



## Empowering Schools

### A Consultation on the provisions of the Education (Scotland) Bill

#### RESPONDENT INFORMATION FORM

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

Are you responding as an individual or an organisation?

Individual

Organisation

Full name or organisation's name

Phone number

Address

Postcode

Email

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

Publish response with name

Publish response only (without name)

Do not publish response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

## **A RESPONSE FROM THE ASSOCIATION OF DIRECTORS OF EDUCATION IN SCOTLAND (ADES) TO “A CONSULTATION ON THE PROVISIONS OF THE EDUCATION (SCOTLAND) BILL ISSUED BY THE SCOTTISH GOVERNMENT IN NOVEMBER 2017**

### **Introduction**

*This response sets out the views of the Association of Directors of Education in Scotland (ADES) to the Scottish Government’s document “A Consultation on the Provisions of the Education (Scotland) Bill”, issued in November 2017. It has been produced as a result of discussions with the ADES specialist networks:*

- *Additional Support for Learning,*
- *Curriculum, Assessment and Qualifications,*
- *Early Years,*
- *Performance and Improvement,*
- *Personnel, and*
- *Resources.*

*The views of a sample of Directors/Chief Education Officers across local authorities were also sought. As a consequence, this response represents the views of the senior leaders in the education system across Scotland. This group has extensive experience of supporting heads of establishments in the areas of strategy, accountability and school improvement that lie at the heart of the proposals in the Scottish Government’s consultation.*

*In responding to this consultation ADES are mindful that any comments made or views expressed should be demonstrably supported by detailed considerations and reasoning. This aim is reflected in the main response. However, given the significant length of that document ADES considers that it may be helpful to provide the following Executive Summary emerging from the comprehensive response attached.*

### **EXECUTIVE SUMMARY**

*Overall, ADES is in agreement with the Scottish Government about both the need for change and a focus on improved outcomes.*

*We strongly support the principle of local empowerment, and agree that decisions on the curriculum and learning and teaching should normally be taken at school<sup>1</sup> level. Headteacher<sup>2</sup> should, as a rule, be closely involved in the decisions on recruitment to their staff team and the development of promoted post structures to support learning. There is already widespread good practice on these matters across Scotland.*

*ADES is committed to supporting the work of the new regional improvement collaboratives which have the potential to add value to the work of local authorities by facilitating the adoption of good practice and supporting the development of leadership capacity within local authorities and schools.*

*ADES agrees with the principles of parental and community engagement in the life of schools and nurseries and the involvement of children and young people in their own learning.*

*The proposals in relation the Education Workforce Council require to be assessed in terms of the financial implications of change against the perceived benefits.*

---

<sup>1</sup> Throughout this document ‘school’ refers to early years provision, primary and secondary schools, services or units

<sup>2</sup> Throughout this document ‘headteacher’ refers to all heads of establishment whether or not they are registered as a teacher.

*There is already existing widespread commitment to many of the policy intentions in the consultative document and many of its proposals are already long-standing features of provision. Therefore, ADES sees significant risk with the approach being taken by the Scottish Government which is seeking to address issues of professional practice by force and compulsion of legislation. A spirit of partnership has succeeded in underpinning the considerable pace of improvement and over recent years. The use of the law in the manner being proposed is, in our view, impractical in some areas and will introduce unnecessary complications, impeding service development with unintended consequences which carry risk and diminishing, rather than improving, transparency. This view is informed by an analysis of evidence from other systems where similar approaches have been attempted and by the views of colleagues in the ADES Networks who are currently working with many thousands of staff who respond daily to the challenges involved in service delivery and improvement.*

*The practical implications of some proposals present real risks to children's learning, inclusion and Getting It Right For Every Child (GIRFEC). Vulnerable children are particularly at risk.*

*In addition, ADES highlights a number of other areas where the approach being proposed carries risks and is more likely to produce adverse outcomes than have a positive impact. These include:*

- *The proposed use of legislation, by-passing established tri-partite agreements of the Scottish Negotiating Committee for Teachers (SNCT) to introduce the headteachers' charter and its related provisions, would break the present consensus-based approach in Scottish education. This risks goodwill and co-operation.*
- *Headteachers must work within the framework of Council policies, particularly when these are directed to protect the welfare of children, or to secure sound financial stewardship or wider employment and equalities obligations. This policy umbrella protects and supports headteachers and it is essential for it to be retained.*
- *The local authority role in the development and scrutiny of educational improvement plans is an essential part of democratic accountability as well as being a practical necessity and should therefore feature heavily within RIC arrangements. Any changes to current arrangements must pay sufficient attention to the wider planning and children's service environment. Local authorities, along with partners, have clear responsibilities under the terms of the Children and Young People (Scotland) Act 2014.*
- *Crucially, the requirement for local authorities to produce Improvement Plans and Standards and Quality Reports should therefore not be removed.*
- *Future arrangements must consider the implications of GIRFEC and additional support needs obligations. The potential consequences of the proposals for vulnerable young people, including those at risk of exclusion from school, have not been thought through. In this respect, evidence should be drawn from other parts of the UK where greater autonomy has been given to headteachers.*
- *A system predicated on the "primacy" of school plans risks being unworkable for regional improvement collaborative and local authority contexts, and jeopardises the effective delivery of the National Improvement Framework.*
- *Further clarity will be required on how Education Scotland can effectively discharge its scrutiny role if it has a key or central place in regional improvement arrangements.*

- *The possible consequences of the headteachers' charter for individual staff and sound human resources procedures present particular and widespread professional concern.*
- *Financial freedom for headteachers should be firmly set in the context of collegial approaches and management of high quality learning and teaching.*
- *The proposals as presented will add unnecessarily to existing bureaucracy.*
- *Some of the proposals, including those related to parental and community engagement and pupil involvement will add significantly to the work of headteachers and others. This is likely to have an adverse impact on recruitment to leadership roles.*
- *There will be a disproportionate impact of the proposals on small schools, including special schools and nurseries, with a risk that this will adversely affect learning and teaching.*
- *There is no assessment of the financial implications of the proposals, including those related to the Education Workforce Council for Scotland.*

### **The Way Forward**

ADES agrees with paragraph 14 of the "Report of the Initial Findings of the International Council of Education Advisers" issued in July 2017 which states:

*"In addition to the priority areas, at the Deputy First Minister's request, the Council also made some recommendations around the issue of governance. **The Council felt that it was important to consider how to de-clutter the system without damaging it. The Council advised against becoming too focussed on changing the structure of the education system when, arguably, the more important aspects are the culture and capacity within the system.** In particular the Scottish Government should:*

