[Redacted s.30]

From: Anson S (Sam)

Sent: 06 February 2023 14:29

To: Deputy First Minister and Cabinet Secretary for Covid Recovery; Cabinet Secretary for Education

and Skills

Cc: First Minister; Cabinet Secretary for Social Justice, Housing & Local Government; Minister for

Parliamentary Business; Minister for Children & Young People; Minister for HE, FE, Youth Employment and Training; Griffin J (Joe); DG Education & Justice; DG Communities; Permanent Secretary; John-Paul Marks; Director of Learning; Director for Local Government and Housing; Director of Budget and Public Spending; Chief Financial Officer; [Redacted – s.38(1)(b)]

[Redacted - s.38(1)(b)]

Subject: RE: Urgent Advice - Providing increased flexibility in local government funding

Attachments: Parliamentary Statement on protecting teacher numbers and learning hours - Tuesday 7

January.docx; Submission - Protecting teacher numbers and learning hours - 230206.docx

PO / Cab Sec E&S PO / DFM

Please find attached advice relating to this issue ahead of tomorrow's statement. It includes a number of decision points for ministers to confirm they are content with.

I've also attached the latest draft of the statement itself (I'm conscious \$38(1)(b) Ms Somerville saw a version earlier).

Thanks to all those colleagues who have contributed to this,

Sam

[Redacted - s.38(1)(b)]

Sam Anson (he/him) | DD: Workforce, Infrastructure & Digital | Learning Directorate



Parliamentary Statement [Redacted Out of Scope] [Redacted s.30]

[Redacted s.30]

Tuesday 7 February 2023 2.50pm, 10 mins

XX mins / 1300 words

Introduction

[Redacted s.30]

[Redacted – Out of scope 2 pages]

[Redacted - s.38(1)(b)]

[Redacted s.30]

[Redacted s.30 2 pages]

Sam Anson Learning Directorate 6 February 2022

Deputy First Minister and Cabinet Secretary for Covid Recovery Cabinet Secretary for Education and Skills

[Redacted Out of Scope]

learning hours

Priority and Purpose

1. Urgent advice related to the Cabinet Secretary for Education and Skills' statement to Parliament scheduled for Tuesday afternoon.

Context and Issues

- [Redacted s.30]
- 4. [Redacted Out of Scope]

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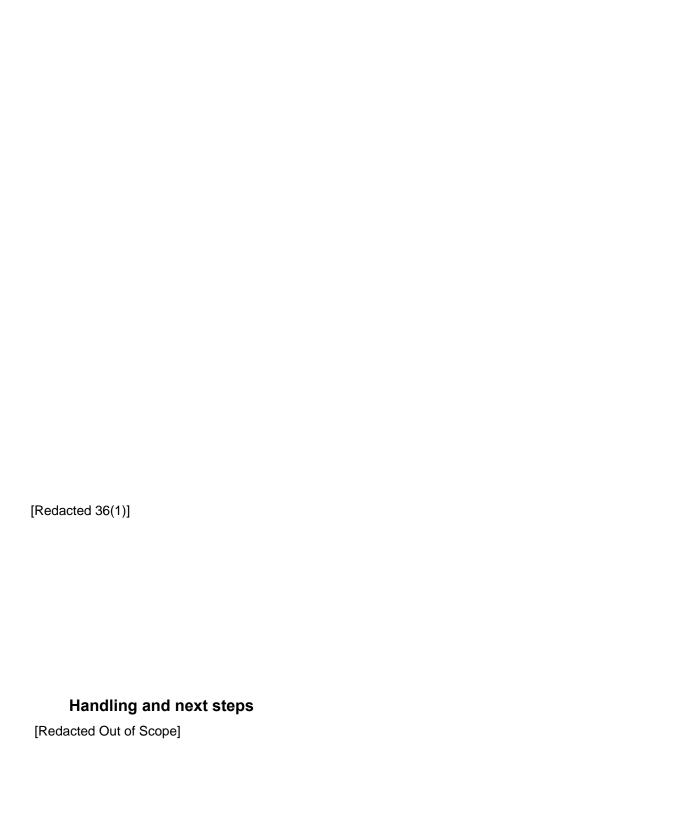
Options Considered and Advice

7 [Redacted Out of Scope]

• [Redacted s.30]



| Bute House Agreement Implications |
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| [Redacted Out of Scope] |
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| Financial and legal considerations |
| [Redacted Out of Scope] |
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Recommendation

[Redacted s.30]

[Redacted Out of Scope]

E. [Redacted s.30]

[Redacted Out of Scope]

Sam Anson 6 February 2023

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| Copy List: | For Action | | Portfol io Intere st | Consti t Intere st | General Awarene ss |
| First Minister Cabinet Secretary for Social Justice Housing and Local Government Minister for Children and Young People Minister for HE, FE, Youth Employment & Training Minister for Parliamentary Business | | | х | | X X X |

Permanent Secretary DG Education and Justice DG Communities

Director for Education Reform

Director for Education Reform

Director of Learning

Director of Local Government and Housing

Director of Budget and Public Spending

Chief Financial Officer

[Redacted – s.38(1)(b)]

6A5G? 7@F \$

[Redacted - s.38(1)(b)]

[Redacted - s.38(1)(b)]From:

Sent: 06 February 2023 18:02

Cabinet Secretary for Education and Skills To:

Director of Learning Cc: Anson S (Sam);

RE: Ministerial Statement: Protecting Teacher Numbers and Children's Learning Hours at School Subject:

Cabinet - ORAL SCANCE - Teacher Numbers - 07 February 2023 [Redacted - s.38(1)(b)] **Attachments:**

, here is the oral SCANCE note on behalf of $^{\rm [Redacted-s.38(1)(b)]}$ Hello s 38(1)(b)

We've completed the written box and provided a speaking note, though I think you can probably only use the speaking note at this stage? Hope that makes sense. Please let us know if you need any amendments.

Kind regards

[Redacted - s.38(1)(b)]

[Redacted Out of Scope 3 pages]



[Redacted s.29(1)(b)]

Attachment 1

SCANCE Contribution

[Redacted s.30]

Speaking Note

[Redacted s.30]

[Redacted s.30]

[Redacted - s.38(1)(b)]

[Redacted - s.38(1)(b)]

[Redacted Out of Scope]

From: [Redacted - s.38(1)(b)]

Sent: 07 February 2023 12:20

To: Cabinet Secretary for Education and Skills <CabSecES@gov.scot>

Cc: First Minister <firstminister@gov.scot>; Anson S (Sam) <Sam.Anson@gov.scot>; DG Education & Justice

<dgej@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; Director for Local Government and Housing

<DirectorForLocalGovernment&Housing@gov.scot>; Director of Budget and Public Spending

<Directorofbudgetandpublicspending@gov.scot>; Chief Financial Officer <cfo@gov.scot>; [Redacted - s.38(1)(b)]

Leaver E

(Ellen) <Ellen.Leaver@gov.scot>; [Redacted - s.38(1)(b)]

Bradley J (Jennifer)

<Jennifer.Bradley@gov.scot>; [Redacted - s.38(1)(b)]

Taylor A (Alison) <Alison.Taylor@gov.scot>; [Redacted - s.38(1) (b)]

Subject: RE: Parliamentary Statement on Teacher Numbers & Learning Hours

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

I attach draft answers to the six questions expected at the statement, and offer answers to the other questions you raised in your separate email below. We'll add the missing one as soon as we can.

| [Redacted Out of Scope] | | | |
|-------------------------|--|--|--|
| | | | |
| Kind regards | | | |
| [Redacted - s.38(1)(b)] | | | |
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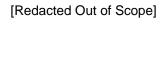


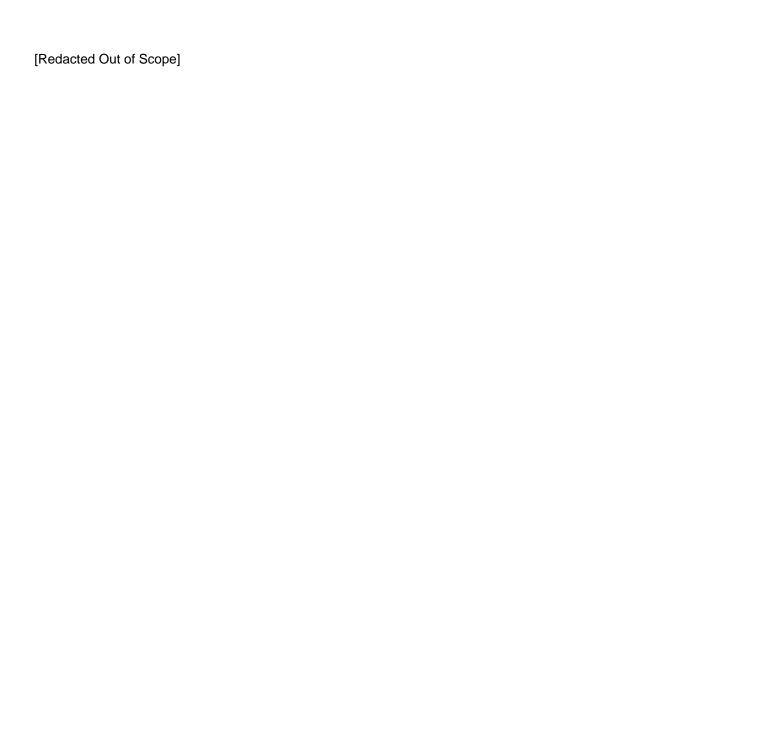
Attachment 1

Parliamentary Statement on protecting teacher numbers and children's learning hours at school



