[redacted]

From:	[redacted]	
Sent:	18 January 2018 17:13	
To:	anna.fowlie@sssc.uk.com	
Cc:	[redacted]; [redacted] FOI Request	
Subject:		
	Recipient	
Tracking:	anna.fowlie@sssc.uk.com	**Read**
	[redacted]	
	[redacted]	
		Read: 19/01/2018 09:06

Hi Anna, as discussed please find attached letter with further information on the FOI request we have received and the document in question.

FOI - letter for SSSC.docx

EWCS - SSSC - letter to DFM re...

I appreciate you have agreed verbally over the phone but it would be helpful if you could confirm that you have no reservations to your correspondence being released.

Many thanks

[redacted]

[redacted]
Education Workforce Council Policy Lead
Education Workforce Unit | Workforce, Infrastructure and Reform Division | Learning Directorate | 2B North | Victoria Quay | EH6 6QQ
Luchd-obrach, Bun-structair agus Ath-leasachadh | Aonad Luchd-obrach Foghlaim | Buidheann-Stiùiridh an Ionnsachaidh | Raon 2A Tuath | Cidhe Bhictòria | EH6 6QQ
[redacted]@gov.scot | 0131 244 [redacted]

Buidheann-Stiùiridh an Ionnsachaidh
Learning Directorate

Scottish Government
Riaghaltas na h-Alba
gov.scot

F/T: 0131-244 [redacted]
E: [redacted] @gov.scot

Anna Fowlie
Scottish Social Services Council
By email: anna.fowlie@sssc.uk.com

18 January 2018

Dear Anna,

The Scottish Government has received a request under the Freedom of Information (Scotland) Act 2002 (FOISA) for:

- Any advice or other material (whether internal or external) regarding the role of the GTCS and/or proposed replacement of the GTCS
- Any communication (whether internal or external) regarding the role of the GTCS and/or the proposed replacement of the GTCS
- Details - including all supporting documents - of any meetings at which the role of the GTCS and/or proposed replacement of the GTCS was discussed

You have an interest in the information which has been requested as it includes extracts of our correspondence with you.

Therefore, I am writing to ask you for your views on whether this information should be disclosed before we make a decision on the request. Please note that this consultation is a courtesy, not a statutory obligation, and you do not have a veto on disclosure of the information. I have attached this piece of correspondence for your consideration.

Under the terms of FOISA, the decision on whether or not to release the information is for the Scottish Government alone. However, we will take account of your views.

I should also explain that we can withhold information only if an exemption under FOISA applies to that information and, where applicable, the public interest in disclosure is not outweighed by the public interest in upholding the exemption. You can find detailed information about FOISA on our website at: http://www.scotland.gov.uk/about/foi or on the Scottish Information Commissioner's website at:
http://www.itspublicknowledge.info/home/ScottishInformationCommissioner.asp

In order to ensure that we meet our statutory duty to respond to the request within 20 working days of receiving it, I must ask for your views by close of play, 22 January 2018.

Kind regards,

[redacted]

Scottish Social Services Council

Ref: AF/ASR
Date: 8 November 2017
Email: anna.fowlie@sssc.uk.com
Direct Dial: (01382) 207250

Convener
Professor James McGoldrick

Chief Executive
Anna Fowlie

John Swinney MSP
Deputy First Minister
T4.23
The Scottish Parliament
Edinburgh
EH99 1SP

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 to phone a 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

Anna Fowlie

Anna Fowlie
Chief Executive

2

[Redacted]

From: Anna.Fowlie@sssc.uk.com
Sent: 18 January 2018 17:30
To: [redacted]
Cc: [redacted]; [redacted] RE: FOI
Subject: Request

Hi, [redacted]

I confirm I am happy for the correspondence to be released. I have alerted our Communications team.

Thank you for letting me know.

Anna

Anna Fowlie
Chief Executive
Scottish Social Services Council
Compass House
Riverside Drive
Dundee
DD1 4NY

Tel: 01382 207250
Email: anna.fowlie@sssc.uk.com
Website: www.sssc.uk.com

Our work means the people of Scotland can count on social services being provided by a trusted, skilled and confident workforce.

Keep informed with news from the SSSC and the social services sector:

Subscribe to our eBulletin and SSSC News - email communications@sssc.uk.com

Like us on Facebook - www.facebook.com/thesssc
Follow us on Twitter - www.twitter.com/SSSCnews

Please note this email, any attachment or any response may be released as a result of a data protection or freedom of information request.

From: [redacted]@gov.scot [mailto: [redacted]@gov.scot]
Sent: 18 January 2018 17:13
To: Fowlie, Anna
Cc: [redacted]@gov.scot; [redacted]@gov.scot
Subject: FOI Request

Hi Anna, as discussed please find attached letter with further information on the FOI request we have received and the document in question.

I appreciate you have agreed verbally over the phone but it would be helpful if you could confirm that you have no reservations to your correspondence being released.

Many thanks

[redacted]

[redacted]
Education Workforce Council Policy Lead
Education Workforce Unit | Workforce, Infrastructure and Reform Division | Learning Directorate | 2B North | Victoria Quay | EH6 6QQ
Luchd-obrach, Bun-structair agus Ath-leasachadh | Aonad Luchd-obrach Foghlaim | Buidheann-Stiùiridh an Ionnsachaidh | Raon 2A Tuath | Cidhe Bhictòria | EH6 6QQ
[redacted]@gov.scot | 0131 244 [redacted] |

****
This e-mail (and any files or other attachments transmitted with it) is intended solely for the attention of the addressee(s). Unauthorised use, disclosure, storage, copying or distribution of any part of this e-mail is not permitted. If you are not the intended recipient please destroy the email, remove any copies from your system and inform the sender immediately by return.
Communications with the Scottish Government may be monitored or recorded in order to secure the effective operation of the system and for other lawful purposes. The views or opinions contained within this e-mail may not necessarily reflect those of the Scottish Government.

Tha am post-d seo (agus faidhle neo ceanglan còmhla ris) dhan neach neo luchd-ainmichte a-mhàin. Chan eil e ceadaichte a chleachdadh ann an dòigh sam bith, a' toirt a-steach còraichean, foillseachadh neo sgaoileadh, gun chead. Ma 's e is gun d'fhuair sibh seo gun fhiosd', bu choir cur às dhan phost-d agus lethbhreac sam bith air an t-siostam agaibh agus fios a leigeil chun neach a sgaoil am post-d gun dàil. Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.
****

This email may contain confidential information and its content is solely for the use of the individual to whom it is addressed. If you are not the intended recipient, please inform the sender that you have received this email in error before deleting it. Any disclosure, reproduction, copying, distribution or other dissemination or use of this email is strictly prohibited.

