

REPORT TO: Education Committee

MEETING DATE: 23 November 2021

BY: Executive Director for Education & Children's Services

SUBJECT: Scottish Government Consultation on Education Reform

1 PURPOSE

- 1.1 To provide an update on the Scottish Government consultation on Education Reform.
- 1.2 To seek approval to submit the draft response (Appendix 1) on behalf of East Lothian Council.

2 RECOMMENDATIONS

- 2.1 The Committee is asked to:
 - i. Note the scope and remit of the consultation on Education Reform being carried out by Professor Kenneth Muir, on behalf of the Scottish Government; and
 - ii. Approve the content of the draft response at Appendix 1 and also that it will be submitted to the Scottish Government by 26 November 2021.

3. BACKGROUND

- 3.1 The Organisation for Economic Co-operation and Development (OECD) published a report *Scotland's Curriculum for Excellence: Into the Future* in June 2021 [Scotland's Curriculum for Excellence: Into the Future | en | OECD](#). This report recognised that Curriculum for Excellence offers an inspiring and widely supported philosophy of education. It acknowledged the hard work done over the years by many in Scottish education to turn the vision for Curriculum for Excellence and the refreshed narrative into meaningful learning for children and young people at all stages. Scotland's Curriculum for Excellence: Into the Future also highlighted the need for a

more structured and strategic approach to curriculum review and implementation in Scotland, noting in particular that the structure, learning practices and assessment approaches in the Senior Phase need adapting to be consistent with Curriculum for Excellence's vision to allow for a smooth curriculum experience from 3 to 18 and beyond.

- 3.2 In its response to the OECD report *Scotland's Curriculum for Excellence: Into the Future* in June 2021, the Scottish Government announced its decision that the Scottish Qualification Authority (SQA) would be replaced and that the functions of Education Scotland would be reviewed with the removal of the Inspectorate from its remit and the establishment of a separate curriculum and assessment body and inspectorate.
- 3.3 Professor Kenneth Muir, former Chief Executive of the General Teaching Council for Scotland and Chief Inspector of Her Majesty's Inspectorate of Education, has been appointed as independent advisor to the Scottish Government on the replacement of the SQA and the reform of Education Scotland.
- 3.4 A consultation on this reform was launched towards the end of September and will run until 26 November 2021. All key stakeholders, including local authorities are being encouraged to respond. It is expected that Professor Muir will report back to the Cabinet Secretary for Education and Skills early in 2022.
- 3.5 The context for this consultation will focus on:
- Vision
 - Curriculum and Assessment
 - Roles and Responsibilities
 - Replacing the Scottish Qualifications Authority and reforming Education Scotland

3.6 **The East Lothian Response**

Following the launch of the consultation at the end of September, a short-life working group was established which was chaired by the Executive Director – Education and Children's Services and included the Head of Education, Education Senior Managers, Quality Improvement Officers and both primary and secondary Head Teachers. The group considered all aspects of the consultation and drew on the views of the wider education community in East Lothian to formulate the draft response.

- 3.7 Within section 1, the consultation response provides support for the existing vision for Curriculum for Excellence but highlights a number of issues around its implementation. Specifically, the response highlights a lack of clarity on the expectations on practitioners in using the Experiences and Outcomes and the complexity of the range of advice, guidance and documentation that have been produced by Scottish Government and Education Scotland over the years.

- 3.8 The working group have considered carefully the specific questions relating to curriculum and assessment within section 2 of the consultation. The response highlights the need for a stronger national focus on transitions and particularly for those learners moving from primary to secondary and for those progressing beyond S3 in to the Senior Phase. In addition, the response also highlights the need for a national approach to the range of qualifications on offer, highlighting the risk of inconsistency across schools in Scotland.
- 3.9 Section 3 of the consultation, focuses on Roles and Responsibilities and seeks views on the range of reforms planned for both Education Scotland and the SQA. The consultation response seeks to highlight what would be of most benefit to school staff (and learners) and also possible risks associated with this type of reform.
- 3.10 Whilst the consultation does not have a direct bearing on the role of the local authority, it is worth noting that there is some mention of the Regional Improvement Collaboratives and the role of Education Scotland in providing direct support to school staff. The response seeks to highlight that there is a need for any national school support to be delivered alongside the local authority and by staff who have current expertise and skills and can provide support to practitioners that impacts positively on learners and manages teacher workload.

