OFFICIAL REPORT
AITHISG OIFIGEIL

Education, Children and Young People Committee

Wednesday 18 September 2024

Session 6

The Scottish Parliament
Pàrlamaid na h-Alba

Wednesday 18 September 2024

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EDUCATION, CHILDREN AND YOUNG PEOPLE COMMITTEE
23rd Meeting 2024, Session 6

CONVENER

*Sue Webber (Lothian) (Con)

DEPUTY CONVENER

*Evelyn Tweed (Stirling) (SNP)

COMMITTEE MEMBERS

*George Adam (Paisley) (SNP)
Stephanie Callaghan (Uddingston and Bellshill) (SNP)
*Pam Duncan-Glancy (Glasgow) (Lab)
*Ross Greer (West Scotland) (Green)
*Liam Kerr (North East Scotland) (Con)
*Bill Kidd (Glasgow Anniesland) (SNP)
*John Mason (Glasgow Shettleston) (Ind)
*Willie Rennie (North East Fife) (LD)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Barry Black (University of Glasgow)
Professor Graham Donaldson (University of Glasgow)
Professor Kenneth Muir (University of the West of Scotland)
Professor Mark Priestley (University of Stirling)

CLERK TO THE COMMITTEE

Pauline McIntyre

LOCATION

Committee Room 1

Scottish Parliament

Education, Children and Young People Committee

Wednesday 18 September 2024

[The Convener opened the meeting at 09:00]

Subordinate Legislation

Academic Awards and Distinctions (SRUC) (Scotland) Order of Council 2024 (SSI 2024/219)

The Convener (Sue Webber): Good morning, and welcome to the 23rd meeting in 2024 of the Education, Children and Young People Committee. We have apologies from Stephanie Callaghan MSP.

Before we start, Pam Duncan-Glancy would like to make a statement.

Pam Duncan-Glancy (Glasgow) (Lab): Good morning. I want to declare an interest with regard to today's evidence taking, particularly the second panel, when we will hear from Barry Black. As he has noted in his submission, which has been given in advance, Barry has carried out policy development work for me. As such, I will not be directing any questions towards him this morning. Thank you.

The Convener: Thank you for that.

Agenda item 1 is consideration of a piece of subordinate legislation. The purpose of this order of council, which is being considered under the negative procedure, is to specify Scotland's Rural College as a higher education institution competent to grant degrees, diplomas, certificates and other academic awards or distinctions, not including those made on completion of a programme of supervised research.

If members have no comments to make, does the committee agree that it does not wish to make any recommendations on the order of council?

Members *indicated agreement.*

Education (Scotland) Bill: Stage 1

09:02

The Convener: Agenda item 2 is our first oral evidence-taking session for stage 1 of the Education (Scotland) Bill. This morning, we will hear from two panels of witnesses.

I welcome our first witness, Professor Kenneth Muir, who is an honorary professor at the University of the West of Scotland. Professor Muir will make a short opening statement before we move to questions from members.

You have up to three minutes, Professor Muir. Over to you.

Professor Kenneth Muir (University of the West of Scotland): Good morning, everyone.

When I was commissioned by the previous education cabinet secretary to write my independent report, I was asked to address three decisions that had already been made: to replace the Scottish Qualifications Authority; to reform Education Scotland; and to re-establish an independent inspectorate. I was also asked to consider the creation of a curriculum and assessment body. As part of my terms and conditions, I was encouraged by the then cabinet secretary to be bold and radical, and I—and indeed my expert panel and the practitioner and stakeholder advisory group that I set up—took that as a clear indication that the Scottish Government was serious about reforming the education system for the youngsters in our schools, both currently and in future generations.

Those three bodies, as you will be aware, form a major part of the very complex and very interconnected education system that we have in Scotland. At the outset, I was keen to make sure that I considered and spoke to many of the folk who were likely to be most affected by the proposed structural changes. In particular, those folk were, for me, the expert practitioners who engage in learning and teaching and the young people themselves, who are served very often by many of these bodies.

I undertook extensive consultation and out of the very many messages that I received, there were two in particular that I felt were significant. First, there was a feeling of overall support for the proposed changes to the three bodies and, secondly, now was as good a window of time as any to engage in radical change of the education system to address some of the long-standing issues that it had faced.

I do not have any doubt that my report and the reports of Professor Louise Hayward and James Withers—and the report that is often forgotten,

which is Angela Morgan's report on additional support for learning—raised expectations among the teaching profession in Scotland that reform was coming down the line. Taken together with the Organisation for Economic Co-operation and Development report, Gordon Stobart's report and the reports that have been prepared by the Scottish Government's own International Council of Education Advisers, they provide compelling and consensual recommendations on how we can build on the strengths of the education system and ensure that it meets the needs of current and future generations of children and young people, giving them the best opportunities to thrive and survive in the very fast-changing world in which they will live. For me, that is the rationale for reform.

There are risks—of course there are—but I think that the risks for our current and future generations of not reforming are even greater. It is my view that reform needs to go well beyond what is contained within the bill. The pandemic is certainly presenting additional challenges for schools, but the basic reasons for wider reform remain, and, indeed, they were clearly articulated to me when I carried out the research for my report.

Perhaps I can give you a couple of examples. There is a need for us to address the volume and lack of coherence in policy making. According to the OECD report, the Scottish education system was a "busy" one

"at risk of policy and institutional overload".

We also need to rethink our curriculum and our approaches to learning and teaching so that learners are as well prepared as they can be for the very different world in which they will live, and, for me, that includes much more opportunity for interdisciplinary learning alongside subject learning.

We need to fully embrace the implications of the United Nations Convention on the Rights of the Child, particularly articles 28 and 29. Reform also requires changes to mindset and culture, particularly around what we value, how we value learning and how we recognise the achievements that all learners make throughout their learner journey, from pre-school all the way through to the end of the senior phase and beyond.

We need reform of the measures and the metrics that we use to determine the success of our education system, as well as the accountability measures that we put in place. We need a system that builds greater trust and genuinely increases empowerment within it so that it is much less top down and instead uses expertise from the ground up.

There are issues about how we keep the curriculum up to date in a fast-changing world and ensure that it is driven largely by what we value and not, as is currently the case, by the examination system. Finally, we need to review the governance and support structures and, critically, how we listen to the voices of children and young people, who matter most and who are most affected by their learning experiences.

The cabinet secretary acknowledged in November 2023 that

"reform is a process, not an event"—[*Official Report*, 7 November 2023; c 26.]

and I agree whole-heartedly with that. If this education reform bill is a first step in that process of meaningful, sustainable, long-term strategic reform of the kind that I have recommended in my report, and which others have recommended in other reports, it might have some impact.

However, we know that structural change in itself is not reform. On the surface, the bill appears to address most of the recommendations relating to the creation of an independent inspectorate that I make in my report, although I do have concerns about its giving sufficient flexibility for a truly independent inspectorate to adapt to the ever-changing environment in which it will operate.

The bill does not take account of all the recommendations relating to the replacement of the SQA, specifically the decision not to separate the awarding function from the regulation and accreditation functions. It is not clear how the bill's proposals will address the important issues that have been raised with me about the need for a cultural change so that the organisation will be driven by: effective and listening leadership; greater openness and transparency; governance structures that guarantee meaningful engagement and communication with centres; and expert practitioners and learners or how it will create a system that makes the proposed qualifications Scotland far more accountable to those who use its services.

Convener, I look forward to discussing these and no doubt many more issues with you and your committee this morning.

The Convener: Thank you very much, Professor Muir. We will now move to questions, kicking off with Liam Kerr.

Liam Kerr (North East Scotland) (Con): Good morning, Professor Muir.

I was very interested in what you said in your opening remarks. First, you talked about the chronology of how we have got to this point. In 2021, the Scottish Government announced that it would scrap the SQA and create a separate inspectorate. Your report, which came out in 2022,

made recommendations that, presumably, were based on the presumption that the SQA would be scrapped and the inspection function removed from Education Scotland. Would you have recommended those changes had they not already been pre-programmed by the Government?

Professor Muir: Over the years, the education system has accumulated a range of issues and problems that have not been resolved. The OECD report, which preceded my own report, made it very clear that, as I have already quoted, we have a very "busy" system that is

"at risk of policy and institutional overload".

I think that that comment really characterised the point that we had got to in the education system. There was a recognition that a window of time had opened; even before I undertook my report and the Scottish Government announced the structural changes that it did, it was felt that the time was right to look seriously at the education system as a whole and to try to find ways in which we could address some of these sometimes quite long-standing issues that had not been particularly addressed.

As I said in my opening statement, the complexity of the education system in Scotland is quite remarkable for such a small country. It has—and had—tied us in a bit of a knot, and as I have said, I think that there was a recognition prior to the OECD report in 2021, prior to the Government's announcement and prior to me undertaking my own report that we had a window of opportunity. Recognising, at the same time, the very fast-changing nature of society and how education needed to reflect those changes, people felt that it was time to look at something more radical than we had had in the past.

Liam Kerr: I am very grateful for that.

You have said that we need to look at the education system as a whole and that its complexity is remarkable—and I agree with you. The bill, however, is part of a wider set of reforms and policy work around education. You mentioned in your opening remarks Hayward, Withers and Morgan as well as several others, and said that, taken together, what their reports said will meet the needs of Scotland's education system. Some voices have suggested that doing it like this—that is, in almost a piecemeal, a-bit-here, a-bit-there way—is not the optimum approach. What is your view of that? Is now the right time to introduce this bill before other aspects of the reform programme are bottomed out?

Professor Muir: I think that we have been very good in Scotland at taking a very piecemeal approach, particularly to curriculum change and curriculum development. It used to be that, roughly every seven or eight years, there would be another initiative, whether it be the five-to-14 curriculum, higher still or whatever. We have not really looked at the entirety of the education system. In my report, I think beyond just the school sector; I know that the organisations that I was looking at were much more focused on that sector.

I would say that issues arising over a number of years culminated and came to a head probably around Covid, and were exacerbated to some extent by it. Folk were saying to me, "We have a window of opportunity here." We need to try to embrace that, because the society that children and young people are moving into is becoming more complex. The pace of change is exponential, and we need to play catch-up to get our education system fit for purpose for, as I said in my opening statement, current and future generations. Taken together, those reports provide that opportunity.

The Government chose to make the decision that the process would begin with structural change. I fervently hope that this bill is the start of a process, but reform itself needs to happen over a much longer period. One of the next steps has to be a strategic plan that is manageable over a period of probably five or 10 years. If what is in the bill is a starter, I think that it is a reasonable start. That said, we need to take account of what came through, for example, in the national discussion report from Professors Alma Harris and Carol Campbell on a vision for Scottish education; indeed, those were the first two recommendations in my report. Had it been me, that would have been the starting point.

09:15

We have a bill in front of us that looks at certain legislative change. Lots of other changes do not require legislation, but I think that we need to keep in mind and have a perspective on the entirety of the education system. It strikes me that one of the areas that would characterise that would be much more of a recognition of the value of what happens in pre-school and primary education, and looking at change from the perspective of the learner instead of national bodies and organisations and what they think is required—hence the title of my report: "Putting Learners at the Centre".

Liam Kerr: Thanks for that.

My final question is on something else that you mentioned in your opening remarks. You were asked in your remit to be bold in your conclusions and to say what needed to be done. As part of that, you recommended separating the SQA's awarding function and its regulatory function. The University of Stirling has told the committee that the bill ignores that proposal and that that is a

mistake. What is your view? If you agree with that comment, what should be done to this bill?

Professor Muir: I was very clear that we need a mechanism whereby the awarding side of the SQA is subject to greater scrutiny. As part of my work, I looked at what happened in other jurisdictions within the United Kingdom and in the Republic of Ireland, and my sense was that, given some of the criticisms that had been levelled at the SQA, particularly over the Covid period, that was the right thing to do.

I had envisaged a Scottish version of the Office of Qualifications and Examinations Regulation south of the border, but I was informed very late on in my six-month tenure that creating a new public body was not on the cards. I still think that the principle of separating the awarding function and the accreditation and regulatory functions should be looked at. Clearly, though, the bill does not go down that road.

Liam Kerr: I am very grateful for that.

The Convener: We now come to questions from Pam Duncan-Glancy.

Pam Duncan-Glancy: Good morning, Professor Muir. Thank you for the information that you submitted in advance and for the answers that you have given so far.

I want to ask about the issues of structural change and cultural change. A number of respondents to the committee have suggested that there is too much focus in the bill on structural change and insufficient focus on cultural change. In your report, you talk about the shift in mindset and culture that is required. What is your response to that? Could you elaborate on what you think needs to be done to address the cultural change that is needed?