All outgoing messages are checked for viruses however no guarantee is given that this email message, and any attachments, are free from viruses. You are strongly advised to check for viruses using your own virus scanner. Neither the Care Inspectorate or SSSC will accept responsibility for any damage caused as a result of virus infection

---

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit http://www.symanteccloud.com

---

****
****
This email has been received from an external party and has been swept for the presence of computer viruses.
****
******

[redacted]

From: [redacted]
Sent: 24 January 2018 18:14
To: [redacted]; McAllister C (Colin); FoI SpAds PO
Cc: [redacted]; [redacted]; Hicks C (Clare) RE:
Subject: FOI/18/00053

Follow Up Flag: Follow up
Flag Status: Flagged

[redacted]

Colin has suggested one further redaction as marked up on the attached – extract of doc 6 - submission to the DFM on 5/10/17.

The text should be redacted under exemption s.30(b)(i).

Subject to that change being made Colin is content for the response to go for ministerial clearance.

[redacted]

u002362_24-01-...

Private Secretary
Special Advisers' Office
Tel 0131 244 [redacted]
Mobile [redacted]

All e-mails and attachments sent by the Special Advisers' Private Office to another official on behalf of Special Advisers relating to a decision, request or comment made by a Special Adviser, or a note of a meeting with Special Advisers must be filed appropriately by the primary recipient. The Private Office does not keep official reports of such e-mails or attachments.

From: [redacted]
Sent: 22 January 2018 16:52
To: McAllister C (Colin); FoI SpAds PO
Cc: [redacted]; [redacted]; Hicks C (Clare)
Subject: FOI/18/00053

Hi Colin

Grateful if you could please look over the draft submission for DFM and the draft response to the above FOI. The deadline for this case is 31 January.

The requester is seeking information on the following:

- Any advice or other material (whether internal or external) regarding the role of the GTCS and/or proposed replacement of the GTCS
- Any communication (whether internal or external) regarding the role of the GTCS and/or the proposed replacement of the GTCS
- Details - including all supporting documents - of any meetings at which the role of the GTCS and/or proposed replacement of the GTCS was discussed.

Request	<< Message: RE: FOI - ECJ - Education Workforce Council for Scotland - [Redact]
Non-redacted documents	<< File: non-redacted additional non-redacted papers.pdf >>
Redacted documents	<< File: redacted papers v2.pdf >>
Draft submission	<< File: Draft FOI submission.docx >>
Draft response	<< File: FOI_18_00053 DRAFT response.docx >>

Thanks

[redacted]

00053. doc6

EWCS Consultation and potential sensitivities

6. REDACTED

7. [redacted] REDACTED

Redact.

4

[Redacted]

From: [redacted] 01 May
Sent: 2018 12:54
To: [redacted] FW:
Subject: FOI/18/00053

From: [redacted]
Sent: 25 January 2018 10:57
To: Deputy First Minister and Cabinet Secretary for Education and Skills
Cc: DG Education, Communities & Justice; Robertson FMG (Fiona); Hicks C (Clare); [redacted]; [redacted]; McAllister C (Colin); FoI SpAds PO; Freedom of Information; Communications DFM & Education
Subject: FOI/18/00053

Please find attached a submission for clearance for FOI/18/00053 as well as the original and redacted versions of the necessary documents.

The attachments have been reviewed and cleared by SpAds.

The response date for this case is 31 January.

Submission	Draft FOI submission.docx
Request	RE: FOI - ECJ - Education Work...
Non-redacted documents	non-redacted papers.pdf
Redacted documents	redacted papers v2.pdf

Thanks

[redacted]

[redacted]

Education Workforce Unit | People and Infrastructure | Learning Directorate | 2B North | Victoria Quay | EH6 6QQ

Aonad Luchd-Obrach Foghlaim | Daoine agus Bun-structair | Buidheann-Stiùiridh an Ionnsachaidh | Raon 2B Tuath | Cidhe Bhictòria | EH6 6QQ

[redacted]k@gov.scot | 0131 244 [redacted] | [redacted]

#EduScotBill

EMPOWERING SCHOOLS
A CONSULTATION ON THE PROVISIONS OF THE EDUCATION (SCOTLAND) BILL

From: [redacted]
Workforce
Learning Directorate
25 January 2018

Deputy First Minister and Cabinet Secretary for Education and Skills

FREEDOM OF INFORMATION REQUEST: EDUCATION WORKFORCE COUNCIL OF SCOTLAND

Purpose

1.To seek your approval to the proposed response to the Freedom of Information request number FOI/18/00053 received from [redacted], a freelance journalist, requesting copies of:

- Any advice or other material (whether internal or external) regarding the role of the GTCS and/or proposed replacement of the GTCS
- Any communication (whether internal or external) regarding the role of the GTCS and/or the proposed replacement of the GTCS
- Details - including all supporting documents - of any meetings at which the role of the GTCS and/or proposed replacement of the GTCS was discussed

Priority

2. **Urgent** The deadline for responding to this request is 31 January 2018.

Background to FOI request

3.We believe [redacted] request has been prompted by the lack of support for the creation of the Education Workforce Council Scotland from teaching unions.

Scope of Request

4.[redacted] request is straightforward in terms of scope and we propose to provide the information requested except where we consider release is exempted under the Freedom of Information (Scotland) Act 2002 (FOISA); in this case principally personal details contained in correspondence, free and frank provision of advice and formulation or development of Scottish Government policy.

Proposed response

5.We propose to issue the response attached at **Annex B** along with relevant information within the scope of the request suitably redacted or extracted under FOISA exemptions. Details of our decisions regarding documents within scope of the request are contained in the Schedule of Information/Documents attached at **Annex A** which is for your information and does not form part of the formal response to [redacted].

Recommendation

6.Please confirm whether you are content for us to issue the draft letter and attached documentation to [redacted].

