

Agenda Item	15
Report No	HC/50/17

HIGHLAND COUNCIL

Committee: Highland Council

Date: 14 December 2017

Report Title: Proposals for Changes to the Governance of Education

Report By: Chief Executive

1. Purpose / Executive Summary

- 1.1 This report addresses the Scottish Government's third and latest consultation on proposals for the reform of education governance, and asks Members to seek views on the proposals in their communities and particularly through discussion with their respective Parent Councils.

2. Recommendations

2.1 Members are asked to:

- (i) Discuss the proposals at this meeting.
- (ii) Endorse the approach and conclusions set out at the end of the report.
- (iii) Agree that the Council's response will take account of further consultations, including with partner authorities in the Northern Alliance and at CoSLA, and be finalised by the Strategic Chair in consultation with the Council Leader and Chief Executive.

3. Background

- 3.1 The Scottish Government proposals for changes to the governance of Education, follow a wide-ranging consultation that ran from September 2016 to January 2017, generating 1154 written responses in addition to the views of 700 people who took part in face to face consultations. A summary of the views garnered can be found at – *Empowering Teachers, Parents and Communities to achieve Excellence and Equity in Education: An Analysis of Consultation Responses* on the Scottish Government website.
- 3.2 The Government published their proposals in a *Next Steps* report on 15 June 2017. This can be found at: <http://www.scot/Publications/2017/062941>
- 3.3 Members discussed the *Next Steps* at the meeting on 29 June. That report is available at:
https://www.highland.gov.uk/download/meetings/id/72220/item_12_education_governance_review
- 3.4 The latest set of proposals, *Empowering Schools A Consultation on the Provisions of the Education (Scotland) Bill* were published on 7 November 2017 with a closing date for comments of 31 January 2018. A summary of the key points is attached to this report. The full document can be found at <http://www.gov.scot/Publications/2017/11/9712>
- 3.5 A parallel consultation on school funding closed on Friday 13 October. A response from Scottish Government is due in the summer of 2018. Although education governance and funding form two streams of work, they are clearly inter-connected.

4. Response to the Proposals

- 4.1 There is much in the general thrust of the Cabinet Secretary's proposals that is to be welcomed:
 - (i) a shared ambition to improve education and the life chances of all children and young people;
 - (ii) ensuring head teachers have as much freedom as possible in curriculum design, pedagogical priorities, staff recruitment and budget allocations within their schools, and more access to high quality professional support;
 - (iii) enhanced career opportunities for teachers and a promise to “transform the support available to teachers and practitioners at every level in the system” (page 1 of Consultation document);
 - (iv) the emphasis on collaboration between schools and between local authorities as exemplified by the Northern Alliance;
 - (v) the commitment to update the legal definition of parental involvement via Parent Councils to include parental engagement in their own children's education outside of school;
 - (vi) the decision, following negotiations with CoSLA, to change the leadership of the Regional Improvement Collaboratives (RICs) from Regional Directors, appointed by Scottish Government and reporting to Education

Scotland, to Regional Leads appointed by agreement of the Chief Executives of the local authorities that make up the Collaborative.

- 4.2 There are though, a number of continuing significant general concerns:
- (i) the role of the education authority is diminished, and the overall impact of the proposals remains to centralise control of educational improvement, with a consequent loss of democratic accountability at local level;
 - (ii) the promise to schools of “world class educational support from local authorities” in the Foreword to the document (page1), may therefore establish unrealistic expectations of what is both intended and affordable;
 - (iii) with HMIE remaining embedded in Education Scotland, there is no external scrutiny of a key element of Scottish Education
 - (iv) the combined effect of removing responsibility for school improvement from local authorities and embedding HMIE in a Scottish Government agency, removes important checks and balances in the system;
 - (v) the report is silent on the likely costs of implementation;
 - (vi) the *Next Steps* report was light on mention of pupils - this latest consultation is very clear on the need for pupil engagement but lacks detail on the practicality of achieving its aims;
 - (vii) there is ongoing risk of fragmentation of schools and education from the rest of integrated children’s services, undermining the delivery of GIRFEC;
 - (viii) the new Education Workforce Council could add further fragmentation to the children’s services workforce.
- 4.3 Briefing meetings for Headteachers were held during November. The Headteachers did not express support for the proposals and raised a number of concerns. Key areas of concern are set out below.
- The practicality of the proposed new duties and organisational structures.
 - Resourcing of the new structures, proposed levels of professional support and new career structure.
 - Potential tensions with the local authority in areas which remain within its responsibility.
 - The level of genuine autonomy which they will actually have.
 - Workload implications.
 - The poor quality of the *Next Steps* analysis, and also the consultation document which they feel demonstrates a lack of understanding of the system and what is actually happening for young people and families in schools and children’s services.

