

## Question 1

**The Headteacher’s 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 key to successful quality of learning provision in schools is high quality collaboration at all levels of the system .To state that Headteachers should be the lead decision maker does not chime with the OECD Report on Scottish Education, the extensive research by McKinsey in relation to the world’s most improved school systems nor the view and ethos of Scottish Borders Council. The Council believes that school improvement and system improvement is a complex matter and in particular the ambition to close the poverty related attainment gap requires a multitude of stakeholders - including partners in health, police, social work, the third sector and community learning and development - to collaborate together. Indeed the learning provision for our most vulnerable young people requires the support of the whole community; to have a Charter signalling one key lead does not give all these important partners the rightful place they currently have in contributing to the improvement of children’s life chances. A good example of such a partnership approach is the role of local businesses in supporting the skills for learning, life and work strategy which impacts locally on positive destinations for young people, as is set out in existing Developing the Young Workforce Strategy.

Currently schools in Scotland follow the guidance set out in ‘How Good Is Our School IV’ in relation to curriculum as detailed in section 2.2 “Curriculum” and in relation to learning and teaching as detailed in section 2.3 “Learning , teaching and assessment”. In both elements all aspects are founded on agreeing core school and community values and these are set against a backdrop of learners’ entitlements which are set out nationally. There are also clear links set out within the context of the wider community in which “we work together as a school community to develop, promote and sustain an aspirational vision for our curriculum”. The national guidance does not designate the Headteacher as a single significant figure in decision making.

Representatives of Scottish Borders Council have visited schools in England where Headteachers are empowered in areas such as curriculum, learning and teaching and the Council’s observations gave rise to serious concern .The Director has met with colleagues in a raft of Local Authorities in England where the result of such Headteacher empowerment has been the narrowing of the curriculum and Local Authorities having serious inclusion issues. (A Director recently quoted such empowered Head teachers within the Local Authority and advised that in October, in her Local Authority alone, there are over 450 young people permanently excluded with no schools to attend as the young people could not ‘fit in with the curriculum, learning and teaching on offer’). In one school visited (promoted nationally for very high attainment levels) the children received no experience of RME, PSE, PE, Drama in the initial years of secondary education; teaching methodologies were not differentiated to learners’ needs and children with any form of additional support need were not

catered for within the school's learning provision; vulnerable young people who lived within metres from the school were 'on the streets' rather than in school. In another Local Authority visited the numbers of children that have been excluded from schools had increased dramatically, seriously impacting upon Social Work Services in the area; Academy Schools were 'selecting pupils' and the most vulnerable young people were now without schools to attend. These issues are very real for Scottish Borders Council as many young people from border authorities with additional needs seek placements in Berwickshire schools.

'How Good is Our School IV' is our national policy and it currently recognises the importance of the concept of 'curriculum entitlement' and that 'every learner counts and has rights'. It does not make sense to make statements about Headteachers being empowered as the sole leaders in a complex yet holistic Education system in Scotland which upholds the values of equality, fairness and respect for all; Scottish Borders Council's view is that all 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, not simply Headteachers as lead decision makers.

Recently Scottish Borders Council has been working with a school where all stakeholders are collectively responding to changes within the local community; it is clear that curriculum, learning and teaching has to be more responsive to the needs of the young people and the solutions lie in everyone working together. In this case the young people are problem solving themselves around how the S3 curriculum needs to change to be more fit for purpose; in this school the vocational aspect of the curriculum requires to be developed within the school offer and the young people have many super ideas on the matter. It can be challenging for the school to make provision for a range of learners within the curriculum and lead to timetabling, resourcing and staffing pressures. Many stakeholders will pressurise Headteachers to push for this 'vocational curriculum offer to be provided off campus' so that the academic curriculum can take priority for resourcing and staffing. Decision making on such matters can be complex and requires leaders at all levels of the system involved to resolve the complexity; empowering a single leader to be the key decision maker would put at significant risk the Council's ability to meet its legal responsibilities in areas such as equalities legislation. 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 PE staff have been critical of the changes made by the Council, even though these are both in line with the Equalities Act and made in response to issues raised by young people; Headteachers have faced considerable pressure from staff to maintain the status quo. The Council is clear that existing practice is no longer legal and has to change: In this situation if individual Headteachers were in a position whereby they "are the lead decision maker in how the curriculum is provided within their schools" it could lead to a situation where the serious inclusion issues that were observed across the border occur, and where the Equalities Act responsibility cannot be secured. Alternatively the responsibility outlined in the Charter would put unnecessary pressure upon Headteachers, that is, they would then require to become personally legally responsible for meeting these obligations. Where should legal recourse for parents and young people lie – against the Authority as at present? In that case the Council surely needs to retain the ability to ultimately determine such matters. If not against the Authority should such recourse lie against the empowered Headteacher? This would

