

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

**Sent:** 04 May 2018 16:51

**To:** Deputy First Minister and Cabinet Secretary for Education and Skills [ REDACTED - 38(1)(b)]

**Cc:** [ REDACTED - 38(1)(b)] Communications DFM & Education [ REDACTED - 38(1)(b)] Hicks C (Clare) [ REDACTED - 38(1)(b)]

**Subject:** CHAS Conference - Friday 11 May - Talking Points and briefing

Deputy First Minister and Cabinet Secretary for Education and Skills,

Please find **Talking Points** and **Briefing** for the **CHAS Conference on Friday 11 May** attached.

<<Deputy First Minister - briefing - CHAS conference - 11 May.doc>> <<Deputy First Minister - Education Talking Points CHAS - 11 May 2018.docx>>

Please let me know if you have any questions.

With thanks,

[ REDACTED - 38(1)(b)]

School Funding, Infrastructure and Organisation

Workforce, Infrastructure & Reform Division  
Learning Directorate

[ REDACTED - 38(1)(b)]

## EDUCATION BILL TIMETABLE

<b>Date</b>	
Mon 11 <sup>th</sup>	
Tues 12 <sup>th</sup>	<b>[REDACTED - out of scope]</b>
Wed 13 <sup>th</sup>	
Thurs 14 <sup>th</sup>	
Fri 15 <sup>th</sup>	<b>[REDACTED - out of scope]</b>
weekend	
Mon 18 <sup>th</sup>	<b>[REDACTED - out of scope]</b>
Tues 19 <sup>th</sup>	<b>[REDACTED - out of scope]</b>
Wed 20 <sup>th</sup>	<b>[REDACTED - out of scope]</b>
Thurs 21 <sup>st</sup>	Bill introduced (to be confirmed)
Fri 22 <sup>nd</sup>	Publication of impact assessments (to be confirmed)
weekend	
Mon 25 <sup>th</sup>	
Tues 26 <sup>th</sup>	[Statement to Parliament about non-legislative (and probable publication of draft Bill)]
Wed 27 <sup>th</sup>	
Thurs 28 <sup>th</sup>	
Fri 29 <sup>th</sup>	<b>Recess</b>

**From:** Hicks C (Clare)

**Sent:** 11 May 2018 18:37

**To:** Deputy First Minister and Cabinet Secretary for Education and Skills [REDACTED – 38(1)(b)]

**Cc:** Johnston P (Paul) [REDACTED – 38(1)(b)] Gorman G (Gayle) [REDACTED – 38(1)(b)]

**Subject:** Official sensitive: meeting with COSLA to discuss staffing provisions of the Education Bill

**Importance:** High

DFM

We met this afternoon with Sally Loudon and [REDACTED – 38(1)(b)] from COSLA, Angela Leitch SOLACE and Maureen McKenna to discuss the draft staffing provisions of the Headteachers' Charter. We set out your welcome of the joint work thus far and that we wished to share the draft provisions with them as we believed they addressed some of their concerns regarding the potential liabilities which a legislative approach to staffing decisions may give rise to. We noted that staffing was the one area where there was not agreement in the joint report and that sharing the provisions was a first step towards hopefully achieving full agreement.

We had an open discussion and sought to demonstrate the provisions' recognition of the statutory and contractual role of the education authorities and that they would be able to take on Charter functions which were delegated to headteachers if these were breached. This model of delegation recognises the important role of education authorities but does seek to alter the balance of power towards headteacher decision making on curriculum, staffing, improvement and budgeting (Charter functions).

Local government colleagues welcomed our willingness to share the provisions with them and we have agreed that they can seek their own legal advice on them.

**[Redacted – 30(b)(i)]**

Many thanks

Clare

Clare Hicks

Deputy Director,

Workforce, Infrastructure and Reform Division

Learning Directorate

**[REDACTED – 38(1)(b)]**

## EDUCATION TALKING POINTS: MAY 2018 [EXTRACT]

**Our education reforms will create a school- and teacher-led system, centred on the child:**

- Six new **Regional Improvement Collaboratives** are bringing together local authorities and Education Scotland to meet the improvement needs identified by schools, working across traditional geographical boundaries
- Our Education Bill will establish a **Headteachers' Charter** to empower our headteachers as the leaders of learning and teaching
- The Bill will improve **parental and community engagement** in school life and learning, and strengthen the **voice of children and young people** in school
- Alongside the Bill, there will be an **enhanced leadership support package** for school leaders so that they are properly supported as well as empowered
- Education Scotland has a renewed focus on **professional learning**, with the transfer in of the Scottish College for Educational Leadership
- We are working with the profession to develop **new career pathways** for teachers, allowing greater opportunities for development and progression into leadership, specialist or improvement roles

**From:** [REDACTED – 38(1)(b)]

**Sent:** 31 May 2018 16:35

**To:** Deputy First Minister and Cabinet Secretary for Education and Skills [REDACTED – 38(1)(b)]

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

[REDACTED – 38(1)(b)] Communications DFM & Education [REDACTED – 38(1)(b)]

**Subject:** SLS Summer Conference; 6 June ;Briefing

[REDACTED – 38(1)(b)]

Please find attached a briefing pack for the DFM's keynote address at the SLS Summer Conference on 6 June. The Education Talking Points have been expanded to include points more relevant to the theme of the conference.

Let me know if you require anything further.

Thanks

[REDACTED – 38(1)(b)]

## EDUCATION REFORM

### TOP LINES:

- **Our reforms will put teachers and parents at the heart of decision making in the life of a school.**
- **Decisions that shape the education of our young people will be made in classrooms, schools and establishments, by people who know them best.**
- **Our education reform proposals are based on international evidence of how high performing education systems work – they will deliver extra help for teachers in the classroom, more professional development and a stronger voice for parents and pupils.**
- **We will free teachers to teach and empower our headteachers to lead learning and teaching in their schools, working collaboratively with their school community.**
- **Regional Improvement Collaboratives will bring together and enhance local authority, Education Scotland and other expertise to strengthen the support our schools and education professionals receive to close the attainment gap.**
- **Local authorities will continue to play an important role in providing high quality support and constructive challenge to schools, both as employers and as part of the Regional Improvement Collaboratives.**
- **An Education Bill is due to be introduced to Parliament in the current parliamentary year (by June 2018)**

### Education Reform Programme

In pursuit of our aspirations and in order to consistently achieve excellence and equity in education in Scottish schools, a programme of cultural, capacity and structural change is underway. The scale and scope of our Education Reform Programme requires a range of approaches.

We are seeking through the Education Reform Programme to increase the pace of change in respect of achieving our ambitions by building on the strengths in the Scottish education system to:

- empower head teachers to be leaders of learning and teaching in their schools and work collaboratively with their staff, pupils, parents and other partners so that the decisions that most affect a pupil's experience are taken by those closest to them;
- enhance the educational improvement support and advice that is available to educational practitioners;
- encourage an increase in parental and community involvement in education and parental engagement in children's learning;
- ensure that effective pupil participation is supported in all schools and develop an approach to funding that builds on the strengths of the existing Devolved School Management as well as tackling its weaknesses.

## School Leadership

### TOP LINES:

- **The Headteachers' Charter will empower headteachers as the leaders of learning and teaching in their schools, working in collaboration with their school community.**
- **We continue to believe that greater empowerment of our schools will lead to an improvement in outcomes for all pupils, as decisions will be made by those closest to the pupils.**
- **We are working with Education Scotland and the profession to enhance the leadership support package for serving and aspiring headteachers so that school leaders are supported to take forward their empowered role**
- **We are working with the profession to develop new pathways into and through school and systems leadership, so that we have strong and effective leadership at all levels of our education system**

**Head teacher's charter** - The Charter will set out headteachers' rights and responsibilities and empower them to be leaders of learning and teaching in their schools supporting the ambition of excellence and equity for all pupils. Headteachers are best placed to make decisions about how learning happens in their schools and they should be able to work with their school community to lead curricular design that meets the needs of their pupils. Headteachers should also be able to plan and implement school improvement; choose who is in their team, and make strategic decisions about their school's budget.

**Leadership Support Package** - There is already a national offer of leadership support for headteachers in place through SCEL/Education Scotland. In preparation for the Headteachers' Charter, this offer will be revised and enhanced to provide all headteachers in Scotland with the opportunity to access resources and support, for example in relation to curriculum design and development, planning their school's leadership structure and having strategic oversight of their staffing and non-staffing budgets.

**Career Pathways** - We want teachers to have opportunities to develop their careers in different ways, whether that is in the classroom, in specific curriculum areas, or in leadership roles. The intention is to introduce new pathways to enable the teaching profession to develop different and exciting careers which will be more satisfying for teachers and deliver more for our children.

We will also strengthen career pathways with new cluster leader and system leader roles to ensure that headteachers have the tools they need to drive improvement. More needs to be done to support teachers to become headteachers and to ensure it is seen as an attractive and fulfilling career.

This work is being taken forward through the Headteacher Recruitment Working Group and a Panel set up by the SNCT. Both Groups to report to the SBTE in September 2018. It will be important for the Groups to hear the voice of teachers and headteachers across Scotland to ensure the new pathways meet their needs.

This work has been agreed jointly with the teacher unions as part of our country commitments for the International Summit on the Teaching Profession (2017 and 2018) and will be taken forward by an independent panel linked to the Scottish Negotiating Committee for Teachers.

**Recruitment Campaign** - Following the commitment in Next Steps, work is underway to develop a specific recruitment campaign for headteachers building on the Teachers make People campaign. The intention is to highlight the important role of headteachers and encourage more classroom teachers and middle leaders to pursue roles in school leadership.

## **Workforce Development**

### **TOP LINES:**

- **We are committed to developing a teaching profession which is empowered, skilled, confident and collaborative**
- **We are transforming the support available to the learning workforce at every level of the system**

**Expansion of General Teaching Council for Scotland** - The General Teaching Council for Scotland is primarily responsible for the setting of Professional Standards for teachers and for maintaining a register of teachers in Scotland. The education workforce has changed significantly, with many different education practitioners now involved in the delivery of education. We fully support a professional education workforce and recognise that there are many professionals, who play a key role in educating our children and supporting our teachers.

## **Support for Improvement**

### **TOP LINES:**

- **The design and delivery of Regional Improvement Collaboratives is an excellent example of partnership working between the Scottish Government and Local Government.**
- **RICs will bring together and through collaboration enhance local authority, Education Scotland and other expertise, to ensure that schools across Scotland receive consistent, responsive and high quality improvement support which has a positive impact on children's learning.**
- **Leads for all 6 Regional Improvement Collaborative were appointed in October 2017 and initial regional improvement plans were delivered to the Chief Inspector of Education by 30 January 2018.**
- **RICs continue to develop throughout 2018, with a target to deliver the next and fuller iteration of their regional improvement plans by September 2018. This phase will include wider engagement with head teachers and other stakeholders to inform the development of regional plans, to strengthen collaborative working and to share learning across the system**

## **Regional Improvement Collaboratives**

On 15 June 2017, "*Education Governance: Next Steps...*" set out the Government's vision for a school and teacher-led education system. Under these reforms, new Regional Improvement Collaboratives (RICs) will ensure the delivery of consistent, high quality support and improvement services from local authorities, Education Scotland and other partners to Scotland's schools. Working in partnership with local government, 6 Regional Improvement Collaborative areas have been established across Scotland. Regional Improvement Leads were appointed in each area by the end of October 2017 and initial improvement plans were in place by January 2018.

RICs are currently developing their Phase 2 plans for September 2018, including the preparation of their detailed workforce plans. We anticipate requests for additional RIC development support to emerge during this phase, including bids for funding support from the £4 million identified in the 2018-19 Scottish budget to support delivery of our education reforms.

We are continuing to liaise with each Collaborative and with Education Scotland, to ensure that ongoing RIC development continues with pace and purpose, enhances improvement support to schools and deepens collaborative working.



**School Collaboration Framework** - The Scottish Government is also committed to working with partners to develop a supporting framework for school level collaboration to be most effective.

## **Parents, Pupils and Communities**

### **TOP LINES:**

- **We will strengthen the voice of children and young people in our schools.**
- **This will be done by requiring all schools to promote and support pupil participation.**
- **We are also committed to ensuring that every school has access to a home school link officer who will help support parents to be more involved in their children's learning.**

**Parents** - Evidence indicates that parental involvement in a child's education has a positive effect on outcomes. We will seek to build on the recommendations from the review of the Scottish Schools (Parental Involvement) Scotland Act 2006, carried out by the National Parent Forum of Scotland through both the Education (Scotland) Bill and by underpinning and encouraging parental involvement and engagement in relation to Parent Councils and the wider parent forum and to support greater consistency of effective practice across schools.

**Pupils** - One of the aims of Curriculum for Excellence is to put the learner at the centre of their own education and pupil participation is at the core of this. There are many good examples of pupil participation throughout Scottish schools and plans are in place to promote and support pupil participation by reinforcing this as a core requirement within the broader context of the Head teacher Charter. No specific model will be imposed to ensure Head teachers are able to engage with pupils in their school in the manner that is most appropriate for their context.

## **Funding**

### **TOP LINES:**

- **We are developing an approach to funding that truly empowers schools, and provides the framework of support which schools need.**

A consultation 'Fair Funding to Achieve Excellence and Equity in Education' was carried out June to October 2017, inviting views on the way education is currently funded in Scotland. It set out the aim to develop a new, more consistent approach to school funding, and the principles that should underpin any changes, and sought views on future approaches. A consultation analysis report was published in February 2018.

