

**REPORT TO:** East Lothian Council

**MEETING DATE:** 19 December 2017

**BY:** Depute Chief Executive (Resources and People Services)

**SUBJECT:** Empowering Schools: A Scottish Government Consultation on the provisions of the Education (Scotland) Bill

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## **1 PURPOSE**

- 1.1 To inform the Council of the Scottish Government's publication Empowering Schools: A Scottish Government Consultation on the provisions of the Education (Scotland) Bill.
- 1.2 To seek the Council's agreement to provide an East Lothian Council response to the detailed policy proposals being taken forward by the Scottish Government in the Education (Scotland) Bill.

## **2 RECOMMENDATIONS**

- 2.1 The Council is asked to:
  - i. note the contents of this report;
  - ii. note the contents of the Empowering Schools: A Scottish Government Consultation on the provisions of the Education (Scotland) Bill;
  - iii. note that a range of consultation activities will be undertaken to gather the views of stakeholders in relation to the policy proposals set out in the Education (Scotland) Bill; and
  - iv. agree to delegate to the Chief Executive Officer, Leader of the Council and Education Convener, that East Lothian Council will provide a response to the Empowering Schools: A Scottish Government Consultation on the provisions of the Education (Scotland) Bill.

### **3 BACKGROUND**

- 3.1 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.
- 3.2 East Lothian Council's Education Service carried out an extensive consultation exercise to gather stakeholder views and inform East Lothian Council's response to the Governance Review which was submitted to the Scottish Government January 2017.
- 3.3 The Scottish Government published an analysis of the 1154 submissions to the Education Governance Review consultation alongside the publication of Education Governance: Next Steps June 2017. In addition, the Scottish Government launched the Fair Funding Review alongside the Education Governance report setting out its intention to examine the system changes required to deliver future funding to empower schools and decentralise management and support through the encouragement of school clusters and creation of new educational regions. The Scottish Government will report on the outcome of the Fair Funding Review consultation summer 2018.
- 3.4 In November 2017, the Scottish Government published Empowering Schools: a Consultation on the provisions of the Education (Scotland) Bill given the changes proposed within the Education Governance: Next Steps report will require legislative change.
- 3.5 The Education (Scotland) Bill seeks views on five key aspects:
- Headteachers' Charter
  - Parental and Community Engagement
  - Pupil Participation
  - Regional Improvement Collaboratives
  - Education Workforce Council for Scotland

#### **Headteachers' Charter**

- 3.6 The Education (Scotland) Bill will establish a Headteachers' Charter. The purpose of the Charter is to set out the rights and responsibilities of headteachers that will empower them to be the leaders of learning and teaching in their schools. The Headteachers' Charter will enable headteachers to make decisions regarding the management of the curriculum, improvement, staffing and funding. The Charter will create a new duty on headteachers to work collaboratively with other schools and partners on curriculum design and improving learning and teaching.

- 3.7 The Charter will also set out the responsibilities that local authorities will fulfil in order to enable headteachers to lead. Local authorities will retain their duty to improve the quality of school education but will be required to achieve this through their participation in the work of the Regional Improvement Collaboratives.
- 3.8 The Education (Scotland) Bill will change the need for school improvement priorities to align with local authority priorities and enable headteachers to align their improvement priorities with the Scottish Government's National Improvement Framework. The Bill will remove the requirement for local authorities to develop separate improvement plans given the new requirement for a Regional Improvement Plan. This is a significant departure from the Standards in Scotland's Schools Act 2000, as amended by the Education (Scotland) Act 2016.
- 3.9 Local authorities will remain employers of staff, including headteachers and the allocation of resources to support the provision of Additional Support Needs. Local authorities will continue to address any issues of performance, discipline or grievance. Headteachers will determine staffing and management structures and will not have to consider staff being re-deployed by the local authority. The model of support provision proposed for schools is illustrated in the diagram Appendix 1.

