Dear Committee,

**Education (Scotland) Bill – Call for evidence**

Reform Scotland’s response to the Education and Culture Committee’s call for evidence focuses on the questions surrounding attainment and childcare.

1. **Attainment:**
In November 2011 the think tanks Reform Scotland and the Centre for Scottish Public Policy set up the Commission on School Reform to consider whether the school system in Scotland is meeting the present and future needs of young people and to try and reach a consensus about specific recommendations on areas for improvement or that require further enquiry.

The Commission published its final report in 2013. [The full report is available online](http://example.com). However, the following list covers some of the recommendations that we would like to specifically draw to members’ attention:

- *There is a need to sustain and intensify efforts to raise standards of literacy and numeracy. Every school should be committed to reducing to zero the number of young people whose difficulties with basic skills are such as to represents a threat to their future life chances.* (page 39)

- *The allocation of support for pupils and schools experiencing disadvantage should be reviewed and needs to be better targeted. More of the available support should follow the individual disadvantaged learner.* (page 44)

- *Talented staff should be encouraged to teach and remain in schools in the most disadvantaged areas. Such schools should be resourced in a manner that will make them attractive places in which to work and develop a career.* (page 45)

- *Government should give priority to creating an integrated service for children from disadvantaged backgrounds, providing support from before birth to age three and designed to improve life chances by inter alia improving learning readiness. Data should be built up to help this service target its intentions effectively.* (page 48)

- *A dedicated centre for the improvement of educational outcomes in Scotland’s most disadvantaged communities should be established.* (page 50)

- *The quality of relationships is crucial to success in education. Greater attention should be focused on the personal and social development of young people.* (page 50)

Equity – or the lack of it – has long been one of the most important issues facing Scottish education. It is concerning that a significant proportion of school leavers enters the outside world badly prepared, underqualified, demotivated and frequently lacking in even the most basic skills of literacy and numeracy. Depending on the criteria used, this proportion varies, but most commentators would agree...
that about one in five or one in six of Scotland’s young people experience some important degree of educational failure at school. Furthermore, this proportion has not significantly altered over decades.

One of the most obvious and damaging characteristics of educational failure is its close association with socio-economic deprivation. In its 2007 report, the OECD noted that the quality of provision varies comparatively little from one school to another in Scotland. However, outcomes measured in terms of educational success or failure vary very widely. What is particularly concerning about this variety is its predictability. In Scotland, schools in more affluent areas achieve better levels of educational performance than those in poorer areas.

Some schools in areas of deprivation do better than might be expected, whilst some in wealthy suburbs underperform relative to their neighbours. However, no school in a deprived area has ever matched or exceeded the performance of a school in a wealthy district. It is worth noting that this is not true of other countries. It is no longer even true of schools in London where the London Challenge appears to have yielded remarkable results in some unpromising areas. In all countries, there is some correlation between economic circumstances and school performance. In Scotland, however, the correlation appears overwhelming and thus far unbreakable.

If Scotland is to make progress, it must begin by accepting an unpleasant reality. Scotland’s schooling is not equitable.

When radical change is mooted in Scottish education, it is frequently opposed on the grounds that change will lead to greater inequality. The implication that the status quo is, in some significant measure, egalitarian is, of course, false. While there are certainly changes that might increase inequality, the case for indiscriminatingly defending the existing system on grounds of assumed equity is threadbare.

This is not because of lack of effort. Most major educational initiatives in Scotland over the past 50 years have had as one of their objectives improving the prospects of the less advantaged. From comprehensive reorganisation to Curriculum for Excellence, policy makers and teachers have sincerely and conscientiously tried to reduce inequality – but the results have not yielded success.

If Scotland is to tackle educational disadvantage where it is most deeply entrenched, it must be prepared to challenge comfortable assumptions and contemplate radical policy changes. It will certainly require greatly increased decision-making powers at school level, in line with the main thrust of this report. In the case of schools in particularly deprived areas, it should involve the right to depart from established policies on the school day and year and standard approaches to resourcing and staff deployment.

It should be for schools themselves to determine how such freedoms should be used, but the Commission envisages that the school day might be extended, that extensive enrichment activities might be offered beyond the school day, week and year and that the school would be more closely involved in outreach work with families. Indeed, some schools might find that many learners find it easier to relate to education if it takes place in community premises rather than in the school itself. Some schools might wish to look at the zero tolerance of failure approaches that have been tried with some success in inner cities in the US. The key point is that schools should be resourced and liberated so as to be as flexible and innovative as possible.

Reform Scotland would welcome recent progress that has been made in terms of the long-term ambition of improving attainment. In particular we welcome the establishment of the Robert Owen Centre for Educational Change at the University of Glasgow and the First Minister’s comments regarding the London Challenge initiative.

However, Reform Scotland believes that there is a lack of clarity of objective behind the duty to close the attainment gap and, as a result, there is a danger that the aim will not be to raise standards for all,
but simply closing a gap which could see falling standards amongst higher achievers. Instead it is better to focus on how we ensure that children are not left behind.

2. Childcare
Reform Scotland believes that the Bill’s amending of the childcare elements of the Children and Young People (Scotland) Act presents an opportunity to fix two problems with the existing system of government-funded nursery provision in Scotland with regard to birthday discrimination and provision for children of working parents.

Birthday discrimination:
In January 2013 Reform Scotland first highlighted the problem of birthday discrimination within government-funded nursery provision in Scotland.

