

REPORT TO: EDUCATION COMMITTEE – 19 JANUARY 2004

REPORT ON: CONSULTATION ON ENSURING IMPROVEMENT IN OUR SCHOOLS – DRAFT BILL

REPORT BY: DIRECTOR OF EDUCATION

REPORT NO: 72-2004

1.0 PURPOSE OF REPORT

1.1 The Standards in Scotland’s Schools etc Act 2000 introduced a ministerial duty to secure improvement in school education. There were similar responsibilities placed on education authorities. The Scottish Executive has now published a draft bill setting out proposals for ministerial powers to compel, where necessary, education authorities take action in response to comments by HM Inspectorate of Education (HMIE) about provision in schools or authorities. This report outlines a draft response to the Executive on the draft bill.

2.0 RECOMMENDATIONS

2.1 The Education Committee is recommended to:

- i) Approve the response to the draft bill set out in Appendix I and
- ii) instruct the Director of Education to submit the response on behalf of Dundee City Council.

3.0 FINANCIAL IMPLICATIONS

3.1 Nil

4.0 LOCAL AGENDA 21 IMPLICATIONS

4.1 Nil

5.0 EQUAL OPPORTUNITIES IMPLICATIONS

5.1 Nil

6.0 REPORT

6.1 The inspection of schools by HM Inspectorate of Education (HMIE) is a well accepted process which has been developed over many years. Education Authorities are closely involved in the process both in providing pre-inspection reports to HMIE and in following-up the outcomes of

inspections. In this regard Dundee City has a very positive record and Education Department support for schools following inspections has been identified as a key strength in numerous reports.

6.2 The education functions of local authorities are now also inspected by HMIE. Dundee City Council was inspected in 2001. This report was very positive. The action taken by the Education Department in response to the inspection was again commented on very favourably in a Follow-up Report in 2003.

6.3 New procedures for school inspections mean that, in certain cases, the Education Department rather than HMIE will be responsible for undertaking the follow-up inspection and reporting to parents on the outcome of this inspection.

6.3 The Scottish Executive have published a draft bill for consultation entitled Ensuring Improvement In Our Schools. An extract from the consultation document is with Group Secretaries. The draft bill proposes new ministerial powers which would allow Ministers to require an education authority to take action on recommendations for improvement made by HMIE. Where Ministers felt that action was not appropriate Ministers would have the power to issue specific directions to authorities and a timescale for carrying out those directions. Education authorities would be under a duty to comply with such a direction. The bill also makes proposals for the regulation of independent schools which are not commented on in this report.

7.0 CONCLUSIONS

7.1 The process of following up on action points arising from HMIE inspections of schools and authorities is well established in Dundee and is seen by the Education Department as a key element of its Quality Improvement Strategy. There has never been a suggestion that action taken by the authority to support a school or to address authority level issues was inappropriate, ineffective or not provided timeously. Dundee City Council sees no reason to suggest that the positive and collaborative relationship between HMIE and the Education Department should not continue.

7.2 HMIE currently have the option to comment unfavourably on progress following an inspection and to refuse to disengage from an inspection where they think issues have not been addressed by the school or authority. This procedure has been rarely used if ever and Ministers have not felt the need to exercise their existing powers in this area. In view of the above Dundee City Council would question whether there is a demonstrable need for the powers being proposed or whether they are designed to address an entirely hypothetical circumstance which has not been the norm in Scotland and certainly not in Dundee City Council. Dundee City Council Education Department would however, in general terms, accept the need to ensure that specific recommendations by HMIE are addressed by authorities.

8.0 CONSULTATION

8.1 The Chief Executive, Depute Chief Executive (Support Services) and Depute Chief Executive (Finance) have been consulted in the preparation of this report.

9.0 BACKGROUND PAPERS

9.1 No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above report.

Anne Wilson
Director of Education

19 December 2003

**Dundee City Council
Education Department**

Ensuring Improvement in Our Schools

Draft Bill

Response to Consultation

education authority proposals

1. The proposals are similar to the Ministerial powers introduced by the Local Government in Scotland Act 2003 and are intended to promote consistency in the Executive's approach to relations with local authorities. Do you agree with this approach?

Yes.

2. The proposals limit use of the new Ministerial powers to circumstances where HMIE considers them to be necessary. Should the powers be limited in this way?

Yes. It is crucial that any exercise of the new powers should be seen to be based on demonstrably sound and impartial evidence showing a clear need for the actions or activities required of the school or local authority.

3. Do you agree that the scope of the education authority proposals should allow action after HMIE inspections of both schools and education authorities?

Yes

4. Any enforcement direction would be addressed to the education authority. This means that the authority would be responsible for complying with the direction. Do you agree that this is the best way of securing improvement?

Yes, given that local authorities continue to be the providers of education and the employers of education staff. Clearly any action required of an authority should be feasible in educational, financial and human resource management terms.

5. The proposals outline a two-stage process to give education authorities a formal opportunity to explain their position. Do you agree with a two-stage process?

Yes. However we are sure that neither Ministers nor education authorities would wish to undermine or move away from the strong partnerships in the provision of education in Scotland which have been built up between the Scottish Executive and its agencies such as HMIE and local authority education departments. This relationship has been based on a shared improvement agenda between schools, authorities and Ministers. We are unaware of any strong evidence that schools or authorities have or would refuse to take action on appropriate improvement targets established by an HMIE inspection. Were the proposals to substantially alter this relationship they would be seen as a retrograde step.

6. We consider these proposals in relation to education authorities to be cost-neutral. Do you agree? If not, what financial impact do you think these changes will have for education authorities? It would be helpful if these could be split between one-off and ongoing costs, plus any evidence you have to explain your conclusions.

In the absence of examples of the exercise of these powers and the requirements which might be placed on education authorities it is difficult to identify or quantify costs. Were inspection recommendations to require substantial changes in staff or other inputs of resources to a school or service to effect improvement there would be significant one off costs.

It certainly true that the development of the National Priorities and the increased role of local authorities in the follow through stage of HMIE Inspections have placed increasing demands on the already scarce resource of local authority managers and quality improvement staff. These are ongoing staff costs which local authorities will find difficulty in meeting.

Dundee City Council

January 2004