

CONSULTATION ON DRAFT HEAD TEACHER AND TRAINING STANDARDS (SCOTLAND) REGULATIONS

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1. Responding to the consultation

This consultation seeks views on the scope of the regulations making the holding of the Standard for Headship mandatory for all new Head Teachers.

Responses should reach us by **Monday 20 March 2017**. Earlier responses would be welcome.

Responses can either be sent through the Scottish Government's Citizen Space Consultation platform, by email or by hard copy (a paper copy through the post).

The most straight forward way to respond is on-line through Citizen Space. Details are available in the Consultation Hub on the consultation section of the Scottish Government's website: <https://consult.scotland.gov.uk/people-and-leadership-unit/head-teachers-education-and-training-standards>.

Citizen Space contains some mandatory fields asking for details of the person or body responding to the consultation and whether the person or body is happy for their response to be published.

Email or hard copy responses must include the Government's Respondent Information Form which is provided in Annex B. This asks for details of the person or body responding to the consultation and whether the person or body is happy for their response to be published.

Emails can be sent to: scott.brand@gov.scot whilst hard copy response should be addressed to:

People and Leadership Unit
Scottish Government
2A- South
Victoria Quay
Edinburgh EH6 6QQ

There is no obligation to respond to all questions. We welcome responses to some or all of the questions.

If you ask for your response not to be published we will regard it as confidential and we will treat it accordingly. All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this review.

Next steps in the process

Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material,

responses will be made available to the public on the Scottish Government Consultation Hub <http://consult.scotland.gov.uk>

How will this be used?

Following the closing date, all responses will be analysed and considered along with other available evidence to help us shape the regulations.

2. Context

The Scottish Government document “Delivering Excellence and Equity in Scottish Education – A Delivery Plan for Scotland” states that “We will make holding the Standard for Headship mandatory for all new Head Teachers by August 2019 and will consult by the end of 2016 on the legislation that will achieve this”. Powers were acquired under The Education (Scotland) Act 2016 which make amendments to the Education (Scotland) Act 1980 to allow the Scottish Ministers to make regulations prescribing the standards of education and training needed before a person could be appointed as a Head Teacher of an education authority, grant-aided or independent school. The Scottish Parliament approved the creation of these powers under section 28 of the Education (Scotland) Act 2016. It has been the policy of the Scottish Government since 2005 that employers satisfy themselves that teachers appointed to Head Teacher posts should meet a certain standard of education and training.

This consultation aims to seek the public’s views on the draft “The Head Teachers Education and Training Standards (Scotland) Regulations” (see Annex A). The regulations are required to meet the policy aim of improving the quality of candidate applying for Head Teacher posts thereby ensuring schools are led by Head Teachers who are prepared for the role.

The regulations apply to persons seeking appointment as Head Teacher of both education authority managed and grant-aided schools.

However, the regulations also allow education authorities flexibility to deal with any individual local circumstances particularly in relation to temporary appointments.

Introducing these regulations is part of the Scottish Government’s strategy to improve school education in Scotland. Leadership is recognised as one of the most important aspects of the success of any school. Leaders at all levels who are empowered, and who empower others to take ownership of their own learning, have a strong track record of ensuring the highest quality of learning and teaching. This in turn helps to ensure that all children achieve the best possible outcomes. Highly effective leadership is key in ensuring the highest possible standards and expectations are shared across schools to achieve excellence and equity for all.

This legislation links to other initiatives the Scottish Government are developing in educational leadership. One of the main organisations we have invested in is the Scottish College for Educational Leadership (SCEL). Their aim is to ensure every teacher benefits from excellent leadership learning and development so they can make a direct difference to young people and society. They continue to work extensively on the design and delivery of professional learning programmes, events, conferences and awards and have successfully involved the wider educational community in its activities and projects.

