

To: Council

On: 15 December 2016

Report by: Director of Children's Services

Heading: Empowering Teachers, Parents and Communities to Achieve Excellence and Equity in Education : Consultation Response

1. Summary

- 1.1. The Scottish Government has committed to a review of governance arrangements for schools. This was announced as part of its delivery plan for education in June 2016. This review could have significant and far reaching implications for the way in which local authorities interact with and manage schools.
- 1.2. In order to inform the review a consultation was launched in September 2016. Responses to the consultation questions have to be submitted by 6 January 2017.
- 1.3. The administration of the council has suggested that a report is brought to council for consideration of the response to the consultation document 'Empowering Teachers, Parents and Communities to Achieve Excellence and Equity in Education'. The proposed response is attached at Appendix 1 of this report.
- 1.4. The key proposals contained within the consultation document relate to setting up 'regional' arrangements for the organisation or delivery of education services. The other key suggested change is to devolve further responsibilities to schools and thus head teachers including greater devolved resource responsibility. The role of national bodies such as Education Scotland and the Scottish Qualifications Authority is referenced in the report and they are contained within the scope of the review. There is a specific question about the distribution of funding for schools. The review document also references early learning and child care and specifically whether there are opportunities for community led provision.

- 1.5. Individuals and schools have also been encouraged to engage with the consultation process. In addition there has been representation of Renfrewshire head teachers and officers at a number of national engagement events which have been arranged to provide further opportunities for interaction on the issues involved.
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2. Recommendations

- 2.1. Council is asked to consider the terms of the proposed response to the Scottish Government consultation on 'Empowering Teachers, Parents and Communities to Achieve Excellence and Equity in Education' attached to this report.
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3. Background

- 3.1. On 13 September 2016 the Scottish Government announced a consultation exercise on the way in which schools in Scotland are governed. This is part of its delivery plan for education as announced in June 2016 and reported in the programme for government earlier in September.
- 3.2. As has previously been noted, the Scottish Government has placed equity and excellence in education at the top of its priority list. Following the Scottish Government election, a number of commitments in this regard have now been further developed. One of these areas focuses on its aspiration to devolve more powers directly to head teachers and the second is to review how schools are governed in Scotland.
- 3.3. A consultation exercise was launched by the Scottish Government in September 2016. A series of seventeen questions have been posed in order to gather the views of a wide range of stakeholders from across Scotland. Consultation responses must be submitted to the Scottish Government no later than 6 January 2017.
- 3.4. The stated aim of the governance review is to enhance attainment and to close the poverty attainment gap by considering how to further empower teachers, parents and communities. The document cites the Organisation for Economic Development and Cooperation (OECD) report. 'Governing Education in a Complex World' which identifies the components of good governance including a focus on process not structure and policy and reform informed by evidence and research.
- 3.5. The administration of the council has suggested that a report is brought to council for consideration of the response to the consultation document 'Empowering Teachers, Parents and Communities to Achieve Excellence and Equity in Education'. The proposed response is attached at Appendix 1 of this report.

- 3.6. The key proposals contained within the consultation document relate to setting up 'regional' arrangements for the organisation or delivery of education services. The other key suggested change is to devolve further responsibilities to schools and thus head teachers including greater devolved resource responsibility. The role of national bodies such as Education Scotland and the Scottish Qualifications Authority is referenced in the report and they are contained within the scope of the review. There is a specific question about the distribution of funding for schools. The review document also references early learning and child care and specifically whether there are opportunities for community led provision.
- 3.7. The attached response is provided for the consideration of elected members. The responses to the questions should be read in tandem with the consultation report itself.

Implications of this report

1. Financial Implications

There could be far reaching implications for the financial planning of local authorities, including the established distribution formula given the question in the consultation on the funding formula for schools.

2. HR and Organisational Development Implications

Devolving additional duties to head teachers would result in changes to job sizing. This could lead to increased costs, changes to terms and conditions and training and development requirements. Any move to 'regional' arrangements for the delivery of services may have wider HR and organisational implications.