4 POLICY IMPLICATIONS

- 4.1 None

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 – none
- 6.2 Personnel – none
- 6.3 Other – none

7. BACKGROUND PAPERS

- 7.1 None

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DATE	November 2021

Education Reform Consultation

Consultation on Behalf of Professor Ken Muir, University of the West of Scotland and Independent Advisor to the Scottish Government

CONTEXT FOR THIS CONSULTATION

- 1. Vision**
- 2. Curriculum and Assessment**
- 3. Roles and Responsibilities**
- 4. Replacing the Scottish Qualifications Authority and reforming Education Scotland**

SECTION 1 - VISION

Two decades have passed since the original vision for Curriculum for Excellence was set out. In 2019, a revised narrative on Curriculum for Excellence was published which aimed to update the original vision¹². Since the introduction of Curriculum for Excellence, there have been marked changes in educational research giving rise to new insights into children and young people's learning, pedagogy, and the kind of knowledge, skills and attitudes students need to progress as learners.

“Scotland’s curriculum – Curriculum for Excellence – helps our children and young people gain the knowledge, skills and attributes needed for life in the 21st century.”
[Scotland's Curriculum for Excellence \(scotlandscurriculum.scot\)](http://scotlandscurriculum.scot)

As an introduction to the questions which follow in this consultation, to what extent do you agree or disagree with the following statement?

1.1 The vision for Curriculum for Excellence reflects what matters for the education of children and young people in Scotland.

Strongly Agree

Agree

Neither Agree/Disagree

Disagree

Strongly Disagree

1.2 What do you think should be retained and/or changed?

In theory Curriculum for Excellence (CfE) offers a coherent and flexible learning experience for children in the early years through to those at the end of secondary school and this should be retained. We support this overarching vision but acknowledge its core purpose may have been lost over the years as demands for more detail and greater exemplification from practitioners became stronger. Over the years concerns regarding the lack of detail had the unintended consequence of increasing bureaucracy and paperwork both nationally and locally, for example the Experiences & Outcomes, Benchmarks, Building the Curriculum frameworks, IT systems to monitor and track learner progress. This has led to inconsistent implementation across Scotland and over-complexity which at times could be open to interpretation. Currently CfE expects school leaders and teachers to construct, develop, deliver and review the curriculum in the context of their own school yet they are expected to have assessment and moderation in place that is consistent across all 32 Local Authorities. This, at times, has led to a lack of coherence and a drive for the curriculum to satisfy the needs of assessment rather than learners' needs themselves.

We would wish the vision of CfE to be retained with stronger national oversight and support for curriculum design and delivery to allow teachers to focus on delivering learning in their classrooms. Current national guidance should be simplified and streamlined with a stronger focus on a true understanding of the nationally agreed

expectations for each level. Greater consideration needs to be given to the senior phase as currently the main driver is towards high stakes exams and therefore the essence and intent of CfE is not fully realised and at times is diluted.

The vision, with the focus on the needs of the whole child and what they need to be successful in the future, is what we aspire to but the interpretation and implementation of that vision may well be very different across Scotland and may not serve the needs of all learners consistently well. In addition, what was intended from the original vision may now need to be updated in terms of the outcomes we would expect to see achieved from this vision. The world is now a very different place since the inception of CfE and there is a need to ensure the vision and focus is up to date with the needs of learners.

Whilst not specifically about the vision per se, we are of the view that the importance of the 'four capacities' and the 'four contexts for learning' have been lost in the complexity and bureaucracy of the experiences and outcomes. There also needs to be a renewed focus on CfE being about the needs of all learners including those with complex additional support needs. The aspirations of CfE being fully inclusive for all is dependent on practitioners, schools and local authorities.

¹² [Scotland's Curriculum for Excellence \(scotlandscurriculum.scot\)](http://scotlandscurriculum.scot)

SECTION 2 - CURRICULUM AND ASSESSMENT

The OECD reports *Scotland's Curriculum for Excellence: Into the Future*¹³ and *Upper-Secondary Education Student Assessment in Scotland: A Comparative Perspective*¹⁴ make it clear that aligning curriculum, qualifications and system evaluation is essential to delivering on the commitments made in Curriculum for Excellence relating to assessment.

