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## **EDUCATION IN THE SCOTTISH PARLIAMENT**

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### **PREAMBLE**

This paper follows on from the previous bulletin (Redford 2017), which covered the education remit of the Parliament's Education and Skills Committee between February 2017 and June 2017. The following bulletin covers the Education remit of the Education and Skills Committee from August 2017 to January 2018.

### **AUGUST 2017 TO JANUARY 2018**

The Education and Skills Committee had the following members during this period:

James Dornan (Convener), Johann Lamont (Deputy Convener), George Adam (from 22.11.17), Colin Beattie to 08.11.17), Mary Fee (from 10.01.18), Ross Greer, Claire Haughey (to 08.11.17), Daniel Johnson (to 20.12.17), Richard Lochhead (from 22.11.17), Ruth Maguire, Gillian Martin, Oliver Mundell (from 06.09.17) and Liz Smith. Full records of the Committee meetings, including minutes, official papers and transcripts of proceedings can be found on the Scottish Parliament website at:

<http://www.parliament.scot/parliamentarybusiness/CurrentCommittees/99746.aspx>  
[accessed 27.10.17]

The committee began this period of work with the Children and Young People (Information Sharing) (Scotland) Bill and heard evidence from 12 panels of witnesses. They met with officials from the Scottish Qualifications Authority (SQA) and heard evidence from the Scottish Government on teacher workforce planning and the draft budget for 2018 – 19. In December 2018 they began early scrutiny of the proposed education reforms and heard evidence from three panels of witnesses. The committee also heard evidence and approved a number of subordinate orders during this period. They reviewed their work programme, in private, at their meetings on the 20 and 27 September, and 4 October 2017 when they agreed to take evidence on the Scottish Government's education reforms and to make visits in relation the impact of Brexit and widening access.

### **CHILDREN AND YOUNG PEOPLE (INFORMATION SHARING) (SCOTLAND) BILL**

The committee took evidence from the Scottish Government at their meeting

on the 6<sup>th</sup> September 2018. The papers for this session included a SPICe Briefing (ES/S5/17/21/2), a pack of written submissions to the committee (ES/S5/17/21/3) and a summary paper from the Clerk (ES/S5/17/21/3). After that session they reviewed the evidence and agreed to hold any future reviews of evidence for this bill in private. They held a second session of evidence at their meeting on the 20 September 2017. This meeting was supported by written submissions from the panel (ES/S5/23/3), a SPICe briefing (ES/S5/17/23/A), and a SPICe Survey (ES/S5/23/2) on the illustrative code of practice published with the documents for the bill. The committee heard further evidence at their meeting on the 27<sup>th</sup> September 2017. The supporting papers were a SPICe briefing paper (ES/S5/17/24/1) and written submissions from the panel (ES/S5/17/24/2). After that evidence session the committee agreed that the Convener and Deputy Convener should meet with the Cabinet Secretary to discuss identified issues. On the 4 October 2018 they heard evidence from professional associations and the Information Commissioners Office. The papers for this meeting included a SPICe briefing (ES/S5/17/25/1) and paper of collected submission, (ES/S5/17/25/2). At the end of that meeting the committee agreed to write to the Information Commissioner's Office to request further information; and to the Cabinet Secretary for Education and Skills with further questions. The committee met with two further panels of witnesses on the 25 October 2017. This meeting was supported by a SPICe briefing paper (ES/S5/17/26/1) and written submissions from the panel (ES/S5/17/26/2). The committee heard evidence from two panels of third sector organisations on the 4 November 2017 and discussed the evidence in private. That evidence session was supported by a SPICe briefing paper (ES/S5/17/27/1) and written submissions (ES/S5/17/27/2). The concluding committee discussion was supported by a Law Reform Committee Report (ES/S5/17/27/3) that addressed issues of delegated powers in relation to the provision of information. The committee hear evidence from John Swinney, Cabinet Secretary for Education and Skills on the 8 November 2017. This meeting was supported by a SPICe briefing (ES/S5/17/28/1), a note of Focus Group discussions (ES/S5/17/28/2) and a Scottish Government submission (ES/S5/17/28/3). At the end of the evidence sessions the committee agreed to hold all future discussions of the bill in private.

