OFFICIAL REPORT
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Education and Skills Committee

Wednesday 29 May 2019

Session 5

The Scottish Parliament
Pàrlamaid na h-Alba

Wednesday 29 May 2019

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EDUCATION AND SKILLS COMMITTEE

18th Meeting 2019, Session 5

CONVENER

*Clare Adamson (Motherwell and Wishaw) (SNP)

DEPUTY CONVENER

*Johann Lamont (Glasgow) (Lab)

COMMITTEE MEMBERS

*Dr Alasdair Allan (Na h-Eileanan an Iar) (SNP)
*Jenny Gilruth (Mid Fife and Glenrothes) (SNP)
*Iain Gray (East Lothian) (Lab)
*Ross Greer (West Scotland) (Green)
*Gordon MacDonald (Edinburgh Pentlands) (SNP)
*Rona Mackay (Strathkelvin and Bearsden) (SNP)
*Oliver Mundell (Dumfriesshire) (Con)
Tavish Scott (Shetland Islands) (LD)
*Liz Smith (Mid Scotland and Fife) (Con)

*attended

THE FOLLOWING ALSO PARTICIPATED:

John Swinney (Deputy First Minister and Cabinet Secretary for Education and Skills)

CLERK TO THE COMMITTEE

Roz Thomson

LOCATION

The Robert Burns Room (CR1)

Scottish Parliament

Education and Skills Committee

Wednesday 29 May 2019

[The Convener opened the meeting at 09:30]

Subordinate Legislation

Head Teachers Education and Training Standards (Scotland) Regulations 2019 [Draft]

The Convener (Clare Adamson): Good morning, and welcome to the 18th meeting of the Education and Skills Committee in 2019. I remind everyone to turn their mobile phones and devices to silent for the duration of the meeting. We have received apologies from Tavish Scott MSP.

Agenda item 1 is consideration of draft subordinate legislation that is subject to the affirmative procedure. Information about the instrument is provided in paper 1, which explains that the affirmative instrument spans two agenda items. The first is an opportunity for the cabinet secretary to explain the instrument and for members to ask questions of him and his officials. We will then turn to agenda item 2, under which there will be a debate on the motion and the instrument.

I welcome John Swinney, the Cabinet Secretary for Education and Skills, and, from the Scottish Government, David Roy, the head of teacher education and leadership, and Claire Cullen, from the school education branch of the legal directorate.

I invite the cabinet secretary to make an opening statement on the instrument.

The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney): I welcome the opportunity to address the committee in connection with the proposed introduction of the requirement that, from August 2020, all teachers who are appointed to their first permanent headteacher post in local authority or grant-aided schools should hold the standard for headship. The standard is awarded by the General Teaching Council for Scotland on successful completion of the into headship programme, which is offered by seven universities.

A priority of the Scottish Government is to improve the life chances and education of all children in Scotland, and leadership is recognised as one of the most important aspects of the success of any school. Highly effective leadership is key to ensuring the highest possible standards and that expectations are shared across schools to achieve excellence and equity for all. In turn, that helps all children to achieve the best possible outcomes. Currently, there is no requirement for headteachers to hold the standard for headship prior to their appointment. Nonetheless, since 2005, there has been an expectation that teachers should meet the standard of headship before they can be appointed as a headteacher, by completing either the Scottish qualification for headship programme or the flexible route to headship programme or through the judgment of local authorities as employers.

The SQH and FRH programmes are no longer available and were replaced by the into headship qualification in 2015. At the same time, it was decided that holding the standard for headship should be a legal requirement for all permanent headteacher appointments. The standard for headship is one of a suite of professional standards that are managed by the General Teaching Council and that support the self-evaluation and professional learning of those who are in, or who aspire to, leadership roles in schools.

Powers were acquired under section 28 of the Education (Scotland) Act 2016, which amended the Education (Scotland) Act 1980 by inserting sections 90A and 98DA into the 1980 act. That allowed Scottish ministers to make regulations prescribing the “education and training standards” that are needed before a person can be appointed as a headteacher by an education authority or managers of grant-aided schools. The Education and Skills Committee took evidence on that proposal as part of the development of what became the Education (Scotland) Act 2016.

During the passage of the 2016 act, there was agreement that the regulations relating to the independent sector would not be brought forward, because we were bringing in GTS registration in full for all teachers in the sector. At present, it is not our intention to extend the requirement to hold the standard for headship to headteacher appointments in independent schools; therefore, only state and grant-aided schools fall within the scope of the regulations that are being considered today.

It was clear from early discussions with stakeholders and the consultation on the draft regulations that there were reservations about a sufficient number of teachers having achieved the standard for headship to fill future vacancies when the regulations were to come into force. We took those concerns on board in two ways—by moving the coming-into-force date from August 2019 to August 2020 and by extending from 24 months to 30 months the period during which a teacher who does not hold the standard can be appointed to a

headteacher post on a temporary basis. That measure provides a temporarily appointed headteacher with sufficient time to undertake the into headship programme, which is usually completed within 18 months, and gives the local authority reasonable flexibility in workforce planning. The education sector is fully aware of the intended commencement date of August 2020, and local authorities are taking steps to plan, encourage and select teachers to undertake the into headship programme.

Through the recommendations in the headteacher recruitment working group's report, which was published in November, we are working in partnership with the sector to enhance the support for teachers, to encourage them into leadership roles. The Scottish Government fully funds the into headship programme because we understand the importance of excellent school leadership and we do not want fees to be a barrier to those who want to take the step to a headship role. As of the summer, nearly 800 teachers will have embarked on the into headship programme. We are committed to investing in inspiring headteachers and we want to provide them with high-quality professional learning. We will, therefore, continue to fund the into headship qualification to the end of this session of Parliament. Further support will be provided through the enhanced leadership support package, building on the existing suite of programmes that are managed by Education Scotland, along with our continued investment in the into headship and excellence in headship programmes and the headteacher leadership academies.

The draft regulations that are before the committee have been drafted to provide that, from 1 August 2020, only headteachers who have been awarded the standard for headship can be permanently appointed as a headteacher in an education authority or grant-aided school. There are two exemptions. The first applies to any permanent headteacher who has been appointed to a position in an education authority or grant-aided school or an independent school on or prior to 1 August 2020. For individuals in that category, holding of the standard for headship is not a requirement. The second exemption enables education authorities or managers of grant-aided schools to appoint a person who has not attained the standard for headship to a headteacher post on a temporary basis, for a period not exceeding 30 months after 1 August 2020.

I am happy to answer any questions from the committee.

The Convener: Thank you, cabinet secretary.

Iain Gray (East Lothian) (Lab): For the avoidance of doubt, I should say that I support the instrument. It is a good move in terms of raising the standard and the status of the profession of headteacher. However, I want to raise a concern that is based on the recent workload survey that was produced by the Association of Headteachers and Deputes in Scotland, of which the cabinet secretary will be aware. One of the most worrying tables presented in that survey shows the enthusiasm and keenness among deputy and principal teachers in primary schools to move on and become headteachers. The survey shows a very low level of willingness to consider that move. Clearly, people think twice about the increased responsibility and accountability, and we are introducing a further requirement of people who make that jump. What can the cabinet secretary do to address that potential problem with the recruitment of headteachers?

John Swinney: I welcome the context within which Mr Gray set his question. I acknowledge the detail of the survey that has come from the AHDS and the requirement for us to address that substantively. There are a number of things that we can do. The first relates to the pay deal that we agreed with the professional associations some weeks ago, which I deliberately extended to include issues of workload. One element of that is about working with our professional associations collaboratively to tackle the genuine concerns that they have expressed about workload. I want to embrace the professional associations as partners in considering what we can do collaboratively and constructively to tackle the workload issues and address the perceptions that Mr Gray highlights.

The second thing—this is perhaps less relevant in some primary schools, but it will be relevant in many—is that we have to ensure that career development structures enable individuals to break down the gap between, for example, being a classroom teacher and being a headteacher. We will shortly receive the recommendations from the panel on career pathways, which Moyra Boland from the University of Glasgow has been leading for us. That will give us more career development opportunities to break down the existing gap. I accept that, for some people, it is a big gap to contemplate. Even the gap between a deputy headteacher and a headteacher is big. In due course, those issues will be considered by the Scottish negotiating committee for teachers.

The third thing is that we have put in place other supports to enhance the professional development of individuals, which will enable them to be more professionally confident in taking on such roles. Interventions such as the Columba 1400 programme, which is now available to deputy headteachers as well as headteachers, are an important contribution to addressing some of the professional development requirements that

individuals feel they need to progress to a headteacher role.