[Redacted s.30]





[Redacted - s.38(1)(b)]From: Sent: 07 February 2023 16:12

Cabinet Secretary for Education and Skills [Redacted - s.38(1)(b)] To:

Cc:

Anson S (Sam); [Redacted – s.38(1)(b)] Minister

for HE, FE, Youth Employment and Training; Minister for Children & Young People

FOR CAB SEC VIEW - Parliamentary Statement on Teacher Numbers & Learning Hours - ITV Subject:

Border Inquiry

PO Cabinet Secretary for Education and Skills,

ITV Border (Peter MacMahon) have come to us with a couple of inquiries on the parly statement by the Cab Sec today.

I've set them out below, along with the draft responses (in red) which policy colleagues and SPADs are content with.

Is Ms Somerville content for this to be issued?

Many thanks [Redacted - s.38(1)(b)]

INQUIRIES / RESPONSES

[Redacted Out of Scope]

2. On the length of the school week, what fig will we be legislating for?

"We will consult on the details of regulations to prescribe learning hours. We expect these to be based around established practice that most primary pupils in Scotland receive around 25 hours of education a week and secondary pupils around 27.5 hours, excluding lunch and breaks."

Many thanks [Redacted -s.38(1)(b)]



Cc: John-Paul Marks < <u>John-Paul.Marks@gov.scot</u>>; Director of Learning < <u>DirectorofLearning@gov.scot</u>>; Director for Local Government and Housing < <u>DirectorForLocalGovernment&Housing@gov.scot</u>>; Director of Budget and Public Spending < <u>Directorofbudgetandpublicspending@gov.scot</u>>; Chief Financial Officer < <u>cfo@gov.scot</u>>; [Redacted - s.38(1)(b)]

