

# EMPOWERING SCHOOLS

## A CONSULTATION ON THE PROVISIONS OF THE EDUCATION (SCOTLAND) BILL



TheScottishGovernment   
@ScotGov   
[www.gov.scot](http://www.gov.scot)

 Smarter  
Scotland  
Scottish  
Government



# **EMPOWERING SCHOOLS**

# **A CONSULTATION ON THE PROVISIONS OF THE EDUCATION (SCOTLAND) BILL**

© Crown copyright 2017



This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit [nationalarchives.gov.uk/doc/open-government-licence/version/3](https://nationalarchives.gov.uk/doc/open-government-licence/version/3) or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: [psi@nationalarchives.gsi.gov.uk](mailto:psi@nationalarchives.gsi.gov.uk).

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at [www.gov.scot](http://www.gov.scot)

Any enquiries regarding this publication should be sent to us at  
The Scottish Government  
St Andrew's House  
Edinburgh  
EH1 3DG

ISBN: 978-1-78851-384-5

Published by The Scottish Government, November 2017

# CONTENTS

Foreword	1
About this Consultation	3
Introduction	5
1. Headteachers' Charter	6
2. Parental and Community Engagement	18
3. Pupil Participation	21
4. Regional Improvement Collaboratives	23
5. Education Workforce Council for Scotland	26
Summary of Questions and Respondent Information Form	31



## FOREWORD BY THE DEPUTY FIRST MINISTER AND CABINET SECRETARY FOR EDUCATION AND SKILLS



Improving the education and life chances of our children and young people is the defining mission of this Government. Our vision for education is to close the unacceptable gap in attainment between our least and most disadvantaged children and to raise attainment for all. We know that education is by far the most effective means we have to improve the life chances of our young people. Our education system must enable children to achieve their full potential regardless of their background. In addition to being a moral imperative it is critical for the future success of our country on the world stage.

We know that to achieve success our education system needs excellent school leaders and teachers, strong curriculum and improvement support, more transparent measures of progress, and engaged pupils, parents and communities. The reforms set out in this consultation will strengthen all of these elements of Scotland's education system and empower our headteachers, enabling them to adopt a relentless focus on improving learning and teaching.

We accept that the responsibility of this Government is to work with our partners in local government to create the culture and capacity for teachers and practitioners to improve the learning outcomes in their classrooms – and across our schools and early learning centres. We expect to be held to account for this, just as parents expect schools to be accountable to them.

Building on advice from the Organisation for Economic Co-operation and Development and the International Council of Education Advisers, responses to the Education Governance Review and the commitments set out in the Next Steps paper, we will introduce a Bill to create a school and teacher-led system, centered on the child. As a result, decisions that shape the education of young people will be made in classrooms, schools and establishments, by those working with young people, their parents and communities.

Headteachers, their staff and schools will be supported by three key elements: enhanced career and development opportunities; new Regional Improvement Collaboratives to provide consistent, high quality support and improvement services; and world class educational support services from local authorities.

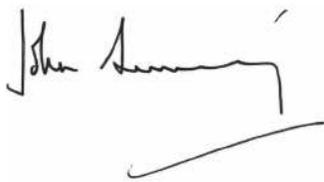
We will continue to trust and invest in teachers and practitioners as empowered, skilled, confident, collaborative and networked professionals. To ensure that they flourish, we will transform the support available to teachers and practitioners at every level of the system.

The legislative reforms on which we are consulting will aim to strengthen flexibility at school level while also addressing unacceptable variability in attainment across the country.

Teacher professionalism and judgment remains at the heart of our approach. That is why we are taking steps to enable teachers and headteachers to collaborate and drive forward improvement. Our aim is to enable all headteachers to determine the resources and approaches best suited for their own learners' journeys and – most importantly – to become leaders of learning in their schools.

This Bill will not simply increase the freedom of headteachers to make choices while leading learning and teaching in our schools. Teachers and schools need consistently excellent education support services and consistently excellent improvement services. It is a collaborative effort, which starts with leadership in our schools and should be complemented by our local authorities and supported by new Regional Improvement Collaboratives which are relevant to, designed by, and close to the communities they serve.

Our determination is clear: to deliver the world-leading education system our children and young people deserve. This Bill will be instrumental in achieving that aim and I am keen to hear views from schools, parents, pupils and education professionals about our proposals.

A handwritten signature in black ink, appearing to read 'John Swinney', with a long horizontal flourish underneath.

**John Swinney MSP**  
**Deputy First Minister and**  
**Cabinet Secretary for Education and Skills**

## ABOUT THIS CONSULTATION

This consultation seeks views on the detailed policy proposals being taken forward by the Scottish Government in the Education Bill.

### Responding to this Consultation

We are inviting responses to this consultation by **Tuesday 30 January 2018**. Please respond to this consultation using the Scottish Government's consultation platform, Citizen Space. You can view and respond to this consultation online at <https://consult.gov.scot/learning-directorate/education-scotland-bill>. You can save and return to your responses while the consultation is still open. Please ensure that consultation responses are submitted before the closing date of **Tuesday 30 January 2018**.

If you are unable to respond online, please complete the Respondent Information Form (see "Handling your Response" below) and send to:

Email: [EducationReform@gov.scot](mailto:EducationReform@gov.scot)

Or write to us at:

Workforce, Infrastructure and Reform Unit  
Scottish Government  
2B - North  
Victoria Quay  
Edinburgh  
EH6 6QQ

### Handling your response

If you respond using Citizen Space (<http://consult.scotland.gov.uk/>), you will be directed to the Respondent Information Form. Please indicate how you wish your response to be handled and, in particular, whether you are happy for your response to be published.

If you are unable to respond via Citizen Space, please complete and return the Respondent Information Form included in this document. If you ask for your response not to be published, we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

### Next steps in the process

Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material, responses will be made available to the public at <http://consult.scotland.gov.uk>. If you use Citizen Space to respond, you will receive a copy of your response via email.

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us. Responses will be published where we have been given permission to do so.

## **Comments and complaints**

If you have any comments about how this consultation exercise has been conducted, please send them to [EducationReform@gov.scot](mailto:EducationReform@gov.scot).

## **Scottish Government consultation process**

Consultation is an essential part of the policy-making process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work.

You can find all our consultations online: <http://consult.scotland.gov.uk>. Each consultation details the issues under consideration, as well as a way for you to give us your views, either online, by email or by post.

Consultations may involve seeking views in a number of different ways, such as public meetings, focus groups, or other online methods such as Dialogue (<https://www.ideas.gov.scot>).

Responses will be analysed and used as part of the decision making process, along with a range of other available information and evidence. We will publish a report of this analysis for every consultation. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.

## INTRODUCTION

The primary focus of the Bill we will introduce later this parliamentary year is to create a school and teacher-led education system and therefore to empower our schools and school leaders. The Bill will establish a Headteachers' Charter. The purpose of the Charter is to set out the rights and responsibilities of headteachers that will empower them to be the leaders of learning and teaching in their schools. This legislative underpinning will make it clear that headteachers are best placed to make decisions about how learning happens in our schools. The Charter will also set out the support headteachers can expect to receive to meet the needs of their school communities by clarifying the responsibilities that local authorities will fulfil in order to enable headteachers to lead.

Headteachers as leaders of learning need to be able to choose the people in their team. This is arguably the most important factor in their ability to improve the quality of learning and teaching in their school. Headteachers should have more influence on how staff are recruited, select who works in their school and determine the structure within which those professionals are deployed. Currently, in some areas, key decisions about staffing are often taken without headteacher involvement and the Bill will aim to change this.

The Bill will also improve parental and community engagement in school life and in learning outside of school, and strengthen the voice of children and young people, by actively promoting and supporting pupil participation. The Bill will provide the legislative underpinning for the establishment of Regional Improvement Collaboratives to allow them to fulfil their agreed functions which will include (but are not limited to): regional priorities and regional improvement plans; professional learning and leadership; curriculum support; sector specific support; improvement methodology; sharing good practice and the impact of research; peer to peer and school to school collaboration and a regional approach to supporting staffing challenges.