- *Learn from existing attempts to formally share education services between local authorities e.g. the Northern Alliance, and other forms of **non-structural regionalisation** that have been successful internationally.*
- ***Create learning hubs** around the country where education professionals can go to learn about different elements of educational practice. "*

*ADES strongly urges the Scottish Government to afford due weight to this authoritative, bespoke advice, commissioned by government itself, and given in response to a specific request from the Depute First Minister. The issues identified by ADES can be addressed by:*

- *stepping back from legislation other than where it is absolutely essential;*
- *using tried and proven consensus-based approaches which emphasise partnership and professionalism rather than conformity and compulsion. These include the tri-partite procedures of SNCT and LNCT arrangements;*
- *allowing the regional improvement collaboratives to develop, and to support the development of professional capacity in the way envisaged by the International Council of Education Advisers;*
- *continuing the work already in place through LNCTs to reduce bureaucracy by, for example, simplifying and streamlining the planning and reporting landscape;*
- *investing in building the leadership capacity of senior officers in local authorities, including headteachers, and the leadership capacity of Education Scotland staff in*

partnership with SCEL and in line with the ADES think-piece 'Towards a Learning System'<sup>3</sup>; and

- accepting the offer from ADES to use the experience and expertise of its members and its established professional networks to support system-wide improvement in complex and technical areas.

### Headteachers' Charter

*ADES supports the policy intention behind the Headteachers' Charter. However, this is seen as a significant area of risk. ADES wishes to ensure that headteachers secure the maximum benefit of any changes without them suffering some of the consequential and significant risks.*

*There are excellent examples of long established policies and procedures in local authorities which afford headteachers substantial freedom to design the curriculum, determine promoted post structures and recruit staff. These policies and procedures achieve a good balance between responding to the local circumstances of schools and protecting the interests of children, staff, parents and the community. The Headteachers' Charter brings real risks that much of the good work of recent years will be discarded instead of being used to best effect.*

*The introduction of the Headteachers' Charter through legal measures is unnecessary. Furthermore, such an approach will cut across the agreed tri-partite negotiating machinery established under the SNCT/LNCT arrangements, thereby directly threatening the consensus regarded as one of the key strengths in Scottish education. To give headteachers rights, backed by law, with the stated intention of freeing them from the strategy and obligations of, and to, their employer, carries high risk where fragmentation supplants the ideal of empowerment. ADES therefore advises strongly against the introduction of the Headteachers' Charter through law.*

*The consequences for headteachers in terms of managing teacher surpluses, redeployments and resource implications have not been fully thought through. Neither is it clear what the responsibilities of headteachers will be for collaboration with other establishments which might mitigate the effects of such changes. ADES is concerned that the changes, without adequate safeguards, could expose headteachers to significantly increased, and avoidable, workload and stress as a consequence of inappropriate staff transfers being initiated, potentially resulting in claims of unfair or constructive dismissal, and grievance procedures, all of which would be a distraction from managing learning and teaching.*

*An unintended consequence of the Headteachers' Charter will be to increase the isolation of some schools to the detriment of children. It is vulnerable children, including those with additional support needs who will be placed most at risk. Authorities' abilities to deliver wider corporate parenting and GIRFEC obligations will be compromised. This will be manifest in a restricted curricular offer or changes which lead to a lack of provision to meet the needs of particular groups of young people. The lack of specificity, which must be addressed, on the accountability of headteachers, other than from restricted or vague references to "support and challenge" through the regional improvement collaboratives or Education Scotland, is a serious omission in the document.*

---

<sup>3</sup> <https://www.adescot/Documents/Documentlist>

*If it is introduced into practice, the Charter must state beyond doubt that schools are to be inclusive. Provision in individual establishments must operate on a presumption of being for all of the children and young people within their delineated area or who attend the school as a result of placing requests.<sup>4</sup>*

### Question 1

**The Headteachers' Charter will empower headteachers as the leaders of learning and teaching and as the lead decision maker in how the curriculum is designed and provided in their schools. What further improvements would you suggest to enable headteachers to fulfil this empowered role?**

*ADES believes:*

- *headteachers already have the necessary freedoms to be leaders of learning;*
- *any changes to the job description of headteachers should properly be negotiated through the SNCT;*
- *headteachers are already the key decision makers in curriculum design;*
- *the evidence provided by the Scottish Government shows that these roles are being discharged effectively; and therefore,*
- *change to the present arrangements are unnecessary and using the law to effect change will be counterproductive; with the result that:*
- *the stated aims of the Scottish Government in relation to improved educational outcomes are less likely to be achieved.*

*ADES recognises that:*

- *in some areas there is a perception that headteachers do not have sufficient freedom. ADES will work with Education Scotland to share good practice and bring about change using regional improvement collaboratives, as appropriate.*
- *there is still scope for improvement in how headteachers exercise their leadership role;*
- *this will require continued support for headteachers into the future; and*
- *the regional improvement collaboratives offer a positive opportunity to support local authorities and the Scottish Government in this aim.*

*The subject of the headteachers' empowered role as the lead decision makers on learning and teaching and curricular issues is already comprehensively described in national documents including the contractual job description of the post agreed through the SNCT. Further legal measures are therefore unnecessary.*

*Section 2.12 of the SNCT Handbook clearly sets out the job description of the head teacher:*

*“The role of the Headteacher is to promote high quality learning and teaching to secure improved educational outcomes for the benefit of pupils and the community, under the direction of the local Council. Headteachers have a corporate responsibility to contribute to an agenda of ongoing improvement in their school and across their Council area.”*

Empowerment that is achieved by a reduction or dilution of the role of the local authority as set out in the document will result in increased workload for headteachers taking them away from leading learning.