We demonstrated, as illustrated in Table 1 below, the wide variation in the legal entitlement to government-funded nursery provision

Table 1: Existing birthday discrimination within nursery entitlement:

<table>
<thead>
<tr>
<th>Child’s birthday</th>
<th>Entitlement to government funded nursery provision begins</th>
<th>Total nursery entitlement before beginning school</th>
<th>Approximate entitlement in hours, under 600 hours per year(^1)</th>
<th>Approximate financial entitlement for partnership provision under 600 hours(^1)</th>
<th>Number and percentage of births registered in 2013 - provision stars in 2016</th>
<th>Number and percentage of births registered in 2012 - provision starts in 2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Mar to 31 Aug</td>
<td>August/ Autumn Term</td>
<td>2 years</td>
<td>1,200 hours</td>
<td>£4,200</td>
<td>27,994</td>
<td>28,980</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>50.2%</td>
<td>50.0%</td>
</tr>
<tr>
<td>1 Sept to 31 Dec</td>
<td>January/ Spring Term</td>
<td>18 months</td>
<td>1,000 hours</td>
<td>£3,500</td>
<td>17,795</td>
<td>18,627</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>31.9%</td>
<td>32.2%</td>
</tr>
<tr>
<td>1 Jan to 28 Feb (Assuming child starts school at 4)</td>
<td>April/ Summer Term</td>
<td>15 months</td>
<td>800 hours</td>
<td>£2,800</td>
<td>9,960</td>
<td>10,300</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>17.9%</td>
<td>17.8%</td>
</tr>
</tbody>
</table>

The Scottish Government has suggested\(^3\) the current system takes “proper account” of a child’s development. However the current practice of using the term after a child turns three is simply an arbitrary point in the year, as it takes no account of a child’s development and no qualifications, such as fully toilet trained, must be met. In addition, there is a wide variation in the age that a child’s entitlement begins - a child born at the end of August starts nursery when they are 2 years 11 months, while a child born in early March starts nursery when they are 3 years 5 months.

Reform Scotland argued that all children should have the same basic entitlement to government-funded nursery provision and that entitlement should be at a fixed point in the year, probably the August two years before a child is due to start school. Importantly, this would give every child an equal start.

This loophole also impacts measures to expand nursery provision to disadvantaged 2 year olds, because it is likely only half of those children will be entitled to the full extra year’s provision.

\(^1\) We have approximated the hours based on each of the three terms being equal, therefore 200 hours per term
\(^2\) The figures for partnership funding are an estimate and based on Edinburgh Council’s payments which work out at £2,100 per year for 600 hours.
Reform Scotland’s solution would ensure that all children had a legal entitlement to two years’ government-funded nursery provision and vulnerable children would receive a full additional year’s provision.

Children of working parents:
Although Scottish Government legislation states that every three and four-year-old is entitled to 600 hours of government-funded nursery provision, many children appear to be missing out.

The Fair Funding for our Kids campaign notes “For many children and working parents in Glasgow and beyond, the system is not delivering a model of childcare that matches the needs of the modern working family, with the result that many children are missing out on their early years entitlement.

“Right now, thousands of families across Scotland are unable to access their legal entitlement to free childcare because most council nurseries do not offer suitable hours for working parents.

“For these working parents, private partnership nurseries can provide the solution. However, not all eligible children are able to access their entitlement in partnership nurseries because local authorities are limiting number of funded places available.”

While the recent survey by the Family and Childcare Trust said fewer than one in six councils in Scotland had enough childcare capacity to meet the needs of working parents.

Reform Scotland believes that as long as a nursery meets necessary standards set by both Education Scotland, which is responsible for inspection of the education side of the nursery, and the Care Inspectorate, which is responsible for inspection of the care side, parents should be able to take up their entitlement with that provider. This will offer far greater flexibility as parents can then access their child’s entitlement in a way which better complements their family life. In reality, this would mean that a virtual nursery voucher scheme would be in place, where the funding follows the child and parents are able to choose the nursery which suits them best, rather than have their choice restricted by the council.

It is our hope that a premium could be added to the nursery entitlement scheme to help children from more disadvantaged backgrounds or those with special needs.

What Reform Scotland is calling for is not new, and works to a lesser or greater degree in some areas of Scotland at present, but is fully dependent on the attitude of the different local authorities.

Whilst Reform Scotland is fully committed to decentralisation and greater local decision making, that does not mean that a local authority can fail to meet its responsibilities. Equally, the Scottish Government should not claim to have delivered policies, when that delivery is in the hands of local authorities, and open to their interpretations - it is the Scottish Government’s responsibility to ensure that its policy is actually delivered. It is unfair on both parents and children for the Scottish Government to set a policy, but allow local authorities to restrict the ability of parents to access that vital provision. It is not an excuse

4 https://www.facebook.com/FairFundingForOurKids/info?tab=page_info
to argue that you have provided enough places in local authority nurseries, if parents are unable to access those places because the hours or location on offer make it impossible to take-up.

All political parties argue they want to help get people into employment, training or education, so policies in other areas, such as nursery provision, need to reflect that, and that means enabling parents to take-up their child’s nursery entitlement at an establishment which fits in with their working patterns.

Reform Scotland believes that virtual nursery vouchers, where the entitlement follows the child, is one answer to the current funding problem facing many working parents across Scotland.

3. Oral evidence
Reform Scotland has endeavoured to stick to the suggested length for written evidence. This has limited the breadth and depth of what I have been able to comment on. As a result, I would very much like the opportunity to give oral evidence to the committee, where I would be able to expand on the work of the Commission on School Reform and discuss issues, such as disadvantage and attainment, with members in more detail.

Yours sincerely,

Keir Bloomer
Reform Scotland Advisory Board member and chair of the Commission on School Reform