In addition, the Bill will enable registration of other education professionals with the Education Workforce Council. This will be established to take on the responsibilities of the General Teaching Council for Scotland (GTCS) and the Community Learning and Development Standards Council (CLDSC) and to establish appropriate professional standards for other groups within the education workforce.

The Headteachers' Charter will support rather than replace some elements of the existing legislative framework such as the duties placed on local authorities and headteachers through 'Getting it Right for Every Child' legislation; requirements to promote and support equality and inclusion and health and wellbeing for all pupils; duties relating to additional support for learning provision which apply to local authorities; and legislation relating to maximum class sizes. How the provisions in the Charter will work alongside other legislative duties relating to education will be set out in detail in the Bill.

We have set out in this consultation paper why we think these changes will improve the educational outcomes for young people, how they will work in practice and how the legislation needs to change to enable them to happen. We are seeking views on whether the changes which we have set out will deliver the empowered school and teacher-led system which we aim to achieve.

We will continue to work with stakeholders during the consultation period and during the parliamentary scrutiny of the Bill to ensure that headteachers are well prepared to take on their more empowered roles and that local authorities, Regional Improvement Collaboratives, and school communities are well prepared to support them to do so.

# 1. HEADTEACHERS' CHARTER

We will include provisions in the Education Bill to establish a Headteachers' Charter. This will clearly empower headteachers to make the key decisions about learning and teaching in their schools and clarify the responsibilities that local authorities have to enable headteachers to be the leaders of their schools.

The OECD identifies a clear relationship between school autonomy and performance. Looking at the evidence from the PISA programme they conclude that "...the greater the number of schools that have the responsibility to define and elaborate their curricula and assessments, the better the performance of the entire school system<sup>1</sup>..." Giving headteachers more power to make important decisions will make a difference to the educational outcomes of the young people in their schools but will also help improve school education in Scotland as a whole. It will enable all headteachers to do their jobs more effectively than is currently possible in many cases and enable them to access the additional support and resources they need in order to do so.

We know that different headteachers across the country currently have different levels of freedom to make important decisions. Some have considerable levels of choice enabling them to shape the staffing structure and curricular offer in their schools in ways which best meet the needs of their communities. There are many good examples of effective arrangements but they do not exist in every school.

We want to create a genuinely school and teacher-led system which is centered on the child, and where decisions that shape the education of our young people are made by those working with young people, their parents and communities. That is the basis of Curriculum for Excellence. The Headteachers' Charter will play an important role in transforming the system by enabling headteachers to make the decisions that most affect the quality of teaching and learning in their school. It will also support a number of important elements of the existing legislative framework, founded on the values and principles of Getting It Right For Every Child, which will continue to apply.

We believe that education will be improved if headteachers are able to make decisions in four key areas:

- **Curriculum for Excellence**
- **Improvement**
- **Staffing**
- **Funding**

<sup>1</sup> OECD (2011) *PISA in Focus* (2011/9) *School autonomy and accountability: Are they related to student performance?* <https://www.oecd.org/pisa/pisaproducts/pisainfocus/48910490.pdf>

## Curriculum for Excellence

Curriculum for Excellence sets out a national framework for the design of learning and teaching in schools across Scotland. National expectations around children and young people's learning, and the standards to be achieved, are set out in the Experiences and Outcomes and the Benchmarks respectively. Within this national framework, schools have the freedom and authority to design a curriculum that best meets the needs of their individual learners. In doing so, practitioners should take account of seven broad principles of curriculum design: challenge and enjoyment; breadth; progression; depth; personalisation and choice; coherence; and relevance.

Headteachers should have the freedom to decide how best to plan and design learning and teaching in their schools within this framework. Headteachers are responsible for the quality of learning and teaching in their schools and for empowering their staff to develop approaches which meet the needs of individual learners and groups of learners.

While they will have the ability to make these choices as a result of our reforms, headteachers should also be open to professional challenge of their decisions in relation to curriculum design and content, particularly where there is greater opportunity to maximise the flexibilities of the Curriculum for Excellence. This should be provided by a supportive network of critical friends, including their staff, local community and headteachers of other schools. As their employer, the local authority will continue to play an important line management role, engaging in constructive discussion with the headteacher on the rationale for the decisions they are taking on the curriculum in their school. The Regional Improvement Collaborative and Education Scotland will also be able to provide support and critical feedback.

Currently some headteachers find their freedom within the framework of Curriculum for Excellence is reduced by requirements from their local authority that they adopt particular approaches to learning and teaching. Some headteachers will already be free to take decisions about the curriculum offer in their school but many are not. Where this freedom is available, it is given at the discretion of the local authority. We want to provide a clear, firm legal basis for all headteachers to have this freedom of choice.

All local authorities have a statutory duty to provide adequate and efficient education for the children in their area, having regard to the age, ability and aptitude of their pupils and with a view to developing children and young people's talents and abilities to their fullest potential. They must also have due regard to the views of children and young people when making decisions that significantly affect them, taking account of their age and maturity. In practice, when it comes to actual provision of school education, headteachers and the teachers in their schools carry out these roles on behalf of the local authority which employs them.

Some local authorities provide high quality support for teaching and curriculum development. In particular there are examples of work being done by some to enable design of the curriculum in secondary schools to be more efficient and collaborative, for example through e-learning or timetable alignment. Others, however, impose local restrictions on the organisation of subjects into specified 'faculties' in each school, which constrains headteachers' flexibility to lead learning and teaching as well as limiting the staffing and management structures which they can adopt.

## How will the Headteachers' Charter lead to improvement?

In relation to the Curriculum for Excellence, the Headteachers' Charter will:

- Give headteachers freedom to lead teaching and learning in their schools, by setting out that it is for headteachers to decide how best to design their local curriculum in line with the national framework set out by the Curriculum for Excellence;
- Create a new duty on headteachers, alongside their leadership teams, to work collaboratively with other schools and partners on curriculum design and improving learning and teaching. That collaboration can take different forms and focus on different issues as headteachers see fit. The OECD Review suggested that priority should initially be given to collaboration on improving teaching, assessment and connecting schools to take collective responsibility for each other's improvement and results;
- Require that headteachers will continue to involve their school community (pupils, parents and staff) in the life of the school and in key decisions which affect them. Proposals for clarifying and strengthening this are set out later in this consultation; and
- Ensure local authorities retain their overarching duties in relation to the sufficiency of education provision but, when it comes to actual teaching and learning in schools, the role of the local authority will be to participate in the Regional Collaborative's work to provide the support and expertise that schools in the area need, rather than imposing local curricular policies and practices on schools.

### Question 1

The Headteachers' Charter will empower headteachers as the leaders of learning and teaching and as the lead decision maker in how the curriculum is designed and provided in their schools. What further improvements would you suggest to enable headteachers to fulfil this empowered role?

### Improvement

The National Improvement Framework is central to the Government's ambition of improving outcomes for all children and young people. It brings together evidence from across the education system to tell us how well things are working and to help identify what needs to be done to secure the necessary improvement. The National Improvement Framework has been developed in collaboration with partners across the system and the key priorities it identifies have been supported and agreed by all involved.

Headteachers should align their school's priorities for improvement with the policy direction set out in the National Improvement Framework and they should decide how best to implement these priorities. Within the context of the National Improvement Framework schools' priorities should have primacy and these should not be overridden by alternative priorities set by local government. Instead, schools should be supported in their improvement activity by local authorities working through the Regional Improvement Collaborative. The Bill will make these changes.

The Scottish Attainment Challenge and the introduction of the Pupil Equity Fund have already generated a number of examples of creative and innovative interventions designed by schools to deliver improvements in attainment. The purpose of the Headteachers' Charter is not to place new duties on headteachers in this regard but rather to provide further support to them in their efforts to secure excellence and equity for all pupils.