We will bring forward plans to improve the arrangements for school funding as part of our wider education reforms.

This work is being carried out in close collaboration with local government, and an SG/COSLA Reference Group is providing strategic advice and guidance.

## EDUCATION REFORM – HEADTEACHERS’ CHARTER

### Top Lines

- The Headteachers’ Charter will empower headteachers as the leaders of learning and teaching in their schools, working in collaboration with their school community.
- Decisions that shape the education of our young people will be made by those who know them best - teachers, their parents and communities, and pupils themselves.
- We continue to believe that greater empowerment of our schools will lead to an improvement in outcomes for all pupils. We agree that headteachers need to be properly supported as well as empowered.
- We will continue to engage with teachers’ unions and local government as we develop the Bill.
- It is vitally important that we continue to work with stakeholders across the education system to raise attainment for all and close the attainment gap.

### We want to free headteachers across the country to improve attainment and close the attainment gap

- Headteachers should be focused on delivering excellence and equity for all pupils and our Headteachers’ Charter will set out their rights and responsibilities and empower them to be leaders of learning and teaching in their schools.
- Headteachers are best placed to make decisions about how learning happens in their schools and they should be able to work with their school community to lead curricular design that meets the needs of their pupils.
- Headteachers should also be able to plan and implement school improvement; and to choose who is in their team.
- Schools will not become employers and local authorities will continue to employ all staff in the school. Headteachers will be expected to co-operate with the local authority in its role as employer.
- Schools will be supported by Regional Improvement Collaboratives to deliver high quality curricular and improvement support.
- We are clear that closing the poverty-related attainment gap will require the collaboration of a wide range of public services – not just schools.

### Leadership Support Package

- We are working with Education Scotland and the profession to enhance the leadership support package for serving and aspiring headteachers so that school leaders are supported to take forward their empowered role.
- In preparation for the Headteachers’ Charter the existing national offer of leadership support for headteachers provided by SCEL/Education Scotland will be revised and enhanced to provide all headteachers in Scotland with the opportunity to access resources and support, for example in relation to curriculum design and development, planning their school’s leadership structure and having strategic oversight of their staffing and non-staffing budgets.
- We are working with the profession to develop new pathways into and through school and systems leadership, so that we have strong and effective leadership at all levels of our education system.
- The Headteacher Recruitment Working Group is considering career pathways beyond headship and will be reporting to the Strategic Board for Teacher Education in September. A representative from the Scottish Catholic Education Service is on the Group.

**From:** [REDACTED – 38(1)(b)]

**Sent:** 23 May 2018 09:23

**To:** Deputy First Minister and Cabinet Secretary for Education and Skills [REDACTED – 38(1)(b)]

**Cc:** Robertson FMG (Fiona) (Director of Learning) [REDACTED – 38(1)(b)] DG Education, Communities & Justice [REDACTED – 38(1)(b)] Communications DFM & Education [REDACTED – 38(1)(b)] Bruce A (Andrew) [REDACTED – 38(1)(b)] Hicks C (Clare) [REDACTED – 38(1)(b)] Wilson M (Mick) [REDACTED – 38(1)(b)] McAllister C (Colin) [REDACTED – 38(1)(b)]; Minister for Further Education, Higher Education and Science [REDACTED – 38(1)(b)]

**Subject:** RE: Scottish Conservative Education Debate Wednesday 23 May - Briefing

**Importance:** High

## PS/Deputy First Minister and Cabinet Secretary for Education and Skills

[REDACTED – 38(1)(b)]

Please find attached an updated briefing pack and the additional information requested by Ms Somerville's office this morning. Please note that **Annex H** of the Briefing Pack has been amended. Andy Bruce, [REDACTED – 38(1)(b)] will act as official support for this afternoon's debate.

Best wishes,

[REDACTED – 38(1)(b)]



Conservative



Local

party business - ... Government Fin...

[REDACTED – 38(1)(b)]



year of young people  
bliadhna na h-òigridh  
2018

---

**From:** [REDACTED – 38(1)(b)] **On Behalf Of** Deputy First Minister and Cabinet Secretary for Education and Skills

**Sent:** 22 May 2018 17:24

**To:** Felvus A (Angela); Deputy First Minister and Cabinet Secretary for Education and Skills

**Cc:** Robertson FMG (Fiona) (Director of Learning); DG Education, Communities & Justice; Communications DFM & Education; Bruce A (Andrew); Hicks C (Clare); Wilson M (Mick); [REDACTED – 38(1)(b)] McAllister C (Colin); [REDACTED – 38(1)(b)] Minister for Further Education, Higher Education and Science; [REDACTED – 38(1)(b)]

**Subject:** RE: Scottish Conservative Education Debate Wednesday 23 May - Briefing

Copying in the Ministers office.

---

**From:** [REDACTED – 38(1)(b)]

**Sent:** 22 May 2018 16:16

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

**Cc:** Robertson FMG (Fiona) (Director of Learning); DG Education, Communities & Justice; Communications DFM & Education; Bruce A (Andrew); Hicks C (Clare); Wilson M (Mick); [REDACTED – 38(1)(b)] McAllister C (Colin); [REDACTED – 38(1)(b)]

**Subject:** Scottish Conservative Education Debate Wednesday 23 May - Briefing

**PS/Deputy First Minister and Cabinet Secretary for Education and Skills**

Please find attached briefing for the Scottish Conservative Education Debate taking place on Wednesday, 23 May 2018.

<< File: Conservative party business - subject choice debate.docx >> Regards

[REDACTED – 38(1)(b)]

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

**From:** [REDACTED – 38(1)(b)]

**Sent:** 22 May 2018 17:55

**To:** [REDACTED – 38(1)(b)] Deputy First Minister and Cabinet Secretary for Education and Skills  
[REDACTED – 38(1)(b)]

**Cc:** DG Education, Communities & Justice [REDACTED – 38(1)(b)] Robertson FMG (Fiona) (Director of Learning) [REDACTED – 38(1)(b)] Hicks C (Clare) [REDACTED – 38(1)(b)] Flunkert C (Craig) [REDACTED – 38(1)(b)] Communications DFM & Education [REDACTED – 38(1)(b)] McAllister C (Colin) [REDACTED – 38(1)(b)]

**Subject:** RE: DFM meeting with Archbishop Cushley

**Importance:** High

[REDACTED – 38(1)(b)]

With my apologies, please find attached updated briefing to include lines from Faith and belief colleagues.

<<Deputy First Minister - briefing - meeting with Archbishop Cushley - 23 May - Final.doc>>

Thanks,

[REDACTED – 38(1)(b)]

---

**From:** [REDACTED – 38(1)(b)]

**Sent:** 22 May 2018 16:21

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

**Cc:** DG Education, Communities & Justice; Robertson FMG (Fiona) (Director of Learning); Hicks C [REDACTED – 38(1)(b)] Communications DFM & Education; McAllister C (Colin)

**Subject:** RE: DFM meeting with Archbishop Cushley

[REDACTED – 38(1)(b)]

As requested, please see attached briefing from [REDACTED – 38(1)(b)] for DFM's meeting tomorrow with Archbishop Cushley.

<< File: Deputy First Minister - briefing - meeting with Archbishop Cushley - 23 May.doc >>

Kind regards

[REDACTED – 38(1)(b)]

---

**From:** [REDACTED – 38(1)(b)] **On Behalf Of** Deputy First Minister and Cabinet Secretary for Education and Skills

**Sent:** 21 May 2018 10:16

**To:** [REDACTED – 38(1)(b)]

**Cc:** [REDACTED – 38(1)(b)] Deputy First Minister and Cabinet Secretary for Education and Skills

**Subject:** RE: DFM meeting with Archbishop Cushley

Hi all,

First of all apologies for the last minute nature of this request.

To confirm this meeting was requested by the DFM as he was unable to attend a Prayer mass that the Archbishop had invited him to informally (not on MACCS).

I spoke with the Archbishop's office today to confirm the timings and who will be attending. They advised the Archbishop would like to meet the DFM personally to discuss school reform, in particular empowerment of schools and head teachers.

I would be grateful if the appropriate team could provide some briefing for this by COP tomorrow?

Thanks again

[REDACTED – 38(1)(b)]

**From:** [REDACTED – 38(1)(b)]

**Sent:** 27 April 2018 15:37

**To:** Deputy First Minister and Cabinet Secretary for Education and Skills [REDACTED – 38(1)(b)]

**Cc:** Lord Advocate [REDACTED – 38(1)(b)] DG Education, Communities & Justice [REDACTED – 38(1)(b)] Robertson FMG (Fiona) (Director of Learning) [REDACTED – 38(1)(b)] Hicks C (Clare) [REDACTED – 38(1)(b)] Logan G (Graeme) [REDACTED – 38(1)(b)]

**Subject:** Education (Scotland) Bill: Improvement Planning Provisions

PS/DFM

Cc as above

### **Education (Scotland) Bill: Improvement Planning Provisions**

Please see the attached submission seeking clearance on aspects of the forthcoming Education Bill relating to the establishment and operation of Regional Improvement Collaboratives and their alignment with the NIF improvement planning and reporting cycle. [REDACTED - 29(1)]

Submission:

<<Education (Scotland) Bill - Submission to DFM - Improvement Planning Provisions - 27 April 2018.docx>>

Let me know if any further information is needed.

[REDACTED – 38(1)(b)]

## EDUCATION (SCOTLAND) BILL - HEADTEACHERS' CHARTER

**Top Lines**

- The Headteachers' Charter will empower headteachers as the leaders of learning and teaching in their schools, working in collaboration with their school community.
- Decisions that shape the education of our young people will be made by those who know them best - teachers, their parents and communities, and pupils themselves.
- We continue to believe that greater empowerment of our schools will lead to an improvement in outcomes for all pupils. We agree that headteachers need to be properly supported as well as empowered.
- We will continue to engage with teachers' unions and local government as we develop the Bill.
- It is vitally important that we continue to work with stakeholders across the education system to raise attainment for all and close the attainment gap.

**We want to free headteachers across the country to improve attainment and close the attainment gap**

- Headteachers should be focused on delivering excellence and equity for all pupils and our Headteachers' Charter will set out their rights and responsibilities and empower them to be leaders of learning and teaching in their schools.
- Headteachers are best placed to make decisions about how learning happens in their schools and they should be able to work with their school community to lead curricular design that meets the needs of their pupils.
- Headteachers should also be able to plan and implement school improvement; and to choose who is in their team.
- Schools will not become employers and local authorities will continue to employ all staff in the school. Headteachers will be expected to co-operate with the local authority in its role as employer.
- Schools will be supported by Regional Improvement Collaboratives to deliver high quality curricular and improvement support.
- We are clear that closing the poverty-related attainment gap will require the collaboration of a wide range of public services – not just schools.

**In relation to Curriculum for Excellence the Charter will:**

- Trust headteachers to design and develop their school's curriculum in line with the national framework on the curriculum in Scotland's schools.
- Require headteachers to work closely with their teachers and other school staff in designing and developing the school's curriculum, taking into account the views of their pupils, parents and other partners, so that the school's curriculum meets the needs of the children and young people.



From:[REDACTED - 38(1)(b)]  
Learning Directorate  
11 May 2018

1. First Minister
2. Deputy First Minister

## **EDUCATION (SCOTLAND) BILL 2018 AND ACCOMPANYING DOCUMENTS - CLEARANCE**

### **Purpose**

1. To seek your approval to submit the Education (Scotland) Bill and Accompanying Documents to the Presiding Officer for pre-introduction consideration.
2. The current draft of the Bill, Explanatory Notes and Financial Memorandum are attached separately. Also attached, at Annex A is a brief summarising the content of the Bill.

### **Priority**

3. **Urgent. A response is requested by Wednesday 16 May.**

### **Timing**

4. Minister for Parliamentary Business expects the Bill to be introduced to Parliament on 12 June in order to leave sufficient time for the Business Bureau to refer it to the lead Committee and for the Committee to issue a call for evidence prior to recess. If this deadline is to be met, the Bill will need to be submitted for pre-introduction scrutiny on 18 May.
5. As you will be aware, if substantial changes are made to the Bill, Parliament may require it to be resubmitted for a further 3 week period.
6. In order to meet the Programme for Government commitment to introduce the Bill in the current parliamentary year it must be introduced no later than 26 June. The latest date on which it can be submitted (or re-submitted) for pre-introduction scrutiny is 1 June.

### **[REDACTED - 29(1), 30(b)(i)]**

7. If Ministers wish to address these matters before submission of the Bill to the Presiding Officer on the current timetable, these decisions will need to be taken by Wednesday 16 May in order to leave sufficient time for the Bill and Accompanying Documents to be amended. If the decisions are not by Wednesday 30 May it will not be possible to make relevant amendments to the Bill before introduction.

### **Accompanying Documents and Impact Assessments**

8. The draft Financial Memorandum has been approved by the Cabinet Secretary for Finance and Constitution.

9. The Bill is being finalised by Parliamentary Counsel in response to final comments and instructions provided by SGLD and policy leads this week. The Policy Memorandum and Explanatory Notes have been drafted. The Delegated Powers Memorandum and statement on legislative competence are currently being finalised. All relevant documents will be updated early next week to reflect the final content of the Bill and will be available in time for submission to Parliament on 18 May.