Date of Committee	Witnesses
6 September 2017	<ul style="list-style-type: none"> <li>• Ellen Birt, and John Paterson, Scottish Government</li> </ul>
20 September 2017	<ul style="list-style-type: none"> <li>• Kenny Meechan, <i>The Law Society of Scotland</i></li> <li>• Janys Scott, <i>Faculty of Advocates</i></li> </ul>
20 September 2017	<ul style="list-style-type: none"> <li>• Professor Alison McCallum, <i>NHS Lothian</i></li> <li>• Professor Hugo van Woerden, <i>NHS Highland</i></li> <li>• Valerie White, <i>NHS Dumfries and Galloway</i></li> <li>• Jean Cowie, <i>NHS Education for Scotland</i></li> <li>• Annette Holliday, <i>Unite</i></li> </ul>

	<ul style="list-style-type: none"> <li>• Lorna Greene, <i>Royal College of Nursing Scotland</i></li> </ul>
27 September 2017	<ul style="list-style-type: none"> <li>• Dr Gary Clapton, <i>School of Social and Political Science, University of Edinburgh</i></li> <li>• Andrew Keir, <i>North Ayrshire Health and Social Care Partnership</i></li> <li>• Jackie Niccolls, <i>Glasgow City Health and Social Care Partnership</i></li> <li>• Jenni Brown, <i>Dumfries and Galloway Council Education Services</i></li> </ul>
4 October 2017	<ul style="list-style-type: none"> <li>• Gillian Fergusson, <i>Scottish Council of Independent Schools</i></li> <li>• Lisa Finnie, President, <i>Scottish Guidance Association</i></li> <li>• Maria Pridden, <i>Unison</i></li> <li>• Lorraine McBride, <i>EIS</i></li> <li>• Christine Cavanagh, <i>National Day Nurseries Association</i></li> </ul>
4 October 2017	<ul style="list-style-type: none"> <li>• Dr Ken Macdonald and Maureen Falconer, <i>Information Commissioner's Office</i></li> </ul>
25 October 2017	<ul style="list-style-type: none"> <li>• Norman Conway, <i>Police Scotland</i></li> <li>• Megan Farr, <i>Children &amp; Young People's Commissioner Scotland</i></li> <li>• Maggie Murphy, <i>Glasgow Kelvin College and representative of Colleges Scotland</i></li> <li>• Judith Tait, <i>Care Inspectorate</i></li> </ul>
25 October 2017	<ul style="list-style-type: none"> <li>• Ben Farrugia, <i>Centre for Excellence for Looked After Children in Scotland (CELCIS)</i></li> <li>• Donna McEwan, <i>Centre for Youth and Criminal Justice (CYJC)</i></li> <li>• Teresa Medhurst, <i>Scottish Prison Service</i></li> </ul>
1 November 2017	<ul style="list-style-type: none"> <li>• Sally Ann Kelly, <i>Aberlour</i></li> <li>• Sheila Gordon, <i>Crossreach</i></li> <li>• Maggie Mellon, <i>No to Named Persons Campaign</i></li> </ul>
1 November 2017	<ul style="list-style-type: none"> <li>• Kirsten Hogg, <i>Barnardo's Scotland</i></li> <li>• Alison Reid, <i>Clan Childlaw</i></li> <li>• Professor Nancy Loucks, <i>Families Outside</i></li> <li>• Eileen Prior, <i>Scottish Parent Teacher Council</i></li> </ul>
8 November 2017	<ul style="list-style-type: none"> <li>• John Swinney, <i>Cabinet Secretary for Education and Skills, Scottish Government</i></li> </ul>

The evidence session on the 6 September 2018 began with a statement from Ellen Birt about the reasons for the proposed bill and the challenge made by the Christian Institute and Others that the 2014 Act was outside the legislative competence of the Parliament. This was taken to the Supreme Court, which ruled in July 2016:

That the provision of a named person service was, ‘unquestionably legitimate and benign’. However, it went on to find that the information-sharing provisions in part 4 were not in accordance with the law (Birt, 06.09.17, Col 5).

She then described in detail the ways in which the proposed bill addressed information sharing. Liz Smith asked about consultation with the Information Commissioner’s Office and if they were confident in the information they were providing to ministers. In reply John Patterson said that the bill required ministers to issue a code of practice and that the consultation to inform that was part of the scheme proposed in the bill. This led to a detailed discussion about the law of confidentiality and the definition of wellbeing. In reply to further questions Ellen Birt said, ‘The Government’s position is that for wellbeing, unlike welfare concerns, there is not a threshold that children have to meet’ (Birt, 06.09.17, Col 12).

