresses have been redacted).

1. Too far/difficult to walk. Walking route may be dangerous.
2. Viewbank Avenue should also be included, as proposal would increase traffic there.
3. Walking further means crossing busy roads. Restriction should be more limited.
4. Too far to walk all the way within catchment, and there are not enough crossings further away from the school.
5. Moving parking to other streets will annoy residents there. Suggests building more road space for a drop-off point next to the school.
6. Too difficult for children from outwith catchment to cross main road. Moves problem elsewhere.
7. Too far to walk, within school catchment. Suggests school bus.
8. Not aware of any incidents to justify proposal.
9. Welcomes parking restrictions but too far to walk (within catchment) and poor conditions for pedestrians further away. Suggests school bus.
10. Doesn't believe there is a problem, or support for proposals or that proper consideration has been given. Proposals would displace problem elsewhere. Money could be better spent. Other TROs (eg double yellow lines) would be more effective. Never seen any inconsiderate parking or driving.
11. Problem will move to nearby streets (where they live).
12. Needs vehicular access.
13. Difficult/dangerous to walk from far end of school catchment. Suggests school bus.
14. Difficult/dangerous to walk from Westmill.
15. Better enforcement of other restrictions would be better. Proposals would be inconvenient for drivers to have to walk and would move problems elsewhere. (concerned about effect on breakfast club bus).
16. Wants Viewbank Drive, Road, and View, included too. Concerned about other parents driving including parking on footway, and speeding.
17. Would agree to smaller extent but not to full proposal. Problem is not too bad if parking is restricted. Would be inconvenient to those within catchment who are remote from school.

Responses to comments

Too far/difficult/dangerous to walk –

The distance set by government as the maximum a child may be required to walk to/from school is 2 miles for younger children and 3 miles for older children. If the route is longer than this to a catchment school or if it would be dangerous for a child (accompanied by an adult if necessary) to use, then the Council would provide transport, such as taxi, bus, or a pass to use service buses.

The Council has worked with the school to prepare recommended walking routes from all sides of the school, and the majority of pupils have used these to walk/cycle/scoot to school. Less than a quarter of pupils were driven to school and it should be possible for their parents/carers to stop their cars away from the school and use one of the recommended routes.

Problems will shift to nearby streets –

It is expected that there will be a reduction in pupils being driven, and that parking/manoeuvring of these cars will be spread over a wider area so it will be less intense than it has been directly outside the school.

Difficult to cross main road –

There are school crossing patrols on the A6094 Eskbank Road and Pendreich Drive/Terrace. Other roads further away also have Patrols or crossing facilities.

Not aware of any incidents to justify proposal/ Never seen any inconsiderate parking or driving –

There have been many complaints about bad driving and parking in this area, but unfortunately some of those causing the problems are unaware of them.

Other restrictions/enforcement would be better –

Some of the early support for restricting access near the school came from local Police/Traffic Warden who experienced difficulties dealing with bad driving/parking.

Need vehicular access –

Residents or businesses in the area will be able to apply for permits allowing access. One-off special cases can get permission from Police. (Police will be responsible for enforcing the Traffic Regulation Order, as contravention will be a moving traffic offence normally dealt with by a Conditional Offer of a Fixed Penalty Notice)

Bad parking will happen elsewhere –

Other restrictions can be introduced at short notice, if required for safety reasons.

Can a bus/minibus taxi be organised –

There are existing bus services to/from Eskbank Road. Vehicles under contract to the Council to provide transport to/from the school would be exempt under the proposed Order. The Council is only legally obliged to provide a bus as described above.

