Response by the Governing Council of George Watson’s College to the provisions of the Education (Scotland) Bill concerning the proposed requirement that Heads appointed to independent schools in Scotland should be required to have a specific Scottish qualification for Headship.

1. The first question that should be answered by those advocating this measure is what problem it is seeking to address. The independent schools sector in Scotland is successful and flourishing and HMIe has not identified any systematic failure in the leadership of our schools. In the absence of a systematic problem there would appear to be no requirement for a systematic solution, and certainly not one which has potential detriment to the schools and the sector as a whole.

2. Scotland’s independent schools enjoy a reputation across the United Kingdom and around the world. They draw staff and pupils from outwith Scotland, probably to an increasing extent. This provides real benefit to the Scottish economy and to the teaching profession and other educational professions in Scotland. The recruitment of Heads reflects the pan-UK and international profile of Scottish independent schools with a significant proportion of heads of independent schools in Scotland having served previously in other jurisdictions. Any requirement for a prospective Head to be pre-qualified with a Scottish qualification will radically reduce the availability of suitable applicants from outwith Scotland when vacancies are advertised. It will impoverish and not enhance the pool of talent available to work in the country.

3. Whilst Headship in the state maintained and independent sectors has many similarities in respect of responsibilities for learning and teaching and the wellbeing of pupils, it also had significant differences. The far greater autonomy exercised by independent school heads, their responsibility for employment, finance and marketing as well as the boarding dimension present in many schools lies entirely outwith the likely competences assessed in a Scottish headship qualification intended overwhelmingly for the Heads of state maintained schools. The nature of the responsibility of the Head to Governing Councils and Trustees is also unlike the state maintained sector.

4. The combined effect of the issues outlined in paragraphs 1.2 and 1.3 above would likely lead to a situation where those qualified to lead Scotland’s independent schools were those least experienced in the operation of similar schools, whilst those with widest experience to bring to the job would be debarred from appointment.

5. We are also concerned that the obligation on Governing Councils to appoint only candidates with the specified qualification, fetters the discretion of those Councils (and in the case of the Merchant Company Schools, the Merchant Company Education Board) and undermines the responsibilities and freedoms set out in their Governing articles and, in the case of the Merchant Company Schools, in Statute and Regulations. For example, the Scheme made under Statute relating to George Watson’s College state:

   The Education Board shall appoint the headmaster or the headmistress, as the case may be, of each school, and the headmaster or headmistress shall hold office at the pleasure of the Board.

   The requirement for the Education Board only to appoint those with a certain stipulated qualification who may or may not otherwise be their preferred candidate appears to undermine the relationship between the Board and the Head, the responsibility of the Board to make an appropriate appointment and the accountability of the Head to the Board as the ultimate authority in law for the School.

6. The nature of independent schools and part of the benefit that they bring to the country as a whole is their capacity to innovate and be unorthodox. Perhaps this is most obviously seen in those schools that have a particularly distinctive ethos, for example the Rudolf Steiner Schools. However, most independent schools will have some significant aspect of their ethos, policy and practice that is at odds with the mainstream educational orthodoxy. By requiring Heads of independent schools to undergo training that, almost by definition, will derive its methodology and ethos from the current orthodoxies the creative potential of the independent sector to innovate beyond those
orthodoxies will be diminished and suppressed. The losers will be the schools and the pupils in them but it will, over time, also reduce the capacity of education in Scotland to innovate. Combined with the reduction in recruitment from beyond Scotland, the effect of this measure could be stultifying and lead to insularity, self-satisfaction and complacency.

Alan Hartley
**Chairman of Governors**
**George Watson's College**

8 October 2015