3. Community Plan/Council Plan Implications

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| Empowering our Communities | - Changes to the governance of schools could have significant implications for all our communities. |
| Jobs and the Economy | - Implications for delivery across council services may be significant. |

4. Legal Implications

There would require to be far reaching changes to the statutory duties of local authorities.

5. Property/Assets Implications

The role of corporate landlord in managing assets may be changed, with further impact on facilities management and school estate management depending on the outcome of the review.

6. Information Technology Implications

Delivery of IT may require to be reviewed if governance impacts on the way these resources are organised.

7. Equality and Human Rights Implications

The recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report because for example it is for noting only. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.

8. Health and Safety Implications

The duty for health and safety is currently shared between schools and corporate council functions but the balance of these could shift further towards schools based on proposals contained in the document.

9. Procurement Implications

Efficiency obtained by current models of procurement could see significant impact due to reduced volume and scope at a local authority level.

10. Risk Implications

Any organisational changes resulting from this review including further developed responsibilities to schools would be the subject of risk assessment.

11. Privacy Impact

None.

List of Background Papers

(1) Empowering Teachers, Parents and Communities to Achieve Excellence and Equity in Education

The foregoing background papers will be retained within children's services for inspection by the public for the prescribed period of four years from the date of the meeting. The contact officer within the service is Gordon McKinlay, Head of Schools, Tel 0141 618 7194, gordon.mckinlay@renfrewshire.gcsx.gov.uk

Children's Services

GMcK/LG/PMacI

30 November 2016

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Empowering teachers, parents and communities to achieve

Excellence and Equity in Education

A Governance Review

RESPONDENT INFORMATION FORM

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

Are you responding as an individual or an organisation?

- ☐ Individual
☒ Organisation

Full name or organisation's name

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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)
☐ 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

QUESTIONNAIRE

Question 1

What are the strengths of the current governance arrangements of Scottish education?

Comments

The current governance arrangements for education have served our children and communities well for many years. Schools are highly equitable and inclusive with the vast majority of children attending their local schools. These local schools provide high quality comprehensive education. They are at the heart of their local communities with head teachers having significant powers to make decisions which meet the needs of their area. The local education authority provides appropriate levels of support and challenge which empower head teachers and ensure efficiency of provision within financial constraints.

Children live in families which are served by a range of local services. Schools working in a local authority ensure collaboration and co-operation with a broad range of partners to ensure the child's needs are met. These arrangements are flexible and adaptable to local circumstances with the ability to make decisions in a way that is not overly bureaucratic or cumbersome. There is growing evidence of highly effective collaborative working on a regional basis. These examples demonstrate that flexibility and adaptability improve outcomes for children without the need for any externally imposed governance arrangement.

Question 2

What are the barriers within the current governance arrangements to achieving the vision of excellence and equity for all?

Comments

The inference of this question is not valid as there is a lack of clarity from the consultation report how a change to governance arrangements would improve decision making on a local basis or improve outcomes for children living in our most deprived communities.

Within current governance arrangements head teachers and teachers make the best decisions for their children at a local level. Where barriers appear to exist they often relate to areas which are well outwith the terms of reference of this consultation. These include national terms and conditions of teachers, using input measures such as global teachers numbers, legislative duties such as health and safety and employment, workload in relation to examinations and other national priorities. The consultation report refers to the OECD publication "Governing Education in a Complex World", and highlights that successful education systems are those where governance and accountability are inclusive, adaptable and flexible. This describes the current arrangements within the Scottish education system very well. It is not clear what issues and practice changes of the nature proposed would result in improvement for children. The OECD report also makes it clear that the good governance of education focuses on processes not structures and yet the governance review would appear to propose major structural change.

A number of national bodies are identified within the consultation paperwork. It will be important that the contribution made by each of these bodies is evaluated to ensure they support improved equity and excellence for all our children and young people. Any such review should allow a clearer differentiation between inspection, qualifications and curriculum development.

Question 3

Should the above key principles underpin our approach to reform? Are there other principles which should be applied?

