Thank you for your letter of 17 January seeking a response to the Committee’s report on the performance and role of key education and skills bodies. This letter provides a response both to that letter and to the Committee’s letter of 26 January, detailing the Committee’s views on the evidence presented by members of the Curriculum for Excellence Management Board on 18 January.

The Education and Skills Portfolio is at the heart of delivering excellence and equity within Education in Scotland and the Scottish Government remains firm in its resolve to deliver a world class education system which meets the needs of all our young people. The roles of the key national bodies who deliver education and skills policies, and their performance in doing so, are of paramount importance in our ability to achieve that. It is precisely for that reason that we are undertaking comprehensive reviews of our Enterprise and Skills and Education systems. Those reviews involve careful analysis of evidence, meaningful engagement with a wide range of stakeholders and tough decisions about priorities and resources.

I expect the highest standards of all public bodies contributing to the education and skills agenda in Scotland. That is why we have undertaken a range of reforms, including reducing and clarifying the guidance provided to teachers as part of a range of activity designed to address teacher workload and free up time for teachers to teach. In relation to the SQA specifically, the Scottish Government and the SQA takes the views of teachers extremely seriously and will always work with them to address any concerns. That is why the SQA has worked closely with teachers in the development of the new National Qualifications and why it is already reviewing its approach to engagement and communication with teachers.

Whilst I welcome views from anyone involved in Scotland’s education system and will always pay close attention to constructive criticism, I believe the points advanced by the Committee on the performance of the SQA and Education Scotland in particular are not based on an assessment of a sufficiently broad evidence base. The Committee places emphasis on an
online survey that had 693 responders who self-identify as teachers. This represents slightly more than 1% of Scotland’s publicly employed teaching workforce of 50,970. I would specifically draw the Committee’s attention to the description of the survey by SPICe as “not based on a random sample, so may not be representative of the general population”. My concerns about the methodology are exacerbated by the comparative lack of consideration that appears to have been given to the evidence submitted by the public bodies themselves, most notably the engagement activity that both SQA and Education Scotland conduct with their stakeholders to evaluate their respective impacts. I believe this has resulted in an unbalanced report.

Annex A provides a detailed response to the key points for the Scottish Government. I understand that you have also written to each of the national bodies covered in the report and they will respond themselves on the recommendations which fall within their operational remits.

Turning to the Committee’s observations on the CfE Management Board, I think it is important to state at the outset that in my role as Cabinet Secretary for Education and Skills responsibility for decisions on all matters pertaining to national education policy rests with me. I am accountable to the First Minister and to the Scottish Parliament for those decisions. The Chair of the CfE Management Board, Fiona Robertson, made this very clear to you at the evidence session on 18 January and there are no grounds for members of the Committee to be unclear on this point.

The Board’s role has always been to provide oversight of Curriculum for Excellence (CfE) and to act, therefore, as a key source of advice for Ministers in the development of national policy. The Board reports on its discussions and recommendations to me both through formal advice developed and agreed by the Board, and through general advice to Ministers from officials, which has been informed by the views of the Board. Ministers have also attended Board meetings to gather views and hear discussions first hand. Last September, I met with the Board to lead discussions on the proposals to remove unit assessments from National Qualifications. After a constructive and informative discussion, the Board was in a position to agree the changes and relay that support to me directly.

Without doubt, this forum and its consensual mode of operation has been the correct one to enable us to make the progress we have, fulfilling its central purpose and securing steady and effective adoption of CfE across Scotland. The OECD in its 2015 review recognised that this had unquestionably been the right approach in both the development and implementation stages of CfE, noting that it “has been well fitted to the task of implementing CfE as a Scotland-wide curriculum programme. That task required consensus and managing processes so that implementation, including of assessment and qualifications, would happen as smoothly as possible”¹.

Certainly, there should be no doubt about the rationale for the approach taken by the Board in bringing together a broad range of stakeholders, all of whom were invited to join the Board to contribute their own unique perspectives to the revision, agreement and, where necessary, further development of the underpinning national policy framework for CfE. It should be noted that this has included, since its very inception, representatives from the teaching unions who are directly responsible for bringing the voice of teachers to the Board and ensuring that their members’ concerns are raised and acted on. Similarly, in recognition of the vital role of parents in developing and communicating how CfE is delivered, the National Parent Forum of Scotland (NPFS) was invited to join the Board in early 2010.