### **Parental and Community Engagement**

- 3.10 The Scottish Government already has a strong legal basis for parents to be involved in the life and work of their child's school through the Scottish Schools (Parental Involvement) Act 2006. The Scottish Government will strengthen, modernise and extend the provisions of the 2006 Act, including strengthening the duties on headteachers to work collaboratively with their Parent Councils. Proposed changes in legislation include replacing the current duties on headteachers to inform and consult with Parent Councils to a duty to work in a collaborative way with their Parent Council. Other proposed changes include a duty on headteachers to communicate with the wider parent forum and a legal framework that requires headteachers to take appropriate steps to work in partnership with the wider parent forum. East Lothian Council recently published its Parental Engagement and Involvement Strategy setting out its commitment to engaging and involving parents in the life and work of their child's school and education services.

### **Pupil Participation**

- 3.11 The Scottish Government intends to provide a duty on headteachers to promote and support pupil participation in specific aspects of education and school life. This general duty will be accompanied by key principles to support effective participation.

### **Regional Improvement Collaboratives**

- 3.12 The Regional Improvement Collaboratives (RICs) will develop a detailed Regional Improvement Plan to be in place by January 2018 and publish an annual report about what has been achieved as a result of the Plan.

The Plan will be approved by the Chief Inspector, Education Scotland and reviewed by an Education Scotland Regional Lead Officer. Local authorities will fully deploy or arrange part-time deployment of existing staff to the RICs. New statutory duties could secure in legislation the status and underpinning framework for RICs.

### **Education Workforce Council for Scotland**

3.13 The Scottish Government will include provisions in the Education Bill to establish an Education Workforce Council which will take on the responsibilities of the General Teaching Council for Scotland (GTCS), the Community Learning and Development Standards Council and register other educational provisions. Currently, teachers must be registered with the GTCS, Social Services Staff with the Scottish Social Services Council. Other professionals, including school learning and additional support staff, school librarians and staff in the higher education sector are not currently required to register with a standard setting body such as GTCS. The Scottish Government think that the new Education Workforce Council for Scotland should be able to register members of the following professions:

- Teachers
- CLD Practitioners
- Classroom Assistants/ASL Assistants
- Early Years Practitioners
- Schools librarians
- College Lecturers and relevant support staff
- Home-School Link Workers

### **Next Steps**

3.14 In line with previous consultations, East Lothian has launched a local consultation which commenced 4 December 2017 and will close 21 January 2018. Respondents can get involved by accessing the East Lothian Council Consultation Hub where they can find the East Lothian Consultation Presentation and click on the link to the East Lothian response document. A public meeting will be held early January 2018 to help respondents to engage with the policy proposals set out in the consultation. Alternatively respondents can respond directly to the national consultations at the following link: <https://consult.gov.scot/learning-directorate/education-scotland-bill/> The national survey closes 30 January 2018.

## **4 POLICY IMPLICATIONS**

4.1 There are no immediate direct policy implications associated with this report. Pending the outcome of the Fair Funding Review and Education

(Scotland) Bill consultations, any future policy implications will be subject to a future report to Full Council, as appropriate.

## **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 – The outcome of the Fair Funding Review consultation expected summer 2018 and the Education Bill consultation could have significant implications for the future funding of education at local authority and school level.
- 6.2 Personnel - The staffing resource required to deliver the pace of change set out within the Education Governance: Improvement Collaboratives paper will be challenging and could impact negatively on the ability of the education authority to deliver the planned actions set out in the Education Service Local Improvement Plan 2017-2018.

## **7 BACKGROUND PAPERS**

- 7.1 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>
- 7.2 Education Governance- Next Steps Executive Summary June 2017  
<http://www.gov.scot/Resource/0052/00521038.pdf>
- 7.3 Fair Funding to Achieve Excellence and Equity in Education  
<http://www.gov.scot/Publications/2017/06/2057>
- 7.4 Empowering schools: A consultation on the provisions of the Education (Scotland) Bill <https://consult.gov.scot/learning-directorate/education-scotland-bill/>

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<b>DATE</b>	19 December 2017

**Appendix 1 Empowering schools: A Consultation on the Provisions of the Education (Scotland) Bill**

**The model of support provision proposed for schools.**