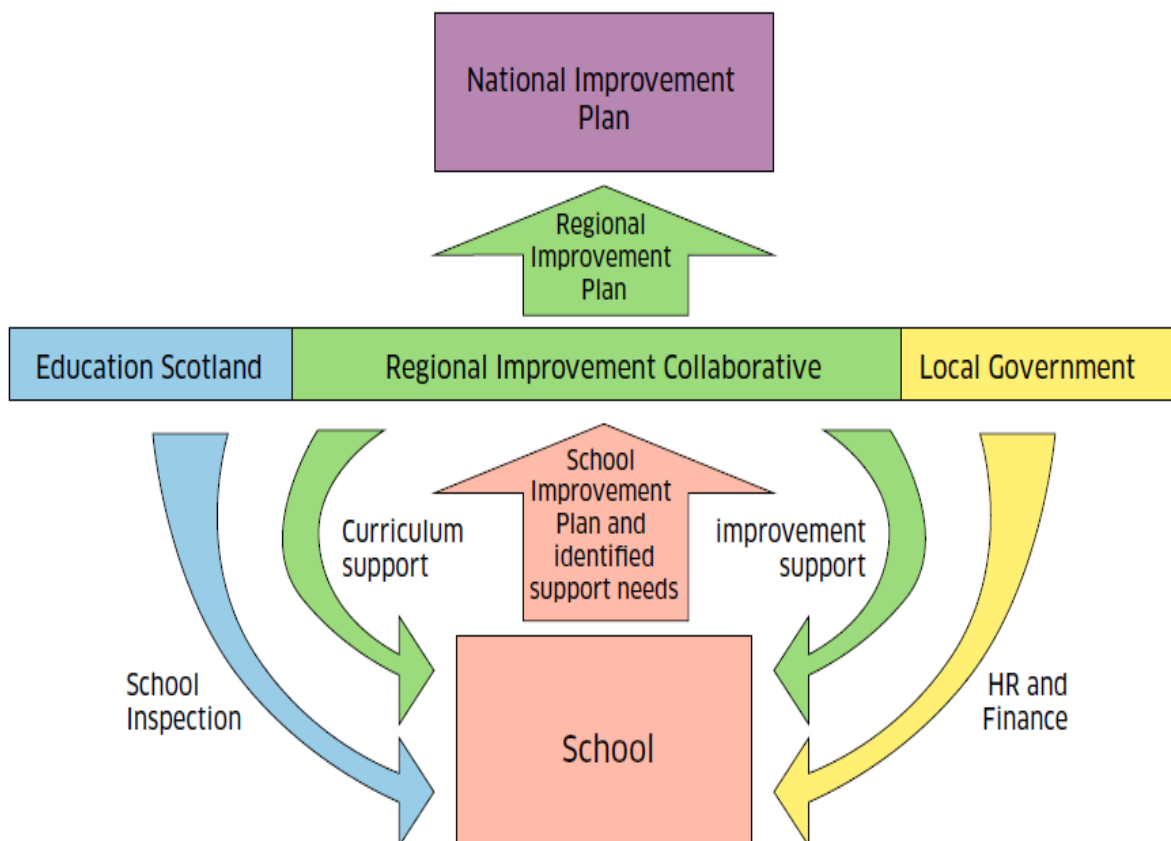
5 Specific Concerns

5.1 There are also specific concerns.

5.2 **Regional Collaboratives** – It is difficult to see how even the best and most effective communication could create a Regional Improvement Collaborative (RIC) which is “relevant to, designed by and close to the communities they serve” (Consultation p2). This is particularly true of Highland in a RIC covering

Aberdeen City, Aberdeenshire, Moray, Shetland, Orkney, Comhairle nan Eilean Siar and Argyll & Bute.

