

**From:** Jane O'Donnell  
**Date:** Tuesday, 15 May 2018, 4:51 pm  
**To:** Logan G (Graeme)  
**Cc:** Robertson FMG (Fiona) (Director of Learning) , Hicks C (Clare) , [REDACTED – 38(1)(b)]

**Subject:** RE: Follow up

Hi Graeme

Thanks for this. [Redacted - out of scope]

I spoke to Cllr McCabe after the meeting. [REDACTED – 30(b)(ii)]

If your legal colleagues can draft something close to that tomorrow, I will get a legal rep to look over it tomorrow afternoon (just sending out a request to legal colleagues now). [REDACTED – 30(b)(ii)]

I have cleared my diary tomorrow so can take telephone calls etc. and will do so for Thursday afternoon [REDACTED – 30(b)(ii)]

Kind Regards  
Jane

**From:** Graeme Logan  
**Sent:** 15 May 2018 16:39  
**To:** Jane O'Donnell , Clare Hicks [REDACTED – 38(1)(b)]  
**Subject:** Follow up

Hi Jane

Fiona and I have just briefed Clare on this afternoon's meeting with DFM and Cllr McCabe. Clare's team will start to work on some drafting for the staffing element (section 7) as discussed. Can we meet first thing Thursday morning with you and a local government legal representative to discuss?

More details to follow tomorrow no doubt, but we thought it would be useful to get some time together first thing Thursday morning (appreciating that we will all need to re-schedule other meetings).

Thanks  
Graeme.

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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.

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Our Business Address is : COSLA, Verity House, 19 Haymarket Yards, EDINBURGH, EH12 5BH. t: +441314749200 w: <http://www.cosla.gov.uk>

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**From:** Hicks C (Clare)

**Sent:** 11 June 2018 21:20

**To:** Deputy First Minister and Cabinet Secretary for Education and Skills

**Cc:** DG Education, Communities & Justice ; Robertson FMG (Fiona) (Director of Learning) ; McAllister C (Colin) **[Redacted - 38(1)(b)]**

**Subject:** Official sensitive - meeting with Cllr Mc Cabe - 12 June

DFM

With apologies for the delay, you are due to meet Cllr McCabe tomorrow at noon in SAH. This meeting was requested following the successful conclusion of the Joint Agreement and its acceptance by COSLA Leaders. Previously you have indicated you wish to cover the following in this meeting:

- 1) Reflection on the Joint Agreement and feedback from the discussion at COSLA leaders on 25<sup>th</sup> May
- 2) Next steps in terms of joint work to co-produce guidance on (in particular the Headteachers' Charter) as agreed in the Joint Agreement process.
- 3) Options for potential formal announcement of the Joint Agreement (Cosla officers have indicated that they wish to discuss this)

In order to support the discussion, we attach below a copy of Cllr McCabe's letter seeking the meeting; the Joint Agreement; and background table of timing options in terms of legislative or non legislative approaches.

The appendix to the joint report outlines a comprehensive list of system level actions to support reform – and these were carefully considered by the Group. **[Redacted – 30(b)(i)]**

Fiona and I will provide support to you tomorrow and we are happy to discuss further in advance of the meeting.

Many thanks

Clare

<<18-05-30 letter to John Swinney DFM - Education Governance and Improveme....doc>> <<18-05-25 **[REDACTED S.25(1)]** <<Timeline updated(4).docx>> <<Education Reform - Advice to Ministers - Additional levers.docx>>

Clare Hicks

Deputy Director,

Workforce, Infrastructure and Reform Division

Learning Directorate

[REDACTED 38(1)(b)]



31 May 2018

Mr John Swinney MSP  
Deputy First Minister  
Scottish Government  
Victoria Quay  
EDINBURGH  
EH6 6QQ

Dear John,

I am writing to you to confirm that on Friday 25<sup>th</sup> May, COSLA Leaders agreed by majority to our proposed arrangements for education governance and improvement. During the discussion my colleagues welcomed the recognition by Scottish Government of our concerns around the original proposals in the consultation document and the movements made to alleviate these concerns.

I wish to put on record my thanks to your officers for the work undertaken by them and the partnership approach used in the joint officer group that led the negotiation process.

Following the discussion at the Leaders meeting, I wish to reiterate my understanding that you will use your parliamentary statement to confirm that the drafting of the statutory guidance document will be undertaken within a co-production model with COSLA and other local government officers and that the role of the SNCT and LNCT will be centre to the guidance relating to staffing issues under the head teachers' charter. I would also welcome your confirmation that COSLA and Scottish Government will continue to work closely together in relation to the media communication around this matter both in the next few weeks and further into the guidance drafting process.

I would welcome the opportunity to meet with you to discuss these matters and would ask that you contact my officers to find a mutually suitable date and time for a meeting.

Yours sincerely

Cllr Stephen McCabe

WHEN CALLING PLEASE ASK FOR: Jane O'Donnell [redacted - 38(1)(b) ]

COSLA Spokesperson for Children and Young People

**From:** @Cosla.gov.scot **[Redacted - 38(1)(b)]**  
**Sent:** 26 June 2018 11:36  
**To:** Gorman G (Gayle); Hicks C (Clare); Jane O'Donnell; Maureen McKenna; Angela Leitch  
**Cc:** Robertson FMG (Fiona); Johnston P (Paul) **[Redacted - 38(1)(b)]**  
**Subject:** RE: Joint Statement and Plan

Hi All

Please see the revised joint statement with comments/tracked changes approved by COSLA/ADES and SOLACE. I have been in contact with both Maureen and Angela this morning given the change of circumstances.

We believe that the Action Plan needs more development before it is published. As you will see from the revised statement we acknowledge that it will be developed and we commit to continuing our collaboration.

