
NORTH AYRSHIRE COUNCIL

23 January 2018

Cabinet

Title: Education Bill Consultation

Purpose: Seek Cabinet approval for North Ayrshire Council's response to the Scottish Government's Consultation document on the proposed Education Bill. The Consultation response highlights potential implications for Local Authorities.

Recommendation: Agree the Consultation response and ask the Executive Director to submit the agreed report to the Scottish Government.

1. Executive Summary

- 1.1 Currently, in their role as Education Authorities, Scottish Councils hold the statutory responsibility for the provision and delivery of education. This includes, in particular, the performance and improvement of individual schools as well as the cumulative authority as the employer of all staff within a school or education setting.
- 1.2 The Consultation document suggests a series of changes to this authority and suggests responses should be made to a series of, what can be considered to be, leading questions that assume change is necessary, positive, inevitable and in the best interest of children and families.
- 1.3 North Ayrshire Council's response does not follow the prescribed response framework but covers all of the key issues.
- 1.4 The proposed Bill introduces the concept of a Head Teacher's Charter. The Charter is divided into four sections – curriculum, improvement, staffing and finance. North Ayrshire Council believes that these areas are not distinct but interrelated. The Consultation document is framed in such a way as to suggest that Local Authorities negatively impact on these areas and/ or act as a barrier to flexible, innovative local practice. North Ayrshire Council does not believe that this is the case. This Council provides excellent support, guidance and strategic direction that still allows local flexibility and innovation.
- 1.5 The role and function of Regional Collaboratives is further explored in the Consultation document. This provides a different narrative than currently agreed by COSLA and the Scottish Government. It is clear that Local Authorities could potentially be only responsible for providing Human Resource and Finance support for Education. Responsibility for all other education functions would transfer to either Head Teachers or Regional Collaboratives. This would include planning for improvement as there would no longer be

a requirement to develop Local Education Plans. The Education and Youth Employment Directorate believes that this is a retrograde step that will negatively impact on local planning and development.

- 1.6 The Consultation introduces the potential for enhancing the role of parents in the delivery of education, particularly learning. It aspires to make Parent Councils more representative of the school community. North Ayrshire Council generally welcomes this policy direction as it fits with our desire to empower our communities. It is, however, unclear how Improvement Collaboratives, although asked to consider parental engagement and collaboration, will improve current arrangements. The Consultation does not mention the future role of Local Authorities in relation to parental engagement and this requires clarification.
- 1.7 The Consultation suggests a future focus on pupil engagement but adds little to this key agenda for North Ayrshire Council. North Ayrshire Council through its Youth Cabinet, Pupil Councils and a range of representative bodies, already demonstrates significant good practice. North Ayrshire Council, however, welcomes any opportunity to further engage young people and allow them the ability to shape service provision.
- 1.8 The Consultation suggests a move to a single workforce standards body which would be called the Education Workforce Council. North Ayrshire Council notes a lack of detail in the consultation document about this proposal and recognises that current arrangements are effective.

2. Background

- 2.1 On 7 November 2017 the Scottish Government issued a consultation document "Empowering Schools: A Consultation on the Provisions of the Education (Scotland) Bill". It seeks responses from all interested parties by 30 January 2018.
- 2.2 The consultation document reflects a range of Policy Ambitions from the Scottish Government which it hopes will bring about improvements in Scottish education.

3. Proposals

- 3.1 It is proposed that North Ayrshire Council submit a Consultation response as outlined at Appendix 1.

4. Implications

- 4.1 The Council continues to work with COSLA to influence any future provisions contained within the proposed Education Bill.

Financial:	N/A
Human Resources:	N/A

Legal:	N/A
Equality:	N/A
Children and Young People:	N/A
Environmental & Sustainability:	N/A
Key Priorities:	Council Priorities: <ul style="list-style-type: none"> • Working together to develop stronger communities. • Ensuring people have the right skills for learning, life and work. • Supporting all of our people to stay safe, healthy and active. •
Community Benefits:	N/A

5. Consultation

5.1 Consultation has taken place with Head Teachers and the Chairs of Parent Councils.



John Butcher
Executive Director

For further information please contact **John Butcher, Executive Director** on **01294 324411**.