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; Leaver E (Ellen) < <u>Ellen.Leaver@gov.scot</u>>; [Redacted – J (Jennifer) < <u>Jennifer.Bradley@gov.scot</u>>; [Redacted – s.38(1) (b)]
```

Minister for HE, FE, Youth

Employment and Training < Minister for Children & Young People MinisterCYP@gov.scot

Subject: FOR URGENT CAB SEC VIEW - Parliamentary Statement on Teacher Numbers & Learning Hours - news release

PO Cabinet Secretary for Education and Skills,

Please see a revised version of the news release following discussions with SPADs.

Is Ms Somerville content for this revised version to be issued?

Many thanks [Redacted - s.38(1)(b)]

Revised news release

Protecting teacher numbers and school hours

Measures to safeguard education.

Measures to ensure that teacher and pupil support staff numbers as well as school hours are protected have been announced by Education Secretary Shirley-Anne Somerville.

The Scottish Government has committed to increasing teacher numbers by 3,500 during this Parliament.

Since 2017/18 local authorities have received funding to protect the pupil-teacher ratio, teacher numbers and to provide places on the Teacher Induction Scheme for all probationers who need one.

Additional annual funding of £145.5 million is also being provided to maintain increased teacher numbers and support staff.

In the year ahead (2023/24) if this is not delivered by a local authority, the Scottish Government will withhold or recoup funding allocated for these purposes.

Regulations will also be introduced under legislation passed by the Scottish Parliament in 2016 to enshrine a statutory minimum number of school hours.

Ms Somerville said:

"The measures I have outlined today demonstrate our unyielding commitment to closing the attainment gap and making Scotland the best place in the world to grow up.

"We are committed to recruiting more teachers and support staff, and we have already provided significant additional funding to Local Authorities help ensure this happens.

"The Scottish Government recognises the challenging budgetary decisions facing councils and that is why the Scottish Government is committed to delivering a new deal for local government. However, this Government has a clear commitment to improving education – and maintaining both teacher and support staff numbers and learning hours is crucial to that.

"I recognise the importance of strong partnership working between local government, central government and Education Scotland to achieve our ambitions.

"I will be writing to COSLA today, and each individual council in the coming days, to set out the details on protecting teacher and support staff numbers, and next steps on learning hours."

Background

[Redacted s.30]

From: [Redacted – s.38(1)(b)] Sent: 07 February 2023 10:51

To: Cabinet Secretary for Education and Skills < CabSecES@gov.scot>

eaver E (Ellen) < <u>Ellen.Leaver@gov.scot</u>>; [Redacted – Bradley J (Jennifer) < <u>Jennifer.Bradley@gov.scot</u>>; [Redacted – s.38(1) (b)]

; Minister for HE, FE, Youth

Employment and Training < Minister for Children & Young People MinisterCYP@gov.scot>

Subject: FOR CAB SEC VIEW - Parliamentary Statement on Teacher Numbers & Learning Hours - news release

PO Cabinet Secretary for Education and Skills, [Redacted s.30]

[Redacted s.30]

From: [Redacted - s.38(1)(b)] Sent: 06 February 2023 17:20

To: Cabinet Secretary for Education and Skills < CabSecES@gov.scot>

Cc: First Minister <<u>firstminister@gov.scot</u>>; Cabinet Secretary for Social Justice, Housing & Local Government <<u>CabSecSJHLG@gov.scot</u>>; Minister for Parliamentary Business <<u>MinisterPB@gov.scot</u>>; Minister for Children & Young People <<u>MinisterCYP@gov.scot</u>>; Anson S (Sam) <<u>Sam.Anson@gov.scot</u>>; Minister for HE, FE, Youth Employment and Training <<u>MinisterHEFEYET@gov.scot</u>>; Griffin J (Joe) <<u>Joe.Griffin@gov.scot</u>>; DG Education & Justice <<u>dgej@gov.scot</u>>; DG Communities <<u>DGCommunities@gov.scot</u>>; Permanent Secretary

< <u>PermanentSecretary@gov.scot</u>>; John-Paul Marks < <u>John-Paul.Marks@gov.scot</u>>; Director of Learning

<DirectorofLearning@gov.scot>; Director for Local Government and Housing

<DirectorForLocalGovernment&Housing@gov.scot>; Director of Budget and Public Spending

<Directorofbudgetandpublicspending@gov.scot>; Chief Financial Officer <cfo@gov.scot>; [Redacted - s.38(1)(b)]

Leaver E

(Ellen) < Ellen.Leaver@gov.scot>; [Redacted - s.38(1)(b)] < Jennifer.Bradley@gov.scot>; [Redacted - s.38(1)(b)]

Bradley J (Jennifer)

[Redacted – s.38(1)(b)] ; Deputy First Minister and Cabinet Secretary for Covid Recovery < DFMCSCR@gov.scot > Subject: Parliamentary Statement on Teacher Numbers & Learning Hours

PS/Cabinet Secretary for Education and Skills

Please see attached draft Parliamentary Statement which you are scheduled to make at 2.50pm on Tuesday, as well as briefing to accompany the statement.

Kind regards

[Redacted - s.38(1)(b)]

From: Anson S (Sam) < Sam.Anson@gov.scot >

Sent: 06 February 2023 14:29

To: Deputy First Minister and Cabinet Secretary for Covid Recovery < <u>DFMCSCR@gov.scot</u>>; Cabinet Secretary for Education and Skills < <u>CabSecES@gov.scot</u>>

Cc: First Minister < firstminister@gov.scot >; Cabinet Secretary for Social Justice, Housing & Local Government < CabSecSJHLG@gov.scot >; Minister for Parliamentary Business < MinisterPB@gov.scot >; Minister for Children & Young People < MinisterCYP@gov.scot >; Minister for HE, FE, Youth Employment and Training < MinisterHEFEYET@gov.scot >; Griffin J (Joe) < Joe.Griffin@gov.scot >; DG Education & Justice < dgej@gov.scot >; DG Communities < DGCommunities@gov.scot >; Permanent Secretary < PermanentSecretary@gov.scot >; John-Paul Marks < John-Paul.Marks@gov.scot >; Director of Learning < DirectorofLearning@gov.scot >; Director for Local Government and Housing < DirectorForLocalGovernment& Housing@gov.scot >; Director of Budget and Public Spending < Directorofbudgetandpublicspending@gov.scot >; Chief Financial Officer < cfo@gov.scot >; [Redacted - s.38(1)(b)]

Subject: RE: Urgent Advice - Providing increased flexibility in local government funding

PO / Cab Sec E&S PO / DFM Please find attached advice relating to this issue ahead of tomorrow's statement. It includes a number of decision points for ministers to confirm they are content with.

I've also attached the latest draft of the statement itself (I'm conscious \$38(1)(b) Ms Somerville saw a version earlier).

Thanks to all those colleagues who have contributed to this,

Sam

Sam Anson (he/him) | DD: Workforce, Infrastructure & Digital | Learning Directorate | [Redacted - s 38(1) (b)

[Redacted Out of Scope]

6A5G? 7@F'

[Redacted - s.38(1)(b)]

Anson S (Sam) From: Sent: 31 January 2023 12:01

Deputy First Minister and Cabinet Secretary for Covid Recovery; Cabinet Secretary for Education To:

Griffin J (Joe); DG Education & Justice; DG Communities; Director of Learning: Director for Local Government and Housing; [Redacted – s.38(1)(b)]); Leaver E (Ellen); [Redacted – s.38(1)(b)] Cc:

Subject: RE: Urgent: meeting with LG Leaders

Attachments: Education delivery and funding - Meeting with LG - Briefing - 230131.docx

DFM PO **CSES PO**

Please find attached briefing for this afternoon's meeting.

This includes material on teacher numbers, learning hours and the potential consolidation of other funding lines.

[Redacted Out of Scope]

Sam

Sam Anson (he/him) | DD: Workforce, Infrastructure & Digital | Learning Directorate | [Redacted - s.38(1)(b)]

[Redacted Out of Scope]

[Redacted Out of Scope 3 pages]

[Redacted Out of Scope]

From: Director of Learning < <u>DirectorofLearning@gov.scot</u>>

Sent: 30 January 2023 16:51

Subject: Urgent: meeting with LG Leaders

DFM PO
Cabinet Secretary for Education & Skills PO
[Redacted Out of Scope]

[Redacted s.30]

Thanks Graeme.

Graeme Logan
Director of Learning



DFM/Cabinet Secretary for Education and Skills meeting with LG Leaders on teacher numbers and learning hours

| Date and Time of | Tuesday 31 January 2023 | | | | | |
|------------------------------|---|--|--|--|--|--|
| Engagement | 15:30-17:00 | | | | | |
| Where | Microsoft Teams meeting Join on your computer, mobile app or room device | | | | | |
| Key Message | We have very clear commitments to improve Scottish education and are firmly of the view that we will not do that by having fewer teachers or less time in school. | | | | | |
| Who | COSLA Office Bearers Cllr Shona Morrison, President Cllr Katie Hagmann, Resources Spokesperson Cllr Tony Buchanan, CYP Spokesperson Political Group Leaders Cllr Douglas Reid, SNP (East Ayrshire) Cllr James Stockan, Independent (Orkney Islands) Cllr Peter Barrett, Liberal Democrats (Perth & Kinross) Cllr Euan Jardine, Conservatives (Scottish Borders) Cllr David Ross, Labour (Fife) Cllr Alys Mumford, Greens (Edinburgh) | | | | | |
| Why | This discussion is intended to follow up on exchanges last week, to focus on how we protect teacher numbers and children's learning hours. | | | | | |
| Official Support Required | Sean Neill Ellen Leaver Graeme Logan Sam Anson | | | | | |

Briefing Contents

| Annex A | Attendees/Agenda |
|---------|-------------------------|
| Annex B | [Redacted Out of Scope] |
| Annex C | [Redacted Out of Scope] |
| Annex D | [Redacted Out of Scope] |

| Annex E | Learning hours – background and lines to take | | | | | |
|---------|---|--|--|--|--|--|
| Annex F | [Redacted Out of Scope] | | | | | |
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Annex A

Education delivery and funding: Meeting with LG Leaders - 31st January 2023

Agenda

- 1. Welcome and opening remarks / strategic context (DFM)
- 2. Education measures (CSES)
- 3. COSLA position (COSLA Political Group Leaders to lead)
- 4. Follow-up discussion (All)
- 5. Concluding remarks and next steps

Annex B

[Redacted Out of Scope]



[Redacted s.30]

[Redacted Out of Scope]

Annex C: [Redacted Out of Scope 6 pages]

Annex E: Learning Hours [Redacted s.30]

| [Redacted s.30] |
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| School Funding, Infrastructure and Organisation Unit January 2023 |
| [Redacted Out of Scope] |
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Annex F

