
EMPOWERING SCHOOLS: A CONSULTATION ON THE PROVISIONS OF THE EDUCATION (SCOTLAND) BILL

Report by Service Director, Children and Young People

SCOTTISH BORDERS COUNCIL

25 January 2018

1 PURPOSE AND SUMMARY

- 1.1 The purpose of this report is to seek approval from Full Council on the Council's response to the 'Empowering Schools: A Consultation on the Provisions of the Education (Scotland) Bill (Appendix 1). Linked to this response, a separate but connected report is being considered as a separate item on this Agenda "Education Governance Review: Next Steps", which outlines the work of the South East Regional Improvement Collaborative and seeks approval for Scottish Borders Council's continued role within this Regional Improvement Collaborative.

- 1.2 The Consultation seeks responses on key aspects of Education Governance: the role of Scottish Government, Local Authorities, Regional Improvement Collaboratives, Education Workforce Council, Education Scotland, Headteachers, parents/carers and young people. The Council's response is very clear in that within statute the Local Authority is accountable for the provision of education and outcomes for children and young people in the Scottish Borders and this must be recognised in all aspects of Governance. It is important to note that a school or Headteacher has no legal entity in respect of accountability linked to Education provision. There are many aspects of the Consultation that the Council is supportive of, but there are some areas where the Council has suggested amendments. The Council has expressed in its response concern regarding some areas of responsibility in the new Headteachers' Charter, improvement planning and the newly established Regional Collaboratives. The goals of the provisions of the Education (Scotland) Bill 2018, to improve the outcomes of children and young people, are very much at the heart of the Council's response.

- 1.3 There are a number of responses that the Council is fully supportive towards: the changes which look to increase the participation and inclusion of parents /carers and young people in improving Education and the establishment of the 'Education Workforce Council'.

2 RECOMMENDATIONS

- 2.1 I recommend that Full Council approve the Council's response to 'Empowering Schools; A Consultation on the Provisions of the Education (Scotland) Bill' as detailed in Appendix 3.**

3 BACKGROUND

Governance

- 3.1 There is a strong alignment between the Scottish Government's and the Council's vision for improvement in Education, evidenced in the Council's Education Service Plan 2017-2018 (Appendix 2). The commitment to excellence and equity through raising attainment and 'Closing the Poverty Related Attainment Gap' linked into improved outcomes in literacy, numeracy, health and well-being and positive, sustained destinations is clear; as the Council ensures the 'core purpose' of keeping all children and young people 'in our sight, in our minds and in our actions' in delivering high quality outcomes for all children and young people. The Education Service Plan has translated that commitment into key priorities for action, with very clear targets for improvement linked to the National Improvement Framework key drivers for improvement: school leadership, teacher professionalism, parental engagement, assessment of children's progress, school improvement and performance information.
- 3.2 In the last two years there have been extensive papers, discussion and consultation on how Scotland could move forward in improving the quality of Education and improving outcomes for all children and young people. The Council has fully participated in this debate in a number of forums: COSLA, SOLACE, Governance Review consultation responses, Directors' meetings and Headteacher engagement sessions.
- 3.3 In 2017 it became clear that although aligned in vision, there were some challenges in how Local Authorities and the Scottish Government viewed the pragmatic steps required to bring about improvement. In the last twelve months some agreements have been concluded through many national discussions at COSLA as to the nature of governance and control. The Education Governance Next Steps paper was published in June 2017. In response, the Council has become part of and participated in the South East Improvement Collaborative, which looks to strengthen collaboration across Local Authorities to enhance the quality of the 'middle' tiers within Scottish Education. The Council is fully supportive of this collaboration, with the proviso that all activity must evidence benefit to children and young people in the Scottish Borders. The collaboration is in addition to the improvement carried out within the Borders by the schools, the Council officers and range of partners. The arrangements for the South East Improvement Collaborative are being considered in a separate item on this Agenda (Education Governance Review: Next Steps, 25 January 2018).
- 3.4 In the Next Steps Governance paper it states quite clearly that, "Importantly the work of each local education authority will continue to be overseen through existing governance arrangements, maintaining local government accountability for the delivery of education services to each community and local area". Overarchingly the Council's response to the Consultation (Appendix 3) is clear that the pragmatics of effecting improvement and all the aspects of managing and leading schools in their communities lies firstly with the Council in partnership with its staff. Equally so, the Council recognises that all levels of the Education system must be working collaboratively and have a role to play in effecting the best outcomes for Children and Young People. There are some key questions in the consultation whereby the Council expresses some

