

Education, Children and Young People Committee

Wednesday 18 September 2024
23rd Meeting, 2024 (Session 6)

Education (Scotland) Bill

Introduction

1. The Scottish Government introduced the [Education \(Scotland\) Bill](#) on 4 June 2024.
2. The Bill establishes a new body called Qualifications Scotland. It also creates a new office His Majesty's Chief Inspector of Education in Scotland.
3. The Education, Children and Young People's Committee has been designated as the lead committee for the Bill at Stage 1.

Call for views

4. The Committee issued two calls for views – a [shorter call for views](#) and a [detailed call for views](#) - on the provisions of the Bill on 28 June. These ran until 30 August 2024.
5. The responses to both calls for views have now been published. A summary of the responses received is included at **Annexe A**.

Committee meeting

6. The Committee will begin to take oral evidence on the Bill at its meeting today. The Committee will also take evidence at its meetings on 25 September, 2 October and 9 October.
7. At today's meeting, the Committee will take evidence from two panels.
8. On panel one:
 - Professor Ken Muir, Honorary Professor, University of the West of Scotland; Independent Advisor to Scottish Government on the reform of Education Scotland and replacement of SQA; and author of [Putting Learners at the Centre: Towards a Future Vision for Scottish Education](#)
9. On panel two:
 - Barry Black, Post Graduate Researcher, University of Glasgow
 - Professor Graham Donaldson, Honorary Professor at University of Glasgow and former head of Her Majesty's Inspectorate of Education (HMIE) from 2002-10
 - Professor Mark Priestley, Professor of Education and Director of the Stirling Network for Curriculum Studies, University of Stirling

Supporting information

10. A SPICe briefing on the Bill has been [published](#).

11. Professor Mark Priestley responded to the call for views. Barry Black has also provided a written submission ahead of this meeting. These are included at **Annexe B**.

**Clerks to the Education, Children and Young People Committee
September 2024**

Annexe A



Education, Children and Young People Committee

Education (Scotland) Bill – Summary of submissions

Introduction

The Committee has been designated the lead committee at Stage 1 for the Education (Scotland) Bill. The Committee issued a [detailed](#) and [shorter](#) call for views both of which opened on 28 June 2024 and closed on 30 August 2024. The Committee received 54 responses to the detailed call for views and 36 to the shorter version. For the purposes of this paper, no distinction is made between the two channels that people could respond through. In addition the Finance and Public Administration Committee issued a call for views on the Financial Memorandum.

This paper highlights themes from the submissions the committee received and the purpose is to support the committee in its forthcoming evidence sessions on the Bill. SPICe has not undertaken a quantitative analysis on the responses albeit where there are clear common themes, these are highlighted.

General Comments and Outcomes

Expectations of wider work on reform

The Committee asked how well the Bill reflects the concerns and recommendations the OECD Review of the Curriculum for Excellence and Professor Ken Muir's report "Putting Learners at the Centre. Towards a Future Vision for Scottish Education". Respondents stated that to some extent the Bill was addressing the recommendations of those reports, for example, the SYP said, "the Bill sets out helpful steps to address some of the recommendations outlined in the two reports."

Given the amount of activity and work put into the wider reform process, the Bill's relatively narrow focus on the structures of two national agencies was commented on by respondents. For example, Aberdeenshire Council's submission said—

“There are key themes around curriculum design, connectivity, parity and reform (e.g. from Muir, Withers, Hayward) that are not addressed through the creation of a new body in Qualifications Scotland.”

The Royal Scottish Geographical Society noted that the policy memorandum said that the Bill is a component of the wider education reform programme, the RSGS said—

“To give reassurance and clarity about its reform programme, it will be important that the Scottish Government states its clear commitment to reform, the nature of that reform and the timescale over which this will take place. We look forward to engaging in the wider education and skills reform programme and the detailed work that will underpin it as it develops.”

The SYP’s submission said the Bill “should not be seen as an end point or as substantial reform on its own and significant further changes ... would be required to meet the UNCRC Article 29 right of young people to an education which develops their personality, talents and mental and physical abilities to their fullest potential.”

The RSE said that “without a formal and comprehensive response to the recommendations of all of the reviews it commissioned into improving education in Scotland, Scottish Government should not undertake any structural reform to ensure a coherency of approach.” East Dunbartonshire Council said—

“Further time to reflect and more consultation across the education system would be beneficial. There is a real opportunity for Education Reform which we feel has not been realised in the Bill as it currently stands.”

The NASUWT said—

“In the experience of the NASUWT across the whole of the UK, education policymakers often set too much store and spend too much time on the creation of new structures rather than on ensuring that the appropriate support is provided to enable and develop teachers to concentrate on their core role of teaching and learning. Fundamentally, without sufficient time and resourcing, learning communities will not reach empowerment and will therefore be unable to use the autonomy provided by CfE to design a curriculum that meets the needs of their learners.

“Whilst it has been accepted by the Government for some time that it must work to create the culture and capacity for teachers and practitioners to improve the learning outcomes in their classrooms, there has been a consistent absence of any concrete proposals to support cultural, as opposed to structural, change. It is worth recalling the report of the initial findings of the International Council of Education Advisers as far back as July 2017 which stated: ‘[t]he Council advised against becoming too focussed on changing the structure of the education system when, arguably, the more important aspects are the culture and capacity within the system’. System change will not automatically lead to cultural change, and transformative cultural change will take time. In addition to structural reform, some attention and time needs to be given to foster and engender cultural change in Scottish education.”

Youth Link Scotland also agreed that “alongside the structural changes proposed in the Education (Scotland) Bill, and across wider reform, achieving the renewed and shared ambition for Scottish education will also require a significant cultural shift”. This would include considering “every learner’s journey holistically through a coherent and integrated system from early years through adolescence and beyond” and in different learning settings.

Outcomes

The Committee asked about the expected outcomes of the Bill.

The EIS said, “an overarching outcome of the Bill must, therefore, be clear evidence of demonstrable change in the operation of the new national bodies, particularly Qualifications Scotland”. Bòrd na Gàidhlig’s submission sought “clear, unambiguous, legislation that results in an Awarding body and Inspectorate that is inclusive of and serves the needs of learners, teachers and practitioners in Scotland, in both Gaelic-medium and English medium education.” Renfrewshire Council said that the outcomes should be:

“A new organisation [Qualifications Scotland] which has a focus on delivering the highest quality experience for all who use it especially learners and their families and the education staff who need to work within the system, under huge pressure, to deliver success for candidates. ... More positive engagement with HMI - The outcome would be a more collaborative relationship between Education authorities, schools and HMI. It would also be a fully independent inspectorate where supportive scrutiny is fully focussed on bringing about improvement and the focus is evidence based and data driven.”

A number of respondents saw more input from stakeholders into the operation of national bodies and policy-making. Dumfries and Galloway’s submission said the changes should “place children, young people and those teachers and practitioners who support their learning more firmly at the heart of the education system.” NASUWT argued that the “Scottish Government needs to grasp this opportunity to develop a genuinely collegiate approach going forwards, ensuring these reforms are not a cosmetic exercise and that the perspectives of classroom teachers are placed at the heart of any reform.” GTCS said—

“The main outcome should be that the Bill delivers meaningful reform that takes into account the views that have been expressed over the last few years in the process of reviewing the component parts of the education system, and in such a way that allows for a meaningful contribution at all stages (pre- and post-implementation) from those who will be most directly affected by it. Its core objective should be to improve upon the current system, and not be unduly influenced by political or economic expediency.”