place an enormous burden on such individuals and would impact upon the Headteacher recruitment and succession planning processes.

All stakeholders should be working together to ensure young people in Scotland experience a high quality learning experience. Some of the frustrations around the curriculum have arisen from national pressure in recent years, exacerbated by the national assessment system in particular whereby expectations were 'set' rather than evolved as part of an improvement collaborative. For example; a 6 subject S4 curriculum was promoted as the 'national' option that would raise attainment but did not recognise individual school contexts. Another centralised pressure was created by continuous assessment and pressures from the public to evidence the success of curriculum for excellence. However, more recently the National Improvement Framework and focus on 'closing the poverty related attainment gap' have evidenced much more collaboration at local and national level. Scottish Borders Council welcomes national policy and guidance which it believes should then be interpreted at local level by the Local Authority in partnership with schools; this enables the Council as the Local Authority to be able to take action as part of their legal duty to be accountable for outcomes and education provision. How could the Council be accountable if Headteachers were entitled to be the sole decision maker?

For a Local Authority, decision making is part of a cultural improvement journey involving all stakeholders with a focus on positive engagement, respectful relationships, robust quality improvement activity, high quality leadership and professional learning. Different stakeholders at every level of the system take a lead or joint role at different times and the ethos and culture of learning both at school and Local Authority level combine to ensure a drive on continuous improvement .

This question one in itself represents a culture which assumes the need for a Headteacher's charter; Scottish Borders Council asks that there should be further consultation and debate on the concept of a Charter and how it sits alongside the Headteacher responsibilities that are well- set out within the GTC Leadership competencies .The Council argues that all staff should feel empowered within the system at all levels to contribute collectively to decisions about children's learning and the curriculum ; this is what good classroom teachers do; this is what good learning assistants do and also what Head teachers, Local Authority Officers and Education Scotland staff do; that we should all be working to feel empowered and involved collectively in decision making as long as improved outcomes for all learners can be evidenced and national guidance, entitlements and legislation adhered to. The concept of the purpose of a Headteachers' Charter requires further debate at many levels.

Another area that must be considered in relation to learning, teaching and curriculum design is the opportunity to innovate in the broadest sense. In the Borders there is a strong focus on intergenerational learning and parental/community engagement; a key concept within the new intergenerational learning campus in Jedburgh. The Council's commitment to the Christie principles of shared and efficient public sector services and a focus on the most vulnerable in society have resulted in a focus on Area Partnerships and partnership delivery; the Council has a vision in which learning for all within a family and community may look quite different if the benefits of community capacity building are to be realised.The scope of such innovation demands a much greater collective leadership role if this vision is to be realised.

## Question 2

**The Headteacher's Charter will empower Headteachers to develop their school improvement plans collaboratively with their school community. What improvements could be made to this approach?**

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. The challenge is getting all stakeholders, including staff and parents to engage in the process.

Headteachers in Scottish Borders are already empowered with developing their school improvement plans. However, without the role of Quality Improvement Officers in advising on periodic evaluation and next steps and ensuring momentum is maintained, intended outcomes would not be met in a significant number of schools.