Background Papers

None

Empowering Schools

Response to consultation on the provision of the Education (Scotland) Bill by North Ayrshire Council – January 2018

Introduction

North Ayrshire Council agrees with the premise that high quality educational provision which meets the needs of all children and young people is essential to ensure their wellbeing and future life chances. However, the Council is also of the opinion that for some young people, ensuring that all universal services are providing appropriate support at the right time and in the right way is crucial to them achieving successful outcomes.

North Ayrshire Council believes that Scotland already has a strong and improving system of educational provision. The strategic support, guidance and challenge provided by this local authority to its schools, education partners and its teachers has been welcomed and appreciated. It is bringing about improvement and evidence exists that the attainment gap is closing. North Ayrshire Council Education and Youth Employment Directorate already provides 'consistent, high quality support and improvement services' and these are 'centred on the child'.

The role for the local authority, the manager of the school estate and the employer of its teachers, in relation to its school leaders remains unclear in this document. Whilst 'a school and teacher led system' is advocated and promoted in this document, there is no evidence provided of its efficacy and/or likely success. Schools are led by Head Teachers and staff, parents and children and young people are consulted about improvement and change. Schools and teachers are not systems, they are individual and sometimes quite diverse entities. The system that leads them currently is the local authority which coordinates improvement. In North Ayrshire this is bringing improvement, delivering high quality education as well as effective governance.

We have decided not to respond to the individual questions in the consultation but rather to respond to the ideas and notions presented in the paper and frame the response as set out below.

Head Teachers' Charter

In the school and teacher led system advocated, the interface between elected members and Head Teachers needs to be further explored if they are to be directly accountable to these local, democratically elected members. North Ayrshire Council believes that local accountability to Elected Members should not be removed in any future Bill.

In North Ayrshire, Head Teachers already have the opportunity to lead learning and teaching in their schools and the education and youth employment directorate support them in this endeavour. They are supported to ensure their curriculum matches local needs and they are encouraged to be collaborative and outward looking. Further

autonomy for Head Teachers requires sufficient resource and adequate, efficient and effective planning.

It is helpful and important that a Head Teacher gets the opportunity to appoint staff for their own school. However, if seen in the context of the local authority as the employer, longer term workforce planning will be extremely complex to develop if schools set and develop their own priorities.

There is also an assumption in the consultation that janitorial and cleaning provision, HR etc. are all current educational functions. This is not the case across Scotland where there is no consistent model. It is unclear how arrangements will be made to support Head Teachers in PPP schools. There are contractual legal arrangements with private companies for facilities management and financial arrangements that require further explanation.

Initially and, for some, significant time will pass before Head Teachers will be able to establish new staffing and promotion structures. The costs are too great for them to undertake quick change and it is not clear how these changes will be managed within the Local Authority through its HR function. It is also unclear as to the future of the LNCT and its existing agreements. Furthermore the role Head Teachers have in relation to allocation of probationer teachers and student teachers, surplus and compulsory transfer staff is unclear. A framework will be required to consider surplus staff and HR requirements.

Indeed, schools are not only staffed by teachers and therefore this requires further consideration.

Allowing Head Teachers to determine staffing structures will mean that the local authority could no longer be held responsible for teacher/pupil ratios.

In relation to the curriculum, sufficient resource is needed or a school's curriculum could narrow if there is less or limited resource. The school's budget dictates the curriculum and each school is constrained to deliver a curriculum within the framework of its staffing model. Information about the Fair Funding model is crucial to ensure appropriate curriculum delivery and staffing levels.

There needs to be an understanding that to meet needs of all, especially those with ASN, there must be sufficient flexibility to allow staff to support to meet local need. It cannot be assumed this would be teaching staff only. Funding and staff models would have to take account of needs led demand.

Long standing agreements exist within local authorities to ensure schools have a focus on children with ASN and that staff are given appropriate levels of training both from an educational and support perspective. It is unclear how this would be taken forward by individual HTs with any great effect.

With greater autonomy comes greater accountability and Head Teachers must have absolute accountability for all their decisions. It remains unclear what form of redress parents and the children and young people will have should they not agree with the

decisions made by Head Teachers. It is unclear who will hold ineffective Head Teachers to account.

In North Ayrshire it is the Authority's expectation that schools already engage with parents and their young people in relation to school improvement planning and there is therefore no need to legislate. School improvement plans will remain dictated by Curriculum for Excellence, GIRFEC, ensuring high quality Learning and Teaching, Developing Scotland's Young Workforce, Early Learning and Childcare Expansion, How Good is Our School, the National Improvement Framework and the Attainment Challenge. Local Improvement Plans that dovetail with Council and partners plans should remain as they drive co-ordinated local improvement.

