

A CONSULTATION ON THE PROVISIONS OF THE EDUCATION (SCOTLAND) BILL 2018**General comments**

Although we are experienced senior leaders in Scottish Education we have found it difficult to respond in full to many of the questions in this consultation because there is a lack of detail with some aspects of the proposed changes. We also believe that many of the proposed changes can be delivered through existing processes and systems. We would suggest that the legislative landscape for education and children's services requires clarification and improved connectivity rather than the implementation of new legislative requirements. We also do not believe that the proposed changes encompass the full context of Scottish Education. For example, some changes can be much more easily delivered by a secondary head teacher with a management team and business support than the head teacher of a large, medium or small primary, a rural school or within the context of a shared headship.

The governance document fails to take into account the often complex context of schools in Scotland. Much of this consultation also focuses on the work and role of head teachers and not on the needs of children and young people. In particular there is insufficient reference or thought given to Additional Support Needs, GIRFEC, corporate parenting or the needs of other vulnerable children. If we really are to achieve a 3-18 educational system then there needs to be a whole systems approach. The proposals in this document fail to deliver such a system.

This consultation assumes that all Head Teachers will have a full understanding of every aspect of their role and all related legislation. However, for various reasons e.g. insufficient training, lack of experience or limited local authority support, this is not true for many Head Teachers. In order to address this many Head Teachers will face increased bureaucracy which in turn will weaken their role as leaders of learning. Head Teachers currently rely on considerable support from local authorities such as HR, Finance, Property, Legal & Admin' etc. Perhaps an unforeseen consequence would be the increased bureaucracy faced by Head Teachers as they have to spend increased time on these non-teaching functions further weakening their role as leaders of learning.

Question 1

The Headteachers' Charter will empower headteachers as the leaders of learning and teaching and as the lead decision maker in how the curriculum is designed and provided in their schools. What further improvements would you suggest to enable headteachers to fulfil this empowered role?

Head Teachers are currently leaders of learning and teaching in their school and the lead decision maker in curricular issues. We cannot see how this would be different if included in the legislation. While this is intended to produce positive outcomes for young people it will instead increase curriculum competition between local schools, where different numbers of subjects could be offered, entitlements in relation to RME and Physical Education may not be maintained and where some Head Teachers

could remove aspects of the curriculum. This approach to curriculum design may also result in some teachers being declared surplus. The focus on curriculum also raises other concerns such as the requirement for Head Teachers to possess a deep knowledge of learning and teaching in order to raise attainment and “close the gap”. There is an obvious training issue here. However, we believe that Head Teachers would be helped in the role of lead learner by a connected policy landscape where CfE, GIRFEC and DYW were aligned and where the curricular focus returned to the original four capacities. Increased empowerment, whatever that is, needs to be evaluated for its impact on increased bureaucracy and the implications for all Head Teachers in their different situations?

We believe the GTCS Standard for Leadership and Management already meets this need. Has research been carried out examining the effectiveness of the standard? If so, can the findings of this research be shared publicly? If not, is this not something that needs to be completed before replacing it with legislation?

The proposals do not provide sufficient emphasis to the collegiate nature of school leadership. Staff, pupils, parents and the wider school community must all be part of this collegiate leadership. Perhaps it would be more appropriate to have a “schools charter” given that the intention is empowering schools and creating a school and teacher led system. A school charter could make clear the roles of all within the school community (including the Head Teacher) and the relationships between the school community, the local authority, regional collaborative and national agencies.

Question 2

The Headteachers' Charter will empower headteachers to develop their school improvement plans collaboratively with their school community. What improvements could be made to this approach?