The Board has always operated through a shared sense of collective responsibility and purpose, and every member has been instrumental in its success. Collective responsibility does not mean that every organisation on the Board has the same responsibilities but it does mean there are common, shared responsibilities which arise by virtue of being a member of the Board. Of course, separate, unique responsibilities for implementation of CfE reside with the delivery bodies and the Board has played a key role in holding those organisations to account for those responsibilities, in addition to their own individual governance and accountability arrangements. However, every organisation on the Board does have a responsibility to ensure, to the extent of their own remit, the success of CfE. This includes honestly identifying issues emerging in practice and ensuring action is taken at Board level in response to concerns, and effectively communicating action or guidance agreed by the Board to those who they represent. The lines of communication and delivery in relation to Board action are clear and I would expect any member unclear on the extent of their own responsibilities to raise this accordingly.

It is indeed right to acknowledge that we are at a juncture in our CfE journey which calls for a degree of boldness. We are moving forward into a new phase where there is a need to support a system that can deliver the original intention that CfE be truly school- and teacher-led. Of course, a strategic national policy, not least on qualifications, will still be needed along with a mechanism to enable it to be adjusted in the light of practical experience. However, increasingly the focus will be on how we can drive CfE forward as a curriculum made by empowered and strengthened schools and communities.

The Governance Review has sought to gather views on how we can encourage and incentivise systemic, widespread and effective professional collaboration and see a strengthened “middle” in Scotland’s education system. We are considering the responses to the Review and will publish our proposals in due course, but I am clear that governance of CfE will need to align and support that vision. The observations made in the OECD Report about the future governance of CfE will also inform my decisions about the most appropriate arrangements for the future.

I remain firmly committed to developing an education system which delivers both excellence and equity for all children and young people in Scotland. I will continue to take action to ensure we have the right supporting structure in place to achieve this most crucial of aims.

I trust the Committee finds this helpful. I look forward to discussing this and other issues further on 8 March.

JOHN SWINNEY
1. SKILLS DEVELOPMENT SCOTLAND (SDS)

Localised services

1.1. The Committee is not convinced that SDS national programmes have enough flexibility to maximise effectiveness in some regions and seeks an assessment from SDS on how it meets the needs of rural areas. The Committee urges SDS to ensure national programmes have capacity to adapt to local circumstances and that regional staff work with local stakeholders to tailor services.

SG Position

- SDS has been asked by the committee to respond to this and other recommendations separately.
- As a national agency we expect SDS to deliver all of its services effectively across Scotland. SDS has shown excellent examples of local area working including the delivery of careers services in every secondary school in Scotland and development of Regional Skills Assessments with local partners which provide a high quality and consistent source of evidence about economic and skills performance and delivery at a regional level.
- The Chief Executive of SDS meets with leaders from each local authority at least once a year to ensure local collaboration. SDS is also represented in each Community Planning Partnership and has strong links with all local authorities. Through these networks and the established RSA, SDS will look to develop its reach and tailor the services to meet local need as a priority.
- We would encourage SDS to continue to work with local authorities and other partners to continue to make sure that all of their programmes continue to meet the demands of local areas.

1.2. The Committee requests SG takes account of concerns about provision of services beyond the central belt in its Enterprise and Skills Review.

SG Position

- The concerns raised during the first phase of the Enterprise and Skills Review will be looked at under Phase 2 of the review.
- In our report on Phase 1 of the Enterprise and Skills Review we have committed to work with and listen to the agencies and other partners to strengthen our enterprise and skills system by consulting on the Strategic Board, including the best distribution of functions between the agencies underneath it and the associated legislative requirements.
- As part of Phase 2 of the review, one of the work streams is looking at the development of a Strategic Board for the agencies involved in the Review. The aims of the Strategic Board will be to improve the overall performance of the whole Enterprise and Skills system to deliver Scotland’s Economic Strategy and supporting strategies.
Ministers have made clear that HIE will be retained as a separate legal entity whilst sharing a single overarching board with the other enterprise and skills agencies.

