



Education Resources

Response from South Lanarkshire Council to the Call for Written Submissions on the Implications of the Education (Scotland) Bill

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?

A strengthened focus on improving the attainment levels of pupils from the most deprived backgrounds and the continued commitment to eradicate inequalities of educational outcomes is to be welcomed, and an explicit commitment to improving attainment for identified young people from backgrounds of disadvantage will provide clear direction. However, there is a question over the relevance of statutory regulations for this purpose and whether in fact the intentions of the Bill should remain as guidance.

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 Standards in School Scotland Act (2000) already places a statutory on EAs to focus on continuous improvement and to report on how this has been achieved. The Bill may help EAs provide increased impetus and focus on their work on achieving equity. This may require resources to be redirected.

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

As we know, reduction in inequality of outcome requires multi-faceted social and economic support – education is key but not the only factor that makes a difference. Other children experiencing inequality of outcomes include those with additional support needs and, currently, the ASL Acts of 2004 and 2009 cater for the needs of identified children and young people.

It is difficult to see how making language stronger in itself (unless also requiring Government action) can have a meaningful enough policy effect. Does this mean that vision statements and aims of all public bodies should clearly state the intention to reduce inequalities? Is this simply the promotion of equality? There is a question about how, outwith control of individual family circumstances, we can impact directly on socio economic disadvantage unless directly supporting children.

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

It is important to recognise the existing strategic work of EAs and schools over an extended period of time that has focused on raising attainment for identified groups of pupils, including those from socio-economically disadvantaged backgrounds. This has included targeting young people who require additional support and developing policies and strategies for this purpose. EAs will continue to try to work with partners to reduce inequalities of outcome.

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 Bill should build on Curriculum for Excellence, GIRFEC, the Early Years' Framework, Opportunities for All and the many other policies and programmes that have been introduced to help provide both universal and targeted support.

The Bill may also reinforce a focus on the responsibility of EAs and others re the holistic development of children and the need to also support the experiences of a child's life that are enriching. Access to experiences beyond the school day (sport, drama, residential activity, music, tutoring) have a direct impact on attainment and reducing inequality of outcome for individuals and can't be achieved by schools alone. There is a need for other partners to work with EAs to affect deep change. The Bill doesn't recognise the importance of partnership working in raising attainment levels of identified groups of young people

Will there be an explicit link to Local Authority's Single Outcome Agreements?

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 difference in language between the Policy Memorandum and the Bill itself. The Policy Memorandum is more detailed and provides policy context and detail, while the Bill is more general. There will be a need to provide clear and detailed guidance to ensure the Bill meets its aims and can be interpreted with consistency by all stakeholders.

There needs to be a deep, shared, research based understanding amongst professionals and EAs in relation to how we break the cycle of disadvantage and underachievement in order that resources and time are directed appropriately.

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?

While it may be tempting to identify sanctions in the event that the Scottish Government or EAs fail to achieve the policy intention of reducing inequalities of outcome, this may be counter-productive. The complexities in dealing successfully with this issue require partners working together and are long term in nature. If sanctions are applied due to apparent lack of progress in the short term, it may jeopardise long term improvement. There is also a question about what is a 'meaningful' sanction.

8. Do you have any views on the consultation and reporting requirements set out in this part of the Bill?

Through existing Council arrangements, Education Authorities continue to report improvement and areas for development on an annual basis.

Reporting on a bi-annual basis sits outside existing planning and reporting cycles. The introduction of the new National Qualifications and the ability to analyse and interrogate data through *Insight* (the Senior Phase Benchmarking Tool) by comparing both local and national measures helps EAs and schools focus and identify areas of priority. Specifically, the Depth vs Breadth measures enable EAs to understand how well pupils from specific backgrounds are attaining.

There is a need to clarify the outcomes that will be used to measure improvement and whether data is to be gathered on pupil outcomes throughout their school career or at the end of the senior phase.

9. The Bill focuses on reducing inequalities of outcome resulting from pupils' socio-economic disadvantage. Should all examples of inequality of outcome be addressed?

Including all examples of inequality of outcome to be addressed may mean a loss of focus

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 Bill will deliver some change in Gaelic medium primary education. It could help encourage a more consistent approach to GME across Scotland. By concentrating on primary school, the provision will be more achievable and allow local circumstance to be taken into account. However, while it may not be in the form of statute, there is a need for support at secondary school level.

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?

The most appropriate ways for education authorities to promote and support Gaelic medium education and Gaelic learner education is by;

- (i) engaging with the Gaelic community within the Local Authority to ensure that the service provided helps meet the needs of the pupils.
- (ii) working to build a Gaelic community that provides opportunities for children and young people to use their Gaelic language skills frequently in a formal and informal setting.
- (iii) Sharing practice and approaches from other similar EAs, developing communities of practice.