This already happens in most local authorities. School Improvement Plans are already collaboratively generated documents involving all stakeholders in their development and delivery. Processes are in place to ensure pupils, parents, partners and staffs inform the planning process through well-established and embedded processes to self-evaluation linked to How Good is Our School? 4. We believe it is unclear how legislation will lead to improved outcomes given these aspects are open to existing scrutiny processes including external inspection by both local authority and Education Scotland. In terms of Tackling Bureaucracy guidance it is essential that planning requirements are proportionate and that Head Teachers do not spend so much time planning that there is no time or resources left for the implementation of the plans. Obvious questions for us to ask are: will requirements for planning be accompanied by advice for ensuring achievable plans? Will there be the guarantee that plans will be truly ‘bottom up’ processes with no further national expectations or requirements? The Head Teacher’s role in school leadership is more than providing a transformational vision, it requires an instructional approach that ensures plans are lived, delivered and evaluated. Currently as well as a school improvement plan, schools operate within the context of the local authority education plan, locality plans, integrated children’s services plans, council plans and central government expectations such as the National Improvement Framework. The planning context is cluttered and the proposed legislation does not address these issues.

Question 3

The Headteachers' Charter will set out the primacy of the school improvement plan. What are the advantages and disadvantages of this approach?

This raises the question of how the School Improvement Plan will interact with national requirements and the complex planning landscape detailed in the previous point? Also, the improvement expectations from Education Scotland are often far greater than is achievable in a school session. It is also often the case that new issues such as ACES gain national traction and are thrust into the expected delivery without any consideration to the planning cycle. Will individual Head Teachers be able to ignore or delay implementation of these issues if they feel it does not fit with their own plans? Sustainable change takes time and graft – gentle pressure relentlessly applied. Planning requirements don't always model what we know works in achieving positive improvement.

Question 4

The Headteachers' Charter will set out the freedoms which headteachers should have in relation to staffing decisions.

a. What are the advantages and disadvantages of headteachers being able to have greater input into recruitment exercises and processes adopted by their local authority?

Again it is worth stating that in most local authorities Head Teachers (particularly in Secondary Schools) already have this freedom.

Advantages relate to increased Head Teacher choice in fitting specific skill requirements into their staff group. A clear disadvantage could be more cumbersome processes for candidates. Individual schools could also be disadvantaged due to geographical location (particularly schools north or south of the Central Belt) and the perceived reputation of the school. Local authority processes such as compulsory and voluntary transfer and managing staff excess or need requires careful planning and consideration. There are also Union agreements in each local authority which will require to be redrafted and some may also require SNCT approval. Again, there is the potential to increase rather than decrease the level of bureaucracy, further reducing the Head Teacher's role as a leader of learning. The involvement of local authorities in recruitment also protects both the employee and the Head Teacher from any mistaken or deliberate misuse of employment legislation or processes.

Ultimately staff are not employed by the Head Teacher but by the Local Authority and there is a lack of clarity in the proposals around how this relationship between the employer (the local authority) and the establishment in which the employee works (the school) would work. Will current contracts need to be rewritten?

b. What are the advantages and disadvantages of headteachers' ability to choose their team and decide on the promoted post structure within their schools?

An advantage is that each Head Teacher can form a management structure which reflects the individual needs of the school. A disadvantage may be that some Head Teachers may reduce the number of promoted posts creating less opportunity in the system.

Question 5

Should headteachers be able to decide how the funding allocated to their schools for the delivery of school education is spent?

In some local authorities, through devolved school management, Head Teachers have more freedom to use allocated funds than in others. However, around 95% of school finance pays for staffing and building management. What would change under legislation to alter this? Would there be increased finance? Will the pupil - teacher ratio be maintained? Also, this is another example which highlights the possibility of increased bureaucracy for the Head Teacher which again takes him/her further away from the role of leading learning.

It is unclear from the proposals how Regional Collaboratives will be funded. They will undoubtedly require funds to take forward their work streams - will this replace existing development officer/improvement officer roles within local authorities, will it be in addition to this? Will it be top sliced from the school allocations to local authorities or will it be separately funded by Scottish government/local authorities?

Question 6

How could local authorities increase transparency and best involve headteachers and school communities in education spending decisions?

Again, in many local authorities this already exists whether through the budgeting process which allows for citizen engagement or processes at school level which allow for stakeholder involvement in planning spending. A number of schools also allow children and young people control over small amounts of budget.

Question 7

What types of support and professional learning would be valuable to headteachers in preparing to take up the new powers and duties to be set out in the Headteachers' Charter?