To what extent do you agree or disagree with the following statements?

2.1 Curriculum for Excellence provides a coherent progression in the journey of learners (3-18 and beyond) that gives them the best possible educational experience and enables them to realise their ambitions.

Strongly Agree

Agree

Neither Agree/Disagree

Disagree

Strongly Disagree

2.2 Please share what you believe currently contributes to a coherent progression.

The aspirations of Curriculum for Excellence, as defined in the policy intent, seek to provide a 3-18 framework that builds on prior learning. The implementation of a coherent progression that provides the best possible educational experience is dependent on skilled practitioners who know their learners well. Having absolute clarity about the skills, knowledge and attributes being developed and the expected achievement is essential to ensuring a coherent progression. The debate over the years has focussed heavily on skills development and the acquisition of knowledge alongside that has been lost. We are of the view that there needs to be greater national clarity on what we mean by coherent progression. Learner achievement and progression is not linear and yet the volume and complexity of Curriculum for Excellence can lead to a linear and box ticking approach to its implementation.

Ensuring a coherent progression from the start of the early level and throughout all learner stages in their journey is absolutely essential. Too often there are false starts, duplication and inconsistency in curriculum transitions that hampers the intended progression. One particular area that needs much greater national focus is in relation to the curricular transitions for learners moving from P7 to S1. This continues to be a challenge despite it being highlighted as needing improvement over many years. In addition, greater clarity is required in the transition from the Broad General Education at the end of S3 in to the senior phase. At the moment the models in place across all of Scotland are inconsistent and further clarity on the expectations is needed to avoid detriment to learners due to the curriculum model and course choices in place in the school they attend.

2.3 Please share ideas you may have to improve learner progression across stages and sectors.

The Experiences and Outcomes are overly complicated and onerous and many practitioners have spent long periods of time trying to understand them, often focussing on the content of what to teach rather than the pedagogy of how to teach and how best to meet learners' needs. It would appear that the benchmarks have been more useful and we believe that there must be a simplifying and decluttering in order to support learner progression. There is still too much of 'reinventing the wheel' and insufficient practical support for practitioners in the classroom on what strong learner progression looks like.

We believe that there needs to be a much stronger focus on the early level and its core foundations for learning at all other stages. This also reflects the range of providers and practitioners who may be providing learning. Greater national support for all practitioners, including those who may not be teachers is essential.

The swathes of guidance and advice notes has served to confuse practitioners. There needs to be a radical review of all advice to simplify it and demystify it for practitioners with the focus on what will improve outcomes for learners.

3.1 In practice, learning communities are empowered and use the autonomy provided by Curriculum for Excellence to design a curriculum that meets the needs of their learners.

Strongly Agree

Agree

Neither Agree/Disagree

Disagree

Strongly Disagree

3.2 Please share ideas you may have on what is needed to enhance this in future.

The ability of all schools to review and update their curriculum rationale based on their context and to meet the needs of their learners has been welcomed. There needs to be greater articulation between curriculum rationale and empowerment at a local level and whether this is resulting in improved outcomes for all. There needs to be further clarification on the accountability and responsibility associated with this autonomy that does not result in an inspection, tick box exercise.

Increased national guidance and support needs to be focussed on the needs of children and young people with additional support needs who need a significantly differentiated curriculum focussed on outcomes that will support them as adults (often life skills). This has been lacking over the years and often seen as an afterthought.

4.1 The creation of a Curriculum and Assessment Agency will help to address the misalignment of curriculum and assessment as outlined in the OECD report¹⁵.

Strongly Agree

Agree

Neither Agree/Disagree

Disagree

Strongly Disagree

4.2 Please share your views of the potential advantages of establishing such an Agency.

The creation of a new agency will not address any misalignment on its own. It will be a welcome development to have a stronger focus on curriculum and assessment but this will only be successful if the agency has access to highly skilled curriculum leaders and developers who have current experience of what works.

Improved specific curricular support to Local Authorities and schools will be welcomed especially if this also includes hands on support in classes that seeks to build capacity of practitioners and provide support that reduces workload. It will be essential that this new agency works alongside local authorities to complement their work and avoids any unnecessary duplication or confusion.

The new agency must have strong links to academic research and evidence of 'what works'.

