

The Education (Scotland) Bill

Report by Michelle Strong Education Chief Operating Officer

Report for Information

1 Recommendations

Council is requested to:

- note the Education (Scotland) Bill which will bring a new agency Qualifications Scotland and His Majesty's Chief Inspector for Education in Scotland;
- note the response by officers to the Call for Views on the Education (Scotland) Bill; including assurance that Qualification Scotland will be based at Wester Shawfair, Danderhall, currently used by the Scottish Qualification Authority (SQA)

2 Purpose of Report/Executive Summary

To inform elected members of the Scottish Government's Education (Scotland) Bill call for views which opened on 28th June 2024 and the response developed by officers.

07 August 2024

Report Contact:

Michelle Strong, Education Chief Operating Officer
michelle.strong@midlothian.gov.uk

3 Background/Main Body of Report

- 3.1 The Education (Scotland) Bill was introduced on 4 June 2024. The call for views opened on 28 June 2024 and closes on 30 August 2024.

The Bill was created to support the education and skills reform being taken forward by the Scottish Government. The changes brought in by the Bill respond to a range of reports and reviews, including the OECD Review of the Curriculum for Excellence and Professor Ken Muir's report, Putting learners at the Centre: Towards a Future Vision for Scottish Education.

The Bill is in two main parts:

Part 1 of the Bill establishes Qualifications Scotland. Qualifications Scotland will:

- Replace the Scottish Qualifications Authority (SQA).
- Develop and award qualifications (other than university degrees).
- Have an independent Accreditation Committee to regulate qualifications and the organisations that award them.
- Give advice to Scottish Ministers.
- Produce charters setting out what learners, teachers and practitioners should expect from Qualifications Scotland.
- Involve learners, teachers and others in decision making through a Board of Management, committees and an advisory council.

Part 2 of the Bill establishes the Chief Inspector and sets out what they will do and how they will operate. The Chief Inspector will:

- Inspect places where education is provided and education services.
- Have an Advisory Council.
- Publish an inspection plan and reports on inspections.
- Publish an annual report, and reports on the performance of the Scottish education system.
- Tell Scottish Ministers when a school or education authority is not making necessary improvements.

The Bill also gives Scottish Ministers the powers to require that improvements are made.

Although the Bill establishes a new body called Qualification Scotland and a new office His Majesty's Chief Inspector of Education in Scotland, its provisions largely replicate existing legislation.

- 3.2 The Education (Scotland) Bill - Call for Views

The Call for views focuses on the two parts of the Bill relating to establishing Qualifications Scotland and new duties / powers of the Chief Inspector. Unfortunately, the Call for views opened on 28 June 2024, the same day that Midlothian schools closed for the summer holidays. Therefore the engagement with those most affected by the proposed changes has not been possible. The Call for Views has been circulated to schools, parents and partner agencies for individuals to respond by 30 August.

Call for views - there are two options available:

Detailed call for views:

- Several reports, including the OECD Review of the Curriculum for excellence and Professor Ken Muir's report Putting Learners at the Centre: Towards a Future vision for Scottish Education, have recommended reforming the current Scottish Qualifications Authority. How well do you think the Bill addresses the concerns raised in those reports?
- The Bill sets out measures designed to better involve learners, teachers and others in the new body's decision-making. What do you think about these measures?
- The Bill creates several charters, designed to let people know what they can expect when interacting with Qualifications Scotland. What is your view of these charters?
- Part 2 of the Bill establishes the role of HM Chief Inspector of Education in Scotland, setting out what they will do and how they will operate. What are your views of these proposals? E.g. do they allow for sufficient independence?
- What are your views on the reporting requirements set out in the Bill, including the requirement to report on the performance of the Scottish education system?
- Are there any powers HM Chief Inspector should have that are not set out in the Bill?
- Do you have any other comments on the Bill?

Shorter call for views:

- What are your views on the proposals for Qualification Scotland?
- What are your views on the proposal for a new HM Chief Inspector of Education in Scotland?

3.3 Midlothian officer response

Question 1. Several reports, including the OECD Review of the Curriculum for Excellence and Professor Ken Muir's report Putting Learners at the Centre Towards a Future vision for Scottish Education, have recommended reforming the current Scottish Qualifications Authority. How well do you think the Bill addresses the concerns raised in those reports?

Response

Although the Bill details the functions and governance of the new agency, these duties appear similar to the existing functions of the Scottish Qualifications Agency (SQA). It is hoped that greater involvement and engagement with stakeholders will lead to the reformation referenced in the OECD review and Professor Ken Muir's report.

