



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

**DRAFT**

# Education and Skills Committee

**Wednesday 27 November 2019**

**Session 5**



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**Wednesday 27 November 2019**

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**EDUCATION AND SKILLS COMMITTEE**

**32<sup>nd</sup> Meeting 2019, Session 5**

**CONVENER**

\*Clare Adamson (Motherwell and Wishaw) (SNP)

**DEPUTY CONVENER**

\*Daniel Johnson (Edinburgh Southern) (Lab)

**COMMITTEE MEMBERS**

\*Dr Alasdair Allan (Na h-Eileanan an Iar) (SNP)  
\*Jenny Gilruth (Mid Fife and Glenrothes) (SNP)  
\*Iain Gray (East Lothian) (Lab)  
\*Ross Greer (West Scotland) (Green)  
\*Alison Harris (Central Scotland) (Con)  
\*Rona Mackay (Strathkelvin and Bearsden) (SNP)  
\*Gail Ross (Caithness, Sutherland and Ross) (SNP)  
\*Liz Smith (Mid Scotland and Fife) (Con)  
\*Beatrice Wishart (Shetland Islands) (LD)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

John Swinney (Deputy First Minister and Cabinet Secretary for Education and Skills)

**CLERK TO THE COMMITTEE**

Roz Thomson

**LOCATION**

The Robert Burns Room (CR1)



## Scottish Parliament

### Education and Skills Committee

*Wednesday 27 November 2019*

*[The Convener opened the meeting at 10:00]*

### Decision on Taking Business in Private

**The Convener (Clare Adamson):** Good morning, everyone, and welcome to the 32nd meeting of the Education and Skills Committee in 2019. I remind everyone to turn their mobile phones and other devices to silent for the duration of the meeting.

The first item of business is a decision on taking the discussion on agenda item 5 in private. Are members content to do so?

**Members indicated agreement.**

## Exam Diet 2019, Scottish National Standardised Assessments and Subject Choices

10:00

**The Convener:** Our next agenda item is an evidence session with John Swinney, the Cabinet Secretary for Education and Skills, on the 2019 exam diet, Scottish national standardised assessments and subject choices. I welcome the cabinet secretary, Graeme Logan, director of learning, and Julie Anderson, head of the senior phase unit of the directorate of learning at the Scottish Government. I invite the cabinet secretary to make a few opening remarks before we move to questions.

**The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney):** Good morning, convener, and thank you for the opportunity to make an opening statement on the three topics that the committee has requested to discuss today—the Scottish national standardised assessments, the 2019 exam diet and the senior phase curriculum.

On standardised assessments, I am happy to provide an update on the progress that we have made in taking forward the recommendations in the committee's report, as well as those of the independent review of primary 1 assessments and the P1 practitioner forum. In August we provided schools, local authorities and other stakeholders with a clear and definitive statement on the purpose and use of P1 standardised assessments. That was a central recommendation in a number of the reports. Work is well under way with key stakeholders on the development of a practical framework on the use of data and enhanced communication materials. I am happy to discuss in more detail the full range of activity that we are taking forward if that would be helpful.

I welcome the review of the P1 assessments and the thorough and detailed report by David Reedy. I welcome Mr Reedy's conclusion that P1 assessments had valuable potential and should be continued. I also welcome the recommendations that he made for improvements to the assessments, and that work is well on the way to completion.

On the 2019 exam diet, there was a strong set of exam results, with three quarters of candidates attaining a pass at higher grades A to C and over one quarter of candidates achieving grade A at higher—the figure was 28.3 per cent in 2019 compared with 28.4 per cent in 2018. We have

seen an increase in entries and pass rates across national 5, including a rise in passes for English. At higher level, there was an overall fall in pass rates, but if the exam pass rate only ever went up, people would rightly question the credibility of our system and we have always acknowledged that, in a highly performing education system, there will be fluctuations from year to year.

It is also important to highlight the broad range of successes beyond national qualifications. Since 2014, rates of attainment and awards have been increasing, with a 38.1 per cent increase in the number of level 5 awards and a 26.5 per cent increase in the number of level 6 awards. We have also seen a sizeable increase in national progression awards, many of which are taken at school. The reality is that our young people are achieving a breadth of awards, giving them the best chance of success in further learning, life, and work, with over 54,000 skills-based qualifications achieved in 2019, which is more than double the figure attained in 2012.

As the committee is aware, following publication of the 2019 Scottish Qualifications Authority results, I commissioned my officials to work with national partners to conduct further analysis. From that analysis, I have asked partners to carry out further collaborative work to ensure that there is alignment of the curriculum and assessment journey from secondary 1 to secondary 6 and to consider how we can better support professional learning and development.

On the senior phase curriculum, the committee's report on the senior phase inquiry has provided a range of perspectives, which, alongside other national evidence, has been helpful in informing further work in this area. In order to better understand the issues emerging from that evidence, it is important that we draw on the broadest possible range of evidence and data in a systematic and considered approach. That is why the Government has commissioned an independent review of our senior phase. The purpose of the review is to explore further how curriculum for excellence is being implemented for young people in S4 to S6 across the country and to identify any improvements that might be made. We are mindful of the need for stability in the system after several years of change, and the national qualifications are not the focus of the review. It is appropriate that the leadership of the review comes from outwith the system. That is why we have asked the Organisation for Economic Co-operation and Development to provide it. The OECD has agreed to lead the review, which will follow on from the very successful review that it conducted of the broad general education within curriculum for excellence in 2015.

It is also important that we have close involvement from the education sector. In line with the empowerment of the teaching profession, education practitioners will work alongside the OECD team. This will be led by a local authority director of education, who has now been confirmed by the Association of Directors of Education in Scotland.

The review will explore many of the themes that emerged throughout the committee inquiry around the senior phase curriculum offer across S4 to S6, the impact of curriculum design decisions at local authority and school level and the impact of approaches to learning and teaching. The review will start in December and I would expect an interim report in June, with a final report in August 2020. We are currently developing the terms of reference for the review and I wrote to the committee on 8 November seeking its views on the broad parameters. We will be working on this with our local and national partners through the curriculum and assessment board, which will meet next week.

In all this work, we need to be mindful of the original aspirations of CFE and of the actual experience of young people learning in our schools. One of the core principles of the CFE is personalisation and choice. That means identifying and planning for opportunities for personal achievement in a range of different contexts. It implies taking an interest in learners as individuals with their own talents and interests. We can, therefore, expect a greater variety of pathways and course choices to emerge for this and for it to look different in different localities as teachers work with partners to meet the personal choices, needs and aspirations of young people. In my view, we need to listen to teachers in schools, who I believe are delivering this and other key principles of CFE successfully.

I look forward to discussing those issues with the committee this morning.

**The Convener:** Thank you very much, cabinet secretary. Some members of the committee may have to depart to move stage 2 amendments at another committee during the course of the morning.

**Liz Smith (Mid Scotland and Fife) (Con):** I put on the record that I am one of those people who will have to depart, probably at around quarter to 11.

I want to ask some questions about the 2019 diet of SQA exams, but before I do that, I ask the cabinet secretary for his response to the committee's unanimous review in a report that

"We have very serious concerns that there is a lack of clarity within Scottish education about who has responsibility for curricular structure and subject availability".

**John Swinney:** It is important that that fair question is addressed, and the thinking behind CFE in its original design provides the answer to it. On the roles and responsibilities within the education system, I am ultimately responsible for education policy in Scotland and for the design of the curriculum as agreed by a variety of partners within education.

One of the points that was accepted fundamentally in the design of the CFE was that there would be variability in the curricular design models that were adopted at local level. If you look back through the records of the work of the curriculum for excellence management board and the various stages in the long design of CFE, you will see that the principle that there would not be a uniform mechanism in place was acknowledged and accepted.

However, there has to be confidence that each curricular model is appropriate and effective in meeting the needs of young people and fulfilling the aspirations of CFE. In that respect, curricular design is a fundamental part of inspection, so Education Scotland will be looking very closely and carefully at the way in which the curriculum is designed at local level.