Consultation Response Spreadsheet

letters	Support	Not support	N/A	only View/Drive /Terrace	plus Ave and Grove	(other)	only primary times	Primary + Nursery times	(other)	email phone or address given
20/09/2016	17	16	0	1	3	14	3	3	14	1
21/09/2016	11	11	0	0	6	5	0	0	11	1
22/09/2016	3	2	0	1	1	1	1	1	1	1
23/09/2016	7	7	0	0	0	7	0	2	4	5
26/09/2016	5	5	0	0	0	5	0	0	3	0
27/09/2016	1	1	0	0	1	0	1	0	1	0
	44	42	0	2	11	32	5	6	34	3
Via School	146	120	21	5	58	63	6	43	77	7
Total by 27/9	190	162	21	7	69	95	11	49	111	10
	100%	85%	11%	4%	36%	50%	6%	26%	58%	5%
										25%
Later replies	37	36	0	1	14	22	2	9	28	1
Total	227	198	21	8	83	117	13	58	139	11
	100%	87%	9%	4%	37%	52%	6%	26%	61%	5%
										31%
More replies	34	28	6		9	18	2	8	19	
final total	261	226	27	8	92	135	15	66	158	11
	100%	87%	10%	3%	35%	52%	6%	25%	61%	4%
										27%

12 September 2016

Dear Parent/Carer/Resident,

Most children going to Lasswade Primary walk here. We know that active travel – walking, cycling or scooting – is good for health, environment, and learning. Fewer than one in four pupils are taken to school by car. But bad driving of some of these cars is causing danger on the roads. There isn't enough room for every driver to stop near the school and some drivers have even risked children's safety by reversing where children have to walk. And it isn't just the risk of being run over – pollution, congestion, and lack of exercise damage children's (and adult's) health and cause early deaths. Too many drivers trying to get their cars too close to the school are causing problems for everyone else. Pupil safety must take priority over parking and so we would like your views on a new way to make this better.

We are proposing a trial "School Street" scheme to help people walking (or cycling or scooting). This would stop most motor vehicles driving in the street(s) nearest the school at the same time as most children are walking there. East Lothian and Edinburgh already have School Streets and they have worked well. We are now consulting on introducing these in Midlothian and on details of which streets or parts of street to include and what times to cover.

The restriction would be shown by a sign at the entrances to the street or streets involved. Exemptions would include any emergency services, blue badge holders, medical professionals and care staff, delivery services, and residents in the restricted section of road (who would get permits to display in their windscreen).

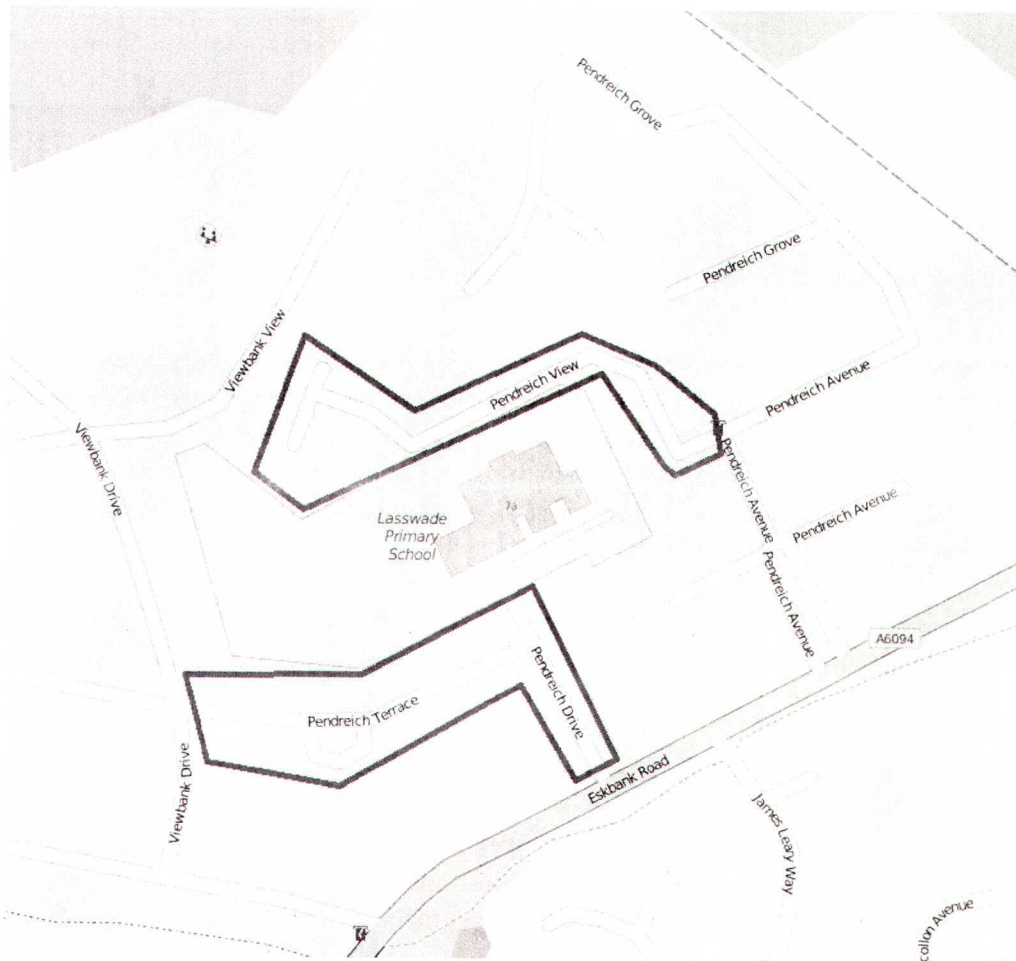
Our recommendation for the trial for Lasswade Primary's 'School Streets' would cover Pendreich View, Pendreich Drive and Pendreich Terrace. Should it also include Pendreich Avenue and Pendreich Grove, or cover a different area? (see map overleaf)

