

To: Education and Children Policy Board

On: 3 November 2016

Report by: Director of Children's Services

Heading: Consultation on Draft Statutory Guidance: Standards in Scotland's Schools etc. Act 2000

1. Summary

- 1.1. The Scottish Government seeks views on statutory guidance for Part 1 of the Education (Scotland) Act 2016 ("the 2016 Act"). The statutory guidance covers those provisions which make amendments to various sections of the Standards in Scotland's Schools etc. Act 2000 ("the 2000 Act").
 - 1.2. The draft statutory guidance has been developed to support those who will have responsibility for various duties in relation to:
 - reducing inequalities of outcomes for pupils experiencing them as a result of socio-economic disadvantage;
 - the National Improvement Framework (NIF), and;
 - planning and reporting duties at school and education authority levels.
 - 1.3. Appendix 1 of this report provides the proposed response to the consultation questions for consideration by elected members.
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2. Recommendations

- 2.1. The education and children policy board is asked to approve Renfrewshire Council's Children's Services' response to the consultation on draft statutory guidance: Standards in Scotland's Schools etc. Act 2000 (see appendix 1).
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3. Background

- 3.1. The Education (Scotland) Act 2016 was passed by the Scottish Parliament on 2 February 2016 and received Royal Assent on 8 March 2016.

- 3.2. This legislation is a key part of the Scottish Government's strategy to ensure that the life chances of children and young people are improved and that the education system delivers excellence and equity. Building on a range of key policies and reform, the legislation aims to help deliver an education system which continually improves and which effectively closes the attainment gap in order to deliver both excellence and equity.
- 3.3. Chapter 1 of the draft statutory guidance provides more information on the context of the legislation and the guidance itself. Chapter 2 deals with the duties and steps that might be taken by education authorities to reduce inequalities of outcome for pupils experiencing them as a result of socio-economic disadvantage. Chapter 3 then sets out the duties and steps that might be taken by education authorities in pursuance of the National Improvement Framework priorities. Finally, chapter 4 deals with the duties and steps that might be taken by education authorities in relation to their respective planning and reporting duties as to proposed steps/steps taken to reduce these inequalities.
- 3.4. The Scottish Government has worked with a group of external stakeholders to prepare a draft of this statutory guidance. This has been launched as a consultation aimed at those with responsibilities within schools and local authorities for fulfilling the duties within the legislation. This includes strategic leaders and senior planning managers in local authorities, particularly those for whom education functions are a responsibility, as well as head teachers within schools.
- 3.5. This consultation invites comments from 22 August until 11 November 2016. Full publication of the guidance is expected in March 2017. This proposed timing should enable those with responsibility to familiarise themselves with their new statutory duties prior to them taking effect from August 2017.
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Implications of this report

- 1. Financial Implications**
None
- 2. HR and Organisational Development Implications**
None
- 3. Community Plan/Council Plan Implications**

Children and Young People	- Consideration should be given to the current timelines regarding school improvement planning and reporting to ensure this is in line with the Council plan.
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- 4. Legal Implications**
None.
- 5. Property/Assets Implications**
None.

6. Information Technology Implications

None.

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

None.

9. Procurement Implications

None.

10. Risk Implications

None.

11. Privacy Impact

None.

List of Background Papers

"Consultation on draft statutory guidance: Standards in Scotland's Schools etc. Act 2000"
(Scottish Government 2016)

"National Improvement Framework for Scottish Education"
(Scottish Government January 2016)

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 (Laura McAllister, Education Manager (Curriculum and Early Years)

Children's Services

LMcA/GMcK/LG
26 October 2016

Author: Laura McAllister, Education Manager, 0141 618 7301/ laura.mcallister@renfrewshire.gov.uk

Consultation on draft statutory guidance: Standards in Scotland's Schools etc. Act 2000

Pupils experiencing inequalities of outcome
National Improvement Framework
Planning and reporting

RESPONDENT INFORMATION FORM

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

Are you responding as an individual or an organisation?

- ☐ Individual
x Organisation

Full name or organisation's name

Renfrewshire Council - Children's Services

Phone number

01416187301

Address

Renfrewshire House, Cotton Street, Paisley

Postcode

PA1 1LE

Email

laura.mcallister@renfrewshire.gov.uk

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- ☐ Publish response with name
x 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?