---

<sup>4</sup> Ref: sections 2 and 15 of the Standards in Scotland's Schools etc. Act, 2000

*There are a number of unintended consequences which will be detrimental to children's learning, particularly those who are more vulnerable. These include the following:*

- *The curriculum could be more constrained by staff not being able to be transferred efficiently;*
- *Giving headteachers untrammelled powers outwith the framework of local authority policies could result in a significant increase in the number of pupil exclusions from school, as is the evidence from other parts of the UK.*
- *Putting all the emphasis on the role of the headteacher goes against the idea of collegiality being the key to improvement, e.g. decisions on the curriculum should involve staff, pupils and parents;*
- *Headteachers, particularly those in primary schools, are expressing concerns about the additional workload this could create. Those that have had access to significant additional funding through PEF, while enjoying the access to the additional funding, have commented on the stress associated with the additional work involved;*
- *The job-sizing toolkit currently in use allocates additional points for finance for which a headteacher is directly responsible. Additional responsibilities would result in headteachers requiring to be re-job-sized under SNCT which would require to be budgeted for. There are no financial implications provided in the consultation.*
- *Headteachers would require additional business support if increased decision-making is to take place at school level. This would require to be budgeted for and, as noted above, there are no financial implications in the consultation.*

*It is of serious concern to ADES that funding which should be directed to supporting improvements in learning and teaching could be re-directed to business support and enhanced salaries for headteachers.*

*To ensure there is no risk to children and young people, the community, staff and the headteacher important protections are required to:*

- *ensure the curriculum provision is appropriate for all children and young people;*
- *ensure the curriculum exhibits depth and breadth and is inclusive and in line with established principles and best practice;*
- *safeguard full participation in local consortium arrangements;*
- *ensure full and meaningful account is taken of support for learning and children with additional support needs;*
- *protect headteachers who may be subject to pressures from particular interest groups;*
- *establish clear accountability for the consequences of decisions for resources and staffing; and*
- *ensure clear accountability for equity and disability rights.*

*It is unreasonable for the authority to be held accountable for school spending decisions in which it has no say. It would be most efficient and effective to ensure that the present systems are used to maximum effect to secure improvement across all schools. The new regional improvement collaboratives can play an important role and demonstrate added value and should be given the opportunity to do so.*

## Question 2

**The Headteachers' Charter will empower headteachers to develop their school improvement plans collaboratively with their school community. What improvements could be made to this approach?**

*ADES supports:*

- *inclusive planning benefitting all children;*
- *collegial planning governed by excellent professional practice rather than regulation;*
- *involvement with associated establishments and services to promote GIRFEC; and*
- *situating school plans with clarity and economy within existing planning arrangements, including local authority plans.*

*ADES strongly supports the concept of school improvement planning. All staff should have a well-defined role in the processes leading to the production of plans including the analysis of data and the resulting discussion and identification of priorities. Parents, children and young people should be engaged appropriately in this process.*

*There are many examples around the country of good practice where local authorities have worked effectively with headteachers and LNCT to reduce the bureaucracy associated with school improvement planning. Having the responsibility for school improvement planning solely with head teachers increases significantly the risk that planning becomes a burden. As noted above, planning is most effective when it is a collegiate, active process. Having a local authority format, which is monitored through LNCT, protects all staff, including head teachers, and can act very effectively to reduce bureaucracy.*

*Close regulation of particular parts of the planning process is unlikely to deliver the best positive outcomes which all desire for our young people. This is best done as a professional process with clearly understandable accountabilities to stakeholders. The Charter, or its accompanying guidance, therefore should include a broad conceptual, inclusive, identification of what is meant by the definition of "community". All schools should plan on a presumption of provision suited to the needs of all children and young people, including those with additional support needs. This inclusive emphasis will also help to ensure that schools work effectively with their associated establishments on matters such as ensuring children and young people can enjoy a seamless learning journey.*

## Question 3

**The Charter will set out the primacy of the school improvement plan. What are the advantages and disadvantages of this approach?**

*The absolute primacy of school plans is a high risk approach, as being:*

- *unsafe for vulnerable children;*
- *impractical in terms of securing improvements; and*
- *incompatible with existing legal requirements.*

*School improvement planning becomes viable when;*

- *developed within a strategic framework including local improvement planning and the NIF;*
- *supported by a strong quality assurance framework; and*
- *when schools are empowered to use flexibility in implementation.*

*There requires to be clarity on what is meant by “primacy” which is not explained in the document. Each region will comprise an average of 841 establishments<sup>5</sup>, each of which will serve its own unique community and have a range of staff skills. It will be impossible to plan across a range of establishments of this scale and diversity on the basis of local primacy. The proposed system is not efficient or workable, and so does not survive the test of best value required of public services<sup>6</sup>. Neither will such a fragmented system deliver equity of outcomes for children and young people.*

*For school improvement plans to be safe and practicable they need to operate within a strategic framework. This should include quality assurance arrangements. This approach will allow schools flexibility and ownership of the means and methods used to secure the desired improvements including the definition of phasing, targets and timescales in consultation with the community. The RICs will then be well placed to offer support through exchange of good practice, professional discussion of the nature and pace of improvements, and the provision of expertise and guidance.*

*Michael Fullan has long promoted the importance of focusing on a small number of key priorities and driving them deeper and deeper to bring about systemic change. Leaving improvement planning open to notable variation through the loose wording proposed in the consultation increases the risk that schools do not focus on what matters, but instead become ‘distracted’ with priorities which do not impact sufficiently on improving outcomes. The importance of placing school improvement planning as part of an agreed quality assurance framework cannot be stressed enough.*

#### **Question 4**

**The Headteachers’ Charter will set out the freedoms which headteachers should have in relation to staffing decisions.**

**a. What are the advantages and disadvantages of headteachers being able to have greater input into recruitment exercises and processes adopted by their local authority?**

*ADES believes:*

- *recruitment procedures are a legitimate area of discussion for established tri-partite processes in the SNCT and LNCTs;*
- *the use of a legal measure here is not appropriate;*
- *so far as possible headteachers should be involved in the staffing decisions that affect their schools;*
- *the local authority’s role as a responsible employer with obligations to staff means this right cannot be unrestricted;*
- *the legal obligations of the authority as an employer and to secure “adequate and efficient” educational provision also mean this right cannot be unrestricted;*
- *there is a risk of employee goodwill being lost as a consequence of this measure;*
- *an unconsidered implementation of this measure will have consequences for resourcing;*
- *there are examples throughout Scotland of headteacher involvement in a range of activities related to recruitment; and*
- *this practice can be disseminated without the need for any legal change.*

---

<sup>5</sup> Based on a figure of 2,532 early learning and childcare centres and 2,514 schools according to “Summary statistics for schools in Scotland no. 8: 2017 edition”, Scottish Government, 2017

<sup>6</sup> According to Audit Scotland: “Best Value is about ensuring that there is good governance and effective management of resources, with a focus on improvement, to deliver the best possible outcomes for the public. The duty of Best Value applies to all public bodies in Scotland. It is a statutory duty for local authorities.” <http://www.audit-scotland.gov.uk/our-work/best-value>

Article 3 of the “Local Framework Recognition and Procedure Agreement“ in the SNCT Handbook shows that appointments procedures are within the remit of the SNCT and LNCT terms of reference to which the Scottish Government is a co-signatory.<sup>7</sup> The appearance of this proposal as a potential legal introduction, as opposed to it being progressed through agreed channels alongside the headteachers’ charter is therefore problematic.

