Dear John,

The Committee’s session with the Curriculum for Excellence Management Board on 18th January was framed around there being potential for changes to existing governance arrangements for the Board and associated Groups.

When you appeared before the Committee on 21st December 2016, you implied that governance is an area you are reviewing in light of some of the issues raised in recent months. Given this evidence you gave to the Committee, the recommendations contained within the Committee’s recent report, and the ongoing Scottish Government Governance Review, Committee Members believe this is the appropriate time to highlight specific issues arising from the Board’s evidence.

Essentially, the Committee agrees with the evidence that a Board structured around discussion and consensual decision making was more suited to the development stages of the Curriculum for Excellence model.

But when the CfE Management Board moved its focus to implementation, especially in aiding schools with curriculum development, coping with changes to national examinations and the emerging issues of teacher workload, it was unclear what the Board did. It would appear they discussed these matters, but we have received no evidence, as yet, of clear decisions and actions.

The Committee therefore, has reservations about the working of this model in

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1 Fiona Robertson, Scottish Government - Official Report Education and Skills Committee, 18 January 2017 Col 5
practice and proposes a review of the structure so that there are clearer lines of responsibility and better strategic oversight of the Curriculum for Excellence. The Committee also proposes having this new structure independently evaluated once it has had time to take effect. Such an evaluation would ensure that there is much less scope for any confusion between the decision-making process and what is implemented at school level. The commentary below provides the context for these recommendations.

As you know, the Committee decided to hold the evidence session on 18th January to seek clarity about the decision making processes of the Board and the roles and accountability of its key players. During evidence sessions last November with Education Scotland, the SQA and education authorities, members were left unclear as to where respective responsibilities lay in relation to detailed policy formulation, decision making and the assessment of the implementation of Curriculum for Excellence. Members felt that some areas of dubiety remained following the latest evidence session, with contrasting evidence received on whether the Board or individual organisations are ultimately responsible for different decisions. Broadly speaking, the SQA and Education Scotland’s evidence suggested that, on some matters, there is a reliance on the Board as the decision maker without clear strategic direction and a clear rationale for the decisions being made.

Yet the Board did not make decisions and the minutes do not reflect clear actions or options presented to ministers on matters where ministers could reasonably expect to be asked.

Reference was made on a number of occasions during the session by Fiona Robertson to "consensual processes" within the Board and “collective responsibility". This however, did not make clear how teachers and parents were involved, both of whom are crucial when it comes to the success of the Curriculum for Excellence.

Collective responsibility implies that there is equal responsibility for everyone around the table for the success of the work of the Board and that all members reflect the decisions of the Board in their actions.

The Committee is, however, concerned that this is not always the case. To elaborate, on the Board a number of key bodies (essentially Scottish Government, SQA, Education Scotland) have primary responsibility for strategic oversight and implementation of the policy, others have a clear responsibility in relation to delivery (education authorities) and others provide valuable input as specialist advisers/representatives to inform decisions. All, in theory, have a clear purpose, but also differing levels of responsibility. In practice, however, the lines of communication and delivery seem blurred and the Committee remains concerns that this has had a negative impact on the delivery of Curriculum for Excellence.

The OECD report into CfE contains a number of recommendations on implementation. It is not clear what the response from the CfE Management Board

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2 Fiona Robertson, Scottish Government - Official Report Education and Skills Committee, 18 January 2017, Col 4

3 Seamus Searson, SSTA, - Official Report, Education and Skills Committee, 18 January 2017, Col 45
was to these. The Committee is in contrast very clear as to the response of Ministers.

Central to this challenge for those delivering the Curriculum for Excellence is having a very clear picture of whether decisions taken at board level will work in practice and to prescribed timescales. There were instances in evidence where it appeared that some of those charged with implementation had not, in taking decisions as part of the Board, sufficiently conveyed concerns about the ability for decisions to be effectively introduced.

In addition there was a concern that the Board’s decisions were not always fully reflective of the practical issues being encountered at school level (see in particular Larry Flanagan, EiS’s contributions). The Committee’s recent report highlighted the extent to which Education Scotland and the SQA’s perception of some issues were distinct, at times disconnected, from the teachers who submitted evidence. The Committee pursued this theme further in the evidence session and was not assured that a sufficiently detailed level of information was always being provided to the Board on what was happening - and why - at school level.

Flexibility of delivery at school level is central to the principles of Curriculum for Excellence and this was reiterated in evidence, but clearly this flexibility should not detract from the lead organisations’ roles in actively assessing how intended changes, and associated timescales, are being received. Decision making by the Board must be informed by sufficient data and other forms of assessment that give a clear and up-to-date picture of the progress of CfE implementation in schools.

Any changes to governance should also seek to ensure that the Board is considered to be the forum where concerns raised can bring about change at a strategic level. Union representatives made clear that, when they wished to bring about change, they would go direct to the relevant minister as opposed to pursuing this through the Management Board. This reflects the fact that the Board is not perceived by key stakeholders as a conduit between Government officials on the Board and ministers.

The Committee would be interested to test this suggestion from your perspective; is there a body of examples where you or your predecessors were alerted by the Chair of the Board to concerns from stakeholders that subsequently resulted in a policy decision at ministerial level? The Committee would appreciate this information to clarify whether there is an effective route from teachers implementing Curriculum for Excellence through the Board to the Scottish Government. Committee members remain unclear as to the responsibilities of Government and the Board when it comes to responding to teachers’ concerns.

Finally, on a separate but relevant issue, Joanna Murphy from the National Parents Forum Scotland spoke at the end of the session about the frustrations felt by parents who believe the level of communication to them is not satisfactory. She painted a picture of parents as people who are informed of decisions once they are made as

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Seamus Searson, SSTA, - Official Report, Education and Skills Committee, 18 January 2017, Col 46
5 Larry Flanagan, EiS - Official Report, Education and Skills Committee, Col 10
opposed to being involved in decisions in any meaningful way\(^6\). The Committee would be grateful for your comments.

The Committee believes these issues surrounding the Board of the Curriculum for Excellence are extremely important since there is clearly a perception in some quarters that the lack of clarity is having a negative impact on the delivery of the Curriculum for Excellence.

We look forward to your further comments in advance of your appearance before the Committee on 8\(^{th}\) March.

Yours sincerely

JAMES DORNAN MSP
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\(^6\) Joanna Murphy, NPFS - *Official Report*, Education and Skills Committee, Col 46