Headteachers should be able to determine the improvement priorities for their own schools, based on rigorous self-evaluation and evidence. They should be supported and, when appropriate, challenged in the exercise of that function, by local authorities acting in their capacity as part of the Regional Improvement Collaborative.

We envisage a shared model of accountability. Headteachers will meet their responsibilities for improvement in their schools by planning and monitoring improvement in collaboration with their peers, staff, parents and pupils. Local Authorities will contribute to school improvement differently in future and the Bill will set out their new role. Local authorities will continue to employ and line manage headteachers and will meet their responsibilities by working with other authorities in their region and with Education Scotland through the Regional Improvement Collaboratives to provide robust and constructive challenge and support to their headteachers.

Local authorities have a long-standing statutory duty to improve the quality of school education. They are responsible for producing local improvement plans and have to consult headteachers on their priorities. The responsibility for producing individual school improvement plans is currently delegated to headteachers through the Devolved School Management scheme. All of these improvement plans are required to be consistent with the National Improvement Framework and its priorities.

Under the Bill local authorities will retain their duty to improve the quality of school education but will be required to achieve this through their participation in the work of the Regional Improvement Collaboratives. The reform will deliver more empowered schools while maintaining the democratic accountability of local authorities for education. These changes will not result in additional bureaucracy or additional layers of reporting on improvement: there will be a school improvement plan and a regional improvement plan, both of which will inform the National Improvement Plan. Local authorities will no longer be required to develop individual improvement plans.

The functions and structure of the Regional Improvement Collaboratives have been agreed between local and national government. The Collaboratives are now being established and will start actively to involve headteachers locally, helping them to understand how they can inform and access this new offer of improvement and curricular support. Much will rest on the relationships that the Regional Improvement Collaboratives establish with headteachers, and the extent to which headteachers are involved in setting the priorities of the Collaborative. The Bill will ensure this involvement.

Headteachers have a strong sense of moral purpose towards breaking the cycle of poverty and helping to close the poverty-related attainment gap. While they and their staff are key agents in making changes which will close the poverty-related attainment gap, we are clear that successfully doing so will require the collaboration of a wide range of public services. Therefore, while we do not intend to hold headteachers to account individually for the impact of other services, we do expect them to work in a collaborative way with other professionals to achieve excellence and equity in their school: to ensure that every child achieves the highest standards of literacy and numeracy and the right range of skills, qualifications and achievements to allow them to succeed; and to ensure that every child has the same opportunity to do this, regardless of their background.

## How will the Headteachers' Charter lead to improvement?

In relation to improvement, the Headteachers' Charter will:

- Empower headteachers and teachers to work collaboratively by requiring schools to work together. While the Charter will not specify precisely what form that collaboration should take we expect it to apply not just in relation to other schools, but in relation to the work of the Regional Improvement Collaboratives and the wider school community. Guidance will be provided to ensure these expectations are clear;
- Ensure local authorities and headteachers will continue to be required to have regard to the importance of reducing inequalities of outcome for socio-economically disadvantaged pupils but headteachers will be able to decide improvement priorities for their school (in consultation with their school community); and
- Remove the requirement for local authorities to develop separate improvement plans given the new requirement for Regional Improvement Plans which should reflect the school improvement plans in that region.

---

### Question 2

The Headteachers' Charter will empower headteachers to develop their school improvement plans collaboratively with their school community. What improvements could be made to this approach?

---

### Question 3

The Headteachers' Charter will set out the primacy of the school improvement plan. What are the advantages and disadvantages of this approach?

## Staffing

The quality of learning and teaching is the most important in-school factor in determining a child's educational outcomes. While local authorities will remain the employers of staff, including headteachers, it is the headteacher who should decide who works in their school and the staffing and management structure within which they work. We know that the ability of headteachers to influence the process through which teachers are recruited varies between local authorities. In some areas headteachers can participate in general recruitment exercises to recruit teachers to the local authority but cannot appoint individual teachers to specific posts in their school. In other areas, headteachers are able to decide personally on most of the permanent appointments to their school and are able to observe candidates engaged in teaching as part of that process.

Headteachers should have the ability to select the vast majority of their school's permanent staff. They should have the option to see candidates engaged in teaching in order to make informed choices and they should have a strong representative voice in the design of recruitment processes locally.

As officers of the local authority, headteachers must cooperate with the local authority in carrying out its employment duties. While they may be obliged when filling a vacancy to consider staff being redeployed within the authority they should not be obliged to select them if they are not the best fit for the post. Ultimately a headteacher must be able to select the team with whom they work. Headteachers already support the development of the profession by providing places for centrally-allocated students and probationers and will continue to do so. Local authorities must be able to allocate resource to support the provision of additional support for learning.

The same argument applies to determining an appropriate staffing and management structure in a school. Currently, headteachers have very different levels of input into the leadership structure of their school. Some are able to design the structure that will best support their school's priorities, but others have their school's leadership structure set by a central formula. Headteachers are best placed to decide the leadership structure of their school, taking into account the needs of learners, the capacity of existing staff and the resources available. They should be able to decide how their leadership team is configured in terms of teaching and management time, and distribute leadership throughout their school using a promoted post structure that they themselves have designed within the budget allocated to their school.

Headteachers will not be the employer of the staff in their school; that role will be retained by the local authority who will ensure recruitment decisions are consistent with employment law and with national agreements on pay and conditions. As the employer, the local authority will address any issues of performance, discipline or grievance which arise and be expected to provide support to headteachers should members of their staff be performing below expected standards to enable their development needs to be met or more appropriate roles to be found for them. That also applies where staff have been recruited to meet learner needs which have become less of a priority in the school over time. Processes for dealing with performance issues and redeployment of surplus staff need to be fair, efficient and timely.

We recognise that some issues, such as allocating newly qualified teachers as probationers or providing placements for Initial Teacher Education students should be coordinated at local authority or regional level and so this will be a limitation on headteacher freedom of choice. But headteachers should have the option to be more involved in that process should they wish. Similarly, there is scope to achieve economies of scale in shared recruitment exercises at a local authority or regional level. So while it will not always be possible for headteachers to choose every single member of their staff, they should be the principal voice in the designing and reviewing of recruitment processes.

The impact of leadership in a school extends beyond teachers. Other professionals who deliver education and other staff who provide vital functions in the school (such as business management, administration, and catering and janitorial services) are all fundamental parts of the life of the school, supporting its ethos and aims and contributing to its success. Headteachers and their management teams should have the option of selecting the staff who work in their schools.

Greater freedom for headteachers in this area can usefully be supported by appropriate engagement with the wider school community. Proposals for strengthening parental engagement are set out later in this paper.

### **How will the Headteachers' Charter lead to improvement?**

In relation to staffing, the Headteachers' Charter will:

- Give headteachers the right to be involved in devising and reviewing recruitment processes within the local area;
- Give headteachers the ability to choose their team and to decide the promoted post structure within their school, in order to design a leadership team which best meets the needs of pupils and enables staff progression and development within a school level budget;
- Clarify that headteachers should continue to cooperate with their local authority in its on-going role as employer e.g. in its duty to manage the allocation of probationers, student teachers, surplus staff and compulsory transfers; and
- Clarify that education authorities continue to play a significant role as the employer of teaching and non-teaching staff within the school (including the headteacher) and provider of HR support and other services to schools.

#### **Question 4**

The Headteachers' Charter will set out the freedoms which headteachers should have in relation to staffing decisions.

- a. What are the advantages and disadvantages of headteachers being able to have greater input into recruitment exercises and processes adopted by their local authority?
- b. What are the advantages and disadvantages of headteachers' ability to choose their teams and decide on the promoted post structure within their schools?

## Funding

A separate consultation seeking views on possible future approaches to funding school education to support our vision of excellence and equity for all children and young people was carried out between June and October 2017. The Government will be reporting on the outcome of that consultation in summer 2018.