10. The required Impact Assessments have been undertaken to assess the effect of the provisions in the Bill on various groups. Again, these will be finalised early next week to ensure consistency of content and language with the final content of the Bill and will be sent to the Deputy First Minister for clearance in time for their publication on the introduction of the Bill.

### **Recommendation**

**12. That you agree that the attached Bill and its accompanying documents be sent to the Presiding Officer on 18 May 2018 with a view to the Bill being formally introduced to Parliament on 12 June 2018.**

**[REDACTED - 38(1)(b)]**  
Learning Directorate  
11 May 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		
Cabinet Secretary for Finance and Constitution			X		
Minister for Childcare and Early Years			X		
Minister for Further Education, Higher Education and Science			X		
Minister for Parliamentary Business			X		

DG Scottish Exchequer for Finance  
 DG Organisational Development & Operations  
 DG Education, Communities, and Justice  
 PS/Education Scotland  
 Fiona Robertson, Director of Learning  
 Clare Hicks, Deputy Director, Learning Directorate  
 Andy Bruce, Deputy Director, Learning Directorate  
 Graeme Logan, Deputy Director, Learning Directorate  
**[REDACTED - 38(1)(b)]**  
 Comms DFM and Education  
 Colin McAllister, Special Adviser  
 FM Policy Unit

## EDUCATION (SCOTLAND) BILL – SUMMARY

1. The Bill aims to create a school and teacher-led education system that is centred on the child. It empowers headteachers to be leaders of learning and teaching in their schools, enhances educational improvement support, encourages greater parental involvement and engagement and more effective pupil participation and expands the functions of the General Teaching Council for Scotland.

### *Headteachers' Charter*

2. The Bill empowers headteachers so that decisions that most affect children and young people's outcomes will be made in a collaborative way at school level, within a transparent local education system where partners are working together to improve outcomes for children and young people; it requires local authorities to involve headteachers in school staff recruitment decisions made at local authority level, to increase the consistency of funding delegation from local authorities to schools, and to support headteachers in making decisions at school level.

### *Regional Improvement Collaboratives*

3. The Bill will place a duty on education authorities to work with other education authorities and with Education Scotland within Regional Improvement Collaboratives. The Collaboratives will produce regional improvement plans and exercise a range of educational support and improvement functions, to be set out in statutory guidance, in accordance with the principles and scope agreed between Scottish Government and COSLA.

### *Parental and Community Engagement*

4. The Bill will also make the existing legal duties in relation to parental involvement clearer and encourage stronger collaboration between schools, school leaders and parents. These provisions will strengthen, modernise and extend the Scottish Schools (Parental Involvement) Act 2006 as recommended in the National Parent Forum of Scotland's review.

### *Pupil Participation*

5. It is the intention of the Bill to ensure that the principles of pupil participation are pursued in every school. This will be achieved by requiring headteachers to promote and support pupil participation in specific aspects of education and school life;

### *Expansion of the General Teaching Council for Scotland*

6. The Bill will expand the remit of the General Teaching Council for Scotland to enable the registration and regulation of College Lecturers and support staff and Instrumental Music Instructors.

## **Consultation**

7. We consulted on the proposed content of the Education Bill between November 2017 and January 2018. Independent social research agency Why? Research Ltd

were commissioned to analyse the 870 responses received and produced a report which was published on the Scottish Government website on 30 April 2018.

8. Unsurprisingly a wide range of views were presented in the responses to the consultation paper, often with no clear consensus on many of the proposals. In general the responses reflect support for the Bill's principles of local empowerment and improved collaboration, but also represent a more equivocal position in relation to whether legislation is required in order to give effect to those principles.

### **Finance**

9. Overall, the estimated total annual costs arising from the Bill provisions is anticipated to be between £11 million and £26 million, depending on the range of costs applied to business management support in relation to the Headteachers' Charter.

From: [REDACTED – 38(1)(b)]  
RIC Policy Team  
Date: 27 April 2018

Deputy First Minister

## EDUCATION (SCOTLAND) BILL: IMPROVEMENT PLANNING PROVISIONS

### Purpose

1. To seek your agreement that Education Bill provisions on Regional Improvement Collaboratives and the improvement planning cycle:

- create a general duty on local authorities to collaborate on improvement within RICs, with the nature and extent of that collaboration to be set out in Statutory Guidance;

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

- create new duties in the 2000 Act for local authorities to collaborate within Regional Improvement Collaboratives to prepare and publish Regional Improvement Plans and Regional Improvement Reports **[REDACTED - 29(1)(a), 30(b)(i)]**

2. If content, to seek your preferred option for handling those provisions within the Bill process.

### Priority

3. Urgent. Given the Education Bill timetable, we are instructing PCO in line with the recommended approach.

### For decision

#### Item 1: The RIC Collaboration Duty

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

4. It is our recommendation that:

- The main RIC provisions within the Education Bill are centred around a duty on local authorities to collaborate on improvement and on a duty to collaborate in the preparation and publication of Regional Improvement Plans and Reports; and that
- Other detailed areas of RIC operation and membership are, where required, supported by Statutory Guidance, to be consulted on and published by Scottish Ministers. This will include Guidance on the activities that all RIC members are expected to collaborate on.

#### Item 2: The Improvement Planning Cycle

5. The recent (provisional) agreement with local government for education authorities to retain the annual improvement planning and reporting duties set out in the 2000 Act has implications for other elements of the improvement planning cycle. The proposed addition through the Education Bill of a new duty on authorities to work collaboratively in the production and delivery of their Regional Improvement Plan would result in 4 levels of statutory improvement planning across the education system: at school, local authority, regional and national levels, with local authorities and Scottish Government also required to report annually on improvement and to lay a copy of that report before the Scottish Parliament.

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

6. While the joint Steering Group on Regional Improvement Collaboratives agreed on the principle of regional improvement plans, there was no discussion in that group on an associated RIC reporting duty. While a requirement for RICs to evaluate the impact of their work programme and report on progress should not be unexpected and is consistent with statutory requirements at local authority and national level, local government are unlikely to welcome the introduction of a new statutory duty requiring this. It is however our view that reporting on progress is crucial at local authority, regional and national levels, and that there should be consistency in the status and publication of such reports for the purposes of transparency and coherence.

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

#### Commencement

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

This timetable would enable the RICs to continue their development **[REDACTED - 29(1)(a), 30(b)(i)]** and ensure that the pace and focus of regional improvement activity is embedded **[REDACTED - 29(1)(a), 30(b)(i)]**

7. While we recommend that the commencement of improvement provisions in the Bill are taken forward in parallel, it would be possible to phase in their commencement **[REDACTED - 29(1)(a), 30(b)(i)]**.

8. A decision on commencement is not requested at this time. This information is provided for context only. Provisions on the duty for local authorities to collaborate as and within an RIC are expected to be commenced in the first phase of Bill commencement.

#### Item 3: Presentation and handling

9. If you are content with the recommendations above, there are options on when and how these provisions could be taken forward in the Bill process, e.g.:

- a) Option 1 – Provisions requiring local authorities to collaborate with an RIC **[REDACTED - 29(1)(a), 30(b)(i)]** could be drafted into the Bill which is laid in Parliament in June;

Option 2 – In addition to the central duty for authorities to collaborate within an RIC, the Bill submitted in June could contain a provision for RIC planning and reporting aligned to the timetable of the NIF [REDACTED - 29(1)(a), 30(b)(i)].

10. For clarity and to demonstrate that we have listened to responses to the Bill consultation, [REDACTED – 29(1)(a), 30(b)(i)] planning and reporting cycle at both NIF and RIC levels are introduced on the face of the Bill which is laid in Parliament in June.

**Conclusion**

11. You are invited to:

- Confirm if you are content for the core RIC duties on the face of the Bill to centre on a duty for local authorities to collaborate on improvement and on duties to prepare and publish regional improvement plans and reports;
- [REDACTED – 29(1)(a), 30(b)(i)]

[REDACTED – 38(1)(b)]  
 RIC Policy Team  
 [REDACTED – 38(1)(b)]

27 April 2018

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

DG Learning and Justice  
 Fiona Robertson  
 Clare Hicks



Graeme Logan  
[REDACTED – 38(1)(b)]

**From:** [REDACTED – 38(1)(b)]

**Sent:** 11 May 2018 15:09

**To:** zzzFirst Minister 2014 to 2016 [REDACTED – 38(1)(b)] Deputy First Minister and Cabinet Secretary for Education and Skills [REDACTED – 38(1)(b)]

**Cc:** Cabinet Secretary for Finance and the Constitution [REDACTED – 38(1)(b)] Minister for Childcare and Early Years [REDACTED – 38(1)(b)] Minister for Further Education, Higher Education and Science [REDACTED – 38(1)(b)] Minister for Parliamentary Business [REDACTED – 38(1)(b)] DG Scottish Exchequer Mailbox [REDACTED – 38(1)(b)] DG Organisational Development & Operations [REDACTED – 38(1)(b)] DG Education, Communities & Justice [REDACTED – 38(1)(b)] PS/Education Scotland [REDACTED – 38(1)(b)] Robertson FMG (Fiona) (Director of Learning) [REDACTED – 38(1)(b)] Hicks C (Clare) [REDACTED – 38(1)(b)] Bruce A (Andrew) [REDACTED – 38(1)(b)] Logan G (Graeme) [REDACTED – 38(1)(b)] Wilson M (Mick) [REDACTED – 38(1)(b)] Communications DFM & Education [REDACTED – 38(1)(b)] McAllister C (Colin) [REDACTED – 38(1)(b)] FM Policy Team Mailbox [REDACTED – 38(1)(b)] Gorman G (Gayle) [REDACTED – 38(1)(b)]

**Subject:** Education (Scotland) Bill - Submission - Bill Pack Clearance

PS/First Minister

PS/Deputy First Minister and Cabinet Secretary for Education and Skills

## EDUCATION (SCOTLAND) BILL – CLEARANCE

Please find attached copies of the draft Education (Scotland) Bill and its accompanying documents, together with a brief submission.

### Submission



Education  
(Scotland) Bill - ...

### Draft Bill



Education  
(Scotland) Bill - ...



Education  
(Scotland) Bill - ...

### Accompanying Documents



Education  
(Scotland) Bill - E...



Education  
(Scotland) Bill - F...

Kind Regards

[REDACTED – 38(1)(b)]



gov.scot



I AM AN ALLY

Please consider the environment before printing



[REDACTED – 38(1)(b)]

As per Stakeholder List

26 June 2018

Today I have set out in the Scottish Parliament the next phase of our action to empower schools across Scotland. This empowerment is crucial so that the important decisions which most affect the outcomes for children and young people are made in consultation with them and by those closest to them.

The Scottish Government has consulted extensively on how we can best empower and support our schools. I have listened carefully to our International Council of Education Advisers, our education professionals, local authorities, parents and pupils. They have told me that, whilst they strongly support the principle of empowering schools, they prefer approaches to achieving our goals which do not involve new legislation.

I have always been clear that legislation will not, on its own, deliver the cultural change and enhanced capacity that we want to see.

I have decided, therefore, to pursue an approach to reform based on consensus building and collaboration with partners. It is through such consensus building and collaboration that we have reached agreement on the establishment of the Regional Improvement Collaboratives. We have now achieved a landmark agreement with local government which will see the Headteachers' Charter, and meaningful school empowerment, collaboration and pupil and parent participation, delivered across Scotland.

That agreement is published today along with the draft Education (Scotland) Bill but I will not be introducing the Bill to Parliament at this time. Instead, with advice from the Scottish Education Council, I will monitor progress over the course of the next academic year. I look forward to seeing pace and ambition in delivering our joint commitment to an empowered system. However, if sufficient progress is not made across the system in implementing the

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)



roadmap agreed with local government, I will introduce the Education(Scotland) Bill to the Scottish Parliament.

This way, we do not need to wait for the passage of legislation which cannot be fully enacted until 2019 or 2020 to begin work on implementing the reforms to which both local government and the Scottish Government are committed – that work can start immediately. I believe that this next phase will deliver a teacher and school-led system more quickly because of our investment in consensus building and collaboration.

I look forward to continuing to work with you as we continue on our journey to deliver further improvements in Scottish education.

«Signature»

**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 – 38(1)(b)]

**Sent:** 25 April 2018 08:55

**To:** Deputy First Minister and Cabinet Secretary for Education and Skills [REDACTED – 38(1)(b)]

**Cc:** Minister for Further Education, Higher Education and Science [REDACTED – 38(1)(b)] DG Education, Communities & Justice [REDACTED – 38(1)(b)] Robertson FMG (Fiona) (Director of Learning) [REDACTED – 38(1)(b)] Hicks C (Clare) [REDACTED – 38(1)(b)] McAllister C (Colin) [REDACTED – 38(1)(b)] Logan G (Graeme) [REDACTED – 38(1)(b)]

**Subject:** Education Reform: Expansion of GTCS

Morning [REDACTED – 38(1)(b)]

Following discussions between the DFM and Clare Hicks last week, regarding the provisions to be included in the Education Bill in relation to the expansion of GTCS functions and proposed governance arrangements, please find attached additional advice on maintaining the integrity of the GTCS and alleviating any concerns about the dilution of teacher professionalism.



DFM submission  
GTCS additional...

