

## 202100170093: INDEX OF ENCLOSURES

No.	Description	Date	Explanation of redactions	Clause
1	Word document: OECD Review of CfE - issues raised in Lib Dem debate and responses - 17 February 2021	17 February 2021	Information not in scope	-
2	Email: FMQ Brief Commission Request - Education- deadline 11am Monday 22nd February	17 February 2021 12:40	Personal information	38(1)(b)
			Information not in scope	-
2.1	Attachment: Word document		Information not in scope	-
3	Email: FW: Correspondence from Willie Rennie MSP	18 February 2021 15:13	Personal information	38(1)(b)
3.1	Attachment: PDF		-	-
4	Background note for PQ S5O-05054	18 February 2021 20:33	Information not in scope	-
5	Email: RE: Correspondence from Willie Rennie MSP	23 February 2021 17:59	Personal information	38(1)(b)
5.1	Attachment: PDF		See Enclosure 3.1	-
5.2	Attachment: Draft letter		Information not in scope	-
5.3	Attachment: Advice		Information not in scope	-
			Personal information	38(1)(b)
6	Email: RE: Correspondence from Willie Rennie MSP	25 February 2021 07:39	Personal information	38(1)(b)
6.1	Attachment: Email: Letter from John Swinney MSP, Deputy First Minister and Cabinet Secretary for Education and Skills	25 February 2021 07:38	Personal information	38(1)(b)
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7	FMQ Brief - Schools - Attainment - 25th February 2021	25 Feb 2021, 16:08	Information not in scope	-
8	Email: RE: FW: OECD Report into Scottish Education	26 February 2021 12:57	Personal information	38(1)(b)
			Free and frank exchange of views	30(b)(ii)
			Information not in scope	-
9	Email: FMQ Brief Commission Request - Education- deadline 11am Monday 1st March	27 February 2021, 16:55	Personal information	38(1)(b)
				-

			Information not in scope	
9.1	Attachment: Word document		Information not in scope	-
10	Email: RE: Correspondence from Willie Rennie MSP	01 March 2021 10:48	Personal information	38(1)(b)
11	Email: RE: Fols 202100159423, 202100164190 and 202100162573 and 202100159104 for technical check	04 March 2021 12:16	Personal information	38(1)(b)
			Free and frank provision of advice	30(b)(i)
			Effective conduct of public affairs	30(c)
12	Email: FMQ Brief Commission Request - Education- deadline 11am Monday 22nd February	04 March 2021 14:07	Personal information	38(1)(b)
			Information not in scope	-
12.1	Attachment: Word document		Information not in scope	-
13	Email: FW: FOIs 202100159423, 202100159104, 202100164190 and 202100162573 - for comment/clearance .	04 March 2021 15:52	Personal information	38(1)(b)
			Free and frank provision of advice	30(b)(i)
			Effective conduct of public affairs	30(c)
13.1	Attachment: Word document		Information not in scope	-
13.2	Attachment: Word document		Information not in scope	-
13.3	Attachment: Word document		Information not in scope	-
13.4	Attachment: Word document		Information not in scope	-
13.5	Attachment: Draft Submission for Ministerial Decision		Personal information	38(1)(b)
			Free and frank provision of advice	30(b)(i)
			Free and frank exchange of views	30(b)(ii)
			Effective conduct of public affairs	30(c)
13.6	Attachment: Word document		Information not in scope	-

**Enclosure 1 – Word document: OECD Review of CfE - issues raised in Lib Dem debate and responses - 17 February 2021**

[Redacted information not in scope]

**OECD INDEPENDENT REVIEW OF CFE**

**Criticism: Scottish Ministers are sitting on the OECD report until after the May elections as it contains bad news**

**Response:** In April 2020 the Scottish Government and the OECD made the unavoidable decision to delay the Review in light of the COVID pandemic and I informed parliament in April 2020 that the final report would be published in June 2021.

Scottish Government officials have been working with the OECD to ensure their report would be delivered as early as possible. The OECD accelerated their standard 2.5 months drafting process to respond to the needs of the Scottish Government and ensure that we could share draft findings prior to the pre-election period starting.

The OECD itself has said again this week that “Taking into account the current stage of the process and past experience conducting such reviews, the report will be finalised and is expected to be ready for publication in June 2021.” (From OECD press line)

The OECD will be providing a summary of draft findings in preparation for their final stakeholder engagement session in March, which will be shared with key stakeholders in advance of the event.

**Criticism: Ministers have given agencies permission to meddle with an independent report**

**Response:** The OECD has shared an early preliminary draft of their report with Scottish Government officials for the purposes of fact checking and clarification of contextual points only. This is in order to ensure the accuracy of the information they have used in it so far. The early preliminary draft report was received on 2 February 2021 and feedback provided earlier this week.

Officials have approached this task as directed by the OECD and provided clarification where we have spotted factual inaccuracies, terminology that would require clarification or areas where further contextual information is required. They have not been spending months “providing comments” as some have suggested.

This is still an early draft and is subject to further development by the OECD, following feedback from key stakeholders at their final engagement event in March.

As key national bodies in Scottish Education, with a wealth of knowledge and evidence in their respective organisations, Education Scotland, SQA and ADES have had a role in supporting the co-ordination of the review process - developing the initial evidence base and supporting the planning of engagement work - adhering to clear guidelines provided by the OECD.

**Criticism: the Scottish Government should immediately release any findings already reportedly delivered to the Scottish Ministers by the OECD**

**Response:** This is an OECD report and not for the Scottish Government to publish.

The OECD has shared an early preliminary draft of their report with Scottish Government officials for the purposes of fact checking and clarification of contextual points only – this is not a conclusive set of findings.

The OECD will be providing a summary of draft findings in preparation for their final stakeholder engagement session in March, which will be shared with key stakeholders in advance.

This has always been the intention and it was set out in the remit for the review, published in February 2020 that the Scottish Government would “co-organise and participate in a seminar with stakeholders for OECD to present, and discuss and exchange the preliminary findings and gather stakeholder perspectives on actions to move forward”.

This event will provide a further opportunity for key partners and practitioners in Scotland to inform the final report. As such the OECD would not wish to publish a full draft report before this work had taken place.





Please could you send your briefing to the **ET FMQ/PQ mailbox** ([ETFMQPQ@gov.scot](mailto:ETFMQPQ@gov.scot)) **no later than 11am on Monday 22<sup>nd</sup> February** (unless another deadline has been agreed in advance with the FMQ team) Can you please ensure **only these versions** of the FMQ briefings are updated and returned to us

If a previous version of your FMQ is attached then **please update that version** and return.

If you do not have a previous FMQ attached, then a blank template is attached for reference.

[Redacted information not in scope]

You can also find further guidance at the following link - <http://saltire/my-workplace/ministerial-preferences-and-support/best-practice/Pages/Preparing-FMQs.aspx>

**If you no longer need to be included on the regular commission emails for this DG area please do let us know so we can update the mailing list.**

Thank you in advance for your contribution and if you have any questions please get in touch with either [Redacted s38(1)(b)] (ext [Redacted s38(1)(b)]), [Redacted s38(1)(b)] (ext [Redacted s38(1)(b)]), [Redacted s38(1)(b)] (ext [Redacted s38(1)(b)]) or [Redacted s38(1)(b)] (ext [Redacted s38(1)(b)]).

If you have any questions about the process and deadlines, please get in touch with [Redacted s38(1)(b)] (ext 40144) or [Redacted s38(1)(b)] (ext [Redacted s38(1)(b)] ). Please note we are both currently working from home so if you need to get in touch urgently please use Skype/Teams.

<b>Attainment -</b> [Redacted s38(1)(b)], [Redacted s38(1)(b)], [Redacted s38(1)(b)]  [See Enclosure 02.1]		
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[Redacted information not in scope]

## **Enclosure 2.1 – Attachment: Word document**

[Redacted information not in scope]

### **OECD Independent Review of Curriculum for Excellence**

**ISSUE: 14 February 2020:** There has been criticism in a number of media outlets that the OECD will not publish their final report on the Independent Review of CfE until June 2021 despite the Scottish Government being in receipt of an “interim report”. The articles also claim the evidence gathering and engagement was “stage managed” by the Scottish Government and criticises the OECD for not accepting written submissions.

