

Education Reform – Joint Agreement

June 2018

Education Bill Policy Ambition – Joint Agreement

Background

1. The Scottish Government's 2017 consultation 'Empowering Schools: A consultation on the provisions of the Education (Scotland) Bill' set out clear aims and objectives in relation to the forthcoming Education Bill: improving the education and life chances of our children and young people, closing the unacceptable gap in attainment between the least and most disadvantaged children and raising attainment for all. The Bill aims to create a school and teacher led education system, with children at the centre. The consultation emphasised the need for a collaborative effort in order to achieve the overall aims, starting with teachers and leadership in schools and complemented by Local Authorities and new Regional Improvement Collaboratives.
2. Local government representative organisations' responses to the consultation indicated broad agreement with the overall aims and objectives of the proposed legislation. However, concerns were expressed about whether legislation was required to deliver on the agreed aims. The consultation responses from COSLA, SOLACE and ADES indicated a desire to work with the Scottish Government to ensure that shared aims can be achieved within a framework that supports both improvement in Scottish education and wider integrated children's services.
3. Discussions took place between senior officers in the Scottish Government and local government in order to examine whether agreement could be secured on policy proposals for the Bill that met the shared policy objectives, to improve outcomes for Scotland's children and young people. The agreed remit for these discussions is attached at Annex A.

Joint agreement

4. Improving the education and life chances of our children and young people is the defining mission of our Scottish education system. Our shared ambition is to close the unacceptable gap in attainment between our least and most disadvantaged children and to raise attainment for all. We are clear that our vision of excellence and equity cannot be achieved by one part of the system alone: all partners must work together in a collegiate and collaborative way, keeping the interests of children and young people front and centre.
5. Empowered, responsible and collaborative schools are an important part of our shared vision for Scottish education. The Education Bill proposals are focussed on the role of empowered schools in improving attainment and closing the poverty-related attainment gap. This is underpinned by Scotland's commitment to getting it right for every child, which brings together services and partners from across public services and the third sector in a collective endeavour to improve children and young people's outcomes. In discussion, it was agreed that legislation on its own cannot transform the culture, capacity and structure of Scottish education and that further discussion on other levers for change is needed and supported.

6. A willingness to explore the options for implementing change, using additional or new levers already in the system, is welcomed by all partners.
7. The following agreed principles should form the basis of system-wide improvement and support the provisions in the Education Bill.

Agreed principles:

- Effective system-wide improvement requires strong leadership, collaborative working and clarity of purpose at all layers of the system – school, local, regional and national
- Headteachers are the leaders of learning and teaching in their school. They are senior officers of the local authority and have operational responsibility for the service they provide, therefore the majority of decisions should be made at school level
- Schools are empowered to make the decisions that most affect their children and young people's outcomes, while being part of a collaborative learning community, the Local Authority and working with others
- Empowered schools require both strong and distributive leadership, working in partnership with pupils, parents, staff and the wider community
- The principle of headteacher empowerment will be applied consistently across Scotland
- Local Authorities' duty to provide education for children and young people means that they must be able to intervene in decisions made by headteachers where statutory, financial, or contractual obligations would be breached
- Local Authorities and their headteachers should have a mutually respectful and supportive relationship, with clear processes in place to minimise the need for such intervention
- Decisions by all parties should reflect mutually supportive and respectful relationships.

Content of the Education Bill

8. Following discussion, there was consensus that the following policies will be pursued in the Education Bill.

Agreement on the Headteachers' Charter

9. The Education Bill will aim to establish a Headteachers' Charter that will require Local Authorities to empower headteachers in the following areas:

Curriculum:

- Headteachers are responsible for deciding how best to design their local curriculum in line with Curriculum for Excellence;
- Headteachers must work collaboratively with their staff, parents, pupils, and wider partners including other schools and their local authority on curriculum design and improving learning and teaching.

Improvement:

- Headteachers and their schools work together towards improvement and reducing inequalities of outcome;
- Headteachers are responsible for deciding their school's improvement priorities and publishing their school improvement plan, reflecting the National Improvement Framework;
- The requirement on local authorities to develop and produce improvement plans will continue alongside regional improvement plans; and
- Improvement planning at all levels of the system must be responsive to the needs of schools, communities and children and young people.

[In relation to improvement planning, the group agreed that there should be a review of the range, purpose, and alignment of improvement planning across the system.]

Staffing:

- Headteachers are involved in the design of recruitment and appointment processes;
- Headteachers design the staffing structure that best supports learning and teaching in the school, within the staffing budget delegated to the school by the local authority;
- Headteachers choose the staff who work in their school, with due regard to employment law and the contractual obligations of their local authority;
- Local Authorities and headteachers have regard to supporting guidance developed by SNCT and LNCT (where appropriate) on the processes that should be observed when resolving disagreements about staffing matters between headteachers and Local Authorities.
- The principle that the local authority must be able to intervene should any statutory duty or contractual obligation be in breach will be upheld in any legislative instrument.