X Yes

☐ No

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Questions

Chapter 2

1. Do you have any comments on the definition of “decisions of a strategic nature”?

This is a straight forward definition and easily understood. The examples within the document are relevant. The definition is helpful as it is broad and allows education authorities to add in other specific areas relevant to local circumstances. However it may be helpful for the definition to appear earlier in the chapter for purposes of the reader and clarity and understanding.

2. Do you have any comments on the definition of “due regard”?

Our understanding of the definition is to ‘take account of’ and increasing the relevance of certain aspects of the act regarding reducing inequalities in educational outcomes for children. Clearly there is more weighting towards narrowing the gap but mindful of ensuring all children attain and achieve. A measured and appropriate response is ‘due regard’.

3. Do you have any comments on the definition of “inequalities of outcome”?

This definition is brief. However it does distinguish between attainment and achievement. We understand due regard must be given to achievement which is not measureable. We understand this is about ensuring every child is supported to maximise their potential in order to ensure life chances are enhanced.

4. Do you have any comments on the definition of “socio-economic disadvantage”?

This definition is clear.

Chapter 4

5. The legislation is intentionally silent on how education authorities should report on the fulfilment of their duties. The draft statutory guidance reflects the legislative position and leaves it open to education authorities to determine how best to report against their duties. Do you agree that education authorities should determine how they report? Would you find some form of template helpful?

Currently within our education authority, schools already use the NIF key drivers to plan for school improvement. Next session there will be an expectation that this is used as a reporting format. However we do feel it would be helpful for guidance on the information that will be requested from SG. Guidance across all education authorities would ensure consistent practice and the provision of a template may be helpful but we do not feel this should be mandatory. Exemplar templates would be helpful.

6. The draft statutory guidance sets out proposed planning period dates for the Scottish Ministers and education authorities: 1 January to 31 December; 1 September to 31 August for education authorities. The planning period for Ministers has been identified to align Ministers’ reporting with education authorities’ planning processes. This is designed to maximise the information available to education authorities, in particular the national priorities they will be expected to take account of and contribute to throughout their own planning period. The information that the Scottish Ministers will assess and that will be included in national reports will evolve over time as more sources of evidence become available. It is anticipated that future reports will include data and evidence which tells us how we are making progress against the four NIF priorities covering all of the six NIF driver areas.

Do you have any comments on the proposed planning period for the Scottish Ministers of 1 January to 31 December? Do you have any comments on how this proposed planning period timeframe will work with that proposed for education authorities (1 September to 31 August)?

Consideration should be given to extending the planning period beyond one year to take account of the differing planning timelines across education authorities. For example, if the SG sets out its review of the NIF in December, education authorities will be finalising their improvement plans Jan – Feb, and school improvement plans will be effective from August the following year this would only leave the education authority with a few months to report on progress before the NIF is reviewed again.

Renfrewshire Council's service improvement planning runs annually from April to March, which will be out of line with the proposed SG timeline. Cognisance needs to be given to existing planning arrangements to fit with our community plan, council plan which sets out the Council's priorities.

In terms of our engagement with head teachers our response is that it makes sense that schools begin their planning process earlier. The majority of our head teachers agree with the timings set out in the consultation. However, negotiations with teaching staff around working time agreements would need to be arranged earlier also.

7. Bearing in mind that the purpose of statutory guidance is to reflect legal provisions, do you find Chapter 4 clear in relation who it is aimed at and what its purpose is?

Yes this is clear. A flow diagram may be helpful.

General

8. Did you find the draft statutory guidance to be of assistance when read in the context of the relevant legal duties that will apply? Do you find it strikes a balance between offering flexibility and meaningful support? If not, how could it be improved?

Yes. The language used is flexible. The document is repetitive in places however reinforces the guidance and understanding for the reader. Within pages 58 – 61 the information shared needs to be simplified. It would be helpful to change the axis in annex B. A summary of this guidance would be helpful for staff and parents in schools.

9. Do you have any other comments about the draft statutory guidance?

No.