

Submission by East Dunbartonshire Council's Education Service to the Scottish Parliament's Education and Culture Committee on the Education (Scotland) Bill

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?

The main issue is how attainment and achievement is measured within the Broad General Education. The new Insight Benchmarking Tool provides very comprehensive data on attainment and achievement in the Senior Phase; there is no common measure for primary and the early years of secondary.

There requires to be an agreed Performance Framework to benchmark and measure attainment and achievement. There requires to be a focus on literacy and numeracy in particular.

The issue in relation to benchmarking and monitoring progress effectively is a key issue and a concern of many teachers. The use of Standardised testing has increased since 5 to 14 tests were removed. This should be a common format across all schools. There is now a clearer understanding of assessment within Curriculum for Excellence and so there is less risk of the test being used without other assessment information.

The SSLN could be used more effectively at authority level to measure progress. However at present results and data are not provided for each authority. This would seem to be a missed opportunity given the scale of the study each year.

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?

The Bill places a duty on education authorities to have due regard to the desirability of reducing inequalities when making strategic decisions about how to carry out their functions for the delivery of school education.

This is open to interpretation and could be clearer. However all local authorities currently take action to reduce inequalities and provide intervention to those who require it. The impact of socio-economic factors on attainment are well documented.

There would require to be clear guidance on what constitutes 'regard to the desirability' and how local authorities would evidence this.

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

The interpretation is normally taken to include socio-economic factors and the impact on attainment and opportunities for wider achievement. This would not include looked after children especially those looked after at home, young carers and other groups who can often be affected in relation to equality of outcome and opportunity.

4. What specific actions will education authorities be able to take to reduce inequalities of outcome that they are currently unable to take?

There requires to be a clearer and more coherent strategy nationally to raising attainment. The current initiatives require to be more clearly coordinated. There have been several reports published and a range of programmes over recent years. It is not clear what further legislation is going to achieve.

Within East Dunbartonshire there is a clear approach to raising attainment. This is implemented in all schools. There is also targeted intervention and support through a Place approach. This strategic approach has resulted in clear improvements for all pupils, including those from lower SIMD areas and those in the lowest 20%.

With the budgetary constraints it will be more difficult to target additional resources at areas of deprivation than in the past. The Education (Scotland) Bill will require more targeting of approaches to raise attainment towards areas of deprivation. This can be difficult if there is a finite resource in terms of staffing or finance. The recent Scottish Government programme, the Scottish Attainment Challenge was allocated to only seven Councils with the highest levels of deprivation. East Dunbartonshire did not benefit from this despite having children living in areas of high deprivation. (SIMD 1 and 2)

An analysis of data within EDC has shown that those in SIMD 5 and 6 do not always perform as well as those from higher SIMD. If too narrow a focus is taken, there is a risk that there could be an adverse impact on some groups.

There are always ways to continue to improve attainment and that must be the aim of every local authority, school and teacher in Scotland. Within East Dunbartonshire our approach is focused on raising attainment for all children and young people.

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?

It would require a specific element of the annual report to be in relation to 'raising attainment and reducing inequalities.' It should not be onerous but will require a clearer focus.

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?

The phrase 'closing the gap' and narrowing the attainment gap should be avoided. It would be possible to close the gap by lowering the attainment of the higher attaining children. This cannot be the aim. It must be about reducing the impact of inequalities and promoting equity of attainment for all children.

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 there should not be sanctions.

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

As already stated it will be difficult to report on impact without a common Performance Framework across all local authorities.

While there has been no formal consultation the debate and focus on raising attainment has been paramount for some time, in particular the impact of deprivation.

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 it should not be restricted to socio-economic disadvantage.

Gaelic

Aim: 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

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?

The Bill will impose a duty on all education authorities to promote Gaelic Medium Education and Gaelic Learner Education. In East Dunbartonshire, Gaelic Medium Primary Education and Gaelic Learner Education are provided and the provision is supported and promoted. We agree that these provisions should currently be limited to primary education as expansion into secondary education would have major implications for staffing and resources.