Happy to discuss

**[Redacted - 38(1)(b)]**

**From:** Gayle Gorman  
**Sent:** 26 June 2018 10:47  
**To:** Clare Hicks; Jane O'Donnell; Maureen McKenna; Angela Leitch  
**Cc:** Fiona Robertson; Paul Johnston **[Redacted - 38(1)(b)]**  
**Subject:** RE: Joint Statement and Plan

Claire thanks for resending - are partners content with this approach?  
We have worked collectively well on this and it is good that the documents reflect the joint views, mentioned as included, and feedback to come on the statement, as you say from **[Redacted - 38(1)(b)]**

Many thanks all  
Gayle

**From:** Hicks C (Clare)  
**Sent:** 26 June 2018 10:43  
**To:** Jane O'Donnell; **[Redacted - 38(1)(b)]** Maureen McKenna; Angela Leitch Gorman G (Gayle)  
**Cc:** Robertson FMG (Fiona) (Director of Learning); Johnston P (Paul)  
**Subject:** FW: Joint Statement and Plan  
**Importance:** High

Jane/**[Redacted - 38(1)(b)]**/Maureen/Angela and Gayle

Unfortunately Jane's response from yesterday went into everyone's spam folders here and we have only now picked it up.

I understand **[Redacted - 38(1)(b)]** will be coming back with comments on the joint statement very shortly – which we can discuss.

In relation to the action plan, this was circulated and agreed last week and we amended to reflect comments from Maureen as detailed by Fiona's comments in the email chain below. Our understanding was that Jane had shared and sought agreement from SOLACE and ADES and therefore COSLA's agreement was on behalf of the local government family. On that basis we will be publishing the plan alongside the agreement later.

Thanks

Clare

**From:** [Redacted - 38(1)(b)]

**Sent:** 22 June 2018 14:09

**To:** [Redacted - 38(1)(b)] Jane O'Donnell

**Cc:** Robertson FMG (Fiona) (Director of Learning); Hicks C (Clare); Maureen Mckenna; [Redacted - 38(1)(b)]; Gorman G (Gayle)

**Subject:** RE: Joint Statement and Plan

Hello [Redacted - 38(1)(b)]

We are happy to make the changes you suggest and a "clean" version is attached. I have also attached a re-formatted version of the agreed actions which will work better for publication purposes than the excel spreadsheet version. This reflects the joint agreement and the action plan timeframes already agreed.

[Redacted - 38(1)(b)]

**From:** [Redacted - 38(1)(b)]

**Sent:** 22 June 2018 12:01

**To:** Jane O'Donnell ; [Redacted - 38(1)(b)]

**Cc:** Robertson FMG (Fiona) (Director of Learning); Hicks C (Clare); Maureen Mckenna; [Redacted - 38(1)(b)]

**Subject:** RE: Joint Statement and Plan

[Redacted - 38(1)(b)]/ Fiona

Sorry to come in at this stage with a suggested amendment. Jane is off today but our President has suggested that we ask if it is possible to make a couple of minor changes to the statement. They are in the attached version. Let me know what you think.

Apologies again for the lateness of this.

[Redacted - 38(1)(b)]

**From:** Jane O'Donnell

**Sent:** 21 June 2018 15:16

**To:** [Redacted - 38(1)(b)]

**Cc:** Fiona Robertson; Clare Hicks; Maureen McKenna; [Redacted - 38(1)(b)]



**Subject:** RE: Joint Statement and Plan

Thanks again **[Redacted - 38(1)(b)]**

Would be grateful if you can let us know asap of the date of the announcement as we need to have our comms ready for any press enquiries

Jane

**From:** **[Redacted - 38(1)(b)]**

**Sent:** 21 June 2018 13:28

**To:** Jane O'Donnell

**Cc:** Fiona Robertson; Clare Hicks; Maureen McKenna; **[Redacted - 38(1)(b)]**

**Subject:** RE: Joint Statement and Plan

Thanks Jane, Clean version attached.

Let's talk about coordination of communications on this next week.

**[Redacted - 38(1)(b)]**

**From:** Jane O'Donnell

**Sent:** 21 June 2018 13:14

**To:** **[Redacted - 38(1)(b)]**

**Cc:** Robertson FMG (Fiona) (Director of Learning); Hicks C (Clare); Maureen McKenna; **[Redacted - 38(1)(b)]**

**Subject:** RE: Joint Statement and Plan

Hi **[Redacted - 38(1)(b)]**

I have liaised with Maureen and confirm that we are happy with those changes. Can you send me through a "clean" version so I can share this with my comms colleague?

Kind Regards

Jane

**From:** **[Redacted - 38(1)(b)]**

**Sent:** 21 June 2018 12:12

**To:** **[Redacted - 38(1)(b)]**

**Cc:** Fiona Robertson; Clare Hicks; Maureen McKenna; **[Redacted - 38(1)(b)]**

**Subject:** RE: Joint Statement and Plan

Hi Jane,

Thanks for getting back to us so quickly on this. We are happy to make the amendment in paragraph 3. The amendment to paragraph 2 doesn't quite capture

the degree of empowerment we have discussed. I would prefer to leave it as it is or perhaps use "Headteachers will be supported to make ...."

Changes tracked in to attached.

**[Redacted - 38(1)(b)]**

**From: [Redacted - 38(1)(b)]**

**Date:** Thursday, 21 Jun 2018, 9:17 am

**To:** Robertson FMG (Fiona) (Director of Learning)

**Cc:** Maureen McKenna; **[Redacted - 38(1)(b)]**, Hicks C (Clare), **[Redacted - 38(1)(b)]**

**Subject:** RE: Joint Statement and Plan

Hi Fiona,

Thanks for sending this through.

**[redacted - 29(1)(a), 30(b)(i), 30(c)]**

I am around this morning for a discussion but unavailable this afternoon and then on leave tomorrow.