[redacted]
Workforce
Learning Directorate
Ext [redacted]
January 2018

Copy List:	For Action	For Comments	For Information		
			Portfolio Interest	Constit Interest	General Awareness
Deputy First Minister and Cabinet Secretary for Education and Skills			X		

DG Education, Communities & Justice
Fiona Robertson
Clare Hicks
[redacted]
[redacted]
FOI Unit
Communications DFM
Colin McAllister
FOI SpAds

ANNEX A

Schedule of Information/Documents

FOI Case Number: FoI/18/00053

Doc. No	Brief description	Release- wholly or in part	Exemption(s)/ Exception(s) applied	Outcome of public interest test
1.	[redacted] - [redacted]	Release partial as some details redacted as they could identify a third party	S38(1)(b)	
		The free and frank exchange of views for the purposes of deliberation.	S30(b)(ii)	redact
	– [redacted]	Release partial as some details redacted as they could identify a third party	S38(1)(b)	

		Release partial; some details redacted as it relates to the development or formulation of Scottish Government policy The free and frank exchange of views for the purposes of deliberation.	29(1)(a) 30(b)(ii)	Redact redact
3.	[redacted]	redacted as they could identify a third party The free and frank exchange of views for the purposes of deliberation	30(b)(ii)	redact
4.	[redacted]	Release partial as some details redacted as they could	S38(1)(b)	

		identify a third party Release partial; some details redacted as it relates to the development or formulation of Scottish Government policy The free and frank provision of advice.	 29(1)(a) 30(b)(i)	 Redact Redact
5.	[redacted]	Release partial as some details redacted as they could identify a third party The free and frank provision of advice. The free and frank exchange of views for the purposes of	S38(1)(b) 30(b)(i) 30(b)(ii)	 Redact Redact

		deliberation		
	– [redacted]	Release partial as some details redacted as they could identify a third party	S38(1)(b)	
		Release partial; some details redacted as it relates to the development or formulation of Scottish Government policy	29(1)(a)	Redact
		The free and frank provision of advice.	30(b)(i)	Redact
		The free and frank exchange of views for the purposes of deliberation	30(b)(ii)	Redact
	– [redacted]	Release partial as some details redacted as	S38(1)(b)	

		they could identify a third party Release partial; some details redacted as it relates to the development or formulation of Scottish Government policy The free and frank exchange of views for the purposes of deliberation	 29(1)(a) 30(b)(ii)	 Redact Redact
8.	[redacted]	Release partial as some details redacted as they could identify a third party Not in scope	S38(1)(b)	
9.	[redacted]	Release partial; some details redacted as it relates to the	29(1)(a)	Redact

		development or formulation of Scottish Government policy Law officers' advice The free and frank provision of advice. The free and frank exchange of views for the purposes of deliberation	 29(1)(c) 30(b)(i) 30(b)(ii)	 Redact Redact Redact
10.	[redacted]	Release partial; some details redacted as it relates to the development or formulation of Scottish Government policy	29(1)(a)	Redact
11.	[redacted]	Release partial; some details redacted as it	29(1)(a)	Redact

		relates to the development or formulation of Scottish Government policy		
12.	[redacted]	Release partial as some details redacted as they could identify a third party	S38(1)(b)	
13.	[redacted]	Release partial as some details redacted as they could identify a third party The free and frank provision of advice. The free and frank exchange of views for the purposes of deliberation	S38(1)(b) 30(b)(i) 30(b)(ii)	 Redact Redact
14.	[redacted]	1) Release partial as some	S38(1)(b)	

		details redacted as they could identify a third party		
15.	[redacted]	Release partial as some details redacted as they could identify a third party	S38(1)(b)	
16.	[redacted]	1) Release partial as some details redacted as they could identify a third party	S38(1)(b)	
17.	l[redacted]	1) Release partial as some details redacted as they could identify a third party	S38(1)(b)	
18.	[redacted]	1) Release partial as some details redacted as they could identify a third party	S38(1)(b)	

19.	[redacted]	1) Release partial as some details redacted as they could identify a third party Out of scope	S38(1)(b)	
20.	[redacted]			
21.	[redacted]	Release partial as some details redacted as they could identify a third party	S38(1)(b)	
22.	[redacted]			
23.	[redacted]	Release partial as some details redacted as they could identify a third party The free and frank exchange of views for the purposes of deliberation	S38(1)(b) 30(b)(ii)	 Redact

24.	[redacted] –	Release partial as some details redacted as they could identify a third party	S38(1)(b)	
25.	[redacted]	Release partial as some details redacted as they could identify a third party	S38(1)(b)	
26.	[redacted]	Release partial as some details redacted as they could identify a third party	S38(1)(b)	
27.	[redacted]	Release partial as some details redacted as they could identify a third party	S38(1)(b)	
28.	[redacted]	Release partial as some details redacted as they could identify a third party	S38(1)(b)	

29.	[redacted]			
30.	[redacted]	Release partial as some details redacted as they could identify a third party The free and frank exchange of views for the purposes of deliberation Out of scope	S38(1)(b) 30(b)(ii)	Redact
31. [	redacted]	Release partial as some details redacted as they could identify a third party The free and frank exchange of views for the purposes of deliberation Out of scope	S38(1)(b) 30(b)(ii)	Redact

32.	[redacted]	Release partial as some details redacted as they could identify a third party	S38(1)(b)	
33.	[redacted] –	Release partial as some details redacted as they could identify a third party Release partial; some details redacted as it relates to the development or formulation of Scottish Government policy	S38(1)(b) 29(1)(a)	Redact
34.	[redacted] –	Release partial as some details redacted as they could identify a third party	S38(1)(b)	

		Release partial; some details redacted as it relates to the development or formulation of Scottish Government policy	29(1)(a)	Redact

ANNEX B

Learning Directorate
People and Infrastructure Division

T: 0131-244 [redacted]
E: [redacted]@gov.scot

Scottish Government
Riaghaltas na h-Alba
gov.scot

[redacted]
Sent by email: [redacted]

Our ref: FOI/18/00053
XX January 2018

Dear [redacted]

REQUEST UNDER THE FREEDOM OF INFORMATION (SCOTLAND) ACT 2002 (FOISA)

Thank you for your request dated 09/10/17 under the Freedom of Information (Scotland) Act 2002 (FOISA).

Your request

- Any advice or other material (whether internal or external) regarding the role of the

GTCS and/or proposed replacement of the GTCS

- Any communication (whether internal or external) regarding the role of the GTCS

and/or the proposed replacement of the GTCS

- Details - including all supporting documents - of any meetings at which the role of the

GTCS and/or proposed replacement of the GTCS was discussed.

Response to your request
I enclose a copy of all of the information you requested.

While our aim is to provide information whenever possible, in this instance some information has been redacted from the enclosed documents exemptions 29(1)(a) (formulation or development of Scottish Government policy), 29(1)(c) (Law Officers' advice), 30(b)(i) (free and frank provision of advice), 30(b)(ii) (free and frank exchange of views) and 38(1)(b) (personal information) of FOISA apply to that information. The reason for these exemptions is explained in the Annex A to this letter. Some other information has been redacted as it does not relate directly to your request.