The second panel of evidence began with a question from Liz Smith to Janys Scott about the criticisms of the bill made by the Supreme Court. In reply, Janys Scott said the bill proposed a shift from a requirement to share information to a power to share information, ‘That would require health visitors and teachers – laypeople- to implement complex law on data protection’ (Scott, 20.09.17, Col 1). The Convener then asked about the code of practice and Kenny Meechan replied, ‘The code of practice has to be made clearer. . . the bill largely provides just a statutory vehicle for the code of practice’ (Meechan, 20.09.17, Col 7). Janys Scott added:

The problem is that the meat of what is proposed will be in the final code of practice, which will not come before Parliament. That is a big issue. Would Parliament want to approve a code of practice for professionals to implement that it had not seen and which can be changed (Scott, 20.09.17, Col9)?

Both members of the panel expressed concern about the lack of information in the illustrative code of practice published with the bill but noted that it would be rewritten following consultation. The meeting then spent some time considering the issue of consent and the implications of the UK General Data Protection Regulation (GDPR) that would come into force in May 2018.

The discussion with the third panel of witnesses began with a question from Colin Beattie about the current practice of sharing information in the health service. In reply members of the panel each gave examples from their own profession and Alison McCallum concluded:

For me, most of the work that we do around the appropriate sharing of information is, as far as possible, coming to a shared view about the best way forward and then agreeing what sort of information will be shared in what format rather than it being a blanket yes or no (McCallum, 20.09.17, Col 25).

Daniel Johnson then asked Lorna Greene about a statement from the Royal College of Nursing that the bill could lead to the development of defensive practice. In reply she described partnership working through the principles of Getting it Right for Every Child (GIRFEC) and a concern that the principles are not undermined by the new bill. This led to a discussion of the responsibilities of the organisation rather than the individual practitioner. Tavish Scott asked about the code of practice and in response Lorna Greene expressed concern about the relationship with the Nursing and Midwifery Council's code of practice. The committee then asked a series of questions about training for practitioners and the level of guidance required to support the bill.

The evidence session on the 27<sup>th</sup> September began with a discussion about the implementation of GIRFEC and the role of the named person in the three local authorities represented on the panel. All three responded that GIRFEC was embedded in practice and that they had delayed further development of the named person role. Andrew Keir commented on the time wasted training and developing materials prior to the 2014 Act:

We now have to go and unpick all that, I guess, and go back to the status quo on information sharing under the 1998 act. There has been a lot of wasted time for us (Keir, 27.09.17, Col 3).

The meeting then considered the draft code and the need to provide practitioners with guidance about what can be shared. Andrew Keir spoke in favour of a practice document based on the principles of GIRFEC rather than legislation. The panel and committee then explored the different understandings of the term wellbeing and how children and parents should be asked to consent to sharing information.

On the 4 October 2018 Gillian Martin opened the question session with the first panel by asking them about current practice in information sharing. Gillian Ferguson replied current practice was policy based and focused on principles of consent, 'There is a lot of anxiety about sharing information when a case does meet the child protection threshold, so we would seek consent and share information with consent' (Ferguson, 04.10.17, Col 3). Lisa Finnie and Lorraine McBride indicated their agreement with that statement and Ross Greer asked about the development of defensive practice. In reply Lisa Finnie said that she felt that colleagues were more tentative about sharing information and Gillian Ferguson that information sharing had reduced after the judgement by the Supreme Court. Oliver Mundell then asked if the duty to record decisions to share information would lead to an increased workload. Lorraine McBride responded that it would and that Headteachers or Deputy Headteachers would need help,

'With the additional recording and minute taking' (McBride, 04.10.17, Col 9). The meeting then discussed the concerns of the panel about individual responsibility for sharing information about wellbeing.

The second panel on the 4 October began with a question to Ken MacDonald about the role of the Information Commissioners Office in developing the code of practice for the bill. In reply he said, 'We draft a code internally, seek views from stakeholders, review the draft code, amend it as appropriate and ensure that it is in plain English' (MacDonald, 04.10.17, Col 19). Liz Smith asked if the Commissioners' Office had given advice to Scottish Government on the code of practice. Maureen Falconer replied yes and that they had said, that 'The illustrative draft code of practice is not fit for purpose and that it must take cognizance of the GDPR' (Falconer, 04.10.17, Col 22). The meeting then spent some time considering the General Data Protection Regulation (GDPR) legislation and the definition of wellbeing.