Question 2. The Bill sets out measures designed to better involve learners, teachers and others in the new body's decision-making. What do you think about these measures?

Response

Midlothian Council's education service welcome the introduction of a teacher and practitioner interest committee. It is pleasing that the majority of this committee will be non- Qualifications Scotland members.

Question 3. The Bill creates several charters, designed to let people know what they can expect when interacting with Qualifications Scotland. What is your view of these charters?

Response

Midlothian Council's education service support the introduction of learner and teacher/practitioner charters. It is pleasing that through consultation key stakeholders (learners and teachers) will inform the functions of Qualifications Scotland and decisions made by the new agency.

Question 4. Part 2 of the Bill establishes the role of HM Chief Inspector of Education in Scotland, setting out what they will do and how they will operate. What are your views of these proposals? E.g. do they allow for sufficient independence?

Response

Midlothian Council's education service supports the establishment of The Office of His Majesty's Chief Inspector of Education in Scotland. The rationale for a Depute Chief Inspector of Education in Scotland is unclear and comes at a time of fiscal challenge for national and local government.

The duties of the HM Chief Inspector of Education in Scotland are clearly defined in the Education (Scotland) Bill however the inspection of Early years settings and the interface with other bodies such as the Care Inspectorate is unclear. There is also lack of clarity on what powers the Chief Inspector of Education in Scotland will have with regard to the introduction of new inspection activity and whether there will be a duty placed on this postholder to involve key stakeholders from the outset in considering new themes, services or bodies to be inspected.

Question 5. What are your views on the reporting requirements set out in the Bill, including the requirement to report on the performance of the Scottish education system?

Response

Midlothian Council's education service believes that inspection carried out by knowledgeable, experienced HMI supports improvement and provides assurance on quality. Reporting inspection outcomes and the performance of the Scottish education system provide assurance and accountability to Ministers and to the public.

A significant change detailed in the Bill relates to Enforcement action, this is a new approach for the inspectorate and further clarity is required to better understand expectations, timescales and responsibilities

Question 6. Are there any powers HM Chief Inspector should have that are not set out in the Bill?

Response

As previously stated, not all aspects of education are covered and consideration should be given to who has responsibility for the inspection of early years and other day services for children. It makes sense to have one inspection body, reporting on one Scottish education system.

Question 7. Do you have any other comments on the Bill?

The Scottish Qualifications Authority (SQA) operates two sites in Scotland – Dalkeith and Glasgow. The Bill (page 33) references the transfer of property that was owned by SQA and the assumption is that Qualifications Scotland will occupy the current SQA building at Wester Shawfair. However, Midlothian Council seeks assurance that Qualification Scotland will operate at their Wester Shawfair, Danderhall in the longer term.

4 Report Implications (Resource, Digital and Risk)

4.1 Resource

There are no direct resource implications from this report.

4.2 Digital

There are no direct digital implications arising from this report.

4.3 Risk

4.4 Ensuring Equalities

There are no equality issues arising directly from this report.

4.4 Additional Report Implications (See Appendix A)

See Appendix A

Appendices

Appendix A – Additional Report Implications

Appendix B – Background information/Links

APPENDIX A – Report Implications

A.1 Key Priorities within the Single Midlothian Plan

N/A

A.2 Key Drivers for Change

Key drivers addressed in this report:

- Holistic Working
- Hub and Spoke
- Modern
- Sustainable
- Transformational
- Preventative
- Asset-based
- Continuous Improvement
- One size fits one
- X None of the above

A.3 Key Delivery Streams

Key delivery streams addressed in this report:

- One Council Working with you, for you
- Preventative and Sustainable
- Efficient and Modern
- Innovative and Ambitious
- X None of the above

A.4 Delivering Best Value

This report does not directly impact on delivering Best Value

A.5 Involving Communities and Other Stakeholders

This report does not directly relate to involving communities. Schools and Parent Councils have been informed of the Call for Views and encouraged to respond directly.

A.6 Impact on Performance and Outcomes

This report does not directly impact on Midlothian Council's performance and outcomes.

A.7 Adopting a Preventative Approach

This report does not directly impact on adopting a preventative approach.

A.8 Supporting Sustainable Development

This report does not directly impact on supporting sustainable development.

APPENDIX B

Background Papers/Resource Links (insert applicable papers/links)

[Education \(Scotland\) Bill - Detailed call for views - Scottish Parliament - Citizen Space](#)

[Scotland's Curriculum for Excellence | OECD](#)

[Putting Learners at the Centre: Towards a Future Vision for Scottish Education - gov.scot \(www.gov.scot\)](#)