Attainment

The Committee has recently taken evidence to suggest there should be a greater emphasis on pupils’ or young people’s educational *achievement*, as opposed to their attainment (which is often seen in terms of qualifications or exam results). The Bill’s Policy Memorandum, in describing these provisions, uses the word ‘attainment’ on several occasions but uses ‘achievement’ only twice. The Bill itself uses neither term.

1. **What improvements in attainment, in achievement and in reducing inequalities of outcome do you consider the Bill in itself could deliver? What would be a desirable level of improvement?**

ASPEP welcomes this focus on reducing inequalities which is complementary to the profession’s ongoing approach to supporting education authorities and partnership working.

A focus on gathering robust data about defining what is meant by inequalities and where they exist. It should deliver well planned proposals to improve attainment and achievement with a clear evaluation framework based on well-defined evidence. A quantifiable level of improvement aimed at raising the attainment and achievement of the lowest performing 20% should be embedded in the evaluation framework. However, diminishing resources will be an issue here.

2. **The duty in the Bill is to ‘have regard to the desirability’ of ‘reducing inequalities of outcome’. Is this meaningful enough to have the desired policy effect?**

This is likely to be readily incorporated in policy but more difficult to deliver in practice and so the implementation of robust evaluative frameworks & data would be part of this including data trends gathered over time.

3. **How should ‘inequalities of outcome’ be interpreted and should this phrase be defined in the Bill?**

It would be helpful to have this phrase further defined.

4. **What specific actions will education authorities be able to take to reduce inequalities of outcome that they are currently unable to take?**
It is likely that the Bill will sharpen education authorities' focus on the area of reducing inequalities rather than a substantive shift from activities they felt unable to do.

5. How do the provisions on attainment fit with existing statutory National Priorities for Education and the requirements to produce annual statements of improvement objectives and school development plans?

ASPEP suggests a focus on the following criteria

- promote equity of attainment for disadvantaged children
- pursue a focus on narrowing the attainment gap for socially disadvantaged children

6. Do you consider that such terms are clearly defined and widely understood? Could the different terms used in the Policy Memorandum and in the Bill create any problems in delivering the policy objectives?

Terminology should be was consistent, transferable and clearly defined.

7. Should the Bill contain sanctions in the event that the Scottish Government or local authorities fail to achieve the policy intention of reducing inequalities of outcome? If so, what sanctions would you suggest are appropriate?

No. Reducing inequalities is highly complex, involving an entire range of issues and different services and therefore cannot be through education alone. Resourcing is an issue in reducing inequalities, although welcome as an major focus, it is much harder to achieve while current austerity measures continue to be in place. For example, despite educational psychologists having a major impact on the prevention of mental health difficulties and reducing inequalities, cuts to funding the training courses for educational psychologists have impacted on the profession significantly.

8. Do you have any views on the consultation and reporting requirements set out in this part of the Bill?

No

9. The Bill focuses on reducing inequalities of outcome resulting from pupils' socio-economic disadvantage. Should all examples of inequality of outcome be addressed?

Yes
Gaelic

10. How significant a change in Gaelic medium primary education will the Bill deliver? Do you agree these provisions should be limited to primary schooling?

This will be a tricky issue for local authorities to deliver as they are already struggling but committed to delivering services focussed on reducing inequalities. It is hard to envisage how this can be provided as well in the current austerity climate.

11. What are the most appropriate ways for education authorities, particularly those with low levels of Gaelic usage, to promote and support Gaelic medium education and Gaelic learner education? What impact is this promotional work likely to have on the Gaelic language and the number of Gaelic speakers?

It would seem appropriate for the promotion and support of Gaelic to be delivered through the Scottish Government Language Learning in Scotland: A 1+2 Approach rather than having an additional strategy.

12. Do you agree that the Bill “will establish a clear process for authorities to follow in considering parental requests for an assessment of the need for Gaelic medium primary education”? Do you agree with the thresholds proposed in the Bill in relation to the assessment of parental requests?