concern that the actions being implied do not fully recognise the daily improvement work of the Council in improving outcomes, the holistic nature of service provision and the wider context in which schools operate, ie within Community Planning in Localities and Partnership Improvement Plans. The Council, in response to many of the consultation questions, is clear that if the Local Authority is to be held to account for improvement, then aspects of Service provision must remain to be governed by the Local Authority. The Council has a strong track record of school improvement in recent years set within the context of a Children's Services Structure; there is a concern that some aspects of this consultation are not fully cognisant of the ethos set out in the Community Empowerment Act and the strong localities agenda. All matters of Governance must take account of Education within the context of the local community.

Headteachers' Charter

- 3.5 The Council does believe in empowered and enabled communities and schools. However, with empowerment comes responsibilities and accountability and this must be balanced with the reality of the time that staff need to be engaged with children and young people and focused on what they are in place to do; engage and motivate children's learning through the provision of high quality teaching and learning experiences. As a Council, there are currently a number of areas where Headteachers do have autonomy, but equally so there are areas that Headteachers have quite clearly intimated that they feel the task and responsibility should remain with Council staff, eg the allocation of resource for children with additional support needs. The Council's response to the consultation has been produced through discussion with the Headteacher Strategic Leadership Group, a range of officers who currently provide support to schools and within the Corporate Management Team. There are many aspects relating to transferring of responsibilities to Headteachers through the Headteachers' Charter which the Council and Headteachers have expressed concern towards and these are detailed in the Council responses. The schools in the Scottish Borders can evidence strong improvement in recent years through partnership working with the Council; there is a very robust plan for continued improvement that has been developed through a relationship of trust, respect and transparency in relation to all aspects of education provision whether it be curriculum or finance matters. It is a concern that some of the language and content contained within this consultation does not recognise the existing positive relationships and collaboration that are in existence.

Regional Improvement Collaboratives

- 3.6 The Council is fully supportive of the establishment of Regional Improvement Collaboratives and recognises that there is work that can be carried out at Regional level which can benefit school improvement. However, there is a diagram in the Consultation paper which directs all improvement and curriculum work through the Regional Collaborative and only directs school support activities such as HR and Finance through the Council. The Council makes a very robust response that this diagram be amended to recognise the role of the Local Authority and its local partners in school improvement. The Governance paper that has been produced by the South East Regional Improvement Collaborative recognises the

importance and primacy of the work of the Local Authority in school improvement:

"As stated in the Education Governance: Next Steps paper, Local Authorities will retain the duty to support schools to continuously improve. SEIC offers schools the collective opportunity to look inwards, outwards and forwards, as described in "How Good is Our School 4", and will support and challenge schools and early years settings through:

- approaches to self-evaluation and quality improvement which improve outcomes (**school leadership**)
- use of data to secure continuous improvement (**performance information**)
- support and guidance on improvement planning in line with NIF (**school improvement**)

Each of the above will enhance and complement individual local education authority's existing practices and plans for Quality Improvement as well as building a sustainable model for the future. It will also build on partnerships and collaborations across schools encouraging a delivery model for improvement and accountability that will be the responsibility of the school to deliver."

Scottish Borders Council is fully committed to the plan being developed by the South East Improvement Collaborative and this is recognised in a separate paper being considered as an item on this Agenda.

Parental and Community Engagement

3.7

A key area within the Consultation is 'Parental and Community Engagement'. The aim set out by the Scottish Government is to make existing legal duties in relation to parental involvement clearer and stronger. The Council is supportive of greater collaboration and engagement of parents and the community on Education matters. It is positive to see the consultation recognise the important role that parents play beyond the school day in the education and wellbeing of their children. The challenge within the delivery of legal duties in setting out greater parental involvement will be the extent to which parents will be responsive to these expectations and opportunities and subsequently then the implications this may have for school improvement plans and school inspections. The Council is supportive of taking forward the principles of clearer and stronger parental involvement.

