



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

EDUCATION AND CULTURE COMMITTEE

Tuesday 27 October 2015

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EDUCATION AND CULTURE COMMITTEE

24th Meeting 2015, Session 4

CONVENER

*Stewart Maxwell (West Scotland) (SNP)

DEPUTY CONVENER

*Mark Griffin (Central Scotland) (Lab)

COMMITTEE MEMBERS

*George Adam (Paisley) (SNP)

*Colin Beattie (Midlothian North and Musselburgh) (SNP)

*Chic Brodie (South Scotland) (SNP)

*Gordon MacDonald (Edinburgh Pentlands) (SNP)

Liam McArthur (Orkney Islands) (LD)

John Pentland (Motherwell and Wishaw) (Lab)

*Mary Scanlon (Highlands and Islands) (Con)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Alastair Delaney (Education Scotland)

Dr Bill Maxwell (Education Scotland)

CLERK TO THE COMMITTEE

Terry Shevlin

LOCATION

The David Livingstone Room (CR6)

Scottish Parliament

Education and Culture Committee

Tuesday 27 October 2015

[The Convener opened the meeting at 10:04]

Decision on Taking Business in Private

The Convener (Stewart Maxwell): Good morning, and welcome to the 24th meeting in 2015 of the Education and Culture Committee. I remind everybody that they must have their phones and other electronic devices switched off, as they can, and sometimes do, interfere with the sound system. It would be preferable if they were switched off but, at the very least, they should be on silent.

I have received apologies from John Pentland, who cannot be here today. Liam McArthur, who is trying to be here, is having the usual problems with his flight from Orkney. If it helps, on behalf of the committee, I ask whoever provides the flights from Orkney to help Liam McArthur and get him here more often. He is trying to get here, but he might not make it. I know that he is annoyed by that and that the reason he is not here is that there is a problem with his flight.

The first item on the agenda is a decision on whether to take items 3 and 4 in private. Do members agree to take those items in private?

Members *indicated agreement.*

Education Scotland

10:05

The Convener: Our next agenda item is an evidence session on Education Scotland. This item continues our work to examine the spending decisions of and the outcomes that are delivered by some of the key bodies that are in our remit. I welcome Dr Bill Maxwell and Alastair Delaney. I believe that Dr Maxwell wants to make some opening remarks.

Dr Bill Maxwell (Education Scotland): Yes, convener. Thank you.

We warmly welcome the opportunity to meet the members of the committee and to engage in discussion about our recent work and the emerging priorities for the period ahead. I hope that the discussion will give us the opportunity to set out some of the detail of the exciting and innovative work that Education Scotland is carrying out to contribute to improving Scottish education and the achievement of Scotland's collective national ambition for education. That ambition is to ensure that Scottish education achieves excellence with equity for all learners regardless of their individual needs and social background, and that public confidence in education is high.

I believe that the creation of Education Scotland in July 2011 was a bold and progressive step that has given us a unique form of national improvement agency—one that is able to capitalise on powerful synergies between the evaluation, development and support functions, which were previously provided by a range of separate bodies in less clearly integrated and less coherent ways. That model of improvement agency is particularly well suited to helping our education system to make the transition from being a good system to being one that is truly great. In many ways, the agency reflects what is increasingly becoming known as the Scottish approach to public service improvement.

The range of core functions that we provide can perhaps most easily be summarised by setting out our five main outward-facing strategic objectives, each of which represents a key area of our work. First, we provide national leadership for development and support of the curriculum, including learning and teaching and assessment practices. We do that most obviously through our lead role in the implementation of curriculum for excellence, but also through leading on the development of national guidance in areas such as adult learning and community learning and development.

Secondly, we play a national role in promoting high-quality professional learning and leadership among education practitioners by providing resources, facilities and professional learning opportunities on a broad front.

Thirdly, building on Scotland's impressive tradition of promoting self-evaluation and improvement in education, we undertake a variety of activities that are designed to enhance the capacity of front-line education providers to drive continuous improvement in their performance. That ranges from the more obvious, such as our family of toolkits for self-evaluation such as "How Good is Our School?", to the more subtle, such as the experience that serving practitioners gain by joining us and working alongside inspectors as we look at practice outwith their areas.

Fourthly, we continue to place a strong focus on providing independent professional evaluation of the quality of education across Scotland through our programmes of establishment and service inspections and through national thematic reviews. That continues to be crucial in providing assurance and in providing a strong basis of evidence that we can use to promote the spread of effective practice across the system.

Finally, we have a crucial role in providing ministers and policy colleagues, and indeed other national bodies, with high-quality professional advice to feed into their decisions and their policy making. In that, we draw on the uniquely rich evidence base that we have from our inspections and all our other work.

Those five functions are distinct but interdependent and they can complement each other powerfully if we plan and manage them well. We aim to provide a balanced blend of all five functions to support the improvement of quality education at every stage, from the early years to lifelong learning, working in collaboration with the appropriate partners for the sector. Because we have all those functions in one organisation, we can strategically shift our resources and priorities to suit the current needs in any sector or at any point in time.

I believe that, in the past four years, that has certainly enabled us to play a more effective role in driving the implementation of key programmes of reform and driving improvement across all the areas in which we work. Of course, in recent times, we have made a huge commitment to supporting the implementation of curriculum for excellence through a key phase in its development, as it has become increasingly embedded across the early phase and the broad general education, and as the first new national qualifications were delivered to pupils and students in the senior phase across Scotland.

However, our teams have played an equally important role in many other major initiatives. In close alignment with our curriculum for excellence work, we have worked intensively on, for example, the developing the young workforce strategy with its focus on improving work experience, career education and generally improving and ensuring more coherent vocational pathways into employment, through the senior phase and beyond.

I believe that our contribution to informing policy development continues to grow. Looking beyond CFE, "Teaching Scotland's Future: Report of a review of teacher education in Scotland" and the developing the young workforce strategy, I could cite many other examples, from our role in developing and implementing the new youth strategy and the adult learning statement of ambition to more specific areas such as work on Gaelic education and the Scots language and contributing to ministerial sub-groups on child sexual exploitation.

We continue to respond to what are sometimes rapid changes in the policy landscape. In the past year, we have been closely involved with two major new initiatives that were announced in the last two programmes for government, both of which are designed to make a decisive move towards breaking the link between social background, poverty and attainment that has been a persistent feature of our education system for far too long. We are working in close partnership with our policy colleagues in the learning directorate to take forward the Scottish attainment challenge and the national improvement framework. Those are key priority areas for our work now and for some time ahead, because the issue that they address is one of the defining challenges of our age: how to ensure that all learners in Scotland achieve their full potential, regardless of their social circumstances.

With all that in mind, today's committee session comes at a good time for us as we begin to look forward to the conclusion of our first three-year strategic planning cycle and start a process of wide consultation about our strategic direction for the three years beyond 2016. It therefore feels particularly timely that I meet the committee and engage in dialogue about our contribution thus far and the priorities that we will be focusing on.

Thank you again for the invitation. I look forward to responding to the committee's questions.

The Convener: Thank you very much. There was a lot of stuff in those opening remarks and, indeed, a lot of stuff in your submission.

We will go straight to questions from members, starting with Chic Brodie.

Chic Brodie (South Scotland) (SNP): Good morning. First of all, I must apologise, because at about half past 10 I will have to nip out of the meeting. However, I will come back later.

You say in your submission that Education Scotland, which was created in July 2011 as a result of various mergers, now

“sits within the DG Learning & Justice portfolio”.

Why was it decided that it should sit there? I know that you will have direct communication with ministers, but can you tell us the role that the director general learning and justice plays with regard to your organisation?

Dr Maxwell: We certainly have direct lines of accountability to ministers. As an executive agency, which was the constitutional position that it was decided best suited Education Scotland—

Chic Brodie: Did you have an input to that discussion?

Dr Maxwell: Yes. Ultimately it was a ministerial decision, but we discussed the matter.