Many thanks

[REDACTED – 38(1)(b)]

| 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 – 38(1)(b)]



year of young people  
bliadhna na h-òigridh  
2018

[REDACTED - 29(1)]

# EDUCATION (GOVERNANCE) BILL: PROVISIONS ON PARENTAL INVOLVEMENT AND ENGAGEMENT

ANNEX A

## DETAILED ANALYSIS AND ADVICE

### ***TERMINOLOGY: Updating legal definitions to cover both parental involvement and engagement (Item A in the main submission)***

#### **What was proposed in the consultation**

1. While parental representation via Parent Councils (*ie parent involvement in schooling*) is a very positive thing to do, we know from research that it is parents' interaction with their children's learning in home and outside of school (*often called parental engagement in learning*) that has the greatest impact on educational outcomes for children. Although the 2006 Act was intended to cover both of these concepts the survey evidence from the NPFS-led review confirmed that many schools have focused on the "involvement" aspect. In order to reflect changes in best practice over the past 10 years, and to underpin a more comprehensive approach by schools, the Bill consultation proposed to update the legal definition of parental involvement to bring in parental engagement in learning onto the face of the legislation (*ie to carve a space in the legislation for parents' interaction with children at home and to underpin the school's role in supporting that engagement*).

#### **Stakeholder views**

2. Parental organisations and third sector organisations are supportive of this change. They see it as an opportunity to reflect the importance of parental engagement alongside the more formal representation activities. We shared our detailed plans for a amended terminology with the National Parent Forum, and they were very supportive of our plans. ADES are opposed to any amendments to the legislation, and so they are likely to oppose any amendments in this area. It is difficult to assess the full range of headteacher views, though it should be noted that the EIS commented positively on the logic of updating the terminology to reflect current practice

[REDACTED - 29(1)]

### ***COLLABORATIVE DUTIES ON HEADTEACHERS IN RELATION TO PARENT INVOLVEMENT AND ENGAGEMENT (Items B and C in the main submission)***

#### **What was proposed in the consultation**

3. Whilst there are many excellent examples of collaborative working between head teachers, Parent Councils and the wider parent forum some headteachers continue to focus on short progress reports and a gatekeeper role. The consultation proposed to amend the legislation in order to underpin a more collaborative approach whereby the head works with the Parent Council and, as appropriate, the wider parent forum to develop the initial strategy, policy or improvement activity

4. In particular, the consultation proposed to

- Strengthen the duties on headteachers in relation to Parent Councils, amending the current 2006 Act duties to report on progress against improvement plans with new duties to require HTs to work collaboratively with their Parent Councils in developing any key school policies and improvement activity. This would be in line with best practice recommended via the National Improvement Framework.
- Impose new duties on headteachers to communicate with the wider parent forum. Again, this would be a duty to collaborate with the forum on matters such as school policy, improvement planning and curricula design.

5. Changes along these lines are particularly important in the context of the Headteacher's Charter, where greater discretion and flexibility is being provided to Headteachers. In this context, the Parent Council should become more important and more prominent as a genuinely collaborative space where headteachers bring parents into the development of key school processes and policies rather than simply report on progress to parents.

6. At present, headteachers are required to report to the Parent Council on progress against key policies and plans. Our planned amendments would update and strengthen this responsibility to cover collaboration in the development of those policies. Importantly, the precise way that the collaboration would take place would be a matter for the headteacher to determine, thus retaining appropriate flexibility in line with requests from the Teacher Panel and unions. As discussed above, although the legislation will say "headteachers must...", the Bill will clarify that education authorities retain ultimate liability for these functions, so that headteachers are not personally liable.

7. Although the Headteachers' Charter will include a general provision encouraging headteachers to work collaboratively with their school community (including parents) when discharging their Charter functions, we think there is value in separate, more detailed provisions giving more specific instruction about what headteachers should do to increase parental involvement and engagement.

### **Stakeholder views**

8. Parent bodies have commented that whilst some headteachers take a very collaborative approach to working with their Parent Councils this practice is by no means common to all schools, and that some headteachers will tend to focus on minimal compliance, provision of information and reports rather than partnership working. Parent bodies are therefore keen to see very clear and strong duties on headteachers.

9. In contrast, many of the teacher unions have expressed unease about increases to headteacher workload and accountability, and are unlikely to welcome significant increases in legal duties on headteachers, seeing it as leading to greater bureaucracy. Interestingly, the EIS were broadly comfortable with reinforcing headteachers' role in supporting parental involvement. Whilst broadly comfortable with engaging with their parent community headteachers on the Teacher Panel were keen to ensure that there is appropriate flexibility for Heads to frame the nature of the collaborative working in a way that works for their school context. We think that we will be able to provide this reassurance in the statutory guidance that will accompany the newly amended provisions.



10. [REDACTED - 29(1)]

**THEME C: LOCAL AUTHORITY DUTIES (Items D-G in the main submission)**

**What was proposed in the consultation**

11. The 2006 Act already contains a requirement on local authorities to develop parental involvement strategies. However, the NPFS's 2006 Act review found that many of the strategies were out of date and of variable quality. In order to tighten the requirements on local authorities, and to ensure that their strategic plans on parental involvement (and engagement) are "SMART" and up-to-date, the consultation proposed to:

- require local authorities to review their parental involvement strategies within three years of initial development and at least every three years thereafter.
- impose a duty on local authorities to ensure that their parental involvement strategies include clear objectives and measures of success.

**Stakeholder views**

12. Parent organisations are keen to retain both of these requirements on the face of the Bill. ADES oppose any amendments to the legislation, and so as with all other aspects of the Bill they are unlikely to welcome these specific duties. However, it should be noted that ADES were also concerned that the responsibility to develop parental involvement strategies was going to be removed from local authorities. These amendments would actually reinforce that the duties themselves *remain* with local authorities (rather than flowing to a regional strategy to reflect the RICs). Our discussions with local authority parental involvement officers – the people who actually develop the strategies within local authorities - indicate that involvement officers view a three-yearly cycle of review as being both appropriate and deliverable.

13. [REDACTED - 29(1)]

**THEME D: FUNCTIONS OF PARENT COUNCILS (Items H and I in the main submission)**

**What was proposed in the consultation**

14. The Bill consultation proposed to i) update and clarify the duties on Parent Councils to represent the diversity of the school community and ii) to actively promote contact with pupils.

15. During the Bill development process we considered a so-called "soft equality duty" on Parent Councils which would require them to "exercise any function in relation to recruiting or appointing new members in a manner than encourages equal opportunities". We also looked at an appropriate duty in relation to Parent Councils' engagement with pupils. Finally, we explored the potential for a further duty on secondary school Parent Councils to facilitate co-operation with their local feeder primary parent Councils. This final proposal was considered on the back of the NPFS's Review of the 2006 Act which found that links between primary and secondary Parent Councils could be further improved.

## Stakeholder views

16. Local authority parental involvement officers and national parent bodies expressed concerns that the creation of an equalities duty on the face of the Bill, however “soft” in its nature, would run the risk of discouraging parents from taking part in their Parent Council in the first place. There was also a degree of scepticism that a duty on secondary Parent Councils to work with primary Parent Councils will be seen as leading to increased bureaucracy for Parent Councils. ADES also pointed to the risks of turning people away from Parent Councils by imposing too many responsibility on Parent Councils.

17. [REDACTED - 29(1)]

**THEME E: EXPANSION OF THE LEGISLATION TO COVER EARLY YEARS (Item J in the submission)**

## What was proposed in the consultation

18. The consultation document proposed to clarify the application of the 2006 Act to early learning and childcare settings. We also asked consultees whether the duties and powers in relation to parental involvement should apply to a wider range of publicly funded early learning and childcare settings than it currently does. But rather than insert all of the duties currently imposed on schools (ie the detailed and technical Parent Council duties) we asked consultees for their views on a more bespoke and flexible legislative framework for early learning settings – something short and general which can serve to underpin effective practice and approach, but provide a high degree of flexibility for providers to choose the approach that works best in their context.

## Stakeholder views

19. The majority of stakeholders seen no difficulties in principle in applying parental involvement/engagement duties to the ELC sector. The majority of consultees also agreed that flexible, general duties would be appropriate rather than wholesale application of detailed Parent Council duties to early years settings. We discussed the options below with the early years sectoral representative on the Curriculum and Assessment Board (Jean Carwood Edwards, Early Years Scotland). EYS indicated that a broad, flexible duty would be both deliverable and appropriate, and would help to reinforce the importance of parental involvement and engagement throughout the 3-18 curriculum.

[REDACTED - 29(1)]

[REDACTED – 38(1)(b)]

24 April 2018

## EDUCATION (GOVERNANCE) BILL: PROVISIONS ON PARENTAL INVOLVEMENT AND ENGAGEMENT

### ANNEX B

#### CONSULTATION VIEWS

In general, parental organisations were keen to see statutory duties on parental involvement on both local authorities and headteachers strengthened, modernised and extended. They are clear that legislation can and should help to underpin and encourage wider cultural change. Several unions (though not all – see comments on EIS below) as well as ADES are opposed to legislating on this matter, and wish to avoid excessive prescription in legislation.

**Key points** from the consultation were as follows:

- A greater proportion of respondents were supportive of the broad areas for reform to the Scottish Schools (Parental Improvement) Act 2006 than were not, albeit only around half of the respondents opted to provide an answer to this question.
- The key theme to emerge was the need for further clarification and detail in what was proposed for the Bill.
- While there is broad support for the concept of parental and community engagement, a number of respondents noted that schools already involve parents in decisions. Some respondents felt that no change is necessary.
- While there is support for parental involvement and acknowledgement of the need to involve a wider range of parents, there are concerns that it is difficult to ensure that parents from a wide range of backgrounds are involved; some respondents commented that not all parents want to be involved.
- There is some support for meaningful consultation by headteachers with parents on substantive matters of school policy, improvement planning and curricula design, although some respondents noted that this already takes place. Respondents noted the need for a range of communication channels, strategies and support for engaging parents.
- Greater proportions of respondents agreed that the duties and powers in relation to parental involvement apply to publicly funded early learning and childcare settings that disagreed. The key reason for this is that there should be consistency and parity across all levels of the curriculum.

Specific stakeholder views to be aware of are as follows:

- The **National Parent Forum of Scotland** are very supportive of the detailed amendments that we propose for the Bill. Wider parent organisations including the **Scottish Parent Teacher Council** (now called Connect) are also supportive of the changes that have been proposed. During the course of the consultation officials presented on the full detail of the proposed legislative changes to the national Parental Engagement Steering Group and to the local authority Parental Involvement Officers' Network ("SPION"). The final set of detailed proposals were developed on the back of those presentations and discussions.
- **ADES** are strongly opposed to any legislation. This opposition extends to all of the parental involvement/engagement proposals. \* **Note: This is despite ADES signing**

**up to the National Parent Forum of Scotland Review which recommended many of the detailed amendments that are now proposed for the Bill.** ADES also commented that legislative changes will have little effect without further investment in training and information to headteachers and Parent Councils. ADES made the point that duties that are perceived as being excessive or bureaucratic may act as a disincentive to people applying to become headteachers.

- In contrast to their views on other elements of the Bill, **EIS** are broadly supportive of the amendments that we propose to make to the 2006 Act, commenting that “moving from a duty to inform and consult to a duty to work in a collaborative way with parent bodies is welcome”. EIS were involved in the previous NPFS-led review of the 2006 Act. As such, they are more familiar with the detail of what we propose to do. EIS, however, echoed the point from ADES that any shift in culture will require further investment in training and support to both schools and local authorities.
- **School Leaders Scotland** sought more detail, stating that “while we have no initial concern over the suggested Reforms to the 2006 Act and indeed would welcome such clarification as is suggested, we would be interested in learning the implications of and detailed definitions lying behind the terminologies 'strengthen the duties on headteachers' and 'provide duties on headteachers'”
- The **NASUWT** response provided cautionary observations on the need for flexibility and the need for further detail on the legislative provisions that are planned: “It is critical that headteachers are given sufficient flexibility to work with parents in the ways which best meet their own local circumstances and to ensure they are able to seek the views of the diverse school community.”
- Individual members of the **Teacher Panel** could see the merits in updating the terminology and underpinning the principle of collaborative working between Headteachers and parents. However they noted that many of their headteacher colleagues will need reassurance about what is meant by “collaboration” and will also need reassurance that the legislative duties won't add excessive pressure to their administrative burden. We recommend that we address some of these concerns in the policy memorandum and a very clear commitment that statutory guidance will emphasise a high degree of flexibility for heads to develop approaches which suit their local context.

### **Further dialogue with stakeholders**

In addition to the written consultation additional engagement with stakeholders has included:

- several meetings with the National Parent Forum of Scotland to discuss the plans for provisions to be instructed.
- a presentation to the national Parental Engagement Steering Group on the draft plans for provisions (this group includes NPFS, Scottish Parent Teacher Council, local authority parental involvement officers, third sector organisations, and the EIS union);
- discussions with Early Years Scotland in relation to the proposed extension of duties to cover the early years sector;

- updates to the ADES key contact with Scottish Government – who confirmed that the list of duties outlined in the main submission would not cause significant difficulties for local authorities and schools;
- a short paper to and discussion with, the Teacher Panel, and;
- a phone conference with the chair and vice chair of the local authority Scottish Parental Involvement Officer Network (SPION) and follow-up meeting with the SPION group.

**[REDACTED – 38(1)(b)]**

24 April 2018

## EDUCATION BILL FMQ

### Top Lines

- Our reforms will put teachers and parents at the heart of decision making in the life of a school.
- Our recent consultation confirmed strong support for an empowered school system.
- We continue to work with all our partners to ensure Headteachers can make the decisions which most affect outcomes for children and young people.
- We will consider the responses to the consultations carefully before presenting our final proposals.