Kind Regards

Jane

**From:** Fiona Robertson

**Sent:** 21 June 2018 07:52

**To:** **[Redacted - 38(1)(b)]**

**Cc:** Maureen McKenna; **[Redacted - 38(1)(b)]**; Clare Hicks

**Subject:** Joint Statement and Plan

Morning Jane

We have done a small revise to the agreed statement and plan on the back of Maureen's comments.

The revise to the statement is modest but important - first para - given it had been agreed. On the plan, I hope this reflects the points made on language and the need for clarity.

Let me know if this is OK with you – happy to speak if easier - and we can send to the wider group as the latest position, hopefully later today.

Many thanks.

Fiona

Fiona Robertson

Director of Learning | Stiùiriche an Ionnsachaidh

**[Redacted - 38(1)(b)]**

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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.

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## Education Bill Policy Ambition – Joint Agreement

### Background

1. The Scottish Government's 2017 consultation 'Empowering Schools: A consultation on the provisions of the Education (Scotland) Bill' set out clear aims and objectives in relation to the forthcoming Education Bill: improving the education and life chances of our children and young people, closing the unacceptable gap in attainment between the least and most disadvantaged children and raising attainment for all. The Bill aims to create a school and teacher led education system, with children at the centre. The consultation emphasised the need for a collaborative effort in order to achieve the overall aims, starting with teachers and leadership in schools and complemented by Local Authorities and new Regional Improvement Collaboratives.
2. Local government representative organisations' responses to the consultation indicated broad agreement with the overall aims and objectives of the proposed legislation. However, concerns were expressed about whether legislation was required to deliver on the agreed aims. The consultation responses from COSLA, SOLACE and ADES indicated a desire to work with the Scottish Government to ensure that shared aims can be achieved within a framework that supports both improvement in Scottish education and wider integrated children's services.
3. Discussions took place between senior officers in the Scottish Government and local government in order to examine whether agreement could be secured on policy proposals for the Bill that met the shared policy objectives, to improve outcomes for Scotland's children and young people. The agreed remit for these discussions is attached at Annex A.

### Joint agreement

4. Improving the education and life chances of our children and young people is the defining mission of our Scottish education system. Our shared ambition is to close the unacceptable gap in attainment between our least and most disadvantaged children and to raise attainment for all. We are clear that our vision of excellence and equity cannot be achieved by one part of the system alone: all partners must work together in a collegiate and collaborative way, keeping the interests of children and young people front and centre.
5. Empowered, responsible and collaborative schools are an important part of our shared vision for Scottish education. The Education Bill proposals are focussed on the role of empowered schools in improving attainment and closing the poverty-related attainment gap. This is underpinned by Scotland's commitment to getting it right for every child, which brings together services and partners from across public services and the third sector in a collective endeavour to improve children and young people's outcomes. In discussion, it was agreed that legislation on its own cannot transform the culture, capacity and structure of Scottish education and that further discussion on other levers for change is needed and supported.

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6. A willingness to explore the options for implementing change, using additional or new levers already in the system, is welcomed by all partners.
7. The following agreed principles should form the basis of system-wide improvement and support the provisions in the Education Bill.

### **Agreed principles:**

- Effective system-wide improvement requires strong leadership, collaborative working and clarity of purpose at all layers of the system – school, local, regional and national
- Headteachers are the leaders of learning and teaching in their school. They are senior officers of the local authority and have operational responsibility for the service they provide, therefore the majority of decisions should be made at school level
- Schools are empowered to make the decisions that most affect their children and young people's outcomes, while being part of a collaborative learning community, the Local Authority and working with others
- Empowered schools require both strong and distributive leadership, working in partnership with pupils, parents, staff and the wider community
- The principle of headteacher empowerment will be applied consistently across Scotland
- Local Authorities' duty to provide education for children and young people means that they must be able to intervene in decisions made by headteachers where statutory, financial, or contractual obligations would be breached
- Local Authorities and their headteachers should have a mutually respectful and supportive relationship, with clear processes in place to minimise the need for such intervention
- Decisions by all parties should reflect mutually supportive and respectful relationships.

### **Content of the Education Bill**

8. Following discussion, there was consensus that the following policies will be pursued in the Education Bill.

### **Agreement on the Headteachers' Charter**

9. The Education Bill will aim to establish a Headteachers' Charter that will require Local Authorities to empower headteachers in the following areas:

## OFFICIAL SENSITIVE

### Curriculum:

- Headteachers are responsible for deciding how best to design their local curriculum in line with Curriculum for Excellence;
- Headteachers must work collaboratively with their staff, parents, pupils, and wider partners including other schools and their local authority on curriculum design and improving learning and teaching.

### Improvement:

- Headteachers and their schools work together towards improvement and reducing inequalities of outcome;
- Headteachers are responsible for deciding their school's improvement priorities and publishing their school improvement plan, reflecting the National Improvement Framework;
- The requirement on local authorities to develop and produce improvement plans will continue alongside regional improvement plans; and
- Improvement planning at all levels of the system must be responsive to the needs of schools, communities and children and young people.

[In relation to improvement planning, the group agreed that there should be a review of the range, purpose, and alignment of improvement planning across the system.]

### Staffing\*:

- Headteachers are involved in the design of recruitment and appointment processes;
- Headteachers design the staffing structure that best supports learning and teaching in the school, within the staffing budget delegated to the school by the local authority;
- Headteachers choose the staff who work in their school, with due regard to employment law and the contractual obligations of their local authority;
- Local Authorities and headteachers have regard to supporting guidance developed by SNCT and LNCT (where appropriate) on the processes that should be observed when resolving disagreements about staffing matters between headteachers and Local Authorities.

