ITEM 14
FOR NOTING

GLASGOW KELVIN COLLEGE

Learning and Teaching Committee – 4 May 2022

Putting Learners at the Centre: Towards a Future Vision for Scottish Education

Report by Vice Principal Curriculum and Quality Enhancement

1. Introduction

This report updates the Committee on the publication of a report recommending major changes to Scottish Education, with a particular focus on Curriculum for Excellence and School Education.

2. Putting Learners at the Centre: Towards a Future Vision for Scottish Education

On 9th March 2022, the attached report, *Putting Learners at the Centre: Towards a Future Vision for Scottish Education,* was provided to Scottish Ministers by Professor Ken Muir on the replacement of the Scottish Qualifications Authority, reform of Education Scotland and removal of its inspection function. On the same date, the Scottish Government Published its initial response to the recommendations (attached as annex B), broadly accepting the recommendations made in Professor Ken Muir's Report.

The recommended changes are far reaching and suggest major structural changes to the educational landscape of Scotland. This includes:

- A new body, Qualifications Scotland, should be established. It should take on board SQA's current awarding functions, chiefly the responsibility for the design and delivering of qualifications, the operation and certification of examinations, and the awarding of certificates.
- There should be a national agency for Scottish education. This should be an executive agency of the Scottish Government comprising the current support and improvement functions of Education Scotland, SQA's Accreditation/Regulation Directorate, the Scottish Credit and Qualifications Framework (SCQF) Partnership and elements of Scottish Government's Curriculum, Qualifications and Gaelic Division.
- A new Inspectorate body should be established with its independence enshrined in legislation. Its governance should reflect this independence, with the body funded by the Scottish Parliament, staffed by civil servants and inspectors, the latter of which are appointed with the approval of Her Majesty via the Privy Council.
- The SCQF Partnership should be brought into the proposed national agency for Scottish education in order that its framework and staff can play an enhanced role in planning learner journeys and providing greater parity of esteem.
- Scottish Government should establish a transitions programme team to oversee the changes and reforms envisaged in this report.

Overall, the report and the Scottish Government response makes little reference to College education and any changes which would directly impact on colleges. However, such significant restructuring of the Scottish educational landscape is likely to impact on

colleges, albeit the nature of this is yet to be defined. A key point emphasised by Professor Muir is that all stakeholders should get the opportunity to debate and challenge emerging suggestions and it will be important for the sector to engage with this at an early stage.

3. Resource Implications

There are no resource implications arising directly from this report.

4. Equalities

There are no equality implications arising directly from this report.

5. Risk and Assurance

There are no immediate risks arising from this report. However, it is not yet clear how these changes will impact directly on College education and further dialogue and detail will be needed to understand fully the impact on our sector.

6. Data Protection

There are no data protection implications arising directly from this report.

7. Recommendations

Members are recommended to:

i. note the contents of the report.

8. Further Information

Members can obtain additional information on the contents of this report from Robin Ashton, Vice Principal Curriculum and Quality Enhancement.

Glasgow Kelvin College
RA
06/04/2022

Scottish Government
Riaghaltas na h-Alba
gov.scot

APPENDIX

Putting Learners at the Centre:
Towards a Future Vision for Scottish Education

Report by Professor Kenneth Muir
University of the West of Scotland and
Independent Advisor to the Scottish
Government on Education Reform

Contents

1. Foreword **01**
Letter to the Cabinet Secretary for Education and Skills 01
Acknowledgements 03

2. Summary of recommendations **04**
A renewed vision 04
A qualifications and assessment body 04
A national agency for Scottish education 04
Inspection 05
Wider implications 06
Transitions 06

3. Introduction **07**
OECD Recommendations 07

4. Methodology **10**
General approach 10
Webinars 11
Public consultation 11
Children and young people consultation 11
Conclusion 12

5. Case for change **13**
Overview 13
Key principles 14
Curriculum for Excellence – A renewed vision 16
Views on Curriculum for Excellence 17
Curriculum for Excellence: What should change and what should be retained? 18
Changes beyond Curriculum for Excellence 19

6. A qualifications and assessment body **24**
Background to the Scottish Qualifications Authority 24
Discussion on the Scottish Qualifications Authority 25
National Qualifications 27
Parity of esteem 29
Broader issues in respect of qualifications and assessment 30
Scottish Qualifications Authority accreditation and regulation 31
Opportunities 33

7. Considerations around a new curriculum and assessment agency **35**
Politics 35
Staffing 36
Learning and teaching 37

8. Education Scotland 41
Support for curriculum and assessment 42
Support for professional learning and leadership 47
Regional Improvement Collaboratives (RICs) 50
Local Government perspectives 53
Summary 54

9. Towards a national agency for Scottish education 58

10. HM Inspectors 62
Background 62
Links to early learning and childcare sector 65
Further inspection considerations 65
Opportunities 67
Risks 67
Mitigating measures 67
Towards an independent Inspectorate 68

11. Wider implications and further considerations for reform 70
Scottish Credit and Qualifications Framework Partnership 70
Insight 72
Skills Development Scotland Career Service Review 74
Initial Teacher Education 75
Policies: Ongoing change and volume of policy 75

12. Risks and mitigations 78

13. Transitions 80

14. Summary conclusions 82

15. Appendices 83
Appendix A: List of engagements undertaken by Professor Muir 83
Appendix B: Public consultation analysis: Summary prepared by Wellside Research Ltd 85
Appendix C: Advisor on education reform: Terms of reference 89
Appendix D: Remit and membership of the Expert Panel 92
Appendix E: Remit and membership of the Practitioner and Stakeholder Advisory Group 95
Appendix F: United Nations Convention on the Rights of the Child (UNCRC) 97
Appendix G: List of key policies 98
Appendix H: System map 101
Appendix I: References 102

1. Foreword

Letter to the Cabinet Secretary for Education and Skills

Dear Cabinet Secretary,

In June 2021, I was commissioned by the Scottish Government to provide independent advice to you on aspects of education reform in Scotland. Specifically, this included 'designing the implementation of the recommendations for structural and functional change of the Scottish Qualifications Authority (SQA) and Education Scotland[1]' which arose from the report, Scotland's Curriculum for Excellence: Into the Future by the Organisation for Economic Co-operation and Development (OECD)[2]. You also asked that I give consideration to establishing a new curriculum and assessment agency[3]. I am pleased to present my independent report arising from that commission for your consideration.

I would like to firstly express my appreciation for the positive and constructive response there has been by all with whom I have engaged on this reform work. I am particularly indebted to the extensive, open and informative engagements the leadership teams, staff and unions in SQA and Education Scotland have had with me over the period of my work.

I accepted this commission and entered into it with an open mind as to what my recommendations would be. At the outset, I was determined to seek views and ideas from as wide a range of groups and individuals as possible within the timescale available to me. Throughout, I have adopted an evidence-based approach listening to and triangulating the views and ideas of children and young people, headteachers, teachers, lecturers and other practitioners, parents and carers and a range of other interested stakeholders to help form my recommendations. I have also sought advice from respected researchers and those with relevant expertise in organisations throughout Scotland and beyond.

Given the complex and interconnected nature of the Scottish education system and the breadth of roles and functions currently carried out by both SQA and Education Scotland, it has been necessary to engage widely with a broad spectrum of practitioners and stakeholders who, in varying degrees, are likely to be impacted by the replacement of the SQA, the removal of inspection from Education Scotland and changes to that agency's roles and functions.

The outcomes from these extensive engagements, the excellent returns from the two consultations carried out, and the experience of Expert Panel members and leading specialists and researchers have provided a strong foundation of evidence on which to base my conclusions and recommendations.

---

[1] Terms of reference, Independent Advisor on Education Reform, https://www.gov.scot/publications/advisor-to-the-scottish-government-on-the-reform-of-sqa-and-education-scotland-remit/

[2] OECD (2021), Scotland's Curriculum for Excellence: Into the Future, Implementing Education Policies, OECD Publishing, Paris, https://www.oecd-ilibrary.org/education/scotland-s-curriculum-for-excellence_bf624417-en

[3] Scottish Government's response to the OECD report, the Cabinet Secretary for Education and Skills on 22 June 2021, https://www.gov.scot/publications/oecd-review-of-curriculum-for-excellence-scottish-government-response/

My recommendations take into account and align with wider areas of policy and the Scottish Government's priorities for children and families in Scotland. They are designed to build upon the many strengths that exist within Scottish education while supporting key priorities around closing the poverty-related attainment gap, child poverty, reducing youth unemployment, the national work on Race Equality and Anti-Racist Education Programme (REAREP)[4] and achieving equity and excellence through education. They are also based on an understanding that the incorporation into Scots law of the United Nations Convention on the Rights of the Child (UNCRC) is a game changer when it comes to how we view and provide the educational experiences for children and young people.

Fundamentally, my recommendations place children, young people and those teachers and practitioners who support their learning more firmly at the heart of the education system. Unashamedly, they place them and their interests ahead of those organisations that make up the educational infrastructure. The recommendations aim to establish a revised infrastructure that begins to simplify the landscape and ensures all teachers and practitioners have greater clarity as to the roles and functions of key national bodies. The recommendations also set out the means by which teachers and practitioners can be more assured of accessing the bespoke support they need in the challenging job they have in supporting all learners. As a consequence, the recommendations are designed, ultimately, to enhance the quality of learning and teaching and the achievements and outcomes for all learners and ensure the rights of the child are respected and honoured across our education system.

Critically, the recommendations offer initial steps in creating a more coherent landscape that inspires public trust and confidence in our education and examination system. They also provide a means by which the school curriculum; assessment; approaches to learning and teaching; examinations and qualifications can remain responsive and relevant in the context of constant and significant change, through meaningful engagement with all stakeholders including those professionals who are most closely engaged in the learning and teaching process. Finally, my recommendations provoke questions for all who have a stake in Scottish education of the cultural and mindset shifts required to support this fluid and dynamic system.

You encouraged me at the outset to be 'bold and radical' in my report. I believe it does both while also providing the stability required over the short to medium-term to minimise risk to learning. It offers what I believe is a clear, creative and pragmatic way forward for Scottish education that builds on its current successes, provides real opportunities for all learners, better supports teachers and practitioners, and re-establishes Scotland's world-leading education credentials.

Professor Kenneth Muir
University of the West of Scotland
Independent Advisor to Scottish Government

[4] Race Equality and Anti-Racist Education Programme: https://www.gov.scot/groups/race-equality-and-anti-racism-in-education-programme-stakeholder-network-group/

Acknowledgements

This report was commissioned by Shirley-Anne Somerville MSP, Cabinet Secretary for Education and Skills and I am indebted to her for initiating the review and for respecting my independence throughout the process.

I would like to express my sincere thanks to those individuals who represented their organisations as members on the 50+ strong Practitioner and Stakeholder Advisory Group (PSAG). The expertise and lived experiences they and their networks brought to my work were of immense value in bringing 'real life' evidence and constructive suggestions to my deliberations.

I am indebted to all those who gave up their time to take part in the extensive range of meetings and webinars over the last six months, including the many parents and carers, and representatives from professional associations, local and national government and national and international organisations with whom I engaged. I would also like to thank the large number of individuals, groups and organisations that completed the public consultation. The valued and constructive contributions made by all of the above have influenced greatly my thinking in writing this report.

I would like to take this opportunity to thank the Children's Parliament, the Scottish Youth Parliament and Together (Scottish Alliance for Children's Rights) who organised and carried out the consultation engagements with children and young people from across Scotland. A special 'thank you' is due to the large number of children and young people who engaged in the extensive facilitated discussions and online survey prepared by those three organisations. An equally special 'thank you' is due to those learners who took time away from classes and lectures to engage directly with me. The combined experiences and suggestions made by these learners have proved to be invaluable in informing my recommendations. Learners, supported by teachers and practitioners, should lie at the centre of all we do in Scottish education, hence the title of my report. Education is for them, and those that come after them, and it is they who must benefit from my recommendations and what might lie ahead by way of any further reform.

At a time of significant change and reform to their organisations, I have greatly appreciated the positive and supportive manner in which Gayle Gorman, Chief Executive of Education Scotland and Fiona Robertson, Chief Executive of the SQA, together with their senior teams and staff, have engaged with me throughout the last six months. I recognise the concerns and anxieties they have shared with me about the future of their organisations and the uncertainties the reform process has created for them.

I am grateful to Wellside Research Ltd for their assistance in analysing the extensive number of public consultation returns and to officials in national and local government who responded to requests for information and advice.

I am particularly indebted to members of the Expert Panel for sharing their expertise with me and for their insightful advice and feedback at key stages in the process.

Special thanks go to the members of the independent secretariat who have given me unstinting support over the six months of my commission.

All of those mentioned have been invaluable in the development of this report but I bear sole responsibility for its content.

Professor Kenneth Muir
University of the West of Scotland
Independent Advisor to Scottish Government

2. Summary of recommendations

A renewed vision

1. The Scottish Government should initiate a national discussion on establishing a compelling and consensual vision for the future of Scottish education that takes account of the points made in this report, in particular the importance of placing the learner at the centre of all decisions. The vision for Curriculum for Excellence (CfE) should be considered as part of this discussion as should consideration of how the education system seeks to address the purposes described in Article 29 of the United Nations Convention on the Rights of the Child (UNCRC)[5].

2. Invitations to shape this vision should be made to all partners and stakeholders, including all learners[6], teachers, practitioners, parents and carers. It will be important to ensure that 'narrative privilege' is accorded to all who have an interest and not just key educational bodies, with opportunities for all to debate and challenge emerging suggestions.

A qualifications and assessment body

3. A new body, Qualifications Scotland, should be established. This new body should be an executive Non Departmental Public Body (NDPB). It should take on board SQA's current awarding functions, chiefly the responsibility for the design and delivering of qualifications, the operation and certification of examinations, and the awarding of certificates.

4. Income-generating contract services currently provided by SQA for organisations, governments and businesses, should be included in the remit of the new NDPB. SQA's current international work should also be part of the NDPB's remit.

5. The governance structure of the proposed Qualifications Scotland body should be revised to include more representation from, and accountability to all learners, teachers, practitioners and the stakeholders with whom it engages.

A national agency for Scottish education

6. There should be a national agency for Scottish education. This should be an executive agency of the Scottish Government comprising the current support and improvement functions of Education Scotland, SQA's Accreditation/ Regulation Directorate, the Scottish Credit and Qualifications Framework (SCQF) Partnership and elements of Scottish Government's Curriculum, Qualifications and Gaelic Division.

7. The proposed agency for Scottish education should take on board SQA's current accrediting and regulating functions. It will be important that robust safeguards are put in place to ensure that regulation of qualifications remains at arm's length from Scottish Ministers and the integrity of the regulatory role within the proposed agency is secure.

---

[5] UNCRC Article 29 – https://www.cypcs.org.uk/rights/uncrc/articles/article-29/

[6] In this report the phrase 'all learners' encompasses children and young people:
- who speak different languages.
- who come from diverse ethnic backgrounds.
- who follow different faiths.
- who require additional support needs.

8. The main focus of the proposed national agency for Scottish education should be to provide responsive, bespoke support and professional learning at regional and local levels. In addition the agency should advise the Scottish Government on curriculum and assessment policy. While the proposed agency should also provide a national offer in respect of leadership and in areas to support policy implementation, this should be done through ensuring significant resource is made available to respond to the varied needs of all learners, teachers and practitioners at local and regional levels.

9. In line with best practice in the governance of public bodies, the agency should adopt a participative approach to governance in all of its work. The board and its chair should reflect the range of stakeholders, including parents/carers and young people. In order to secure wide ownership of its strategic advice it should also utilise digital connectivity to achieve open and transparent engagement with all stakeholders, most notably all learners, teachers and practitioners and local government.

10. Given the Community Learning and Development (CLD) Standards Council[7] has become successfully embedded within Education Scotland in its current form and feedback from CLD practitioners has been positive about its work, the Council should remain part of the proposed national agency for Scottish education.

11. With the increased focus of the proposed agency on providing support for improvement at local and regional levels, the Registrar of Independent Schools[8], with their national remit, should return to the Learning Directorate of the Scottish Government. With this change the Registrar of Independent Schools will be better placed to work more closely with the national professional body, General Teaching Council for Scotland (GTCS), with the requirement now in place that all teachers in independent schools are registered and regulated by them.

12. The proposed national agency for Scottish education should create and sustain a forum for ongoing and proactive discussion about curriculum, assessment, learning and teaching, professional learning and leadership in Scotland. It should gather views from national bodies, existing think tanks, research and practices, including in other jurisdictions, in order to develop and enhance key policies.

Inspection

13. A new Inspectorate body should be established with its independence enshrined in legislation. Its governance should reflect this independence, with the body funded by the Scottish Parliament, staffed by civil servants and inspectors, the latter of which are appointed with the approval of Her Majesty via the Privy Council.

[7] The CLD Standards Council: https://cldstandardscouncil.org.uk/

[8] Education (Scotland) Act 1980, Part V: https://www.legislation.gov.uk/ukpga/1980/44/part/V

14. Building on recent work undertaken by Education Scotland on re-imagining inspection, the new independent Inspectorate should undertake the functions set out in section 10 of this report. Critical roles of the independent Inspectorate will be to support improvement, evaluate major changes in the education system and report annually and over longer periods, on the performance of Scottish education.

15. As a matter of urgency the new independent Inspectorate should re-engage with the Care Inspectorate to agree a shared inspection framework designed to reduce the burden on early learning and childcare (ELC) practitioners and centres.

16. The new independent Inspectorate should undertake an inspection on the effectiveness of the new, proposed arrangements designed to support change and improvement at local and regional levels. This should be completed within two years of the new Inspectorate coming into operation.

Wider implications

17. The SCQF Partnership should be brought into the proposed national agency for Scottish education in order that its framework and staff can play an enhanced role in planning learner journeys and providing greater parity of esteem.

18. The Scottish Government online tool Insight should be further developed in order that it can help drive change in Scottish education, and in particular, support the learner journey and enhance parity of esteem across academic and non-academic qualifications and awards. Consideration should be given as to whether the Insight tool and the Insight professional advisors should be placed within the proposed national agency for Scottish education.

19. Scottish Government and other national bodies should collaborate more effectively to ensure that policies align well with each other and with any revised vision for Scottish education. Arrangements should be put in place that allow for the active monitoring of the volume of policy expectations on local authorities, schools and senior leaders to ensure that these are realistic, manageable and well understood.

Transitions

20. Scottish Government should establish a transitions programme team to oversee the changes and reforms envisaged in this report. The transition programme should be taken forward in partnership with the bodies subject to reform and all those that are impacted by its outcomes.

21. Those staff that are affected by my recommendations must be kept effectively engaged and informed of progress during the transitional period over which my recommendations are progressed. In my view all staff should also be treated in accordance with the Scottish Government's Fair Work Policy[9].

[9] The Scottish Government Fair Work First Policy https://www.gov.scot/publications/fair-work-first-guidance-support-implementation/

3. Introduction

The OECD published its report, Scotland's Curriculum for Excellence: Into the Future, on 21 June 2021[10].

This report followed an invitation from the then Cabinet Secretary for Education and Skills in 2020 for the OECD to assess the progress made in implementing CfE in primary and secondary schools since 2015 and to understand how school curricula in Scotland have been designed and implemented in recent years. In its report, the OECD recognises that Scotland's CfE was among the pioneers of 21st century learning and that it continues to offer a vision and a philosophy of education widely supported and worth pursuing. However, it also points out that Scotland needs to adopt a more structured and strategic approach to curriculum review and implementation, and enhance the coherence of the policy environment that surrounds CfE.

The report sets out 12 recommendations and a number of actions that should be taken to strengthen CfE and tackle its ongoing implementation challenges as part of a structured approach to the future of CfE.

OECD Recommendations

1.1. Re-assess CfE's aspirational vision against emerging trends in education
1.2. Find a better balance between breadth and depth of learning throughout CfE
1.3. Adapt the Senior Phase to match the vision of CfE
1.4. Continue building curricular capacity at various levels of the system using research
2.1. Ensure stable, purposeful and impactful stakeholder involvement with CfE
2.2. Revise the division of responsibilities for CfE
2.3. Structure a coherent communication strategy to support developments of CfE
3.1. Provide dedicated time to lead, plan and support CfE at the school level
3.2. Simplify policies and institutions for clarity and coherence
3.3. Align curriculum, qualifications and system evaluation to deliver on the commitment of Building the Curriculum 5[11]
3.4. Develop a systematic approach to curriculum review
4.1. Adopt a structured and long-term approach to implementation.

In the Scottish Government's response to the OECD report, the Cabinet Secretary for Education and Skills on 22 June 2021[12] accepted all 12 recommendations in full and set out how the Scottish Government would take them forward. As an initial response, the Cabinet Secretary announced the intention to replace SQA, Scotland's awarding and accreditation body, and consider a new specialist agency for both curriculum and assessment. The Cabinet Secretary also announced the reform

[10] OECD (2021), Scotland's Curriculum for Excellence: Into the Future, Implementing Education Policies, OECD Publishing, Paris, https://www.oecd-ilibrary.org/education/scotland-s-curriculum-for-excellence_bf624417-en

[11] SQA Accreditation Regulatory Framework 2019: https://accreditation.sqa.org.uk/accreditation/accreditationfiles/Regulation/SQA_Accreditation_Regulatory_Framework_2019_v3.pdf

[12] Scottish Government's response to the OECD report, the Cabinet Secretary for Education and Skills on 22 June 2021, https://www.gov.scot/publications/oecd-review-of-curriculum-for-excellence-scottish-government-response/

of Education Scotland, the agency charged with supporting quality and improvement in Scottish education, including removing the function of inspection from the agency. The Scottish Government published an implementation framework for the OECD recommendations on 27 October 2021[13].

The Cabinet Secretary for Education and Skills commissioned independent advice on the OECD's recommendations for structural and functional change to SQA and Education Scotland, including the delivery of the national curriculum, assessment, qualification and inspection functions, recognising the wider functions of both these bodies. I started this work in August 2021 and have considered the proposal and resultant implications of establishing a new, specialist agency responsible for both curriculum and assessment. This report represents the culmination of this piece of work.

In considering this commission which focused on two major national bodies in Scottish education, it was apparent to me that the scope and functions of both bodies extended across a much wider sphere of influence than CfE and the school sector which were at the centre of the OECD's report. This resulted in the necessity to engage with a wide range of individuals and organisations across all parts of the Scottish education system. Many of these organisations and individuals with whom I have spoken were not directly within the school sector, but are likely to be impacted by the Scottish Government's decisions to replace SQA and reform Education Scotland.

These engagements variously involved meetings, interviews and webinars over a three-month period with children and young people; students in further and higher education; parents and carers; practitioners and leaders in schools, colleges and universities; staff in local and national government; members in education governance groups; and representatives from professional associations, national bodies, business and industry and equality and human rights organisations. A particular priority was given to engaging with staff and their trade union representatives in SQA and Education Scotland. A full list of those engagements carried out are shown in **Appendix A**. As a consequence of those engagements, a number of wider implications for Scottish education have been identified. Some of these relate to examinations and approaches to assessment and the feedback on these topics will usefully inform Professor Louise Hayward's forthcoming work focused on the planned reform of National Qualifications[14].

Two consultations provided additional evidence and views on the OECD's recommendations. The first was a public consultation[15], a summary of which is shown in **Appendix B**, which saw 764 returns from individuals, groups and organisations. These, alongside an additional 87 meeting notes were analysed independently by Wellside Research Ltd. The second, created and run by the Children's Parliament, the Scottish Youth Parliament and Together (Scottish Alliance for Children's Rights), elicited responses from 3,889 12 to 18 year-olds to an online survey,

[13] Curriculum for Excellence review: implementation framework: **https://www.gov.scot/publications/scotlands-curriculum-future-implementation-framework-oecds-2021-review-curriculum-excellence/pages/7/**

[14] Reforming qualifications and assessment **https://www.gov.scot/news/reforming-qualifications-and-assessment/**

[15] Education Reform Consultation on behalf of Professor Kenneth Muir, University of the West of Scotland: **https://www.gov.scot/publications/independent-review-education-scotland-scottish-qualification-authority-professor-kenneth-muir/**

while 1,210 primary school age children and 394 secondary school age children and young people took part in facilitated discussions.

In addition to examining a wide range of documentation provided by SQA and Education Scotland, I have also taken the opportunity to consider research findings and examples of practice in support and improvement, curriculum, approaches to assessment and examinations from across the world. This information has helped to inform the recommendations made in this report.

This report first of all considers the current context pertaining to Scottish education and reflects on why changes are needed. Building on the strengths already in the system, it identifies key principles that support a compelling vision for the future of Scottish education.

Sections 6 to 10 consider how those features of the system relating to curriculum, assessment, examination, support and improvement and inspection might best be reconfigured to promote and enhance excellence and equity, and ensure a high quality education system for the current and future generation of learners. Given the strength of feeling expressed by many who engaged with me, my report sets out in section 11 a number of wider implications for both Scottish education and wider public services.

Throughout the report I have included comments made, particularly by children and young people, to reflect the key messages I have heard.

SQA and Education Scotland play important roles within the complex and highly interrelated infrastructure that exists in Scottish education. The announcement by the Cabinet Secretary for Education and Skills to replace SQA and reform Education Scotland, together with my recommendations, will undoubtedly have a significant impact on the professionals in both organisations and in other bodies. It will be important that changes and reforms made are carried out in a well-managed and empathetic manner that recognise the commitment and expertise of staff in both organisations, ensure continuity of function and minimise disruption for both learners and those teachers and practitioners who support them.

4. Methodology

General approach

I was appointed in June 2021 and began work at the start of August. My terms of reference as Advisor are set out in Appendix C.

On taking up my post and to assist me with my work, I identified eight individuals to form a small Expert Panel[16](EP). Their role was to provide me with specialist expertise, advice and support and help ensure that full consideration was given to all aspects of my remit and the wider themes and recommendations set out in the OECD report.

The EP was not designed to be representative of practitioners and stakeholders in the education system. Panel members were invited on the basis of the well-recognised expertise they held in areas such as assessment and qualifications; educational governance; learner voice; anti-racist pedagogy, equality and diversity; and their national and international experience and expertise on educational reform and organisational change. The EP also included a co-author of the OECD report and a Scottish secondary head teacher. The EP met on a total of six occasions between September 2021 and January 2022.

I also set up a Practitioner and Stakeholder Advisory Group (PSAG)[17]. This comprised individuals from a wide range of organisations which it was felt would be impacted on, either directly or indirectly, by the Cabinet Secretary's decision to replace SQA and reform Education Scotland. Initially, approximately 40 organisations were invited to join PSAG although this increased to over 50 during the period of my work as additional organisations identified themselves as being impacted by my remit.

PSAG provided a forum whereby I could gain direct access and expertise to practitioners and other stakeholders who engaged with SQA and Education Scotland. Between September and early December I conducted a total of 87 one-to-one meetings with each individual member of PSAG and with non-PSAG members who wished to share their views and ideas with me.

