

EAST RENFREWSHIRE COUNCILEDUCATION COMMITTEE17 November 2016Report by Director of EducationRESPONSE TO DRAFT STATUTORY GUIDANCE: STANDARDS IN SCOTLAND'S
SCHOOLS ETC. ACT 2000**PURPOSE**

1. The purpose of the report is to update elected members on the Council's response to the Scottish Government consultation on the draft statutory guidance: Standards in Scotland's Schools etc. Act 2000.

RECOMMENDATION

2. Elected members are asked to note and approve the Council's response and agree that the action taken by the Director be homologated.

BACKGROUND

3. On 6 January 2016 the Scottish Government launched the National Improvement Framework (NIF) for Scottish education. The Framework is intended to drive both excellence and equity in Scottish education and will be reviewed annually.

4. The NIF is underpinned by a series of new planning and reporting duties designed to support transparency and accountability around the efforts of the Scottish Government and education authorities to improve educational outcomes. These legal duties have been integrated into the Standards in Scotland's Schools etc. Act 2000 through Part 1 of the Education (Scotland) Act 2016.

5. In August 2016 the Scottish Government developed draft statutory guidance to support those who will have responsibility to fulfil the various duties associated with the Act, specifically in relation to:

- the delivery of the priorities associated with the NIF;
- reducing inequalities of outcomes for pupils experiencing them as a result of socio-economic disadvantage; and,
- planning and reporting duties at school and education authority levels.

6. The priorities set out in the NIF mirror our own aspirations set out in our Single Outcome Agreement, Local Improvement Plan and Education Department vision of "Everyone Attaining, Everyone Achieving through Excellent Experiences".

7. Elected members will be aware of the department's strategy, *Advancing Excellence and Equity in Education in East Renfrewshire*. The strategy is designed to tackle inequity and inequalities in educational outcomes and places an emphasis on curriculum, teaching and life-long learning along with putting the needs and circumstances of the individual learner at the centre.

8. East Renfrewshire has clear procedures for improvement planning and reporting. These were recently updated following discussions at the LNCT Partnership event in October 2015 with the Local Improvement Plan now produced annually by February.

9. In preparing the draft guidance the Scottish Government was keen that local authorities raised awareness of the consultation and encouraged engagement from key stakeholders, including primary and secondary school leaders.

10. The consultation period for the draft framework is three months from 22 August 2016 to 11 November 2016; as such the action taken by the Director in responding to the consultation requires to be homologated.

11. Following consultation with stakeholders the finalised guidance will be published in March 2017.

REPORT

12. A short life working group was established to coordinate the East Renfrewshire response. This was chaired by the Head Teacher of St Luke's HS, and included representatives from all sectors and the Quality Improvement team.

13. The response by East Renfrewshire to the consultation is included as Appendix One.

14. As part of the response the working group also considered implications of the draft guidance for East Renfrewshire. The group noted a number of considerations for the authority including:

- reviewing the Education Department Local Improvement Plan to ensure that it is aligned to the guidance;
- updating guidance provided for schools on school improvement plans and standards and quality reports to reflect the NIF priorities;
- the need for clear guidance on the relationship between school and cluster improvement plans;
- the development of templates across the authority for school and cluster improvement plans and standard and quality reports to reduce bureaucracy and workload; and,
- reviewing local authority policies to ensure that they reflect the NIF and Standards in Scotland's Schools etc. Act 2000;

CONSULTATION

15. The response reflects the views of East Renfrewshire schools and the Education Department. All East Renfrewshire schools and prefive establishments have been made aware of the draft guidance and the opportunity to be involved in the consultation.

16. The Scottish Government has engaged and sought feedback from a wide group of stakeholders including schools, local authorities and ADES.

FINANCIAL AND EFFICIENCY IMPLICATIONS

17. There are no specific financial or efficiency implications related to this paper and the department will use its existing devolved budget to support the implementation of the finalised guidance.

18. The department and schools currently undertake annual self-evaluation activities which are summarised in standards and quality reports; these include data that measure performance and provide information on the steps taken to secure the vision outlined above.

19. The draft guidance sets out duties for local authorities and schools in terms of planning and reporting including progress with the NIF priorities. This will have implications for the format of standards and quality reports and improvement plans produced by schools, clusters, services and the department, and will be taken into account when devising advice for schools and services.