ADES’ submission stated—

“The outcomes of the amended Bill should be that stakeholders at every level of the system have the opportunity and voice to ensure the development of a self-improving system. From the perspective of learners, the curriculum offer

and examination system should reflect individual needs and be future looking in terms of design and offer.”

The Royal Scottish Geographical Society listed a number of desired outcomes including:

- “Closer scrutiny and clearer accountability of the new qualifications and awarding body than is currently the case with SQA
- Regular, timetabled reviews of assessments involving learners, teachers and practitioners
- A clear move away from ‘teaching to the exam’ towards an independent curriculum setting body that can oversee the breadth and quality of the curriculum to ensure that our learners have the options they deserve and the time to do it.”

Close the Gap said that “one of the key outcomes of the Bill should be that the inequalities faced by girls and young women in education are successfully addressed, and teaching environments are free from sexual harassment and sexualised bullying, of both pupils and teachers.” The Campaign for Racial Equality and Rights said, “it is essential that an outcome of the Bill is to ensure that the education and skills system delivers for all learners, including BME learners, and explicitly investigate disparate outcomes and proactively plan to mitigate these.”

Scottish Autism’s submission said that the outcomes of the Bill should be “that all learners in Scotland receive a high quality education with a robust approach to identifying and addressing barriers to inclusion and access to qualifications, thus ensuring that all learners have the ability to achieve their full potential”.

Learning for Sustainability Scotland said that it sees “equity and sustainability principles, and Learning for Sustainability to be a ‘golden thread’ woven across all the [recent reports on the Scottish education system] referenced in this proposed legislation, with a commitment to enabling children and young people, educators, settings and their wider communities to build a socially-just, sustainable and equitable world”. Learning for Sustainability Scotland said that achieving this outcome “will require a culture change in approaches to curriculum, assessment, and associated quality improvement. This not sufficiently reflected in the tone or substance of the Bill.”

Glasgow City Council stated—

“The outcomes of the Bill should be evaluated by the extent to which they support better outcomes for our most deprived learners. If the Bill simply leads to re-branding or re-structuring without seriously challenging our national institutions to deliver for the most deprived then the Bill will not have made a difference.”

Fife Council argued that one of the outcomes should be a less centralised system. It said—

“Scotland requires a significantly reduced public sector /civil service head count / wage bill - centralising resources has not proved to be to Scotland's

benefit - resources require to be proportionally spread and distributed across all education authorities to even out disparities and to minimise cuts to front line services.”

NASUWT suggested a framework in which to evaluate education reform. It said—

“As always change must not be instituted for the sake of change itself, to satiate short-term demands for individual accountability, to distract from institutional or structural inequality, or to mask issues of underfunding. We must maintain a steadfast focus on the purpose of public education and ensure the needs of teachers and learners are placed at the centre of reform. The principles or factors on which the Scottish Government should evaluate reform strategies remain:

- Is the reform needed?
- Is it democratically accountable?
- Will it enhance the teaching and learning of pupils?
- Will it add to workload burdens of schools?
- Will it require additional resource?

“Any reform must enhance the teaching and learning experience of pupils and improve their life chances.”

Qualifications Scotland

Structural change and Culture change

A common response in the call for views was noting that the proposed structures and functions of Qualifications Scotland looked similar to those of the SQA.

East Dunbartonshire Council said, that the proposed new organisation “feels too similar to the current organisation structure and governance of the former SQA [and] would welcome further review”. Comhairle nan Eilean Siar said—

“The proposed reform that creates this new agency seems to offer little more than a rebrand of what went before and the addition of a few concessions to consultation through charters. There is no sense of real reform in respect of all the recent reports that advised and recommended far more significant change.”

The RSE said—

“It is not clear how the remit and functioning of Qualifications Scotland, as outlined by the Bill, will be materially different from the agency that will have preceded it, the Scottish Qualifications Authority (SQA). The Bill’s Policy Memorandum justifies the abolition of SQA, referring to the experience of the alternative qualifications model during the Covid-19 pandemic which eroded the public’s trust in SQA as an institution. It also mentions the OECD Review

of Curriculum for Excellence, which commented on the complex governance structure that administers Scottish education. However, the RSE is not convinced that the Bill's proposals in their current form would be sufficient to address either of these concerns."

COSLA said that it was broadly "supportive of the plans to create a new body to oversee the delivery of qualifications in Scotland." But, COSLA said, "we believe it will be equally important that there is a change in approach and culture in how Qualifications Scotland operates once established." Similarly, the Donaldson Trust stated that it "supports replacing the Scottish Qualifications Authority with Qualifications Scotland, as proposed" and is "encouraged by the Scottish Government's desire to re-set relations in the sector and recognise teachers' and learners' desire to be more closely engaged with institutions fundamental to their profession and study". But it said that these ambitions will not become a reality through "re-branding" and called for the Government to "lay a framework that enables genuine stakeholder engagement and co-production in legislation".

Royal Scottish Geographical Society said, "replacing the SQA with a new organisation creates the possibility of a fresh start without some of the negative perceptions that may have become associated with the SQA brand", but that the process should go further than "a mere rebranding exercise". SLS said—

"SLS feels that the reform of the SQA is long overdue. There needs to be more transparency and accountability by the new qualifications body than was previously the case. Qualifications Scotland must show it is listening and must react constructively to criticism and advice from the Education sector out with the organisation. We welcome the new structure, with its functions outlined clearly. We would also wish Qualifications Scotland to have an agreed, shared set of Values and a clear Vision for moving forward. These should be an integral part of the proposed Corporate Plan."

West Dunbartonshire Council said that new body "presents a unique opportunity to establish a positive culture and foster meaningful engagement with stakeholders from the outset" and that the "new body must be more transparent, open, and inclusive than the current SQA, which, although improving, still has significant progress to make".

South Lanarkshire Council also said that "there is evidence of increased transparency and consultation with young people and other stakeholders" by the SQA since the publication of the Muir Report. SLS said—

"The creation and establishment of Qualifications Scotland must provide a clear opportunity for its culture and engagement with stakeholders to be set positively, right from the start. This needs to be more transparent, open and honest than the current culture in SQA, which has developed recently in this direction, but needs to go much further and be wholly inclusive. There must be more collaboration, consultation and engagement with other stakeholders and educational bodies in Scotland."

The SQA's submission said the bill is "an important step forward" but "if reform starts and stops with the creation of Qualifications Scotland and changes to governance, then a major opportunity will be missed". It continued—

"The Bill proposes that the awarding and regulatory functions of Qualifications Scotland will remain largely the same as those of SQA – that is, delivering credible qualifications and maintaining the highest standards. However, we want to go further. There is a chance to change the culture of Scotland's qualifications body, particularly in terms of how it works with others across the education community and how products and services are delivered. If we succeed in achieving that change, everyone we work with and work for – in particular learners and educators – will see and experience a tangible difference."

ADES said—

"In recent history we default to structure change rather than looking at the root causes and making plans for significant change. There is a disproportionate focus on structures when cultural and behavioural change in national organisations is also required."

The Children and Young People's Commissioner Scotland said—

"Culture change will need in-depth, regular participation work with children; most importantly children's participation must have an impact on what decisions are made. ... Respect for children's rights also requires consideration of the full breadth of children's rights in the UNCRC. Consideration of the best interests of children (Article 3) and the principle of non discrimination (Article 2) are particularly relevant, as is Article 13 on the right to information. In terms of the right to education this must include both Article 28 [the right to education] and Article 29 [that the education provided is directed to, among other things, "the development of the child's personality, talents and mental and physical abilities to their fullest potential], the latter is particularly important in terms of changing culture across the education system."