4.3 Please share your views of the potential disadvantages of establishing such an Agency.

The time that will be required to establish the agency and to develop its plans will be significant. Meanwhile this has the potential to distract and detract from providing high quality support on the ground to teachers. There is also a danger that establishing this agency could be another bureaucratic 'quango' that makes little difference to children's experiences on the ground.

5.1 The full breadth of existing SQA qualifications¹⁶ play an important part of the curriculum offered by secondary schools.

Strongly Agree

Agree

Neither Agree/Disagree

Disagree

Strongly Disagree

5.2 Please identify the main factors, if any, that support a broader range of SQA qualifications being included in the curriculum in secondary schools.

The range of SQA qualifications and SCQF awards are wide ranging. These have the potential to support learners' interests, needs and future career aspirations. Often qualifications being delivered are not sufficiently flexible to support labour market intelligence and systems, budgets and staffing in schools do not lend themselves to a flexible approach to the range of qualifications on offer. We believe that it is essential there continues to be a strong link to developing skills for learning, life and work. This is sometimes lost when schools are fighting against the public and media clamour for qualifications in more traditional and core subjects and to the creation of league tables. The focus must be on what is in the best interests for the individual learner for their future and not qualifications as an end in themselves.

5.3 Please share any ideas you may have on what is needed to enhance the role of a broader variety of qualifications in the curriculum in secondary schools.

Significant work is needed on reporting measures and what we value – using a broader range of qualifications won't work if schools are only measured on English and Maths and what is deemed to be 'good' Highers (at a level 6 qualification). There must be parity of esteem that focusses on the needs and aspirations of all learners and their future destinations. This is especially important for learners with a disability or additional support needs.

Providing a broader range of qualifications is dependent on appropriate staffing and budgets. Too often, smaller class sizes and 'minority' subjects cannot be delivered due to lack of appropriately qualified staff and class sizes that are too small to be viable. In order to overcome this, we must embrace national and local digital learning platforms which would allow for groups of learners to be taught across schools and Local Authorities.

Curriculum planning and architecture needs to be a major focus. Without sufficient clarity and high quality support, schools have often resorted to what they know in terms of timetabling. Despite the best efforts of school staff and the range of qualifications available from SQA, rigid timetabling and the column structure approach can result in missed opportunities and more limited opportunities for learners to achieve in terms of the original aspirations of CfE.

6.1 Technologies are fully and appropriately utilised as a support for curriculum and assessments.

Strongly Agree

Agree

Neither Agree/Disagree

Disagree

Strongly Disagree

6.2 Please share any comments you may have on the use of technologies to support curriculum and assessments, and what could be done to deliver improvements.

Whilst there has been a rapid increase and improvement in the provision of digital devices during COVID-19 and remote learning episodes, there now needs to be a review of their effectiveness. We need to guard against an overly simplistic view that providing one to one devices will solve everything. Learning technologies needs to be much more than laptops and in order to be successful, needs to come with a very high quality practitioner learning and development programme that explores the possibilities around curriculum delivery and how to adapt learning, teaching and assessment accordingly. There is also the need to understand that in the 21st century there has been a greater move towards online content, packaged applications and subscription services. Learners would benefit from accessing resources that could be nationally procured and accessed through the "Glow platform".

Schools would also benefit greatly from national investment in infrastructure to

provide the highest quality of internet and increased bandwidth. This would allow students to truly engage in collaborative and innovative types of activities which most devices are now capable of.

There needs to be far greater genuine sharing of practice across Scotland with a focus on building capacity and not reinventing the wheel. Greater understanding and pedagogy is required with respect to using digital devices to meet the needs of learners with additional support needs. There is also the need to review how assessment looks across our education system and to make better use of technology as part of this. This is particularly the case for exams in the senior phase.

7. Please share any additional comments you have on curriculum and assessment.

Whilst we are supportive of the vision, as originally intended for CfE, it is worth reiterating that we are of the view that the essence and policy intent has to some extent been lost in the myriad of bureaucratic documents, guidance, advice notes and directives which in some cases confuses rather than supports teachers. The complexity of the experiences and outcomes and how they should be used has led to some teachers feeling deskilled and spending more time on 'bundling' them than looking at what best meets the needs of their learners. In order to be successful, there needs to be greater clarity and coherence in national messaging that has the needs of learners and practitioners at its heart.