ADES strongly believes that, so far as possible, headteachers should be involved in the staffing decisions that affect their schools, including involvement in selection procedures. For a number of years there have been falling rolls in primary and secondary schools in many parts of the country. As a result, many headteachers have not been able to appoint all their own staff as across local authorities there have been surplus teachers who have had to be accommodated. However, around five years ago primary school rolls started to increase enabling headteachers to be increasingly appointing their own staff. It should also be noted that in an average-sized primary school there can be few opportunities for headteachers to appoint where there is a stable staff group and/or where probationers have to be accommodated. This will not change under these proposals. Secondary school rolls nationally are starting to increase which will increase the opportunities for headteachers to appoint their own staff, with the caveat that places need to be protected for probationers. This context does not appear to have been taken into consideration.

There are examples of headteacher involvement in the development of HR policies, staff recruitment and selection exercises throughout Scotland. This includes any central recruitment exercises. The evidence is that headteachers value these opportunities, and there is real merit in staff recruitment being focused on bringing the skills and attributes that will complement and enhance school provision. Headteachers are well-placed to be able to bring this aspect of added value to recruitment exercises. However, the benefits of this approach must be understood in terms of the wider practical and legal issues for which a local authority, as a responsible employer, is and will remain, legally accountable with wider responsibilities to its own staff. Headteachers and the staff employed in schools, are employees of the local authority<sup>8</sup>; it is untenable that individual colleagues can be liberated of their collective responsibilities to the wider staff body.

There are a number of situations which will give rise to staff needing to move school. These situations are part of the routine of authorities and are central to the duties to maintain “adequate and efficient”<sup>9</sup> provision<sup>10</sup> whilst also conforming to employment and equalities legislation. Such situations include where:

- there have been roll changes in establishments requiring fewer, or more, staff<sup>11</sup>;
- there has been a change in the numbers, or levels of need in the additional support needs population, or where an individual child has a disability or need requiring specific support;
- schools are experiencing high levels of staff absence requiring temporary or long term cover either from the permanent supply pool or another establishment;
- changes in the curriculum have reduced, or increased, the need for particular subject specialists;
- changes in management structures have resulted in staff displacement;

7 Part 1, Appendix 1.3, Local Framework and Procedure Agreement, SNCT Handbook

8 In some schools which are part of PFI or DBFM arrangements groups of ancillary staff may be employed under an externalised contract.

9 Section1(1) of the Education (Scotland) Act, 1980

10 Page 7, of “Empowering Schools, A Consultation on the Provisions of the Education (Scotland) Bill” Scottish Government 2017

11 The volatility of rolls in the early years’ sector is a particular but important case here caused by “third birthday” admissions or the needs of individual children.

- *staff in central teams and services require to be redeployed as a result of restructuring or budget reductions;*
- *staff on temporary contracts have acquired permanency;*
- *ensuring that newly qualified teachers have fair access to vacancies at the end of their training year;*
- *staff subject to formal discipline procedures may require a different teaching environment; and*
- *staff request/require a welfare transfer.*

*In all of these cases, it is an indispensable part of agreed procedures that they are developed in partnership through LNCTs and are applied fairly and transparently. The authority as a responsible employer must have due regard to the needs and situation of colleagues even if difficult decisions are involved. To work effectively, the education system relies on the trust and goodwill of colleagues, which has been hard-won over recent decades. There is high risk that this will be jeopardised by an unnecessarily dogmatic adherence to headteachers having unrestricted decision-making powers on staffing matters.*

*There are, too, significant other implications. If staff become surplus and adequate alternative employment cannot be found for them there are immediate consequences. The first and obvious result is that there will be an indefensible financial consequence of additional staff costs with no, or little added value. If this resource issue is addressed by use of severance (which even if done on a voluntary basis, will also carry added costs) then the professional HR and legal opinion is that such members of staff may have a case for unfair or constructive dismissal. It would be ill-advised to introduce an employment situation knowingly that could create such cases. Each case which progresses to tribunal will unnecessarily absorb resources and effort and create reputational risk and jeopardise sound industrial relations.*

**b. What are the advantages and disadvantages of headteachers' ability to choose their teams and decide on the promoted post structure within their schools?**

*ADES does not support the use of a legal measure to promote this aspect of provision*

*ADES supports:*

- *the principle of schools developing promoted post structures to suit their own needs;*
- *the exercise of this facility using collegial approaches and within formally agreed procedures including safeguards to staff and vulnerable children and young people;*
- *revised promoted posts structures must include a transition plan and be sustainable; and*
- *the use of the experience of existing good practice.*

*This is not a new idea. In the last 30 years there have been several debates about different promoted post structures and headteachers have led the way in the development of different structures. There are examples of long-established practice of schools being able to design their own promoted post structures within an agreed financial envelope. In the best examples, good use is made of the job-sizing toolkit with close consultation with colleagues in human resources departments. No new legal measure is therefore necessary.*

*Any new structure must be sustainable and planned within an agreed financial envelope. The structure must have a clear rationale and there must be safeguards built in to protect staff and build the leadership capacity for succession-planning purposes.*

*For example, a new structure which relies on a rising school roll for its rationale must demonstrate that this will be a sustained feature of the establishment for a period of, for example, at least two years after the change. Similarly, a change of headteacher should not be sufficient justification, in itself, for a revised structure if a re-structure has taken place in the school's recent past. Equally, there require to be safeguards against headteacher patronage of particular members of staff. Changes cannot be allowed that compromise effective delivery of a broad and balanced curriculum. Neither should the interests of vulnerable children be compromised, for example by the weakening of support for learning, or child well-being.*

*In summary, therefore, although a welcome feature of effective school management, this must be done within agreed guidelines and in accordance with local authority policy. It must be capable of sustaining challenge and so cannot be an unrestricted power of a headteacher. Experience has proved that most head teachers appreciate guidance, and advice, including the provision of model or exemplar structures.*

### **Question 5**

**Should headteachers be able to decide how the funding allocated to their schools for the delivery of school education is spent? If so, what is the best way of doing this?**

*The key issues here are:*

- *Ensuring the correct balance between increased burdens that will come with more financial freedom and enabling head teachers to be leaders of learning;*
- *Ensuring that key safeguards apply to school spending;*
- *Protecting the needs of vulnerable children and those with additional support needs; and*
- *Ensuring that financial decisions are delivered with strong commitments to collegiality.*

