

**ITEM No ...2.....**

**REPORT TO:** CHILDREN AND FAMILIES SERVICES COMMITTEE –  
22 JANUARY 2018

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

**REPORT BY:** EXECUTIVE DIRECTOR OF CHILDREN AND FAMILIES SERVICE

**REPORT NO:** 27-2018

**1.0 PURPOSE OF REPORT**

1.1 The purpose of this report is to share with members of the Children and Families Services Committee the response to the Scottish Government’s consultation paper “Empowering Schools : A Consultation on the Provisions of the Education (Scotland) Bill.” The review asks a number of questions about the governance of Scottish education and seeks responses by 30 January 2018. The final response will incorporate appropriate comments from Head Teachers.

**2.0 RECOMMENDATIONS**

2.1 Committee members are asked to:

- i. agree the response to the consultation;
- ii. instruct the Executive Director of Children and Families to incorporate appropriate comments from Head Teachers; and
- iii. instruct the Executive Director of Children and Families Service to provide a future report on the outcome of the consultation.

**3.0 FINANCIAL IMPLICATIONS**

3.1 There are no direct financial implications arising from the consultation. Committee members will be updated on any future financial implications.

**4.0 MAIN TEXT**

4.1 “Education Governance: Next Steps: Empowering our Teachers, Parents and Communities to Deliver Excellence and Equity for our Children” (Next Steps) sets out the Scottish Government’s vision for a “school and teacher-led system where decisions on learning and teaching rest at school level”. This document indicated that the Scottish Government were committed to bringing forward a new Education Governance Bill to deliver those changes that require legislation and that they would work closely with partners to consult on proposed legislative changes and introduce legislation in the second year of this Parliament.

4.2 The Empowering Schools consultation document invites views on:

- The Head Teacher's Charter
- Parental and Community Engagement
- Pupil Participation
- Regional Improvement Collaboratives and;
- Education Workforce Council for Scotland

4.3 The consultation seeks views on the detailed policy proposals being taken forward by the Scottish Government in the Education Bill. The primary focus of the Bill is to create a school and teacher-led education system and therefore to empower our schools and school leaders. The Bill will seek to establish a Head Teachers' Charter. The purpose of the Charter is to set out the rights and responsibilities of Head Teachers that will empower them to be the leaders of learning and teaching in their schools. This legislative underpinning would make it clear that Head Teachers are best placed to make decisions about how learning happens in our schools. The Charter would also set out the support Head Teachers can expect to receive to meet the needs of their school communities by clarifying the responsibilities that local authorities will fulfil in order to enable Head Teachers to lead.

4.4 The consultation document is also seeking views on the need for legislation to improve parental and community engagement in school life and in learning outside of school, and strengthen the voice of children and young people, by actively promoting and supporting pupil participation.

4.5 The Bill will also seek to provide the legislative underpinning for the establishment of Regional Improvement Collaboratives to allow them to fulfil their agreed functions which will include (but are not limited to): regional priorities and regional improvement plans; professional learning and leadership; curriculum support; sector specific support; improvement methodology; sharing good practice and the impact of research; peer to peer and school to school collaboration and a regional approach to supporting staffing challenges.

4.6 In addition, the Bill will enable registration of other education professionals with the Education Workforce Council. This will be established to take on the responsibilities of the General Teaching Council for Scotland (GTCS) and the Community Learning and Development Standards Council (CLDSC) and to establish appropriate professional standards for other groups within the education workforce.

4.6 The proposed consultation response from Children and Families Service is included in Appendix 1 of the report. The response represents the views expressed by central officers and Head Teachers within the service and are intended to reflect the knowledge and experience across all sectors of the service.

## **5.0 POLICY IMPLICATIONS**

5.1 This report has been screened for any policy implications in respect of Sustainable Development, Strategic Environmental Assessment, Anti-Poverty, Equality Impact Assessment and Risk Management. There are no major issues.