Funding:

- Local Authorities will continue to be responsible for the local authority education budget and the delegation of funding to schools. Headteachers will make decisions on the spending within that delegated budget;

- Decisions about education spending at local authority and school level are made in a collegiate and transparent way paying due regard to Getting it Right for Every Child (GIRFEC) and local authorities' role as Corporate Parents;
- Local Authorities have regard to updated statutory guidance setting out a clear national framework for the delegation of funding to schools. This guidance is being co-produced through the Fair Funding Reference Group.

10. It was agreed that the Headteachers' Charter should apply to school based learning only.

Agreement on parental and community engagement

11. Parental engagement in the life of the school and their child's learning is central to improving outcomes for children and young people. The Education Bill will aim to build on existing good practice in the Scottish education system to ensure that:

- Headteachers work collaboratively with their Parent Council, and wider parent forum and wider community on substantive matters of school policy and improvement. This should be based on the principle of co-production;
- Local Authorities continue to be responsible for promoting the involvement of parents and supporting schools in this, including through the development and review of the Local Authority parental engagement strategy; and
- The principles of parental involvement and engagement extend to early learning and childcare settings, but with appropriate flexibility to reflect the particular context.

Agreement on pupil participation

12. Ensuring that the views of children and young people are heard, respected and taken seriously is central to the United Nations Convention on the Rights of the Child. The Education Bill will aim to build on existing good practice in the Scottish education system so that:

- Headteachers ensure that children and young people participate meaningfully in their own learning, in decision-making relating to the life and work of the school; and in the wider community.

Agreement on Regional Improvement Collaboratives

13. The Education Bill will seek to require Local Authorities to work collaboratively in Regional Improvement Collaboratives as detailed in the guiding principles and functions agreed by the Joint Steering Group on Regional Improvement Collaboratives for Education in September 2017.

Education Workforce Council

14. It was agreed that the provisions relating to the Education Workforce Council were not central to the relationship between the Scottish Government and local government and therefore they were not discussed in detail. There was consensus on the principle of widening registration to others involved in learning and teaching but that significant change in this area should be carefully considered.

May 2018

Appendix A: Discussions between Scottish Government and Local Government on the Education Bill

Context: The Scottish Government has set out clear aims and objectives in relation to the forthcoming Education Bill: improving the education and life chances of our children and young people, closing the unacceptable gap in attainment between the least and most disadvantaged children and raising attainment for all. The Bill aims to create a school and teacher led education system, with children at the centre. The consultation emphasises the need for a collaborative effort in order to achieve the overall aims, starting with teachers and leadership in schools and complemented by Local Authorities and new Regional Improvement Collaboratives.

Local Government responses to the consultation indicate broad agreement with the overall aims and objectives. However, concerns are expressed about whether some of the specific measures proposed for the Bill will deliver on the agreed aims. The consultation responses from COSLA, SOLACE and ADES indicate a desire to work with the Scottish Government to ensure that shared aims can be achieved within a framework that supports both improvement in Scottish education and wider integrated children's services.

Next Steps: Discussions will take place between senior officers in the Scottish Government and Local Government in order to examine whether a shared proposal can be developed for the Bill that meets the shared policy objectives and secures agreement on the method by which those objectives will be secured, to improve outcomes for Scotland's children and young people.

In the spirit of collective leadership, the work will be overseen by an officer level commissioning group, consisting of Sally Loudon (COSLA), Joyce White (SOLACE) and Paul Johnston (Scottish Government). They will be responsible for inviting senior colleagues to play a full part in the discussions and will receive a report on the outcome of the discussions.

The discussions will be convened by Gayle Gorman in her capacity as Chief Inspector of Education for Scotland.

The conclusions of the discussions will be shared with the Deputy First Minister and the COSLA Education Spokesman for further consideration. It will not restrict the Scottish Government in terms of any aspect of the legislation that it will introduce, nor will it restrict COSLA or any other party in the view that it will adopt in relation to that legislation.

Scope: The discussions can cover the range of topics within the consultation on the Education Bill, with a particular focus on the extent to which agreement can be reached on the central proposals in the Bill, in particular (but not restricted to) the headteachers charter.

Timing: There is a need for the discussions to be focussed and to progress at pace, with a report being provided to the commissioning group by 29 March 2018.

Appendix B: Education Bill Policy Ambition – Joint Agreement

Measures and enablers to promote school empowerment

The Scottish Government, COSLA, SOLACE, ADES and Education Scotland are committed to creating the conditions for school empowerment. The second meeting of the group reached collective agreement that the following enablers and measures will support and encourage the empowerment of schools in Scotland. Empowering schools will help us accelerate progress in achieving excellence and equity for children and young people across Scotland. The agreed actions below will ensure appropriate checks and balance to empower schools and deliver improved outcomes for Scotland's children.