### **The intention has always been to share draft findings from the OECD Review**

- This intention was set out in the remit for the independent Review of Curriculum for Excellence, published on 26 February 2020
- The Deputy First Minister wrote to the Education and Skills Committee (25 November) informing them of the OECD’s stakeholder engagement event in March to do so.
- At this, draft findings will be shared with stakeholders, providing a further opportunity for key partners and practitioners in Scotland to inform the final report.
- The independent report will be published by the OECD and it would not be appropriate for Scottish Ministers to dictate when this should be.
- The Scottish Government received a draft preliminary report on 2 February 2021.
- This is purely to allow for accuracy checking and is not an opportunity to influence the content or rewrite any of the report.

### **In April 2020 the Deputy First Minister informed Parliament that due to Covid-19 restrictions it would be necessary to postpone publication of the report to June 2021.**

- The decision to postpone engagement with stakeholders and publication of the final report was agreed with national partners and the OECD.

The pandemic presented unprecedented challenges for our education system, it was critical that we did not make any additional demands on the system at this time.

[Redacted information not in scope]

**Enclosure 3 – Email: FW: Correspondence from Willie Rennie MSP**

From: [Redacted s38(1)(b)]@gov.scot> On Behalf Of Deputy First Minister and Cabinet Secretary for Education and Skills  
Sent: 18 February 2021 15:13  
To: Director of Learning <DirectorofLearning@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>  
Cc: [Redacted s38(1)(b)]@gov.scot>; Anson S (Sam) <Sam.Anson@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; DG Education & Justice <dgej@gov.scot>; DG Education, Communities & Justice <DGECJ@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; First Minister Covid Briefing Unit <FMcovidbriefingunit@gov.scot>; Communications DFM & Education <CommunicationsDFM&Education@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>; Minister for Children and Young People <MinisterCYP@gov.scot>; Minister for Further Education, Higher Education and Science <MinisterFEHES@gov.scot>  
Subject: FW: Correspondence from Willie Rennie MSP

Graeme and Malcom,

Please find attached a letter we have just received from Willie Rennie MSP in relation to Lib Dem Party Business yesterday.

I would be grateful advice and a response for the DFM to consider.

Many thanks  
[Redacted s38(1)(b)]

[Redacted s38(1)(b)] John Swinney MSP, Deputy First Minister and Cabinet Secretary for Education and Skills | The Scottish Government | Web: [www.gov.scot](http://www.gov.scot) | Tel: 0131 24 [Redacted s38(1)(b)] | Mob: 07 [Redacted s38(1)(b)] | Email: [DFMCSE@gov.scot](mailto:DFMCSE@gov.scot)

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

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From: [Redacted s38(1)(b)]@parliament.scot>  
Sent: 18 February 2021 13:55  
To: Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>  
Subject: Correspondence from Willie Rennie MSP

Dear John

Please find the enclosed correspondence from Willie.

Kind regards

[Redacted s38(1)(b)]

[Redacted s38(1)(b)]

[Redacted s38(1)(b)]

| Office of Willie Rennie MSP (North East Fife)

P: 0131 348 5804

M: 07[Redacted s38(1)(b)]

E: [Redacted s38(1)(b)]@parliament.scot

A: The Scottish Parliament, Holyrood, Edinburgh, EH99 1SP

[Redacted s38(1)(b)]

British Sign Language (BSL) users can contact us direct by using  
contactSCOTLAND-BSL

### **Enclosure 3.1 – Attachment: PDF**



The Scottish Parliament  
Pàrlamaid na h-Alba

**Willie Rennie**  
**Member of Scottish Parliament, North East Fife**  
**Leader of the Scottish Liberal Democrats**

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

#### **Sent by Email**

18 February 2021

Ref: A162/2021/CK

Dear John

I am writing to you to request a timetable for the Scottish Government to respond to yesterday's vote in the Scottish Parliament.

Parliament has recognised the strength of Scottish Liberal Democrat arguments and made its view clear. The Scottish Government must now acknowledge and begin work to implement the will of Parliament with Education Scotland separated into independent inspection and policy functions and reforms to ensure that the SQA is grounded in the teaching profession.

We need the organisations in charge of Scottish education to get out of the way of teachers, and in must come an education system overseen by people with current and direct teaching experience.

In this crisis teachers have been creative, dedicated, full of good ideas. They know what their pupils need. We can't say that of Education Scotland and the SQA.

What's more, in last night's debate, MSPs from a range of parties have also called for the Scottish Government to publish the OECD education report now with ministers. As Parliament made clear, leaving this document in the hands of ministers and the same organisations it is intended to critique for months of editing is not appropriate, especially when it risks such a significant report remaining unpublished until after the forthcoming election. The public deserve to have all the facts when they make up their minds. I believe that you would have the support of all parties in writing to the OECD to ask for the publication of an interim report as swiftly as possible.

Please find attached a copy of my amended motion passed by Parliament.

Yours sincerely

Willie Rennie MSP  
Leader, Scottish Liberal Democrats

The Scottish Parliament, EH99 1SP Tel: 0131 348 5804  
Email: [willie.ennie2@parliament.scot](mailto:willie.ennie2@parliament.scot)

The amended motion backed by Parliament is as follows:

That the Parliament believes that the support, services and decision-making provided by Education Scotland and the SQA have not met the expectations or requirements of hardworking teachers, pupils or parents throughout the disruption caused by the COVID-19 pandemic; recalls that serious concerns existed about the performance and structure of these organisations for years before the pandemic struck, including those expressed by Parliament in its resolution on the debate on motion S5M-04920 on 29 March 2017; considers that there is compelling evidence that neither body is fit for purpose and that they have lost the confidence of teachers, pupils and parents, and therefore calls for substantial reform as part of the recovery of education, with Education Scotland separated into independent inspection and policy functions and the SQA to be grounded in the teaching profession and made more accountable, and expresses concern about the reported involvement of both organisations and the Scottish Government in the ongoing OECD review, and, given the urgency of the matter and limited opportunity for scrutiny, and in the spirit of full transparency, calls on the Scottish Government to immediately release any findings already reportedly delivered to the Scottish Ministers by the OECD.

#### **Enclosure 4 – Background note for PQ S5O-05054**

[Redacted information not in scope]

#### **OECD INDEPENDENT REVIEW OF CURRICULUM FOR EXCELLENCE**

##### **The intention has always been to share draft findings from the OECD Review**

- This intention was set out in the remit for the independent Review of Curriculum for Excellence, published on 26 February 2020
- The Deputy First Minister wrote to the Education and Skills Committee (25 November) informing them of the OECD's stakeholder engagement event in March to do so.
- At this, draft findings will be shared with stakeholders, providing a further opportunity for key partners and practitioners in Scotland to inform the final report.
- The independent report will be published by the OECD and it would not be appropriate for Scottish Ministers to dictate when this should be.
- The Scottish Government received a draft preliminary report on 2 February 2021.
- This is purely to allow for accuracy checking and is not an opportunity to influence the content or rewrite any of the report.

##### **In April 2020 the Deputy First Minister informed Parliament that due to Covid-19 restrictions it would be necessary to postpone publication of the report to June 2021.**

- The decision to postpone engagement with stakeholders and publication of the final report was agreed with national partners and the OECD.
- The pandemic presented unprecedented challenges for our education system, it was critical that we did not make any additional demands on the system at this time.