### Funding:

- Local Authorities will continue to be responsible for the local authority education budget and the delegation of funding to schools. Headteachers will make decisions on the spending within that delegated budget;
- Decisions about education spending at local authority and school level are made in a collegiate and transparent way paying due regard to Getting it Right for Every Child (GIRFEC) and local authorities' role as Corporate Parents;

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- Local Authorities have regard to updated statutory guidance setting out a clear national framework for the delegation of funding to schools. This guidance is being co-produced through the Fair Funding Reference Group.

10. It was agreed that the Headteachers' Charter should apply to school based learning only.

### **Agreement on parental and community engagement**

11. Parental engagement in the life of the school and their child's learning is central to improving outcomes for children and young people. The Education Bill will aim to build on existing good practice in the Scottish education system to ensure that:

- Headteachers work collaboratively with their Parent Council, and wider parent forum and wider community on substantive matters of school policy and improvement. This should be based on the principle of co-production;
- Local Authorities continue to be responsible for promoting the involvement of parents and supporting schools in this, including through the development and review of the Local Authority parental engagement strategy; and
- The principles of parental involvement and engagement extend to early learning and childcare settings, but with appropriate flexibility to reflect the particular context.

### **Agreement on pupil participation**

12. Ensuring that the views of children and young people are heard, respected and taken seriously is central to the United Nations Convention on the Rights of the Child. The Education Bill will aim to build on existing good practice in the Scottish education system so that:

- Headteachers ensure that children and young people participate meaningfully in their own learning, in decision-making relating to the life and work of the school; and in the wider community.

### **Agreement on Regional Improvement Collaboratives**

13. The Education Bill will seek to require Local Authorities to work collaboratively in Regional Improvement Collaboratives as detailed in the guiding principles and functions agreed by the Joint Steering Group on Regional Improvement Collaboratives for Education in September 2017.

### **Education Workforce Council**

14. It was agreed that the provisions relating to the Education Workforce Council were not central to the relationship between the Scottish Government and local government and therefore they were not discussed in detail. There was consensus on the principle of widening registration to others involved in learning



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and teaching but that significant change in this area should be carefully considered.

**Additional Notes**

**[Redacted - 29(1)(a), 30(b)(i), 30(b)(ii), 30(c)]**

**Discussions between Scottish Government and Local Government on the Education Bill**

**Context:** The Scottish Government has set out clear aims and objectives in relation to the forthcoming Education Bill: improving the education and life chances of our children and young people, closing the unacceptable gap in attainment between the least and most disadvantaged children and raising attainment for all. The Bill aims to create a school and teacher led education system, with children at the centre. The consultation emphasises the need for a collaborative effort in order to achieve the overall aims, starting with teachers and leadership in schools and complemented by Local Authorities and new Regional Improvement Collaboratives.

Local Government responses to the consultation indicate broad agreement with the overall aims and objectives. However, concerns are expressed about whether some of the specific measures proposed for the Bill will deliver on the agreed aims. The consultation responses from COSLA, SOLACE and ADES indicate a desire to work with the Scottish Government to ensure that shared aims can be achieved within a framework that supports both improvement in Scottish education and wider integrated children's services.

**Next Steps:** Discussions will take place between senior officers in the Scottish Government and Local Government in order to examine whether a shared proposal can be developed for the Bill that meets the shared policy objectives and secures agreement on the method by which those objectives will be secured, to improve outcomes for Scotland's children and young people.

In the spirit of collective leadership, the work will be overseen by an officer level commissioning group, consisting of Sally Loudon (COSLA), Joyce White (SOLACE) and Paul Johnston (Scottish Government). They will be responsible for inviting senior colleagues to play a full part in the discussions and will receive a report on the outcome of the discussions.

The discussions will be convened by Gayle Gorman in her capacity as Chief Inspector of Education for Scotland.

The conclusions of the discussions will be shared with the Deputy First Minister and the COSLA Education Spokesman for further consideration. It will not restrict the Scottish Government in terms of any aspect of the legislation that it will introduce, nor will it restrict COSLA or any other party in the view that it will adopt in relation to that legislation.

**Scope:** The discussions can cover the range of topics within the consultation on the Education Bill, with a particular focus on the extent to which agreement can be reached on the central proposals in the Bill, in particular (but not restricted to) the headteachers charter.

**Timing:** There is a need for the discussions to be focussed and to progress at pace, with a report being provided to the commissioning group by 29 March 2018.

## **Education Bill Policy Ambition: Second Discussion**

Friday 4 May 2018 - 8.30 – 1.30 pm

Apex City Hotel & Spa, Dundee

### **Purpose:**

The group has been asked to reconvene for a further discussion about the levers and measures that can be utilised or newly put in place to support compliance with the joint agreement. The discussion will take place under the remit set out in Annex A of the joint agreement. Once agreed by the group, the write-up will be shared with the senior commissioning officers.

For the key elements of the Education Bill proposals, the aims of the discussion are to:

- identify the existing system levers and measures that can be used to support compliance with the joint agreement; and
- consider the strength of these levers and measures and, where needed, put forward proposals to further strengthen them.

As an example, the following system levers and measures were mentioned specifically during our previous discussion. Our next conversation will of course not be limited to these areas, but it would be helpful if colleagues are prepared to explore them during the course of the discussion:

- HMIE's powers to inspect and support schools and local authorities
- An SNCT process to support the 'staffing' element
- Routes through which the local government representative organisations could support compliance

### **Agenda:**

- 1) Progress on the joint agreement since the first discussion – update from the Chair and reflections from the group
- 2) Discussion of Bill themes, with reference to the joint agreement
  - a) Headteachers' Charter:
    - i. Curriculum
    - ii. Improvement
    - iii. Staffing
    - iv. Funding
  - b) Parental and community engagement
  - c) Pupil participation
  - d) Regional Improvement Collaboratives

\* As per the approach agreed at the first meeting, the Education Workforce Council provisions will not form part of the discussion.

