

Mr Stewart Maxwell MSP
Convener
Education and Culture Committee
The Scottish Parliament
Edinburgh
EH99 1SP

16th February 2016

Dear Stewart,

Thank you for your email of 26 January providing advance sight of the Education and Culture Committee's Report on the Draft Budget 2016/17, now published.

The Committee is to be commended for its comprehensive and inclusive approach to engaging with stakeholders in its evidence taking throughout the year and for its focus in this report on school spending and attainment. The Scottish Government is firm in its resolve to deliver a world class education system which meets the needs of our young people. A central plank of that work is the introduction of the National Improvement Framework, with a standardised assessment, to develop a robust evidence base to show how children are progressing; an approach endorsed by the OECD in its report *Improving Scotland's Schools: An OECD Perspective*, published in December.

Please find attached the Scottish Government's response to the questions that you raise in your report. As requested, I have responded in advance of the Finance Committee's report to help inform the Education and Culture Committee's approach to taking oral evidence later this month. This response is in addition to that provided from the five bodies you have written to, including Education Scotland.

ANGELA CONSTANCE

Response to Education and Culture Committee report on 2016/17 draft budget Angela Constance MSP, Cabinet Secretary for Education and Lifelong Learning

Pupil Teacher Ratios

Q: Could the Scottish Government explain the reasons behind having a different PTR ratio in each local authority?

The diversity is historical and reflects a range of factors including different geographical circumstances, changes in demographics over time, sizes of schools and teacher employment decisions made by individual local authorities. All 32 local authorities committed in 2015 to ensuring that the PTR in their area did not worsen compared to its level in 2014, as well as maintaining teacher numbers. The Government's policy since 2012-13 has been that PTRs should not rise from one year to the next.

Q: Does the Scottish Government have any discretion in the imposition of grant reductions for failing to maintain ratios, for example is there discretion, flexibility, tapering of penalties or even a reasonableness test that is applied?

The Deputy First Minister wrote to local authorities on 5 February 2015 offering an additional £10 million (on top of the £41 million included in the settlement since 2011 specifically to support the maintenance of teacher employment levels) in return for a commitment to ensure that teacher numbers and PTRs did not worsen compared to 2014 levels and that places were provided for probationer teachers under the Teacher Induction Scheme. The letter clearly stated that provision of this funding is conditional upon delivery of the commitment and all 32 local authorities accepted the terms of the agreement as set out in the letter.

Delivery of the commitment was measured through the Teacher Pupil Census published on 9 December. The Scottish Government took a reasonable position in that although it was entitled to recover the share of £41 million from those authorities which failed to deliver it chose instead to distribute the additional £10 million only to those authorities which had successfully delivered.

Q: We note this is a target as opposed to an outcome driven measure. Could the Scottish Government indicate the linkage between the ratios and educational outcomes in individual local authorities?

There is clear evidence that the most important in-school element in a child's educational attainment is the quality of teaching and leadership. The number and quality of our teachers is therefore an important factor in delivering improved outcomes. The 2007 McKinsey Report on the World's Best performing Education Systems noted that the quality of an education system cannot exceed the quality of its teachers. That is why the Scottish Government is investing in both the number and the quality of our teachers and school leadership.

The First Minister is on record as having said "I have made it very clear in my short tenure to date as First Minister that I want to prioritise raising attainment and closing the attainment gap. I hope we can all unite behind that. Let me make it very clear that I do not believe that reducing teacher numbers is the best way to achieve that." [FMQs 8 January 2015]

Recruitment, Retention, Pay and Conditions of Teachers

Q: Can the Scottish Government describe the efforts that have been made to improve the accuracy of teacher workforce planning over recent years and what effect that has had?

Teaching is a controlled subject with intake targets set by the Scottish Funding Council on the basis of advice from Scottish Ministers building upon advice from the Teacher Workforce Planning Advisory Group.