The process seems clear.

13. Under existing legislation, education authorities must have regard to Bord na Gaidhlig’s education guidance when they are producing their annual statement of improvement objectives. What will the requirement in this bill add to this?

14. Overall, to what extent will the Bill help to deliver the Scottish Government’s commitments to grow and strengthen Gaelic education?

Given the huge range of pressures on local authorities currently, it is hard to envisage this commitment as a major priority.

15. What potential impact on other educational services might arise from the local authority having to implement these new duties?

See above
Additional Support for Learning

16. What will be the outcomes of extending rights under the Education (Additional Support for Learning) (Scotland) Act 2004 to children aged 12 and over with capacity? Please give practical examples.

The Equality Act 2010 already extends rights to children with disabilities who have capacity and this should be extended for the broader range of additional support needs.

In some situations a child will have capacity but have views not in line with their parent(s), in these cases, it would be beneficial for children with capacity to have their own rights acknowledged in relation to Additional Support for Learning. This would also strengthen the rights of some LAC children/young people whose parents/carers may not be able to pursue the rights of their own children/young people as a result of their own (ie parents/carers’) difficulties.

17. Do you agree with the proposal that not all of the rights in the ASL legislation should be extended to children (see paragraphs 49 and 50 of the policy memorandum)?

Provided in line with the ASL Acts 2004 and 2009, that the views of children and young people continue to be actively sought and clearly represented, even though the formal mediation route would not be open to them directly.

18. What are your views on the statutory children's support service proposed by the Scottish Government?

This seems to be an appropriate proposal given that the absence of such a statutory support service could indicate that childrens’ rights are not as important as the rights of say parents.
Chief Education Officer

19. What would be the possible advantages and disadvantages of legislating for the role of Chief Education Officer (CEO) in every education authority in Scotland? Are there any previous examples of the Scottish Government seeking to instruct local authorities to employ a person in a particular role? If so, are there any lessons to be learned from how this worked?

This is a highly complex area needing further consideration and legal advice.

20. What roles could a CEO most usefully perform and to what extent are such roles already carried out within education authorities?

As above.

Registering teaching staff

21. How would grant-aided schools, independent schools and their pupils benefit from their teaching staff being registered with the General Teaching Council for Scotland? What different or new skills would such teaching staff acquire as a result of registration? Is it likely that attainment would improve in the schools in question?

This may be a means to ensure appropriate levels of staff skills across all sectors but clearly more detail and legal guidance is required.

22. What transitional arrangements would be appropriate, particularly to avoid the risk of smaller special schools being unable to operate?

As above.

23. The Bill will introduce a power to make regulations about the procedure to be followed in relation to complaints to Scottish Ministers. Paragraph 74 of the Policy Memorandum sets out some proposed deadlines. What is your view on the deadlines for these procedures?

24. The policy intention is that Scottish Ministers should not consider an issue or reconsider a decision which should be dealt with by the Additional Support Needs Tribunals for Scotland (ASNTS). Do you agree with this proposal and will it always be clear cut when a complaint is solely for (ASNTS)?

Agree. The proposal is helpful and hopefully should help clarity procedurally.
25. Overall, how will the Scottish Government’s proposals affect parents’ ability to complain about the actions of an education authority or relevant body? Will the new system be more effective? Is it clear which matters can and cannot be the grounds of a complaint to Scottish Ministers?

The new system should increase clarity and support earlier resolution. It would be helpful to have increased clarity around which matters can and cannot be the grounds of a complaint to Scottish Ministers.

Learning and childcare

The Scottish Government is seeking to amend section 47(3) of the Children and Young People (Scotland) Act 2014 as it currently unintentionally excludes a small group of children from the early learning and childcare provisions.

26. Are there any reasons to distinguish between guardians and kinship carers for the purposes of entitlement to free early learning and childcare?

No.

- See more at:
  http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/88324.aspx#sthash.E5DWHzus.dpuf

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