[Redacted Out of Scope 7 pages]

[Redacted - s.38(1)(b)]

[Redacted - s.38(1)(b)]From:

Sent: 08 March 2023 14:22

To:

Cabinet Secretary for Education and Skills [Redacted – s.38(1)(b)]); Anson S (Sam); Director of Learning $^{\text{[Redacted - s.38(1)(b)]}}$ $^{\text{[Redacted - s.38(1)(b)]}}$ Cc:

[Redacted - s.38(1)(b)]

: Communications Education & Skills; [Redacted – s.38(1)(b)] ; Taylor A (Alison); [Redacted – s.38(1)(b)]

Director for

Education Reform

Subject: RE: Routine - Learning Hours - update on consultation and regulations

Attachments: 20110202155348737.pdf

PS/Cabinet Secretary for Education and Skills

[Redacted s.30]

[Redacted - s.38(1)(b)]



From: [Redacted - s.38(1)(b)] Sent: 22 February 2023 17:01

To: Cabinet Secretary for Education and Skills <CabSecES@gov.scot>

Cc: [Redacted – s.38(1)(b)]

Sam Anson < Sam.Anson@gov.scot >; Director of Learning

<DirectorofLearning@gov.scot>; [Redacted - s.38(1)(b)]

Alison Taylor < Alison.Taylor@gov.scot >; [Redacted - s.38(1)(b)]
Director for Education Reform < DirectorforEducationReform@gov.scot >

Subject: Routine - Learning Hours - update on consultation and regulations

PS/Cabinet Secretary for Education and Skills

[Redacted s.30]

[Redacted - s.38(1)(b)]



6A5G? 7@F)

[Redacted - s.38(1)(b)]

[Redacted - s.38(1)(b)] From: Sent: 20 March 2023 16:49

Cabinet Secretary for Education and Skills To:

Communications Education & Skills; $^{\text{INCOLORIZEDU}-S 38(1)(D)}$); DG Education & Justice; Director of Learning: Director for Education Reform; Anson S (Sam); $^{\text{[Redacted}-S .38(1)(b)]}$ Cc:

Taylor A (Alison); [Redacted – s.38(1) (b)]

RE: Learning Hours - Consultation Document

PS/Cabinet Secretary for Education and Skills

Following Ms Somerville's agreement below, plans have been made to publish the Learning Hours consultation tomorrow, Tuesday, 21 March.

[Redacted s.30]

Subject:

Kind regards

[Redacted - s.38(1)(b)]

[Redacted - s.38(1)(b)]

[Redacted Out of Scope]

From:[Redacted - s.38(1)(b)]

Sent: 14 March 2023 14:44

To: Cabinet Secretary for Education and Skills < CabSecES@gov.scot>

Cc: Communications Education & Skills < Communications Education and Skills@gov.scot >; [Redacted - s.38(1)(b)]

<[Redacted - s.38(1)(b)] DG Education & Justice < dgej@gov.scot >; Director of Learning

 $< \underline{DirectorofLearning@gov.scot} >; Director for Education Reform < \underline{DirectorforEducationReform@gov.scot} >; Sam Anson < Sam. Anson@gov.scot >; [Redacted - s.38(1)(b)]$

Alison Taylor Alison Taylor Alison Taylor Alison.Taylor@gov.scot; [Redacted - s.38(1)(b)]

Subject: Learning Hours - Consultation Document

PS/Cabinet Secretary for Education and Skills

Please see attached a draft consultation document on proposals to prescribe the minimum annual number of learning hours that local authority and grant aided schools must provide. We would be grateful for the Cabinet Secretary's view on whether she is content for consultation document to be published and for the consultative activity we outline to commence.

Many thanks

[Redacted -s.38(1)(b)]



Attachment 1

From: [Redacted – s.38(1)(b)]

WID

14 March 2023

Cabinet Secretary for Education and Skills

Learning Hours Consultation

Priority and Purpose

1. **Urgent** - To ask the Cabinet Secretary to approve the publication of the attached draft Learning Hours Consultation setting out our proposals to prescribe a minimum number of learning hours per academic year and to consult on those proposals for 10 weeks.

Recommendation

[Redacted s.30]

Context and Issues

[Redacted s.30]

Options Considered and Advice

Assessment of Options

[Redacted s.30]

Bute House Agreement Implications

N/A

Financial and Legal Considerations

Sensitivities

[Redacted s.30]

Quality Assurance

[Redacted s.30]

Conclusions and Next Steps

[Redacted s.30]

[Redacted - s.38(1)(b)]

| Cabinet Secretaries and Ministers Copy List | For Action | For Information Portfolio interest | For Information Constituency interest | For Information General awareness |
|---|---------------|------------------------------------|---------------------------------------|--|
| Cabinet Secretary for Education and Skills | Х | | | |

Officials Copy List

DG Education & Justice Director of Learning Director of Education Reform Sam Anson [Redacted – s.38(1)(b)]

Officials Copy List [Redacted – s.38(1)(b)] Alison Taylor [Redacted – s.38(1)(b)]

ANNEX A – Draft Learning Hours Consultation Paper

Foreword

This consultation seeks views on the Scottish Government's plans to set a legal minimum number of hours of school education school pupils should receive each year.

Traditionally, Scottish primary schools provide around 25 learning hours per week, and Scottish secondary schools around 27.5 hours per week. However, while local authorities are required to have their schools open for 190 days each year, the number of learning hours is not prescribed. Our schools have never been more important to children and young people. They provide not only the vital learning our children and young people need to succeed and to tackle the poverty related attainment gap that we are determined to close, but also a safe and secure place that nurtures them.

The school week is the backbone of our education provision and benefits all our children and young people. The Scottish Government is clear that any changes to the school week must be based on educational benefit to pupils. Any measures that materially reduced the number of hours children spend learning in school would be expected to reduce pupil attainment and wellbeing and undermine efforts to close the poverty related attainment gap.

To protect this vital provision for children and young people, I am bringing into force the existing provisions in the Education (Scotland) Act 2016 which will enable Scottish Ministers to set the minimum number of learning hours in a school year and propose to use this power to make regulations later this year.

This consultation is an opportunity for local authorities, parents, children and young people and other stakeholders to provide views and evidence about the potential impact of the implementation of this policy. We will use the responses to inform the regulations and non-statutory guidance I intend to bring forward.

I hope stakeholders can use this consultation to express their views on this important issue. Following consultation, I intend to bring forward regulations which, subject to Parliamentary approval, would become law.

Ms Shirley-Anne Somerville MSP Cabinet Secretary for Education and Skills

Learning Hours

<u>Introduction</u>

- 1. This consultation sets out Ministers' proposal to set in law the minimum number of learning hours provided in public and grant aided schools, and invites views on this proposal and its implementation.
- 2. Section 21 of the Education (Scotland) Act 2016 ("the 2016 Act") inserts section 2ZA into the Education (Scotland) Act 1980 ("the 1980 Act") which makes provision about learning hours and gives powers to Scottish Ministers to make regulations to prescribe the minimum number of learning hours per academic year. This consultation paper sets out what we mean by the term learning hours, in which types of educational setting the provisions would apply and gives an overview of the current position in Scotland and internationally. It proposes what level the minimum number of learning hours should be set at for different types of school and explores what this could mean in practice for schools and local authorities in different types of educational provision.
- 3. The regulations and guidance will specify the minimum number of learning hours per annum, how these should apply, including any variation where appropriate, and effectively provide a statutory basis for the pupil year.
- 4. There is currently some variation in delivery across Scotland that has arisen for a range of reasons. For example, the variation may relate to rural transport requirements, to meet the needs of the youngest pupils or to ensure older pupils can access flexible options as part of their senior phase. We wish to understand, and give careful consideration to, this variation, both to avoid unintended consequences where this variation is appropriate but also to ensure that similar and equitable provision is available to pupils wherever they go to school in Scotland.

- 5. There are also differences in local delivery, for example, with some areas operating an asymmetric week with some longer and some shorter days. There is no intention to constrain this local variation.
- 6. We welcome views on all aspects of this proposal.

Discussion

What do we mean by learning hours?

7. Learning hours are the period of teaching that learners receive within the school day. In most cases, they do not include lunch and other break times or extracurricular activities or provision such as breakfast clubs that may take place around the core school day. It has been accepted practice for at least the last 40 years that around 25 hours per week (or 950 hours per academic year) of teaching time is made available in most local authority run primary schools; and 27.5 hours per week (or 1045 hours per academic year) in most local authority run secondary schools.

What type of schools would learning hours apply to?

- 8. The learning hours provisions would apply to local authority schools and to grant aided schools. There are seven grant-aided special schools and one mainstream grant-aided school in Scotland, and we expect the same prescribed minimum learning hours requirements and exemption provisions as apply to local authority schools would apply to these schools.
- 9. We propose that the learning hours regulations would apply to primary schools, secondary schools and to special schools.

Learning Hours in Scotland - current position¹

- 10. We are currently gathering detailed evidence on the number of learning hours currently taught in local authority schools and seeking to understand the reasons for variation. Analysis so far suggests the great majority of local authorities offer a consistent number of learning hours across all of their schools with only limited variation within local authority areas. Generally, primary schools offer 25 hours in a typical school week, though in a small number of authorities shorter learning hours, usually 22.5 hours, are offered to their youngest pupils, either those in P1 and P2 or in P1 to P3. And generally secondary schools in most local authority areas offer 27.5 hours in a typical school week.