The CITB said that the new organisation will require a "well signposted and straightforward engagement strategy". It continued—

"The inclusion of employers and industry stakeholders is crucial to the development of vocational qualifications to ensure that the qualification products are relevant, reactive, and respond to the needs of all learners, businesses, and stakeholders relying on these qualifications to address the skills needs within their occupational areas."

Governance

Like the current SQA, the board of the new body, Qualifications Scotland will be appointed by ministers. The Bill prescribes minimum numbers of appointed members to that board who are practitioners, and "have knowledge of the interests" of learners and staff of the organisation.

Talking about the make-up of the board of Qualifications Scotland, Fife Council said

“It will be important to include practitioners on the board, but these must be carefully chosen alongside Local Authority representatives, especially as most of this committee will be non-Qualifications Scotland members. National Subject Associations should be invited to become involved through appropriate representation. HTs are not always the best or most appropriate representatives to have on such groups.”

The Bill provides that the board of Qualifications Scotland would include one or more member “with knowledge of the interests” of the staff at Qualifications Scotland. Unite stated—

“Unite wish to make very clear that the member representing staff should be selected from the staff body of Qualifications Scotland (excluding Senior Managers and Directors) and should be elected by the entire staff body; this is critical to ensuring legitimacy. Equally, we wish to stress that one member of the Board representing staff interests is completely insufficient. It is very important that the proportion of worker members on the board is sufficient to make a real difference to the culture, discussions and decisions of the Board. There is a danger that minimal worker representation could undermine the effectiveness of the policy. It is particularly important to ensure that workers do not find themselves in the position of a lone voice on a board, which will inevitably increase the challenges of the role and make it harder to contribute effectively.”

EIS “emphasised the importance of majority representation of teachers and lecturers in the decision-making function” and said, “as currently drafted, the Bill fails to guarantee this majority and we are therefore not satisfied that it will adequately involve teachers and lecturers in the body’s decision-making processes and governance arrangements.” EIS said it is not “satisfied that the provisions of the Bill will ensure adequate representation from the profession, either in terms of the governance of Qualifications Scotland or in terms of the advisory role discharged by the Teacher and Practitioner Interest Committee.”

The Bill provides that there will be a Strategic Advisory Council to provide advice to Qualifications Scotland and Ministers on matters relating to: qualifications devised or awarded by Qualifications Scotland; and the functions and procedure of Qualifications Scotland. EIS’ submission asked that clarity be provided about, the status of any advice provided by the council, “how the Teacher and Practitioners Interest Committee and the Learner Interests Committee will interface with the Strategic Advisory Council”, and how practitioners will be involved in the council.

Interest Committees and Charters

The Bill provides that Qualifications Scotland must establish a Learner Interests Committee and a Teacher and Practitioner Interest Committee. The Bill also provides that Qualifications Scotland must prepare and publish two charters. A ‘learner charter’ and a ‘teacher and practitioner charter’. These will set out what those groups “should expect from Qualifications Scotland in the exercise of its functions”.

The SYP said that the Learner interest Committee and Charter are “welcome steps to embed the voices of young people into the work of the new qualifications body”. However, it said that its members were concerned that “the measures would be tokenistic and there would be no real opportunity for young people to shape the work of the organisation.” It said that meaningful participation would require:

- A culture of valuing the views of learners and a commitment to giving them influence.
- A commitment to accessible and inclusive operations to include the views of the young people involved.
- A mechanism and support for the young people involved to consult widely with learners to understand their experiences to allow them to give informed advice to the body. This is crucial to ensuring that young people from seldom-heard groups are meaningfully heard by Qualifications Scotland.

The SYP suggested that “participation experts should be involved from the start to work with young people to develop a process which upholds the principles of meaningful participation”. The SYP also queried whether the Charters would bind Qualifications Scotland.

Glasgow City Council said—

“The current body has various mechanisms through which stakeholders are supposed to influence decision making. However, these have not been effective and it is difficult to see how the proposals will significantly improve the current position whereby the senior leadership team benefit from narrative privilege. Once again, the core issue is the culture of the organisation and proposals which mean various bodies may come together on an occasional basis to scrutinise the work of that organisation while well intentioned are likely to have limited impact.”

Audit Scotland said—

“In 'Improving outcomes for young people through school education', the AGS and Accounts Commission found that pupil engagement is happening but inconsistently and not always in line with best practice. For example, we found that there was scope for the Scottish Government and councils to be more proactive in communicating with children and young people about how their views have been taken into account in the decision-making process. We also found that while most schools have a pupil council, students in our focus groups told us that this does not always mean that their voices are being heard. We would therefore stress the importance of ensuring that Qualifications Scotland engages with learners and teachers in a meaningful way and that there is clear evidence of this.”

The Children and Young People’s Commissioner Scotland said that within the Bill should be clearer that charters and processes to include people in governance arrangements refer to children (people under 18), rather than ‘Learners’. The Commissioner said—

“We find the proposals for the Learner Interest Committee disappointing in their lack of ambition. ... These proposals simply slot children into an adult-centred governance structure in a way which is tokenistic and risks creating a forum that silences children rather than empowers them. ... There is an extensive range of research available on participation models which are child-friendly and effective in ensuring that children are able to influence decision making in line with their rights under Article 12 of the UNCRC (as articulated in General Comment 12). In our frequent discussions with Scottish Government officials around appropriate ways to ensure children’s participation in decision making, we continue to make it explicitly clear that adding children to adult-dominated committees is not appropriate. Instead, resource needs to be invested in creating a child-friendly model along the lines of [Audit Scotland’s Inform 100 group](#) and the [Inclusion Ambassadors](#).”

RSE’s submission said—

“The RSE is also concerned that the Bill is centred around children and young people instead of all learners, irrespective of age. Reforming the education system solely from a schools perspective is detrimental to the entire system. As such, the RSE recommends that the Scottish Government makes a concerted effort to broaden the focus of the reform agenda to all learners instead of just children and young people.”

Enquire said that at least one member on the Learner Interest Committee should be a child or young person with additional needs. The Royal Geographical Society said—

“Our primary concern is that the Bill still fails to address the concern that has been expressed by many different groups on many occasions that the current exam board is seen to be, and in many ways is, driving the curriculum rather than just assessing it and making awards. Whilst we welcome the efforts to involve learners, teachers and others in the decision making of Qualifications Scotland, we would note that the proposed teacher and practitioner interest committees appear to simply replicate existing National Qualifications Support Teams. We are sceptical that there will be improvements in engagement without the inclusion of a requirement for Qualifications Scotland to take on board the views of the learner interest committee and the teacher and practitioner interest committee. The overarching roles and responsibilities of these committees needs to be more clearly defined in the legislation itself, as is the case for the Accreditation Committee.”

A number of organisations highlighted their view that certain voices should not be missed within these processes or structures.

Connect said that “The new organisation must be more accountable than its predecessor, engaging meaningfully with all those who have a stake in education and young people’s learning, which includes parents and carers, and especially to give space to those voices not usually heard.” Forces Children Scotland said, “mechanisms must be clearly outlined within the legislation to ensure that children and young people from less heard groups, including those from forces families, are meaningfully engaged and their views are given due weight”. Aberdeenshire Council said, “it is also essential that those involved in any formal decision-making processes

are fully representative of the diversity of Scotland and it is crucial that the voices of educators and learners in rural Scotland are heard loud and clear.” Scottish Autism said, “we would like to see more robust detail around how those learners who face systemic barriers to inclusion can be appropriately and adequately supported to become involved in the decision-making of the new body.”