Professor Muir: That goes back to Mr Kerr's point about the need to look at the totality of reform and the totality of the system. A number of concerns and issues have arisen—that reached a peak in approximately 2020. A reform process, which the bill forms part of, could address those concerns and issues, but a cultural and mindset shift will be required. You are right—I often make reference to that in the report.

Earlier, I talked about the notion of seeing the reform from the perspective of children and young people—the users of the education service. Part of the cultural shift that is required is about recognising the value of what happens in pre-school education and in primary, and seeing the learner journey as a continuous journey from the learner perspective. That is one of the reasons why, in the Hayward review, the notion of a personal pathway was a critical element of the three elements in the proposed Scottish diploma of achievement.

We need to address the mindset that the only thing that is important in the eyes of many is the examination performance. The metrics and what we use to measure the success of the education system require to be changed. That goes beyond just the teaching profession. I am thinking of parents wanting league tables from inspection and suchlike. We need to change the culture of what we value and how we recognise what we value.

We have a very top-down system in Scotland. Part of the cultural and mindset shift is about building more trust in the education system and using the expertise on the ground so that it has more of a ground-up impact on policy, curriculum change and so on. A number of cultural and mindset shifts are required alongside any legislative change that is required so that we have an education system that is genuinely fit for the future.

Pam Duncan-Glancy: Do you think that the bill as drafted allows for that or are there mechanisms that need to be changed in order to drive the culture change?

Professor Muir: Changing the culture does not cost very much. The issue is to do with how it is presented. That is one of the reasons why the first two recommendations in my report were about setting out a compelling and consensual vision. Part of what is required is that we need to build reform around that vision and to give people an understanding of what that will mean in terms of the requirements of everybody who plays a part in the education system.

Obviously, the bill looks specifically at two bodies, not three bodies, but we might come on to that. Any reform of Education Scotland does not require legislative change. As I said in my opening statement, the reform process needs to go far beyond what is in the bill, and it needs to be looked at in a manageable and strategic way over a period of time.

From speaking to headteachers and other practitioners, my sense is that, with all the information that is at the disposal of the Scottish Government from the various reviews that have taken place, what we now need is strong leadership and a clear vision of what we want the education system to look like for the future. A very clear and manageable sustainable timeline will need to be provided so that folk can work towards that. That a compelling and consensual vision is required came out well from the Carol Campbell and Alma Harris report.

Pam Duncan-Glancy: Do you think that the bill, in its current form, will drive the bottom-up

approach that is needed or is it still a top-down approach that is being taken?

Professor Muir: It is difficult to say. At the moment, it is not clear that a bottom-up approach or the use of expertise on the ground is there. I look at what is proposed by way of some of the new groups that are to be set up under the proposed qualifications Scotland body, such as the learner group and the teacher and practitioner group. It does not strike me that engagement of the experts on the ground and children and young people is sufficiently visible within what is proposed. Therefore, I would have to say that it is probably not the case that the bill, as it is currently constituted, will drive a bottom-up approach.

Pam Duncan-Glancy: I have one final question. Is there anything missing from the bill?

Professor Muir: I have partly answered that in the sense that I have said that the bill is a very isolated document in the context of the much wider programme of reform that is required. If there was one thing that could be put into the bill, given that it is fundamentally about the legislative change in respect of the inspectorate and the SQA, I would like there to be much more acknowledgement of the fact that there is a process by which the experts on the ground and their expertise can be better used in support of the inspectorate and, in particular, the qualifications body, and that the learners, for whom they are critically important, should have much more of an on-going role in having a voice and having that voice actioned in both those organisations.

The Convener: I apologise if I am repeating myself a bit, but I want to go back to an issue that Liam Kerr asked you about—the fact that the new qualifications body is to keep the functions of developing and awarding qualifications and dealing with accreditation in the same body. You were quite firm in your view that those should be separated. Why do you have such a strong position on that?

Professor Muir: That comes from what I see as the lack of appropriateness in having the awarding body also—as it was put to me—marking its own homework, by having the accreditation and regulatory functions together. I think that the committee will be well aware that we have had issues around the implementation of various curriculum developments, especially those that require external examination. Some of the qualifications body's reputation and people's confidence in it have been lost as a result of that. I know that the SQA accredits and regulates a relatively small number of Scottish vocational qualifications and licence-to-practise qualifications. The national qualifications that are used in schools are not regulated and accredited by the SQA.

However, the reality is that the vast majority of the reputation of the qualifications and awarding body is determined by how it delivers and performs in respect of national qualifications. If we look at what is happening in other parts of the UK and in the Republic of Ireland, we see that Ofqual was established in England as a direct result of the Qualifications and Curriculum Authority having responsibility for both the delivery and the monitoring and regulation of the introduction of the national curriculum. In Wales, Qualifications Wales has been set up, in effect, as a regulatory body for a much smaller jurisdiction than we have in Scotland.

I have worked in Northern Ireland, and I am currently working in the Republic of Ireland. In Northern Ireland, there is the Council for the Curriculum, Examinations and Assessment. When I speak to principals and schools there, they express huge frustration about the fact that if they have any concerns about the examination system—most recently, they had concerns about the standard of marking in the examination system—and want to complain, they have to complain to the body that establishes the examinations. There is no separation there.

I was particularly taken with the system in the Republic of Ireland, where the state examination board that sets the examinations is monitored and to some extent moderated by the National Council for Curriculum and Assessment, to the extent that the process of making any changes to qualifications or introducing any new qualifications is one that, rather than being determined by the state examination board, has to go through the approval of the NCCA.

In other jurisdictions, I think that there are much clearer boundaries between regulation, accreditation and the awarding functions, and I felt that that was appropriate here in Scotland.

The Convener: Thank you very much. That was clear.

Ross Greer (West Scotland) (Green): Good morning. You have said already that a lot of the changes that are required do not need legislation. The challenge for the committee is that although we have a role in scrutinising the whole reform process, the bill is the one bit that we have a vote on and that we can potentially amend if we think that it is necessary. A lot of the criticism that has been made of the bill so far comes from a place of frustration at not knowing what the wider reforms will look like and not knowing, for example, what the detailed organisational structure of the proposed new qualifications body will be. However, it is not possible to legislate to that level of detail without massively restricting the organisation's ability to adapt in the future.

Do you have any thoughts beyond those that you have already articulated about the accreditation function? Is there anything that should be included in legislation that is not in the bill?

09:30

Professor Muir: When you look at the bill's provisions and, in particular, those in respect of the holding of the new body to account, it is clear that, with the charters and the interest groups that will be set up, the potential exists for such a role to be played without the functions being separated out. I think that that is what the bill is trying to do. My problem is that the bill gives no indication that the strategic advisory council that it will set up—the membership of which will, I understand, by approved by ministers—will reflect the views of experts on the ground, such as expert practitioners, or, indeed, the interests of children and young people. Greater specificity in that regard within the bill would help.

With the proposed charters, again, there is potential, but we come back to the idea of the qualifications body marking its own homework. Qualifications Scotland is being asked to set out those charters and it is being asked to consult those whom it deems appropriate to consult. I do not think that that is good enough.

It is the same with the interest groups. I cannot remember the exact detail that is provided in the schedule, but I think that less than a majority of group members have to be from the qualifications body itself. Of the remaining proportion, at least a quarter are to be from the learner body or the teacher and practitioner body, for example, so 25 per cent of those could comprise the experts on the ground and practitioners for whom those interest groups are being set up. There should be greater specificity on that.

One of the challenges is in having a qualifications body that is flexible and adaptable, but which also has in place processes that allow a bottom-up approach to be taken to the involvement of expertise and that provide an on-going opportunity for children and young people to influence and express their thoughts about the qualifications and the processes that they are experiencing.

There are areas in which greater specificity would be helpful. Fundamentally, it comes down to the leadership of the new qualifications body and the extent to which it takes on board those issues and implements what is in the bill in the way that I have suggested is required.

Ross Greer: Thank you very much—that was useful.

Willie Rennie (North East Fife) (LD): I have a brief question about the separation of the accreditation function. It seems to me that the Government—you will have had discussions with it—is resistant to creating additional public bodies. You believe that, if the responsibility was given to Education Scotland, it would be too close to Government, which would be subject to criticism. Is there another body that the accreditation function could sit alongside? Perhaps the inspectorate could house the body. Have you had any further thoughts about the practicalities of where it could go?

Professor Muir: As I said, its inclusion in Education Scotland was a last-minute decision. I did not call it Education Scotland; I called it "a national agency". That was influenced by what I was aware of and what I heard of in the Republic of Ireland, with the National Council for Curriculum and Assessment being set up and being used as a moderating body, if you like, for the work of the state exams board. I envisage something akin to that being possible. However, it then comes down to what the reform of Education Scotland will look like.

I smile when I am told that we cannot create new public bodies when recreating the inspectorate, in fact, involves creating an additional national body—a public body.

It is difficult to say specifically where the function might lie. I am of a similar view to you, I think. In its response to my report, the Government said clearly that the proposal was not a runner, and the bill reflects that. If the function has to continue within a single body, the things that I talked about in response to Mr Greer's question will need to be much more clearly stated than they are in the bill, including the make-up of the groups, the make-up of the charter, who will be consulted and so on. The need for an on-going process of engagement will be all the stronger.

Willie Rennie: Would you have any objection to the function going into the inspectorate?

Professor Muir: If that was the only place where it could sit, it would not bother me that much, given that the inspectorate is recognised as a highly credible body and is respected. I am not sure that it is necessarily the best place for the function, but if it was a choice between that and continuing with what we have in the bill—with the qualifications Scotland body having responsibility for preparing the charters, deciding who it will consult and deciding who will be in many of the groups—I think that the inspectorate would be a better bet.

The Convener: Following on from that theme and the point about deciding who will be involved, I note that we have seen in the responses to our

call for views a large number of bids and pitches to be included in the committees and the work to prepare the charters. How on earth would the Scottish Government determine how it would select people in such a way that it was fair and representative and not exclusive?

Professor Muir: That reflects the complexity of what I said earlier in response to Ms Duncan-Glancy. Part of the culture and mindset shift will require the establishment of processes that will allow much more on-going engagement with the likes of qualifications Scotland and the inspectorate, should there be a national agency of some sort, because those processes do not really exist at the moment in the way that a fast-moving system requires. We need to find a way in which, as part of the reform, those processes can become much more available to those who make the system work, and particularly the users of the system.

I envisaged a system where practitioners' subject and curriculum expertise could be fed through a national agency to help to inform policy. One of the big issues for me has been the volume and, in some cases, the fragmentation of policy, which makes it very difficult for local authorities and headteachers to keep pace with change. We need a much more coherent approach to policy making and, as part of that, we need an on-going process that operates from the ground up. I envisaged a mechanism whereby, when changes are required in subject areas, or in curriculum areas in primary education, a national agency would act as a filter from the bottom up and feed into policy considerations and policy change in a manageable way. At the same time, the national agency would act as a filter for policy and try to ensure that there was greater coherence of policy from the top down.

The Convener: My next question might be more all-encompassing. You spoke about the fast pace of the change that we are facing, but local government and organisations across Scotland are not renowned for their fast pace of change or fast adoption and implementation of things. Is the bill a mechanism that will allow that to happen? You said that there is a desire for change, but sometimes, when we get people in front of us as witnesses, they are very resistant to change. I am trying to figure out how we might manage that mismatch.

Professor Muir: Some folk are very thirled to the status quo, but if we look at it from the perspective of the learner, they are already in a very fast-changing world, and the one certainty is that that will increase hugely in their lifetime and in their children's lifetimes, so we need a very agile system. We need agile organisations and an agile inspectorate. All the bits of the jigsaw that support the middle ground between policy and practice need to be constructed in a way that is much more agile than it is at the moment.

Some of the respondents whom I spoke to feel that there are too many organisations in that middle ground between policy and practice. We need a situation where they are all firing in the same direction, with strong leadership around a consensual, compelling vision. I think that Harris and Campbell produced that in their national discussion. If we can tease out what that means in practice, it will make some of the complexity less complex and give us a fighting chance of having organisations in the middle ground that are working in a complementary way to support teachers and to support children's learning.

The Convener: Thank you, Professor Muir. That is helpful.