Headteachers should have more of a say in how the budget allocated to their school can be used on delivery of school education e.g. to obtain learning and teaching resources, to recruit additional staff for particular purposes or to adopt a different leadership structure. There should be transparency in how those allocations are calculated so that the reasons for variations in budgets of similar schools are clear. However, headteachers must not become accountants or business managers as a result of these reforms.

Local authorities will remain the overall budget holders and will still be accountable for education spending. It is already possible for them to delegate funding to individual schools for headteachers to decide spending priorities through Devolved School Management schemes. Local authorities take different approaches to this, with some allowing headteachers to decide how to use the available staffing budget (e.g. using a 'points' system) while others retain this centrally delegating only a small proportion of discretionary expenditure to headteachers.

In order to support headteachers' new powers to determine the leadership structures in their schools, the Charter will require greater delegation of staffing budgets to individual schools. As a result, headteachers will have freedom to choose how their staffing budget is used to support learning and teaching in the school. Headteachers will be accountable to the local authority as their employer for the decisions they make in relation to staffing and budget, and will have to have due regard to the need to secure best value in spending public funds. Pupil Equity Funding (PEF) supports this approach with headteachers having the right to decide how to spend the PEF allocation and the local authority being ultimately responsible for the role in best value assurance in relation to public funds. If appropriate headteachers should be able to access suitable school business management support to fulfil their empowered role.

Procurement processes should support headteachers while making sure that the relevant legal obligations of the local authority, including procurement law, are met.

Local authorities will continue to be responsible for ensuring provision of specialist services and for managing provision of support for learners' additional needs as well as expenditure on the school estate and other issues connected to placing of pupils in schools such as school transport.

### How will the Headteachers' Charter lead to improvement?

In relation to funding, the Headteachers' Charter will:

- Require local authority delegation of budgets to extend to staffing, rather than just to schools' discretionary expenditure outside staffing; and
- Increase the transparency of local authority decisions on education spending and require the involvement of headteachers and school communities in these decisions.

### Question 5

Should headteachers be able to decide how the funding allocated to their schools for the delivery of school education is spent? If so, what is the best way of doing this?

### Question 6

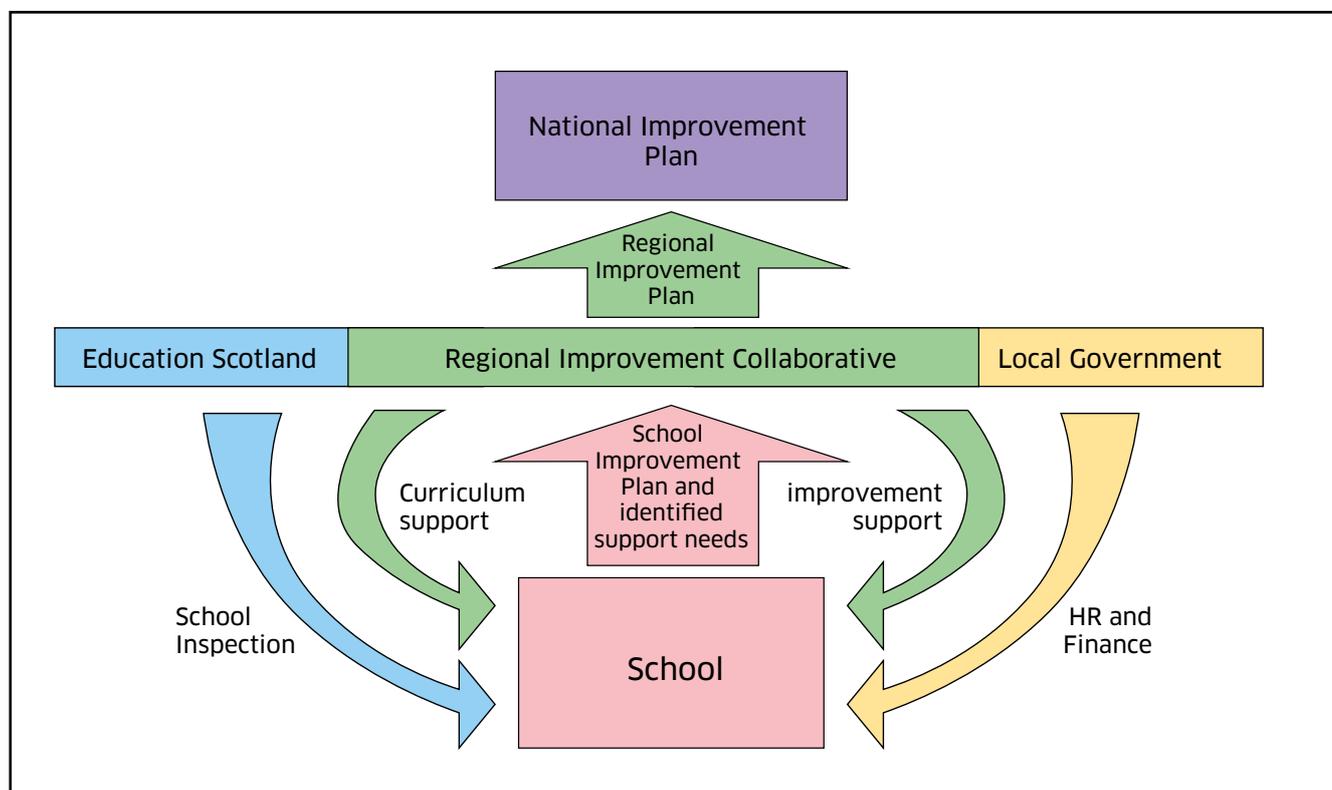
How could local authorities increase transparency and best involve headteachers and school communities in education spending decisions?

#### Supporting Empowered Headteachers

In addition to empowering headteachers, our reforms will provide them with improved support from their local authority, from Education Scotland and from both working together through the new Regional Improvement Collaboratives. Headteachers will have clarity on what support and guidance is being provided through the Collaborative, what is being provided by their individual local authority, and where to go for specialist advice. The need to provide that clarity will be a key element in the development of each Collaborative.

Through the Collaboratives, headteachers will have greater access to educational support and advice to assist them in leading learning and teaching and closing the attainment gap in their schools. They will have the opportunity to help shape the priorities for their Collaborative, and an important role in supporting improvement and the sharing of best practice and innovation in and between schools.

We envisage the Collaborative providing support on curriculum and improvement issues, the local authority providing support on funding and staffing issues and Education Scotland identifying areas for improvement through the school inspection process. The school will identify the issues on which it needs support from the Collaborative whose Regional Improvement Plan will be informed by school improvement plans from across the participating local authorities. This model of support provision for schools is illustrated in the diagram below:



While these reforms will result in greater responsibility and freedom for education professionals than many of them presently have, they must not result in additional unnecessary workload. On the contrary, having more control over their staffing complement, their improvement priorities and their curricula means that headteachers and their staff will be better able to ensure that they are focusing entirely on activity which supports the progress of learners.

Building on the work of the Scottish College for Educational Leadership, Education Scotland will be reviewing the provision for aspiring and serving headteachers to reflect the enhanced decision-making powers they will have as a result of the Charter. GTCS will also be reviewing its Standards for Leadership and Management to reflect these powers (which will subsequently be applied by the Education Workforce Council when established – see Section 5 below) and Government will work to review career pathways with the profession as part of the non-legislative phase of the reform programme. We also acknowledge that these reforms will necessitate a review of pay and reward for headteachers through the tripartite Scottish Negotiating Committee for Teachers.

Headteachers already feel a strong sense of accountability to their school community for the quality of learning and teaching in their schools and the outcomes the school achieves; and to their local authority employer as an officer of the authority, charged with fulfilling delegated statutory duties. Under the Charter, headteachers will retain this accountability to their school community and employer, but have greater operational flexibility to make key decisions that enable them to fulfill their duties and achieve excellence and equity in their schools. By doing so they will be driving forward improvement which will help to ensure that the poverty-related attainment gap will close. In fulfilling this newly empowered function, headteachers will be well supported by their local authority as their employer and by their Regional Improvement Collaborative which will deliver a network of skills and talent from across the education landscape.