Comments

The key principles which underpin any reform should reflect sound research evidence. The base of evidence clearly shows that the biggest impact on outcomes for children will come through improving the professional capacity of teachers and not necessarily through making changes to structures. The review report itself states that we should not be focussing on structures. As a consequence the key principles which underpin reform should reflect this evidence and not focus on issues which will not deliver the desired impact and ensure the quality of learning and teaching in every classroom is as high as it can possibly be. The clear focus should be on ensuring our children are always able to have access to high quality teaching at all times.

A fundamental key principle should be that children's services are integrated around the needs of the child as is the intention of the team around the child approach embedded in GIRFEC. This is of particular importance for those children with additional needs. The consultation documentation appears not to emphasise the joined up services approach to successfully deliver GIRFEC or to discuss the impact of any proposed changes on the integrated nature of services to children.

Question 4

What changes to governance arrangements are required to support decisions about children's learning and school life being taken at school level?

Comments

It is not clear from the consultation report how a change to governance arrangements could improve decision making on a local basis.

Decisions about children's learning and school life are already taken at school level. Only where other partners need to be involved to support a child does this change. An example may be where a child requires additional support from external agencies such as health services.

The legal responsibility for delivering education and raising standards is already a shared responsibility. Teachers and head teachers are employed by local authorities to discharge these duties. Schools do not and must not operate in isolation. Decisions about children's learning must be made in the context of the full range of children's services. GIRFEC is now well embedded with services and partners working closely together to ensure that we meet the needs of children so that they thrive and grow. It is unclear from the report what decisions could be made more effectively if schools were not part of an integrated approach with the communities they serve. Local authorities are best placed to ensure this duty is implemented.

Within Renfrewshire, teachers and head teachers work effectively as part of their local communities to ensure the needs of children are met in the context of an integrated children's service which puts the child at the heart of strategic and operational decision making. Any changes should only be considered where these will have the biggest impact on outcomes for children. To consider decision making at school level in isolation from wider children's services fails to consider this fully and appropriately.

Question 5

What services and support should be delivered by schools? What responsibilities should be devolved to teachers and headteachers to enable this? You may wish to provide examples of decisions currently taken by teachers or headteachers and decisions which cannot currently be made at school level.

Comments

In preparing this response it is not clear where schools could not make the decisions they needed to in order to improve outcomes for children.

The principle of devolving resources to schools is well established in Scottish education. The current national guidance on devolved school management makes this clear. Where decision making is not devolved to head teachers the issues relate to those of a statutory nature or where a more efficient approach frees the school from having to deal with aspects that do not have an impact on learning and teaching. For example, managing the contracts for home to school transport are best done at a local authority level based on decisions taken on policy and effective procurement. The school then is not distracted from its core purpose. Head teachers have raised significant concern about the proposal to devolve additional duties as these could lead to additional workload and the possibility of moving away from integrated approaches to planning for children.

Question 6

How can children, parents, communities, employers, colleges, universities and others play a stronger role in school life? What actions should be taken to support this?

Comments

Strong collaboration with children's services planning, GIRFEC, parents, communities, employers, colleges, universities and others already exist. These are effectively supported by the local authority to ensure efficient delivery within a very flexible approach to meet the needs of individual schools. It is important to note that the strength of these partnerships can often have a socio-economic element with communities in certain areas being far less willing or able to engage with schools without significant additional support. A number of parents and head teachers have reported significant challenge in engaging and sustaining parental involvement on an ongoing basis.

It is unclear from the consultation report what additional decision making would be devolved to teachers, parents, schools and communities. There needs to be far greater clarity about this before it is possible to make an informed comment. For example, there is no clarity around what is meant by community involvement.

Question 7

How can the governance arrangements support more community-led early learning and childcare provision particularly in remote and rural areas?

Comments

This question appears to be isolated in this consultation as it is the only one which relates to early learning and children in a much broader review of governance of schools. As a large quantity of early learning takes place in schools with teachers employed by the local authority, it would be appropriate to consider the wider implications of the review of school governance on the local delivery of early learning itself.