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?**

As detailed in the Council's response to question 1; the School Improvement Plan must be nestled within Local Authority and National Improvement Frameworks. For example 2018 is the Year of the Young Person. In the Scottish Borders the plan of events, activities, celebrations and innovations is to come out of a consultation with all young people led by young people both in schools and in community groups. Initial feedback informs the Council that the young people have raised fantastic suggestions for events, legacy, debates and activities for improvement. If the School Improvement Plan was to take primacy then 'opportunities' such as the Year of the Young Person may not be experienced by all learners and the young people may feel that their participation and contribution limited due to a lack of commitment from some schools. The Council would expect, with its current partnership approach with Headteachers, to agree a plan that was responsive to the ideas of the young people whilst recognising ongoing priority work within schools. The Council has a set of priorities set out within the Children's Services Strategic Plan which is particularly important in relation to health and wellbeing and the additionality that partners can bring to children's learning experiences: the primacy of the school improvement plan could restrict the vital work of Children's

Services and partners; this proposal also contradicts the expectation set out by Government that Council's and partners must have a Children's Services Plan.

Sometimes transformational events happen in communities and the community plan is a priority, eg in the Borders the opening of the Railway was a major local event to be celebrated. There are a number of Borders 'learning experiences' that bring the young people of the Borders and their communities together and these must have a place within the School Improvement Plan as they celebrate the culture, the heritage and history of the Borders, eg the local festivals, the Countryside Day. The primacy of the school improvement plan could seriously affect the local festivals and events that very much contribute to the wider life of the families and communities in the Scottish Borders if schools could begin to opt out of such activity and if the Local Authority had no power to intervene.

Scottish Borders Council does not agree with the statement in the consultation that the Headteacher's Charter will "remove the requirement for Local Authorities to develop separate improvement plans". The Council is supportive of the Regional Improvement Collaboratives, but as explained above there will also be a requirement for aspects of local improvement, eg, in response to Scottish Borders data regarding the health and well-being of young people, the Council has as a main priority this year focused on improving the quality of the emotional health of young people. This has involved the implementation of an extensive training and development programme and curriculum development for all schools as a major improvement priority. All planning processes must be responsive to all the outcome data available in each Local Authority from the complete range of partners.

The context of each Local Authority has to be a driver within school planning, eg Scottish Borders has seen a dramatic increase in child poverty levels in the last 5 years: the Scottish Borders is now in the top quartile for child poverty levels in the data recently released by HMRC ; the Scottish Borders has the lowest wages economy in Scotland ; high levels of fuel , digital and access poverty – there must be a place for these local priorities to be addressed that are unique to the young people and their families. Scottish Borders Council does not support the removal of the requirement for a Local Authority plan especially considering the role of the local community in the lives of families and the direction of travel set within other key Scottish Government policy areas such as the Community Empowerment Act.

#### **Question 4**

**The Headteacher's 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: Headteachers currently do recruit their own teaching staff through a process that has been decided in consultation with Headteachers. Staff are advertised permanently at all times. In recent years Council Officers and Headteachers jointly decided to hold recruitment days for promoted posts both at Headteacher and Depute Headteacher level. This was an event that all schools with vacancies attended to promote their school. This was

very successful and led to high levels of applications and all vacancies were recruited. It enabled candidates the opportunity to get to hear about the range of posts on offer and to ask questions of school staff. Feedback indicated that candidates and Council staff found the exercise very helpful. The exercise was repeated in Social Work and again the Council had very high levels of applicants and filled all vacancies successfully.

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. As a Council the involvement and support of Headteachers in all recruitment processes is very much welcomed. Approaches to recruitment are adapted and evolved based upon feedback and ideas from Local Authority Officers, Headteachers and HR advice.

Disadvantages: If schools were totally responsible for recruitment of staff the Council does not believe that all posts would receive equal opportunity of application. Sometimes it is necessary to make sure that some posts are recruited first, eg schools in areas of multiple deprivation. The key to recruitment is a culture of openness and transparency about why processes exist in a format, eg it could be related to employment law. Headteachers do not have the extensive knowledge or time required to lead in such complex procedures such as deployment and this would lead to further complications such as tribunals, grievances and would not be in anyone's best interest. 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.