I should point out that our relationship is exactly the same as the relationship that Her Majesty's Inspectorate of Education had prior to the merger and that HMIE had the same relationship with the director general learning and justice. The Fraser figure is the rather arcane title that describes the technical role that the director general plays in relation to the agency. We engage with that family of policy directorates to keep aligned with policy and to ensure that our advice goes where it will have most use. The director general's role, which is laid out in quite clear terms in the framework document, is to advise ministers on whether the work that we propose to do is in his view aligned with the priorities of ministers and the policy department.

Chic Brodie: Forgive me, but I do not understand. You mentioned the Fraser figure, but it sounds more like Private Frazer than anyone else. You play a huge role in promoting education in Scotland, but why do you need a conduit through the director general learning and justice portfolio?

10:15

Dr Maxwell: All public bodies are sponsored through the portfolio of one director general or another. The executive agency status just means that we are more closely part of the family than a typical non-departmental public body would be. NDPBs, such as the Scottish Qualifications Authority or the Scottish Further and Higher Education Funding Council, are accountable through a director general but in a different way. The executive agency link with the Fraser figure

role means that we are better plugged into the development of policy in Government at an early stage and that we are able to play our role in feeding evidence into that process.

Chic Brodie: That is the point. You feed evidence to the minister through another channel. I have no doubt that you meet the cabinet secretary and the minister often, but who calls the shots? For example, the 2012 framework document says that Education Scotland

“will increase the pace of improvement across the whole of our education system.”

How does the additional link add value to what you are trying to achieve?

Dr Maxwell: It is always helpful for us to be closely aligned with Government policy. As you say, we have close and regular direct links with ministers. There is no sense in which being part of the family of the DG gets in the way of that. In fact, on the contrary, it can be quite supportive for the director general and the directors within the portfolio to have a clear understanding of what we are doing and how we are working to drive the improvements that we all seek. It does not get in the way of our direct role with ministers at all.

Chic Brodie: I am sorry to pursue this, but who measures Education Scotland's performance outcomes? Who determines whether you are delivering against your ambition as explained in the 2012 framework document? Who knows which improvements in Scottish education are the result of Education Scotland's work or of other factors and how do they know that? Whose coat is on the nail?

Dr Maxwell: Certainly mine, as accountable officer for the agency. Perhaps Alastair Delaney will say a word about how we have developed stronger ways of trying to get external evaluation of, and feedback on, the agency's performance and how effective we are being in driving improvement in the system.

Of course, we work through other people. We do not deliver education first hand but work through local authorities and a range of other people so, fundamentally, the agency is all about supporting improvement and influencing. That presents challenges in getting a full account of how effective our work is, but we have done quite a bit of work on that.

Alastair Delaney (Education Scotland): It is difficult to disentangle what the role of any single contributor is in achieving improvement because there are many players on the education field. However, that is exactly what we are trying to do by contribution analysis. We are trying to understand what our contribution as a national

agency is alongside those of the other players, including local authorities and schools.

In the work that we have been doing over the past two years, we have examined how to create a set of clear outcomes for the agency, define how we will gather evidence against them to prove that we are making the impact that we want to make and then amend our programmes of work in light of that. That work is still at early stages and it is a very challenging process. We can easily tell whether our work is well received because we systematically gather that kind of information, but it is a different question whether it makes an impact on, and a difference to, the education system.

Chic Brodie: Would you kindly give me a couple of examples? Your submission says that you work with a range of bodies. How does the contribution analysis work in relation to independent schools and bodies such as Skills Development Scotland and how does that impact on your outcome analysis?

Alastair Delaney: We have to work in partnership with the independent schools sector. The Scottish Council of Independent Schools is the umbrella organisation for independent schools, but we work more directly with the independent schools—there are fewer other players in that area.

We would have a set of objectives in relation to independent schools and a set of outcomes that we are trying to achieve. We would gather direct evidence. We are doing far more follow-up work after inspection, after a certain period of time. After six months or a year, for instance, we go back and ask what contribution inspection made in the improvements that have taken place in a particular school or service. We are increasingly doing that.

We apply the same process to the events that we hold and the resources that we produce. Although they may be well received, we want to ensure that they are actually making a difference on the front line. That is more direct with independent schools.

In our work with SDS, for example through careers information and guidance, we collectively sit down and agree, where possible, on what we are trying to do and on our respective roles. That helps us to do a contribution analysis—what are we, alongside the other key players, putting into the system? We are trying to achieve overarching outcomes, but what are we doing in particular as our contribution towards them?

The Convener: You have just said that you would

“sit down and agree, where possible,”

with SDS. That sounded like a caveat of some sort. Where is it not possible? Where are the

problems? Is there a clash? Is there a gap? Is there an overlap? Why did you say “where possible”?

Alastair Delaney: I was referring to different organisational matters or different objectives overall. We have collective areas of interest, and we have specialist areas of interest. That was simply the caveat. SDS has a particular role, remit and responsibility, and so do we. There are areas of overlap, so we would sit down and agree about our collective contribution and therefore our individual contribution.

The Convener: I just wanted to clarify that it was that, rather than something more interesting.

Dr Maxwell, you began to discuss the breadth of your activity, so let us move into that area. Education Scotland does a range of things. I suggest that, over recent times, the organisation has been increasing its range of activities. However, the Educational Institute of Scotland has expressed concern. It stated:

“the support function which Education Scotland inherited from LTS has been marginalised in significant ways”.

Would you agree or disagree with the EIS?

Dr Maxwell: I would not agree. I was surprised to see that comment. We have put a huge amount of effort into the curriculum development work that would traditionally have been Learning and Teaching Scotland work. That has been a major priority for us in recent times. I am not sure exactly where that comment came from. We continue to focus on both the evaluation side and the support side, but support has been very prominent lately, particularly in the schools sector.

The Convener: So you do not agree with the EIS comment about the transition between Learning and Teaching Scotland and yourselves.

Dr Maxwell: No—I do not believe that we have lost anything of the capacity that was available nationally.

The Convener: Why do you think the EIS said that?

Dr Maxwell: Later in its submission, the EIS has positive things to say about some of the specifics where we have worked together, for example to tackle the bureaucracy agenda in primary schools.

Why the EIS said that I do not know. I am not sure whether its members simply hark back to a day when they could engage with two separate organisations; perhaps that felt more substantial to them than engaging with one. However, we work closely with the EIS. Indeed, we have recently had some good, successful events, where we have fielded staff with the EIS to work on some of the national priority issues around CFE to good effect.

The Convener: Is it perhaps because there is a risk or danger—even an accusation—that Education Scotland as an organisation has been spread too thin, given the breadth of activity that we have discussed?

Dr Maxwell: Like all organisations, we have to focus hard as we are working with a reduced core budget overall. However, the benefits of being able to engage across from early years through to lifelong learning are very great and well worth preserving, hence our focus and ability to range across those areas, which requires us to be careful about where we place our resources. That means that we cannot just continue as we are.

Perhaps we are getting some nostalgic stuff about LTS, but we cannot just continue churning out resources in areas that are not priorities, which we might once have done when more resources were available.

It is really important that we have that broad-spectrum view of the education system, from zero to 19 and beyond into adult learning.

The Convener: You will have noted that the Association of Directors of Education in Scotland said in its evidence that

“While the inspection programme reaches out across all areas of the country that is not the case with the developmental activity”.

Dr Maxwell: I simply disagree with ADES on that. There is a range of examples that we could field around the work that we are doing as far north as Shetland and in Orkney—which Liam McArthur might have come across. We spread across the country. ADES may be confused by the fact that our staff are predominantly based in the central belt, but we maintain offices around Scotland—in Inverness, Aberdeen and elsewhere—and all our staff range across Scotland and do not necessarily work where they are based. I would be happy to elaborate on examples of our work in Aberdeenshire, Shetland and other areas where specific support activity is going on strongly.

The Convener: Do you share any of the concerns that have been expressed in some of the comments to us that there may be areas of the country where—to put it in a positive way—your support and development could be enhanced?