## **6.0 CONSULTATIONS**

The Council's Management Team have been consulted in preparation of this report.

## **7.0 BACKGROUND PAPERS**

- 7.1 Education Governance: Next Steps, Empowering our Teachers, Parents and Communities to Deliver Excellence and Equity for our Children.

PAUL CLANCY  
Executive Director of Children and Families Service  
January 2018



## Empowering Schools A Consultation on the provisions of the Education (Scotland) Bill

### RESPONDENT INFORMATION FORM

**Please Note** this form **must** be completed and returned with your response.

Are you responding as an individual or an organisation?

- Individual  
 Organisation

Full name or organisation's name

	Dundee City Council Children and Families Service
--	---

Phone number (01382 433088)

Address

Floor 2 Dundee House 50 North Lindsay Street Dundee
--

Postcode

paul.clancy@dundeecity.gov.uk
-------------------------------

Email

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name  
 Publish response only (without name)  
 Do not publish response

DD1	<b>Information for organisations:</b> The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published. If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.
-----	---

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Yes

No

### Question 1

The Head Teachers' Charter will empower Head Teachers 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 Head Teachers to fulfil this empowered role?

Within Dundee City Council, Head Teachers are already regarded as the leaders of learning and teaching and in accordance with the philosophy of Curriculum for Excellence construct the curriculum in accordance with the needs of their local community. Head Teachers, therefore, continue to have autonomy in designing and delivering the curriculum and as such this does not require to be legislated for

It is envisaged that the continued evolution of the Tayside Children's Services/Educational Improvement Collaborative will accelerate improvement in targeted aspects of curriculum delivery initially including: learning/teaching, numeracy, school improvement strategies and leadership. Importantly, the Head Teachers' Charter coupled with enhanced empowerment of Head Teachers will lead to an increased focus on improving excellence and equity via improved curriculum architecture and delivery.

However, in relation to children and young people with additional support needs there needs to be greater emphasis on curriculum design and outcome measures which reflect the diversity of needs and the corresponding diversity and breadth of attainment and achievement awards. In order to avoid a narrow focus on curriculum and attainment, and for Head Teachers to fulfil this empowered role, their responsibilities relating to ASL and Equalities legislation need to be fully understood and accounted for.

### Question 2

The Head Teachers' Charter will empower Head Teachers to develop their school improvement plans collaboratively with their school community. What improvements could be made to this approach?

School Improvement Plans across Dundee City Council are currently constructed in such a manner with full engagement of key stakeholders including pupils, parents and community groups. The wider inclusive school community and related GIRFEC roles and responsibilities, including those of corporate parenting, need to be explicit within any improvement planning.

### Question 3

The Charter will set out the primacy of the school improvement plan. What are the advantages and disadvantages of this approach?

Such primacy is already well established in Dundee and Dundee City Council supports the primacy of the School Improvement Plan. Schools produce annual Improvement Plans to set out their priorities for the forthcoming school session and ensure the Working Time Agreements for staff are fit for purpose. School Plans will articulate with national and local priorities. School Plans are monitored and scrutinised through our School Improvement Framework of Quality Assurance and Quality Improvement.

### Question 4

The Head Teachers' Charter will set out the freedoms which Head Teachers should have in relation to staffing decisions.

- a. What are the advantages and disadvantages of Head Teachers being able to have greater input into recruitment exercises and processes adopted by their local authority?

Within Dundee a judicious balance exists between schools and central officers in a broad range of staffing matters. Head Teachers currently take a lead role in recruitment processes in partnership with central officers and wherever possible do recruit their own staff. Dundee City Council notes that the consultation paper currently indicates that Local Authorities will remain as the employer of school staff to ensure, amongst other things, the safe guarding and protection of employees' rights. Importantly, the local authority would maintain responsibility for the deployment of staff across the entirety of the organisation to ensure the delivery of effective educational services across the city. Dundee City Council Central Officers and Head Teachers fully endorse this. There is a concern from Head Teachers if central officer and staffing support is further reduced.