*ADES agrees with the principle that headteachers, supported by collegial approaches, should be able to decide how the funding allocated to their schools for the delivery of school education is spent. However, there is no aspect of public service life where such a freedom is unfettered. Sound financial stewardship requires spending to be subject to adequate checks and controls. The history of schemes of devolved school management means that substantial experience and expertise has been accumulated in this area and valuable material such as the DSM Toolkit exist.*

*Headteachers must operate within spending constraints including:*

- *Agreements negotiated through the SNCT and LNCT.*
- *Taking account of the operational and financial implications of job sizing (teachers) and job evaluation (ancillary staff);*
- *Working within the approved Scheme of Delegation;*
- *Operating within sound accountancy practice and following the public pound procedures;*
- *Following corporate procurement requirements;*
- *Participating in corporate and partnership budgeting processes and being bound by the results;*
- *The need to adhere to DBFM, or equivalent, contracts applying to the school as a result of PFI or SFT arrangements;*
- *The need to ensure that budgetary decisions do not compromise the school's obligations to groups with protected characteristics;*

- *Protection of learning and teaching for vulnerable children and children with additional support needs to be met within core provision; and*
- *The requirements of financial audit.*

*This issue is associated with fair funding for schools which is seen as the first and essential step in taking this proposal forward. It is also important that funding models should safeguard critical educational support services provided centrally, such as educational psychology, sensory impairment, and speech and language therapy. Thereafter, the best approaches include clear arrangements for engagement with the community with the appropriate involvement of children, parents, and staff including support staff.*

*The technical nature of these matters requires a well-established structure of advice and support coupled to continuous training. There is a careful balance to be struck between the burdens of administration and accountability that increased freedoms will bring and the degree to which these will compromise the head teachers' core responsibilities as leaders of learning. Financial freedom should not be gained at the expense of good management of effective learning.*

### **Question 6**

**How could local authorities increase transparency and best involve headteachers and school communities in education spending decisions?**

**ADES:**

- *welcomes any improvement in transparency of education funding;*
- *repeats its endorsement to the CoSLA response to the Fairer Funding consultation; but*
- *recognises the challenges involved in aspects of this proposal.*

*This issue should be seen in the context of the need for better overall transparency in budgeting and spending decisions in the public sector at all levels. Any increase in transparency of funding in support of educational services is welcome, including gaining a better understanding of apparently differing levels of spend in similar circumstances.*

*There is already a range of good practice in local authorities to increase transparency and build confidence in spending decisions, including:*

- *local authorities engaging communities in the setting of Council budgets through provision of information, community events and roadshows;*
- *consideration of school and education budgets through scrutiny committees;*
- *parental and teacher representation on the Council committee convened as an education authority;*
- *involvement of headteachers' strategic groups in budget setting;*
- *involvement of headteachers and other colleagues in the identification of savings and efficiency exercises;*
- *availability of school budget books for scrutiny by elected members, parents and staff;*
- *involvement of parent and staff consultative groups in the budget setting process; and*
- *well-understood virement arrangements.*

ADES welcomes any initiative to improve the understanding of education spending. However, attention is drawn to the CoSLA response to the consultation on Fairer Funding<sup>12</sup> which was endorsed by ADES and which was summarised as follows:

### **Key Points**

- *“COSLA and the wider local government family agree that any system for funding in this context should be underpinned by key principles. However, we fundamentally do not support the analysis which has been made of principles on the face of the consultation document and presented as the case for change.*
- *A multi-agency, ‘whole system’ approach which puts the child at the centre is needed to bring services together to address all of the contributors to attainment: bringing together social work, health, the third sector and others to assess a child and family’s needs together as agencies. A whole system approach to funding is required to achieve this.*
- *There must be flexibility built into the education system which allows for local decision makers to take careful strategic decisions over how best to overcome local challenges, whether caused by geography, deprivation or circumstance.*
- *Local democratic accountability for both policy and financial decisions are crucial and at the heart of the current system. This should not change.*
- *A proposal to extend the Pupil Equity Fund by allocating funding on a changeable, formulaic basis would create complexity, allow more variation and bypass democratic accountability. The emerging disconnect would make it increasingly difficult to take an outcomes based approach to supporting the wellbeing of children and young people.*
- *We recognise that Devolved School Management (DSM) would benefit from improvement and we commit to working in partnership with the Scottish Government and other stakeholders to achieve this in a way which engenders transparency while allowing teachers to be leaders in their learning communities without placing the additional burden on them of managing significant budgets. “*

*It is also worth noting that almost all the spending on schools at present goes on staffing and facilities. It is highly unlikely that this situation will change. The scope for additional flexibility for headteachers is therefore likely to remain very limited without additional resource.*

### **Question 7**

#### **What types of support and professional learning would be valuable to head teachers in preparing to take up the new powers and duties to be set out in the Headteachers’ Charter?**

*An effect of the Scottish Government’s policy of maintaining teacher numbers has been a steady reduction of central support staffing. Across authorities there is now a significant reduction of central capacity to support schools with the advice and direct involvement that head teachers value, and often need. Whatever training or policy advice is available, it is the direct support provided by a respected colleague with proven experience and expertise that is most valued. Measures such as establishing mentoring networks, particularly within the regional improvement collaboratives will be helpful as will the type of professional development currently provided by the Scottish College for Educational leadership (SCEL). This need for the availability of direct support to schools is a perennial need, and is not necessarily related to “new” powers. Early years’ establishments in particular will need significant human resources advice and support due to the volatile staffing position in their sector.*

---

<sup>12</sup> “Fair Funding to Achieve Excellence and Equity in Education, A Consultation”, Scottish Government, 2017

*The proposals are silent on the future role of the present SNCT and LNCT arrangements in the light of some of the proposals for statutory duties and powers. It will be important to get early clarification on this matter for headteachers, particularly if there is an implication for school based consultation, negotiation and collegial agreements. Any change of balance from national or local authority to school based negotiation will require renewed guidance and training for head teachers in the necessary skills, policy and legal background.*

*On page 15 of the consultative document it states:*

*'We also acknowledge that these reforms will necessitate a review of pay and reward for head teachers through the tripartite Scottish Negotiating Committee for Teachers.'*

*The SNCT Handbook, "Part 2: Appendix 2.3 - Job Sizing Review" already makes provision under agreed procedures for the review of the basis on which post holders might qualify for a change in their "pay and reward". It is of concern that the Scottish Government in making such a stated commitment outwith agreed procedures and that such a statement may be misleading. Any attempt to revise the job sizing toolkit as a result of these proposals, or take the post of headteachers outside current agreed arrangements should be considered very carefully in terms of the associated risks.*

