THE EDUCATION (SCOTLAND) Bill: a response to the Scottish Parliament’s Education and Culture Committee

SUMMARY

The Bill’s proposals on attainment and on the appointment of Chief Education Officers were not formally consulted upon prior to the Bill’s introduction. The RSE would support the Education and Culture Committee in ensuring that the Scottish Government undertakes full public consultation on the provisions of the Bill before they are further developed.

Attainment

In addressing the problem of the attainment gap, further clarity is needed on:

- the Scottish Government’s purpose and aims for this aspect of the Education Bill;
- its strategy for achieving those aims;
- the meaning of the language that it uses to clarify its intentions;
- the criteria to be used in evaluating the effectiveness of any innovations.

The Government’s strategic approach is seriously unclear:

- local authorities will have to produce biennial reports on efforts to reduce inequalities of outcome, but the Bill does not require that inequality be reduced;
- without more knowledge of how a reduction in inequality might effectively be achieved, the reporting duty will be of limited value.

Advice about developing the curriculum, improving educational outcomes for all pupils and inspecting schools should explicitly provide guidance on reducing the link between poverty and attainment; lack of data, research and evaluation evidence for schools and local authorities currently hampers progress. The Scottish education community needs a national evidence base of what works and professional development in how to use evidence. This will help practitioners differentiate proven, promising and unproven approaches and inform choices about: appropriate curriculum design, resource allocation and how to monitor and evaluate practice for impact.

To ensure clarity of purpose for those who will have duties, responsibilities and associated accountability, guidance on the Bill’s terminology will be very important. For example,
‘equity’ and ‘equality’ carry different meanings when linked to attainment, and there is little indication of the meaning that the Bill ascribes to the phrase ‘inequalities of outcome’.

Chief Education Officer
The RSE subscribes to the principle of subsidiarity and expects very strong justification for central government taking decisions that we see as part of local government’s responsibilities for managing education at the local level. Scottish Government has not produced evidence of a widespread problem that calls for the legislative establishment of the post of Chief Education Officer.

Introduction

1. The Royal Society of Edinburgh (RSE), Scotland’s National Academy, welcomes the invitation to contribute to the Education and Culture Committee’s scrutiny of the Education (Scotland) Bill. The preparation of this response has been led by the RSE Education Committee¹, which identifies and promotes priorities for education in Scotland at all levels. We have focussed our comments on those provisions of the Bill which relate to attainment and the appointment of Chief Education Officers. As well as assisting with the scrutiny of the Bill, we hope our response contributes to the Committee’s ongoing programme of work on educational attainment.

2. We note that many of the proposals (including those on attainment and on the Chief Education Officer) have not previously been formally consulted upon prior to the Bill’s introduction. We would support the Committee in ensuring that the Scottish Government undertakes full public consultation on the provisions of the Bill before they are further developed.

3. We would be pleased to discuss further any of the comments made in our response with members of the Committee.

The Attainment Gap

4. Concern has been expressed throughout the world about the gap in attainment between pupils who are socially disadvantaged and the more affluent in their age cohort. In 2007 the Organisation for Economic Co-operation and Development (OECD) reported² that a major challenge for Scottish schools is the need to reduce the achievement gap for children from poorer communities and low socio-economic status homes. Research³ funded by the Joseph Rowntree Foundation has shown that in the UK by the age of three there is already a significant difference in test scores between children in the poorest fifth of the population compared with those from more affluent backgrounds. This gap continues up to the stage at which Rowntree research⁴, in reporting on school leavers

¹ http://www.royalsoced.org.uk/551_EducationPolicy.html
² Reviews of National Policy for Education - Quality and Equity of Schooling in Scotland; OECD; 2007
from the most deprived areas, informs us that 20% in the most deprived areas went on to higher education compared with 35% from the middle fifth and 57% from the top.

**Poverty and educational attainment**

5. While the relationship between poverty and educational attainment is by no means fully understood, it is clear that across the world low levels of educational attainment are good predictors of future poverty, especially material deprivation. It is also known that, other things being equal, the factors that have an impact on children’s levels of attainment include parents’ (especially fathers’) education level, crowding within the household, parental employment status, worklessness (particularly in the UK), single parentage and household finance. The provision of home learning activities, good health and nutrition has been shown to have positive effects on attainment.