John Mason (Glasgow Shettleston) (Ind): I will continue on the theme of representation and how people's voices are heard. In the material that we have received, we have the Children and Young People's Commissioner Scotland saying that children should be more involved, the Educational Institute of Scotland saying that there should be a majority of teachers and lecturers on some of the bodies, and employers saying that they want to be involved. It just seems endless. You must have had some experience of that when you were doing your work and listening to people. Before we discuss what is going to happen, will you tell us a little about how you managed to listen to all those voices?

Professor Muir: In the course of six months, which is what I had from the start to producing the report for the cabinet secretary, I had a fairly extensive programme of engagement, as I said in my opening statement. Much of it was online; I cannot remember the exact number, but I had 80-plus online sessions with a wide range of stakeholders. I set up a practitioner and stakeholder advisory group, whose members took into account the interests of those who they represented. That work showed that, as I said in my opening statement, restructuring three parts of what is a complex jigsaw has huge knock-on effects.

I was particularly interested in how practitioners such as headteachers and learners on the ground felt about reform, and I paid particular attention to what they felt was necessary. As we move forward, what we need to have as part of the culture and mindset shift is a much more open system. There are lots of players who have an interest and feel that they have a say in what education should be about. However, rather than engaging with them every time a decision is taken to change the examinations and therefore the curriculum, which is the wrong way round, we

need to have a much more open system with processes that can be filtered into policy making.

I go back to what I say in the report about a national agency that facilitates that on-going, open discussion and brings together the research findings and the thinking that takes place in the think tanks. For example, the Royal Society of Edinburgh has its finger on the pulse of what is happening out there. We need an open system that allows all the many and varied interested parties to feed in on an on-going basis. The national agency, working closely with Government, could then say, "We think we have an issue here, and we think we have a consensus on the need for change on this," and the Government could then put in place the steps that will allow that to happen.

09:45

That is a very different mindset and structure from what we currently have. I estimated that we have about 10 directorates in Scottish Government all working very hard, no doubt, but producing policies that deluge the education system and often add to the fragmentation and incoherence of what we are trying to do. We need a much more open system with processes that will allow all the interested parties to have an on-going say, with an understanding that they are being listened to but that there will be points at which their concerns or issues are looked at as a whole within a much wider context.

John Mason: You used the phrase "open system". That sounds more like a description of an attitude or an ethos for the organisations than something that we would put in legislation, because it is quite difficult to say, "There will be an open system." For example, the Royal Scottish Geographical Society talks about taking on board the views of different groups. That suggests that the groups would not necessarily be on the board or the committee, but there would be a listening attitude.

Professor Muir: Correct.

John Mason: I suppose that that goes back to the culture, which Pam Duncan-Glancy asked about. Is that what we are really looking for, rather than legislation?

Professor Muir: I should perhaps declare an interest as vice-chair of the Royal Scottish Geographical Society.

Very much so, and that is different from the culture that we have experienced to date, which has involved waiting for top-down policy to impact, or waiting for it to come out and then for folk to think about what it actually means. I talk a lot about changing that top-down approach and having more of a ground-up system. You are quite right—that is part of the attitudinal and mindset shift that is required. As I said in my opening statement, that will probably not cost very much, but it needs to be formulated around a compelling consensus vision, with strong leadership from Government and other parties so that everybody is pointing in the same direction for the benefit of children and young people.

John Mason: The Children and Young People's Commissioner Scotland has its own particular angle on things, but it says that the proposals

"simply slot children into an adult-centred governance structure in a way which is tokenistic",

rather than having children at the centre of things. How do you respond to that?

Professor Muir: I agree with that. That is the experience of children and young people to date. As I said in response to earlier questions, bits of the bill suggest that that approach could end up being part of the future. That is not what we want for our education system.

Something that came through in my engagement with not just expert practitioners but, particularly, children and young people is that they are very creative and they know what they want from the education system. They have strong views on some aspects of what they see as being their rights within the education system. If we want learners to be motivated to learn, we need to have a process in place that will allow their voices to be heard.

John Mason: At the same time, however, they are not the experts. You and others have huge experience and you draw on the history of education for centuries. Surely children cannot be in that position and make the decisions. When I was at school, for example, I would have been very happy to have had no exams, but if there had been no exams, I would have learned virtually nothing, because I would not have had that driver. Is it, again, a question of listening to children, rather than their making the decisions?

Professor Muir: Yes, I think so. It is about having a conduit whereby they are listened to, but it is also important that, where actions are necessary that go against what they have suggested, they are communicated with so that they can understand why those decisions have been taken.

I am not suggesting that business and industry or even the experts on the ground should be making decisions about policy. I believe that having a national agency that can operate more as a filter is the way forward, and I hope that that will be created with the reform of Education Scotland. It is not about children and young people being

decision makers per se; it is about them having their voices listened to and having action taken that reflects what they would like to see from time to time. That would be a major step forward.

John Mason: You mentioned business and employers. Is it, again, the case that their voices should be heard, rather than their being on the board?

Professor Muir: In some cases, they should be given that position. I do not think that there is any doubt about that. For example, I sat on the Scottish education council for a number of years when I was chief executive of the General Teaching Council for Scotland, and we had learner representatives on that council. There will be situations where actual representation of individual groups is essential. As I said, however, it is probably equally important to have an open conduit to allow their views to be listened to and taken into account.

Evelyn Tweed (Stirling) (SNP): Good morning, Professor Muir. Thanks for your answers so far and for your opening statement. You have touched on this already, but will the proposals in the bill ensure an appropriate level of independence for the inspectorate?

Professor Muir: My simple answer is that it will depend on who the chief inspector is. The part of the bill about the inspectorate is still open to quite a lot of interpretation. I am a bit concerned that, although there is a statement in one of the bill's schedules about the chief inspector not being influenced in any way by any individual or group, it appears that, in the main part of the bill, lots of functions are being reserved to the Scottish Government. That calls into question the inspectorate's absolute independence.

I will be quite clear. When I wrote my paper, I was very much of the view that the governance of the inspectorate should be the same as that of a non-ministerial office. That would allow the inspectorate to report directly to the Parliament rather than to ministers. I have a concern about what the bill says about reports. It seems to me that the bill could be read as providing for a very report-oriented inspectorate, albeit that, as one would expect, it will make evaluations and judgments about the effectiveness or otherwise of the education system. The bill seems to dwell quite significantly on the production of reports, but there is nothing in it about the evaluation framework. For example, at a very simple level, is the expectation that grades will continue to be used? That is a very topical issue south of the border in relation to the Office for Standards in Education, Children's Services and Skills.

One would expect an inspectorate to produce reports annually or every three years, and I think that laying them in the Parliament at the same time as delivering them to ministers would, to be quite frank, go some way towards depoliticising some of the education system, because everybody would get to see the independent inspectorate's reports at the same time.

A fair proportion of the bill is taken up with discussion about enforcement actions, directions and so on, but I wonder whether that accords with the culture that I might expect in a different kind of inspectorate. I talked about the inspectorate being much more agile. Obviously, it must perform an evaluation function, but, at the same time, it must consider each individual institution that it inspects in its own context, provide support for improvement and engage much more with teachers, headteachers, local authorities and, importantly, children and young people in the inspection process. When I inspected schools, it struck me that the headteacher would always start by saying that their school was unique, so we have 2,500 unique schools in Scotland. That is probably true, so we need a more flexible and adaptable approach to inspection that takes account of each individual school's unique context.

The bill could be read—this was certainly my first reading of it—as more or less recommending that the inspectorate should work as it has done and is doing now, rather than recommending that there be a very different kind of inspectorate. The changes in society and in children and young people, resulting in, I hope, a more empowered school system with more decisions being taken at a local level—greater subsidiarity—call for a very different kind of inspectorate and perhaps very different inspection models from those that we have been used to in the past.

Evelyn Tweed: Thank you.

Bill Kidd (Glasgow Anniesland) (SNP): On the back of what has been said, the bill sets out principles and directions for inspections in relation to the quality of education provision, the assistance that is required in schools and so on. How deeply should those principles be set? Should future chief inspectors have a degree of decision-making power in that regard?

Professor Muir: Yes—that is key. As I have articulated, one of my criticisms is that the bill does not necessarily provide for that agility and flexibility. The bill can set out high-level principles in relation to how the inspectorate should operate without going into a lot of detail, which will give the chief inspector and the inspectorate's senior team much greater flexibility to adapt the inspection process in a way that, as I said, recognises the uniqueness of the individual schools and institutions that are being inspected. That will allow the inspectorate to move with the times, because, as I said earlier, the one certainty is that life,

society and education will become much more complicated. If the inspectorate is tied down to a system that is not sufficiently progressive, as could be the case based on how the bill is currently written, that will create difficulties for the chief inspector and the team of inspectors further down the road.

Bill Kidd: That gives us a major push in a direction that is not necessarily always understood.

Earlier, in passing, you alluded to what has happened down in England, with the terrible circumstances relating to one headteacher. Does the bill need to say that, although, naturally, inspectors can decide on the direction that they take, there are basics that everyone must deliver?

10:00

Professor Muir: At the end of the day, inspection is about evaluating the quality of the educational provision for children and young people in a particular establishment. That will always be the case. One thing that has a huge influence—although it is not the only influence—is the quality of the leadership in an institution. The inspectorate will always want to look at a number of areas to determine the extent to which a school is meeting the needs of the full range of children and young people. There are a number of givens in that regard.

As I said, I would like the inspectorate to use more progressive inspection models that allow for much more engagement and much more consideration of what a school is trying to do, because headteachers are right: every school is different, even from the one down the road. In each school, what is being focused on in order to effect change and improvement will be different. That has to be the starting point for inspections.

There are a number of features that any inspection should cover, but the system would welcome much more negotiated inspections, because headteachers have said to me and to many other inspectors over the years that, although they feared the knock on the door or the brown envelope arriving, it was not as bad as they had feared at the end of the day. That is the reality. If the model was much more about doing an inspection with a school rather than to a school, that would be very much welcomed.

Bill Kidd: Thank you. That is really helpful.

George Adam (Paisley) (SNP): When I was a councillor, I always knew when there was an inspection, because the jannie would be wanting the bins moved or sorted out so that everything was perfect. That kind of panic tends to happen at school level, too.

You said that the system might be a bit too closed, with too many reports being generated. The problem is that, if a very good report is being discussed at a local authority education committee meeting, a whole bunch of councillors—with multimember wards, it might be four or five councillors—will say, “This is a very good report, and I’m very glad about it.” They, as well as mums and dads, measure the success of a school based on that. You spoke earlier about the idea of league tables. I have a lot of sympathy with what you said, but how can we move away from that kind of culture? That is part of the culture change that you are talking about.

Professor Muir: Change will not happen overnight. Parents have a huge influence, as we saw with curriculum for excellence. One of the mistakes that we made when we introduced curriculum for excellence was that we did not share the philosophy of CFE with parents sufficiently well enough and early enough. It is about communication. We need to ensure that parents are part of the process of reform and change and that they understand why organisations’ roles and remits are what they are.

Interestingly, when I did the fieldwork for my report, the myriad groups that I spoke to included parent bodies and groups of parents. Parents understand the need for reform and change. When you ask them what they want for their child from the education system, they say that they want their child to be happy, to be well cared for and to enjoy their learning. Those are some of the measures that parents put in place, so we could try to get the reports to reflect those kinds of things from the perspective of parents and of children and young people, who often say the same things—they want to make friends, they want to be happy at school, they want to like their teachers and they want to enjoy their lessons. If we can create an inspection model that does not look solely at those things but which embraces them, parents will begin to recognise the value of inspections and that the system works with them, with reports on the things that they think are important for children and young people.

However, there is certainly no switch that we can flick to change the culture overnight. It goes back to what I said earlier about the need for wholesale reform of the system.

George Adam: You said earlier that you saw the bill as a foundation for moving on to further reform, and you said that not all of that would have to be legislative. Are we in that kind of aspect? When we talk about cultural change, as John Mason said, that is not all legislative. In the past, the Government has been accused of legislating for far too much, so maybe it is just a case of

trying to find a way to get that cultural change, which is a big challenge.

Professor Muir: It is a huge challenge, but we need to remember that there are lots of good things happening out there in the education system just now. Most of it is from the ground up. Yes, you can look at what the Louise Hayward report proposed around the programmes of study and the subjects, but look at the project learning and look at things on the ground now that are already happening and are already very successful. The Powering Futures forum is a Falkirk-based organisation that is offering exciting net zero-based sustainability challenges, working with industry and schools. A third of the secondary schools in Scotland are already engaged in that. That is happening from the bottom up. Look at the work of the Vardy Foundation and the Gen+ project that it is operating. Lots of schools are embracing all that from the ground up.