Other work streams in the review are looking at developing recommendations for a new vehicle to meet the enterprise and skills needs of the South of Scotland and for how regional partnerships can stimulate local economies and build inclusive growth. SDS is playing a full role in the implementation of the Phase 1 recommendations.

**Equalities**

1.3. The Committee urges SDS to ensure programmes are accessible and attractive to all young people and recommends that it commits to undertaking and Equalities Impact Assessment on all of its programmes, as a matter of urgency.

**SG Position**

- Equality Impact Assessments are conducted on all of the SDS programmes. Equality Impact Assessments are also undertaken on their web services to ensure they meet the needs of each user.
- SDS has taken a proactive approach to delivering its Equality Outcomes and National Training Programmes Equality Impact assessment action plans.
- In response to Developing the Young Workforce recommendations, SDS published its Equalities Action Plan for Modern Apprenticeships in Scotland on 2 December 2015. This plan outlines the challenges to be addressed and the actions SDS will undertake with partners to improve the participation of under-represented groups within the MA programme. The EAP covers a five year period until 2021 and sets out clearly the scale of the challenge relating to occupational segregation and inequality in MAs and the requirement for all partners to work in collaboration to tackle culturally ingrained challenges.

**Measuring Impact**

1.4. The Committee asks SG to consider how SDS can turn performance data into easily understood KPIs and broader outcome measures so that it can be held accountable for its performance.

**SG Position**

- Under the current governance arrangements between SDS and SG, targets are set through the annual ministerial guidance letter. Data on performance against these targets are provided through board papers and at regular liaison meetings. This information is used to keep track of SDS’s performance against targets.
- SDS is in the final stages of revising its Performance Management Framework. This includes a number of key performance indicators and has involved detailed work to align these to the indicators in the national performance framework.
- One of the recommendations from the Enterprise and Skills Review was ‘To support the new board, we will review existing data and evaluation functions to further align our enterprise and skills support and to ensure robust evaluation of activity and impact’. There is a work stream looking at how an improved analytical function will support the overarching board and others to make effective decisions on how to improve the outcomes of the Enterprise and Skills system. We will work closely with the agencies (drawing on input from other stakeholders and partners) to help develop this new analytical approach, ensuring that resources are used to maximum effect.
One of the aims of the proposed new Strategic Board will be to hold agencies, including SDS, to account for performance against agreed collective measures.

2. SCOTTISH FUNDING COUNCIL (SFC)

Policy Development

2.1. The Committee recommends that the SFC should engage with Universities Scotland on the latter’s concerns about the SFC’s policy development role, particularly about whether that role has diminished.

SG Position

- As an NDPB with a Chair and a Board the SFC is constituted as an arm’s length body under the Further and Higher Education (Scotland) Act 2005 with the express duty to carry out its role of securing, through universities and colleges, the provision of high quality higher and further education. In carrying out this role, advice from the SFC feeds into policy documents which then feeds into what is implemented. The relationship between the SFC and the SG is clearly set out in the Management Statement and Financial Memorandum and Letters of Guidance.

Drop Out Rates

2.2. The Committee recommends that the SFC should undertake work to better understand the reasons why some students fail to complete college courses.

SG Position

- The SFC will play a key role in supporting the review of the learner journey established by the Scottish Government to maximise the progression of all young people through their learning, regardless of where they are studying. This will include understanding better the reasons why some students do not complete college courses.

Transparency of College Expenditure – Accounting for Depreciation

2.3. The Committee recommends that the SFC and SG should introduce a better approach to accounting for depreciation in colleges’ accounts to improve transparency about expenditure.

SG Position

- The SG and SFC are working closely to identify an approach which continues to benefit the sector whilst adhering to central government and FE/HE sector guidance.
- The key issue concerns the establishment of a proportionate mechanism for approval of colleges proposed utilisation of depreciation funds.
- Additional guidance has been included in SFC’s Accounts Direction to colleges detailing the process colleges have to follow if they incur a deficit as a result of spending net depreciation funds.
Evaluation of College Merger Programme

2.4. The Committee notes concerns about a lack of baseline data for the college merger programme making it difficult for its efficacy to be evaluated.