What impact is this promotional work likely to have on the Gaelic language and the number of Gaelic speakers?

Promotion of the Gaelic language can be important to highlight opportunities within an EA. This can attract families from a non-Gaelic speaking background.

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”? (GMPS.) Do you agree with the thresholds proposed in the Bill in relation to the assessment of parental requests?

The Bill appears to introduce a complex, time-consuming and demanding process for EAs. It is unclear what constitutes a GMPS assessment area. There is also need to clarify the assessment process - is it realistic and workable?

The threshold proposed does not identify any specific information. Eg what is a realistic number of other interested children to assess 'demand'?

While the GMPS full assessment takes into account some of the practical implications (staffing and cost) it needs to identify the period of time that the costs need to be met. For example, estimate costs for staffing and resourcing need to be considered over a seven year period and not simply for the first year of school. Guidance will be required to support authorities in the decisions made. For example, what are acceptable/unacceptable additional costs? Where does GME link to our Early Learning and Childcare application process?

13. Under existing legislation, education authorities must have regard to Bord na Gaidhlig's education guidance when they are producing their annual statement of improvement objectives. What will the requirement in this Bill add to this?

The duty to promote and support GME and learning will be enhanced by the requirement within this Bill. EAs already work closely with national organisations to achieve this goal. The publication of information on the parental requests for assessment may add to this process.

14. Overall, to what extent will the Bill help to deliver the Scottish Government's commitments to grow and strengthen Gaelic education?

Potentially, the Bill will strengthen the position of Gaelic Education. It sets out ambitious targets and places increased responsibility on authorities. The Bill also provides parents with a significant opportunity to prioritise the place of Gaelic Education within schools and establishments.

15. What potential impact on other educational services might arise from the local authority having to implement these new duties?

There are significant challenges for EAs in delivering these new duties. In its suggested format, the requirements of the GMPS assessment will have resource implications for EAs. The ambition to increase the number of pupils in GME is to be welcomed. However, this will either require additional resources or the significant realignment of existing resources. As an authority South Lanarkshire Council currently commits significant financial resources to support Gaelic Medium Education.

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.

There is a risk that children over the age of 12 could be 'coerced' or unduly influenced in relation to the right to make references to Tribunal/appeal decisions etc.

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)?

Yes – this needs to be carefully considered with reference to understanding the impact on the child (and family) and to UN Convention on the Rights of the Child.

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

The statutory children's support service will provide advice, information, advocacy support and legal advice and representation, supporting children to provide their views. This is positive if children over the age of 12 have the same rights as parents and young people but it would have to be very clear that the children's support services mandate is to directly support children in their own right in order and that they don't become the 'voice of the parent'.

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?

The Council does not consider that legislation is required to ensure that there is a specific senior officer identified to support and advise the authority in carrying out its statutory duties. A Council should retain the autonomy to establish appropriate management structures to meet the needs of young people, all other service users and parents and carers.

The qualifications prescribed by Scottish Ministers may restrict leaders from relevant areas being eligible. For example, if the Chief Education Officer needs to be GTCS registered then leaders from Early Years, Youth Learning, Educational Psychology and Community Learning and Development could have relevant experience but be prevented from taking up the post.

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

If introduced, the role of CEO would reflect the roles currently undertaken by senior education officials within Councils and would include:

- (i) Providing strategic vision and direction for the Education Service on behalf of elected members;
- (ii) Ensuring that legislative duties relating to education are carried out;
- (iii) Securing and reporting to elected members on continuous improvement;
- (iv) Representing the views of education within the corporate management team of the Council.

It is difficult to envisage additional roles that existing senior leaders within EAs aren't already carrying out.

Registering teaching staff

21. How would grant-aided schools, independent schools and their pupils benefit from their teaching staff being registered with the General Teaching Council for Scotland? What different or new skills would such teaching staff acquire as a result of registration? Is it likely that attainment would improve in the schools in question?

A highly qualified, regulated and motivated work force is essential for school improvement and the GTCS Standards for Full Registration and Professional Update play a pivotal role in achieving this aim.

22. What transitional arrangements would be appropriate, particularly to avoid the risk of smaller special schools being unable to operate?

It would be important for sufficient time to be available to allow transition planning in agreement with GTCS to take place.

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?

112 working days for investigation and 40 days for decision making on intention seem reasonable timescales.

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 the ASNTS?

Yes - matters for reference to Tribunal are clearly stated in ASL legislation.

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?

Yes – as long as there is clarity in relation to where complaints are directed and around timescales.

26. Are there any reasons to distinguish between guardians and kinship carers for the purposes of entitlement to free early learning and childcare?

No