[Redacted information not in scope]

**Enclosure 5 – Email: RE: Correspondence from Willie Rennie MSP**

**From:** Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>

**Sent:** 23 February 2021 17:59

**To:** Deputy First Minister and Cabinet Secretary for Education and Skills  
<DFMCSE@gov.scot>

**Cc:** [Redacted s38(1)(b)] McAllister C (Colin) <Colin.McAllister@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot>; DG Education & Justice <dgej@gov.scot>; DG Communities <DGCommunities@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; First Minister Covid Briefing Unit <FMcovidbriefingunit@gov.scot>; Communications DFM & Education <CommunicationsDFM&Education@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Minister for Children and Young People <MinisterCYP@gov.scot>; Minister for Further Education, Higher Education and Science <MinisterFEHES@gov.scot>; [Redacted s38(1)(b)] @gov.scot>; Anson S (Sam) <Sam.Anon@gov.scot>; Drought A (Andrew) <Andrew.Drought@gov.scot>; Wilson M (Mick) <Mick.Wilson@gov.scot>; Taylor A (Alison) <Alison.Taylor@gov.scot>; [Redacted s38(1)(b)] @gov.scot>

**Subject:** RE: Correspondence from Willie Rennie MSP

PS/DFM

Please find attached a draft response to Mr Rennie for DFM's consideration. Also attached is accompanying advice that provides an update on plans for sharing the OECD draft findings document in March. Please note that this advice has been marked as **urgent**.

Thanks  
Malcolm

**Malcolm Pentland** | Deputy Director

Curriculum, Qualifications and Gaelic Division | email: [malcolm.pentland@gov.scot](mailto:malcolm.pentland@gov.scot)

| tel:+44(0) 131 244 0047

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

Buidheann-Stiùiridh an Ionnsachaidh | Raon 2B Tuath | Cidhe Bhictòria | Dùn Èideann | EH6 6QQ

[See Enclosure 3 for remainder of email chain]

***Enclosure 5.1 – Attachment: PDF***

[See Enclosure 3.1]

**Enclosure 5.2 – Attachment: Draft letter**

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



Scottish Go  
Riaghaltas na h-Alba  
gov.scot

vernment

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

Willie Rennie MSP

**Sent by Email**

**xx** February 2021

Your Ref:  
A162/2021/CK

Dear Willie

Thank you for your letter of 18 February 2021, regarding the points raised in last week's Liberal Democrat business debate on education. I am giving careful consideration to the issues raised in the debate and the view of parliament in relation to them.

[Redacted information not in scope]

On the matter of the OECD's independent review of Scotland's curriculum, I will respond to Parliament as soon as practicable and certainly ahead of the pre-election period. You have suggested that I write to OECD to ask that they publish an interim report as swiftly as possible. I am glad that you now appear to acknowledge that the publication of any report by the OECD is a matter for the OECD and is not for the Scottish Government to determine. This independent review is being conducted by their own analysts and international experts. Their approach to considering evidence, engaging with stakeholders and the preparation of the report follows the OECD's tried and tested methodology for assessments like this.

I hope you find this response helpful.

**JOHN SWINNEY**

## **Enclosure 5.3 – Attachment: Advice**

From: Malcolm Pentland  
Learning Directorate  
23 February 2021

Deputy First Minister

### **RESPONSE TO CORRESPONDENCE FROM WILLIE RENNIE MSP AND NEXT STEPS ON THE OECD REVIEW OF SCOTLAND'S CURRICULUM**

#### **Purpose**

1. To share a draft response to Willie Rennie's letter of 18<sup>th</sup> February and to update on plans for sharing the OECD draft findings document in March.

#### **Priority**

2. **Urgent.** You may wish to respond to Mr Rennie ahead of this week's FMQs (Mr Rennie raised the OECD review at last week's FMQs).

#### **Detail**

3. Willie Rennie MSP wrote to you on 18th February following the Liberal Democrat's Parliamentary Debate on Education on 17th February. He requested a timetable for the Scottish Government to respond to the vote in the Scottish Parliament, stated that work on substantial reform of Education Scotland and the SQA should begin now and asked that you write to the OECD to ask for the publication of an 'interim report' as swiftly as possible.

[Redacted information not in scope]

4. The OECD will not publish the early preliminary draft of their report nor will they produce a separate interim report. They will, however, be providing a short (c.3-5 page) **summary of draft findings** that it is preparing for a final stakeholder engagement session in March. This will not be published on the OECD's website as their official processes do not accommodate this. Instead they intend to send us a copy of the document for the purpose of sharing with the Scottish Practitioner Forum, participants in the stakeholder event and other key stakeholder groups, including the Scottish Parliament (via SPICE).

[Redacted information not in scope]

**Malcolm Pentland**

DD Curriculum, Qualifications & Gaelic  
23 February 2021

Copy List:	For Action	For Comments	For Information		
			Portfolio Interest	Constit Interest	General Awareness
Deputy First Minister Minister for Further Education, Higher Education and Science Minister for Children and Young People	X		X X		
Permanent Secretary DG Education and Justice DG Communities Graeme Logan [Redacted s38(1)(b)] [Redacted s38(1)(b)] Sam Anson Andy Drought Mick Wilson Alison Taylor [Redacted s38(1)(b)] [Redacted s38(1)(b)] Colin McAllister Communications DFM & Education					

[Redacted information not in scope]

## **Enclosure 6 – Email: RE: Correspondence from Willie Rennie MSP**

**From:** [Redacted s38(1)(b)]@gov.scot> **On Behalf Of** Deputy First Minister and Cabinet Secretary for Education and Skills

**Sent:** 25 February 2021 07:39

**To:** Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>

**Cc:** McAllister C (Colin) <Colin.McAllister@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot>; DG Education & Justice <dgej@gov.scot>; DG Communities <DGCommunities@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>;

First Minister Covid Briefing Unit

<FMcovidbriefingunit@gov.scot>; Communications DFM & Education

<CommunicationsDFM&Education@gov.scot>; [Redacted s38(1)(b)]@gov.scot>;

Minister for Children and Young People <MinisterCYP@gov.scot>; Minister for Further Education, Higher Education and Science <MinisterFEHES@gov.scot>;

[Redacted s38(1)(b)]@gov.scot>; Anson S (Sam) <Sam.Anson@gov.scot>; Drought A

(Andrew) <Andrew.Drought@gov.scot>; Wilson M (Mick) <Mick.Wilson@gov.scot>;

Taylor A (Alison) <Alison.Taylor@gov.scot>; [Redacted s38(1)(b)]@gov.scot>

**Subject:** RE: Correspondence from Willie Rennie MSP

Hi Malcolm

DFM has noted your submission with no further comments. I have attached the letter that issued to Mr Rennie this morning.

Kind Regards

[Redacted s38(1)(b)]

[Redacted s38(1)(b)] John Swinney MSP, Deputy First Minister and Cabinet Secretary for Education and Skills | The Scottish Government | Web: [www.gov.scot](http://www.gov.scot) |

☐ 0300 24[Redacted s38(1)(b)] | Mobile: 0044 (0)7[Redacted s38(1)(b)] | Email:

DFMCSE@gov.scot | [Redacted s38(1)(b)]@gov.scot

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[See Enclosure 5 for remainder of email chain]

**Enclosure 6.1 – Attachment: Email: Letter from John Swinney MSP, Deputy First Minister and Cabinet Secretary for Education and Skills**

**From:** [Redacted s38(1)(b)]@gov.scot> **On Behalf Of** Deputy First Minister and Cabinet Secretary for Education and Skills  
**Sent:** 25 February 2021 07:38  
**To:** Willie.Rennie.msp@parliament.scot  
**Cc:** [Redacted s38(1)(b)]@parliament.scot>; Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>  
**Subject:** Letter from John Swinney MSP, Deputy First Minister and Cabinet Secretary for Education and Skills

Good morning

Please find attached a response from the Deputy First Minister.

Kind Regards

[Redacted s38(1)(b)]

[Redacted s38(1)(b)] John Swinney MSP, Deputy First Minister and Cabinet Secretary for Education and Skills | The Scottish Government | Web: [www.gov.scot](http://www.gov.scot) |  
☐ 0300 24[Redacted s38(1)(b)] | Mobile: 0044 (0)7[Redacted s38(1)(b)] | Email: DFMCSE@gov.scot | [Redacted s38(1)(b)]@gov.scot  
5N.07 St Andrew's House | Regent Road | Edinburgh | EH1 3DG

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**From:** [Redacted s38(1)(b)]@parliament.scot  
**Sent:** 18 February 2021 13:55  
**To:** Deputy First Minister and Cabinet Secretary for Education and Skills  
**Subject:** Correspondence from Willie Rennie MSP

Dear John

Please find the enclosed correspondence from Willie.