### 3) Next steps

**From:** [ Redacted - 38(1)(b)] On Behalf Of Gorman G (Gayle)  
**Sent:** 14 May 2018 16:09  
**To:** Hicks C (Clare) [ Redacted - 38(1)(b)] Jane O'Donnell [ Redacted - 38(1)(b)] [Maureen.McKenna](#) [ Redacted - 38(1)(b)] Robertson FMG (Fiona) (Director of Learning) [ Redacted - 38(1)(b)] Logan G (Graeme) [ Redacted - 38(1)(b)] helen.budge [ Redacted - 38(1)(b)]  
**Cc:** Gorman G (Gayle) [ Redacted - 38(1)(b)]  
**Subject:** RE: Education Group - 4 May 2018  
**Importance:** High

Colleagues,

Thank you to everyone for your comments. Please find attached the final version of the document.

Kind regards / Deagh dhurachdan

*Gayle Gorman*

**Gayle Gorman**  
**Chief Inspector of Education/Chief Executive**

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**Education Scotland** - Denholm House, Almondvale Business Park, Livingston, EH54 6GA  
**Foghlam Alba** - Taigh Denholm, Pàirc Ghniomhachais Ghlinn Almoin, Baile Lèibhinn, EH54 6GA

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**From:** Hicks C (Clare)  
**Sent:** 14 May 2018 14:09  
**To:** Gorman G (Gayle); [ Redacted - 38(1)(b)] Jane O'Donnell; [ Redacted - 38(1)(b)]; Robertson FMG (Fiona) (Director of Learning); Logan G (Graeme); [ Redacted - 38(1)(b)] helen.budge [ Redacted - 38(1)(b)]  
**Cc:** [ Redacted - 38(1)(b)]  
**Subject:** RE: Education Group - 4 May 2018  
**Importance:** High

Gayle

Thanks very much for this which we are broadly happy with. We make a suggestion of moving the system leadership support to the regional level to reflect that this may well involve partnership across LA boundaries and insert a couple of minor points for consistency.

Many thanks

Clare

**From:** Gorman G (Gayle)  
**Sent:** 12 May 2018 09:54

**To:** Hicks C (Clare); [ Redacted - 38(1)(b)] Jane O'Donnell; [Maureen.McKenna](#) [ Redacted - 38(1)(b)] [aleitch](#) [ Redacted - 38(1)(b)]; Robertson FMG (Fiona) (Director of Learning); Logan G (Graeme); [ Redacted - 38(1)(b)] [helen.budge](#) [ Redacted - 38(1)(b)]  
**Cc:** [ Redacted - 38(1)(b)]  
**Subject:** RE: Education Group - 4 May 2018  
**Importance:** High

## Colleagues

Thanks to you all for the comments and feedback on the document, the attached is an amended version which attempts to address the comments and find a middle ground. It also reflects the agreement and position we got to in the room when we met.

I hope that you find this acceptable, it needs a little formatting etc. and tidy up which can be done on Monday.

Best wishes

Gayle

Gayle Gorman

Her Majesty's Chief Inspector of Education  
Chief Executive

Education Scotland

[gayle.gorman](#)  
[ REDACTED 38(1)(b)]

**From:** [Gayle.Gorman](#) [ Redacted - 38(1)(b)]  
**Sent:** 10 May 2018 12:01  
**To:** [ Redacted - 38(1)(b)] Jane O'Donnell [ Redacted - 38(1)(b)] [Maureen.McKenna](#) [ Redacted - 38(1)(b)]; [aleitch](#) [ Redacted - 38(1)(b)]; [Fiona.Robertson](#) [ Redacted - 38(1)(b)]; [Graeme.Logan](#) [ Redacted - 38(1)(b)]; [Clare.Hicks](#) [ Redacted - 38(1)(b)]; [ Redacted - 38(1)(b)] [helen.budge](#) [ Redacted - 38(1)(b)]  
**Cc:** [ Redacted - 38(1)(b)]  
**Subject:** RE: Education Group - 4 May 2018 [ REDACTED 38(1)(b)]  
**Importance:** High

HI Colleagues

Thank you all for your comments and discussions following our meeting. We are keen to progress to a final version following comments and feedback as soon as we can to allow Mr Swinney and Cllr McCabe to meet next week – so can I ask for comments by the close of play today?

As ever happy to discuss any points by telephone if it helps.  
Gayle

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**From:** [ Redacted - 38(1)(b)]  
**Sent:** 04 May 2018 14:47  
**To:** Gorman G (Gayle); Jane O'Donnell; [ Redacted - 38(1)(b)] McKenna, Maureen [ Redacted - 38(1)(b)] [aleitch](#) [ Redacted - 38(1)(b)] ; Robertson FMG (Fiona) (Director of Learning); Logan G (Graeme); Hicks C (Clare); McManus J (Janie); [helen.budge](#) [ Redacted - 38(1)(b)]  
**Cc:** [ Redacted - 38(1)(b)]  
**Subject:** RE: Education Group - 4 May 2018

Colleagues,

On behalf of Gayle, please see attached a first draft of the appendix to the joint agreement, with thanks for your participation and collegiate approach. Special thanks to Helen for joining us at the last minute to represent ADES.

We would appreciate comments back in track changes as soon as possible so that we can circulate a final draft early next week. Local government colleagues are asked to collate their comments through [ Redacted - 38(1)(b)].

Angela and Maureen – Gayle will phone you today or Tuesday to update you on the discussion and answer any questions.