At two initial half-day meetings in September 2021, I asked all PSAG members to engage with their formal and informal networks in order that as wide a range of views and experiences of working with SQA and Education Scotland could be obtained. They were also asked to engage with their wider organisation and its networks on the questions laid out in the public consultation and to bring any issues and ideas they wanted to my attention. The outcomes of these wider engagements were shared with me at ten PSAG sub-group meetings held in mid-November and at a full meeting of all PSAG members at the end of November. Their feedback provided a rich source of views and ideas which helped to inform the recommendations made in this report.

As the two national bodies most impacted by the Cabinet Secretary's decision, I gave a commitment at the outset to prioritise engagement with SQA and Education Scotland. I engaged in a total of 28 meetings either directly with SQA or at which SQA was present and 25 with Education Scotland. These engagements comprised PSAG meetings, meetings with senior staff, all staff meetings and meetings with individuals and teams. They also included a number of meetings with union officials representing staff in both organisations. At some of those meetings, SQA and Education Scotland

[16] Expert Panel (EP): https://www.gov.scot/groups/education-reform-expert-panel/

[17] Practitioner and Stakeholder Advisory Group (PSAG): https://www.gov.scot/groups/practitioner-and-stakeholder-advisory-group-psag/

were invited to offer their own views and ideas on the potential outcomes of my work.

Both the EP and PSAG groups were chaired by me. The terms of reference for both the EP and PSAG can be found in **Appendix D** and **Appendix E**.

Webinars

Five webinars were held over September and October 2021, one of which was focused solely on engaging with parents and carers of children and young people in the education system. Over 2,000 practitioners and stakeholders from a range of diverse cultural, religious, and linguistic backgrounds had their views and ideas listened to during these webinars. Practitioners shared their experiences of working with SQA and Education Scotland and offered their views on how Scottish education might be reformed to the advantages of our diverse range of current and future learners.

Public consultation

A public consultation was opened for an eight-week period, from 30 September to 26 November 2021[18]. This invited responses to a consultation document via the Scottish Government's consultation portal, Citizen Space, as well as offering the opportunity to submit feedback via email. The results of this consultation were analysed independently by Wellside Research Ltd, see **Appendix B**. A combined total of 764 responses were received. In addition, notes from 87 meetings and webinars were also analysed as part of the independent analysis.

The responses from the public consultation reflected the strong feedback I received from early engagements with practitioners and stakeholders. While focusing largely on how best to achieve the replacement of SQA and the reform of Education Scotland and the implications arising, it was clear from many that this was an appropriate opportunity to explore some wider reforms that would enhance the quality of Scottish education and outcomes for current and future learners.

Children and young people consultation

A particular concern noted in the OECD report was the difficulty in Scottish education systematically take into account the views of stakeholders, and particularly the voices and perspectives of learners, on curriculum reform and recognise those voices in decision making. In recognition of this issue, I asked the Children's Parliament, the Scottish Youth Parliament and Together (Scottish Alliance for Children's Rights) to design a toolkit that would allow primary school age children and those aged 12-18 to engage in discussion about their current experiences of school and their learning, and the kinds of reform they wished to see in their education system. Bespoke, online and downloadable toolkits provided adults with the means to facilitate discussions with both groups of children and young people from across Scotland. In addition, an online consultation survey was prepared for 12-18 year-old young people to complete.

[18] Education Reform Consultation on Behalf of Professor Ken Muir, University of the West of Scotland and Independent Advisor to the Scottish Government (30 September 2021): **https://www.gov.scot/publications/independent-review-education-scotland-scottish-qualification-authority-professor-kenneth-muir/**

Using the extensive networks of the three bodies and their ability to readily access the views of children and young people, 1,210 primary school aged children engaged with the online or downloadable toolkits, and took part in conversations facilitated by adults known to them. This included 53 members of Children's Parliament. 394 secondary school-aged children and young people engaged with the toolkit designed for them, again facilitated by an adult known to them. This included 25 members of the Scottish Youth Parliament's Learner Panel. A total of 3,889 12 to 18-year-olds responded to the online survey.

A summary of the outcomes from these engagements and consultations with children and young people by Children's Parliament, the Scottish Youth Parliament and Together (Scottish Alliance for Children's Rights) has been provided separately and will be published at the same time as this report. As their report shows, some of the perspectives and insights of the children and young people who responded go well beyond my remit. Nonetheless, they offer critically important insights and perspectives into their lived experiences as learners which command the attention and reflection of all who are involved in Scottish education. Often, their responses ask profound questions of the culture that exists in some parts of the system. The report also includes the important reminder that education may develop personality, talents and abilities of children and young people, but what happens at home and in the community has an important role too and, in some cases, is more likely to impact and support the child to develop these to their fullest potential.

Conclusion

The many meetings, webinars, consultation responses and other submitted papers have provided a wealth of information and a wide range of views both on what is working well and also what now needs to change. I have also accessed practice in other national and international jurisdictions and received expert advice from leaders in those areas. My recommendations are largely based on the totality of these findings in combination with my own professional view. Throughout the report I have used individual quotes where appropriate to illustrate key messages emerging from my engagements and discussions. I have been encouraged greatly by the level of interest in this piece of work and in Scottish education more generally and would hope that any subsequent public discussion on education reform in Scotland is also engaged with in a similar fashion.

The wider findings have also provided valuable insights and suggestions from learners, teachers and other practitioners specifically on their experiences on engaging with SQA on National Qualifications (NQs) over recent years. I have also listened carefully to the views and opinions of SQA and Education Scotland staff. Where appropriate, this information will be shared with Professor Louise Hayward as she takes forward her planned work on the review of NQs.

5. Case for change

Overview

Following publication of the OECD report, the Cabinet Secretary for Education and Skills announced on 22 June 2021 the following actions that would be guided by the central principle that they improve the experiences and outcomes of children and young people in Scotland's education system.

- SQA would be replaced.
- Education Scotland would be reformed and the inspection function removed.
- Consideration would be given to establishing a new, specialist agency responsible for both curriculum and assessment.

The extensive engagement process that I undertook in response to these decisions involved a wide range of learners, teachers, practitioners, parents/carers and stakeholders, including Education Scotland and SQA, over the period September to December 2021. These engagements provided valuable insights into Scottish education and constructive suggestions on how the above reforms might best be taken forward. They also prompted discussion on wider issues, including the cultural and mindset shifts that many felt needed to be addressed as part of wider and longer-term reforms.

An important message arising from the engagements was that there are many positive features of which we should be proud in CfE and Scottish education more generally. The skills and leadership of practitioners and others at different levels and in different sectors in facing the challenges of recent years, were particularly apparent. So too was the resilience shown by many learners whose disrupted experiences, due to the pandemic, has raised serious concerns about their health and wellbeing and that of those who support them.

"I'm pretty sure the government gives the teachers what we need to learn so we don't really get a say."

(Primary school age child)

In the context of CfE, there is clear evidence of some innovative and creative approaches being taken to the curriculum which are meeting the needs of all learners well and which are enhancing and maximising their learning journey. However, it was recognised that such approaches are offered inconsistently resulting in inequity of offer for some learners. Various factors were cited for this, ranging from a perception that the system is driven too much by SQA and its 'high stakes' examinations and overbearing pressures on practitioners and leaders, to variable resource and variable support from Education Scotland and Regional Improvement Collaboratives (RICs) that did not always respond directly and in a timely manner to the professional needs of teachers, practitioners and schools supporting learners.

There was universal acknowledgement that Scottish education has been going through a period of reflection, change and adaption in recent years. Policy areas such as the National Improvement Framework (NIF), the Scottish Attainment Challenge (SAC), and Scotland's Race Equality Framework have helped to give some focus to priorities. However, a consistent theme from many across education sectors was the overload of policy demands, and at times the lack of alignment between them, which many leaders, teachers and practitioners found unmanageable. This has resulted in many headteachers in particular, having their focus diverted away from leading learning and on ensuring high quality learning and teaching to managing an ever increasing level of bureaucracy. These feelings are reported to

have been exacerbated by the need to respond to the demands of the COVID pandemic over the past two years.

In spite of this, it was interesting to note the strong desire felt by many that now was an appropriate time to take stock of where we are in Scottish education and consider the wider reforms needed, beyond replacing SQA and reforming Education Scotland, which would ensure a high quality education system for the current and next generation of all learners. Importantly, it was suggested that this should include consideration of the quality and use of statistical data needed to inform, develop, and evaluate policy and practice.

Overall, there was support for replacing SQA and reforming Education Scotland as a consequence of removing inspection from its functions. However, it was generally agreed an important next step was the establishment of a co-constructed and shared vision which would embrace any revised vision for CfE itself. This would also require a cultural and mindset shift and the need for generating a commonly-held paradigm or set of assumptions that are championed and enacted by all who are involved in supporting learners and teachers. Such a paradigm should, first and foremost, place the learner at the centre of all we do, hence the title of this report, Putting Learners at the Centre: Towards a Future Vision for Scottish Education.

Key principles

Taking all of what I have heard and read together, the following are the key principles that I suggest emerge and on which changes to Scottish education should be based. These key principles provide the foundations for my recommendations which I will outline in detail in the proceeding sections. While they recognise and support structural reform involving the replacement of SQA and the reform to Education Scotland as set out by the Cabinet Secretary, that can only be the start. The principles clearly signal the need for significant cultural and mindset change at all levels. This needs to be based around a shared vision signed up to by all stakeholders which gives absolute primacy of focus on individual learners and their diverse needs.

I consider the following principles to be essential if Scottish education is to become a more coherent and self-improving system that is truly successful in meeting the needs and aspirations of all its current and future lifelong learners.

- All efforts, whether concerned with educational recovery post-pandemic or in terms of the future vision for Scottish education, must be directed to the purposes described in Article 29 of the UNCRC[19].
- The current generation of learners see climate change as one of the most significant issues facing their futures and, as such, must be recognised as a key driver influencing the future of our education system.
- Increasing competitiveness across economies and in the labour market re-emphasise the importance of setting high expectations for all young people and creating the conditions for these expectations to be realised. Excellence, equity and steps to close the poverty-related attainment gap remain vital drivers of any education reform.

[19] UNCRC Article 29 – The Children and Young People's Commissioner Scotland: https://www.cypcs.org.uk/rights/uncrc/articles/article-29/

- Greater coherence and simplification of the policy and support landscape.
- A reorientation of resource to provide place-based, responsive, bespoke support for teachers and practitioners supporting the learning of children and young people. Wherever possible, the allocation of resources should support local decision making.
- An enhanced focus on ensuring high quality learning and teaching and increased collaboration among practitioners, based on the adoption of a continuous learning mindset.
- Increased recognition of the role and value of early years, including their approaches to learning and teaching and use of outdoor learning, in setting the direction of travel for the lifelong journey of learning by all children.
- A review of the roles and purposes of assessment, including examinations. Assessment should support progression in young people's learning and ensure that what we value in all learning is truly recognised through, for example, the enhanced use of the Scottish Credit and Qualifications Framework (SCQF).
- Reduced levels of bureaucracy with clarity and agreement on what are appropriate forms and levels of accountability to demonstrate the effectiveness of the education system.
- A redistribution of power, influence, and resource within Scottish education to one that reflects the principles of subsidiarity, genuinely empowers teachers and practitioners and where learners' voices, experiences, perspectives and rights are central to decision making.
- Recognition and celebration of Scotland as an ethnically diverse society with equal status being given to the voices of those most often unheard, for example, those from different denominations and minority ethnic and Gaelic communities.
- Trusting relationships between children, young people, teachers and practitioners and increased trust and confidence between local authorities, schools and national bodies.
- Opportunities for increased collaboration and meaningful engagement between stakeholders, politicians at all levels, local authorities, professional associations, trade unions and the national agencies with responsibility for key aspects of education.
- Greater resourcing and attention placed on ensuring the needs of individual learners are met, including crucially those with additional support needs as set out in Angela Morgan's report *Support for Learning: All our Children and All their Potential* (June 2020)[20].
- The improved collation, sharing and use of data and intelligence to support continuous improvement and the development of a shared understanding of system quality and effectiveness and baselines for evaluating the impact of change.
- Governance arrangements for national and local bodies should reflect the principles of good public management. In particular, an independent chair and a representative board should provide support and challenge.

[20] Support for Learning: All our children and All their Potential (June 2020), Angela Morgan: **https://www.gov.scot/binaries/content/documents/govscot/publications/independent-report/2020/06/review-additional-support-learning-implementation/documents/support-learning-children-potential/support-learning-children-potential/govscot%3Adocument/support-learning-children-potential.pdf**

Curriculum for Excellence – A renewed vision

It is now almost 20 years since the 'National Debate on Scottish Education' which resulted in the introduction of the CfE in November 2004. Widely regarded as being both innovative and visionary when it was first introduced, CfE set a new paradigm for the educational system in Scotland compared to what had gone before.

"The curriculum limits us on developing our uniqueness, our own talents and abilities."

(Secondary school age learner)

Early CfE documentation stated that the proposed purpose of the curriculum was to ensure that all children and young people developed the four capacities of being 'Successful Learners', 'Confident Individuals', 'Effective Contributors' and 'Responsible Citizens'. Further, that these four capacities should be applied at all stages from pre-school through to the end of secondary schooling and beyond school. The documentation also set out that the curriculum intended to be much more than the sum of the courses and programmes offered in formal classroom settings, and that it should include young people's experience of the school community, their contribution to it and the context of the wider world and the opportunities it offered for wider achievement.

"I mean I guess it feels like school, it's really about just the curriculum and exams and there isn't much outside of the curriculum for me to do. I feel like we're just working towards examinations only. I also feel like the lack of support from teachers and the school on this and the fact I don't think the curriculum is very inclusive feel like a big barrier to me .... There are options, but I just don't think they are very helpful."

(Secondary school age learner)

Since its introduction, practitioners and leaders have worked hard to realise the CfE vision, embed the values, and put into practice its purposes and principles. However, this has not been without its challenges as illustrated by Professor Walter Humes and Professor Mark Priestley who stated:

"A shifting policy discourse (excellence, equity, collaboration, empowerment, attainment, leadership) and the persistence of tensions resulting from accountability mechanisms have made the enactment of CfE challenging for many teachers."

(Humes and Priestley (2021[21])

These challenges, not least brought on by a wide variety of interpretations and understandings of CfE, were particularly apparent in my discussions with leaders, practitioners and wider stakeholders.

[21] Curriculum Making in Europe: Policy and Practice within and Across Diverse Contexts by Professor Walter Humes and Professor Mark Priestley (2021) – https://www.emerald.com/insight/publication/doi/10.1108/9781838677350

Humes' and Priestley's analysis also references the limited opportunities available for teachers and practitioners to engage in professional learning around 'curriculum making' and 'capacity building', and points to, among other things, the wider political, structural and cultural issues and tensions that have created discontinuity between the intentions of CfE and its enactment.

In addition, the OECD notes that,

> **"the two decades since the formulation of CfE have been marked by accelerated changes, including in educational research, giving rise to new insights into student learning, pedagogy, and the kind of knowledge, skills and attitudes students need to progress as learners. CfE has stood the test of time, but it will only remain relevant if Scotland uses these insights to continue its development."**
>
> (OECD, Into the Future, 2021)[22].

While the OECD report naturally focuses mostly on the curriculum, many with whom I have engaged sought to stress the interrelationship between a successful curriculum and high quality learning and teaching to overcome the effects of disadvantage and promoting high achievement.

Upon embarking on this piece of reform work I was mindful of the potential importance that an agreed vision can have in bringing consistency and clarity to the future direction of travel. I was therefore keen to explore further the extent to which the CfE vision still reflects what matters for the education of current and future children and young people. Consequently, the public consultation included questions around the relevance of CfE for the future and looked for suggestions on what should be retained or changed, to improve the equality of opportunity and outcomes for all learners and recognise the wider economic and social claims on the curriculum. What emerged from respondents' returns and the discussions I held with various stakeholders, provides a valuable basis for setting a clear and ambitious vision for CfE and the future of Scottish education.

Views on CfE

In response to questions relating to the vision for CfE in the public consultation exercise **Figure 1**, just over half (58%) of the respondents agreed or strongly agreed that the existing vision for CfE reflected what matters for the education of children and young people in Scotland. However, of note was that almost one-quarter (24%) disagreed or strongly disagreed.

Figure 1

Levels of Agree (+strongly agree) / Disagree (+strongly disagree) that the vision for CfE reflects what matters for the education of children and young people in Scotland.

[22] OECD (2021), Scotland's Curriculum for Excellence: Into the Future, Implementing Education Policies, OECD Publishing, Paris, https://doi.org/10.1787/bf624417-en

There was a range of concerns expressed by those that disagreed that the CfE vision reflects what matters. The most common concerns raised included:

- Concerns around the extent to which the secondary curriculum in particular had become driven by 'high stakes' examinations leading to a curricular focus on the capacity 'successful learners' within Broad General Education (BGE), including in some upper primary classes, to the detriment of the other three capacities.

"Too much pressure in one exam, one final exam....."

(Secondary school age learner)

- The need to review what is meant by the capacity 'responsible citizens' to better ensure that all children and young people, including those, for example, with additional support needs, from denominational backgrounds, and from Gaelic and minority ethnic communities, are actively engaged in decisions which affect them.
- The need for the development of values, attitudes, knowledge and skills to be significantly strengthened in the context of Learning for Sustainability, the bringing together Education for Sustainable Development (ESD), Global Citizenship Education (GC) and Outdoor Learning (OL). This was felt to be particularly important given the increased profile and relevance of climate change to the current and future generations of children and young people.

"We don't do enough about the environment at school."

(Primary school age learner)

"Teach more about climate change."

(Primary school age learner)

- The lack of acknowledgement of 'digital literacy' within the indicative descriptors associated with the four capacities.

The above points were highlighted most strongly by individual practitioners and those organisations representing practitioners, for example by professional associations and Education Scotland.

Curriculum for Excellence: What should change and what should be retained?

There was a variety of suggestions elicited during my engagement activity and from responses to the public consultation on the question of what should be retained or changed with regard to CfE. Interestingly, a number of respondents questioned the continued use of the term CfE and whether a mindset shift was required to simply view it now as Scotland's curriculum. There was generally agreement with the OECD that CfE is still part of the direction of travel and confirmation that its underpinning philosophy was still sound. However, there was also a clear message that change is needed and the approaches to CfE should be updated.

In terms of what should be retained, the following points were made repeatedly.

- Increased empowerment and autonomy to schools and practitioners to provide a curriculum that best suits their local context and the needs of all their learners.
- The importance of promoting the development of skills alongside knowledge and understanding.

- The increasing focus being given to outdoor learning and to active, play-based, relationship-centred learning in the early years and early primary.
- The increasing engagement of youth work, CLD, industry and third sector bodies in offering wider curricular and learning opportunities.

Despite overall confidence in CfE, many respondents felt that the following changes were needed to bring CfE to where it needs to be for the future.

- Greater structure and clarity on what should be taught across disciplines to improve consistency.
- Improved focus and clarity in guidance documents on key requirements and reduced use of 'jargon'.
- Greater focus and support on curriculum learning and teaching and on how CfE's four capacities can provide progression from BGE into the Senior Phase.
- Improved guidance and exemplars on how BGE in secondary schools and the transition to the Senior Phase can be managed to the benefit of all learners.
- A continuing focus on literacy and numeracy in primary schools but with greater recognition of the importance of health and wellbeing and the contribution made by all areas of the formal and informal curriculum and interdisciplinary learning.
- Greater clarity on the roles of assessment, standardised testing, the use of professional judgement and the place and nature of examinations.
- Clearer metrics around those capacities beyond a narrow interpretation of successful learners.
- A wider range of alternative pathways and opportunities for learners making subject choices and entering the Senior Phase.
- Greater recognition of prior learning and acknowledgement of the value of wider achievements, especially by the tertiary sector, beyond the traditional academic qualifications.
- A wider range of quality learning and teaching materials produced centrally to reduce workload on teachers and practitioners.

Changes beyond CfE

Children and young people who engaged in discussion with adult facilitators and those who responded to the online survey were not asked specifically about what should be retained or changed in CfE. However, the extensive responses contained in the report produced by the Children's Parliament, the Scottish Youth Parliament, and Together (Scottish Alliance for Children's Rights) give a clear indication of what is working well for them and some of the wider areas in which they see change being needed. Often the areas of change they cited related to assessment and SQA's examinations. Their responses and views on the topical issues of testing, assessment and examinations, such as the example below, will undoubtedly be helpful to consider as part of the planned review of NQs to be led by Professor Louise Hayward[23].

[23] Announcement of the appointment of Louise Hayward's – Reforming qualifications and assessment (27 October 2021) https://www.gov.scot/news/reforming-qualifications-and-assessment/

"I would prefer more continuous assessment from my teachers because I get more opportunities to improve and see how good I am. Let's say I have a bad day and I don't do well with the continuous tests, I will get a chance to improve and do better."

(Secondary school age learner)

The case for wider change was particularly apparent in some of the comments and responses made by learners on their personal experiences of the Scottish education system. For example, in responding to the online survey, only half (51%) of secondary school learners and a majority of primary school children were in agreement that their education meets their needs as a learner. Furthermore, and worryingly, only one in three secondary school learners who responded to the survey agreed that they are having the best possible education experience while just over half (56%) were of the view that their education helps them to develop their personality, talents and abilities to their fullest potential. Less than half of 12 to 18-year-olds responding to the survey agreed that they are involved in making decisions about their learning or that their views about their education are taken seriously.

While some learners showed great enthusiasm and clearly enjoyed their educational experience, this was not the case for all learners. The following experiences and quotes from learners further illustrate this variation in learner experience. They signal the importance of listening carefully and acting on the voice of learners in establishing a vision for the future. They also call into question the culture that exists in some classrooms and schools.

On the positive side:

"We talk to teachers about our learning, we get to do feedback on ourselves and others. We sometimes get a choice."

"We are always learning new things. Learning is fun in our school. Every day is a school day – we learn something new every day!"

"I really like my teachers. My teacher likes to challenge me. My teacher tells funny jokes."

(Primary school age learners)

However, on the negative side:

One learner spoke about the '*toxic culture that existed*' within her school. Another when responding to how well their school prepares them to develop respect for others said.

"We get taught about how to appreciate Scotland and a lot about things in a Christian way, but I am Muslim, not Christian. I don't get taught anything about my culture and neither does anyone in my school, ... the teacher usually puts it on me to educate other people which is not fair, and it makes me feel even more like I am not included."

(Secondary school age learner)

"You [teachers] need to be more aware of when you are shouting. Children can do just fine without you being annoyed at them."

(Primary school age learner)

"There is a mental war going on now. Adults don't hear about children's mental health."
(Primary school age learner)

"Lack of understanding of dyslexia means you can't keep up with class, so are always lagging behind. I feel teachers didn't take the time to help people that had fallen behind for difference reasons. I feel at college everyone is at the same level and given the support to catch up. The education system restricts what you can do."
(Secondary school age learner)

"We were told we have to stay outside even during the cold. We are kicked out of toilets during breaks and lunch and can't go during class. Sometimes teachers don't let people with a toilet pass go to the toilet."
(Secondary school age learner)

"I feel like being in college now I do have a lot to say around my education because colleges are more open and prepared and willing to listen to what you have to say, but I don't think I felt that way when I was in school."
(College student)

In one of my meetings with a group of young people I was particularly concerned with the consensual view expressed that the last two years of SQA assessments had been *"an absolute nightmare."* Those same young people went on to state that *"it just isn't fair that hard working students have been treated like this."* These sentiments were reflected in almost all meetings held with young people, many of whom also felt that SQA and the examination system were in need of *"major overhaul."* When pressed on what that *"overhaul"* might comprise, there was general consensus around the need to find better ways of recognising and valuing wider achievements, beyond academic qualifications. It was also felt that there should be greater use of digital technology in examinations and assessment, something many teachers and leaders supported, particularly in the context of SQA's administrative processes. I acknowledge that SQA's planned programme on digital transformation was disrupted due to the pandemic.

Looking at the most recent available literature and commentaries on Scottish education I found further support for a discussion on a revised vision and wider reform to Scottish education, not least in the context of the UNCRC. For example, the Goodison Group report *Schooling, Education and Learning 2030 and Beyond* (March 2020)[24] set out some of the potential drivers of change in Scottish education.

[24] Goodison Group Schooling, Education and Learning 2030 and Beyond (March 2020) https://www.scotlandfutureforum.org/wp-content/uploads/2020/03/SchoolingEducationLearning_2030Beyond_ProjectReport_WebVersion.pdf

"There are also likely to be ongoing challenges to existing power structures and demands for more transparent and devolved democratic systems, particularly from networked social movements. Greater empowerment is likely to come for some groups, especially children through the adoption into Scots law of the UN Convention on the Rights of the Child."

(Goodison Group, March 2020 report).

In the Goodison Group's 2021 report[25], based on two online sessions which asked participants to take a step back from dealing with the day-to-day challenges and consider the future, a strong case was made for change by placing the needs of children and young people at the centre of any future education system in Scotland.

"We still have some way to go to progress towards a truly humanised education system. However, we have the opportunity with the incorporation of the UNCRC to influence system change that is consistent and sustainable. It is not saying every school must be the same, like a fast food franchise, but that what the children and young people will experience consistently and sustainably is respect, kindness, trust and respect for their human dignity in whatever environment they are in. Let us engage people in this conversation, explain what it means, and encourage them to try some of this for themselves."

(Goodison Group, March 2021 report)

In his article *From hierarchies to networks: Possibilities and pitfalls for educational reform of the middle tier*, Professor Christopher Chapman of the Robert Owen Centre[26] notes that:

"...in Scotland, the direction of recent education policy has been away from a hierarchical culture in which central and local government dictates the frameworks and details of educational development towards an egalitarian one, in which government sets overall direction but leaves implementation to regional and local actors. The emerging ethos within the Scottish education is therefore very supportive of the "self-managed organization" and the language of the self-improving system."

With all of this in mind, I recommend that the Scottish Government should initiate a national discussion on establishing a compelling and consensual vision for the future of Scottish

[25] Goodison Group Where Next for Scottish Education? (March 2021) https://www.scotlandfutureforum.org/wp-content/uploads/2021/04/2021-02-03_WhereNextForEducation_Report.pdf

[26] From hierarchies to networks: Possibilities and pitfalls for educational reform of the middle tier, Emerald Insight, Christopher Chapman, Policy Scotland and Robert Owen Centre for Educational Change, University of Glasgow: https://www.emerald.com/insight/content/doi/10.1108/JEA-12-2018-0222/full/html

education that takes account of the points made in this report, in particular the importance of placing the learner at the centre of all decisions and the basis that Article 29[27] of the UNCRC offers us in terms of the purposes of education. Further information on the UNCRC can be found in Appendix F.

