

REPORT TO: East Lothian Council

MEETING DATE: 22 August 2017

BY: Depute Chief Executive (Resources and People Services)

SUBJECT: Education Governance: Next Steps

1 PURPOSE

- 1.1 To update the Council on the outcome of the Scottish Government's consultation on Empowering teachers, parents and communities to achieve excellence and equity in education: a Governance Review.
- 1.2 To inform the Council of the Scottish Government's Education Governance: Fair Funding to Achieve Excellence and Equity - a Consultation
- 1.3 To inform the Council of the Scottish Government's publication of Education Governance: Next Steps and the series of reforms which have wide-ranging implications for the local authority in terms of local democratic accountability, policy, delivery and finance.
- 1.4 To seek the Council's agreement to provide an East Lothian Council response to the Scottish Government's Education Governance: Next Steps and Education Governance Fair Funding to Achieve Excellence and Equity in Education - A Consultation to shape and influence the emerging Scottish Government policy in relation to Education Governance and its future approach to school funding.

2 RECOMMENDATIONS

- 2.1 The Council is asked to:
 - i. note the contents of this report;
 - ii. note the contents of the Empowering teachers, parents and communities to achieve Excellence and Equity in Education: an analysis of consultation responses;
 - iii. note that a range of consultation activities will be undertaken to gather the views of stakeholders in relation to the Scottish Government's Education Governance: Fair Funding to Achieve Excellence and Equity - a Consultation; and

- iv. agree to delegate to the Chief Executive, Leader of the Council and Education Convener, that East Lothian Council will provide a response to the Education Governance: Next Steps and the Fair Funding to Achieve Excellence and Equity - a Consultation.

3 BACKGROUND

- 3.1 The Scottish Government commissioned the Organisation for Economic Co-operation and Development (OECD) to undertake a policy review of Scottish education. The purpose was to inform the ongoing development of education policy, practice and leadership in Scotland, by providing an independent review of the direction of Curriculum for Excellence and emerging impacts seen in quality and equity in Scottish schooling.
- 3.2 The Improving Schools in Scotland: An OECD Perspective report published December 2015 set out 12 key recommendations to improve excellence and equity in Scottish education. The OECD believes that these recommendations can help move Curriculum for Excellence and the Scottish system to be among those leading the world. The OECD state that Curriculum for Excellence needs to be less managed from the centre and become a more dynamic, highly equitable curriculum being built constantly in schools, networks and communities with a strengthened “middle” in a vision of collective responsibility and multi-layered governance.
- 3.3 The Scottish Government established an International Council of Education Advisers (ICEA) in 2016 to advise Ministers on how best to achieve excellence and equity in Scottish education. The membership of the ICEA draws upon world-leading education and business experts with a range of knowledge and extensive experience of advising educators and governments on education leadership, school improvement and reform. The ICEA’s role is to advise on the Scottish Government’s priorities for education and ensure policy and practice, and the actions set out to achieve excellence and equity are influenced by international best practice.
- 3.4 The National Improvement Framework published by the Scottish Government January 2016 sets out to address one of the key issues identified by the OECD. The Scottish Government’s Delivering Excellence and Equity in Scottish Education, A Delivery Plan for Scotland published June 2016 builds on the work contained within the National Improvement Framework and addresses the recommendations set out in the OECD review.
- 3.5 The Delivery Plan identifies three core aims under which priorities and actions are grouped. The three core aims are:
 - A Relentless Focus on Closing the Attainment Gap,
 - A Curriculum which Delivers for Children and Teachers, and

- Empowering our Teachers, Headteachers, Practitioners, Parents Communities and Children and Young People.

Empowering our Teachers, Headteachers, Practitioners, Parents Communities and Children and Young People

3.5 In September 2016 the Scottish Government published Empowering teachers, parents and communities to achieve excellence and equity in education: a Governance Review. The Governance Review examined the system changes required to devolve decision making and funding directly to schools and communities. The review also sought views on the governance of education in Scotland and how the Scottish Government can further empower teachers, practitioners, parents, schools and early learning and childcare settings.

3.5.1 East Lothian Council's Education Service carried out a consultation between November and December 2016. The consultation received 61 responses from children, young people, parents, Parent Councils and education staff. Responses were collated and informed East Lothian Council's formal response to the Governance Review. East Lothian Council's formal response was submitted to the Scottish Government January 2017.