A combination of professional development and tackling workload issues will provide us with some of the means to address the legitimate issues that the survey raised.

Iain Gray: That is all welcome. Some people think that one of the problems is that, sometimes, depending on the size of the school, the salary differential between the deputy headteacher and the headteacher is small and does not reflect the increase in workload. Sometimes, the differential is nothing at all. Does the workload consideration that you have just described encompass the job sizing of primary headteacher roles and that pay differential?

John Swinney: That is part of the work that we will undertake in implementing the pay and workload agreement that we reached a few weeks ago, when I accepted the need to revisit the question of job sizing for headteachers. There is substantive evidence of issues that we need to address.

Iain Gray: Thank you.

Liz Smith (Mid Scotland and Fife) (Con): I, too, welcome these measures. They have also been broadly welcomed in principle by many teachers and the associations that represent them.

Cabinet secretary, I have two technical questions. You mentioned that the regulations provide that, from 1 August 2020, headteachers will need to have achieved the standard for headship. How long does the course take, and at what stage will you be able to tell the Parliament how many teachers are undertaking that course to meet that deadline?

John Swinney: The course normally takes 12 to 18 months to complete. The into headship qualification has been operating since 2015. I can put the data on the record. In 2015, 119 teachers achieved the standard; in 2016, 142 achieved it; in 2017, 155 achieved it; in 2018, 166 achieved it; and, in 2019, 180 achieved it.

As members will recognise, those numbers are rising year on year, which is an encouraging trend. Interestingly, in 2019, there is a larger differential between primary headteachers and secondary headteachers. For example, in 2015, the numbers for primary school and secondary school were pretty much 50:50. In 2019, the numbers were two thirds for primary school and one third for secondary school. Perhaps that also addresses some of the issues that Iain Gray raised.

That is an encouraging trend in the number of headteachers who are coming forward. As one would expect, because there are seven times as many primary schools as there are secondary schools, the split is now weighted more towards primary schools than when the standard began.

I will make a final point of clarification. I might have misheard what Liz Smith said, but there is no requirement for an existing headteacher to undertake the standard. Subject to the exemptions that I have set out, any aspiring headteacher who is seeking to fill a post will need the headship standard by 1 August 2020.

Liz Smith: So, they are included in the last figure that you gave—because, I presume, they have started.

John Swinney: Yes, and that total is more than 800.

Liz Smith: Thank you.

09:45

Johann Lamont (Glasgow) (Lab): I have a question to help my own understanding. Is it entirely up to the individual, or is there a gatekeeper somewhere who determines whether someone can undertake the programme, given that it is being funded? In those circumstances, how are we ensuring that there is diversity and that men and women are equally able to take up the opportunities?

John Swinney: Eligibility for the programme is determined by local authorities, which identify candidates as part of their workforce planning. Individuals will present themselves as willing to do it and local authorities will consider the potential for individuals to achieve the standard.

Johann Lamont: Do you think there is a place for monitoring what is happening? If it is a matter for local authorities, we would want to know how widely they are spreading the net and how encouraging they are of folk who have caring responsibilities or whatever, who might find it difficult to take on that kind of commitment, or how encouraging they are of folk who may not have thought about it.

John Swinney: We should monitor those issues very carefully. I have recently responded to parliamentary questions about the diversity of the teaching profession, and there are systemic issues around the diversity of the profession in general that we need to consider. The questions about eligibility for the into headship programme are no different from the questions that arise out of that analysis.

Johann Lamont: You would expect local authorities to be transparent about how they are identifying people for the programme.

John Swinney: Yes.

Johann Lamont: This question is, again, for my own understanding. If somebody is on a 30-month temporary contract and they have not completed the programme, will the authority have to find somebody else to be a headteacher on a temporary contract?

John Swinney: That would not be in the spirit of the regulations if the person was endeavouring to complete the programme and something had got in the way, such as a caring responsibility, illness or some other circumstance. The regulations are not set out in such a fashion that there is no scope for discretion in understanding particular cases. Flexibility would exist for the local authority, as the employer, to make that judgment.

Johann Lamont: So, despite the regulations, people could continue on temporary contracts over a longer time.

John Swinney: That, too, would be against the spirit of the regulations, which say that, after 1 August 2020, it should be a mandatory requirement that a headteacher has the standard. If somebody demonstrated no intention of completing the programme, that would, in my view, be against the spirit of the regulations. However, if they had commenced the programme and something had got in the way, that would be different.

Johann Lamont: Therefore, if somebody is on a temporary contract under the condition that they complete the programme and they do not do so, the local authority will need to interview and appoint someone else, who may also be on a temporary contract. Will that not create instability in the school system? How strong is the regulation as against the discretion? We could end up in a position in which people do not engage with the programme, for whatever reason, and the school or local authority has to reappoint.

John Swinney: The letter of the regulation says that, after 1 August 2020, an individual must have the into headship standard unless they are appointed for a temporary period of up to 30 months. That is a hard boundary, so I suppose that the literal answer to Johann Lamont's question is that if, at the end of 30 months of a temporary contract, somebody has not completed the into headship programme, they should not be able to be a headteacher.

The constraints of the regulations do not remove the discretion to take account of legitimate circumstances that might have prevented somebody from completing the programme. However, if somebody did not complete the programme just by habitual non-participation or non-engagement, the parameters of the regulations would be applied and the local authority would have to get somebody else to be the headteacher.

Johann Lamont: That person might also be somebody without the qualification.

John Swinney: They could well be. For completeness, I should add that it is in the nature of workforce planning that local authorities would try to avoid situations of that type arising.

The Convener: We will move to agenda item 2, which is the formal debate on motion S5M-17293, in the name of the cabinet secretary, on the Head Teachers Education and Training Standards (Scotland) Regulations 2019. I remind members that Government officials are not allowed to contribute to the formal debate.

Motion moved,

That the Education and Skills Committee recommends that the Head Teachers Education and Training Standards (Scotland) Regulations 2019 [draft] be approved.—[*John Swinney*]

Motion agreed to.

The Convener: The committee must report to Parliament on the instrument. Are members content for me, as the convener, to sign off that report?

Members *indicated agreement.*

The Convener: That concludes our consideration of subordinate legislation. I will suspend the meeting for a few seconds to allow the officials to change over.

09:51

Meeting suspended.

09:52

On resuming—

Subject Choices Inquiry

The Convener: Agenda item 3 is the final evidence session in the committee's subject choices inquiry. Joining the cabinet secretary this morning are Murray McVicar, head of the Scottish Government's senior phase unit, and Andrew Bruce, deputy director of the Scottish Government's learning directorate. I invite the cabinet secretary to make an opening statement.

John Swinney: Thank you, convener. I welcome the opportunity to contribute to the committee's inquiry.

The purpose of education is to provide young people with the skills, knowledge and experiences that will prepare them for life beyond school and enable them to fulfil their potential. We must ensure that our young people acquire from their school experiences the capacities that will enable them to flourish in our modern, complex and uncertain world.

The national debate that led to the creation of curriculum for excellence envisaged a cohesive three to 18 education that paved the way for a broad general education and a senior phase in secondary schools.

The broad general education was envisaged to extend over the period from secondary 1 to S3 and would ensure that young people acquired a breadth of experience across eight curricular areas: expressive arts; health and wellbeing; languages, including English; mathematics; religious and moral education; sciences; social studies; and technologies.

The senior phase was envisaged as a three-year experience in which young people would be encouraged to remain at school for longer and engage in deeper learning with a broader range of opportunities to develop skills that are relevant to the wider world.

I have listened with interest to the evidence that the committee has gathered. The focus has fallen heavily on the number of subjects—in particular, national qualifications—that are studied in S4. However, the topic requires broader consideration, primarily because, under curriculum for excellence, the senior phase is designed as a three-year experience with a focus on what is achieved at the end of school rather than in any given individual year.

A critical requirement of curriculum for excellence is that schools must have the flexibility to design a senior phase that meets the needs of its learners by building on the foundations of a strong broad general education, rather than following the more rigid structure of the pre-CFE era, which was increasingly unsuited to the needs of today's learners.

It is therefore inevitable that schools will choose different approaches according to the context in which they operate. That has been made clear in guidance. In 2011, the CFE management board, which included representation from across the education system, published a statement on the senior phase that said:

> "The Management Board welcomes the emerging picture of bespoke senior phase models. These show that some schools will plan for five or six subjects in S4 - viewing it as a way of facilitating deeper learning, making space for recognising wider achievements and providing scope for taking qualifications over differing timescales eg: two year Highers. Other schools may prefer to offer, for example, eight courses of study in S4 with the option of being presented for all eight in S4 or deferring several subjects in S4, knowing that further study in these subjects will continue in S5. Similarly, some pupils may defer presentation in a subject in S5 until S6."