Best wishes,

[ Redacted - 38(1)(b)]  
Learning Directorate: Workforce, Infrastructure and Reform Division  
[ REDACTED 38(1)(b)]

<< File: Annex B - Measures and levers to promote school empowerment.docx >>

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**From:** [ Redacted - 38(1)(b)] **On Behalf Of** Gorman G (Gayle)  
**Sent:** 02 May 2018 11:56  
**To:** 'Sally Loudon' [ Redacted - 38(1)(b)] Jane O'Donnell; [ Redacted - 38(1)(b)] 'Joyce White' [ Redacted - 38(1)(b)] McKenna, Maureen [ Redacted - 38(1)(b)] [aleitch](#) [ Redacted - 38(1)(b)] ; Robertson FMG (Fiona) (Director of Learning); Logan G (Graeme); Hicks C (Clare); [ Redacted - 38(1)(b)]  
**Cc:** Gorman G (Gayle)  
**Subject:** Education Group - 4 May 2018  
**Importance:** High

Colleagues,

[ Redacted – out of scope]

Attached is an agenda for the discussion, reflecting the agreement between Paul, Sally and Joyce on the next steps of our work. You will see that we are seeking to

build on our first discussion by working together to identify the system levers and measures that can support compliance with the joint agreement. Friday's discussion will take place under the original remit and we will follow a similar approach of writing up, agreeing within the group, and then sharing with the senior commissioning group.

As we identified inspection activity as one of the levers during the previous discussions, I have invited [ Redacted - 38(1)(b)] at Education Scotland to attend. As this will allow [ Redacted - 38(1)(b)] to represent Education Scotland and free me to carry out independent chairing role as before. I hope this is acceptable to all, please let me know if this raises any concerns for anyone involved.

With thanks

<< File: Education Bill Discussion #2 - Agenda 04 05 18.docx >> << File: FINAL Education Bill - Joint Agreement 27 March.docx >>

Kind regards / Deagh dhurachdan

*Gayle Gorman*

**Gayle Gorman**  
**Chief Inspector of Education/Chief Executive**

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**Education Scotland** - Denholm House, Almondvale Business Park, Livingston, EH54 6GA  
**Foghlam Alba** - Taigh Denholm, Pàirc Ghnìomhachais Ghlinn Almoin, Baile Lèibhinn, EH54 6GA

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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.

\*\*\*\*\*



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**From:** Hicks C (Clare)

**Sent:** 14 May 2018 16:21

**To:** Gorman G (Gayle) [Redacted - 38(1)(b)] Jane O'Donnell [Redacted - 38(1)(b)]

Maureen.McKenna [Redacted - 38(1)(b)]; aleitch [Redacted - 38(1)(b)]; Robertson FMG (Fiona) (Director of Learning) [Redacted - 38(1)(b)]; Logan G (Graeme) [Redacted - 38(1)(b)] helen.budge [Redacted - 38(1)(b)]

**Cc:** Gorman G (Gayle) [Redacted - 38(1)(b)]

**Subject:** RE: Education Group - 4 May 2018

Hi Gayle

My earlier email noted content with placing of system leadership text but you didn't refer to other changes. They haven't been accepted in this version. Can you confirm that's the case? There was a reference to the devolved role of LNCTs from SNCT which I think would be helpful to us all.

[Redacted - 30(c)]

Thanks

Clare



**From:** [ Redacted - 38(1)(b)]  
**Sent:** 09 May 2018 14:00  
**To:** Hicks C (Clare) [ Redacted - 38(1)(b)]  
**Cc:** [ Redacted - 38(1)(b)]  
**Subject:** Meeting with COSLA

Hi Clare

I have just taken a call from [ Redacted - 38(1)(b)] in DFM's office who has given the date of Tuesday 15<sup>th</sup> May from 3pm – 4.30pm as their preference for the meeting with COSLA to take place.

I have also left a note on your desk advising this.

Thanks

[ Redacted - 38(1)(b)]

Learning Directorate | 2B North | Victoria Quay | EH6 6QQ

[ Redacted - 38(1)(b)]



**From:** [ Redacted - 38(1)(b)]

**Sent:** 26 June 2018 14:11

**To:** aleitch [ Redacted - 38(1)(b)] maureen.mckenna [ Redacted - 38(1)(b)] jane.o'donnell [ Redacted - 38(1)(b)]

**Cc:** Hicks C (Clare) [ Redacted - 38(1)(b)] Robertson FMG (Fiona) (Director of Learning) [ Redacted - 38(1)(b)]

**Subject:** CONFIDENTIAL - FOR YOUR INFORMATION. Education Bill - Ministerial Statement

All,

Please see attached a copy of the statement that Deputy First Minister, John Swinney MSP will be delivering to Parliament at 14:20 today.

Many thanks

[ Redacted - 38(1)(b)]

People and Infrastructure | Learning Directorate | 2A South | Victoria Quay | EH6 6QQ  
Aonad Cumhachdachadh Sgoiltean | Daoine agus Bun-structair | Buidheann-Stiùiridh an  
Ionnsachaidh | Raon 2A Deas | Cidhe Bhictòria | EH6 6QQ

[ Redacted - 38(1)(b)]





Presiding Officer,

The aim of this Government's education policy, is to ensure that we achieve excellence and equity for all of our children and young people in a highly performing education system.

To make this a reality, we must raise the bar for all and close the attainment gap in our schools.

Our education system is already delivering improving results. For the third year in a row we have seen more than 150,000 Higher passes – despite falling pupil numbers - and nearly 60,000 skills-based awards and achievements.

We are seeing the proportion of young people getting qualifications at SCQF levels 4, 5 and 6 – mainly Nat4s, Nat5s and Highers - increase and increase fastest in the most deprived areas.

We are seeing almost 23% of school leavers in the most deprived areas going into Higher Education – compared with 16.5% seven years ago.

International evidence demonstrates that successful education systems are those where decisions about our children’s education are made as close to them as possible. That is why our approach is to empower schools – to empower headteachers, teachers and parents and the wider school community – to make these key decisions which affect the educational outcomes of children and young people.