### Responses to our consultation show widespread support for an education system which empowers schools and school leaders

- Responses to our consultation show broad support for the principles of local empowerment and improved collaboration.
- Those principles are at the heart of our reforms which are based on strong, international evidence of how a high-performing education system works.

### We want to free headteachers across the country to improve attainment and close the attainment gap

- Headteachers should be focused on delivering excellence and equity for all pupils.
- Our Headteachers' Charter will set out their rights and responsibilities and empower them to be leaders of learning and teaching in their schools.
- Headteachers are best placed to make decisions about how learning happens in their schools.
- They should be able to work with their school community to lead curricular design that meets the needs of their pupils
- Headteachers should also be able to plan and implement school improvement; and to choose who is in their team.
- Schools will not become employers.
- Local authorities will continue to employ all staff in the school, and headteachers will be expected to co-operate with the local authority in its role as employer.
- Headteachers will be supported by Regional Improvement Collaboratives to deliver high quality curricular and improvement support.
- We are clear that closing the poverty-related attainment gap will require the collaboration of a wide range of public services – not just schools.

### We will not establish any system that opens headteachers to personal litigation – but we will ensure they have the powers they need

- There is no proposal to make headteachers personally liable and we will not create any system that opens them to personal litigation.
- We have made it clear in our consultation that headteachers need to be able to select their own team.
- They must be able to choose the staff that are the best fit for their school and pupils.
- That move is supported by the professional associations representing headteachers and deputies.

- We have also made it clear that local authorities will remain the employers of school staff.
- This will ensure that recruitment decisions are consistent with employment law and with national agreements on pay and conditions.

### **The Bill will bring a wider group of education staff into a system of professional standards and registration**

- Currently, all teachers in publicly funded schools must be registered with the General Teaching Council for Scotland (GTCS) in order to teach in Scotland.
- From 1 October 2020, existing teachers in independent schools must be registered.
- Registration obliges them to meet the professional standards set by the GTCS.
- The Scottish Social Services Council (SSSC) performs a similar role for social services staff, including early years workers.
- At present, other professionals in the education workforce, such as college lecturers and instrumental music instructors, are not required to register with a standard setting body.
- Expansion of professional registration to a wider range of staff will encourage all staff groups to engage in professional learning, collaborative working and the sharing of best practice.

### **The Bill will reform the system to support a culture of collaboration between teachers, schools and regions**

- We will establish Regional Improvement Collaboratives to ensure consistent, high quality support and improvement services to our schools, headteachers and teachers.
- Regional Improvement Leads have been appointed by all 6 Collaboratives.
- Local Authorities will continue to be responsible for providing high quality education support services to schools.
- They will still support headteachers to make decisions that most affect learning and teaching in their schools.

### **We are taking this work forward in partnership with local government**

- We established a joint Scottish Government/Local Government Steering Group last year to develop the proposals for the further development of Regional Improvement Collaboratives.
- That work formed the basis of our agreement with local government for the early establishment of Regional Improvement Collaboratives and for delivery of their first Regional Improvement Plans by January 2018.
- Our agreement with local government places our schools and young people at the centre of these arrangements.
- We continue to work closely with local government to develop an agreed approach which will ensure our children and young people benefit from our reforms without delay.

### **We recognise that participation of parents and children in schools, and the wider education system, is key to driving improvement**

- The Bill will expand and improve parental involvement in schools.
- This is in response to the National Parent Forum of Scotland's review of the Scottish Schools (Parental Involvement) Act 2006.
- We will strengthen the voice of children and young people in our schools.
- This will be done by requiring all schools to promote and support pupil participation.
- We have sought views through the consultation on how best to achieve this.

**From:** [REDACTED – 38(1)(b)]

**Sent:** 22 June 2018 17:32

**To:** Deputy First Minister and Cabinet Secretary for Education and Skills [REDACTED – 38(1)(b)]

**Cc:** Minister for Parliamentary Business [REDACTED – 38(1)(b)] Minister for Further Education, Higher Education and Science [REDACTED – 38(1)(b)] Minister for Childcare and Early Years [REDACTED – 38(1)(b)] DG Education, Communities & Justice [REDACTED – 38(1)(b)] PS/Education Scotland [REDACTED – 38(1)(b)] Robertson FMG (Fiona) (Director of Learning) [REDACTED – 38(1)(b)] Bruce A (Andrew) [REDACTED – 38(1)(b)] Logan G (Graeme) [REDACTED – 38(1)(b)] Wilson M (Mick) [REDACTED – 38(1)(b)] Paterson J (John) [REDACTED – 38(1)(b)] McAllister C (Colin) [REDACTED – 38(1)(b)] Communications DFM & Education [REDACTED – 38(1)(b)] Hicks C (Clare) [REDACTED – 38(1)(b)]

**Subject:** RE: OFFICIAL SENSITIVE: SUBMISSION - STATEMENT TO PARLIAMENT ON EDUCATION REFORM AND PUBLICATION OF DRAFT EDUCATION (SCOTLAND) BILL

Please see attached a number of documents it would be helpful to have DFM clearance of in preparation for Tuesday's Parliamentary Statement on Education Reform:

- Script for DFM call with Cllr McCabe on Monday 25<sup>th</sup> June
- Draft Stakeholder letter in DFM name - we are seeking DFM clearance of the text of this letter to allow for preparation of individual versions for each stakeholder.
- [REDACTED – 29(1)(b)]
- Draft Letter for DFM to send to the Convenor of the Education and Skills Committee.

Thanks

[REDACTED – 38(1)(b)]



From: [REDACTED – 38(1)(b)]  
Learning Directorate  
25 April 2018

Deputy First Minister and Cabinet Secretary for Education and Skills

## **EDUCATION (SCOTLAND) BILL – PUBLICATION OF CONSULTATION RESPONSE ANALYSIS**

### **Purpose**

1. To seek your agreement to publish online the independent analysis of the responses to *Empowering Schools: A Consultation on the Provisions of the Education (Scotland) Bill* on Monday 30 April 2018.

### **Priority**

2. **Urgent.** It would be helpful to receive a response by Thursday 26 April if we are to meet our commitment (in response to a parliamentary question from Iain Gray MSP earlier this year) to publish the response analysis during April.

### **Background**

3. We consulted on the proposed content of the Education Bill between November 2017 and January 2018. Independent social research agency *Why? Research Ltd*, were commissioned to analyse the 870 responses received and have produced the attached report.

4. Non-confidential responses were published on the Scottish Government's Consultation Hub website on 27 February 2018.

5. Unsurprisingly a wide range of views were presented in the responses to the consultation paper, often with no clear consensus on many of the proposals. In general the responses reflect support for the Bill's principles of local empowerment and improved collaboration, but also represent a more equivocal position in relation to whether legislation is required in order to give effect to those principles. Some respondents who queried the need for legislation suggested that elements of local empowerment were already in place in many areas without legislation. We remain convinced that legislation is required in order to ensure that all schools are meaningfully empowered to make key decisions and will continue to be so empowered in the future.

6. A summary paper of the consultation response analysis is provided at **Annex A**.

## **Publication**

7. We are required to publish the analysis of the consultation responses and it would be prudent to do so well in advance of the introduction of the Bill to parliament on 12 June. We have also publicly committed to doing so before the end of April.

8. We propose, therefore, to publish the report on Monday 30 April 2018 [on the Scottish Government's website]. We suggest that this be a web publication only, with no significant event or news release. Communications colleagues have confirmed that they are content with this approach. We will continue to work with Spads and Comms to update reactive lines and to respond to any media queries.

## **Recommendation**

9. **You are invited to agree to the online publication of the Education Bill consultation analysis report on Monday 30 April 2018.**

[REDACTED – 38(1)(b)]

25 April 2018

OFFICIAL - SENSITIVE

Copy List:	For Action	For Comments	For Information		
			Portfolio Interest	Constit Interest	General Awareness
Minister for Childcare and Early Years			X		
Minister for Further Education, Higher Education and Science			X		

DG Education, Communities, and Justice  
 PS/Education Scotland  
 Fiona Robertson, Director of Learning  
 Clare Hicks, Deputy Director, Learning Directorate  
 Andy Bruce, Deputy Director, Learning Directorate  
 Graeme Logan, Deputy Director, Learning Directorate  
 Mick Wilson, Deputy Director, Education Analysis  
**[REDACTED – 38(1)(b)]**  
 Comms DFM and Education  
 Colin McAllister, Special Adviser  
 FM Policy Unit

## EMPOWERING SCHOOLS CONSULTATION SUMMARY AND ANALYSIS

870 responses were received in total: 307 from organisations, 367 from individuals responses and 196 identical campaign responses.

### Headteachers' Charter

#### *Support*

A number of responses highlight broad support for headteachers being empowered as lead decision makers within their school. However a number of respondents suggested that many elements of the proposed Headteachers' Charter are already in place in schools and that the proposed level of decision making power does not need to be enshrined in law.

There is acknowledgement that headteachers know the main strengths and areas for development within their school and that these can be addressed through:

- Greater flexibility being provided to choose the team/staffing structure within the school;
- Greater autonomy over spending/budget to allow headteachers to address the individual issues that affect their school; and
- Headteacher autonomy to allow decisions to be made at the level closest to the school community and address local needs.

#### *Concerns*

Whilst there are a large number of positive answers to the questions on the Headteachers' Charter, a number of areas of concern were highlighted. A key issue throughout the responses is the impact which increasing decision-making power may have on headteacher workload; this may in turn lessen their focus on their core role of teaching and learning or have an impact on the perceived attractiveness of the role.

Other key concerns that have been highlighted are:

- Greater risk of inconsistency across Scotland (both in terms of quality or capability of individual headteachers and in terms of increased disparity in education outcomes across schools, local authorities or Regional Improvement Collaborative areas);
- Risk that decision-making power relating to recruitment could be focused on personal or budgetary concerns rather than on meeting education needs;
- Concern about reduced accountability or oversight of headteacher decision making; and
- The need for more inclusive decision-making, including the wider school community (i.e. teachers, parents, and pupils) rather than focusing exclusively on headteachers.

#### *Other Issues*

An additional key theme throughout the responses is the need for significant development of the support provided to headteachers to allow them to fully exercise the proposed duties and for further clarity on:

- The impact on existing SNCT and LNCT arrangements and with regard to the processes for redeployment of staff and allocation of probationary teachers;
- The roles and responsibilities of the Regional Improvement Collaboratives, local authorities, headteachers themselves and other relevant organisations; and
- The ongoing role of local authorities as providers of support and advice to headteachers, particularly on their new or increased duties (including the HR and recruitment processes and dealing with finance and business management).

Responses also note the need for robust training and development for headteachers and a support network to assist headteachers who are either new to the role or are struggling with increased responsibility.

## **Parental and Community Engagement**

### *Support*

Around half of respondents opted to provide input to the questions on Parental and Community Engagement and more than half of those who did so were positive about the proposals. The key theme to emerge was the need for further clarification and detail. There is agreement that headteachers and teachers cannot do everything, and that parental engagement and participation can lead to better educational outcomes. However, many responses also suggested that since schools already involved parents in decisions no legislative change was necessary.

Key concerns highlighted are:

- The need to address parental responsibility for children's behaviour;
- The need to ensure that the professionalism of staff is not undermined by parental demands;
- A small proportion of respondents noted that a lack of parental understanding can make it difficult to make an informed choice and that parents should not, therefore, have a say in substantive matters relating to curriculum design or improvement planning;
- Additional work may need to be done to encourage single parents or parents who work full-time to participate; and
- Diversity needs to be addressed by engaging with a wider parental group and by ensuring that parent councils are representative of the wider parental community.

## **Pupil Participation**

### *Support*

There is wide support across all respondents for the principles of pupil participation and a belief that this should be an expectation and a right. Again, some respondents indicated that this is already happening in many schools and so should not need to be legislated for.

Benefits of pupil participation which were highlighted include:

- Pupils respond positively to being empowered with decision-making relating to learning;
- Educators will be better able to understand issues from a pupil perspective; and
- A greater focus on citizenship and wider achievement for young people.

There was also a degree of support for pupil participation to be a general duty which schools can apply flexibly rather than having particular methods or approaches prescribed. It was suggested that this would allow for innovative approaches to be trialled or for less prescriptive methods to be employed by smaller or more remote schools.

### *Concerns*

A significant number of respondents, including many who are supportive of pupil participation, felt that this should not be included in the Bill. Reasons for this position include:

- Pupil participation should be meaningful and the proposals could be considered tokenistic or a mere box ticking exercise;
- Pupil participation already exists through a number of other channels including student councils, youth councils, and the Youth Parliament; and
- Pupils often do not have the educational expertise to make informed decisions which could lead to decisions being made that could be detrimental to their education.

## **Regional Improvement Collaboratives**

A key theme emerging from the responses, particularly from rural authorities, is that there is support for the sharing of best practice and resources. However there is some concern that:

- It should not be mandatory for local authorities to collaborate since this will not in itself create collaboration;
- The geography of the Regional Improvement Collaboratives (RICs) was questioned, with disparity in size and the broad geographical coverage of some areas seemingly at odds with the policy direction of making decisions at the school level; and
- The RICs will create an additional layer of bureaucracy.

