

ANGUS COUNCIL

CHILDREN AND LEARNING COMMITTEE – 8 NOVEMBER 2016

CONSULTATION ON DRAFT STATUTORY GUIDANCE: STANDARDS IN SCOTLAND'S SCHOOLS ETC. ACT 2000

REPORT BY MARGO WILLIAMSON, STRATEGIC DIRECTOR – CHILDREN AND LEARNING

ABSTRACT

This report highlights the opportunity to respond to a consultation on new legal guidance related to new legal duties underpinning the Scottish Government's National Improvement Framework. It seeks committee approval for an Angus Council response to this consultation.

1. RECOMMENDATION

It is recommended that the Children and Learning Committee:

- (i) Agree to Angus Council's proposed response to this consultation as outlined in section 5 of this report.

2. ALIGNMENT TO THE ANGUS COMMUNITY PLAN/SINGLE OUTCOME AGREEMENT/CORPORATE PLAN

This report contributes to the following local outcome(s) contained within the Angus Community Plan and Single Outcome Agreement 2013-2016:

Our children and young people are confident individuals, effective contributors, successful learners and responsible citizens

3. BACKGROUND

- 3.1 The National Improvement Framework (NIF) for Scottish Education was launched by the First Minister in January 2016. The Framework supports the ambition to achieve excellence and equity for every child in Scotland. An update on the NIF was provided to committee in September (report 344/16).
- 3.2 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 (integrated into the Standards in Scotland's Schools etc. Act 2000 through Part 1 of the Education (Scotland) Act 2016) will be accompanied by new statutory guidance, providing education authorities with support in interpreting the duties and in identifying the practical steps they should take in order to meet their new legal responsibilities.
- 3.3 Chapter one of the draft statutory guidance provides information about the context of the legislation and the guidance itself. Chapter two deals with the duties and steps that might be taken by education authorities to reduce inequalities of outcome for children and young people experiencing them as a result of socio-economic disadvantage. Chapter three then sets out the duties and steps that might be taken by education authorities in implementing the NIF priorities. Finally, chapter four 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 and action taken to reduce these inequalities.
- 3.4 A draft of this statutory guidance is now available alongside a consultation on that draft. The draft statutory guidance is aimed at those with responsibilities within schools and local authorities for fulfilling the duties within the legislation. The consultation will close on Friday, 11th November.

4. CURRENT POSITION

- 4.1 Angus Council intends to submit a council response to this consultation. The proposed response is outlined in section 5 of this report.

5. PROPOSALS

- 5.1 Q: Do you have any comments on the definition of “decisions of a strategic nature”?

A: Decisions of a strategic nature as defined in the consultation would routinely be made at the Children & Learning Committee of Angus Council. It would be anticipated at this time to also include partnership and inter-authority collaboration approaches to implementation of strategic decisions.

- 5.2 Q: Do you have any comments on the definition of “due regard”?

A: As a Council we regularly reflect upon how we reduce inequalities in educational outcome for those who experience such inequalities due to socio-economic disadvantage. As such, we consider the definition of ‘due regard’ entirely appropriate.

- 5.3 Q: Do you have any comments on the definition of “inequalities of outcome”?

A: Clarity is required around the cohort described as sharing ‘certain characteristics’. Evidence of achievement needs to remain broad and not focus solely on SQA outcomes or SCQF level qualifications. Inequalities of outcome is broader than the duty of education.

- 5.4 Q: Do you have any comments on the definition of “socio-economic disadvantage”?

A: Identification of children living in rural poverty is not always easily defined. It is important government work in partnership with authorities to ensure this is recognised

- 5.5. Q: 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?

A: We do not wish there to be a standard template. A bespoke approach would allow Angus Council to embed education authority reporting within the broader needs of Council public performance reporting.

- 5.6 Q: 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)?

A: It should be noted that neither of these planning cycles fit with the standard local government planning calendar which is aligned to the financial year, 1st April to 31st March. Education authority planning at all levels tends to occur towards the end of each school session in preparation for the new academic year. Different planning cycles add to bureaucracy and any changes must be mindful of this.

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

A: The requirements are clearly stated.

- 5.8 Q: 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?

A: It would be helpful to ensure the whole document is set out in as plain English as possible.

- 5.9 Q: Do you have any other comments about the draft statutory guidance?

A: It is important to enhance the definitions of equality and equity to ensure everyone has clarity as to their meaning. A translation of this guidance into an executive summary of new requirements would be helpful. It will be necessary at all times to ensure that new demands do not create additional bureaucracy. It should also be noted that the number and range of staff available at local authority level to collate, manage and distribute required responses and information is much reduced. Clarification is also required as to what will happen to each plan after they are submitted to Ministers.

6. FINANCIAL IMPLICATIONS

6.1 There are no financial implications arising from this report.

NOTE: The background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) which were relied on to any material extent in preparing the above report are:

- Draft Statutory Guidance, Standards in Scotland's Schools etc. Act 2000, Pupils experiencing inequalities of outcome National Improvement Framework, Planning and reporting, Scottish Government 2016.
<https://consult.scotland.gov.uk/strategy-and-performance-unit/statutory-guidance>

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