The committee will be familiar with the argument that I have advanced, that a necessary element of ensuring that the curricular model that we have adopted in Scotland can be successfully delivered is empowerment at school level to enable schools to decide on the curricular model that they will take forward. In some circumstances, schools will collaborate on that design with other schools in their local authority area to maximise the availability of educational opportunities for young people. I have in my mind some of what are called shared-campus models, where schools will timetable consistently so that they can offer young people, particularly within the senior phase, the broadest possible range of subjects to choose from. For some young people, that may involve travelling from one school to another to maximise their curricular choices.

The answer to the point that Liz Smith made to me about the committee's inquiry is that, ultimately, I am responsible for curricular design and education policy, but the operational decisions about that will be taken at local level. Education Scotland, through its inspection work, will evaluate and assess the effectiveness of the curricular choices that are made at local level.

**Liz Smith:** The quote that I read out was the unanimous view of this committee. Do you accept that parents have a right to be concerned when

this committee is saying categorically that it is concerned about where the responsibilities for curricular structure lie? Does that concern you?

**John Swinney:** Obviously, I want parents to be satisfied with the quality and delivery of education. Of course I want that to be the case. In a sense, that is the most direct area of interaction between parents and schools about the curriculum. I would expect schools to be deeply engaged with their pupil and parental community in convincing them about the effectiveness of the curricular model that is being taken forward.

**Liz Smith:** To be absolutely clear, cabinet secretary, are you concerned that this committee has thrown up some criticism about what the responsibilities of the main agencies in Scotland are and who is accountable to them for certain decisions that are made about exams or the curricular structure? Does that not concern you?

**John Swinney:** If there is criticism of national bodies, or of me or the Government, I want to address it, which is what I am trying to do in the answers that I am giving to Liz Smith. However, the question that she asked included the issue of parental satisfaction and contentment and the most important part of my answer is that I want parents to be satisfied with the curricular choices that have been made by their schools at a local level. They must have the opportunity to be engaged in discussion with schools about those particular curricular choices. Fundamentally, that is what matters to parents. I think it is more important for parents to be satisfied with the curricular choices that have been made about their own children and young people than it is for them to be satisfied that Education Scotland is devoid of criticism about its role. The most important judgment that parents will be concerned about is whether the educational experience of their children is meeting their needs.

In that respect, different choices will be made in different parts of the country, and that comes back to the first answer I gave to Liz Smith, that under curriculum for excellence, there is not a prescribed, uniform model around the country. Parliament could judge that there should be a prescribed, uniform model around the country, but I think that that would run contrary to the thinking that it signed up to about curriculum for excellence, which relies fundamentally on the professional judgment of the teaching profession. That will be demonstrated in the decisions taken at local level, and that is why I put such emphasis on empowerment within the teaching profession.

I want to make sure that parents are satisfied with the quality and effectiveness of the education of their children. The model that is adopted to do that will vary at local level, school by school. I think that is perfectly acceptable. What we have be

satisfied about is that when those models are assessed and considered by Education Scotland, there is a rigorous assessment of whether they are successfully delivering curriculum for excellence and successfully meeting the educational needs of children and young people.

**Liz Smith:** Thank you for that long answer. The bottom line is that, in the summer, we saw a downturn in the rate of higher passes for the fourth consecutive year. That very much concerns parents, not least because the Government has described the higher pass as the gold standard in Scottish education. Why have pass rates been falling for four consecutive years? What are you doing to address the situation? Do you agree with your officials, who warned you that that is a very serious problem?

10:15

**John Swinney:** First, we have to look carefully at the pass rate numbers. Broadly, for three years, the pass rate was about 77 per cent—the difference was marginal. In the 2019 diet, the pass rate fell by 2 percentage points to 75 per cent.

I still consider—as I said at the time and maintain today—that a pass rate of 75 per cent is evidence of a very strong performance by young people in Scotland. The fact that three out of four candidates are passing their higher examinations and that we have such strength in A to C grades is a very strong indication of that performance.

Liz Smith will know—I also mentioned this in my opening statement—that I have interrogated those results and interacted very closely with Education Scotland, the Association of Directors of Education in Scotland, the SQA and my officials, to identify the issues that we needed to address in relation to the performance at higher level.

That analysis throws up the strength of the performance, which I have mentioned; it also shows the necessity of ensuring that we have a clear focus, at all times, on enhancing learning and teaching in our education system. We have a national improvement framework, because we must have a system that constantly focuses on improvement in the education system. Fundamentally, that will be delivered through enhancements to learning and teaching.

We are taking a number of steps, as we do in relation to any examination diet, to make sure that standards are clearly understood. The SQA is making sure that the standards that it expects are clearly understood by the education system. Education Scotland, working with local authorities and the regional improvement collaboratives, is putting in place the necessary measures to ensure that we are enhancing learning and teaching at a local level. Indeed, we took the decision to

establish RICs in order to ensure that we had available the opportunities to invest in the enhancement of learning and teaching. We are also working to ensure that schools that consider it a necessity to address particular challenges that they face are able to access the relevant available support networks.

My final point is about the variability in performance in the exam system. In 2018, there was a fall in the pass rate for national 5; in 2019, there was an increase in the pass rate for national 5. I state that to illustrate the volatility in a system in which our young people are performing at a very high level. That is an important point to remember in analysing the 2019 exam diet.

**Liz Smith:** Pass rates for national 5 were much improved, but the central point is that your officials are very concerned about—they specifically flagged up this to you—the four-year downturn in higher pass rates. I want to know why they are so concerned. What are the factors behind the fall? What are you doing to address that concern? The highers are supposed to be Scotland's gold standard in education.

You mentioned your relationship with the different education agencies. What are they doing—as instructed by you—to address the problem? The downturn is not just an annual variation; it is four years of decline.

**John Swinney:** I am at risk of repeating some of what I have already said. I have made the point to Liz Smith that we have to look very carefully at the numbers. The way that Liz Smith characterises those four years is, in my view, not appropriate.

**Liz Smith:** Your officials flagged it up as a major concern.

**John Swinney:** The pass rate was broadly about 77 per cent for three years. It has gone down to 75 per cent. I recognise that is a decline; I have acknowledged that. However, we have to look at that figure in the context of it still being a very strong performance by young people in our education system.

In light of the discussions that I have had with the various organisations involved in the delivery of education, we have looked at making sure that schools have access to support for enhanced learning and teaching, because, fundamentally, learning and teaching are at the core of what drives performance in examinations. Support will comprise a range of interventions, including from Education Scotland, ADES and the SQA, to make sure that there is an understanding of the standards and what is expected of the curriculum, to enable schools to deliver the best possible outcomes for young people.



**Liz Smith:** Are you implying that there is not a sufficiently good understanding of what the standards should be?

**John Swinney:** I am saying that one of the elements in the different things that we have to do in the education system is to make sure that there is an understanding of the standards that are expected.

Let us look back at the education system. When I became the education secretary, I asked the chief inspector of education to put in place clear benchmarks for the levels that we envisaged should be achieved at early level and at first, second and third levels in the broad general education. I wanted to be satisfied that the system knew what was expected of it. The same applies in the senior phase.

It is vital—this is part of the on-going work of the SQA, which does an extensive amount of work on the system every year—to make sure that there is a clear understanding of standards in the education system. That has to be done habitually. There must also be investment in enhancing learning and teaching, which is precisely what I envisaged would be the role for regional improvement collaboratives, working with local authorities, in making make sure that schools were effectively supported to meet the expectations of the education system.

**Rona Mackay (Strathkelvin and Bearsden) (SNP):** Good morning, cabinet secretary. I am fortunate to have a constituency with very high-achieving schools and record exam passes almost every year, but we know that there are geographical areas of concern—and that has long been the case.

Do you agree with me that, with regional improvement collaboratives and pupil equity funding, which are geared towards trying to close the gaps, we are almost at the start of a journey and that it will take longer for us to attain improvement? Some people are expecting to see that improvement too soon, because a range of packages is at play.