Kind regards

[Redacted s38(1)(b)]

[Redacted s38(1)(b)][Redacted s38(1)(b)] Office of Willie Rennie MSP (North East Fife)  
P: 0131 348 5804  
M: 07[Redacted s38(1)(b)]  
E[Redacted s38(1)(b)]@parliament.scot  
A: The Scottish Parliament, Holyrood, Edinburgh, EH99 1SP  
[Redacted s38(1)(b)]

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## Enclosure 6.1.1 – Attachment: PDF

Leas Phrìomh Mhinistear agus Rùnaire a' Chaibneit  
airson Foghlam agus Sgilean  
Deputy First Minister and Cabinet Secretary for  
Education and Skills



John Swinney BPA/MSP  
F/T: 0300 244 4000  
E: dfmcse@gov.scot

Willie Rennie MSP

### Sent by Email

Your Ref: A162/2021/CK

25 February 2021

Dear Willie

Thank you for your letter of 18 February 2021, regarding the points raised in last week's Liberal Democrat business debate on education. I am giving careful consideration to the issues raised in the debate and the view of parliament in relation to them.

I wish to reiterate my view that both Education Scotland and the SQA deserve recognition and significant credit for their efforts in working to ensure the continuity of education for the children and young people of Scotland throughout the pandemic.

With regard to any substantial reform of Education Scotland and the SQA, you are well aware that we are approximately one month away from the start of the pre-election period. While all political parties will have the opportunity to address matters relating to Scottish education in their manifestos, the significant reform of Scotland's two key national education bodies proposed in your motion would represent a major change to the education landscape in Scotland. I do not believe that such policy development should, or indeed could, be taken forward in the time available ahead of the pre-election period. In the meantime, my focus will instead remain on ensuring that current essential business in Scottish education is progressed and, in particular, on ensuring our response to the pandemic supports the learning, health and wellbeing of our learners and our practitioners.

On the matter of the OECD's independent review of Scotland's curriculum, I will respond to Parliament as soon as practicable and certainly ahead of the pre-election period. You have suggested that I write to OECD to ask that they publish an interim report as swiftly as possible. I am glad that you now appear to acknowledge that the publication of any report by the OECD is a matter for the OECD and is not for the Scottish Government to determine. This

Tha Ministearan na h-Alba, an luchd-comhairleachaidh sònraichte agus an Rùnaire Maireannach fo chumhachan Achd Coiteachaidh (Alba) 2016. Faicibh [www.lobbying.scot](http://www.lobbying.scot)

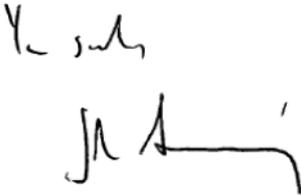
Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)

Taigh Naomh Anndrais, Rathad Regent, Dùn Èideann EH1  
3DG  
St Andrew's House, Regent Road, Edinburgh EH1 3DG  
[www.gov.scot](http://www.gov.scot)



independent review is being conducted by their own analysts and international experts. Their approach to considering evidence, engaging with stakeholders and the preparation of the report follows the OECD's tried and tested methodology for assessments like this.

I hope you find this response helpful.

A handwritten signature in black ink, appearing to read 'John Swinney', with a stylized flourish at the end.

**JOHN SWINNEY**

[Redacted information not in scope]

### **OECD Independent Review of Curriculum for Excellence**

**ISSUE: 21 FEB** The Mail on Sunday says OECD report has been tainted by government 'interference'. Professor Lindsay Paterson claimed that specialists who tried to give detailed written evidence were told only people approved by the Scottish Government' could contribute.

**ISSUE: 17 FEB:** The Scottish Parliament has backed a Liberal Democrat motion to overhaul Education Scotland and SQA and to publish the OECD's preliminary findings. Mr Rennie has now formally written to the Scottish Government requesting this.

**ISSUE: 18 FEB:** Willie Rennie claims FOI Documents show the Scottish Government has had a draft report for months and has a group specifically set up to look at the OECD Report. At First Minister's questions he said "*there is even a special group established to make changes, which is dominated by SQA and Education Scotland, the very organisations that are under the microscope of the OECD report*".

**ISSUE: 14 Feb:** Criticism in a number of media outlets that the OECD will not publish their final report on the Review of CfE until June 2021 despite the Scottish Government being in receipt of an "interim report". The articles also claim the evidence gathering and engagement was "stage managed" by the Scottish Government and criticises the OECD for not accepting written submissions.

[Redacted information not in scope]

- The OECD is assessing the implementation of Curriculum for Excellence based on standard OECD methodology for country education policy and implementation reviews. Taking into account the current stage of the process and past experience conducting such reviews, the report will be finalised and is expected to be ready for publication in June 2021."
- In April 2020 the Scottish Government and the OECD made the unavoidable decision to delay the Review in light of the COVID pandemic, but we worked in close partnership with the OECD to ensure their report would be delivered as early as possible.

### **[Redacted information not in scope]The intention has always been to share draft findings from the OECD Review**

- We are giving careful consideration to the issues raised in the education debate on 17 February and the view of parliament in relation to them. On the matter of the OECD's independent review of Scotland's curriculum, the Deputy First Minister will respond to

Parliament as soon as practicable and certainly ahead of the pre-election period

- The intention to share preliminary findings was set out in the remit for the independent Review of Curriculum for Excellence, published on 26 February 2020
- The Deputy First Minister wrote to the Education and Skills Committee (25 November) informing them of the OECD's stakeholder engagement event in March to do so.
- The Scottish Government received a draft preliminary report on 2 February 2021.
- This was purely to allow for accuracy checking and was not an opportunity to influence the content or rewrite any of the report.
- Officials have approached this task as directed by the OECD and provided clarification where they spotted factual inaccuracies, terminology that would require clarification or areas where further contextual information was required.
- They have not been spending months "providing comments" as some have suggested.
- This is an OECD document and would not be for the Scottish Government to share. Moreover, given the further development to be done on this, we do not believe it would be in the interests of the system to publish at this point.
- This is the standard process that OECD always use with countries they are reviewing.
- They are clear this is a very early draft and as well as awaiting further engagement with stakeholders in Scotland, it would still require further drafting and quality assurance through their own internal processes. This is the approach they always use.

**Mr Rennie has clearly misinterpreted the information contained in the Freedom of Information documents.**

- The FoI documents included outdated versions of timelines with potential dates for meetings and receipt of a draft report.
- The meeting of 15 February to discuss the report (mentioned in the media) was a potential date for the Scottish Practitioner Forum but was cancelled due to school holidays and will now meet on 11 March.
- This was to be an opportunity for the OECD to share high level findings with the Forum.
- The Scottish Practitioner Forum have been updated **verbally** by the OECD after each engagement event. No papers have been issued.
- The draft report has **not** been shared with the Scottish Practitioner Forum.

[Redacted information not in scope]

## **Enclosure 8 – Email: RE: FW: OECD Report into Scottish Education**

**From:** [Redacted s38(1)(b)]@gov.scot>  
**Sent:** 26 February 2021 12:57  
**To:** [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>  
**Cc:** [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>  
**Subject:** RE: FW: OECD Report into Scottish Education

Thanks [Redacted s38(1)(b)]. I will send these lines and the information below to NPFS.

Have a good weekend when it comes.

Thanks  
[Redacted s38(1)(b)]

[Redacted s38(1)(b)]  
[Redacted s38(1)(b)] Curriculum Unit | Directorate for Learning | Scottish Government |

**Please note for the foreseeable future Scottish Government staff will move to home working patterns. I am contactable by email – [Redacted s38(1)(b)]@gov.scot**



**From:** [Redacted s38(1)(b)]@gov.scot>  
**Sent:** 26 February 2021 11:18  
**To:** [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>  
**Cc:** [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>  
**Subject:** RE: FW: OECD Report into Scottish Education

[Redacted s38(1)(b)],

I would suggest the following response for the NPFS to pass on:

*The publication of any report by the OECD is a matter for the OECD and is not for the Scottish Government to determine. The OECD's independent review is conducted by their own analysts and international experts. They decide how to do their work and which evidence to take. Their approach to considering evidence, engaging with stakeholders and the preparation of the report follows the OECD's tried and tested methodology for assessments like this.*

*The OECD has been engaging virtually with stakeholders over the last few months and have met with a wide range of education bodies as well as undertaking virtual school visits.*

*They will be holding an engagement event in March, where they will share emerging messages with stakeholders, providing a further opportunity for key partners and practitioners in Scotland to inform the final report, which they will publish in June 2021.*

You should also point out to [Redacted s38(1)(b)] that the OECD will be having a final engagement session with stakeholders in March and that we will be issuing invites shortly. NPFS and parents were involved in the first two weeks of engagement and [Redacted s38(1)(b)] will be getting an invite to this session.