It would cover arrival and departure times for the primary school pupils (who may be walking to/from school without adult supervision). Should it also cover times for nursery pupils (who should be looked after by parents/carers)?

Please could you let me know your views on this by filling the form overleaf and returning it to the school (or to me at the above address) by 27th September?

Yours faithfully

David Sharp
Principal Officer - Policy and Road Safety
david.sharp@midlothian.gov.uk



Please tick the answers you prefer:

☐ I support the School Streets trial for Lasswade Primary.

or

☐ I do not support the School Streets trial for Lasswade Primary.

It should cover:

☐ Pendreich View, Pendreich Drive and Pendreich Terrace

or

☐ Pendreich Avenue and Pendreich Grove as well as Pendreich View, Drive and Terrace

or

☐ other (please specify) _____

The times it should apply are

☐ just for primary school

(Mon-Thu 8:30-9:00am 3:10-3:40pm; Fri 8:30-9am, 12:10-12:40pm)

or

☐ also include nursery times (Mon-Fri 8:15-9:00am 11:15am-12:50pm; 3:10-3:50pm)

or

☐ other (please specify) _____

(please include your name and address/email/phone number if you would like a reply)

DRAFT

THE MIDLOTHIAN COUNCIL

THE MIDLOTHIAN COUNCIL (SCHOOL STREETS) (PROHIBITION OF MOTOR VEHICLES) TRAFFIC
REGULATION ORDER 201_ - TO/R5.3.8

The Midlothian Council in exercise of their powers under sections 1(1), 2(1) to 2(3) and 4(2) of, and Part IV of Schedule 9 to, the Road Traffic Regulation Act 1984 as amended, ("the 1984 Act"), and of all other enabling powers, and after consultation with the Chief Constable in accordance with Part III of Schedule 9 to the 1984 Act, hereby make the following Order:

Citation and Commencement

1. This Order may be cited as "The Midlothian Council (School Streets) (Prohibition of Motor Vehicles) Traffic Regulation Order 201_", and shall come into operation on the day of Two thousand and .
2. The restrictions imposed by this Order shall be in addition to and not in derogation of any restriction or requirement imposed by any regulations made under the 1984 Act or by or under any other enactment.

Interpretation

3. In this Order:

"Article" means an article of this Order;

"Chief Constable" means the Chief Constable of Police Scotland;

"Council" means Midlothian Council, incorporated under the Local Government etc. (Scotland) Act 1994 as local authority for the Midlothian area;

"driver", in relation to a vehicle, means the person authorised by the owner to drive the said vehicle and, for the avoidance of doubt, includes the owner of the vehicle;

"healthcare worker" mean a General Practitioner, doctor, registered nurse or other identifiable medical professional carrying out home visits to patients residing within a School Streets area;

"keeper" means:

- a) the owner of a vehicle; or
- b) a qualifying person identified and authorised by a registered business as being the sole or main user of a vehicle owned or leased by that business;

"motor vehicle" has the same meaning as in Section 136 of the 1984 Act;