The vision for CfE should be considered as part of this discussion. Invitations to shape this narrative should be made to all partners and stakeholders, including learners, practitioners and parents/carers. It will be important to ensure that 'narrative privilege' is accorded to all who have an interest and not just key educational bodies, with opportunities for all to debate and challenge emerging suggestions.

Recommendation 1: The Scottish Government should initiate a national discussion on establishing a compelling and consensual vision for the future of Scottish education that takes account of the points made in this report, in particular the importance of placing the learner at the centre of all decisions. The vision for Curriculum for Excellence (CfE) should be considered as part of this discussion as should consideration of how the education system seeks to address the purposes described in Article 29 of the United Nations Convention on the Rights of the Child (UNCRC).

Recommendation 2: Invitations to shape this vision should be made to all partners and stakeholders, including all learners, teachers, practitioners, parents and carers. It will be important to ensure that 'narrative privilege' is accorded to all who have an interest and not just key educational bodies, with opportunities for all to debate and challenge emerging suggestions.

[27] UNCRC Article 29 – The Children and Young People's Commissioner Scotland: https://www.cypcs.org.uk/rights/uncrc/articles/article-29/

6. A qualifications and assessment body

This section focuses on the creation of a new qualifications and assessment body.

Background to the SQA

The SQA is an executive Non-Departmental Public Body that reports to Scottish Ministers and the Scottish Parliament. It is sponsored by the Scottish Government's Learning Directorate and employs nearly 1,000 people. Unlike some other jurisdictions where schools can select from a range of examination bodies in which to present their students, the SQA is the single such body in Scotland.

SQA carries out the following functions:

- Accredits, assesses and awards qualifications.
- Devises and develops qualifications and assessments.
- Provides qualifications to support all learners.
- Approves and quality assures centres (secondary schools, colleges, training providers and employers (private and public sector)) who are approved to deliver SQA qualifications.
- Delivers SQA qualifications.
- Certificates qualifications.
- Provides consultancy services.
- Delivers contract services.

SQA's staff has extensive expertise, developed over many years, in carrying out its awarding and accrediting/regulating functions. As an organisation, it faces many challenges which are well recognised, not least by its Board of Management, which is appointed by Ministers, its Advisory Council, which represents SQA stakeholders, and its Executive Management Team. These challenges include continuing to deliver the annual diet of NQ examinations for the foreseeable future while putting in place contingencies for potential crises; the design, development and delivery of the Next Generation of Higher National (HN) Qualifications; and expanding the use of technology in support of qualifications and assessments.

SQA has two distinct parts, **SQA Awarding** and **SQA Accreditation**, the latter of which involves it operating as the Scottish qualifications regulator. The Education (Scotland) Act 1996[28] sets out SQA's statutory remit and the governance arrangements to oversee SQA's accreditation and awarding functions.

SQA Awarding

As an awarding body, SQA is responsible for all qualifications in Scotland (other than university degrees), it develops assessments, devises and develops a portfolio of qualifications, validates qualifications (makes sure they are well written and meet the needs of learners and tutors) and reviews qualifications to ensure they are up to date. SQA Awarding also arranges for, assists in, and carries out, the assessment of people taking SQA qualifications, quality-assures education and training establishments which offer SQA qualifications and issues certificates to candidates.

[28] The Education (Scotland) Act 1996, Part 1 The Scottish Qualifications Authority: https://www.legislation.gov.uk/ukpga/1996/43/contents

SQA accrediting

As an accrediting and regulatory body, SQA sets and maintains standards for many other awarding bodies, accredits vocational qualifications that are offered across Scotland, including Scottish Vocational Qualifications, and approves bodies that wish to award them. As Scotland's Qualifications Regulator, this work is undertaken by SQA's Accreditation Directorate, so called to separate it from SQA's Awarding functions.

SQA Accreditation provides a badge of quality for awarding bodies and their customers. This part of SQA works with Standards Setting Organisations and other stakeholders in the development of National Occupational Standards; the development of the qualification structures and associated products; and SCQF credit rating of qualifications.

SQA also plays an important role in supporting Foundation Apprenticeships and the wider Developing the Young Workforce (DYW) policy and their qualifications form part of the majority of Scotland's Modern Apprenticeships.

SQA qualifications

SQA offers a wide range of qualifications including NQs. These include Advanced Certificates and Diplomas, National Progression Awards, Professional Development Awards and Customised Awards that are developed in conjunction with teachers, lecturers, professional and industry bodies and are delivered by colleges, universities and training providers. The range and type of qualifications currently offered by SQA are illustrated in **Figure 2**. More detail on the work of the SQA can be found in the overview submission[29] that was provided to me and was made available as part of my consultation supporting documents.

Figure 2

Discussion on the SQA

This section focuses on the creation of a new qualifications and assessment body designed to replace the functions undertaken by SQA Awarding.

SQA qualifications were the focus of much discussion during my engagements with all stakeholders, including Senior Phase and tertiary students. In terms of its non-NQ provision and much of its work-based qualifications, stakeholders expressed general satisfaction with SQA and with the relationship they had with SQA staff. The value and significance of SQA's Accreditation/Regulation, commercial and international activities were also positively commented on, as was the organisation's work which it was suggested enhanced Scotland's educational reputation outwith the country.

[29] SQA Overview submission: https://www.gov.scot/binaries/content/documents/govscot/publications/consultation-paper/2021/09/independent-review-education-scotland-scottish-qualification-authority-professor-kenneth-muir/documents/sqa/sqa/govscot%3Adocument/sqa.pdf

"Throughout the 12-years we have been regulated by SQA Accreditation we have had a very positive and professional experience. We value the regulatory principles and directives which frame our approach to qualification quality assurance whether they fall within SQA Accreditation's remit or beyond."

(Awarding Organisation)

"SQA Accreditation provide support for awarding bodies who have an international qualification portfolio.... The international dimension of awarding is an important one to consider for employers and workers in Scotland as well as for the Scottish economy."

(Awarding Organisation)

Following the decision by the Cabinet Secretary for Education and Skills to replace SQA, a number of those with whom I engaged offered the reminder that altering structures alone would not, in itself, bring about the changes needed. Indeed, this point was raised many times and with almost all commentators signalling that cultural and mindset changes are as important, if not more so, than structural change.

"The functions of the SQA will still be required to exercised, whatever the structural landscape. Some question whether consideration at this time should be less on structures and more on how the expertise built up within SQA can be most effectively channelled to ensure that those functions are maintained without disruption and loss of valued relationships."

(School/Centre Leader, Secondary School)

Some respondents felt that SQA had become a victim of circumstances, some of which were outside its own control. Like many examination and assessment bodies in the UK the SQA faced significant challenges in adopting new approaches to its work in a very short timescale.

"I feel that the SQA is a bit of a political scapegoat. It offers much that is good in Scottish education. I think it is wrong that the SQA is made to shoulder the blame for critisms of the system as a whole."

(Individual Parent/Carer)

Despite recognition of the important role SQA has played, throughout the consultations and engagements, a variety of views were expressed about the decision to replace the SQA.

"The SQA used to do a good job. It set exams/assessment, marked and graded them. It just got too ambitious with some types of assessment i.e. assignments. Certain elements of these were unworkable, but they wouldn't listen and bend. This is when things became more confrontational."

(Teacher/Practitioner, Secondary School)

"We see this by the removal of SQA as an opportunity to shift the system away from one which was appropriate in the late 19th century to one which reflects the needs and context of 21st century society. We seek the creation of an agency which measures attainment outcomes in a variety of ways and responds to/meets the needs of the system rather than driving it."

(School/Centre Leader, Secondary School)

In recent years, SQA has taken a number of steps to address known issues including the setting-up of a new Communications Directorate, a new Policy, Analysis and Standards Directorate, more focus on digitisation over the pandemic and the creation of a Learner Panel. Despite these actions, criticism from teachers and lecturers in particular was levelled at SQA's management of NQs and, at times, its HN provision and some of its processes, the latter of which depended too much on traditional 'pen and paper' administration. Criticism also covered a range of topics including poor communications, a disproportionate focus on NQs, perceived weaknesses in aspects of leadership and governance and ineffective processes, including a failure to acknowledge the lived experiences of Scotland's diverse learners.

National Qualifications

As can be seen from **Figure 2**, National Qualifications (Nationals, Highers, Advanced Highers, Skills for Work courses and Scottish Baccalaureates) make up only 10% of SQA's portfolio. However, in their own *Guide to Scottish Qualifications*, (2019)[30] the SQA notes that:

> ***'National Qualifications (NQs) are one of the most important types of qualification in Scotland. Almost everyone leaving school or college today has one or more NQ. NQs are taken by students in secondary schools and colleges (and some training providers). They can also be taken by adult learners.'***

The significance and profile of NQs within SQA's portfolio is highlighted by the fact that in 2021 it processed 1.3 million assessment marks, 800,000 Unit entries and 632,000 Course entries. In total in that year, SQA certificated 136,000 candidates for NQs. More than any other part of its portfolio, NQs have consistently attracted the close attention of the press and media over many years, not least when school examination results are issued in August each year.

As shown above, SQA's NQs affect well in excess of a six-figure number of candidates every year. While there has been some degree of ongoing disquiet expressed about SQA's assessment arrangements, guidance

[30] The Scottish Qualifications Authority, Guide to Scottish Qualifications, (September 2019): https://www.sqa.org.uk/sqa/files_ccc/Guide_to_Scottish_Qualifications.pdf

and communications on NQs introduced in 2014 and subsequent changes, the last two years in particular have increasingly called into question the trust and confidence teachers and practitioners, the public and others have in SQA's handling of its high-profile NQs. Criticisms have been levelled from various quarters at SQA's responses to its 2020 and 2021 NQ diets of examinations. In response, SQA has consistently stressed that it has always responded in good faith to the challenges of the pandemic and to the requests made of it by the Scottish Government in respect of changing its assessment and examination arrangements.

Despite this, feedback from the public consultation, the online survey completed by secondary-age students and through my engagements, especially with Senior Phase students, the Scottish Youth Parliament and SQA's Learner Panel, have confirmed many of the concerns expressed about SQA and how these have impacted adversely on teachers, candidates and the organisation's overall reputation. It was significant that the SQA's own Learner Panel suggested to me that they felt the relationship between SQA and young people had been damaged over the past two years and were of the view that SQA should display more interest in the needs of young people.

"The SQA always failed to listen to teachers and believed it had the monopoly on good ideas. The lack of accountability developed an arrogance and reluctance to listen, the total lack of oversight meant there was no consequences for failure."

(Teacher/Practitioner, Secondary School)

"The SQA simply does not understand its changes cause more harm than good. They also seem incapable of understanding that most schools change timetable in May/June and so releasing changes in August (or later!) does not help. They made a promise that they would make no changes for 3 years and then promptly made changes."

(School/Centre Leader, Secondary School)

"The SQA felt totally disjointed and separate from teaching as a profession. The agency that replaces the SQA must be held more accountable and be more transparent."

(Teacher/Practitioner, Secondary School)

"Currently there can be great disparity between the decisions/guidance of one SQA External Verifier who carries out an annual verification visit and a different verifier who visits the following year. SQA is very clear to learning institutions on the need for standardisation but this is not replicated in their own systems. In summary, it is a subjective rather than objective process."

(Lecturer, Tertiary/Further/Higher Education)

"Teacher voice must be central to the formation of a replacement qualifications body. It is essential that governance arrangements are configured to avoid the tone deafness to its needs that the teaching profession has experienced from the SQA over a long number of years."

(Trade Union/Professional Association)

Responses from those in the college sector, have also been mixed with criticism of aspects of SQA's work as shown in the following comments.

"More flexibility required from SQA to support innovative approaches to delivery, transferable skills development and assessment – core certification restricts creativity and collaboration."

(College Sector)

"SQA currently are very slow in their responses, even pre COVID-19. Curriculum can be very dynamic and response can take months or years to adapt/modify and modernise curriculum."

(College Sector)

Overall, it was evident to me in my engagements that there are significant relationship issues within the current SQA. Feedback from some of my engagements with PSAG members and others also questioned the effectiveness of leadership, the culture, accountability, and appropriateness of current governance structures within SQA.

Parity of esteem

Figure 3 shows that just over half (51%) of public consultation responses felt that the full breadth of existing SQA qualifications played an important part of the curriculum offered by secondary schools.

Figure 3

Levels of Agreement (agree + strongly agree) Disagreement (disagree + strongly disagree) that the full breadth of existing SQA qualifications play an important part of the curriculum offered by secondary schools

However, some students at the start of their Senior Phase, reflecting on the range of opportunities open to them to progress their learner journey, questioned why in some schools this range of opportunity was available to all students while in others, sometimes in the same local authority, the range was much more limited. It was felt that this was an important issue of equity and one that needed to be addressed by local authorities and schools, in discussion with learners, parents/carers and other stakeholders. Also, many Senior Phase and college learners noted that the impression given to them by some teachers, parents/carers and wider society was that academic qualifications were of greater value than vocational qualifications and other awards, such as youth achievement awards, available to them.

"So, when it comes to opportunities for professional qualifications we are able to achieve them but vocational these are slim to none or maybe if they do offer it, there isn't a lot of awareness for it"

(Secondary school age learner)

The issue about the value given to academic qualifications such as NQs as opposed to vocational qualifications and awards has been a constant tension in Scottish education for many years. The creation of SQA in 1997 by merging the two major Scottish examination authorities, the Scottish Examination Board (SEB) and the Scottish Vocational Education Council (SCOTVEC) – itself a merger of the Scottish Business Education Council (SCOTBEC) and the Scottish Technical Education Council (SCOTEC) in 1985 was designed to address this issue.

Evidence shows that it clearly remains a significant issue today. Feedback such as that below reflects the sense of concerns expressed for the education system and for diversifying curriculum pathways in all schools to give all young people opportunities to study vocational qualifications.

"The challenge is how these [vocational and other awards] are included in the curriculum with parity of esteem and recognition by employers, universities and colleges."

(Local Government)

"Some vocational routes such as Duke of Edinburgh were viewed as being for the misbehaving kids and not valued or seen to be as important as for example Maths or English, if you weren't taking exams, then you're looked down upon."

(College Students)

"To ensure parity of esteem across the SCQF framework or indeed a new qualifications framework, it is essential that courses and awards, where appropriate, are accepted as valid entry requirements to further and higher education courses. While there is evidence emerging that Foundation Apprenticeships and other accredited courses being accepted this has nor progressed at the pace required."

(Local Government)

Broader issues in respect of qualifications and assessment

Professor Gordon Stobart in his report, *Upper-secondary education student assessment In Scotland: A comparative perspective: OECD Education Working Paper No. 253*[31], noted that the COVID-19 pandemic disrupted education and forced decision makers and education stakeholders worldwide to find emergency solutions to adapt or replace examinations and student assessment processes overall. However, he adds a further layer of concern

[31] Upper-secondary education student assessment in Scotland: A comparative perspective: OECD Education Working Paper No. 253, Professor Gordon Stobart: https://www.oecd-ilibrary.org/education/upper-secondary-education-student-assessment-in-scotland_d8785ddf-en;jsessionid=Hirw0LZPD1A4Bc7m7lpKJSCB.ip-10-240-5-16

about the current assessment and examination arrangements suggesting that Scotland needs to review them urgently. He points to Scotland's relatively traditional, cautious, single-subject examination system, with its pen-and-paper timed examinations under standardised conditions, being unable to respond to crises and incompatible with a future-facing curriculum such as CfE.

This need for an urgent review of NQs was echoed by many respondents to the consultations and in engagements with me, not least from practitioners and professional associations. The announcement by the Cabinet Secretary on 27 October 2021[32] to ask Professor Louise Hayward of Glasgow University to lead a review of NQs was warmly welcomed by almost all with whom I have engaged. However, concerns were expressed about the resource and capacity within the system to take on board further changes to NQs while still dealing with issues arising from the ongoing pandemic.

SQA accreditation and regulation

SQA is the statutory body for qualification awarding and regulation in Scotland. This means that as well as being the body that awards qualifications, it also regulates those qualifications. It does so through the SQA Accreditation part of the organisation, with SQA's Chief Executive also overseeing this work. This regulatory role performed by SQA is similar to that carried out by the regulatory bodies such as Ofqual in England and Qualifications Wales in Wales which are separate from their respective qualifications and examinations bodies.

SQA's Accreditation Regulatory Framework document sets out that there is a requirement that maintains separation between its accreditation and regulatory body functions from its awarding body function to ensure that there is no conflict of interest. It states that this separation of functions must apply to SQA staff supporting the accrediting and awarding functions and must be capable of being publicly demonstrated. SQA has in place arrangements for separation of functions and the accreditation procedures which are subject to the approval of Scottish Ministers.

However, the OECD suggested that:

> ***'consideration should be given to a separate body that might be responsible for the regulation and quality of qualifications which is currently part of the remit of the Scottish Qualifications Authority (SQA)'*** (page 123 of the OECD report[33]).

SQA's dual function of awarding and accrediting/regulating attracted criticism from some respondents and stakeholders who felt that it was not appropriate for both functions to be carried out by a single body. When taken together with what many saw as the organisation's poor record of communication and ineffective engagement with the teaching profession, it was suggested that allowing SQA to 'mark its own homework' in this way further called into question its credibility. As such, they suggested, the timing was appropriate to give serious consideration to implementing the OECD's suggestion.

[32] Announcement of the appointment of Professor Louise Hayward – Reforming qualifications and assessment (27 October 2021): https://www.gov.scot/news/reforming-qualifications-and-assessment/

[33] OECD 2021, Scotland's Curriculum for Excellence: Into the Future: https://www.oecd-ilibrary.org/education/scotland-s-curriculum-for-excellence_bf624417-en

It was argued by some that in such a small education system as we have in Scotland, there are advantages of integration and cost benefits in having SQA's current awarding and accrediting/regulating functions within a single body. However, it is my view that these advantages are significantly outweighed by the need to restore the trust and confidence of the public, practitioners and learners in a revitalised single qualifications, examination and awarding body for Scotland. Separating the SQA's functions will help ensure that the proposed qualifications, examination and awarding body is able to give increased attention to those functions. There is already significant demand for change in these areas of work and these will almost certainly increase significantly in the future. In addition, such separation will help to address some of the criticisms levelled at the current SQA.

It is my view that SQA's core two functions should now be separated across two bodies. I propose that a new executive Non-Departmental Public Body (NDPB) should be set up. NDPB status would recognise the specialist expertise required to conduct its proposed role, set out below, and would maintain the appropriate distance from government that provides public confidence. This new body should take on board SQA's current awarding functions, i.e. chiefly the responsibility for the design and delivery of qualifications, the operation and certification of examinations and the awarding of certificates. The make-up of the new organisation's board of management should be reviewed to ensure the involvement of a wider range of stakeholders.

The role of the new body should include preparing examination papers and other examination materials; determining procedures for the conduct and supervision of examinations; arranging for, assisting in, and carrying out, the assessment of people taking SQA qualifications. The new body, which for the purpose of this report I have suggested is called Qualifications Scotland, would quality assure education and training establishments which offer SQA qualifications; ensure the drafting of examinations; arrange for marking of work presented for assessment and examinations; and issue the results of examinations. The new body would also determine procedures to enable the review and appeal of results, charge fees for qualifications as appropriate and liaise with relevant bodies, for example in industry and commerce, where there is employer-led assessment.

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 creation of the proposed public body, Qualifications Scotland, provides an opportunity for its culture and engagement arrangements with all stakeholders to be set positively from the outset. It also provides an opportunity to ensure its governance structures reflect and represent the range of stakeholders it serves and users of its services; those to whom it should be accountable. Overall, creating this body will provide the opportunity for all users of its services and the public in general to have increased trust and confidence in qualifications and assessments, including examinations.

To maintain and enhance the reputation and profile of Scottish qualifications, those income-generating contract services currently provided by SQA for organisations, governments and businesses, such as those on behalf of UK Government clients, for example with the Home Office, Department for Education, and Department for Transport, should be part of the new NDPB's remit. SQA's current international work in support of the Scottish Government's international agenda should also be part of this remit.

SQA's second core function of current accrediting and regulating functions should transfer to the proposed national agency for Scottish education. This separation of current awarding and regulation/accreditation functions will significantly strengthen the oversight of qualifications in Scotland while providing an external perspective on the effectiveness of the examination and qualifications system.

Recommendation 3: A new body, Qualifications Scotland, should be established. This new body should be an executive Non-Departmental Public Body (NDPB). It should take on board SQA's current awarding functions, chiefly the responsibility for the design and delivering of qualifications, the operation and certification of examinations, and the awarding of certificates.

Recommendation 4: Income-generating contract services currently provided by SQA for organisations, governments and businesses, should be included in the remit of the new NDPB. SQA's current international work should also be part of the NDPB's remit.

Recommendation 5: The governance structure of the proposed Qualifications Scotland body should be revised to include more representation from and accountability to all learners, teachers, practitioners and the stakeholders with whom it engages.

Opportunities

The establishment of a new body, Qualifications Scotland creates the opportunity for the new body to:

- focus more closely on its core business, the bulk of which is currently carried out by the awarding part of the current SQA;
- respond to changes, for example, the increased use of digital technology and alterations to the curriculum by the proposed national agency for Scottish education;
- rebuild the trust and reputation in the examination system by resetting the organisational culture and the relationship with the users of the services they provide;
- extend commercial markets and services that relate to qualifications and examinations; and
- develop new governance arrangements that take better cognisance of the views and expertise of those the body is designed to serve. This should result in an increase in representation of teachers, practitioners and learners with lived experiences of the current procedures relating to assessment, qualifications and examinations.

Change to the current SQA must avoid negatively impacting on things that are currently working well. I have noted the view from some that they are satisfied with SQA's work in regard to its portfolio of vocational qualifications and that significant reform to processes relating to them are not needed at this stage. I also note the view of many with whom I engaged that reform of SQA must focus on ensuring the adoption of a wholly inclusive culture, what one respondent to the consultation described as "*the development of a transparent culture and ethos.*" Many feel that such a culture is not obviously apparent with the SQA at present. I acknowledge there are risks with the recommendations being made. However, it is overwhelmingly my view that the risks associated with not making these changes are greater.

7. Considerations around a new curriculum and assessment agency

As part of the Scottish Government's response to the OECD report[34], the Cabinet Secretary announced the intention to replace the SQA and that I consider the possibility of creating a new specialist agency responsible for both curriculum and assessment.

In the public consultation, respondents were asked to rate how much they agreed that the creation of a curriculum and assessment agency will help to address the misalignment of curriculum and assessment as outlined in the OECD report. While a large proportion (41%) neither agreed or disagreed, most often citing their lack of awareness of the potential of such a body, of those who offered a definite view, a clear majority (39%) either agreed or strongly agreed that such a body should be created, while only 13% disagreed or strongly disagreed.

Figure 4

Levels of Agreement (agree + strongly agree) Disagreement (disagree + strongly disagree) that the creation of a curriculum and assessment agency will help to address the misalignment of curriculum and assessment

Respondents to the public consultation offered a range of perspectives on establishing a curriculum and assessment body. These fell into three main themes – Politics, Staffing, and Learning and Teaching.

Politics

The view was expressed by some respondents to the proposal of creating a curriculum and assessment agency. It was suggested that in Scotland we had 'been here before' and that there was a grave danger of this proposal, which if implemented, would simply amount to 'rearranging the deckchairs' or being a 'rebranding' of past ineffective agencies.

It was stressed by many respondents that should such an agency be set up, it should be independent of Scottish Government and other current agencies Skills Development Scotland (SDS), Scottish Funding Council (SFC), SQA and Education Scotland. These comments often touched on the need for cultural as well as structural change while suggesting that if the agency is independent of politics and affiliated national bodies, and its sole purpose is to improve education, then it could work.

> **"A rebranding exercise will not change the fundamental problems in Scottish education. It is not the SQA's fault that the system is dysfunctional. There needs to be a large change in the structure."**
>
> (Teacher/Practitioner, Secondary School)

Several respondents argued that a deeper and broader discussion needed to take place about wider education reform before proposing a new infrastructure of bodies; essentially that the decision to reform agencies had come too soon.

[34] Scottish Government's response to the OECD report, the Cabinet Secretary for Education and Skills on 22 June 2021: https://www.gov.scot/publications/oecd-review-of-curriculum-for-excellence-scottish-government-response/

Of those who agreed with or were neutral about a new curriculum and assessment agency, several supported the view that a review needed to be undertaken first, but also that the findings from the post-qualification admissions consultation in the tertiary sector should be realised and any proposed changes piloted first. It was suggested that the creation of such an agency had the potential to streamline the current 'crowded middle' (between policy and practice) and provide greater clarity for teachers and practitioners. It was also suggested that more resources would inevitably be needed to establish such an agency.

In my wide-ranging engagements, there was a good deal of discussion and expression of views about the possibility of establishing a curriculum and assessment agency. A number of potential disadvantages were suggested to the creation of such an agency. There was a fear that it could result in a mere rebranding, that things would not change but there would be yet more bureaucracy.

"In practice, assessment will continue to be the big dog and by assessment the assumed meaning will be of one-off, high stakes written examinations. Welding the two together in one agency has only a superficial appeal. Maintaining their separation could at least allow curriculum to assume the role of a client making service demands of assessment... A retitling or rebottling exercise is unlikely to prove sufficient to the purpose of changing the whole culture."

(Teacher/Practitioner, Secondary School)

Several respondents suggested it would take too long to set up or reconfigure such an agency. They felt that it would cost too much to deliver and that it would operate best if staffed by teachers but that this would be unrealistic as teachers were already working beyond capacity. It was also suggested to me that if SQA staff were redeployed to another agency, high quality staff may be lost.

Staffing

One of the most commonly cited issues with the current infrastructure related to what one respondent referred to as the "fairly static staffing" in national bodies, implying a lack of current practical experience.

"The embedded model is of a central corps of 'experts' dispersing wisdom and scrutiny to grateful recipients at the front-line. This is a deeply flawed model."

(Teacher/Practitioner, Secondary School)

Therefore, it was pointed out that an important proviso for any curriculum and assessment agency, whether or not respondents agreed to the proposal, was that current practitioners with up-to-date experience including teachers youth workers, and Further Education (FE) and Higher Education (HE) professionals (whether or not seconded), should be involved in staffing the agency.

It was widely felt that the real life experiences of teachers, practitioners and senior leaders from across education sectors would give credibility and increase the effectiveness of any such body while increasing the likelihood of it being successful. As one respondent suggested, it would:

> **"bring insight into the strengths and weaknesses of curriculum design and modelling and how assessment can validate learner experience and development."**
>
> (Teacher/Practitioner, Secondary)

As noted above, many respondents agreed or were neutral about the proposed agency. This was partly because they saw the current model as flawed and were concerned that perceived mistakes from the past would be repeated. Even those who were positive about the creation of such an agency stressed the need to avoid the creation of an overly bureaucratic model that acted to control as opposed to support.