Revenue budget for Early Years is centrally managed to ensure equity across all settings and to reflect the ever changing movement of staff between posts e.g. Early years support assistants obtaining Early Years educator posts. The staffing model is carefully considered to ensure career progression and to reflect local and national priorities including support for families. Funding for qualifications required for posts is also allocated and monitored centrally to ensure SSSC registration requirements are met. Currently Head Teachers are fully involved in the recruitment process and value the co-ordination and expertise of the central team. The revenue budget for the expansion to 1140 hrs will be set to allow the implementation of the local expansion plan and therefore staffing decisions will have to reflect the staffing model and associated budget which will focus on high quality, flexible provision.

- b. What are the advantages and disadvantages of Head Teachers' ability to choose their teams and decide on the promoted post structure within their schools?

Scope for this already exists within Dundee City Council. We are currently engaged with school leaders in evolving more flexible models of promoted post structures in schools: such practice is considered consistent with the devolved responsibility alluded to in question 1. Ensuring that a focus remains at school level for promoted posts related to supporting learners will be necessary in order to meet ASL legislative provision and requirements. Teacher numbers will also require to be maintained in evolving structures. Head Teachers state they "have autonomy and work together collegiately to make decisions ensuring support, consistency and equity of provision for all young people in Dundee. We appreciate and would want to maintain the strong partnership and support/challenge with Local Authority colleagues"

### **Question 5**

Should Head Teachers 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?

A well embedded culture of devolved school management exists within Dundee City Council: recent allocation of PEF monies has further extended this practice. In order to further extend this approach, augmented business support will require to be made available to schools. The local authority collaborates with Head Teachers in relation to allocation of additional support provision and the balance of specialisms across schools to ensure equity across the city.

### **Question 6**

How could local authorities increase transparency and best involve Head Teachers and school communities in education spending decisions?

A strong partnership approach in this regard exists in Dundee. An inclusive forum for budgetary discussion involving school leaders and central officers meets regularly to deliberate such matters and inform related decisions.

Local Community Planning Partnerships and Local Learning Partnerships should support education spending decisions but this is at an early stage. Recently, schools have fully engaged a broad range of stakeholders, including Parent Councils and pupils, in decisions pertaining to PEF spending. There is a concern for Head Teachers around increased levels of bureaucracy and workload and the need to manage expectations.



**Question 7**

What types of support and professional learning would be valuable to head teachers in preparing to take up the new powers and duties to be set out in the Head Teachers' Charter?

The continued development of SCEL leadership programmes will be instrumental in this regard. Dundee City Council is currently involved in supporting head teacher leadership development via the Head Teacher Leadership Academy at Columba 1400 and the Mudd Partnership. Other programmes are offered in partnership with the University of Dundee such as Into Headship and Leading in a Culture of change. All are proving to be highly effective in building leadership capacity across the Service.

The Early Years sector includes Stand Alone Nurseries and Partner Providers. It would be unhelpful to develop separate systems in nursery classes within primary schools from the rest of the sector given the ongoing changes resulting from the expansion and 'provider neutral' status. Therefore legislation/guidance needs to apply consistently to all ELC providers.

Head Teachers will require extensive support regarding additional support needs and Equalities legislation, their obligations and changes following the ASL code of practice changes. Training in employment legislation, registration implications, industrial relations and financial management will be important, along with complaints handling training, particularly as the complaints may relate to the Head Teachers' own decisions in these areas.

Head Teachers have strongly noted the need for appropriate levels of resource and support in relation to the Head Teachers' Charter proposals.

**Question 8**

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

In broad terms the areas are indeed correct.

**Question 9**

How should the Scottish Schools (Parental Involvement) Act 2006 be enhanced to ensure meaningful consultation by Head Teachers with parents on substantive matters of school policy, improvement planning and curriculum design?