The Coalition for Racial Equality and Rights said—

“CRER would suggest that involvement is not done in a tokenistic manner but rather to ensure that BME learners and teachers, and other marginalised groups, have the opportunity to present their concerns to the new body. The Bill should explicitly state the need for this.”

SDS said that “the proposals for Charters under-represent the importance of involving employers in shaping qualifications and supporting learners during their learning journey and subsequent progression to pathways and the labour market.”

The Chartered Management Institute said, “there needs to be a clear understanding of the individual roles of all stakeholders so that the expertise is utilised appropriately.” The Federation of Awarding Bodies said—

“Further information is needed on how these groups [interest committees] would be involved in decision making, however we do request that the expertise within these pools is used appropriately - for example, learners and teachers could be involved in delivery aspects, but not in designing assessments, where AO/EPAOs would be a more appropriate choice.

“Members have seen during the reforms in England, where employers have been involved in assessment design, that while it is important to hear from those across the sector it is also crucial that they are involved in a meaningful way.”

Accreditation

As with the current situation with the SQA, the Bill provides that the accreditation function of Qualifications Scotland will be overseen by an Accreditation Committee.

The RSE’s Learned Societies Group said that it “supports the new qualifications body accrediting and verifying all qualifications in Scotland but suggests that it is essential that they have the proper resources to do so”.

The Federation of Awarding Bodies said that its members “felt strongly that concerns around creating a clear dividing line between awarding and regulatory functions within SQA/Qualifications Scotland have not sufficiently been addressed.” The Institute of the Motor Industry said—

“A clear separation of functions is crucial to ensure that when Qualifications Scotland accredits qualifications, particularly those developed by external awarding bodies, it is not perceived that it has developed and accredited the qualifications. Therefore, to eliminate confusion and to reinforce the neutrality and integrity of the accreditation function, the IMI suggests the accreditation function should operate under a different name/brand than that of Qualifications Scotland.”

EIS stated—

“The fact that the Accreditation Committee is established by Qualifications Scotland with the convener having the authority to appoint Committee members further dispels any notion that there is, in reality, a separation between the main body and the Committee. The Bill is otherwise silent on the appointments process and how it will be conducted. We also note that whilst there is little information about who would be eligible for selection, members of Qualifications Scotland and indeed, members of staff of Qualifications Scotland can be appointed to the Committee, albeit that they cannot form the majority of membership. The interface between the discharge of the accreditation, regulation and awarding functions is clear, perpetuating the concerns which currently exist in this regard and which have been highlighted consistently in Education Reform reports.”

NASUWT said—

“The SQA is very unusual in that it is a regulator and an 'awarding body' at the same time. In Wales, the regulator/awarding body roles are split between two bodies. In Northern Ireland, CCEA has two very separate wings that have clear boundaries between them to avoid 'self-marked homework'. NASUWT notes the decision taken within the Bill to ignore Professor Muir's recommendations that Qualifications Scotland should include the awarding functions of SQA, but not the accreditation function in this area and would reiterate our belief that this is unwise.

“Looking at the wording of the policy memorandum accompanying this consultation, it is hard to avoid the conclusion that this decision has been a purely financial one.”

The Stirling Centre for Research into Curriculum Making suggested that not having a separate accreditation body threatens competition and creates a conflict of interest. It said—

“The Muir report recommended a separation of the awarding and regulation functions of SQA. The decision to ignore this recommendation is a mistake, in our view, as there are potentially conflicts of interest inherent in the current situation, exacerbated due to the persistent low levels of trust across the system (parents, teachers, young people, universities) in SQA. A recent example is the inexplicable drop in the History Higher pass rate (from 78.7% to 65.7%).

“In many countries, there is a variety of awarding bodies, offering different types of qualifications, both academic and vocational. In Scotland there exists a virtual monopoly, where SQA both awards the majority of qualifications and regulates other bodies which might compete with it. There are definite advantages to having a mixed economy of qualifications, as this offers choice and diversity. We would argue that alternative qualifications should be more easily available and affordable to all schools in Scotland (e.g. IBO, iGCSEs), but this would require a different governance structure and presumably subsidised access for schools, so that alternative providers are not significantly undercut by the monopoly provider. It would also, presumably, involve a change to Insight and other accountability metrics.”

UNITE, which represents the staff of SQA, said—

“With regard to specific concerns from the SQA Regulation/Accreditation Team the Education Scotland Bill does not recognise the importance of Qualification Regulation in relation to the protection of the learner. There is nothing in the Bill that would strengthen regulation of qualifications in Scotland and this is a missed opportunity.

“Scotland should have its own Qualification Regulator with equal standing of that of the other Qualification Regulators in each of the nations of the UK – i.e. Ofqual, CCEA, Qualification Wales. The fact that many hundreds of publicly funded qualifications are not regulated in Scotland should be a concern to the Scottish Government. This Bill will do nothing to protect the learner or the taxpayer.”

Universities Scotland said—

“It is imperative that there is no requirement to accredit all non-degree qualifications. This is because universities award a range of credit and qualifications that are not degrees, but which critically are included in the same rigorous quality arrangements as our degrees. All university credit-bearing provision is included in QAA’s external quality review which is part of the quality arrangements for universities required by SFC.”

The SCQF noted that the Scottish Credit and Qualifications Framework is not mentioned in the Bill and suggested that the Bill should reference to the overarching framework.

Approach to school qualifications

The Bill will not change the approach to school-level qualifications; the response to the proposals in the Independent Review of Qualifications and Assessment could be taken forward currently by the SQA without this Bill. Many respondents to the call for views put the creation of the new qualifications agency in the context of possible reform of the senior phase.

Inverclyde Council stated—

“Whilst the creation of a new body is important and welcome, what remains unclear at this time is the Scottish Government’s response to the recommendations of Professor Hayward’s Independent Review of Qualifications and Assessment. It is vital that this is made clear before, as well as at the same time of the establishment of a new body. A renewed focus on implementing a new approach to qualifications, developed with partners across the education system, is vital but this must align to a clear overall vision and strategy.”

South Lanarkshire Council said—

“The proposed public body, Qualifications Scotland, must be able to adapt to new forms of qualification and assessment that arise, for example from the outcomes of Professor Hayward’s work once she has reported. It will need to be agile and responsive to the rapidly changing needs of learners as well as

employers and the tertiary sector. A critical feature of its work will be to ensure it communicates clearly and regularly with all stakeholders. ...

“The Bill does not address the fundamental issue relating to the impact of the existing qualifications model on the organisation and delivery of the Curriculum, and the pressures relating to the disproportionate focus on a subset of qualifications data as an accountability measure. As it stands, there remains no link between the agency responsible for curriculum design and delivery and Qualifications Scotland as the agency devising and awarding qualifications.”

Angus Council made a similar point, it said—

“Any changes must address the OECD recommendations, particularly relating to the disjoint between the principles underpinning learning in the BGE and learning in the Senior Phase. Learning in the Senior Phase is currently strongly influenced, perhaps driven, by the requirements of SQA qualifications. It is important that qualifications, therefore, reflect the curriculum, and approaches to learning, teaching, and assessment in the senior phase rather than driving them.”

YouthLink Scotland stated—

“The Independent Review of Qualifications and Assessment determined that a broader range of opportunities should be part of the curriculum offer. One of the Bill’s objectives should be to achieve equality of access to a range of qualifications pathways for young people, placing equal value on attainment and achievement. The proposals with respect to Qualifications Scotland and His Majesty’s Chief Inspector of Education should be considered in relation to how they will enable parity across all settings and approaches to learning that contribute to helping young people develop their knowledge, skills and experiences.”