An important strand of SCEL's work has been the development on the "Into Headship" programme in collaboration with Scottish Universities. This programme looks explicitly at the preparation for the role of Head Teacher and building real understanding and experience in strategic leadership, leading at a whole school level and all the complexities this entails. This is the only programme currently available that results in the award of the General Teaching Council for Scotland ("the GTCS") Standard for Headship. The Scottish Government fully funds participants through this programme although each local authority has to agree to each individual's involvement. The Scottish Qualification for Headship and the Flexible Routes to Headship were the previously recognised national programmes. However, these programmes are no longer offered. Graduates from these programmes were awarded the Standard for Headship and this award still remains valid.

The Standard for Headship is part of a suite of teaching standards that are developed and awarded by the GTCS. The Standard for Headship supports the self-evaluation and professional learning of those in, or aspiring to, formal leadership roles in schools. All teaching standards are underpinned by the themes of values, sustainability and leadership and are integral to professional relationships and practices. The Standard for Headship is awarded by the GTCS on completion of the "Into Headship" programme, which is delivered by university providers and accredited by both SCEL and the GTCS. This forms part of the full 180 credit masters pathway that is being developed for teacher leadership by SCEL (see Annex C for further details).

It is recognised that there are various issues surrounding recruitment of Head Teachers in Scotland. The Association of Directors of Education (ADES) and the Scottish Government have undertaken research into this area and produced a report that was published in September 2016 (see Annex C for further details). It concluded that a package of measures was needed to bring improvement, continuity and sustainability of leadership in schools and communities. These measures include career pathways and preparation for headship, support for Head Teachers, terms, conditions and incentives and promoting the role of Head Teachers.

The Scottish Government is currently undertaking a Review of Governance arrangements in Scottish education (link to document in Annex C). One of the aspects the Review considers is more decisions about school life being driven by schools themselves, starting with the presumption that decisions about children's learning and school life should be taken at school level. The Government are committed to extending to schools, the responsibilities that currently sit with education authorities and to allocating more resources directly to Head Teachers to enable them to make decisions, based on local circumstances, to give our children and young people the best chance of success. The Government have undertaken to ensure that all the support necessary is available so that Head Teachers have the skills and confidence to grasp the opportunities change like this can bring.

The Education (Scotland) Act 2016 (“the 2016 Act”) amended the Education (Scotland) Act 1980 Act to enable regulations to be made by the Scottish Ministers prescribing the standards of education and training required by persons seeking appointment as Head Teachers to education authority, grant-aided and independent schools. Following representations from the independent schools sector about their particular circumstances, as stated above, we have decided that regulations will not be made by Ministers which apply to Head Teachers of these schools at this juncture.

3. Purpose, Scope and exemptions

The draft regulations specify the education and training standards needed before teachers can be appointed to Head Teacher posts in education authority and grant-aided schools. The regulations provide that only those persons who have achieved the Standard for Headship may be appointed by education authorities and managers of grant-aided schools as Head Teachers (regulation 2(1) and (2)). The regulations define “the Standard for Headship” as meaning the professional standard awarded to a person by the GTCS in terms of the GTCS’s functions under the Public Services Reform (General Teaching Council for Scotland) Order 2011 if satisfied that the person meets the requirements in the General Teaching Council for Scotland Registration and Standard Rules 2014 (rule 7.1.3) (links to documents in Annex C).

However the regulations aim to be practicable and allow for a degree of flexibility for the employer if, for example, a temporary appointment is needed. During the passage of the Education (Scotland) Act 2016 through Parliament, education authorities asked that the regulations were drafted in a way that gave education authorities and managers of grant-aided schools the flexibility to manage complex school staffing arrangements. Therefore, the draft regulations will exempt certain categories of appointment of persons to the role of Head Teacher at these schools.