The following support is already available for Head Teachers in our local authorities and would require to be enhanced:

- Financial Management – devolved school management, school fund, procurement and PEF.
- Personnel management, employment and HR law
- Managing competing demands & prioritisation
- Supporting effective parental & community engagement
- Instructional leadership – translating school improvement priorities into sustainable practice changes with measurable impact.
- Data analysis and interpretation
- Maintenance of up to date knowledge re. National expectations and requirements

- Adherence to legislative requirements e.g. placing requests, additional support needs management
- Preparing aspiring Head Teachers and supporting existing Head Teachers
- Understand risk of employing and managing staff.
- Health and Safety.
- Understanding of SNCT and LNCT agreements.
- Understanding and training in job sizing.

Question 8

Are the broad areas for reform to the Scottish Schools (Parental Involvement) Act 2006 correct?

We believe that we cannot give a definitive answer to this question because there is no information as to how a duty to collaborate will differ from current requirements to inform and consult. There is insufficient information given on this consultation therefore it is difficult to comment on this question meaningfully.

Question 9

How should the Scottish Schools (Parental Involvement) Act 2006 be enhanced to ensure meaningful consultation by headteachers with parents on substantive matters of school policy, improvement planning and curriculum design?

There is already a requirement to consult and inform stakeholders. We are therefore unclear how this additional legislation could enhance the outcomes for young people. In our experience parents often have a very narrow focus on their own child's experience and fail to grasp the 'bigger picture' that is often needed to direct school improvement. It is important that consultation and dialogue occur but ultimately a headteacher may have to make a decision that all parents do not agree with.

Question 10

Should the duties and powers in relation to parental involvement apply to publicly funded early learning and childcare settings?

If the imperative is to transform the education system then it is unclear why requirements would not apply to everyone working with children regardless of the funding arrangements.

Question 11

Should the Bill include a requirement that all schools in Scotland pursue the principles of pupil participation set out in Chapter 3? Should this be included in the headteachers' charter?

Given that this is already included in Education Scotland's How Good is Our School? 4, and evaluated at both school and local authority level, it is unclear how further legislation will make any impact on practice and outcomes for children and young people.

If a headteachers' charter is created the principle of listening to and engaging children and young people to enable the development of effective mechanisms for pupil voice to inform school improvement should be included as a core value.

The bill should promote UNCRC as a whole rather than just pupil participation.

Question 12

What are your thoughts on the proposal to create a general duty to support pupil participation, rather than specific duties to create Pupil Councils, committees etc...?

How Good is Our School? 4 currently require engagement with children and young people in a variety of ways that suit their specific context. Again it is unclear as to why this requires to be a duty set out in legislation when it is already covered sufficiently well with the current arrangements and procedures.

Question 13

Should the Bill include provisions requiring each local authority to collaborate with partner councils and with Education Scotland in a Regional Improvement Collaborative?

Collaboration is one of the key themes in How Good is Our School? 4. Since the publication of the document many schools and local authorities have begun to develop a more collaborative culture. This collaboration has emerged from the specific needs of the school or authority where they have developed partnerships based on similar needs or projects such as digital learning. Collaboration works best when it emerges from such a culture and not when it is mandated.

Regional Improvement Collaboratives may simply create another level of bureaucracy. There also appears to be the possibility of a tension between requiring local authorities to collaborate whilst providing increased autonomy for Head Teachers. If the Head Teachers, in collaboration with parents and pupils, deem it best not to participate with the Regional Improvement Collaborative this will result in less collaboration and may result in individual school level curricular (and other) decisions which have an unintended but negative impact on the rest of the educational system.

Question 14

Should the Bill require each Regional Improvement Collaborative to maintain and to publish annually its Regional Improvement Plan?

Of course, if there is a plan, it should be a public document. However, again, this is evidence of an increase, rather than a reduction, in bureaucracy. The number and level of current planning requirements requires urgent review.

Question 15

If we require Regional Improvement Collaboratives to report on their achievements (replacing individual local authority reports), should they be required to report annually? Would less frequent reporting (e.g. every two years) be a more practical and effective approach?