With regard to reporting, the need for transparency is clearly presented in a large number of responses. However, annual reporting is not supported as widely, with many people suggesting that this will simply become a bureaucratic exercise with no real value.

## **Education Workforce Council**

### *Support*

A higher number of respondents agreed than disagreed that the aims of the establishment of the Education Workforce Council (EWC) were appropriate. There is support throughout the responses for the purpose and aims of the EWC with attention being brought to the benefits of a body that ensures high standards for all educational professionals. Comments included:

- An independent body could ensure commitment to ongoing professional development;
- All education professionals being included in one professional body would result in all staff involved in education feeling valued; and
- A professional body encompassing all educational professionals would recognise that learning takes place across communities and schools.

It was also suggested that the proposed body could ensure that the standards of Initial Teacher Education remain high, ensuring high calibre teachers and headteachers are available.

### *Concerns*

Although support exists for the purpose and aims of the EWC, a number of responses did not support this and felt that GTCS should continue in its current form alongside bodies such as SSSC and CLDSC, citing key themes such as:

- Including other educational professionals in the same professional body would belittle the professional standing of teaching in Scotland;
- A professional body amalgamating all educational professionals and regulating multiple professional standards would be too big and unwieldy; and
- There is a lack of detail on the potential impact of the EWC on other professional bodies such as CLDSC and SSSC.

There is feeling among some groups of respondents that GTCS should remain the professional standards body for the teaching profession in Scotland.

---

**From:** [REDACTED – 38(1)(b)]

**Sent:** 24 April 2018 14:55

**To:** Deputy First Minister and Cabinet Secretary for Education and Skills [REDACTED – 38(1)(b)]

**Cc:** Minister for Childcare and Early Years [REDACTED – 38(1)(b)] Lord Advocate [REDACTED – 38(1)(b)] DG Education, Communities & Justice [REDACTED – 38(1)(b)] Robertson FMG (Fiona) (Director of Learning) [REDACTED – 38(1)(b)] Bruce A (Andrew) [REDACTED – 38(1)(b)] Griffin J (Joe) [REDACTED – 38(1)(b)] Hicks C (Clare) [REDACTED – 38(1)(b)] McAllister C (Colin) [REDACTED – 38(1)(b)]

**Subject:** URGENT - Education Bill - Headteacher Accountability / Parental Involvement and Engagement Provisions

Please find attached a 5 page submission plus two annexes in relation to the above.



A20273333.obr



A20273333#2.d...

[REDACTED – 38(1)(b)]

*Working pattern: I do not work Mondays. E-mails will be read Tuesday morning.*



year of young people  
bliadhna na h-òigridh  
2018



**From:** [REDACTED – 38(1)(b)]

**Sent:** 25 April 2018 09:51

**To:** Deputy First Minister and Cabinet Secretary for Education and Skills [REDACTED – 38(1)(b)]

**Cc:** Minister for Childcare and Early Years [REDACTED – 38(1)(b)] Minister for Further Education, Higher Education and Science [REDACTED – 38(1)(b)] DG Education, Communities & Justice [REDACTED – 38(1)(b)] PS/Education Scotland [REDACTED – 38(1)(b)] Robertson FMG (Fiona) (Director of Learning) [REDACTED – 38(1)(b)] Hicks C (Clare) [REDACTED – 38(1)(b)] Bruce A (Andrew) [REDACTED – 38(1)(b)] Logan G (Graeme) [REDACTED – 38(1)(b)] Wilson M (Mick) [REDACTED – 38(1)(b)] Paterson J (John) [REDACTED – 38(1)(b)] Communications DFM & Education [REDACTED – 38(1)(b)] McAllister C (Colin) [REDACTED – 38(1)(b)] FM Policy Team Mailbox [REDACTED – 38(1)(b)]

**Subject:** Education Bill - Submission to DFM - Publication of Consultation Analysis

[REDACTED – 38(1)(b)]

As previously discussed, please see attached submission on the proposals for publication of the independent analysis of the *Empowering Schools: A consultation on the provisions of the Education (Scotland) Bill*. It would be helpful if we are able to receive a response by Thursday 26 April 2018 in order to meet the public commitment for publication in April.

#### Submission



Education Bill -  
Submission to...

#### Final Draft Analysis Report



Education  
(Scotland) Bill - ...

Kind regards

[REDACTED – 38(1)(b)]



**gov.scot**



**I AM AN ALLY**

Please consider the environment before printing

**From:** [REDACTED – 38(1)(b)]

**Sent:** 16 May 2018 14:44

**To:** Deputy First Minister and Cabinet Secretary for Education and Skills [REDACTED – 38(1)(b)]

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

**Subject:** Education Bill - advice for DFM on timing of decision making and introduction

[REDACTED – 38(1)(b)]

You asked for further advice on the timing of DFM's decision about the content and introduction of the Education Bill:

- [REDACTED – 30(b)(i)]

[REDACTED – 38(1)(b)]

Tell us how to make Scottish education even better: [www.engageforeducation.org](http://www.engageforeducation.org)

**[NOTE FROM RESPONDENT – Please note this is a draft letter that was never sent.]**

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



Scottish Government  
Riaghaltas na h-Alba  
gov.scot

F/T: [Redacted - 38(1)(b)]

Ken Macintosh MSP  
Presiding Officer  
The Scottish Parliament

By email to: [Redacted - 38(1)(b)]

June 2018

You will have seen speculation in the press this morning about my intention to make a statement to Parliament this afternoon on the Government's Education Bill. I write to assure you that this was not prompted by information shared by my office nor by my policy officials.

I spoke yesterday by telephone with **[Redacted - 30(c)]** to inform **[Redacted - 30(c)]**, in the strictest confidence, that I intended to address Parliament on Tuesday afternoon. I considered this necessary given the detailed negotiations which my officials had undertaken with local government in recent months to build consensus on the content and implementation of the Education Bill. The Director General for Education, Communities and Justice, Paul Johnston, had a similar confidential conversation with **[Redacted - 30(c)]**

I and my officials have taken great care to respect parliamentary protocol in this matter and, while we had prepared a communications strategy to deal with media enquiries following my statement, this fully respected the primacy of Parliament. We have only responded to press enquiries on a reactive basis.

**JOHN SWINNEY**

St Andrew's House, Regent Road, Edinburgh EH1 3DG  
www.gov.scot



**From:** [REDACTED – 38(1)(b)]

**Sent:** 23 May 2018 13:35

**To:** Deputy First Minister and Cabinet Secretary for Education and Skills [REDACTED – 38(1)(b)]

**Cc:** Minister for Further Education, Higher Education and Science [REDACTED – 38(1)(b)] DG Education, Communities & Justice [REDACTED – 38(1)(b)] Robertson FMG (Fiona) (Director of Learning) [REDACTED – 38(1)(b)] Hicks C (Clare) [REDACTED – 38(1)(b)] McAllister C (Colin) [REDACTED – 38(1)(b)]

**Subject:** Education Bill: Expansion of GTCS Governance Arrangements Submission

Hi [REDACTED – 38(1)(b)]

Please find attached submission in response to the email below. The submission provides the DFM with further detail [REDACTED - 30(b)(ii)]

DFM is invited to consider the options set out in Annex A.

Many thanks

[REDACTED – 38(1)(b)]

**From:** [REDACTED – 38(1)(b)] **On Behalf Of** Deputy First Minister and Cabinet Secretary for Education and Skills

**Sent:** 18 May 2018 10:15

**To:** Hicks C (Clare); Deputy First Minister and Cabinet Secretary for Education and Skills

**Cc:** [REDACTED – 38(1)(b)] Robertson FMG (Fiona) (Director of Learning); [REDACTED – 38(1)(b)]

**Subject:** RE: Education (Scotland) Bill - Submission - Bill Pack Clearance

Clare,

DFM has requested that you revert to original draft and then discuss during 3 week period

Thanks

[REDACTED – 38(1)(b)]

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)

**From:** Hicks C (Clare)

**Sent:** 18 May 2018 06:27

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

**Cc:** [REDACTED – 38(1)(b)] Robertson FMG (Fiona) (Director of Learning); [REDACTED – 38(1)(b)]

**Subject:** RE: Education (Scotland) Bill - Submission - Bill Pack Clearance

**Importance:** High

DFM

Thank you for this response. [REDACTED - 30(b)(ii)]

Secondly, on the GTCS change you instruct below: in order to restate the current governance arrangements in primary legislation - in effect maintaining the status quo, I wanted to ensure we provided you with advice on what this would mean.

Along with maintaining the elected teacher voice [REDACTED - 30(b)(ii)] it also entails repeating the nominated members - see below:

**. Nominated members**

The 11 nominated members are to be comprised of the following:—

- (a) 3 individuals nominated by the Convention of Scottish Local Authorities (following consultation with the Association of Directors of Education in Scotland);
- (b) 3 individuals nominated by Universities Scotland (following consultation with institutions providing recognised teaching qualifications for individuals seeking registration as either school teachers or further education teachers);
- (c) 1 individual nominated by the governing bodies of institutions in the further education sector;
- (d) 1 individual nominated by the Scottish Council of Independent Schools;
- (e) 1 individual nominated by the Church and Society Council of the General Assembly of the Church of Scotland;
- (f) 1 individual nominated by the Scottish Hierarchy of the Roman Catholic Church;
- (g) 1 individual nominated by a body representative of Parent Councils and Combined Parent Councils.

*SSI 2011/215 Page 21*

[REDACTED - 30(b)(ii)]

Clare

**From:** Deputy First Minister and Cabinet Secretary for Education and Skills [REDACTED - 38(1)(b)]

**Date:** Thursday, 17 May 2018, 8:54 am

**To:** [REDACTED - 38(1)(b)] First Minister [REDACTED - 38(1)(b)] Deputy First Minister and Cabinet Secretary for Education and Skills [REDACTED - 38(1)(b)]

**Cc:** Cabinet Secretary for Finance and the Constitution [REDACTED - 38(1)(b)] Minister for Childcare and Early Years [REDACTED - 38(1)(b)] Minister for Further Education, Higher Education and Science [REDACTED - 38(1)(b)] Minister for Parliamentary Business [REDACTED - 38(1)(b)] DG Scottish Exchequer Mailbox [REDACTED - 38(1)(b)] DG Organisational Development & Operations [REDACTED - 38(1)(b)] DG Education, Communities & Justice [REDACTED - 38(1)(b)] PS/Education Scotland [REDACTED - 38(1)(b)] Robertson FMG (Fiona) (Director of Learning) [REDACTED - 38(1)(b)] Hicks C (Clare) [REDACTED - 38(1)(b)] Bruce A (Andrew) [REDACTED - 38(1)(b)] Logan G (Graeme)

[REDACTED – 38(1)(b)] Wilson M (Mick) [REDACTED – 38(1)(b)] Paterson J (John) [REDACTED – 38(1)(b)] Communications DFM & Education [REDACTED – 38(1)(b)], McAllister C (Colin) [REDACTED – 38(1)(b)] FM Policy Team Mailbox [REDACTED – 38(1)(b)], Young I (Ian) [REDACTED – 38(1)(b)] Gorman G (Gayle) [REDACTED – 38(1)(b)]

**Subject:** RE: Education (Scotland) Bill - Submission - Bill Pack Clearance

[REDACTED – 38(1)(b)]

Thank you for the pack and apologies for the delay in getting back to you.

[REDACTED - 30(b)(ii)]

Many thanks

[REDACTED – 38(1)(b)]

---

**From:** [REDACTED – 38(1)(b)]

**Sent:** 11 May 2018 15:13

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

**Cc:** Cabinet Secretary for Finance and the Constitution; Minister for Childcare and Early Years; Minister for Further Education, Higher Education and Science; Minister for Parliamentary Business; DG Scottish Exchequer Mailbox; DG Organisational Development & Operations; DG Education, Communities & Justice; PS/Education Scotland; Robertson FMG (Fiona) (Director of Learning); Hicks C (Clare); Bruce A (Andrew); Logan G (Graeme); Wilson M (Mick); [REDACTED – 38(1)(b)] Communications DFM & Education; McAllister C (Colin); FM Policy Team Mailbox; [REDACTED – 38(1)(b)] Gorman G (Gayle)

**Subject:** Education (Scotland) Bill - Submission - Bill Pack Clearance

Resubmitted to correct Mailbox.

PS/First Minister

PS/Deputy First Minister and Cabinet Secretary for Education and Skills

#### **EDUCATION (SCOTLAND) BILL – CLEARANCE**

Please find attached copies of the draft Education (Scotland) Bill and its accompanying documents, together with a brief submission.

#### **Submission**

<< File: Education (Scotland) Bill - Submission.docx >>

#### **Draft Bill**


<< File: Education (Scotland) Bill - 11 May 2018.doc >> << File: Education (Scotland) Bill - 11 May 2018 - Contents.doc >>

#### **Accompanying Documents**

<< File: Education (Scotland) Bill - Financial Memorandum#2.docx >> << File: Education (Scotland) Bill - Explanatory Notes#2.docx >>

Kind Regards

**[REDACTED – 38(1)(b)]**

 Please consider the environment before printing

**From:** [REDACTED – 38(1)(b)]

**Sent:** 03 May 2018 17:01

**To:** Deputy First Minister and Cabinet Secretary for Education and Skills [REDACTED – 38(1)(b)]

**Cc:** Minister for Further Education, Higher Education and Science [REDACTED – 38(1)(b)] DG Education, Communities & Justice [REDACTED – 38(1)(b)] Robertson FMG (Fiona) (Director of Learning) [REDACTED – 38(1)(b)] Hicks C (Clare) [REDACTED – 38(1)(b)] McAllister C (Colin) [REDACTED – 38(1)(b)] Logan G (Graeme) [REDACTED – 38(1)(b)]

**Subject:** RE: Education Reform: Expansion of GTCS

[REDACTED – 38(1)(b)]

Further advice for DFM as requested.