---

### Question 7

What types of support and professional learning would be valuable to headteachers in preparing to take up the new powers and duties to be set out in the Headteachers' Charter?

## **In summary, the Headteachers' Charter will:**

### **In relation to the Curriculum for Excellence**

- Give headteachers freedom to lead teaching and learning in their schools, by setting out that it is for headteachers to decide how best to design their local curriculum in line with the national framework set out by the Curriculum for Excellence;
- Create a new duty on headteachers, alongside their leadership teams, to work collaboratively with other schools and partners on curriculum design and improving learning and teaching. That collaboration can take different forms and focus on different issues as headteachers see fit. The OECD Review suggested that priority should initially be given to collaboration on improving teaching, assessment and connecting schools to take collective responsibility for each other's improvement and results;
- Require that headteachers will continue to involve their school community (pupils, parents and staff) in the life of the school and in key decisions which affect them. Proposals for clarifying and strengthening this are set out later in this consultation; and
- Ensure local authorities retain their overarching duties in relation to the sufficiency of education provision but, when it comes to actual teaching and learning in schools, the role of the local authority will be to participate in the Regional Collaborative's work to provide the support and expertise that schools in the area need, rather than imposing local curricular policies and practices on schools.

### **In relation to Improvement**

- Empower headteachers and teachers to work collaboratively by requiring schools to work together. While the Charter will not specify precisely what form that collaboration should take we expect it to apply not just in relation to other schools, but in relation to the work of the Regional Improvement Collaboratives and the wider school community. Guidance will be provided to ensure these expectations are clear;
- Ensure local authorities and headteachers continue to be required to have regard to the importance of reducing inequalities of outcome for socio-economically disadvantaged pupils but headteachers will be able to decide improvement priorities for their school (in consultation with their school community); and
- Remove the requirement for local authorities to develop separate improvement plans given the new requirement for Regional Improvement Plans which should reflect the school improvement plans in that region.

**In relation to Staffing**

- Give headteachers the right to be involved in devising and reviewing recruitment processes within the local area;
- Give headteachers the power to choose their team and to decide the promoted post structure within their school, in order to design a leadership team which best meets the needs of pupils and enables staff progression and development within a school level budget;
- Clarify that headteachers should continue to cooperate with their local authority in its on-going role as employer e.g. in its duty to manage the allocation of probationers, student teachers, surplus staff and compulsory transfers; and
- Clarify that education authorities continue to play a significant role as the employer of teaching and non-teaching staff within the school (including the headteacher) and provider of HR support and other services to schools.

**In relation to Funding**

- Require local authority delegation of budgets to extend to staffing, rather than just to schools' discretionary expenditure outside staffing; and
- Increase the transparency of local authority decisions on education spending and require the involvement of headteachers and school communities in these decisions.

## 2. PARENTAL AND COMMUNITY ENGAGEMENT

We will include provisions in the Education Bill to make the existing legal duties in relation to parental involvement clearer and stronger, to reflect the transfer of responsibilities to headteachers through the Headteachers' Charter and to encourage stronger collaboration between school leaders and parents. We will also clarify the relevant duties which apply to early learning and childcare which is funded but not provided by the public sector.

Parents are the main educators in their children's lives, particularly in the very early years. As such, it is vital to measure and understand parents' and families' influence on children's outcomes. A range of international evidence has shown that children and young people who have at least one parent or carer engaged in their education achieve better exam results, higher retention rates and smoother transitions between nursery, primary and secondary schools. They are also more likely to:

- attend school more regularly;
- have better social skills;
- have improved behaviour;
- adapt better to school and engage more in school work;
- have better networks of supportive relationships;
- have a better sense of personal competence; and
- be more likely to go on to further or higher education.

We already have a strong legal basis for parents to be involved in the life and work of their child's school through the Scottish Schools (Parental Involvement) Act 2006. However, we agree with the recommendations resulting from the National Parent Forum of Scotland's review of the impact of the 2006 Act. We will strengthen, modernise and extend the provisions of the 2006 Act, ensuring that as we empower headteachers and teachers, we also empower parents to engage in their child's education.

The improvements that we will make to the 2006 Act are:

- To strengthen the duties on headteachers to work collaboratively with their Parent Councils on substantive matters of school policy and improvement. Overall, the move from School Boards to Parent Councils has been welcomed and the NPFS Review of the 2006 Act identified strong evidence of effective practice across the country. It is, however, important that there is greater consistency in the role and influence of Parent Councils over substantive matters of school improvement. We intend to replace the current duties on headteachers to inform and consult with their Parent Council with revised duties to work in a collaborative way with their Parent Council. We will provide greater clarity as to what we mean by such collaboration, and we will specify that headteachers must collaborate on matters relating to school policies and school improvement;
- To provide duties on headteachers to communicate with the wider parent forum. We know some parents will not be able to or may not wish to, join the Parent Council. We need to ensure that the legal framework reflects this by requiring headteachers to take appropriate steps to work in partnership with the wider parent forum in tandem with their engagement with the Parent Council. Collaboration should be based on genuine and strong partnerships with all parents. We will ensure that the duty to collaborate with the forum includes substantive matters of school policy, improvement planning and curricula design. In doing so, we will take care to retain flexibility for headteachers to work with parents in the ways which are reflective of their own local circumstances;

- To update the legal definition of parental involvement, ensuring that the definition is sufficiently broad and covers all aspects of parental involvement and engagement. Whilst it is important that parents are supported to play an active role in formal matters of school life via their Parent Council, the evidence shows that it is parental engagement in learning outside of school which offers the greatest potential to impact attainment and long term outcomes for children. We intend to modernise our legal definition and capture the full range of parent-related activity by schools by expanding the legal definition of parental involvement and engagement. This will include a prominent place for parental engagement in learning, learning in the home and family learning;
- To require a review of parental involvement strategies within three years of initial development and at least every three years thereafter. We will also require all parental involvement strategies to include clear objectives and measures of success; and
- To clarify the application of the 2006 Act to early learning and childcare settings. We do not expect to impose a requirement for dedicated Parent Councils in early learning and childcare settings. Instead, we intend to develop broader duties to ensure effective communication and interaction with parents, reflecting and strengthening the extent of very good parental involvement practice which is already a key feature in many early learning and childcare settings.

In addition, we intend to:

- update and clarify the duties on Parent Councils to represent the diversity of the school community and to actively promote contact with pupils;
- include parental involvement and engagement as one of the relevant improvement matters covered by the Regional Improvement Collaboratives; and
- reflect the updated legal responsibilities on parental involvement within the Headteachers' Charter.

### **Changes to the statutory guidance**

The NPFS Review also recommended that statutory guidance on parental involvement should be updated in line with changes to the 2006 Act to provide a summary of schools' and Parent Councils' duties in relation to the Equality Act 2010 and to provide further comprehensive guidance on the 'learning at home' strand of the 2006 Act. As part of our reforms, we will update the statutory guidance to reflect the amendments to the 2006 Act and to ensure that the entire legal framework for parental involvement is modernised.

### **Wider activity**

We will complement our amendments to the legal framework with a comprehensive package of wider activity including a national action plan on parental engagement and family learning, the annual improvement cycle (which includes a "driver" on parental engagement) and the introduction of a home to school link work in every school to support parents who find it challenging to engage in their child's learning.

## **Question 8**

Are the broad areas for reform to the Scottish Schools (Parental Involvement) Act 2006 correct?

### **Question 9**

How should the the Scottish Schools (Parental Involvement) Act 2006 be enhanced to ensure meaningful consultation by headteachers with parents on substantive matters of school policy, improvement planning and curriculum design?

---

### **Question 10**

Should the duties and powers in relation to parental involvement apply to publicly funded early learning and childcare settings?