Dr Maxwell: What we offer is bespoke. There are always areas where we will flex our resource to spend a little more time in some authorities than in others in order to address priorities with them. We are doing a lot of successful work in the Borders, for example, working with the new head of education there to address issues across Borders schools. We customise our support offer in every local authority area and we do that

through our partnership agreements with local authorities, which are negotiated annually.

The Convener: Is it your view that the organisation has expanded in a logical, sensible and strategic fashion, or has it been a bit more ad hoc? Is it an unfair criticism to say that the expansion has been slightly ad hoc?

Dr Maxwell: I think that that is unfair. We have had a lot of work to do since the merger to create a situation in which we can manage our resources more strategically, having inherited resources from several sources, but over the past two or three years we have developed the ability to be much more strategic in how we focus and move around resources. The most recent example of that is the way in which we have been able very rapidly to reprioritise and bend our resources to pick up work on the attainment challenge and national improvement framework.

The Convener: You talk in your submission about synergies, efficiencies and having a broad overview of the whole system. Can you give us concrete examples of those synergies and efficiencies and of how they have directly benefited learners?

Dr Maxwell: I certainly can. Synergies and efficiencies occur at three levels, and I shall ask Alastair Delaney to pick up on some of the concrete examples. They can happen at the level of the individual establishment or service, where we can combine an evaluation and follow it through with specific support for that service, school or college to help it to drive improvement, and we have examples of that. We also have examples of support at local authority level, where we have engaged clearly with an authority that has local issues and have helped to identify and evaluate those issues and have then moved in to support it. Thirdly, we can provide support at national level, where we produce a thematic report, such as we did recently on technologies, and then move in a programme of support in the aftermath of what we have been able to identify as key issues in a particular area of the curriculum. Alasdair Delaney can illustrate that more.

Alastair Delaney: One of the key areas where we have managed to balance resources between ourselves and local authorities is through the local partnership agreements. That allows us to come to an agreement with each local authority about the strengths in that local authority area and about what areas need improvement, and to make bespoke contributions. It may be that the local authority, or a neighbouring local authority, has a strength in that area and can therefore make a development itself. It may be that authorities are looking for support from us or that we can broker support from another agency; in that way we can ensure that we do not apply across all local

authority areas the same model or approach for whatever it is that we want to develop. Our support is bespoke to each local authority area in their schools, colleges and services. That is a good example of where we are maximising the limited resources that are available to us to improve quality in an area.

10:30

Gordon MacDonald (Edinburgh Pentlands) (SNP): I move on to the subject of Education Scotland's expenditure over the past few years. I notice that in 2014-15 you had a budget overspend of £3.7 million. How does that compare with the outturns in previous years?

Dr Maxwell: That reported overspend is to some extent a presentational technical issue. It was predictable and was primarily down to a predicted amount of resource that was required for the learning platform, glow, and its development at that time. In previous years a transfer of money came in so that that did not show within the accounts in the same way, but fundamentally the same process happened. I will explain where that comes from.

Gordon MacDonald: Just to be clear, you reported an underspend for the previous three years. Is that right?

Dr Maxwell: Yes. That is right. In the first two years we were dealing with quite a complex accounting scenario because the merger of all the previous organisations—one of which was an NDPB while others were within the civil service—was still being rationalised and we were going through significant reductions in staff. That was the scenario.

Alastair Delaney: Could I contribute one further thing? The situation is complicated because as an executive agency Education Scotland's budget is part of the education and lifelong learning portfolio. The budget is managed at that level, but we have to report our own accounts because we are an executive agency, which makes it more complicated. To give you figures, we have made efficiency savings of 6 per cent, 6 per cent, 8 per cent and 3 per cent over the past four years. That is a contribution to the overall portfolio; it is less an underspend and more our contribution to efficiency savings that were required. Those figures take us through from 2011-12 to 2014-15.

Gordon MacDonald: Right. Between the final outturn of 2013-14 and the final budget of 2014-15 you received a budget increase of 5 per cent, but there was still an overspend that year. What was the reason for the overspend?

Alastair Delaney: I have to separate out again that we have a core budget and we have

predicated funding that comes in during the year. Our core budget over the years is not directly comparable because of the four agencies coming together. However, the core budget in 2010-11 just prior to the merger was £40.3 million, and last year we had a core budget of £21.8 million. That was a reduction from the core budget of £23.3 million for the year before. During the year we were asked to take on further activity, and on some occasions we were given additional in-year funding for that; the in-year funding has gone up. In the period that we were talking about it went up from £11.7 million to £13.6 million, but that is predicated funding. Quite a large chunk of that is grant money that comes to us and which we then issue to other agencies. It is not money that we have any control over.

Gordon MacDonald: In our briefing paper there was an explanation for the overspends relating to ICT in learning, school improvement partnership programmes, VAT liability and glow. What I am trying to get at is this: what was the main reason for the overspends?

Alastair Delaney: They are not overspends in that at the very beginning of the year they were scored as pressures on the portfolio. We knew right from the start that the money was not there to deliver those programmes. That is a standard practice across the whole portfolio, given that efficiencies occur during the year. The figures are correct; those were the four areas that we identified, including the provision for VAT liability, which is an on-going dispute with HM Revenue and Customs.

Gordon MacDonald: What is the basis of that dispute and how did it arise?

Alastair Delaney: The dispute arose because HMRC took the view that our using secondees means that we are liable for VAT. In previous times, they had not said that. We and the local authorities have taken that case up with HMRC and are still pursuing it. We do not yet have a final resolution, so we have to make provision, just in case it comes to HMRC—

Gordon MacDonald: What is the value of that provision for VAT?

Alastair Delaney: It is £1 million.

Gordon MacDonald: Right.

Alastair Delaney: Adding the figures up gives £4.5 million. We could have taken a transfer mid-year when the portfolio knew that it was able to cover that, but we did not do that because we did not want to take money from other areas of the portfolio when we felt that there were still efficiencies that we could make ourselves. We managed to achieve £700,000 of additional efficiencies during the period to the end of the

year, which took the total down to £3.8 million. The problem was that it seemed, because of our accounting processes, as though we had overspent on our accounts although, across the portfolio, the provision was covered and managed at the time.

Gordon MacDonald: I am trying to understand how that came about. I understand the VAT situation—you had to provide £1 million because of the potential change in ruling. As regards information and communication technology and learning, looking at the figures, we note that there was an in-year transfer for ICT and learning of £5 million. However, your accounts say that there were ICT infrastructure costs of £3.6 million. That would suggest that you had an in-year transfer that was higher than what you actually spent on ICT, yet you are saying that your overspend is partly because of ICT.

Alastair Delaney: It is complicated. The ICT and learning programme is a joint programme between Education Scotland, the learning directorate and Government. It is managed across those boundaries, as a single programme. At the beginning of the period of the programme, it was understood that there was a requirement to redo and update glow. It was known that the programme overall needed to run higher than the original programme spend at the spending review in 2011 and the set-aside.

That programme, which we carried out jointly, was managed within the budget, and it stayed within that budget. The question regarding the transfers that are done is just a matter of which account codes were used to pay for what. At the moment, the programme is being transferred to us in its entirety, from 1 April. There was a period of transfer when we were paying more from our accounts than was being paid for from learning directorate account codes. That is just a technicality relating to how those things are dealt with.

Our overall liability was £2.8 million in that area, which we knew was over and above what the programme had initially set out to achieve. That was what was agreed between us and the learning directorate and Government as the total programme cost for that joint programme.

Gordon MacDonald: Comparing your development costs for glow and what you got in in-year transfers related to glow, I note that you substantially underspent on glow in the two previous years to the tune of £4.3 million. According to your written submission, you operate a zero-base budgeting approach. Why was nothing allocated for glow in 2014-15? You spent £4 million; was that the previous year's cumulative underspend brought forward? Why was it not budgeted for in 2014-15?

Alastair Delaney: I am not sure that I quite understand.