*As we have stated previously, ADES does not believe that the Headteachers' Charter should be enshrined in legislation and believe that a more effective approach would be to share the existing very good practice in Scotland and develop the culture and ethos of collective responsibility within a strong framework of accountability.*

## **PARENTAL INVOLVEMENT**

*ADES welcomes the greater involvement of parents in the life of schools and better engagement on their children's learning. For the purposes of consultation, it is disappointing that the Scottish Government was unable to identify the specific measures it was contemplating.*

*We believe that this is a professional matter which is core to the responsibility of headteachers. It is not meaningfully susceptible to progression by legal measures beyond those that already exist. Headteachers should be free to identify good practice and choose those methods of parental engagement that are best suited to the area they serve. Local authorities need to continue to provide helpful support here. The imposition of a set model or methodology will be challenging to small establishments, particularly those with teaching heads or where staff are "on the floor" in nurseries, which do not have promoted post holders, or where there is a shared headship.*

*Any approach to parental engagement must include protections to ensure that the interests of all children are safeguarded. Schools should not become vulnerable to selective interests or pressure. The principles of inclusion and GIRFEC must apply to parental engagement. The role of elected members both as advocates and arbiters requires to be recognised in any new arrangements.*

*ADES welcomes the fact that the particular challenges facing the early years' sector in parental engagement have been recognised. We believe that the approach advocated in this response will meet the needs of the early years' sector on the same basis as other establishments.*

### Question 8

#### Are the broad areas for reform to the Scottish Schools (Parental Involvement) Act 2006 correct?

ADES believes:

- *A meaningful response to this part of the consultation is impaired by the Scottish Government's stated lack of clarity on what is actually being proposed.*

*The consultative document states on Page 18 "We will provide greater clarity as to what we mean by such collaboration, and we will specify that head teachers must collaborate on matters relating to school policies and school improvement. "*

*ADES strongly supports the involvement of parents in their children's education and wider engagement in the life of schools. We would particularly welcome any measure that has the potential to increase the participation of parents who presently find it difficult to engage with the education system. This includes parents from socially disadvantaged backgrounds or who have children with additional support needs and those parents who themselves have a disability including a learning disability.*

*However, beyond this broad statement of principle ADES does not wish to comment until the "greater clarity" as stated on page 18 emerges. Given the long-standing commitment to parental engagement in learning, we would counsel care on anything that would increase workload or bureaucracy for schools when it is to be doubted whether such an issue can profitably be progressed by changes in the law.*

### Question 9

#### How should the Scottish Schools (Parental Involvement) Act 2006 be enhanced to ensure meaningful consultation by head teachers with parents on substantive matters of school policy, improvement planning and curricula design?

ADES believes:

- *headteachers should be free to choose how they promote parental engagement generally and their involvement in children's education as a professional issue central to their role;*
- *this is not an issue best addressed by more legislation;*
- *better engagement will be enhanced by reducing bureaucracy, including in consultative and planning requirements;*
- *parental involvement should be guided by the principles of inclusion and GIRFEC; and*
- *local elected members have a legitimate and important role in parental engagement.*

*Sections 4.32 -4.41 of the statutory guidance issued in the wake of the Education (Scotland) Act (2016)<sup>13</sup> sets out the groups that schools should consult; the policies, strategies, statements and documents that should be considered; and the self-evaluation process that should be followed which will include a review of a wide range of school and other data. This same guidance, also emphasises the need to take account of the recommendations of the Scottish Government's Working Group on Tackling Bureaucracy. There is considerable scope to streamline this in the spirit of tackling bureaucracy.*

---

<sup>13</sup> Statutory Guidance Standards in Scotland's Schools etc. Act 2000, "Pupils experiencing inequalities of outcome National Improvement Framework Planning and reporting" Scottish Government, March 2017

*This includes the issue of parental involvement which will be done much more meaningfully in a more focused system that prioritises practical improvement over the bureaucracy of planning.*

*The issue of meaningful consultation with parents and others should be a professional responsibility of headteachers. It is illogical for the new Act to seek to enhance the powers of headteachers through the headteachers' charter based on the view that they are best placed to take the decisions to meet the learning needs of their school, and then to restrict that empowerment by imposing regulation on the detail of consultation.*

*Any legislation seeking to alter the present relationship between parents and schools should be prudently designed to ensure that schools can continue to be inclusive in terms of their offer on the curriculum, support for learning, GIRFEC and inclusion.*

*Parental involvement cannot compromise the principle that schools serve their entire community and not just those with a restricted interest or cause. (See response to question 10 with the particular example of early learning and childcare settings.) It is fundamental to the Scottish education system that the community, parents, and head teachers need to be able to refer areas of disagreement to an arbiter. This is the appropriate role for the local authority and is a legitimate matter for the attention of local elected members who are ideally placed to act as advocates on behalf of parents, or to represent the position of the school. Measures in the new Bill must not therefore compromise or complicate that relationship between parents and their democratically elected representatives. It is another reason why the local authority must retain a central role in improvement planning.*

#### **Question 10**

**Should the duties and powers in relation to parental involvement apply to publicly-funded early learning and childcare settings?**

*ADES welcomes:*

- *the recognition of the special situation of the early learning and childcare sector; and*
- *supports any position that encourages the adoption of local solutions to parental engagement.*

*Any changes to governance requires to recognise the complexity of the early learning and childcare (ELC) sector and the impracticality of trying to impose a single model of parental involvement. It is welcome that there is no emerging insistence that parent councils or any other universal model will be imposed in early years' settings.*

*Provision in some areas relies on partnership with providers who are also operating a commercial service. Such providers have a different, market-based, relationship with parents who are fee-paying. This places the establishment in a different relationship to those whose fees are paid or partially paid by the local authority. Any duty or power requires to give scope for sensitive and careful consideration of this feature of provision and should allow sufficient scope for the establishment to develop its own scheme of parental involvement.*

*For example, it is noted that, Q1 2.5 (Family Learning) in "How Good Is Our Early Learning and Childcare" has raised the expectations around family learning. Education Scotland is looking for all settings to have a family learning programme in place which is based on meeting the needs of families within their ELC community. This is a key feature of high quality early learning and childcare.*

However, if the Education Bill were to enforce further accountability, the concern is that there will be even greater pressure on ELC settings to meet the wider needs of parents and families as well as the needs of their children. The unintended consequences of this may lead to greater pressure being put on practitioners to address a range of social issues within their learning communities without the time, expertise and support to deliver. It may also impact on the core delivery of ELC for the children in their care.

