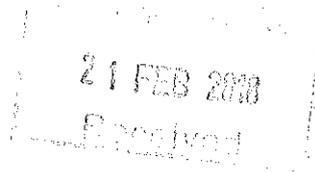




# Highlands and Islands Leader's Group

John Swinney MSP  
Deputy First Minister and Cabinet Secretary for Education and Skills  
The Scottish Government  
St. Andrew's House  
Regent Road  
Edinburgh  
EH1 3DG



12 February, 2018

Dear John *John*

## Education Governance

On behalf of the Highlands and Islands Leader's, I would like to extend an invitation to you to meet with us to discuss the latest developments with regard to the Scottish Government's proposed changes to the governance and management of education, contained in the consultation paper, *Empowering Schools A Consultation On The Provisions Of The Education (Scotland) Bill*

The Highlands and Islands Leader's Group tends to meet bi-monthly followed by dinner in Edinburgh on the evening before the COSLA Leader's meeting.

I do hope it will be possible for us to meet with you and would be most grateful if your office could contact Gordon Morrison at [gordon.morrison@highland.gov.uk](mailto:gordon.morrison@highland.gov.uk) or 01463 702547 to make the necessary arrangements.

Yours sincerely

Councillor Margaret Davidson  
Leader of The Highland Council



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

Councillor Margaret Davidson

[REDACTED] s.38(1)(b)

[REDACTED] s.38(1)(b)

[REDACTED] s.38(1)(b)

[REDACTED] s.38(1)(b)

Our ref: 2018/0007022

27 March 2018

Dear *Margaret*,

Thank you for your letter of 12 February 2018 inviting me to meet with your group to discuss the consultation paper, Empowering Schools A Consultation On The Provisions Of The Education (Scotland) Bill.

Unfortunately, due to time constraints, I am unable to meet with your group on the evening before the upcoming COSLA leader's meetings. I will of course be taking forward dialogue on all of these issues with their colleagues in COSLA.

Our Consultation on the Provisions of the Education (Scotland) Bill closed on Tuesday 30th January with over 800 responses. These responses are currently being analysed and we will consider these carefully before presenting our final legislative proposals.

**JOHN SWINNEY**

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)

St Andrew's House, Regent Road, Edinburgh EH1 3DG  
[www.gov.scot](http://www.gov.scot)

From: [REDACTED] s.38(1)(b)  
Sent: 16 January 2018 13:51:17  
To: Public Engagement Unit  
Subject: FW: Fife Conservative Response - Empowering Schools

Attachments: Fife Conservative Response - Empowering Schools.docx

For MACCS please.

[REDACTED] s.38(1)(b) to John Swinney MSP | Deputy First Minister and Cabinet Secretary Education and Skills | Scottish Government | St Andrew's House | Edinburgh | EH1 3DG | [REDACTED] s.38(1)(b)

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From: Swinney J (John), MSP [mailto:John.Swinney.msp@parliament.scot]  
Sent: 15 January 2018 21:07  
To: Deputy First Minister and Cabinet Secretary for Education and Skills  
Subject: Fwd: Fife Conservative Response - Empowering Schools

John Swinney  
MSP for Perthshire North

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From: Cllr Dave Dempsey  
<Cllr.Dave.Dempsey@fife.gov.uk<mailto:Cllr.Dave.Dempsey@fife.gov.uk>>  
Sent: Monday, January 15, 2018 6:26:03 PM  
To: Steve Grimmond  
Cc: Cllr Fay Sinclair; Cllr David Alexander; Cllr David Ross; Swinney J (John), MSP; Smith E (Elizabeth), MSP  
Subject: Fife Conservative Response - Empowering Schools

Please see attached.

Dave Dempsey  
Councillor for North Queensferry, Inverkeithing, Dalgety Bay & Aberdour  
Leader of the Opposition, Fife Council  
Convener, Standards & Audit Committee  
01383 415022  
07585 112996 (note new number)

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Councillor Dave Dempsey  
Leader of the Opposition  
and Fife Conservative Group  
Fife Council

Chief Executive, Fife Council

Copy to:

Convenor, Education and Children's Services, Fife Council

Leader, Scottish National Party, Fife Council

Leader, Scottish Labour Party, Fife Council

Leader, Lib Dem Party, Fife Council

Mr J Swinney MSP

Ms E Smith MSP

15 Jan 18

*Dear Steve,*

Fife Conservative and Unionist Councillor Group

Response to Scottish Government's Consultation Document  
Empowering Schools

I have attached a key element of our response to "Empowering Schools" and would be grateful if you would incorporate the content into the text of the Council's response to Q13 in the Scottish Government's response matrix.

Anticipating this will not be universally agreed, we will prepare a suitable amendment for the Education Committee Meeting of 23 Jan which will cover these issues, together with our broader response to all 24 questions.