There is broad agreement across the education system that headteachers and schools should have the freedom to design a curriculum that meets the needs of the learners in their schools. It is inevitable that that process will lead to variety in our education system.

I appreciate that that is challenging for many—for teachers, parents and those of us around the committee table who grew up with a different model. However, if we want an education system that is designed to equip our children and young people for the 21st century, it is inevitable that it will look different from what went before.

The crux of the discussion must be the quality of the experience that children and young people receive in schools across Scotland. Therefore, it is absolutely right that we should ask ourselves hard questions about the quality of the senior phase and the broad general education. Every school should do that.

The key point is that the answers to those questions are unlikely to be based on whether a school has a six, seven or eight-column structure in S4. The answers will reside in the rationale that is behind the entire secondary school curriculum from the broad general education into the senior phase; in the quality of learning and teaching; in the pathways that are available; and in the depth and range of partnerships that provide opportunities for young people.

I do not pretend that every school has the issue cracked, but many have, which is why we have established the regional improvement collaboratives to drive through deeper collaboration. We must continue to challenge our schools to ensure that they deliver the curriculum

that I described, but I am confident that the correct approach is being pursued.

That is backed by the data. Official statistics on leavers that were published earlier this year showed that attainment at Scottish credit and qualifications framework level 4 or better has remained broadly stable since 2012-13, while attainment at levels 5 and 6 has increased. Last year, 62.2 per cent of school leavers left with a qualification at level 6 or better, which is up from 55.8 per cent in 2012-13. Work-based provision for young people in the senior phase is growing. The proportion of school leavers who attain vocational qualifications at SCQF level 5 and above increased from 7.3 per cent in 2013-14 to 14.8 per cent in 2017-18. Last year, a record proportion of school leavers went on to positive destinations, including work, training and further study.

I hope that that information will assist the committee with its inquiry. I look forward to addressing the points that members raise.

Liz Smith: I will give attention to the design of curriculum for excellence. The committee has taken substantial evidence and, broadly speaking, Education Scotland and the Scottish Qualifications Authority have said that they are relatively content with the curriculum's structure, although Dr Brown raised a few issues last week in relation to a disconnect between the broad general education and the senior phase. You have said this morning that you are generally satisfied that the approach is right.

A different view has been expressed in other evidence—particularly that from practitioners. Larry Flanagan said clearly that, when the curriculum was designed,

"all the professional associations in the consultation on the new qualifications advocated retaining, upgrading and refreshing standard grades, but that was not among the options, so we moved"

straight away

"to a new qualifications system."—[*Official Report, Education and Skills Committee,* 8 May 2019; c 5.]

He added that there had been insufficient consultation on that. Dr Britton said that the senior phase was implemented when there was an

"evisceration of support at the local authority level".—[*Official Report, Education and Skills Committee,* 24 April 2019; c 24.]

The Scottish Association of Geography Teachers commented:

"The whole thing about the BGE and senior phase is that they were done the wrong way round. People thought it was a good idea to start in S1 and change the curriculum up the way, but that meant that we were changing things for first, second and third year before we knew what the new qualifications were going to be".—[*Official Report*, *Education and Skills Committee*, 8 May 2019; c 12.]

Cabinet secretary, are you confident that the consultation at the initial stages of designing the curricular structures was comprehensive and resulted in the right approach?

10:00

John Swinney: I am. In excess of 1,000 teachers were involved in the consultation and development work to design the new qualifications. There was extensive engagement with the profession. I know that there was an issue that predates my time in post, when the EIS sought a one-year delay in the application of the qualifications. My understanding and interpretation of that was that it was about the pace, rather than the substance of the reforms.

There was extensive consultation. The longer that I serve as education secretary, the more I reflect that there needs to be a lot of time for consultation and that there is always a feeling that there could be more. I am not going to say that there is a finite, precise formula that drives such considerations, but I will say that there was extensive discussion.

One of the issues—I hope that my opening statement indicated that I am very open to this—is that a fundamental element of curriculum for excellence is that it must be a cohesive learner journey from three to 18, so that every part of it has a natural flow and progression. We have to be confident that young people are properly equipped when they emerge from the broad general education into the senior phase, which is probably the biggest shift in CFE. That is the opportunity for us to ensure that there is a cohesive approach for young people.

That was very much in my thinking when we developed the benchmarks for the broad general education, which were issued in 2017—I am pretty sure that that is the correct date, although I stand to be corrected. I satisfied myself that the chief examiner and the chief inspector of education were jointly signing off those benchmarks at the summit of the broad general education to ensure that they were the correct platform to enable young people to progress to the senior phase.

Liz Smith: Last week, the chief examiner said that she felt that there had been some issues with a disconnect between the broad general education and the senior phase. She felt that that was improving and that things were getting a bit better, but she did acknowledge that disconnect.

John Swinney: In a sense, the answer that I have just given reinforces that point. I felt that it was necessary to issue the benchmarks to the education system in 2017—they were drafted in

2016 and finalised in 2017—and to be satisfied that we were creating the natural progression that I was talking about. On the flipside, the fact that I felt a need to do that indicates that the progression was perhaps not as seamless as it should have been.

That relates to a fundamental part of what the committee is looking at, which is the strength of the broad general education. In my view, the broad general education must be sufficiently broad and demanding to ensure that young people are properly equipped to progress to the next stage of their learner journey in the senior phase. We have to be satisfied that that applies across the board in schools in Scotland. The benchmarks that were put in place in 2016-17 were designed to give that absolute clarity to the education system.

Liz Smith: Mr Swinney, I entirely accept your point about the cohesive journey; that is extremely important. However, the committee is quite concerned that—although it is by no means a universal view—in the majority of the evidence, there is concern that after a broad general education in S1 to S3, we are moving into an education, particularly in relation to core subjects, that is much less broad than has been the case in the past.

I have listened carefully to what you have said about having a three-year programme for S4 to S6 but I ask you to reflect on what you feel when you see some of the considerable downturns in the number of pupils taking core subjects—modern languages, in particular. Are you satisfied that that was an intentional development in the senior phase?

John Swinney: Although there is a downturn of uptake in modern languages at national 5 level, there is growth in the uptake of modern languages at higher level, so at different stages in the education system there is a different picture of modern languages uptake and at higher there is an increase in uptake.

The issue in S4 is perhaps answered by some of the evidence that Gerry Lyons gave the committee a couple of weeks ago, which indicated that, when we moved to the broad general education and away from the two, two, two model, modern languages essentially lost their compulsory status in S4; they did not lose their compulsory status in S3, because they are part of the broad general education in the eight curricular areas.

I acknowledge that issue in S4 but, when I look at participation at S5, I see rising participation at higher level, so I do not think that the hypothesis that Liz Smith puts to me is valid, or it is explained by the removal of compulsion on modern languages up to S4, which was the case when I was at school. When that element changed—when we moved to the broad general education—that opportunity for breadth and depth of learning became available to young people up to the end of S3 but the opportunities to specialise at later stages are still available to young people, and the participation levels at higher indicate a growth in participation.

Liz Smith: On that point, cabinet secretary, the issue with modern languages is—as it has been put to us several times, not just in this inquiry but in other inquiries—that if you drop a language, it is much more difficult to take it up again. Many people feel that a continuous approach is needed to learn a language in depth.

We have to be careful about this, because there is genuine concern among parents and pupils. Other colleagues will come on to the difference in schools' approaches to how many subjects pupils can take in S4, which, I believe, is an important issue for parents. I want to draw your attention to some of the evidence that we took from young people, who, in many circumstances, feel that they cannot take the subjects that they want—and feel they need—to take because the column structure has been restricted.

I hear what you say about taking up subjects again in S6 or whatever, but young people want to do them in S4 and some of their peers are getting more options than they are. Are you concerned about that at all?

John Swinney: There are two issues in that question. First, I quite understand that there will be young people who are unable to make all the choices that they want to make. I would venture to suggest that that has probably always been a factor in Scottish education—

Liz Smith: Do you think that it is worse now?

John Swinney: No, I do not think that it is worse now. I think that, because of the design of the deployment of resources and the choices that are made in schools, it is inevitable that some young people—I suggest that it is a small minority—will not be able to take all the choices that they would want to take. That is an inevitability of subject choice in any education system. I cannot sit here, as education secretary, and say to the committee that I can guarantee unfettered choice for every pupil in the country. No local authority leader or director of education could make such an offer, either.