Dr Maxwell: Part of the confusion with that is that some of the resource that is transferred in for us to do glow is to meet the contribution of our core staffing and the various resources that we have, which would not be particularly visible in our accounts as having gone out again. We use some of the resource that we take in to pay contractors for work that goes out. That is the bit that would be clearly transparent.

Gordon MacDonald: So, the end-year transfer includes staff costs.

Dr Maxwell: Indeed.

Gordon MacDonald: On the accounts, you will absorb that into the heading for staff costs.

Dr Maxwell: Yes—absolutely.

Gordon MacDonald: That only leaves the other point: if you operate zero-base budgeting and you spent £4 million on glow in 2014-15, why was there no budget for glow in 2014-15?

Alastair Delaney: No. We operate zero-base budgeting for all other programmes apart from the digital learning and teaching programme, because that is a joint programme with the learning directorate. Our contribution was established from the beginning and we had a set-aside amount of money for our contribution to that programme.

Our zero-base budgeting approach for all our other work just means that, every year, we ensure that we do not just have historical spend—we actually review what is required at that point in time for the coming year. The digital learning and teaching programme was a longer-term programme, to which we had a commitment over a period of years.

Gordon MacDonald: Could you say a wee bit more about the school improvement partnership programme?

Alastair Delaney: That is a programme that we do together with the University of Glasgow on trying to promote collaboration between and within schools across sectoral or geographic boundaries. The programme is based on international research, and Glasgow university worked with us to consider how we could implement it in Scotland, and it was tried out. Scotland is a small country, but there are still quite a few boundaries that get in the way of people collaborating, so we have written up an interim report, and now a final report, which was launched at the Scottish learning festival, to help people to understand how we could promote that work. It should be embedded as part of the way we do business. We had a pilot project to help us to understand what is required.

The Convener: I have a couple of quick questions about budgeting. Your budget for grant payments to external organisations increased from £1.8 million in 2011-12 to £5.9 million in 2014-15. That is quite a steep increase over a short period. Can you provide us with the background to that and the reasons for it?

Dr Maxwell: The increase is the direct consequence of a transfer of responsibilities from core policy directorates in the Scottish Government for grants around youth and adult learning territory. We agreed that it makes more sense for the agency to manage directly the relationship with a range of organisations that receive grants.

The Convener: Can you give an example?

Dr Maxwell: The organisations include YouthLink Scotland.

Alastair Delaney: All the strategic funding partnerships that are administered through us used to be administered by the Government itself.

The Convener: That is fine.

Dr Maxwell: It is about rationalisation.

The Convener: On in-year transfers, the table in your submission shows nothing for rights respecting schools in 2012-13 or 2013-14, but shows £1.6 million in 2014-15. What is that for?

Dr Maxwell: I will need to get back to the committee on exactly what that is for. It is part of the same process, I am sure. We have been looking at a range of areas with policy directorates and with the Scottish Government to consider where it makes best sense for particular relationships and grant programmes to lie. We talked about the youth area as an example.

The Convener: There are six in that territory.

Alastair Delaney: It is probably the inclusion for all grant, although I would have to go back and check.

The Convener: Is that not to do with the rights respecting school stuff?

Alastair Delaney: No—I do not think that funding for that would be of that order.

Dr Maxwell: We are directly involved in promoting that work, but it would not have that amount of funding attached to it. I am sure that Alastair Delaney is right that the figure you have asked about relates to access grants.

The Convener: If you could write to us after the meeting with the details on that, I would be grateful.

Mark Griffin (Central Scotland) (Lab): Dr Maxwell mentioned the flexibility and

responsiveness of the organisation. What has been the financial impact of that flexibility on your core work as a result of responding to the attainment challenge?

Dr Maxwell: We are still in the process of working through exactly where to put resources for the attainment challenge, but one of the big commitments that we took on was to ensure that there will be an attainment adviser available for every local authority. We now have 30 of the 32 in place and should have the other two in place by the end of November, on schedule. That has an impact, as Mark Griffin has identified—especially because a number of those individuals are recruited from outside, although some are our staff. Where we have capacity, we will refocus our staff on their playing a part-time role for some smaller local authorities. It is partly about refocusing our resources and using our business planning system to see where we can stop doing something or downsize an activity to free up staff time.

In other cases, resource will be freed up to bring in secondees for programmes, and we always run a healthy number of secondees—about 60—to support specific programmes of work. That gives us a lot of flexibility, because it means that secondees can come on stream and go off stream as priorities shift and change.

Mark Griffin: Have you identified any areas in which you will downscale work to support the attainment fund?

Dr Maxwell: One of the strategic shifts that we are currently making—without wishing to suggest that curriculum for excellence is all fully in place and needs no support—is from the huge hump that we had in provision of support for CFE and new qualifications around national qualifications 4, 5 and higher over the past couple of years. We are moving towards a position in which, although we continue to offer a more targeted programme of support, we are able to release some resource from that territory to refocus on the attainment challenge. To me, that is the next step in extracting the full benefits of the new curriculum, as we begin to drive improvement for young people from more disadvantaged backgrounds.

10:45

Mark Griffin: What is the impact on your organisation of having in-year transfers make up such a large percentage of your budget? How does that affect your strategic and financial planning? Normally organisations would expect to plan on the basis of spending review periods. How has such a big in-year transfer affected that ability?

Dr Maxwell: It makes planning more complex because it reduces our degrees of freedom. We have much more control over our core spending. With in-year transfers we have to be ready to shift during a year. The school improvement partnership programme that Alastair Delaney talked about earlier was an example of that. As a result of a ministerial announcement and decision we took on a pressure mid-year to set up the new programme of SIPP work. We agreed to take it on and to try to absorb it as far as possible during the year. Ultimately, the education and lifelong learning portfolio could have absorbed it, if we could not.

We can adapt to reasonably sized adjustments in that way in-year. Beyond that, we need to look at year-on-year adjustment to our spend in order to accommodate larger new adjustments; we would tend to focus those within a year. An example is taking over the grants for youth. We are now giving out quite a big chunk of grants—£5 million or whatever. We would time that for the following year and get our budget adjusted to suit that from then.

Mark Griffin: Would you prefer fewer in-year transfers and prefer the budget to be set out clearly in advance?

Dr Maxwell: The more that can be set out in advance, the more helpful it is. I am realistic enough to know that politics is not going to be perfectly adjusted to suit our budget cycle, so we need to be ready to adjust and respond when a new initiative comes along that would benefit from our input. The last thing that I want to do is say, “Sorry, we cannot help with that until next year,” if next year will be too late to make an impact on the area of work. Ideally, the more long-term advance warning that we have of upcoming issues that will need significant resource from us, the better.

The Convener: Is the increase in grants that we have seen over the past few years, up to £5.9 million in 2014-15, at an end? Is it plateauing? You are shaking your head, Mr Delaney.

Alastair Delaney: Yes, I am. Negotiations are on-going that could see further transfers of such responsibilities to our agency, which would see that figure increase.

The Convener: What would the figure increase to?

Dr Maxwell: I do not think that the increase would be of the scale that you are talking about. Mr Delaney will have a better idea.

Alastair Delaney: It could take the figure up to about £9 million.

The Convener: That is quite a substantial increase.

Alastair Delaney: It is a substantial chunk of money that we are covering in the negotiations.

The Convener: The increase would be from something over £1 million to something over £9 million.

Dr Maxwell: It would be over quite a short period of time.

The Convener: When is that likely to happen?

Alastair Delaney: From 1 April next year.

The Convener: That is quite soon.

Dr Maxwell: Fundamentally, that is not particularly problematic for us if it makes sense. We have set up a grant managing team within the organisation.

The Convener: With all due respect, I accept that if you go from distributing £1 to £10, the same process will be involved. However, if the increase will be the kind of figures that we have been talking about, from just over £1 million to over £9 million, that will surely require more staff, time, input, accounting, checking and so on. There must be a cost to the organisation.

Alastair Delaney: There is a cost to the organisation. We have reallocated some staff to make a centralised grants team, and that ensures consistency across the grant schemes, which is a good thing. That is a benefit—it means that we are approaching all the different schemes, which sometimes other agencies are applying for, in a consistent way.