*Yours*



Enclosure A: Response to Scottish Government's Consultation Document;  
Empowering Schools

## Enclosure A

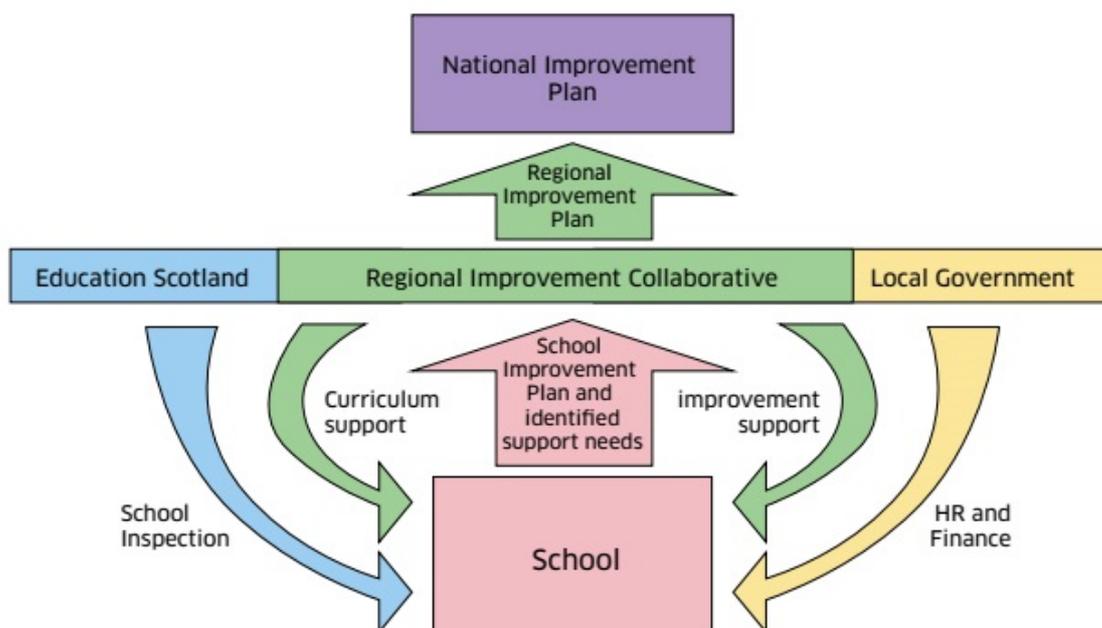
### FIFE CONSERVATIVE AND UNIONIST COUNCILLOR GROUP

#### RESPONSE TO SCOTTISH GOVERNMENT'S CONSULTATION DOCUMENT – EMPOWERING SCHOOLS

1. There are significant elements within the Scottish Government's (SG's) consultation document, "Empowering Schools", that the Fife Conservative and Unionist Councillor Group supports. These areas, in particular the devolution of greater powers to Head Teachers (HTs), are covered in a separate submission which will be forwarded to Council officers shortly
2. What follows in this document is our response to the proposals that we believe are poorly thought through, and which, if implemented, risk damaging education attainment in Fife schools and the principle of local democratic accountability. Our principal, and very serious, concerns focus on 3 related areas:
  - The role of the Regional Improvement Collaboratives (RICs)
  - The clarity and effectiveness of the proposed governance regime.
  - The future role of Local Authorities (LAs) and the implicit threat to local democratic accountability for educational attainment in schools.
3. The current relationship between HTs and LAs is clear and easy to understand. Elected Members give direction to Council Officers who have a statutory responsibility for educational attainment in their schools. HT's are recruited, line managed and performance managed by Council Officers and through them, by locally elected Councillors. If a particular school or HT is performing poorly, parents have direct access to a locally elected member for redress. We believe that decision making in the delivery of public services should be subject to democratic accountability at the level closest to delivery. The current system adheres to that principle.
4. By contrast, "Empowering Schools" proposes to create Regional Improvement Collaboratives (RICs) to increase cooperation between schools and LA areas with the stated intent of spreading good practice; in itself a laudable aim. The SG feels that it is necessary to legislate to ensure collaboration. We believe that can be achieved, for those schools and LAs not fully engaged, by targeted use of inspections by the Chief Inspector, and the deployment of appropriate mentors at HT and LA level.

5. However, the most damaging proposal is the governance structure under which RICs, HTs and LAs would be expected to function. To paraphrase some of the relevant quotes from the document:

- *The HT's Charter will...ensure local authorities retain their overarching duties in relation to the sufficiency of education provision but, when it comes to actual teaching and learning in schools, the role of the local authority will be to participate in the regional collaborative's work, rather than imposing local curricular policies and practices on schools.*
- *We envisage a shared model of accountability. Headteachers will meet their responsibilities for improvement in their schools by planning and monitoring improvement in collaboration with their peers, staff, parents and pupils. Local Authorities will contribute to school improvement differently in future. Local Authorities will continue to employ and line manage headteachers and will meet their responsibilities by working with other authorities in their region and with Education Scotland through the regional improvement collaboratives*
- *We envisage the collaborative providing support on curriculum and improvement issues, the Local Authority providing support on funding and staffing issues and Education Scotland identifying areas for improvement through the school inspection process.*



- *Each collaborative will be led by a regional improvement lead, appointed by agreement of the Chief Executives of Local Authorities that make up the collaborative and the Scottish Government. The regional improvement lead will be employed by one of the authorities in the region, and formally line managed by the Chief Executive of that*

authority, whilst reporting to all of the collaborating authorities in the region and to the Chief Inspector.