**John Swinney:** We have to look at a number of issues in response to that question. First, having a persistent focus on improvement in our education system is important. It is interesting that, even in some of our high-performing schools, there is a constant focus on the improvement that is necessary to enhance learning and teaching. Even those schools—I recognise that there is a number of them in Rona Mackay's constituency—are all looking at how they can do more and do better. That culture is now deeply embedded in the education system. I see schools looking at the components of the national improvement

framework, to identify how they can progress as individual schools.

The second element is the particular challenges in the journey towards closing the attainment gap. I acknowledge, and the Government acknowledges, the particular challenge that is faced by young people who come from a background that is influenced by deprivation. We put in place the Scottish attainment challenge and pupil equity funding to have resources and additional support in order to maximise the effectiveness of school performance. I think that we are seeing the signs of that journey being under way. It will be a challenging journey, because there are deeply embedded issues in our society, and we have to build on the progress that has been made with sustained investment, which I believe we have put in place for the attainment challenge.

Thirdly, in its last input to me, the international council of education advisers made it clear how important it is that we remain consistent on the journey towards closing the attainment gap; it also made clear that we must recognise that there will be a series of relatively small incremental gains as we make progress. That is an important reflection to bear in mind.

Lastly, we have to take the broadest analysis of what is being achieved by our young people in schools. Not everything is captured on the SQA's results day; it is for some schools, but not for all schools. When we look at the broader data that is available through the Insight analysis, which captures all school performance at Scottish credit and qualifications framework levels, we see improvements in performance year on year. Young people are involved in pursuing qualifications and learning that are not all under the umbrella of the SQA, which is the exams diet that Liz Smith was asking me about. Take SCQF level 5, for example. By the end of S5 in 2016, 85.3 per cent of young people achieved one or more awards. That figure rose to 86.2 per cent in 2019; and, for five or more awards, it rose from 55.6 per cent to 59.6 per cent.

My point is that we have to look at the broadest range of analysis of performance and not just at the SQA exam diet, which does not tell the whole story, however important the SQA results are.

**Jenny Gilruth (Mid Fife and Glenrothes) (SNP):** I want to pick up on Rona Mackay's and Liz Smith's line of questioning about exam passes. We cannot look narrowly at exam passes as a measure of whether a school is good, and you have spoken about the wider range of opportunities that are available to young people. I wonder whether part of the decrease in the number of higher passes—it is not a huge percentage dip—might be linked to more pupils

having the opportunity to sit for higher qualifications than there might have been in the past. Schools that I have previously taught in put a block on certain pupils—based on their academic ability—obtaining that qualification. Has there been a cultural shift to encourage more pupils to experience those qualifications?

**John Swinney:** Undoubtedly, the composition of our schools is changing, because more and more young people are staying on to the end of S6, or for longer than was the case in the past, so we have a sharp rise in the proportion of young people that are staying on in school.

In my answer to Rona Mackay, I cited the level 5 achievements in the Insight analysis. If we look at the Insight analysis for level 6, which is the higher level at the end of S5, we see that the proportion of young people achieving an SCQF level 6 qualification rose from 18.5 per cent in 2016 to 22.1 per cent in 2019. That analysis looks at a broader range of qualifications than just the SQA exam diet, which I think represents one of the elements of curriculum for excellence that was always sought after and that aimed to ensure that young people had access to a broader range of qualifications. That data demonstrates the broadening of achievement that is being undertaken; it also demonstrates the fact that young people are pursuing a curriculum that better addresses their interests and aspirations than would be the case if we were following the more limited curricular approach that might be captured by the SQA national qualifications. It is important to look at the breadth of experience and achievement as part of this process.

**The Convener:** Ms Wishart?

**Beatrice Wishart (Shetland Islands) (LD):** Thank you, convener, but my point has already been answered.

10:30

**Daniel Johnson (Edinburgh Southern) (Lab):** I will ask a few questions about the Scottish national standardised assessments. The committee, in its conclusions, expressed concern that there seems to have been a shift in the focus of SNSA from national performance data to assessment at school and classroom level. The Educational Institute of Scotland's written submission contains the rather stark statement that there is essentially no value at national policy level in what SNSA is delivering. How do you respond to that statement from the EIS? Is it correct?

**John Swinney:** I accept that the purpose of SNSAs was not as clear as it could have been, which is why I have taken steps, as part of the measures that we have introduced, to address the

purpose of SNSAs. Their purpose is to contribute to the judgment of teachers on the performance of young people as they progress through the levels of the broad general education.

That is important information. Prior to the introduction of SNSAs, we did not have a method of assessment that gave us consistency of judgment across the country and across the system. We had no benchmarks for what we expected young people to achieve at individual level. I put in place those benchmarks so that the teaching profession was much clearer about what was expected at the early, first, second and third levels.

We then had to put in a mechanism that would help in moderation of standards across the county. SNSAs were designed to help teachers to formulate their judgments. Everything flows into the annually reported judgments that teachers make about the performance of young people. The achievement of levels data, at each of the levels that I have cited, will be published on Tuesday 10 December. The publication of that data in December will no longer carry the label of "experimental". The chief statistician has decided that the quality of the data is now at such a level that the "experimental" status can be removed. That obviously gives us much greater confidence in the data that will be produced in December.

I accept the point that we needed to clarify the purpose of SNSAs; I think that we have done that. The EIS's most recent submission to the committee acknowledges the progress that has been made in clarifying the purpose of SNSAs. That puts us in a strong position to support young people to address any challenges that they face in their broad general education.

**Daniel Johnson:** I accept much of what you say about the need to provide a consistent means of assessing and about giving tools to teachers to see whether or not their pupils are achieving the standards that we expect. However, in the Government's own submission in response to the committee's conclusions, you state:

"On their own ... they cannot provide a summative assessment of whether a learner has achieved the Curriculum for Excellence level relevant to his or her stage."

I am very slightly confused by the contrast between what you have just said and the written submission that the Government provided. Am I right to be confused? Can you explain?

**John Swinney:** I hope that you are not right to be confused, Mr Johnson. The data that is published a week on Tuesday will be the judgment by teachers around the country of the ability of young people to achieve particular levels in the broad general education at early, first, second and

third levels. That data is driven by teacher judgment. That teacher judgment is informed by a multiplicity of educational experiences that young people undertake during the year, one part of which will be the SNSAs. The SNSAs are not defining teacher judgment at the end of the year but are part of the evidence base that teachers will draw on in order to determine whether or not a young person has command of a particular level. Their command of that level will be reported in the annual information that will be published a week on Tuesday. That data will no longer carry the “experimental” statistical classification, which has been removed by the chief statistician.

**Daniel Johnson:** What we need to be clear about is precisely what the data will tell us—that will, essentially, be a summation of teacher judgment. It will not have the consistency of the Scottish survey of literacy and numeracy, which was a consistently applied test.

In addition, the key thing that the SSLN gave us, which the SNSAs will not give us, is contextual information. In our written submissions we pointed out that the SSLN had a variety of elements that looked at teaching practices and pupil attitudes, which provided a context for attainment and achievement. Do you accept that that is a weakness of SNSA in comparison with the old SSLNs?

**John Swinney:** No, because the SSLN gave a limited extract of information about performance of the education system globally, across the country. It did not give us information about the performance of young people through the education system. That is the fundamental issue that matters for me, because I am concerned to make sure that every young person can be supported in their learner journey to fulfil their potential.

The data that is based on teacher judgment that we have now gives us information across all the pupils at a particular stage in the learner journey, about whether they have command of that level of their education. We expect young children to have command of the early level by the end of P1 and then to progress through the education system. That gives us a much more comprehensive insight, individual by individual, about their performance, and it focuses the education system on ensuring that every young person can fulfil their potential as a consequence of that analysis.

**Daniel Johnson:** One can accept that the SNSA provides individual and classroom levels of information, but one could also acknowledge that it does not provide the wider context that SSLN provided. Surely the survey-based approach, and statistical gathering by sampling, is an established and accepted approach to gathering data by the Government.

