FALKIRK COUNCIL RESPONSE

to

EDUCATION (SCOTLAND) BILL : CALL FOR WRITTEN SUBMISSIONS

Attainment

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 Bill will not, in itself, deliver improvements in equitable outcomes. The current statutory and policy landscape is sufficient to provide a continuing focus on, and public accountability for, ‘closing the gap’.

In describing a desirable level of improvement, a local authority would look for a positive sustainable trend in an agreed performance measure, with comparator benchmarking where possible. In-year numerical targets may not be helpful or particularly meaningful until further performance measures are agreed.

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 meaning of this is unambiguous and there is, we believe widespread consensus across Scotland for this aspiration.

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

Outcomes should be interpreted in terms of the learner’s experience, and in terms of what is achieved or attained at milestones in the learner’s journey, including positive and sustained destinations beyond school. Inequality of outcome can therefore be evaluated in terms of hard data, and evidence from self-evaluation and inspection.

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

Specific actions will depend upon system capacity, planning priorities and the allocation of resources. The current policy landscape and local planning frameworks allow for this. Sustaining continuous improvement in relation to agreed measures will continue to be a challenge for local authorities and their partners in an increasingly austere environment, but existing statute already imposes this imperative.

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 Standards in Scotland’s Schools etc. Act 2000 provides a statutory underpinning for the duty on local authorities to effect continuous improvement. The increased specificity on closing the attainment gap will provide greater focus than the existing duty to secure ‘continuous improvement’. As set out in service planning and in integrated children’s services planning, we are committed to getting it right for every child, and to closing the gap and raising attainment for all children and young people.

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?

There is a consensus and understanding around the meaning of these terms within the educational community, and between partners and allied professionals. The systemic links are well understood. There may be debate to be had around the exact boundaries of the definitions.
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?
See our response to (1) above. Sufficient mechanisms exist to address underperformance in relation to policy intention. Local authorities continue to be risk assessed through Local Area Networks; the framework of interconnected inspections provides ongoing intelligence on the health of the system, and should result in effective challenge and improvement. There also exist opportunities for further development within the ongoing review of the inspection process.

8 Do you have any views on the consultation and reporting requirements set out in this part of the Bill?
We already shape our planning and actions through consultation with partners, including head teachers, parents, children and young people and professional and third sector partners.

9 The Bill focuses on reducing inequalities of outcome resulting from pupils' socio-economic disadvantage. Should all examples of inequality of outcome be addressed?
Local authorities and their schools and establishments have to be mindful of progress and support for a range of vulnerable groups. This involves robust tracking and monitoring, effective pastoral support and ‘team around the child’ arrangements. There may be a focus within Children’s Services planning around particular groups such as Looked after Children, but effective staged intervention should apply to a range of vulnerabilities where inequality of outcome is likely.

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?
The proposals within the Bill could have a significant impact on Local Authorities. The key aspects to this are:-
• creating additional and unfunded financial pressures at a time when budgets are under pressure and we are facing pressures from demographic growth.
• Raising and managing parental expectations.

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?
Some simple advertising material and a leaflet would seem to be appropriate and could be produced for around £2k/3k.

Falkirk Council does not have any mainstream Primary and Secondary Gaelic education provision. We currently transport 22 pupils to provision in Cumbernauld and Stirling. Although we receive £14,000 funding via the Gaelic Education Grant our actual costs are £41,000.

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?
Although the Bill will establish a clear assessment process we are concerned that it could raise the level of parental expectation and with it challenge particularly around why Falkirk do not have any GME mainstream units established within the area.

It is difficult to consider appropriate thresholds until we actually see what level of enquiry/demand flows from these proposed changes.
15 What potential impact on other educational services might arise from the local authority having to implement these new duties?

Given the potential to incur additional costs which would be largely unfunded then the potential impact would be that other areas of existing service provision would need to be cut to fund this growth.

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.

This has the potential to improve opportunities for children to influence decisions currently being made on their behalf. It could also lead to greater engagement of children in their education and other planning. The sticking point will be the questions of;

- ‘capacity’ as defined in 3(2)
- the tension between parental rights in para 64 and those of the child.

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)?

Paragraphs 49 and 50 of the policy memorandum say very little. Paragraph 51 shows two exceptions – the Placing Request and right to request independent mediation. There is little to argue with in this context, and the Bill specifically does not address the wider context – that, in both these situations, the requests often follow dissatisfaction with the level of resourcing. The additional burden presented by allowing children to make these requests is probably not significant.

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

If the rights under the Education (Additional Support for Learning) (Scotland) Act 2004 are extended to children aged 12 and over with capacity then these children will require to be supported to exercise those rights. The establishment of a children’s support service would ensure that this support was in place.

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?

By legislating for the role of CEO the SG could be satisfied that, irrespective of emerging council management structures, councils would have in place a suitably qualified and experienced individual to provide professional advice on matters of educational policy, governance and legislative requirements – particularly with respect to the impact of fiscal decisions. We believe that councils already ensure that this is the case through employment of such suitable individuals and do not think there is a need to legislate for this.

The role of Chief Social Work Officer is well established within Scottish Councils and has brought rigour and value to council decision making. However, we do not believe that the role of CEO can be equated with the CSWO role.

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

The principal role of the CEO would be to advise the council as set out at paragraph 78 (1) of the Bill. We believe however that councils already employ individuals who carry out these duties with appropriate professional experience and qualifications.
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 deadline of 112 working days appears reasonable to complete a robust investigation.

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)?
   It is agreed that Scottish Ministers should not review decisions taken by ASNTS. The criteria around complaints to the Additional Support Needs Tribunals for Scotland are fairly clear.

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?
   The proposals should ensure that complaints under section 70 are dealt with within an appropriate timescale whilst still allowing robust investigation. Education authorities will require to ensure that parents are clear which route to pursue further complaints and will need to emphasise this is correspondence and within internal complaints’ procedures.

Learning and Childcare

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 to distinguish between guardians and kinship carers for the purposes of access to free early education and child care. The circumstances of those with guardianship are likely to be similar to carers with a kinship care order and similar provision will avoid discrimination and is in keeping with the intended principles of the legislation.