[Redacted s38(1)(b)]

**From:** [Redacted s38(1)(b)]@gov.scot>  
**Sent:** 23 February 2021 11:23  
**To:** [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>  
**Cc:** [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>  
**Subject:** RE: FW: OECD Report into Scottish Education

Hi [Redacted s38(1)(b)]

Happy for you to send me over the response and I can share with the NPFS if that's helpful? I am sure you both have enough on your plate as it is.

Thanks

[Redacted s38(1)(b)]

[Redacted s38(1)(b)]  
[Redacted s38(1)(b)] Officer | Curriculum Unit | Directorate for Learning | Scottish Government |

**Please note for the foreseeable future Scottish Government staff will move to home working patterns. I am contactable by email –[Redacted s38(1)(b)]@gov.scot**



**From:** [Redacted s38(1)(b)]@gov.scot>  
**Sent:** 23 February 2021 10:50  
**To:** [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>  
**Cc:** [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>  
**Subject:** RE: FW: OECD Report into Scottish Education

I think we can give a general response, using lines we developed last week, without going into the FOI territory. We should wait until the Willie Rennie letter is issued though.

[Redacted s38(1)(b)] – would you like us to respond directly or give a response that you can send?

[Redacted s38(1)(b)]

**From:** [Redacted s38(1)(b)]@gov.scot>  
**Sent:** 23 February 2021 10:47  
**To:** [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>  
**Cc:** [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>  
**Subject:** RE: FW: OECD Report into Scottish Education

Hi [Redacted s38(1)(b)]

I hope you're doing ok?

We have 6 Fol's at the moment concerning the OECD review and some of them are asking us to provide a copy of the draft document. [Redacted 30(b)(ii)] [Redacted information not in scope]

[Redacted s38(1)(b)] are you content that we say something about the stakeholder engagement last year and that SG are considering the result of the parliamentary motion and will respond in due course [Redacted 30(b)(ii)]?

[Redacted s38(1)(b)]

[Redacted s38(1)(b)]  
**Scottish Government**  
**Area 2B North, Victoria Quay**  
**Edinburgh**  
**EH6 6QQ**

**T:0131 24**[Redacted s38(1)(b)]  
**M: 07**[Redacted s38(1)(b)]

[Redacted s38(1)(b)]@gov.scot

[Redacted s38(1)(b)]

**From:** [Redacted s38(1)(b)]@gov.scot>  
**Sent:** 23 February 2021 10:06  
**To:** [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>  
**Cc:** [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>  
**Subject:** FW: FW: OECD Report into Scottish Education

Hi [Redacted s38(1)(b)]

I hope you are both well.

To see below a query we have received from the NPFS that has come to them from parent regarding the publication of the OECD review. The question is to the NPFS and is asking what they are doing to ensure the report is published before the election but I was wondering if there is anything you could add or any advice that you can give to help us to work with NPFS to respond to this query?

I hope this makes sense and as always happy to discuss.

Many thanks

[Redacted s38(1)(b)]

[Redacted s38(1)(b)]

[Redacted s38(1)(b)] Curriculum Unit | Directorate for Learning | Scottish Government |

Please note for the foreseeable future Scottish Government staff will move to home working patterns. I am contactable by email –[Redacted s38(1)(b)]@gov.scot



**From:** [Redacted s38(1)(b)]

@npfs.org.uk>

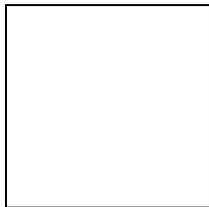
**Sent:** 23 February 2021 09:58

**To:** [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>

**Subject:** Fwd: FW: OECD Report into Scottish Education

Good morning - can one of you help me with this? What would you suggest I reply?

[Redacted s38(1)(b)]



[Redacted s38(1)(b)]

National Parent Forum of Scotland

[Redacted s38(1)(b)]

@npfs.org.uk

*Please Note* [Redacted s38(1)(b)]

*NPFS is a voluntary position, and as a result this inbox is not monitored daily.*

*If your enquiry is urgent, please contact office@npfs.org.uk, who monitor the inbox 9am-5pm Monday - Friday*

*You can also contact the office on 07* [Redacted s38(1)(b)]

----- Forwarded message -----

**From:** NPFS Office <office@npfs.org.uk>

**Date:** Tue, 23 Feb 2021 at 09:23

**Subject:** FW: OECD Report into Scottish Education

**To:** [Redacted s38(1)(b)]@npfs.org.uk>, [Redacted s38(1)(b)]

@npfs.org.uk>

FYI

**From:** [Redacted s38(1)(b)]@sky.com>  
**Date:** Monday, 22 February 2021 at 06:38  
**To:** "office@npfs.org.uk" <office@npfs.org.uk>  
**Subject:** OECD Report into Scottish Education

Dear Sir/Madam

As a concerned parent this article I read on BBC last week (and which I have seen no further coverage of) is extremely worrying.

<https://www.bbc.co.uk/news/uk-scotland-scotland-politics-56081250>

I wonder what you are doing to ensure that this report is published before the Holyrood elections in May?

Given MSPs decision on Wednesday to reform the Scottish Qualifications Authority (SQA) and Education Scotland I find it disheartening that there has been no widespread discussion about it in mainstream media or any questions being asked by bodies such as yourself to challenge the Governments alleged obstruction in publication.

I look forward to receiving your response.

Best regards

[Redacted s38(1)(b)]

Sent from my iPhone





deadline has been agreed in advance with the FMQ team) Can you please ensure **only these versions** of the FMQ briefings are updated and returned to us

If a previous version of your FMQ is attached then **please update that version** and return.

If you do not have a previous FMQ attached, then a blank template is attached for reference.

[Redacted information not in scope]

You can also find further guidance at the following link - <http://saltire/my-workplace/ministerial-preferences-and-support/best-practice/Pages/Preparing-FMQs.aspx>

**If you no longer need to be included on the regular commission emails for this DG area please do let us know so we can update the mailing list.**

Thank you in advance for your contribution and if you have any questions please get in touch with either [Redacted s38(1)(b)] (ext [Redacted s38(1)(b)]), [Redacted s38(1)(b)] (ext [Redacted s38(1)(b)]), [Redacted s38(1)(b)] (ext [Redacted s38(1)(b)]) or [Redacted s38(1)(b)] (ext [Redacted s38(1)(b)]).

If you have any questions about the process and deadlines, please get in touch with [Redacted s38(1)(b)] (ext [Redacted s38(1)(b)]) or [Redacted s38(1)(b)] (ext [Redacted s38(1)(b)]). Please note we are both currently working from home so if you need to get in touch urgently please use Skype/Teams.

<b>Attainment</b> - [Redacted s38(1)(b)], [Redacted s38(1)(b)]  [See Enclosure 9.1]		
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[Redacted information not in scope]

## OECD Independent Review of Curriculum for Excellence

**ISSUE: 21 FEB** The Mail on Sunday says OECD report has been tainted by government 'interference'. Professor Lindsay Paterson claimed that specialists who tried to give detailed written evidence were told only people approved by the Scottish Government could contribute.

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[Redacted information not in scope]

- The OECD is assessing the implementation of Curriculum for Excellence based on standard OECD methodology for country education policy and implementation reviews. Taking into account the current stage of the process and past experience conducting such reviews, the report will be finalised and is expected to be ready for publication in June 2021."
- In April 2020 the Scottish Government and the OECD made the unavoidable decision to delay the Review in light of the COVID pandemic, but we worked in close partnership with the OECD to ensure their report would be delivered as early as possible.

