1. **Attainment**

1.1 Q1 Response:
It is doubtful if the Bill in itself will be able to deliver the significant improvements outlined. A sustained focus on literacy and numeracy skills, particularly in the early stages of education is a crucial element to support this goal. Likewise the reduction in ‘inequalities of outcome’ can only be addressed in conjunction with a focus on improving health and well-being outcomes for children and families most at risk of poor outcomes. The Bill in itself can outline the goals it wishes to achieve and by when. It can state what is expected of Local Authorities in raising achievement, attainment and reducing inequalities. A desired level of improvement could be an annual increase in average tariff scores of all leaver from all SIMD with greater improvements say in SIMD 1 -3

1.2 Q2 Response:
We believe that this is not precise enough. We feel it could be more specific e.g. eradicate any difference in attainment between SIMD 1 & 3

1.3 Q3 Response:
It is likely that by defining ‘inequalities of outcome’ in the Bill there is a risk that the policy will be overly prescriptive, and offer less flexibility for authorities to address issues in creative ways. Inequalities could be defined as the difference in outcomes when the same educational opportunity is delivered. Could measure: Tariff scores, positive destinations against SIMD deciles

1.4 Q4 Response:
Specific projects with allocated funding to address inequalities could impact positively on outcomes. It is also worth stating that many of the factors contributing to inequalities of outcome are wider than an Education service alone can address. All authorities seek to have strong partnership working with other agencies and services to address the many social issues teachers are dealing with in schools. As an authority, we are in the process of using data via Insight to track and monitor positive destinations for children at exit point of leaving school and to monitor attainment. This has proved to be a more valuable way of benchmarking with other authorities as opposed to the use of ‘league tables’. It would be helpful if young people who have additional support needs/severe and complex needs are included in the SLDR figures/destinations post school.
1.5 Q5 Response:
The National Priorities for Education no longer sit well with Curriculum for Excellence. They are a rather cumbersome mechanism for reporting on schools’ and authority achievements and improvement plans and objectives. There should be very clear expectations for authorities on how schools should improve. Equally there should be clear expectations in terms of the staffing complement of non-school-based staff to support school improvement. Currently there are wide variations across authorities in budget allocation for supporting school improvement work. There is perhaps a need to apply a national pro rata formula that would ensure greater equity across authorities in this regard.

1.6 Q6 Response:
We consider that the terms are clearly defined and widely understood. It is difficult to judge at this point whether problems in delivering the policy objectives would arise. These terms are becoming everyday language but from a test of six Education Directors, there is not a common understanding. We would suggest definitive definitions for these terms in respect of the Bill.

1.7 Q7 Response:
No, providing local authorities can demonstrate that all actions possible were undertaken – it is our view that this would be a disincentive for authorities and schools.

1.8 Q8 Response:
With regard to section 4 *Reports* we feel this is a considerable additional requirement for authorities. It will inevitably involve authorities seeking significant additional data and reports from schools in order to compile a report of this nature. We believe that such additional reporting at schools level sits very uneasily with the Report on Tackling Bureaucracy from Education Scotland and would not be welcomed by trades unions. It would be unfortunate if additional reporting requirements, if overly burdensome, caused additional workload in schools. We suggest that the need for accountability could perhaps be better addressed through the Education Scotland inspection / audit process.

1.9 Q9 Response:
An area of particular concern is the position of home educated children. The legislation for home education cannot provide a means to address inequalities of outcome for home educated children.
2. **Gaelic**

2.1 Q10 Response:
Given our limited exposure to GME, it is hard to say, but do agree that Primary is the level it should be limited to.

2.2 Q11 Response:
Promotion can vary dependent on the outcome required. Is the objective to say all parents and pupils know about GME and how to apply or is it to dramatically increase take up? Different objectives equal different marketing strategies.