"permit" means any permit issued by the Council under the terms of this Order;

"permit holder" means any person to whom a permit has been issued by the Council under the terms of this Order;

"prohibited hours" means the periods specified in column 4 of each Part of the Schedule;

"prohibited road" means a length of road described in column 2 of the Schedule to this Order;

"qualifying person" means:

- a) a person who is resident at premises the postal address of which is in a road described in column 3 of the Schedule; or

- b) any person who owns or leases a business or organisation the postal address of which is in a road described in column 3 of the Schedule; or
- c) any healthcare worker or carer who requires access, as part of their duties, to premises the postal address of which is in a road described in column 2 of the Schedule; or
- d) any teacher or person working within a school, the postal address of which is in a road described in column 2 of the Schedule, and who is nominated by the Head Teacher as requiring access to or from the school in an emergency situation,

“road” has the same meaning as in Section 151 of the Roads (Scotland) Act 1984 and, for the avoidance of doubt, a road includes part of a road;

“Schedule” means the Schedule to this Order;

“School Streets area” means the prohibited roads described in column 2 of the Schedule;

“School Streets permit”, means a permit issued by the Council under the terms of this Order to a qualifying person;

“School Streets permit holder” means a qualifying person to whom a permit has been issued by the Council under the provisions of Article 10 of this Order;

“School Streets scheme” means the arrangements set out in this Order and any subsequent variations to prohibit certain vehicles at certain times from entering or proceeding along specified streets near schools;

“telecommunication apparatus has the same meaning as that assigned to that phrase by Section 4 of and Schedule 2 of the Telecommunications Act 1984;

“traffic sign” means a sign of any size, colour and type prescribed or authorised under, or having effect as though prescribed or authorised under, Section 64 of the 1984 Act;

- 4. References in this Order to a disabled person or to a disabled person's badge shall be construed in accordance with The Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000 and The Local Authorities Traffic Orders (Exemptions for Disabled Persons) (Scotland) Regulations 2002.

Prohibition of Driving during Prohibited Hours

- 5. Save as provided in Articles 6, 7 and 8 no person shall, except upon the direction or with the permission of a police constable in uniform, cause or permit any motor vehicle to enter or proceed in a prohibited road during the prohibited hours as indicated by the traffic signs which indicate the start of a School Streets area as specified in the Schedule.
- 6. Article 5 shall not apply to a motor vehicle which displays a School Streets permit for that vehicle issued for the School Streets area in which the vehicle is being driven.
- 7. Article 5 shall not apply to a motor vehicle while being used for fire and rescue, ambulance or police purposes.
- 8. Article 5 shall not prevent any person from causing or permitting a motor vehicle to enter or proceed in the prohibited road as may be necessary:
 - (a) to enable a vehicle displaying a disabled person's badge, being driven by or carrying a disabled person, to uplift or set down passengers or to wait at premises located on a prohibited road during the prohibited hours; or

- (b) to enable the vehicle to be used under contract to Midlothian Council to take children to or from a school specified in the Schedule; or
- (c) to enable the vehicle to be used by a healthcare worker or care worker carrying out home visits within a School Streets area; or
- (d) to enable goods to be delivered or collected; or
- (e) to allow a funeral undertaking; or
- (f) in pursuance of statutory powers or duties: provided that in all the circumstances it is reasonably necessary in the exercise of such powers or duties for the motor vehicle to enter or proceed; or
- (g) to enable the vehicle, if it cannot conveniently be used for such purpose in another road or outwith the prohibited hours, to be used in connection with any building operation, demolition or excavation in or adjacent to the prohibited road; the cleansing or lighting of the prohibited road; the removal of any obstruction to road traffic; the maintenance, improvement or reconstruction of the prohibited road or street furniture therein or thereon; the laying, erection alteration or repair in or adjacent to the prohibited road of any sewer or of any main, pipe, or telecommunication apparatus; or the placing, maintenance or removal of any traffic sign.
- (h) to enable tradespeople such as plumbers and gasfitters to gain access to properties in an emergency.

Placing of Traffic Signs, etc

9. The Council shall place and maintain such traffic signs as are required to give effect to the provisions of this Order.