Funding

There is no evidence that Head Teachers have the skills or desire to take on the management of additional funding as this would take them away from their core business. They will require to consider school business managers appointments as part of their financial and staffing framework in order to manage what is already an enormous workload. Additional responsibilities in relation to financial and staff management would mean they are not focusing on what they should be, which is learning and teaching.

HTs already decide how a great deal of their financial allocation is spent. Consideration will have to be given to the consistency of approaches to funding allocations across Scotland.

North Ayrshire Council already has transparent funding and staff allocation models in place. These are accepted as fair, equitable and responsive to local needs and priorities.

The support Head Teachers receive from North Ayrshire is significant around HR, procurement, financial management, school improvement, learning and teaching, curriculum and Health and Wellbeing. This support, in the Council's view, could actually be diluted resulting in a reduction in local support and challenge in education replaced by less effective provision.

With the responsibility for staffing comes the responsibility for the health and wellbeing of those staff employed including all aspects of current employment law. Our Head Teachers are not equipped currently to provide sound decision making and governance in HR practice.

If a Head Teacher is in dispute with a member of staff which cannot be resolved, there requires to be clarity around the way disputes will be resolved.

Parental and Community Engagement

This consultation document changes the term from consult to collaborate. It is essential that collaboration focus on role of parent in learning.

It is aspirational to want a parent council to be more representative of the school parent body but schools cannot compel parents to be involved. We welcome any opportunity to empower our communities however we are also realistic in how difficult that is for some schools and some communities.

North Ayrshire Council, however, does not believe we need a legal definition of 'parental engagement'.

There is no mention of parental involvement in ASN schools within the consultation document. Any expanded remit should include all education provision.

Pupil Participation

In North Ayrshire we have evidence of significant pupil involvement in every school across a range of aspects of the life and work of schools. There is a particular focus in relation to meeting needs and ASN planning.

North Ayrshire Council recognises the importance of pupil involvement, not just engagement. However, North Ayrshire Council believes that we do not require as a nation to legislate. The aspiration should be to ensure that good practice is effective across Scotland and this can be achieved via practice guidelines.

Regional Improvement Collaboratives

North Ayrshire Council believes that Local Authority plans should continue to provide the focus for educational improvement. These plans reflect Council and partner priorities for improvement across all functional areas. They link to local improvement in its broadest sense and recognise the importance of education to local economies and communities. North Ayrshire Council is successful in improvement planning linked to Scottish Attainment Challenge (SAC) and Pupil Equity Funding (PEF), both of which, dovetail with other Council priorities. North Ayrshire Council therefore supports the retention of local education planning.

If the vision set out in this section becomes reality the influence on school improvement by local authorities would be negligible as would the influence of locally elected members.

The Consultation document has no clarity about how South West Education Improvement Collaborative (SWEIC) will actually operate and exist and what the interface, if any, would exist between LAs and schools.

The North Ayrshire Council educational improvement plan is a key component of the corporate improvement agenda and the performance of which is reported and monitored regularly by local democratically elected members. It is unclear how progress with school or SWEIC plans be reported and monitored.

Education Workforce Council for SCOTLAND

North Ayrshire Council believes that current workforce governance arrangements are effective. Changing these could potentially become over complex and bureaucratic.

The GTCS has a very positive reputation throughout the world and has made huge strides in the registration and support of the professional development of the teaching workforce over the last 5 years. North Ayrshire Council can see no reason to make any change to the current arrangements.

North Ayrshire Council believe that the requirement for registration of staff other than teachers within a new professional body would require significant system change, additional costs and could increase bureaucracy. Expanded responsibilities may hinder workforce planning and supporting staff development more complex and could lead potentially to a lowering of standards. It is unclear whether or not the regulation of unqualified staff by any new body would lead to their becoming an 'unqualified' teacher.

Currently the registration bodies are independent from political influence, any change must ensure that position.

In conclusion, North Ayrshire Council has significant concerns surrounding many of the proposed changes outlined in the Consultation document. The Council will continue to work through COSLA to ensure that its voice is heard and Local Authorities retain control over the delivery and standards of education.