**Scottish performance gap**

6. In the PISA international tests (in reading, mathematics and science) Scottish performance in 2012 showed an increase, rather than the hoped for reduction, in the attainment gaps for reading and mathematics compared with the measures in 2003. In science there was a decrease in the gap, but this was the result of the performance of those at higher levels dropping rather than the lower performance increasing.

7. Within Scotland, Audit Scotland reported in 2014 that there has been little overall reduction in the variation in attainment among local authorities in the past ten years. The gap between the highest and lowest performing local authorities had increased in four attainment measures, declined in five and remained the same in one. Last year the Scottish Funding Council reported that more than six times as many pupils from schools in affluent communities achieved three A grades at Higher than those from the most deprived communities.

8. Although it is evident that Scotland is making, at best, only slow and erratic progress in closing the gap, this is not due to lack of interest or effort. Over a period of at least fifty years, many of the most important initiatives taken in Scottish school education have been intended to improve outcomes for the disadvantaged. From the introduction of comprehensive secondary education in the 1960s to the initiatives of the present, this has been a consistent policy objective. Teachers and government at both national and local level have been committed to this aim. In these circumstances, the rate of progress is all the more disappointing and demonstrates the intractability of the problem.

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5 How do childhood circumstances affect poverty and deprivation as an adult?; Office for National Statistics; September 2014

6 Two Cheers for Curriculum for Excellence; Keir Bloomer; in First Class from Nursery to University: Essays on Improving Scotland’s Education; November 2014

7 School education; Audit Scotland; June 2014
http://www.audit-scotland.gov.uk/docs/local/2014/hr_140619_school_education.pdf

8 Learning for All: eighth update report on measures of success; Scottish Funding Council; November 2014
http://www.sfc.ac.uk/communications/Statisticalpublications/2014/SFCST062014.aspx
The Education (Scotland) Bill: Part 1: Inequalities of outcome

9. In addressing the problem of the attainment gap, it is necessary to be clear about the Scottish Government’s:

- purpose and aims for this aspect of the Education Bill;
- its strategy for achieving those aims;
- the meaning of the language that it uses to clarify its intentions;
- and the criteria to be used in evaluating the effectiveness of any innovations.

**Purpose**

10. It is important to note that while the legislative intention is to make progress towards reducing inequalities of outcome, the Bill does not explicitly require that inequality be reduced. Rather, the Bill places a new duty on local authorities to provide school education in a way that gives due regard to the desirability of reducing inequalities of educational outcome. In doing so, the Bill proposes that education authorities (and the Scottish Ministers) prepare and publish biennial reports on their plans and progress in carrying out their duties.

11. The reporting duty has the potential to focus the attention of educational leaders on prioritising the reduction of educational inequalities. However, unless something is known about how that might effectively be achieved, then the legislative reporting duty will be of limited value. It is certain, however, that it will lead to an increase in bureaucratic activity.

12. The RSE supports the idea of reducing inequalities. However, it is unconvinced that enshrining what is no more than an aspiration in legislation will have much, if any, useful practical effect. By definition, an aspiration is not something that can be enforced: taking sanctions against local authorities that do not succeed in reducing inequalities is not a practical proposition.

**Strategy**

13. Despite attempts both here and world-wide to close educational attainment gaps, useful knowledge about what schools can do to address this issue is limited. We note that there is no proposal from the Scottish Government on how local authorities should approach this task. This leaves the Government’s own strategic approach seriously unclear apart from requiring reports from local authorities every two years.

14. The Joseph Rowntree Foundation\(^9\) has sought to identify what would constitute an effective strategy:

> Advice about developing the curriculum, improving educational outcomes for all pupils and inspecting schools should explicitly provide guidance on reducing the link between poverty and attainment; lack of data, research and evaluation evidence for schools and local authorities currently hampers progress. The Scottish education

\(^9\) *Closing the Attainment Gap in Scottish Education;* Sosu and Ellis; Joseph Rowntree Foundation; May 2014  
Community needs a national evidence base of what works and professional development in how to use evidence. This will help practitioners differentiate proven, promising and unproven approaches and inform choices about: appropriate curriculum design, resource allocation and how to monitor and evaluate practice for impact.