The Scottish Government leads the annual teacher workforce planning exercise, but works in partnership with local authorities, ADES, COSLA, the teacher education universities, the teacher unions and professional associations, the GTCS and Education Scotland. The exercise is based on a statistical model but is also informed by other evidence relating to teacher supply and demand. The objective each year is that the Teacher Workforce Planning Advisory Group agrees unanimously what advice should go to Scottish Ministers in relation to student teacher intake targets for the following academic year. In recent years this advice has been unanimous and accepted by Scottish Ministers who then provide guidance to the Scottish Funding Council.

Subject-specific student teacher intake targets were first set for academic year 2014/15, and subsequently for 2015/16 and 2016/17. Before then, collective targets were set for groups of subjects. This has highlighted the shortfall in student teacher recruitment to subjects such as computing, physics and technological education which tended to be masked under the previous arrangements.

Q: Can the Scottish Government explain what measures it has taken to track the employment that teacher graduates secure both after graduation and on completion of their probationary year?

The vast majority of teacher graduates join the teacher induction scheme to gain the benefits offered under the scheme including a reduced teaching workload compared with fully registered teachers, and the allocation of an experienced teacher to mentor each probationer.

The teacher census, which is conducted annually, records teachers in schools based on their unique GTCS registration number. By comparing one year's data with the following year it is possible to identify both leavers from, and returners to, the teaching workforce. For example, the 2015 census indicated that 86% of 2014/15 probationers were in teaching posts at the time of the census in September 2015.

Q: Can the Scottish Government indicate how we move to a more stable and sustainable workforce planning system in all parts of the country and what role the Scottish Government will undertake?

The teacher workforce planning process is a partnership process which is led by the Scottish Government. Intake targets for initial teacher education in each of the last four years have been agreed with key delivery partners including COSLA, local authorities, the GTCS, the universities and professional associations. The Scottish Government recognises that there is always scope to refine and improve the workforce planning process and the newly established Strategic Board for Teacher Education has been asked to review the current arrangements with a view to recommending any improvements by the end of June 2016.

Sharing and Integrating Services across Local Authorities and Schools

Q: Could the Scottish Government indicate what progress has been made in relation to the reforming of public services involving the sharing of local authority education services since we reported on the 2015-16 budget?

The Scottish Government is in favour of closer service integration and believes further progress could be made

There have been examples of shared services notably Stirling and Clackmannanshire Councils agreed in June 2014 to deliver Education and Social Services together in partnership although that agreement was recently discontinued. A number of authorities have also worked together to provide an education management information shared service in Scotland through the SEEMIS Group LLP and discussions are continuing around improved systems to better co-ordinate the provision of supply teachers. There are also a number of cross-cutting educational services such as the GLOW network. These developments are welcome but there is more that could be done both to improve outcomes for children and to secure financial savings. ADES have been encouraging authorities to develop regional partnerships to support improvement and local authorities and schools are very regularly working across boundaries through the Scottish Attainment Challenge which is providing opportunities for virtual and in person collaboration.

Q: Does the Scottish Government agree with COSLA and councillors opinion that little financial benefit could accrue from sharing of services and if not what more could the Government do to encourage this?

The Scottish Government made clear in its response to the Christie Commission that it is wholly in favour of closer service integration where this will demonstrably improve outcomes for local people and ensure longer term financial sustainability.

The Scottish Government continues to encourage public sector bodies throughout Scotland to increase the pace and extent of reform by working together at local level to proactively develop new integrated service delivery proposals based on local need. With the right leadership and commitment from partners, much can be achieved by aligning resources and by holding one another to account for delivery.

Q: Does the Scottish Government see any potential benefits from increases in distance learning and if so what could the Government do to encourage this?

The Scottish Government recognises that distance learning can help open access to particular subjects by connecting learners and teachers across geographical areas; particularly where there is a shortage of teachers for specific subjects.

The Scottish Government continues to invest in Glow, the national digital learning platform. Glow includes web-conferencing and broadcasting services. Glow Meet (powered by Adobe Connect web conferencing software) allows teachers, pupils and partners to facilitate online meetings using webcams and microphones, giving users the opportunity to have online conversations as well as share documents. All Glow users are able to schedule and manage their own Glow Meets. There is also Glow TV, a series of nationally scheduled web-conferencing events, centrally organised by Education Scotland and partner organisations.

