
**Please find attached the updated Appendix 3 in respect
Item No. 9 on the agenda for the above meeting**

9.	Empowering Schools - A Consultation on the Provisions of the Education (Scotland) Bill (Pages 3 - 14) Consider report by Service Director Children and Young People. (Copy updated appendix attached.)	15 mins
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Scottish Borders Council in response to the themes within this Consultation has set out some key statements which are free from supposition and outline the Council's views in relation to Governance within Education:

The Council agrees that:

- The Education of the whole child with the full involvement of school staff, partners, parents and the community is the best approach to realising the potential of children and young people and achieving the Council's aspirations in raising attainment, achievement and ensuring participation for all.
- The Council is committed to a structure of Children's Services as the best model for improving the life chances of children and young people.
- All stakeholders being open to learning locally, nationally and internationally will support the Council in its ambitious plans aimed at improved literacy, numeracy and health and wellbeing outcomes for all our children and young people.
- The devolution of responsibilities to Headteachers to make decisions about learning, teaching and curriculum is a positive step, but it requires checks and balances to ensure that the decisions impact positively upon children and their families; it is the Local Authority's role to put in those checks and balances as they have the legal responsibility for education provision and accountability for outcomes for children and young people.
- The Regional Improvement Collaboratives have a role to play in improving standards in Education within the Scottish Borders and nationally. The line management of Headteachers rests with the Local Authority and the role of the Local Authority must play a key part in all aspects of service delivery and improvement.
- Community empowerment and community engagement are key interdependencies that schools must participate and contribute positively within. The local community context is very much an integral part of children's educational experience.
- Social inclusion is a key driver in all steps taken.
- Closing the attainment gap is both a societal and educational issue, not solely an educational issue. A multi-agency approach is essential and this can only be co-ordinated at local level through the Local Authority.

- Fundamentally the challenge in improving the life chances of young people is cultural not simply structural as suggested by this Consultation.

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?

The Council is fully committed to coaching, empowering and supporting leadership skills in Headteachers and devolving school management and decision making to Headteachers.

In an ideal world all Headteachers would arrive in post equipped to undertake this fully empowered leadership role and would fully endorse the principles of equality, fairness and social inclusion but, where this is not the case, robust local management is required. Without local governance, then coherence within and across schools could deteriorate, jeopardising social inclusion, equality of opportunity within the curriculum and participation in broader aspects of school and community life learning experiences.

The Headteachers' Charter must make strong connections to the broader context in which school leaders must operate to achieve success. 'The National Improvement Framework' identifies layers within the system, ie the Scottish Government, the Local Authorities, the Headteachers, the pupils, parents and communities and all stakeholders should be part of a 'collaborative' approach to decision making about curriculum, learning and teaching. The voice of young people and support of the Local Authority in areas such as equalities legislation in relation to the changing nature of young people's lives can support Headteachers in complex decision making about the curriculum and the learners' experience.

By way of example, in the last 18 months Scottish Borders Council (in response to concerns raised by many young people) has revised the 'social dance curriculum and learning and teaching practice'. This has required specialist input and guidance from LGBT in Scotland. Some staff have been critical of the changes made to practice, even though these are both in line with the Equalities Act; Headteachers have been supported to change the status quo.

The responsibilities outlined in the Charter could put unnecessary pressure upon Headteachers, that is, they would then require to become personally legally responsible for meeting these obligations. The Council's vision in which learning for all within a family and community will look quite different when the benefits of community capacity building are realised. The scope of such innovation demands a much greater collective leadership role if this vision is to be realised.

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?

Headteachers in the Scottish Borders are already empowered with developing their school improvement plans supported by Quality Improvement Officers advising and coaching school leaders on periodic evaluation and next steps ensuring momentum is maintained. This local approach to quality assurance and improvement is key to continuous progress. Intended outcomes would not be met in a significant number of schools.

Scottish Borders Council is supportive of improvement planning that take cognisance of the local community context. This is already an expectation as set out in 'How Good is Our School IV' "Leadership and management" at Sections 1.1-1.5. For example, Section 1.1 reinforces the need for collaborative working and strong leadership to ensure self-evaluation for continuous self-improvement; Section 1.3 "Leadership of change" advises schools in developing a shared vision, values and aims relevant to the school and its community. The guidance is already clear as to what Headteachers are expected to do.

