



## **EDUCATION EXECUTIVE**

### **CONSULTATION ON DRAFT STATUTORY GUIDANCE – STANDARDS IN SCOTLAND'S SCHOOLS ETC. ACT 2000**

#### **REPORT BY HEAD OF EDUCATION (LEARNING, POLICY AND RESOURCES)**

##### **A. PURPOSE OF REPORT**

To invite the Education Executive to consider the proposed response to the Scottish Government's consultation on the Draft Statutory Guidance.

##### **B. RECOMMENDATION**

To approve the proposed response to the Scottish Government's consultation on the Draft Statutory Guidance.

##### **C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; providing equality of opportunities; making best use of our resources; working in partnership.
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Reducing inequalities of outcome for pupils experiencing them as a result of socio-economic disadvantage is in line with the ethos of the Council's Anti-Poverty Strategy, and in line with current practice.
<b>III Implications for Scheme of Delegations to Officers</b>	The Scheme of Delegation for Officers will require to be updated when final statutory guidance is issued.
<b>IV Impact on performance and performance Indicators</b>	None
<b>V Relevance to Single Outcome Agreement</b>	None
<b>VI Resources - (Financial, Staffing and Property)</b>	Within the revenue budget for Education.
<b>VII Consideration at PDSP</b>	None, due to tight timescale of consultation.
<b>VIII Other consultations</b>	None.

## **D. TERMS OF REPORT**

The Scottish Government is seeking views on draft statutory guidance for Part 1 of the Education (Scotland) Act 2016, which makes amendments to the Standards in Scotland's Schools etc. Act 2000. This legislation is a key part of the Scottish Government's strategy to ensure that the life chances of children and young people are improved and that Scotland's education system delivers excellence and equity.

The draft statutory guidance has been developed to support those who will have responsibility for duties in relation to:-

- Reducing inequalities of outcome for pupils experiencing them as a result of socio-economic disadvantage;
- The National Improvement Framework (NIF), and;
- Planning and reporting duties at school and education authority levels.

Chapter 1 of the draft statutory guidance provides more information on the context of the legislation and the guidance itself. Chapter 2 deals with the duties and steps that might be taken by education authorities to reduce inequalities of outcome for pupils experiencing them as a result of socio-economic disadvantage. Chapter 3 sets out the duties and steps that might be taken by education authorities in pursuance of the NIF priorities. Chapter 4 deals with the duties and steps that might be taken by education authorities in relation to their respective planning and reporting duties as to proposed steps/steps taken to reduce these inequalities.

There has been a longstanding legal requirement on Scottish Ministers and education authorities to raise attainment for all. The amendments made to the 2000 Act by the 2016 Act place more emphasis on addressing the educational challenges that are specifically associated with pupils experiencing challenges due to socioeconomic disadvantage. The 2016 Act requires Scottish Ministers and education authorities to attach an increased level of priority and focus on addressing this issue at both national and local level.

The National Improvement Framework (NIF) sets out the Scottish Government's vision and priorities for Scotland's children's progress in learning. The 2016 Act places the NIF on a statutory footing, requiring Ministers to publish and annually review the NIF strategic priorities and objectives in relation to school education. The 2016 Act also requires education authorities when carrying out their duty to secure improvement in the quality of school education in the schools they manage, to do so with a view to achieving the strategic priorities set out in the NIF.

Planning and reporting duties have been introduced by the 2016 Act. Scottish Ministers and education authorities must prepare annual plans setting out how they intend to fulfil their duties. They must also produce annual reports detailing the progress they have made against their plans as well as setting out any educational benefits that have arisen as a result of the work undertaken to fulfil their duties.

School Improvement Plans, which will replace School Development Plans, must now take account of the education authority's plan out how it intends to fulfil the new duties, and its strategy for parental involvement.

The new duties imposed on Education Authorities will take effect from August 2017. The consultation will close on 11 November 2016.

The specific questions and suggested responses are set out in Appendix 1 to this report.

## **E. CONCLUSION**

The draft statutory guidance has been developed to support those who will have responsibility for duties in relation to:-

- Reducing inequalities of outcome for pupils experiencing them as a result of socio-economic disadvantage;
- The National Improvement Framework (NIF), and;
- Planning and reporting duties at school and education authority levels.

Reducing inequalities of outcome for pupils experiencing them as a result of socio-economic disadvantage is in line with the ethos of the Council's Anti-Poverty Strategy, and in line with current practice.

## **F. BACKGROUND REFERENCES**

Consultation Paper - statutory guidance for the Standards in Scotland's Schools etc. Act 2000.

Appendices/Attachments: Consultation Questions and Draft Responses

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Date of meeting: 25 October 2016.

**Consultation on draft statutory guidance :Standards in Scotland's Schools etc. Act 200**

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'?