Last night, I was listening in on the Goodison Group in Scotland event in Parliament. I heard about five examples of projects and developments that are looking beyond a very subject-based curriculum—subjects are still very important; do not get me wrong—and giving opportunities for the development of skills through different types of learning and teaching approaches, including an interdisciplinary learning approach. Those things are already happening out there. It is about advertising those things, making them much more real, supporting them and making sure that they are the sorts of green shoots that influence the curriculum and influence the learning experiences of young people.

I have sat on assessment panels for the Powering Futures initiative, so I know from my own experience about the challenges that young people present on. For many of them as individuals, it is the most exciting experience that they have had in a school context. That is not coming from the top down; it is coming from the bottom up. The more young people engage in those kinds of experiences that they value and recognise as being motivating, the more it filters down to parents and to business and industry, which are already heavily involved with Powering Futures. It helps to create the kind of cultural shift and attitudinal shift that we need to see in the education system.

George Adam: I was going to ask another question about how you do this from the ground up, but you answered that just now, so thank you.

Evelyn Tweed: Professor Muir, should the inspectorate remain responsible for inspection of all funded early learning and childcare providers?

Professor Muir: I sense a trap.

Evelyn Tweed: There is no trap.

Professor Muir: I go back to something that I said earlier about the fragmentation of policy and the extent to which various directorates do not always necessarily produce the kind of policy that is coherent. A number of years ago, the Care Inspectorate produced a framework of inspection for early years at a time when it was meant to be working with Education Scotland to prepare a joint inspection framework. How was that allowed to happen? That is the question that I asked of the then chief executive of the Care Inspectorate when I was doing my fieldwork. That incoherence and fragmentation of policy is a significant issue in the system. I think that the Government itself could act on that and help to facilitate some of the clarity that is needed around the policy landscape.

In response to your question about whether the inspectorate should remain responsible for the inspection of all funded early learning and childcare providers, I think that it comes back to a cultural and mindset shift. It requires a clear sense of direction around a vision that is agreed by all, in as much as it can be agreed by all. That provides a sense of direction and then it is for leadership to sign up to that direction and see that the outcome is something that will be beneficial to children and young people.

Willie Rennie: What answer did you get from the head of the Care Inspectorate when you asked that question?

Professor Muir: There was some embarrassment, I think, but also a sense that this was an individual body with a set of functions to oversee. The early years sector is, as I have suggested, critically important. A centre manager once said to me that the six most important years in a child's life are up to the age of five, and I agree with that. It is the most overinspected sector. I do not doubt that the sector should be inspected but, going back to Ms Tweed's point, I think that it makes good sense to have an inspectorate that can see the coherence of what is happening from the perspective of the learner's journey.

Willie Rennie: You have provided some very good evidence this morning. Several of us have noted possible amendments that we could make to the bill. I hope that it will not frighten you to hear that you have made some suggestions on that front, but it has been most helpful and you have provided some sound, grounded advice for us about independence, representation, not being report heavy and the accreditation function, which we are grateful for.

You said earlier—I am summarising—that you probably would not have started from here, with structural reform first; you might have done the other bits first and come to that later. You hoped that this was the start of a wider reform process,

and I heard an emphasis on the hope but also some scepticism that that would take place.

In upcoming Parliament business, we will have a statement on Thursday from the cabinet secretary about qualifications and assessment. I think that she has been cautious. We do not know what will be in the statement, but the cabinet secretary has indicated caution. Having said that you hoped that this is going to be part of a wider reform, what message would you have for the cabinet secretary in advance of Thursday?

Professor Muir: I hope that the message will signal what I have suggested throughout, which is that structural reform is not, in and of itself, reform and that this will be the start of a process of reform. I hope that following behind it will be a very clear timescale for reform, in all likelihood a five to 10-year window of reform, predicated on a very clear vision, as articulated in the Alma Harris and Carol Campbell report on the national discussion, and that leaders at all levels, from the cabinet secretary right the way down to teachers in the classroom, will sign up to that vision for the future.

At the end of the day, as folk have said to me, there is a window of time now to engage in meaningful change to the system, which needs to change, and yes, I am hopeful. I think that it was Desmond Tutu who said that he was not an optimist but a prisoner of hope. I very much find myself in that position.

Willie Rennie: I have one final question. According to the cabinet secretary—I am paraphrasing what she says—there is enough going on in the education system, such as additional support needs, violent behaviour, distress, and absence from school, and that perhaps big-bang reforms now would not be appropriate. Do you agree with that?

10:15

Professor Muir: I think that you are right. I said in my opening statement that there are a lot of additional challenges, particularly on the back of the pandemic, and you have just set out three or four of them. Those challenges are very real. They involve the sorts of tactical decisions that schools have to make every day. What is missing is the strategic decision making, and I hope that the cabinet secretary in her statement will very clearly lay out the path for reform that is much more fundamental and coherent but done in a manageable way over a sensible timescale that actively engages the key players. For me, the key players are the practitioners and experts on the ground, and children and young people.

Willie Rennie: One last question—

The Convener: I am sorry, Mr Rennie, but I must come to George Adam now. He has been waiting for the last group of questions.

George Adam: I am quite happy for Mr Rennie to ask his question, convener.

The Convener: As convener, I have my eye on the clock. I know that you are a new member, but I am a stickler for time. Mr Adam, over to you now.

George Adam: I was quite interested in what Mr Rennie was saying there.

Professor Muir, you have talked about the governance of the bodies. What should the key functions of the bodies be and what should the new organisation look like?

Professor Muir: As I have said throughout, it is critical that the governance of the organisations ensures that they are representative of those whom they are serving, that there is a process in place whereby those who are on the receiving end of the services can offer, iteratively, comments, ideas, suggestions and recommendations that will be listened to, and that there is a system where the individual organisations have signed up to working towards whatever that compelling consensual vision might be. The middle ground between policy and practice is very crowded. It is very complex—more complex than it needs to be. Having those organisations and the governance of those organisations set up so that support from the ground up makes them more agile and more flexible is the way to go.

George Adam: We talk about a refocused Education Scotland, which to me seems strange: either it is working or it is not working—maybe that is because I am a St Mirren fan and like black and white, but never mind. You have spoken today about cultural change with an open and listening leadership. That sums up everything that you have said today. What does Education Scotland need to do? You are saying that much does not come from the ground up but seems to get stuck in the middle before it gets anywhere near a Government minister hearing about any ideas coming up from the trenches. How do you see that organisation going forward? What changes are needed for some of your ideas, which I have much sympathy with, to work?

Professor Muir: Education Scotland has been asked to perform a number of very difficult functions. I see a national agency that is not delivering much support at the local level; one of the things that Covid taught us was that schools and local authorities are very good at finding ways of supporting each other. I will give you one specific example from the many in Scotland: the Braes high school cluster in Falkirk. There is some impressive problem solving and support in that cluster. Teachers and headteachers finding

expertise within their own areas to provide the immediate support that is required or that teachers ask for has to be the way forward, partly because it is much more responsive. Education Scotland has offered lots of very good support over the years, but it has tended to be targeted at some of the system and not necessarily at the whole system.

As I suggested in my report, replacing Education Scotland with a national agency that is much more of a filter for what comes from the bottom up and which informs policy and filters that policy from the top down would give much more coherence to the support and the supporting of the issues that schools continue to face. That is a different kind of organisation, with functions that are different from what Education Scotland's have been.

Such a national agency would, for example, pull together some of the research and the thinking of some of the think tanks. It would act as a conduit and be that kind of open system that I talked about in responding to Mr Mason's question. It would be somewhere for all parties that have a legitimate interest in education to go, to bring ideas and suggestions into the system. Such an agency could use its functions to synthesise and to engage with individuals on the ground, and it could help to bring a degree of coherence to the system more widely.

We are talking very much about the school system now but, looking to the future, I think that, if there was a national agency, further down the road it could very well extend beyond the formal school system, which I think would give much greater coherence to the school system and the post-school system.

George Adam: Finally, you have admitted that it is quite a crowded landscape. I am buying into what you say, but how do we navigate that crowded landscape to get ourselves to the stage where we are making the cultural change that you keep talking about, Professor Muir?

The Convener: Could you answer that question succinctly, if possible? I know that it is difficult to do that.

Professor Muir: It is difficult, because it is a very complex issue. However, the answer is partly in having that strong leadership and the clear vision of what we want, what we value and what we want from the education system for the current and next generation.

The Convener: Thank you very much for that response. I also thank you for your evidence this morning. We have found it very informative. We will now suspend the meeting until 10.35 to allow our witness to leave and our panel of witnesses to come in. Thank you very much, Professor Muir.

10:23

Meeting suspended.

10:35

On resuming—

The Convener: I welcome our second panel of witnesses. In the room, we have Professor Graham Donaldson, who is an honorary professor in the school of education at the University of Glasgow; and Barry Black, who is a postgraduate researcher, also at the University of Glasgow. Joining us online, we have Professor Mark Priestley, who is a professor of education and director of the Stirling centre for research into curriculum making at the University of Stirling. Good morning, and thank you all for joining us.

We will move straight to questions from members of the committee. Members, please direct your questions to the witness whom you would like to respond first.

Ross Greer: Before I ask my question, I should put on the record that I have previously contracted Professor Priestley to do various pieces of work in education policy, mostly literature reviews and the like. That was not directly on the bill, but I wanted to put that on the record.

I will direct my first question to Professor Donaldson in the first instance, but others should feel free to come in. The question is about process—a really exciting place to start—and sequencing. A huge amount of reform work is going on, and the bill is only one part of it. Arguably, most of the reform work that the Government is committed to sits outside the legislative space. Do we have the right sequence of events? Should we start with the bill and then move on to the non-legislative reform work, or would you rather have seen a different sequence of events for the reform programme?

Professor Graham Donaldson (University of Glasgow): You can argue that both ways. Certainly, quite a strong case can be made for saying that, if the current structure is not fit for purpose, let us make the changes there but make them in a way that means that the new structure can adapt and change, because the policy environment will change dramatically in the next wee while. Ken Muir made that point in his evidence.

In my very long career in education, I do not think that I have ever been less certain about what will happen in the way in which our young people learn, how they grow or where they learn. There are lots of possibilities in the way in which the digital world is engaging with the process of learning. Therefore, it makes sense to put in place structures that are flexible and agile enough to be

able to engage with a very changing environment and to do that now, as opposed to just creating a structure that fits the policy that will be announced in the next few days or months. If the structural change is done correctly in sequence terms, there is a good argument for that, as long as you do not put into legislation constraints on how the bodies operate that will mean that they cannot respond to a changing environment.

Ross Greer: Barry or Mark, do you have any thoughts on that point?

Barry Black (University of Glasgow): I agree with much of what Professor Donaldson said. From my very short career in Scottish education to date, I share the uncertainty that he set out. However, I think that structural reform is key to the rest of the reform that has already been talked about this morning. The structure and the way in which the national agencies work should support culture change in Scottish education and should support that flexible environment for the future of education and what we want the education system to do.

It is unfortunate how much time has been spent in the past few years on the national bodies and the constant process of review rather than moving to the current process, where we have a bill, so that the structures can be put in place and the rest of the reform process can take place. Now is as good a time as possible to start structural reform, but the best time would have been previous to this point.

Professor Mark Priestley (University of Stirling): I will go into the yes and no camp as well. There is a question about whether the right sort of structural reform is happening. I suggest that we absolutely needed to put in place some structural reform before we embarked on wholesale reform in the system. However, we should have seen a commitment to delineate between operational and strategic-level functions in the system. We needed to create a national agency that has a strategic function to make policy and set directions, and that needs to happen before we embark on the reform programme. However, the reform programme inevitably will involve thinking about what the operational agencies look like, and that is possibly something that should come later.

Ross Greer: You will have heard one of the questions that I posed to Professor Muir earlier. In my view, some of the criticism that has been made of the bill is more about the frustration of those who are looking for changes that really could not ever be legislated for around leadership at qualifications Scotland, cultural change and so on. There is a question for us in Parliament about what we can do with the bill—what amendments to it are necessary—versus the wider scrutiny role that we play in relation to the non-legislative parts of the reform agenda.

What are your views on that? Specifically, are there areas of reform that would require legislation that you are surprised are not in the bill? Vice versa, are there areas of the bill that are not required for legislative change or, on Professor Donaldson's point, would provide too much restriction in the future and result in a lack of the flexibility that you are talking about?

Professor Donaldson: A general principle that I would offer you is to legislate only where you must and to be very careful about what you put in legislation, because legislation locks us into a point in time and is responding to the context of that time.

