

Response to the new Scottish Education Bill

Attainment Questions 1-9

1. Legislation in itself will not secure improvement but will provide a clear strategic approach nationally. For the Bill to be successful in improving attainment, achievement and reducing inequalities, it should reflect current good practice in what councils, including Edinburgh, already do to target resources, track and monitor progress and measure performance.

The identification of any national measures should reflect the principles and practice of CfE which are now embedded in establishments and embodied in the advice, resources and other aspects of the work of Education Scotland on assessment and progress. There is already national sampling and benchmarking through the SSLN and in addition, education authorities already have extensive measures of their own for assessing progress and reporting on attainment and achievement eg standardised tests, use of CfE levels.

2. A definition in plain English of 'having regard to the desirability' of 'reducing inequalities of outcome' and with specific success criteria or definitions of what this may mean/might look would be valuable.
3. A definition of 'inequalities of outcome' would be helpful although we would expect it to encompass aspects of attainment related to deprivation, poverty and the other barriers young people experience that impact on their progress. Also, clear, nationally agreed definitions would these would support a shared understanding of the phrase and inform evaluation of progress.
4. Specific actions of education authorities – is there anything new here in the Bill? Edinburgh, like most other authorities, is already fully committed to improving attainment and to closing the gap that exists in outcomes for pupils from different backgrounds. These are embedded within the City of Edinburgh Council's Education, Children and Families Service Improvement Plan priorities and council pledges, all of which are the result of widespread consultation with key stakeholders. They include improving outcomes for looked after and other groups of children and young people, collaborative and partnership working, integration of services.

More generally, perhaps education authorities might be encouraged to engage in a wider range of actions within the child poverty agenda as well as collaborative working with other LAs on a Hub model and/or with the third sector. For example, Edinburgh has a strategy to reduce the effects of child poverty. This is based on the same three outcomes as the national Child Poverty Strategy for Scotland, the second of which is to 'Improve children's wellbeing and life-chances (Prospects)'. Its principal focus is on raising attainment, and it includes actions to improve attendance and attainment, reduce the attainment gap, further develop

engagement with families (including support for the home learning environment), develop access to out of school learning and breakfast clubs, and 'poverty-proof' schools. These sit alongside actions for the other two outcomes: maximising household resources (Pockets); and, children from low-income households live in well-designed, sustainable places (Places).

5. The council will still be able to report on performance. A two year timescale for reporting would acknowledge that actions to secure improvement take time to have impact.
6. The terms stated in the policy memorandum are widely used and mostly understood. Definitions to promote a shared national understanding would be useful however eg What exactly does narrowing the attainment gap mean? Whose attainment? What particular gap? Is it not more about everyone's attainment and achievement of potential for all?
7. If the intention is to inspire and motivate and drive success consistently across education authorities, a response that combines support and challenge would reflect approaches to continuous improvement that are already nationally accepted in education.
8. Consultation should be extensive, including with young people. Reporting requirements should not be onerous or impose major additional administrative burdens at local level.
9. All inequality should be addressed.

Gaelic

Questions 10-15

10. In terms of CEC's Gaelic medium primary education, the Bill does not currently place any further requirements or duties on CEC as Edinburgh is a local authority where these duties are being met. It is therefore not anticipated at this moment in time that a significant change in Edinburgh policy or provision would be required as a result of the Bill. Indeed the Bill will help bring about significant change in the development of GME in primary by placing a duty on all local authorities to monitor and respond to demand for primary GME.

Gaelic education strategy in Edinburgh is based on primary into secondary GME provision in order to provide progression in language development. Any requirement in the Bill for local authorities to provide GME should already include such progression into secondary to ensure language development and entitlement throughout the Broad General Education (BGE) and into the Senior Phase. Edinburgh is committed to this as outlined in the education section of the CEC Gaelic Language Plan. The issues of staffing shortages remain however.

11. Edinburgh's practice - GME is advertised and promoted in CEC pre-school and primary literature informing all parents in Edinburgh of the educational opportunities available to them through Gaelic from pre-school through to secondary. GME has a dedicated information page on the council website with links to Gaelic organisations. Local advertising is done to inform parents of the opportunities for GME for pre three children. We would be happy to share this good practice.
12. The Bill places a duty on local authorities to report on the demand for GME in their area and will bring consistency in this nationally. Edinburgh already has well-established and effective processes in place to meet its obligations to assess demand for GME. Throughout there is full consideration of the extent of the demand, existing capacity in the city at all levels, the cost, the availability of teachers and the potential to recruit teachers. CEC should therefore be well-

placed to meet proposed statutory obligations within the Bill. This may not however be the case in other education authorities where processes are not so well established.