- 11.A significant proportion of local authorities operate an asymmetric week, where instead of each school day being the same length, four days of the week are a little longer and the remaining day (usually a Friday) is shorter. In most cases, the overall number of learning hours will be the same as those provided in local authorities operating the same hours each day of the week. Our proposals would not affect this type of local flexibility.

Learning Hours in Special Schools

- 12. In line with the principle of inclusion, it is expected that all pupils should have the opportunity to receive at least the minimum number of learning hours. To ensure that education for all pupils is provided on an equitable basis, section 2 of the Standards in Scotland's Schools etc. Act 2000 places a duty on education authorities to ensure that the education they provide is "directed to the development of the personality, talents and mental and physical abilities of the child or young person to their fullest potential".
- 13. Scottish Ministers accept that there is a need for flexibility in these arrangements and that, where appropriate, special account may need to be taken of the circumstances of individual pupils. The starting point should always be the needs

¹ Education authorities, managers of grant aided schools and Jordanhill School were asked to provide information about the number of learning hours provided in a typical term time week.

- of the pupil, and these should determine what organisational structures are required to be in place to ensure that these needs are met.
- 14. Evidence on the number of learning hours currently taught in local authority schools suggests that the majority of local authorities offer a consistent number of learning hours across their special schools. Whereas most follow the mainstream 25 hours for primary schools and 27.5 hours for secondary schools, there is a small number of authorities where there is no significant differentiation between the hours offered to primary aged or secondary aged pupils with a 25 hours offered to all.
- 15. Grant-aided special schools provide education for pupils with complex additional support needs. The learning hours offered generally align with the practice outlined in paragraph 7. However, it should be noted that within these settings learning often occurs through activities that are carried out throughout the day, sometimes including break times or lunchtimes. Placing the needs of each pupil at the centre, learning outcomes and hours are therefore tailored to the learners' individual circumstances.

Teaching Hours

16. Since 2006, teachers' terms and conditions have specified a maximum of 22.5 hours class contact time per week. This is used in setting timetables for secondary school teachers, and in primary schools will mean that any hours above 22.5 hours are delivered to a class by another teacher.

Evidence

International

17. The Organisation for Economic Co-operation and Development (OECD) collected data on compulsory instruction time for the *Education at a Glance 2021* publication and international comparisons are set out here. Please note that the average instruction time per year is influenced by the number of weeks of holiday for schools

in that country, which means that weekly learning hours in practice may be higher than suggested for countries with more holidays.

- 18. Only three countries in the OECD England, Scotland, and New Zealand do not prescribe compulsory instruction time in schools. However, schools are required to be open for instruction for a minimum number of hours per day (New Zealand) or to allow sufficient instruction time to deliver a broad and balanced curriculum that includes all statutory requirements (England and Scotland).
- 19. The OECD average for annual learning hours at primary level (for countries with compulsory instruction time) is 807 hours. This ranges from 660 hours in Finland to 1147 hours in Costa Rica. Six OECD countries have longer annual learning hours than the accepted practice in Scotland (950 hours), including the United States (973 hours), Australia (1,000), Colombia (1,000), Denmark (1,000), Chile (1,026) and Costa Rica (1,147). A number of European countries have similar instruction time to Scotland, including Ireland (915 hours), Netherlands (940), and Portugal (905), as well as Canada (922).
- 20. At the secondary level, the OECD average for annual learning hours (for countries with compulsory instruction time) is 923 hours. This ranges from 766 hours in Slovenia to 1,200 hours in Denmark and Columbia. Six OECD countries have longer annual learning hours than the accepted practice in Scotland (1,045 hours), including Spain (1,056 hours), Costa Rica (1,120), Mexico (1,167), Denmark (1,200), Colombia (1,200) and Chile (1,065). Countries with similar instruction time to Scotland include the United States (1,022 hours), Netherlands (1,000), and Australia (1,000).
- 21. The UK Department for Education published a review of international evidence² in November 2021 of the impact of the relationship between instructional time and outcomes. The Review found that a number of studies have indicated a positive relationship between the quantity of instructional time and outcomes across educational phases, and across a range of education systems, although the

12

² Review of time in school and 16 to 19 settings (publishing.service.gov.uk)

evidence varies in scale, quality and applicability. Studies show that the quantity of time is only one relevant factor (alongside, for example, teacher quality), and that whether additional time in learning has a positive impact on attainment, and the extent of this impact, depends on the additional time being used well.

England

22. In England, the Department for Education, has issued guidance³ which sets the expectation that all state-funded mainstream schools deliver a school week of at least 32.5 hours by September 2023 at the latest. The 32.5 hour minimum includes breaks and lunch times as well as teaching time and any extra-curricular activities that all pupils are expected to attend.

Legislative provision on Learning Hours

- 23. Section 21 of the 2016 Act, once fully commenced, inserts section 2ZA into the 1980 Act which will make the following provision for learning hours:
 - to require education authorities and the managers of grant-aided schools to secure the provision of no fewer than the prescribed learning hours for each pupil for whom the authority/managers are responsible;
 - to confer a power on the Scottish Ministers to prescribe by regulations (subject
 to the affirmative procedure) the number of learning hours in each school year.
 These regulations may make different provision for different purposes and
 make different provision for different types of pupil. Before making any such
 regulations, the Scottish Ministers must consult such persons as they consider
 appropriate;
 - to provide that education authorities/grant-aided schools may provide fewer than the prescribed learning hours to a pupil in certain circumstances (including where the pupil's wellbeing would be adversely affected; matters outwith the

³ Minimum expectation on length of the school week: information note (publishing.service.gov.uk)

authority's control; other circumstances Ministers may prescribe by regulations); and

to amend the mechanism in section 133(4) of the 1980 Act so that the Scottish
Ministers may by direction disapply or modify the application of the duty to
provide the prescribed learning hours where it would be unreasonable that it
should apply or apply unmodified.

Number of school days each year

- 24. While learning hours are not currently prescribed, the number of school days is set in law in Scotland (and England). Regulation 5 of the Schools General (Scotland) Regulations 1975, as amended, requires schools to be open for a minimum of 190 days in a school year. This requirement is unaffected by the proposals being consulted upon here.
- 25. There is legislative provision which allows for schools not to deliver the 190 day requirements in limited circumstances. Section 133(4) of the 1980 Act allows Scottish Ministers, on application by an education authority, to modify the application of the 190 day requirement by way of a direction, provided Ministers are satisfied that it would be unreasonable for the requirement to apply, or to apply without modification. For example, this process can be used to permit unavoidable ad hoc closures of schools, such as to move from one school building to another, or to mark additional public holidays such as that observed for the Queen's State Funeral in September 2022.

Delivering fewer learning hours

- 26. Section 2ZA(4) of the 1980 Act makes provision for circumstances where education authorities may make available fewer than the minimum number of prescribed hours, without the need to apply for an exemption. Those circumstances are:
 - where the pupil's wellbeing would be adversely affected;

- where matters outwith the authority's control make it impracticable to make the prescribed hours available; and
- where other circumstances that Ministers may prescribe by regulations apply.

Pupils' wellbeing

- 27. In order to be satisfied that a pupil's wellbeing would be adversely affected if the minimum number of prescribed hours were to be made available, section 2ZA(7) requires the education authority to consider the extent to which the pupil is or would be: safe, healthy, achieving, nurtured, active, respected, responsible, and included. These are the eight wellbeing indicators⁴ which form part of the Getting it right for every child (GIRFEC) approach. This would give the education authority flexibility to deliver an individualised number of learning hours to a pupil if it is agreed that this is appropriate to meet the needs of that pupil and respects their right to an education.