3.5.2 The Scottish Government published an analysis of the 1154 submissions to the Governance Review consultation alongside the publication of Education Governance: Next Steps June 2015. Extracts from the Scottish Government's publication of the Analysis of consultation responses are set out below.

Review of current governance system

3.5.3 Overall, there was widespread support for the current governance system and arrangements which were not regarded as a barrier for improvement and that the case for significant changes in governance had not been made. Generally, respondents advocated for improvements to concentrate on processes rather than structures. "There is no need to fix something that is not broken."

National functions and bodies

3.5.4 Many respondents saw the current level of devolution to local authorities as positive with many reporting that current governance arrangements allow for a degree of local knowledge to be implemented.

3.5.5 On the whole, respondents saw the role of the current national bodies such as the General Teaching Council for Scotland, the Scottish Qualifications Authority as positive, supportive and necessary. However, many respondents were critical of Education Scotland in relation to its dual role in providing guidance and carrying out inspections.

Regional collaborations

- 3.5.6 There was strong opposition against the uniform establishment of educational regions, particularly from local authorities, but also from schools, agencies, parent councils and individuals. The primary criticisms revolved around an increase in unnecessary bureaucracy and a loss of local accountability, as well as a general weakening of democratic representation.

Cluster working

- 3.5.7 Respondents reported that cluster working was being done proactively already by groups of schools and there was recognition that a more formal process in the right circumstances could lead to efficiencies in the system.

School and teacher empowerment

- 3.5.8 Respondents reported that current levels of devolution of responsibility were adequate and there was a strong emphasis on not increasing the workload and burden on schools and teachers.

Parental and community empowerment

- 3.5.9 Across all responses, there was general agreement that parents on the whole were well engaged with their child's school and that they were adequately represented under current arrangements, though a minority voiced issues around a lack of communication.

Funding

- 3.5.10 The balance of support was against devolving a greater range of responsibilities to schools, for fear this would create excessive bureaucracy, bring too much risk to school level and distract from leading teaching and learning.

Accountability

- 3.5.11 There were conflicting views around current accountability arrangements, with no consensus as to how the current system could be improved.

Additional Support Needs

- 3.5.12 There was a general consensus that ASN should remain at a higher level of governance than the individual school. Respondents overall felt that the current education system would benefit from greater resourcing and joined-up working under current governance arrangements, rather than a change in responsibilities to individual schools.

Education Governance: Next Steps

- 3.6 The Scottish Government published Education Governance: Next Steps in June 2015 setting out its response to the outcome of the Governance Review consultation. The timescales for the implementation and delivery

of the recommendations within the publication are fast paced and challenging. The recommendations set out in the Education Governance: Next Steps publication reflect nine of the thirty-two key points from the analysis of responses set out within the Executive Summary, Education Governance: Analysis of consultation responses.

- 3.7 The 5 main themes set out within the Executive Summary very much reflect East Lothian Council's vision for the provision and delivery of education in that it is centred around children and young people, is school and teacher led, focuses on the quality of learning and teaching, supports leadership; and has a relentless focus on improvement.

What is changing?

- 3.8 Currently, in our role as an Education Authority, East Lothian Council holds the statutory responsibility for the provision and delivery of education, for performance and improvement of individual schools as well the cumulative authority, as the employer of all staff within a school setting and those who support its schools. This statutory duty is set out in the Standards in Scotland's Schools Act 2000 and was amended in 2016 to place new duties on Education Authorities and schools including new planning and reporting arrangements commencing August 2017.

- 3.9 The Education Governance: Next Steps paper disaggregates the strategic leadership role of local government and proposes redistribution of functions which has an impact on democratic accountability. These changes will be statutory in nature and will be set out within an Education Bill introduced in early 2018. The disaggregation of the provision and delivery of education from local government does not take account fully of other statutory duties set out in inter-related legislation, including the Children and Young People's Act 2014, GIRFEC and Education (ASfL) (Scotland) Act 2013.

