

Agenda Item	12
Report No	HC/19/17

HIGHLAND COUNCIL

Committee: The Highland Council

Date: 29 June 2017

Report Title: **Education Governance Review**

Report By: Bill Alexander, Director of Care & Learning

1. Purpose/Executive Summary

This report sets out the Scottish Government's recently announced proposals for the reform of educational governance, and provides a commentary regarding the issues raised.

2. Recommendations

Members are asked to:

- (i) Recommit to working collaboratively with Headteachers to provide them with better opportunities to drive school improvement and reduce unnecessary bureaucracy.
- (ii) Agree that the proposals set out by the Scottish Government do nothing to declutter the current arrangements, but could introduce new layers of scrutiny and management, and confuse responsibility and accountability for the management of schools.
- (iii) Agree to seek to work with Government, including through CoSLA, the Northern Alliance and other forums, to endeavour to influence these proposals in a more positive and constructive direction.

3. Background

- 3.1 The Scottish Government published proposals for the reform of the governance of Scottish education on 15 June 2017. The proposals are at: <http://www.gov.scot/Publications/2017/06/2941>
- 3.2 These proposals follow a wide ranging consultation, on [*Empowering teachers, parents and communities to achieve excellence and equity – a governance review*](#), which ran from September 2016 to January 2017.
- 3.3 The Director of Care & Learning consulted with staff, managers and other stakeholders, and submitted a professional response to the consultation, which largely reflected similar issues raised across the country (as summarised below). It is available at: https://consult.scotland.gov.uk/empowering-schools/a-governance-review/consultation/view_respondent?show_all_questions=0&q_text=Highland&uuld=855529644
- 3.4 The Director also contributed to the combined professional response of the Northern Alliance, representing the Directors across the seven northern local authorities.
- 3.5 The Scottish Government has published the analysis of the consultation responses: [*Empowering teachers, parents and communities to achieve excellence and equity – a Governance Review: An analysis of consultation responses*](#). This evidences significant disagreement across the educational community with core aspects of the initial proposals.
- 3.6 The Chief Executive of the Improvement Service has provided a comprehensive analysis of the response, which concludes that:
 - There is very little support for a regional level of governance.
 - Regional collaboration is supported for sharing good practice, building on what already exists.
 - There is little support for further devolution of finance or governance to school level, and while there is support for greater flexibility in using resources at school level, there is concern about further decentralisation and the ability of school staff to cope.
 - Parents of children with additional support needs are concerned that devolving higher levels of funding to schools would be detrimental.
 - There is support for the “cluster” school model and for working across schools which, in many areas, is already an established practice.
 - There is an opportunity to streamline national organisations, particularly in relation to inspection.

4 Scottish Government Proposals: 'Education Governance: Next Steps - Empowering Our Teachers, Parents and Communities to Deliver Excellence and Equity for Our Children'

4.1 The Scottish Government's proposals are built around what the Cabinet Secretary calls "three pillars to deliver on excellence and equity, by raising the bar and closing the attainment gap":

- enhanced career development and opportunities for teachers,
- regional collaboratives,
- support services from councils.

4.2 In announcing the proposals, Mr Swinney set out what he calls "sweeping new powers for schools", including:

- responsibility for raising attainment and closing the poverty-related gap in their school,
- choosing school staff and management structure,
- deciding curriculum content, within a broad national framework,
- directly controlling more school funding.

4.3 The new Regional Improvement Collaboratives are intended to bring local authority staff and Education Scotland together, led by a Regional Director to be appointed by the Scottish Government and reporting to the Chief Executive of Education Scotland.

4.4 Mr Swinney confirmed plans to reform the General Teaching Council for Scotland, bringing it together with other professional development bodies in a new Education Workforce Council for Scotland. He said there would be consultation on the regulation of the wider educational workforce.

4.5 While he also stated that there would be "strengthened inspection and improvement functions," he did not announce the separation of these functions, as was widely anticipated. Neither did he make any proposals to streamline or integrate the functions of the various regulatory agencies.

4.6 Other proposals include the enhancement of parent councils, parental involvement, and pupil participation; and every school to have access to a 'Home to School Worker'.

4.7 While there will be no national funding formula, there will be consultation on the development of a more consistent approach to funding to ensure that schools have a greater role in how the education budget is spent.

4.8 Regarding the role of local government, the proposals state that

"The school and teacher-led system needs all partners, including local government to focus on their contribution to improve performance. Local authorities' role and importance is crucial and they will be democratically accountable for the services they provide to schools and centres. Schools will now have much greater responsibility for key decisions and local authorities

will have a vital role to play in enabling and supporting that. There will be a new duty on local authorities to collaborate to support improvement on a regional basis. They will also be responsible for improvement through their provision of education support services, their regional collaboration, and in securing leadership in their schools.

They will oversee quality in the provision of early learning and childcare, as well as being a key provider of services. Local authority education support services will include: the supply of schools; the provision of denominational and Gaelic medium schools where required; the administration of placing and admissions procedures, including for children with additional support needs (including independent sector where appropriate); the provision of support services such as human resource functions; planning for future requirements; and securing excellent headteachers for the schools in their area. This will retain important local accountability for the supply and quality of leadership in schools in our communities. The vast majority of the funding for school education will continue to be channelled through local authorities, and they will continue to have a role in ensuring that public resources allocated for the delivery of education in Scotland are properly accounted for.”

- 4.9 Some of these proposals will require legislative change, and the Government has committed to bringing forward an Education Governance Bill. The Cabinet Secretary says that he will work closely with partners to consult on the legislative changes, which will be introduced in the second year of this Parliament.

