

REPORT TO: DUNDEE CITY COUNCIL EDUCATION COMMITTEE - 19 JUNE 2000

REPORT ON: RESPONSE TO CONSULTATION ON THE SCHOOLS SCOTLAND CODE

REPORT BY: DIRECTOR OF EDUCATION

REPORT NO: 415-2000

1.0 PURPOSE OF REPORT

1.1 To provide a response to the Scottish Executive Education Department on the questions contained in the consultation paper "Improving our Schools - Consultation on the Schools Scotland Code".

2.0 RECOMMENDATIONS

2.1 It is recommended that the content of the document attached to this report is approved as the response from Dundee City Council to the consultation paper. Copies of which are available in the Councillor's Lounge and with Group Secretaries.

3.0 FINANCIAL IMPLICATIONS

3.1 There are no financial implications attached to the response process.

4.0 LOCAL AGENDA 21 IMPLICATIONS

4.1 NIL

5.0 EQUAL OPPORTUNITIES IMPLICATIONS

5.1 NIL

6.0 BACKGROUND

6.1 As indicated in the foreword to the consultation paper the Schools (Scotland) Code was introduced in 1956 to set what were then seen to be the regulatory standards required in our schools. The code has been amended on a number of occasions to reflect some of the many changes in education since then. As a result only a minority of its provisions remain in force. The need to review the Code has therefore been apparent for some time and the opportunity to comment on the main issues is welcome.

6.2 The introduction of the Standards in Scotland's Schools etc Bill reinforces the commitment of education authorities and schools to the process of continuous improvement and to raising pupil achievement. It is therefore

appropriate that the School Scotland Code be fundamentally reviewed to ensure that the balance of focus shifts from regulating inputs to supporting the achievement of improved outcomes.

6.3 The consultation paper provides comprehensive coverage of the key issues and questions which need to be addressed if any revised regulatory framework for schools is to be supportive and responsive to the process of continuous improvement and to raising pupil achievement.

7.0 PROPOSED RESPONSE

7.1 The proposed responses to the key questions and issues contained in the consultation paper have been developed by Senior Managers within the Education Department. They have also been the subject of discussion with representatives of the head teacher consultative groups.

8.0 CONSULTATION

8.1 The Directors of Support Services, Personnel and Management Services and Finance have been consulted in the preparation of this Report.

8.0 BACKGROUND PAPERS

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.

.....
Director of Education

.....
Date

AHW/DD
19 June 2000

**DUNDEE CITY COUNCIL
EDUCATION DEPARTMENT**

**IMPROVING OUR SCHOOLS
CONSULTATION ON THE SCHOOLS SCOTLAND CODE**

**Response to the Scottish Executive Education Department
by Dundee City Council Education Department**

A. Introduction

The responses on behalf of Dundee City Council have been developed by Senior Managers within the Education Department. They have also been the subject of discussion with representatives of head teacher consultative groups.

The responses focus on the key questions raised in the consultation paper issued by the Scottish Executive Education Department. Responses identify the Education Department's view of the main issues concerning any review of the regulatory framework for schools.

As the consultation paper indicates "the Code's design and approach is dated and amendments over the years have reduced its cohesion significantly." Whilst recognising that an argument could be advanced for the complete repeal of the Code without replacement this response in addressing the individual questions and issues suggests a more balanced approach.

It is clear, however, that in general regulation should be reduced to enable greater flexibility to schools and education authorities in meeting the challenge of continuous improvement and raising pupil achievement.

B. Key Principles

In any review of the regulatory framework a number of key principles should form criteria against which any proposals should be considered.

a. A High Quality Service for All Learners

Proposed changes should have as their central consideration the need to ensure that all learners in all classes, schools and centres receive the highest quality education service.

b. A Socially Inclusive Service

Proposed changes should be designed to support and take forward the social inclusion agenda and be able to respond flexibly to the need for a wider range of educational services which this agenda is likely to develop in the future.

c. A Flexible and Responsive Service

If proposals are to be effective in the short and long term they must contain within them sufficient flexibility to adapt to change. Thus any proposed structures must be capable of maintaining the high quality delivery of the current curriculum while having the ability to respond to changing demands on the education service which are likely to be generated over the next ten to twenty years.

C. Response to Key Questions

Question 1

What role, if any, should there be for detailed central regulation or guidance in determining staffing standards in schools?

Question 2

Do the regulations in the Code unduly hamper the ability of local authorities to provide adequate and efficient education or to make innovative and flexible arrangements to suit local needs and circumstances?

2

Question 3

Is it appropriate or necessary for regulations to lay down requirements regarding clerical or other support staff for Head Teachers?

Comment

There may be some merit in detailed central regulation or guidance in determining staffing standards for teaching and support staff in schools as an aid to ensuring transparent and equitable allocation of resources to schools across Scotland.