[REDACTED - 30(b)(i)]

[REDACTED – 38(1)(b)]

---

**From:** [REDACTED – 38(1)(b)] **On Behalf Of** Deputy First Minister and Cabinet Secretary for Education and Skills

**Sent:** 02 May 2018 18:37

**To:** [REDACTED – 38(1)(b)] Deputy First Minister and Cabinet Secretary for Education and Skills

**Cc:** Minister for Further Education, Higher Education and Science; DG Education, Communities & Justice; Robertson FMG (Fiona) (Director of Learning); Hicks C (Clare); [REDACTED – 38(1)(b)]

**Subject:** RE: Education Reform: Expansion of GTCS [REDACTED] s.38(1)(b)

Hi [REDACTED – 38(1)(b)]

Thank you for this submission.

[REDACTED - 30(b)(ii)]

*Can you please consider and provide further advice.*

*Thanks*

[REDACTED – 38(1)(b)]



---

**From:** [REDACTED – 38(1)(b)]

**Sent:** 25 April 2018 08:55

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

**Cc:** Minister for Further Education, Higher Education and Science; DG Education, Communities & Justice; Robertson FMG (Fiona) (Director of Learning); Hicks C (Clare); [REDACTED – 38(1)(b)]  
McAllister C (Colin); [REDACTED – 38(1)(b)]

**Subject:** Education Reform: Expansion of GTCS

Morning [REDACTED – 38(1)(b)],

Following discussions between the DFM and Clare Hicks last week, regarding the provisions to be included in the Education Bill in relation to the expansion of GTCS functions and proposed governance arrangements, please find attached additional advice on maintaining the integrity of the GTCS and alleviating any concerns about the dilution of teacher professionalism.

[REDACTED] s.36(1)

Many thanks

[REDACTED – 38(1)(b)]

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

From: **[REDACTED – 38(1)(b)]**  
 Learning Directorate, Education  
 Workforce Unit  
 25 April 2018

Deputy First Minister and Cabinet Secretary for Education and Skills

**EDUCATION REFORM: GENERAL TEACHING COUNCIL FOR SCOTLAND**

**Purpose**

1. To provide DFM with recommendations, following discussions with Clare Hicks last week, regarding the provisions to be included in the Education Bill in relation to the expansion of GTCS functions and proposed governance arrangements, which are aimed at maintaining the integrity of the GTCS and alleviating any concerns about the dilution of teacher professionalism.

**Priority**

2. **Urgent** – drafting of the Education Bill is now at a critical stage. Securing a position for these provisions is now urgent to ensure Bill timetable commitments are met.

**Range of education professionals to be included in the expansion of GTCS functions**

**[Redacted – 30(b)(i)]**

10. DFM is invited to consider and agree the recommendations made above.

**[REDACTED – 38(1)(b)]**  
 Learning Directorate, **[REDACTED – 38(1)(b)]**

25 April 2018

Copy List:	For Action	For Comments	For Information		
			Portfolio Interest	Constit Interest	General Awareness
Minister for Further Education, Higher Education and Science			X		

DG Learning, Justice and communities  
 Fiona Robertson, Director for Learning  
 Clare Hicks, Deputy Director for People and Infrastructure  
**[REDACTED – 38(1)(b)]**  
 Graeme Logan, Deputy Director Strategy and Performance

[REDACTED – 38(1)(b)]  
John Paterson, SGLD  
[REDACTED – 38(1)(b)]

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

**Sent:** 26 June 2018 11:52

**To:** Deputy First Minister and Cabinet Secretary for Education and Skills [REDACTED - 38(1)(b)]

**Cc:** Hicks C (Clare) [REDACTED - 38(1)(b)] Robertson FMG (Fiona) (Director of Learning) [REDACTED - 38(1)(b)] Johnston P (Paul) [REDACTED - 38(1)(b)] DG Education, Communities & Justice [REDACTED - 38(1)(b)]

**Subject:** RE: Letter to the Presiding Officer

[REDACTED - 38(1)(b)]

Draft letter for DFM to send to the Presiding Officer attached as requested.

<<Letter to Presiding Officer 26.06.18.docx>>

[REDACTED - 38(1)(b)]

Tell us how to make Scottish education even better: [www.engageforeducation.org](http://www.engageforeducation.org)

---

**From:** [REDACTED - 38(1)(b)] **On Behalf Of** Deputy First Minister and Cabinet Secretary for Education and Skills

**Sent:** 26 June 2018 10:38

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

**Cc:** Deputy First Minister and Cabinet Secretary for Education and Skills [REDACTED - 38(1)(b)]

**Subject:** Letter to the Presiding Officer

Clare,

Looking for some help please.

The DFM has asked that a letter is drafted to the Presiding Officer regarding the communication with COSLA on the Bill please

[REDACTED – out of scope]

Many thanks

[REDACTED - 38(1)(b)]

---

**From:** [REDACTED – 38(1)(b)]

**Sent:** 03 April 2018 15:19

**To:** Deputy First Minister and Cabinet Secretary for Education and Skills [REDACTED – 38(1)(b)]

**Cc:** Minister for Further Education, Higher Education and Science [REDACTED – 38(1)(b)] DG Education, Communities & Justice [REDACTED – 38(1)(b)] Robertson FMG (Fiona) (Director of Learning) [REDACTED – 38(1)(b)] Hicks C (Clare) [REDACTED – 38(1)(b)] Logan G (Graeme) [REDACTED – 38(1)(b)] McAllister C (Colin) [REDACTED – 38(1)(b)]

**Subject:** OFFICIAL SENSITIVE: EDUCATION REFORM: GTCS

Hi [REDACTED – 38(1)(b)],

As discussed with [REDACTED – 38(1)(b)] on Thursday please find attached submission offering additional advice for DFM regarding the proposed expansion of the GTCS, specifically how teacher professionalism will be retained, and to seek clearance on the range of education professionals that should be included in the expansion of GTCS functions.

I'm aware that DFM may be around tomorrow and officials would be happy to discuss if that would be helpful.



GTCS additional  
advice.docx

Many Thanks

[REDACTED – 38(1)(b)]

**From:** [REDACTED – 38(1)(b)]

**Sent:** 03 May 2018 17:39

**To:** Deputy First Minister and Cabinet Secretary for Education and Skills [REDACTED – 38(1)(b)]

**Cc:** Minister for Childcare and Early Years [REDACTED – 38(1)(b)] Minister for Further Education, Higher Education and Science [REDACTED – 38(1)(b)] DG Education, Communities & Justice [REDACTED – 38(1)(b)] PS/Education Scotland [REDACTED – 38(1)(b)] Robertson FMG (Fiona) (Director of Learning) [REDACTED – 38(1)(b)] Hicks C (Clare) [REDACTED – 38(1)(b)] Bruce A (Andrew) [REDACTED – 38(1)(b)] Logan G (Graeme) [REDACTED – 38(1)(b)] Wilson M (Mick) [REDACTED – 38(1)(b)] SGLD School Education [REDACTED – 38(1)(b)] Communications DFM & Education [REDACTED – 38(1)(b)] McAllister C (Colin) [REDACTED – 38(1)(b)] FM Policy Team Mailbox [REDACTED – 38(1)(b)]

**Subject:** Submission - Education (Scotland) Bill - Financial Memorandum - updated

[REDACTED – 38(1)(b)]

As discussed, please find attached an updated version of the Financial Memorandum for the Education Bill which provides a more defensible position with regard to the anticipated costs of providing business management support to schools (I'm grateful to [REDACTED – 38(1)(b)] for developing this).

In addition to his views on the Memorandum overall, I should be grateful if DFM would indicate (a) whether he is content with the revised text at paragraphs 17 to 21; and (b) whether he wishes to include the illustrative costings in the final sentence of paragraph 21.

Thanks

[REDACTED – 38(1)(b)]

**From:** [REDACTED – 38(1)(b)]

**Sent:** 24 April 2018 18:57

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

**Cc:** Minister for Childcare and Early Years; Minister for Further Education, Higher Education and Science; DG Education, Communities & Justice; PS/Education Scotland; Robertson FMG (Fiona) (Director of Learning); Hicks C (Clare); Bruce A (Andrew); Logan G (Graeme); Wilson M (Mick); [REDACTED – 38(1)(b)] SGLD School Education; [REDACTED – 38(1)(b)] Communications DFM & Education; McAllister C (Colin); FM Policy Team Mailbox

**Subject:** Submission - Education (Scotland) Bill - Financial Memorandum

[REDACTED – 38(1)(b)]

Please find attached the draft Financial Memorandum for the Education (Scotland) Bill along with a covering submission. It would be helpful if were able to receive a response by Friday (27 April).

[REDACTED – 38(1)(b)]

Tell us how to make Scottish education even better: [www.engageforeducation.org](http://www.engageforeducation.org)

From: [REDACTED – 38(1)(b)]  
Learning Directorate, Education  
Workforce Unit  
03 April 2018

Deputy First Minister and Cabinet Secretary for Education and Skills

## **EDUCATION REFORM: GENERAL TEACHING COUNCIL FOR SCOTLAND**

### **Purpose**

1. To provide DFM with further advice regarding the proposed expansion of the GTCS, specifically how teacher professionalism will be retained, and to seek clearance on the range of education professionals that should be included in the expansion of GTCS functions.

### **Priority**

2. **Urgent** – drafting of the Education Bill is currently under way. Securing a position for this provision is now urgent to ensure Bill timetable commitments are met.

### **Background**

3. Following my submission of the 6 March I am aware that there remains a concern that expanding the GTCS to regulate other educational professionals could be seen as diluting teacher professionalism. As DFM is aware we are proposing that the scope of the expansion is kept tight to those directly involved in teaching and learning. The proposal, which has been discussed at length with the GTCS, would be to register and regulate college lecturers and support staff, Instrumental Music Instructors and additional support for learning support workers/classroom support workers (classroom assistants).

4. The main area of concern, particularly for the teacher unions, seems to be a perception that registering classroom assistants will dilute teacher professionalism due to the fact that these individuals do not have any qualification requirements and therefore should not be classed as 'professionals' in the same way that teachers are.

### **Classroom assistants**

5. There are over 10,000 individuals working in classrooms across Scotland who carry out various roles to support children and young people in their learning, often the most vulnerable. There is currently no requirement for classroom assistants to be registered or regulated yet they perform an important support role to teachers. Therefore, it has been proposed that the GTCS should expand its role and functions to register and regulate this workforce as part of the Education Bill provisions.

6. There would be advantages in asking GTCS to assume this function, including supporting greater coherence and ensuring the full range of education professionals have the support, skills and expertise required to do their job effectively, developing



core professional standards offering consistency for the workforce and employers, providing opportunities for meaningful professional dialogue and professional learning using shared language and values, and enhanced professionalism for this part of the workforce. GTCS has confirmed that while it has powers to register classroom assistants (as a sub-set of the teacher register) current legislation does not empower them to 'regulate' any other education professionals, so many of these benefits could not be realised without changes to legislation.

7. These benefits need to be balanced against the main concern coming from the teacher unions that registering classroom assistants will dilute teacher professionalism. There is also a risk, highlighted by ADES, that up-skilling this part the workforce to meet national standards may result in a call for a review of pay and conditions from this sector, with potential impact on local authority budgets over time.

### **Changes to GTCS governance which would retain teacher professionalism**

8. As set out in the 6 March submission, expanding the GTCS to register and regulate a wider range of education professionals provides an opportunity to alter the current governance arrangements in a way which will ensure teacher professionalism is retained within the organisation.

9. The proposal is that, sitting under an overarching strategic Board, separate Councils are established to represent the interests of registrants under each of the new registration categories. These Councils would be made up of representation from the relevant parts of the workforce. Therefore, a separate 'Teacher Council' would still exist to ensure a separate teacher identity as part of the wider education workforce that would be covered by the GTCS expansion.

### **Other professionals**

10. There have been no significant concerns raised about the other professional we propose to include within the expansion of GTCS functions - College Lecturers and support staff and Instrumental Music Instructors. While it is not currently a legal requirement for Further Education lecturers to be registered with GTCS, the position of introducing mandatory registration has been in the public domain for a number of months. The EIS are supportive of this position and have issued a supportive statement stating that "The EIS supports the holding of TQFE status and compulsory GTCS registration for FE lecturers. We believe both to be an important means of enhancing the professional esteem of FE lecturing and maintaining high standards". The GTCS is also currently running a pilot scheme to register Instrumental Music Instructors which was agreed by GTCS Council.