5 Initial response to the proposals

- 5.1 The Council Leader responded to the proposals, by saying they would be discussed at this Council meeting, and stating that:

“I believe that local democratic accountability must be at the heart of the delivery of Scottish education. We are committed to continuous improvement in education, to achieve the best outcomes for children as part of an integrated children’s service.

At first read, these proposals go further than we were led to believe and could sever the long established and productive links of accountability between schools and local government. We need to read these proposals carefully and respond, however at first reading I find little here to welcome and am concerned this is a first stepping stone to more centralisation.

- 5.2 CoSLA issued a statement, saying that:

“The Scottish Government is trying to give the impression that Scotland’s councils still have a role to play in the delivery of education when the reality is that they do not; the simple truth is that there will be no meaningful local democratic accountability for education in Scotland. This is concerning in every way but particularly that today we have seen the Scottish Government

fundamentally ignoring the whole system approach. This will be of most detriment to the most vulnerable.

The Scottish system has worked tirelessly towards a co-ordinated approach – health, social work, the third sector and others rally around a child and provide them with the help both they and their family need. Schools are only one facet of this. If the Scottish Government continue down this path of isolating education, the whole system approach is lost and it is the most vulnerable and disadvantaged children in our society who will suffer as a result.

Local authorities are committed to our children and young people – ensuring that each individual receives the education and wider support they need to fulfil their potential. We will embrace change which promotes better outcomes but we will resist any change which does not. We are clear that what has been announced today erodes local democratic accountability and most certainly will not close the attainment gap.”

5.3 CoSLA Leaders are due to discuss the proposals at their meeting on 30 June.

6 Analysis

6.1 The Highland Council believes in the need for innovation and creativity, to continue to improve the delivery of Scottish education and to improve outcomes for children and families. We have an ambitious programme, to empower Teachers and Headteachers, to raise attainment for all children, and to close the attainment gap.

6.2 Over recent months, senior elected members have made clear to the Cabinet Secretary that the Council seeks to continue to work positively with Government to achieve positive changes in the arrangements to support schools. But we have said that any changes need to be built on evidence of ‘what works’, promoting both bottom-up and top-down, professionally led collaboration across authorities and across professional disciplines, and maintaining democratic accountability at the heart of service delivery.

6.3 The Director of Care and Learning has reiterated these points to Government from a professional perspective in various forums, including through the Northern Alliance. Indeed, the Northern Alliance has been widely commended as an example of what can be achieved through professional collaboration, and Mr Swinney has used it as an example of what he is seeking to achieve across the country. Accordingly, it is important to note that the Alliance has been a ‘collaboration of the willing’, and that governance and accountability has remained firmly with each of the individual authorities.

6.4 Highland Council has always taken pride in its schools and its teachers, and in our passion and determination involving elected members and thousands of staff, to achieve good educational outcomes for our children. We are not complacent, but committed to continuous improvement, and we do not recognise the stereotypical and often critical presentation of schools and education that is regularly portrayed in the media.

- 6.5 There are many strengths in the Scottish system, as recognised by the recent OECD report. There is a real risk that these strengths will be undermined by a significant shift away from the traditions rooted in Scottish education and Scottish children's services over many decades.
- 6.6 That tradition places the delivery of education at the heart of local democracy. Schools are at the centre of the lives of our citizens and of local communities, and the democratic control of schools is the lifeblood of local authorities.
- 6.7 There is already an embedded process of parental consultation and engagement in our schools. Although we can do more to make that increasingly effective and more meaningful, there is no evidence to suggest that parents wish direct control over the day to day operation of schools, nor that this will raise attainment or close the attainment gap.
- 6.8 The Council's Management of Schools programme involves working collaboratively with Headteachers to provide them with better opportunities to drive further improvement and reduce unnecessary bureaucracy. The programme recognises that Headteachers wish to be leaders of Learning & Teaching, and not corporate managers of HR, finance, legal, facilities and property management.
- 6.9 Further, although it is clearly the case that Headteachers should have responsibility for school improvement and the curriculum, and to be key players in the deployment of the workforce, this should not detract from the need for all of these responsibilities to remain very firmly within a strategic and statutory framework, where the local authority is both properly resourced and accountable for delivering the standard of education in our communities.
- 6.10 More than that, our responsibility to help children to achieve, as well as to be healthy, safe and responsible, does not fall to teachers alone. Schools operate as part of the wider children and families services system to protect our children, and to support them to reach their developmental milestones to achieve their full potential. As CoSLA states, if we isolate education, the whole system approach is lost. All of our children may do less well as a consequence, and the most disadvantaged children will suffer the most.
- 6.11 Mr Swinney says that "the structure of the present system is too complex". As presently set out, these proposals do nothing to declutter the current arrangements. They introduce new layers of scrutiny and management, complicate responsibility and accountability, and create significant capacity for confusion.
- 6.12 It does not have to be like this. Highland Council believes in the very same objectives that the Cabinet Secretary has championed. We disagree with the structures that he has set out to achieve these objectives. We hope that there remains both time and the will to work with Government, including through CoSLA, the Northern Alliance and other forums, to mould these proposals into a more positive direction.

7 Implications

7.1 Resources

The Scottish Government has initiated a new consultation on funding arrangements for education. These proposals indicate that increased funding is likely to be directed straight to schools.

7.2 Legal

Some of these proposals would require new legislation.

7.3 Gaelic

These proposals envisage the local authority retaining responsibility for organising Gaelic medium provision/

7.4 Community

Significant concerns have been raised in the consultation on changes to governance arrangements, about how these proposals would affect children with Additional Support Needs, or living in more disadvantaged communities. They would also appear to raise significant challenges in small rural schools, albeit these would be mediated to a large extent through implementation of the new structures and administrative that Highland Council has already committed to.

7.5 There are no new implications regarding Climate Change / Carbon Clever issues.

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