### 3. PUPIL PARTICIPATION

We will include provisions in the Education Bill to ensure that the principles of pupil participation are pursued in every school.

Ensuring that the views of children and young people are considered gives them an opportunity to participate in decisions and activities which influence policies or services that can impact on their lives. It contributes to their sense of belonging, helps communities to become stronger, and increases the likelihood that services will make a positive impact.

A recent Scottish study<sup>2</sup> has shown that schools which were achieving better than expected results given their catchments areas were all making comprehensive efforts to address learner participation across all areas of school life. Across many studies, we can say the main evidenced effects of enhancing learner participation are:

- improved pupil-teacher relations;
- improved peer relations across the school age ranges;
- improved teaching and learning;
- improved guidance and support;
- a better school ethos and greater sense of a shared community;
- a reciprocal sense of feeling valued, trusted and respected;
- life skills such as teamwork, problem-solving, and citizenship;
- improved engagement, empowerment, and commitment to education;
- improved achievement and attainment; and
- addressing the ‘attainment gap’ between learners from different backgrounds.

In schools and early years settings, learner participation is core to a good education. Alongside this, it is a right of children and young people to have a say in matters that affect them as part of that experience. In all schools and early learning and childcare settings young people should have opportunities to:

- provide inputs that shape educational provision – both in terms of the formal curriculum and wider curriculum – and have a say in planning where and how learning takes place;
- learn through participating in many kinds of educational processes as part of everyday schooling and early learning; and
- create impactful outcomes for themselves and others as a result of intergenerational dialogue.

Where effective learner participation is planned and structured and based on core principles it can lead to good education becoming relevant, valuable, and supportive of achievement and attainment.

<sup>2</sup> Mannion, G. and Sowerby, M. and l'Anson, J. (2015), *How young people's participation in school supports achievement and attainment – Edinburgh, Scotland's Commissioner for Children and Young People (SCCYP)*. <https://www.cypcs.org.uk/ufiles/achievement-and-attainment.pdf>

Curriculum for Excellence provides a very positive framework for good practice in this area, however it is important that we provide a consistent framework across Scotland. In defining certain legal duties we will provide a consistent understanding of the importance of pupil participation, to define the areas of education that are relevant, and to clarify the key steps that need to be taken to ensure participation.

### **What we propose to do**

We must help young people understand and exercise their rights regardless of age, gender, ethnicity and background, and help them contribute in all kinds of decision-making both locally and through linking to the wider community. Teachers and school leaders are distinctively positioned to enable this.

There are many good examples of pupil participation such as Pupil Councils or Pupil Parliaments but it is for headteachers as leaders of learning in each school to choose the right model of participation for their learners. We do not, therefore, intend to prescribe particular models or particular methods to ensure effective participation. Instead, we intend to provide a general duty on headteachers to promote and support pupil participation in specific aspects of education and school life:

- the pupil's own learning as part of the formal and extended curriculum;
- decision-making relating to the life and work of the school (such as school policies, school improvement activity); and
- the pupil's participation in the wider community.

This general duty will be accompanied by key principles to support effective participation:

- collaboration and dialogue;
- authenticity; and
- inclusion.

In addition to the proposed duties for headteachers we are keen to explore whether it would be appropriate to develop additional strategic duties on local authorities and Scottish Ministers, for instance to ensure that young people are supported to influence the development of local and national education policy. This would also include the ways in which national education agencies are required to engage with young people.

---

### **Question 11**

Should the Bill include a requirement that all schools in Scotland pursue the principles of pupil participation set out in Chapter 3? Should this be included in the Headteachers' Charter?

---

### **Question 12**

What are your thoughts on the proposal to create a general duty to support pupil participation, rather than specific duties to create Pupil Councils, committees etc...?

## 4. REGIONAL IMPROVEMENT COLLABORATIVES

We will include provisions in the Education Bill to provide appropriate legislative underpinning for national and local government participation in the new Regional Improvement Collaboratives.

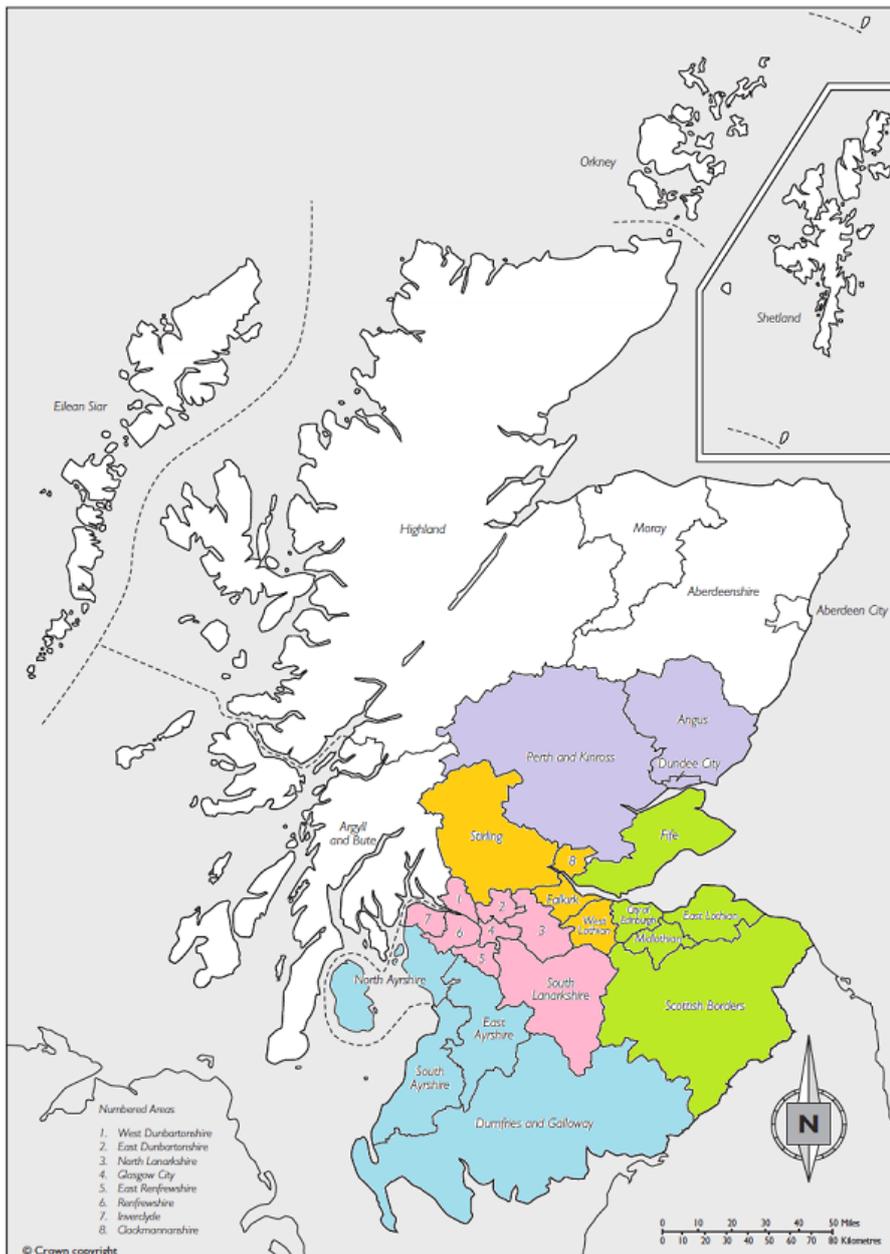
Regional Improvement Collaboratives will bring together a range of professionals with a relentless focus on supporting teachers and other school staff working with children and young people to improve their wellbeing, attainment and outcomes. The Collaboratives will include sector and curriculum area support including additional support for learning. They will provide targeted advice and support in order to drive improvement, making use of all available evidence and data. They will help teachers to access the practical improvement support they need, when they need it. We will continue to work with partners on the detail of how the Regional Improvement Collaboratives will be developed.