The second issue that your question raises is whether there has been a narrowing of choice for young people in general in Scottish education. I do not think that that is the case. In preparing for this meeting, I looked with great care at the options and choices that are available to young people in Scotland. I want to cite a little primary evidence: I

looked at the options in Kingussie high school, provided by the school and Education Scotland, and found that in 2013-14, young people in that school had 20 choices of course to take, whereas in 2019 the number is 46.

I could give the committee other examples. The reason for my giving that one is that I think that the committee needs to wrestle with the question of whether the range of options available to young people has actually been broadened by CFE. My contention is that it has been and that schools have thought creatively about what their learners are interested in doing and how they can best equip young people for modern life.

For example, I have seen options in schools to undertake courses in cyber security—something that had hardly been invented when John Swinney was making his subject choices in 1978. I say that not to be flippant but to illustrate how the education system is responding to the world that now confronts young people.

The committee must consider carefully whether there has been a narrowing of choice. I do not think that there has been; I think that there has been a broadening of opportunity for young people, but I concede that the structure of education looks very different from the structure that existed when I was going through the system—but that was envisaged by and is part of the purpose of curriculum for excellence.

Liz Smith: There is more choice; the trouble is that, for an awful lot of pupils, it is not necessarily in the core subjects in S4. Jim Scott's evidence was clear on the number of schools in which the subject choice in S4, for core subjects—I will use the phrase "traditional subjects", because I think that they are some of the most important ones—has narrowed.

John Swinney: The committee will have to look carefully at what it deems to be core choices. As I said, in the broad general education phase, which goes up to S3—that is longer than I got when I was at school—young people are entitled to a curriculum that delivers on: the expressive arts; health and wellbeing; languages, including English; mathematics; religious and moral education; sciences; social studies; and technologies. For a longer period, young people have access to a broader general education, and I venture to suggest that that list covers more than what one might call the core curriculum.

There are then opportunities for young people to develop what they have learned in their broad general education to a further, deeper level, over a three-year senior phase. Some schools operate a model that offers young people three years of choices in the senior phase, with six options in each year, so that, over three years, they have 18 options; there are 18 routes that they can pursue. That allows them to make different choices, at different times, to take forward their learning.

In relation to languages, I want to know whether, for example, a young person who learns French as part of their broad general education but who does not take French in S4 will be at any disadvantage if they take the opportunity to return to French in S5. I will need to take further advice on that question from educationalists who advise me on such matters. I have given the example of languages, but I know that young people might not take a subject at a particular stage and then return to it later on. I have not seen any data that suggests to me that young people who pursue a subject at a later stage in the senior phase are at an inherent disadvantage.

10:15

Iain Gray: Before I ask my questions, I will pursue a point that Liz Smith raised. Does the cabinet secretary acknowledge that there is a difference between broader subject choice and the number of subjects that it is possible to pursue? I fully accept that, when you and I were at school, we had fewer options and subjects to choose from, but I could choose to pursue eight subjects in S4—it might have been eight or nine subjects when you were at school. We could pursue more subjects, but we chose them from a narrower menu. There is a difference between what people can choose from and how many they can choose. Is that right?

John Swinney: I do not think that I agree with that.

Iain Gray: Surely, it is a statement of fact.

John Swinney: It is not. In our day—of course, there were some subtle differences between Mr Gray's era and my era—

Iain Gray: Indeed. I fear that those days were different.

John Swinney: There were not that many differences, though, so I should not be that ungracious this morning.

I would describe the structure of the education system that I was in, at what one might call the senior phase, as a bit of a triangle. We took a broad number of O grades and a narrower number of highers, and then there was further narrowing for sixth year studies. However, the model that I described to Liz Smith, which involves a three-year senior phase, allows the structure to be more of a square than a triangle.

Iain Gray: That is a clever answer, but it is not really true, is it? In the example that you gave to Liz Smith, you implied that a young person could

complete 18 qualifications across the senior phase. I do not think that that is true.

John Swinney: That is the model in South Ayrshire.

Iain Gray: Young people can sit 18 exams.

John Swinney: Yes. South Ayrshire Council has opted for a model in which young people can take six choices in each year of the senior phase.

Iain Gray: We have certainly heard that there is significant variety in what young people can choose in S4, and you have just given us a new example. We have heard that there are schools in which young people can choose six, seven or eight subjects in S4 and that there are a handful of schools—not very many, but some—in which young people can choose only five subjects.

We have also heard a lot of evidence about the variety in the ways in which the curriculum is structured, not only in the senior phase but overall. We have heard of schools that operate the three-plus-three structure, which has underpinned your remarks this morning. However, other schools have, in effect, continued with a two-plus-two-plus-two structure, other schools use a two-plus-one-plus-two-plus-one structure and others use a two-plus-one-plus-three structure. We have heard examples of young people making course choices at the start of S2, the start of S3 or not until the start of S4. We have heard about schools with curricular structures that timetable in columns—the more traditional way—but, in other schools, pupils are able to make a completely free choice and the curriculum is then structured from that. At what point does that degree of curricular flexibility undermine curricular cohesion and actually become curricular chaos?

John Swinney: I would not characterise it as Mr Gray did at the end of his question. An inherent part of curriculum for excellence—the education system debated this, and the Parliament and the committee's predecessor were actively involved in consideration of the point—is a move away from what was judged to be a rigid curriculum to a more flexible curriculum. That is the fundamental strategic shift that was discussed in the national debate. Scotland debated whether that was the right thing to do and we opted to undertake that strategic shift to create more flexibility. The range of models that Mr Gray talked about is essentially the living out of that flexibility in curricular choice. Much of what I am trying to do in the system is to encourage a greater focus on empowerment in schools, which is a necessary element in ensuring that that flexibility can be deployed effectively to deliver for young people.

There are two essential requirements that have to be judged by any school in wrestling with the issues that Mr Gray raises about the structure of the curriculum. The first is the formulation of an educational rationale for pursuing a particular course of action. I will not sit here and say that option A is superior to option B in that curricular choice because, so long as they both have a curricular rationale that can be demonstrated educationally, that will satisfy me. Secondly, schools, in formulating their curricular approach, must engage with their parent community, the local economic environment, their local community environment and their pupils to ensure that the curriculum suits the needs of everybody in that discussion.

That will inevitably lead to difference and variety around the country, but that is a product of a curriculum that was designed to move away from rigidity to flexibility and an empowered system in which we put much more of the decision making into the hands of educators.

Iain Gray: That begs the question of who is responsible for the oversight to ensure that, across the piece, the qualities that you have described are sustained. When witnesses from Education Scotland gave evidence to the committee, they were asked about the wide variety of curricular structures, school structures and course choice structures, and their response was that they did not know because that was not their responsibility but a responsibility for schools. When SQA witnesses gave evidence, they were asked a similar question and, perhaps more understandably, they made the point that the SQA's responsibility is the exam system rather than the curriculum and the running of schools. Who has oversight? Is it you, or has Education Scotland misunderstood its role?

John Swinney: It is a shared responsibility but, ultimately, I am the education secretary and I am accountable for the performance of Scottish education, and I accept that responsibility unreservedly. However, it is a shared responsibility, because a school has to satisfy itself that it has a good educational rationale for its curricular choice. To me, that is a product of the leadership in the school, the engagement of staff and engagement with the pupil and parent community and the local economic community. A local authority obviously has a statutory responsibility for the delivery of education and its quality at local level, so it has a legitimate interest in satisfying itself that curricular choices that are made in individual schools are appropriate.

Local authorities have taken different stances: some local authorities have said that they will operate cohesive timetables in subject choices to try to help to broaden choice, which is a perfectly understandable model, and others have said that individual schools should decide on their curricular approach, which is also perfectly legitimate—as

long as there is enough challenge in the system for us to satisfy ourselves in respect of the education.

Education Scotland exercises a responsibility in that respect, because it inspects schools and makes judgments on the curricular strength of individual schools. Some schools come out of that assessment well and others come out of it poorly. A judgment is made on what individual models look like. From that, Education Scotland will deduce general lessons and make general reflections, which will inform policy on which it advises me.

I have a responsibility because I look at such questions in relation to the guidance that the system needs. What have I done in that respect? Back in 2016, I said to the chief inspector of education that I did not think that there was enough clarity on what the broad general education should achieve for young people. That is why he issued guidance to the system about the nature of the broad general education and the definitive guidance on curriculum for excellence.