- 28. In line with the duties in the Standards in Scotland's Schools etc Act 2000, the focus must be on meeting pupils' needs and giving every pupil the opportunity to benefit from mainstream school hours unless, exceptionally, this would not be in the pupil's best interest. For example, some pupils may find it hard to cope with the length of the mainstream week and a shorter school day may best meet their needs. There will also be limited circumstances in which school breaks or lunchtimes can count as learning hours. Most commonly this would occur in schools that provide education for children and young people with complex additional support needs. In these circumstances teachers' planning would make clear references to the learning outcomes through teaching being carried out during these times.

Matters outwith the authority's control

29. An authority may secure that fewer than the prescribed hours are made available to pupils where there are matters outwith the control of the authority that makes it

⁴ Wellbeing (SHANARRI) - Getting it right for every child (GIRFEC) - gov.scot (www.gov.scot)

impracticable to provide those hours. We would expect such unforeseen circumstances to include closures due to bad weather, industrial action, or as a result of damage to school buildings due to, for example, flood or fire.

30. It would not include circumstances such as short term planned closures due to learners moving out or back into a school building following refurbishment which would require a Ministerial direction providing an exemption from or modification of the learning hours requirements.

Other circumstances Ministers may prescribe by regulations

- 31. Ministers have a power under section 2ZA(4)(c) of the 1980 Act to prescribe the other circumstances that would allow provision of fewer than the prescribed number of learning hours. For example, children or young people who have been temporarily excluded from school are expected to continue to receive an education while excluded, and it is expected that alternative education provision should be in place after three days. However, an exemption might provide for these learners not to be provided with the minimum number of learning hours.
- 32. We would welcome views on whether there are other such circumstances that should be specified in learning hours regulations.

Exemptions

33. Other than the specific exceptions set out above, section 21 of the 2016 Act amends section 133(4) of the 1980 Act to provide a similar exemption process to the process that applies to the 190 days requirement, to allow authorities to apply for a direction from Ministers for an exemption from, or modification of, the requirements of any regulations on learning hours. As it is likely that an exemption from the learning hours requirement would also require an exemption from the 190 days requirement, we will work with local authorities to devise an efficient process for both types of applications to be made. We propose that the learning hours regulations would be accompanied by guidance to local authorities on the process for seeking an exemption.

Other forms of education

34. These regulations will not apply to independent schools, or to families who are choosing to home educate.

Compliance

35. In preparing the regulations, we shall consider whether transitional arrangements may be necessary to assist any local authorities or schools not currently providing the minimum learning hours to adjust to the new requirements.

Proposal

36. Scottish Ministers propose to:

- Prepare regulations that prescribe the minimum number of learning hours that must be provided in local authority and grant aided schools in an academic year;
- Prescribe the number of learning hours at 950 hours for primary schools and 1045 for secondary schools; and
- Prescribe the circumstances where fewer than the prescribed number of learning hours may be delivered.

Questions

1. Should the Scottish Government set in law the minimum learning hours pupils in Scotland should receive?

Yes, no, not sure

- 2. Do you agree that the minimum annual learning hours should be:
 - (a) 950 hours for primary schools?

Yes, no, not sure

(b) 1045 hours for secondary schools

Yes, no, not sure

3. Do you agree with the suggested definition of learning hours set out at paragraph 7 above?

Yes, no, not sure

[comments box]

4. Apart from the exemptions outlined in this paper are there any other circumstances where a variation to the number of learning hours provided may be needed?

[comments box]

Annex A

2ZA Learning hours

- (1) An education authority and the managers of a grant-aided school must secure that no fewer than the prescribed number of learning hours (the "prescribed hours") are made available during each school year to each pupil for whose school education the authority is, or the managers are, responsible (but subject to subsection (3)).
- (2) For the purposes of subsection (1)—
 - (a)an education authority is "responsible" for the school education of a pupil if the pupil belongs to the authority's area and the pupil is, or is about to be, provided with school education—
 - (i)in a school which is under the management of the authority, or (ii)by virtue of arrangements made or entered into by the authority,
 - (b)the managers of a grant-aided school are "responsible" for the school education of a pupil if the pupil is provided with school education in a grant-aided school which is under the management of the managers of the school (except where the education is provided for the pupil in the school by virtue of arrangements as mentioned in paragraph (a)(ii)).
- (3) Where any of the circumstances mentioned in subsection (4) (the "relevant circumstances") apply to a pupil during a school year (the "relevant year"), an education authority may secure that fewer than the prescribed hours are made available to the pupil during the relevant year.
- (4) The relevant circumstances are—
 - (a) that the authority is satisfied that the pupil's wellbeing would be adversely affected if the prescribed hours were to be made available to the pupil during the relevant year.
 - (b)that, because of matters outwith the control of the authority, it is impracticable for the authority to secure that the prescribed hours are made available to the pupil during the relevant year,
 - (c)that other prescribed circumstances apply.
- (5) Where an education authority exercises the power conferred by subsection (3) in relation to a pupil, the authority must secure that no fewer than the reduced hours are made available to the pupil during the relevant year.
- (6) In subsection (5), "reduced hours", in relation to a pupil, means the prescribed hours less the number of learning hours that were not, by virtue of the application of the relevant circumstances in relation to the pupil, made available during the relevant year to the pupil.
- (7) For the purposes of subsection (4)(a), the education authority is to determine whether it is satisfied that a pupil's wellbeing would be adversely affected by reference to the extent to which the pupil is or would be—

safe, healthy, achieving, nurtured, active, respected, responsible, and included.

- (8) Subsections (3) to (7) apply in relation to the managers of a grant-aided school as they apply in relation to an education authority.
- (9) Regulations under subsection (1) or (4)(c), or under the definition of "learning hours" in subsection (12), may—
 - (a)include transitional or transitory provision,
 - (b)make different provision for different purposes,
 - (c)make different provision for different types of pupil.
- (10) The Scottish Ministers may by regulations modify the list in subsection (7) so as to amend, remove or add to the matters for the time being mentioned in the list.
- (11) Before making any regulations under subsection (1), (4)(c) or (10) or under the definition of "learning hours" in subsection (12), the Scottish Ministers must consult such persons as they consider appropriate.
- (12) In this section—

"learning hours" means hours of school education of such type as may be prescribed,

"prescribed" means prescribed by the Scottish Ministers by regulations, "school education" does not include early learning and childcare,

"school year" means the period of 12 months beginning on 1 August.".

- (3) In section 133 (regulations etc.)—
 - (a) in subsection (2), for "(2YA)" substitute "(2XA)",
 - (b) after subsection (2) insert—

"(2XA)Subsection (2) does not apply to any regulations under section 2ZA(1), (4)(c) or (10), or under the definition of "learning hours" in section 2ZA(12); and such regulations are subject to the affirmative procedure.",

- (c) in subsection (4)—
 - (i) after paragraph (a) insert—

"(aa)in relation to regulations made under section 2ZA(1), by an education authority or the managers of a grantaided school;", and

- (ii) for the words "that authority", in each place where they occur, substitute "the authority, managers", and
- d) in subsection (5)(c), after "authority" insert ", managers".

DOCUMENT 8

[Redacted - s.38(1)(b)]

[Redacted - s.38(1)(b)]

From:

Sent: 21 April 2023 13:43

To:

Cabinet Secretary for Education & Skills [Redacted – s.38(1)(b)] Cc:

C (Clare); [Redacted - s.38(1)(b)]

RE: Learning Hours - update note Subject

Attachments: Learning Hours - update note - April 2023.docx

PS/Cabinet Secretary for Education and Skills

Following the Cabinet Secretary's discussion with Graeme Logan this week please see attached a note which provides an update on the work we are undertaking on Learning Hours.

). Director of Learning, [Redacted – s 38(1)(b)]

Hicks

Many thanks

[Redacted - s.38(1)(b)]



Attachment 1

Learning Hours

Following your discussion with Graeme Logan this week this note provides an update on the work we are undertaking on Learning Hours.

[Redacted s.30]

Consultation

- 5. The Learning Hours consultation opened on 21 March 2023 and continues until 13 June 2023. It asked the following questions:
 - Should the Scottish Government set in law the minimum learning hours pupils in Scotland should receive?
 - Do you agree that the minimum annual learning hours should be 950 hours for primary schools?