The SFC “emphasised the importance of maintaining coherent provision, reducing complexity and duplication in the education and skills system, and ensuring a seamless transition between school and further or higher education.”

SDS argued that skills that employers value can be under-represented in school level qualifications. It said, “Qualifications Scotland therefore needs to have a clear mandate to ensure qualifications articulate the skills, knowledge and competence required to fully participate in the world of work - skills should be formally recognised and accredited, where possible, from practical application of knowledge in context as opposed to being assumed to have been developed through qualification achievement.”

His Majesty’s Chief Inspector of Education

Independence

A key aim of the Bill is to remove the inspection function from Education Scotland. Under the Bill, the Chief Inspector of Education in Scotland will be an office holder of the Scottish Administration, appointed by His Majesty. The intention is to ensure that

the Chief Inspector acts independently. The Bill retains some powers for the Government to direct the work of the inspectorate.

East Dunbartonshire Council welcomed a more independent inspectorate and said, “we see the role of the Chief Inspector to challenge theory and direction of Education within the Scottish Education system”. ADES’ submission supported the development of an independent inspectorate. It said—

“The independence of the new HM Chief Inspector of Education will be essential if they are to support and challenge the system in an impartial and non political manner. At present the level of interference by politicians has diminished the credibility of the post. The Bill offers a fresh start opportunity for the new post holder. Following implementation, it will become apparent very quickly if the proposal for an independent role is rhetoric or reality.

“The inspection process and decisions on the nature and format of inspections must be the sole responsibility of the new HM Chief Inspector. This will require genuine independence and the freedom for the Chief Inspector to be able to speak truth to power without fear of political reprisal. In this way the new agency could carry out its role and report its findings without fear or favour.”

AHDS’s submission stated—

“Section 30 indicates that the Chief Inspector will determine the frequency of inspections of relevant educational establishments. It then goes on to say that Scottish Ministers may make regulations specifying the frequency of inspections. Such regulations may only be made after consultation with the Chief Inspector and the planned Advisory Council.

“This power for Ministers appears to constrain the independence of the Chief Inspector, the real-world implication being that the Chief Inspector would be seeking Ministerial approval for their inspection plans and schedule.”

EIS said that it was “not satisfied that the Bill as currently drafted ensures that the new Inspectorate will be sufficiently independent of the Scottish Government and believes that amendments to the Bill would be required to provide this reassurance.” EIS suggested amendments around ministerial approval of appointments and remuneration, as well as the powers of ministers to determine the frequency of inspections and to direct the Chief Inspector to undertake specific inspections.

The RSE’s Learned Societies Group said—

“One of the key recommendations from Professor Muir’s report was to introduce a new inspectorate body with *‘its independence enshrined in legislation’*. The LSG is disappointed that the Bill still has the Chief Inspector reporting to Scottish Ministers instead of Scottish Parliament at large and would recommend amending this provision to adequately reflect Professor Muir’s recommendation.”

Glasgow Council’s view was that “The role of [the inspectorate] is unlikely ever to be entirely independent as it is reasonable that they deliver on the will of the democratically elected Government of the day. However, the proposals go some way

to ensuring greater independence and a distinction between policy development and inspection.” NASUWT said, “while Ministers retain the ability to direct the Chief Inspector to secure the inspection of specific or types of educational establishments, NASUWT is content that the legislation will provide the Chief Inspector with greater autonomy over the inspection regime compared to the 1980 Act.”

Comhairle nan Eilean Siar said that it is important that the inspectorate works with other national agencies to ensure that its work maintains “relevance and coherence with the work and developments” elsewhere in within the education sector.

Advisory Council

The Bill provides that the Chief Inspector must establish an advisory council. The Chief Inspector would have a duty to endeavour to ensure that the council be representative of the “interests of persons likely to be affected by the Chief Inspector’s functions”. The Chief Inspector would have a duty to have regard to any advice provided by the council and provide reasons should he or she not act on the advice given.

Connect said the Advisory Council “should be representative of those who will be affected by the Chief Inspector’s functions.” SLS said—

“We welcome the setting up of an Advisory Council. This must involve stakeholders in the governance of the Inspectorate. We would welcome further details on who and how stakeholders are appointed or elected to this Council, which must play a full, strong and guiding role in the Inspectorate. The Advisory Council should be of a commensurate size and must reflect the stakeholders and be populated by people who understand the Scottish system and are involved in education.”

East Renfrewshire Council said the Advisory Council “should be the voice of all stakeholders” and called for more information on how it would function, including in relation to: the membership; the appointment process; its function; how it would gather views from stakeholders.

EIS said that it does not believe that the Advisory Council “provides sufficient meaningful engagement of teachers and lecturers in the governance of the new body.” It continued—

“If the Scottish Government is committed to delivering meaningful change to the inspection process, more radical reform is necessary. We would suggest a governance model, similar to that of GTCS Council, which is truly independent of government and includes representation from teachers and other stakeholders in the governance arrangements. Section 35(2) currently only requires the Chief Inspector to ‘endeavour to ensure that the Advisory Council (taken as a whole) is representative of the interests of persons likely to be affected by the Chief Inspector’s functions’. There is no requirement to ensure that the majority of the Council are representatives of teachers or lecturers.”

Approach to inspections

The Bill would leave the approaches to inspections to the Chief Inspector to determine. She or he would have to include, among other things, “information about the different types of inspection model which may be used” in an inspection plan that would need to be laid before Parliament.

SLS said—

“We would welcome more direction with regard to the review of inspection models, particularly regarding thematic inspections across sectors and subjects as well as fuller inspections of Local Authorities and how they support schools in their jurisdiction. The fact that the plan must also set out the standards against which establishments will be evaluated is also welcome and this should include a revision and updated version of HGIOS or a new approach which replaces HGIOS.

“We feel this should lead to an increase in peer reviewing with a larger and more influential role for Associate Assessors, who are practising school leaders, as this will enhance the currency and standing of HMIE.”

COSLA’s submission supported the establishment of an independent inspectorate and said that it recognised “that inspection can play an important role in providing public confidence and determining/sharing best practice”; however it said, “improving outcomes for education will not happen through inspection alone, particularly if it becomes a crude mechanism for a traditional approach to accountability”. COSLA highlighted collaborative work across local authorities and including Education Scotland in what it described as a “networked learning system” approach. COSLA also highlighted a project called “What Makes a Good Education Authority” which is “ongoing work to develop a self-evaluation framework to set out the work of local authorities in securing improvement in education”. Comhairle nan Eilean Siar said—

“There is genuine concern that the changes to the inspection agency and the office of Chief Inspector will result in a 'top-down' disconnected and dictatorial agency that is focused on 'enforcement' (s46-48) rather than working in collaboration with the education system to evaluate performance and promote improvement.”

Fife Council suggested that “inspections should move away from unhelpful graded evaluations and instead make an overall summary comment as to their degree of confidence in the capacity of the establishment to drive its own improvement. A similar approach was adopted in the inspection of Scotland's colleges several years ago and worked well.”

AHDS suggested that the Bill should be an opportunity to reimagine the inspection regime “to develop a more modern, efficient and effective system which better supports school improvement.” It said—

“It is our view that individual school inspections do not strategically contribute to system assurance or system improvement. Very infrequent school level inspections resulting in a moment in time summative report cannot perform

these roles effectively. Further, this approach fails to recognise the important statutory role of local authorities in relation to school improvement.