I undertook a review of the education inspectorate in Wales. One of the problems in that review was in trying to work round the legislation, which was then about 15 years out of date, to allow that body to create public value in the context that it was currently operating in. There are some things in the provisions on the office of the chief inspector that go beyond what I would like to see if we are to give operational freedom to the chief inspector.

My general principle is that you should be wary about putting things into legislation, especially in the context of the very fluid environment in which we live.

Professor Priestley: I agree with Professor Donaldson and think that a minimalist approach to legislation is important here, because a lot of these decisions are day-to-day operational ones that require flexibility and autonomy. I would be very wary about a system that is too centralised and has too much political control. By all means set up the framework through legislation—a national agency is a case in point—but I would be wary about doing too much in legislation, because it creates a straitjacket.

Barry Black: I broadly agree—I think that it is right that the national agencies have to be flexible enough to adapt but, in setting a framework for them in legislation, that framework must be correct. Something that is missing in the bill is the scope for or consideration of what a national agency would look like if the functions of the SQA were split, and what the framework for that would be. That is disappointing. Expectation was raised that that matter would be part of this legislative reform process, and I am surprised to see it missing from the bill.

Ross Greer: I am particularly keen to hear more of Professor Donaldson's thoughts on the inspectorate, but I realise that other colleagues will be going into that in more detail.

The Convener: Liam Kerr, do you have a supplementary question?

Liam Kerr: It is a very quick one, convener.

Good morning. The question is for Barry Black. My colleague Ross Greer asked whether this is the right time to have the bill, given that the rest of the reform agenda has perhaps not yet been bottomed out as fully as we might like. In your written submission, you said:

> "This bill comes across as an attempt to protect the system as it currently is and prevent real and meaningful changes further down the road."

Are you suggesting that the bill could be prejudicial to the further reform agenda?

10:45

Barry Black: We have heard talk this morning about the bill perhaps being a good first step, or just a first step, towards further reform, but I take the view that it is actually a protection of the system as is. It is a kind of "small c" conservative protection of the structures that we already have in Scottish education. We have a bill that keeps the functions of the qualifications agency the same and keeps the leadership of the organisations the same. Broadly speaking, the governance changes that it hopes to implement, as the committee has heard about this morning, do not have the level of accountability that a lot of stakeholders would like in order to influence, impact and transparently hold to account the qualifications agency.

It is difficult to have a legislative reform process now that can be amended later, so I think that the bill is a reform process that is designed to keep the system the same rather than to meaningfully reform it in any way that various reviews have set out, and particularly Ken Muir's review and report.

The Convener: We have touched on the fact that there is a lot of focus on structural change and not really a focus on the cultural change that is needed. I will direct my question to Professor Priestley first. Do you agree that, to get that focus on the cultural change, we first need to restore the trust of the learners and teachers? Will the education reform bill do that and change the perception that people have about bodies marking their own homework? We heard that this morning from Professor Muir.

Professor Priestley: No, I do not think that the bill will do that. As far as I can see, all that it is doing is rearranging some of the functions. I very much welcome the separation of the inspection function from Education Scotland, as that has been a serious conflict of interests over the years. However, there are still issues that have not been addressed. I refer particularly to the failure to differentiate between the strategic and the operational.

The Republic of Ireland has an organisation called the National Council for Curriculum and Assessment. That is a strategic-level body that is quite small and agile and that has a lot of expertise within it. Its job is to develop and set policy and agendas. The operational work is done by other agencies, which are set up and dismantled, moved about, merged and so on when the need arises so that, when the system requires flexibility, that flexibility is there.

Ken Muir said earlier that the landscape in Scotland is very crowded, and I agree. Currently, we have a lot of issues with agencies that have overlapping functions and a lack of clarity about function. There are demarcation issues and boundary issues. There are agencies that do operational and strategic stuff and that also evaluate their own work, so there are conflicts of interests.

The system is set up to justify itself and to celebrate its success, rather than take a critical look at what happens, and that is seen very clearly by practitioners working on the ground. There is a lack of connection as well. I would like to see a much more coherent middle layer in the system that actively connects policy and practice, and that involves practitioners as active members of the community in, for example, developing policy and materials and resources. That does not happen as much as it could.

There are clearly resource issues, but what I hoped to see, following the Muir review, was the establishment of an agency at the top that is representative, has participation at its heart, that consults with and represents the professions in the various parts of the education system and that sets policy. We would then need a well-developed middle system—a mesosystem, to use the technical language—that enables policy to be connected with practitioners in way that combines top-down and bottom-up functions.

The principle of subsidiarity, which has been talked about a lot in relation to Graham Donaldson's work in Wales, is really important here. We need clarity about where it is appropriate for decisions to be made, where it is appropriate for the Government to set decisions, where it is appropriate for agencies to do things and at what point it is a local decision. With that sort of system, there is a greater chance of culture change. Culture change happens over time. It requires processes, engagement and social relations. Simply changing the structures at the top and carrying on as normal will not change the culture.

The Convener: Does either of the other panel members have anything to add to those remarks from Professor Priestley?

Professor Donaldson: Just to amplify slightly what Mark Priestley said, we need to bottom out the principle of where decisions are best taken. That is true of the ways in which we are trying to engage a wider range of stakeholders in the work of the new qualifications body and in the context of the advisory council for the inspectorate, where I think we are guilty of analogue thinking in a digital age.

There are many ways in which we can use the digital world to engage people much more fully in the process of deliberation. There is a lot to learn from citizens assembly methodology about how to do that. It is not a kind of crowdsourced policy, where you just try to work out who wants what and what the numbers are. You can use the citizens assembly methodology, combined with a much better use of technology, to engage the totality of those who have a stake in the education system much more directly in the process of sifting and, ultimately, deciding what to do.

A couple of times Ken Muir made a point about five to 10 years—we do not have five to 10 years; we just do not have that much time. The pace at which digital changes are affecting the ability of learners to access learning means that, increasingly, learners can bypass the school and the teacher. They can access learning now in a completely different way, either directly through artificial intelligence or by making contact with those who can help them in a variety of ways. That is going to happen no matter what—it is just going to happen and there is no way of stopping it.

We need to think much more strategically. People in the profession are used to a fairly elongated and deliberative policy process, but we really do not have the time for that. The change that is taking place will overtake that process. Part of the deliberations here, and the nature of the bill, should be to put in place mechanisms that are much more flexible, agile and responsive to a changing environment.

Barry Black: I do not claim to speak on behalf of teachers but, based on my research engagement as part of the process, I think that there is a lack of trust and confidence. However, the issue is even more fundamental than that. Teachers see Education Scotland as remote from their daily practice in the classroom and perhaps see the processes of the SQA as sometimes actually counterproductive to teaching and learning.

As part of the process, I was privileged to visit Glasgow Gaelic school and speak to teachers there. To give a couple of quick examples, physical education teachers talked about courses being changed after they started to be taught—goalposts being moved—and in art there are quite impenetrable processes around teachers finding out how folios are marked. Those are specific issues, but they broadly build into a culture of a qualifications agency that is not working with teaching and learning in the classroom.

I also talked to pupils while I was at the school and asked what they thought of the current assessment and examination system. A young woman told me that she believes that it just serves the SQA. That touches on a lot of what Professor Priestley said about a self-congratulatory system that does not have processes for continual check and review.

There is a lack of trust and confidence in the agencies, but the issue is more fundamental in that they are either removed from daily practice in the classroom or actually making the delivery of teaching and learning harder.

Pam Duncan-Glancy: I refer members of the panel and the committee to the declaration of interests that I made at the start of this meeting, in which I said that Barry Black has carried out some policy development work for me—as he has indicated on his submission for today's meeting. I will direct my questions to Professor Donaldson and Professor Priestley.

The conversation that we just had about culture and structure touched on changes happening without the front line knowing. I want to pick up on something in your evidence, Professor Priestley, where you note that not separating the award and regulation functions of the SQA is a mistake. You cite the higher history paper example, which we know caused significant concern among pupils and teachers. Is the bill sufficient to protect against such issues happening again? If not, what would you change?

Professor Priestley: The comment about the history paper was very much about lack of trust. The issue was probably blown up far more than it would have been if there had been more trust in the system.

The matter relates to how we establish trust within the organisations. I know that the SQA has done a lot of work to engage with teachers and I think that that is moving in the right direction. Where national agencies have worked best in that respect—and I will cite some examples from Education Scotland—is where they have worked actively with teachers and other professionals and practitioners to develop policy and processes and so on.

One example is the professional education leadership aspect of Education Scotland, through which a lot of work is done actively with

headteachers, school leaders, middle leaders and so on. It has been very popular with teachers and serves to build a culture of trust between the profession and the organisations. I also cite the recent work in the curriculum review process, which has engaged hundreds of teachers and again has been creating a culture of trust through engagement.

Trust has to be relational. Barry Black said just now that the organisations can be seen as being remote from the concerns of schools and teachers, and I think that that is very much so in the case of Education Scotland and the SQA. The agencies cannot work with all teachers, but they can have a mission that is about engaging with people in developing their policies and practices in a way that serves to build a culture of trust.

One of the issues that I have with the way in which policy is done in Scottish education is that it is often perceived as being top down. We have a system that is quite hierarchical. There are long linear chains of decision making where decisions are made high up and then passed down the system, and often they are not understood. Part of the issue there is that people do not have the opportunity to make sense of what it is that that they are doing.

I have not answered your question specifically about the SQA, but I have pointed to some of the processes that I think should happen in developing a system that combines the best of top down and bottom up. I do not see that an entirely bottom-up system is helpful. It can lead to a lack of direction and coherence. There must be a combination of top down and bottom up, and there must be in place well-developed processes that connect policy and practice. Such process are often missing in Scottish education at the moment.

Pam Duncan-Glancy: I appreciate your answer, which is helpful with regards to the SQA point as well. We have heard points from Professor Muir, you and others around structure and culture. Is there anything missing from the bill that could change the culture?

Professor Donaldson: Legislation will not change culture. All the bill can do is to put in place mechanisms and structures that can work if they are properly led and if the processes by which they are going to work in practice are inclusive and engaging. That will get much more ownership of the system's decision-making process and make it less alienating. You can make any structure work if you have the right leadership and the right environment in which decisions are taken.

I am reasonably sympathetic to the general thrust of the bill, in that it is trying to put in place structures that—certainly in the case of the qualifications body—move substantially in the direction of getting more engagement in the process from the stakeholders than has been the case under the SQA.

11:00

That direction is good, but the big question is what happens next and how it operates in practice. How do people find themselves being on the various committees and bodies? Do they see themselves being there as individuals, which has often been the case in the past, or do they see themselves as having a responsibility to try to take the pulse of the broader constituency that they are drawn from?

That is where I come back to the possibility of using digital mechanisms, so that it is not just a matter of those who happen to be on the body, who may or may not be representative of broader opinion. It is still possible to end up with an alienating process and a "Who do they think they are?" kind of mentality.

All that the bill can do is try to put in place structures that will allow those who are responsible for making the system work to do that job well and to create public value.

The risk with legislation is that it will go too far, and the temptation is to try to second guess the process. That is certainly the case with the office of the chief inspector. I think that the bill goes too far in some cases in tying the hands of that body.

Going back to my basic point, legislation is only legislation. It is what happens next that matters.

The Convener: Professor Priestley, do you have any comments on what is missing?

Professor Priestley: No. I broadly agree with what Professor Donaldson says. However, there is a broader point here. All processes involving policy practice in education benefit from diversity. It is interesting to note that you do not have a very diverse panel in front of you today, but that is an aside. We are looking here at how we combine different types of expertise and different perspectives within the system.

If we have a policy, or a set of procedures, entirely driven by, say, bureaucratic or governmental expertise, we will get one type of system. If it is driven by people like me who come from an academic background, we will have a different type of system. If it is driven by teachers, again we will have a different type of system. My point is that none of those are adequate, because there are different perspectives within what is a very complex social system of education. If we have structures set up that enable the pooling of expertise and allow diverse voices to flourish within the system, we get better policy making and better practices as a result.

Pam Duncan-Glancy: Thank you. I appreciate that.

John Mason: We have heard in evidence that other countries have a variety of awarding bodies, whereas in Scotland we have only one. I think that that point came from the Stirling centre for research into curriculum making. Professor Priestley, can you confirm first of all whether that is the same thing as the Stirling network for curriculum studies? Are both of them you?