I have asked Education Scotland to lead the process of ensuring that sound, evidenced educational practice is shared more widely across the education system. It is a shared responsibility. I do not say that in order to duck responsibility—I prefaced my remarks by saying that, ultimately, I am responsible for the performance of Scottish education. Professionally—this links to the first item that we discussed today, on the role of leadership—a headteacher must ultimately demonstrate the educational strength for their young people of what they are leading. In my experience, headteachers are keen to demonstrate that.

The SQA does not have such an intimate responsibility because it independently certifies qualifications. However, as an education system, we must ensure that our curriculum, rather than our qualifications, drives the system. That is my view and I am applying it.

Iain Gray: To be fair, the SQA said that it had collective responsibility. I fear that Education Scotland said that it had no responsibility for what was happening in schools.

The position that we have is that it is okay to have a degree of flexibility, which means that subject choice, timetabling, curricular structure and even whether the broad general education is two or three years differ from school to school. We have several hundred secondary schools and the way in which we have oversight of that is through the inspection system, but we know that some schools have not been inspected for 15 years. Is that not a concern, given that you have ultimate accountability?

John Swinney: I do not think that Mr Gray fairly characterises the answers that I have just given. I talked about the different shared responsibilities. I talked about the fact that individual schools must be well-led institutions that are engaged with pupil, parent and staff communities to ensure that a high-quality general education and an appropriate senior phase is delivered for all young people in secondary schools in Scotland. That is accountability number 1. Accountability number 2 is that local authorities have a statutory responsibility for the delivery of education. Local authorities should be constructively and creatively engaged in supporting schools to fulfil that objective. Accountability number 3 is that Education Scotland has a big role to play, along with local authorities, in regional improvement collaboratives, which are a platform for exemplary practice. Other collaborations will also take place.

I was at an event at Duncanrig secondary school in East Kilbride the other week, where numerous schools were presenting workshops on the enhancement work that they were undertaking in curriculum development. One of the themes was broad general education. Four secondary schools in the East Kilbride area of South Lanarkshire have done a fascinating piece of work on how they are collectively challenging their broad general education. That is a third example of accountability and, ultimately, there are the inspections that are undertaken. Therefore, the fact that a school has not been inspected by Education Scotland does not mean that there has not been an active debate about the nature of the curriculum in the school and how it is developed by the leadership of the school and the staff and by engaging with the parent community.

10:30

Iain Gray: Who knows that that has happened?

John Swinney: Local authorities report habitually on the performance of education. We are looking at all those questions through the work and the focus on the national improvement framework and improving Scottish education. All those elements of the work are part and parcel of constantly challenging the way in which we deliver education to make sure that it meets the needs of young people in the 21st century.

Jenny Gilruth (Mid Fife and Glenrothes) (SNP): I will pick up on Iain Gray's point on the schools that adhere to the two, two, two structure. Obviously, they cannot be delivering the BGE as it was intended to be delivered. What is the answer for those schools? I appreciate that you said that you are not going to say that option A is superior to option B, but how can you be sure that the BGE is being delivered in that context?

John Swinney: My answer to Iain Gray is relevant. Those schools need to be able to demonstrate the educational rationale that has led them to the conclusion that they can deliver what is envisaged as the entitlement of young people through the curricular model that they follow. Ultimately, they must demonstrate that the model addresses young peoples' entitlement through curriculum for excellence. It has to be an active process and it is a challenge that schools must be involved in, along with the parent community. Many of the judgments will be influenced by the outcomes that are achieved by young people, because the school has to demonstrate how the outcomes have been strengthened as a consequence of the activity that is being undertaken.

Jenny Gilruth: I want to focus on the role of the SQA and the hours allocation for national qualification courses. Last week, we heard that the rationale for sticking with 160 hours is simply that that allocation is used for legacy qualifications, such as intermediate 2. Does the SQA need to look again at the hours allocation, to help schools with timetabling and to have more consistency?

John Swinney: One of the problems with the 160 hours allocation point is that it rather assumes that nothing that a pupil has learned in the broad general education is of any relevance to the qualification that they are now undertaking. A young person will not succeed in national 5 maths if they do not know what one plus one is. I venture to suggest that they learned that a lot earlier than the start of S4 in secondary school. An assumption is made that prior learning is not really relevant to the calculation of 160 hours, which has perhaps constrained thinking about how courses should be delivered.

Another important element of the 160 hours is the volume of activity leading to qualifications that it is advisable and advantageous for young people to undertake in S4, in terms of their health and wellbeing. Some of the evidence that I have seen, which has led individual schools or local authorities to reduce the number of national qualifications that are undertaken in S4, involves an assessment of the degree of pressure and stress that is being endured by young people. I understand and respect that as a legitimate judgment.

Jenny Gilruth: Have you carried out an assessment of how the removal of outcomes and assessment standards, which was done partly to reduce teacher workload, has impacted on the mental health and wellbeing of pupils?

John Swinney: We have not done that specific exercise, but we are taking forward a range of steps to assess the mental health and wellbeing of young people, and it is an integral part of the approach of schools to make sure that that is being properly supported in the assistance of pupils.

The Convener: Before we move on, I will ask a question. There is no doubt that one of the committee's concerns has been the evidence that was presented to us on the correlation between subject choices, demography and the area in which a school is based. You mentioned that the curriculum has to be built around the economics and based on work with the local community on what is appropriate for it.

Given that evidence and what you have said, how do we ensure that societal inequality is not being built into the system if it continues to be based on demography? How do we ensure that really good pupils in more disadvantaged areas have opportunities to succeed, and also that those in such areas who may not be as academically capable are being supported to perhaps take an articulation route or access modern apprenticeships?

John Swinney: The committee will, I am sure, be exhausted from hearing me say that the direction of Scottish education is about delivering excellence and equity for all. That is a summary point of our aspirations, but it has to be turned into a tangible, practical reality in every locality in our country.

I would be deeply concerned if I saw a situation in which, because of the nature of their social and economic background, young people were not getting access to opportunities. I do not think that that is happening. I do not see evidence of that. I can see young people in areas of multiple deprivation having access to a good-quality range of options based on their interests, perspectives and capacities. However, I remain open to being made certain that that is the case. It has to be the case, because young people have to have the opportunities to progress in whichever way they wish to. The learner journey for those young people has to be appropriate—it has to be designed for them.

For some of those young people, it will be about securing a modern apprenticeship. For others, it will be about securing university entrance qualifications. Whichever circumstance they are in, their aspirations should be fulfilled. The nature, location and background of their school or their environment should not be an impediment to that.

The Convener: Thank you, cabinet secretary.

Dr Alasdair Allan (Na h-Eileanan an Iar) (SNP): Good morning, cabinet secretary. You have discussed the variety that exists across the country in the number of choices at S4. Will you say more about the criteria that different schools might be using? Does the Government or

Education Scotland gather a picture of the criteria that schools use when they decide whether to offer six or seven subjects in S4?

John Swinney: Fundamentally, that judgment has to be driven by a dialogue between the school and the pupil and parental community, and it should be based on the necessity for young people to have both a suitable breadth of opportunity and a breadth of choice in the routes that they can pursue. Those strike me as the fundamental issues that have to be considered at a local level. Understanding the context in which schools are operating and the economic opportunities that may be available to young people is also a critical factor, so the dialogue and relationship with the business community, particularly through the developing Scotland's young workforce programme, which is now being taken forward with tremendous enthusiasm in different parts of the country, should structure the choices and judgments that are made.

Dr Allan: You mentioned that one of the factors has to be ensuring that there is sufficient breadth. Do you think that a minimum number of subjects should be on offer? A small number of schools offer five in fourth year. Without trying to pin you down to telling those schools what to do, do you think that the breadth depends on a minimum number of subjects being offered in fourth year?

John Swinney: Suitable breadth has to be offered for young people. As I said earlier, the curriculum management board envisaged a range of between five and eight subjects. Anything that reduced the number below that would raise some serious questions, and I am not sure that I would understand the educational rationale for such an approach. That is a material factor in a judgment on that point.

Dr Allan: I appreciate that, as you said, the number of people who leave at the end of S4 is a much smaller share of the school population than it was 20 or 30 years ago, but do you think that the number of subjects offered in fourth year has an impact on the number of qualifications or opportunities that they leave school with? Are there other routes available to them in fourth year that would compensate for that?

John Swinney: The nature of education provision is changing. In my introductory remarks, I talked about the importance of the partnerships that are established. Increasingly, schools are operating with a much greater sense of partnership working beyond the school boundaries. Relationships with colleges are critical in broadening the opportunities that are available for young people.

Although the overwhelming majority of young people are staying on longer at school, completing their school education at S6, they will not be in school for all that time. They will spend part of their week in colleges or other settings. Schools provide the anchor for the education of young people, but they draw on relationships with a range of other organisations, which also enhances the choice and opportunities that are available for young people, and there will obviously be some young people who want to pursue those opportunities full time by leaving at S4.