13. At present CEC reports annually to Scottish Government and Bord na Gaidhlig on the progress and development of GME and GLE. With this new legislation Bord na Gaidhlig is required to produce a new national framework on policy and guidelines for GME delivery and development. It is anticipated that this will increase the duty on monitoring and reporting on many aspects of GME delivery and will result in a significant increase in administrative work load for local authorities.
14. The Bill's requirement to produce a national framework and guidance for the delivery of GME is to be welcomed. At present, Education Scotland provides curricular guidance but there are no coherent guidelines for access and provision of GME e.g. national policy for admissions, class sizes. A national strategy will support local authorities in planning for delivering GME.
15. There is administrative impact on regular monitoring and reporting on demand for GME and on responding to this demand if required. There is a budgetary implication for extension of GME provision in terms of school capacity, staffing, resources and meeting the wider curriculum requirements of Curriculum for Excellence. CEC would expect that any new duty as regards GME placed on local authorities by the Bill would be resourced directly by the Scottish government through the Gaelic Specific Grant as this would result in an increase in the demand on the local authority.

Additional Support for Learning

16. The Bill would extend rights under the Education (Additional Support for Learning (ASL)) (Scotland) Act 2004 to children aged 12 and over with capacity. In Edinburgh the "having your say" pro forma is used through GIRFEC meetings to capture the views of the child if that child has capacity.

Extending rights in this direction is therefore to be welcomed. There may be some tension in the rights of the child and the rights of the parent, also enshrined in legislation, if these rights seem to be pulling in different directions. This tension has existed in the past but has never been tested in law. By extending legal rights to children over 12 with capacity it may be that legal challenges will occur.

17. The Bill also contains proposals that not all rights be extended to children with Additional Support Needs (ASN). Not extending rights to children with ASN in light of previous discussion in the legislation about equalities could be seen as discriminatory. Further, whilst the desire to prevent children making their own placing requests for out of catchment schools is being proposed to prevent disruption of family life, this is clearly a right that would have some impact (for example if one of the many advocacy groups became involved).
18. The Bill also proposes a statutory children's support service. CEC already has a variety of well-established statutory services (e.g. Educational Psychologists, hospital teaching). Edinburgh has also rolled out the GIRFEC approach to ensure that the reach of statutory services extends to all children. CEC should therefore be able to meet its statutory obligations as in the past whilst also striving to meet the needs of every child.

Chief Education Officer

19. The advantages of this role are that in authorities where a senior leader or head of service has not come from an educational background, the CEO will provide that specific knowledge, expertise and senior leadership. Nationally, consistency of emphasis and focus on education would be promoted. The disadvantages would include funding such a post and lack of clarity about the role. There may be some useful parallels with the post of Chief Social Worker.
20. Many of the roles likely to fall within the remit of this post are already carried out in Edinburgh by senior education managers so could be absorbed into current leadership structures. (This may well be the case in other education authorities nationally). If not, there would be an additional financial burden.

Registering Teaching Staff

Question 21-22 apply to grant aided schools and independent schools

Complaints

23. The deadlines for the procedures to be followed in relation to complaints to Scottish ministers seem reasonable.
24. The grounds of appeal to ASNT are clearly defined in law.
25. There is a distinction between a right of appeal about the correctness of a decision in law and the right to raise a complaint. The proposals do not in themselves increase the number of avenues but neither do they simplify or particularly clarify what is a rather complex landscape, involving Elected Members, local authority Executives, Appeal Committees, the courts, the ASNT, the Minister and the Ombudsman. In that regard it seems like an opportunity missed.

Early Learning and Childcare

26. No – the Bill will address the unintentional exclusion of a small group of children from the early learning and childcare provisions.

Scotland? Are there any previous examples of the Scottish Government seeking to instruct local authorities to employ a person in a particular role? If so, are there any lessons to be learned from how this worked?

The main advantage would be that in LAs where there is not a senior leader with the appropriate qualifications and expertise, the importance of this for the effective the leadership of the education service would be acknowledged. The disadvantage would be that another senior post might have to be created with subsequent costs to LAs.

20. What roles could a CEO most usefully perform and to what extent are such roles already carried out within education authorities?

Operational head of schools, chief reporting officer on all aspects of education?

In Edinburgh, the leadership structure within Services to Schools and Communities is such that this role could be absorbed into the current Head of Schools post or one of the other senior educational managers' posts that already exist within the structure.