We also believe that there needs to continue to be greater trust and reliance on teacher professional judgement and its importance and place alongside absolute clarity in standards. There have been some positive developments in this regard but there needs to be much stronger national messaging centred on our belief that our staff know their learners and have the skills to plan learning, teaching and assessment that best meets their needs.

A stronger and more equitable focus needs to be given to curriculum and assessment at all stages of the learner journey. Early level and primary have got lost as the focus for too long has been on senior phase and to a lesser extent the Broad General Education in secondary – how effective is the curriculum in early learning and childcare and primary and how do we know?

There needs to be a refocussing on the four capacities as being the definition of what we are trying to deliver for our learners.

SECTION 3 - ROLES AND RESPONSIBILITIES

The rationale for reform of Scottish education is to ensure that learning communities get the best possible support to provide the highest quality of learning and teaching for our children and young people. The aim is to continue to reduce the attainment gap and reduce variability in outcomes achieved by young people in different parts of

the country.

*Scotland's Curriculum for Excellence: Into the Future*¹⁷ recognises the complexity in Scottish education and highlights duplication of functions between different groups. It is claimed that this reduces clarity and consistency for practitioners and points to the need for Scotland's system leaders and stakeholders to revise the current allocation of responsibility for Curriculum for Excellence, including responsibilities for its strategic direction, its reviews and updates, and the response to needs and/or requests for support with curriculum issues.

A key challenge in improving the transparency of responsibilities and accountability mechanisms surrounding Curriculum for Excellence is in ensuring that the functions of agencies are designed in a way that maximises support for achieving excellence and equity for all children and young people from the early level upwards.

Building on a commitment to shared ownership of Curriculum for Excellence, the report therefore points to the need for improved clarity on functions and simplification of guidance for all stakeholders in order that the system is more coherent and more easily understood by all, allowing a greater focus on learning and teaching.

To what extent do you agree or disagree with the following statements?

8.1 There is clarity on where the responsibilities for the strategic direction, review and updates for Curriculum for Excellence lie.

Strongly Agree
Agree
Neither Agree/Disagree
Disagree
Strongly Disagree

8.2 Please indicate where you think the responsibilities for the strategic direction, review and updates for Curriculum for Excellence should lie.

At a national level, there is currently a lack of clarity on the strategic responsibilities for curriculum development. Scottish Government officials, whilst holding policy responsibility often have no education background and rely on Education Scotland to provide educational advice. This leads to a lack of clarity and a perception that there are too many masters with no-one truly understanding the experience on the ground. Given that Local Authorities hold the statutory duty to provide sufficient education, then there needs to be much greater collaboration and trust between national and local government.

¹⁷ [Scotland's Curriculum for Excellence: Into the Future | en | OECD](#)

9.1 There is clarity on the roles played by national agencies and other providers for responding to needs for support with curriculum and assessment issues.

Strongly Agree
Agree
Neither Agree/Disagree
Disagree

Strongly Disagree

9.2 Please share which aspects of the support currently provided by national agencies and other providers is working well.

Support that is developed by practitioners and school leaders for each other is most effective. Most recently this has been via school and local authority staff who are supporting the priorities of the Regional Improvement Collaboratives.

9.3 Please indicate where you think greater clarity is needed in relation to the roles played by national agencies and other providers for responding to needs / requests for support with curriculum and assessment issues.

Whilst national agencies such as Education Scotland publicly state that they are focussed on direct support and responding to needs, there has been a lack of visibility and real action on the ground during the pandemic. Demands for information from Scottish Government have been frequent with little offer of practical support in schools where the need has been. Practitioners report that it often feels like Education Scotland are more focussed on persuading the public they are of value than doing anything that supports them on the ground. Practitioners and school leaders are not clear on where to go for support and it appears to be more of a competition than a genuine attempt to support improvement.

Support from Education Scotland on curriculum and assessment issues is very inconsistent. Whilst we have had some excellent support from our attainment advisor, other support for example in other curricular areas has been lacking. If the vehicle for providing support is to continue to be through the RICs then there needs to be a minimal expectation of what will be provided and we would suggest a form of Service Level Agreement.