Learning and Teaching

Some respondents felt that establishing a curriculum and assessment agency risked undermining the importance of learning and teaching as one of the most significant drivers in improving outcomes for all learners. Many, therefore, were keen to stress that learning and teaching should be embedded within the work of any new curriculum and assessment body. In doing so, it was felt it could go a long way to correcting the current imbalance where examinations and assessment are seen to be driving what is taught and how it is taught, to the more desirable position of curriculum, assessment, learning and teaching driving what is valued and therefore recognised through any examinations and certification.

> **"If such an agency aimed to align the curricula better by creating a 'through-curriculum' from 3-18 with specified knowledge (content) and skills, I would be all for it. If, however, it attempted to make the Senior Phase more like the BGE, with an over-emphasis on woolly 'skills and experiences' rather than knowledge, this should be strongly resisted."**
>
> (Teacher/Practitioner, Secondary School)

I heard a number of strong arguments from many different areas of education – from the ELC sector through to researchers in universities – for establishing an agency that embraced wider policy and practice, not only in curriculum and assessment but also in respect of learning and teaching from the early years to the Senior Phase and beyond. Consideration of practice in the tertiary sector was also felt to be important. These arguments included the opportunity to provide greater consistency, clarity, coherence and continuity in our education system.

It was felt that an agency with a broad remit could also enhance collaboration and coordination, not just among teachers and practitioners, but more generally across sectors. For example, there was strong support for extending some of the play-based learning, teaching and assessment practices seen in ELC into early primary classes. The lack of coherence across education was reflected in the lack of recognition given by some in the school sector to the ELC sector in building the strong foundations for children becoming lifelong learners.

"In the early level more work is needed to ensure that all primary 1-3's experience a play-based curriculum that is consistent with their nursery experience. This could support progression as children gain confidence. Despite the expectation on play-based learning in infancy departments it can often be tokenistic."

(Early Years practitioner)

"Where Early Years (EY) education is valued and appropriately funded by local authorities, EY to primary transition processes can work well, with EY teachers and other practitioners provided time to collaborate with teachers in early primary. However, the disappearance of nursery teachers- critical bridging professionals- from the EY sector, lack of consistent support within primary for play-based approaches, and the introduction of assessment models that clash with a play-based ethos and pedagogy, combine to undermine some of the benefits that the 3-18 curriculum offers by way of EY to primary transition."

(Trade Union/Professional Association)

"Few people in education appreciate that children's early years' experiences actually matter a great deal in terms of how they then achieve and attain throughout the entire school system. We can identify children at 3 and 4 who are going to struggle right through school and who are likely to underachieve and have poor outcomes – but we do little about that. Unless and until our youngest children's education and experiences matter to those of us outwith early years, we are not going to bring about the reforms we desperately need."

(Early Years practitioner)

Overall, it was felt that an agency with a broad remit beyond curriculum and assessment could be a key driver to effecting improved outcomes for all learners, from ELC through to the Senior Phase and beyond.

Reflecting on all I have heard and read, it is my view that creating a new body focusing only on curriculum and assessment is not enough. What is needed is a single agency with a broader remit to address some of the key issues raised in the OECD report. Such an agency also has the potential to address a number of the tensions, concerns and aspirations that have been shared with me in my engagements and discussions. To realise the principles set out earlier in this report, any such agency needs to:

- provide the means by which policy and practice are brought much closer together;
- bring those involved in the learning and teaching process closer to policy; and
- create opportunities for genuine engagement of all stakeholders, not least learners, teachers and practitioners.

The prime focus of such an agency should be on supporting every individual learner and those teachers and practitioners that support their learning. By developing a close understanding of practice in Scotland's schools, the agency will also be well placed to advise the Scottish Government on the development of policies related to curriculum, assessment, learning, and teaching.

"One agency with a strong vision and mission for the future is better than two pulling in different directions."

(Teacher/Practitioner, Secondary School)

I am convinced that such an agency, with a broader remit than perhaps was originally envisaged by the OECD, would act to bring policy and practice much closer together. This has many advantages. It has the potential to increase teacher and practitioner confidence and job satisfaction if support to meet their needs is more responsive and closer to hand. It would be well placed to engage with and act on feedback from learners, parents, carers and wider stakeholders. Such an agency should therefore be capable of both advising on the development of policy and supporting its implementation in practice. It could also address some of the long-standing workload issues by providing greater clarity and coherence on curriculum, assessment, learning and teaching.

"arrangements are fragmented between agencies and... there is no clear or 'joined up' support across the different sectors or stages of the learning journey."

(Post school sector)

A broad agency of the kind envisaged could help to ensure a more seamless curriculum and a smoother transition from BGE to the Senior Phase and beyond. With a broad remit and the bringing together of some of the parts of the existing 'cluttered landscape', it offers a realistic way forward in tackling the age-long issue of how we better recognise and value the wider achievements of all learners and deliver parity of esteem across different qualifications and awards. Overall, it has the potential to deliver improved experiences and outcomes for learners and drive the kind of cultural and mindset shifts that many have suggested are necessary for Scottish education to thrive in the future.

As one respondent put it:

"If the agency is established with teachers included, alongside parties from all angles and agencies then we could establish an effective progression and meaningful links between BGE and Senior Phase, and curriculum and assessment."

(Teacher/Practitioner, Secondary School)

Those carrying out the fieldwork for the OECD report noted concerns about the responses they received in answers to their question '*Who owns CfE*?' The responses indicated shared ownership by many players in Scottish education. The OECD team pointed out that while many claimed ownership, the responsibilities that came with that ownership were unclear. This led to some schools feeling they had complete ownership while others felt ownership lay elsewhere.

Those responding to the public consultation and in some in-depth discussions I had with stakeholders confirmed this confusion and lack of clarity. Some respondents felt that the Scottish Government and its Curriculum, Qualifications and Gaelic Division within the Learning Directorate 'owned' the curriculum, particularly in the early years and in BGE. A few made specific reference to the existing advisory body the Curriculum and Assessment Board (CAB) who they suggested had ownership.

Some felt that SQA 'owned' the curriculum, particularly at the Senior Phase, with its production of subject Conditions and Arrangements. Others variously referred to Education Scotland, SDS, local authorities and schools themselves being the owners. What is clear is that some of the confusion and misunderstandings that exist in Scottish education stem from what is seen by many as multiple bodies in the middle ground between policy and practice having a role and responsibility for the curriculum.

This confusion is heightened at a time when the language of empowerment and autonomy is increasingly more apparent and subject to various interpretations and uncertainties.

Currently, Education Scotland, local authorities and RICs are all key players in this middle ground. The opportunity to reform the role and functions of Education Scotland and to consider its relationships to other key players, has the potential to play a significant role in enhancing outcomes for all learners.

8. Education Scotland

Established on 1 July 2011, Education Scotland is a Scottish Government executive agency charged with supporting quality and improvement in Scottish education. As an executive agency, Education Scotland operates impartially while remaining directly accountable to Scottish Ministers for its performance and use of public funds.

The role of the Chief Executive also encompasses the roles of both HM Chief Inspector of Education and Chief Adviser for Education in Scotland. Education Scotland's work to support the education system is organised in five Directorates.

- **Professional Learning and Leadership (PLL) –** The Scottish Government's *Education Governance: Next Steps* (June 2017)[35] identified that Education Scotland has strategic responsibility for PLL in Scotland. This work includes the design and delivery of a wide range of professional learning opportunities that support Scotland's practitioners, including 'Into Headship', the route for aspiring school leaders towards the now mandatory Standard for Headship. At the same time, the role and functions of the Scottish College for Educational Leadership (SCEL) were transferred to Education Scotland.
- **National Improvement –** This Directorate has responsibility for Curriculum Innovation; the National e-Learning Offer; policy advice, support and implementation; Inclusion, Wellbeing & Equalities; Digital Services including Glow, managing the Scottish Wide Area Network (SWAN) and supporting digital learning and teaching.
- **Regional Improvement –** This Directorate comprises six regional teams which include a range of staff with specialist expertise who work together with Scottish Government and local, regional and national partners to lead on a wide range of national policy priorities, including SAC and the NIF.
- **Corporate Services –** The Corporate Services Directorate provides many of the enabling functions for Education Scotland. This includes leading and supporting the effective development and delivery of corporate and directorate level governance, risk, business planning, corporate performance, finance, procurement, grants, statistics, internal and external communications and engagement and HR. This directorate also provides administration support to the directorates, including support to the Chief Executive and Strategic Directors.
- **Scrutiny (HM Inspectors) –** HM Inspectors are defined under section 135(1) of the 1980 Act[36]. Appointment to the post of HM Inspector is subject to approval by Her Majesty at a sitting of her Privy Council. In addition to inspection and evaluation functions they also undertake activities which support the Scottish Funding Council to fulfil its statutory obligations under The Further and Higher Education Act, 2005 (Section 13)[37] for assuring and enhancing quality in the college sector.

The Agency also houses the Community Learning and Development Standards Council and the Registrar of Independent Schools. As part of its work, Education Scotland also

[35] The Scottish Government's Education Governance: Next Steps (June 2017): https://www.gov.scot/publications/education-governance-next-steps-empowering-teachers-parents-communities-deliver-excellence/documents/

[36] HM Inspectors are defined under section 135(1) of the 1980 Act: https://www.legislation.gov.uk/ukpga/1980/44/section/135

[37] The Further and Higher Education Act, 2005 (Section 13): https://www.legislation.gov.uk/asp/2005/6/section/13

provides professional advice to Scottish Ministers and gathers intelligence to support policy development and decision making.

More detail on the work of Education Scotland can be found in its background document which accompanied the public consultation[38].

Support for curriculum and assessment

The OECD report noted that transparency in the division of responsibilities among stakeholders is a necessary condition for policy success in a system that promotes shared responsibility of its curriculum. The OECD further noted that ambiguous or overlapping responsibilities can cause confusion for practitioners as to where they can look to for support. This is an important consideration in looking at reform of Education Scotland. The OECD suggests a number of reasons as to why a confusing landscape has been formed. These include the following:

- The uncertainties created by the breadth of functions carried out by Education Scotland which includes inspection and scrutiny alongside support and improvement functions.
- The fact that capacity and resources to provide support and guidance on CfE came initially from SQA, even if it was beyond their mandate, before resources produced by other bodies with statutory responsibility for curriculum support, such as local authorities and Education Scotland, became available.
- The rotation of top administrative and executive positions in Scotland's education system among a relatively small number of individuals which limits creative thinking and constructive challenge within top decision-making processes.
- The multiple layers of governance which generate additional policy priorities and supplementary materials with little coordination.
- The overwhelming number of organisations which draws heavily on system leadership capacity.

The OECD also emphasised and recommended a ***'need for clarity about the roles and responsibilities of each actor and their boundaries, especially between Education Scotland and SQA, RICs and local authorities, and between schools, local authorities and central government'*** (when it comes to curriculum design).

The findings of the OECD report relate closely to those arising from my consultation and engagement work undertaken in preparation for this report. A consistent theme I noted particularly with practitioners and among PSAG members, was confusion and lack of clarity on the roles played by national agencies and other providers, including RICs, in responding to needs for support with curriculum, assessment, learning and teaching issues.

This lack of clarity was also highlighted in the recent Research Scotland report, *'Review of the Regional Improvement Collaboratives'* (October 2021)[39].

[38] Education Scotland background document: https://www.gov.scot/binaries/content/documents/govscot/publications/consultation-paper/2021/09/independent-review-education-scotland-scottish-qualification-authority-professor-kenneth-muir/documents/education-scotland-consultation-support-paper/education-scotland-consultation-support-paper/govscot%3Adocument/education-scotland-consultation-support-paper.pdf

[39] Research Scotland report, Review of the Regional Improvement Collaboratives (December 2021): https://www.gov.scot/publications/review-regional-improvement-collaboratives/pages/10/

'Some felt that there was a lack of clarity around the role of Education Scotland, and a tension between being a partner in the RICs and having a scrutiny role. While the involvement of Education Scotland was generally felt to add value, there remained some issues around power, control and joint working'.

The tension was also clearly demonstrated to me through the public consultations returns in which a significantly greater proportion of those who responded (54%) felt there was a lack of clarity on the roles played by national bodies as opposed to the 9% who felt there was.

Figure 5

Levels of Agreement (agree + strongly agree) Disagreement (disagree + strongly disagree) that there is clarity on the roles played by national agencies and other providers for responding to needs for support with curriculum and assessment issues

When asked about those aspects of support that were working well, 12% of respondents felt that there were no such areas of support, typified by the following:

> **"As a day-to-day teacher I am unaware of any support provided by national agencies to any individual pupils or to me."**
>
> (Teacher and Parent, Primary School)

Those who responded more positively cited over 40 different sources of support. These ranged from national bodies and groups such as Education Scotland, local authorities, the Scottish Catholic Education Service and professional associations to local and subject-based formal and informal networks. Several respondents felt that collaboration between national agencies, local authorities and teachers/teacher associations had been particularly effective.

> **"Targeted support planned in partnership with the local authority and schools has led to purposeful and impactful interactions between Education Scotland, headteachers and practitioners."**
>
> (Local Authorities/Local Government)

Respondents linked to Gaelic Medium Education felt there was good support available from a range of agencies, including: Fèisean nan Gàidheal, FilmG, Spòrs Gàidhlig, Bòrd na Gàidhlig (BnG) and Stòrlann.

For the post-school/college/university sector, the learning programmes on leadership were seen as a success, as was some of the support provided by SQA and Colleges Scotland. The Professional Learning Network and opportunities for online discussion and professional learning/development were also welcomed. The College Development Network (CDN) and Education Scotland were also seen as providing good input and support, but, it was suggested that variability existed in this provision.

Education Scotland itself, in its response to the public consultation, acknowledged the confusion that exists around where educators should go to access support. They stated that there is a need for 'greater clarity on the roles and responsibilities in the system', citing the perception by many that Education Scotland sets education-related policy when this is, in fact, the responsibility of the Scottish Government.

While Education Scotland and the SQA were mentioned by some as a source of support, others disagreed and felt that support was either patchy (good for some subjects and lacking for others) or had generally "dwindled" over recent years. Some suggested Education Scotland now offered little support to schools, teachers and learners in relation to the curriculum, and/or that the support available varied significantly by area. Some also complained that support had been lacking during the COVID-19 pandemic. While a number of respondents (particularly secondary school teachers) noted that the SQA was a good source of support in relation to assessment, they felt that Education Scotland was far less helpful in relation to the curriculum.

It was also noted that individual staff and teams in Education Scotland were helpful. However, it was suggested that this relied too heavily on personal contacts between practitioners and such staff and teams, and therefore did not provide equity in support across the profession.

"If ES [Education Scotland] is contacted, support will be provided but inequity in this as it is often through personal contacts."

(School/Centre Leader, Secondary School)

"There is feedback from parts of the country which is very positive about the support provided by Education Scotland. However, this is very inconsistent which would suggest that there is not a clear structure/framework for the support to be delivered. It is too reliant on individuals."

(Local Authorities/Local Government)

Many teachers and practitioners with whom I engaged confirmed that the 'middle' landscape designed to support them was too cluttered, lacked coherence, with too much overlap and duplication of effort. This meant that schools and teachers did not always know who to approach for support or advice on specific areas. It was sometimes felt there were too many different agencies developing materials and approaches, with little overall co-ordination and too little time available for schools and educators to fully consider and implement everything.

"There are too many people trying to look busy to justify their job title. They throw ideas at teachers and expect all of the ideas to be implemented in classrooms. There are too many ideas and not enough time. We need less agencies, more support in classrooms, smaller class sizes and more prescriptive planning, not more agencies trying to justify how busy they are."

(Teacher/Practitioner, Primary School)

"This varies from school to school and authority to authority. Clarity needed... We do not know where the support is located or how to access it (or even have the TIME to access it)."

(Teacher/Practitioner, Primary School)

Further, it was also suggested that the support and advice provided by national agencies (with the SQA and Education Scotland named specifically), was often provided too late or felt rushed.

"Whilst it is always well intentioned it could not be said to always be coherent, well researched or well timed. Perhaps the move to electronic systems has led to more things being pushed out last minute with no time to be properly assimilated and then needing changed."

(Third Sector)

Education Scotland and the SQA websites were also criticised by a few respondents as being difficult to navigate and not user friendly. It was felt that, while useful material was provided, difficulties with the websites meant this was not quick and easy to access. I am aware that these issues are being addressed as part of Education Scotland's Transformation Programme.

It was also highlighted to me that there was a lack of clarity over the remit of, and what was provided by, the Learning Directorate in the Scottish Government and the role and impact of RICs on front-line staff, particularly on the curriculum. To add to the lack of clarity, it was pointed out that SDS had begun to develop qualifications which was seen by many as being within the remit of the SQA. I also heard the view that there is duplication in the roles of the Care Inspectorate and HMI within Education Scotland which was seen as particularly challenging for the ELC sector. Like others, I believe the above examples demonstrate that the 'middle' landscape needs to be simplified with clear mapping/signposting provided so educators can find the relevant support they need.

Many with whom I spoke also sought a de-cluttered landscape where fewer agencies provided more joined up working and removed the duplication of effort and roles. Several respondents (typically primary and secondary school teachers) but also many PSAG members, requested clear lines of communication and a set of dedicated contacts either to regional teams or subject specific teams who they could approach for support.

"Clarity in these circumstances should emerge in a de-cluttered system that identifies clear roles, responsibilities and governance."

(School/Centre Leader, Secondary School)

"The current landscape is hugely cluttered and there is no clear understanding across the system of the roles/responsibilities of agencies and LAs [local authorities] etc. There is enormous repetition across the system, for example, there are people leading curriculum in their school, someone leading at the LA [local authority], someone at the RIC [Regional Improvement Collaborative], a team at Education Scotland, with no clarity over roles or the direction."

(Teacher/Practitioner, Secondary School)

"I have never fully understood the workings of Education Scotland and the overall purpose. They seem to do everything but not in a very obvious way, there needs to be more structure, separate branches doing different roles and clearly defined job definitions so that the whole education community understands who to contact about what and when. It is difficult to know what support they offer and who to ask for it."

(National Agency Officer, Secondary School)

"It's very difficult for parents to figure out which agency is responsible for what. The system needs to be far more streamlined, and communication needs to be much more parent friendly."

(Parent/Carer, Secondary School)

A number of other issues regarding the work of national bodies were brought to my attention. The first was that the support agencies and other providers need to promote their work and be more visible to front-line teachers and practitioners many of whom often had to rely on their own leadership teams and informal networks to provide support. Parents/carers reported that they and the wider general public should be made more aware of the national bodies and what they do, and that this could be achieved through more regular, direct and tailored communication.

A further important issue was the strong feeling from leaders, teachers, practitioners and many PSAG members that staff in national bodies were 'too far removed from the classroom' and therefore did not understand the practicalities of everyday life in a teaching and learning context.

Crucially, it was suggested that the model by which teachers and practitioners seek support from education bodies on the basis of a pre-determined offer is often unhelpful and flawed. It was suggested a better approach would be for teachers and practitioners to be able to make more bespoke requests related to their needs and have that request met in a timely fashion. This bottom-up model of influencing the work of national bodies was considered to be critically important, with their work being much more tailored to support the needs of front-line staff. From the feedback I have received this is not always evident in current practice and it is important that the role of local authorities in facilitating this support is recognised.

While I recognise the continuing value of a high-quality national offer in key areas, for example school leadership, it is suggested that the model by which teachers and practitioners seek support requires to be increasingly led more locally by professionals themselves.

Similarly, local authority-based respondents stressed the need for enhanced joint working between themselves and national bodies. This is important given the support and overall resource available to practitioners at national, regional and local levels. Ensuring high-quality support while reducing duplication across the system will be key.

"The statutory responsibility for improvement rests with local authorities therefore it needs to be clear how local authorities, Regional Improvement Collaboratives and any national agency or agencies work together to ensure continuous improvement in the outcomes for learners."

(Local Authorities/Local Government)

Support for professional learning and leadership

The public consultation showed that there were a greater number of positive responses to the question about whether there was clarity on where support for professional learning and leadership could be accessed, compared to views on where support for curriculum and assessment could be accessed. Just under one-third (31%) of respondents commented negatively while just over one-quarter (26%) were positive.

Figure 6

Levels of Agreement (agree + strongly agree) Disagreement (disagree + strongly disagree) that there is clarity on where high quality support for leadership and professional learning can be accessed to support practitioners

The main reason reported to me for there being more positive responses lay in the view that there were a wide range of opportunities available to engage in leadership training and professional learning. The increased online offering developed as a result of COVID-19 and lockdown situations contributed to this, with respondents hoping this would continue long-term. It was also suggested to me that the online provision had helped to address some of the accessibility disparities across the country (including between rural and urban areas and for those located outwith the central belt), although geographic differences in levels and access to provision was still noted by several respondents as a problem.

However, many with whom I have engaged felt that, while a good deal of professional learning and support for leadership was available, schools and teachers were '*bombarded*' and found it very difficult to identify which providers/options would best meet their bespoke needs. Again, it was suggested to me that there was a plethora of providers, with little co-ordination and coherence across the offering, and '*patchy*' provision in some areas notably in supporting approaches to learning and teaching. While a broad choice can encourage creativity and responsiveness, the current situation where there is little coordination of the offering can present difficulties for teachers and practitioners. It was suggested that a central body needed to take responsibility for sifting, streamlining and assuring quality before onward dissemination to schools, teachers and practitioners.

"PL [Professional Learning] should be coordinated and grouped by ES [Education Scotland] improvement staff and distilled to those busiest and at the front-line."

(National Agency Officer)

Given other views regarding the cluttered landscape, this may suggest there is a need for greater, targeted and co-ordinated promotion of professional learning opportunities.

While many respondents spoke favourably about the national leadership pathway programmes available, others felt that the demands of the 'Into Headship' programme did not give recognition to the experiences that those already in post have. Indeed, it was felt that this programme focused too heavily on academic theory and not enough on practical advice. Rather, it was felt there was a need to support strategic leadership development with a greater focus on the importance of experiential learning.

Funding and time were regularly referenced to me as being the biggest barriers for teachers and practitioners accessing professional learning. Teachers and practitioners reported that they were regularly expected to undertake this in their own time – something that was true for both class teachers and members of school leadership teams. It was pointed out to me that funding and resources were needed to allow classroom cover (not provided by the headteacher) and increased non-contact time to facilitate teachers and leadership teams attendance at professional learning during the working day.

"Teachers are totally overwhelmed, there isn't enough time in the working week do what is required of a teacher in Scotland. More non-contact time is needed..."

(Teacher/Practitioner, Primary School)

Others also told me there was currently too much focus on leadership, not enough curriculum and subject-specific development opportunities, and too little focus on effective learning and teaching practices. It was noted that there were gaps by subject area, sector and role, with the following specific issues regularly mentioned:

- a need for professional learning opportunities to be equally available to all educational sectors, with ELC flagged as an area particularly overlooked in the current provision;
- a need for more Gaelic and minority ethnic teachers to be recruited and more relevant professional learning targeted at these professionals;
- a need for more recognition, training and professional learning to be available for support staff; and
- a lack of dedicated professional learning or provision which recognises the unique circumstances of learning and teaching in denominational schools.

A number of respondents with whom I engaged raised concern about a lack of sufficient professional learning in respect of race equality and anti-racist practice in education. I note that Education Scotland and the Scottish Government are taking steps to increase and improve this provision, for example with the recently launched Racial Literacy Programme. I would encourage that the outcomes of this and ongoing work are adopted and made available as soon as possible.

"There is some CPD available at a national level for practitioners wishing to improve their leadership skills with a view to applying for promotion... However – there is barely any nationally or locally available CPD aimed at supporting teachers to improve their classroom practice. Teaching is a craft as well as a profession – we should be regularly reviewing our practice, considering research and discussing how our pedagogy could improve. CPD on this is simply not available to most teachers in Scotland."

(Teacher/Practitioner, Secondary School)

Many respondents pointed out to me that there was little guidance, too few incentives or sufficient professional learning available to help them change roles or progress their career. This was particularly apparent in the opportunities afforded to teachers from minority ethnic backgrounds, despite the recommendations in Professor Rowena Arshad's report, *Teaching in a Diverse Scotland: Increasing and Retaining Minority Ethnic Teachers in Scotland's Schools*, published in 2018[40].

Related to this there is a need to find ways of better incentivising the professional learning of teachers and other practitioners. Some of the confusion reported to me lies in Education Scotland and the GTCS operating different systems of validating, accrediting and recognising professional learning programmes and achievements. I agree that simplifying and making these arrangements more consistent would help to reduce confusion in this important area.

In the ELC sector, some respondents indicated that there were difficulties in finding good support and opportunities for professional learning. These included difficulties in attending due to staffing/resourcing issues and the need to meet staff/children ratios in centres. This was particularly an issue for those working in the Private, Voluntary or Independent (PVI) sector.

There were also calls for more nationally-recognised dedicated professional learning and leadership programmes to be developed and provided for ELC practitioners, as well as greater collaborative working and sharing of effective pedagogy and practice between nursery staff and primary one to provide more effective transitions.

"The levels of staffing within Local Authority nurseries right now is not conducive to providing high quality provision nor allowing sufficient development of staff skills. There is disparity between early learning settings surrounding job roles, in particular the role of the Head Teacher varies wildly."

(Teacher, Early Years Practitioner)

An education agency with a broad remit provides the opportunity to review the breadth of the national professional learning offer ensuring all practitioners can access high quality support to meet their needs.

[40] Teaching in a Diverse Scotland: Increasing and Retaining Minority Ethnic Teachers in Scotland's Schools (2018), by Professor Rowena Arshad: https://www.gov.scot/publications/teaching-diverse-scotland-increasing-retaining-minority-ethnic-teachers-scotlands-schools/

In terms of moving forward, it was suggested that such an agency needs to work more collaboratively with local authorities and other stakeholders, for example universities, to develop and deliver leadership and professional learning. Several respondents highlighted that peer-to-peer learning and networking, both within a local authority, between areas, and between sectors was a highly effective and impactful approach. A few also suggested that more use could be made of mentorships in schools to support recently qualified teachers and those wishing to learn new/leadership areas.

"There should be more opportunities for collaborative support across authorities, which is more possible than ever since the move to remote learning. We have so much to learn from different authorities. But this needs to have leadership; it can't just be left to teachers to work it out among ourselves."

(Teacher/Practitioner, Secondary School)

In discussing the wider support landscape, it was clear in my engagements and through the public consultation returns that there were mixed views on the effectiveness with which Education Scotland and the RICs carried out their support and improvement functions.

Regional Improvement Collaboratives (RICs)

The Scottish Government's report *Education Governance – Next Steps* in June 2017[41] set out the vision of an education system centred around children and young people, based on the principle of subsidiarity, i.e. that, where possible, functions, actions and decisions should be taken at the level closest to those who are most affected by them.