A range of other online collaboration tools are also available in Glow, allowing teachers and learners in schools to communicate and learn with each other. These services include Microsoft Office 365, Blogs and Wikis. There are also a range of online resources and apps, covering a wide range of curriculum areas which can be used by schools to support their local education provision. There is scope for local authorities and schools to have additional apps to be made available through Glow. Glow services are freely available to all learners and teachers in Scotland and are accessible from any web-enabled device.

Q: What are the views of the Scottish Government in relation to the suggestion by COSLA that local authorities' focus should be on local democracy and local connections?

Ensuring that people have their voice heard in shaping their local community is at the heart of the Scottish Government's approach to public service reform. By working closely with communities, and with each other, local partners are better able to promote services which are effective in meeting people's needs, wants and aspirations.

The Scottish Government is committed to further empowering communities in line with the subsidiarity principle that people who live and work in Scotland are best-placed to make decisions about issues that matter to them. For example, the Fairer Scotland conversation allows people to say how they want public services to respond and support them in changing their own lives and their communities for the better.

Protected Budgets and Implications for Other Council Services

Q: The Scottish Government is seeking to protect teacher numbers and education budgets are being protected by local authorities. Given this, what impact does the Scottish Government consider it is having on other local authority services which support children?

The Scottish Government has treated local government very fairly despite the cuts to the Scottish Budget from the UK Government. The funding proposal for 2016-17 delivers a strong but challenging financial settlement for local government which will be strengthened by joint working to improve outcomes for local people through health and social care integration and by improving educational outcomes.

The proposal makes provision for a return to a national agreement to maintain the pupil teacher ratio at 2015-16 levels, and secure places for all probationers who require one under the teacher induction scheme supported by a continued funding package of £88 million, made up of £51 million to maintain teacher numbers and £37 million to support the teacher induction scheme. This funding package should minimise the adverse impact on other children's services.

Q: Does the Scottish Government consider local authority education budgets require to be maintained across the country at a minimum of current levels? What impact does the Scottish Government consider reductions would have on educational attainment?

Against the backdrop of the toughest public expenditure conditions we have yet faced this Government has delivered a strong but challenging financial settlement for local government. Our funding package for local government focuses on delivery of our shared priorities to deliver sustainable economic growth, protect front-line services and support the most vulnerable within society. As part of the settlement we have put forward education as a priority. We do not believe that cutting the numbers of teachers will benefit children's learning. Our commitment is that local authorities should collectively maintain the pupil teacher ratio at 13:7 and provide a place on the teacher induction scheme to every probationer who needs one. Schools from 21 Local Authorities with the highest concentration of pupils living in deprived communities are currently benefitting from the first year of funding from the additional 4 year £100m Attainment Scotland Fund.

Within that settlement it is for local authorities to determine how their funds are distributed across the range of services they provide to meet local priorities and deliver on our shared commitments.

Attainment Issues

Q: Can the Scottish Government indicate what Government spending has the greatest impact on closing the attainment gap?

All spending on education has an impact on improving educational outcomes for children and young people, including those from the most deprived backgrounds. Local authorities, supported by the Scottish Government, invest some £4.8 billion in education every year.

The Scottish Government recognises that authorities and schools are making progress on tackling the gap but that there is a need to further accelerate improvements. That is why the funding from the Scottish Attainment Challenge is targeted at those communities and schools who were facing the greatest challenges – those with the highest concentration of children living in our most deprived communities. The focus has been on Primary Schools as it is known how important early preventative work is in improving children's longer term outcomes. Authorities and schools are putting in place approaches they know will make a difference, based on local knowledge and evidence of what works.

There is a substantial body of evidence of what works to reduce the gap, which is available on the Education Scotland national hub for the Scottish Attainment Challenge. This draws on research from bodies such as the Joseph Rowntree Foundation, the Education Endowment Foundation and Education Scotland's own experience from school inspections in Scotland. These point to interventions which focus on literacy, numeracy and health and wellbeing, together with family engagement and teacher professional development as being the most effective and these are the approaches which are being funded through the Challenge.