 - Do you agree that the minimum annual learning hours should be 1045 hours for secondary schools?

- Do you agree with the suggested definition of learning hours¹?
- Apart from the exemptions outlined in this paper, are there any other circumstances where a variation to the number of learning hours provided may be needed?

_

¹ The period of teaching that learners receive within the school day excluding, in most cases, lunch and other break times or extra-curricular activities or provision such as breakfast/after school clubs that may take place around the core school day.

Current issues/sensitivities

[Redacted - s.38(1)(b)]

[Redacted - s.38(1)(b)]From: Sent: 24 May 2023 15:10

Deputy First Minister and Cabinet Secretary for Finance; Cabinet Secretary for Education & Skills To: Minister for Local Government Empowerment & Planning; Permanent Secretary; DG Education & Cc:

Justice; DG Communities; DG Scottish Exchequer Mailbox; Director of Learning; Director for Local Government and Housing; Director of Budget and Public Spending; Anson S (Sam); Leaver E (Ellen); Taylor A (Alison); [Redacted – s.38(1)(b)]

Subject: RE: Letter from COSLA Spokespersons

Attachments: 23-05-18 Cllrs Buchanan and Hagmann to DFM and Cabinet Secretary for ES.pdf; Teacher

numbers - response to COSLA.docx

PO/Deputy First Minister and Cabinet Secretary for Finance PO/Cabinet Secretary for Education and Skills

Please find attached advice from Sam Anson and Ellen Leaver regarding the attached correspondence from COSLA on education delivery.

Regards [Redacted - s.38(1)(b)]

[Redacted Out of Scope]



Attachment 1

From: Sam Anson/Ellen Leaver Learning/Local Government and Housing 24 May 2023

Deputy First Minister and Cabinet Secretary for Finance Cabinet Secretary for Education and Skills

Letter from COSLA Spokesperson re Education delivery

Priority and Purpose

[Redacted s.30]

Recommendation

[Redacted s.30]

Context and Issues

[Redacted Out of Scope]



| [Redacted s.30] |
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| [Redacted Out of Scope] |
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| Options Considered and Advice [Redacted Out of Scope] |

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| [R | Redac | ted s. | 30] | | |

Assessment of Options [Redacted s.30]

| Bute House Agreement Implications [Redacted Out of Scope] |
|--|
| Financial and Legal Considerations [Redacted Out of Scope] |

[Redacted Out of Scope]

Sensitivities

[Redacted Out of Scope]

Quality Assurance

32. This Submission has been approved by the Director of Learning and the Director of Local Government and Housing.

Conclusions and next Steps

[Redacted Out of Scope]

Sam Anson/Ellen Leaver

Learning/Local Government & Housing

| Cabinet Secretaries and Ministers Copy List | For Action | For Information Portfolio interest | For Information Constituency interest | For Information General awareness |
|---|---------------|---|--|--|
| Minister for Local Government Empowerment and Planning | | Х | | |

Officials Copy List

Permanent Secretary

DG Education and Justice

DG Communities

DG Scottish Exchequer

Director of Learning

Director of Local Government and Housing

Director of Budget and Public Spending

Officials Copy List

Alison Taylor, IAW [Redacted – s.38(1)(b)]

6A5G? 7@F #'

[Redacted - s.38(1)(b)]

[Redacted - s.38(1)(b)] From: Sent: 08 June 2023 16:05

Cabinet Secretary for Education & Skills Anson S (Sam); $_{s 38(1)(b)}^{(Redacted -}$; Director of League (Redacted - s.38(1)(b)] [Redacted -To:

: Director of Learning: Communications Education & Skills $^{s.38(1)(b)]}$ Cc:

Subject: Learning Hours - summary of information on current levels of learning hours provided

Attachments: Learning Hours - Summary Data - sent to Cab Sec 8 June 2023.xlsx

PS/Cabinet Secretary for Education and Skills

[Redacted - s.38(1)(b)]



6A5G? 7@F

[Redacted - s.38(1)(b)]

[Redacted - s.38(1)(b)] From: 17 August 2023 09:55 Sent:

To:

Cabinet Secretary for Education & Skills [Redacted - Signature] ; DG Education & Justice; [Redacted - Signature] ; Peter Whitehouse: Alison Taylor; [Redacted - Signature] [Redacted - Signature] ; Peter Whitehouse: Alison Taylor; [Redacted - Signature] ; Peter Whitehouse: Cc:

Subject: FW: Deep Dive: Learning Hours - note of meeting

PS/Cabinet Secretary for Education and Skills

[Redacted - s.38(1)(b)]



From: [Redacted - s.38(1)(b)]

Sent: Thursday, August 10, 2023 4:57 PM

To: Cabinet Secretary for Education & Skills < CabSecforES@gov.scot>

Cc: Director of Learning < DirectorofLearning@gov.scot >; Sam Anson@gov.scot >; [Redacted – s.38(1)(b)]

[Redacted - s.38(1)(b)] DG Education & Justice < dgej@gov.scot>; [Redacted - s.38(1)(b)]

Peter

 $\label{lem:whitehouse_gov.scot} Whitehouse < \underline{\text{Peter.Whitehouse@gov.scot}}; Alison Taylor < \underline{\text{Alison.Taylor@gov.scot}}; [Redacted - s.38(1)(b)]$

Clare Hicks < Clare. Hicks@gov.scot>; [Redacted - s.38(1)(b)]

Subject: RE: 15:05 - 16:05 - Deep Dive: Learning Hours

[Redacted - s.38(1)(b)]

Please see attached a briefing paper for next Tuesday's deep dive session on Learning Hours.

Many thanks [Redacted – s.38(1)(b)]



[Redacted Out of Scope]

From: [Redacted - s.38(1)(b)] **Learning Directorate/WID**10 August 2023

Cabinet Secretary for Education and Skills

Learning Hours - discussion note

Priority and Purpose

1. [Redacted s.30]

Recommendation

2 [Redacted s.30]

Context and Issues

Options Considered and Advice

Next Steps

[Redacted s.30]

[Redacted - s.38(1)(b)]

Learning Directorate, Workforce, Infrastructure and Digital Division

| Cabinet Secretaries and Ministers Copy List | | | For Action | For Information Portfolio interest | For Information Constituency interest | For Information General awareness |
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| Cabinet Education | Secretary | for | X | | | |

Neil Rennick Graeme Logan Sam Anson Peter Whitehouse Alison Taylor [Redacted – s.38(1)(b)]

Clare Hicks [Redacted - s.38(1)(b)] [Redacted s.25 3 pages]

[Redacted s.30 4 pages]

DOCUMENT 12

[Redacted - s.38(1)(b)]

From: [Redacted - s.38(1)(b)]

Sent: 08 November 2023 15:02

To: Cabinet Secretary for Education & Skills

Cc: DG Education & Justice: Director of Learning: Sam Anson: [Redacted - s.38(1)(b)]

Subject: Submission - Learning Hours Advice on Next Steps

Attachments: Annex A - Learning Hours Consultation Analysis Report.docx; Submission - Learning Hours -

advice on next steps - 8 November 2023.docx

PS/Cabinet Secretary for Education and Skills

Please see attached a submission on behalf of [Redacted - s 38(1)(b)] to provide advice on proposed next steps for our work on learning hours in Scottish schools.

It would be helpful to have your response by 10 November 2023.

Please note that Annex A is attached as a separate file.

[Redacted - s.38(1)(b)]



[Redacted – s.38(1)(b)] From: Workforce, Infrastructure and Digital Division 8 November 2023

PS/Cabinet Secretary for Education and Skills

Learning Hours – next steps

Priority and Purpose

[Redacted s.30]

Recommendation

[Redacted s.30]

Context and Issues

Options Considered and Advice

Assessment of Options

| [Redacted s.30] |
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Bute House Agreement Implications

21.N/A

Verity House Agreement Implications [Redacted s.30]

Financial and Legal Considerations

[Redacted s.30]

[Redacted 36(1)]

| [Redacted: | s.301 |
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Sensitivities

[Redacted s.30]

Quality Assurance

[Redacted s.30]

Conclusions and Next Steps

[Redacted s.30]

[Redacted - s.38(1)(b)]

| Cabinet Secretaries and Ministers Copy List | For Action | For Information Portfolio interest | For Information Constituency interest | For Information General awareness |
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| Cabinet Secretary for | X | | | 24 |
| Education and Skills | | | | |

| Officials Copy List | |
|--|-------------------------|
| DG Education and Justice Graeme Logan, Director of Learning Sam Anson [Redacted – s.38(1)(b)] | [Redacted – s.38(1)(b)] |

| Officials Copy List | |
|-------------------------|--|
| [Redacted - s.38(1)(b)] | |

Annex A – Draft Learning Hours Consultation Report – sent under separate cover

Annex B – Learning Hours Deep Dive note

PS/Cabinet Secretary for Education and Skills

[Redacted s.30 10 pages]

Consultation on Prescribing the Minimum Annual Number of Learning Hours

Analysis of responses

[Redacted s.30 48 pages]

[Redacted Out of Scope]

From:[Redacted - s.38(1)(b)]

Sent: Monday, November 20, 2023 4:30 PM **To:** First Minister <FirstMinister@gov.scot>

Cc: Deputy First Minister and Cabinet Secretary for Finance <DFMCSF@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot>; DG Communities <DGCommunities@gov.scot>; Director for Local Government and Housing <DirectorForLocalGovernmentandHousing@gov.scot>; Ellen Leaver <Ellen.Leaver@gov.scot>; lan [Redacted – s.38(1)(b)]

lan Turner <lan.Turner@gov.scot>; Rachael

McGruer <rachael.mcgruer@gov.scot>; [Redacted - s.38(1)(b)]

Lewis Hedge <Lewis.Hedge@gov.scot>; [Redacted - s.38(1)(b)]

[Redacted - s.38(1)(b)]

; Sam Anson <Sam.Anson@gov.scot>;

[Redacted - s.38(1)(b)]

Subject: FM COSLA meeting - 22 Nov meeting - Briefing

FMPO

Cc as above

Please find attached the briefing for FM meeting with the COSLA President on 22 November, along with the recent correspondence sent from COSLA.

[Redacted Out of Scope]

[Redacted - s.38(1)(b)]

Attachment 1

BRIEFING FOR FIRST MINISTER

FIRST MINISTER MEETING WITH COSLA PRESIDENT

22 NOVEMBER 2023

[Redacted Out of Scope]

| Who | [Redacted - s.38(1)(b)] |
|-------|--|
| Where | Bute House |
| When | Wednesday 22 November - 10:00 to 10:45 |

| Media | No |
|--|--|
| Supporting official Attached documents | Ellen Leaver, Deputy Director, Local Government Finance and Analytical Services Division [Redacted Out of Scope] Annex K: Learning Hours [Redacted Out of Scope] |

Meeting Summary

[Redacted Out of Scope 12 pages]

ANNEX K
LEARNING HOURS

6A5G? 7@F #&

[Redacted Out of Scope]

From: Alison Taylor

Sent: Wednesday, November 22, 2023 4:25 PM

To: Cabinet Secretary for Education & Skills < CabSecforES@gov.scot >