In Councils with the right ethos of trust and partnership between schools and the Council then it is automatically assumed that a collaborative approach is required. This partnership very much needs the embedded involvement of Council HR Teams and be linked into Trade Union processes to ensure that all aspects of guidance and legislation are adhered to at all times. Scottish Borders Council is very concerned that this consultation is making suggestions re changes that would compromise the Council's very robust HR procedures. There is also concern that the approach suggested would lead to surplus staffing costs which are not affordable and would put schools into deficits within their DSM budgets, eg a small secondary school could end up with a member of staff who needs re-deployed owing to the Headteacher making changes to the timetable; the Headteacher in a neighbouring school does not wish to accept this member of staff as they have no timetable requirement; an additional cost of 1 FTE has created a significant overspend situation. Currently changes can only be made to the timetable if staffing has been co-ordinated across schools by the Council. If a Headteacher's Charter gave the Headteacher such powers to ignore current HR, policy and guidance significant issues like this would arise.

Not all Headteachers would want this 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. Indeed at the Leadership Recruitment fayre held in May 2017 a number of possible candidates attended from South of the Border and noted in their reasons for wishing to leave the Education system they currently worked in that there were many responsibilities within HR that they were finding

too stressful and they wished to work in the Scottish system which they felt currently enabled Headteachers 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; these examples are quite rare and only tend to happen at the beginning of the school year. Even then individual staff planning meetings are held between each Headteacher and the Chief Officer to limit as much as possible 'compulsory transfers'. In these cases extensive discussions take place with Headteachers and support is provided. Of course as a Council we would wish for Headteacher's to choose their own teams at all times but staff have deployment rights and guidance must be followed to ensure that staff are treated fairly too. If such guidance and legislation was not adhered to then Councils would find themselves breaking the law which would lead to tribunal claims and additional staffing costs at a time when budgets are challenging. Also it is the Council's view that there are many circumstances which can result in very positive outcomes for staff and the school when staff can have the opportunity to have placements in a different school. There has to be opportunity for staff movement but the key to all staffing decision making is the ethos and relationships between all staff involved in the process: Trade Union representatives , HR staff, Council officers, Headteachers and staff themselves. A respectful culture with clear policy and guidance linked to HR legislation, transparent communication and a focus on treating everyone involved with dignity and respect will lead to positive decision making and lead to staff teams where people feel valued. If the approach above is not taken then Headteachers , staff and council officers become aggrieved and that is not conducive to the respectful relationships and sense of value needed to create positive staff teams focused on delivering high quality learning provision for young people.

Promoted post structures – primary promoted structures tend to be based on pupil roll; in the last 15 years in Primary Education in Scotland budget savings have been made across the Country in order to protect front line services. Prior to the year 2000 there was significantly more 'protected management time' in primary schools: roles such as senior teachers, Assistant Headteachers , Depute Headteachers and non –teaching Headteachers all had 'protected time' out of class to focus on curriculum development and quality improvement. The management structures now in the main have Principal Teachers who have very little time out of class (likely to be a half day per week), Depute Headteachers who are likely to be class committed half a week and providing staff cover too owing to the lack of supply (and likely to have a day per week out of class) and Headteachers themselves who too often are providing class cover so that teachers can attend meetings around the child or staff training. There is not enough 'protected management time ' in primary schools compared to secondary schools. This is a national issue and perhaps would benefit from a national formula for all primary schools. However, resolving this would be complex in such

challenging budget contexts both locally and nationally. In Secondary Schools similarly 'protected management time' has been affected by Depute Headteachers and Headteachers providing 'subject cover' in the areas where there are national shortages. Likewise Local Authority teams and Education Scotland teams have been significantly reduced; there is not enough management time in these areas either to have enough 'protected management time on quality improvement and system development'.

Disadvantages: All Headteachers and Local Authority Officers would welcome the opportunity to have more 'protected management time' but there is not the budget available to support such structures.