15. There is, therefore, a clear need for the Scottish Government to commission professional research and development if progress is to be made in this crucially important aspect of education. This should include advanced quantitative expertise.

16. One of the most significant challenges facing the Scottish Government is to ensure that schools and local authorities have the means to measure, monitor and evaluate their progress in closing the attainment gap, as well as generating detailed self-evaluation evidence to help better understand the characteristics of the gap in different contexts.

17. In this context, a pressing challenge relates to the need to understand the extent to which learners are making progress in their learning in the Broad General Education (BGE) of Curriculum for Excellence. The fact is that we do not yet have robust national assessment data in the BGE across Scotland that would allow us to make informed assessment during this phase of learning.

18. As a result of these issues, and pressures from inspections, an increasing number of schools and local authorities are making use of standardised tests to provide a benchmark against which the validity and reliability of CfE assessments and teachers’ judgements can be tested. Standardised testing is filling a vacuum, but questions have been raised about how this aligns with the principles and purposes of CfE. The RSE regards robust statistical evidence as necessary and is confident that statistical measurement can be designed in ways that are consistent with the aims of CfE.

Strategic planning

19. The RSE is of the view that there needs to be extremely careful consideration of what strategy is required if a serious attempt is to be made to close the attainment gap. We have already commented on the importance of statistical data.

20. It is encouraging that the Scottish Attainment Challenge will draw on the experience of the London Challenge which has helped to produce such a significant effect on learning in London schools. Evaluations and accounts of experiences in these developments demonstrate the demands and complexities involved in achieving what many see as remarkable results.

21. For example, some lessons about the ‘keys to success’ in the way the London and City Challenges were implemented were identified as including:\footnote{Implementing the London Challenge; Kidson and Norris; Institute for Government, \url{http://www.instituteforgovernment.org.uk/sites/default/files/publications/Implementing%20the%20London%20Challenge%20-%20final_0.pdf}}:

- The need to understand the existing assets in the system that the developments can work with. While the combination of measures that made up the London Challenge...
model was novel, those designing and implementing it were not isolated from what was already happening within the London education system.

- **The importance of keeping the policy focused until there is a clear model to implement.** The London Challenge was focused only on London secondary schools for almost five years before it was fully extended to primary schools and two new cities. This tightly-defined mission is regarded as a necessary condition for having a transformative effect.

- **The importance of data in monitoring progress.** The London Challenge was underpinned by the rigorous collection, management and systematic use of data.

- **It is necessary to create an ‘authorising environment’ that supports rapid but accountable decision-making.** This implies a shared purpose and extremely high levels of trust, enabled by excellent communication and a sense of each being able to ‘play to his or her strengths’. Professional accountability should centre on regular, face-to-face meetings, rigorous analysis of data, and a learning culture.

- **The value of giving credible people the responsibility and means to move knowledge around the system.** This enables the implementation of policy that taps into the expertise of the profession and has credibility with target schools. It can also facilitate a shift towards a sustainable, practitioner-focused model.

- **Essential investment in creating shared purpose and strong relationships.** Essential ingredients comprise unusual proximity of civil servants and advisers with regular contact, reasonable stability in personnel, school-to-school collaboration, and the fostering of mutual respect and humility in these relationships - and time has to be taken to develop these features.

**Evidence on interventions for improving educational outcomes**

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

23. While there have been countless so-called ‘good ideas’ for interventions, the evidence supports those focused on closely monitored parental involvement in children’s education as the most likely to improve educational outcomes. The Joseph Rowntree Foundation\(^{11}\) has identified four broad areas: improving at-home parenting, involving parents in school, engaging parents in their children’s learning and in their own learning, and aligning school-home expectations. These depend on parents who are able and willing to put in the necessary time and effort and on good two-way exchange of information.

24. Early intervention can also be beneficial. A recent report from the House of Lords Select Committee on Affordable Childcare\(^{12}\) confirms that there is a sound evidence base to support the value of high quality early education for improving child outcomes for disadvantaged three and four year-olds.

25. Other interventions, including mentoring and participation in extra-curricular activities, have offered some promising, but not compelling, evidence for raising attainment. If

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\(^{11}\) *The Role of Aspiration, Attitudes and Behaviour in Closing the Educational Attainment Gap*; Carter-Wall and Whitfield; Joseph Rowntree Foundation; April 2012

\(^{12}\) *House of Lords Select Committee Report on Affordable Childcare*; February 2015
undertaken, they must include well-designed, robust and independent evaluations and be followed up with accessible guidance that is properly disseminated to local authorities and schools.