With reference to the proposed areas of reform, Dundee City Council is currently reviewing our Parental Involvement Strategy. Central to this review is an increased focus on more meaningful engagement with the wider parent forum.

At school level from Early Years to Secondary there is more purposeful parental engagement across a broad range of relevant education issues such as:-  
Curriculum planning and design, school governance and school improvement planning.

**Question 10**

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

For funded providers, there is a potential tension between the commercial relationships they have with fee-paying parents and those who were funded, or partly funded, through local authorities. For fee paying parents the relationship would be governed to some degree by market considerations.

The sector as a whole is complex and there might also be a complexity in each setting. Further complexities may arise when children access ELC (Early Learning and Childcare) through a split placement – between two or more providers. The Bill seems to focus on Head teachers and school based settings rather than the wider Early Years Sector.

Current requirements of the Care Inspectorate/ HGIOEL &CC (How Good is Our Early Learning and Child Care) in relation to parental involvement in ELC settings need to be taken into consideration- what is the benefit of legislating when the Care Inspectorate and Education Scotland require this?

No insistence on parent councils in an Early Years (EY) setting is welcome.

Reassurance should be sought on the degree to which the National Parent Forum view on parental engagement might be imposed on the EY sector.

**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 Head Teachers' Charter?

The inclusion of such a requirement would mirror the practice currently operable within Dundee. This practice is currently integral to National and Local Frameworks for Improvement (NIF, HGIOS 4, Dundee Framework for School Improvement) and as such, does not require to be legislated for.

**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?

Dundee City Council would support the articulation of a general duty in this regard.

**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?

Dundee City Council believes that the powers within existing legislative parameters are suffice in supporting effective collaboration.

Clarity is required on where the differing responsibilities for early years sits between local authorities and the regional collaboratives.

**Question 14**

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

Should this be the case, Dundee City Council would welcome a review of related requirements including the submission of a Local Authority Annual Education Plan as required following publication of the Education (Scotland) Act 2016.

**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?

Dundee City Council would support the proposal of biennial reporting.

**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?

Dundee City Council would endorse the approach to reduce 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?

The creation of a single Education Workforce Council for Scotland would support a parity and coherence of standards across the system: we would, therefore, endorse the purpose and aims as stated.

**Question 18**

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

Dundee City Council would welcome a national review of areas such as conditions of service, contractual obligations and professional learning for teaching and support staff.

**Question 19**

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

Dundee City Council considers the functions as articulated as entirely appropriate.

**Question 20**

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

As outlined in question 18.

**Question 21**

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

Dundee City Council agrees with the professional groups as outlined on p 29 with the possible exception of Early Years Practitioners for the following reasons:

The document takes insufficient account of the work and support to Early Years staff provide by the Scottish Social Services Council (SSSC) and the already established standards for registration.

If the mandatory registration is in addition to SSSC registration, there may be issues around the financial cost to ELC practitioners.

For staff working in a residential setting, there is potential for them to be registered with two bodies. This seems overly bureaucratic.

There requires to be clarity about how the work of SCEL would be built into the workings of any new registration body for occupational groups other than teachers.

Presently there are difficulties with SSSC registration where, unlike teachers, deductions from wages are not possible. This problem should be remedied.

There could be difficulties for school-based staff working across sectors, where there was an early years' class. There needs to be flexibility for, or account taken of, classroom assistants, for example.

There could be funding implications where staff presently are not required to be registered. There also required to be account taken of the need to administer, track and manage registrations.

In addition, we believe that all professionals working in schools directly with children and young people who do not have professional registration under the auspices of their own professional body (e.g. SSSC, health staff) should be registered.

**Question 22**

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

Yes, a broad consultation would be welcomed.

**Question 23**

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

In seeking to ensure the maintenance of high professional standards across all professional groups, governance arrangements should ensure the interests of all professional groups are reflected and have a degree of independent scrutiny.

**Question 24**

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

The Education Workforce Council for Scotland.