Your right to request a review

If you are unhappy with this response to your FOI request, you may ask us to carry out an internal review of the response, by writing to Fiona Robertson, Director of Learning, and 2B North, Victoria Quay or by emailing fiona.robertson@gov.scot. Your review request should explain why you are dissatisfied with this response, and should be made within 40 working days from the date when you received this letter. We will complete the review and tell you the result within 20 working days from the date when we receive your review request.

If you are not satisfied with the result of the review, you then have the right to appeal to the Scottish Information Commissioner. More detailed information on your appeal rights is available on the Commissioner's website at: http://www.itspublicknowledge.info/YourRights/Unhappywiththeresponse/AppealingtoCommissioner.aspx.

Yours sincerely

[Redacted]

From: [redacted] on behalf of Deputy First Minister and Cabinet Secretary for Education and Skills
Sent: 31 January 2018 14:50
To: [redacted]; Deputy First Minister and Cabinet Secretary for Education and Skills
Cc: DG Education, Communities & Justice; Robertson FMG (Fiona); Hicks C (Clare); [redacted]; [redacted]; McAllister C (Colin); FoI SpAds PO; Freedom of Information; Communications DFM & Education
Subject: RE: FOI/18/00053

Hi [redacted],

DFM is content to clear.

Thanks
[redacted]

[redacted] | Deputy Private Secretary to John Swinney MSP | Deputy First Minister of Scotland and Cabinet Secretary for Education & Skills | Scottish Government | St Andrew's House | Edinburgh | EH1 3DG | T: 0131 244 [redacted] | E: DFMCSE@gov.scot

All e-mails and attachments sent by a Ministerial Private Office to another official on behalf of a Minister relating to a decision, request or comment made by a Minister, or a note of a Ministerial meeting, must be filed appropriately by the primary recipient. Private Offices do not keep official records of such e-mails or attachments.

From: [redacted]
Sent: 25 January 2018 10:57
To: Deputy First Minister and Cabinet Secretary for Education and Skills
Cc: DG Education, Communities & Justice; Robertson FMG (Fiona); Hicks C (Clare); [redacted]; [redacted]; McAllister C (Colin); FoI SpAds PO; Freedom of Information; Communications DFM & Education
Subject: FOI/18/00053

Please find attached a submission for clearance for FOI/18/00053 as well as the original and redacted versions of the necessary documents.

The attachments have been reviewed and cleared by SpAds.

The response date for this case is 31 January.

Submission	<< File: Draft FOI submission.docx >>
Request	<< Message: RE: FOI - ECJ - Education Workforce Council for Scotland - [redact] >>
Non-redacted documents	<< File: non-redacted papers.pdf >>
Redacted documents	<< File: redacted papers v2.pdf >>

Thanks

[redacted]

<< OLE Object: Picture (Device Independent Bitmap) >>

6

[Redacted]

From: [redacted]
Sent: 31 January 2018 15:16
To: Communications DFM & Education
Cc: Hicks C (Clare); Freedom of Information
Subject: FOI/18/00053

Hi

Please can you issue the attached FOI response due to the requester being a freelance journalist. The response has been cleared by DFM and is due today.

Response information.pdf

Response.pdf

Thanks

[redacted]

[redacted]

Education Workforce Unit | People and Infrastructure | Learning Directorate | 2B North | Victoria Quay | EH6 6QQ

Aonad Luchd-Obrach Foghlaim | Daoine agus Bun-structair | Buidheann-Stiùiridh an Ionnsachaidh | Raon 2B Tuath | Cidhe Bhictòria | EH6 6QQ

[redacted]@gov.scot | 0131 244 [redacted] | [redacted]

#EduScotBill

EMPOWERING SCHOOLS
A CONSULTATION ON THE PROVISIONS OF THE EDUCATION (SCOTLAND) BILL

Learning Directorate
People and Infrastructure Division

Scottish Government
Riaghaltas na h-Alba
gov.scot

T: 0131-244 [redacted]
E: [redacted]@gov.scot

[Redacted]
Sent by email: [redacted]@gmail.com

Our ref: FOI/18/00053
31 January 2018

Dear [redacted]

REQUEST UNDER THE FREEDOM OF INFORMATION (SCOTLAND) ACT 2002 (FOISA)

Thank you for your request dated 09/10/17 under the Freedom of Information (Scotland) Act 2002 (FOISA).

Your request

- Any advice or other material (whether internal or external) regarding the role of the GTCS and/or proposed replacement of the GTCS
- Any communication (whether internal or external) regarding the role of the GTCS and/or the proposed replacement of the GTCS
- Details - including all supporting documents - of any meetings at which the role of the GTCS and/or proposed replacement of the GTCS was discussed.

Response to your request

I enclose a copy of all of the information you requested.

While our aim is to provide information whenever possible, in this instance some information has been redacted from the enclosed documents exemptions 29(1)(a) (formulation or development of Scottish Government policy), 29(1)(c) (Law Officers' advice), 30(b)(i) (free and frank provision of advice), 30(b)(ii) (free and frank exchange of views) and 38(1)(b) (personal information) of FOISA apply to that information. The reason for these exemptions is explained in the Annex A to this letter. Some other information has been redacted as it does not relate directly to your request.

Your right to request a review

If you are unhappy with this response to your FOI request, you may ask us to carry out an internal review of the response, by writing to Fiona Robertson, Director of Learning, and 2B North, Victoria Quay or by emailing fiona.robertson@gov.scot. Your review request should explain why you are dissatisfied with this response, and should be made within 40 working days from the date when you received this letter. We will complete the review and tell you the result within 20 working days from the date when we receive your review request.

If you are not satisfied with the result of the review, you then have the right to appeal to the Scottish Information Commissioner. More detailed information on your appeal rights is available on the Commissioner's website at: http://www.itspublicknowledge.info/YourRights/Unhappywiththeresponse/AppealingtoCommissioner.aspx.

Yours sincerely

[redacted]

ANNEX A

REASON FOR NOT PROVIDING INFORMATION

An exemption applies

An exemption under section 38(1)(b) of FOISA (personal information) applies to some of the redacted information because it is the personal data of third party, i.e. names/contact details of individuals, and disclosing it would contravene the data protection principles in Schedule 1 to the Data Protection Act 1998. This exemption is not subject to the 'public interest test', so we are not required to consider if the public interest in disclosing the information outweighs the public interest in applying the exemption.