[Redacted information not in scope]**The intention has always been to share draft findings from the OECD Review.**

**We are giving careful consideration to the issues raised in the education debate on 17 February and the view of parliament in relation to them. On the matter of the OECD's independent review of Scotland's curriculum, the Deputy First Minister will respond to**

### **Parliament as soon as practicable and certainly ahead of the pre-election period**

- The intention to share preliminary findings was set out in the remit for the independent Review of Curriculum for Excellence, published on 26 February 2020
- The Deputy First Minister wrote to the Education and Skills Committee (25 November) informing them of the OECD's stakeholder engagement event in March to do so.
- The Scottish Government received a draft preliminary report on 2 February 2021.
- This was purely to allow for accuracy checking and was not an opportunity to influence the content or rewrite any of the report.
- Officials have approached this task as directed by the OECD and provided clarification where they spotted factual inaccuracies, terminology that would require clarification or areas where further contextual information was required.
- They have not been spending months "providing comments" as some have suggested.
- This is an OECD document and would not be for the Scottish Government to share. Moreover, given the further development to be done on this, we do not believe it would be in the interests of the system to publish at this point.
- This is the standard process that OECD always use with countries they are reviewing.
- They are clear this is a very early draft and as well as awaiting further engagement with stakeholders in Scotland, it would still require further drafting and quality assurance through their own internal processes. This is the approach they always use.

### **Mr Rennie has clearly misinterpreted the information contained in the Freedom of Information documents.**

- The FoI documents included outdated versions of timelines with potential dates for meetings and receipt of a draft report.
- The meeting of 15 February to discuss the report (mentioned in the media) was a potential date for the Scottish Practitioner Forum but was cancelled due to school holidays and will now meet on 11 March.
- This was to be an opportunity for the OECD to share high level findings with the Forum.
- The Scottish Practitioner Forum have been updated verbally by the OECD after each engagement event. No papers have been issued.
- The draft report has not been shared with the Scottish Practitioner Forum.

[Redacted information not in scope]

**Enclosure 10 – Email: RE: Correspondence from Willie Rennie MSP**

From: [Redacted s38(1)(b)]@gov.scot> On Behalf Of Deputy First Minister and Cabinet Secretary for Education and Skills

Sent: 01 March 2021 10:48

To: [Redacted s38(1)(b)]@gov.scot>; Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>

Cc: [Redacted s38(1)(b)]@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>

Subject: RE: Correspondence from Willie Rennie MSP

Morning [Redacted s38(1)(b)]

DFM is content with these recommendations.

Many thanks

[Redacted s38(1)(b)]

[Redacted s38(1)(b)] John Swinney MSP | Deputy First Minister of Scotland and Cabinet Secretary for Education & Skills | Scottish Government | St Andrew's House | Edinburgh | EH1 3DG |Tel: 0131 24[Redacted s38(1)(b)]| E: DFMCSE@gov.scot

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

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: [Redacted s38(1)(b)]@gov.scot>

Sent: 26 February 2021 09:47

To: Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>

Cc: [Redacted s38(1)(b)]@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>

Subject: RE: Correspondence from Willie Rennie MSP

Hi [Redacted s38(1)(b)]

As discussed a moment ago can you please confirm that DFM is content with the other recommendations in the enclosed submission?

These are to

- note the OECD's intention to provide a summary of key findings for sharing with stakeholders;

- agree proposals for SG sharing the OCED draft findings with the Practitioner Forum, stakeholders and Parliament via SPICE on 10 March.
- agree to a GIQ being prepared for 10 March; and
- agree to the initial Scottish Government evidence base also being published on 10 March.

Many thanks

[Redacted s38(1)(b)]

[Redacted s38(1)(b)]

[Redacted s38(1)(b)]

Scottish Government  
Area 2B North, Victoria Quay  
Edinburgh  
EH6 6QQ

T:0131 24[Redacted s38(1)(b)]

M: 07[Redacted s38(1)(b)]

[Redacted s38(1)(b)]@gov.scot

[Redacted s38(1)(b)]

[See Enclosure 6 for remainder of email chain]

**Enclosure 11 – Email: RE: Fols 202100159423, 202100164190 and 202100162573 and 202100159104 for technical check**

**From:** [Redacted s38(1)(b)]@gov.scot>

**Sent:** 04 March 2021 12:16

**To:** [Redacted s38(1)(b)]@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; Freedom of Information <foi@gov.scot>

**Cc:** [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>

**Subject:** RE: Fols 202100159423, 202100164190 and 202100162573 and 202100159104 for technical check

[Redacted s38(1)(b)]

I think it should go in both, but definitely in the replies as it is good practice to demonstrate to requesters that we have considered the PI test fully.

[Redacted s38(1)(b)]

**From:** [Redacted s38(1)(b)]@gov.scot>

**Sent:** 04 March 2021 12:05

**To:** Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Freedom of Information <foi@gov.scot>

**Cc:** [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>

**Subject:** RE: Fols 202100159423, 202100164190 and 202100162573 and 202100159104 for technical check

Hi [Redacted s38(1)(b)]

Do you want me to add this into the advice to DFM and SPADs and/or incorporate it in to the draft replies?

Once I have your agreement I can send these on to SPADs with a copy of the submission for DFM.

Many thanks

[Redacted s38(1)(b)]

[Redacted s38(1)(b)] **Scottish Government**  
**Area 2B North, Victoria Quay**  
**Edinburgh**  
**EH6 6QQ**

**T:0131 244** [Redacted s38(1)(b)]

**M: 07**[Redacted s38(1)(b)]

[Redacted s38(1)(b)] **@gov.scot**

[Redacted s38(1)(b)]

**From:** Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>  
**Sent:** 03 March 2021 16:12  
**To:** [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Freedom of Information <foi@gov.scot>  
**Cc:** [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>  
**Subject:** RE: Fols 202100159423, 202100164190 and 202100162573 and 202100159104 for technical check

Thanks [Redacted s38(1)(b)]and [Redacted s38(1)(b)]. I'd support [Redacted s38(1)(b)]addition.  
Malcolm

**From:** [Redacted s38(1)(b)]@gov.scot>  
**Sent:** 03 March 2021 15:45  
**To:** [Redacted s38(1)(b)]@gov.scot>; Freedom of Information <foi@gov.scot>  
**Cc:** [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Pentland MK (Malcolm) <Malcolm.Pentland@gov.scot>; [Redacted s38(1)(b)]@gov.scot>  
**Subject:** RE: Fols 202100159423, 202100164190 and 202100162573 and 202100159104 for technical check

Hi [Redacted s38(1)(b)]

Thanks for the really quick turnaround. [Redacted s30(b)(i)]

I am bringing in **Malcolm and [Redacted s38(1)(b)]**here for their views but I share your concerns. We are obviously keen to maintain the good working relationship we have with the OECD to progress this Review and any future work they might be invited to undertake.

Many thanks

[Redacted s38(1)(b)]

[Redacted s38(1)(b)][Redacted s38(1)(b)]**Scottish Government**  
**Area 2B North, Victoria Quay**  
**Edinburgh**  
**EH6 6QQ**

**T:0131 244 [Redacted s38(1)(b)]**  
**M: 07[Redacted s38(1)(b)]**  
**[Redacted s38(1)(b)]@gov.scot**

[Redacted s38(1)(b)]

**From:** [Redacted s38(1)(b)]@gov.scot>  
**Sent:** 03 March 2021 15:24  
**To:** [Redacted s38(1)(b)]@gov.scot>; Freedom of Information <foi@gov.scot>  
**Cc:** [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>

**Subject:** RE: Fols 202100159423, 202100164190 and 202100162573 and 202100159104 for technical check

[Redacted s38(1)(b)]

I am broadly content with the responses.