Pupil Participation

3.8

The Council is supportive that provisions in the Education Bill ensure that the principles of pupil participation are pursued in every school. The Council is very positive about the aim to recognise the importance of equalities and diversity within schools in areas such as pupil participation.

Education Workforce Council for Scotland

3.9

The Council is supportive of the establishment of the Education Workforce Council which will take on responsibilities of the GTCS, the Community Learning and Development Standards Council and register other education

professionals. The Council has expressed that costs of registration and administrative processes are carefully consulted upon and considered as part of developments to take into account the 'in work poverty' issues that exist for some staff and the pressures within Councils in terms of staff available to complete administrative processes, ie new processes must be as low cost and as efficient as possible.

Conclusion

- 3.10 The Council is in alignment with the Scottish Government in their commitment to excellence and equity through raising attainment and 'Closing the Poverty Related Attainment Gap' linked into improved outcomes for all children and young people in literacy, numeracy, health and well-being and positive destinations. The Council is supportive of many aspects contained within the consultation (linked to changes to provisions within the Education Bill) which seek to support the drive for improvement within Education in Scotland. All documentation to date from the Scottish Government rests the accountability of outcome delivery and provision of education with the Local Authority. Scottish Borders Council in accepting these responsibilities has indicated through this consultation areas of concern where it believes the Council's ability to fulfil these responsibilities needs to be recognised. The Education Bill must seek to represent the existing activities that positively contribute to improving Education every day in schools in Local Authorities and localities; it must recognise the positive ethos and partnerships that exist between schools and the Council, and the interdependencies between Education, the Council and Children's Services. Scottish Borders Council has a strong track record of school improvement in recent years. Improving schools and providing education is a complex and multi-faceted task which has to be responsive within the communities children are educated within as well as within the lives they have at home and in their communities. The Bill must wholeheartedly see Education within this context, which it does in part in elements of the Consultation document. The Council hopes that the feedback provided will be taken into account when the final provisions within the Bill come through as Scottish Borders Council does believe that the Scottish Government and the Council are jointly aiming for the same goals for the children and young people of the Scottish Borders and is confident that collaboration at all levels of governance can positively contribute to achieving the aspirations set out in local and national guidance and policy for Education and Children's Services.

4 IMPLICATIONS

4.1 Financial

There are no costs attached to any of the recommendations contained in this report.

4.2 Risk and Mitigations

There are risks within the Education Bill that could affect the outcomes for children and young people in the Scottish Borders if some of the suggested steps are taken by National Government. The Council has outlined these risks in the consultation response.

4.3 **Equalities**

An Equalities Impact Assessment has been carried out on this proposal and it is anticipated that there are no adverse equality implications at this stage as it is a consultation. However, if some of the steps are taken as suggested, then there would be serious risks to equalities for staff and pupils with additional support needs.

4.4 **Acting Sustainably**

There could be significant sustainability issues if elements of the Education Bill proceed in their existing format.

4.5 **Carbon Management**

The contents of this report will have no effects on carbon emissions.

4.6 **Rural Proofing**

There is no change to any strategy linked to rural proofing.

4.7 **Changes to Scheme of Administration or Scheme of Delegation**

There are no changes to either the Scheme of Administration or the Scheme of Delegation as a result of the proposals in this report as it is a consultation at this stage.

5 **CONSULTATION**

- 5.1 The Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, the Chief Officer Audit and Risk, the Service Director HR and the Clerk to the Council have been consulted and any comments received have been incorporated into the final report.

Approved by

Donna Manson

Service Director, Children and Young People Signature

Author(s)

Name	Designation and Contact Number
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Appendices:

Appendix 1: Empowering Schools, A Consultation on the provisions of The Education (Scotland) Bill

Appendix 2: Education Service Plan

Appendix 3: Scottish Borders Council: Consultation Response re the The Provisions of the Education (Scotland) Bill 2018

Background Papers: N/A

Previous Minute Reference: N/A

Note – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Donna Manson can also give information on other language translations as well as providing additional copies.

Contact us at Council Headquarters, Newtown St Boswells, Melrose TD6 0SA.