My judgment is that the education system is now very much more focused on the destinations that young people go on to. Individually, schools want to be satisfied that young people are going on to good destinations. Therefore, they will work very hard, in partnership with the Skills Development Scotland careers advisers who are available in schools, to ensure that young people are making considered judgments about what their next opportunities will be, even if they decide to leave at S4. The prevailing view, however, is that most young people stay on beyond that. It is important that good-quality advice, information and support are available to young people to enable them to make the wisest choice possible.

Johann Lamont: I want to follow on from the points that the convener made and ask, first, about a specific group of young people—looked-after children. The centre for excellence for children's care and protection told the committee that about 75 per cent of looked-after children will leave school in fourth year. That presents a challenge if the curriculum is delivered over three years. We may have an aspiration that those young people will choose to stay on, but their circumstances may not lend themselves to that. What is the answer to that? Some young people will leave school at the end of fourth year, so how do we ensure that there is enough opportunity in the fourth year to allow young people to leave with a reasonable set of qualifications?

10:45

John Swinney: I am satisfied that young people have access to a range of opportunities in S4 that enable them to acquire a good range of qualifications.

The specific question that Johann Lamont raises about looked-after children is a deep and challenging one that concerns an issue that we are committed to and are actively seeking to address with CELCIS. A couple of weeks ago, I took part in a fantastic CELCIS education conference that focused on how we can improve even further the positive impact of education on looked-after children. Progress has been made in recent years, and the data demonstrates that looked-after children are achieving better educational outcomes today than they were 10

years ago. However, it is still not good enough—I readily concede that.

Ensuring that those young people have opportunities to be successful is tied up with ensuring that they have a curricular approach that meets their needs and supports them in their aspirations. The flexibility of curriculum for excellence enables that to be the case, because young people will be able to make a range of choices not only about what are called national qualifications but about a range of other opportunities and awards that will give them foundations on which they can build later in life.

Johann Lamont: But you can see the contradiction if you say that the course has to be done over three years, but the most disadvantaged young people leave at the end of fourth year. That follows on from Professor Scott's research, which suggests that the most disadvantaged young people leave with fewer qualifications than they did in the past. These are big issues, and that approach might compound problems for the most disadvantaged young people. Will you make a commitment to consider the issue in relation to the argument around a three-year curriculum?

John Swinney: I will give that commitment. The issue is one that concerns me, hence my active engagement with CELCIS. The Government supports CELCIS to undertake important and valuable education work for looked-after children. The data that was highlighted at the CELCIS education conference demonstrated that we can make significant enhancements in the performance of those young people. However, that has to be achieved with the requisite amount of support and assistance for them.

I hope that, in its inquiry, the committee will consider the range of awards and recognitions of achievement that young people can access. Recently, I visited Bellshill academy. One of the options that it makes available to young people in the curriculum is the Duke of Edinburgh's award scheme. The pupils explained to me the benefits that they got from that, and the headteacher and staff explained to me that, in many respects, they find that the scheme equips those young people with the skills that they need to deal with the challenges that they face, and that that is of immense value to them. That will not register in terms of national qualifications, but it provides a capacity and capability that will be beneficial for those young people. It is important that the inquiry considers the range of opportunities and options that are designed to strengthen the life chances of young people.

Johann Lamont: I think that we would want to make sure that that range of options is applied equally across schools. If it transpires that, in a less disadvantaged school, pupils can access a broad range of what would be called core subjects but, somewhere else, there are fewer of those but there is the Duke of Edinburgh's award scheme, I suggest that the issue is the implications for some young people in disadvantaged areas who could achieve significant levels of qualification.

John Swinney: My firm view is that the broad general education provides that coverage of what one might call core subjects. I would be interested in the committee's definition of what it considers to be core subjects, and I hope that that comes out in the inquiry. That flows through into the options that are available for young people in the senior phase in terms of a combination of the national qualifications and the other awards that are available to them.

Johann Lamont: There is the whole argument around certification for all, which we might not deal with here.

I want to ask you about multilevel teaching, which we have been given quite a lot of evidence on. As you know, Larry Flanagan said that there has been an "explosion" of multilevel teaching. It was a significant concern that came out from the evidence of a focus group of teachers. It is no longer the exception but is increasingly the norm. Is it acceptable for it to become the norm, or will you keep it under investigation?

John Swinney: I am interested in looking further into that question. I have not seen any data that would allow me to make a judgment on whether there has been an "explosion", and I do not think that that data exists.

Johann Lamont: It is reasonable to suggest that the general secretary of the EIS would be aware of the situation and would not have said that lightly. Would it concern you if there were an explosion of multilevel teaching?

John Swinney: To come to the view that there has been an explosion, there would have to be a degree of quantification.

Johann Lamont: Will you do that?

John Swinney: I will look carefully at those issues. In principle, I have not seen any educational argument that says that there is something inherently damaging about multilevel teaching, and it has been part of the Scottish education system for a long time—perhaps for all time.

Johann Lamont: It has not been a routine part of the system, although I can understand it as an exception. I would like a commitment from you to research it and to look at whether there is an issue in particular subjects. There is some evidence to suggest that—particularly for the sciences—national 4, national 5, higher and advanced higher

students are being put together. That might be a timetabling convenience, but it is an educational challenge. Teachers have told us that.

John Swinney: The important test of multilevel teaching is the educational challenge and other educational issues that are involved. Multilevel teaching has been in the education system for as long as I can remember and I have never heard anybody argue that, educationally, there is something wrong with it. I will—

Johann Lamont: Forgive me—do you think that it is acceptable for somebody to try to teach advanced higher, higher, national 5 and national 4 physics in the one class? Is that an optimal environment for a young person to learn in?

John Swinney: It depends on the context. I have seen examples of teaching in Scotland in which different levels of teaching are undertaken by a number of professionals in one classroom setting. I have seen a number of teachers and technicians supporting young people through multilevel science lessons and providing an active and engaged learning environment. Educationists were delivering that teaching, and it did not look to me like a timetabling convenience.

I am happy to explore the issue in greater detail. Fundamentally, however, if there has been an educational disadvantage from multilevel teaching, it has existed in Scottish education for a long time.

Johann Lamont: I am old enough to remember when schools had principal teachers for physics, biology and chemistry and when there were classes for highers, O grades and so on. Multilevel teaching might have happened on occasion, but I do not accept that it was the norm. We are trying to establish whether it is becoming the norm and it would be helpful if some research on that was done.

The separate question is one of equity. Schools with a large senior cohort could end up with very little multilevel teaching because they have the numbers to make up the classes. However, in more disadvantaged areas, it could become the norm for students to be taught in a multilevel group, which compounds disadvantage. Are you willing to look at that?

John Swinney: I will certainly look at that, because I do not want any disadvantage. However, there are alternative models. For example, yesterday at the Caritas award ceremony, I talked to a young man who explained that he comes from a school—St Mungo's academy in the Gallowgate—where there is no provision for advanced higher maths. However, he was able to undertake that subject at the advanced highers hub at Glasgow Caledonian University, where he was in a class with other advanced higher students from areas around the city of Glasgow, in what I consider to be an excellent educational innovation. The hub is provided for the city of Glasgow, which has the critical mass that enables it to be put in place, but other models of that type are being used in different fashions around the country.

Johann Lamont: I accept that there are different models, and I have had the privilege of learning about the Glasgow Caledonian one. I also understand that not all schools can offer every subject. However, the question is about someone in a school in a disadvantaged area who is in a multilevel class and has to travel to do a variety of subjects. Do you accept that such a situation perhaps amplifies disadvantage? I accept that there are challenges, but do you accept that if, because of the constraints on it, a school is routinely organising multilevel teaching when other schools are not, and young people are having to travel, an equality impact assessment might identify disadvantage in that? There might be a very smart young person in one school who is not being taught in a multilevel class, and another in another school who is routinely being taught in such a class.

John Swinney: In this country, there are fundamental issues of educational inequality that we must wrestle with. For example, if the young man I was talking to yesterday had wanted to do advanced higher maths at St Mungo's academy, the headteacher might have told him, "I am sorry—we can't offer it."

Johann Lamont: With respect, that is not the point that I am making. I accept that, for that young man, the solution is an excellent one, and that it is better than him not being able to do the subject at all. However, I am asking you to explore whether such solutions are disproportionately aimed at young people in disadvantaged areas. I am particularly concerned about multilevel teaching, which is of a different order.