Regulation 3 provides for exemptions from the general requirement in regulation 2 that only persons who have achieved the Standard for Headship may be appointed by education authorities and managers of grant-aided schools:

- Regulation 3(1) provides that the general requirement does not apply to a person appointed as a permanent Head Teacher of a school by an education authority, manager of a grant-aided school or an independent school on or before 1st August 2019. It also has the effect of exempting any person that has been a Head Teacher of such schools at any point before 1st August 2019, but who are not in post on that date.
- Regulation 3(2) provides that the general requirement does not prevent persons who do not hold the Standard for Headship being appointed to the Head Teacher role at education authority and grant-aided schools on or after 1st August 2019 on a temporary basis (provided the appointment does not exceed 24 months). This also has the effect of allowing the authority to appoint a Head Teacher on a temporary basis on more than one occasion, again provided the temporary appointment(s) do not exceed 24 months.

The draft regulations are intended to come into force on 1 August 2019 and are not retrospective. It is considered that commencing the regulations on 1 August 2019 gives sufficient time for education authorities and grant-aided schools to plan for future Head Teacher appointments within their wider workforce planning functions. The “Into Headship” programme has an annual intake and takes approximately 18 months to complete. As stated above, the draft regulations will not affect the status

of current Head Teachers and those that have been in a Head Teacher post previously in their career and their ability to move between posts across Scotland will not be reduced. The effect of the regulations on categories of teachers is described below:-

Categories of teachers who are within the scope of the regulations (those who must have achieved the Standard for Headship)

- teachers being appointed to their first Head Teacher post within education authority/grant aided schools in Scotland on or after 1st August 2019;
- teachers appointed on an acting/temporary basis to a Head Teacher position at such schools on or after 1st August 2019 if their appointment is for a longer period than 24 months, and
- teachers based outside Scotland being appointed to their first Head Teacher post in Scotland on or after 1st August 2019.

Categories of teachers who are out with the scope of the regulations

- Head Teachers employed in education authority/grant aided schools on a permanent basis before 1st August 2019;
- Head Teachers employed in education authority/grant aided schools on a permanent basis before 1st August 2019 who move to another Head Teacher post between and within education authorities;
- Head Teachers appointed before 1st August 2019, seconded to a non-Head Teacher position;
- education authority employed staff who were formerly in a Head Teacher post on a permanent basis before 1st August 2019
- a person who was formerly employed as a Head Teacher in Scotland before 1st August 2019 but who is not currently working in the Scottish education sector.

4. Frequently Asked Questions (FAQs)

These FAQs are provided to show how the draft regulations would work in practice.

Number 1

Q. I am currently working as a Head Teacher for a local authority on a permanent basis. I want to apply for a Head Teacher post in another local authority. Do I need to hold the Standard for Headship as awarded by the GTCS?

A. No you do not need to hold the Standard for Headship as awarded by the GTCS as you have been employed in the position of Head Teacher on a permanent basis by a local authority, grant aided school or independent school prior to 1 August 2019.

Number 2

Q. After 1 August 2019 will employers be able to appoint Head Teachers, who do not have the Standard for Headship, on a temporary basis?

A. Yes, employers can still appoint teachers without the Standard for Headship on a temporary basis provided that each appointment does not exceed 24 months. For a teacher to be permanently appointed as a Head Teachers they will be required to hold the Standard for Headship.

Number 3

Q. What happens if employers go beyond the 24 month limit for temporary appointments?

A. If employers have a person appointed to a Head Teacher post for longer than 24 months, and the person does not hold the Standard for Headship, this will be in breach of the draft regulations and a failure to comply with a statutory obligation.

Number 4

Q. I am a Depute Head Teacher and wish to apply for a Head Teacher post. I have successfully completed one of the previous routes to headship i.e. the Scottish Qualification for Headship (SQH) or the Flexible Routes to Headship (FRH) and was awarded the Standard for Headship by the GTCS. Does the meet the requirements of the regulations?

A. Yes, these are both GTCS accredited Standard for Headship programmes and are, therefore, recognised by the regulations. Although these programmes are no longer on offer the qualification remains valid and meets the requirements of the Standard for Headship programmes and therefore the regulations. You are free to apply for Head Teacher posts after 1 August 2019.

