

Ref: [REDACTED]  
Date: 8 November 2017  
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Convener  
Professor James McGoldrick

Chief Executive  
[REDACTED]

John Swinney MSP  
Deputy First Minister  
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The Scottish Parliament  
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Dear Mr Swinney

### **Empowering Schools Consultation**

I was very surprised and disappointed to find that the *Empowering Schools* consultation was published today by Scottish Government with no prior notice or discussion. This consultation specifically proposes to remove the regulation of people working in early years from my organisation and place it with the new Education Workforce Council. Those workers make up a third of the SSSC's Register at present, and have sat with us since our establishment in 2001. We had no warning of this and the consultation contains no rationale or timescales, indeed both the SSSC and the early years' workforce get little more than a cursory mention despite the significance of this change.

When the original consultation was published earlier this year, I was aware that the SSSC came within scope of the education governance review because of our role in regulating early years workers. At that time, I had a conversation with Fiona Robertson who assured me that while this was under consideration, it was unlikely to go any further for at least 2 years if at all, as there was no desire to make change for change's sake. You may recall a meeting with you that I attended with other stakeholders with a national remit last Christmas; this wasn't mentioned.

To be clear, I have no issue with the regulation of early years workers being moved to the new body if that is the right thing for those workers and for children, and we will respond to the proposals set out in the consultation. The reason I am writing to you is about how badly this has been handled by officials and how taken aback I am by the content and language in section 5, the Education Workforce Council.



I will deal firstly with how this has been handled. The first I heard about the publication of this consultation was when I got a message on a phone from Tracy Manning in the Learning Directorate at 11.30 am yesterday by which time it had already been published. I have also spoken to our sponsor team in the Office of the Chief Social Work Adviser who likewise hadn't been advised of the launch. I have had no contact from anyone in Scottish Government about this since June, and the impression I was given then was that the regulation of the early years workforce was unlikely to be a priority any time soon. So I am very surprised to see it explicitly mentioned in *Empowering Schools*.

Early years workers make up a third of our registrants, at present at just under 40,000 people. We will now have to deal with all the questions that will arise for the sector having had no time to prepare and with no information or rationale. We have had to come up with lines for our Enquiries team and other staff who are in regular contact with the sector. It makes government look high handed and we look like we have been sidelined. Registrants will be worried about fees, about renewing their registration, about whether the qualifications they've spent the last ten years achieving will still be relevant. People naturally go to the things that impact on them most immediately and when there is no information they fill that vacuum with speculation. None of us need that.

I have also had to communicate with our staff who have seen a significant chunk of our work across all our functions, not just regulation, called into question. They will be asking what it means for their jobs. I was told on the phone that there is unlikely to be any change for up to five years, and I will tell people that, but there is nothing in the published document to confirm that.

Secondly, I will address the content and the language used in the consultation, particularly Section 5.

The wording of the consultation is extremely unhelpful. It says both overtly and implicitly that only teachers have had any work done on raising professionalism, raising qualification levels and skills when this is clearly not the case. The early years workforce have invested hugely as individuals, as have their employers (not just local authorities; the majority of early years provision is in the private and voluntary sector) and national bodies such as the SSSC, Early Years Scotland and the Scottish Child-minders' Association. Over the last ten years they have gone from having few qualifications to being one of the most qualified parts of the social service workforce and every manager has to have a degree. Unlike some other parts of our Register, this workforce has embraced the up-skilling agenda wholeheartedly and we can see the positive impact on the workers, but also on children and young people. I object in particular to this sentence on page 26 which simply isn't true:

"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."

The consultation uses the term "non-teachers" throughout. This is something local government moved away from about 20 years ago. People working in schools, or anywhere else, are professionals in their own right; they aren't defined by the fact they aren't teachers.

In my view, Section 5 of the *Empowering Schools* is disrespectful to the SSSC and more importantly to the early years' workforce.

When I spoke to Ms Manning, she assured me that no changes were planned in the near future. However, the genie is out of the bottle and it is the SSSC that will be left to handle the questions and uncertainties both for the sector and for our own staff. This could so easily have been avoided. There has been plenty opportunity for officials to communicate directly with me or my colleagues, or through our sponsor team. Our then Minister, Mark MacDonald came to meet with our Council Members last week and didn't mention this at all, which makes me wonder if even he was aware of it.

I hope you will recognise why I'm so disappointed and taken aback by this and that things will change in the future.

Yours sincerely