We set this out in our manifesto when we said we will “put teachers, parents and communities in the driving seat”

Presiding Officer

We have a great many high quality professionals working in Scottish education but I do not believe they are currently sufficiently empowered to work together and to use their skills, judgement and creativity in the way they think best. That is critical to ensure the potential of Curriculum for Excellence is achieved.

Empowered professionals must also be supported by specific measures in the National Improvement Framework to secure improvements in Scottish education.

The combination of the Scottish Attainment Challenge and Pupil Equity Funding are delivering results by empowering the teaching profession. Teachers and headteachers are taking radical, focused and innovative approaches to improve outcomes – because this funding puts them in the driving seat.

The interim evaluation of the Attainment Scotland Fund, showed that 78% of headteachers had already seen an improvement in attainment and wellbeing as a result of the fund. And nearly all headteachers (97%) expected to see further improvements in the coming five years.

Some would say that all of this progress is more than enough – that the system does not need further interventions from government.

Some would say that many schools already enjoy the kind of empowerment that our reforms are aiming for – that there is great work already being done in a number of areas.

In other words, that some children and young people have got the sort of education system they need and that some of them will reach their potential.

“Some children” is simply not good enough.

We must raise the bar and close the gap for all.

That is why we published Education Governance: Next Steps a year ago. Since then a significant amount of progress has been made.

We worked intensively with local government to reach agreement on Regional Improvement Collaboratives to provide additional support to schools.

All six Regional Improvement Collaboratives are now up and running with their leadership appointed and already collaborating with Education Scotland to respond to local needs and aspirations. The first set of regional improvement plans have been developed and the second plans are due in September. All of this has been achieved, at a pace that would previously have been thought highly unlikely if not impossible – but achieved as a result of creative joint-working between national and local government.

Next Steps also committed the Scottish Government to work with partners to support readiness for a school- and teacher-led system. This led to rationalising the existing structures and governance arrangements in Scottish education.

I now Chair the Scottish Education Council which brings together young people, education leaders and representatives from local authorities, the teaching profession and our partners in COSLA. It works collaboratively to ensure that there is a system-wide focus on improvement, and to agree priorities for improvement activity and delivery.

Education Scotland has taken significant action to deliver on its enhanced role and remit. The Scottish College for Educational Leadership is now integrated into Education Scotland - building further the culture and capacity of leadership throughout the system.

Last November we consulted on proposals for achieving empowerment through the Education Bill, including the Headteachers' Charter.

Our aim was to ensure schools had wide-ranging powers over their own management, staffing and what is taught in their classrooms - creating a culture of empowerment that enables all professionals to contribute to the agenda of improvement.

The analysis of the consultation, which was published in March this year, showed a great many people agree wholeheartedly with our aim of school empowerment but many were not convinced about all of the details of how we planned to achieve that aim.

These voices raised the question of whether we could deliver the Headteachers' Charter faster, with less disruption, in partnership with local authorities. And, if so, why wait 18 months for an Education Bill?

In light of these responses, I have been in detailed discussions with local government for some months.

This work has not always been easy but I can announce that we have reached a clear, shared commitment.

Presiding Officer

I am today fast-tracking the reform of Scottish education.

The Scottish Government and Scotland's local councils have reached an agreement that endorses and embraces the principles of school empowerment and provides clear commitment to a school - and teacher-led - education system.

And it does so without the need to wait 18 months for an education Bill.

So, while I am publishing a draft Education Bill today along with its Accompanying Documents and appropriate Impact Assessments, I have decided that I will not introduce the Bill to Parliament at this time.

Instead of waiting for the passage of legislation which cannot be fully in force until 2019 or 2020, we have an opportunity to reform our schools more quickly through our investment in consensus building and collaboration rather than through legislation.

In coming to this decision, I have also reflected on the advice of the International Council of Education Advisers who encouraged me to consider the benefits of pursuing a collaborative approach rather than legislating. I have listened to this advice and taken the view that by building on the Joint Agreement with local government we have greater prospects of achieving more at a swifter pace.

This means that the Headteachers' Charter can become a reality faster. School leaders will be able to make the key decisions on the crucial areas of curriculum, improvement, staffing and budget – crucial to ensuring effective learning and teaching - more quickly.

And, by implementing jointly with local government and the education profession, we can develop guidance on empowerment and the Charter as a matter of priority – and more quickly than statutory guidance under an Education Bill.

On budget powers, we have already begun work with our local government partners on new guidance for Devolved School Management Schemes.

And on parental involvement and pupil engagement, we will launch a joint action plan on parental engagement next month and will continue the work started in this Year of Young People in relation to enhance the voice of pupils in schools.

Finally, on the General Teaching Council for Scotland we will explore what can be done – within the scope of current legislation – to provide the benefits of regulation and registration to a wider group of education professionals. I do, however, accept the strength of feeling from teachers about the body's independence and its guardianship of professional standards.

Presiding Officer

By taking the steps I have set out to Parliament today, we are demonstrating a clear commitment to working with local government and education professionals.

We are fast-tracking progress and so we expect progress to be sustained and swift.

But I must also make this very clear today - if sufficient progress is not made over the next twelve months to deliver the empowerment of schools we have agreed with local authorities, I will return to Parliament and introduce an Education Bill.

Presiding Officer

The approach I have set out today requires tailored and targeted support. I am therefore announcing over £46 million of investment to support the improvement agenda.

In addition to existing leadership development programmes, I can today announce a further investment of up to £4 million over three years to ensure headteachers can access high quality professional learning including further investment in the highly regarded Columba 1400 Leadership Academies.

I can also announce up to £10 million to enhance regional capacity to support schools. This funding, through Regional Improvement Collaboratives and Education Scotland working together, will help schools to close the attainment gap and tackle rural deprivation, support collaboration to share best practice and the delivery of regional interventions.