**John Swinney:** Of course it is—but we are interested in making sure that every young person can fulfil their potential through access to a high-quality education. The SSLN does not assure us of that because it is a survey across the whole country. It does not tell us that in a particular classroom in a particular school, young people are not performing as well as they should be able to perform, and that there are issues to be addressed. The critical questions about our education system that parents will be concerned about are whether their child is getting a good education, and whether they are getting all the support that they require in order to fulfil their potential. The assessment mechanism that we have designed, which is attracting a significant amount of international attention, is designed to give us the ability to rely on teacher judgment, informed by high-quality standardised assessments that form part of the judgment that teachers make as to whether young people are achieving what is expected of them.

**Daniel Johnson:** Do you accept that you cannot aggregate the data in the same way that you could under SSLN and therefore do not have the same system-level information and data that you would have under SSLN, which followed a more orthodox statistics-gathering methodology?

**John Swinney:** We have more information available to us than we have ever had in the past. There is a range of indicators within the elements of the national improvement framework in which we openly assess performance within the education system and gather data to determine progress and explore many of the contextual arguments that Mr Johnson has raised, but assessment also relies deeply on judgments that are made school by school, classroom by classroom and individual by individual. Teachers are undertaking that, and it is now, according to the chief statistician, reaching a robust level of assessment that allows us to judge the progress of young people through the education system.

**Daniel Johnson:** I have a final question about additional support needs and administering of the tests. The Government states in its submission that the system can be useful for identifying children with issues, but has

“not been designed to do that.”

As the cabinet secretary will know, I have previously raised concerns in Parliament about the impact that the tests might have on children with undiagnosed conditions, including autistic spectrum disorder and attention deficit hyperactivity disorder. What work has the Government undertaken to assess the impact that the tests might have on children with undiagnosed conditions? I acknowledge that you take an

interest in such areas, so I would appreciate your comments and views.

**John Swinney:** We have to act with extraordinary care. Our approach is the same as it should be in relation to any child, which is to identify the child's particular needs. If we live by the maxim of getting it right for every child, we have to look with care at how each child can make their journey through our education system. The SNSA is no different from any other aspect in trying to identify the needs of individual children.

I confirm for Mr Johnson that I do not see the SNSA as a means of identifying undiagnosed conditions. What the SNSA will offer teachers is very good and rich diagnostic information about young people's educational challenges, but that information has to be laid alongside wider assessments of the issues that young people face in order to identify the support to meet their needs.

We must not view this in a compartmentalised fashion and think that the SNSAs have a particular purpose in that respect. It is part of the wider obligation on the education system and our children's services approach to make sure that the needs of children and young people are met effectively and that we put in place support to assist young people who have additional needs.

**Daniel Johnson:** I want to push you on the specific point about the impact that the tests might have of increasing stress and anxiety, especially among younger children who might have undiagnosed conditions. Has that question been raised in Government? Has any work on it been carried out?

10:45

**John Swinney:** The guidance on SNSAs has a clear element that tells the teaching profession to apply professional judgment as to whether it is appropriate for a young person to undertake the assessment. There is nothing mandatory about it. Teacher judgment should always be applied as to whether a young person is suited to undertaking the assessment. That comes back to my fundamental point about getting it right for every child. No teacher is obliged to have a child undertake the assessment. If a teacher thinks that it will not be suitable for a child, they should exercise professional judgment and not have the child take the SNSA. We look carefully at the feedback from teachers and pupils about their experience of the assessments to determine whether there are any other further issues and points of guidance that we need to address.

**The Convener:** During the committee's investigation of that issue, we heard concerns about teacher workload and the impact of conducting the tests on timescale in the classroom

but, at the same time, we heard demands from the academic community for even more data and statistics. Are you content that the balance is right and that you have the information that you need to monitor the education system in Scotland?

**John Swinney:** We have much more data, and much more useful data, in monitoring the performance of young people through the education system and supporting them in meeting their needs to enable them to fulfil their potential. I am always mindful of issues in relation to teacher workload. I believe that the agenda that we are pursuing, in partnership with professional associations, is making significant progress on addressing that issue so that teachers can exercise much more confident judgments about how they invest their time in supporting learners' needs.

We now have in place the type of robust data analysis that the OECD called for us to put in place in 2015. The committee will recall that the OECD told us that we did not have sufficient and robust data to monitor the progress of young people through our education system. In essence, we did not have an approach that gave us comparability across young people until they got to the senior phase, which was leaving it far too late. We now have that in place, and that is being effectively delivered by the teaching profession, given that, in 2018-19, the participation rate in SNSAs was 93.4 per cent. Obviously, teachers have been providing the data and information that will be released a week on Tuesday in relation to the performance of young people in the education system.

**Dr Alasdair Allan (Na h-Eileanan an Iar) (SNP):** The committee's report on subject choices made a recommendation on an independent review of the senior phase. Will you say more about the Government's reaction to not just that idea of a review but what it would mean specifically in relation to subject choices?

**John Swinney:** As I confirmed to Parliament, and as I have reiterated to the committee this morning, I intend to commission a review of the senior phase. That was envisaged at the time of the OECD review of the broad general education, and we have reached a point at which it is necessary for us to undertake that review. It will be led by the OECD, which led the review of the broad general education in 2015. That is welcome external leadership of the review. I am keen for it to command the participation and engagement of the profession in Scotland, because it is important that the voice of the profession is heard loud and clear in the process. It is also vital that the review hears the views of young people and has their input. One of the essential strengths of the Scottish education system now is the more audible

pupil voice in it, so I am keen to make sure that the pupil voice is heard in the review.

I have invited the committee to provide me with input on the remit of the review, to ensure that we proceed with as broad agreement as possible. I look forward to seeing the fruits of the review in due course.

**Dr Allan:** As the cabinet secretary knows, the committee has been interested in the impact on individual subjects. As you rightly mentioned, there is an emphasis in the system on autonomy for local authorities and schools, and indeed autonomy for individual young people when making choices. Do you have a view about what happens when certain subjects are not chosen? For example, computing science appears to have suffered a significant decline in the number of people taking it. How far do autonomy and choice go if individual subjects suffer?

**John Swinney:** The answer to that is not contained only in information around the senior phase. It has to be considered with attention to the contents of the broad general education because, across the eight curricular areas, we expect young people to have experience of a broad general education. Up until the end of S3, we expect young people to be able to have that breadth of experience that enables them to be in command of all those elements.

The issue that Dr Allan raises gets to the nub of some of the pretty hard issues that we have to consider around what level of prescription we wish to put into the education system around what we think it is necessary and obligatory for young people to undertake. We say in our guidance to the system that we expect all young people to have a command of literacy, numeracy and health and wellbeing. We believe those to be the three pre-eminent aspects of the curriculum that young people must have command of to enable them to contribute to our society.

If we wish to be more prescriptive, we would have to change the direction of policy because, fundamentally—this is one of the issues that is at the heart of the question—more choice is available to young people in our education system today. That is obvious, and the committee has acknowledged it. The question that the committee wrestles with is whether there should be more prescription around certain elements that it believes young people should, in all circumstances, have a command of.

There is a debate to be had on that. Until now, I have taken the view that the advice that we have given the system on the primacy of literacy, numeracy and health and wellbeing is appropriate, but, if we decide that we should be more prescriptive in the education system, that is clearly

an option. I have not taken that option so far, but the fact that we are having the review gives us the opportunity to explore in detail some of the issues that Dr Allan raises.

**Dr Allan:** I have another question on a related point, although it is not necessarily about prescription; it is about some of the issues with languages that the committee has attempted to take up with Education Scotland. I have asked you about the issue before, and you know that I have an interest in it. Has the Government had an opportunity to reflect on some of the evidence that was given to us about the specific problem of languages being dropped in second or third year and then the assumption, or hope, being that they would be taken up in the sixth year again only for that not to materialise? Certainly, we had evidence from language teachers and others on that specific issue. I appreciate that we then get drawn into issues of prescription and all sorts of other things, but the committee heard a lot of evidence that suggested that there is anxiety about that specific point about languages.