The duty to attach an increased level of priority and focus on addressing the educational challenges associated with socio-economic disadvantage focuses on the considerations which must be made when education authorities are taking decisions of a **strategic nature** about their school education functions and when deciding how best to implement those decisions.

It is not the intention of the Act that this duty is applied to decisions relating to individual learners, or to day to day operational barriers.

The statutory guidance gives as examples of strategic:-

- The setting of education budgets;
- The establishment of arrangements for monitoring the standards and quality of school education in a given area;
- Decisions about the size and construct of the school estate;
- Decisions about the commissioning of services;
- Decisions about specialist provision across the education authority area;
- The identification of targeted and sustained improvement activity designed to raise standards and address known challenges across an education authority area, such as those priorities set out in the Delivery Plan;
- The content of any guidance issued by an education authority to schools in their area;
- Decisions taken at authority level which impact on the ability of children and young people to access and participate in education, including strategies for providing support and challenge to partnership providers, and;
- Partnership arrangements to promote equity and collaborative working.

*West Lothian Council agrees that the duty should relate to decisions of a strategic nature, and with the examples given above.*

*In meeting the needs of each individual child, in line with the duty to get it right for every child, it will remain practice within West Lothian Council to address, as far as is possible, the educational challenges facing individual learners associated with socio-economic disadvantage.*

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

The statutory guidance states that to “have due regard”, not only must the issue of addressing the educational challenges associated with socio-economic disadvantage be considered but it must be given weight which is proportionate to its relevance. In the context of the 2016 Act, education authorities would have a legal responsibility to consider how they can reduce inequalities of educational outcome caused by socio-economic disadvantage. Further, they will have to attach appropriate weight to this matter and balance it against other factors.

The duty is designed to strike a balance. It recognises the need for education authorities to operate within their financial thresholds and to adopt policies which are coherent and complementary. The “due regard” duty does not take precedence over these matters but operates within that context. Instead, it requires that education authorities explore how they might reduce inequalities in educational outcome for those who experience such inequalities due to socio-economic disadvantage, alongside their responsibilities to provide appropriate challenge, support and opportunities for all learners.

*West Lothian Council agrees that this is an appropriately balanced approach.*

3. Do you have any comments on the definition of ‘inequalities of outcome’?

“Inequalities of outcome” is defined in the statutory guidance as a measurable difference in the achievement and attainment of children who fall within groups which share certain characteristics and those who do not. The term “attainment” denotes educational performance and the acquisition of the valuable skills, knowledge and attributes needed to succeed in life. Assessment of attainment includes evaluation of a range of evidence on what children and young people learn and achieve throughout their school career. This includes Curriculum for Excellence levels, skills, qualifications, other awards and wider achievement. It is recognised that not all ‘wider achievement’ is measureable, for example, voluntary work and participation in sport, the arts or other activities in the community. It is fully recognised that children and young people’s attainment and achievement will differ and it is important that our approach is flexible enough to ensure that every child is supported to achieve as highly as possible.

*West Lothian Council agrees that this is an appropriate definition of “inequalities of outcome.”*

4. Do you have any comments on the definition of ‘socio –economic disadvantage’?

The term “socio-economic disadvantage” describes disadvantage caused as a result of a combination of inter-related social and economic factors such as poverty as a consequence of low income, health, housing or education. Poverty is accepted to be the most common driver for socio-economic disadvantage. Education authorities are expected to focus predominantly on addressing the challenges experienced by learners from disadvantaged communities and those who experience poverty. This is an important distinction to make as not all children and young people who experience poverty live in disadvantaged communities.

*West Lothian Council agrees that this is an appropriate definition, and that it is important to recognise that not all children and young people who experience poverty live in disadvantaged communities.*

*Although it is not the intention of the Act that this duty is applied to decisions relating to individual learners, in meeting the needs of each individual child, and in line with the duty to get it right for every child, it will remain practice within West Lothian Council to address, as far as is possible, the educational challenges facing individual learners associated with socio-economic disadvantage.*

## 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?

*Local authorities will be subject to local reporting frameworks, and too prescriptive an approach may introduce conflict with these, or duplication. Some further guidance on the minimum expectations of Scottish Ministers may be helpful in order to ensure that these are met.*

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)?

*West Lothian Council has no comment in relation to the proposed timescale for Scottish Ministers. However, West Lothian Council would suggest that a planning and reporting period of 1 August to 31 July would be more appropriate for local authorities in order to ensure that planning will start and end within a single school session.*

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?

*West Lothian Council considers the chapter sufficiently clear in relation to the duties imposed on local authorities and Headteachers in relation to planning and reporting.*

*In relation to school improvement planning, West Lothian Council would suggest adding non-teaching staff employed in the school to those consulted on the annual School Improvement Plan, along with teachers employed in the school and volunteers working in the school.*

## 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?

*West Lothian Council considers the draft guidance appropriate.*

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

*West Lothian Council has no other comments on the draft guidance.*