However detailed regulation could restrict an authority's ability to make innovative and flexible arrangements to suit local needs and circumstances eg. in the development of alternative strategies to reduce pupil exclusions and maximising opportunities arising from the development of new technology. As evidenced with the existing Code regulations can date rapidly.

Action Plans arising from Development Planning, Best Value and Time for Teaching reviews confirm the importance of flexibility in managing staffing resources in ensuring efficient and effective use of resources.

On balance, it is recommended that the Scottish Executive should continue to provide (and update as appropriate) guidance of Local Authorities in relation to minimum staffing standards which would be required to ensure that councils can fulfil the duties imposed on them by Section 1 of the Education (Scotland) Act 1980, without making excessive and unreasonable demands of their staff. Local Authorities should, in allocating staffing beyond this minimum, have the freedom to act innovatively and flexibly, without regulation, to meet local needs and circumstances.

Question 4

Should the maximum for all primary stages be set in regulations?

Comment

Yes. A maximum class size of 30 is recommended.

Regulation of class size would ensure effective deployment of staff and use of accommodation and allow for planning and management of resources. It enables Education Authorities and teachers to focus on learning and teaching, ensuring quality direct teaching time for all pupils. A maximum class size also assists with placing request procedures ensuring clarity and fairness.

Question 5

What regulations, if any, should govern class sizes in secondary schools?

Comment

The present Code sets maximum class sizes which have largely been overtaken by agreements made in the SJNC. To that extent the 1956 Code is irrelevant. However if the Executive is proceeding, as promised, to abolish the SJNC it will be important to ensure that safeguards are in place to prevent unrealistic demands being made by authorities on Head Teachers, to exercise some control over staffing provision in the national context, and to ensure a consistent approach across the country. Class size is also one factor which has a bearing on attainment, and it therefore makes sense to agree maximum numbers and not allow these to be ignored.

Given current practice and the evident desire of the Executive to reduce class sizes in other sectors, it is suggested that, in non-practical subjects (see below)

3

the normal maximum set for all stages of the secondary school should be 30 pupils.

Question 6

Is there any advantage in retaining the distinction between “practical” and other subjects?

Comment

To remove the distinction and set the normal maximum at 30 in all subjects would clearly be an unacceptably backward step for some. Equally, to do so and set the maximum instead at 20 would be wholly unrealistic proposal, in terms of demands on staffing. Logically, therefore, the distinction must be retained, and **there is no reason as to why it should not be set in regulation.**

However, it is now timeous to review the list of subjects deemed to have practical status. Apart from the obvious fact that some ‘subjects’ in the present Code have now passed into history the nature of others has so significantly changed as to warrant review.

Question 7

Should class sizes for pupils with Special Educational Needs continue to be set in regulations?

Comment

No. The class size regulations are unhelpful. The extremely complex nature of providing appropriately for pupils with special needs has evolved in many ways across the country. Local Authorities are making arrangements for pupils in very different contexts whereby groupings of children, location, inclusion, multi-disciplinary working, deployment of teaching, health and care staff are only some of the elements that are part of the decision-making process of grouping a number of children together to ensure the most effective and supportive learning and teaching environment for them all. Authorities should be allowed the flexibility to make decisions to meet local needs and circumstances.

Question 8

Should regulations differentiate between different types and degrees of need - if so how?

Comment

See above.

Question 9

How should the issue of integration in mainstream classes be approached?

Comment

Policy and Practice supporting inclusion should be agreed through the consultation with all partners and stakeholders at the local level. Guidance on the importance of inclusion and integration is well stated in the National Manual of Good Practice in Special Educational Needs. The touchstone for all inclusive strategies should be the appropriateness of the learning and teaching situation for the individual pupil.

Question 10

Should the maximum for composite classes be set in regulations ?

4

Comment

It is considered that for the appropriate management of learning and teaching composite classes in Primary Schools should have a maximum of 25 pupils.

Question 11

Should regulations limit the number of stages that may be included in a particular composite class?

Comment

Regulations should not limit the number of stages that may be included in a composite class. In a rural environment arrangements must be flexible to match needs of pupils in the community.

Question 12

Should the type and level of promoted posts in schools continue to be the subject to regulation, or should local authorities and schools themselves be able to determine appropriate structures for their circumstances?

Comment

The detailed consideration of structure of teaching grades is being carried out by the McCrone Committee. It is our view that the basic structure of posts should be established by that committee. Such a structure, while laying down the basic grades of posts, should allow the maximum flexibility to HTs and EA s to deploy these posts to meet local needs. The basic structure should be applicable to all local authorities and schools with appropriate flexibility for variations in size or to meet other local circumstances. A totally deregulated structure with radical differences between EAs might present serious problems for EA s in recruitment and retention of staff.