**John Swinney:** The Government has made a priority of investing in languages. The one-plus-two languages policy has seen more than £30 million of investment by the Government in recent years to support the development of the one-plus-two approach. That has seen its application throughout the broad general education. In essence, Dr Allan's point is whether we should apply more obligation on the pursuit of languages through the senior phase. That is an issue to debate and consider. We have not taken the view that we should prescribe that. The data about entries into national qualifications will give us some of the picture about the experience of young people, their interests and whether they wish to prioritise language learning. That data speaks for itself, but of course there is an opportunity for us to consider whether we should put more obligation into the system. That is one of the issues that I am sure the senior phase review will consider.

**Iain Gray (East Lothian) (Lab):** I will follow up on Dr Allan's line of questioning. Cabinet secretary, you have talked about the level of prescription in the curriculum and subject choice. It is certainly true that the committee's report on subject choice reflected concerns that were expressed to the committee in evidence that certain subjects, notably languages—particularly Gaelic—science, technology, engineering and mathematics subjects, and computer science were in danger of being squeezed out of the curriculum altogether. You have talked a bit about that but, at a meeting last month, you were quoted as saying:

“Let's have the curriculum driven by young people and what they're interested in, rather than by what old duffers like me are interested in.”

Do you mean that we should not be concerned when subjects such as modern languages and STEM drop out of our curriculum?

**John Swinney:** What I was expressing in rather more casual language than I am perhaps famed for—Mr Gray has raised that with me previously—is that we have to listen carefully to the voice and the views of pupils, because ultimately pupils must be motivated by the curricular choices that they make.

I accept that there is a legitimate discussion to be had about prescription. My answer to Dr Allan a moment ago was a slightly more elegant equivalent of the quote that Mr Gray has put to me just now. As things stand, I do not believe that we should be prescriptive about the curriculum because young people should be able to exercise choice around a much broader range of topics and subjects that meet their needs. That is my philosophical position, but I am in front of the committee today to open up a senior phase review, and that is a perfectly legitimate question to explore.

We are at a point where Mr Gray can, quite fairly, marshal evidence for a decline in participation in certain subjects. The committee has heard some of that evidence. The committee has also heard evidence that indicates that the current approaches that are available to young people are delivering a more satisfying and appropriate curriculum. We have to be mindful of that evidence. As with all things in education, there are legitimate arguments that support my point about listening to the views of young people, which are equally legitimate arguments that support the point of view that Mr Gray is advancing to me today. This is an opportunity for us to consider those questions and to decide whether we need to be any more prescriptive than we have been to date.

**Iain Gray:** In a way, that would be fine if you were a casual observer, Mr Swinney, but you are not. You are the Cabinet Secretary for Education and Skills.

We have dysfunctionality here in Government policy, do we not? The one-plus-two policy, which you referred to a moment ago, is an attempt to ensure that modern languages as a subject is studied and preserved in our curriculum. We have a STEM strategy, which we were debating in Parliament only yesterday with one of the ministers from your team, that is designed to ensure that more young people take more STEM subjects because we believe that it would be useful, but your position is that that is daft. You say that you fear that the logic of the report

“is that young people will be required to do subjects in which they have no interest. And if we agree to that, we are daft.”

What is the Government policy here? Are we trying to get more young people to study modern languages and STEM subjects, or is that just things that old duffers like you and me are interested in? Which is it?

11:00

**John Swinney:** I contend that the Government policy is crystal clear.

**Iain Gray:** Ha!

**John Swinney:** I always show Mr Gray the courtesy of engaging with his questions, so he should allow me to do so.

Government policy is aimed at encouraging young people to take an interest in modern languages and to participate in the STEM subjects, but my view is that we have to respect the choices that young people make and their interests. If we narrow it down, Mr Gray is saying to me that we should oblige young people to do subjects, and that, although we have encouraged them to be interested in modern languages and some of the STEM subjects, if they are not that keen on doing so when they come to make that choice, we should oblige them to do so. That is not Government policy. Government policy is to say, “Let us do the encouragement and then let young people choose what they wish to take forward from a broader range of topics and subjects.”

If we were to change Government policy, it would be to move to the point that Mr Gray is advancing. That is not Government policy, and that is an issue. However, I am perfectly happy to have it debated and considered during the senior phase review.

**Iain Gray:** The committee report on subject choice says that the evidence shows a reduction in the number of subjects that can be chosen—not the number available to choose, the number that can be chosen—by pupils in the senior phase in school, as a result of which particular subjects have seen a significant decline. The choice is not driven by interest; it is driven by the curriculum model in which these young people are studying, and that is the concern that the report describes.

The evidence also says, and the report reflects, that the restriction of choice is greater in schools in certain areas of deprivation than it is elsewhere. That is not just a problem with subjects; it is a problem with fairness.

**John Swinney:** There are a number of different elements within that question. The question about the number of choices that young people make—I rehearsed this when I was before the committee some months ago—relates to whether one takes the view that an individual year of choices sums up what young people can undertake or whether

we are looking at that over a three-year senior phase. I contend that, over the three years of the senior phase, young people have the opportunity to pursue the range of subjects that Mr Gray has raised with me.

One of the reasons why that was a motivation within the education system—again, this goes back to the foundation of the CFE—was because there was a sense that we were over-examining young people and that the range of qualifications that they were required to undertake was adding to their stress. There are also contested propositions in that question.

During the three-year senior phase, young people would be able to pursue the range of opportunities that I have talked about and that Mr Gray has raised with me. Models are clearly available around the country that show that to be the case.

The second point is about the availability of options within areas of deprivation. I have no interest whatsoever in there being a lack of opportunity for young people in deprived areas, so I want to maximise the options that are available to them. When I look at the choices and the options that are available to young people in schools in what are called areas of deprivation, I see a huge breadth of opportunity. Schools are excelling themselves to make sure that range of opportunities is available.

Often, many of these schools involve smaller cohorts and there will be challenges to the delivery of the range of opportunities. I want to make sure that we have in place shared arrangements and partnerships with colleges that will enable us to maximise choice for young people. There is increasing evidence that that is the case, but we have to look at addressing the aspirations and the needs of young people within those localities and make sure that we put in place credible opportunities for them to prosper as a consequence.

**Iain Gray:** Are you suggesting that their needs and aspirations are different from those of children in schools that serve better-off communities?

**John Swinney:** There will be a range of aspirations and needs in any school and they will vary to a greater or lesser extent because all schools are different.

**Iain Gray:** The widespread use of multilevel teaching for levels 3 and 4 is another area that the subject choice report focused on. That phenomenon came out in the evidence; it was not part of the original purpose of the survey. Earlier, you spoke about a relentless focus on enhancing learning and teaching. Is the extensive use of multilevel teaching enhancing learning and teaching?

**John Swinney:** As Mr Gray will know, because we have rehearsed this point in other discussions, multilevel teaching has been a feature of the Scottish education system for many years; it is not new. Indeed, at the time of the inception of curriculum for excellence, there was an acceptance in the Education Scotland guidance of February 2013, which said:

“Progression from the broad general education to the senior phase. There was guidance which talked of delivering S4 to S6 as a single cohort within which young people can opt for a mixture of subjects and levels and learn in mixed age groups. This can help provide a wider range of classes”—

**Iain Gray:** I am sorry, cabinet secretary, but that is about mixed age groups. That is not the same thing as multilevel. It is a different thing altogether.

**John Swinney:** The S4 to S4 single cohort was envisaged.

**Iain Gray:** No. That means that S4 and S6 could be in the same class studying at the same level. It does not mean what you are saying it means.

**John Swinney:** The guidance reflects what we are seeing in multilevel teaching through the way in which we take forward that approach.

**Iain Gray:** No, it does not. It means something completely different.

**John Swinney:** The key thing for me is to look at what the evidence is saying to me. There is no information in our inspection evidence that suggests that multilevel teaching is in any way undermining the quality of education. That was confirmed to the committee in the letter that it has just received from the chief inspector of education and the chief examining officer.

We are about to commence a review of the senior phase and we can explore those questions to see if we need to address this question, but multilevel teaching indicates that there is a desire on the part of the education system to ensure that young people have access to the broadest possible choice in their education.