The committee heard evidence from a range of organisations at their meeting on the 25 October 2017. The convener opened the first session of evidence with a question about sharing information with named persons. Judith Tait answered for the Care Commission and said that their role was, 'To support and encourage service providers to share information appropriately with named persons' (Tait, 25.10.17, Col 2). Megan Farr replied for the Children and Young People's Commissioner Scotland that they recorded consent from the child to share information. Norman Conway referred to the work that Police Scotland had done to review and justify sharing information. The committee then asked a number of questions about police training for information sharing and for the police response to the draft code of practice. In reply Norman Conway referred to police statutory duties and the way the police currently shared information with other organisations. Megan Farr added that most organisations worked with children and families they knew, and should be able to ask for consent. She then asked, 'That the code of practice and other guidance put consent at the heart and make it clear that a children's rights approach should be taken' (Farr, 25.10.17, Col 11). Gillian Martin suggested that there was a need for joint training to support organisations to understand each other and Judith Tait responded that it was already happening through GIRFEC training. Daniel Johnson then asked if the bill would change the way that information was currently shared between organisations. Norman Conway replied that it could strengthen the process by defining the function and roles of the named person service. The session concluded with legal questions for Megan Farr about the age of consent for children.

The Convener opened the questions to the second panel on the 25 October by asking about their involvement in the development of the final code of practice. In reply Ben Farrugia said that CELCIS was Scottish Government funded and they would expect to contribute to the discussions in relation to looked-after children. Donna McEwan added that CYCJ was in a similar position and Teresa Medhurst that the Scottish Prison Service worked closely with the Scottish Government. Liz

Smith asked if there was a need to go beyond the SHANARRI indicators to define wellbeing. Donna McEwan replied that the definition should not be too rigid so that there was flexibility between the code or practice in each profession. Johann Lamont asked about the development of defensive practice, which the panel felt was not evident because of a general movement to a more rights-based approach to practice. Daniel Johnson then asked if the bill would change practice. Ben Farrugia welcomed the bill because it puts, 'extra emphasis on GIRFEC and on encouraging professionals to think about focusing on and securing the best outcome for the child' (Farrugia, 25.10.17, Col 36). Donna Mc Ewan said that the emphasis needed to be on the code of practice and Teresa Medhurst that it would provide, 'More clarity around pathways and a consistency of approach' (Medhurst, 25.10.17, Col 39).

The discussion at the first evidence session on the 4 November began with an opening statement about the draft code of practice from Sally-Ann Kelly, 'Our view on the code of practice is that, in its current state, the wording is overly complex and legalistic' (Kelly, 04.11.17, Col 1). She went on to say that the code also needed to be supported by statutory guidance, a point that was supported by Maggie Mellon. Sheila Gordon added that guidance was important, because 'It can be quite challenging for people in the third sector to make decisions when they are slightly removed from other services' (Gordon, 04.11.17, Col 2). Ruth Maguire then asked about the use of the wellbeing indicators and Sally-Ann Kelly said that they were helpful, but that Parliament would need to consider the definition of wellbeing they asked practitioners to work with. Sheila Gordon suggested that it might be easier to provide a framework for practitioners to use to identify concerns about wellbeing. The meeting then discussed the need for training to work with the proposed legislation before moving on to the changes in data protection law and working within professional guidelines. This led to a lengthy discussion of the role of the named person and a statement from Sally-Ann Kelly that:

There has been no proper clarity in communicating the named person scheme to the public, and that is something that the Government needs to pay a lot of attention to following the committee's deliberations about how these decisions should be taken forward. The Government needs to front that public information campaign (Kelly, 04.11.17, Col 20).

Daniel Johnson asked again about the use of the code of practice and the panel recommended that the committee looked at the broader context, the use of statutory guidance and a further definition of wellbeing.