A statement on the role of planning at every level within and across the system with key governance, processes and connections made and linked into the role of inspection would be very helpful in a guidance document. There are many aspects within the planning and delivery of Children's Services; it would be helpful to see the breadth of service provision for children and young people recognised in such a key process such as planning.

Question 3

The Charter will set out the primacy of the School Improvement Plan. What are the advantages and disadvantages of such an approach?

The advantage is that the school would have clarity of purpose. For the plan to be effective, however, it must be embedded in the National Improvement Framework and the appropriate regional and Local Authority improvement plan.

The primacy of the school improvement plan very much contributes to the wider life of the families and communities in the Scottish Borders and the Council believes this is a strength that must be retained. Scottish Borders Council does not agree with the statement in the consultation that the Headteachers' Charter will "remove the requirement for Local Authorities to develop separate improvement plans".

As well as improvement planning for the individual school, there is performance management and coaching of the individual Headteachers. This line management and leadership of the school has to be a Local Authority responsibility included within planning processes.

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?**

Advantages: The Council is supportive of Headteachers' involvement in recruitment processes and are currently heavily involved. All processes are agreed through consultation with Headteachers. As stated in the Consultation documentation this matter is not an issue in Councils where a partnership approach has been adopted in relation to recruitment. The Council is open to improving processes based on feedback from all stakeholders. As a result the Council is experiencing a positive recruitment response to posts.

Disadvantages: The approach to recruitment has to be a partnership as some Headteachers need support to gain experience in some of the complex staffing matters to improve their skills. Schools do not operate in a vacuum, so there is a need for procedures in areas such as probationer allocations, staff deployments and this has to be managed uniformly across the whole Authority.

These complex processes can be quite stressful and require the extensive expertise that HR staff have to ensure that individual staff rights and HR legislation are adhered to.

Very few Headteachers have expressed that they would want this total responsibility; if they had the right to make staffing decisions then it may be viewed that they would be responsible and could be held liable should staff feel aggrieved and be subject to legal action. The Council would be concerned about the impact this would have upon Headteacher recruitment and could compromise the capacity Headteachers have to focus on curriculum, learning and teaching.

- b) What are the advantages and disadvantages of Headteacher's ability to choose their teams and decide on the promoted post structure within their schools?**

Advantages: Headteachers in the Scottish Borders do recruit all their own staff; the only time this does not happen is the placement of staff who may be surplus in another school or may have to be deployed owing to exceptional circumstances. As a Council we would wish for Headteachers to choose their own teams at all times, but staff have employment rights and guidance must be followed to ensure that staff are treated fairly. It would be helpful to nationally review 'management time' across different school sectors and within sectors as the time for management to be 'out of class' has become challenging owing to supply teacher issues and teaching shortages in key subjects. Scottish Borders Council recognises the importance of 'management time' and is the process of evaluating management time in shared Headships and Teaching Headships in small schools.

Question 5

Should Headteachers be able to decide how the funding allocated to their schools for the delivery of school education is spent? If so, what is the best way of doing this?

Most budgets in Scottish Borders are already devolved – only ASN and Early Years are retained in the main.

As a Council, budget processes are transparent. Schools are allocated FTE in primaries according to their school roll and in secondaries it is also linked to school roll.

The majority of the Education Budget in the Council is staffing costs and staffing is allocated to schools either by an assessment of the level of need, eg in ASN or roll related, eg in teaching, support staff or Early Years allocations. There are very few Education budgets that are not linked to national staffing formula or locally agreed formula.

The Council's budget processes are already transparent. There are regular meetings with Headteachers about the budget. The suggestions made on page 13 of the Consultation as to what the Headteachers' Charter will improve are already in place in the Scottish Borders.

However, there are a number of spending areas that are interdependent of other Service areas within the Council and these could be affected if Headteachers were able to make decisions regarding how funds were allocated, that is why the Council is supportive that areas such as ASN are retained as central budgets as this has a big impact upon social work spend.

Question 6

How could Local Authorities increase transparency and best involve Headteachers and school communities in education spending decisions?

This Local Authority has begun work on implementing a participative budgeting approach and will consider how this could be developed within the school context. Each year there is a local campaign inviting the public to engage in the budget process. The Council listens to Headteachers as to how much time they believe should be spent discussing the budget and how much time should be focused upon school improvement dialogue; the time spent and the level of information discussed is amended in light of this feedback.