An exemption applies, subject to the public interest test

An exemption under section 29(1)(a) (formulation or development of Scottish Government policy) and 29(1)(c) (Law Officers' advice) of FOISA.

An exemption under section 30(b)(i) of FOISA (free and frank provision of advice) and 30(b)(ii) (free and frank provision of views) applies to some of the redacted information. This exemption applies because disclosure would, or would be likely to; inhibit substantially the free and frank provision of advice and views. This exemption recognises the need for officials to have a private space within which to provide free and frank advice/views to Ministers on key discussion points in pre-meeting briefings. Disclosing the content of free and frank advice on such key points will substantially inhibit the provision of such advice in the future, particularly when these discussions relate to a policy matter, such as the Governance Review which is still on-going and where decisions have not been taken.

This exemption is subject to the 'public interest test'. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the information outweighs the public interest in applying the exemption. We have found that, on balance, the public interest lies in favour of upholding the exemption. We recognise that there is a public interest in disclosing information as part of open, transparent and accountable government, and to inform public debate. However, there is a greater public interest in allowing a private space within which officials can provide full and frank advice to Ministers, before they meet key stakeholders.

7

[redacted]

From: [redacted]on behalf of Freedom of Information 23 March
Sent: 2018 10:08
To: [redacted]
Cc: Hicks C (Clare); [redacted]
Subject: RE: FOI - Identification of Errors Protocol

Hi **[redacted]**

Thanks. As discussed when a response is issued under FOISA we are considered to have complied with our obligations under the Act and are only required under the act to re-visit this response if the applicant ask for a review of our response.

However we would consider it to be good practice that when further information is identified which would have fallen within the scope of **a very recent request** which was not considered for release but is subsequently being released in response to a request from a different applicant to highlight the release to the original applicant, however, as discussed there is no specific requirement under FOISA to do so and therefore it would be a case by case decision. I am aware that this has happened before, but is not something which happens regularly. I can only think of a couple of times in the last few years (in most cases all of the information is identified, or because of the passage of time the previous release is not considered).

There is no formal guidance which confirms the above, our requirement under FOISA is met by providing the response and the Act assumes that we will have identified all of the relevant information in doing so, or that the applicant will ask for a review.

[redacted]

[redacted]| Lead Caseworker | Freedom of Information Unit | Scottish Government | 2W | St Andrews House | Regent Road | Edinburgh | EH1 3DG | 0131244**[redacted]** | Ext 45189.

You can find the most recent information on FOI on the FOI SharePoint site. It contains detailed guidance on all aspects of FOI, as well as step-by-step guides to answering a request and doing an internal review, response templates and sample reasons.

From: [redacted]
Sent: 22 March 2018 17:41
To: [redacted]
Cc: Hicks C (Clare)
Subject: FOI - Identification of Errors Protocol

Hi [redacted],

We spoke over the phone on Tuesday regarding the protocol for if an error is identified after a response has been issues and a subsequent review undertaken. You helpfully provided me with the advice that we are under no obligation to rectify the error, however, it would be a handling issue to be considered at a policy level as to whether or not to inform the requester (and you were aware that this had happened before).

I would appreciate it if you could confirm that my understanding is correct and if there is any formal guidance that I could refer to on this issue?

Many thanks

[redacted]

[redacted]
Education Workforce Policy Lead
Education Workforce Unit | Workforce, Infrastructure and Reform Division | Learning Directorate | 2B North | Victoria Quay | EH6 6QQ
Luchd-obrach, Bun-structair agus Ath-leasachadh | Aonad Luchd-obrach Foghlaim | Buidheann-Stiùiridh an Ionnsachaidh | Raon 2A Tuath | Cidhe Bhictòria | EH6 6QQ
[redacted]@gov.scot | 0131 244 [redacted] |
<< OLE Object: Picture (Device Independent Bitmap) >>

8

[Redacted]

From: [redacted]
Sent: 28 March 2018 16:28
To: [redacted]; FoI SpAds PO
Cc: Hicks C (Clare); [redacted]; McAllister C (Colin)
Subject: RE: FOI/18/00713 - RE: FOI - SpAds clearance - due to be issued 5 April

[redacted]

I have discussed with Colin. Colin agrees that the information you have found while working on the response to FOI/18/00713 should also be released to [redacted] with an explanation under separate cover that this was omitted from the response to his request FOI/18/00053.

On that basis Colin is content for the submission to go to DFM.

[redacted]

Private Secretary
Special Advisers' Office
Tel 0131 244 [redacted]
Mobile [redacted]

All e-mails and attachments sent by the Special Advisers' Private Office to another official on behalf of Special Advisers relating to a decision, request or comment made by a Special Adviser, or a note of a meeting with Special Advisers must be filed appropriately by the primary recipient. The Private Office does not keep official reports of such e-mails or attachments.

Scottish Ministers, Special advisers and the Permanent Secretary to the Scottish Government are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot.

From: [redacted]
Sent: 28 March 2018 15:24
To: [redacted]; FoI SpAds PO
Cc: Hicks C (Clare); [redacted]; McAllister C (Colin)
Subject: RE: FOI/18/00713 - RE: FOI - SpAds clearance - due to be issued 5 April

[redacted],

Many thanks for your email below. However, through the process of identifying the information relevant to [redacted] request we also identified that this information was unintentionally omitted from a previous FOI reply to [redacted] (FOI/18/00053), this was not picked up by a subsequent review of that FOI requested by [redacted].

Although there is no specific requirement to do so under FOISA, we propose to inform [redacted] of this omission and issue the relevant documents to him. We believe this approach, which has been agreed with the FOI Unit, would be a better option than [redacted] identifying this issue himself, which is quite likely given his interest in FOI.

I attach the draft submission which I propose to send to DFM seeking clearance on this approach and would welcome any views Colin may have.

<< File: DFM submission seeking clearance.docx >>
Many thanks

[redacted]

From: [redacted]
Sent: 26 March 2018 18: 14
To: [redacted]; FoI SpAds PO
Cc: Hicks C (Clare); [redacted]
Subject: FOI/18/00713 - RE: FOI - SpAds clearance - due to be issued 5 April

[redatced]

Colin has considered the response and understands that document 1 listed in the schedule will be removed as it is out of scope. On that basis Colin has no comments to make and is content for the response to go for ministerial clearance.