[Redacted s30(b)(i)]

[Redacted s38(1)(b)]

**From:** [Redacted s38(1)(b)]@gov.scot>

**Sent:** 03 March 2021 12:07

**To:** Freedom of Information <foi@gov.scot>

**Cc:** [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>

**Subject:** Fols 202100159423, 202100164190 and 202100162573 and 202100159104 for technical check

Fol Unit

I have attached 4 draft replies relating to FOI 202100159423, 202100159104, 202100164190 and 202100162573. The earliest of which has a 20<sup>th</sup> working day deadline of 16 March 2021. I also attach a list of documents in scope relating to FoI 202100159104 **only** - [list of enclosures](#).

The replies to all are identical therefore you need only look at one of these.

Three requests ask for a copy of the draft OECD report and the fourth (202100159104) asks for a copy of the report as well as any communication between the Scottish Government and the authors after the draft report was delivered to Ministers (2 February 2021).

The Scottish Government does not have permission to publish the OECD draft report. The report belongs to the OECD and they have been very clear that they will not publish the early preliminary draft of their report nor will they produce a separate interim report. They are intending to produce a short summary of draft findings which will be shared in advance of a stakeholder engagement session on 16<sup>th</sup> March.

[Redacted s30(c)]

I have discussed these requests with my Deputy Director [Redacted s30(b)(i)]

I would be grateful for any comments you may have on technical competence before I send to Special Advisers for comment and on to Ministers for decision.

Many thanks

[Redacted s38(1)(b)]

[Redacted s38(1)(b)][Redacted s38(1)(b)]**Scottish Government**

**Area 2B North, Victoria Quay  
Edinburgh  
EH6 6QQ**

**T:0131 244 [Redacted s38(1)(b)]  
M: 07[Redacted s38(1)(b)]**

**[Redacted s38(1)(b)] @gov.scot**

**[Redacted s38(1)(b)]**



s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Head SFIO <HeadSFIO@gov.scot>; Wilson M (Mick) <Mick.Wilson@gov.scot>; RRR Business Management Unit <PMUMailbox@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Director of Advanced Learning and Science <DirectorofAdvancedLearningandScience@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Children and Families Directorate Support <CFSupport@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Director of Advanced Learning and Science <DirectorofAdvancedLearningandScience@gov.scot>; Macdonald R (Roddy) <Roddy.Macdonald@gov.scot>; Pooley L (Linda) Dr <Linda.Pooley@gov.scot>; [Redacted s38(1)(b)]@environmentalstandards.scot>; [Redacted s38(1)(b)]@gov.scot>; Drought A (Andrew) <Andrew.Drought@gov.scot>; CERG <CERG@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Cumming A (Alison) Early Learning & Childcare <Alison.Cumming@gov.scot>; [Redacted s38(1)(b)]@gov.scot>  
**Cc:** [Redacted s38(1)(b)]@gov.scot>; Griffin J (Joe) <Joe.Griffin@gov.scot>; Bell D (Donna) <Donna.Bell@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Director of Advanced Learning and Science <DirectorofAdvancedLearningandScience@gov.scot>; Director for Children and Families <DirectorforChildrenandFamilies@gov.scot>; Macdonald R (Roddy) <Roddy.Macdonald@gov.scot>; McAloon HC (Hugh) <Hugh.McAloon@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; MacDougall A (Audrey) <Audrey.MacDougall@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; Hicks C (Clare) <Clare.Hicks@gov.scot>; Bruce A (Andrew) <Andrew.Bruce@gov.scot>; Logan G (Graeme) <Graeme.Logan@gov.scot>; Wilson M (Mick) <Mick.Wilson@gov.scot>; Minister for Further Education, Higher Education and Science <MinisterFEHES@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; SCJD COVID-19 Coordination Hub <SCJDCOVID19@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; CPS Hub <CPSHubCovid@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@socialsecurity.gov.scot>; DG Education & Justice <dgej@gov.scot>

**Subject:** FMQ Brief Commission Request - Education- deadline 11am Monday 8th March

Dear Colleagues,

Thank you so much for your support and hard work helping with this week's FMQs

Next week FMQs will be on Thursday (11<sup>th</sup> March)

We have also attached some helpful guidance on formatting your FMQ brief. Can you please have a look over it before finalising your brief

[Redacted information not in scope]

### **First Minister's Questions – Request for Briefing**

The FMQ team consider that your policy area may feature in FMQs next week and have asked that you prepare a brief for the First Minister.

Can you please remember to include the CPS hub on any briefs you send back to us (CPS Hub CPSHubCovid@gov.scot)

Please could you send your briefing to the **ET FMQ/PQ mailbox** (ETFMQPQ@gov.scot) **no later than 11am on Monday 8<sup>th</sup> March** (unless another deadline has been agreed in advance with the FMQ team) Can you please ensure **only these versions** of the FMQ briefings are updated and returned to us

If a previous version of your FMQ is attached then **please update that version** and return.

If you do not have a previous FMQ attached, then a blank template is attached for reference.

[Redacted information not in scope]

You can also find further guidance at the following link - <http://saltire/my-workplace/ministerial-preferences-and-support/best-practice/Pages/Preparing-FMQs.aspx>

**If you no longer need to be included on the regular commission emails for this DG area please do let us know so we can update the mailing list.**

Thank you in advance for your contribution and if you have any questions please get in touch with either [Redacted s38(1)(b)] (ext [Redacted s38(1)(b)]), [Redacted s38(1)(b)] (ext [Redacted s38(1)(b)]), [Redacted s38(1)(b)] (ext [Redacted s38(1)(b)]) or [Redacted s38(1)(b)] (ext [Redacted s38(1)(b)]).

If you have any questions about the process and deadlines, please get in touch with [Redacted s38(1)(b)] (ext [Redacted s38(1)(b)]) or [Redacted s38(1)(b)] (ext [Redacted s38(1)(b)]). Please note we are both currently working from home so if you need to get in touch urgently please use Skype/Teams.

<b>Attainment</b> - [Redacted s38(1)(b)], [Redacted s38(1)(b)]  [See Enclosure 12.1]		
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[Redacted information not in scope]

## Enclosure 12.1 – Attachment: Word document

[Redacted information not in scope]

### **OECD Independent Review of Curriculum for Excellence**

**ISSUE: 21 FEB** The Mail on Sunday says OECD report has been tainted by government 'interference'. Professor Lindsay Paterson claimed that specialists who tried to give detailed written evidence were told only people approved by the Scottish Government' could contribute.

**ISSUE: 17 FEB:** The Scottish Parliament has backed a Liberal Democrat motion to overhaul Education Scotland and SQA and to publish the OECD's preliminary findings. Mr Rennie has now formally written to the Scottish Government requesting this.

**ISSUE: 18 FEB:** Willie Rennie claims FOI Documents show the Scottish Government has had a draft report for months and has a group specifically set up to look at the OECD Report. At First Minister's questions he said "*there is even a special group established to make changes, which is dominated by SQA and Education Scotland, the very organisations that are under the microscope of the OECD report*".

**ISSUE: 14 Feb:** Criticism in a number of media outlets that the OECD will not publish their final report on the Review of CfE until June 2021 despite the Scottish Government being in receipt of an "interim report". The articles also claim the evidence gathering and engagement was "stage managed" by the Scottish Government and criticises the OECD for not accepting written submissions.

[Redacted information not in scope]

- The OECD is assessing the implementation of Curriculum for Excellence based on standard OECD methodology for country education policy and implementation reviews. Taking into account the current stage of the process and past experience conducting such reviews, the report will be finalised and is expected to be ready for publication in June 2021."
- In April 2020 the Scottish Government and the OECD made the unavoidable decision to delay the Review in light of the COVID pandemic, but we worked in close partnership with the OECD to ensure their report would be delivered as early as possible.