Learning from engagement with communities regarding Pupil Equity Fund spending provides a good opportunity for more consultation and engagement. The Council is committed to further developing the engagement between schools and communities with regards to budget spending decisions.

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 Council is disappointed in the concepts illustrated in the diagram on page 14 of the consultation document. This diagram, if taken literally, fundamentally removes Local Authority involvement and relevance to school management, restricting the role to finance and HR. Whilst the additional support for performance improvement from the Regional Improvement Collaboratives is welcome, this cannot substitute for the two-way management relationship between the Local Authority and the local school community.

To genuinely achieve the Council's and Government's aspirations for Education, the essential support provided by local communities and the collaboration between local communities and schools, including the Local Authority, must be recognised. The Council is supportive of any changes that will make the roles of the Headteacher and staff working with children more attractive. The Council is clear that the Headteacher needs the support of partners, the local community and the Local Authority; that powers and duties are a shared responsibility and the Headteachers' Charter must reflect that with links to the duties and responsibilities of the Local Authority and the Regional Improvement Collaboratives.

The very good work taking place and funded by National Government in relation to IT learning would be welcomed in the Scottish Borders. More innovative IT learning solutions for Headteachers and all staff would be welcomed.

Question 8

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

Yes, the ideas and themes within the areas of reform are to be praised and welcomed by Scottish Borders Council. However many parents have extensive work and family responsibilities and do not always have the capacity to engage or be involved in supporting schools in the manner described. Headteachers do currently collaborate with the parents who have the time to be involved in supporting the school. There are very few who simply 'inform and consult' with their parents. The improvements stated on page 18 of the Consultation document are commendable, but feedback from parents indicate that the work of the Parent Council and Parent Forum are quite different and have in fact been designed locally by parents and Headteachers as a collaborative process. There is a concern that expanding the role of the Parent Forum may in fact result in parents withdrawing from Forum Activity as they prefer the supportive rather than the policy role that the Forum provides the opportunity to be a part of. It is suggested that a longer consultation period is given offering schools and Headteachers the opportunity to develop their own local consultation methods.

The Council is supportive of the aim to modernise the definition of parental involvement which will recognise the role of parents in learning outside of school and the impact this has upon outcomes for children.

The Council is supportive of the aim of the Act to recognise the importance of communication with parents when their children are attending Early Learning and Childcare settings.

The Council is supportive of the aim of the Act to represent the diversity of the school community, to have parental involvement and engagement included as a theme within the Regional Improvement Collaboratives.

The essential and existing relationships, activities and interdependencies between parents, communities, schools and the Local Authority should also be recognised within the Act.

Page 19 of the consultation document notes 'the introduction of a home to school link work in every school to support parents who find it challenging to engage in their child's learning'. Greater clarification is required on this matter. It does not state 'worker' but 'work'. The Council welcomes the extension of home school link work to every school, but is clear that resource is required to fund the additional work/worker. The schools in the Scottish Borders do not have sufficient PEF funding for these posts.

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 ?

The consultation document makes a key link with the Equality Act 2010 and Parental Involvement. There are many matters changing in relation to the Equality Act in particular how young people view equalities within curriculum design and policy development. These matters do merit extensive engagement and consultation with parents. It is recommended that further time is allocated for consultation and schools to consider how best to approach these concepts with parents.

Question 10

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

Yes with further consultation with parents, schools and communities about how best to take this forward.

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?

Scottish Borders Council agrees that all schools in Scotland should pursue the principles of pupil participation as set out in chapter 3. This should not just be linked to the role of Headteachers, but

be key guidance/principles that all stakeholders adhere to. The young people of Scotland should have a say in specific aspects of education and school life as set out in chapter 3. Pupil participation is such an enlightening aspect of the Scottish Education system that is fundamental to our values; it is a very positive step forward to see these very appropriate principles outlined in the Consultation.

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.

Scottish Borders Council is supportive of measures that will increase pupil participation with the aim of achieving as broad representation as possible of the pupil voice. The Council agrees with the approach being suggested in particular the narrative on page 22 of the Consultation document that the general duty will be accompanied by the key principles of collaboration, dialogue, authenticity and inclusion.

The Council is also supportive of the possibility of exploring additional strategic duties on Local Authorities to ensure that young people are supported to influence the development of local and national Education Policy. The Council welcomes the participation of young people at our Executive Committee.