**Definition of the terms used in the Education (Scotland) Bill and the Policy Memorandum**

26. The Bill would benefit considerably from guidance on how the terminology it uses is to be defined. This will be very important in ensuring that those who have duties, responsibilities and associated accountability in respect of the Bill understand what is expected of them.

27. We are aware that the distinctions among educational outcomes, attainment and achievement are frequently unclear. There is little in the Bill to indicate the breadth of meaning that the Scottish Government ascribes to the phrase ‘inequalities of outcome.’ Similarly, it is uncertain as to how “socio-economic disadvantage” is to be interpreted.

28. Another area of distinction is that between equity and equality. Here ‘equity’ should refer to fairness or justice, and does not carry the same meaning as ‘equality’ when linked to attainment. So, for example, the Bill’s aim to “promote equity of attainment [our emphasis] for disadvantaged children” could refer to the fairness of opportunities likely to promote attainment. This would imply inequality of provision since markedly more resource would have to be put into the education of those from disadvantaged backgrounds. Or the aim could refer to equality of attainment, but this is unattainable since there will always be individual differences, even if the imbalance reflecting social circumstances is narrowed.

**Education (Scotland) Bill: Part 3: Appointment of Chief Education Officer**

29. Section 20 of the Bill will introduce a requirement that local authorities must appoint a suitably qualified and experienced Chief Education Officer to provide professional advice on the provision of their education functions. There is no suggestion that he/she will have any statutory powers. In this sense, the post holder’s position will be weaker than that of the Chief Social Work Officer who is the only person with authority to take certain decisions in relation to children.

30. The RSE assumes that this proposal has been inserted in the Bill because of the ways in which local authorities’ senior management structures have been changing over recent years.

31. It is now relatively uncommon for local authorities to have a service consisting solely of education led by a director with an educational background. More frequently, education forms the largest part of a service with wider responsibilities. In some cases these responsibilities are limited to relatively small service areas such as community education, libraries, and sport and recreation. In these instances it seems to be invariably the case that the overall service is led by a person with education qualifications and experience. In an increasing number of local authorities, however, education forms part of a much larger agglomeration containing substantial other services (although education is always the largest component). The leadership of these multi-service groupings is not always in the hands of an educationist.
32. Local authority senior management structures operate at three levels. There is always a chief executive in overall charge. This is a position required by statute. At the second tier are the heads of service groupings, usually called directors but sometimes depute chief executives. Below them are heads of service with more specific responsibilities. There is always a head of service responsible for education (possibly along with other areas). The head of service almost invariably has an education background although the RSE is aware of one education head of service with no educational qualifications or experience.

33. Local authorities have been motivated to group services together for a number of reasons. The most important driver of service amalgamations, however, has been the desire to reduce management structures and thus make savings.

34. The RSE subscribes to the principle of subsidiarity and expects very strong justification for central government taking decisions that we see as part of local government’s responsibilities for managing education at the local level. Scottish Government has not produced evidence of a widespread problem that calls for the legislative establishment of the post of Chief Education Officer.

35. On the other hand, there does seem to be a growing problem for schools as a result of the savings made in local authority education services centrally. This is not only – perhaps, not mainly – a consequence of the loss of senior management posts but of reductions in support staff of various kinds. These include Quality Improvement Officers (QIOs) who provide curricular and other educational support. The position varies from place to place but there are undoubtedly local authority areas where schools feel that there is less and less value to them from the connection with the local authority.

36. This consultation is not concerned with the future of local government or the governance of schools. However, it is important to point out that the concerns that have led to the proposal in relation to the post of Chief Education Officer have much further reaching implications.

Additional Information

Advice papers are produced on behalf of RSE Council by an appropriately diverse working group in whose expertise and judgement the Council has confidence. This Advice Paper has been signed off by the General Secretary.

Any enquiries about this Advice Paper should addressed to Mr William Hardie (email: evidenceadvice@royalsoced.org.uk).

Responses are published on the RSE website (www.royalsoced.org.uk).

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