However, it also puts pressure on the people who are deciding on the grants—our educational staff—because there is far more volume for them to decide on. Some of the grants are large—more than £1 million pounds in a single grant—and some are very small. It is easier to take on responsibility for the bigger ones than responsibility for the much smaller ones, because the volume of smaller ones is much higher.

Dr Maxwell: To be fair, the Government recognises that a cost comes with us taking on those grants, related to the increase in our administrative capacity to deal with them.

Colin Beattie (Midlothian North and Musselburgh) (SNP): I wish to address some aspects of the autonomy of Education Scotland, which is an executive agency that is staffed by civil servants and accountable to ministers. The EIS submission expresses concern about

“the increasingly politicised role of Education Scotland ... questions remain about the independence of the inspection process and its relationship to Government policy.”

How would you respond to that?

Dr Maxwell: I was surprised to see that. Fundamentally, our constitutional position vis-à-vis Education Scotland is exactly the same in comparison with what it was towards Her Majesty's Inspectorate of Education before the merger.

From my point of view, the degree to which we work closely with Government is a good thing, as it helps us to inform Government policy and to provide it with a good source of evidence. However, there are very clear firewalls that preserve our independence. The familiar mantra that we need to be able to report without fear or favour is very well written into our constitution, through our framework document in particular. That is partly why we have a specific role and are accountable to the chief executive as director of inspection. We have a senior member of staff as director of inspection, who preserves the integrity of the inspection process and various processes around that. Alastair Delaney, who is director of inspection, could explain a little more about how that works, if you wish.

Ministers clearly understand that the last thing that they need is an agency that just tells them what they want to know, rather than an agency that can generate and provide good, independent evidence through a variety of briefing sources.

I feel that how we report and evaluate independently is very clear. In practical, realistic terms, I cannot remember a specific situation where an inspection or a piece of evaluative work that we have undertaken has been challenged on the grounds that our independence had somehow been lost in the process.

Colin Beattie: Given the EIS's perception, are there any ways in which you can avoid such accusations in the future, by putting in place different processes or firewalls? Are there ways to improve that distancing?

Dr Maxwell: We are always keen to do that. I am conscious not only that being independent is important but that everybody recognising and understanding that that is the case is important. We will certainly continue to engage with the EIS and other organisations. We have regular one-to-one meetings with the EIS to take its views directly.

Colin Beattie: Has the EIS raised the matter with you before?

Dr Maxwell: The EIS has not done that strongly of late, I have to say, but it was always an area of discussion with the inspectorate, prior to Education Scotland. There will be times when the EIS promotes a particular view of the world. That would happen in any context. Our view might be different—it might be more aligned with that of the

Government, or it might not, but that is something that we work with.

Colin Beattie: I turn to another facet of the situation. The Royal Society of Edinburgh queried the rationale for your carrying out both inspection and curriculum development. It stated:

"There are inherent risks in a body that has both policy development and quality assurance responsibilities."

How would you respond to that?

Dr Maxwell: We have very clear firewalls in place—that is part of our response to that. Fundamentally, we have great synergies and advantages from having an association between those roles and an ability to feed through our evaluation work into our curriculum development work. I do not think that that undermines the integrity of the curriculum development work in any way.

Colin Beattie: You are supporting the needs of schools and teachers, and you also have responsibilities for delivering Scottish Government priorities. How do you balance those things? Who is your main customer?

Dr Maxwell: Fundamentally and ultimately, our main customer is the learner, and we work through supporting various agencies. As the national improvement agency, we have a key role in supporting the effective implementation of Government policy. That is natural and core to our activity.

We take the intelligence that we gain through our constant engagement with the system and we look to surface concerns or issues that we see arising, in schools or wherever, and we respond to those in order to help. The example about bureaucracy in primary schools is an example of that.

The EIS notes that we have worked well with it to tackle issues that have arisen through the implementation of CFE, which were coming from the ground up, in effect, through schools' experience. We also customise our work with local authorities, as we described earlier.

Colin Beattie: You mentioned that there was an advantage in engaging closely with ministers in the Scottish Government, as you were able to influence policy and so forth. What involvement have you had with ministers in developing the current attainment agenda?

Dr Maxwell: We have had close engagement from the start around the development of policy on the attainment challenge, working alongside colleagues in the learning directorate. Clearly the directorate takes the lead in developing policy, but we work very closely with it on that. As it is moving towards an implementation phase and beginning

to develop the attainment challenge in practice, our role is increasing. I have shifted one of my senior management team into a lead role—a professional leadership role for the education sector—in taking forward the attainment challenge and putting it into practical action out in schools.

Colin Beattie: I have just one other question, which derives from your submission. On page 10, in the final paragraph of 4.1, you state:

“it is unlikely that any particular intervention by Education Scotland would be the sole reason for improvement happening in any establishment”.

That seems a bit negative to me. I realise that you cannot make the “sole” intervention that would result in something good happening, but surely you must be a major contributor—you should be a major contributor.

Dr Maxwell: Yes, indeed. Perhaps it is an excess of humility. We certainly seek to maximise our input while recognising that, fundamentally, front-line practitioners deliver change for learners and we only work through influencing what they do. We seek to do that in a variety of ways but, fundamentally, it is about what happens in the classroom or the community centre or wherever learning is taking place. The more we recognise and work in partnership with providers—and of course with local authorities, which have a statutory duty to improve education in their areas—the better. We work through influence and we will continue to recognise that.

Colin Beattie: Perhaps I can slip in one more question. On page 12 of your submission, you state:

“Complaints about inspection are low.”

Is that good?

Dr Maxwell: That is a good question, because zero complaints would be worrying at one level. Certainly we might wonder whether that meant that nobody ever bothered to complain or that people were frightened to complain. I do not think that that is the case. We respond to complaints. All the complaints in the last wee while have generally been resolved at the very earliest stages. An early stage in our complaints procedure is an informal discussion with the person who has an issue to see whether we can work our way through it.

Colin Beattie: What percentage of your inspections result in a complaint and what is the definition of a complaint?

Dr Maxwell: We have a broad definition of a complaint in terms of the numbers that we record. It would include anyone who has raised a matter that is of concern to them during an inspection. Sometimes it is not about the inspectors. It could be about other aspects; the timing of an inspection or indeed the local authority support for the school

can be raised as complaints. As regards the numbers—

Alastair Delaney: Less than 10 per cent of inspections result in any kind of complaint. A complaint in its most obvious sense is when there is an on-going discussion between us and the establishment about whether we have got it right. We take additional evidence, talk to people about it and try to come to a reasonable position. That would be regarded as a complaint and recorded as such under our complaints procedure.

Colin Beattie: So you work towards a compromise result.

Alastair Delaney: It is not necessarily a compromise. We have to be very clear that we would respond only to additional evidence that we did not see at the time. An inspection team going into a school or any other establishment is just there at that point in time. The inspection team would want to be open about that, and if we did not see something or if there was other evidence that we did not pick up on, the school or establishment would be able to highlight it to us afterwards. We would then negotiate and discuss that. Ultimately, however, it is not a matter of coming to the lowest common denominator—it is not just about coming to an agreement. There needs to be evidence that we had perhaps not picked up on during the week.

The vast majority of what we would class as complaints are at that level. We need to separate them from complaints such as those about the conduct of inspectors or those made about the whole process after the report is published, which are negligible.

11:00

Dr Maxwell: We also have a process on which, I am pleased to say, the professional associations, in particular the EIS, co-operate with us. They privately share any feedback that they are getting. That is another independent source. Every school that we inspect has an EIS rep or other rep in the school. The schools themselves ask their reps to feed back on their experience of inspection, and they share that with us confidentially on a regular basis. That is an encouraging picture—it is a generally good picture overall.

The Convener: I thank Colin Beattie for those questions. I want to pick up on some of the points that have been raised in response to them and to some of Mark Griffin’s questions.