Number 5

Q. I am a Head Teacher working outside of Scotland without the Standard for Headship awarded by the GTCS. Do the regulations allow me to apply for Head Teacher posts within local authority and grant aided-schools?

A. You will need to obtain the Standard for Headship awarded by the GTCS before being appointed on a permanent basis. The GTCS will have a process to accredit your previous standards of education and training to see if you meet the Standard for Headship. If the GTCS award you the Standard then you can apply for Head Teacher posts with local authorities and grant-aided schools. (This applies to Head Teachers working elsewhere in the UK or outside of the UK).

Number 6

Q. I am a Head Teacher working in an independent school in Scotland and wish to apply for a Head Teacher post with a local authority or grant-aided school. Do the regulations require me to have the Standard for Headship awarded by the GTCS?

A. If you are in the post of a permanent Head Teacher before the regulations come into force then they will not apply to you. You would, therefore, be able to apply for Head Teacher posts within local authority and grant-aided schools.

Number 7

Q. I formerly worked as Head Teacher on a permanent basis but moved to another post with my local authority employer. If I want to apply for a Head Teacher after August 2019 do I need to gain more qualifications?

A. No. As you were in a Head Teacher post on a permanent basis before 1 August 2019 then the regulations do not restrict you from applying for Head Teacher posts in local authorities or grant-aided schools. Subsequent posts or career changes after serving as a Head Teacher do not affect your position in applying for Head Teacher posts.

5. Consultation Questions

There is no obligation to respond to all questions and you are free to submit further comments as you wish. The questions are to help guide respondents.

Question 1

Do you agree with the scope and exemptions of the Regulations?

Question 2

Do the exemptions allow for appropriate flexibility in relation to the staffing of schools?

Question 3

Is the 24 month maximum limit for the duration of temporary appointments to the role of Head Teacher (where a person does not have the Standard for Headship) an appropriate limit and does it allow education authorities and grant aided schools sufficient flexibility ?

Question 4

Is the coming into force date of 1 August 2019 reasonable both for employers and aspirant Head Teachers?

Question 5

Are there any other comments you would like to add regarding this consultation?

Annex A: Draft Regulations

Draft 22 September 2016

Draft Regulations laid before the Scottish Parliament under sections 2, 74(1) and 90A(1), (2) and (3)(a) of the Education (Scotland) Act 1980 for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

201[] No.

EDUCATION

The Head Teachers Education and Training Standards (Scotland) Regulations []

Made - - - -

Coming into force - -

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 2, 74(1) and 90A(1), (2) and (3)(a)(**abc**) of the Education (Scotland) Act 1980(**d**) and all other powers enabling them to do so.

In accordance with section 133(2BA)(a) of that Act(**e**), a draft of these Regulations has been laid before and approved by resolution of the Scottish Parliament.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Head Teachers Education and Training Standards (Scotland) Regulations 201[] and comes into force on [INSERT DATE].

(2) In these Regulations—

“the GTCS” means the body corporate known as the General Teaching Council for Scotland as referred to in article 4 of the Public Services Reform (General Teaching Council for Scotland) Order 2011(**f**) (“the 2011 Order”);

“the Standard for Headship” means the professional standard awarded to a person by the GTCS in terms of the GTCS’s functions under the 2011 Order if satisfied that the person meets the requirements in rule 7.1.3 of the General Teaching Council for Scotland Registration and Standards Rules 2014(**g**);

“the 1980 Act” means the Education (Scotland) Act 1980.

(a) Section 90A of the 1980 Act was inserted by section 28(1) of the Education (Scotland) Act 2016 (“the 2016 Act”) (asp 8).

(b) 1980 c 44.

(c) Section 133(2BA) was inserted into the Education (Scotland) Act 1980 (“the 1980 Act”) (c.44) by section 28(3) of the Education (Scotland) Act 2016 (“the 2016 Act”) (asp 8).

(d) S.S.I. 2011/215.