RECOMMENDATION

20. Elected members are asked to note and approve the Council's response and agree that the action taken by the Director be homologated.

Mhairi Shaw
Director of Education
17 November 2016

Convener Contact Details

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Background Papers

National Improvement Framework: <http://www.gov.scot/Topics/Education/Schools/NationalImprovementFramework>
Advancing Excellence and Equity in Education in East Renfrewshire
<http://www.eastrenfrewshire.gov.uk/ChttpHandler.ashx?id=16950&p=0>

Key Words

Standards in Scotland's Schools Act
National Improvement Framework (NIF)
Draft guidance
Planning
Reporting

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

Pupils experiencing inequalities of outcome
National Improvement Framework
Planning and reporting

RESPONDENT INFORMATION FORM

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

Are you responding as an individual or an organisation?

- Individual
 Organisation

Full name or organisation's name

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

- Publish response with name
 Publish response only (anonymous)
 Do not publish response

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Yes

No

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

Pupils experiencing inequalities of outcome
National Improvement Framework
Planning and reporting

Questions

Chapter 2

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

2.18 makes it clear that this duty is designed to ensure that education authorities “*focus on those key, high level decisions which influence the way in which education is provided across an education authority area*”. The examples provided in 2.19 are useful in illustrating this.

However, it would be helpful if the focus was broader and also recognised the ways in which schools operate strategically and influence the way in which education is provided across a local authority.

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

2.20 to 2.22 provide a clear definition of “due regard”, the need to consider how inequalities of outcome can be reduced and the need to attach a degree of weight to the matter, balancing it appropriately.

However, if the role of schools in making decisions of a strategic nature is recognised (as set out in question one) this duty would also then apply to them.

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

The opening sentence (2.23) is sufficient for this definition.

It would be helpful if the definition provided exemplification of characteristics that are included within this definition.

There is no need to set out an explanation of what ‘attainment’ means.

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

The definition set out in 2.25 is clear and concise.

Chapter 4

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

Leaving the format open allows local authorities flexibility in determining how they should report in their context.

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

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

Annex A is helpful in illustrating the planning and reporting timelines for the Scottish Government, local authorities and schools. The two planning periods are also useful in supporting local authorities and schools in aligning their plans with the national priorities and plans. Currently the timing of the national CfE implementation plan is too late for schools and local authorities to reflect the priorities in their own plans. The publication of additional priorities throughout the year e.g. Delivery Plan is not helpful in managing workload.

However, it will be vital that the Scottish Government publishes the statutory report on the NIF and associated improvement plan as early as possible in the calendar year, ideally by the beginning of January. This will allow local authorities to incorporate the priorities into their plans and publish these in time for schools to take account of them at a local level. This would support schools in tackling bureaucracy and workload and ensure an alignment between school improvement plans and staff working time agreements.

We believe the national planning cycle should be over a three year period, reviewed within an annual cycle to allow time for impact to be seen and adjustments to be made as priorities / actions naturally progress and change.

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

Roles and purposes are clear. However, we do have concerns over the content of this section :

- Notion that schools set their own improvement cycle (page 41) may lead to inconsistencies and is unlikely to allow the alignment of national, local and school priorities.
- It would be helpful for the guidance to take account of the way in which clusters of schools plan collectively.

General

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

The introductory pages were useful but additional paragraphs throughout, which were intended to provide clarity, were repetitive and sometimes confusing.

Some references to flexibility appear tokenistic and unrealistic (e.g. giving Head Teachers flexibility with the timing of their 12 month planning period for the SIP (p41)). This could be chaotic, present difficulties on a practical and operational level and make it very difficult to align with other plans and partnerships.

For schools, there are no references to the impact and timing of agreeing working time agreements for each academic session, or the timing of PRD procedures. These link directly with the planning and reporting cycles and need to be aligned. Indeed both of these tools help to manage workload and are included as priorities in the NIF and Delivery Plan.

Likewise, the planning cycle does not fully take account of the timing of data collection and analysis (e.g. SQA and Insight data, staff PRD, CfE data locally and nationally). These data sets support the self-evaluation and improvement planning process to deliver continuous improvement and outcomes for children and young people.

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

The guidance is too lengthy and in places repetitive. Some of the explanations are unnecessary.

Each section needs to be clearer, more concise and focussed.