Schools will be able to draw on a range of expertise through their Regional Improvement Collaborative. This could be from local authority, Education Scotland or other sources such as Speech and Language Therapists or other NHS Allied Professionals. This will provide access to the targeted support based on the needs schools have identified. The Collaboratives will bring a collective focus to driving continuous and systematic improvement, particularly in relation to closing the attainment gap. They will demonstrate, strengthen and support collaborative working, innovation and the sharing of best practice between schools and across our education system.

Since June this year Scottish Government officials have worked closely with local government through a joint Steering Group to develop an agreed model of how the Collaboratives could work effectively and at the same time retain local and national accountability. The Steering Group's report has been agreed by the Deputy First Minister and by COSLA Leaders.

<b>The Northern Alliance</b>	
Aberdeen City Council	Aberdeenshire Council
Argyll and Bute Council	Comhairle nan Eilean Siar
Highland Council	Moray Council
Orkney Islands Council	Shetland Islands Council
<b>The Tayside Collaborative</b>	
Angus Council	Dundee City Council
Perth and Kinross Council	
<b>The West Partnership</b>	
East Dunbartonshire Council	East Renfrewshire Council
Glasgow City Council	Inverclyde Council
North Lanarkshire Council	Renfrewshire Council
South Lanarkshire Council	West Dunbartonshire Council

<b>South West Collaborative</b>	
East Ayrshire Council	North Ayrshire Council
South Ayrshire Council	Dumfries and Galloway Council
<b>South East Collaborative</b>	
Edinburgh City Council	East Lothian Council
Fife Council	Midlothian Council
Scottish Borders Council	
<b>Forth Valley and West Lothian Collaborative</b>	
Clackmannanshire Council	Falkirk Council
Stirling Council	West Lothian Council



Each Collaborative will be led by a Regional Improvement Lead, appointed by agreement of the Chief Executives of local authorities that make up the Collaborative and the Scottish Government (advised by the Chief Inspector). The Regional Improvement Lead will be employed by one of the authorities in the Region, and formally line managed by the Chief Executive of that authority, whilst reporting to all of the collaborating authorities in the Region and to the Chief Inspector. All 6 Regional Improvement Leads are now in place.

Each Collaborative will have a detailed Regional Improvement Plan in place by January 2018. It is proposed that the Collaboratives should also be required to publish reports about what has been achieved as a result of those plans.

Existing legislation gives local authorities powers to collaborate on various functions including the provision of education but does not require them to do so or define the nature or extent of that collaboration. Given the central importance of collaboration in improving education outcomes it may be desirable to require local authorities to participate in the Regional Improvement Collaboratives. This is something we will keep under consideration but, at a minimum, the Bill will embed the requirement for collaboration between various parties involved in education provision.

As such, new statutory duties could secure in legislation the status and underpinning framework for Regional Improvement Collaboratives and provide a basis for any statutory guidance that may be required to provide further detailed direction or clarity.

### Question 13

Should the Bill include provisions requiring each local authority to collaborate with partner councils and with Education Scotland in a Regional Improvement Collaborative?

### Question 14

Should the Bill require each Regional Improvement Collaborative to maintain and to publish annually its Regional Improvement Plan?

### Question 15

If we require Regional Improvement Collaboratives to report on their achievements (replacing individual local authority reports), should they be required to report annually? Would less frequent reporting (e.g. every two years) be a more practical and effective approach?

### Question 16

In making changes to the existing planning and reporting cycle, should we consider reducing the frequency of national improvement planning and the requirement on Ministers to review the National Improvement Framework?

## 5. EDUCATION WORKFORCE COUNCIL FOR SCOTLAND

We will include provisions in the Education Bill to establish an Education Workforce Council which will take on the responsibilities of the GTCS, the Community Learning and Development Standards Council and register other education professionals.

The key policies of Getting It Right For Every Child, Curriculum for Excellence and Developing the Young Workforce require an approach to education which is focused on and responsive to the needs of individual children and groups of children. They require a wide range of outcomes to be achieved and a similarly wide range of professionals to be engaged with children and young people in their achievement. There are now many professions involved in the delivery of education with considerable differences between their requirements for professional standards, qualifications, initial training, performance management and continuing professional development.

Currently all teachers in publicly funded schools, all teachers in grant-aided schools and new teachers in independent schools must be registered with the GTCS in order to teach in Scotland. From 1 October 2020, existing teachers in independent schools must be registered. As part of this regulation process the GTCS sets professional standards, maintains a register of teachers and determines whether teachers from outwith Scotland meet the requirements of the standards to enable them to join the register and thereby teach in schools in Scotland. It also, through the Fitness to Teach process, considers whether teachers have fallen below the expected professional standards. The Scottish Social Services Council fulfills a similar role for the social services workforce in Scotland including early years practitioners.

Community Learning and Development (CLD) primarily supports disadvantaged or vulnerable groups and individuals of all ages to engage in learning, with a focus on bringing about change in their lives and communities. CLD practitioners cover a wide range of activity such as youth work, family and adult learning, including adult literacy and English for Speakers of Other Languages (ESOL), community development and community capacity building. While every local authority must secure and co-ordinate the provision of CLD, registration of professionals with the CLDSCS is not mandatory so we do not have comprehensive information on their number.

Other professionals working within the education workforce, including school learning and additional support staff, school librarians and teaching and support staff in the higher education sector are not currently required to register with a standard setting body.

The quality of teaching is the most important in-school factor that affects student learning and achievement which is why teacher professionalism and school leadership are key drivers within the National Improvement Framework

Research has shown that the GTCS standards and its processes requiring teachers to engage in professional learning, self-evaluate that learning using the standards, and maintain a record of their learning have all played a very important role in increasing the teaching profession's engagement with professional learning. Those involved in the research felt that the standards provided coherence through all stages of a teacher's career and promoted a shared language around professional learning and teaching practice.

While there has been a clear acceptance of the importance of teacher professionalism, and therefore investment in teacher professional development, this has not been replicated across the wider education workforce. Creating an Education Workforce Council for Scotland (EWCS) which covers teachers and non-teacher professionals will help recognise

the role and status of all those working to support learning and teaching as part of a coherent education workforce in Scotland. It will encourage non-teachers to engage in self-reflective professional learning, professional dialogue, collaborative working and the sharing of best practice.

We intend that the Education Workforce Council for Scotland should operate independently from Scottish Ministers rather than being an Executive Agency of Scottish Government.

The Education Workforce Council for Scotland will have the following purpose and aims:

### **Purpose**

- Through supporting and enhancing the professionalism of those involved directly and indirectly in learning and teaching, support Scottish education to be world leading in the delivery of high quality outcomes for all learners.

### **Aims**

- To set high standards and promote high quality professional learning, teaching and leadership to improve learner outcomes and assist in reducing inequality;
- Be an effective regulator acting in the public interest to maintain and enhance public trust and confidence in education professionals; and
- Through the setting of professional standards and values, support and enhance levels of professionalism, professional identity and professional practice while bringing cohesion to the Scottish education system.

---

#### **Question 17**

Are the proposed purpose and aims of the Education Workforce Council for Scotland appropriate?

---

#### **Question 18**

What other purpose and aims might you suggest for the proposed Education Workforce Council for Scotland?

The Education Workforce Council for Scotland will have the following functions:

### Functions

- Keep a Register of those practitioners engaged in the teaching (including pre-school), community learning and development and other relevant professions (including the establishment of criteria to meet their registration);
- Establish and keep under review, as appropriate, Professional Standards and appropriate Code(s) relating to the conduct and professional competence of those engaged in the teaching, community learning and development and other relevant professions;
- Establish and review Standards of education, professional learning and leadership appropriate to those on the Register, including initial teacher and other professional education, and monitor and evaluate their implementation;
- Investigate and ensure the fitness to practise of registrants with regards to conduct and professional competence;
- Accredite, validate and promote professional learning and development through maintaining and operating national systems in partnership with other bodies as appropriate;
- Support the operation of teaching, community learning and development and other relevant professions, including induction schemes, professional learning frameworks, quality assurance marks and student placement systems;
- Provide independent, evidence-based advice to Scottish Ministers on relevant matters of education, teacher professionalism, workforce planning, career development and fitness to practise of those engaged in the teaching, community learning and development and other relevant professions;
- Contribute to evidence-based policy making through engagement in and with research that supports improved learning and teaching; and
- Promote family/carer/community engagement in and with the education system.