6. In our view, the intent of these proposals is to:

- Pass responsibility for teaching, learning and improvement (the things that really matter) downwards to HTs (supported) and upwards to RICs. The roles and responsibilities of LAs will be significantly reduced and restricted principally to support on funding and staffing issues.
- Instead of holding statutory responsibility and authority to manage HTs and their performance, LAs will only participate in RICs to achieve these goals.
- The head of the RIC (in Fife's case) will be responsible to 6 separate individuals from 6 different organisations; line managed by his/her own Chief Executive; also reporting to the Chief Executives of the other 4 LAs within the RIC; and also, to the Chief Executive of Education Scotland, a SG appointee. Only one of these 6 officers works for Fife Council.
- Fife Councillors will have no formal representation in the RIC.

7. In our view, the consequences of these proposals will be to:

- Create a complex, confused and ultimately unworkable governance regime. The clarity and simplicity of the current system will be lost and while most governance systems will suffice when things are going well, they will rapidly break down under stress. Confusion over who is responsible for what, and to whom and mutual recrimination between individual LAs and SG becomes more likely. Responsibility and authority are not aligned.
- Break the close, personal and immediate relationship between Elected Members, HTs and the public with Councillors 2-3 times removed from the decision makers on education issues. Local Democratic Accountability will be undermined as will public confidence in locally elected members and democracy in general.
- Shift yet more authority closer to the SG at the expense of LAs. This intent is particularly clear when "Empowering Schools" is considered in conjunction with the "First Steps" document which proposed that RICs should be led by a SG appointee. The direction of travel implicit in these documents is consistently away from LAs and towards the SG.

8. In our view, the SG has understood that it has to improve educational performance. They recognise that some LAs are under performing and need to improve. They could increase inspection rates of these LAs and

encourage greater collaboration with better performing LAs, but in the end analysis, the SG has concluded that LAs are not to be trusted with an issue of this importance.

9. Their solution is to contrive a governance system that they believe will achieve their need for control while making their proposals appear acceptable to LAs and their representatives. In reality, this document achieves neither. The governance regime is palpably complex and unfit for purpose. It needs to change and it needs to ensure local democratic accountability for education standards is enshrined in its design.
  
10. There is one last and important longer-term issue in play here. If Fife Council authority over education (55% of its budget) is diluted or removed, what does that mean for the current Council model of political control? What are Councillors for if we are not to be trusted to oversee the delivery of public services and be held accountable by our electorate. Whether this is a deliberate ploy of the SG or an unintended consequence is a moot point, but the issue is real and must be communicated to the SG and the public; and a proper debate conducted. This issue is too important to be waved through without due process.

15 Jan 2018

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



Scottish Government  
Riaghaltas na h-Alba  
gov.scot

Government

F/T: 0300 244 4000  
E: [dfmcse@gov.scot](mailto:dfmcse@gov.scot)

Councillor Dave Dempsey

By email: [dave.dempsey@fife.gov.uk](mailto:dave.dempsey@fife.gov.uk)

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Our ref: 2018/0001809

January 2018

Thank you for your email dated 15 January 2018 regarding the Empowering Schools Consultation and for your consideration of the proposals relating to the Regional Improvement Collaboratives.

The Regional Improvement Collaboratives are a key part of our education reform programme which will strengthen Scottish education, creating a school- and teacher-led system focused on the child. They have been developed through close co-operation between the Scottish Government and COSLA to enable Local Authorities to work together, sharing knowledge and best practice for the benefit of all schools within their region. Local authorities will also continue to play an important role, as employers and through the Collaboratives, in supporting and constructively challenging decisions made at school level

The consultation on the legislation which will underpin the reforms remains open until Tuesday 30 January 2018 and I look forward to receiving Fife Council's formal response.

**JOHN SWINNEY**

**EMAIL – official sensitive – meeting with Cllr McCabe – 12 June**

**From:** Hicks C (Clare)

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

**To:** Deputy First Minister and Cabinet Secretary for Education and Skills <[DFMCSE@gov.scot](mailto:DFMCSE@gov.scot)>

**Cc:** DG Education, Communities & Justice; Robertson FMG (Fiona) (Director of Learning); McAllister C (Colin) **[REDACTED] – s.38(1)(b)(personal data relating to third party)**

**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] – s.30(b)(i)(Free and frank provision of advice)**

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 Improve...doc>> <<18-05-25 FINALJoint agreement on Education Bill.docx>> <<Timeline updated(4).docx>> <<Education Reform - Advice to Ministers - Additional levers.docx>>

Clare Hicks

Deputy Director,

Workforce, Infrastructure and Reform Division

Learning Directorate

**[REDACTED] s.38(1)(b)(Personal data relating to third party)**

**[REDACTED] s.38(1)(b)(Personal data relating to third party)**

One attachment in scope letter to John Swinney



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] – s.38(1)(b)(personal data relating to third party)