John Swinney: I was trying to be helpful in the way I answered that question. All such factors must be considered together. I accept that, if St Mungo's academy had been unable to deliver that young man's course and there had been no other option for him, he would have been at a disadvantage. However, another option is available to him, which enables him to do the course. It involves him in travelling, so an element of disadvantage could be said to be involved, in that he has to move around. Equally, the young people I have met at Glasgow Caledonian University hub told me that they loved going there because they were in a university environment and they no longer felt like school pupils. That illustrates that none of those issues can be neatly compartmentalised.

I have absolutely no interest in tolerating a situation in which young people are unable to fulfil opportunities because of disadvantage. I try to attack that at all times, and I give the committee a commitment that I will do exactly that.

Johann Lamont: Are you willing to research the specific question of multilevel teaching and where it is most prevalent?

John Swinney: I will look carefully at what the committee considers on that point. Multilevel teaching has been part of Scottish education. I will look carefully at the issues that are involved in it, but I have not yet seen any evidence of educational disadvantage because of it.

Johann Lamont: Do you accept that, in the evidence that is before us, the focus group and the general secretary of the EIS identified multilevel teaching as being a problem?

John Swinney: I recognise what you have heard—yes.

Oliver Mundell (Dumfriesshire) (Con): If you are saying that you have not seen evidence, I do not understand why you do not look for it. That does not seem to be very satisfactory. I add my voice to the calls to see research. My experience in my local authority area, where I was a school pupil not all that long ago, is that things have certainly changed. It used to be that pupils being in multilevel classes was done when that was absolutely necessary, whereas now it seems to happen fairly routinely. I ask you to look at that.

John Swinney: I will consider that.

Oliver Mundell: I also want to go back to your previous point about accountability, and the example of South Ayrshire Council. Is the 18-subject model something that happens in every school in that authority's area?

11:00

John Swinney: Yes—I believe so.

Oliver Mundell: Where was that decision taken? Do you think that it is right for local authorities to tell all schools within their area how many subjects they should be offering in each year?

John Swinney: I understand that a discussion took place between the local authority, the headteachers, and the parent communities, and they came to that conclusion.

Oliver Mundell: Would you therefore expect that same decision-making process to happen in all 32 local authorities in Scotland?

John Swinney: No. For me, it is crucial that schools are satisfied with the model that is deployed, because they are the educators. Oliver Mundell will be familiar with my wider education agenda and will know that I believe that schools should be the determinants of more and more of their curricular choices. I would not find it acceptable for that model to be imposed on schools without their consent. However, if schools were to have a discussion with their parent and pupil communities, and with the local authority, and were to decide that that was the appropriate approach, I would leave them to make that judgment.

Oliver Mundell: Just to be absolutely clear, you think that it is wrong for a local authority to set a mandatory number of subjects for schools in its area.

John Swinney: Yes—if it were to do so without dialogue with the schools.

Oliver Mundell: Thank you. On rural schools, South Ayrshire is a neighbouring authority to the one that I represent. If it is able to offer that consistency across an area that takes in some more urban communities and some more rural communities, why would it not be possible for that to be offered elsewhere? What is your comment on that?

John Swinney: In relation to?

Oliver Mundell: I am talking about the variability between what is offered in rural schools and what is offered in schools in more urban settings. Why does South Ayrshire Council think that it is appropriate to have a standardised approach that covers rural and urban communities to make sure that there is equality of opportunity, when other local authorities seem to find it more difficult to offer that consistency?

John Swinney: As I said in my earlier answers, such matters should be decided at school level. If there is collaboration among schools in a local authority area and they are all involved in that discussion, that is perfectly acceptable. It is up to individual school communities to make such judgments.

Oliver Mundell: Does it concern you that some rural schools are struggling to offer the same number of choices? They are, in effect, offering a smaller menu of choices.

John Swinney: I would be concerned if a reduced menu was being made available to young people. If there are examples that Mr Mundell is concerned about, I will happily consider them.

However, when I visited Dalbeattie high school, which I concede is not in Mr Mundell's constituency, I saw that a pretty broad curricular offer is being made available. My visit included a rather surprising walk down a corridor in the school, past the usual range of computer suites and the home economics room and on into a full

motor engineering garage. That rather surprised me, but it is a part of the school's offer of applied engineering skills, which results from the challenges that are faced by its young people in accessing college courses because of travel and distance, with which Mr Mundell will be familiar.

I am happy to explore particular situations that Mr Mundell wants to bring to my attention, but I think that schools make a real effort to provide such breadth in opportunities.

Oliver Mundell: I guess that that makes my point. If that can be done at Dalbeattie high school, in the Dumfries and Galloway Council area, why can pupils across the region not expect the same range of choices?

John Swinney: I am sure that there will be things going on at other schools in the locality that are not going on in Dalbeattie high school, because choices are made locality by locality.

Oliver Mundell: Does not that create a bit of a lottery in respect of the options that young people want to pursue? For example, just as travelling to a college might be difficult for them, pupils could not easily travel regularly from Moffat, Lockerbie, Langholm or Annan to Dalbeattie to access that course.

John Swinney: I totally accept that choices can be more difficult because of rurality. I represent a rural area and I know exactly what the challenges are. Models can be deployed to try to ensure that the broadest possible choice is available to young people. I stress that, if there are concerns about availability of course choices, I am happy to explore them.

We have taken other measures to expand access to options, such as the Government's investment in a joint venture with the Western Isles Council on the e-Sgoil, which now supports delivery of education in 21 local authority areas. Dumfries and Galloway is one of them. Receiving courses through e-Sgoil and deployment of learning digitally across a range of subjects can be of assistance.

Oliver Mundell: I accept that, but not every school is in a position to offer those courses. I will write to you separately with examples.

John Swinney: Please do; I will be happy to see that.

Rona Mackay (Strathkelvin and Bearsden) (SNP): You said earlier that the curriculum, not qualifications, should drive the agenda. You also said that we are achieving record exam passes and positive destinations, which I guess indicates that the curriculum is working.

I will come back to the flexible approach that schools take to the senior phase. You said that schools should set the agenda according to the needs of their community, rather than structures being imposed on them by the local authority. Do parents and communities have enough encouragement to have their say on the curriculum or subject choices? Is the arrangement practical and workable?

John Swinney: The arrangement is practical and workable. The committee has heard about the dialogue with parents that has taken place in order to formulate agreement about curriculum choices. The committee's discussions two weeks ago with a range of local authority representatives—a number of whom had been headteachers and had presided over the process—demonstrated that it has been practical and plausible to have such dialogue, and that it has been of enormous value.

Whether it happens in every case is a different question altogether. I concede—

Rona Mackay: Is it up to schools to encourage that dialogue?

John Swinney: Yes, it is. The national improvement framework includes a distinct element on parental involvement; we lay heavy emphasis on it in all aspects of education and educational choice. Active involvement and dialogue are not just about who will be members of the parent council this year; they are about formulating the curriculum and deciding what its components should be.

That dialogue also helps in addressing some of the other issues that the committee has heard about, in relation to the curriculum that is available today in Scottish education seeming to be different from what many parents experienced. It is very different from the one that I experienced. The best way is to engage parents in that discussion and debate in order to ensure that they have an active sense of how the curriculum is formulated and should be taken forward.

Ross Greer (West Scotland) (Green): I return to a thread that Iain Gray, the convener and Johann Lamont have pursued. Where would responsibility lie for identifying evidence of inequality in the system—an emerging inequality or one that had existed for some time—around subject availability, for example? Would it lie with Education Scotland?

John Swinney: Such evidence would emerge in the discussion on the strength and efficacy of the curriculum of an individual school. Ultimately, it is about school-by-school choice. Throughout my evidence this morning, I have laboured the point that schools are offering different curricular approaches and that, as a country, we took a strategic decision to move away from a rigid and prescribed curriculum to a more flexible curriculum. By taking that decision, we opened up

the possibility of variety. Within that, individual schools must be satisfied that they are taking the correct curricular approach.

As I explained in my answer to Iain Gray, accountability and scrutiny come at a number of levels. They come at school level, in discussion with parents and pupils; at local authority level, in their interaction with schools about whether, based on an authority's professional education expertise, the needs of young people are being met effectively; and through the work that we share with Education Scotland on delivering best practice and highlighting good practice, and the inspection evidence that emerges.