---

#### Question 19

Are the proposed functions of the Education Workforce Council for Scotland appropriate?

---

#### Question 20

What other functions might you suggest for the proposed Education Workforce Council for Scotland?

## Registration

In order to ensure its remit focuses on those who support the learning and teaching of all in Scotland we think that the new Education Workforce Council for Scotland should be able to register members of the following professions:

- Teachers
- CLD Practitioners
- Classroom Assistants/ASL Support Workers
- Early Years Practitioners
- School Librarians
- College Lecturers and relevant support staff
- Home/School Link Workers

It is proposed that implementation of these registration provisions are staggered in order to allow appropriate time for planning and preparation for each professional group. The initial phase of implementation will be the registration of teachers and CLD practitioners. While we are clear that the registration of teachers should remain mandatory i.e. only teachers who are registered should be able to work in Scottish schools, we propose that registration of CLD practitioners remains voluntary and free of charge until the Education Workforce Council for Scotland can establish how best to take this forward, including the setting of registration fees.

We intend to include in the Education Bill a power for Ministers to amend the list of practitioners required to register with the Education Workforce Council for Scotland in future.

---

### Question 21

Which education professionals should be subject to mandatory registration with the proposed Education Workforce Council for Scotland?

---

### Question 22

Should the Education Workforce Council for Scotland be required to consult on the fees it charges for registration?

## Governance

The Councils which govern the work of GTCS and CLDSCS are already large (37 and 50 members respectively) with varied and complex processes for the election, nomination and appointment of members.

GTCS members are appointed to its Council via three routes:

1. Teachers who are registered with the GTCS can elect 19 members all of whom are teachers;
2. A further 11 members can be nominated by a range of stakeholders set out in the legislation which established the GTCS: COSLA can nominate 3 members after consultation with ADES; Universities Scotland can nominate 3 members after consultation with universities providing teaching qualifications; further education colleges can nominate 1 member as can the Scottish Council of Independent Schools, the Church of Scotland, the Catholic Church and the National Parent Forum of Scotland.

3. GTCS has an appointments scheme which includes an Independent Appointments Committee which can appoint a further 7 members.

The council which governs the work of the CLDSCS has 50 registered members who sit on its Executive Committee, Committees for Approvals, Committee for Professional Learning and Committee for Registration.

Clearly joining these two Councils and processes together, and expanding them to ensure to ensure appropriate representation of other professions, would not be feasible.

Reducing the numbers of members on the governing Council to a more practicable level will allow all professions to be represented, to ensure that the Council can act impartially and without undue regard to any one particular interest, pressure or influence. This will help ensure that the Council can focus on strategic rather than operational issues with the aim of assuring excellence in delivery in the long term.

In order to function effectively and to sustain confidence in its independence, we think that the Council governing the EWCS should be constituted to ensure that professionals do not form a majority. We therefore anticipate a more 'board like' operation which holds the executive to account in exercising its core functions to deliver for relevant professions.

---

### Question 23

Which principles should be used in the design of the governance arrangements for the proposed Education Workforce Council for Scotland?

#### Name

Is "The Education Workforce Council for Scotland" the right name for a body which will establish professional standards and registration for a range of education professionals?

---

### Question 24

By what name should the proposed Education Workforce Council for Scotland be known?

## SUMMARY OF QUESTIONS AND RESPONDENT INFORMATION FORM

---

### Question 1

The Headteachers' Charter will empower headteachers as the leaders of learning and teaching and as the lead decision maker in how the curriculum is designed and provided in their schools. What further improvements would you suggest to enable headteachers to fulfil this empowered role?

---

### Question 2

The Headteachers' Charter will empower headteachers to develop their school improvement plans collaboratively with their school community. What improvements could be made to this approach?

---

### Question 3

The Charter will set out the primacy of the school improvement plan. What are the advantages and disadvantages of this approach?

---

### Question 4

The Headteachers' Charter will set out the freedoms which headteachers should have in relation to staffing decisions.

- a. What are the advantages and disadvantages of headteachers being able to have greater input into recruitment exercises and processes adopted by their local authority?
  - b. What are the advantages and disadvantages of headteachers' ability to choose their teams and decide on the promoted post structure within their schools?
- 

### Question 5

Should headteachers be able to decide how the funding allocated to their schools for the delivery of school education is spent? If so, what is the best way of doing this?

---

### Question 6

How could local authorities increase transparency and best involve headteachers and school communities in education spending decisions?

**Question 7**

What types of support and professional learning would be valuable to headteachers in preparing to take up the new powers and duties to be set out in the Headteachers' Charter?

**Question 8**

Are the broad areas for reform to the Scottish Schools (Parental Involvement) Act 2006 correct?

**Question 9**

How should the the Scottish Schools (Parental Involvement) Act 2006 be enhanced to ensure meaningful consultation by headteachers with parents on substantive matters of school policy, improvement planning and curricula design?

**Question 10**

Should the duties and powers in relation to parental involvement apply to publicly funded early learning and childcare settings?

**Question 11**

Should the Bill include a requirement that all schools in Scotland pursue the principles of pupil participation set out in Chapter 3? Should this be included in the Headteachers' Charter?

**Question 12**

What are your thoughts on the proposal to create a general duty to support pupil participation, rather than specific duties to create Pupil Councils, committees etc...?

**Question 13**

Should the Bill include provisions requiring each local authority to collaborate with partner councils and with Education Scotland in a Regional Improvement Collaborative?

**Question 14**

Should the Bill require each Regional Improvement Collaborative to maintain and to publish annually its Regional Improvement Plan?

**Question 15**

If we require Regional Improvement Collaboratives to report on their achievements (replacing individual local authority reports), should they be required to report annually? Would less frequent reporting (e.g. every two years) be a more practical and effective approach?

**Question 16**

In making changes to the existing planning and reporting cycle, should we consider reducing the frequency of national improvement planning and the requirement on Ministers to review the National Improvement Framework?

**Question 17**

Are the proposed purpose and aims of the Education Workforce Council for Scotland appropriate?

**Question 18**

What other purpose and aims might you suggest for the proposed Education Workforce Council for Scotland?

**Question 19**

Are the proposed functions of the Education Workforce Council for Scotland appropriate?

**Question 20**

What other functions might you suggest for the proposed Education Workforce Council for Scotland?

**Question 21**

Which education professionals should be subject to mandatory registration with the proposed Education Workforce Council for Scotland?

---

**Question 22**

Should the Education Workforce Council for Scotland be required to consult on the fees it charges for registration?

---

**Question 23**

Which principles should be used in the design of the governance arrangements for the proposed Education Workforce Council for Scotland?

---

**Question 24**

By what name should the proposed Education Workforce Council for Scotland be known?



## Empowering Schools

### A Consultation on the provisions of the Education (Scotland) Bill

#### RESPONDENT INFORMATION FORM

**Please Note** this form **must** be completed and returned with your response.

Are you responding as an individual or an organisation?

- Individual  
 Organisation

Full name or organisation's name

Phone number

Address

Postcode

Email

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name  
 Publish response only (without name)  
 Do not publish response

#### Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

- Yes  
 No



Scottish Government  
Riaghaltas na h-Alba  
gov.scot

© Crown copyright 2017

ISBN: 978-1-78851-384-5

This document is available from our website at [www.gov.scot](http://www.gov.scot)

Produced for The Scottish Government by APS Group Scotland  
21 Tennant Street, Edinburgh EH6 5NA  
PPDAS314426 (06/17)