“Instead, in relation to schools, the Inspectorate should inspect local authorities to ensure they have staffing and systems in place that allow them to effectively know and support improvements in education provision. (The exception to this would be grant-aided schools and independent schools where individual inspections might continue to take place.) This would provide much greater reach for the inspectorate, streamlining and simplifying accountability models and offer more meaningful and regular system level assurance in relation to education provision and improvement.”

EIS said—

“EIS asserts that inspection, in the context of an Empowered system, is an outdated model for educational improvement. It is costly, in terms of resource and in terms of the time lost to teaching and learning, and it is of very limited value in supporting accurate self-evaluation and informing professional practice. It frequently fails to get to the heart of a school’s endeavour to serve the needs of its community. Teachers will, therefore, be frustrated at the lack of ambition shown in the Education (Scotland) Bill. They are told they work in an Empowered system which is poised for radical change for the future; yet they will continue to be subjected to an antiquated and disempowering process of top-down accountability which is culturally specific and for which there is scarce evidence of positive impact. ... The EIS is clear that the current models of inspection need to be rationalised and reformed, rather than being extended and expanded. Imposing yet another layer of top-down accountability and performativity drivers on the system, in lieu of addressing the chronic resourcing crisis in education, will only hamper the efforts to improve children and young people’s educational experiences, and the outcomes of these. The EIS view is that time, money and resources could be better spent in the current climate.”

Learning for Sustainability Scotland suggested that the term “inspector” should be changed to “chief appraiser” to “signal the dual roles of scrutiny and provision of support/advice for the improvement of ‘quality’ in Scottish education settings.” The RSE also said it would support “a shift from the title ‘Inspector’ to ‘Commissioner’ of education”. The RSE said that this would reflect a role which focuses on collaboration with educational institutions and “involves extensive research of the entire education system in Scotland”.

A number of submissions suggested that there should be a requirement for inspectors to have understanding or expertise in particular areas, such as teaching and learning for visual impaired pupils or ASL specialist education.

Connect’s submission said—

“Parents’, children and young people’s views on the inspection process should be sought after each inspection, with a regular review and focus on improvement of the service. There should be more professional involvement of inspectors in engaging with families and the wider community, with a much stronger focus on the pastoral and support role that schools play in their communities.”

Reporting

The Chief Inspector will be required to prepare reports following inspections. The Bill provides that the Chief Inspector must prepare and publish annual reports on the performance of the education system, insofar as it relates to the functions of the Chief Inspector. This is a new statutory duty. Education Scotland currently publishes summaries of its inspection findings from time to time, as well as thematic national reviews.

SLS said, “although we concur that it is for the Chief Inspector to determine the form and content of each report, we feel the format should be open to full consultation with stakeholders in the first instance.” The Donaldson Trust said, “an inspection report needs to be something easily-read by a range of stakeholders: learners, parents, carers, funders, medical professionals, etc. Reports should be visible online and available in writing.”

Renfrewshire Council said that it recognised “the need to report on the performance of the Scottish Education system” but argued that the education system “is already subject to very significant levels of scrutiny and reporting at all levels”. It said that it hoped, “that reports are used solely as a vehicle for planning for improvement and recognise that there has, at times, been negative political discourse around Scottish education and a report has potential to increase this even further.” Fife Council said—

“At a system wide level we have missed the collated three yearly accounts as evidenced in previous years through the Improving Scottish Education Series. It would be useful to have a more truncated annual account followed by a much more detailed three yearly summary as was the case with the ISE series. A much more significant gap is the subject based curricular accounts of what is happening across the country. This has been a huge gap of late as schools have taken steps to improve the quality of the curriculum offer without there being any meaningful national summary to reference their work or benchmark it against. The curriculum in Scotland is comprised of individual subjects which together make their own unique contribution to pupils' learning experience - we need a national collation of how this is happening similar to the Effective Learning and Teaching in series of yesteryear and /or the subject based portraits which have not been produced for a number of school sessions now.”

Comann Luchd-Teagaisg Àrd-sgoiltean said that an annual system report should measure “the extent to which pupils entering GME in primary are leaving with a) functional fluency in the language and b) a literacy qualification in the language.” Comann nam Pàrant (Nàiseanta) said that “overall parents and carers welcome the opportunity to receive annual performance reports and as stated these should include detailed, specific reference to the performance of the GME sector and Gaelic Learners Education within the English Medium Sector.”

CRER said, “standard reporting requirements should also be equality-proofed to ensure that the specific implications for learners with protected characteristics are reported on”.

Early Learning and Childcare

The Bill provides that the inspectorate would continue to inspect funded ELC provided by local authorities or partner providers.

The Care Inspectorate has a key role in inspecting day-care of children services, including nurseries and childminders providing funded ELC. Its submission stated—

“Our understanding is that inspection will continue to be carried out in the full range of educational establishments and services as are currently inspected, however we note that neither the Bill, Explanatory Notes nor the Policy Memorandum address the issue of the inspection arrangements for the early learning and childcare (ELC) sector. The Policy Memorandum notes that currently, nursery schools (i.e. those providing early learning and childcare, and funded partner providers of early learning and childcare) are inspected. ... more clarity would be helpful to the sector around the definition of ‘ELC funded partners’ and the role of HM Inspectors in the inspection of funded ELC, in particular within the role of funded childminders.”

Midlothian Council said that the “interface [between the inspectorate and] other bodies such as the Care Inspectorate is unclear”. AHDS’s submission argued that the Chief Inspector of Education in Scotland should be the “the sole agency involved in inspection of local authority nursery schools and classes” but “the remaining early years provision could stay under the Care Inspectorate inspection systems but no longer have HMIE visits”.

COSLA’s view was—

“We believe that a single body should be established for the inspection of early learning and childcare. There is a shared understanding across Scottish Government and Local Government of the importance of ELC in improving outcomes for children and young people. A single body would be the most effective way to overcome the burdens, bureaucracy, and pressures that many in the sector experience under the current system.”

Colleges and Universities

The Bill provides that the Chief Inspector may inspect “relevant educational establishments”. The Bill also sets out “excepted establishments” which are a subset of “relevant educational establishments”, that is, the types of relevant educational establishments that may be inspected only at the request of Ministers. These are:

- funded colleges
- schools of education providing initial teacher education.

The Scottish Funding Council said—

“We do not consider that the HM Chief Inspector of Education should have responsibility for publicly funded colleges or higher education institutions delivering teacher training, in light of SFC’s existing legislative duty for assuring quality in respect of these institutions. This position was informed by

a concern that the potential overlap in quality assurance responsibilities could lead to confusion and duplication, with additional cost and burden falling on institutions.”

The Quality Assurance Agency said—

“It is important that the legislation recognises the distinction between school education and tertiary education covered under Scotland’s Tertiary Quality Enhancement Framework (TQEF), led by the SFC in collaboration with the tertiary sector. Further clarification would be welcomed on the status of certain provision delivered by colleges within the context of the school sector, for example, school-college provision is college provision delivered to support pathways and options for learners. This will be important to consider to avoid double inspection and subsequent duplication and burden for colleges.

“The cross college and university work developing TQEF has significant potential to provide solutions for and delivery against key ambitions within the Withers Review and the Scottish Government Purpose & Principles. It would be desirable that the Education (Scotland) Bill supports parity of esteem for quality assurance and enhancement of tertiary education in seeking not to confuse or duplicate this important work.”