SG Position

- The SFC Post Merger Evaluation (PME) report details the objectives for, and outcomes of, college mergers. SG will continue to work with the SFC to report the benefits, costs and savings of the mergers based on the PMEs. The SFC tested the evidence in the PMEs with students, staff, stakeholders, senior management and boards.

Delivery of Vocational Qualifications

2.5. The Committee recommends that the SFC should undertake work to determine the reasons for, and scale of, the turnover of highly qualified agency staff delivering vocational qualifications.

SG Position

- The SG will work with both the SFC and Colleges Scotland through their workforce planning and Workforce for the Future.

Enterprise and skills review

2.6. The Committee is concerned about proposals from the first phase of the Enterprise and Skills Review to abolish the SFC Board and create overarching board for enterprise and skills. It suggests SG should provide clear evidence for this and for Phase 2 recommendations when they are published, and should also be clear about impact of Phase 2 proposals on issues outwith the scope of the Review.

SG Position

- There was a clear perception across a majority of respondents to the Call for Evidence for Phase 1 of the Enterprise and Skills Review that a lack of clarity on the strategic focus for the enterprise and skills system was leading to duplication across the agencies, as well as confusing end users about the range of support which they might access. Addressing this is particularly pressing in the context of the referendum vote on the EU and in a continued environment of fiscal restraint.
- The proposed model of a single board clearly addresses the broad consensus from Call for Evidence responses, Ministerial Review Group expertise and wider stakeholder engagement. This called for de-cluttering of the existing landscape, for simplifying the whole system for users, and for driving alignment across the agencies to maximise our collective impact and realise our ambition for Scotland to be a top performing OECD nation.
- The SG began full engagement on the Learner Journey review formally from last week and will be working with a wide range of partners, stakeholders and, importantly, young people themselves to develop ideas about how we increase the efficiency of the learning system, while enhancing quality and access for learners.
- Ministers have made clear to the university sector that they are acutely aware of any potential consequence of changing the (classification) relationship between Ministers and the universities, and will work with the sector to remove any apparent risk while
achieving their ambition of greater alignment and impact across the education and skills system.

- This approach is entirely consistent with SG commentary made during passage of the Higher Education Governance (Scotland) Act 2016, to the effect that Ministers would not wish to see any change to the current classification of universities in Scotland, and would ensure that all of their decisions are consistent with such an outcome.

- Ministers have articulated a vision that ensures the SFC (alongside SDS) is best placed to deliver the learning and skills necessary for sustainable and inclusive economic growth. In that regard, we recognise that education plays a significant role in, and makes a significant contribution to, our economic development. Both the 15-24 Learner Journey Review and the Developing the Young Workforce Programme recognise the crucial interconnection between skills development, education, widening access and employability. The SFC, along with other bodies, is engaged in the delivery of both programmes.

- The Scottish Government will continue to work closely with all relevant partners and stakeholders to ensure that output from Phase 2 of the review reflects this role and includes the appropriate consideration of any such impacts.

- The Cabinet Secretary for Economy, Jobs and Fair Work has established a Governance Workstream to scope and deliver structural proposals which will define the roles and responsibilities of the overarching strategic board and sub-structures, based on good governance principles. Professor Lorne Crerar, Chair of Highlands and Islands Enterprise has been asked to take a leading role in this work, together with the chairs of the other bodies covered by the review and interested Ministerial Review Group (MRG) members. Professor Crerar has completed his independent report on governance proposals which is being considered by the Cabinet Secretary.

3. SCOTTISH QUALIFICATIONS AUTHORITY (SQA)

Engagement with Teachers

3.1. The Committee recommends that SQA should review its approach to engagement with teachers and is critical of its apparently poor relationship with the profession and its negative impact on teacher workload.

SG Position

- The Scottish Government takes the views of teachers extremely seriously and continues to work with them to address any concerns.

- SQA has worked closely with teachers in the development of the new National Qualifications. SQA is already reviewing its approach to engagement and communication with teachers and will work to ensure its relationship with the profession reflects the mutual trust and support it has enjoyed with teachers throughout the history of the organisation.

- This review is explained in further detail in SQA’s own response to the Committee.