Ross Greer: You said that you, as education secretary, are ultimately responsible. Who brings issues to you? I accept your point that it is about giving as much flexibility as possible to individual schools, but if a national trend appears to be emerging, or if a national issue existed in the first place, that goes beyond individual schools. If we see that all schools that have a particular demographic disposition are disadvantaged because of one particular issue, such as subject availability, surely there comes a point at which Education Scotland has a responsibility to take the issue to you, as the cabinet secretary. I assume that it would have responsibility to say that there appears to be a national problem because an issue is not isolated to one or two local authorities or one or two schools, and there is a clear trend across the country. If there might be a national problem, surely our national education agency has a responsibility to identify whether that is the case and, ultimately, to take it to you.

John Swinney: That is what Education Scotland does in its inspection activity, in which the criteria and quality indicators that are looked at are leadership of change; learning, teaching and assessment; ensuring wellbeing, equality and inclusion; and raising attainment and achievement. All those quality indicators are relevant to the nature of the curricular choice that a school makes. If Education Scotland were to see a pattern emerging from inspections, it would obviously raise that issue.

A second element of Education Scotland's work, which is a crucial product of inspection, is about what lessons are deduced from the inspection evidence in order to inform policy frameworks. That task is not exclusively for Education Scotland, because local authorities will have a perspective on that, as will the professional associations.

That is why I created the Scottish education council, which I chair and which brings together, among others, Education Scotland, the SQA, directors of education, the Convention of Scottish Local Authorities, the regional improvement collaboratives, the professional associations and the General Teaching Council, along with young people and parents. We have that forum in which trends can be considered and assessed, and through which I can build cohesion around the right steps to take.

Fundamentally, curriculum for excellence is a product of extensive dialogue to achieve a consensus in Scottish education, and that is the spirit in which I am trying to take matters forward.

Ross Greer: I will ask about one specific trend that has come up a couple of times this morning and which I raised with the Education Scotland witnesses. Almost two years ago, after a pretty simple series of freedom of information requests, *The Times* published a story on the fact that schools in Scotland's most deprived communities were on average offering their pupils a choice between 17 subjects at higher and schools in our least deprived, or most privileged, communities were on average offering a choice between 23 highers.

Without getting bogged down in the specific numbers, do you acknowledge that a gap in the availability of highers corresponds to the level of deprivation in the community where a school is located?

11:15

John Swinney: I would have to look carefully at whether a pattern exists. The position also depends on the choices that are made about where we judge deprivation to exist—do we judge its existence on the location of the school or the pupils' home residences? That makes a difference. A school that is located in what is judged to be an area of multiple deprivation can have a pupil cohort that does not emerge exclusively from deprived backgrounds, and the converse applies.

We must look at the pooling arrangements, which have been raised, that are used to provide courses when pupil numbers are low. In the city of Perth—I represent part of it—the four secondary schools operate shared arrangements to ensure that young people have a broader choice. If, for argument's sake, school A does not provide biology, school B will do so. The course will not show up in school A's profile, but it will show up in school B's profile.

I am open to exploring questions about deprivation. As I said, I do not want the backgrounds of young people to inhibit their opportunities to progress.

Ross Greer: I appreciate that. How should the issue be explored? To return to my original question, what *The Times* has done is not

unique—Professor Jim Scott and others have done the same work, and the EIS has expressed concern about the issue. If the evidence is emerging, surely Education Scotland should be responsible for identifying whether there is a national trend; I am unclear about where else the responsibility should lie. If research were to be commissioned, surely Education Scotland would do that and take it back to you.

John Swinney: I am in no way trying to be obtuse, but the issues are not neatly compartmentalised. Ultimate policy responsibility for curriculum design rests with the Scottish Government and me as the education secretary, but I am significantly advised by Education Scotland. The approach is not to compartmentalise the issue for one institution. As the education secretary, I accept that you have raised material issues for consideration, which I am happy to explore.

Ross Greer: I appreciate that. Education Scotland did not accept that the issue exists, so it is certainly worth exploring.

When I asked him about the availability of highers, Alan Armstrong responded that the Scottish Government has started to commission research into the whole learning offer in schools across qualifications. Will you give us more detail on that research? Will it cover the questions that I have asked about the relationship between the availability of highers and the deprivation of a school's catchment area?

John Swinney: I will have to refresh my memory about the details of that exercise. It is looking at the breadth of the offer but, crucially, it is about not just national qualifications but other opportunities and awards. The work will assess the spread of the debate that I advanced in my opening remarks. We cannot look at the issue just through the prism of national qualifications; the analysis must be broader, and that is the approach of the exercise.

For completeness, I should say that the exercise is the Scottish Government's senior phase headteachers survey. I have approved the survey's contents and expect it to be distributed imminently. I hope to have the responses analysed to enable me to respond to the report that the committee produces.

Iain Gray: A number of the submissions that the committee received expressed concern about the national 4 qualification, which some people described as "worthless". I put that to the chief examiner when she gave evidence to the committee. She did not accept that analysis but she conceded that there is a problem of credibility with the national 4 exam. Do you share that view?

John Swinney: I share both views, in that I think that national 4 is a valuable qualification but I accept that there are problems with its perception.

We are taking steps to build credibility. One of the factors in that regard was the existence of fall-back, whereby if a young person did not achieve a satisfactory level in national 5, they could get a national 4—not automatically, but as long as they had the unit history to demonstrate that learning. The approach made that qualification look a bit like compensation, and I have now removed fall-back, to ensure that we can explain to parents, young people and external stakeholders that national 4 represents significant learning, which is of value to young people. That is just one of the measures that we are taking to promote and strengthen national 4.

The Convener: I thank you and your officials for your evidence this morning.

11:22

Meeting suspended.

11:26

On resuming—

Petitions

Free Instrumental Music Services (PE1694)

The Convener: We move to agenda items 4 and 5, on public petitions. Petition PE1694, in the name of Ralph Riddiough, is on the subject of free instrumental music services.

Paper 4 in the committee meeting papers outlines the history of the petition and the work undertaken by this committee on the matter, which has been substantive.

As members will be aware, the committee has completed its inquiry into instrumental music tuition, published its report, considered the responses from the Scottish Government and COSLA and debated the report in the chamber. Paper 4 points out that

"the petitioner has launched a crowdfunding campaign for legal action to challenge the lawfulness of charging for instrumental music tuition in schools."

Paper 4 states:

"The Committee is asked to consider closing its consideration of the petition on the basis that it intends to monitor the progress of the legal challenge on charging for instrumental music tuition and reserves the right to revisit this issue in its future work programme."

Are we content to close the petition at this stage?

Members *indicated agreement.*

Getting it Right for Every Child Policy (Human Rights) (PE1692)

The Convener: Petition PE1692, in the name of Lesley Scott, on behalf of Tymes Trust, and Alison Preuss, on behalf of the Scottish Home Education Forum, calls for an inquiry into the human rights impact of the getting it right for every child—GIRFEC—policy and data processing. Paper 5 in the committee meeting papers outlines the history of the petition.

This agenda item is intended to be an initial discussion of the petition. Paper 5 suggests options for gathering information that could serve as a useful context for the committee's next consideration of the petition. As paper 5 sets out, the findings of the GIRFEC practice development panel will be relevant to the committee's more substantive consideration of the petition, which will take place once the findings are in the public domain. Do members have any comments on the petition, including the options set out by the clerks in paper 5?

Liz Smith: The petition makes some extremely valid points and there are likely to be some interesting points to be developed from the petition following the updated guidance. It is fair to investigate the matter further.

Johann Lamont: One of the issues that the petition flags up is that, although advice was withdrawn, it is still informing practice. That is a concern and it is the kind of issue that will be dealt with through the code of practice. There is the broader question of having a named person and people's concerns about the implications of that. However, I think that the petitioners are concerned that while the debate is on-going, some of the ideas behind it have been implemented. The Public Petitions Committee certainly felt that to deal with the petition in the context of our consideration of the code of practice made sense.

The Convener: Paper 5 sets out two options. First,

"The Committee could write to the Scottish Government seeking its perspective as to how the framework for the functioning of independent bodies operates where multiple remits are engaged on a particular issue. For example, the petitioners raise cases that cover human rights considerations, including rights of the child, the processes of local authorities, the processes of NHS Boards and also on the appropriate sharing and processing of data."

Is the committee content to write to the Government on that issue?

Members *indicated agreement.*

The Convener: The second option is that

"The Committee could write to the ICO seeking an update on its work following the introduction of GDPR including any issuing of updated advice and other work with organisations to ensure the shift in data sharing practices from those adopted under the Data Protection Act (including moving away from practices based on 2013 ICO advice and 2016 advice)."

Is the committee content to write to the Information Commissioner's Office on that area?

Members *indicated agreement.*

The Convener: Thank you. That completes the formal part of the meeting.

11:30

Meeting continued in private until 11:44.

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