GTC Scotland’s submission focused on the powers to inspect schools of education. It said—

“GTC Scotland has a statutory responsibility to determine what initial teacher education (ITE) programmes contain and deliver. In our consultation response we explained that if ITE inspection was a function of the new inspectorate (which the Bill confirms is the case, subject to arrangement with the Scottish Funding Council and on request by Scottish Ministers), collaborative working would be required to ensure that the inspectorate’s quality assurance and scrutiny activity of ITE complements our existing arrangements and supports quality enhancement. We are of the view that the criteria and standards that we set for ITE should be what is used for the new inspectorate to measure performance against.”

Additional Powers

A number of responses suggested that the inspectorate should have a role in inspecting other national organisations. Angus Council said, “Independent inspection is an important part of the whole systems improvement approach. Consideration should be given to including the function of evaluating the work of national organisations.” NASUWT said—

“The quality of education depends on the government and others, not just schools and it is important that the Chief Inspector is empowered to recognise the role played by others, especially the Government, in establishing and maintaining a framework of investment and support for schools to deliver high-quality educational standards. Too often, inspection remains viewed as punitive because our system allows blame to fall on schools and lets others off the hook. Against a decade of real-terms cuts to school funding, teachers and headteachers have battled to deliver the very best education possible for

children and young people. Our members report that they are increasingly swimming against a tide of cuts and a lack of resources.”

GTC Scotland said—

“We have long argued for the need for greater system regulation and by this we mean ensuring that there is a joined-up, coherent approach to education and oversight for assessing that bodies are operating as they should. While it is not for us to determine who ought to perform this function, we would highlight the role of similar inspection offices within other sectors, the comparatively stronger emphasis placed on the regulatory nature of their role, and power to take enforcement action.”

SLS suggested that—

“The Chief Inspector should have the power, in certain circumstances, to instruct the Local Authority or Governing body to set up a ‘Team around the School’ to ensure there is appropriate support available to help a school improve. Not all Local Authorities or independent schools, have the ability or capability to support schools in the aftermath of an Inspection, be it due to resources (human or financial), size or geographical spread, and thus help from outside (e.g., Education Scotland, Centre for Teaching Excellence, GTCS) may be required.”

Youthlink Scotland said—

“HMI can currently inspect youth work delivery in grant-funded national voluntary organisations and CLD services . The inspection provision for national voluntary organisations has not been provided for a number of years. The Bill should ensure the reinstatement of inspection for grant-funded national voluntary organisations. HMI should also have the power to undertake a proportionate evaluation of third-sector youth work organisations not currently subject to inspection. This could be achieved through a ‘learning community’ approach, as opposed to the current one that focuses on individual establishments and services. It would also reinforce the intentions of education reform to improve outcomes and experiences for children and young people across settings – helping the system to work ‘as one’.”

Equality Considerations

The ECHR said, “any new qualification or inspection bodies should be listed for the PSED and Scottish specific duties, as their current equivalents are.”

Close the Gap argued that more focus should have been placed on how the Bill could support gender equality. It said—

“Close the Gap is concerned that gender inequality in education has been given only minimal consideration in the development of the Education Bill. It is notable that the Equality Impact Assessment (EqIA) carried out on the Bill contains no information on gender segregation in subject or career choice, two central features of girls’ and young women’s inequality in education and in the labour market, despite this data being widely available. The only gender-

disaggregated data included is on attainment and participation levels, neither of which illuminates the entrenched inequality in the education system. Further, the EqIA fails to mention sexual harassment at all. This is a significant concern, given the extensive data available on girls' and women's experience of sexual harassment and sexualised bullying in schools and other education settings – as both pupils and teachers. The failure to include this key data in the EqIA suggested that tackling these serious issues has not been considered in the development of the Bill.”

CRER said, “all developments and actions should be subject to equality impact assessment, including the development and operation of the Advisory Council, to ensure that decisions do not disproportionately affect Black and minority ethnic groups.”

The Bill makes reference to the need for both Qualifications Scotland and His Majesty's Chief Inspector of Education in Scotland to have regards “to the needs and interests of persons” in Gaelic Medium Education or Gaelic Learner Education, or those that may wish to do so. (Sections 7 and 34) This was welcomed by a number of organisations, including those with a specific interest in Gaelic. Other organisations noted the absence of a similar provision for BSL. The National Deaf Children's Society said—

Gaelic and BSL have similar legal and demographic status. Access to Gaelic or BSL allows children and young people in Scotland access to a rich culture, heritage and identity. It therefore seems appropriate that the bill be amended to place similar specific requirements on the new bodies to be created by the bill around addressing the specific needs of those who use or wish to learn BSL ... It should be noted as well that the term British Sign Language includes both the visual form of British Sign Language and to the tactile form of British Sign Language used and understood by some deafblind people.”

A reformed or refocused Education Scotland

The removal of the inspectorate function from Education Scotland will result in the creation of a new national education body, HMIE and the primary purpose and focus of Education Scotland as a national agency will be to lead curriculum design, delivery and improvement, including the provision of resources to support learning and teaching.

This new-look agency is not an explicit part of the bill, but will form as a consequence of the Bill. COSLA's submission stated, “ensuring the reformed Education Scotland is responsive to local needs will be paramount, and we believe this should be reflected within a new approach to governance.” It said that the new-look agency could report jointly to local government and the Scottish Government.

Fife Council's submission said—

“A wider review requires however to be undertaken of the merit of having such a large national support agency with such a significant head count moving forward. The experience of the RICs and the ADES Collaborative Improvement activities have demonstrated that education authorities can and do support each other effectively sharing practice and approaches

meaningfully across traditional boundaries. This is what a networked system should look like and how it should operate.”

**Ned Sharratt, Senior Researcher (Education, Culture), SPICe Research
12 September 2024**

Note: Committee briefing papers are provided by SPICe for the use of Scottish Parliament committees and clerking staff. They provide focused information or respond to specific questions or areas of interest to committees and are not intended to offer comprehensive coverage of a subject area.
The Scottish Parliament, Edinburgh, EH99 1SP www.parliament.scot

Annexe B

Stirling Centre for Research into Curriculum Making, University of Stirling response to the Education (Scotland) Bill Call for Views

Name of organisation:

Stirling Centre for Research into Curriculum Making (SCRCM) was launched in October 2023 and is led by Prof Mark Priestley (Director) and Dr Joe Smith (Deputy Director).

The SCRCM develops and undertakes original research into curriculum making, engages in knowledge exchange with policy makers and practitioners to develop the curriculum across education systems, and disseminates research through face-to-face events and webinars.

The work of the SCRCM is supported by a range of academic staff from the Education Division, University of Stirling and is guided by an international advisory board.

<https://www.stir.ac.uk/about/faculties/social-sciences/our-research/research-groups/stirling-centre-for-research-into-curriculum-making/>

This response has been co-authored by:

Prof Mark Priestley, Director of the SCRCM, University of Stirling
Prof Elizabeth Rushton, Head of Education Division, University of Stirling
Dr Joe Smith, Deputy Director of the SCRCM, University of Stirling

Question 1: What are your views on the proposals for Qualifications Scotland?

Qualifications Scotland

Fundamentally, it is unclear how this Bill introduces change from the current situation, and how the new body is different to SQA and what is to be its relationship to Education Scotland. There are several specific points to make:

1. We welcome the commitment to involve learners, teachers and others in decision making. Greater clarity on how this might happen in a sustainable and equitable way is an important next step. For example, the Bill mentions a Charter – in our view learners, teachers and others should be included in the drawing up of the Charter.
2. The Muir report recommended a separation of the awarding and regulation functions of SQA. The decision to ignore this recommendation is a mistake, in our view, as there are potentially conflicts of interest inherent in the current situation, exacerbated due to the persistent low levels of trust across the system (parents, teachers, young people, universities) in SQA. A recent example is the inexplicable drop in the History Higher pass rate (from 78.7% to 65.7%).