[Redacted information not in scope]

**The intention has always been to share draft findings from the OECD Review.**

**We are giving careful consideration to the issues raised in the education debate on 17 February and the view of parliament in relation to them. On the matter of the OECD's independent review of**

**Scotland’s curriculum, the Deputy First Minister will respond to Parliament as soon as practicable and certainly ahead of the pre-election period**

- The intention to share preliminary findings was set out in the remit for the independent Review of Curriculum for Excellence, published on 26 February 2020
- The Deputy First Minister wrote to the Education and Skills Committee (25 November) informing them of the OECD’s stakeholder engagement event in March to do so.
- The Scottish Government received a draft preliminary report on 2 February 2021.
- This was purely to allow for accuracy checking and was not an opportunity to influence the content or rewrite any of the report.
- Officials have approached this task as directed by the OECD and provided clarification where they spotted factual inaccuracies, terminology that would require clarification or areas where further contextual information was required.
- They have not been spending months “providing comments” as some have suggested.
- This is an OECD document and would not be for the Scottish Government to share. Moreover, given the further development to be done on this, we do not believe it would be in the interests of the system to publish at this point.
- This is the standard process that OECD always use with countries they are reviewing.
- They are clear this is a very early draft and as well as awaiting further engagement with stakeholders in Scotland, it would still require further drafting and quality assurance through their own internal processes. This is the approach they always use.

**Mr Rennie has clearly misinterpreted the information contained in the Freedom of Information documents.**

- The FoI documents included outdated versions of timelines with potential dates for meetings and receipt of a draft report.
- The meeting of 15 February to discuss the report (mentioned in the media) was a potential date for the Scottish Practitioner Forum but was cancelled due to school holidays and will now meet on 11 March.
- This was to be an opportunity for the OECD to share high level findings with the Forum.
- The Scottish Practitioner Forum have been updated verbally by the OECD after each engagement event. No papers have been issued.

- The draft report has not been shared with the Scottish Practitioner Forum.

[Redacted information not in scope]

**Enclosure 13 – Email: FOIs 202100159423, 202100159104, 202100164190 and 202100162573 - for comment/clearance**

**From:** [Redacted s38(1)(b)]

**Sent:** 04 March 2021 15:52

**To:** Fol SpAds PO <Fol.SpAdsPO@gov.scot>

**Cc:** [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>; [Redacted s38(1)(b)]@gov.scot>

**Subject:** FOIs 202100159423, 202100159104, 202100164190 and 202100162573 - for comment/clearance .

Fol Spads

I have attached 4 draft replies relating to FOI 202100159423, 202100159104, 202100164190 and 202100162573. The earliest of which has a 20<sup>th</sup> working day deadline of 16 March 2021. I also attach a draft submission to DFM seeking clearance of the replies and a list of the documents which fall within the scope of Fol request 202100159104 **only** .

Three requests ask for a copy of the draft OECD report and the fourth (202100159104) asks for a copy of the report as well as any communication between the Scottish Government and the authors after the draft report was delivered to Ministers (2 February 2021). However, the content of the replies to all 4 are identical therefore you need only look at one of these.

The Scottish Government does not have permission to publish the OECD draft report. The report belongs to the OECD and they have been very clear that they will not publish the early preliminary draft of their report nor will they produce a separate interim report. They are intending to produce a short summary of draft findings which will be shared in advance of a stakeholder engagement session on 16<sup>th</sup> March.

[Redacted s30(c)]

We therefore, have applied an exemption under Section 30(c) substantial prejudice to the effective conduct of public affairs (in relation to communications with external stakeholders). After discussions with my Deputy Director and Fol Unit, [Redacted s30(b)(i)]

I would be grateful for any comments you may have on this.

Thanks

[Redacted s38(1)(b)]

[Redacted s38(1)(b)][Redacted s38(1)(b)] **Scottish Government**  
**Area 2B North, Victoria Quay**  
**Edinburgh**  
**EH6 6QQ**

**T:0131 244 [Redacted s38(1)(b)]**

**M: 07**[Redacted s38(1)(b)]

[Redacted s38(1)(b)] **@gov.scot**

[Redacted s38(1)(b)]

[Redacted s38(1)(b)][Redacted s38(1)(b)] **Scottish Government**

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**Edinburgh**

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**T:0131 244** [Redacted s38(1)(b)]

**M: 07883 909 678**

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[Redacted s38(1)(b)]

***Enclosure 13.1 – Attachment: Word document***

[Redacted information not in scope]

***Enclosure 13.2 – Attachment: Word document***

[Redacted information not in scope]

***Enclosure 13.3 – Attachment: Word document***

[Redacted information not in scope]

***Enclosure 13.4 – Attachment: Word document***

[Redacted information not in scope]

## **Enclosure 13.5 – Attachment: Draft Submission for Ministerial Decision**

From: [Redacted s38(1)(b)]  
Learning: [Redacted s38(1)(b)]  
4 March 2021

Deputy First Minister and Cabinet Secretary for Education and Skills

**FOI REQUESTS 202100159423, 202100159104, 202100164190 and 202100162573**

### **SUBMISSION FOR MINISTERIAL DECISION**

#### **Purpose**

1. The Deputy First Minister is invited to agree that the attached draft responses to 4 separate information requests made under the Freedom of Information (Scotland) Act 2002 (FOISA) should be issued.

#### **Priority**

2. Routine. The 20th day for the first response is 16 March 2021. However you will be aware of the Scottish Ministers' statutory obligation to comply promptly, in terms of section 10(1) of FOISA.

#### **Background**

3. The requests were received between 16 and 24 March 2021. Three requests ask for a copy of the draft OECD report and the fourth asks for a copy of the report as well as any communication between the Scottish Government and the authors after the draft report was delivered to Ministers

#### **Reason for seeking Ministerial Decision**

4. A Ministerial decision is considered appropriate in this case [Redacted s30(b)(ii)]. In addition, the Scottish Parliament passed a Liberal Democrat motion on 17 February, which calls for the Scottish Government to publish the draft OECD report ahead of the Scottish elections in May 2021.

#### **Discussion**

5. The Scottish Government does not have permission to publish the OECD draft report. The report belongs to the OECD and they have been very clear that they will not publish the early preliminary draft of their report nor will they produce a separate interim report.

[Redacted s30(c)]

10. This exemption is subject to the 'public interest test'. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the information outweighs the public interest in applying the exemption. We have found that, on balance, the public interest lies in favour of upholding the exemption.

11. We recognise that there is a public interest in disclosing information as part of open, transparent and accountable government, and to inform public debate. However, there is a greater public interest in allowing officials a private space within which to communicate with appropriate external stakeholders as part of the process of exploring and refining the Government's policy position on, and engagement with, the OECD Independent Review of the Curriculum for Excellence. This private space is essential to enable all options to be properly considered, so that good policy decisions can be taken based on fully informed advice and evidence, such as that provided by the OECD.

12. Premature disclosure is likely to undermine the full and frank discussion of issues between the Scottish Government and these stakeholders, which in turn will undermine the quality of the review, which would not be in the public interest. A breach of the OECD confidence in relation to this report may lead to their reluctance in future to carry out similar reviews, which means we could lose a valuable source of independent advice and assurance, which would be to the detriment of Scottish services

### **Previous Freedom of Information Request.**

13. The Deputy First Minister should be aware that a previous Fol request received on 8 June 2020 ( 202000044515) is under appeal and is currently with the Commissioner for decision.

14. That request asked for details of correspondence between the Scottish Government and the OECD regarding the Curriculum for Excellence Review. The OECD were consulted at that time [Redacted s30(c)]

### **Advice from FOI Unit**

16. The FOI Unit have considered the requests [Redacted s30(b)(i)]

### **Recommendation**

17. The Deputy First Minister is invited to agree that the attached 4 draft responses be issued.

[Redacted s38(1)(b)] Learning: [Redacted s38(1)(b)]  
M: 07[Redacted s38(1)(b)]

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				

Graeme Logan, Director of Learning  
Malcolm Pentland, Deputy Director,  
Curriculum, Qualifications & Gaelic  
[Redacted s38(1)(b)][Redacted s38(1)(b)][Redacted s38(1)(b)]  
Fol Spads  
Colin McAllister

## FOI DECISION TEMPLATE

Please respond selecting from the following options:\*

- The Minister has noted the response and agrees that it should be issued **as drafted**
- The Minister has noted the response and has decided that the attached **amended response** should be issued
- The Minister has noted the response and requests further information about:•
  - the scope of the request
  - the subject-matter of the request
  - the application of exemption(s) *<specify the relevant exemption>*
  - other FOISA issue *<provide details>*

***Enclosure 13.6 – Attachment: Word document***

[Redacted information not in scope]