School level

Support:

- There will be new co-produced guidance for schools on what good looks like in an empowered school sector, along with accessible tools for school leaders, parents and pupils
- Schools will be encouraged to self-evaluate their approaches in light of the Headteachers' Charter, parental engagement and pupil participation to deliver improved outcomes
- The annual Professional Review and Development process will provide an important opportunity to reflect on increased empowerment for all headteachers [and teachers], and the ways in which decisions have been made in collaboration with staff, parents and pupils
- The update of the Standards for Leadership and Management by the General Teaching Council for Scotland is an opportunity to reflect empowered school leadership.
- The professional learning and leadership offer for school leaders will be enhanced at national, regional and local level to build understanding of empowerment

Action and scrutiny:

- Schools to continue to design their curriculum to meet the needs of young people in their community
- Schools and Local Authorities to access and participate in peer to peer support within Regional Improvement Collaboratives
- From August 2018 onwards Education Scotland will inspect school empowerment through the Leadership of Change quality improvement indicator in How Good Is Our School 4
- Education Scotland will deliver three new focus reviews in 2018-19 academic year looking at the following themes: readiness for empowerment; curriculum leadership; parent and pupil participation
- This programme will be outlined in Education Scotland's Annual Programme to be published in June 2018

Local authority level

Support

- System Leadership: There will be a new mechanism to support and challenge local authorities on their delivery of the joint agreement. COSLA/ADES/SOLACE/ES will facilitate a peer review and challenge process that will draw evidence from inspection, self-evaluation and other data sources (including headteacher, parent and pupil feedback) and reflect current improvement frameworks e.g. How Good is our Council or PSIF
- A partnership approach/improvement team would be instigated (COSLA/ADES/SOLACE/ES) to enhance capacity to enable improvement at pace
- Local authorities will reflect school empowerment consistently throughout their strategic planning during 2018-19 (e.g. Integrated Children's Service Plans; Local Outcome Improvement Plans; and local National Improvement Framework plans)
- Local authority professional learning programmes for school leaders will reflect the joint agreement

Action and scrutiny

- Education Scotland and partners will develop a self-evaluation framework for local authorities to review progress towards an empowered system
- During the academic year 2018-19, local authorities will complete the self-evaluation of school empowerment in the local area
- Local authority annual National Improvement Framework reports will reflect school empowerment as a key theme from 2018 onwards

Regional level

Support

- Regional Improvement Collaboratives will develop and share models of best practice in empowerment and effective decision making within the regional context
- Regional Improvement Collaboratives will take action to increase pupil and parent participation in learning
- Education Scotland will further develop their core offer of support to Regional Improvement Collaboratives and therefore to schools over this academic year.

Action and scrutiny

- Headteachers across Regional Improvement Collaboratives will evaluate and feedback on levels of headteacher empowerment
- Regional Improvement Collaboratives will promote and develop teacher voice and agency at regional level e.g. through regional teacher panels

National level

Support

- There will be further collective work to develop joint guidance to support the implementation of the joint agreement on Headteachers' Charter, Regional Improvement Collaboratives, Parental Engagement and Pupil Participation.

- Education Scotland will enhance its national offer in relation to curriculum, pedagogy and leadership
- The Scottish Negotiating Committee for Teachers will be asked to develop a Code of Practice on the headteacher role in selection and appointment of staff
- The GTCS's Review of Professional Standards will reflect empowered, collaborative teachers and school leaders
- SCEL will enhance the leadership support packages to build capacity and confidence in the system (e.g. Into Headship and Excellence in Headship)

Action and scrutiny

- Education Scotland will report termly on the new focus reviews on school empowerment
- The annual National Improvement Framework report will draw together evidence from the focus reviews, school self-evaluation and inspection and local authority self-evaluation
- An evaluation strategy will be developed by August 2018 to review the impact of the school empowerment
- The Teacher Panel will feed back the views of the profession on progress towards an empowered system
- National scrutiny bodies, where appropriate, will reflect implementation of the joint agreement when agreeing Local Scrutiny Plans through Local Area Networks.

Intervention:

All partners recognise the importance of effective support and intervention where the evidence suggests that further action is needed to ensure excellence and equity for young people. A suite of intervention and support options will be developed and agreed as part of the next phase of the work. This will reflect the principles of an empowered system, with a strong emphasis on peer-to-peer support and challenge, and will draw on the following evidence sources:

- Feedback from school leaders
- School and local authority self-evaluations
- Inspection reports
- National Improvement Framework report
- Use of improvement data to spot trends and potential issues - e.g. through SEEMIS and Summary Statistics on Scottish Schools.

Where evidence suggests there is cause for concern, the following approaches will be deployed as appropriate:

- Concerns will be shared with all partners
- The SNCT will collectively address concerns if there is evidence of non-compliance by local authorities with the Code of Practice on staff selection
- COSLA will facilitate challenge and support drawing in expertise from ADES/ES and others. This will include evidence review and challenge sessions leading to a clear action plan, offer of peer support and follow-up activity to monitor impact and improvement
- Evaluation of progress
- Clear line of escalation to audit and scrutiny inspection bodies if insufficient progress.



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