[redacted]

Private Secretary
Special Advisers' Office
Tel 0131 244 [redacted]
Mobile [redacted]

All e-mails and attachments sent by the Special Advisers' Private Office to another official on behalf of Special Advisers relating to a decision, request or comment made by a Special Adviser, or a note of a meeting with Special Advisers must be filed appropriately by the primary recipient. The Private Office does not keep official reports of such e-mails or attachments.

Scottish Ministers, Special advisers and the Permanent Secretary to the Scottish Government are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot.

From: [redacted]
Sent: 23 March 2018 12:00
To: McAllister C (Colin); FoI SpAds PO
Cc: Hicks C (Clare);[redacted]
Subject: FOI - SpAds clearance - due to be issued 5 April

Colin,

We have received an FOI journalist request ([redacted]) asking for "any correspondence (emails, meetings, notes of telephone calls etc) between the Scottish Government and the Scottish Social Services Council regarding the proposed replacement to the General Teaching Council for Scotland".

Below I have provided a draft response along with the information that has been identified (as set out in the schedule of information).

The response is due to be issued on 5 April.

Request	<< Message: FOI - ECJ - Replacement of General Teaching council - [redacted]>>
Schedule of information	<< File: Schedule of Information.docx >>
Draft response	<< File: FOI_18_00713 response.docx >>
Releasable information	<< File: EWCS - SSSC - letter to DFM regarding EWCS - 15 November 2017.pdf >> << File: u415499_16-11-2017_13-07-54.pdf >>

Thanks

[redacted]

[redacted]
Education Workforce Policy Lead
Education Workforce Unit | Workforce, Infrastructure and Reform Division | Learning Directorate | 2B North | Victoria Quay | EH6 6QQ
Luchd-obrach, Bun-structair agus Ath-leasachadh | Aonad Luchd-obrach Foghlaim | Buidheann-Stiùiridh an Ionnsachaidh | Raon 2A Tuath | Cidhe Bhictòria | EH6 6QQ
[redacted]@gov.scot | 0131 244 [redacted]
<< OLE Object: Picture (Device Independent Bitmap) >>

9

[Redacted]

From: [redacted]
Sent: 29 March 2018 10:50
To: Deputy First Minister and Cabinet Secretary for Education and Skills
Cc: DG Education, Communities & Justice; Robertson FMG (Fiona) (Director of Learning); Hicks C (Clare); [redacted]; Communications DFM & Education; McAllister C (Colin); FoI SpAds PO; Freedom of Information
Subject: DFM submission seeking clearance for FOI/18/00713 - Response Date 5 April

Tracking:

Recipient	Read
Deputy First Minister and Cabinet Secretary for Education and Skills	
DG Education, Communities & Justice	Read: 30/03/2018 12:43
Robertson FMG (Fiona) (Director of Learning)	
Hicks C (Clare)	Read: 29/03/2018 12:42
[redacted]	Read: 29/03/2018 10:59
Communications DFM & Education	
McAllister C (Colin)	
FoI SpAds PO	
Freedom of Information	Read: 29/03/2018 10:54
[redacted]	Read: 29/03/2018 11:22

Hi [redacted], as discussed on Tuesday, through the process of identifying the information relevant to [redacted] request (FOI/18/00713) we also identified that this information was unintentionally omitted from a previous FOI reply to [redacted] (FOI/18/00053) and not picked up in a subsequent review requested by [redacted]. We are now seeking to rectify this by issuing these relevant documents to him.

Please now find attached revised submission offering additional background for the DFMs consideration to:

- Issue the proposed response to the FOI received from a journalist requesting copies of correspondence between the Scottish Government and the SSSC regarding the proposed replacement to the GTCS.
- Release these documents to [redacted] in reference to his previous FOI request.

Please note that both aspects have also been considered and cleared by SpAds.

Submission	DFM submission seeking clearan...
Request	FOI - ECJ - Replacement of ...

Documents for Release	EWCS - SSSC - letter to DFM re... u415499_16-11-...

Many

thanks

[redacted]

From: [redacted]
Sent: 27 March 2018 11:09
To: Deputy First Minister and Cabinet Secretary for Education and Skills
Cc: DG Education, Communities & Justice; Robertson FMG (Fiona) (Director of Learning); Hicks C (Clare); [redacted]; Communications DFM & Education; McAllister C (Colin); FoI SpAds PO; Freedom of Information
Subject: DFM submission seeking clearance for FOI/18/00713

Please find attached submission seeking clearance to respond to FOI/18/00713 including relevant documents for release.

The attachments have been reviewed and cleared by SpAds.

The response date for this case is 5 April 2018.

Submission	
Request	FOI - ECJ - Replacement of ...
Documents for Release	EWCS - SSSC - letter to DFM re... u415499_16-11-...

Many Thanks

[redacted]
Education Workforce Policy Lead
Education Workforce Unit | Workforce, Infrastructure and Reform Division | Learning Directorate | 2B North | Victoria Quay | EH6 6QQ
Luchd-obrach, Bun-structair agus Ath-leasachadh | Aonad Luchd-obrach Foghlaim | Buidheann-Stiùiridh an Ionnsachaidh | Raon 2A Tuath | Cidhe Bhictòria | EH6 6QQ
[redacted]@gov.scot | 0131244 [redacted] |

year of young people
bliadhna na h-òigridh
2018

From: [Redacted]
Education Workforce Unit, Learning Directorate
29 March 2018

Deputy First Minister and Cabinet Secretary for Education and Skills

FREEDOM OF INFORMATION REQUEST: EDUCATION WORKFORCE COUNCIL FOR SCOTLAND

Purpose

1. To seek your approval to:

- Issue the proposed response to the Freedom of Information request number FOI/18/00713 received from a journalist, [redacted], requesting copies of correspondence between the Scottish Government and the Scottish Social Services Council regarding the proposed replacement to the General Teaching Council for Scotland.
- Release these documents to [redacted] in reference to his previous Freedom of Information request number FOI/18/0053.

Priority

2. **Routine**: The deadline for responding to [redacted] request is 5 April 2018.

Background and scope

3. The requester, [redacted], is a journalist for [redacted]. We are not aware of any background as to why the request has been submitted.

4. [Redacted] request is straightforward in terms of scope and we propose to provide the information requested:

> "any correspondence (emails, meetings, notes of telephone calls etc) between the Scottish Government and the Scottish Social Services Council regarding the proposed replacement to the General Teaching Council for Scotland".

5. We propose to issue the response to [redacted] attached at **Annex B** along with relevant information within the scope of the request. Details of our decisions regarding documents within the scope of the request are contained in the Schedule of Information/Documents attached at **Annex A** which is for your information and does not form part of the formal response to [redacted].