It depends on the purpose of the report and for whom it is intended. Is the report is intended to report on progress with the plan then there should be transparency. However, if the intention behind this legislation to make long-term lasting improvement to the Scottish education system there needs to be a greater understanding of the change process itself; lasting change comes through implementing a small number of actions consistently over time. In this case, annual reports will not necessarily provide sufficient evidence of the changes taking place.

As already stated several times, the current planning landscape is cluttered, work is duplicated, and time invested in layers of planning can be better directed at improvement activity. If reports are required for a regional plan they cannot be viewed in isolation. They need to be linked to all the other plans that already exist in education, which will only serve to increase the level of bureaucracy which already exists.

Question 16

In making changes to the existing planning and reporting cycle, should we consider reducing the frequency of national improvement planning and the requirement on Ministers to review the National Improvement Framework?

It would help. Although it is difficult to comment on the frequency of reporting for one planning and reporting cycle without considering the cycles required for all of the plans detailed above.

Question 17

Are the proposed purpose and aims of the Education Workforce Council for Scotland appropriate?

As described in the consultation document, the proposals are appropriate. However, we believe that there first needs to be extensive research exploring the effectiveness of the current bodies such as the GTCS, before any significant change be made. If they are working and serving the purpose for which they are intended then there should be no need for this level of disruption. It is also important that appropriate measures which can demonstrate meaningful outcomes for Scotland's children and young people are found.

We are also concerned that the removal of the GTCS and its functions in the interests of simplifying the regulation bodies would be damaging to the teaching profession. The need to accredit and regulate the profession is as important now as when the GTCS was created more than 50 years ago. If there is a deficit in the system for other education professionals that is a decision for those professionals. The GTCS was created by teachers to protect and maintain the highest standards of teaching and must continue to do so.

We strongly oppose the proposal to replace the GTCS with such a body. Full registration with GTCS is something which has global recognition and standing. We very much support the idea of registration and regulation of those directly involved in teaching young people and would suggest that GTCS model, plus the experience and knowledge of the GTCS, would be helpful regulating other education

professionals. The consultation document sets a clear intention to create a 'school and teacher led system' but closes with a proposal to replace GTCS with a body which removes the word 'teacher' from its title. What is proposed in this section makes no sense and devalues what it means to be a teacher in Scotland

Question 18

What other purpose and aims might you suggest for the proposed Education Workforce Council for Scotland?

The use of terminology such as 'non-teachers' will lead to division rather than enhancing coherence. Bringing all of the regulatory bodies together will also create an increased administrative burden initially and obvious financial implications. Has any thought been given to the fee structure and the how this will be linked to salary bandings.

Question 19

Are the proposed functions of the Education Workforce Council for Scotland appropriate?

Yes, as outlined in the consultation paper but there needs to be increased clarity regarding how it will work and who is included. Again, it needs to be asked whether it is needed at all or whether tweaking current systems will bring about a similar outcome.

Question 20

What other functions might you suggest for the proposed Education Workforce Council for Scotland?

It would seem that part of the purpose is to create an opportunity to review terms and conditions of teaching and support posts.

Question 21

Which education professionals should be subject to mandatory registration with the proposed Education Workforce Council for Scotland?

If it was to come into being, the staff currently covered by SNCT (teachers, psychologists, music instructors etc.) and those staff currently on the list. Issues regarding registration may be a barrier to the wider workforce.

Question 22

Should the Education Workforce Council for Scotland be required to consult on the fees it charges for registration?

Of course, there needs to be transparency

Question 23

Which principles should be used in the design of the governance arrangements for the proposed Education Workforce Council for Scotland?

The organisation described in the consultation document is an overarching Council which will require subsets of different sectors. The body should be independent from Government. The 'council' should be a mixture of professionals and lay members. Professionals should be elected onto the council and should hold the majority – thus ensuring the principle of a 'school and teacher led system'.

Question 24

By what name should the proposed Education Workforce Council for Scotland be known?

We have no preference regarding a name.

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