Much of the governance of early learning and childcare relates to the Care Inspectorate and Scottish Social Services Council. As regulators they have an influence over what is possible in any particular local area. In addition, much of this sector is market driven resulting in challenging circumstances around cost and flexibility of provision. Currently a local authority is able to support improvement in the quality of provision and support service provision when it is not possible to deliver on an economic or volunteer / community led basis.

Question 8

How can effective collaboration amongst teachers and practitioners be further encouraged and incentivised?

Comments

There are a number of very positive examples of effective collaboration between teachers and other practitioners. These include School Improvement Partnerships and Raising Attainment for All programmes led nationally. Opportunities exist across a variety of other areas. For example, where local authorities work together they are able to provide opportunities which would not be available otherwise. Within Renfrewshire we have strong partnership arrangements with the University of Strathclyde to focus on the teaching of literacy. This co-ordinated partnership is already showing improvements in both teacher and learner confidence.

Integrated children's services planning for GIRFEC demonstrates highly effective collaboration to ensure the team around the child includes the right professionals at the right time.

It is noted that collaboration and partnership working are already strong features of Scottish education. Within Renfrewshire cluster arrangements are well developed and have proved to be effective for many years. In addition, recent inter authority arrangements have encouraged clusters of schools to work together across local authority boundaries. Head teachers and teachers already recognise the value of collaboration. External incentives are not required in order to ensure such collaborative ventures can continue to grow and develop for the benefit of our children.

Question 9

What services and support functions could be provided more effectively through clusters of schools working together with partners?

Comments

Clusters of schools already work together effectively to develop positive outcomes for children. There is a range of models which have been utilised across Scotland to devolve particular services such as support staff, youth workers, etc to local clusters. The New Community Schools approach was one such example.

There are also a number of examples of locality approaches where services from across a broad range of professionals working with children are co-located. These arrangements break down barriers and provide services at the local point of contact. In Renfrewshire, Families First provides a locality based approach which ensures families and children are able to access the services they need when they need them. This strategic approach to tackling poverty and inequality has only been made possible due to an integrated approach to providing children's services across the whole community with all parties working together effectively. This has been highly evaluated by the University of Glasgow and demonstrates the value added by the current governance arrangements of schools working in clusters within a local authority support structure.

Question 10

What services or functions are best delivered at a regional level? This may include functions or services currently delivered at a local or a national level.

Comments

The consultation report gives little detail as to the arrangements for education regions. Further work is required to develop the required principles underpin the creation of such bodies. Whilst it is understandably the case that collaboration and partnership across local authorities can lead to improved outcomes for children it is important to note that much of the success of these approaches has been based on flexibility and adaptability rather than more formal approaches.

There are very good examples of inter authority partnerships across Scotland which bring together services on a flexible and adaptable basis. To suggest that formalising such arrangements into education regions would improve the sharing of best practice is more systematic appears to be quite a change in direction that does not have supporting evidence as a strong basis.

There are a number of services that are currently delivered at a national level that would benefit schools if they were delivered on a more regional basis. For example, inspection services based around a regional model could grow a better understanding of the local context and support external scrutiny in a more informed and consistent manner.

Head teachers and others have raised significant concern that the creation of education regions removes decision making further away from schools rather closer to them. As GIRFEC is at the core of effective integrated children's services decision making should put the child at the centre rather than at a regional level.

Question 11

What factors should be considered when establishing new educational regions?

Comments

If there is agreement to proceed towards a regional model then the range and scope of duties placed on these bodies and how these relate to duties on schools and local authorities must be specified clearly. Currently the employer is the local authority. Should this position change there are significant implications for the relationship between regions and individual schools. Consideration needs to be given as to where responsibility for areas such as school estate, planning, home to school transport, legal, HR and administrative support should reside. Currently these lie with local authorities with head teachers having little appetite to change this as it removes them from their prime purpose as leaders of learning. The commissioning of such services by individual schools could lead to an increase in workload and bureaucracy.

Significant concern has been raised about the sense of remoteness that could be evident upon the creation of bodies which could be perceived to be some distance from the delivery of service by teachers, parents and local children's services planning.

Question 12

What services or support functions should be delivered at a national level?