A joint steering group comprising Scottish Government, local government (including COSLA, SOLACE and ADES) and Education Scotland was set up to develop proposals for the creation of RICs. The aim of RICs is to provide support for improvement for headteachers, teachers and practitioners through teams of professionals drawn largely from local authorities and schools. The six RICs in Scottish education became operational in January 2018 although some local authorities were formally collaborating before this date.

A RIC Strategic Group (comprising Scottish Government, COSLA, Education Scotland and designated leads for each RIC) acts as a steering group for the RICs. The role of RICs is ultimately overseen by Scottish Ministers and COSLA Leaders as part of their Joint Agreement on Education Reform[42].

From the outset it was made clear that the establishment of RICs was not about creating new formal bodies, but was about developing different ways of working, bringing together capacity from across an area and beyond, to add value through collective efforts.

[41] The Scottish Government's Education Governance: Next Steps (June 2017) https://www.gov.scot/publications/education-governance-next-steps-empowering-teachers-parents-communities-deliver-excellence/documents/

[42] Joint Agreement on Education Reform https://www.gov.scot/publications/education-bill-policy-ambition-joint-agreement/pages/3/

A review was commissioned jointly by Scottish Government and COSLA in early 2020 to secure an independent analysis of the development and early impact of the RICs. Owing to the COVID pandemic, work did not start until May 2021, completing in October 2021. The report, *Review of the Regional Improvement Collaboratives*, by Research Scotland, was published in December 2021[43].

In spite of emphasising the relative recency of RICs being established, the review identified a number of positive contributions that they have had on supporting change and improvement. These included the high level of confidence in RIC structures and governance arrangements among both regional and national stakeholders; the extent to which RICs created a space where people could come together to collaborate and share ideas, adding value to, rather than duplicating the role of local authorities; and the positive difference made to how local authorities worked together through the RICs.

In my wide-ranging discussions the relatively positive assessment of impact set out in the Research Scotland report was at times challenged. These challenges were often highlighted by practitioners who felt that the work of the RICs had yet to impact in any meaningful way in supporting them.

"Regional Improvement Collaboratives are not visible at the school or classroom level (though some feedback suggests that the Northern Alliance has been more visible and added value). For many, it is not clear what added value they offer the life and work of schools. It may be that their evolution has been hampered by the COVID period but it can appear that they inhabit an uncertain place between Education Scotland and local authority roles which further adds to the confusion about their purpose, activity and contribution."

(Trade Union/Professional Association)

The Research Scotland report does however also make reference to a number of issues that still need to be addressed to support and enhance change and improvement. These include the requirement to:

- review whether the expertise within the RIC and Education Scotland regional improvement teams could be joined up more effectively and used to better effect;
- raise awareness and extend the visibility of the RICs and make sure that people at all levels in the education system, particularly class teachers and support staff, understand the role of the RICs; and
- see more networking opportunities on themes such as subject specific support for secondary schools, supporting children and young people with additional support needs, and Gaelic Medium Education (GME).

[43] Research Scotland report, Review of the Regional Improvement Collaboratives (December 2021) https://www.gov.scot/publications/review-regional-improvement-collaboratives/pages/10/

Overall, I have formed a view that the effectiveness of the partnerships between RICs and Education Scotland Regional Improvement Team is mixed. Where relationships worked most positively and effectively, as identified in the report *Progress and Challenge: Reflections on the Development of the West Partnership 2018-2020* (Feb 2021)[44], was where Education Scotland personnel worked closely at the local level to provide specialist advice, support and resources.

The contribution by Education Scotland's Regional Improvement Teams to regional collaboration was perceived as largely positive. This was particularly the view of those that had worked most closely with Education Scotland personnel on the ground. When Education Scotland personnel worked closely with workstreams or groups to provide specialist advice, support and resources this collaboration was at its strongest. However, concerns were expressed to me that the composition of the Education Scotland teams could be inflexible and did not always reflect local needs and priorities.

The success and value of locality-based work was further highlighted in the report, *External Evaluation of Education Scotland's Locality Work*[45], commissioned by Education Scotland from JRS: The Research Consortium, to evaluate the organisation's locality support for the education system during the COVID-19 pandemic. This evaluation work was carried out over April to August 2021.

The report contained case studies from all six RICs which were carried out remotely. They reflected the three levels of locality support provided by the agency, namely: support for Early Learning Centres and Schools; support at local authority level; and support at RIC level. While my public consultation and engagement meetings indicated some criticism at the lack of engagement and support by Education Scotland during the pandemic, it was clear from the JRS research that feedback from those involved was much more positive. The flexible and collaborative approach adopted by Education Scotland, which featured across the case studies, was widely valued. Education Scotland's locality work was said to have developed and strengthened their relationships with local authorities which may enable more new joint initiatives to happen in future.

Given the value placed on Education Scotland's locality work, concerns were raised by those taking part in the JRS exercise about what would happen to those Education Scotland staff who had played a key role in the locality work when they reverted to their original duties and responsibilities post-pandemic. A request from all involved in the case studies was that the relationships that had been built up had to be protected and nurtured, and that the momentum of the locality work should continue in some form.

[44] Progress and Challenge: Reflections on the Development of the West Partnership 2018-2020 (Feb 2021) https://www.westpartnership.co.uk/?dlm_download_tag=progress-and-challenge

[45] An externally commissioned review of Education Scotland's locality work (February 2022): https://education.gov.scot/education-scotland/news-and-events/news/an-externally-commissioned-review-of-education-scotland-s-locality-working-now-published/

This led to a key recommendation in the report that Education Scotland should consider:

'whether the work of Regional Improvement Teams can accommodate (in the longer-term) the kind of responsive, collaborative, partnership-based work with local authorities that draws down expertise and experience from across the organisation, and that has been a hallmark of the locality work over 2020/21.'

Local Government perspectives

Feedback to me from local government clearly stressed the distinction between the ongoing development of the RICs in general terms, which takes account of the joint Scottish Government/COSLA commitment to the RICs and the support provided to the RICs by Education Scotland. It is the latter point which comes into consideration in the review of the role and functions of that national agency. The views offered to me on the current support from Education Scotland to RICs are set out below.

- Overall, there are mixed views on the value of the support from Education Scotland Regional Teams to RICs.
- In many cases, Educational Scotland Regional Teams act as valued sounding boards and it is felt the joint working was driving improvement, with the access to additional support provided by Education Scotland welcomed.
- In other areas, there is a degree of tension with a lack of clarity around the role of Education Scotland engaging as part of the RICs, but also having a responsibility for authorising activities.
- There are concerns in some areas that Education Scotland's role in scrutiny and providing policy advice to the Scottish Government blended into the Education Scotland's Regional Teams' work in supporting the RICs.
- More broadly, there are concerns that the offer from Education Scotland to the RICs can be too uniform, with a perceived 'one-size fits all' approach not always being suitably responsive to the priorities identified by RICs.

There is undoubtedly a great deal of support for the work Education Scotland undertakes at a local level and that this locality-based support needs to be strengthened in order that practitioners have more consistent opportunities to have their support needs met. Where current relationships are strong and Education Scotland staff are collaborating closely with local government colleagues then the impact on practice and learner outcomes is greatly enhanced.

A strong and consistent message that emerged from engagements and discussions with me was a desire to see the principle of subsidiarity be enacted in practice. Many practitioners and PSAG members in particular mentioned the need to ensure that there was sufficient resource in place, including time and staff, to allow them to plan and collaborate effectively if functions, actions and decisions were to be taken at the level closest to children and young people. It was also felt that genuine improvement in outcomes for all learners was predicated on high quality learning and teaching that focused on supporting the needs of all children and young people and those practitioners supporting learning.

Together with local government officials, practitioners stressed the principle that support for improvement provided by Education Scotland should build on the best practice to date and crucially should lead to an extension of the approach that is place-based, and as much as possible, locally responsive to need.

It was emphasised that any support co-created by Education Scotland with the RICs should be tailored and bespoke to the local needs. It was felt that there needed to be more support that better reflected the diversity of Scotland's communities. It was also pointed out that the reform of Education Scotland's functions was an opportunity to clarify the perception held by some local government officials that Education Scotland's Regional Teams performed a dual role, i.e. that of support and scrutiny of the work at regional level.

On the critical area of funding for RICs, it was pointed out that the current bid-fund approach and annual distribution have created a challenging approach to sustainable delivery. Maximising the funding available to RICs, it was suggested, would ensure that support for regional improvement was locally responsive. It was also suggested that a longer-term funding commitment would allow RICs to take a more strategic approach, focusing on improvement over time, increasing ambition and enabling staff resources to be managed more effectively. I feel this is important and issues in respect of the funding cycle require to be addressed if RICs are to be a long-term feature of the education landscape.

An important constraint related to maximising the potential of the RICs, and the concept of applying a more regional and localised approach to support and improvement in Scottish education, was the ongoing tensions that exist between locally and nationally identified priorities for regional collaboration. It was suggested putting in place a co-sponsorship relationship for Education Scotland, similar to that in place between the Scottish Government and COSLA for Public Health Scotland, would offer an effective solution. I am attracted to the co-sponsorship model that exists for Public Health Scotland and suggest that consideration is given to putting a similar relationship in place between COSLA and the proposed national agency for Scottish education. I feel that this would help to ensure consistency of commitment to regional collaboration and the principle of subsidiarity while promoting a shared understanding and use of the overall support available at national, regional and local levels.

Summary

Since taking up post in 2017, the Chief Executive of Education Scotland, supported by her Strategic Directors, has made significant positive changes to how the agency operates. This has included an increased focus on working collaboratively with local authorities and RICs through the provision of regional and local support. From the feedback I have received, it is this direct support and engagement that teachers and practitioners clearly value most as they navigate through the challenging and changing education landscape within which they work.

Although there was some criticism levelled at the variability in quality and access to such support from the RICs and Education Scotland, the examples of strong collaboration and impact being achieved and referenced elsewhere in this report, illustrate the potential benefits of this model of support based around regional collaboration if it is extended and supported more widely.

It is my view that this focus on providing high quality, responsive support that meets the needs of teachers and practitioners, provided through the combined efforts of a national agency working in collaboration with local authorities is essential. Effective delivery of this key function will allow for teachers and practitioners to gain the support they require which in turn will improve outcomes for all learners. The provision of such formal support needs to recognise and complement those areas of informal support, such as local and subject networks and national networks such as the Building Our Curriculum Self Help (BOCSH) group and national subject associations, which have provided much-valued assistance to many leaders and practitioners over many years and particularly over the period of the COVID pandemic.

A consistent theme emerging from my engagements has been what was regularly referred to as the 'disconnect' between policy and practice. In particular, and as noted in the OECD report, this was most notable in the context of curriculum and assessment. From the discussions I have had on this, it has become clear that the issue is not only one of who owns the curriculum. It is also one of "what is the curriculum and how is it created?", "what is it for?" and "what is its relationship to what we value and assess?" The wide variety of interpretations and understandings given to me in answer to these questions demonstrates one of the key reasons why leaders and practitioners often feel confusion and lack of coherence in the current system. It is an important area that needs to be tackled as part of educational reform. My following proposal is designed to do that.

The process of advising the Scottish Government on curriculum and assessment policy needs to take place much closer to school leaders, teachers, and practitioners than it does just now. Ultimately, it is Scottish Government and Ministers who are responsible for all aspects of education policy. However, how those policies are arrived at and what they should contain are felt by many in the system to be something that is closed off to them, lying almost exclusively in the domain of civil servants, many of whom have little or no direct experience of education.

It is very apparent from my engagements over recent months that many teachers, practitioners and stakeholders have constructive, innovative and pragmatic ideas of what should be included in education policies, particularly on curriculum, assessment, learning and teaching. Creating the opportunity for wide engagement in policy drafting and formulation would access those ideas, improve understanding of how policy can translate into practice and support a culture of trust and genuine engagement. Where professional learning can be more closely related to those policies through high quality, localised support, teachers and practitioners can have increased clarity and confidence of what is expected of them, with the likelihood of increased equity for all learners.

It is my view that creating a new curriculum and assessment agency can only offer some of what I have set out above. What is needed is a single agency that has a wider remit; one that brings policy and practice much closer together to ensure better outcomes for all learners. Bringing curriculum, assessment, learning and teaching, together with professional learning for support and improvement, within the remit

of a single national agency has the potential to bring greater coherence between policy and practice and to secure a much stronger sense of collective ownership of policy. It can help to establish a common language and common understanding of expectations. The inclusion of the SCQF Partnership in the proposed agency, referred to in section 11, will further enhance this. It can also ensure a national offer to support policy implementation where that is required. If it is allied to readily accessible, responsive high quality local professional learning, it will support and enhance the quality of learning and teaching provided by teachers and practitioners and, ultimately, improve outcomes for all learners.

Recommendation 6: There should be a national agency for Scottish education. This should be an executive agency of the Scottish Government comprising the current support and improvement functions of Education Scotland, SQA's Accreditation/Regulation Directorate, the Scottish Credit and Qualifications Framework (SCQF) Partnership and elements of Scottish Government's Curriculum, Qualifications and Gaelic Division.

Recommendation 7: The proposed agency for Scottish education should take on board SQA's current accrediting and regulating functions. It will be important that robust safeguards are put in place to ensure that regulation of qualifications remains at arm's length from Scottish Ministers and the integrity of the regulatory role within the proposed agency is secure.

Recommendation 8: The main focus of the proposed national agency for Scottish education should be to provide responsive, bespoke support and professional learning at regional and local levels. In addition the agency should advise the Scottish Government on curriculum and assessment policy. While the proposed agency should also provide a national offer in respect of leadership and in areas to support policy implementation, this should be done through ensuring significant resource is made available to respond to the varied needs of all learners, teachers and practitioners at local and regional levels.

Recommendation 9: In line with best practice in the governance of public bodies, the agency should adopt a participative approach to governance in all of its work. The board and its chair should reflect the range of stakeholders, including parents/carers and young people. In order to secure wide ownership of its strategic advice it should also utilise digital connectivity to achieve open and transparent engagement with all stakeholders, most notably all learners, teachers and practitioners and local government.

Recommendation 10: Given the Community Learning and Development (CLD) Standards Council[46] has become successfully embedded within Education Scotland in its current form and feedback from CLD practitioners has been positive about its work, the Council should remain part of the proposed national agency for Scottish education.

[46] The CLD Standards Council https://cldstandardscouncil.org.uk/

Recommendation 11: With the increased focus of the proposed agency on providing support for improvement at local and regional levels, the Registrar of Independent Schools, with their national remit, should return to the Learning Directorate in the Scottish Government. With this change the Registrar of Independent Schools will be better placed to work more closely with the national professional body, General Teaching Council for Scotland (GTCS), with the requirement now in place that all teachers in independent schools are registered and regulated by them.

Recommendation 12: The proposed national agency for Scottish education should create and sustain a forum for ongoing and proactive discussion about curriculum, assessment, learning and teaching, professional learning and leadership in Scotland. It should gather views from national bodies, existing think tanks, research and practices, including in other jurisdictions, in order to develop and enhance key policies.

9. Towards a national agency for Scottish education

A common theme emerging from my work has been the perceived complexity of existing structures, role and functions within the 'middle ground' of Scottish education. It is to address what I consider to be genuine concerns that I am recommending there should be a single national agency, the focus of which includes support for learning and teaching and curriculum and assessment. In responding to the public consultation, many respondents assumed that a single curriculum and assessment body would simply be an amalgamation of the existing SQA and Education Scotland. This is not what is being recommended.

I was particularly struck by the strong pleas, notably from PSAG members, for decision making on these policies to be better informed by those closer to the lived experiences of those that work in education establishments and the learners they serve. Also, the need for high-quality professional learning that aligns closely with policies in these areas. Such coherence and a significant increase in the engagement of teachers, practitioners and other stakeholders in informing policy, will be of major benefit to all parties.

It will be important to clearly communicate the role and functions of this proposed agency and how it fits into the wider education system. Having a clear set of aims, a defined focus and an accepted role and remit will be key. A single agency that links policy with practice goes some way towards reducing the complications in an already complex education system, a point often mentioned during the consultation and engagement phase of this work.

"Current structures of governance and advice are already complex, with the danger of misunderstandings occurring among the teaching profession and other stakeholders. A risk relating to future reforms is further confusion about the revised roles and responsibilities of national agencies and providers of support. There will need to be an emphasis on collaboration and communication among these bodies to avoid conflicts of interest or blame."

(Teacher/Practitioner, Secondary School)

Countries around the world have different structures and governance arrangements in place covering curriculum, assessment and qualifications. These arrangements have often been arrived at as a result of changes made in government policy over a number of years and tend to reflect any changing values and beliefs underpinning its education system. This variation and lack of a single dominant pattern across countries is recognised in the SQA's own (as yet unpublished) research, *A comparative study of organisational structures in high-performing jurisdictions*, in which it looks at how inter-organisational structures in different high-performing jurisdictions compare in relation to curriculum, qualifications, assessment and regulation.

As was often noted, Scotland has a high number of national bodies with specific interests in components of the education system. Where comparable nations may have only one or two organisations, Scotland has many more with what are perceived to be overlapping roles and responsibilities. Students, parents and carers sometimes also perceive the current qualifications environment as being cluttered, with competing qualifications and organisations across multiple levels.

To recognise the ultimate responsibility of Scottish Ministers for education policy, it is my recommendation that the proposed national agency for Scottish education should be an executive agency of the Scottish Government.

As well as having an important role in developing and implementing policy I also envisage that the proposed agency will develop as an important source of advice and support for teachers and practitioners as they implement policy. To do so, one of its main roles will be to provide localised, responsive support and high-quality professional learning on curriculum, assessment, learning and teaching from early years to the end of the Senior Phase. It will advise Minsters on policy and strategy in those areas.

As part of its internal structures, it will take on the role currently carried out by SQA's Advisory Council, potentially modelled on the current Curriculum and Assessment Board. The proposed agency will provide well-informed advice on the needs and views of stakeholders, especially those of learners, teachers and practitioners, on curriculum, assessment, learning and teaching. Through close working with the proposed Qualifications Scotland, the proposed agency will be well placed to advise and inform the qualifications and assessment body on the design, development and delivery of qualifications.

An important responsibility of the proposed national agency for Scottish education will be to create and sustain a forum for ongoing and proactive discussion about curriculum, assessment, learning and teaching in Scotland. This forum should gather views from existing think tanks, research and practices, including in other jurisdictions, with a view to developing and enhancing key policies such as addressing social inequality, closing the poverty-related attainment gap and improving outcomes for all learners. It should collate examples of creative and innovative practice in curriculum development, assessment and approaches to learning and teaching, as part of this process. The agency should also help ensure that all of Scotland's educators, learners and parents take full advantage of the opportunities offered by digital technology.

In advising Ministers on curriculum and assessment for all stages of the system, the proposed agency will be uniquely placed to ensure that the advice it offers is informed by the insights of leaders, practitioners, teachers and all learners as well as by research and international benchmarking. It is through the views gathered from this wide-ranging forum that the revised vision and policy related to CfE should be generated. The impact of any policy change on qualifications and assessment should then be taken forward by the proposed Qualifications Scotland which should encompass the responsibilities of the current Qualifications Development Directorate in SQA.

For this process to operate effectively it will be critical that there is close and ongoing cooperation and engagement between the proposed Qualifications Scotland and the proposed national agency and the Scottish Government.

This proactive approach will help ensure that Scottish education is able to anticipate and plan for the inevitable future changes required to curriculum and assessment. In my view this is an important function for the proposed agency as it will give confidence to learners, practitioners, other stakeholders and indeed politicians and the public that an ongoing and iterative process is in place that scans the horizon and avoids the need for disruptive, large-scale change to curriculum and ultimately qualifications, as has been the practice to date.

Placing SQA's current accreditation and regulation functions within the proposed agency offers benefits that are discussed elsewhere in this report. However, it will be important that robust safeguards are put in place in the proposed agency to ensure that regulation of qualifications remains at arm's length from Scottish Ministers which securely protects the integrity of its regulatory role.

Such an agency will provide clarity on curriculum and assessment responsibilities at a national level. This addresses some of the main concerns in the OECD report. By incorporating the majority of Education Scotland with the removal of the Inspectorate and SQA's Accreditation/Regulation functions (discussed in section 6), along with the SCQF Partnership (discussed in detail in section 11), and elements of the Scottish Government's Curriculum, Qualifications and Gaelic Division (discussed in section 7) the proposed national agency for Scottish education will provide coherence to curriculum, assessment, learning and teaching policy and strategy, support learner journeys and ensure clarity on where the specific responsibilities reside. The proposed agency is designed to streamline the landscape and better integrate decision making in respect of assessment, curriculum, learning and teaching, professional learning and leadership, and support to teachers and practitioners in these areas.

The proposed national agency for Scottish Education should be led by a chief executive and have a board which reflects its diverse range of stakeholders and a chair that can command the confidence of both the government and those the agency serves. To address the concerns raised with me it should, in all of its activities, reflect a model of participative governance which reflects the need for cultural change across the system. This should include meaningful and widespread engagement with teachers, practitioners, learners, school and local authority managers, parents/carers, business interests, trade unions, and other educational interests such as experts in the fields of curriculum, assessment, learning and teaching. In doing so, use should be made of digital connectivity to achieve open, transparent and widespread engagement which would help to generate greater awareness of the work of the agency and increase buy-in for its overall offer.

The proposed agency must operate on the basis of a close, positive and dynamic relationship with local authorities who have a statutory responsibility for education. This includes maintaining and where necessary enhancing the activities encapsulated in the Education Joint Agreement between COSLA, the Scottish Government and Education Scotland in respect of RICs. It will also be important that the agency works closely with colleges, training providers and industry.

As part of the proposed agency's approach to governance and as a means of ensuring a strong, representative and proactive basis for its curriculum, assessment, learning and teaching work, the agency should build on existing arrangements and set-up development groups (subject, curriculum area, thematic as required). They should be populated by a diverse group of leading practitioners and experts as appropriate, to maintain ongoing monitoring of curriculum and assessment, learning and teaching and undertake specific tasks to ensure that these are kept up-to-date. The work of such development groups will help to inform policy and direct the work of Qualifications Scotland on any adjustments that should be applied in terms of the design, development and delivery of qualifications.

In summary the main opportunities presented by the establishment of a national agency for Scottish education include a chance to:

- improve the policy-making process by engaging a wide range of expertise and perspectives and in so doing create space to bring the curriculum and assessment system more up-to-date, reflecting the needs and diversity of learners in 21st century Scotland;
- better involve skilled and experienced practitioners in the agency who understand the demands of teaching and assessment on the ground thus establishing a stronger sense of ownership of the strategic direction of curriculum, learning, teaching and assessment in Scotland;
- respond with greater energy to the need to explore a changing curriculum and alternative assessment models, including competency-based models for assessing academic subjects, what one commentator described as ***"a future-proof 21st agile and empowering curriculum, using effective research-based pedagogy and innovative assessment approaches"***;
- provide a mechanism which systematically reviews the suitability of Scotland's approach to curriculum, assessment and learning and teaching, critically taking into account the experience of teachers and practitioners and the latest research;
- bring policy and practice in respect of curriculum, assessment, learning and teaching closer together thus ensuring greater cohesion between what is expected and what is provided;
- declutter and streamline the 'middle ground' in Scotland's educational landscape;
- consider the needs of the Climate Emergency Skills Action Plan[47] and support, where it is within remit, the growth of green jobs and the supply of green skills; and
- attune more closely to the aims and objectives of the National Plan for Gaelic, individual Gaelic Language Plans[48] and the REAREP work on curriculum reform.

[47] Climate Emergency Action Plan: **https://www.skillsdevelopmentscotland.co.uk/media/47336/climate-emergency-skills-action-plan-2020-2025.pdf**

[48] National Gaelic Plan: **https://www.gov.scot/publications/scottish-government-gaelic-language-plan-2016-2021/pages/4/**

10. HM Inspectors

Background

HM Inspectors were first appointed in 1840 and have made a significant contribution to Scottish education since that date. On 1 April 2001, Her Majesty's Inspectorate of Education in Scotland (HMIE) was established as an executive agency of the Scottish Ministers under the terms of the Scotland Act 1998[49]. This status was designed to strengthen the ability of HMIE to carry out its work independently and impartially. HMIE was amalgamated into Education Scotland which was created on 1 July 2011 as the lead public body for assurance and education improvement in Scotland and a key partner in helping achieve the Scottish Government's vision of excellence and equity.

From the outset, concerns were expressed about having both the improvement and assurance functions sitting within the one organisation, Education Scotland, albeit internal arrangements were put in place to protect the integrity and impartiality of the organisation's inspection (more recently referred to as scrutiny) function. In a similar way to SQA having both an awarding and regulatory function within the one body, it was felt by many that Education Scotland having an inspection function within the same body charged with supporting improvement created potential conflicts of interest and compromised the organisation's ability to perform both roles well.

In June 2021, the Cabinet Secretary for Education and Skills indicated that the inspection function would be removed from Education Scotland[50]. This decision was warmly welcomed by many respondents to the public consultation and in the engagements I have had.

While most supported the removal of the inspection function from Education Scotland, there were views that the approach to inspections (and general inspection ethos) was also in need of fundamental review and change to make it more supportive, creative and formative. This included the need for a renewed focus on improvement and support at the heart of the process, with an approach that was genuinely more collaborative instead of what was sometimes seen as a punitive approach at present.

"There's an opportunity to establish much more supportive evaluation practice and get away from making people write reports and fill in questionnaires and allowing them to concentrate on their teaching practice. The risk is that it just falls into the same old practice again and perpetuates the culture of enmity."

(Third Sector)

"Inspection is not just about scrutiny but about support and improvement and also about celebrating success."

(Secondary School)

[49] Scotland Act 1998 section 93 https://www.legislation.gov.uk/ukpga/1998/46/section/93

[50] Scottish Government's response to the OECD report, the Cabinet Secretary for Education and Skills on 22 June 2021, https://www.gov.scot/publications/oecd-review-of-curriculum-for-excellence-scottish-government-response/

"The reform of a national inspectorate, separate to the function of Education Scotland should be considered carefully. A body which works with the system in a supportive and collaborative way would ensure best outcomes. A move towards a body which is overly scrutinous and critical would be damaging to the system and create a culture of fear. Recognising the journey and progress is crucial."

(School/Centre Leader, Primary School)

Changing some of the language attached to inspection was also urged to help address negative perceptions of the process. Suggestions to address this included removal of the word 'scrutiny' which does not imply support and challenge and encouraging greater use of terms such as self-evaluation, building capacity and supporting improvement. There was a strong view, particularly among teachers, practitioners and PSAG members that the use of grades no longer aligns well with an increasing focus on greater collaboration, self-evaluation and improving outcomes for all learners.

"The word scrutiny needs to be dropped in favour of inspection. Scrutiny implies a static approach which is not focused on improvement but is focused on checking against a fixed standard. Inspection needs to be more dynamic and responsive."