There is a lack of detailed national understanding and knowledge of what is happening on the ground in a local authority. Education Scotland removed previous roles where there was a support and challenge function (District Inspectors) and replaced with Senior Regional Advisors whose role is unclear and at times appears to be more of a post box for requests for information from SG. Engagement and support is intermittent – often lots then followed by nothing. LA officers would not rely on national agencies to have the skills available to provide real and helpful support as so few officers working in national agencies have experience of working in senior roles in a local authority. LAs have very much appreciated and valued the support of ADES, especially during the pandemic where advice and support has been frequent, responsive and practical.

10.1 There is clarity on where high quality support for leadership and professional learning can be accessed to support practitioners.

Strongly Agree

Agree

Neither Agree/Disagree

Disagree
Strongly Disagree

10.2 Please share any comments you may have on support for leadership and professional learning.

East Lothian has very strong professional learning and leadership programmes with strong partnership working with the GTCS. In East Lothian, practitioners would be more likely to approach local authority officers in the first instance. Support from Education Scotland is too complicated to navigate and often demonstrates a lack of real understanding of the job being done by teachers on the ground.

Newly appointed Head Teachers and Depute Head Teachers who are now studying for the mandatory Into Headship qualification have reported intolerable pressure in undertaking this level of study, with the demands of the pandemic and often when taking on a new head teacher post. Further consideration must be given to balancing the mandatory professional qualifications of Head Teachers and their overall wellbeing, particularly at this time.

11.1 There is sufficient trust with all stakeholders, including children, young people, parents & carers, so they are genuinely involved in decision making.

Strongly Agree
Agree
Neither Agree/Disagree
Disagree
Strongly Disagree

15

11.2 Please share any ideas you may have on how trust and decision making can be further improved.

There is strong trust at a local level where local authority officers including school staff, learners, parents and communities work well together. Head Teachers make every effort to understand their communities and to involve them meaningfully in the life and work of the school.

Further work needs to be done to build trust between Scottish Government and national agencies and Local Authorities and schools where decision making is done in the spirit of collaboration, respect and what is in the best interests of children, families and communities. Communication at times is poor and often LA officers are last to find out about a new initiative or development.

12.1 Independent inspection has an important role to play in scrutiny and evaluation, enhancing improvement and building capacity.

Strongly Agree
Agree
Neither Agree/Disagree
Disagree
Strongly Disagree

12.2 Please give examples of how you would like to see scrutiny and evaluation being carried out in future.

Independent evaluation and scrutiny is necessary in any education system and seeks to provide public assurance. This has been well documented over many years and evidenced in international research. Approaches to future scrutiny need to continue to build on 'working with' and be focussed on improvement and building capacity.

HM Inspectors should consider expanding the use of Associate Assessors to ensure the experience of the inspectorate is current and this also builds capacity in those taking part. Practitioners report that many inspectors have not worked in either a school or a local authority for some time and yet they routinely judge current practice, having never implemented it themselves. This is very true of the experience of the pandemic. Involving local authority officers in inspection teams would also demonstrate trust and support improvement.

The Collaborative Improvement model, introduced by ADES, should be fully supported as it has the potential to provide current support and expertise to local authorities by other LA officers. Consideration should be given to reintroducing a District Inspector role carried out by H M Inspectors.

13. Please share any additional comments on roles and responsibilities in Scotland's education system.

ADES – further work should be done to support collaboration amongst local authorities. There has been significant progress, particularly during the pandemic, of this type of collaborative improvement and it is this type of work that will have the greatest impact.

Further and Higher Education – greater connectivity is required between the school sector and the FE and HE sectors. There has been much good work done between schools / LAs and colleges and this now needs to be consolidated. Links with HE are much patchier (other than for Teacher education) and there is a distinct lack of alignment between what schools and LAs are aspiring to for their learners and the entry expectations of HE institutions. Until this is resolved schools will be more limited in terms of the types of qualifications they offer as a route to University.