Applications for School Streets Permits

10. Any qualifying person who is the keeper of a vehicle may apply to the Council for the issue of a School Streets permit in respect of that vehicle, and any such application shall:
- (a) be made on a form issued by and obtainable from the Council;
 - (b) include the information or particulars specified on the application form.
11. The Council may at any time require a qualifying person applying for a School Streets permit to provide to an officer of the Council:
- (a) in respect of a new application for a permit, such evidence as they may reasonably require to verify any particulars or information given to them;
 - (b) in respect of a previously issued permit, such evidence as they may reasonably require to verify that the permit remains valid and/or that the School Streets permit holder remains entitled to the permit.

Issue of School Streets Permits

12. Save as provided in Article 13, on receipt of a valid application the Council shall issue to the qualifying person without charge one School Streets permit allowing access, for the designated vehicle in the prohibited hours, to a specified School Streets area.
13. A qualifying person may apply for separate permits for multiple vehicles registered at the same address. However, should the total numbers of vehicles movements in a School Streets area in the prohibited periods be so great that the purpose of the scheme is jeopardised, the Council reserves the right to limit the number of permits issued to the same address.

Form of School Street Permits

14. A School Streets permit shall be either:
- (a) in writing with the following particulars:
 - (1) the registration mark of the vehicle in respect of which the permit has been issued;
 - (2) the date, if any, after which the permit shall cease to be valid;
 - (3) an identifying mark indicating that the permit is a School Streets permit eligible for use in a specified School Streets area during the prohibited hours, as described in the Schedule to this Order;
 - (4) an indication that the permit was issued by the Council, or:
 - (b) in any other form as may be determined from time to time by the Council.

Display of School Street Permits

15. The driver of a School Streets permit holders' vehicle entering or proceeding in a School Streets area during the prohibited hours must, at all times, display a valid School Streets permit at the front or nearside of the vehicle so that it can be clearly seen from outwith the vehicle.
16. When a School Streets permit has been displayed on a vehicle in accordance with Article 15, no person (not being the driver of the vehicle) shall remove the permit from the vehicle unless authorised to do so by the driver.

Cessation of Validity of School Streets Permits

17. A permit issued under the terms of this Order shall cease to be valid if it has been altered, defaced or damaged to the extent that any of the information or details thereon becomes unreadable.

Surrender and Withdrawal of School Streets Permits

18. A School Streets permit holder may surrender their permit to the Council at any time, and must surrender such permit to the Council if:
- (a) the permit holder ceases to reside or conduct business at premises which are eligible for a School Streets permit;
 - (b) the permit holder ceases to be the keeper of the vehicle for which the permit was issued;
 - (c) the permit ceases to be valid by the provisions of Article 17;
 - (d) a duplicate permit has been issued by the Council under the provisions of Article 18 or 19;
 - (e) any expiry date shown on the permit has passed;
 - (f) the Council varies the terms of the School Streets scheme such that it is necessary to withdraw existing permits and issue replacements to all or some existing holders.
19. The Council may by notice in writing, delivered in person to the permit holder, or by recorded delivery service to the address shown on the application for the permit or at any other address believed to be that person's place of residence or business, withdraw any permit if it appears to the Council that any of the events set out in Article 18 above has occurred, and
- the permit holder shall surrender such permit to the Council within seven days of the receipt of the aforementioned notice.

Replacement of School Streets Permits

20. If a permit is defaced, or the particulars or figures thereon have become illegible, or the colour of the permit has become altered by fading or otherwise, the permit holder shall surrender the permit to the Council and may request a replacement permit. The Council, upon receipt of the damaged permit shall issue a replacement permit.
21. If a permit is lost or destroyed, the permit holder may apply to the Council for the issue of a replacement permit and the Council, upon being satisfied as to such loss or destruction, may issue a duplicate permit so marked, and upon such issue the lost or destroyed permit shall become invalid.
22. The Council may charge an administrative fee for the issue of a replacement permit.
23. The provisions of this Order shall apply to a replacement permit and an application therefor as if it were the original permit.

Executed by The Midlothian Council this day of Two thousand and .