## PUPIL PARTICIPATION

*ADES welcomes increased pupil participation and engagement with their own learning. These rights already exist in law and are fundamental to GIRFEC and Curriculum for Excellence. Further legislation is unnecessary. Proper engagement and involvement with children and young people is a professional responsibility of all teachers. Headteachers are best placed to develop the right approaches to meet the needs of the young people in their school.*

*There are excellent examples in Scotland of pupil engagement and responsibility, as the document acknowledges. These go beyond the formal structures of pupil councils and committees, which tend to favour those already well-engaged with the education system. A more flexible and responsive approach is needed using the skills of staff with proven expertise in this area.*

### Question 11

**Should the Bill include a requirement that all schools in Scotland pursue the principles of pupil participation set out in Chapter 3? Should this be included in the Headteachers' Charter?**

*ADES believes:*

- *further legislation in pupil participation is unnecessary and undesirable; and*
- *this is a professional issue that is a prime responsibility of headteachers with appropriate support and challenge;*

*Further legislation on pupil participation is unnecessary and has the danger of creating additional and avoidable bureaucracy and confusion.*

*This consultation document describes examples of effective practice in this area. The promotion of pupils' participation is a professional issue and should be the subject of existing and well-established support and challenge mechanisms, including the involvement of local authorities and Education Scotland.*

*Pupils' rights are already established in law most obviously through sections 2(2) and section 6 of the Standards in Scotland's Schools etc. Act. The "SHANARRI"<sup>14</sup> principles are also established in existing law, for example in section 96(2) of the Children and Young People (Scotland) Act 2014 and Section 22A(7) of the Education (Scotland) Act, 1980. In these cases, it is the "respected, responsible and included" principles which are most relevant. Thus, the issue of pupil participation is already catered for in legislation. Curriculum for Excellence enshrines the capacities of children being responsible citizens and effective contributors.<sup>15</sup> Further legal provisions would not add any value, and through the risk of additional bureaucratic measures, might actually be counterproductive.*

14 Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible, Included

15 "A Curriculum for Excellence, Building the Curriculum 1 :the contribution of curriculum areas", Scottish Executive, 2006

## Question 12

**What are your thoughts on the proposal to create a general duty to support pupil participation, rather than specific duties to create Pupil Councils, committees etc...?**

*ADES believes:*

- *effective participation of children and young people in the life of schools is beneficial; however,*
- *there should be no specific duties to create “Pupil Councils, committees etc.” and*
- *this is an issue best left to the professional practice of schools.*

*There is no need to create a general duty to promote pupil participation for the reasons explored in answer to question 11. A prescription in law of particular methods of pupil participation should not be contemplated. Instead, it should be open to schools to develop methods suited to their needs and the needs of their children. An example would be in schools with a high proportion of children with communication difficulties as a result of the presence of a specialist facility, where a bespoke method of engagement would be essential. The existence of formal structures such as “councils” is not necessarily the best way to secure enthusiastic and positive participation. Such structures tend to favour those already empowered. A nationally structured, or prescribed approach, will not best meet the needs of vulnerable children, particularly the disaffected or disengaged. All schools, particularly those colleagues supporting children with additional support needs must be free to find the best way to engage pupils to meet their needs.*

*Headteachers should be responsible for meaningful engagement and this is a legitimate expectation of their professional practice and the way they exercise their role. Local solutions are required, for example by the using the skills of community learning staff to support the involvement of young people or the use of Hart’s Ladder of Participation through appropriate training.*

*There is no evidence put forward to suggest that this is an area which needs further legislation. Rather, as with many other areas in education, there would be benefit in sharing best practice nationally.*

## **REGIONAL IMPROVEMENT COLLABORATIVES**

*ADES believes the local authority is, and should remain, the foundation of the Scottish education system. We argue for a firm retention of this role as providing clarity in organisation, and therefore accountability. This clarity, where local authority, and not the school or any other organisation, carries the legal burden frees schools to concentrate on learning and teaching, allows parents and young people to understand beyond doubt who is responsible for schooling, and provides direct and immediate democratic accountability.*

*The consultative document, in failing to acknowledge the complexity of the public sector landscape at local level and the inter-relationships within councils and between partners, has proposed an impractical approach, founded on additional complexity that will confuse professionals, communities, parents and children. Ultimately this will impede rather than enhance improvement.*

*Using the principles of flexibility and additionality, ADES believes the Regional Improvement Collaboratives (RICs) can play an important part in the future development of Scottish education.*

*Their creation, based on existing models of effective practice, can contribute significantly to the work of schools and will assist local authorities in the discharge of the legal and wider responsibilities to the communities they serve. This role must, though, be one of additionality and not replacement.*

*Critical to the success of the regional collaboratives will be to allow them to grow organically in response to need. The imposition of tight planning cycles will hinder the work of the collaboratives, authorities and schools. A review of the present planning arrangements, which serve bureaucracy better than children, could bring great benefits.*

*Careful thought should be given to the role of Education Scotland in these arrangements to ensure that best and equitable use is made of their resources and that their vital role of independent evaluators is not compromised.*

### **Question 13**

**Should the Bill include provisions requiring each local authority to collaborate with partner councils and with Education Scotland in a Regional Improvement Collaborative?**

*ADES believes:*

- *A legal obligation to collaborate would be an impractical addition to the existing complex landscape of partnerships required by law;*
- *Flexibility will bring broader and better possibilities to identify good practice and capitalise on professional learning, making best use of scarce resources; and*
- *The independent role of Education Scotland should not be compromised.*

*There is no support for making collaboration a requirement in law. Given the progress made under voluntary arrangements, such a measure is unnecessary. Such a legal development would be contrary to the spirit of empowerment, engagement and emphasis on professional practice that is the stated theme in this consultation. Indeed, the terms: requirement” and “collaboration” could be seen to be mutually contradictory: collaboration is only effective when it involves volunteers rather than conscripts.*

*The specification of collaboration that might be involved in any legal framework, given that this is not defined in the consultation, could lead to a restriction of activities or wasted effort endeavouring to meet an impractical specification. It was also obscure what both the intent and the effect of a legal specification would be. Given that there are already community planning partnerships and health and social care partnership with different patterns of overlapping boundaries and services, a new set of legal partnership obligations could generate complex or unworkable relationships.*

*In contrast, a flexible approach is far more likely to generate something of worth and impact. This flexibility should be supported by continuing discussions on how the relationships between the RIC and local authority functions can best be managed or co-ordinated. Effective improvement will depend heavily on ensuring that functions reserved to local authorities and those being progressed by the collaborative work together. The two most immediate examples are where respective responsibilities lie for supporting early years’ services and additional support needs. This is not made clear in the consultative document.*