You have just discussed the tension between being responsible for delivering Scottish Government priorities and dealing with the support needs of teachers and learners in schools, and there is also the issue of being able to criticise as

well as support Government policy. As well as that tension, you have the situation where—as you discussed with Mark Griffin—up to a third of your budget is in-year transfers.

I wonder what impact comes from waiting to find out whether you will get a third of your budget from an in-year transfer. How does that affect the organisation's ability to operate proactively? Are you, in effect, sitting back and waiting to react when you find out whether there will be in-year transfers? How does that structure impact on the balance that you must strike between the different sides of the organisation's activities?

Dr Maxwell: Although in-year transfers do constrain funding because the funding that we get is ring fenced for a purpose and they sometimes come mid-year, they are more often made as a result of a planned discussion and the development of a policy that we have been involved in, and may have influenced, from quite an early stage.

An in-year transfer can be a perfectly good thing that suits everyone's strategic view of the next priorities. That may well be the case with the attainment challenge, for example, if resource is required to support our work on that. We are comfortable with that. We have been part of the discussions on the attainment challenge right from the start, and we would want to refocus resource on that area as best we can, as well as refocusing some of our core funding to support work in the area.

What I am trying to say is that such transfers do not necessarily come out of the blue and get in the way or tie our hands in ways that we would not agree with. They often concern important priorities. We have had a large chunk of work on health and wellbeing over recent years, all of which has used ring-fenced money from in-year transfers, and that has helped us to do a great deal of positive work on health and wellbeing, including on the two hours of physical education in schools agenda and more generally on promoting physical activity, healthy diets and so on in schools.

The Convener: That is helpful, but fundamentally I am asking about the ability of an organisation such as yours to act independently and be critical and proactive in its operations while it is holding its breath and waiting to see whether up to a third of its budget is going to arrive as an in-year transfer.

Dr Maxwell: The bulk of our budget, to which I do not see any great threat, will continue to be a core budget that is unconstrained in that respect. I certainly do not feel any pressure to be uncritical of the Government in that sense.

The point is often raised—is it our role to be critical of Government policy? To be honest, I do not see it as the agency's role to be a left-field organisation that lobbies Government. We are much more involved in informing Government policy. Fundamentally, it is for Government ministers to make policy decisions, and it is then our role to help to give the Government feedback on whether the policies are effectively achieving the desired impact. If they are not, it is really important that we feed that back so that adjustments can be made to policy to address that.

The Convener: That is what I was trying to get at. Do you feel completely free to make constructive criticism to drive or change Government policy?

Dr Maxwell: Yes. If we are not doing that, we are reducing our potential value to ministers.

The Convener: You would not be doing your job.

Dr Maxwell: Yes.

Mary Scanlon (Highlands and Islands) (Con):

I have some questions about accountability and quality assurance. I have represented the Highlands since 1999 and I have met a lot of teachers and headteachers since then, particularly in small villages throughout the Highlands, who have never worked again following your inspections. Your principles include

"mutual respect",

"Building on self-evaluation"

and

"Partnership working",

and you commented to Colin Beattie on your "excess of humility", but I have to say that those teachers did not find that.

I thought that it was perhaps just a Highland issue, but Terry Shevlin, the clerk, and I had an informal meeting, as all members of the committee did, with directors of education and finance directors in local government—not every local authority was there, but a significant number were. At the end of the meeting, we threw in the question, "What is your view of Education Scotland?" Basically, there was a huge groan of disapproval, with eyes rolling round in heads—I am not sure how that will be written up in the report—and no one had a good word to say about you.

I mentioned your principles. Last week, I met another two headteachers who have never worked since your inspections, and they talked about experiencing fear, trepidation, stress, traumatic bullying, humiliation and not getting respect,

dignity, value or even just a little bit of kindness. One of our papers for today's meeting refers to the written submission from Niall MacKinnon, who said that inspection

"serves the function of compliance and control."

The EIS submission suggests

"the abandonment of formal inspection ... in favour of a model designed ... to provide support to teachers and educational establishments."

I would have thought that, in a modern Scotland, you would have been looking at valuing, respecting and working with teachers, but that has not been my experience. I have been really quite upset listening to some of those people who have never worked since you guys came in the door, and they have been humiliated in their communities.

What do you say about your approach? You said to Colin Beattie that there is a low number of complaints, but I am told that teachers are terrified because they are picked on and there is no right of appeal. I ask you to comment on your approach? Is there any need for it?

Dr Maxwell: I am certainly sorry to hear of the experiences that you have heard from other people.

Mary Scanlon: I think that you are very familiar with many of the cases that I mentioned.

Dr Maxwell: There are one or two cases that I would be familiar with—

Mary Scanlon: More than one or two.

Dr Maxwell: —but I have to say that they are a very small minority.

First, I pick up on the point about people being frightened to respond. That is not our experience. We try hard to encourage every headteacher who has been inspected to give us a response. Equally, I am sure that they are not frightened to respond to the EIS. As I said, it gets feedback that it then feeds to us, and it has said to us that it is a pretty good picture on the whole.

Of course, at the end of the process, there will sometimes be individuals whom we believe, in the interests of learners, might not be in the right job. However, that is not a common experience and we certainly work hard to make inspection an improvement-focused and supportive activity. Indeed, one of the things that we do when new inspectors join us is to take them through what is in effect a social skills training programme that includes how they should work as consultants alongside the individuals whom they are evaluating—in what is inevitably a pressured situation—during an inspection.

I could share with you many testimonies from schools that have found inspection a hugely empowering and positive experience. Indeed, 97 per cent—I think that that is the figure—of headteachers who responded to a post-inspection questionnaire said that the inspection had helped them to improve.

There are other places in the world where inspection is quite deliberately set up as a confrontational, high-stakes accountability regime, but we have worked very hard not to have that. That does not mean that, occasionally, when young people are being underserved by poor provision, we may have to be quite strong in our evaluations. The committee is probably aware of a recent case where we moved to the almost immediate closure of an independent school up north, in Aberdeen. I make no apologies for that because, ultimately, it was important to take action for the learners. However, I reinforce the point that my commitment is to make inspection an experience that is as empowering and positive for good professionals as it can be.

Mary Scanlon: I have to put on the record that none of the headteachers in the schools that I am aware of were underperforming and no child was left behind as a result, so I do not accept that.

Given that the convener has quoted the views of the EIS from the committee's private paper, I will do so, too:

"The EIS ... suggest ... the need for a ... strongly supportive approach ... possibly the abandonment of formal inspection ... in favour of a model designed ... to provide support to teachers and educational establishments."

The EIS has suggested something quite different. No one goes into teaching to do a bad job.

Dr Maxwell: Absolutely.

Mary Scanlon: I am not picking up from people across the Highlands that the current approach is supportive.

I move on to a point that Niall MacKinnon makes in his second submission to the committee:

"Inspection never delivers accountability ... Inspection only works if there is something to inspect against ... An all at once inspection is overwhelming and becomes a burden, second guessing 'what they are looking for'."

The RSE has asked how Education Scotland gathers evidence of schools' and teachers' needs for support. That is what we are looking for. People can develop bad habits along the way, but we are looking for a supportive approach and not one that is humiliating, bullying and dictatorial. We are looking for something that values teachers. That does not seem to be coming through here.

Dr Maxwell: I can only say that that is absolutely not our approach. Fundamentally, our inspections serve three purposes, one of which is

certainly about improving the capacity of schools, front-line teachers, community workers or whoever we are inspecting to drive their own improvement and empowering them to help themselves to get better. That is an important purpose of inspection. It also provides some assurance to parents and the wider public that the provision in a particular area is effective, and thirdly it provides the source of evidence that we talked about earlier, which allows us to advise ministers on how progress is being made nationally or in particular regions on key priority areas. We blend those three—

Mary Scanlon: I think that we can all agree with that. Rather than a heavy-handed approach, I would have thought that, in a modern Scotland, there should be a little bit of kindness, respect, dignity, value and support, but that is not what staff are feeling.