- 5.3 The Northern Alliance was originally established as a ‘collaborative of the willing’, to give added value to the role of local authorities, not to diminish that role. Indeed, the benefits of collaboration have been clearly shown by the Northern Alliance; sharing insights and strategic approaches of common interest and providing a model for effective collaboration in other parts of the country - importantly, leaving the prime responsibility for school improvement with local authorities.
- 5.4 On page 2 of *Next Steps*, it states that “the structure of the present system is too complex”. However, the proposals now being consulted on do not simplify the structures. Instead, they add further complexities through the establishment of the RICs and, in places, ambiguous redefinitions of roles and responsibilities. [This example does not match the statement of further complexity or ambiguous roles]
- 5.5 The diagram on page 14 of the consultation (below) suggests that the main responsibilities of local authorities will be HR and Finance. Yet, page 7 of the same document suggests that authorities will engage in “constructive discussion with the headteacher on the rationale for the decisions they are taking on the curriculum in their school”. Not surprisingly, some head teachers fear that they will be “servants of multiple masters” and that the ambiguity over challenge and support roles provides fertile ground for tensions within the system.



- 5.6 In addition, the fact that local authorities will no longer have to produce an Improvement Plan could be seen as part of a simplifying agenda, but could also be seen as a means of legally distancing them from the improvement agenda and ensuring that they will not be in a position of “imposing local curricular policies and practices on schools” (Consultation document page 16). In effect, local authorities will no longer be part of the ‘engine room’ of school improvement.
- 5.7 Finally, it is worth noting that during this consultation phase the Regional Leads have already been appointed, and timelines for progress are being put in place, including having RIC Improvement Plans agreed by the end of January 2018 - the deadline for the consultation to end.
- 5.8 **More Autonomy for Head Teachers** – While headteachers in Highland welcome the promise of more autonomy, discussions indicate that most are far from convinced that the proposed model is either workable or desirable. They are sceptical that such significant structural change will of itself bring the attainment improvements envisaged.
- 5.9 They also point out that the proposals do not address the issues that currently concern them: staff reductions and staff shortages (including supply), the effect of budget cuts and workload/bureaucracy which is not seen to be reducing. They say that addressing these problems would be a more fruitful direction for the shared national desire to improve overall attainment.
- 5.10 They are concerned that the RICs will add another layer of bureaucracy and will be remote from schools. Many value the professional support that can best be provided by staff in local offices who know the schools and their communities.
- 5.11 Schools currently allocated additional funds via the Pupil Equity Fund (PEF) and the Attainment Scotland Fund welcome the additional funding and flexibility in spending decisions, but point out that it comes with additional bureaucracy and does not compensate for the funds that have been cut from core budgets. They question the value of more control over budgets if there is no significant injection of financial resources to accompany it.
- 5.12 On staffing, the consultation document is clear that “it is the headteacher who should decide who works in their school and the management structure in which they work” (page 11). However, on the following page it states that “headteachers should continue to cooperate with their local authority in the allocation of probationers, student teachers, surplus staff and compulsory transfers.”
- 5.13 Nor is it clear how a Headteacher, newly appointed to school and wishing to change the staffing structure, might achieve this, if staff are in posts with permanent contracts.

- 5.14 **The Role of Parents** - Parent Councils are being consulted on whether they would have the appetite for collaborating with head teachers “on substantive matters of school policy and improvement” (page 18) to the extent suggested in the consultation. Many Headteachers say they fear that they will lose parents who currently contribute significantly to the life of their schools via Parent Councils if their responsibilities in future are in areas where they have no expertise.
- 5.15 Similarly, Headteachers say that they are concerned that the proposed requirement of head teachers to collaborate on ‘substantive matters’ with all parents will lead them to expend a great deal of time and energy for no return. However, they do welcome the promise of home – school link workers and the beneficial effect this could have on levels of parental engagement with the school.
- 5.16 Parent Councils are being encouraged to respond to the Consultation document.