Daniel Johnson opened the questions to the second panel on the 4 November by asking, 'Is it permissible to share information based on wellbeing without consent' (Johnson, 04.11.17, Col 23)? In reply Alison Reid said that the bill would not change the existing legal framework, and that the duty to share would not change the threshold at which information was shared. This was supported by Kirsten Hogg who said that although Barnardo's Scotland did not see what the bill

added and that it would require for other support through the code and statutory guidance. She added that her organisation was looking for, 'Consistent implementation of the named person approach and the information sharing aspects of it' (Hogg, 04.11.17, Col 25). Daniel Johnson followed that by asking if the bill could proceed without the information-sharing provisions. In reply Eileen Prior said that the Scottish Parent Teacher Council felt that the bill was, 'Trying to solve a problem that does not really exist' (Prior, 04.11.17, Col 27). Alison Reid spoke for her organisation and said that they felt the named-person scheme could continue without the information sharing part of the 2014 Act. However Nancy Loucks said that Families Outside felt that information sharing was needed. The meeting then discussed the 2014 Act and the implications of that on professional practice before considering the requirement of guidance and the content of the code of practice.

The Cabinet Secretary made an opening statement to the committee meeting on the 8 November 2017 in which he outlined the objectives of the bill. In these remarks he committed the Scottish Government to a positive awareness-raising campaign about GIRFEC and the role of the named person. He also agreed to provide further financial resources and to create a panel to write support materials for guidance and the code of practice. The discussion began with a series of questions from Liz Smith about the Supreme Court ruling and the legal advice taken by the Government. In response John Swinney said that the bill before them addressed the issues raised by the Supreme Court:

In coming to the committee with the bill, I have taken all the necessary advice to satisfy me in my judgment that the two issues of proportionality and codification have been addressed in the bill. If there is a legal challenge, the courts will determine that (Swinney, 08.11.17, Col 12).

Colin Beattie asked if there was a need for a more specific definition of wellbeing, to which John Swinney responded that the concept was addressed in the 2014 act, adding that it was the current framework that professionals worked in. Liz Smith followed that with a question about the standing of the SHANARRI indicators in the law as a definition of wellbeing. In response the Cabinet Secretary said that the indicators were part of the framework that supported professionals to make decisions and that the bill, 'Gives impetus to our intention to ensure that we take a more proactive and preventative approach' (Swinney, 08.11.17, Col 16). Tavish Scott then asked if the code of practice would be finalised before the UK Data Protection Bill became law. John Swinney replied that it would, but that it would be the panel who drafted the code, and reminded the committee that he had conceded, 'That Parliament will have the final say, through a vote, on the contents of the code of practice' (Swinney, 08.11.17, Col 23).

## **SQA PERFORMANCE**

The committee held an evidence session with the SQA at their meeting on the 13 September 2017 (ES/S5/17/22/1).

Date of Committee	Witnesses
13 September 2017	<ul style="list-style-type: none"> <li>Janet Brown, Linda Ellison and Robert Quinn, SQA</li> </ul>

The meeting opened with a statement from Janet Brown in which she described the actions taken by the SQA in response to the committee’s report Performance and Role of Key Education and Skills Bodies (Scottish Parliament, 2017a). The Convener then asked about teacher confidence in relation to changes to national 5 examinations. In reply Janet Brown described the timeline of information shared with teachers and the way the organisation included teachers in the national support teams for each subject area. Liz Smith followed this with a question about consultation on national 4 assessments and Janet Brown reported that there were different views about national 4:

Learners and some teachers felt that not having an exam for national 4 is appropriate because it prepares people for a different pathway towards potentially going to college or into other vocational qualifications that are internally assessed. Others felt that the lack of an examination is an issue that needs to be addressed (Brown, 13.09.17, Col 6).

Liz Smith and Johan Lamont pressed Janet Brown to give an SQA view on future changes to national 4 assessments, but she referred them to the Assessment and National Qualifications group. The panel then answered a series of questions about joint teaching of national 4 and national 5 to a single class, the poor uptake of modern languages in school and engagement with employers about their understanding of national 4 qualifications. Ruth Maguire the asked about feedback from teachers on the changes made by the SQA. This led to Tavish Scott asking about a situation the committee first considered in November 2016:

We had a submission from a physics teacher who said with regard to the higher physics unit and assessment that there were 81 pages of guidance across five different documents, three of which were accessible on the main SQA website and two of which were on the SQA’s secure website (Scott, 13.09.17, Col 19).

In her response Janet Brown said that changes had been made for national 5 information with all the links on one page and that they were still updating the links for higher. Committee members then asked about marking, requests for a marking review and consultation with parents. The session concluded with a detailed discussion about a new corporate business system that would support all the office systems related to SQA employees.