Impact of New Qualifications on Teacher Workload

3.2. The Committee also suggests that SQA, local authorities, Education Scotland and teacher unions should have a clear focus on how teachers will be given time and
resources to understand what is required to deliver new and redesigned qualifications. The committee seeks regular updates on this.

SG Position

- SQA and Education Scotland are reducing and clarifying the guidance provided to teachers as part of a range of activity designed to address teacher workload and free up time for teachers to teach.
  - The Education Delivery Plan made clear the Scottish Government’s commitment to tackle bureaucracy and address excessive teacher workload.
  - On 29 August, Education Scotland published clear, practical advice for teachers and practitioners on planning learning, teaching and assessment.
  - This streamlined approach includes a definitive Statement on Curriculum for Excellence from HM Chief Inspector of Education and benchmarks to support assessment in literacy and numeracy.
  - The benchmarks are designed to give teachers definitive guidance on assessing learner progress from pre-school through to S3. Benchmarks for the other areas of the curriculum will be published shortly. This will replace a much larger volume of existing material.
  - HM Inspectors have also carried out a focused review of the demands placed on schools by each local authority in relation to Curriculum for Excellence. The report of the review was published on 19 September and its findings should empower teachers to challenge unnecessary workload demands.
  - The Deputy First Minister meets with the Chief Executive of SQA every month to consider what action can be taken to improve the position on teacher workload yet further.

- In addition, the decision to remove mandatory unit assessments for National 5, Higher and Advanced Higher was welcomed by teachers as making a significant contribution to reducing assessment-related workload for teachers and young people. SQA is currently planning the necessary structural changes to the courses and course assessment.

- The Assessment and National Qualifications Group, chaired by the Deputy First Minister, and which includes the teacher and headteacher associations, local authorities and Education Scotland will continue to discuss any factors contributing to workload, and to retain oversight of the implementation of the revisions to the qualifications.

Quality Improvements

3.3. The Committee seeks general improvements in the design and delivery of supporting documents for, and the marking of, national qualifications.

SG Position

- SQA has made it clear that the removal of units from the course documentation will make the course documents more straightforward and streamlined for teachers and lecturers. All the information needed by the teacher or lecturer to deliver and assess the courses will be contained within one document, and duplication of information will be removed.
- SQA will provide further detail in its own response to the Committee
SQA Workload and Resources

3.4. The Committee suggests that SQA considers how to reprioritise resources to ensure it fulfills its core functions. This relates to criticism of claims from SQA that errors in exam marking were caused by excessive workload.

SG Position

☐ SQA will provide further assurance to the Committee in its own response, but it has made clear that it reviews its experiences each year following the examination diet process to ensure continued improvement of its services,

☐ The Scottish Government has provided the SQA with all the resources it has required to develop new national qualifications under CfE. The SQA’s financial situation will continue to be closely monitored and managed throughout the year with the aim of ensuring it has the resources it requires to deliver.

Minimum Wage for Invigilators

3.5. The Committee seeks improvements in information sharing so that SQA can ensure that invigilators are not paid less than the minimum wage.

SG Position

☐ Payment of the Living Wage is a commitment the Scottish Government takes extremely seriously. The Scottish Government introduced the requirement to pay the Living Wage as an integral part of its public sector pay policy in 2011-12. We also expect all public bodies with Living Wage accreditation to fully comply with the terms of that accreditation.

☐ SQA has assured us that it is committed to ensuring the Living Wage is applied to all appointees in line with its status as a living wage employer. Additional guidance has been issued to Chief Invigilators and Invigilators for 2017 and revised claim forms introduced to ensure that SQA has visibility of hours worked and payments made to Invigilators to ensure that appropriate fees are paid in all instances.

Self-financing Model

3.6. The Committee seeks assurances that SQA’s commercial work is not diluting its focus on its core business.

☐ SQA (and its predecessor bodies) has been undertaking international and commercial work for many years. This increases the profile of Scotland, and Scottish education, in other parts of the world and generates additional income from elsewhere.