SECTION 4 - REPLACING THE SCOTTISH QUALIFICATIONS AUTHORITY AND REFORMING EDUCATION SCOTLAND

The Cabinet Secretary for Education and Skills announced in June 2021 the intention to replace the Scottish Qualifications Authority (SQA) and consider a new specialist agency for both curriculum and assessment while also taking forward reform of Education Scotland, including removing the function of inspection or scrutiny from the agency. This section seeks views on how best to take forward key aspects of the Cabinet Secretary's decision including:

- **Removing Scrutiny (Inspection and review) from Education Scotland • Further reform of Education Scotland**
- **Replacing SQA**
- **Considering the establishment of a new Curriculum and Assessment Agency**

While it is expected to take some time to establish new or revised national agencies, it is anticipated that they will have a key role in taking forward delivery of wider OECD recommendations. This would include embedding a refreshed vision for Curriculum for Excellence, defining indicators to understand progress across the four capacities, building curricular capacity, implementing new pedagogical and assessment practices, implementing approaches for internal assessment in determining qualifications, ensuring appropriate breadth and depth of learning through the Broad General Education¹⁸ and in respect of the Senior Phase¹⁹, embedding a structured and long-term approach to implementation, effective stakeholder engagement and coherent communications.

To assist you in answering these questions, information on the current roles and functions carried out by SQA and Education Scotland are provided within the supporting documents section at <https://www.gov.scot/isbn/9781802014327/documents/>.

Removing Scrutiny (Inspection and review) from Education Scotland

External scrutiny (inspection and review) plays a fundamental role in the overall drive to continue to improve education in Scotland for all of our children, young people and adult learners. HM Inspectors carry out independent, external evaluation of standards, quality and improvement with a clear focus on impact and outcomes for learners. The scrutiny programme covers all sectors from early learning and childcare to adult learning. The evidence gathered through observing practice at first hand identifies what is working well in our education system, including examples of highly effective practice, areas which are showing improvement and areas where further development is needed.

¹⁸ [Broad general education | Scottish education system | Education Scotland](#)

¹⁹ [Senior phase | Senior phase and beyond | Scottish education system | Education Scotland](#)

14. Please share any comments or suggestions you have on this proposed reform below.

We are particularly interested in hearing your views on:

- a) the approach this reform should take (for example what form should this agency take)
- b) the opportunities these reforms could present (for example the development of a new national approach to inspection including alignment with other scrutiny functions)
- c) the risks associated with any reform (for example whether the independence of the inspectorate could be jeopardised by change)
- d) how any risks might be mitigated
- e) the timescales over which these reforms should take place.

In removing scrutiny from Education Scotland and establishing it once more as a stand-alone organisation, care will need to be taken to learn from what went before. It will be important that this is not seen as a move back to the days of HMIE but that the new organisation seeks to learn from what has worked and also to review what has not. Over the years the scope of inspection has been extended and it will be important to reflect on the key functions of the organisation. Whilst the range of scrutiny functions of different sectors could be seen as a strength, at times they can also be seen to dilute the core functions of inspection of statutory education provided by nurseries and schools. In going forward, the new inspectorate body needs to be far clearer in terms of what (and who) it is for as it cannot and should not try to be all things to all people.

In considering how this reform is taken forward, it will be important to revisit the status of the organisation. As an Executive Agency of Scottish Government, there has long been the perception that inspection is not sufficiently independent. Consideration should be given to decoupling it from SG and also looking to align it with other scrutiny bodies. Much work has been done over the years on the back of the review by Professor Lorne Crerar looking at the burden of scrutiny. Alignment of scrutiny bodies has always been challenging given the range of legislation that underpins their core functions. This should not stop a further review being undertaken particularly with the Care Inspectorate where there is considerable overlap with inspection of early learning and childcare and also in the post – school landscape where other bodies may be better placed to review and inspect this provision.

Key to this will be to ensure that there is a continued focus on inspection for the purposes of improvement and building capacity and not inspection as an end in itself. To achieve that, the key principles of working with practitioners and providers must be retained. Form must follow function and in order to achieve this, the key purposes of scrutiny should be revisited in order to determine how scrutiny can add value to the system.

Further Reform of Education Scotland

Beyond inspection Education Scotland is a broad organisation responsible for a range of important functions designed to support a number of parts of the Scottish Education system. These functions include directly supporting learning communities at local and regional levels, offering a wide range of professional learning and leadership development programmes and opportunities, Community Learning and Development (including the CLD Standards Council), supporting digital pedagogies and as the function of Registrar of Independent Schools.

15. Please share any comments or suggestions you have on how the functions currently housed in Education Scotland could be reformed.