(Local Authorities/Local Government)

"The report style and grading systems needs to be changed and more in line with a supportive culture of quality improvement activity... This should also be linked to a vision for Scotland's education system, and this should be reflected in the quality improvement activity."

(School/Centre Leader, Secondary School)

Another key theme that emerged from my discussions was that there must be corresponding clarity around who has responsibility for monitoring improvement, with clear accountability protocols in place for ensuring that inspection findings are acted upon and result in positive change for learners. It is recognised that local authorities have prime responsibility for the provision of education. However, a regular concern cited by senior leaders in schools was that some local authority evaluation activities did little more than mirror HMI inspections, adding significantly to bureaucracy and workload for school staff.

In my discussions with a range of teachers, practitioners and officers of local authorities, there was support for an increase in peer reviewing at local and regional levels and an increase in the use by the Inspectorate of the validated self-evaluation model that had been developed. It was felt that an increase in such approaches would help to build greater trust and confidence across the system and promote a much-needed culture of continuous improvement.

Another common theme shared with me was that whoever was responsible for carrying out the inspection function, children and young people as learners should always be at the forefront of the inspection design and outcomes. It was suggested that inspectors need to be advocates for the users of the services they inspect, including children, young people, parents and carers. Others also encouraged increased involvement of children and young people in any reforms to inspection processes to ensure such changes like these were more learner-led.

"They tend to pick like...you know like a very specific student. Like one who looks nice and is usually getting really good grades. And I guess I get that, but then you leave all the other students, especially like students who might have a really hard time in school, them. Like they get left out and then maybe the teachers who aren't teaching the best or students who are struggling they are pushed to the back and they don't have their voices heard and then it just feels like why are we having inspections anyway? I think if students had an opportunity to be involved in the inspections it would look a lot different and a lot of people who don't get put in front would be able to, you know, talk about the issues they are having and maybe get them fixed. I don't know, I think we should be involved, you know?"

(Secondary school age learner)

Further comments made to me on inspection suggest that the following would also be important:

- Inspection should maintain a clear focus on evidence of the quality of the experience of children and young people and on maintaining high expectations for their learning.
- Inspectors should have up-to-date knowledge of the education system, its curriculum and expectations, with more input from those who know the current school education context and the needs of children and young people.
- Inspectors should take a more holistic view taking into account local contexts and looking at the school's previous performance and the performance of neighbouring schools before evaluating current performance.
- Approaches to inspection should build significantly on the current practice of involving senior leaders and teachers, practitioners and local government officers in inspection teams, allowing a greater focus on validated and peer self-evaluation.
- Clear legal, structural and governance arrangements should be in place to ensure transparency and public confidence in the inspection body and its processes.

Links to the early learning and childcare sector

Current practice whereby ELC establishments are inspected by the Education Inspectorate and the Care Inspectorate came in for regular criticism during my engagements. It was felt that this sector was disproportionately subject to external accountability and much more so than other parts of the education system. Practitioners and managers in the ELC sector were especially critical of the Care Inspectorate producing a revised inspection Framework in June 2021[51] at a time when plans had been put in place to create a shared inspection Framework with Education Scotland. Many remained puzzled and frustrated as to why this has been allowed to happen at the policy level and questioned the extent to which there had been sufficient communication across relevant directorates and divisions in Scottish Government on the matter.

Overall, there was strong support for a shared framework being developed in the ELC sector as a means of reducing confusion, bureaucracy and workload.

"Whatever form the agency will take it would be preferable if there could be a strong working relationship with the Care Inspectorate in order to streamline the inspection process."

(Trade Union/Professional Association)

It was also stressed to me, particularly by local government representatives, of the need to have greater clarity on the roles and responsibilities of scrutiny bodies who hold local authorities and others accountable. Specific reference was made to the Education Inspectorate, the Care Inspectorate and Audit Scotland in this context. In establishing an independent Education Inspectorate, there is a need to avoid the reported confusion, overlap and bureaucracy this brings.

Further inspection considerations

Some of those with whom I engaged questioned the logic of re-establishing a separate inspection body for education when what they felt was needed was a more integrated inspection body covering wider children and family services. Their main argument for this was that education did not operate in a vacuum and that a number of other services in health and social care impacted directly on learner outcomes and required to be considered and evaluated at the same time as education.

A few went on to suggest that now was the time to create a single generic inspection body for public services more generally, not least as a means of giving greater coherence to the effectiveness and value of public service provision. However, it is my view that such a generic approach can compromise the ability of inspections in education to drill down into classroom practice and may encourage a 'tick box' style of scrutiny.

[51] Care Inspectorate Inspection Framework (June 2021) https://www.careinspectorate.com/images/documents/6128/Quality%20framework%20for%20early%20learning%20and%20childcare%202021.pdf

Overall, however, most respondents supported the removal of the inspection function from Education Scotland, the creation of an independent education Inspectorate and saw this as an opportunity to improve and rethink the inspection more generally.

"The removal of scrutiny from Education Scotland would provide an opportunity for a new scrutiny landscape to be established. It would represent an opportunity to create this to meet the needs of an educational system which has changed significantly over the last ten years and which continues to change. There are opportunities to review not only what is subject to scrutiny but also how this scrutiny may be undertaken e.g. a greater involvement of stakeholders or inspecting themes across schools or Learning Communities. Any proposed changes to scrutiny should build on what is going well rather than a deficit model. Changes should be subject to further consultation and be implemented within a realistic timeframe."

(Local Authorities/Local Government)

It was also suggested that changes to inspection provided the opportunity to consider the use of more unannounced visits which may provide a more accurate reflection of practice on the ground (rather than planned for/ rehearsed visits).

"...if inspections are unannounced that would add an element of schools consistently needing to do the right thing rather than just performing well when the inspectors are there."

(Teacher/Practitioner, Secondary School)

"Inspection should be non-intrusive so that schools/teachers do not spend too much time preparing for inspection. The system should be designed to be fair and predictable to all schools, focusing on a supportive set of outcomes."

(Third Sector)

Opportunities for involving more practitioners in inspections, especially those with recent classroom experience or specialist subject expertise was also seen to be important.

"It is crucial that assessment is informed by practice and shaped by those who understand the needs of learners. Inspection should be a formative and developmental process as well as validating good practice and celebrating success. It should equally provide support and challenge where appropriate. Curriculum development needs the input of sector leading practitioners."

(Secondary School)

Opportunities

The creation of a separate education inspection body is a genuine chance to create a more dynamic, creative and responsive inspection system, with opportunities to:

- maintain the integrity of inspection as a constructive, evidence-led process, independent of all of the main interests;
- align inspection with the vision of putting learners at the centre and incorporate the implications of the UNCRC;
- demystify the inspection process and make it more transparent, for example by ensuring inspectors have greater direct engagement and professional dialogue with teachers, practitioners and schools and increasing the involvement of associate assessors and local authority officers as part of a more collaborative approach to inspections that supports professional learning and builds capacity;
- explore different models of inspection, for example, peer review, shadowing between schools in local areas to remove competition and encourage more supportive/collegiate inspection processes and devolve more responsibility to local authorities on the timing of inspections;
- build in a greater focus on sharing promising innovations as a key part of the value the Inspectorate can add to promote the spread of effective practice;
- capitalise on the increased use of the latest digital technologies to promote and share inspection findings; and
- integrate wider health and wellbeing priorities, poverty and attainment issues, and inequality, child protection, discrimination and harassment scrutiny into the re-imagining of inspection.

Risks

The most commonly cited risk was seen as failure to include all relevant stakeholders in any planning and implementation of change to inspection.

"The primary risk is that an inspectorate is seen as either a school appraisal tool or is an organisation comprised of educational academics or those no longer at the "chalk face." This can be greatly mitigated by having a grassroots involvement of centres peer reviewing each other and sharing of good practice, led by learners and practitioners."

(Secondary School)

A further potential risk includes the lack of staff capacity to implement the changes needed to deliver any new inspection models due to recruitment/retention issues likely to arise during the period of transition. There is also a risk that the inspection process continues to be seen as adversarial instead of supportive and improvement focused. Finally, there is the risk that communication around any change could lack clarity on the role, remit and mode of operations for the new Inspectorate.

Mitigating measures

I suggest that the following measures would help alleviate risks resulting from the creation of an independent Inspectorate.

- Providing appropriate resourcing to deliver effective high quality external evaluation activity and build positive relationships with all stakeholders.

- Regular engagement and communication with existing HM Inspectors and other staff likely to be involved on progress with transition to the new body.
- Ongoing consultation and engagement of all relevant stakeholders in any future reforms to inspection models, including the possibility of relevant stakeholders being involved in the governance of the new inspection body.
- Clarity on the role and remit of the new body, including the early revision of *How Good is Our School?* (HGIOS) to better reflect the changed context in Scottish education, providing greater clarity of expectation in key areas.

Towards an independent Inspectorate

In his 2018 report on the Welsh Inspectorate *A Learning Inspectorate Independent review of Estyn*, Professor Graham Donaldson[52] pointed to international contexts which showed that the ways in which evidence and evaluations from inspection can have an impact fall into three broad categories. The first was in providing evaluative reports for parents/carers and the public, sometimes to inform school choice. Secondly, inspections give assurance nationally, locally and at school level about the quality of education being provided. Finally, they promote improvement and building capacity either through direct engagement or through the provision of evidence and advice to inform policy and practice. Professor Donaldson pointed out that these categories are not mutually exclusive. However, it is essential to be clear about their relative importance if inspection is not to become undermined by internal contradictions and competing external expectations.

Feedback I received from the public consultation and engagements confirmed that there is strong support for an independent inspectorate that is engaged in activities that cover all three broad categories set out above. It was clear that while independent, external evaluation should be central to the work of the Inspectorate, HMI should also look to work closely with local authorities and establishments to support their evaluation and improvement functions.

Building on recent work undertaken by Education Scotland, the independent Inspectorate should:

- be responsible for the inspection of education at all levels of the system – from early years to adult learning, including thematic inspections required by Ministers, for example in Initial Teacher Education;
- build capacity and support improvement through identifying and sharing effective practice and advising the proposed national agency for Scottish education on the outcomes of the Inspectorate's activities;
- work with the proposed national agency for Scottish education to develop evidence informed education policy based on independent evaluations of practice;
- support the drive towards empowerment with a strong focus on self-evaluation and an establishment's capacity to improve;
- collate and share data and other intelligence on what is working well and what needs to improve and identify any barriers in the system;

[52] Welsh Inspectorate A Learning Inspectorate Independent review of Estyn, Professor Graham Donaldson (June 2018) https://www.estyn.gov.wales/system/files/2022-01/A%2520Learning%2520Inspectorate%2520-%2520en%2520-%2520June%25202018.pdf

- evaluate major changes in the education system, including education reform, on the quality of children's and young people's experiences and impact on standards; and
- report annually to the Scottish Parliament on the performance of Scottish education as well as provide a longer-term, authoritative, 'state of the nation' evaluation which might usefully include evidence from research findings and from international experience.

Recommendation 13: A new Inspectorate body should be established with its independence enshrined in legislation. Its governance should reflect this independence, with the body funded by the Scottish Parliament, staffed by civil servants and inspectors, the latter of which are appointed with the approval of Her Majesty via the Privy Council.

Recommendation 14: Building on recent work undertaken by Education Scotland on re-imagining inspection, the new independent Inspectorate should undertake the functions set out in section 10 of this report. Critical roles of the independent Inspectorate will be to support improvement, evaluate major changes in the education system and report annually and over longer periods, on the performance of Scottish education.

Recommendation 15: As a matter of urgency, the new independent Inspectorate should re-engage with the Care Inspectorate to agree a shared inspection framework designed to reduce the burden on ELC practitioners and centres.

Recommendation 16: The new independent Inspectorate should undertake an inspection on the effectiveness of the new, proposed arrangements designed to support change and improvement at local and regional levels. This should be completed within two years of the new Inspectorate coming into operation.

11. Wider implications and further considerations for reform

Several features of the current Scottish education system emerged regularly during my discussions and engagements. In replacing the SQA and reforming Education Scotland I feel it is important to also consider the implications of change in respect of a wider range of interests. These are set out below.

Scottish Credit and Qualifications Framework Partnership

The SCQF Partnership is an independent, non-biased company limited by guarantee and a Scottish Registered Charity. This small organisation works with a wide range of awarding bodies, professional bodies and other programme owners to ensure a variety of different types of learning (formal, informal and non-formal) is credit rated and recognised on its Framework. The SCQF Partnership plays an important role in ensuring[53] parity of esteem of all learning pathways and ensuring the Framework is truly learner centred.

The SCQF Partnership ensures that, where appropriate, all assessed learning and qualifications in Scotland are included on its Framework which it promotes as a lifelong learning tool. The SCQF Partnership has a strong reputation within Scottish education. It is also well recognised and regarded within the European Union and worldwide where it has access to many international education networks and resources.

The SCQF Partnership carries out the following wide range of functions.

- The approval of new Credit Rating Bodies for the SCQF.
- The quality assurance of a range of Credit Rating Bodies across the UK in relation to their SCQF credit rating activity.
- The support, monitoring and review of Scotland's colleges' credit-rating activities.
- Providing extensive and tailored support for existing Credit Rating Bodies on developing and maintaining processes for SCQF credit rating.
- Offering non-biased, independent, expert advice to programme owners on the credit rating process including information on potential Credit Rating Bodies in Scotland.
- Running a wide range of workshops supporting programme owners, credit rating bodies and those who wish to adopt Recognition of Prior Learning (RPL) principles.
- Supporting employers in embedding the SCQF into their workforce development strategies.
- Promoting and raising awareness of the benefits of the SCQF across all sectors both nationally and internationally.

Credit rating by the SCQF Partnership is a mechanism for organisations, large or small, to formally have SCQF levels and credit points allocated to their learning programmes and have that learning placed on Scotland's national qualifications framework. Any organisation wishing to formally acknowledge their in-house training or informal training sessions can engage with this credit rating process.

SCQF Partnership's report, *Review of SCQF Credit Rating Activity*, by Brian Keegan (April 2016) set out the following range of benefits associated with credit rating.

- Learning programmes will be recognised across the UK and Europe.
- Learners receive formal recognition for the learning they have undertaken.

[53] An unpublished internal report shared with Professor Muir for information on non-SQA awards

- Learners are supported to develop skills in their career or learning pathways.
- Learners will understand the level of the learning they have achieved which will help to improve confidence and self-esteem.
- An organisation's learning programmes can be readily compared to nationally recognised qualifications.
- Assists with improved employee engagement and offers added value to in-house training and CPD programmes.

The SCQF Partnership in its consultation return signalled the important role that the SCQF Partnership makes to Scottish education and how that role can be enhanced to address some of the issues identified in the OECD report.

"Much has been said about the need for a whole system view of coherence, and strategic use of the SCQF provides one aspect of that coherence, supporting and underpinning the development of curriculum, but also of pathways and routes through institutions, employment and the community. In order to fully deliver on CfE aspirations we need to ensure fewer wrong turns, dead ends and repeats for learners – ensuring credit is given for learning already achieved is fundamental to this and the SCQF provides us with the ability to have a quality assured measurement of that."

The value of the SCQF Partnership was something that was shared regularly with me in discussions and engagements. The Partnership is held in high regard both nationally and internationally. In particular, it was felt that SCQF has the potential to play an enhanced role in Scottish education to support all learners progress seamlessly on their learning journeys, recognising and valuing different types of learning (formal, informal and non-formal) and ensuring greater parity of esteem across qualifications and awards. RPL, where recognition and value is given to formal and informal learning no matter where that has taken place, can help all learners to identify transferable skills and learning achieved and plan next steps in learning. The considerable credit rating skills of the SCQF Partnership staff, together with their expertise in RPL, will complement those of staff in SQA's Accreditation Directorate, further enhancing coherence for the wider education system.

"Any new agency needs to listen to SCQF. SCQF are doing some of this work already. Valuing broader range of awards."
(Member organisation of PSAG)

"Increase use of SCQF – this worked really well when I was headteacher – different approaches to assessment & progression pathways to FE and HE."
(Secondary School, senior leader)

"Better use of existing SCQF – increasing understanding with teachers, parents, employers – all partners."
(Secondary School, senior leader)

"We would welcome greater visibility of SCQF in the system – opening up opportunities across the system to use qualifications from a wide range of qualification and awarding bodies linked to the SCQF. Working with regional colleges to develop and deliver awards pertinent to the local economy and labour market intelligence – all SCQF rated."

(Local Authorities/Local Government)

I concur with the view that the SCQF has the potential to play an important role in providing greater coherence between curriculum and assessment, and in planning the lifelong journey of all learners.

Bringing the SCQF Partnership into the proposed national agency for Scottish education provides a further opportunity for streamlining the number of bodies, clarifying the middle ground and creating greater coherence to the overall system. If this recommendation is accepted, I appreciate it will entail implications for the SCQF Partnership and its staff moving from a company limited by guarantee to what I am proposing is an executive agency.

Recommendation 17: The SCQF Partnership should be brought into the proposed national agency for Scottish education in order that it's Framework and staff can play an enhanced role in planning learner journeys and providing greater parity of esteem.

Insight

In a number of my engagements and discussions the Scottish Government online tool, Insight, was discussed. The role and use of Insight was seen as a much-valued tool to support improvement and it was also seen as having the potential for its role to be enhanced.

Insight is managed by the Scottish Government and has been developed as the core tool for understanding improvement and improvement planning in the Senior Phase. It is supported by a small team of Insight professional advisors. Learners from S4 to S6 who are on the pupil census at the start of the school year are included in Insight. As such, it plays an important role in the Senior Phase. The tool contains five years of pupil attainment, destinations and demographic data and employs a statistically-constructed 'virtual comparator' to provide an appropriate and fair benchmark for each school's performance along a number of dimensions.

Insight uses the SCQF to produce its tariff scores which are based on SCQF Credit Points and levels, the grade achieved and whether courses are graded or not. Its tariff scores recognise the value of all types of qualifications and learning programmes irrespective of assessment methodology, thus providing parity of esteem across all qualifications and learning programmes. Insight's grade neutral tariff treats graded and ungraded courses equally which recognise the equal value that ungraded and graded courses can play in a learner journey.

Insight's inclusion of awards from a wide range of non-SQA providers, in addition to SQA awards, was seen as being one of its positive features. However, some senior leaders and practitioners suggested that, while a useful tool, Insight helped to perpetuate a 'high stakes' attainment culture based mostly on NQs which ran counter to the desired direction of travel for Scottish education. They also commented that not all attainment is SCQF accredited and that attainment records cannot always be provided in time for inclusion on Insight.

I agree that further development of the Insight tool has the potential to support a much-needed cultural shift around attainment and achievement and what is valued by way of learner outcomes. In doing so, a revised Insight tool can play an enhanced role in providing parity of esteem across academic and non-academic qualifications and awards discussed earlier in this report.

The following developments would significantly enhance the role of the online tool.

- **Develop Insight to reflect a wider variety of attainment and achievement**
  Currently, all attainment included must be SCQF accredited. Insight could be used to develop a mechanism to reflect information about the achievements of learners that are not matched to SCQF levels. This would allow awards such as the Saltire and Duke of Edinburgh Awards to be included, providing evidence of impact of the broader curriculum offered and the achievement of broader activity undertaken within and outwith educational settings.

Such a development would also go some way towards progressing the *Measurement* recommendations contained in the Morgan report, *Support for Learning: All our Children and All their Potential* (June 2020)[54] one of which is:

> **'The value... and visibility of the diverse range of achievements, including in vocational learning, that are possible for all children and young people with additional support needs and reflect what they and their families feel are important for their (future) quality of life.'**
>
> (Morgan Report, page 22)

- **Develop Insight as the central tool that provides a coherent approach to improvement**
  Insight is currently a dynamic tool for understanding improvement used by schools, local authorities and some stakeholders. It could be further developed as an easily accessible reporting tool providing summary information for a wider range of users, for example HM Inspectors. This has the potential to bring efficiencies into the system and, importantly, would allow all parts of the system to use Insight as the single source for improvement and inspection activity. The benefits would be that all parts of the system would better understand their data and that being reported would better reflect the value of attainment and achievement as stated through SCQF levels.

[54] Support for Learning: All our children and All their Potential (June 2020), Angela Morgan: https://www.gov.scot/binaries/content/documents/govscot/publications/independent-report/2020/06/review-additional-support-learning-implementation/documents/support-learning-children-potential/support-learning-children-potential/govscot%3Adocument/support-learning-children-potential.pdf

- **Insight could develop beyond S4-S6**
  Insight could develop to capture the full secondary journey – reflecting the learner journey from the beginning of S1 to the end of S6, allowing a clear interrogation of added value. It could align with SDS sustained destinations data (currently just leavers' destinations data) to provide a means by which the journey of learners transitioning from S6 to sustained destinations could be more easily examined, understood and supported.

An enhanced Insight tool could also capture attainment and achievement data at key transition points in addition to Senior Phase data, providing important messages about added value and contributing to the coherence of CfE from BGE into the Senior Phase. This could provide a joined up approach, a common language of attainment and achievement and provide a tool that would allow the whole profession to better understand interventions that have an impact. For the purpose of providing increased coherence, consideration should be given as to whether the Insight tool should be placed within the proposed national agency for Scottish education.

Recommendation 18: The online tool Insight should be further developed in order that it can help drive change in Scottish education, and in particular, support the learner journey and enhance parity of esteem across academic and non-academic qualifications and awards. Consideration should be given as to whether the Insight tool and the Insight Professional Advisors should be placed within the proposed national agency for Scottish education.

SDS Career Service Review

SDS is Scotland's national skills body. It works with the Scottish Government and other public bodies to shape and implement strategies that drive Scotland's economic growth and social inclusion.

The Scottish Government's Young Person's Guarantee[55] ensures everyone between 16 and 24 in Scotland will have the opportunity to access support that will help them into fair employment including work experience, further or higher education, apprenticeships or other training programmes, formal volunteering or a supported activity programme.

To support this, SDS is currently carrying out a holistic review of careers services in Scotland[56]. This work on the future of career services is underpinned by the following principles.

- Career services that meet the changing needs and aspirations of young people.
- Career services that build agency and equip young people to navigate change.
- Career services that help young people expand their experience of work.
- Career experiences that are integrated into the curriculum to ensure a cohesive journey.

It was apparent from my engagements with many stakeholders, particularly senior leaders and practitioners in schools, that there was limited awareness of this important piece of work being carried out by SDS and the work of SDS more generally.

[55] The Scottish Government's Young Person's Guarantee, www.youngpersonguarantee.scot

[56] SDS Career Service Review, https://www.skillsdevelopmentscotland.co.uk/career-review/

The Scottish Government's *15-24 Learner Journey Review* (May 2018)[57] stressed the importance of ensuring all young people have access to the choices that are right for them by having the right balance and blend of learning options in the post-15 education and skills system. The OECD report, *Scotland's Curriculum for Excellence: Into the Future*: suggests that Scotland should consider creating guidance on how knowledge might focus on what is needed to progress to and succeed in the next level or phase of education.

My observation is that SDS's Career Service Review has the potential to make an important contribution in ensuring a fully aligned and coherent education and skills system that supports learners to make meaningful, seamless progress on their lifelong learning pathway. This will only be achieved if the work of SDS on the Career Service Review is shared widely and its outcomes are aligned with changes and developments arising from this report and what emerges from Professor Hayward's review of national qualifications.

Initial Teacher Education

In light of significant changes to education bodies proposed in this report, the Scottish Government's commitment to review curriculum, assessment and qualifications and the urgent need to better consider how the incorporation of the UNCRC into Scots law will impact on schools, it is critical that ITE providers make early adjustments to their teacher education programmes. The teacher education institutions offering such programmes should ensure that student teachers are well prepared for what amounts to a period of significant evolution in Scottish education. Such programmes should equip teachers with the necessary skills and expertise in developing their own assessments and conducting internal quality assurance.

Policies: Ongoing change and volume of policy

From the work in which I have engaged to produce this report I am aware that there are a number of policy developments underway or planned that impact on any revised vision for CfE and Scottish education. Together with CfE, Getting It Right for Every Child (GIRFEC) and Developing the Young Workforce (DYW) have been enshrined over the years as the three supporting pillars of the Scottish school education system, designed to promote both equity and excellence in order that children and young people can achieve and thrive. All three policies focus on improvement for learners and have been designed to align and support each other. All three are currently subject to change and I consider it to be important that they are considered alongside each other to support clear and consistent messaging for those responsible in translating policy into practice.

There are a wide range of other related policies and reports relevant to education that can appear as a complex and overwhelming picture to practitioners. Details of related policies can be found in **Appendix G**.

No-one doubts that all policies are well-meaning and designed to improve the lives of children and young people. However, in the public consultation, this volume and complexity of policy was regularly reported to me by practitioners and leaders in the school sector as being a significant factor in creating some of the confusion and lack of progress in bringing

[57] Scottish Government's *15-24 Learner Journey Review* (May 2018), **https://www.gov.scot/publications/15-24-learner-journey-review-9781788518741/**

about improvement. Senior leaders in primary and secondary schools pointed to their day-to day lives being adversely impacted by having to take into account, respectively, 34 and 40 areas of policy. A strong plea from a wide range of respondents was for simplification of advice and guidance and better 'joined up thinking' and coherence in policy. Taking such steps would minimise the risk of multiple interpretations being applied to translating policy into practice and would reduce the pressure and workload on those involved in delivering those policies.

"A secondary school currently is influenced by and required to engage with and respond to the Scottish Government Learning Directorate, Education Scotland, GTCS, HMIe, SQA, RICs, local authorities, OECD, PISA and the International Council of Education Advisers, such atomisation impedes a truly empowered system."

(Group of Secondary Headteachers)

"Small local authorities have the same asks on them as a large local authority – all guidance, policies are the same – smaller local authorities are on their knees, and sometime don't have head space to go for help or the help isn't readily available."

(Local Authorities/Local Government)

"Policy landscape and constant asks on Local Authorities – so many policies, often all coming out of the same Scottish Government directorate as well as other directorates and it is all very disjointed. Local Authorities are then asked why is xyz, not working, or being implemented properly."

(Local Authorities/Local Government)

"There is an overload and fragmentation of policies nationally, that then often have to be interpreted at a local level."

(Secondary School, senior leader)

"An added challenge can be that policies sometimes straddle more than one service, such as education costs for Care Experience young people – education costs covered till age 16 and then responsibility moves to social work, resulting in a demarcation of responsibilities – should be working hand in glove."

(Local Authorities/Local Government)

This sense of policy fatigue is not new and it is crucial that the Scottish Government and the potential bodies recommended in previous chapters of this report work together to minimise the impact of change whilst also creating a more coherent policy landscape that is understood by all those that work in it.