Should there be a right of appeal for headteachers? Apparently, there is none at the moment. Despite everything that you say, Dr Maxwell, according to the RSE, your staff employee survey said that only 28 per cent of your staff—about one in four—feel that change is well managed. That is not many. In addition, only 30 per cent were of the view that the changes that you are making in Education Scotland are for the better. It appears that not even your staff are fully behind the changes.

I ask you to comment on whether there should be a right of appeal and whether you will look at treating teachers with a bit more dignity in future. I retire in five months, so I will probably not sit in front of you again, but I think that everyone, in every job, deserves that.

11:15

Dr Maxwell: I absolutely reassure you that treating people with dignity and empowering professionals are what I want the organisation to be all about, and we work very hard to do that.

On a right of appeal, our processes are clear. When a headteacher is inspected, we feed back throughout the inspection the emerging messages that we are finding and the conclusions that we are coming to, and we give oral feedback before we leave the school. We then provide a draft evaluation to the school and provide an opportunity—as Alastair Delaney said, it is not a negotiation or a compromise but an opportunity—for the school to give us further evidence that we might not have been aware of that contradicts what appear to be the report's conclusions. We take account of that evidence and form our professional view on whether it changes our evaluation. Sometimes it shifts our evaluation and sometimes it does not, depending on the nature of the evidence that is provided. At that point, we

provide our review to parents and the wider public. That seems to me to be a reasonable process.

Mary Scanlon: What about your staff? They do not feel that your changes are well managed or for the better.

Dr Maxwell: Alastair Delaney has a fairly good lead summary of the staff survey results. It is certainly the case that, throughout the merger, there was a fair bit of turbulence in staff feelings, as the merger came about quite rapidly and we had a lot of change to make to the organisation. All organisations are coping with reductions and constraints in funding, but we had far more than that to cope with as we were putting together a few organisations.

I was committed to having a regular staff survey throughout that time, so we have been clued in to staff views through the surveys and, more often, shorter focused exercises. The overall direction of the results is positive, including on leadership and managing change.

Alastair Delaney: We are clearly not where we would want to be, but part of the issue is that change is constant in the public sector—and in our agency—at present. We would all like an opportunity for some breathing space from that change, and most of my staff would like that, but that is not the place that we are in.

Because of that, we have a lowish percentage on leadership management of change, but it is only 3 per cent lower than the Scottish Government's figure. Even the figure for United Kingdom-wide civil service high performers is only 50 per cent, which is 8 per cent or so higher than ours. It is clearly an issue across the civil service that an awful lot of change is going on and people are having to adapt and respond to it.

I do not say that lightly, and we still want to do something about it. We want our staff to really want to work for us as an organisation and to feel valued in their contributions to improving educational outcomes in Scotland. The figure is something that we are very aware of. However, it is probably mainly down to the fact that there is so much change going on.

The Convener: We move on to some questions from George Adam. [*Interruption.*] Hold on a moment, George. I will suspend the meeting briefly.

11:18

Meeting suspended.

11:21

On resuming—

The Convener: We will start again. The technical fault has been resolved.

George Adam (Paisley) (SNP): I hope that I can ask the question without breaking the microphone this time.

I wanted to ask about Education Scotland's activity. You are one of the main players trying to close the attainment gap, but you do not do that by yourself—you are working with partner organisations. On the Scottish attainment challenge, ADES said that it

"has concerns that the centrally driven model that the current raising attainment initiative is following has seen a rapid deployment of ES staff without necessary engagement of all stakeholders. That has left some schools and local authorities feeling a lack of involvement."

Why would ADES have those concerns?

Dr Maxwell: Part of the answer is to do with the fact that the Scottish attainment challenge has been quite a rapid policy development. It is a big, important policy development that necessarily has been pretty rapid.

Scottish Government policy directorates, working closely with ministers and ourselves, informing the policy, have had to do a lot of initial work to agree the basics of the programme. There has been consultation with ADES through that process, although that has not necessarily percolated through to all 32 local authorities. The extent to which ADES can genuinely feed back and take views from all its members is a matter for it.

We are moving forward into a more operational process of designing and delivering the challenge, and much greater involvement is evident. For example, recently there was a meeting of all the local authorities and the 57 challenge schools, which are enhancing the challenge authorities. Those authorities have been heavily involved from the start.

As the programme rolls out, we are seeing much greater engagement with all 32 local authorities. Beyond the challenge schools we are putting in place an attainment adviser for every local authority and working through with them how we can work locally. Authorities have a lot of flexibility in how they can work with us to deliver this new model of working between us and them, with a locally embedded attainment adviser supported, as part of a national network, by us. I think that ADES's view will change rapidly.

George Adam: I was interested that you said that 32 attainment advisers are in place. That has happened quickly, which is good. What will be the role of the attainment advisers? They will work for

the local authority or within the local authority environment. Will they be the bridge between you and the local authority? Will their role be about getting resource into areas that need it? Currently we are using Scottish index of multiple deprivation figures, which some people say are a blunt instrument. As time moves on, would attainment advisers be the people to say, "I need resource in that school, that sector or that area"?

Dr Maxwell: Yes, exactly so—the attainment advisers will broker those elements through us where we can find the resource. That will be done through our central specialist teams, which we can deploy in targeted ways to work with local attainment advisers who identify a need at a particular point in time, and through networking across the 32 authorities, some of which may be working in clusters.

We are very keen on the clustering work that local authorities are developing in particular areas. For example, Highland Council, Aberdeen Council and other councils in the north—in fact, seven councils plus Argyll and Bute Council, which is now also interested—are working collectively to some extent in sharing the expertise of their attainment advisers. I am encouraged by that work, and we are keen to support it, as collaboration and networking will be one of the key ways to improve attainment.

George Adam: That is a subject I am interested in. As Mary Scanlon mentioned, we recently spoke to directors of education in offline meetings throughout the country. The directors at the meeting that I attended were from rural rather than urban areas. I am quite interested in the clustering in the Highlands and Aberdeenshire, where councils are working together to address problems with teacher numbers. Do you see more clustering happening? Are you talking about the clustering of three or four authorities, or about clustering taking place geographically across authority areas?

Dr Maxwell: We see more of that happening. ADES is very supportive of the clustering approach—indeed, it is driving it to a large extent.

There will be regional clusters—perhaps seven or eight across the country—and thematic clusters where a few authorities are interested in a particular issue, such as Gaelic or the one-plus-two language model, at a particular point in time. We can also broker networking that might cut across areas.

George Adam: You work with the school improvement partnership programme. Can you provide some examples of how you have improved attainment through that programme?

Dr Maxwell: I will pass that question to Alastair Delaney, who set up and ran the programme initially and will be aware of the evaluation.

Alastair Delaney: The evaluation report, which was published at the Scottish learning festival, gives the full details, but I will sum up what we found.

We have different kinds of partnerships, as I mentioned earlier. Some operate across sectors in a local area, trying to create better links between nursery, primary and secondary provision and with other educational aspects around that. Some operate across different parts of the country: for example, three secondary schools with similar challenges in Montrose, Perthshire and Edinburgh have been working together and sharing staffing resources, ideas and training with one another.

The evaluation report found that such collaborations, which are all different as they are bespoke to suit individual circumstances, have been very productive in enabling the sharing of expertise around the country, which we as an agency want to promote more generally. For example, if a faculty in a secondary school in a particular area was doing something well, it would be able to share its expertise with others. Rather than the previous situation in which people would visit a school after an inspection report to find out what it did, the work involves actual hands-on collaboration between teachers from different schools. They learn from each other and work together, and in some cases expertise is shared across the schools.

The collaborative work was part of a small-scale pilot project that was established to see what would come out of it, but the results have been very positive in terms of the impact.

George Adam: On that point, some of the colleges have said that regionalisation has meant that they are now in the perfect place to be able to work with local authorities to build a regional educational approach. I do not know whether that was part of the design of regionalisation or whether it has happened by accident, or whether a few proactive principals have gone down that route, but it seems to make an awful lot of sense in terms of how we manage to make everything work over three or four local authority areas. What is your opinion on that?

