

**REPORT TO:** Education Committee

**MEETING DATE:** 20 June 2023

**BY:** Executive Director for Education and Children's Service

**SUBJECT:** Scottish Government Consultation on Learning Hours

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**1 PURPOSE**

- 1.1 To seek Committee approval of the East Lothian Council response to a Scottish Government consultation on prescribing learning hours in statute for primary and secondary schools.

**2 RECOMMENDATIONS**

- 2.1 The Committee is asked to:-
- i. Note the Education Service position that the minimum learning hours for pupils in Scotland should not be set in statute.
  - ii. Note the response (Appendix 1) to the consultation questions and approve the submission to the Scottish Government.
  - iii. Note the deadline for submission is 13 June 2023. A request for an extension to the deadline to 20 June 2023 has been granted to allow Education Committee the opportunity to review and approve the submission. The final response will be submitted if and when members of Education Committee approve it.

**3 BACKGROUND**

- 3.1 The Scottish Government launched a public consultation on 21 March 2023 via the Citizen Space.
- 3.2 The consultation sets out Ministers' proposal to set in law the minimum number of learning hours provided in public and grant aided schools, and invites views on this proposal and its implementation.

- 3.3 East Lothian primary schools currently operate a 22.5h week (855h annually) for P1 & P2 pupils and a 25h week (950h annually) for P3-P7 pupils. Therefore the school day for P1 & P2 pupils would be impacted. In the main, the shorter P1 & P2 day is achieved by a longer lunch break and earlier finish, though actual times are variable across schools.
- 3.4 East Lothian secondary schools operate the prescribed minimum of 27.5h per week, therefore would experience no impact from the proposal.
- 3.5 The Education Service principal concerns are:-
- (i) There is no evidence that 25h is optimal or more beneficial than 22.5h for P1 and P2 pupils, with the key focus being on the quality of learning and teaching, not the quantity.
  - (ii) Extending the day for P1 and P2 pupils makes a long day for pupils, particularly in the first six months of P1.
  - (iii) Affordability of extending teaching hours from 22.5h to 25h for P1 & P2 pupils equates to 11.11FTE of additional teachers, the current cost of which equates to £713K per annum.
  - (iv) Recruitment of staff for a few part-time hours across all primary settings could be challenging particularly in smaller/rural schools with one or two P1 and or P2 classes.
  - (v) Possible impact on transportation capacity and costs.
- 3.6 The consultation suggests that 25h in primary and 27.5h in secondary are traditional and adopted by most local authorities. Discussions with colleagues in ADES and COSLA suggest there are many local variations within local authorities and the current delivery model is well above the Organisation for Economic Co-operation and Development (OECD) average, as detailed in the consultation document under Evidence.
- 3.7 The definition of learning hours in the consultation is ambiguous.
- 3.8 If placed in statute, a significant package of support from the Scottish Government and a reasonable implementation period would be required.
- 3.9 The Education Service believes that local authorities should be trusted and empowered to design and deliver the education service flexibly according to the local context.

## **4 POLICY IMPLICATIONS**

- 4.1 It will be necessary to consult on any change to the length of the school day with parent/carers and other stakeholders if the minimum learning hours is set in statute.

## 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 – it is estimated that if placed in statute, this change would incur a cost of £713K at current pay rates.
- 6.2 Personnel – if placed in statute and teaching staff only are required to deliver the 25h in P1 and P2, it would represent a recruitment of 11.11FTE.
- 6.3 Other – organisation of school transportation; facilities management contracts; and wrap around provisions may be affected.

## 7 BACKGROUND PAPERS

- 7.1 Draft response to the consultation questions – Appendix 1
- 7.2 Link to the Scottish Government Consultation Hub – Citizen Space.

<https://www.gov.scot/publications/prescribing-minimum-annual-number-learning-hours-consultation/pages/12/>

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## APPENDIX 1

### DRAFT EAST LoTHIAN COUNCIL RESPONSE

DEADLINE 13 JUNE 2023 (EXTENSION REQUESTED TO 20 JUNE 2023)

#### Consultation Questions & Answers

##### 1. Should the Scottish Government set in law the minimum learning hours pupils in Scotland should receive?

*No, it should not be set in statute. Local authorities require flexibility and should be trusted to respond to the needs of their own local context. Local authorities should have the flexibility to focus on the quality of the learning and teaching delivered without a limit on the number of hours this should take.*

##### 2. Do you agree that the minimum annual learning hours should be 950 hours for primary schools?

*No, this should not be set in statute. The consultation paper does not clearly set out the evidence for 950 hours being optimum for improving outcomes for learners and our local authority hours are well above the OECD average. Length of time is only one factor, while other factors such as quality teaching and learning experiences are also significant.*

*It is our opinion that 25 hours a week, in P1 particularly, is a long day for many children especially in the first half of the academic year. There is no evidence that our shorter 22.5h a week for P1 and P2 is detrimental to outcomes for East Lothian learners.*

##### 3. Do you agree that the minimum annual learning hours should be 1045 hours for secondary schools?

*No, it should not be set in statute.*

##### 4. Do you agree with the suggested definition of learning hours set out at paragraph 2.1 below?

**What do we mean by learning hours?**

**2.1 Learning hours are the period of teaching that learners receive within the school day. In most cases, they do not include lunch and other break times or extra-curricular activities or provision such as breakfast clubs that may take place around the core school day. It has been accepted practice for at least the last 40 years that around 25 hours per week (or 950 hours per academic year) of teaching time is made available in most local authority run primary schools; and 27.5 hours per week (or 1045 hours per academic year) in most local authority run secondary schools.**

*The definition is too ambiguous. It is not accepted practice that 25 hours primary / 27.5 hours secondary per week is made available in most local authorities. There are too many local variations to qualify this statement.*

##### 5. Apart from the exemptions outlined in this paper are there any other circumstances where a variation to the number of learning hours provided may be needed?

*We assume strikes etc. are covered in 6.1 under "matters out with authority control..."*

*We would be concerned around the learning hours defined for:*

- *our specialist provisions (not special schools), attached to mainstream schools*
- *schools with large rural catchments where adequate transportation can be problematic and pupils travel significant distances each day*
- *study leave*
- *school trips longer than the school day*
- *impact on wraparound services to recruit and retain staff and offer sufficient local services to meet the needs of families*

**6. Are there any further views you wish to share regarding this proposal?**

*As a local authority with a model of 22.5h for P1 and P2 pupils currently, we will be required to recruit an additional teaching staff resource of 11.11FTE to implement this change which may be a recruitment challenge for a small semi-rural authority. Clarification of the definition of “teaching” within the learning hours would be helpful, so we can identify if learning through play models etc., supported by support staff roles would be permitted.*

*The funding pressure of £713K for 11.11FTE teaching staff cannot be met from current budget allocations. The education budget is under considerable pressure through other policy decisions, i.e. protecting teacher and support staff numbers placing a focus on input rather than outcomes for local authorities.*

*There are financial impacts on longer heating, school transport arrangements; contractual implications for support staff and cleaning and janitorial staff; and impacts on letting arrangements.*

*If placed in statute, local authorities will need a significant lead in time to plan for implementation.*