3. In many countries, there is a variety of awarding bodies, offering different types of qualifications, both academic and vocational. In Scotland there exists a virtual monopoly, where SQA both awards the majority of qualifications and regulates other bodies which might compete with it. There are definite advantages to having a mixed economy of qualifications, as this offers choice and diversity. We would argue that alternative qualifications should be more easily available and affordable to all schools in Scotland (e.g. IBO, iGCSEs), but this would require a different governance structure and presumably subsidised access for schools, so that alternative providers are not significantly undercut by the monopoly provider. It would also, presumably, involve a change to Insight and other accountability metrics.

Question 2: What are your views on the proposals for a new HM Chief Inspector of Education in Scotland?

Inspection

1. We support the separation of inspection from Education Scotland. The amalgamation of the inspection and development functions of education were a significant error, creating conflicts of interest – a sense of the system ‘marking its own homework’. This has contributed, in recent years, to a culture of talking up success, characterised by a lack of the critical reflection needed for a system to improve. It is right that the new bill seeks to remedy this.
2. Establishing a separate inspectorate is therefore a necessary condition for improving the system, but is not sufficient. We note that many successful systems do not conduct school inspections, which involve the snap evaluation of a setting by outside agents often unfamiliar with that context. There is ample evidence that this system encourages performativity, by rewarding those who game the system. At the very least Scotland needs to move from a system of external evaluation on outputs (output regulation) to a new emphasis on support, reflection and development. Arguably, the Bill should contain greater clarity about how the new body will differ from the inspectorate it replaces. For example, there should be a clear statement that the new inspectorate will have a clear focus on ‘what schools do’ as well as ‘what outcomes schools achieve’.
3. Expanding the range of evaluation criteria to include the processes through which curriculum is supported, made and enacted, would be a good start. We would also like to see, alongside a new focus on development, increasing use of peer evaluation (great professional learning for teachers, apart from anything else) and a recourse to external expertise, where needed. In this latter case, an enduring complaint is that HMIE has limited expertise in many of the areas they are evaluating and, where this is available, it does not always reach the inspection teams conducting inspections. Relatedly, there is a need for a diversity of opinions within the inspectorate so that the expertise of the inspectorate is richer and draws in external input to avoid ‘groupthink’.

Governance

1. The Education Bill is a missed opportunity to reconfigure the governance of Scottish Education. Currently there is an over-reliance on top-down organisations that do everything in their field, in-house. This creates conflicts of interest within the

organisations, and overlapping functions between organisations. Education Scotland is a case in point. It develops strategy, operationalises it and evaluates its success.

2. While the separation of evaluation out from this in the Bill is to be welcomed, with the establishment of a discrete inspectorate, we would welcome a clearer delineation of the strategic and operational functions of various bodies. We would like to have seen the creation of a new national agency with purely strategic functions (i.e. the development of policy), and the simultaneous creation of operational bodies for curriculum development, professional learning, the award of qualifications, etc. A good template for this is the Republic of Ireland, where the National Council for Curriculum and Assessment brings notable educational expertise to the formation of policy, and works with operational bodies such as Junior Cycle for Teachers (curriculum development) and PSTD (professional learning).

Barry Black written submission on the Education (Scotland) Bill

Statement of Positionality

A positionality statement in research is a section where the researcher discloses their own background, beliefs, values, and experiences that may influence their perspective and approach to research. It helps to provide transparency and context for the researcher's potential biases, ensuring that readers understand how these factors might shape the interpretations made.

I am an ESRC funded postgraduate researcher at the University of Glasgow. I have successfully passed my Doctoral Viva Voce and am currently in the process of waiting for final corrections to be approved. My thesis is focused on the influences on subject choices in the Senior Phase. My research interests are educational inequality, the impact of public policy on education, and the 'voice' of pupils and staff.

I am a member of the Labour Party. I have previously been a candidate for the Scottish Labour Party, most recently in the 2021 Scottish Parliamentary elections. I have worked directly for Labour Members of the Scottish Parliament in the past – including Michael Marra MSP during this session of Parliament (I left his office in 2022). I have carried out policy development work for Pam Duncan Glancy MSP.

I published a range of research and articles in relation to the SQA's 2020 Alternative Certification Model. Including a paper with the then Education and Skills Committee of the 'Deprivation Impact' of the statistical moderation. I called for the SQA to be disbanded and replaced in January 2021, before it became Government policy.

Why Scotland's education bill matters - and the case for rejecting it - Published by TES Scotland on 8 July 2024

The Education (Scotland) Bill published in June should have marked a key point of progress in the reform of Scottish education. It should have been the point at which the focus and leadership of our system was transformed.

Instead, the contents of the bill represent a conservative (with a small "c") protection of the system as is - not reform, but maintenance.

If the bill passes it will ingrain the things that need to change, for at least a generation. That matters to schools, colleges, teachers and learners. And that is why members of the Scottish Parliament (MSPs) should reject it at the earliest opportunity and demand a new bill that offers meaningful reform.

‘Glacial process’ of Scottish education reform

The near continual talk about the process of education reform in recent years -and the glacial process of making it happen - has scunnered even the most ardent advocates, but that shouldn’t mean we should accept any old bill.

This isn’t about the technicalities of reform to the governance of Scottish education, it is about the structures that support learning and teaching, curriculum experience and the qualifications that are the starting point of our skills pipeline. The function, structure, leadership and culture of the organisations that govern and support the education system are not tangential to wider urgent issues in schools, but central to them.

To reemphasise the importance of this moment, it is worth setting out how we got here.

The Scottish government came to the conclusion in 2021 that Scotland’s two main education bodies - the Scottish Qualifications Authority (SQA) and Education Scotland - were not fit for purpose and needed to be replaced.

This stemmed from the misalignment within the curriculum structure - as found by the 2019 Scottish Parliament subject choices inquiry and the 2021 Curriculum for Excellence review by the Organisation for Economic Cooperation and Development - and between that structure and assessment. It was also due to a loss of trust and confidence in the two organisations, and the culture presided over by their senior leadership.

Professor Ken Muir’s independent review in 2022, commissioned by the Scottish government, set out the roadmap for reform. It made three key recommendations concerning the structure of Scottish education.

Firstly, that the SQA should be replaced by Qualifications Scotland, which should take on the awarding functions of qualifications. That is, their design and delivery, the operation of exams and the awarding of certificates.

Secondly, that a new national agency should replace Education Scotland, be responsible for curriculum delivery and support, and take on the regulation functions of qualifications.

And thirdly, that there should be an independent inspectorate of schools.

Ensuring no marking of own homework

This was fundamentally so that the trust of learners and teachers could be restored in these organisations, that teachers and pupils could be better supported - and so that organisations weren’t responsible for marking their own homework. Professor Muir noted that a culture and an ethos of transparency was not apparent. Teaching unions, similarly, have set out the importance of cultural change in driving reform.

And while the education bill does have proposals for a new inspectorate of schools, its proposals for the new qualifications body is for it to have the exact same functions - and the same leadership - as the current SQA. Further, there are no proposals at all for a new national agency at all; no change in function, no change in culture.

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.

There is one shot at this structural reform. MSPs, then, should consider rejecting it - and instead demand a new bill that meets the recommendations, spirit and expectations of real reform.