Proper Officer

SCHEDULE

SCHOOL STREETS

For the purpose of the application of this Order to the lengths of road specified in this Schedule:

“prohibited hours” means the period shown in column 4 of this Schedule and indicated by signs at the entrances to the prohibited area;

Part 1: Lasswade Primary School, Pendreich Drive, Bonnyrigg

1	2	3	4
School Streets Area	Prohibited Roads	Properties for which Permits will be issued	Prohibited Hours (School Days Only)
LA	Pendreich Avenue <i>entire length</i>	All addresses)
	Pendreich Drive <i>entire length</i>	All addresses)
	Pendreich Grove <i>entire length</i>	All addresses)
	Pendreich Terrace <i>entire length</i>	All addresses)
	Pendreich Way <i>entire length</i>	All addresses)
)
			Monday – Thursday 8:15 am – 9:00 am 3:10 pm – 3:55 pm Friday 8:15 am – 9:00 am 12:10 pm – 12:55 pm

LASSWADE PRIMARY SCHOOL



Recommended Pupil Routes

The Yellow Route

This is the recommended route for pupils coming from North West of the school – Broomieknowe area.

Remember to:

1. Access yellow route at earliest convenience, taking care at crossing points if applicable.
2. Continue along yellow route onto Golf Course Road and onto footpath through park
3. Carefully cross Viewbank View continuing along footway on Pendreich View.
4. Cross carefully at green crossing strip on Pendreich View.
5. Access school at gate no.2.

The Green Route

This is the recommended route for pupils coming from Eldindean area, South West of the school.

Remember to:

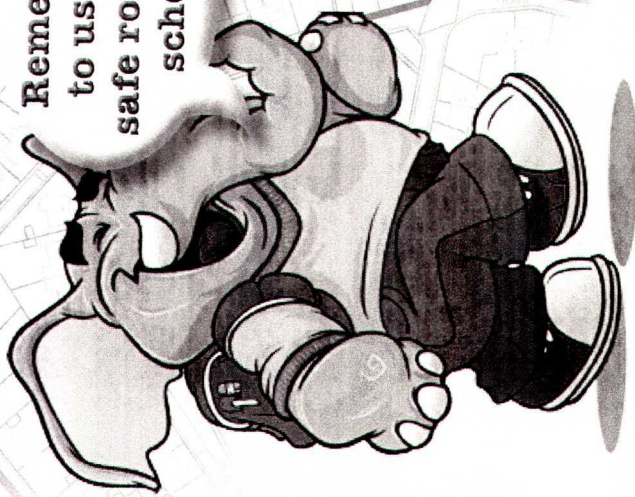
1. Access green route onto Pendreich Terrace, taking care at crossing points if applicable.
2. Continue along Pendreich Terrace, crossing with School Crossing Patroller if applicable.
3. Access school at gate no. 1.

The Blue Route

This is the recommended route from pupils coming from South East of the school – James Leary Way, McQuade Street, etc.

Remember to:

1. Use footpaths and follow blue route to School Crossing Patroller, puffin crossing on Eskbank Road.
2. Cross using School Crossing Patroller and continue along Pendreich Drive.
3. Cross at Pendreich Terrace using School Crossing Patroller and access school at gate no.1.



**Remember
to use the
safe routes to
school!**

KEY

- Blue Route
- Green Route
- Red Route
- Yellow Route
- School Gate
- Traffic Lights
- School Crossing Patrol



LASSWADE PRIMARY SCHOOL

The Red Route -----

This is the recommended route for pupils coming from East of the school, Pendreich Avenue, Pendreich Grove, etc.

Remember to:

1. Access red route to Pendreich View.
2. Cross carefully at green crossing strip on Pendreich View if applicable.
3. Access school at gate no.2.

Cyclists

For pupils cycling to school, use the same routes. Be aware of vehicles and pedestrians. Before entering the pedestrian access gate, dismount bike then park in cycle storage areas.

Always remember to wear a helmet!

Pupil Drop Off/Pick up Point

It is recommended that pupils are not driven to the school on a regular basis. If it is necessary to drive pupils to school, it is recommended that they are dropped off near to one of the walking routes and walk from there (younger children being accompanied).

Dogs

Please note that dogs are not allowed within the school grounds, thank you.