**Iain Gray:** Absolutely, but does that necessitate their being taught in three and four-level classes? That would be necessary only if the resources and staffing were not available to provide those classes at the different levels. Let me just pick a different point—

**John Swinney:** Could I address that particular point first? I cannot sit here and say that every young person in Scotland will be able to study every national qualification that they want to study in their own local school, because that depends on a number of factors. I would have thought that Mr Gray would have to accept that point from his experience in the education system. It depends on

the size of cohorts that are available and the resources that can be deployed provide the subject.

If we were to try to do that, it would be a potentially unsustainable approach. I cannot, in all honesty, sit here and say that I think there is a model that can deliver that type of premise. Schools are trying to use the resources that they have to maximise the choice and availability of options for young people within their schools, and I think they should be commended for doing so.

**Iain Gray:** That is correct. Schools are being forced to use multilevel teaching to develop the curriculum. My question to you—

**John Swinney:** The schools always have done so, Mr Gray.

**Iain Gray:** No, that is not true.

**John Swinney:** They have.

**Iain Gray:** My question to you was: is that, in your view, enhancing learning and teaching? Teachers do not think it is, and I am asking if you think it is.

**John Swinney:** I have no inspection evidence that suggests that it is not the case. The Education Scotland guidance talked about delivering typically two-year programmes for young people to learn across two levels, such as national 5 and higher. The design of CFE envisaged that that would be the case. We have to be open to evidence of whether that is a challenge within the education system. I do not want young people's experience of education to be in any way constrained by such an approach, but neither do I want young people's choice to be constrained by the fact that we have to teach at multiple levels, which has always been a feature of the education system in Scotland.

**Alison Harris (Central Scotland) (Con):** You have probably answered my questions, cabinet secretary, but I am going to run through them again, if you do not mind.

You cite the increase in the number of new qualifications that are available to young people as justification of the success of the CFE, but that must surely be set alongside what is happening to the core qualifications, which is a matter of considerable concern, as we have heard, to parents, young people and employers. Recent evidence has shown that, from levels 3 to 5, the number of alternative qualifications achieved annually has increased by 15,000, but that has to be set against the decline of 165,000 in the number of traditional course qualifications. For clarification, can you explain to me again whether you are concerned with those figures?

**John Swinney:** First, Alison Harris has used the term "core qualifications" but, beyond what I

said in my other answers about the necessity of young people having a command of literacy, numeracy and health and wellbeing, I am not aware of a definition of "core qualifications" and I do not—

**Alison Harris:** Perhaps I should have said "course qualifications"—did I say the wrong word?

**John Swinney:** It does not matter in the answer that I am giving. It comes back to my answer to Iain Gray earlier about how prescriptive we are about what young people should be pursuing in the education system. If we want to have a discussion about what need to be core qualifications, let us have that discussion, but that is not a feature of curriculum for excellence and its design.

Secondly, we have to look at the range of qualifications that young people are achieving across the whole of the senior phase. Earlier, I cited the data for the range of awards that have been achieved by young people. What we see at all the levels, at 1, 2, 3, 4, 5 or more awards, at SCQF levels 5 and 6, is an increase in the proportion of young people achieving awards between 2016 and 2019. We are seeing a pattern of rising attainment in our schools, but it is attainment across a broader range of experiences and courses for young people.

Lastly, I think that there is industrious effort being undertaken in schools to ensure that young people have access to a broader range of opportunities and options. I see schools trying to expand that year on year to meet the needs of young people.

11:15

**Alison Harris:** I will stick to using the term "core subjects". Some core subjects have seen a radical downturn. We have heard about this from Mr Gray and Mr Allan, but I will ask you about it too. Professor Valdera-Gil provided evidence to the committee showing that, in 2012, there were around 30,000 entries in French below higher and in 2018 there were just 11,000. That is a two-thirds drop. That feeds through to higher, where, since 2016, A to C passes are down 27 per cent approximately in French and 25 per cent in German.

I have heard your answers to both Mr Gray and Mr Allan, but I would like you to look at the issue in this way and come back to me. My concern is that, if the trends continue as they are going over the timeframe that we are talking about—six years—then, over the course of the next session of Parliament, modern languages will go the same way as the classical languages of Latin and Greek. At higher, they are becoming virtually extinct. Surely you must be concerned about those



figures and you must accept that, basically, the decline in those numbers is also down to restricted subject choice in S4.

**John Swinney:** I think that there is a broader answer to the question that Alison Harris raises with me about languages. If you look at the effect of the one-plus-two language policy that the Government has taken forward, the most recent information shows that 88 per cent of primary schools and 70 per cent of secondary schools are providing the full entitlement to learning a second language from P1 to P7 and from S1 to S3. We have very formidable levels of language tuition going on in our schools.

In the senior phase, the total number of passes of language highers is 4 per cent higher in 2019 than it was when the Government came into office, in 2007. I think that the question of the volume of qualifications pursued or courses adopted has to be considered in the discussion about what level of prescription we intend to put into the education system to oblige young people to continue beyond the learning opportunity that the BGE provides for young people through the one-plus-two languages policy. There is a debate to be had there but, fundamentally, much of the debate is driven by the choices that young people are making. Where they are choosing languages, their performance is improving.

**Alison Harris:** I know that you are a proponent of Professor Mark Priestley's work. Do you agree with his assertion that CFE is built on the right principles but that its structure needs to be adjusted to deliver better results?

**John Swinney:** I cannot quite remember the word that Alison Harris used to describe my view of Professor Priestley. Professor Priestley is a commentator who is contributing to a debate on education. Lots of commentators contribute to the debate on education and it is important to reflect on the totality of the advice and guidance that we get. Professor Priestley has commented on the foundations of CFE. I very much value the fact that Parliament has continually, including on the most recent occasion, reinforced its belief that CFE is the right curricular choice for Scotland. I fundamentally believe that. I think that it equips young people with the skills that they require for the future but, as with any curriculum, we have to be open to considering its effectiveness. That is why we had a review of the BGE in 2015 and it is why we are having a review of the senior phase at this stage. Where I very much agree with Professor Priestley is that the curriculum does not stand still, nor should it, because the world changes around us. As the world changes around us, so we must look to consider the detail of our curriculum as well.

**Alison Harris:** The committee has heard that there is a disconnect between the BGE and the senior phase, which is leading to a restriction in the number of subject choices. Are you at all worried about the number of schools that do not provide comprehensive information on their websites about what subject choice options are available?

**John Swinney:** I look at a lot of information that schools produce for their parent community on subject choices. There is a lot of information available. I am pretty sure that I have some of it here—I had it in my briefing pack at one stage. I had a number of examples of the information that schools publish and make available on their choices. It is clear to discern from the information that is available that schools are working effectively to broaden the choice and range of opportunities that are available for young people, and I encourage them to do so.

**Alison Harris:** One of the current issues surrounding the debate about attainment measures is concern over the lack of relevant data. The committee has heard about that on numerous occasions. What is the Scottish Government doing to address it?

**John Swinney:** We have a huge and growing amount of data available on the performance of our education system. As I said in an earlier answer, until the introduction of the reporting of levels data in 2017, we did not have published information on the progress of young people through our education system until we had their performance in the SQA qualifications at the end of S4. We had nothing up until then. I accept that that was a weakness. The OECD highlighted that in its review of the BGE. It is why the Government put in place the levels data, which will be published a week on Tuesday. That gives us a much more coherent and consistent staged assessment of the progress of young people through the education system.

We then have the data that is available through SQA national qualifications. I have also cited the gathering together of all that data with other school performance information that relates to the qualifications outwith the SQA national qualifications through the insight data at SCQF level. Add to that the information that is available on the progress of young people through every stage of the education system, and I think that we have a much more comprehensive amount of data that can be interrogated about the journey of young people and the progress that they have made.

I am mindful at all times about the demands that we place on the profession to gather data because, obviously, it adds to workload. I have to be mindful of that at all times, but I think that we

now have a more robust volume of data that is available to us to chart progress through the education system as it affects young people.