## **TEACHER WORKFORCE PLANNING**

The committee published their report: Teacher Workforce Planning for Scotland’s Schools (Scottish Parliament, 2017b) in August 2017. They returned

to the topic at their meeting on the 22 November 2017 to consider responses to their recommendations (ES/S5/17/29/1) and a paper on the turnover intentions of teachers from SPICe (ES/S5/17/29/2). The Convener opened the discussion with a proposal proposed to the committee that they write to the Cabinet Secretary:

Highlighting the support from the GTCS and Education Scotland for the assessment of the delivery of initial teacher education courses to be undertaken by one organisation—specifically the GTCS or, potentially, as is proposed by the Government, a replacement organisation called the education workforce council for Scotland (Dornan, 22.11.17, Col 2).

Liz Smith and Daniel Johnson added additional points in relation to the methodology used for teacher workforce planning and issues raised by the Association of Directors of Education about multi-level teaching. Johann Lamont added general concerns about the workforce planning model not working in relation to vacancies. It was then agreed to write to the Cabinet Secretary about those concerns.

## EDUCATION REFORMS

The committee began early scrutiny of the proposed education reforms and legislation at their meeting on the 29 November 2017. The meeting was supported by a SPICe briefing (ES/S5/17/30/1) outlining the proposals and additional papers providing reports and analysis related to the proposals (ES/S5/17/30/2). The committee took evidence from a second panel of witnesses at their meeting on the 6 December 2017. The SPICe briefing paper (ES/S5/17/31/1) gave members information about the panel and linked with submissions from the witnesses (ES/S5/17/31/2). The committee took evidence from Education Scotland at their meeting on the 13 December (ES/S5/17/32/1 and 2). They returned to the topic on the 15 January 2018 when they heard evidence from senior local authority officers. This meeting was supported by a SPICe briefing (ES/S5/18/2/1) and a paper from the clerk (ES/S5/18/2/2). They reviewed the evidence in private at their meeting on the 24 January 2018 and heard a further session of evidence at their meeting on the 29 January 2018 (ES/S5/18/4/1 and 2).

Date of Committee	Witnesses
29 November 2017	<ul style="list-style-type: none"> <li>• Keir Bloomer, Convener, <i>Royal Society of Edinburgh</i></li> <li>• Dr Tracey Burns, <i>OECD</i></li> <li>• Professor Chris Chapman, and Professor Graham Donaldson, <i>University of Glasgow</i></li> </ul>
6 December 2017	<ul style="list-style-type: none"> <li>• Frank Lennon, <i>Commission on School Reform</i></li> <li>• Danielle Mason, <i>Education Endowment Foundation</i></li> <li>• Dr Rebekah Widdowfield, <i>Royal Society of Edinburgh</i></li> </ul>

13 December 2017	<ul style="list-style-type: none"> <li>• Gayle Gorman, Graeme Logan, and Mike Ewart, <i>Education Scotland</i></li> </ul>
15 January 2018	<ul style="list-style-type: none"> <li>• Mhairi Shaw, <i>Glasgow City Region Education Improvement Collaborative</i></li> <li>• Ruth Binks, <i>Inverclyde Council</i></li> <li>• Maureen McKenna, <i>Glasgow City Council</i></li> </ul>
29 January 2018	<ul style="list-style-type: none"> <li>• Laurence Findlay, Council and interim lead at the <i>Northern Alliance</i></li> <li>• Maria Walker, <i>Aberdeenshire Council</i></li> </ul>

Liz Smith opened the questions to the first panel by asking if there was a single change model that was appropriate for Scotland. Tracey Burns replied that the OECD research had shown that the aim should be to create, ‘A system that can evolve and change as the problems evolve and change’ (Burns, 29.11.17, Col 4). Daniel Johnson asked about the role of the ‘middle layer’ (OECD, 2015). Tracey Burns replied:

The role of the middle layer—whether it is a formal structural body or a series of networks of players—is to build capacity and support and to keep the conversation going among all the players to allow them to learn from one another. It is also to ensure equity across the system so that national objectives on excellence can be, and are being, met by all the devolved bodies and pieces of the system (Burns, 29.11.17, Col 7).