Professor Priestley: The Stirling network for curriculum studies is defunct and has been for a year now. The Stirling centre for research into curriculum making is a new body that was set up to replace the old network and has been running since September 2023. It is the same group of people but with a different structure and a different set of processes. For example, we are doing a lot of work on bringing different voices into the Scottish system from outside through webinars and seminars. We are also doing knowledge exchange work with schools and teachers.

John Mason: It is helpful to have that clarified, as I was slightly confused. That is fine.

Can you expand on your thinking with regard to only one body making awards? As an outsider—I am new to the committee and my background is not in education—I think that it looks like as much of a natural monopoly as, say, supplying water. In other words, there is no point in competition. What is your feeling about the good of competition in this respect?

Professor Priestley: I am not advocating a market here at all. However, I am advocating choice for schools, because schools, as local organisations, have different needs, and different suites of qualifications come with different strengths and weaknesses.

There are two points to make about this. First, if we have a monopoly, we do not get diversity within the system. For example, what the SQA offers is quite different from what would be offered in international general certificate of secondary education or international baccalaureate qualifications. In Scotland, different private schools offer different qualifications. Some schools in Scotland offer the international baccalaureate, which is a very well-developed and sophisticated set of syllabuses and curricula going right the way through from the early years to the senior phase; some offer just GCSEs or international GCSEs; and others offer the SQA qualifications. I think that there is strength in schools being able to choose which qualifications are fit for purpose for them. That is the first point.

The second point relates to the structure of the SQA—and presumably the new body, too. The fact that it not only awards its own qualifications but is responsible for regulating the qualifications of other organisations that might be operating in Scotland seems to me to be a conflict of interests.

John Mason: Perhaps I can put a counterargument. Do you not think that pupils, families, schools and employers would be confused if we had a lot more qualifications out there?

Professor Priestley: No, I do not agree with that at all. Universities look at a range of qualifications from around the world when they do their admissions procedures, and there are frameworks for establishing equivalence between them. We have the Scottish credit and qualifications framework and presumably any qualifications would fit on those sets of levels.

I see no problem with having choice within that, as long as the qualifications are rigorous and properly regulated. The point is that an awarding body should not be regulating other awarding bodies; instead, a third party should be regulating them to ensure that we have equivalence and quality across the suite.

John Mason: I will not continue that debate with you, but I still have to wonder. It is one thing for Glasgow university to be able to assess qualifications; it is quite another for me to do so, as an employer with three staff. I find it confusing as it is.

Professor Donaldson, do you have any thoughts in this space?

Professor Donaldson: Yes. At the moment, schools do have flexibility, as Professor Priestley has outlined. Some independent schools use qualifications from south of the border, and in some cases there is the international baccalaureate.

I would be cautious about losing the high credibility that the Scottish higher in particular has nationally and internationally; it is a highly portable qualification that is recognised across the world and certainly serves young people very well in the different routes that they follow. I agree with the principle that there ought to be choice and, indeed, think that there is a degree of choice at the moment.

I am less worried about qualifications Scotland being, in a sense, a monopoly provider for the main school-level qualification. I do, however, agree with Mark Priestley, in that I am struggling to see how accreditation and regulation will work in the proposed qualifications Scotland body and how you avoid conflicts of interest.

John Mason: Can you not have dividing walls within organisations? I am on the Finance and Public Administration Committee, too, and we are very worried about the number of public bodies

that there are. We are recommending a stop on new commissioners and all that kind of stuff. I would be very reluctant to have another body.

Professor Donaldson: I have a lot of sympathy with that, because all you do is create the possibility of turf wars again. You just have boundaries between bodies.

Mark Priestley referred to work that I did in Wales, where I was heavily involved in the reform of the curriculum and assessment—that is, the national curriculum for Wales. When it came to the implications for qualifications, I found it interesting that our discussions took place not with the Welsh Joint Education Committee, which is the examination body, but with Qualifications Wales, the regulatory body. We were talking about the relationship between curriculum reform and the regulatory body and the ways in which that could be taken forward, without the delivery body worrying, as it inevitably does, about these sorts of things being awfully hard to do and its seeing all sorts of problems in how it can make things work at the end of the day.

That experience suggests that it is helpful to separate out the regulatory and accreditation functions from the delivery function with regard to qualifications. It is not impossible to create a structure internally that would be sufficient, and the bill clearly tries to do so with the appointment to the accreditation committee and so on. However, there will be questions about the resources available to that particular committee. After all, it is a big and difficult job to regulate and accredit; indeed, Qualifications Wales has a very large budget and a lot of staff.

It is one thing to say that we do not want to create a new body, but if the function requires extensive investment, that must be taken into account. Even within qualifications Scotland, we need to make sure that there is no tension between resources going to the delivery arm and resources going to the accreditation arm.

John Mason: Mr Black, do you have anything to add?

Barry Black: Yes. You made a good point about the natural monopoly that the SQA has, and I agree with pretty much all of what the other panellists have said.

Scotland has 359 secondary schools and 359 different curriculums with different structures to meet the needs of their pupils. A lot of the issue with CFE and the senior phase comes from the fact that Education Scotland is in charge of the broad general education from secondary 1 to S3 and the SQA is in charge of qualifications from S4 to S6, with misalignment arising between those two phases and between assessment and the curriculum itself.

In a sense, splitting the functions creates an onus on the curriculum body—the national curriculum agency that we have been talking about—and the qualifications agency to work together to sort that out. A lot of the narrowing of subject choices in S4 came from the fact that we moved from standard grades with 160 hours of learning over two years to national 5s with 160 hours of learning over one year, and we had two bodies that did not notice that there would be timetabling issues in moving from a two-year to a one-year qualification suite.

Although having the regulation function existing elsewhere does not inherently sort out the issue that I have just highlighted, it does create an onus on the bodies to speak to each other and, as in Wales, to decide who will make the decisions. Moreover, this approach would not require the creation of a new body, because it would just go into a new Education Scotland. There would be the same number of national agencies—we would just be talking about where the statutory functions lay. In short, a new national body would be created, but it would not be an extra national body, if the recommendations of Ken Muir's report were taken forward in the bill.

John Mason: That was helpful. Thank you.

Liam Kerr: Barry Black, I want to stick with you on that point and the answer that you just gave to John Mason. You have been quite outspoken about the bill, particularly with regard to the replacement for the SQA, going so far as to suggest that MSPs should reject the bill in its entirety. If that does not happen and this bill goes through largely as drafted, do you concede that it will nevertheless achieve something?

Barry Black: First of all, I just want to talk about why I think that you guys should reject the bill. I am not saying this for your benefit, of course, but for the people watching, but the vote at stage 1 is on the bill's general principles of the bill, and I do not believe that the bill matches the general principles, the expectation, the spirit or the actual recommendations of the reform process.

There have been multiple reviews carried out, thousands of hours of work done and tens of thousands of words written to set out a road map for reform and, as you can see from the bill and other parts of the reform process, very little has happened. My expectation is that tomorrow's statement on the Hayward review, which is being made well after a year after the review itself was published, will do little to achieve the recommendations set out in that report. I do not believe that the bill matches the principles that have been outlined, which is why I think that it should just be rejected and that you ask for a new one that does match them.

What I think the bill will achieve is, as I set out in a previous answer, the system as it is being protected. We talked about sequencing, and I find it quite odd that we are setting up a new qualifications Scotland body before we know what the future of qualifications might look like in and of itself. Perhaps that brings us back to the question of sequencing, but again, it is a bit like crying over spilt milk, as we are where we are with the timeline of reform.

11:15

There are some positives in the bill. The establishment of an independent inspectorate, which we have talked about, is a positive move, although I do share the concerns that Professor Muir and Professor Donaldson have set out in that respect. The establishment of the committees within the proposed qualifications Scotland body will, hopefully, give more voice to young people, practitioners and employers, but I think that you can see from the consultation responses that were submitted over the summer that stakeholders do not have much hope or belief that that will be the case. I think that that speaks not just to some weaknesses within the bill but to a lack of trust and confidence in the system.

As Professor Priestley pointed out with regard to higher history, if there were more trust and confidence within the system, there might be more of a belief that the system could be left to promote these things and sort them out. However, if we are keeping the same functions, the same leadership and broadly the same governance arrangements, it is hard to see how any real reform—and particularly cultural change—can stem from that.

Liam Kerr: I will throw a question to Professor Priestley on the committees in a second but, before I do so, Barry Black, I want to ask you whether, if MSPs choose not to reject the bill and allow it to go forward, you have clear in your mind, say, three key amendments that you think that we should be proposing to actually deliver the meaningful reform that you have asked for in your submission.

Barry Black: I am not a legislation expert, but I think that the key thing would be something that splits the functions, as has been said, and brings into scope some discussion on what a new national agency would look like.

Secondly, there needs to be some mention of independence and accountability throughout the bill to strengthen the processes of the committees that it is proposed will be established and the independence of the inspectorate.

Thirdly, whatever happens with the future of qualifications and what they look like, we need a framework in the bill that allows that process to be facilitated. Of course, we do not know what that might look like in legislation until the Government signals what the qualifications will look like going forward.

Liam Kerr: I will put my final question to Professor Priestley, but Professor Donaldson may wish to come in, given his remarks earlier.

The University of Stirling's submission welcomes that the bill makes provision for learner and practitioner charters, interest committees and representation on the board of the new body. We heard from Professor Muir that certain challenges might arise around that. Will those proposals ensure that the new body is appropriately shaped and responsive to learners, teachers and stakeholders?

Professor Priestley: I would like to think so, yes. It is formidably difficult to engage with people on the level that is required. It is time consuming and resource intensive and, with young people and children, it is very difficult to reach certain populations. It is the old school council conundrum: it is easy to reach out to successful students or pupils in a school and far less easy to reach out to children who are disengaged from the system. There will be significant logistical issues with doing that, and there needs to be a commitment to working with, for example, those in the community learning and development field, in order to reach out to children who are not engaged in school.

Of course, we are not just talking about schools but about colleges and other organisations. We have a horrible tendency to revert to talking about education as schooling. It is not; it is much broader than that. There are communities of educators in Scotland that are not involved in school education at all, including further education colleges, community education and development, and youth work. The systems for engaging with young people will have to take that into account, and there are organisations that represent and advocate for young people that should be involved in that process.

On teachers, we have seen through the Hayward review, which had an exemplary approach, and also, I think, with Education Scotland's on-going curriculum review process, that it is possible to involve large numbers of teachers and other practitioners in policy-making processes. I was struck by the work that was done in Wales when the new curriculum was developed. Some of that has fallen by the wayside, but there were groups of teachers on pioneer networks who worked explicitly not just on developing policy and putting that into practice in their own schools, but on working across clusters of schools, and they were partially seconded out of school to provide curriculum leadership. Significantly, those people

were also involved in working groups to write the curriculum policy.

All that sort of stuff can be done. As I said, it is resource intensive and time consuming, but it has benefits. If we want a system that people understand and is owned by everyone, we must engage with people. There must be clear processes for sense making and for consultation that is meaningful. There cannot be contrived consultation in which we ask a bunch of people for their views, thank them for providing them and then carry on as normal. Those key things must happen.

I do not know the detail, but the bill seems to be heading us in the right direction on that, and I would like to see more of it.

Professor Donaldson: I am less pessimistic than some about what has been said. On the qualifications body, the bill sends a very powerful signal to those who will be in key positions in the new body that they will have to engage with communities to a much greater extent than has been the case hitherto. The bill makes that absolutely clear. The mechanisms that will be put in place have the potential to make that much better than it has been hitherto.

As I said earlier, we should seek to use much more sophisticated methods of engagement beyond speaking to those who happen to be on committees. Louise Hayward's work, as Mark Priestley made reference to, was an interesting example of how to engage a much wider range of people than those who happened to be directly working with her on the reform.

Given the signal that is being sent, and if good appointments are made to take forward those aspects, the bill as it stands could address some of the cultural challenges. I remain unsure about how the regulatory accreditation part of it will work in practice, so I have concerns about that.

I have other concerns on the inspectorate side, but you may want to ask questions about that separately.

The Convener: I have a brief supplementary on that. How would you go about doing that? What would you do to ensure that good appointments are made?

Professor Donaldson: There is no getting away from fairly tried and trusted procedures in the way that we go about doing that. You are very dependent on those who are ultimately taking responsibility for the appointment knowing what they are looking for.

Sometimes, that can be the problem in an appointments process. I have a bee in my bonnet about the way in which interviews are conducted. Some of them are so artificial that they are easy to game, nowadays. With the right process, including the sifting process, you have a better chance of making a good appointment, but you have got to know what you are looking for.