It has also become clear to me in the process of this exercise that there are a large number of directorates and divisions in the Scottish Government with a direct and active interest in children and young people and the factors impacting on their learning. While all involved are seeking to improve the lives of learners their families and communities, the linkages between teams and allied policies do not appear to be as strong as they should be. I appreciate I am not the first commentator to make this observation but at a time where the number of key policies relating to children and young people are so large and subject to change, it seems more important than ever that there is closer alignment of policy.

I was pleased to attend an early meeting of the Scottish Government programme board considering education reform whose membership includes representatives from across the Scottish Government. I consider it very important that this kind of forum is used constructively to ensure improved alignment and communication of policy for those charged with its implementation. My recommendation that elements of the Curriculum, Qualifications and Gaelic Division in the Scottish Government are integrated into the proposed new national agency for Scottish education is designed as an important structural step in bringing discussion on policy formulation much closer to those enacting it.

Recommendation 19: Scottish Government and other national bodies should collaborate more effectively to ensure that policies align well with each other and with any revised vision for Scottish education. Arrangements should be put in place that allow for the active monitoring of the volume of policy expectations on local authorities, schools and senior leaders to ensure that these are realistic, manageable and well understood.

12. Risks and mitigations

There are inevitably a number of major risks in taking forward my proposals for change and reform to the key bodies that play an important role in the highly integrated Scottish education system.

However, I am confident that, with appropriate mitigations in place, those risks are significantly outweighed by the advantages which the changes and reforms can bring for learners and those teachers and practitioners that support their learning.

Risks

The most significant risks are set out below.

- The risk that what might be seen as superficial structural and organisational change ('*rearranging the deckchairs*') takes place without the corresponding cultural and mindset shifts that many feel are also needed.
- The ongoing need to manage the impact of the COVID-19 pandemic reduces the ability of staff, who are already tired, to participate fully with what is proposed.
- Simultaneously asking staff to take forward organisational change and reform alongside the need for them to ensure continued delivery of existing functions and planned developments. While a risk for both SQA and Education Scotland, it is particularly significant in the context of changes proposed for SQA at the same time as the Scottish Government's planned review of NQs and their need to continue to deliver safe and secure certification of awarding in 2022 and for the foreseeable future.
- Allied to the above is the risk that large-scale change and reform could impact negatively on things that are already working well, with consequent detrimental impact on learners.
- Reduction in staff morale, wellbeing and commitment with the implementation of changes and reforms which add to their workload and/or which they do not support.
- The feeling among those affected that change and reform involves much uncertainty; is being "done to them" and too quickly with insufficient opportunities for them to actively engage in the planning and implementation processes.
- Failure to include all relevant stakeholders in the planning and implementation of change and reform.
- Lack of staff capacity to implement change and reform and/or a loss of staff expertise as a result of recruitment and/or retention issues that could arise during the period of transition to the new bodies.
- The loss of reputation and credibility in the Scottish education system, and potential associated losses in customers and income, with changes to the internationally-recognised SQA brand, particularly if there is a significant time lag in transitioning from the current bodies to those recommended.
- The finance and resource needed to successfully embed the proposed changes and reforms are not available or not sufficient.

Mitigations

The risks set out above can be mitigated through the following actions.

- As discussed in the following section creating a transition programme team that collaborates closely with senior staff particularly in the two main bodies affected can help to reduce some of the pressures and demands that will likely materialise. It can also be the main conduit for engagement with other parts of the education system impacted by the recommendations.
- Setting realistic and manageable timescales for change and reform that acknowledge the recent and current context and the capacity to take on further changes.
- Ensuring open, transparent, timely and effective communication on all aspects of the creation of the new bodies with the staff concerned and with wider stakeholders.
- Providing meaningful opportunities for staff and stakeholders to be part of the discussions on how change and reform is progressed.
- Establishing a clear governance structure for proposed bodies with transparency on their roles and functions.
- Ensuring that there is sufficient resource, including finance, and capacity to make the necessary changes being proposed while continuing to deliver on existing remits.

13. Transitions

My remit has required me to focus on the replacement of the SQA, the creation of an independent Inspectorate and the consequent reform of Education Scotland. This I have done, but as is clear from my report, some of my recommendations also touch on issues and organisations that also relate to curriculum, assessment, learning and teaching and the support provided to teachers and practitioners. It is clear that action can be taken in the short-term in respect of a number of recommendations while others will require a longer period to come to fruition. The totality of the recommendations in my report amount to significant structural change and development with some requiring change to statutory functions that can only be taken over the medium and longer-term. Also, it is well recognised that the necessary cultural and mindset change may take even longer.

In my engagements and discussions the question of timescale over which any changes could be implemented featured regularly. Many involved in such discussions offered the cautionary note that any changes needed to be carefully considered within the context of existing and ongoing challenges and system capacity while also being contingent on resources being available to support change.

A key priority was seen as taking sufficient time to engage with all relevant stakeholders ahead of any significant change.

"Better to take time to get it right than hurriedly rush through changes for political expediency."

(Teacher/Practitioner, Secondary School)

There was general support for a phased approach to any change with the strong message that adequate time and support for staff was made available for them to understand the changes and begin to implement them.

"Practitioners will need time to plan, access professional learning and collaborate meaningfully."

(Local Authority/Local Government)

Also, any timescales for change must importantly be mindful of minimising disruption to learners. Recognition also needs to be given to the demands and expectations, particularly on SQA and Education Scotland, but also in respect of other organisations impacted by my recommendations, to engage with the proposed changes while continuing to deliver their crucial services.

In order to progress my proposals, I recommend that a transition programme team is established to further plan the detail and coordinate next steps. I envisage this as a shared approach that will ultimately lead to the establishment of Qualifications Scotland, the independent Inspectorate and the proposed national agency for Scottish education. A key theme in my report has been the need to increase coherence across the system and a partnership model that oversees these changes would also help realise this goal. In my view this team should be led by an experienced individual recruited from outwith the impacted bodies but with the close involvement of at least one senior individual from within those bodies most affected.

Given the scale, complexity and importance of what is proposed it will also be crucial that high-quality lines of communication are maintained with the wider education system. This will help to ensure mutual knowledge and understanding of my proposed changes and how they relate to other developments across the wider education system.

Staff currently within the existing bodies, SQA and Education Scotland, have endured a period of stress and anxiety since the announcement about there replacement and reform were made. In spite of my best efforts to ensure ongoing engagement with senior leaders, staff unions and staff in both organisations, it is understandable that those anxieties and concerns continue to exist. It will be critically important that those staff that are affected by my recommendations are kept proactively informed of progress during the period of change and transition envisaged in this report. I am in no doubt that the professionals in SQA, Education Scotland and other affected bodies have the best intentions of all learners at the heart of what they do and I am confident they will continue to engage positively and constructively with the process of change. I would like to wish them all well with the inevitable changes that will now follow should my recommendations be accepted.

Recommendation 20: Scottish Government should establish a transition programme team to oversee the changes and reforms envisaged in this report. The transition programme should be taken forward in partnership with the bodies subject to reform and all those that are impacted by its outcomes.

Recommendation 21: Those staff that are affected by my recommendations must be kept effectively engaged and informed of progress during the transitional period over which my recommendations are progressed. In my view all staff should also be treated in accordance with the Scottish Government's Fair Work Policy[58].

[58] The Scottish Government Fair Work Policy https://www.gov.scot/publications/fair-work-first-guidance-support-implementation/

14. Summary conclusions

The OECD Report set out a number of challenges in moving forward with CfE. In response the Scottish Government decided to remove the inspection function from Education Scotland, reforming that agency as a consequence and replace the SQA. These decisions have provided the basis for my report. In carrying out my extensive engagement and consultation programme it has become clear to me that this is an appropriate juncture at which to take stock and give consideration to the next steps for CfE. It is also a good opportunity to give deep consideration to the purposes of education and the wider vision for the future of Scottish education.

Scottish education has undergone a number of changes in recent years not least brought on by the ongoing pandemic. However, it is clear to me having undertaken this commission that further change is inevitable. Overarching policies like GIRFEC, DYW are already under review. The SAC and the NIF with their aspirations and benchmarks may need to evolve further in light of my recommendations. The incorporation of UNCRC into Scots law, together with the responses I have received from children, young people, teachers and practitioners, parent/carers and others stakeholders point to a need for change in the way that policy itself is developed, implemented and overseen.

All of these changes and developments certainly indicate the need to reconsider the structures and organisations designed to support education. More significantly, the changes point to the need for everyone involved to reflect on the culture we want within Scottish education, its purposes, what we truly value and what we examine and certificate as a result. Critically, change must focus on how we better ensure the needs and views of all learners, teachers and practitioners, together with wider societal and economic implications, are brought to the fore and met in terms of organisational mindset, governance and decision making.

Reform should only be undertaken if it will result in improvements for learners themselves. I believe that the model which I have set out in this report, based on sound and what I believe are commonly held principles, does so. It will result in a simplified and more coherent landscape where resource is placed closer to the user. It will ensure that curriculum, assessment, learning and teaching are considered together, driving what we examine and certificate.

My model is designed to enhance the concept of subsidiarity in practice and, at the same time, bring learners, teachers and practitioners closer to the strategic decision making process. I see the model ensuring that professional learning is more directed at and responsive to the needs of teachers and practitioners, allowing them to collaborate more and enhance the quality of learning and teaching and the all-important relationship they have with all learners. The creation of an independent Inspectorate with the functions and operational approaches I suggest will deliver improved support for, and oversight of, Scottish education, using first-hand evidence, research and data collated nationally and internationally. Finally, implementing the model will help to build trust and confidence across the education system and, critically, more widely with users and stakeholders.

Appendix A: List of engagements undertaken by Professor Muir

Anderson High School, Lerwick – *pupils and staff*

Association of Directors of Education in Scotland (ADES)

Association of Headteachers and Deputes in Scotland (AHDS)

Bòrd na Gàidhlig

Building Our Curriculum Self-Help Group (BOCSH)

Care and Learning Alliance (CALA)

Care Inspectorate

Care Inspectorate Wales

Careers Review

Children and Young People's Commissioner Scotland

Children in Scotland

Children's Parliament

Clackmannanshire Council

Coalition for Racial Equality and Rights (CRER)

College Development Network (CDN)

Colleges Scotland

Comann nam Pàrant

Community Development Team, Fife Council

Community Learning and Development Managers Scotland

Community Learning and Development Standards Council Scotland

Connect

Convention of Scottish Local Authorities (COSLA) – *leaders, children and young people's board and officials*

Council for Curriculum, Examinations and Assessment (CCEA), Northern Ireland

Curriculum and Assessment Board (CAB)

Developing the Young Workforce Employer Forum

Early Years Scotland

Education Scotland – *advisory board, partnership board, leadership teams, directorates, change team and staff*

Educational Institute of Scotland Union (EIS)

Enable

Estyn, Education and Training Inspectorate for Wales

FDA Union

Federation of Awarding Bodies

General Teaching Council for Scotland (GTCS)

GwE Regional School Improvement Consortia, North Wales

Intercultural Youth Scotland (IYS)

Inverurie Academy, Aberdeenshire – *pupils*

King's Park Secondary School, Glasgow

Scotland's Learning Partnership's Learners' Forum

National Association of Schoolmasters Union of Women Teachers (NASUWT)

National Autistic Society Scotland

National Council for Curriculum and Assessment. Ireland (NCCA)

National Day Nurseries Association (NDNA)

National Education Officers' Network (NEON)

National Examination Board in Occupational Safety and Health (NEBOSH)

National Parent Forum of Scotland (NPFS)

National Union for Students Scotland (NUS)

North Ayrshire Health and Social Care Partnership

Public and Commercial Services Union (PCS)

Qualifications Wales

Race Equality and Anti-Racism in Education Programme Stakeholder Network Group

Regional Improvement Collaboratives (RICs)

Royal Society of Edinburgh (RSE)

School Leaders Scotland (SLS)

Scottish Association of Minority Ethnic Educators (SAMEE)

Scottish Autism

Scottish Catholic Education Service (SCES)

Scottish Council of Deans of Education (SCDE)

Scottish Council of Independent Schools (SCIS)

Scottish Credit and Qualifications Framework Partnership (SCQFP)

Scottish Education Council

Scottish Education Research Strategy – Academic Reference Group

Scottish Funding Council (SFC)

Scottish Government – *directors and policy officers from Learning Directorate, Children and Families, Early Learning and Childcare, Advanced Learning and Science and other officials.*

Scottish Learning Festival (SLF)

Scottish Outdoor Education Centre (SOEC)

Scottish Qualifications Authority (SQA) – *board members, management teams, heads of areas and staff*

Scottish Secondary Teachers' Association (SSTA)

Scottish Social Services Council (SSSC)

Scottish Training Federation (STF)

Scottish Youth Parliament (SYP)

Skills Development Scotland (SDS)

Social Work Scotland

Society of Local Authority Chief Executives (SOLACE)

Student Partnerships in Quality Scotland (sparqs)

St Mary's Kenmure, Glasgow

Teacher Panel

Teaching Council Ireland

The Promise Scotland

Together

Ulster Teachers Union

UNISON Union

Unite Union

Universities Scotland

Voice Community Union

Who Cares? Scotland

Workskills UK

Young Scot

YouthLink Scotland

I am particularly grateful to the following individuals for their much-valued advice, perspectives and guidance in preparing this report.

Philip Blaker, Chief Executive, Qualifications Wales

Professor Carol Campbell, University of Ontario

Professor Christopher Chapman, University of Glasgow

Arlene Forster, Chief Executive Officer, National Council for Curriculum and Assessment, Republic of Ireland

Dr Ger Graus OBE, Global Director of Education at KidZania

Margaret Farragher, CEO, Council for Curriculum, Examinations and Assessment, North Ireland

Martin McGuire, Director Scotland, Workskills UK

Tomás Ó Ruairc, former Chief Executive, Teaching Council Ireland and now Assistant Secretary, Dept. of Education, Dublin

Professor Lindsay Paterson, University of Edinburgh

Professor Mark Priestley, University of Stirling

Arwyn Thomas, Mark Hughes and Elfyn Jones, GwE Regional School Improvement Consortia, North Wales

Mererid Wyn Williams, Claire Morgan, Jassa Scott, Estyn

Appendix B: Public consultation analysis: Summary prepared by Wellside Research Ltd

Summary of findings

Introduction

Following the Organisation for Economic Co-operation and Development's (OECD) independent review into Scotland's school curriculum[59] the Cabinet Secretary for Education and Skills announced the intention to replace the Scottish Qualifications Authority (SQA) and consider a new specialist agency for both curriculum and assessment. The reform of Education Scotland was also announced, with the removal of the function of inspection from the agency[60]. This report outlines the findings from a public consultation, which sought views on these reforms, and will support the independent Advisor to prepare his report and recommendations.

In total, **851 responses** were received to the consultation. This consisted of:

- **690 responses to the main consultation document or set questions**;
- **74 responses submitted by email** which did not follow the consultation questions set; and
- notes from **87 meetings and webinars**[61].

It should be noted, however, that many of the meetings and webinars involved multiple contributors, and a number of consultation responses represented groups of contributors and/or wider consultation with members or stakeholder groups. Therefore, the true number of people who provided feedback to the consultation can be assumed to be higher than the numbers outlined.

[59] Scotland's Curriculum for Excellence: Into the Future | en | OECD https://www.oecd.org/education/scotland-s-curriculum-for-excellence-bf624417-en.htm

[60] Education Reform: Consultation on Behalf of Professor Ken Muir, University of the West of Scotland and Independent Advisor to the Scottish Government (www.gov.scot) https://www.gov.scot/binaries/content/documents/govscot/publications/consultation-paper/2021/09/independent-review-education-scotland-scottish-qualification-authority-professor-kenneth-muir/documents/education-reform-consultation-behalf-professor-ken-muir-university-west-scotland-independent-advisor-scottish-government/education-reform-consultation-behalf-professor-ken-muir-university-west-scotland-independent-advisor-scottish-government/govscot%3Adocument/education-reform-consultation-behalf-professor-ken-muir-university-west-scotland-independent-advisor-scottish-government.pdf?forceDownload=true

[61] An online survey of young people was also conducted, the results of which have been analysed separately and are not included within this report.

Key Findings

Levels of agreement were sought across a range of statements. Table 1 below outlines the percentage of responses to the public consultation:

Question/Statement	% who agreed*
Q1.1 The vision for Curriculum for Excellence reflects what matters for the education of children and young people in Scotland	58%
Q2.1 Curriculum for Excellence provides a coherent progression in the journey of learners (3-18 and beyond) that gives them the best possible educational experience and enables them to realise their ambitions	22%
Q3.1 In practice, learning communities are empowered and use the autonomy provided by Curriculum for Excellence to design a curriculum that meets the needs of their learners	31%
Q4.1 The creation of a Curriculum and Assessment Agency will help to address the misalignment of curriculum and assessment as outlined in the OECD report	39%
Q5.1 The full breadth of existing SQA qualifications play an important part of the curriculum offered by secondary schools	51%
Q6.1 Technologies are fully and appropriately utilised as a support for curriculum and assessments	18%
Q8.1 There is clarity on where the responsibilities for the strategic direction, review and updates for Curriculum for Excellence lie	11%
Q9.1 There is clarity on the roles played by national agencies and other providers for responding to needs for support with curriculum and assessment issues	9%
Q10.1 There is clarity on where high quality support for leadership and professional learning can be accessed to support practitioners	26%
Q11.1 There is sufficient trust with all stakeholders, including children, young people, parents & carers, so they are genuinely involved in decision making	15%
Q12.1 Independent inspection has an important role to play in scrutiny and evaluation, enhancing improvement and building capacity	61%

*Based on the 690 respondents who answered the set questions, and either 'strongly agreed' or 'agreed'.

Overall, respondents supported the Curriculum for Excellence (CfE) and the four capacities[62]. While it was felt that this worked well at the Broad General Education (BGE) level, it was stressed that CfE does not transfer into the Senior Phase where teaching was considered to be constrained by a need to focus on examination preparation. Indeed, many respondents felt that reform of the Senior Phase was required in order to provide a better balance between achieving academic qualifications and recognising other achievements, as well as to provide parity of esteem between academic and vocational routes.

It was also stressed that the educational landscape in Scotland was cluttered, with too many organisations at national, regional and local levels which appeared to overlap or duplicate each other in terms of their roles and responsibilities. It was felt this resulted in a lack of clarity in relation to where the responsibilities for the strategic direction, review and updates for CfE lie. It also made it difficult for teachers/practitioners to know what support, resources, and professional learning opportunities were available, and where and how to access these. Further, it was suggested that teachers/practitioners were often unsure about the veracity and quality of resources, and they did not have the time to research each offering themselves. Some indicated that they now relied on local networks and other teachers/practitioners rather than external bodies for support.

Respondents were generally supportive of the four reform proposals, i.e. to remove the inspection function from Education Scotland, further reform of Education Scotland, to replace SQA (although many felt this should be reformed), and to consider the creation of a new Curriculum and Assessment Agency.

It was felt that the inspection function should be moved to a separate agency, which was independent of both Scottish Government and any other education/policy setting agency in order to be fully impartial. It was also stressed that the language and focus of inspections needed to change – moving away from a focus on 'scrutiny' and towards 'improvement'.

Further reforms were suggested for Education Scotland, both to set out clear information about its remit, and that it could be developed into an agency to support curricular change and development, along with developing and supporting teaching and learning pedagogy. However, several questioned the purpose of Education Scotland without the inspection function as they felt all other aspects of its work would duplicate other agencies.

There were mixed views regarding whether the SQA should be replaced or reformed, although most respondents agreed some form of change was required. It was felt this was an opportunity to consider and reform the end of year examination structure. Several respondents also stressed that any changes to, or removal of the SQA would, however, need to be mindful of the impact of the college sector and not simply consider the issues from a school-based perspective.

The creation of a Curriculum and Assessment Agency was largely considered to be an opportunity to realign the BGE and Senior Phase, and to allow more focus on pedagogy throughout the various stages. However, several did express a fear that this could result in lower importance being placed on assessments and thus impact adversely on university applications. Many stressed that the roles and responsibilities of any new agency would need to be clearly

[62] These include: successful learner, confident individual, effective contributor and responsible citizen.

set out and communicated, along with its relationship to other available agencies, and that it would be important to avoid duplication with those other agencies (although it was felt that such clarity was necessary for **all** agencies across the sector).

Throughout the consultation, it was suggested that those with current/recent experience of teaching should be involved in developing, informing and indeed staffing both the inspection agency and any new Curriculum and Assessment Agency. Secondment models were suggested as one method to achieve this.

Several also stressed that other educational sectors needed to be considered and included throughout. This included early learning and childcare (ELC), Gaelic Medium Education (GME), the Catholic education service, college and university settings, youth work and community education, all of whom noted that they often felt like 'add-ons' rather than fully integrated and supported parts of the Scottish education system.

In terms of timescales, across all the proposed reforms, many felt that time should be allocated as required to fully consider any changes and make these effectively. It was suggested there were significant risks in rushing through any changes for 'political expediency'. Where timescales were specified, it was typically suggested that a five year window would be required. It was stressed, however, that careful management and messaging in relation to the current system would be needed in the interim.

While acknowledging the opportunities, some respondents also expressed concerns that the proposed reforms could end up consisting of system changes which simply rebrand the current system rather than providing any meaningful culture change. It was stressed that those designing the reforms and any agencies involved would need to be receptive to feedback, and that clear communication would be required going forward to ensure that all stakeholders are informed and engaged.

Ultimately, many respondents called for wider reforms of the education sector along with ongoing consultation throughout the design and implementation process. There was strong support for a 'bottom-up' approach, with both teacher/practitioner and learner involvement, for teachers/practitioners to be genuinely empowered within and by the reforms, and for all changes to be learner focused in order to improve the learner journey for all pupils/students and to provide multiple learner pathways. Furthermore, it was considered important to ensure that all stakeholders across all sectors were engaged in the reforms.

Appendix C: Advisor on education reform: Terms of reference

This document sets out the terms we have agreed for Professor Ken Muir CBE (the Advisor) to act as an Advisor to the Scottish Government on the reform of SQA and Education Scotland. This work will be carried out on the equivalent of four days/week alongside his role as Honorary Professor at the University of the West of Scotland. The Principal of the University of the West of Scotland is supportive of this arrangement.

Scope

In his role as the Advisor, he will provide advice to the Scottish Government and the Cabinet Secretary for Education and Skills on aspects of education reform. This will include designing the implementation of the OECD's recommendations for structural and functional change of SQA and Education Scotland. It will also include the delivery of the national curriculum, assessment, qualification and inspection functions, recognising the wider functions of both these bodies.

The Advisor will consider the proposal and resultant implications of creating a new, specialist agency responsible for both curriculum and assessment. In addition, he will outline the rationale and purpose for reform as set out by Scottish Ministers and ensure that any reform is designed to achieve this. All aspects of the work will be undertaken with as much openness and transparency as is possible.

The Advisor will establish a small supporting Expert Panel, whose background and expertise will help ensure that full consideration is given to all aspects of the Advisor's remit and the wider themes and recommendations set out in the OECD report. Their expertise will also include international educational change and organisational change. The Advisor will engage directly with the Chief Executives of Education Scotland and SQA as he progresses his reform work and, although not members of the Expert Panel, they will be invited to engage with the Expert Panel as required.

The Advisor will also establish a more extensive Practitioner and Stakeholder Advisory Group, This will comprise organisations, including professional associations, that represent the following diverse range of interests related to the reform – children and young people; employers; local authorities; the tertiary sector; practitioners across different sectors and providers; and parental interests. The expertise of Advisory Group members, and the networks they can access, will ensure that a wide range of perspectives and ideas inform the Expert Panel and the overall reform work. The Advisor will consult on the remit for the Expert Panel and Advisory Group with Scottish Government and stakeholders.

Arrangements will be put in place for the Advisor and members of the Expert Panel to engage directly and regularly with Education Scotland and SQA. Such engagement will be designed to capitalise on the unique expertise of these bodies, maintain ongoing communication on the reform developments and ensure that staff unions and employees in both organisations are closely involved in the process.

The Advisor will engage widely across the education sector with relevant bodies, including those that emerge as work progresses. He will ensure in particular that the views of children, young people, families, practitioners and local authorities are taken into account.

A key objective is to ensure that the needs identified and ideas generated through wide engagement, inform the Advisor's recommendations on the design of supporting national structures and functions that facilitate the development and enhancement of our education system for the future.

The conclusions that the Advisor reaches will be taken independently of the Scottish Government and all other institutions, but he will have access to SG officials and appropriate data and information.

Activities

The Advisor and Expert Panel, with advice from the Practitioner and Stakeholder Advisory Group, will design the implementation of the OECD's recommendations for structural and functional change of SQA and Education Scotland. This will include:

- Leading wide engagement, including formal consultation across all relevant sectors, on the reform of Education Scotland and replacement of SQA, including key national functions in Scottish education. This will include consideration of functions relating to qualifications (including accreditation, credit rating and related commercial services), assessment, curriculum, inspections and professional learning.
- Engaging directly with SQA, Education Scotland, relevant staff unions and professional associations.
- Seeking the views of local authorities and stakeholders on the OECD's proposal for the possible creation of a new curriculum and assessment body. Ensure that staff directly impacted by any changes (within Education Scotland and SQA) have the opportunity to give their views. Take account of all available evidence, including analogous models both nationally and internationally.
- Considering links to other recommendations made by the OECD and plans on their implementation, including following the publication of the OECD report on qualifications.
- Considering the needs of the different sectors of education which the agencies work with, including ELC, primary and secondary schools, special education, the tertiary sector, Gaelic Medium Education and CLD. In the case of SQA, this includes awarding bodies approved by SQA Accreditation, training providers, employers and higher education.
- Recognising the important role SQA and Education Scotland currently have within the CLD and tertiary sectors for a range of age groups, the Panel will specifically examine this aspect to ensure any reform benefits learners within these sectors.
- Seeking and taking account of appropriate specialist legal and human resources advice on the impact of any suggested structural changes. This should include consideration of any legislative changes which may be required in relation to SQA and Ministerial powers in relation to inspection.
- With the decision taken that the inspection function will move out of Education Scotland, consulting on and advising on the purpose, remit, and governance and situation of the inspection function, taking into account the impact on the wider inspection and scrutiny landscape.
- Gathering evidence for and inputting to relevant impact assessments, including on equalities and children's rights and wellbeing.
- Advising on the optimal future configuration, design of functions, and how and when this can best be implemented, with consideration given to delivery timescales and commitments.

- Taking part and leading events and public engagements as necessary.
- Publishing findings at the conclusion and at appropriate points during the work in accessible formats, ensuring due consideration has been given to the risks to current, planned and future deliverables. This should include any advice on transitional arrangements, part of which should be how to safeguard learning, assessment and certification during a period of change.
- Considering impacts on the wider education system in Scotland, and taking the wider context in to account, including DYW, GIRFEC, and the Scottish Government's current ongoing review of the Regional Improvement Collaboratives.
- Making connections and considering wider policy interests, published and ongoing policy developments, and Scottish Government priorities for children and families in Scotland. This would include key priorities around closing the poverty-related attainment gap, child poverty, reducing youth unemployment and achieving excellence and equity through education. This should also take account of priorities across wider services for children.