Graham Donaldson added that the key point was the need to collaborate, rather than discussing who or what the middle layer was. When asked about Curriculum for Excellence he said:

I think that over time we lost the narrative: we no longer know what curriculum for excellence and its fundamentals are, so what we have is a series of bits of curriculum reform. We need to recreate and re-emphasise the narrative, because that original thinking is vital. Deciding what youngsters do at school is incredibly complex, given the uncertainties of the future world. Therefore, building them as people is as important, if not more important, than their acquisition of lots of learning (Donaldson, 29.11.17, Col 8).

Keir Bloomer supported those comments and added that to move the curriculum forward Education Scotland needed to reposition itself to directly support the profession instead of being viewed, as ‘Instruments of Government policy’ (Bloomer, 29.11.17, Col 10). Johann Lamont asked about the role of the headteacher and both Graham Donaldson talked about the need for distributed leadership that enabled innovative practice in the classroom. Tavish Scott followed this with a question about the proposed headteacher charter and the different roles of secondary and primary headteachers. Graham Donaldson

replied that the charter would work if it sat, 'With an accountability system' (Donaldson, 29.11.17, Col 25), that supported headteachers.

The meeting on the 6 December opened with a discussion about the need for all schools and teachers to implement change at the same pace. Frank Lennon argued that there was a need for freedom to move forward to suit each school community. The panel all spoke of a need to establish trust and shared responsibility to implement change. Further discussion focused on the role of schools, Education Scotland and the new regional collaboratives.

The evidence session with Education Scotland on the 13 December 2017 followed directly from the previous session and began with a discussion about the relationship between regional collaboratives and Education Scotland. Gayle Gorman was clear that the relationship would be a partnership with support from Education Scotland staff, guided by the regional improvement collaborative plans. Gillian Martin asked what the collaboratives would mean for teachers and Gayle Gorman replied, 'I hope it will mean more equity of access to professional learning and development' (Gorman, 13.12.17, Col 5). Graeme Logan then provided detail of the way that Education Scotland Regional liaison officers would link with the collaboratives. The meeting discussed the proposed Headteachers' Charter, support from Education Scotland staff for the collaboratives and how the regional improvement plans would be measured. This led to a lengthy discussion about the relationship between Education Scotland, national and local government and the ways that individual schools could work within the new collaboratives.

The committee returned to the role of the Regional Improvement Collaboratives (RIC) on the 15 January 2018 when they took evidence from officers in the Glasgow City Region collaborative. The Convener first asked about the ways that the authorities in the collaborative have shared best practice and how that would inform developments in the RIC. All witnesses gave examples from their own authorities and highlighted quality assurance and headteacher leadership as areas they would work on together. Tavish Scott asked about the number of different plans each school would be working with and how they would connect. In reply Maureen McKenna talked about a 'Golden thread that links everything from the national improvement framework all the way down. A golden thread should run from there all the way down into classrooms' (McKenna, 15.01.18, Col 5). Gillian Martin explored concerns raised by a headteacher focus group that the RIC would become an additional layer of administration. The panel recognised the issue but felt that their high-level approach to planning in the RIC would enhance the way they work together. The meeting then moved on to consider the proposed headteacher charter. Mhairi Shaw confirmed to the committee that headteachers would still be accountable to local authorities, 'For the performance of their schools' (Doran, 15.01.17, Col 11). This led Tavish Scott to ask, if the proposals would change the role of the headteacher. Maureen McKenna answered that if the role did change then the issue would need to be considered by the Scottish Negotiating Committee for Teachers (SNCT). The meeting

considered teacher workforce planning and the proposed Education Workforce Council before considering the role of colleges and young people in the RIC.

The evidence session on the 29 January 2018 began with a question from the Convener about the formation of the Northern Alliance. In reply to which Laurence Findlay said:

The authorities came together because of the teacher recruitment and retention issues that we were facing. However, we quickly realised that we could add significant value by coming together where our resources could be pooled to greatest effect (Findlay, 29.01.18, Col 3).

He then reinforced the identity and role of individual authorities:

We are all clear about our individual identities as local authorities and our individual areas of responsibilities, but we come together using our self-evaluation to focus on the areas where, as a collective, we can have the biggest impact and make the greatest difference to children's lives (Findlay, 29.01.18. Col 5).