### **Recommendation**

**11. Is DFM content to include classroom assistants in the expanded functions of GTCS, alongside College Lecturers and support staff, and Instrumental Music Instructors.**

**[REDACTED – 38(1)(b)]**

Copy List:	For Action	For Comments	For Information		
			Portfolio Interest	Constit Interest	General Awareness
Minister for Further Education, Higher Education and Science			X		

DG Learning, Justice and communities  
 Fiona Robertson, Director for Learning  
 Clare Hicks, Deputy Director for People and Infrastructure  
**[REDACTED – 38(1)(b)]**  
 Colin McAlister, Special Advisor  
**[REDACTED – 38(1)(b)]**  
 Graeme Logan, Deputy Director Strategy and Performance  
**[REDACTED – 38(1)(b)]**  
 John Paterson, SGLD  
**[REDACTED – 38(1)(b)]**

From: [REDACTED – 38(1)(b)]  
Learning Directorate  
24 April 2018

Deputy First Minister and Cabinet Secretary for Education and Skills

## EDUCATION (SCOTLAND) BILL 2018 – FINANCIAL COSTS AND IMPLICATIONS

### Purpose

1. This note sets out the proposed financial implications of the forthcoming Education Bill and seeks your approval to provide the draft Financial Memorandum, attached separately, to Minister for Finance for his consideration.

### Priority

2. **Urgent.** To meet the commitment to a Year 2 Bill it is necessary for the Bill to be submitted to parliament no later than 18 May 2018 with formal introduction scheduled for 12 June 2018. To allow for appropriate clearance with Minister for Finance a response **by Friday 27 April** is sought.

### Costs of Bill Provisions

#### *Headteachers' Charter*

3. In order to ensure sufficient support for headteachers it will be necessary to **revise and enhance the existing national offer of leadership support** from Scottish College for Educational Leadership (SCEL) now an integral part of Education Scotland. It is anticipated that the additional cost of developing and delivering an enhanced leadership support package for existing and aspiring headteachers will be up to **£4 million** over three years as a combination of one off and recurring costs.

4. The Bill will impose a duty on local authorities to provide support to headteachers in discharging their functions under the Charter. Officials consider that **additional business management support** will be required to support a culture of empowered school level decision making and to provide capacity and expertise to support headteachers in carrying out their functions under the Charter. The Bill will not prescribe a specific model of business management support and it is expected that schools and local authorities will work together to determine the form and level of support required. This approach, and the lack of reliable information about existing provision and future need, makes it challenging to set out with certainty the financial implications of providing additional support: this will vary depending on the model adopted.

5. [REDACTED – 30(b)(i)]

6. It should also be noted that many schools currently have access to a business manager, provision for which was supported by baselined central government funding following the McCrone Report in 2001. However, while national data on the

prevalence of business management support is not available anecdotal evidence indicates that the level of support is currently very variable across Scotland.

7. We consider that an estimated additional cost of **£12m to £16m** in relation to the Bill is justified on the basis that the most expensive model of provision need not be used in every case, that some existing provision is already being made by local authorities and that some schools may need less support owing to their size. The net effect of the additional funding provided in relation to the Bill will be to fill the gaps in current provision and ensure that business management support is available to all schools at a sufficient level to support the additional Headteacher responsibilities.

#### *Regional Improvement Collaboratives*

8. RICs have been established without additional funding but, in developing their initial plans, all RIC leads have indicated that in order to provide the support for improvement envisaged in the Joint Steering Group on Regional Improvement Collaborative for Education additional funding will be required. Additional costs primarily fall on Scottish Government with some shared costs with Local Authorities. In addition Education Scotland has indicated their intention to identify a range of additional dedicated staff to support the Collaboratives.

9. The costs of providing the new Regional Improvement Collaboratives with appropriate leadership, administrative, analytical and expert educational support, at a level which represents additionality above existing provision by local government and Education Scotland, is currently estimated to be in the region of **£3.7 million** annually. This calculation is based on a number of assumptions about the need for and cost of support which are considered reasonable but which cannot be properly tested in advance of agreed regional improvement plans. These figures will be reviewed during the parliamentary progress of the Bill in light of the plans as they are finalised and implemented.

**You are invited to agree that RIC costs are included in the Financial Memorandum at a strategic level and that further discussion with Education Scotland and Local Government takes place about where they fall, with further advice provided in due course.**

#### *Parental and Community Engagement*

10. It is expected that the provisions in the Bill relating to the strengthening and improving of existing legislation will result in the need to update and amend statutory and best practice guidance. We anticipate the cost of developing and rolling out training and support material will be **£170,000** over three years (non-recurring).

#### *Pupil Participation*

11. In order to support the improvements in practices and approaches it will be necessary to produce additional advice and guidance at both national and regional levels. The cost associated with refreshing core guidance and developing support materials is anticipated to be **£90,000** over two years (non-recurring).

*Expansion of the General Teaching Council for Scotland*

**[REDACTED – 30(b)(i)]**

12. It should be noted that the GTCS is an independent self-sustaining body predominantly funded by registration fees and there is no intention to change that. However, it may take some time for fees from additional education professionals to reach a point where they can predominantly fund the expanded body and some Scottish Government support may be required until that point.

**2018-19 Education Reform Budget**

13. You will be aware that you have currently allocated £4m for Education Reform within the 2018-19 budget process: £1m from Education Scotland's budget and £3m from Learning Directorate's budget. Advice on the proposed allocation of this funding will be provided separately.

**Conclusion**

14. **The total annual cost of the provision within the current draft of the Education (Scotland) Bill is, therefore, anticipated to be between [REDACTED – 30(b)(i)]** depending on the range applied to the Headteachers Charter business management support element.

**Recommendation**

15. You are invited to:

- **agree the approach to the calculation and presentation of costs in the Financial Memorandum as set out above.**
- **agree that Regional Improvement Collaborative costs are included in the Financial Memorandum at a strategic level and that further discussion continues with Education Scotland and Local Government about where those costs fall, with further advice provided in due course.**
- **agree the draft Financial Memorandum.**

**[REDACTED – 38(1)(b)]**

Learning Directorate  
24 April 2018

Copy List:	For Action	For Comments	For Information		
			Portfolio Interest	Constit Interest	General Awareness
Minister for Childcare and Early Years Minister for Further Education, Higher Education and Science			X X		

DG Education, Communities, and Justice  
 PS/Education Scotland  
 Fiona Robertson, Director of Learning  
 Clare Hicks, Deputy Director, Learning Directorate  
 Andy Bruce, Deputy Director, Learning Directorate  
 Graeme Logan, Deputy Director, Learning Directorate  
 Mick Wilson, Deputy Director, Education Analysis  
**[REDACTED – 38(1)(b)]**  
 Comms DFM and Education  
 Colin McAllister, Special Adviser  
 FM Policy Unit

## **Script for DFM call with Cllr McCabe on Monday 25<sup>th</sup> June – time tbc**

- Thanks for being available to take the call. Wanted to take the opportunity to discuss with you the options in front of us in advance of a parliamentary statement I intend to make tomorrow.
- The progress made over the last few months in relation to building a consensus on the principles underpinning the Education Bill has been significant and builds on earlier progress to establish the Regional Improvement Collaboratives.
- The clear joint commitment with local government to work towards an empowered school system coupled with the analysis of the consultation responses on the Education Bill and the advice of the International Council of Education Advisers has led me to reconsider the need to introduce the Education Bill to Parliament at this point.
- It is clear that there is an opportunity to make progress more quickly by working together in a spirit of consensus and collaboration than there is by waiting for the legislative cycle to complete.
- I therefore plan to consult with Cabinet tomorrow morning on the possibility of not introducing the Bill to Parliament tomorrow, but publishing it alongside our joint agreement and action plan. I would then inform parliament that Scottish Government and local government will work together with pace to deliver school empowerment through co-production. It would then be my intention to monitor our shared progress with the advice of the Scottish Education Council over the academic year.
- This approach would mean the Scottish Government taking a significant risk - and criticism for going back on a key Programme for Government pledge – but we would be investing our trust in our joint work together to deliver a more empowered system. I would therefore position the publication of the draft Bill as providing clarity about our intent and if it is judged that we have not made sufficient progress over the course of the academic year, I would return to Parliament and introduce the Bill. I hope to secure Cabinet's final agreement to this approach.
- Local government's full support to this approach and commitment to continuing our joint work as already set out in the joint agreement and action plan is key .
- As discussed when we last met, without the reliance on a parliamentary timetable we can work quickly to co-produce the Headteachers' Charter and guidance on empowerment which will deliver the empowerment we want to see. We have a plan agreed to do that.

### Next steps:

- I suggest our officials review our joint statement in advance of a Parliamentary Statement tomorrow.

## Background

- The Government's Education Review: Next Steps paper (15 June 2017) set out reforms that will create a school and teacher-led system, centred on the child. They will enable decisions that shape the education of young people to be made in classrooms, schools and establishments by people working directly with those young people, their parents and communities.
- The Education Bill will take forward a number of these reforms and address the OECD's key recommendation that we strengthen the professional leadership of curriculum for excellence and support a culture of professional collaboration.
- Reforming our education system, with the goal of closing the attainment gap and improving excellence and equity remains a key priority for this Government.

## Education Bill

Decisions that shape the education of our young people will be made in classrooms, schools and establishments by people working directly with those young people, their parents and communities. The provisions to be included in the Bill will make it possible for Headteachers to fulfil their role as leaders of learning within their schools. The Bill's key themes are:

- Establishing a Headteachers' Charter to define their responsibilities as leaders of learning in schools and set out the support they can expect;
- Providing the legislative underpinning for the Regional Improvement Collaboratives;
- Improving parental and community engagement in school life and learning;
- Strengthening the voice of children and young people, promoting and supporting pupil participation; and
- Expanding the General Teaching Council for Scotland to register other education professionals.

## Consultation and Analysis

Consultation on education reform was launched by DFM on Tuesday 7 November. It ran for 12 weeks, and closed on the 30 January receiving 870 responses from a wide range of organisations and individuals – including 196 identical responses which were received as part of a campaign response. Non-confidential responses were published on the Scottish Government consultation website on 27 February 2018.

Independent analysis of the consultation responses is being carried out by *Why? Research* and the final report was published 30 April 2018 on the Scottish Government Website. Responses suggested that there is general support for the principles of the Education Reform policies but no overall consensus on the most appropriate method to take them forward with the need for legislation questioned by some respondents.

## Headteachers' Charter

- Scottish Government's plan is to establish a Headteachers' Charter which will set out the rights and responsibilities of headteachers that will empower them to be leaders of learning and teaching in their schools. It will give them greater freedom in relation to curriculum, improvement, staffing and funding.
- Headteachers are best placed to make decisions about how learning happens in their schools. They should be able to work with their school community to lead curricular design that meets the needs of their pupils; to plan and implement school improvement; and to choose their team.
- When filling vacancies, headteachers will be expected to consider staff being redeployed by the local authority (this can happen for a number of reasons) but will not be obliged to appoint them.
- Schools will not become employers. Headteachers will be expected to cooperate with the local authority in its continuing role as employer of all staff in schools.



- Headteachers will receive high quality curricular and improvement support from local authorities and Education Scotland working collaboratively in the Regional Improvement Collaboratives.

### Regional Collaboration

- The reforms will support a culture of collaboration between teachers, between schools and between local authorities.
- We will establish the legislative underpinning for Regional Improvement Collaboratives to ensure consistent, high quality support and improvement to schools, headteachers and teachers.
- Local Authorities will work with one another and with national agencies to support improvement on a regional basis. Regional Improvement Leads have been appointed by all 6 Collaboratives.
- Local Authorities will continue to be responsible for providing high quality education support services to schools, supporting headteachers to make decisions.

### Parental and Pupil Engagement

- Scottish Government recognise that participation of parents and children in schools, and the wider education system, is crucial to drive improvement.
- The Bill will expand and improve parental involvement in response to the National Parent Forum of Scotland's review of the Scottish Schools Parental Involvement Act 2006.
- The reforms will strengthen the voice of children and young people by requiring all schools to promote and support pupil participation.

### Expansion of GTCS

- At present, other professionals in the education workforce, such as college lecturers and instrumental music instructors, are not required to register with a standard setting body.
- The Bill will expand professional registration to a wider range of staff will encourage all staff groups to engage in professional learning, collaborative working and the sharing of best practice.

«PROTECTIVE MARKING»

From: [REDACTED – 38(1)(b)]

Learning Directorate, Education  
Workforce Unit  
23 May 2018

Deputy First Minister

**EXPANSION OF THE GTCS: CHANGES TO GOVERNANCE**

**Purpose**

1. To provide the DFM with further detail and options on amending the current governance arrangement of the GTCS prior to formal introduction of the Bill to Parliament on 12 June.

**Priority**

2. **Urgent** – the draft Education Bill is currently with the Presiding Officer. Any amendments to the Bill are required to be made within the 3 week period prior to formal introduction to the Parliament (12 June).

**Background**

3. The Education Bill, as submitted to the Presiding Officer on 18 May, seeks to expand the role and remit of the GTCS to register and regulate Instrumental Music Instructors and College Lecturers, and amend the current governance arrangements.

4. [REDACTED - 30(c)]

5. **Annex A** provides further detail on what has been submitted to the Presiding Officer and options for changes which could be considered prior to formal introduction on 12 June. Essentially we have three options:

[REDACTED - 30(b)(i)]

[REDACTED – 38(1)(b)]

23 May 2018

Copy List:	For Action	For Comments	For Information		
			Portfolio Interest	Constit Interest	General Awareness
Minister for Further Education, Higher Education and Science			x		

DG Learning, Justice and Communities

«text»

**«PROTECTIVE MARKING»**

Fiona Robertson, Director of Learning  
Clare Hicks, Deputy Director for People and  
Infrastructure  
[REDACTED – 38(1)(b)]

[REDACTED - 30(b)(i)]