Dr Maxwell: There is very exciting potential for the new regional college model with regard to working with clusters of local authorities around the senior phase, which is one of the next challenges with CFE. Until recently, CFE has been focused on schools but, as the senior phase develops, provision in an area must be looked at in the round. That is a challenge for us. As part of our evaluation work, we are piloting a senior phase review—in Moray, I think—that is looking at the senior phase provision that the college and the local schools working together are providing in the area. I think that the way ahead will be to drive the

model of a network of provision in an area to meet young people's senior phase needs.

11:30

Mark Griffin: I have some questions on collaboration with partners, but first I have a quick question on the inspection regime and the attainment gap. If the attainment gap remains or is worsening or improving in a particular school, will that be reported on as part of the inspection regime?

Dr Maxwell: Yes—it is a simple answer, actually. Version 4 of the toolkit “How good is our school?”, which we launched at the Scottish learning festival, is a revised and updated toolkit for self-evaluation, and it is also used for inspection. It has taken that aspect very much on board, so you would see developments traced through that.

Mark Griffin: On collaboration, what opportunities exist for greater joint working and planning among local authorities?

Dr Maxwell: We are continually looking to develop the local partnership agreements, which we established a couple of years ago and which have grown in their impact. We have seen strong examples in certain areas of a clear focus on driving a local improvement agenda. Scottish Borders leaps to mind, and another example is Aberdeen, which I visited recently to discuss its focus on science, technology, engineering and mathematics.

Alastair Delaney may want to say a bit about local partnership agreements.

Alastair Delaney: We have made a really important development. We have only just put in place all 32 agreements, from 1 April this year—although the process started before that, we were moving to include everyone and we have rolled out the agreements across all local authorities. They are still a work in progress rather than the finished article, but we are trying to achieve from that process an agreement on the local needs in a local area. We can then match the local resources with the national resources and create one coherent plan for who is going to do what in a local area.

As I said earlier, that will help us to reduce the amount of things that are done in an area that no one actually needs or wants, and to highlight what could be done within the local resources that are available. We are targeting and prioritising what we do, but our work is bespoke to each of the 32 local authorities. As a result of the attainment challenge, there are groupings coming together in some areas, and we are looking at creating one overarching plan for pooling resources. That is

definitely the direction of travel, and we have been doing it for the past couple of years.

Mark Griffin: The Royal Society of Edinburgh asked how Education Scotland gathers evidence of schools' and teachers' support needs, and how the support that it provides is evaluated.

Dr Maxwell: We do that in a range of ways. Much of our engagement is through inspection, but it also takes place through many of our other support and development activities with schools. That means that we have a rich source of feedback from which to pick up on teachers' current needs. Where we see those needs emerging consistently at a national level, we can adapt and respond to them. That was certainly the case during the CFE implementation process, for example. On occasion we deliberately undertook visits to schools, which were not inspections but simply involved sending some of our curriculum staff out. We did that with secondary schools regarding the new emerging senior phase curriculum model about a year ago.

Mark Griffin: With regard to CFE and the new qualifications in particular, the EIS criticised the support that was given to teachers and pupils, particularly in relation to exemplar papers. How will you move forward on that and on how students can be provided with more support so that they are better prepared for the new qualifications?

Dr Maxwell: We work closely with SQA, which I think you met recently. SQA produces exemplar papers—that is very much part of its package—but we work closely with it on providing events and resources relating to curriculum areas and particular subjects.

In particular, we are narrowing our focus to where experience suggests the greatest need lies. With many subjects such as STEM subjects including computing and maths, we are particularly focusing on providing further opportunities, further resource and an exchange of effective resources. Often the most effective support comes from seeing how other schools have delivered courses effectively and what resources they have developed for themselves.

We are working collaboratively as part of a national partnership with SQA and ADES to get the best possible support in the system where it is most needed.

Mark Griffin: Finally, I have a question about collaboration and communication with the Scottish Government. It is a very localised example and I will forgive you if you do not know the details. Education Scotland approved the merger of two Cumbernauld high schools on the proviso that the Scottish Government would part share the funding of a new build. It was only approved on the basis of the educational benefits.

What communication and collaboration do you have with the Scottish Government around the difficulties with the capital funding for a range of school builds across Scotland because of the European Union's decision on accounting methods?

Dr Maxwell: You are right that I do not have all that detail to hand. We do not deal directly with capital funding. The school building programme is very much an issue for our learning directorate policy colleagues. We do not take a direct role in that.

Our role in looking at consultation and merger proposals such as that one is quite specific, and it was recently reset as part of adjustments to the statutory process. We go in and look at the case as presented at the time and assess whether the process has been followed properly and whether educational benefits appear to be likely to accrue. We leave that judgment with the authority, and there are separate appeal mechanisms, as you will be aware. We do not keep a long-term engagement with what might then unfold, such as with the further design of school buildings.

The Convener: There is a quick supplementary from Mary Scanlon.

Mary Scanlon: It is indeed very quick. Given what I mentioned before and given the attainment gap, which Mark Griffin mentioned, we are now looking forward to assessments at various levels—in primary school and at either secondary 2 or 3—so you can perhaps understand that many teachers, in particular headteachers, are quite scared of what is coming.

I am not sure what high-stakes comparison might be involved, but people have been worried that it will lead to league tables and possibly further humiliation. Once the new assessments come in, will we have league tables of schools that are performing well or badly or will it simply be—as I hope it will be—a case of looking at progress within each school? I and my party fully support the Scottish Government's focus on assessment and attainment, but the last thing that I would want is a system where schools that were not performing as well were humiliated. Can you explain how the new system will work?

Dr Maxwell: Of course, the issues are out for consultation at the moment, so in a sense a lot of the detail of how the system will be designed is yet to be determined. However, I think that ministers have been very clear, and I was pleased to hear that there is no intention to produce national league tables or to drive a high-stakes comparison agenda such as you describe. Rather, the system is all to be designed to support local improvement, in individual schools and within local authorities, and to retain the primacy of teachers' more

rounded judgments of attainment, with their judgments being informed by the data and our standardised assessments but not being usurped or trumped by them. Fundamentally we want to see—

Mary Scanlon: What information will be made public? It is an important point. Will it be the progress that each school is making? Will it be the progress that they still have to make? What information will be made public that may allow those comparisons to be made?

Dr Maxwell: That is still to be determined—the decision has not been made. However, it is an important point that we need to be very careful about how information is made public and about how to protect against it being used crudely or inappropriately, which would have counterproductive effects.

The Convener: The amendment to the Education (Scotland) Bill has not yet been published. We will obviously be taking evidence on it, Mary—

Mary Scanlon: I thought that I would take the chance to ask.

The Convener: I am not surprised that you did not get an answer because the amendment has not yet been published so none of us knows the detail, but we will be looking at it very shortly as a committee.

Mary Scanlon: There are concerns.

The Convener: Indeed.

I have one final question. Dr Maxwell, you mentioned earlier that learners are your main customer. That might not be a direct quote but it was words to that effect. Can you tell us whether outcomes for those learners have improved since Education Scotland was created?

Dr Maxwell: In our mission statement, we set out an ambition for attainment to rise and for excellence and achievement for young people to rise across the Scottish system—and indeed for equity to improve.

The Convener: But has it?

Dr Maxwell: I think in both cases that there is plenty of evidence that, overall, that is happening in the Scottish education system. I am sure that it is not uniquely down to us but, as we discussed earlier, I believe that we make a positive contribution to those overall improvements in Scottish education.

There is also some evidence that the equity issue is beginning to shift, although there is a long way to go before we get it to where we would all want it to be. Therefore, yes, I think—

The Convener: It is a yes, then.

Dr Maxwell: Yes. We are on a journey.

Mary Scanlon: We are on a journey.

The Convener: We are all on a journey.

I thank both witnesses for coming along this morning. We appreciate you giving your time to be here with the committee.

11:41

Meeting continued in private until 11:58.

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