(e) [The General Teaching Council for Scotland Registration and Standards Rules dated 11th June 2014 made under article 15 of the 2011 Order]

Head teachers: education and training standards

2.—(1) Only persons falling within section 90A(2) of the 1980 Act may be appointed by education authorities and managers of grant-aided schools as head teachers of schools.

(2) A person falls within section 90A(2) of the 1980 Act if the person has achieved the Standard for Headship

Exemptions

3.—(1) Regulation 2 does not apply to a person appointed as a permanent head teacher of a school by an education authority, manager of a grant-aided school or an independent school on or before 1st August 2019.

(2) Regulation 2 does not prevent the appointment of a person, who has not yet achieved the Standard for Headship, as a head teacher, by an education authority or manager of a grant-aided school, on or after 1st August 2019 provided the appointment does not exceed 24 months.

St Andrew's House,
Edinburgh
Date

Name
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide that only persons falling within section 90A(2) of the Education (Scotland) Act 1980 (c. 44) (“the 1980 Act”) may be appointed by education authorities and managers of grant-aided schools as head teachers of schools (regulation 2(1)). Regulation 2(2) provides that a person falls within section 90A(2) of the 1980 Act if the person has achieved the Standard for Headship. “The Standard for Headship” is defined in regulation 1(2) as meaning the professional standard awarded to a person by the GTCS (General Teaching Council for Scotland), in terms of the GTCS’s functions under the Public Services Reform (General Teaching Council for Scotland) Order 2011 (S.S.I. 2011/215).

Regulation 3 provides for exemptions from the general requirement in regulation 2(1) that only persons who have achieved the Standard for Headship may be appointed by education authorities and managers of grant-aided schools. Regulation 3(1) provides that the general requirement does not apply to a person appointed as a permanent head teacher of a school by an education authority, manager of a grant-aided school or an independent school on or before 1st August 2019. It also exempts any person that has been a head teacher of such schools at any time prior to 1st August 2019 but who are not in post on that date.

Regulation 3(2) provides that the general requirement in regulation 2(1) does not prevent the appointment of a person, who has not yet achieved the Standard for Headship, as a head teacher on or after 1st August 2019 provided the appointment does not exceed 24 months.



Annex B

RESPONDENT INFORMATION FORM

Please Note this form **must** be completed and returned with your response.

Are you responding as an individual or an organisation?

- ☐ Individual
- ☐ Organisation

Full name or organisation's name

Phone number

Address

Postcode

Email

The Scottish Government would like your permission to publish your consultation response.

Please indicate your publishing preference:

- ☐ Publish response with name
- ☐ Publish response only (anonymous) – Individuals only
- ☐ Do not publish response

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

- ☐ Yes
- ☐ No

Annex C: Reference Materials

The Scottish Government is committed to taking an evidence-led approach to policy and the following reports and documents have been useful in this regard.

Standard for Leadership and Management: supporting leadership and management development (General Teaching Council for Scotland)

<http://www.gtcs.org.uk/web/FILES/the-standards/standards-for-leadership-and-management-1212.pdf>

Association of Directors of Education in Scotland Report on Headteacher Recruitment (September 2016)

<http://www.gov.scot/Publications/2016/09/2138>

Scottish College for Educational Leadership “Into Headship” Programme

<http://www.scelscotland.org.uk/what-we-offer/into-headship/>

<http://news.gov.scot/news/headteacher-qualification-to-be-funded>

Scottish Government Evaluation of Routes to Headship Research Report (March 2014)

<http://www.gov.scot/Publications/2014/03/8057>

Empowering Teacher, Parents and Communities to Achieve Excellence and Equity in Education – A Governance Review

<https://consult.scotland.gov.uk/empowering-schools/a-governance-review>

Public Services Reform (General Teaching Council for Scotland) 2011

<http://www.legislation.gov.uk/sdsi/2011/9780111012246/contents>

General Teaching Council for Scotland Registration and Standard Rules 2014

<http://www.gtcs.org.uk/web/FILES/about-gtcs/registration-and-standards-rules-0614.pdf>



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