Previous FOI request from [redacted]

5. Through the process of identifying the information relevant to [Redacted] request we identified that this information was unintentionally omitted from a previous FOI reply to [redacted] (FOI/18/00053), which we are proposing to rectify. On 3 January 2018 [redacted] requested copies of:

- Any advice or other material (whether internal or external) regarding the role of the GTCS and/or proposed replacement of the GTCS.
- Any communication (whether internal or external) regarding the role of the GTCS and/or the proposed replacement of the GTCS.
- Details - including all supporting documents - of any meetings at which the role of the GTCS and/or proposed replacement of the GTCS was discussed.

6. Information relating to correspondence between the Scottish Government and the Scottish Social Services Council was unintentionally omitted from the response to [redacted]. This was not picked up by a subsequent review of that FOI requested by [redacted]. Although there is no specific requirement to do so under FOISA, we propose to inform [redacted] of this omission and issue the relevant documents to him. We believe this approach, which has been agreed with the FOI Unit, would be a better option than [redacted] identifying this issue himself, which is quite likely given his interest in FOI.

Recommendation

7. Please confirm that you are content for us to:

- Issue the draft response and attached documentation to [redacted]
- Issue this documentation to [redacted] in relation to his previous FOI request.

[redacted]
Education Workforce Unit, Learning Directorate
41706

29 March 2018

Copy List:	For Action	For Comments	For Information		
			Portfolio Interest	Constit Interest	General Awareness

DG Education, Communities & Justice
Fiona Robertson
Clare Hicks
[redacted]
FOI Unit
Communications DFM
Colin McAllister
FOI SpAds

ANNEX A

SCHEDULE OF INFORMATION/DOCUMENTS

FOI Case Number: FoI/18/00713

Doc No	Brief description	Release - wholly or in part	Exemption(s)/ Exception(s) applied	Outcome of public interest test
1.	Letter to DFM from Chief Executive of SSSC	Release wholly		
2.	Response from DFM to Chief Executive of SSSC	Release wholly		

ANNEX B

DRAFT RESPONSE

Learning Directorate
People and Infrastructure Division

T: 0131-244 [redacted]
E: [redacted]@gov.scot

Scottish Government
Riaghaltas na h-Alba
gov.scot

[redacted]
Sent by email: [redacted]

Our ref: FOI/18/00713
xx April 2018

Dear [redacted]

REQUEST UNDER THE FREEDOM OF INFORMATION (SCOTLAND) ACT 2002 (FOISA)

Thank you for your request dated 7 March 2018 under the Freedom of Information (Scotland) Act 2002 (FOISA).

Your request

You asked for any correspondence (emails, meetings, notes of telephone calls etc) between the Scottish Government and the Scottish Social Services Council regarding the proposed replacement to the General Teaching Council for Scotland.

Response to your request

I enclose a copy of all of the information you requested.

Your right to request a review

If you are unhappy with this response to your FOI request, you may ask us to carry out an internal review of the response, by writing to Fiona Robertson, Director of Learning, and 2B North, Victoria Quay or by emailing fiona.robertson@gov.scot Your review request should explain why you are dissatisfied with this response, and should be made within 40 working days from the date when you received this letter. We will complete the review and tell you the result, within 20 working days from the date when we receive your review request.

If you are not satisfied with the result of the review, you then have the right to appeal to the Scottish Information Commissioner. More detailed information on your appeal rights is available on the Commissioner's website at: http://www.itspublicknowledge.info/YourRights/Unhappywiththeresponse/AppealingtoCommissioner.aspx.

Yours Sincerely

[redacted]

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

Scottish Government
Riaghaltas na h-Alba
gov.scot

F/T: 0300 244 4000
E: dfmcse@gov.scot

Anna Fowlie
Scottish Social Services Council
Compass House
11 Riverside Drive
Dundee
DD1 4NY

Your ref: AF/ASR
16 November 2017

Dear Anna,

Thank you for your letter dated 8 November regarding the *Empowering Schools: A Consultation on the Provisions of the Education (Scotland) Bill* which I launched on 7 November.

I understand the concerns you raise regarding the substance of the proposals around the creation of the Education Workforce Council, and particularly the manner in which you were informed of these proposals. I appreciate that you will have found this situation frustrating.

Firstly, I would like to address the policy underpinning the creation of the Education Workforce Council. I am committed to establishing an Education Workforce Council to take on the responsibilities of the General Teaching Council for Scotland and the Community Learning and Development Standards Council and to register other education professionals and practitioners. I believe the establishment of such a Council could contribute to enhancing the quality of learning and teaching in Scotland by bringing coherence to the skills and standards which underpin our education professionals and practitioners.

You are right to note that the commitment of the early years workforce to raising qualification levels and skills over the last 10 years has been remarkable and the work of the Scottish Social Services Council has been key in supporting this. Our early years workforce is integral to delivering our commitment to the near doubling of the entitlement to Early Learning and Childcare (ELC) from 600 to 1140 hours per year from August 2020. I do not need to reiterate that this is one of the most important and transformational changes we are making during our current Parliamentary programme.

Earlier in November, we published *A Blueprint for 2020: The expansion of early learning and childcare in Scotland: Quality Action Plan,* this action plan reaffirms what experience and the research evidence tells us about what drives quality in ELC. The most important factor is that ELC is delivered by a profession that is dedicated to the care, learning and development of our youngest children. The actions set out in the plan demonstrate our strong commitment to investing in its professional identity and development. The Scottish Social Services Council

INVESTOR IN PEOPLE
POSITIVE ABOUT DISABLED PEOPLE

has been instrumental in every aspect of supporting our plans for expansion and I am grateful for your on-going commitment to this agenda.

As the consultation document sets out we are seeking views on which education professionals and practitioners should be included within scope of the Education Workforce Council. Given the opportunity which the Education Bill provides, I think it is essential that we consider the education workforce as broadly as possible and I will carefully consider your views on this issue alongside other consultation responses. As you allude to in your letter there may be longer term strategic benefits of aligning the early years workforce with the new Council, however I would not wish to risk unnecessary disruption in the short term.

An Education Workforce Council Strategic Working Group has been established with relevant stakeholders from GTCS and the Standards Council for Community Learning and Development for Scotland to consider the implications associated with the immediate establishment of the Council. I know my officials have discussed how you might engage with this work and I hope this is something you are open to.