Comments

National bodies provide a consistent approach to the delivery of a range of services which do not vary dependent on local circumstances. These bodies are valued highly and need to ensure they are responsive to local needs within the national context.

External scrutiny and validation could be best retained at a national level but organised in a regional structure. This provides consistency across the whole system and ensures public transparency as to the quality of the system as a whole.

The current qualifications provider is best placed to ensure appropriate provision is in place at a national level.

Question 13

How should governance support teacher education and professional learning in order to build the professional capacity we need?

Comments

Professional learning is based on the relationship between the employer and the individual employee. The employer has a duty to ensure they support the workforce and the employee the responsibility to ensure they have the correct skills for the job. Whilst agencies such as Education Scotland and SCEL can support such learning the responsibility cannot lie there.

The professional autonomy of individual teachers is best supported at a school level with the opportunity to access professional learning opportunities from a range of sources being the norm.

Question 14

Should the funding formula for schools be guided by the principles that it should support excellence and equity, be fair, simple, transparent, predictable and deliver value for money? Should other principles be used to inform the design of the formula?

Comments

Funding should be transparent and based on the needs of children and families in the community. It should take into account significant local contexts such as poverty and rurality. The proposal to ensure a fair and transparent funding model is a welcome change from the current model where deprivation is not given sufficient priority.

The principle of accountability at local level should be included as a foundation of the formula.

Any model needs to cover the full cost of delivering education and not just the obvious elements such as teachers salaries. The nature of educational provision within the context of a local authority requires a broad range of services to be in place to support learning. School estate management, facilities management, administrative support, and a broad range of other services are all required to ensure teachers can play their own part.

Such a model would be welcomed as it would remove the need for input measures such as the aggregation of teacher numbers or pupil teacher ratio.

Question 15

What further controls over funding should be devolved to school level?

Comments

Devolving control of any funding to schools must be meaningful. There is no value in devolving a budget if the school has no ability to vary how that budget is utilised. For example, a number of areas such as home to school transport are based on statutory minima. A school could not vary provision outwith this. Although large schools are often in a position to be able to vire across budgets in order to make local decisions this is far more limited in small schools. The smaller of schools require the support of the local authority in many circumstances where devolved budgets fail to meet need. For example, a long term absence has a far more significant impact on a small school than on a large one. There is also a significant concern that additional resources without additional managerial and other capacities in schools could lead to unrealistic demands being placed on schools in the management of these resources.

Question 16

How could the accountability arrangements for education be improved?

Comments

It is agreed that schools should primarily be accountable to parents and their local communities. This is already the case. Parent councils provide a focus for engagement between schools and parents on a formal basis. Local authorities are led by elected members who are directly accountable to their communities. Further clarification would be helpful in identifying how such levels of accountability would be improved by the proposals as outlined in their current form. In fact, many have commented that the creation of education regions could have the effect of reducing and distancing accountability from the communities schools serve.

It is occasionally perceived that the burden of scrutiny comes in too many differing forms as outlined in the report. Whilst it is acknowledged that external scrutiny is very important it would be helpful if this could be more streamlined with fewer separate bodies involved in the process.

Question 17

Is there anything else you would like to add regarding the governance of education in Scotland?

Comments

The proposals outlined do not explicitly set out how its plans would promote equity and excellence. Before any changes are implemented it will be important to set out explicitly how additional powers and education regions will enable the government to achieve this aim.

It is unclear what the expected outcomes of this review will be and how it will relate in practice to improving outcomes for our children. Parents in particular felt that the report was overly complex, did not use accessible language and lacked an understanding of the work that they already do in supporting their local school.

Local authorities provide strategic direction, local accountability, ensure school improvement, support and challenge for schools. In an environment where there is significant financial constraint they ensure efficient and effective delivery of education whilst empowering head teachers, teachers, parents, children and others to make decisions about their learning which are appropriate. Schools work effectively when the work is part of an integrated children's service model that places GIRFEC at its heart. Should there be a change to the governance of schools there needs to be clarity as to how the current arrangements would be improved to meet the needs of children and their families.