Question 13

What regulation governing the requirement for Head Teachers is necessary, if any?

Comment

However one views the current role of Head Teachers **it is difficult to accept the necessity of regulation**. Local parties are best placed to agree appropriate practice in their own areas without the burden of central regulation. The management of an establishment with both a primary and secondary department is a good example of an area where local agreement is likely to be more appropriate and effective.

Yet it is important to reflect on the role now expected of Head Teachers, and in so doing to accept the need for such a post in all but the most individual local cases. Head Teachers are responsible for overseeing the delivery of educational policy as laid down by the local authority, for directing and managing curriculum design and delivery, and assessment and reporting arrangements, for the efficient and effective provision of resources, including the satisfactory maintenance of buildings, and above all for ensuring the quality of the education provided. However, in addition, they lead establishments, however small, which should rightly be a focus in the community; and they are expected to make and retain contact with a range of agencies outside the school.

It is therefore difficult to envisage a successful situation where a school has no Head Teacher and is managed at a distance. Indeed evidence from authorities which have tried to place more than one school under the leadership of a single Head Teacher casts doubt on the feasibility of such a move. Split-site schools

5

should be viewed differently : they are usually large, with buildings not far removed from each other, and are led by a Head Teacher working with a team of managers.

Question 14

What arrangements would allow flexibility in delivery of courses and staff deployment, while ensuring that standards are maintained?

Comment

The changing demands of the curriculum require, and will increasingly require a more flexible approach, in the delivery of that curriculum. This applies from early years through to further and higher education. There is a particular need to consider more flexible approaches to curriculum delivery especially at the stage interfaces, nursery/primary, primary/secondary, secondary/FE. This could provide a powerful force to break down the largely artificial boundaries between these stages by a more flexible deployment of staff. There is obvious merit in maintaining a high quality of qualifications and professional training for entrants. However the quality of teaching is more likely to reflect the ongoing personal and professional development of the member of staff rather than original qualifications. There is in addition a need to consider the pattern of initial teacher training with a view to enabling staff to work effectively across these boundaries.

The existing statutory framework should be reviewed with a view to providing a more flexible structure which, while maintaining professional standards allows a more effective deployment of appropriately trained staff.

Question 15 and 16

Should regulations, as well as requiring teachers to be registered with the GTC, specify which teaching qualifications are required for working in different sectors?

Should the definition of appropriate teaching qualification (secondary education) “be relaxed to make it easier for teachers to teach outside the subjects in which they are formally qualified”.

Comment

This issue is closely related to those discussed in response to Q14 above. There is merit in continuing to ensure appropriate qualifications for staff working in particular stages or subject areas. There is, however, a need to facilitate extensions or additions to these qualifications which support and encourage the extended professional development of staff to allow them to teach across sectors or in additional subject areas. This would facilitate the more flexible deployment of staff to meet the challenge of an increasingly sophisticated curriculum.

Question 17

Would the interests of children with special needs be best served by:

- *Removing the detailed regulations which now apply*
- *Maintaining and modernising the existing regulations*
- *Extending the scope of the modernised regulations to all staff working with children with special needs whether in special or mainstream settings?*

Comment

The detailed regulations should be removed as these pre-date the current philosophical framework of expertise in meeting pupils’ special educational needs. That is that staff have a range of general skills and are assured that flexible access to modular training in specialist expertise is available not only so

6

that they can develop professionally but also to continue meeting the needs of their pupils.

Question 18

If the regulations are relaxed, is there a class (or classes) of special needs for which specialist qualifications are of such importance that they should be the subject of specific regulation?

Comment

The concept of highly specialist qualification is neither practical nor desirable. It could potentially fragment the profession. Specialist knowledge is important but must remain embedded in a wider SEN qualification framework. This could be

encouraged through a 'weighting' of specialist modules depending on the area within which the teacher was to be working eg. sensory impairment or autism or social and emotional behavioural difficulties within an eight module Diploma course.

Question 19

Is there a continuing need for these regulations?

Comment

The designation of the stages of Primary and Secondary school are now widely accepted. It is likely, to remain the basic organisational framework for schools for some time to come. Changes such as the removal of Age and Stage restrictions will also work within this designation and will not be significantly hampered by such a designation. There seems little to be gained from the removal of this designation.

Question 20

If new regulations are required, should they be embodied in a new single Code or as a series of separate, unrelated regulations?

Comment

Where regulation is required it should be implemented as a series of separate, unrelated regulations.

Question 21

Are there any areas of school/pre-school education not touched on in this paper where new regulation is required?

Comment

There are no areas of school/pre-school education not touched on in this paper where new regulation is required.