The Convener: Perhaps that is your pitch to be on the panel, Professor Donaldson [*Laughter.*]

I come now to questions from Evelyn Tweed.

Evelyn Tweed: I put this question to Professor Muir, so I will put it to you as well. Will the proposals in the bill ensure that there is an appropriate level of independence for the inspectorate? I go to Professor Priestley first.

Professor Priestley: That is an interesting question. I would like there to be a fully independent inspectorate, and I am not sure that something that constructs the inspectorate as an arm of Government does that. The same thing could be said about the national agency.

One of the criticisms of Scottish education—Professor Walter Humes has written about this a lot—is the revolving door of senior appointments between agencies and Government. There is a lot to be said for having independent bodies that make and operationalise policies separate to Government.

That goes back to the process of subsidiarity that I mentioned earlier on. Government is responsible for setting the frameworks in legislation and otherwise for things to happen and for providing the resources. However, we must acknowledge that agencies need a degree of independence to do their work, as well proper resourcing.

We would probably get better policy if we trusted the independence and the expertise of the people in the agencies, rather than seeing them as a political arm of Governments to carry out policy. Policy needs to be set out in broad parameters here, and there are policy directions that the agencies need to follow, but a lot of the decisions that are made are operational ones on how to run the system. We should be letting the agencies get on with it.

Professor Donaldson: The simple answer to your question is that there is not sufficient independence as the bill stands.

If I think back to my time as head of HMIE, I had more operational independence then than the chief inspector of education would have under the terms of the bill, so there are specifics that need to be addressed. There are a lot of references to getting approval from ministers in the bill. A number of those are not appropriate or necessary. The term "reference to ministers" often just means discussions with officials about the way in which things should move forward.

A number of amendments could be made to the bill to better enshrine the independence of the inspectorate. I welcome the fact that there is legislation that will enshrine that independence—that is, it will make it absolutely clear that the office of the chief inspector is independent.

It has always been the case, and it has always been recognised in my experience, that the symbolic fact that inspectors are appointed by the King in council—Queen in council as it was—meant that they were different from other civil servants. As a head of an inspectorate, I always saw that my responsibility was to children and young people in Scotland—to the learners in Scotland. My job was to use the resource that I had available to me to try to ensure that those young people were getting the best possible experience at school, and, having received a very strong education, their getting the best possible chance to move forward to the next stage in their life.

That was my reference point, and I had a huge amount of operational independence to configure the resource that was available to me to fulfil that purpose. There is no statement of purpose in the bill. It does not say what the inspectorate is for. It defines its functions, but it does not say what it is for.

It is important to define the purpose of inspection. The reason why it has to be independent is to provide on-going monitoring of how the system is serving young people, and to provide, where necessary, sometimes difficult messages to Government or to others about where policy is not working in practice or where it needs to be changed. For example, if the inspectorate was doing its job properly, we would not have needed OECD reviews.

I will comment on the notion of calling in the OECD to tell us how well we are working. If it happened during my time, I would have been very angry about that, because that would have meant that I was not providing sufficient early warning to the system. A good inspection should provide sufficient early warning. It does not tell you afterwards that something is not working when that is already blindingly obvious. It tries to get ahead of that and say that there are warning signs about the way in which the system is developing and about how well it is serving young people.

That becomes even more important—I am banging on about this—in the context of what will be a very febrile environment during the next few years. The nature of learning—how young people will learn, where they will learn, how they will interact with digital technology, and the roles of teachers and schools in that process—is going to change. That will all be subject to modification, and having an independent body like the inspectorate that can provide early warning, commentary and intelligence about what is happening on the ground is very important.

Some of the provisions in the bill mean that the chief inspector would be in a position of constantly having to negotiate what he or she does, rather than having operational freedom and being accountable for their decisions, because, of course, at the end of the day, they must be accountable for that.

11:30

I have one final point about the curriculum for excellence. One thing that has bedevilled that whole process is that we have not had an effective evaluation process that allows us to recognise whether it is doing what it was originally intended to do. It clearly has not done what it was originally intended to do. It has moved—sometimes imperceptibly—from what it was originally intended to do. You need that early warning system, and you need to have a process that is evaluating the way in which policy is operating in practice. If you do not have that, you get what we have now, which is that those who shout loudest get heard. Someone might be shouting, “It’s not working. PISA means it is not working”. Well, does it? Does the result from the programme for international student assessment mean that it is not working?

There is a lot to unpack on that, otherwise you will end up getting it by anecdote. Last week, I was in a school and all the teachers were complaining about CFE. They were saying that they need much more direction in the process. That could suddenly become conventional wisdom. That is why a much more objective process is built in, which helps to inform the professional and policy decision making on an on-going basis. If that is working well, it acts as an early warning system; it does not just tell you that things have gone wrong when that is blindingly obvious.

Barry Black: I have three quick points to add to that. First, Ken Muir’s report clearly recommended that the inspector should be accountable to Parliament, but the bill makes it accountable to the Scottish ministers. That simple rejection of a clear recommendation shows the tone and direction of travel of the bill.

Secondly, it is interesting to note that it is recognised in the bill that the inspectorate function should be removed from Education Scotland so that that organisation does not mark its own homework. However, the same conclusions are not reached about the qualifications body and its functions have been kept the same. There are two different approaches to the organisations and the checks and balances that exist.

Thirdly, I associate myself with what Professor Priestley said about general lack of independence for national agencies and within the system. This morning, Professor Muir was quite convincing in saying that we should have a much more coherent, unified vision of what Scottish education is and what it is for, and then we should have bodies working towards those policy directions in an independent manner.

What was just mentioned about the lack of continual review, of both inspection and the curriculum itself, was spot on. That has led to flare-ups of issues, then reviews to counteract that, rather than there being a process in which the system continually reviews itself, implements change, collaborates and then shares best practice.

The Convener: I note for the record that Mark Priestley was nodding away in agreement to that.

Over to you again, Evelyn Tweed.

Evelyn Tweed: The bill envisages an advisory council. Does the panel consider that that will provide an appropriate avenue for learners, practitioners and so on, to strengthen the work of the inspectorate. Perhaps Professor Donaldson can answer first?

Professor Donaldson: The advisory council is a good idea. There is not one at the moment. I think that should have the same proviso as I made earlier—that members on an advisory council should be able to engage with a wider community than simply their own opinion, as members of the council. It is an on-going theme this morning, but that is part of a culture that would be much more open and much more engaging. That applies to inspection and to qualifications. It certainly applies to the work of Education Scotland or its replacement, whatever it is going to be. The way in which all such bodies go about their business should be much more open and much more engaging than has hitherto been the case. That does not cost a lot of money.

One of the big problems just now is that there are huge expectations about reform, when we have a budgetary situation that is dire. My view is we should not engage in major reform if we do not have the money to back it.

There are a lot of hard decisions to be taken now, so it is about being able to engage with key stakeholders so that they own whatever we do, going forward, and understand the problems. I have referred to citizens assembly methods and the notion of saying that it is not just about what you think, but that you should be exposed to things that challenge what you think as an individual, in order to arrive at a view of the way forward. An advisory council is a good step. How it operates and how the chief inspector of education values it will be the critical tests of success.

Professor Priestley: I endorse that final point particularly. It is not whether we have advisory panels or advisory councils that is the issue; it is how they work. We have plenty of advisory councils already for various parts of the system. I am on two of them—the curriculum and assessment board and the Scottish education council. They tend to operate with far too many people squeezing into a room, or on a screen, reading papers that have been sent out not very far in advance, and commenting on those papers, if they want to do so. I am sure that some of the people in those meetings have sometimes not had time to read the papers. The meetings are short. I know that the cabinet secretary has queried the purpose of the Scottish education council, because it has really been just a rubber-stamping exercise for papers that are produced by the civil service.

I would welcome very much a model that is much more participative and which helps to drive policy from the bottom up. Instead of having five two-hour meetings a year, perhaps we should be looking at having full-day meetings with agendas issued in advance, which are about developing policy and enabling council members—as Graham Donaldson suggested—to reach out to their wider communities and be fully representative. The model should help to inform policy rather than just rubber stamping suggestions that have come out of the Government. A general point on advisory councils is that I would say yes, in principle, but that really the devil is in the detail of how they work.

Barry Black: Advisory councils—across the bill—would be positive and make a difference. They should be part of the national agencies as they exist already, particularly pertaining to the SQA, for example. In the past four years, the brilliant staff at the SQA have felt that they have not been heard and have not had a voice in the process. I know that the Unite union, which responded to the consultation, feels that there should be more staff representation.

Generally, the advisory councils and committees that have been set up can work and offer a genuine level of empowerment for young people, for teachers especially, for staff in the organisations and for wider stakeholders such as employers, as well. I think that that can only be a positive thing.

On resourcing and financing of reform, I do not need to say to the committee that there are many parts of the education system that are in desperate need of resourcing. They include additional support needs reform and teacher numbers—the list could go on and on. We are

going to spend quite a lot of millions of pounds doing what is a rebranding of the SQA. I think that people in the system, the general public and young people would be let down by that process.

George Adam: Thank you and good morning. This follows on from the questions that I asked earlier. I am not going to go on about the cultural part, because we kicked that ball around quite a bit earlier on.

One of the things about inspection is that we know that local authorities appreciate inspections. We know that the education authorities and parents respect the whole process. When we get to the stage of making a decision on how we will go forward, should it be the new chief inspector who makes decisions on the principles of inspection, or should that be in the bill? Probably Professor Donaldson is a good starter for that one.

Professor Donaldson: This might fall into the category of, "I would say this, wouldn't I?" It ought to be the chief inspector of education who does that, as part of their independence. I do not think that that should be in the bill, except at a very broad strategic level regarding the broad thrust of the direction in which decisions ought to be going.

On my earlier point, there is something missing about the purpose of inspection; the bill gets right into functions. As I read it, it seems to consider that inspection is really only about inspecting schools and producing reports, because that is really what it focuses on, but the role is called "chief inspector of education". Education is about much more than schools, but in the bill as drafted the chief inspector and their office will be hamstrung into just inspecting establishments. The unit that matters is the learner and the learner is going to learn in different places and in different ways.

George Adam: I said that I was not going to go on about culture change, but I am going to come to it now, Professor Donaldson. I agree with you, but how do we get to that stage? All the organisations that I mentioned, including the education committees in 32 local authorities, will sit there saying, "This is a fantastic report that we have just received on that school." If people take that and look at the new ways of working, they might get a bit cynical about it and ask how we can convince the partner organisations that that is the way forward.

Professor Donaldson: It is surprising how quickly things can change. Again, I will go back a long way. Reports on schools have been published only since 1983. Prior to that there were no reports on schools: inspection did not operate in that way. The inspectorate visited schools; inspectors engaged with staff in schools and there was no published report at the end of it.

I think that the notion of a published report is a good thing, but a lot of the logic of published reports was about informing the market. The assumption was that there would be a market in education such as operates south of the border. Inspection reports operate a "best buy" function so that people can choose the school that they want to send their children to. For vast parts of Scotland, that does not apply, and culturally it does not really apply in terms of how the education system operates. The notion that the local school should be a very good school and that people should not have to think about going elsewhere is very much at the heart of how Scottish education has operated for as long as I have been part of it.

I think inspection can change. I will go back to my experience in Wales. In 2018 I did a review of the education inspectorate in Wales, which was very much associated with Ofsted in terms of how it went about its work. It did not agree totally with that, but that is clearly how it was seen. It was an inspectorate that adopted an approach to inspection that was designed primarily to inform a market, although there was no market in Wales. It had to inform parents, councillors and people who were responsible by not using simply one word—"This is a 'good' school"—which completely diverts from the reality. It asks what is the balance in the school and what are the priorities for improvement for the school. Where is it really good? In that way, it engages with councillors and parents in a way that is designed not to treat them as if they are capable of looking at only one word. Instead, they write a short and intelligible report that tries to capture the school. That is what the inspectorate in Wales is now doing. The reaction to that has been incredibly positive; there has been no kickback from parents. What that means is, for example, an inspection is not interminably working around the fine margins of a grading and asking which side of the line the school is on.

Inspectors' time is all taken up with that. The school sits there waiting for delivery of that one word and the judgment to come. That does not include the whole business of how the school operates, how it is going to get better and how best the intelligence that has come from the inspection can be used. An inspection should have the school's view of itself—it should have good internal self-evaluation mechanisms—and an external view from somebody from the outside. You put those two together, you talk it through and you come up with a much better picture of the way in which a school can move forward. The schools at the extremes, however—the schools that are very poor or very good—stick out like a sore thumb. You do not need an inspectorate to tell you that. They stick out, and parents certainly know.