6 An Alternative Approach

- 6.1 The notion of collaboration as the key to improvement is central to the proposals. However, collaboration already happens at all levels within the current arrangements.
- 6.2 It could undoubtedly be increased and made more effective, but wholesale redesign, new legislation and new duties are not the only way of achieving this.
- 6.3 In education the crucial issue is to identify the impact of action on the lives and development of the people served by the system. A duty on local authorities to collaborate for improvement supported by regular and meaningful inspection of local authorities on the impact of their collaborative improvement actions could well form the basis for an effective, locally accountable alternative model which would be much closer to the communities it serves.

7 Conclusion

- 7.1 The consultation questions appear to be based on an assumption that there is no alternative and that the proposals will deliver the anticipated improvements in educational outcomes. However, major concerns remain around:
- the lack of detail on resourcing such an ambitious set of proposals;
 - the centralisation of key functions and loss of local democratically elected checks and balances in the system;
 - a “one size fits all” approach to addressing perceived shortcomings in some Local Authorities;
 - the tensions that will be created between different parts of the education system;
 - the fragmentation of schools and education from other services for children;

- the loss of locally based support for schools, and the loss of local contact for communities on many aspects of education.

7.2 These points, as set out in this report, should form the main thrust of the Council's formal response in January 2018.

8 Implications

8.1 Resources

The Scottish Government initiated a consultation on funding arrangements for education, that has yet to report. There are a number of budget implications included in the proposals, which would need to be addressed if a Bill was presented to Parliament.

8.2 Legal

These proposals are likely to involve the revision of existing legislation.

8.3 Gaelic

These proposals envisage the local authority retaining responsibility for organising Gaelic medium provision.

8.4 Community

Significant concerns have been raised in the consultations to date, on changes to governance arrangements, about how these proposals would affect children with Additional Support Needs, or living in more disadvantaged communities. They would also appear to raise significant challenges in small rural schools, albeit these would be mediated to a large extent through implementation of the new structures and administrative that Highland Council has already committed to.

8.5 There are no new implications regarding Climate Change / Carbon Clever issues.

Steve Barron
Chief Executive
4 December 2017

Appendix 1

Empowering Schools – Consultation on School Governance, Nov: 2017 - Key Points

1. A Headteachers' Charter will set out HT powers and responsibilities

- Freedom to decide teaching and learning policy, how best to design the curriculum in line with the Curriculum for Excellence and to determine improvement priorities.
- A new duty to work collaboratively with other schools.
- A new duty to involve the Parent Council and Parent Forum in 'substantive matters of school policy and improvement'.
- Expectation HTs will work collaboratively with other professionals to achieve excellence and equity in their schools.
- Freedom to decide the staffing and management structure in school and decide who works in the school.
- Be open to professional challenge from peers / staff / community / local authority / school inspectors.
- More control over school related budgets
- Expect high quality professional support from a newly established Regional Improvement Collaborative and "world class educational support services" from the Council.

2. Parental and Community Engagement

- Current HT duty to "inform and consult with their Parent Council" will be replaced by a duty "to work collaboratively with their Parent Councils on substantive matters of school policy and improvement."
- The duty to collaborate with parents on policies, improvement planning and curriculum design will also apply to the Parent Forum.
- The legal definition of parental involvement will be extended to include all aspects of parental engagement.
- The duty of Parent Councils to represent the diversity of the school community to actively promote contact with pupils.
- Every school will have access to a home – school link worker.

3. Pupil Participation

- General duty on HTs to promote and support pupil participation in the pupil's own learning, decision-making relating to the life and work of the school and pupil participation in the wider community.

4. Regional Improvement Collaboratives (RICs)

- RICs will take over all aspects of school improvement planning from local councils.
- There are 6 RICs covering the country.
- Highland is in a RIC with Aberdeen City, Aberdeenshire, Moray, Shetland, Orkney, Comhairle nan Eilean Siar and Argyll & Bute.
- Each RIC will be led by a RIC Lead.
- RICs are expected to have a Regional Improvement Plan in place by January 2018.

5. Education Workforce Council

- The Education Workforce Council will take over the current responsibilities of the General Teaching Council for Scotland, Community Learning and Development Standards Council and will register all other education professionals.
- The Education Workforce Council will be independent of Government.
- The full list of Education Workforce Council functions can be found on page 28 of the Consultation document