Introduction

1. As members of the Education and Culture committee are aware, Scottish Government announced in early September, the development of a National Improvement Framework for Education. COSLA Leaders discussed this announcement at its September meeting and unanimously agreed in response that they had a strong desire to develop the Framework in partnership. The development of the National Improvement Framework and how the framework is made a statutory requirement through the Education (Scotland) Bill is of particular concern.

2. COSLA is absolutely clear that decision making around education and children’s services at the national level should be a joint matter between local and Scottish Government. Just as we respect Ministers’ desire to show leadership on certain issues, so should they respect the democratic legitimacy of local government and the views we express at the national level.

3. Local government is the critical partner in the development of the framework, and we have a right to be involved in joint political decision making at the national level on matters that will directly affect local government. Involvement at an officer level, as is happening, is not the limit of our involvement, nor should the occasional political meeting where our views are expressed, the extent of political engagement.

4. There is plenty of precedent where matters of such substance have been agreed collectively by local and Scottish Government, and we would argue that the framework and how this is translated into law falls into this category.

5. COSLA is largely supportive of the principle behind the national improvement framework. We have long argued that reporting on educational outcomes data is a better mechanism for determining success in education, than relying on input based measures such as teacher numbers or class sizes. The framework, at its most simple, is a drawing together of those broad policy areas (referred to as ‘baskets by Government’) that have an impact on improved attainment and greater education equality. The areas covered by the framework include such things as school leadership, teacher professionalism, parental engagement and pupil assessment. It is the Government’s response to pupil assessment – the introduction of Scotland wide standardised assessments on literacy and numeracy- that has gathered most attention.

Reporting Concerns

6. Rather than having a standalone duty on councils to tackle socio-economic inequality in education as is set out in the original Education Bill, the Government are now proposing to use the Bill to amend the Standards in Scotland’s Schools Act 2000. While this is a largely technical decision we welcome the fact that councils will not have to deal with two different pieces of legislation when planning for educational improvement.
7. The most important change proposed by Government is that the national priorities which the 2000 Act set out and which councils must take into account in their educational planning, are being repealed and will be replaced by the four priorities in the national improvement framework:

- Improvement in attainment, specifically in reading, writing and numeracy
- Closing the attainment gap between the most and least disadvantaged children
- Improvement in children and young people’s health and wellbeing
- Improvement in sustained school leaver destinations for all young people

8. COSLA has no issue with this as we broadly agree with the priorities in the framework and we know that the national priorities as set out in the 2000 Act have been largely overtaken by policy and practice over the years and have fallen out of regular use.

9. The impact of this change is that councils will need to produce one annual report on how they are delivering on the national priorities in the framework and what their plans are for the coming year. This is better than the Bill as drafted, which would have meant that councils would have to report as part of the Standards in Scotland’s Schools Act and separately under the Education Bill.

Remaining issues
10. The suggested amendment will require councils to publish plans as discussed above. However, they also require councils to share these plans with Ministers.

11. As a point of principle, we believe that this should not be a requirement in the Bill. If councils publish plans to their communities we cannot imagine a scenario where Government would not have access to what would be a public document or that councils would not willingly share the plans with Government soon after, or perhaps even before they are published.

12. As an alternative we would be happy to agree that all plans that are published by councils are shared with Scottish Government. As mentioned this is likely to happen anyway so it is not a big concession from us, but it does preserve the principle that councils should not be required in law to send plans or report to Ministers on education delivery.

13. The last point is on the manner in which councils should report to their communities. While there may be technical hurdles to overcome we would wish that councils had the choice on how to satisfy the reporting duty, and that if authorities so chose, could report on education priorities as part of existing planning and reporting duties in the Community Empowerment Act and the Children and Young People Act. This would mean that education delivery was linked into wider community planning priorities and/or children’s services planning. There would be some issues to work through, such as different reporting timescales as set out in the different Acts, but there would be an opportunity through guidance to explain how this might work. At the very least we would want councils to have a choice on how to deliver on the duty.

Conclusion
14. While what is being proposed is not perfect (we’d probably in an ideal world prefer a non-statutory framework) it is better than the Bill as originally published. The remaining issue is that we believe councils should not to be required by law to send plans to Ministers.
15. We should also argue for councils to have the flexibility, as far as is practical, to choose how to publish their education plans as required by the legislation, potentially utilising existing legislation such as the Community Empowerment Act and the Children and Young People Act.

16. We urge members of the Education and Culture Committee to recommend that these points be discussed with the Cabinet Secretary during her evidence on the framework.

COSLA
16 November 2015