Cc: DG Education & Justice <<u>dgej@gov.scot</u>>; Neil Rennick <<u>Neil.Rennick@gov.scot</u>>; Director of Learning

<<u>DirectorofLearning@gov.scot</u>>; Graeme Logan <<u>Graeme.Logan@gov.scot</u>>; Director for Children and Families

<<u>DirectorforChildrenandFamilies@gov.scot</u>>; Clare Hicks <<u>Clare.Hicks@gov.scot</u>>; Sam Anson

<<u>Sam.Anson@gov.scot</u>>; Eleanor Passmore <<u>Eleanor.Passmore@gov.scot</u>>; [Redacted – s.38(1)(b)]

Subject: OFFSEN: Advice -VHA and Budget 24/25

Cabinet Secretary for Education and Skills

| [| [Redacted Out of Scope] | |
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[

[Redacted Out of Scope]

From: [Redacted - s.38(1)(b)]
Sent: 24 February 2023 10:33

To: Cabinet Secretary for Education and Skills <CabSecES@gov.scot>

[Redacted - s.38(1)(b)]

Communications Education & Skills < Communications Education and Skills@gov.scot>;

[Redacted - s.38(1)(b)]

Sam Anson <Sam.Anson@gov.scot>; [Redacted - s.38(1)(b)]

; Director for Local Government and Housing

< DirectorForLocalGovernment and Housing@gov.scot>; Ellen Leaver < Ellen.Leaver@gov.scot>; [Redacted -s.38(1)(b)]

Minister for HE, FE, Youth Employment and Training <MinisterHEFEYET@gov.scot>;

Minister for Children & Young People <MinisterCYP@gov.scot>

Subject: FOR CAB SEC VIEW - teaching hours/council budget cuts - P&J

PO Cabinet Secretary for Education and Skills,

We've received an inquiry from the P&J about plans in Aberdeen City Council's budget to potentially cut the length of the school week.

Policy colleagues and SpAds are content with the below response.

Is Ms Somerville content for this to be issued?

Just to flag, the journalist is planning to publish online at 11.45am Many thanks [Redacted - s.38(1)(b)]

RESPONSE

Education Secretary Shirley-Anne Somerville said:

"I am committed protecting the length of the school week and recruiting more teachers and set out measures to Parliament earlier this month which underline our commitment to this.

"A new legal duty will be placed on councils to ensure they provide a minimum number of learning hours through regulations brought under legislation passed by the Scottish Parliament in 2016.

"We will provide also £145.5 million in next year's budget to protect increased teacher numbers and support staff, and where this is not being delivered by a local authority, we will withhold or recoup funding which has been given for this purpose.

"We have provided nearly £13.5 billion in the 2023-24 Local Government Settlement, an increase of £793 million to support councils during this difficult financial period."

INOUIRY

Hi Lana, thanks for your time there.

Sorry for the short notice with this, the council's budget papers only went up online last night and I'm to get something out by 11.45am. Obviously if the line comes after that, I can add it in though.

Councillors will meet on Wednesday to decide Aberdeen's budget/save £46m.

One potentially controversial suggestion is this, to save £495,000 -

"Reduce the provision of education from the statutory entitlement of 25 hours to 22.5 hours."

From looking into the background, it seems that the statutory 25 hours of teaching time was introduced in 2015 in response to concerns councils might try something like this in budget meetings.

https://www.scotsman.com/regions/all-scots-primary-school-kids-get-25-hours-teaching-1488088

I'm just wondering what the government's stance on this would be, and if the council would face any repercussions for reducing the number of hours in the teaching week?

It's something that appears to have been discussed recently (see below) but is not actually enshrined in law yet.

https://www.tes.com/magazine/news/general/government-enforce-minimum-learning-hours

Thanks in advance for any help!

[Redacted - s.38(1)(b)]

DOCUMENT 16

[Redacted - s.38(1)(b)]

[Redacted -s.38(1)(b)] From:

06 February 2023 17:35 Sent:

To:

Cabinet Secretary for Education and Skills
Director of Learning; Anson S (Sam); [Redacted – s.38(1)(b)] Cc:

Subject: RE: Parliamentary Statement on Teacher Numbers & Learning Hours

Attachments: Parliamentary Statement on protecting teacher numbers and learning hours - 060223 v2.docx

[Redacted -- as discussed, here's an updated version of the Statement taking into account Cab Sec's s 38(1)(b)] comments at 16:39. I can circulate more widely in due course

Kind regards [Redacted - s.38(1)(b)]

| [Redacted Out of Scope 3 pages] | | |
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Attachment 1

Parliamentary Statement on protecting teacher numbers and children's learning hours at school

[Redacted s.25]

[Redacted s.25 8 pages]

6A5G? 7@F#)

[Redacted - s.38(1)(b)]

From: Anson S (Sam)

23 January 2023 14:07 Sent:

To:

Cabinet Secretary for Education and Skills Griffin J (Joe): DG Education & Justice: [Redacted – s.38(1)(b)] Cc:

Subject: RE: NOTE FROM CABINET SECRETARY FOR EDUCATION & SKILLS: MAINTAINING TEACHER

NUMBERS AND CURRENT LEARNING HOURS FOR PUPILS

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

[Redacted s.30]

Hope helpful,

Sam

Sam Anson (he/him) | DD: Workforce, Infrastructure & Digital | Learning Directorate [Redacted - s.38(1)(b)]

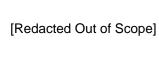
[Redacted s.29(1)(b)]

[Redacted s.29(1)(b)]



[Redacted s.29(1)(b)]

6A5G? 7@F #*



From: [Redacted – s.38(1)(b)]

Sent: Wednesday, November 22, 2023 5:06 PM

To: Cabinet Secretary for Education & Skills < CabSecforES@gov.scot>

 $\begin{tabular}{ll} \textbf{Cc:} DG Education \& Justice <dgej@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; Sam Anson <&Sam.Anson@gov.scot>; [Redacted - s.38(1)(b)] \\ \end{tabular}$

Subject: RE: Submission - Learning Hours Advice on Next Steps

Kind regards, [Redacted – s.38(1)(b)]

From: Ellen Leaver Local Government and Analytical Services Division 14 November 2023

First Minister
Deputy First Minister and Cabinet Secretary for Finance
Cabinet Secretary for Education and Skills
Cabinet Secretary for NHS Recovery, Health and Social Care
Cabinet Secretary for Wellbeing Economy, Fair Work and Energy

[Redacted Out of Scope]

Priority and Purpose

1. Routine – [Redacted Out of Scope]

Recommendation

2 [Redacted Out of Scope]

Context and Issues

i. [Redacted Out of Scope]

[Redacted s.30] iii. [Redacted Out of Scope]



[Redacted Out of Scope 2 pages]

Options Considered and Advice

[Redacted s.30]

| [Redacted Out of Scope] |
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Bute House Agreement Implications

[Redacted Out of Scope]

Verity House Agreement Implications

Financial and Legal Implications

Conclusions and next Steps

Ellen Leaver
Deputy Director for Local Government and Analytical Services Division
Directorate for Local Government and Housing

| Cabinet Secretaries and Ministers Copy List | For Action | For Information Portfolio interest | For Information Constituency interest | For Information General awareness |
|---|---------------|---|---------------------------------------|--|
| Minister for Community Wealth and Public Finance | | X | | |
| Minister for Local Government Empowerment and Planning | | X | | |
| Minister for Children, Young People and Keeping the Promise | | Х | | |
| Minister for Social Care, Mental Wellbeing and Sport | | Х | | |

| Officials Copy List | |
|--|--------------------------------|
| Permanent Secretary | [Redacted - s.38(1)(b)] |
| DG Communities | |
| DG Education and Justice | [Dadastad a 20/4\/h\] |
| DG Health and Social Care | [Redacted – s.38(1)(b)] |
| DG Economy | [Redacted - s.38(1)(b)] |
| DG Scottish Exchequer | |
| DG Corporate | |
| Chief Financial Officer | |
| Director for Local Government and | |
| Housing | |
| Director for Budget and Public Spending | |
| Director for Learning | |
| Clare Hicks, Director for Education | |
| Reform | |
| Aiden Grisewood, Director for Jobs and | |
| Wellbeing Economy | Communications DEM and Finance |
| Donna Bell, Director for Social Care and | Communications DFM and Finance |
| NCS Development | |
| SGLD Head of Economy and Social | |
| Protections Branch | |

| Officials Copy List | |
|--------------------------------------|--|
| [Redacted – s.38(1)(b)] | |
| Sam Anson [Redacted – s.38(1)(b)] | |
| | |

ANNEXES
[Redacted Out of Scope]

C. Configuration of the school week [Redacted Out of Scope]

[Redacted Out of Scope 7 pages]

Annex C - Issue: [Redacted s.30]

Cabinet Secretary/Ministerial Lead: Cabinet Secretary for Education and Skills Policy Lead: Sam Anson, [Redacted - s.38(1)(b)]

[Redacted Out of Scope 11 pages]

DOCUMENT 20

From: <u>Director of Learning</u>

To: <u>Cabinet Secretary for Education & Skills; Sam Anson; DG Education & Justice</u>

Subject: Ringfencing local government education spend

Date: 04 May 2023 12:56:00

Attachments: Teacher Numbers and Learning Hours - Advice for First Minister - 27 January 2023 - final 1615.docx

Cabinet Secretary

[Redacted Out of Scope]

I would be happy to discuss this further, or to provide further advice if required.

Thanks Graeme.

Graeme Logan / Sean Neill Learning / Local Government and Housing 27 January 2023

First Minister
Deputy First Minister and Cabinet Secretary for Covid Recovery
Cabinet Secretary for Education & Skills
Cabinet Secretary for Social Justice, Housing and Local Government

ENSURING FUNDING FOR TEACHER RECRUITMENT IS USED AS INTENDED AND THE LENGTH OF THE SCHOOL WEEK IS NOT SHORTENED

Purpose

1. [Redacted Out of Scope]

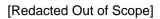
([Redacted s.30]

Timing

2. [Redacted Out of Scope]

BACKGROUND

[Redacted Out of Scope 2 pages]



Handling and next steps
[Redacted Out of Scope]

Graeme Logan / Sean Neill 27 January 2023

| | For | For | For Information | | | |
|------------|---------------|----------|-----------------|-----------|-----------|---------|
| Copy List: | For Action | | For Comments | Portfolio | Constit | General |
| | | Comments | Interest | Interest | Awareness | |
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Permanent Secretary
DG Education and Justice
DG Communities
Director for Education Reform
Sam Anson
Jennifer Bradley

[Redacted - s.38(1)(b)]

Ellen Leaver [Redacted – s.38(1)(b)]

| [Redacted - s.38(1)(b)] |
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