☐ However, we are clear that delivering qualifications in Scotland is the SQA’s core function and Ministers and officials work closely with SQA to ensure that this remains the case. In recent years, SQA has provided unprecedented levels of support to ensure the safe implementation of the new National Qualifications.
4. EDUCATION SCOTLAND (ES)

Relationship with SG and others

4.1. The Committee suggests that lines of accountability in relation to Education Scotland’s roles in advising SG, driving policy (especially in its role as a member of the CfE Management Board) and managing the school inspection regime need to be made clearer. The Committee intends to investigate this further.

SG Position

☐ The relationship between Education Scotland and Ministers is clearly set out in the agency’s Framework document. Ministers approve Education Scotland’s plans of activity and can direct Education Scotland to undertake specific activities. Education Scotland provides professional advice to inform policy, but Ministers make policy decisions, normally with support from specialist policy teams in the Scottish Government.

Dual Role/Possible Conflict of Interest

4.2. The Committee recommends that SG takes account, in its Governance Review, of concerns raised by RSE, Reform Scotland and Professor Lindsay Patterson that there is a conflict of interest in Education Scotland’s roles as developer of the curriculum and independent evaluator of it through its inspectorate function.

SG Position

☐ ES is an Executive Agency (the same status that HMIE had) and the framework document states the safeguards in place to ensure the independence of the inspection function. The SG believes that there are clear benefits from bringing together inspection and improvement functions with curriculum development functions.

Evaluation of CfE

4.3. The Committee, drawing on Lindsay Patterson’s interpretation of a reference in the OECD review, suggests that the impact of CfE and cannot be validly done as baseline data was not collected prior to the introduction of the new curriculum approach. The Committee recommends this lesson is learned for future reform and recommends Education Scotland and SG consider what can be done to address the consequences of this omission.

SG Position

☐ Education Scotland will continue to focus on the impact of CfE through its inspection programme, support and challenge activities and engagement with practitioners. Education Scotland will collate its evidence in preparing regular reports on quality improvement in Scottish education that will highlight progress made in realising the benefits of CfE.
4.4. The Committee urges Education Scotland to ensure it is carrying out its core function of inspections regularly to support schools, local authorities and national bodies in delivering CfE, welcomes its plans to correct misconceptions about inspections and urges it to work with local authorities and schools to challenge misconceptions further.

SG Position

- Education Scotland is committed to increasing the number of school inspections, and will outline target numbers of inspections within the forthcoming Standards and Evaluation Framework. The media campaign around inspection commenced on 6 February and involves social media and blogs, along with more traditional methods. Education Scotland regularly meets with the teacher professional associations and will gather feedback on the campaign from them. Lastly, Education Scotland is arranging the next meeting of the inspection External Reference Group for late March where these issues will be discussed.

Teacher Workload and Volume of Guidance

4.5. The Committee welcomes the review and reduction of the level of CfE documentation but suggests more work will need to be done to ensure guidance is accessible, clear and easily usable.

SG Position

- Guidance was issued to all teachers in August which provides clarity around Curriculum implementation and assists in reducing workload. Almost half of the available content was reconfigured for the National Improvement Hub, the refreshed Education Scotland corporate website and the National Qualifications site. The remainder has been archived, or moved to partner organisations. A small number of items have been moved to Glow. The process of transferring some previous content to partner organisations is currently underway and not all transfers are finalised. In the meantime, Education Scotland is holding a range of content in a temporary archive.

Budget Planning

4.6. The Committee invites Education Scotland to set out more clearly the specifics of its financial planning processes, particularly around its annual zero-base approach and subsequent re-profiling, to enable the Committee to undertake more forensic scrutiny in future.

SG Position

- Education Scotland’s budget planning process will be explained in further detail in its separate response to the Committee.
5. EDUCATION AUTHORITIES

Role of COSLA

5.1. The Committee suggests that COSLA, as a member of the CfE Management Board should be more critically and constructively involved in the development of guidance and advice for teachers.

SG Position

☐ This is properly a matter for COSLA.

Role of Local Authorities

5.2. The Committee suggests that local authorities should more actively monitor teacher workload and take proactive steps to address any performance challenges.

SG Position

☐ While this is properly a matter for individual local authorities, the worrying variation in performance was one of the drivers of the Governance Review. The Government instructed Education Scotland Inspectors to undertake a review last year of CfE related workload generated by local authorities and they will continue to monitor action taken to address unnecessary levels of bureaucracy in schools.