Registration of Care at Home staff in Midlothian**Report by Alison White, Chief Social Work Officer****1 Purpose of Report**

The purpose of this report is to advise cabinet of the need for home care and housing support staff to register with the Scottish Social Services Council (SSSC) and the work that is being undertaken to support staff in this legislative requirement.

2 Background

- 2.1** The SSSC is the regulator for the social service workforce in Scotland. Their work means the people of Scotland can count on social services being provided by a trusted, skilled and confident workforce. They protect the public by registering social service workers, setting standards for their practice, conduct training and education and by supporting their professional development. Where people fall below the standards of practice and conduct they can investigate and take action.

Registration is a major part of the drive for higher standards in social services and is bringing the social service workforce in line with other professional colleagues. Nursing, medicine and teaching are all regulated professions and workers have to register with their own regulatory bodies to be able to work in their field. Social service workers have to do the same. Registration of social service workers has an important role in improving safeguards for people using services and increasing public confidence in the social service workforce.

- 2.2** The register for social service workers in care at home services and housing support services will open with the SSSC from 2nd October 2017.

Registration is compulsory for care at home and housing support workers and Midlothian is unable to employ staff in these roles that are not registered. In line with other regulated professions, it is the individual staff member's responsibility to ensure that they maintain their registration throughout their employment with Midlothian Council, failure to achieve and maintain registration may impact on their continued employment with Midlothian.

Within Midlothian Health and Social Care Partnership there are 182 carers who are required to be registered. These staff sit within the Care at home service comprising of Reablement, Complex care, MERRIT, Cowan Court and Midlothian West teams. Cowan Court are required to be dual registered as they provide housing support.

Staff have already been written to explaining about the registration requirement and the Trade Unions have held meetings with staff. We will continue to work closely with the Trade Unions to ensure that all staff fully understands the benefits that registration gives in terms of improving both the status of their role and the increasing professionalism.

2.3 There are a number of further actions that need to be implemented to ensure Midlothian Health and Social Care Partnership are compliant with supporting staff to register.

These include:

1. Newsletter to all staff explaining the process and the value of registration 31st July 2017
2. Individual letters to staff in September with a step by step guide to the application process. This will reiterate the Codes of Practice for workers and employers
3. Provide support to staff to undertake their registration application (i.e. IT support, opportunities to access a PC to complete the application).
4. Supporting staff to obtain the relevant qualifications for their post i.e. SVQ 2, mandatory training as well as follow up refresher training.

Whilst all existing staff require to register by 2020, we will support staff to register in a timely manner. Workers new into a role will have six months from the date they start to register with the SSSC.

Work is also underway with our externally contracted providers to ensure that they are also supporting their staff appropriately to achieve and maintain their registration.

2.4 Summary

All staff need to commence their registration application from 2nd October which will be supported by managers and trade unions. This needs to be completed by 2020.

3 Report Implications

Resource

Staff will need to be supported to complete the application if they do not feel confident completing it themselves. Many of our care at home staff do not need to use computers as a part of their normal day to day work and the application process is only available online. Newbyres training room has a number of computers that staff can access to complete their application, sessions can be provided with support. The trade unions have also advised that they may be able to offer support to staff through this process.

Revenue

There are no apparent revenue implications.

4.2 Risk

Staff failing to achieve and maintain their registration with SSSC will be unable to work within these roles. Midlothian Council can only employ registered staff; those who fail to comply may have an impact on their employment with Midlothian Council.

4.3 Policy

This is a legislative requirement from the SSSC endorsed by Scottish Government.

Strategy

This meets the requirement and recommendations for the National Workforce planning strategy and Midlothian Health and Social Care Partnership workforce planning strategy.

Consultation

Consultation has commenced with staff and Trade Unions and this will continue through the process.

Equalities

An equalities impact assessment has not been completed at this stage.

Sustainability

This should assist in sustaining the care at home workforce.

5 IT Issues

IT support will be available to staff who require it. This could be accessing PC's or receiving specific support to complete their application.

6 Recommendations

Cabinet is asked to agree the contents of the report

20 July 2017

Report Contacts:

Anthea Fraser and Dawn Barrett

Anthea.Fraser@midlothian.gov.uk

Dawn.Barrett@midlothian.gov.uk