## 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?**

In the Scottish Borders the Children and Young People's Department has a budget in which the majority of it is delegated to schools devolved school management. 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. As stated in the Council's response to question 4 the issue is the funding available for management structures rather than the process of allocation or the matter of transparency.

The budgets that are retained centrally are the Additional Support Needs and Early Years budgets; all other budgets are in the main delegated to schools. The 'central schools budget' is quite limited and tends to account for areas in which the monies pulled together create more capacity for spend eg Headteachers were asked if they wished the ASN budget to be delegated locally, but turned down the offer; in the main because of the extensive amount of time involved in managing these budgets.

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 challenge in recent years has been managing budget reductions. Headteachers have been involved in making suggestions regarding areas for reduction. The suggestions made on page 13 of the Consultation as to what the Headteacher's Charter will improve are already in place in the Scottish Borders.

As stated in response to question 1, it is a concern to single out, in a Charter for Headteachers, responsibilities linked to decision making in budget area. The Children and Young People's budget area has over 18 000 budget lines; accountability for these lines has many layers within a Council. Therefore the singling out of Headteachers to assume responsibility would create risk; the response the Council has had is that many Headteachers do not wish additional budget responsibilities and if the outcomes experienced within the Academy model in England is reflected upon, they will be

appreciated as being concerning: less inclusive approaches especially affecting children with additional support needs and serious recruitment issues as Headteachers are not best placed to take on these additional responsibilities whilst improving the quality of learning provision.

The Council in national governance assessment procedures has been praised for its robust and sound governance of Financial processes, including its management of budget reductions in the last 5 years. The Council's success in this area could be compromised if it did not have the ability to provide governance to areas of school spend and this could then impact upon delivery of other Council Services which are vital to children and their families. 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, eg the Early Years allocations are part of a wider placement process which seeks to obtain efficiency of spend in matching ratios of staff and child placements .

### **Question 6**

#### **How could local authorities increase transparency and best involve Headteachers and school communities in education spending decisions?**

The Council does not agree with the assumption in this statement that there is an issue with transparency with regards to education spending decisions. Each year there is a local campaign inviting the public to engage in the budget process. There is a very thorough process involving all stakeholders, including for example Headteachers and Trade Union representatives. Headteachers discuss their budgets regularly at Parent Council meetings. Council Officers work in partnership with a strategic group of Headteachers who are privy to all budget information and in partnership with Council Officers discuss what information goes forward to the Headteacher budget meetings which are held regularly throughout the year. 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.

The challenge in engaging with communities is that much of the Education budget is linked to statutory spend in staffing and the discretionary budget areas are quite limited and open to debate, eg teacher numbers, Early Years staff pupil ratios. Community engagement is very much welcome. In recent times schools and Local Authorities have continued to evolve budget engagement activity based upon feedback from stakeholders. The Council has been responsive to communities, eg the Council has developed its approach to participatory budgeting and allocated additional funds to Area Partnerships.

### **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 Headteacher's Charter?**

Cognisance must be taken of the context within which the Headteacher is and will be working within before a consideration of support and professional learning for Headteachers. The Council believes that there should still be further consultation regarding the Headteacher's Charter as detailed in response to earlier questions in this Consultation.

Scottish Borders Council believes that the diagram on page 14 of the Consultation document is not representative of the role Local Authorities play in school improvement and support, ie the context the Headteacher operates within in the Scottish Borders. School improvement is a very complex and very much a localised matter. This diagram does not recognise the role of Local Authorities in School Improvement, neither does it recognise the role of the local community. The school exists within its community which can have a significant impact upon the life of the school and the life chances of the children and young people, eg the collapse of a major business in the locality can seriously impact upon the skills for learning , life and work agenda affecting the curriculum and learning provision. The health and wellbeing curriculum can be impacted upon by issues in a local community, eg drugs and alcohol activity. The model in the diagram does not recognise the holistic nature of educating young people or the importance of the role of partners. These contexts are critical when considering the powers and duties for Headteachers and considering what they can be held accountable for.