Maria Walker described the meeting structure in the Northern Alliance; with education directors holding a teleconference once a fortnight with a regional improvement forum that meeting every six weeks. She emphasised the formal structure of the meetings and the inclusion of heads of service and headteachers. Richard Lochhead asked about the involvement of teachers in the Alliance and Maria Walker acknowledged that there was a lack of awareness amongst teachers about the alliance but that they knew about the joint pieces of work in early literacy or poverty. Johann Lamont asked about the relationship between the school, authority and Northern Alliance plans and Maria Walker referred to a thread connecting the plans, as Maureen McKenna did in the previous evidence session.

## DRAFT BUDGET

The committee held an evidence session with the Cabinet Secretary for Education and Skills at their meeting on 20 December 2017. The meeting was supported by a SPICe briefing on the draft budget for 2018 – 19 (ES/S5/17/33/1) and written submissions from a range of organisations (ES/S5/17/33/2). The committee considered a draft response to the budget, in private, at their meeting on the 10 January 2018.

Date of Committee	Witnesses
20 December 2017	<ul style="list-style-type: none"><li data-bbox="454 1515 1120 1576">• John Swinney, Cabinet Secretary for Education and Skills, <i>Scottish Government</i></li><li data-bbox="454 1576 1120 1633">• Aileen McKechnie, Advanced Learning and Science, <i>Scottish Government</i></li></ul>

	<ul style="list-style-type: none"> <li>• Michael Chalmers, Children and Families, <i>Scottish Government</i></li> </ul>
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The meeting on the 20 December began with an opening statement from John Swinney where he identified funds for: early learning and childcare, the continuation of funds to close the attainment gap, the continuation of free university tuition, increased investment in further and higher education and an expansion of modern apprenticeships through Skills Development Scotland. The first questions from the committee focused on the local implementation of funds allocated to additional support needs and the differences in spending between local authorities. They then explored the employment of additional staff employed through attainment gap funds and the difference in teacher numbers between local authorities.

## **EU REPORTER**

Gillian Martin, the committees' EU Reporter presented a paper to the committee at their meeting on the 22 November 2017 (ES/S5/17/29/3) in which she explored the Brexit implications for the Horizon 2020 Innovation and Research Fund. The committee welcomed the report and agreed to seek further information from the University sector before making committee representation to the Scottish and UK Governments.

## **SUBORDINATE LEGISLATION**

The Committee took evidence at their meeting on 24 January 2018, on the Police Act 1997 and the Protection of Vulnerable Groups (Scotland) Act 2007 Remedial Order 2018 [draft]; from Maree Todd MSP, Minister for Childcare and Early Years, Scottish Government, Lynne McMinn, Disclosure Scotland; and Ailsa Heine, Scottish Government. The Minister agreed to write to the Committee offering clarification and assurances, following which the committee agreed the draft order:

- S5M-9985—That the Education and Skills Committee recommends that the Police Act 1997 and the Protection of Vulnerable Groups (Scotland) Act 2007 Remedial Order 2018 [draft]

The Committee took evidence at their meeting on the 24 January 2018 on the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Amendment Order 2018 [draft]; from Maree Todd MSP, Minister for Childcare and Early Years, Scottish Government and agreed the following draft order:

- S5M-9984—That the Education and Skills Committee recommends that the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Amendment Order 2018 [draft] be approved.

The committee considered and made no recommendations in relation to the following instruments during this period:

1. Education (Fees and Student Support (Miscellaneous Amendments) (Scotland) Regulations 2017 (SSI 2017/180)
2. Welfare Reform (Consequential Amendments) (Scotland) Regulations 2017 (SSI 2017/182)
3. Teachers Superannuation and Pension Scheme (Additional Voluntary Contributions) (Scotland) Regulations 2017 (SSI 2017/283)
4. Individual learning Account (Scotland) Amendment Regulations 2017 (SSI 2017/288).
5. SSI 2017/353: The Section 70 (Procedure) (Scotland) Regulations 2017
6. SSI 2017/355: The Additional Support for Learning (Collection of Data) (Scotland) Regulations 2017
7. SSI 2017/356: The Additional Support for Learning Dispute Resolution (Scotland) Amendment Regulations 2017.
8. SSI 2017/454: Teachers' Pension Scheme (Scotland) (No. 2) Amendment Regulations 2017

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- Scottish Parliament (2017a) Education and Skills Committee, Performance and Role of Key Education and Skills Bodies, 2nd Report, 2017 (Session 5). Available online at: <http://www.parliament.scot/parliamentarybusiness/CurrentCommittees/103056.aspx> [Accessed 12.04.18]
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