And, to ensure we maintain progress for Looked after Children, I will make funding available of around £8 million for the remainder of this year and £12 million in each of the subsequent two years to supplement funding Pupil Equity Funding and the Challenge Authorities and Schools Programmes.

Presiding Officer

This government believes that every child in Scotland - no matter their background - should have the very best start in life.

This landmark agreement published today marks the next phase in reforming our school education system.

It means it can be delivered more quickly than by legislation.

It means that we will empower teachers to drive improvement in schools and help pupils flourish.

It means the whole system – schools, councils and Regional Improvement Collaboratives - all focused on improving the outcomes for Scotland's children and young people.

Teachers and parents will be the key decision makers in the life of a school.

Education remains, by far, the most effective means we have to improve the life chances of all of our young people. I am confident that this approach, one that builds consensus and fosters collaboration but with high expectations for what we can achieve together, is the right approach for Scotland.

[Word count 1703]

**From:** [ Redacted - 38(1)(b)]  
**Sent:** 25 May 2018 13:36  
**To:** Jane O'Donnell [ Redacted - 38(1)(b)]  
**Cc:** Hicks C (Clare) [ Redacted - 38(1)(b)]  
**Subject:** RE: Draft Joint Statement - education reforms

That's great news. Thanks for letting me know, Jane - including [ Redacted - 38(1)(b)] from SG comma in this copy list.

[ Redacted - 38(1)(b)]

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([www.blackberry.com](http://www.blackberry.com))

**From:** Jane O'Donnell [ Redacted - 38(1)(b)]  
**Date:** Friday, 25 May 2018, 1:16 pm  
**To:** [ Redacted - 38(1)(b)]  
**Cc:** Hicks C (Clare) [ Redacted - 38(1)(b)]  
**Subject:** Re: Draft Joint Statement - education reforms

Hi [ Redacted - 38(1)(b)]

Just to confirm that COSLA Leaders have agreed the paper today by majority. We will be in touch later re any finessing of the media line this afternoon

Enjoy your long weekend!

Kind Regards  
Jane

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**From:** [ Redacted - 38(1)(b)]  
**Sent:** Friday, May 25, 2018 9:25:31 AM  
**To:** Jane O'Donnell; [ Redacted - 38(1)(b)]  
**Cc:** [Clare.Hicks](mailto:Clare.Hicks) [ Redacted - 38(1)(b)]  
**Subject:** RE: Draft Joint Statement - education reforms

Hi Jane,

[ Redacted – out of scope]

Thanks for getting back to us on this. I'll pass Cllr McCabe's quote on to comm colleagues here and ask them to link in with [ Redacted - 38(1)(b)].

It's a SG public holiday today but I am keeping an eye on e-mails and would really appreciate any feedback from the COSLA leaders meeting whenever you are able to give it.

Thanks

[ Redacted - 38(1)(b)]  
Victoria Quay, Edinburgh, EH6 6QQ  
[ Redacted - 38(1)(b)]

**From:** Jane O'Donnell [ Redacted - 38(1)(b)]  
**Sent:** 25 May 2018 08:54  
**To:** [ Redacted - 38(1)(b)]  
**Cc:** [ Redacted - 38(1)(b)] Hicks C (Clare); [ Redacted - 38(1)(b)]  
**Subject:** RE: Draft Joint Statement - education reforms

Hi [ Redacted - 38(1)(b)]

[ Redacted – out of scope]

Our suggested line for Cllr McCabe is:

“COSLA believes that local authorities, their staff and our communities should be at the heart of education governance and improvement. I am pleased that our concerns have been recognised and I believe that we have an agreement which will allow us to focus on improving outcomes for young people. The devil is in the detail and we look forward to co-producing the statutory guidance with Scottish Government to ensure that young people remain at the centre of all decision making”.

This is for holding only at the moment as I need to run the line past Cllr McCabe this morning but will confirm before 10. I have copied in my colleague [ Redacted - 38(1)(b)] who leads on media for us here at COSLA and would ask he is kept in the loop with your comms colleagues.

Many thanks

Jane

**From:** [ Redacted - 38(1)(b)]  
**Sent:** 24 May 2018 18:44  
**To:** Jane O'Donnell [ Redacted - 38(1)(b)]  
**Cc:** [ Redacted - 38(1)(b)] Clare.Hicks [ Redacted - 38(1)(b)]  
**Subject:** Draft Joint Statement - education reforms

Hi Jane

I understand you've been speaking to Clare Hicks about developing a joint statement on education reform [ Redacted – 30(c)] The text below reflects our Comms colleagues' preferred approach. They are likely to be in touch with your Comms colleagues to discuss so wanted to make sure you had a chance to consider.

---

An agreement on key elements of how schools will be given more power has been reached between Scottish local authorities and the Scottish Government.

Under the Scottish Government's planned education reforms, head teachers will make key decisions on learning and teaching and the day-to-day running of their school. This includes more control over budgets, staffing, curriculum design and action to raise standards and close the poverty-related attainment gap.

The principles underpinning the implementation of these reforms have now been jointly agreed with COSLA. This means local authorities will continue to play a critical role in providing education including the ability to intervene where statutory, financial or contractual obligations would be breached.

Deputy First Minister John Swinney said:

*"Closing the poverty-related attainment gap and raising standards for all is priority for both the Scottish Government and local authorities. We are already working in partnership to achieve this shared vision through Regional Improvement Collaboratives, for example.*

*"I very much welcome this latest landmark agreement which will empower schools to take key decisions to improve the life chances of our children and young people – a central plank of our education reforms."*

Councillor Stephen McCabe said:

*[to be inserted]*

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Hope this is helpful

[ Redacted - 38(1)(b)] | Learning Directorate | Scottish Government | Victoria Quay | Edinburgh  
| EH6 6QQ

[ Redacted - 38(1)(b)]

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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.

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