

14 December 2015

Mr Stewart Maxwell MSP  
Convener Education and Culture Committee  
Scottish Parliament  
Parliamentary Headquarters  
EDINBURGH  
EH99 1SP

— Dear Stewart

### **Length of School Week**

I felt it important that I write to you after the Committee's agreement of the Scottish Government's amendment on the length of the school week, to respond to some points made by the Cabinet Secretary when she was at the Committee. COSLA has a number of strong concerns about the Government's amendment, but the purpose of this letter is not to reiterate the points that we have already made, but instead to pick up on comments made by the Cabinet Secretary about how much COSLA knew about Government's intentions on this policy.

The Cabinet Secretary's comments could be read that COSLA was aware that Government was preparing an amendment on the length of the school week. Nothing could be further from the truth. While COSLA and Scottish Government officials were aware at a relatively early stage in the Bill process that an opposition amendment on the length of the school week was a likely prospect, at no point was it ever suggested that Government was minded to also legislate in this area. No proposal was ever discussed, with the last email communication on this issue from Government on 24 November indicating that they were not clear about how they would handle an opposition amendment.

In way of a contrast, the Government amendment on school clothing grants, while still giving us concern, did not come as a complete surprise. We had discussed school clothing grants with officials and the Cabinet Secretary in the weeks before the amendment was submitted. Recognising that an amendment was a possibility we said to Government that we wanted to find a non-legislative way of meeting their concerns but that to do this we needed more time to consider this with our members. We still did not know until the evening of Tuesday 1 December that Government was proposing new legislation, which is very disappointing, but at least we cannot say it came as a complete surprise.

In comparison, no hint was given by Government that they were thinking of legislating on the length of the school week, including at our last political meeting with the Cabinet Secretary

WHEN CALLING PLEASE ASK FOR: Robert Nicol 0131 474 9241      robertn@cosla.gov.uk

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which took place on 12 November. In our view there is a world of difference from being aware that Government may have to respond in some way to an opposition amendment, to forewarning that Government are planning similar amendments of their own.

From what the Cabinet Secretary has said, it certainly seems that Government had been considering options on the length of the school week for some period of time. How long we cannot say, but if this is true, it leads us sadly to the conclusion that given the contact we have had on the Bill with Scottish Government and the warning we had about possibility of a Government amendment on school clothing grants, that Scottish Government took the deliberate decision not to discuss their plans for the length of the school week with COSLA. The alternative scenario, which is just as concerning, is that a decision was not long in the planning but was instead taken at the last possible moment.

While the development of regulations may provide some opportunity to debate the issue of the length of the school week further, this will largely focus on the practical implications of the regulations. The Scottish Government's actions have denied us any opportunity to debate the principle behind legislating for the length of the school week, a principle which we believe encroaches strongly on local government's democratic accountability for education.

I realise that a majority in the Committee passed the amendment. I also understand that there are a variety of views on the topic of the length of the school week. The purpose of this letter is simply to make the point that the Government's amendment came as a genuine shock to everyone in local government and that any suggestion that COSLA knew anything about Government's plans for an amendment is wrong and a misrepresentation of the truth. I want to finish by emphasising that the manner in which Scottish Government announced this legislative change has stirred strong feelings within the local government community. As a result, while we will continue to argue our case, I would welcome your thoughts about whether there is anything that the Committee can do about the concerns I have raised in this letter.

Yours sincerely



Cllr Stephanie Primrose  
COSLA Education, Children and Young People Spokesperson