- 3.10 The main function of the local authority will be to provide support services to schools in the following:

- 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; planning for future requirements within the school estate; and securing excellent Head Teachers for schools
- providing HR services for all school staff and respond to HR requests from Head teachers
- be the employer of the education workforce within local authority schools and early learning and childcare settings
- support the provision of early learning and childcare delivered by funded providers as well as local authority provision
- appoint Head Teachers

- be accountable to local communities for the provision of education support services including early learning and childcare.
- appoint a Chief Education Officer as set out in the Education (Scotland) Act 2016 in order to fulfil the authority's responsibility in relation to education support services
- have a new duty to collaborate to support improvement on a regional basis
- be responsible for improvement through the provision of education support services, regional collaboration and securing leadership in schools
- collaborating with other local authorities and national agencies to provide staff (including Head Teachers 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.

3.11 The creation of Regional Collaboratives, to be resourced between Education Scotland employees and local authority employees will focus on improvement and closing the attainment gap. The Regional Collaboratives will identify and report on regional educational priorities with regional plans linked to the National Improvement Framework priorities. Newly created Regional Directors will report directly to the Chief Executive, Education Scotland who in turn will report directly to the Scottish Government.

3.12 A Head Teachers' Charter to be included in the Education Bill 2018 will change the role and remit of Head Teachers to include:

- responsibility for attainment and addressing the attainment gap;
- responsibility for recruitment, structure and management of school-based employees from Local Authorities to Head teachers;
- responsibility for delivery of curriculum in each school to Head Teachers; and
- responsibility for further funding streams to Head Teachers informed by the outcome of the Fairer Funding consultation.

Fair Funding to Achieve Excellence and Equity in Education: a Consultation

3.13 The transformation of education governance outlined within the Education Governance: Next Steps paper is to be supported by a fair and transparent funding system that puts schools at the heart of decision making. The Scottish Government proposes 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 Fair Funding consultation which will close 13 October 2017.

Report on the initial findings of the International Council of Education Advisers (ICEA)

- 3.14 The ICEA published a report in July 2017 on the International Council's initial analysis and discussion of the challenges involved, and the action required to make Scotland's education system world class. The ICEA was concerned that, in a drive to deliver clarity of purpose for all those involved in Scottish education, there was a risk that education policy was moving away from the "whole child" approach of Curriculum for Excellence towards a more specific, measureable approach as required by the National Improvement Framework. The ICEA also made some recommendations around the issue of governance stating it was important to consider how to de-clutter the system without damaging it. The ICEA advised against becoming too focused on changing the structure of the education system when, arguably, the more important aspects are the culture and capacity within the system.

4 POLICY IMPLICATIONS

- 4.1 There are no direct policy implications associated with this report. The changes to the governance of education as set out within the Scottish Government's Education Governance: Next Steps paper will have significant implications for current Council policies.

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

6 RESOURCE IMPLICATIONS

- 6.1 Financial - no direct implications associated with this report. The outcome of the Scottish Government's Fair Funding consultation could have significant implications for the Council in terms of the future funding of education.
- 6.2 Personnel - no direct implications associated with this report. The Scottish Government's Education Governance: Next Steps paper will have significant implications for personnel within the Council.
- 6.3 Other - the Scottish Government's Education Governance: Next Steps paper will have significant implications for other partner agencies, organisations and services.

7 BACKGROUND PAPERS

- 7.1 The Improving Schools in Scotland: an OECD Perspective
<http://www.oecd.org/edu/school/improving-schools-in-scotland.htm>
- 7.2 National Improvement Framework Achieving Excellence and Equity
<http://www.gov.scot/Resource/0049/00491758.pdf>
- 7.3 Delivering Excellence and Equity in Scottish Education: a Delivery Plan for Scotland
<http://www.gov.scot/Resource/0050/00502222.pdf>
- 7.3 Empowering Teachers, parents and Communities to Achieve Excellence and Equity in Education: a Governance Review September 2016
<https://consult.scotland.gov.uk/empowering-schools/a-governancereview>
- 7.4 Education Governance - Next Steps Executive Summary June 2017
<http://www.gov.scot/Resource/0052/00521038.pdf>
- 7.5 Report to the Education Committee on Delivering Excellence and Equity, November 2016
- 7.5 East Lothian Council's response to the Scottish Government's consultation on Empowering teachers, parents and communities to achieve Excellence and Equity in Education: A Governance Review.
- 7.6 Report of the initial findings of the International Council of Education Advisers, July 2017
<http://www.gov.scot/Resource/0052/00522962.pdf>

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