CALL FOR WRITTEN SUBMISSIONS

The Education and Culture Committee invites your views on the Education (Scotland) Bill, which was introduced in the Scottish Parliament by the Scottish Government on 23 March 2015.

The Bill and its accompanying documents are available on the Parliament’s website at: http://www.scottish.parliament.uk/parliamentarybusiness/Bills/87330.aspx

What the Bill seeks to do
The Scottish Government has published a Policy Memorandum to accompany the Bill. According to the Policy Memorandum, the Bill specifically aims to:

- “Promote equity of attainment for disadvantaged children and take steps towards narrowing the attainment gap by imposing duties on education authorities and the Scottish Ministers in relation to reducing pupils’ inequalities of educational outcome together with a duty to report on progress;
- Place a duty on education authorities both to assess the need for Gaelic medium primary education following a parental request and to actively promote and support Gaelic medium education (GME) and Gaelic learner education; the Bill will also place a duty on Bòrd na Gàidhlig to prepare guidance on how GME should operate in Scotland;
- Extend rights under the Education (Additional Support for Learning) (Scotland) Act 2004 (as amended) to children aged 12 and over with capacity;
- Amend section 53 of the Education (Scotland) Act 1980, which sets out the provision for school food in Scotland. This section has been amended a number of times since enactment and it is considered that the section would benefit from restatement;
- Modify the types of complaints made to Ministers under section 70 of the Education (Scotland) Act 1980, and introduce a power to make regulations about the procedure to be followed in relation to investigations and determination of such complaints;
- Legislate for the role of Chief Education Officer in education authorities in Scotland;
- Modify the powers of the Scottish Ministers to make regulations in relation to independent schools and grant-aided schools in Scotland so they are exercisable in such a way as to ensure all teaching staff are registered with the General Teaching Council for Scotland; and
- 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.”
What the Committee would like your views on
The Committee’s role at Stage 1 of the parliamentary process is to report to the Parliament on the general principles of the Bill – that is, on its overall purpose.

The Committee invites you to answer some or all of the questions below to help it in scrutinising the Bill and in reporting to the Parliament. There is no obligation to answer all of the questions.

The Committee’s questions

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?
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?
3. How should ‘inequalities of outcome’ be interpreted and should this phrase be defined in the Bill?
4. What specific actions will education authorities be able to take to reduce inequalities of outcome that they are currently unable to take?
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?

The Bill’s Policy Memorandum uses a range of terms that do not appear in the Bill, for example—

- “promote equity of attainment for disadvantaged children”
- “narrowing the attainment gap”
- the correlation between a child’s “social deprivation/ affluence and their educational attainment”.

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?
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?

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

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

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?

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?

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?

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?

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

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.

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)?

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

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?

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

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?

The Bill’s Financial Memorandum states—

“There may also be financial consequences for the smaller special schools within the independent sector who may find it a challenge to attract GTCS registered teachers and this may affect the school’s ability to continue to operate. The risk should be mitigated by the proposed transitional arrangements which will allow schools sufficient time to plan for full implementation. Discussions are yet to be had with the GTCS and the sector but there is an expectation that all teachers will be GTCS registered within 2 years of introduction at the latest.”

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

Complaints

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 the ASNTS?

25. Overall, how will the Scottish Government’s proposals affect parents’ ability to complain about the actions of an education authority or other 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?

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?

Other issues
Please provide any other information you think would be relevant to the Committee’s scrutiny. For example, it is helpful to have your views on whether—

- the Bill, or parts of it, will deliver the Scottish Government’s policy objectives;
- legislation is needed to deliver some or all of the Scottish Government’s policy intentions;
- the consultation undertaken on the Bill was adequate.

How to submit your evidence

The final closing date for submitting responses is Monday 18 May 2015.

Before making a submission, please read the Parliament’s policy on treatment of written evidence by subject and mandatory committees

Where possible, written submissions should be—

- submitted electronically in word format to: ec.committee@scottish.parliament.uk
- limited to around 4 sides of A4
- in Arial 12 font
- set out in numbered paragraphs

Where your submission refers to existing published material, it is preferable to provide hyperlinks or full citations (rather than extensive extracts). The Committee welcomes written evidence in English, Gaelic or any other language.

Alternatively, you may use the following address—
Clerk to the Education and Culture Committee
Room T3.40
The Scottish Parliament
Edinburgh
EH99 1SP

What happens next?
After the Committee has gathered responses to its questions about the Bill, it will invite people and organisations to attend meetings at the Scottish Parliament to answer questions about the Bill (in other words, to provide ‘oral evidence’). The Committee will decide who to invite in due course.

These meetings are likely to be held on Tuesday mornings in June 2015, and it would be helpful if you could indicate as soon as possible whether you would like to
take part in these meetings. However, there is no guarantee that your request will be agreed to by the Committee.

Any questions?
If you have any questions about the Bill or how you can give your views on it, you can contact the Education and Culture Committee clerks by emailing ec.committee@scottish.parliament.uk or by calling 0131 348 5222.