Of course we gather lots of that information together in the BGE dashboard, which gives schools an indication of their performance in comparison with a virtual comparator, essentially looking at the social and economic demography of the school and comparing that with what a general system-wide level of performance would be. That will show schools whether they are reaching, surpassing or not reaching the levels that their virtual comparator would suggest they should be able to achieve.

**The Convener:** I have a supplementary question about the use of school websites, which Professor Jim Scott based a lot of his evidence on. A challenge for schools will be to explain what other options of study there are that could be available through cluster use. On my son's school's website, to all intents and purposes advanced higher music was not available, but he was able to study it at a neighbouring school. There are also opportunities for foundation apprenticeships and study at local colleges. How do you see schools being able to give that further information better?

**John Swinney:** Schools should be open in presenting the information that they can about the options that are available. Some of the examples that you cite might be practical issues that are slightly more difficult to navigate, because it may be that schools are trying to put in place individual arrangements. In the headteachers survey that we undertook, there was an expressed appetite to ensure that the subject choice aspirations of young people are being met in the education system and that the information that should be available more widely to inform pupil and parental choice should be the broadest information possible. If there is a need to enhance that level of openness and communication, we should be open to that. I entirely support an open approach in that respect.

**Ross Greer (West Scotland) (Green):** My questions will in part, follow up on Iain Gray's first line of questioning. To begin with, do you accept that a pupil in one of Scotland's most deprived communities will, on average, have considerably fewer highers offered to them to choose from than a pupil from one of Scotland's most privileged communities?

**John Swinney:** It does not need to be like that, because of the wider arrangements that are available to open up opportunities through joint timetabling with other schools. Provided that there is a willingness to create the type of partnerships that are envisaged under CFE, I do not see why that would be an impediment.

**Ross Greer:** Do you believe that that is or is not the case at present? I accept that, if cluster models work correctly and so on, it will be less of an issue. What do you believe is the situation at present?

**John Swinney:** I do not have in front of me evidence that suggests that that is restricted for young people, but I am very happy to consider evidence that would suggest that it is.

**Ross Greer:** That would be helpful. We raised this with Education Scotland during the subject choice inquiry. About two years ago, *The Times* did a relatively simple investigation into this through freedom of information requests, and a number of academics have done so since—I think that Jim Scott did some work on it and I know that Barry Black of the University of Aberdeen did. It indicated very strongly that, on average, pupils in Scotland's most deprived communities had a choice of highers that was about six fewer than the choice in Scotland's most privileged communities. Part of the issue here, though, is about who is responsible for identifying whether there is a problem. Before I get on to what should happen regularly, will the review of the senior phase consider the disparity in subject availability based on socioeconomic factors and potentially rurality, which is something else that we identified?

**John Swinney:** I am very happy for it to do so. That is why I have invited the committee to give me its thoughts on what should be in the remit of the review and why I have not finalised that until I have heard from the committee, which will enable me to ensure that we proceed with the broadest possible canvas.

**Ross Greer:** That would be very helpful, thank you. Obviously, that is a one-off external review, but who should be responsible for monitoring and identifying whether such problems are emerging? Is that Education Scotland's responsibility?

**John Swinney:** Ultimately, Education Scotland is responsible for considering the effectiveness and appropriateness of the curricular model that an individual school will undertake but, fundamentally, the responsibility for the delivery of education at local level is the responsibility of the school within its obligations to the local authority that carries the statutory responsibility for the delivery of education in that locality.

**Ross Greer:** This appears to be a national issue, though.

**John Swinney:** Ultimately, the answer to Mr Greer's question is that it is the responsibility of the local authority, because that is where the statutory responsibility for delivery of education rests.

11:30

**Ross Greer:** This is a national issue, though. The socioeconomic trends in Scotland are nothing new, and they are national. The information is broadly grouped by local authority, but there are four attainment challenge authorities in my region. East Dunbartonshire and East Renfrewshire are at the other end of the spectrum when it comes to attainment. To break the monitoring down to individual local authorities would fail to identify the problem that is being identified by academics and journalists. I am asking who, at a national level, is responsible for identifying whether these trends are occurring? Is that the responsibility of Education Scotland, as the agency, or does that responsibility lie directly with you and the Government?

**John Swinney:** I think that Mr Greer is moving past the point that I raised in my earlier answer, which is about where the statutory responsibility for the delivery of education rests. I do not carry the statutory responsibility for the delivery of education—that is not my responsibility. That responsibility rests with local authorities, and they must satisfy themselves that they are delivering education effectively in their localities. That is what the law says.

There will be external assessment of that by Education Scotland, and out of Education Scotland's analysis of individual schools or local authorities will come assessments of performance that ultimately may feature in a national assessment of the education system. From that, national policy could be determined to influence the statutory delivery by local authorities of education in their local areas.

**Ross Greer:** I accept—because it is obvious—that local authorities have the statutory responsibility to deliver education. However, it is not the responsibility of any individual local authority to assess the national trends.

I am presenting to you a national issue that has been presented to us. Education Scotland seemed extremely reluctant to take responsibility for identifying whether it is a problem; I am simply seeking clarity from you, as the cabinet secretary, on where responsibility lies for identifying whether it is a problem. That is one step before deciding how we go about resolving the problem, which I absolutely agree will ultimately come down to local authorities, as those who are responsible for delivering education. However, the responsibility for identifying a problem that is clearly a national trend that can be mapped nationally, is surely either with Education Scotland or directly with you.

**John Swinney:** Let us say, for argument's sake, that evidence of a particular problem is emerging from individual school inspections.

Education Scotland may undertake what is referred to as a thematic inspection—which may raise issues of a more general nature within the system—that is relevant to the whole of the education system but is also relevant to me, as the minister who is responsible. Ultimately, the policy responsibility rests with me—I hope that I have made it clear in my answers today that I am ultimately responsible for education policy in Scotland—and education policy will, of course, be informed by performance within the education system, about which Education Scotland reports more widely but specifically to me. A combination of those sources and channels of information will ultimately formulate education policy.

I can give Mr Greer a concrete example of that. The information that we have gathered and reflected upon has led us directly to the formulation of the attainment challenge, which is influencing performance in a number of the local authorities in the region that Mr Greer represents. That is an illustration of how an assessment of the progress of the education system—which, in that case, identified the persistent presence of a poverty-related attainment gap—has been responded to by a national policy that is about establishing a Scotland attainment challenge, putting in place the schools programme and PEF, and making a system-wide effort to tackle the poverty-related attainment gap, which I would consider to be—and which is—the central tenet of the Government's education policy today.

**Ross Greer:** If I am interpreting what you say correctly, Education Scotland has the responsibility for school inspections. If, through those inspections, it identifies a trend or a recurring issue, it has a responsibility to engage in a thematic inspection, the results and findings of which will ultimately come before you. So, the responsibility for identifying whether issues are beginning to occur or have been occurring sits with Education Scotland.

**John Swinney:** That is my view of the way in which the system was designed to operate. However, the impact of Education Scotland's analysis should not be just on me, in producing education policy; it should also be on those responsible, through statute, for the delivery of education at a local level, which is local authorities.

**Ross Greer:** When we engaged with Education Scotland on the question, it said that, on the basis of the evidence it has, the issue of subject availability and deprivation is not the issue that it has otherwise been claimed to be. The evidence that it cited was the attainment challenge report, but that covers only nine local authorities. Surely, you agree that the evidence for the difference between what is available to pupils in our most

and least-deprived communities cannot be simply attainment challenge reports that are based on our most-deprived communities—examples of which I just cited from my region. If you are trying to find an average, you have to include East Dunbartonshire as well as West Dunbartonshire. If you look simply at the most-deprived communities, you cannot possibly find the national average and identify whether those communities are falling below that average.

**John Swinney:** The key point—this has been my argument with the committee for a long time—is that we have to look at a broad range of evidence in any analysis of such questions. We must consider a range of different information sources. Information sources such as the outcomes that have been achieved by schools in areas of deprivation and the findings of the headteachers survey about subject choice and opportunities for young people give us information on which to make a judgment about the performance of the education system in all our localities, but they particularly give us an insight into the question that Mr Greer raises with me.