There needs to be a separate tier between the school and regional activity which recognises the role of the Local Authority and the local community partnerships, eg one evening last term the Council had 10 officers out in one evening attending a range of local community meetings where Education was a focus of the meeting. This is very important daily work that affects the success of the school in its improvement journey and can't be assumed by a Regional Improvement Collaborative or Education Scotland. There are local issues that the school can be affected by and which contribute to in the life of the community: this must be recognised if all layers of Governance are to work in partnership to achieve the goals, the outcomes and the aspirations set out in national and local guidance for children and young people. 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 priorities in the Scottish Borders are very different to neighbouring Councils in response to the very nature of the Council's local communities. That being said, there can be and work has been identified at a tier above Local Authority which is now in process within the South East Improvement Collaborative. However, there has to be far greater recognition of the daily work taking place linked to school improvement at Local Authority level ; work that neither a Regional Improvement Collaborative nor Education Scotland have the capacity to deliver, nor are they best placed to deliver: in depth quality assurance and quality improvement, training in partnership areas such as child protection, participation, health and wellbeing, co-ordination of professional development and learning opportunities. These must continue as a vital form of support and professional learning for Headteachers, ie Headteachers operate within a communities, Children's Services and partnership context rather than just the school context. The text in the Consultation does not fully reflect the real reasons why Headteachers are having challenge in focusing on improving the quality of the curriculum and learning and teaching. Headteachers have informed the Council that the reductions in Council support services linked to budget savings, the lack of supply staff, recruitment challenges in specific communities or in specific subject areas , the bureaucracy being created in national 'over-assessment ' of pupils and too broad a set of expectations within the "How Good Is Our School IV"

are the areas affecting their capacity to improve their schools. In setting the national standards there should be much greater partnership between Local Authorities, schools and Education Scotland.

Scottish Borders Council is not sure what is being referred to by 'greater operational flexibility' Scottish Borders Council works in partnership with Headteachers to arrive at any policy statements or guidance which are linked into national guidance. Headteachers have not expressed that they are looking for a more 'empowered role' with new powers and duties. They have expressed the issues above as the key issues affecting their ability to effect school improvement. It would be helpful if this consultation led to greater debate on powers and duties at every level rather than simply focusing on the Headteacher within the system.

The work-related wellbeing of Headteachers must also be seriously considered. Through communication with Trade Unions and direct conversations with Headteachers, workload and stress are acknowledged as challenging issues within the profession. The Education Bill proposes to empower Headteachers with more autonomy, but that cannot be achieved without additional workload. Any increased stress could further reduce job satisfaction and motivation, block creativity, increase absenteeism and reduce recruitment. Headteachers and the profession as a whole would welcome and indeed benefit from a period of stability.

The Council is very proud of the high quality work and commitment of the Headteachers in the Scottish Borders. The context above has been outlined as the concept of 'new powers and duties' is one regarding which there are very mixed views at different levels within the system. The Council is supportive of any changes that will make the role of the Headteacher more attractive and will enable Headteachers to work closely with their staff, their young people and their communities: equally so the Council is putting forward that the Headteacher needs the support of partners, the local community and the local authority; that powers and duties are a shared responsibility and if there is to be a Headteacher's Charter then links must be made to the support and professional learning of other key partners rather than viewing the Headteacher in isolation.

Further discussion on what makes a difference to Headteachers at different times in their career and at key times in the improvement journey of their school is welcomed but setting this within the context of new powers and duties may not have the desired effect of making Headteachers feel more supported or encourage teachers to aspire to become Headteachers.

The very good work taking place and funded by National Government in relation to IT learning would be welcomed in the Scottish Borders. This is a key issue as rural authorities such are very much affected by all the national training taking place in central locations; 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?**

The ideas and themes within the areas of reform are to be praised. However the challenge lies in that 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. Parent capacity is the issue rather than changing the nature of what is expected. 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.

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.

However, it is a concern that the section relating to parental and community engagement makes no statement linked to the role of the Local Authority. This must be addressed as it is not representative of the essential and existing relationships, activities and interdependencies between parents, Communities, Schools and the Local Authority.