The role of Community Learning and Development should be taken into account in developing the concept of Pupil Participation as there is a great deal of good practice in CLD methodologies in achieving participation that is representative in terms of equality and diversity.

The fundamental place of the community in the provision of Education needs to be recognised when considering the development of participation duties from children and young people. This document does not recognise this.

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?

Scottish Borders Council is supportive of the establishment and work of the Regional Improvement Collaboratives and has fully signed up to the concept. However, the Council would welcome amendment to the diagram on page 14 of the Consultation document so that it recognises the essential support currently provided by the Local Authority. The Council believes that to genuinely represent the accountability for Education provision and the holistic nature of improving the life chances of children and their families, that the diagram must recognise the Local Authority and locality partnership improvement context of school provision.

The school curriculum is significantly affected by the community in which the school operates and the Local Authority has a responsibility to ensure that the cultural heritage, the history, the beliefs and values of communities are part of the learning provision in Borders Communities. The support

provided by the Local Authority and its partners in localities is essential to the wellbeing of our young people and their families in working together to tackle many of the barriers that can affect school improvement and children's life chances. As a Children's Service, all Council and partner services have a key role to play and are very much a core and embedded element of the school curriculum, learning provision and school improvement. Council and partnership staff contribute significantly to school improvement and this capacity and the complexity of the nature of this locality improvement agenda must not be separated out, nor indeed could it be delivered to the same extent at Regional or National level. Local Members, parents, young people and staff all contribute to school improvement and this must be driven at local level. The recent CLD inspection of Scottish Borders Council highlighted a key strength of was the strategic leadership of the CPP Partnership and the strong vision to improve the outcomes of young people. The Council recognises the benefits that there can be within and is fully engaging in the South East Improvement Collaborative but this work will be in addition to what the Council must continue to do as the statutory authority and line manager with responsibility for improving outcomes for children and young people. The Council and schools engage in a range of improvement work with Councils across Scotland; collaboration outwith the Regional Improvement Collaboratives should also be recognised as beneficial.

Question 14

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

Scottish Borders Council is supportive of this level of transparency and accountability.

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 (eg every two years) be a more practical and effective approach?

The Council is subject to a range of quality assurance, eg Child Protection Inspections, CLD Inspections whereby the Local Authority Plan presents key evidence of vision and strategic leadership of planning and improvement; the Council will continue with the levels of plans that are representative of the context in which Children's Services and education operate locally. The Council will continue to provide reports within its own established and valuable reporting processes whether required by National Government or not.

Scottish Borders Council is clear that the Regional Improvement Collaborative Plan has a place as a tier beyond the Local Authority Improvement Plan and that every two years would be a realistic reporting timescale with regards to reporting on the achievements of the Collaboratives.

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?

Yes. Planning and reporting should support the delivery of improvement and outcomes. The Council would welcome more time for schools and Local Authorities to drive improvement. As stated in an earlier response, it is the Council's view that both Local Authorities and National Government are clear about the priorities within the National Improvement Framework and schools with partners should be given the time to focus on a very clear set of priorities.

Question 17

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

Scottish Borders Council is in full support of the purpose and aims of the Education Workforce Council for Scotland.

Question 18

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

Scottish Borders Council has no further suggestions regarding the aims or purpose of the proposed Education Workforce Council.

Question 19

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

Scottish Borders Council is fully supportive of the functions outlined for the Education Workforce Council.

Question 20

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

Scottish Borders Council has no further suggestions of additional functions for the proposed Education Workforce Council.

Question 21

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

The challenges with mandatory registration are the costs and the administration processes. The consultation document recognises this in the narrative on page 29 which suggests a phased approach. There are many Education staff who work only a few hours per week, but provide a very 'professional' high quality support service to children. The costs of registration would be very challenging for some staff and the excessive paperwork in registration extremely challenging. On this basis perhaps there could be levels of registration that are reflective of the costs and the FTE equivalent of the post being registered. This may be challenging to implement but would be more appropriate. Further consultation is required with Local Authorities, staff and Trade Unions regarding this matter.

Question 22

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

Yes.

Question 23

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

This is a matter that should involve further consultation with staff, Local Authorities and Trade Unions.

Question 24

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

Scottish Borders Council would like to see a name that is more reflective of the holistic nature of the staff who work with children and young people on a day to day basis. Scottish Borders Council would suggest "Children and Young People's Workforce Council for Scotland" as it is more inclusive.

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