**Ross Greer:** I appreciate that, and I think it would be worth your emphasising to Education Scotland its responsibility to gather evidence from a range of sources.

Education Scotland said an interesting thing. In the course of that particular line of questioning, Gayle Gorman said:

“We are finding that, in areas that are not attainment challenge authorities or that are not receiving significant pupil equity funding, deprivation is a bigger factor in their curriculum offer and what they are able to do.”—[*Official Report, Education and Skills Committee*, 3 April 2019; c 24.]

How is the Government addressing that?

**John Swinney:** We must ensure that we have in place support that enhances learning and teaching. For me, the enhancement of learning and teaching is what will improve performance in the education system. The work that I have taken forward to establish RICs, to ensure that we have in place support systems and arrangements at a local level that can enhance the quality of learning and teaching by direct support to individual schools, is fundamentally the means to address the challenge that emerges from the chief inspector’s comment, which Mr Greer has quoted.

Enhancement of the quality of support in the education system has been a central part of what I have been trying to achieve over the past three and a half years. Through the very effective work of the RICs, which are working with local authorities and the professional associations to create more substantial, focused support to

enhance learning and teaching, we are beginning to see improvement in performance.

**Daniel Johnson:** I want to follow up on one of the points that Ross Greer touched on about the distinction between the delivery of education, which rests with local authorities, and the policy—and, in particular, how that will relate to the terms of reference for the examination of subject choice. I will ask two points about the assumptions, and I will then ask about what that examination might contain.

First, does the cabinet secretary accept that the design of both the curriculum and, more important, qualifications is very much a policy issue? Secondly, related to that, does he accept that, by definition, those things will have an impact on subject choice? Thirdly, does that mean that those elements will be part of that investigation?

In the cabinet secretary’s opening remarks, when he was talking about design, he related that specifically to how it is implemented at the local authority level. Following that logic, surely the investigation has to look at the design of qualifications and the curriculum as well. Does the cabinet secretary accept that logic?

**John Swinney:** I understand exactly the territory that Mr Johnson is in with his question, which highlights the complexity of the pursuit of education policy. It is absolutely correct that there is an interrelationship between the curriculum and qualifications, but there are different responsibilities around the design of qualifications from those that there can and should be around the design of the curriculum.

Let me explain that point. I do not set the exams, and I never should set the exams. The design of qualifications must be undertaken in a space that is independent of Government, because that provides external assurance about the validity of what is being achieved in the education system. Qualifications should be designed in a way that follows the curriculum; it should never be the other way around. Therefore, the purpose of the senior phase review is to look at the curricular aspects of the senior phase. If issues come out of that review that have an implication for the qualifications, we should look at those implications so that it is the curriculum that is driving the design of our qualification system and it is not the other way around.

**Daniel Johnson:** I take it that the cabinet secretary accepts that, although the detailed design of the curriculum will take place at a local level, things such as benchmarks are surely defined not at a local authority level but at a national level.

**John Swinney:** I will give Mr Johnson a very specific example of that. Benchmarks were

introduced into the system in draft in 2016 and in full in 2017. Prior to that, there were experiences and outcomes, which were set nationally—Mr Johnson is absolutely correct in that respect. My judgment, from listening to the profession, was that, however valuable the experiences and outcomes were, they were not giving a clear enough shape to practitioners in the broad general education of what was expected of them at individual curricular levels. The benchmarks were introduced to give clarity about what was expected at each level of the curriculum.

I insisted that the chief inspector of education, who defined the benchmarks, sought agreement from the Scottish Qualifications Authority's chief examiner that the benchmarks at the summit of the broad general education provided—in the eyes of the SQA's chief examiner—a secure foundation from which young people would progress to the senior phase. That is the critical point, and Mr Johnson is absolutely right to hone in on this. If a young person leaves the broad general education without the foundations to tackle the senior phase, it will come as no surprise that they do not perform well at the senior phase or that their challenge will be more acute.

I sought a specific assurance from the chief examiner that the benchmarks that were designed by the chief inspector were going to provide that consistent foundation, and I got that assurance. That gave me the confidence that we could apply the benchmarks and say to the education system, "This is what you need to achieve in the broad general education, because it will create the platform that will enable young people to proceed and to prosper through the senior phase".

11:45

**Jenny Gilruth:** I want to follow up on the questions that Daniel Johnson and Ross Greer asked, particularly with regard to qualifications. I appreciate what you say about the design of the qualifications being independent of Government, cabinet secretary. However, I have a question on an issue that I think that I have asked you about previously.

The SQA allocates 160 hours for the national qualification courses. That means that, given that there are 22.5 hours of class contact in a 35-hour teaching week, you can timetable only about five subjects, if you adhere to that prescription of 160 hours. I asked the SQA why it stuck with the allocation of 160 hours. Its answer was, "Because we did that for higher and intermediate."

Will the senior phase review look at that again in terms of the pedagogy involved? What input might Government be able to have in that process? I think that schools take the new qualifications and

try to adapt the timetable that they had previously and fit the new arrangements into what they had. The imposition of hours was perhaps a bit top-down on the part of the SQA. I think that there is still a bit of a challenge in how that is timetabled. That might explain some of the variance.

**John Swinney:** That is a legitimate issue for us to explore. That question will have an effect on the curricular model that an individual school takes forward. It might affect the degree to which individual schools pursue a broad general education up to the conclusion of S3, or it might mean that they conclude that earlier and move into the articulation with the senior phase. Within that judgment, it must be borne in mind that young people have an entitlement to a broad general education up to the end of S3, and we have to be satisfied that, whatever the curricular model, that broad general education is being delivered to young people, because that is a fundamental component of curriculum for excellence. That will be tested by Education Scotland through inspections.

**The Convener:** I thank the cabinet secretary and his officials for their attendance this morning.

11:47

*Meeting suspended.*

11:55

*On resuming—*

## Petition

### Getting It Right For Every Child Policy (Human Rights) (PE1692)

**The Convener:** Agenda item 3 is consideration of PE1692 by Lesley Scott and Alison Preuss, on behalf of Tymes Trust and the Scottish home education forum, which calls for an inquiry into the human rights impact of the getting it right for every child policy and data processing. Paper 4 in the meeting papers outlines the history of the petition. We agreed to wait for the outcome of the work of the GIRFEC practice development panel before giving the petition this second consideration. Paper 4 also lists several suggestions for further action.

I am conscious that the committee made a decision not to return to the petition until the outcome of the process around the named person legislation. As that legislation has fallen, we are still awaiting the publication of guidance by the Scottish Government, and it might be helpful to wait until that guidance is available before revisiting the petition. I suggest that we write to the Scottish Government for an update on progress.

**Liz Smith:** I think that there is a specific issue here, which is about the named person aspect, rather than any broad principle behind the GIRFEC policy. The issue is specific to the guidance that was issued to local authorities and to other public bodies about what would have been the implementation of the named person policy. Key sections of that have been withdrawn, so I think that it would be right and proper to wait for the Government to come back to us on the matter. It is absolutely essential that that guidance is reviewed, and I think that the main principle of what the petitioners are asking for is very much in line with that.

**Rona Mackay:** I broadly agree with that suggestion. I think that we should wait until we hear further from the Scottish Government.

**The Convener:** I think that we are all agreed.

## Subordinate Legislation

### Robert Gordon University (Scotland) Order of Council 2019 (SSI 2019/375)

11:57

**The Convener:** Agenda item 4 concerns a negative instrument that sets out new provisions for Robert Gordon University's governance arrangements. Details of the instrument are in paper 5. As members do not have any comments on the instrument, are we content to let it go forward?

**Members indicated agreement.**

**The Convener:** Before we conclude the public session, I want to put on record the committee's thanks to Dougie Wands, who is a senior clerk to the committee. Dougie is moving on from the clerking team to take up a position in the Scottish Government. I am sure that we all want to wish him well in his new role and thank him for his service to this committee and other committees of Parliament.

11:58

*Meeting continued in private until 12:10.*

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