We are particularly interested in hearing your views on:

- a) the approach this reform should take (for example which functions should continue to sit within a reformed Education Scotland, and are there any functions which could be carried out elsewhere)
- b) the opportunities reform could present (for example should more prominence be given to aspects of Education Scotland's role)
- c) the risks associated with any reform (for example disruption of service to education establishments and settings)
- d) how any risks might be mitigated
- e) the timescales over which these reforms should take place.

18

The extension and expansion of the functions of Education Scotland in recent years has served to create a very complex and complicated organisation that is impossible to navigate for practitioners. It is now no longer clear what Education Scotland is for and the range of sectors and areas of Scottish education it covers, only serves to highlight this more. For example, the office of the Registrar for Independent Schools and the CLD Standards Council do not appear to align well with the functions of ES as an improvement body. Rather, they appear to be more about regulation. The expansion of the organisation beyond compulsory school education also has the potential of diluting its effectiveness.

Whilst much of the literature, mission statements and plans make clear what ES is for, the practice on the ground does not match that. For example, the experience of schools and local authorities during the COVID-19 pandemic has reinforced a perception that ES is remote, not prepared to step in and provide practical support and that there has been very limited impact of its effectiveness during this crisis.

Whilst this reform takes place, there is a very real risk that the focus of ES becomes very insular and that any support being offered, for example collaboration with the RICS, could be interrupted. It is worth noting that the reform of HMIE and LTS in to one organisation took many years to navigate and lessons must be learned from that. Consideration should be given to a shadow organisation that would support some continuity of work whilst the reform takes place.

Replacing SQA

SQA has two main roles: accreditation and awarding qualifications.

- **SQA Accreditation** accredits qualifications other than degrees and approves and quality assures awarding bodies that plan to enter people for these qualifications.
- **SQA Awarding Body** devises and develops national and vocational qualifications across schools, colleges, training providers and employers; sets standards and maintains such qualifications; validates qualifications (makes sure they are well written and meet the needs of learners and practitioners); reviews qualifications to ensure they are up to date; arranges for, assists in, and carries out, the assessment of people taking SQA qualifications; quality assures education and training establishments which offer SQA qualifications; and issues certificates to candidates.

Within both of these roles, SQA offers a range of services for businesses and

training providers, ranging from course and centre approval through customised awards, to endorsement, credit rating and licensing services.

16. Please share any comments or suggestions you have on this proposed reform below.

We are particularly interested in hearing your views on:

- a) the approach this reform should take (for example could a function be carried out elsewhere)
- b) the opportunities these reforms could present (for example should more prominence be given to an aspect of SQA's role)
- c) the risks associated with any reform (for example loss of income, confusion as to system of awards in Scotland)
- d) how any risks might be mitigated
- e) the timescales over which these reforms should take place.

19

In reforming the SQA, consideration should be given to the role that other bodies, for example the SCQF partnership could play. There is a very real risk that if the role and functions stay the same then this will be little more than 'moving the deckchairs'. Given that form should follow function, it will be imperative that any review and changes to Curriculum for Excellence and the creation of a new curriculum and assessment agency then flows in to the reform of SQA. The nature and purpose of assessment and accreditation needs overhaul and the current systems in place are not fit for purpose. Any new agency needs to grasp this and be brave to take forward some radical redesign.

The new agency needs use some of the lessons learned from the last 18 months. The apparent lack of flexibility, defensiveness and a belief by practitioners that the organisation is now out of touch with reality in schools needs to be addressed.

Considering the Establishment of a new Curriculum and Assessment Agency

The establishment of new Agency has the potential to enhance the quality of teaching and learning across the education sector. It will be important that the remit, purpose, governance and culture of the new agency match the aspirations of the system it will be designed to serve. We are therefore interested in the role of the new agency, its relationship with other parts of the system including the Scottish Ministers and how we will know it has been successful.

17. Please share any comments or suggestions you have on this proposed reform below.

We are particularly interested in hearing your views on:

- a) the approach this reform should take (for example are there alternative models for this reform?)
- b) the opportunities these reforms could present (for example what should the

- role of the new agency be?)
- c) the risks associated with any reform
 - d) how any risks might be mitigated
 - e) the timescales over which these reforms should take place.

*** Please see answer at 4.2 and 4.3 ***