*More thought is required on the role of Education Scotland in these collaborative arrangements. There is a need to ensure that Education Scotland's experience and expertise in this type of work can be credibly developed. There is also a clear potential conflict of interest in having Education Scotland involved in planning and driving forward improvements through the regional collaboratives, when at some point they will become involved in evaluating their effectiveness. This latter point merits clarification.*

#### **Question 14**

**Should the Bill require each Regional Improvement Collaborative to maintain and to publish annually its Regional Improvement Plan?**

*ADES believes:*

- *This should not be a legal requirement;*
- *The concepts of an annual plan at Regional Improvement Collaborative level and primacy of school plans are incompatible;*
- *A more flexible approach is required;*
- *An opportunity exists to simplify and streamline planning and reporting mechanisms;*
- *A further opportunity exists to relax the timescales involved in planning and reporting with a view to renewing the focus on learning and teaching;*
- *The focus should be on securing improvement rather than planning and reporting;*
- *A 3-year cycle should be regarded as the minimum if such a cycle is required, possibly with annual updates; and*
- *Importantly, there should remain a requirement for local authorities to produce and publish their own Improvement Plans on a minimum of a 3-year cycle, since the publication of such plans (and Standards and Quality Reports (see answer to question 15) provides local elected members and members of the public with a robust means of scrutinising the work of the Education Authority.*

*An annual plan should not be made a legal requirement.*

*ADES strongly believes that there should be a re-examination of planning cycles at national, regional improvement collaborative, local authority and school levels. There are a number of plans now expected in the public sector which deal with intersecting areas of provision. Key amongst these are community plans, children's service plans, corporate parenting plans, accessibility strategies, equalities duties, compliance with the regulations on community learning and development and improvement plans at regional, authority and school levels.*

*The statutory guidance issued in 2017 on improvement planning<sup>16</sup> carried an expectation that educational improvement plans would take account of these other corporate and partnership plans". Moreover, there is an expectation that due regard will be paid to the priorities and drivers in the National Improvement Framework. Rather than introduce yet another planning requirement into this complex landscape the opportunity should be taken to simplify and streamline planning systems. A key component of this simplification would be to remove the lock-step of a fixed planning and reporting cycle, allowing a system that was more organic and responsive to need. The scale and complexities of the RICs means that a three year cycle was the minimum practical periodicity in planning. A flexible, or longer time based system would much more readily link to children's service planning and community planning cycles. The system could include provision for regular, probably annual, update reports which would include any planning adjustments.*

---

<sup>16</sup> Statutory Guidance Standards in Scotland's Schools etc. Act 2000, "Pupils experiencing inequalities of outcome National Improvement Framework Planning and reporting" Scottish Government, March 2017

### Question 15

**If we require Regional Improvement Collaboratives to report on their achievements (replacing individual local authority reports), should they be required to report annually? Would less frequent reporting (e.g. every two years) be a more practical and effective approach?**

- *Local authority reports should continue to be a requirement (see also response to question 14);*
- *A more flexible approach is required;*
- *An opportunity exists to simplify and streamline planning and reporting mechanisms;*
- *A further opportunity exists to relax the timescales involved in planning and reporting with a view to renewing the focus on learning and teaching;*
- *The focus should be on securing improvement rather than planning and reporting;*
- *If a fixed period cycle is still seen as important then a 3-year period should be regarded as the minimum, possibly with annual updates; and*
- *A flexible and practical approach to formal reporting based on longer timescales would be welcome.*

*There should be a continued requirement for local authority reports. This is an essential component of local democracy. Elected members retain a deep interest in the work of schools and educational standards. They have a strong role in scrutiny of plans and of performance. Schools will be the largest infrastructure and service investment in local constituencies; children and parents will be the amongst the biggest service user groups. Councillors will be the first port of call if there is a complaint or problem. Many parents who come from socially disadvantaged areas look to local elected members for support as they can find engaging with schools challenging. Elected members hold the fundamental responsibility for sound governance and stewardship. It is essential that the local democratic role is retained with the opportunity to scrutinise outcomes as well as the inputs of human resources and finance.*

*Since the launch of the Education Governance Review, and in all subsequent related published documents, the Scottish Government has continued to assert that local government will retain responsibility for the delivery of publicly funded education. However, if local authorities are no longer required to plan for improvement or to report of their achievements, it is difficult to see in what way the Scottish Government's assertion would continue to be true in anything but a highly mechanistic sense.*

### Question 16

**In making changes to the existing planning and reporting cycle, should we consider reducing the frequency of national improvement planning and the requirement on Ministers to review the National Improvement Framework?**

*ADES fully supports a reduction in the frequency of national improvement planning and the requirement on Ministers to review the National Improvement Framework. It is unsustainable and is adding little added value to the system while simultaneously creating a significant burden of bureaucracy.*

## EDUCATION WORKFORCE COUNCIL FOR SCOTLAND

*Any new body should promote the values of working with young people and should require all groups of staff for whom it is responsible to sign up to these values.*

*However, the financial implications of creating a new Workforce Council should not be underestimated. A full analysis of these implications should be conducted before a final decision is taken on this matter.*

*If a new Council is created, part of the new body's work should include a function of working with other regulatory bodies. The standardisation of views on fitness to practice across staff groupings will be welcome.*

*An extension of professional registration, together with any obligations for maintaining registration through review, update or career long professional learning will carry additional workload burdens, with associated resource implications. Careful consideration should be given as to whether the conditions of registration with the new body carry any implication for job evaluation with consequences for salary and therefore with a resource implication.*

*It should be noted that Early Learning and Childcare workers currently require to be registered with the SSSC. If a new body is created, would such workers, many of whom are comparatively low-paid, be required to register with the new body and with the SSSC? The implications of this require further exploration.*

*If a new body is created, there are a number of groups of colleagues who work with children and young people for whom registration should be considered, beyond those identified in the consultative document. It is important that the new body should be inclusive and demonstrate a parity of esteem across the occupational groups involved in education. This should be associated with careful consideration of the fee structure, which will cover a wide range of salary levels, and the proposal to consult on fees is therefore essential.*

*The governance arrangements of the new body should be flexible, reflecting the range of groups covered by the new Council. The opportunity should be taken to ensure that, within the governance structures, the representation of local authorities, as managers and the bodies directly responsible to the public for professional standards, is adequate.*



Association of Directors of Education in Scotland (ADES)  
January 2018