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?

Both Gaelic Medium Education and Gaelic Learner Education should be included in the local authority's strategy for 1+2 languages and in the local authority's guidance on Language 3 within the 1+2 Approach. This is important to ensure the status of Gaelic and to emphasise the need for progression routes for pupils who have experienced Gaelic through either Gaelic Medium Primary Education or Gaelic Learner Education. It is important to highlight this in communication with staff and parents and through forums. Such promotional work may increase interest in the Gaelic language and consequently 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?

We agree that the Bill will establish a clear process whereby education authorities must respond to parental requests for an assessment of the need for Gaelic Medium Primary Education. A statutory process and timescales for the assessment of a parental request will ensure consistent practice across Scotland and provide clarity for education authorities and parents about the nature of the parental entitlement and the manner in which a parental request will be handled. We would agree with the thresholds as set out in the bill.

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

Following publication of the guidance from Bòrd na Gàidhlig under the bill, there may be a need for local authorities to review how Gaelic Medium and Gaelic Learner Education is promoted and supported. This may impact on the local authority's strategy for 1+2 Languages which is linked to the Education Service's improvement objectives, therefore the improvement objectives will be updated to reflect the new guidance.

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

Gaelic Medium Primary Education will continue to play a major role in the future of Gaelic. Also, the encouraging growth in recent years in Gaelic Learner Education in primary school,

through the Gaelic Learning in Primary Schools (GLPS) courses for primary teachers, has further enhanced the future role of Gaelic. This has been supported by the equality of status which Gaelic has received within the Scottish Government's recommendations in A 1+2 Approach to Language Learning in Scotland policy.

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

Implementation of new duties would take place within constraints of present funding from Scottish Government Specific Grant allocation and in relation to the challenging, economic climate local authorities currently face. It will be important to ensure that other educational services are not adversely affected.

The main issue in relation to the expansion of Gaelic Medium Education is the availability of suitably qualified staff. This should be addressed through Initial Teacher Education with this being used to train teachers in Gaelic.

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.

It will strengthen the rights of children aged 12 and over in terms of their support and having a say in decisions made in relation to them. This would seem appropriate in terms of children's rights. It will require secondary schools to ensure that children are aware of their rights and are involved in decisions made in relation to their support and education.

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)?

It is appropriate that the right to make a placing request and the right to request independent mediation are excluded from this legislation.

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

The provision of a statutory children's support service would be essential in order to ensure that children aged over 12 understand and can exercise their rights under this proposed new legislation.

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?

There are several disadvantages within this proposal. It would be restrictive to local authorities to have to designate one officer to carry out this function. There are statutory duties required in relation to Education. Local authorities should have the autonomy to establish a management structure that meets their needs. Many local authorities have a flattened management structure below directorate level with a number of officers at Head of Service level. The requirement to designate one person may not suit their operating requirements.

It is not clear what the advantages would be and the role would not be the same as required in Social Work.

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

The Policy Memorandum in relation the Education Bill states that the function would be to support local authorities and their elected members and add value to a local authority in delivering positive outcomes locally. This function is already carried out by officers within Education in all local 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.”

It would seem appropriate that all teachers whether in a grant-aided, independent school or a local authority school are required to be registered with the GTCS. This provides an assurance of professional conduct and competence which is essential to ensure quality provision.

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

Two years would seem an appropriate timescale for implementation.

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?

The maximum of 112 working days is required because of the complex process that requires to be followed to fully investigate a complaint of this nature as the consequences for an authority can be very serious if there is deemed to be a failure to carry out a statutory duty.

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?

Yes this is essential to avoid a complainant making referrals to different bodies.

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?

Clearer advice should be provided to parents and to local authorities to make the system more transparent.

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?

There is no reason for this distinction.