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' so the question has to be asked: who will do this work especially in light of the response made to questions 4 and 7? There are currently no staff within schools with the capacity to carry out this work so additional funding would have to be made available. There would have to be significant work carried out in the training and line management of these posts. Supporting families at home is quite a complex matter. Currently in the Scottish Borders the Council have a small team of family support workers who are highly skilled and receive appropriate line management and training as social work matters can arise. The Council welcomes the extension of home school link work to every school but is very clear that resource is required particularly as a rural authority currently allocated a very small amount of PEF funding, ie most schools do not have the level of funding required to extend their activity into home school link work although they would like to; most of their funding is allocated to 'in class' literacy and numeracy interventions.

## **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 but this can be challenging in setting aside meeting time.

#### **Question 10**

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

Again the challenge is making parental involvement representative especially at a time when parents are juggling the demands of parenthood, work, possible caring responsibilities. See response to question 9 above.

#### **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 Headteacher's 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. However, setting out the principles within a requirement is a new concept for stakeholders and requires further consultation as to how this would be resourced, governed, monitored and reported.

#### **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 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.

### **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 but is not supportive of the diagram on page 14 of the consultation document as it fails to recognise the essential support currently provided by the Local Authority and indeed depended upon by all school staff and wider stakeholders, eg parents. 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 should have a tier which recognises the locality improvement context of school provision before the regional tier.

The Council does not agree that improvement support and curriculum support should only come from the Regional Improvement Collaborative as argued in the Council's response to questions 1, 3 and 7 of this consultation. The 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. Indeed 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. The Quality Improvement Officers, the Chief Officers, the Service Directors and many local 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 high quality 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. To suggest that the Local Authority will remain accountable for outcomes for young people and for the quality of education provision and then create a structure which does not recognise the critical role played by the Local Authority presents a serious risk to improving the quality of learning provision. It also suggests that the daily work of Local Authorities and its partners is not understood in the impact they have upon improvement. For example the recent CLD inspection of Scottish Borders Council praised the partnership approach being taken locally in the work that is being led in regards to equalities, emotional wellbeing and LGBTi matters; all key aspects with the curriculum and very much part of school life that the young people themselves identified. A key strength of this inspection was the strategic leadership of the CPP Partnership and the strong vision to improve the outcomes of young people. Education does not exist in isolation but is being improved within localities; the work of the Local Authority and its partners must be recognised as a key strength and given its rightful place. The variability of the quality of the Local Authority and partnership work across Scotland should not be used to label every Local Authority; it is the good work taking place that Scottish Borders Council believes the OECD report was referring to when it talked of

strengthening the middle tier; nowhere in the report was there a recommendation to remove or replace the Local Authority tier. Scottish Borders Council views the Regional Collaborative as a welcome additional tier. The Headteachers in the Scottish Borders are concerned that the work of the Local Authority in school improvement and curriculum support is not recognised in the Consultation document. It is clear from recent feedback within Education Scotland itself that there are issues to be addressed and Scottish Borders Council has many reservations regarding the capacity of national bodies to provide regular and consistent support especially in rural areas. Indeed the Attainment Advisor role has been such a challenge in the Borders that the Council has put in post 2 staff to carry out this role. The Council recognises that there is Regional Improvement and curriculum work that can be carried out and is fully engaging in the South East Improvement Collaborative but this work must be in addition to what the Council must continue to do as the statutory Authority 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; the Council is not clear as to why this needs to be set as a requirement just within the Regional Collaborative.

#### **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 (e.g. every two years) be a more practical and effective approach?**

Scottish Borders Council does not agree that the Regional Improvement Plan should replace the Local Authority Plan. Both plans will impact upon improving the quality of learning provision and outcomes for young people.

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?**

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 ( question 1) 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. The Council would be supportive of a reduction in the frequency of national improvement planning and the requirement on Ministers to review the National Improvement Framework.

#### **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 bureaucracy. However, the Consultation document tends to recognise 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 particularly at a time when resources are challenging in business and administrative. 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 especially in light of the number of Education staff who are experiencing 'in work poverty' and the Council's response to question 21.

### **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.