2.3 Q12 Response:
Yes

2.4 Q13 Response:
Nil response.

2.5 Q14 Response:
Difficult to quantify given the response to Q11 above.

2.6 Q15 Response:
Budgets will be stretched across more services and recruitment of suitable staff will be a challenge.

3. **Additional Support for Learning**

3.1 Q16 Response:
The Information Commissioner’s Office (ICO) has advised that practitioners’ fears about sharing genuine concerns – without consent – about a child’s or young person’s wellbeing are misplaced. Whilst a child aged 12 or over has rights (if the child has capacity) and should be consulted prior to any information sharing in order to protect the rights of individuals, there will be times when we overrule that right when it is clear that there is a child protection issue or when someone has a genuine wellbeing concern and that a reasoned decision has been taken to share without consent (with a clear record kept). The GIRFEC approach gives everyone a set of common tools to ensure that decision-making is consistent and based on using the wellbeing indicators.

Extending rights to children with capacity aged 12 and over may compromise family situations. An example is of a child who has additional support needs and whose parents have complained to an authority that their child’s needs are not being met. The complaint has reached Stage II and the parents have requested copies of support that have been put in place (including confidential information on the child’s
IEP). On the grounds that the child is over 12 years of age and has capacity, the child has the right to refuse his parents access to his personal data unless there is a 'wellbeing concern' that would be detrimental to the wellbeing and safety of the child. The child can give a signed mandate to parents or a third party to act on his/her behalf. He/she, however, can refuse parental access to his/her confidential record on the basis that he/she would be discriminated against.

3.2 Q17 Response:
With reference to the above, the extension of children’s rights is not about undermining parents’ role in their family or in relation to their child’s rights under the 2004 Act. Any changes would be about enabling children, who have the capacity to and who want to, have a direct influence on the support that they receive. It also provides an opportunity for vulnerable children whose parents are unable to look after their interests to exercise their rights and best serve their own interests.

3.3 Q18 Response:
We would support the proposal.

4. **Chief Education Officer**

4.1 Q19 Response:
We believe that it is important that there is one senior education officer in the authority who has the responsibility and accountability for reporting to the administration and others on the standards and quality of education provision in our schools. It is not essential that the CEO had an education background.

**Advantages:** Identifiable officer in each Local Authority; Can provide appropriate guidance/input to Local Authority; close links with Scottish Government; specialist knowledge

**Disadvantages:** Assumption that something is currently not working; assumption that an ‘educationalist’ is necessary to fulfil the role; tension within the Local Authority; COSLA opposition.

4.2 Q20 Response:
We feel existing Directors/Heads of Service fulfil this role already. The only addition could be to hold the Local Authority to account with a Scottish Government remit.

5. **Registering Teaching Staff Grant Aided and Independent schools**

5.1 Q21 Response:
We agree that it is desirable that teaching staff in independent and grant-aided schools in Scotland are registered with the GTCS. Staff would be able to move across school types more easily. There would be professional update available to GTCS members. We believe strong leadership, good classroom practice and CLPL
will pay greater dividends in terms of attainment than merely being GTCS registered. 
This should be implemented as soon as is practicable.

5.2 Q22 Response:
A specified transitional period of 2 years should allow sufficient time for teachers to become fully registered with the GTCS

6. Complaints

6.1 Q23 Response:
Deadlines allow for clear procedural process. They also alleviate overly long and protracted process. Where no investigation is required shorter timescales may help facilitate rebuilding confidence and relationships with the complainant.

6.2 Q24 Response:
Agree it should not be competent to make Section 70 complaint if issue is being dealt with by ASNT. However, is it clear that it is deemed an appropriate issue to be dealt with by ASNT? Should it not also be agreed that once an issue is being dealt with through ASNT it will always be deemed not competent to make a Section 70 complaint and the ASNT decision is final?

6.3 Q25 Response:
It may be confusing for parents if there is no clear guidance, perhaps through advocacy, where a complaint / issue / concern should be made to. Parents may not always be clear what should be referred to ASNT or Scottish Government. Would this lead to more parents having to access legal advice before raising complaint and could this cause barrier for parents. With clear guidance the new system has potential be more effective and eliminate two separate bodies dealing with the same complaint / issue.

7. Learning and Childcare

7.1 Q26 Response:
We can see no reason for children with guardians not to receive the same entitlements as those in kinship care.