The culture change can come from the way in which we go about inspection. We should not treat parents as if they cannot understand—"The poor fools can't really understand a report and have to be given one word and they have to be given a grading." I do not believe that for a second and the example of what is happening in Wales tends to, from my point of view, just—

11:45

George Adam: It is not so much that they need to know more than a single word. It is more about knowing that parents are engaging with the process when their child is going through education. Parents have got busy lives; it is just a case of finding a way to get the message across.

I take on board what you are saying but do you believe, as Professor Muir says—I suppose that you do as you have spoken about citizens assembly ideas—that we have to engage with all the stakeholders involved to get that idea of cultural change over? Otherwise, I know that in education you can go down one route and then there will be somebody over there in the corner saying, "You forgot about me".

Professor Donaldson: Education is highly contested. It is too important for simplistic views. The process of change, the process of deciding what our children should learn, and who should decide what they should learn, all need to be thought through very carefully. It is a cliché, but we have all been to school and therefore everyone thinks that they know what school looks like. If a school does not look like the school that they went to, as a parent, they will say, "Well, this does not look right". One of the most conservative forces in education is parents—I will add myself to that. You are thinking about the nature of the experience that your children are getting.

Headteachers are very good at engaging with their parents bodies and helping to bring them into the process and explaining, "This is why we are doing what we are doing and this is the way in which we are going about it". If inspection is working well, it creates permission for change. An inspection report can say, "You may be worried about this, but we have looked at it in depth and this school is serving your children very well. Here is why—here is the balance sheet".

We need to get away from an inspection process that is perceived—and the media tend to play up this aspect—as a big stick. That of course then winds up teachers and winds up the schools, so everyone ends up being wound up.

I firmly believe that with the right leadership, the right culture, and the right messages coming from people such as MSPs about what Scottish education should be like and what it is like to go through Scottish education, we can have these various bits in the process that will help to oil the process and try to make it a reality for young people.

I am sorry—I am banging on here, and I keep on referring to Wales, but there was a point that I kept on making to civil servants in Wales, because the system in Wales was a very top-down, centralised, high stakes and high accountability system and it has gone through 180 degrees in four or five years. I had a metaphorical swear box for civil servants and I said, "Every time you use the word 'delivery' or 'implementation', you have to put a pound in the box," because teachers are not there to deliver what you want; they are there to use their skills to serve the children in the schools.

George Adam: Clearly, the next round is on you, if you have that swear box. [*Laughter*.]

Professor Donaldson: When Mark Priestley talks about subsidiarity, that is what it means. Subsidiarity means that those of us who are outside schools should only interfere when we have to. People tend to think about it the other way round and ask, "What should we let schools do?". We need to turn that on its head and ask, "Where do we have to intervene?" That is what legislation ought to be asking—"Why do we need to intervene? What would go wrong if we did not intervene?" That is what subsidiarity is all about—making sure that the appropriate decisions are taken at the appropriate level and giving much more scope to people on the ground to own the nature of what they are doing every day.

Bill Kidd: Thank you for all the guidance that has come to us so far. My committee colleague chums have pretty much asked this question already, but if there is anything that you want to add, that would be fine. Are there any powers that the chief inspector should have that have not been included in the bill?

Professor Donaldson: Going back to the point about it being "education" in the title, I worry about it being defined in terms of establishments. The chief inspector should have the power to follow the young person's learning path if we are going to create a much richer senior phase, which was the original intention of the curriculum for excellence, so that young people can follow different paths once they get beyond broad general education. They might have some time in an FE college; they might have some time in a school; in some cases they might even be at university for some of the time as they move into sixth year.

If the inspector is only allowed to inspect the establishment, you cannot work out how well a young person is being served by the path that they are following. The legislation ought to have much less of a focus on establishments, which is really

old hat. When Ofsted was created, that was what they talked about, because it was to do with reports on establishments to serve a market.

We have an opportunity to create an inspectorate that can focus on the learner and follow the places where the learning is taking place to get a much better picture of how learners are being served. The unit that matters ought to be the learner and how they are being served rather than how well the school is doing—how well the school is doing may be an important part of that, but it is too limiting.

Bill Kidd: I think that Mark Priestley was looking agitated there for a moment.

Professor Priestley: Not so much agitated as keen. I would like to pick up on what Graham Donaldson was just saying.

It is worth noting that some successful systems, notably the system in Finland, do not have an inspectorate at all. They put their resources into support and development rather than into what might be seen as inspection. I wonder whether some of the language on this is quite problematic and whether this is part of a wider issue around how we view education regulation. We have moved in recent years towards what might be termed output regulation, where we regulate how successful a system is in terms of a narrow range of outputs, whether that be attainment data or inspection reports and so on.

I absolutely agree with what Graham Donaldson said about the focus on the establishment and the lack of vision about what the purpose of inspection is. I would by far prefer to move to a system where we do not think about inspection, which is often a snapshot; it is easy to game and it has perverse effects. There are wide-scale misconceptions and perceptions about inspection that drive practice in schools, often in unhelpful ways.

Instead of that, I would like to see recognition that what is needed in the system is evaluation as development and support and a focus on process rather than just a narrow range of outputs. Such a process would inevitably involve wider communities—parents, young people and practitioners. I cannot think of better professional development for teachers, for example, than going in to have a look at what colleagues in other schools are doing and to get involved in professional dialogue about that.

My preference would be to have a shift in emphasis away from what might be described as an adversarial system, with perverse consequences, to something that is much more focused on support and inputs.

Barry Black: The expertise of the two people who just spoke to you speaks volumes to the purpose element of the bill. It is not so much about setting out new powers as about the purpose. That is not just a problem that exists for the new inspectorate but, as was discussed in the earlier session and just now, for the purpose across the system—the purpose of inspection. What is the purpose of assessment? What is the purpose of our curriculum? What is the purpose of the system as a whole? That is—quite perversely—missing from the entirety of the piecemeal reform process that has been embarked upon over the past few years.

The Convener: When we remove that inspection function from Education Scotland, we will have this new-look curriculum support agency—the national education agency. What should the key functions and aspects of governance be for that new-look agency—or, as some are saying, a refocused Education Scotland? Who wants to go first on that one? Barry Black, your mic light is on so I am afraid that I will start with you.

Barry Black: I am very happy to go first. As I mentioned, one of the unfortunate things about the bill is that we are not considering that exact question as part of this process. As I said, I do not speak on behalf of teachers but the teachers I have spoken to as part of this process view Education Scotland as remote from their daily practice in the classroom and as remote from being supportive of curriculum development, particularly as it pertains to resources and understanding how to implement the curriculum in their classrooms. A lot of good work is happening around the country in terms of collaboration between schools but there is a need for a system, a process or a body that facilitates and supports that.

Secondly, as Professor Muir said earlier, we need a national agency that brings stakeholders into the process of curriculum development, whether that is young people or parents who feel locked out of the system of engagement quite a lot and have a lot to offer but find it quite impenetrable. A key issue is to enable people to engage and understand the processes around the curriculum. Understanding assessment is also a key issue and, as I say, that relates to young people, employers and so on.

More broadly, it has to be a system that supports teaching and learning in the classroom. Every national agency has to be focused on helping with the delivery of good teaching and learning in the classroom. It also needs to facilitate people into the process of curriculum making. Part of that is about review, collaboration and sharing best practice, but part of that is about supporting classroom teachers directly.

The last point that I would make is that there is a perception at least that Education Scotland is somehow like the Department for Education in Scotland, rather than a curriculum-supporting delivery body. That speaks of the independence elements that we talked about earlier. Governance arrangements that ensure its independence and clearly set out its purpose would be of benefit to the system as a whole.

Professor Priestley: One of the issues with the current set-up is the consolidation of multiple functions into a single one-house agency that does lots of different things. It can seem remote, and it can seem to be just a department of the Government. It goes back to my earlier comments about the need to separate out the different functions. There is a need for a strategic-level agency that is able to set policy and directions. There is a need for different operational agencies—along the lines of those in the Republic of Ireland—that not only carry out policy at macro level but work directly with practitioners. In Ireland, you have the NCCA making policy and groups such as the Junior Cycle for Teachers; those are groups of professionals who work directly with schools to develop the curriculum. Whether that is done at national level, which is feasible in a system the size of Scotland's, or whether there are regional teams that do it is a question to be discussed.

Having multiple functions in a single agency is quite problematic. Through the bill, we will take out the evaluation and inspection function from Education Scotland, but we are still combining the strategic and operational functions, and there are potentially clashes of interests there.

Although I do not think that we will get it, I would like to see a different governance structure: one with independent agencies that set policy, the national agency and operational agencies that work on things such as teacher professional development, developing the curriculum, developing assessment practices and so on. All of those things should happen.

Professor Donaldson: One of the key functions of whatever the national body is should be a deliberative function. Part of the problem at the moment is that ministers are not being very well served with the articulation of professional advice that is coming through from practice throughout the country. The body ought to have a deliberative function using the kinds of things that I talked about earlier. It should engage and have networks that are designed to feed in so that ministers can get advice from it. It should not be based simply on a small group of people that have to meet; it should be a well-designed network.

The principle of subsidiarity ought to apply. A lot of the Education Scotland budget should be pushed out to facilitate local collaboration and local networks, either within or across authorities.

12:00

A colleague from the University of Glasgow, Professor Chris Chapman, and I wrote a paper. We talked about local learning hubs and the notion of having local facilitating mechanisms, so that a teacher in a school who has a problem with something can be put in touch with somebody locally and they can talk to each other about the way forward. In that way, we can maximise expertise. That would then have to articulate with the centre for teaching excellence.

The biggest challenge for the centre for teaching excellence will be in how we harness artificial intelligence in teaching; its biggest initial challenge will be to address that issue and decide how best to maximise the role of the teacher, and a complementary role can come from AI.

We need the deliberative function, we need local networks that operate at local level and the centre for teaching excellence has to do some cutting-edge thinking about how to maximise the benefits of new technology in the interests of our young people.

The Convener: I was at the AI event last night in the Parliament. Were you there?

Professor Donaldson: Yes, I was there.

The Convener: The final question of the evidence session is from Willie Rennie.

Willie Rennie: Professor Donaldson, you indicated earlier that the pace of change was much faster than other people thought and that it needed to be much faster than 10 years. However, later on, you said that doing reform without any money is not advisable. How do you square those two things?

Professor Donaldson: You need to use the existing structures differently. The bill will create some new structures, and the way in which those structures operate will be the way in which we move forward. We will not be able to throw money at it. However, it is my experience that, if the teaching profession believes in something, it will go to the ends of the earth to make it happen. If it does not believe in something, it will make it look as if it is happening.

On the whole process that we have been talking about of engaging the profession, owning what is there and using the existing mechanisms, I note that much of it will not cost a lot of money. There is quite a lot of money tied up in Education Scotland that can be used to oil the works in terms of more local expertise, and I think that local authorities would welcome the opportunity to use some of the

resource that they have to make that happen. However, it has to happen quickly.

Willie Rennie: What should the cabinet secretary announce tomorrow in her statement?

The Convener: Can we have a quick response from one of the witnesses? I have my eye on the clock again—sorry. I see that both Barry Black and Professor Priestley want to come in. Please make it short and snappy

Barry Black: I think that teachers' apprehensiveness about the reform of the current process comes from their experience of the reform in curriculum for excellence, when they were left to implement it without supportive resourcing—they are rightfully apprehensive.

What I think should be announced tomorrow is a clearly articulated vision of what Scottish education is for, how we will create assessment to match that and, as Professor Ken Muir said earlier this morning, how the curriculum facilitates that, rather than the other way round, which has led to a lot of the problems that we have seen in the past 10 to 15 years.

Professor Priestley: One thing that has been said a lot is, "Get Hayward done", and I would like that to happen. I would like to see some reform of the technical framework of curriculum for excellence, because that is not fit for purpose. Finally, I would like to see a redirection of resources away from the constant need to measure and evaluate into development and support.

From the conversations that I have had with a lot of teachers and headteachers—we get involved through work at the University of Stirling in masters courses and research and so on—I note that there is a large appetite for reform, as long as it is the right reform.

The Convener: Thank you very much to our panel of witnesses for their evidence. That concludes the public part of our proceedings, and I suspend our meeting to allow witnesses to leave. The committee will then move into private session to consider its final agenda item.

12:04

Meeting continued in private until 12:20.

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