The Scottish Government recognises that schools cannot close the attainment gap alone. That is why £329m has been invested over two years to expand free early learning and childcare and extend this entitlement to more than a quarter of two year olds who will benefit most, and together with local authorities, NHS and other partners, invested over £274m in the Early Years Change Fund to transform early years services and embed prevention including more targeted support for vulnerable parents.

Q: Can the Scottish Government indicate how it intends to evaluate and monitor outcomes achieved as a result of funding from the attainment Scotland fund.

The Scottish Government will carry out a full evaluation of the Attainment Scotland Fund, together with participating authorities and schools. The evaluation will aim to:

- Assess the impact of the Attainment Scotland Fund in improving attainment and reducing the attainment gap between pupils from the most and least deprived areas.
- Assess the extent to which the further aims of the Attainment Scotland Fund have been met: promote schools' capacity for data-based self-evaluation, encourage collaboration between schools and Local Authorities, and promote learning on what works to reduce the attainment gap.
- Identify what did and did not work well in the process of implementing the Attainment Scotland Fund.
- Provide learning and increase the Scottish evidence base of what works to increase attainment, especially of pupils from the most deprived areas.

The evaluation will be both formative and summative which means that its findings will be used to:

- Give feedback to schools, Local Authorities, the Scottish Government and Education Scotland on what is and is not working well during the 4 years of the Fund, to enable them to further improve initiatives and the working of the fund.
- Inform directions of the latter two years of the programme and of future policies aimed at raising attainment and reducing the attainment gap.

Data and information will be collected at school, local authority and national level to evaluate the success of the fund, with biennial reports published.

Q: Can the Scottish Government indicate what actions it has taken to help disadvantaged children with educational needs?

The First Minister launched the Scottish Attainment Challenge in February 2015 to bring a greater sense of urgency and priority to closing the poverty related attainment gap. The Challenge focuses and accelerates targeted improvements in literacy, numeracy and health and wellbeing building on the range of initiatives and programmes already in place to raise attainment and reduce inequity for children across Scotland.

In addition to the Challenge, there are a range of Scottish Government activities already underway which contribute to closing the gap:

- Curriculum for Excellence provides a coherent, flexible and enriched curriculum from 3 to 18. It reflects the skills children need to succeed in the 21st century, with young people developing as successful learners, confident individuals, effective contributors and responsible citizens.
- Literacy and numeracy hubs established across Scotland to facilitate sharing of best practice.
- Implementation of Teaching Scotland's Future and the Scottish College for Educational Leadership.
- Developing the Young Workforce - highlighted by stakeholders and partners (Scottish Youth Parliament and Renfrewshire Council) as an initiative which will have a positive impact on attainment.
- The School Improvement Partnership Programme, the Early Years Collaborative and the Raising Attainment for All Programme encourage collaboration and continuous self-improvement.
- 'Insight' – the Senior Phase Benchmarking Tool, helps local authorities and secondary schools analyse strengths and areas for improvement.
- Provision of accessible information for parents and carers through a refreshed Parentzone website: and working with schools and the third sector to explore effective links and share ideas.
- The £1.5m Access to Education fund has helped to reduce barriers to learning experienced by pupils from disadvantaged backgrounds.
- The extension of the Education Maintenance Allowance scheme to benefit even more young people and supports them to stay on in post -16 learning.

The *National Improvement Framework* for Scottish Education, published in January 2015, sets out the Scottish Government's vision and priorities for our children's progress in learning. The Framework will be key in driving work to continually improve Scottish education and close the poverty-related attainment gap, delivering both excellence and equity.

School Closure Policies

Q: Can the Scottish Government indicate how they are monitoring the overall impact of school closure legislation and the impact found to date?

The principal purpose of the Schools (Consultation) (Scotland) Act 2010 (the 2010 Act) is to provide strong, accountable statutory consultation practices and procedures that local authorities must apply to their handling of all proposals for school closures and other major changes to schools. These consultation processes are expected to be robust, open, transparent and fair - and seen to be so. They are also expected to be consistent across Scotland.

The 2010 Act makes special arrangements in regard to rural schools, establishing procedural presumption against closure of rural schools. This requires education authorities to follow a more detailed set of procedures in formulating a rural school closure proposal and in consulting on and reaching a decision as to whether to implement a rural school closure proposal.