I value your willingness to engage with us on this very important agenda, and I would like to reassure you that every effort will be made to ensure you are fully involved and informed as we progress through the consultation process and beyond. I am aware that Fiona Robertson, Director of Learning, has been in touch with you directly and that you are due to meet lead policy officials on Friday. I hope this will allow us to move forward constructively.

JOHN SWINNEY

Scottish Social Services Council

Ref: AF/ASR
Date: 8 November 2017
Email: anna.fowlie@sssc.uk.com
Direct Dial: (01382) 207250

Convener
Professor James McGoldrick

Chief Executive
Anna Fowlie

John Swinney MSP
Deputy First Minister
T4.23
The Scottish Parliament
Edinburgh
EH99 1SP

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 to phone a 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

Anna Fowlie
Chief Executive

10

[Redacted]

From: [redacted] on behalf of Deputy First Minister and Cabinet Secretary for Education and Skills
Sent: 03 April 2018 10:42
To: [redacted]; Deputy First Minister and Cabinet Secretary for Education and Skills
Cc: DG Education, Communities & Justice; Robertson FMG (Fiona) (Director of Learning); Hicks C (Clare); [redacted]; Communications DFM & Education; McAllister C (Colin); FoI SpAds PO; Freedom of Information
Subject: RE: DFM submission seeking clearance for FOI/18/00713 - Response Date 5 April
Follow Up Flag: Follow up
Flag Status: Flagged

Hi [redacted],

Thank you for this.
The DFM is content for the FOI to be issued.

Kind regards

[redacted]

[redacted] | Deputy Private Secretary to John Swinney MSP, Deputy First Minister and Cabinet Secretary for Education and Skills | The Scottish Government | Web: www.gov.scot |Tel: 0131 244[redacted]| Mob: [redacted] | Email: DFMCSE@gov.scot

---

From: [redacted]
Sent: 29 March 2018 10:50
To: Deputy First Minister and Cabinet Secretary for Education and Skills
Cc: DG Education, Communities & Justice; Robertson FMG (Fiona) (Director of Learning); Hicks C (Clare); [redacted]; Communications DFM & Education; McAllister C (Colin); FoI SpAds PO; Freedom of Information **Subject:** DFM submission seeking clearance for FOI/18/00713 - Response Date 5 April

Hi [redacted], as discussed on Tuesday, through the process of identifying the information relevant to [redacted] request (FOI/18/00713) we also identified that this information was unintentionally omitted from a previous FOI reply to [redacted] (FOI/18/00053) and not picked up in a subsequent review requested by [redacted]. We are now seeking to rectify this by issuing these relevant documents to him.

Please now find attached revised submission offering additional background for the DFMs consideration to:

- Issue the proposed response to the FOI received from a journalist requesting copies of correspondence between the Scottish Government and the SSSC regarding the proposed replacement to the GTCS.
- Release these documents to [redacted] in reference to his previous FOI request.

Please note that both aspects have also been considered and cleared by SpAds.

Submission	<< File: DFM submission seeking clearance.docx >>
Request	<< Message: FOI - ECJ - Replacement of General Teaching council - [redacted] >> << File: EWCS - SSSC - letter to DFM regarding
Documents for Release	EWCS - 15 November 2017.pdf >> << File: u415499 16-11-2017 13-07-54.pdf >>

Many thanks

[redacted]

From: [redacted]
Sent: 27 March 2018 11:09
To: Deputy First Minister and Cabinet Secretary for Education and Skills
Cc: DG Education, Communities & Justice; Robertson FMG (Fiona) (Director of Learning); Hicks C (Clare); [redacted]; Communications DFM & Education; McAllister C (Colin); FoI SpAds PO; Freedom of Information
Subject: DFM submission seeking clearance for FOI/18/00713

Please find attached submission seeking clearance to respond to FOI/18/00713 including relevant documents for release.

The attachments have been reviewed and cleared by SpAds.

The response date for this case is 5 April 2018.

Submission	
Request	<< Message: FOI - ECJ - Replacement of General Teaching council - [redacted] >>
Documents for Release	<< File: EWCS - SSSC - letter to DFM regarding EWCS - 15 November 2017.pdf >> << File: u415499_16-11-2017_13-07-54.pdf >>

Many Thanks

[redacted]
Education Workforce Policy Lead
Education Workforce Unit | Workforce, Infrastructure and Reform Division | Learning Directorate | 2B North | Victoria Quay | EH6 6QQ
Luchd-obrach, Bun-structair agus Ath-leasachadh | Aonad Luchd-obrach Foghlaim | Buidheann-Stiùiridh an Ionnsachaidh | Raon 2A Tuath | Cidhe Bhictòria | EH6 6QQ
[redacted]@gov.scot | 0131 244 [redacted] |
<< OLE Object: Picture (Device Independent Bitmap) >>

[redacted]

From: [redacted]
Sent: 04 April 2018 10:21
To: Communications DFM & Education
Cc: [redacted]; FoI SpAds PO; Freedom of Information FOI
Subject: for issuing

Tracking:

Recipient	Read
Communications DFM & Education	
[redacted]	Read: 04/04/2018 10:32
FoI SpAds PO	
Freedom of Information	
[redacted](Communications)	Read: 05/04/2018 10:00

Hi [redacted], as discussed please find attached FOI for issuin g along with a covering letter that should be issued to [redacted] to rectify the unintentional omission to a previous response from us.

FOI/18/00713 response letter and information for release [to [redacted]]	FOI_18_00713 response.docx; EWCS - SSSC - letter to DFM re...; u415499_16-11-...
In reference to FOI/18/00053 letter to [redacted] and information to be released [to [redacted]]	JM letter.docx; EWCS - SSSC - letter to DFM re...; u415499_16-11-...

Lines to take with regards to [redacted]:

- Through the process of identifying information with regards to a separate FOI request officials identified an unintentional omission.
- Whilst there is no specific requirement to do so under FOISA, we have informed [redacted] of this omission and issued the relevant documents to him.

Thanks

[redacted]

[redacted]
Education Workforce Policy Lead
Education Workforce Unit | Workforce, Infrastructure and Reform Division | Learning Directorate | 2B North | Victoria Quay | EH6 6QQ
Luchd-obrach, Bun-structair agus Ath-leasachadh | Aonad Luchd-obrach Foghlaim | Buidheann-Stiùiridh an Ionnsachaidh | Raon 2A Tuath | Cidhe Bhictòria | EH6 6QQ
[redacted]@gov.scot | 0131 244 [redacted] |

year of young people
bliadhna na h-òigridh
2018