The intention of the 2010 Act is not to make closure of rural schools more difficult, as sometimes contended, but to ensure that in making a closure proposal, education authorities have considered fully the impact of its proposal on the community and are able to present the case for closure in clear, understandable terms to those who will be affected by it.

The 2010 Act was amended by the Children and Young People (Scotland) Act 2014 with most amendments coming into force on 1 August 2014. The final part of those amendments relating to the new School Closure Review Panels came into force on 30 March 2015.

These amendments were informed by the findings and recommendations of the Commission for the Delivery of Rural Education, which was established in August 2011 by the Scottish Government and COSLA. Its remit was to examine both how the delivery of rural education could maximise the attainment, achievement and life chances of young people in rural areas, and the link between rural education and rural communities. As part of its work, the Commission was also asked to review the 2010 Act and its application.

It is also worth noting that the approach set out in the legislation has considerable support across all sides of the Parliament with both the 2010 Act and the subsequent 2014 amendments being approved unanimously.

In terms of monitoring the impact of the legislation, there have been 161 school closure proposals made by education authorities under the 2010 Act and of these, 50 were called-in by Scottish Ministers for further investigation and determination. Following consideration of these 50 proposals, consent has been given to close 35 schools, with 13 school closures refused and 2 remitted back to the education authority to reconsider. However, of the 13 where consent was refused, 4 were overturned by the Court of Session following a judicial review of the Scottish Ministers' decision to refuse consent brought forward by Western Isles Council. As a consequence, this means that almost 95% of proposed school closures brought forward by education authorities under the requirements of the 2010 Act have been implemented.

Although it is often contended that the 2010 Act "prevents" local authorities from closing schools, the evidence provided by these statistics paints a very different picture, with the vast majority of closure proposals being implemented. The Scottish Government is also

aware that, going forward, local authorities across all parts of Scotland are planning to bring forward some 30 or more closure proposals over the next 18 months.

Q: Can the Scottish Government clarify the balance that requires to be given between educational benefit and financial considerations when school closures are being considered?

The 2010 Act reflects the Scottish Ministers' view that educational benefits should be at the heart of any proposal to make a significant change to schools and, where a closure is proposed, it should be for positive educational reasons. Consequently, the 2010 Act specifies that the local authority must, for all consultations, prepare an Educational Benefits Statement and publish it within the proposal paper. However, it is recognised that the impact of a closure proposal on a range of educational factors will rarely only give rise to benefits – any proposal is likely to involve both pros and cons. The Educational Benefits Statement is the place for the education authority to explore and set out that balance.

While the Educational Benefits Statement provides the local authority with the opportunity to set out the educational case for the proposal, the proposal paper itself is where the authority can and should set out all the other contextual and relevant evidence and information around, and in support of, the proposal.

As part of its review of the 2010 Act, the Commission on the Delivery of Rural education noted that the interpretation (at that time) of the legislation did not allow education authorities to acknowledge the financial climate on their decision making. It concluded that it was not sustainable or transparent for financial factors to be hidden from closure proposals. The Commission's subsequent recommendation was that school closure proposals should be accompanied by transparent, accurate and consistent financial information which rigorously evidences any financial argument that is deployed.

This recommendation was accepted by the Scottish Government and as part of the amendments introduced through the Children and Young People (Scotland) Act 2014 is a new requirement that all school closure proposals must include information about the financial implications of it. In addition, new statutory guidance to accompany the amended 2010 Act strongly recommends that education authorities base their financial information on a template which was developed for this purpose by COSLA in close collaboration with local authorities.

The consequence of this change means that an education authority's case for closure is now predicated on not only the educational benefits to be achieved but also on any relevant financial and budgetary considerations. This represents a significant shift in scope of application of the original 2010 Act. While the educational benefits to be derived remain at the heart of the proposal, clear financial information will help to underpin further the education authority's case for closure along with all other relevant information, such as the condition and suitability of the existing school buildings, changing patterns of demand of school places and issues around travel and transport arrangements to the new school. On the other hand, a closure proposal based solely on financial considerations and with no demonstrable educational benefits would not comply with the requirements and obligations of the 2010 Act.