Timescales

The Advisor will begin this work in August 2021 and it will conclude in around six months after this start date. The intention will be to also have Expert Panel membership and that of the Practitioner and Stakeholder Advisory Group confirmed by mid-August.

Secretariat support

Secretariat support required by the Advisor and Panel will be provided through the Learning Directorate in Scottish Government. This secretariat will support the Advisor in his activities, including those set out above.

Sponsor arrangements

The Workforce, Infrastructure and Reform Division in the Learning Directorate will be the Advisor's sponsor Division within the Scottish Government. The named sponsor for this work will be Liza McLean, Deputy Director for Learning Workforce, Infrastructure and Reform.

Appendix D: Remit and membership of the Expert Panel

Overview

The Expert Panel will play a key role in supporting the Advisor to the Scottish Government on aspects of education reform. This will include designing the implementation of the OECD's recommendations for structural and functional change of SQA and Education Scotland. It will include the delivery of the national curriculum, assessment, qualification and inspection functions, and recognise and include the wider functions of both these bodies.

Purpose

The purpose of the Expert Panel is to provide expertise, advice and support to the Advisor and help ensure that full consideration is given to all aspects of the Advisor's remit[63] and the wider themes and recommendations set out in the OECD report. The Panel will be chaired by Professor Ken Muir.

Membership and ways of working

Membership of the Expert Panel is below. The Panel is not designed to be representative of stakeholders in the education system. Panel members have been invited on the basis of the expertise they hold and the broad contribution they can therefore make to the reform work. This includes their national and international experience and expertise on educational and organisational change.

As the work of the Advisor and Expert Panel progresses, they will interact directly and have close and regular engagement with:

- Education Scotland;
- SQA;
- Relevant staff unions and teachers' professional associations.

It is also expected that members of the Expert Panel will be available to attend a number of engagement events that will be scheduled with other bodies to seek their views and insights on the reform.

The Expert Panel will be further supported by an extensive Practitioner and Stakeholder Advisory Group. This will comprise organisations, including staff unions and professional associations, that represent the following diverse range of interests related to the reform – children and young people; local authorities; employers; the tertiary sector; practitioners across different sectors and providers; and parental interests. The expertise of Advisory Group members, and the broad variety of specialist networks they can access, will ensure that as full a range of perspectives and ideas inform the Expert Panel and the overall reform work.

[63] Remit of the advisor to the Scottish Government on the reform of SQA and Education Scotland: https://www.gov.scot/publications/advisor-to-the-scottish-government-on-the-reform-of-sqa-and-education-scotland-remit/

It is expected that the Advisor and Expert Panel will seek views on the reform of Education Scotland and replacement of SQA, including key national functions in Scottish education, and share emerging findings with existing parts of the governance and other groups in Scottish education, including:

- The Scottish Education Council
- The Children and Young Person's Education Council
- Curriculum and Assessment Board
- Strategic Board for Teacher Education
- Teachers' Panel
- Regional Improvement Collaborative's Strategic Group
- Race Equality and Anti-Racism in Education Programme Stakeholder Network Group
- Children's Parliament
- ADES Directors' Forum
- Solace Chief Executives' Forum
- COSLA Leaders
- COSLA Children and Young People's Board
- The Royal Society Edinburgh

Panel members will be encouraged to engage their own wider networks as appropriate, however in the interests of the free and frank exchange of views panel members may be asked to handle certain information sensitively.

Proposed format and operation

Members of the Expert Panel will be expected to support the Advisor in all areas of his remit and will play a role in engaging the sector, assessing views and offering advice in respect of the next steps to implement the OECD's recommendations for structural and functional change of SQA and Education Scotland. These contributions from the Expert Panel will be taken into consideration by the Advisor in the production of his Report. Matters of consideration by the Panel will therefore include:

- Leading wide engagement, including formal consultation across all relevant sectors, on the reform Education Scotland and replacement of SQA, including key national functions in Scottish education. This will include consideration of functions relating to qualifications (including accreditation, credit rating and related commercial services), assessment, curriculum, inspections and professional learning.
- Engaging directly with SQA, Education Scotland, relevant staff unions and professional associations.
- Seeking the views of local authorities and stakeholders on the OECD's proposal for the possible creation of a new curriculum and assessment body. Ensure that staff directly impacted by any changes (within Education Scotland and SQA) have the opportunity to give their views. Take account of all available evidence, including analogous models both nationally and internationally.
- Considering links to other recommendations made by the OECD and plans on their implementation, including following the publication of the OECD report on qualifications.
- Considering the needs of the different sectors of education which the agencies work with, including early learning and childcare (ELC), primary and secondary schools, special education, the tertiary sector, Gaelic Medium Education and Community Learning and Development (CLD). In the case of SQA, this includes awarding bodies approved by SQA Accreditation, training providers, employers and higher education.

- Recognising the important role SQA and Education Scotland currently have within the CLD and tertiary sectors for a range of age groups, specifically examine this aspect to ensure any reform benefits learners within these sectors.
- Seeking and taking account of appropriate specialist legal and human resources advice on the impact of any suggested structural changes. This should include consideration of any legislative changes which may be required in relation to SQA and Ministerial powers in relation to inspection.
- With the decision taken that the inspection function will move out of Education Scotland, consulting on and advising on the purpose, remit, and governance and situation of the inspection function, taking into account the impact on the wider inspection and scrutiny landscape.
- Gathering evidence for and inputting to relevant impact assessments, including on equalities and children's rights and wellbeing.
- Taking part in and leading events and public engagements as necessary.
- Considering impacts on the wider education system in Scotland, and taking the wider context in to account, including Developing the Young Workforce (DYW), Getting It Right For Every Child (GIRFEC), and the Scottish Government's current ongoing review of the Regional Improvement Collaboratives.
- Considering impacts on the wider education system in Scotland, and taking the wider context into account, including DYW, GIRFEC, and the Scottish Government's current ongoing review of the Regional Improvement Collaboratives.
- Making connections and considering wider policy interests, published and ongoing policy developments, and Scottish Government priorities for children and families in Scotland. This would include key priorities around closing the poverty-related attainment gap, child poverty, reducing youth unemployment and achieving excellence and equity through education. This should also take account of priorities across wider services for children.

Frequency of meetings

It is expected the Expert Panel will meet at least monthly between August 2021 and January 2022. In addition, members will be expected to join the Advisor in a number of meetings with stakeholders as part of a broad engagement exercise expected to start in September 2021.

Secretariat

The Expert Panel will be supported by secretariat provided by Scottish Government officials based in Learning Directorate.

Membership

Billy Burke, Head Teacher, Renfrew High School

Professor Graham Donaldson, University of Glasgow

Professor Louise Hayward, University of Glasgow

Professor Walter Humes, University of Stirling

Professor Anne Looney, Dublin City University

Khadija Mohammed, University of the West of Scotland/Scottish Association of Minority Ethnic Educators

Cathy McCulloch, Children's Parliament

Dr Naomi Stanford, Naomi Stanford Organisation Design

Appendix E: Remit and membership of the Practitioner and Stakeholder Advisory Group

Overview

The Practitioner and Stakeholder Advisory Group will play an important role in supporting the work of the advisor to the Scottish Government on aspects of education reform and his expert panel. This will include informing the implementation of the OECD's recommendations for structural and functional change of SQA and Education Scotland.

Purpose

The purpose of the advisory group is to provide feedback, input and advice on the work of the advisor to support the production of his report in respect of the next steps to implement the OECD's recommendations for structural and functional change of SQA and Education Scotland. They will engage with members of the expert panel as the reform work progresses and it is expected that its members will communicate and engage with their own organisations and wider networks to seek their views and suggestions which they will feed back to the advisor. The group will be chaired by Professor Ken Muir.

Membership and ways of working

Membership of the advisory group is below. Membership is necessarily extensive to cover the wide range of interests in the work. It is recognised that other organisations with a legitimate interest in the reform may emerge as work progresses and, although not members of the advisory group, their views will be sought and taken on board through a formal consultation and other engagement opportunities. To ensure that as wide a range of views as possible on the reform are available to the advisor, it is expected that advisory group members will support communication and engagement with wider stakeholders.

Given the size of the advisory group, it is anticipated that it will meet virtually and collectively only twice, once near the beginning and once near the end of the advisor and panel's six months of work. It is also anticipated that group members will engage in themed round table discussion with sub-sets of group members and relevant wider stakeholders on the design and implementation of the structural and functional change of SQA and Education Scotland (see advisor's remit for more detail). Members of the advisory group will provide input as necessary to the advisor and expert panel throughout the duration of the work. This will allow members to have the opportunity to support the advisor and expert panel by providing advice on issues, implications, feasibility, risks and dependencies relating to the reform of Education Scotland and the Scottish Qualifications Authority.

In addition to the planned national consultation, advisory group members will be encouraged to engage their own organisations and wider networks as appropriate, however in the interests of the free and frank exchange of views group members may be asked to handle certain information sensitively.

Frequency of meetings

It is expected the Advisory Group will meet at least twice between August and November 2021 and will engage in and support a number of themed round table sub-group discussions involving a number of Advisory Group members in addition.

Secretariat

The Advisory Group will be supported by secretariat provided by Scottish Government officials based in Learning Directorate.

Membership

Association of Directors of Education in Scotland (ADES)

Association of Headteachers and Deputes in Scotland (AHDS)

Building Our Curriculum Self-Help Group (BOCSH)

Bòrd na Gàidhlig

Care Inspectorate

Caring and Learning Alliance (CALA)

Children in Scotland (CIS)

Community Learning and Development Managers Scotland (CLDMS)

Community Learning and Development (CLD) Standards Council

Coalition for Racial Equality and Rights (CRER)

College Development Network

Colleges Scotland

Commissioner for Children and Young People

Connect

COSLA

Early Years Scotland (EYS)

Education Scotland

Educational Institute of Scotland (EIS) Teaching Union

Employers Forum

FDA Union

Federation of Awarding Bodies

General Teaching Council Scotland (GTCS)

NASUWT, Teachers' Union

National Day Nurseries Association (NDNA)

National Union of Students Scotland (NUS)

The National Parent Forum of Scotland (NPFS)

Public and Commercial Services Union (PCS)

Regional Improvement Collaboratives (RICs)

Scottish Association of Minority Ethnic Educators (SAMEE)

Scottish Catholic Education Service (SCES)

Scottish Council of Deans of Education (SCDE)

Scottish Council of Independent Schools (SCIS)

Scottish Qualifications Authority (SQA)

Scottish Secondary Teachers' Association (SSTA)

Scottish Social Service Council (SSSC)

Scottish Training Federation

Scottish Youth Parliament (SYP)

Scottish Credit and Qualifications Framework (SCQF)

Skills Development Scotland (SDS)

Scottish Funding Council (SFC)

School Leaders Scotland (SLS)

Social Work Scotland

Society of Local Authority Chief Executives (SOLACE)

Unison

Unite

Universities Scotland

Voice

Who Cares? Scotland

Young Scot

YouthLink Scotland

Appendix F: United Nations Convention on the Rights of the Child (UNCRC)

Building an education system that is directed to the purposes described in Article 29 of the UN Convention on the Rights of the Child

Children's human rights are entitlements set out in the UN Convention on the Rights of the Child (UNCRC). They apply to everyone under the age of 18 and aim to ensure children grow up in the spirit of peace, dignity, tolerance, freedom, equality and solidarity. These rights reflect a minimum standard, sometimes referred to as *the floor not the ceiling,* therefore, policy, practice and law ought to go above and beyond the rights laid out within the UNCRC.

In 2021 the Scottish Parliament unanimously passed a bill which will incorporate the UNCRC into Scots law. This means that every right of every child in Scotland must be protected, respected and fulfilled as set out in the UNCRC. Fulfilling the rights of the child, enshrined in law, is not negotiable. All efforts by publicly funded bodies with an interest in education must be built from the basis of Article 29 of the UNCRC. In addition, General Comment No. 1: The Aims of Education (Article 29) (2001)[64] help us to form a full understanding of the meaning and implementation of Article 29.

To discover the extent to which Article 29 of the UNCRC is embedded in Scotland's education system and how children's human rights can be further implemented through education reforms, it is important first of all to understand the foundations currently in existence. Through a rights lens consideration should be given to answering the following questions. Where are we at now? To what extent is the educational experience of children and young people meeting their needs as rights-holders? And what needs to change, what needs built into educational reform?

The children and young people's consultation (facilitated by Children's Parliament/Scottish Youth Parliament/Together (Scottish Alliance for Children's Rights)) asked learners to consider whether their education experience reflects the promises made in Article 29. While more detail is presented in the full children and young people report, suffice to say that findings highlight the work that must be done across the system, and with all the stakeholders involved in education, to begin to use the language and understandings that a rights-based educational offer and system requires.

ARTICLE 29 of the United Nations Convention on the Rights of the Child

1. *States Parties agree that the education of the child shall be directed to:*
   - *(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;*
   - *(b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;*
   - *(c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;*
   - *(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;*
   - *(e) The development of respect for the natural environment.*

[64] General Comment No 1:The Aims of Education (Article 29) (2001) https://www.ohchr.org/EN/issues/education/training/compilation/pages/a)generalcommentno1theaimsofeducation(article29)(2001).aspx

Appendix G: List of key policies

Getting it Right for Every Child (GIRFEC)

GIRFEC is the national, rights-based approach to improving outcomes for, and wellbeing of, Scotland's children and young people. GIRFEC was introduced by the Scottish Government in 2006 as it was widely recognised that public services like education, health and social care needed to work more closely together to ensure that children and families get the coordinated, targeted support when they need it. This was based on the belief that at home, in school or the wider community, every child and young person should be: Safe; Healthy; Achieving; Nurtured; Active; Respected; Responsible; and Included (SHANARRI).

As a result of recent developments, not least the imminent enactment of the UNCRC and the implications of The Promise Scotland, which is responsible for driving the work of change demanded by the findings of the Independent Care Review, the values and principles on which GIRFEC is based are in the process of being refreshed to bring the policy up-to-date and reflect current best practice in Children's Services.

Developing the Young Workforce (DYW)

DYW is the Scottish Government's Youth Employment strategy that was introduced in 2014 to better prepare young people for the world of work, enhance youth employment prospects, and improve the connection between employers and education and the skills system. It has been designed to build on the flexible approach to learning provided by CfE, with schools and their partners having much greater flexibility to offer a wider range of pathways and options, including vocational qualifications, in line with modern labour market demands and which meet the needs of every learner.

Following on from the recommendations within the *Youth Guarantee – No-One Left Behind: Initial Report*, the 'DYW Futures' review is underway to further streamline the DYW programme and align it to the Young Person's Guarantee.

Other policy areas and reports

As well as changes either now being made or recommended to the three supporting pillars of the Scottish school education system, there are a number of other policy areas either under review or being introduced which focus on change and improvement and which impact either directly or indirectly on the school sector and CfE. These include the following.

- The Scottish Attainment Challenge – Plans for the Scottish Attainment Challenge (SAC) for 2022/23 to 2025/26 were set out by the Cabinet Secretary for Education and Skills in November 2021[65].

[65] The Scottish Attainment Challenge – Plans for the Scottish Attainment Challenge (SAC) for 2022/23 to 2025/26 were set out by the Cabinet Secretary for Education and Skills in November 2021. https://www.gov.scot/news/closing-the-attainment-gap-4/

- The National Improvement Framework (NIF) – The 2021 National Improvement Framework and Improvement Plan which was published in December 2020[66].
- The Education Governance Review consultation (Empowering teachers, parents and communities to achieve Excellence and Equity – A Governance Review) led to the publication of the Education Governance Next Steps in June 2017. The Next Steps publication sets out a vision of a school and teacher-led system with decision making taking place at school level[67].
- Realising the Ambition: Being Me – The national practice guidance for early years in Scotland covering the period from birth through early childhood into primary education which was introduced in February 2020[68].
- Additional Support for Learning Review which was published in June 2020[69].
- International Council of Education Advisers: 2nd Formal Report which was released in December 2020[70].
- Audit Scotland: Improving Outcomes for Young People through School Education which was published in March 2021[71].
- A National Care Service Review which is ongoing.
- Skills Development Scotland's Career Service Review which is ongoing[72].
- The Promise Scotland which was set out in March 2021[73].
- Research Scotland's report on the Review of the Regional Improvement Collaboratives (RICs) which was published recently[74].

[66] The National Improvement Framework (NIF) – The 2021 National Improvement Framework and Improvement Plan which was published in December 2020. https://www.gov.scot/publications/2021-national-improvement-framework-improvement-plan/

[67] The Scottish Government's Education Governance: Next Steps (June 2017) https://www.gov.scot/publications/education-governance-next-steps-empowering-teachers-parents-communities-deliver-excellence/documents

[68] Realising the Ambition: Being Me – The national practice guidance for early years in Scotland covering the period from birth through early childhood into primary education which was introduced in February 2020. https://education.gov.scot/improvement/learning-resources/realising-the-ambition/

[69] Support for Learning: All our children and All their Potential (June 2020), Angela Morgan: https://www.gov.scot/binaries/content/documents/govscot/publications/independent-report/2020/06/review-additional-support-learning-implementation/documents/support-learning-children-potential/support-learning-children-potential/govscot%3Adocument/support-learning-children-potential.pdf

[70] International Council of Education Advisers: 2nd Formal Report which was released in December 2020. https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2020/12/2021-national-improvement-framework-improvement-plan/documents/achieving-excellence-equity-2021-national-improvement-framework-improvement-plan/achieving-excellence-equity-2021-national-improvement-framework-improvement-plan/govscot%3Adocument/achieving-excellence-equity-2021-national-improvement-framework-improvement-plan.pdf

[71] Audit Scotland: Improving Outcomes for Young People through School Education which was published in March 2021. https://www.audit-scotland.gov.uk/publications/improving-outcomes-for-young-people-through-school-education#:~:text=School%20education%20is%20not%20just%20about%20exam%20results.,ways%2C%20including%20their%20learning%2C%20wellbeing%20and%20economic%20circumstances

[72] SDS's Career Service Review https://www.skillsdevelopmentscotland.co.uk/career-review/

[73] The Scottish Government's Young Person's Guarantee, www.youngpersonguarantee.scot

[74] Research Scotland report, Review of the Regional Improvement Collaboratives (December 2021) https://www.gov.scot/publications/review-regional-improvement-collaboratives/pages/10/

- The Scottish Government's response to the Scottish Funding Council's Coherence and Sustainability: A Review of Tertiary Education and Research which was published in October 2021[75].
- Other ongoing curricular reviews in relation to LGBT education, rights education and race equality and anti-racist education.

[75] The Scottish Government's response to the Scottish Funding Council's Coherence and Sustainability: A Review of Tertiary Education and Research which was published in October 2021. https://www.gov.scot/publications/scottish-governments-response-scottish-funding-councils-review-tertiary-education-research-scotland/pages/2/#:~:text=The%20Scottish%20Government%E2%80%99s%20Response%20to%20the%20Scottish%20Funding,large%20part%2C%20follows%20the%20structure%20of%20the%20Review

Appendix H: System map

	Scottish Government	Qualifications Scotland	National Agency for Scottish Education	SCQF Partnership	HM Inspectorate of Education
Status	Devolved Government for Scotland	Executive Non-Departmental Public Body	Scottish Government executive agency	Scottish Registered Charity	Non-Ministerial Office or National Body
Governance	• Civil Servants accountable to Ministers • Ministers accountable to Scottish Parliament	• A board of management which is reflective of and represents the wide range of stakeholders with whom it engages, and is approved by Scottish Ministers and Advisory Council	• An Advisory Board which is reflective of and represents the wide range of stakeholder with whom it engages • Audit and Risk Committee	• Board of Directors	• HMIE Board
Roles	Overarching education policy	Chief Examining Office	Chief Executive	• Approve and quality assure Credit Rating Bodies • Provide impartial unbiased advice and support on credit rating • Promote and raise awareness of the benefits of the SCQF across all sectors both national and internationally	• Independent assurance to the people of Scotland on the performance of the Scottish education system • Perform evaluations of establishments and systems • Provide support to establishments and systems to aid improvement
	Transition programme team to oversee the changes and reform	Award qualifications	Bespoke support and professional learning at both regional and local levels, working in partnership with local authorities		
		Deliver qualifications			
		Operate and certificate examinations			
		Provide services and deliver contract services	Advise the Scottish Government on: curriculum, learning and teaching, assessment policy, professional learning and leadership		
			Create and sustain a forum for ongoing and proactive discussion		
	Elements of Scottish Government's Curriculum, Qualifications and Gaelic Division →		Elements of Scottish Government's Curriculum, Qualifications and Gaelic Division		
	Insight professional advisors and the Insight online tool →		Insight professional advisors and the Insight online tool		
			SCQF Partnership ←		
			CLD Standards Council		
		Regulate and accredit qualifications →	Regulate and accredit qualifications		
		Regulate, approve and quality assure awarding bodies →	Regulate, approve and quality assure awarding bodies		
	Registrar of Independent Schools ←		Registrar of Independent Schools		
			Inspections/Scrutiny →		

Key: Organisation with responsibility for the role in the current model | Organisation with responsibility for the role in the proposed future model | Proposed transition of responsibility of role

Appendix I: References

OECD (2021), Scotland's Curriculum for Excellence: Into the Future, Implementing Education Policies, OECD Publishing, Paris, https://www.oecd-ilibrary.org/education/scotland-s-curriculum-for-excellence_bf624417-en

The Race Equality and Anti-Racist Education Programme https://www.gov.scot/groups/race-equality-and-anti-racism-in-education-programme-stakeholder-network-group/

The CLD Standards Council https://cldstandardscouncil.org.uk/

The Scottish Government Fair Work Policy https://www.gov.scot/publications/fair-work-first-guidance-support-implementation/

Scottish Government's response to the OECD report, the Cabinet Secretary for Education and Skills (22 June 2021) https://www.gov.scot/publications/oecd-review-of-curriculum-for-excellence-scottish-government-response/

Curriculum for Excellence review: implementation framework (27 October 2021) https://www.gov.scot/publications/scotlands-curriculum-future-implementation-framework-oecds-2021-review-curriculum-excellence/pages/7/

Reforming qualifications and assessment https://www.gov.scot/news/reforming-qualifications-and-assessment/

Announcement of the appointment of Louise Hayward's – Reforming qualifications and assessment (27 October 2021) https://www.gov.scot/news/reforming-qualifications-and-assessment/

Education Reform Consultation on Behalf of Professor Ken Muir, University of the West of Scotland and Independent Advisor to the Scottish Government (30 Sept 2021) https://www.gov.scot/publications/independent-review-education-scotland-scottish-qualification-authority-professor-kenneth-muir/

Terms of reference, Independent Advisor on Education Reform https://www.gov.scot/publications/advisor-to-the-scottish-government-on-the-reform-of-sqa-and-education-scotland-remit/

Terms of reference, Expert Panel https://www.gov.scot/groups/education-reform-expert-panel/

Terms of reference, Practitioner and Stakeholder Advisory Group (PSAG) https://www.gov.scot/groups/practitioner-and-stakeholder-advisory-group-psag/

Children's Parliament, Scottish Youth Parliament and Together (Scottish Alliance for Children's Rights) report available on the Children's Parliament website https://www.childrensparliament.org.uk/ from March 2022.

UNCRC Article 29 – The Children and Young People's Commissioner Scotland: https://www.cypcs.org.uk/rights/uncrc/articles/article-29/

Support for Learning: All our children and All their Potential (June 2020), Angela Morgan: https://www.gov.scot/binaries/content/documents/govscot/publications/independent-report/2020/06/review-additional-support-learning-implementation/documents/support-learning-children-potential/support-learning-children-potential/govscot%3Adocument/support-learning-children-potential.pdf

Curriculum Making in Europe: Policy and Practice within and Across Diverse Contexts by Professor Walter Humes and Professor Mark Priestley (2021) https://www.emerald.com/insight/publication/doi/10.1108/9781838677350

Goodison Group Schooling, Education and Learning 2030 and Beyond (March 2020) https://www.scotlandfutureforum.org/wp-content/uploads/2020/03/SchoolingEducationLearning_2030Beyond_ProjectReport_WebVersion.pdf

Goodison Group Where Next for Scottish Education? (March 2021) https://www.scotlandfutureforum.org/wp-content/uploads/2021/04/2021-02-03_WhereNextForEducation_Report.pdf

From hierarchies to networks: Possibilities and pitfalls for educational reform of the middle tier | Emerald Insight by Christopher Chapman, Policy Scotland and Robert Owen Centre for Educational Change, University of Glasgow https://www.emerald.com/insight/content/doi/10.1108/JEA-12-2018-0222/full/html

The Education (Scotland) Act 1996, Part 1 The Scottish Qualifications Authority https://www.legislation.gov.uk/ukpga/1996/43/contents

SQA's Overview submission to Professor Muir https://www.gov.scot/binaries/content/documents/govscot/publications/consultation-paper/2021/09/independent-review-education-scotland-scottish-qualification-authority-professor-kenneth-muir/documents/sqa/sqa/govscot%3Adocument/sqa.pdf

The Scottish Qualifications Authority, Guide to Scottish Qualifications, (September 2019) https://www.sqa.org.uk/sqa/files_ccc/Guide_to_Scottish_Qualifications.pdf

Upper-secondary education student assessment in Scotland: A comparative perspective: OECD Education Working Paper No. 253, Professor Gordon Stobart: https://www.oecd-ilibrary.org/education/upper-secondary-education-student-assessment-in-scotland_d8785ddf-en;jsessionid=Hirw0LZPD1A4Bc7m7lpKJSCB.ip-10-240-5-16

The Scottish Government's Education Governance: Next Steps (June 2017) https://www.gov.scot/publications/education-governance-next-steps-empowering-teachers-parents-communities-deliver-excellence/documents/

HM Inspectors are defined under section 135(1) of the 1980 Act https://www.legislation.gov.uk/ukpga/1980/44/section/135

The Further and Higher Education Act, 2005 (Section 13) https://www.legislation.gov.uk/asp/2005/6/section/13

Education Scotland background document https://www.gov.scot/binaries/content/documents/govscot/publications/consultation-paper/2021/09/independent-review-education-scotland-scottish-qualification-authority-professor-kenneth-muir/documents/education-scotland-consultation-support-paper/education-scotland-consultation-support-paper/govscot%3Adocument/education-scotland-consultation-support-paper.pdf

Research Scotland report, Review of the Regional Improvement Collaboratives (December 2021) https://www.gov.scot/publications/review-regional-improvement-collaboratives/pages/10/

Teaching in a Diverse Scotland: Increasing and Retaining Minority Ethnic Teachers in Scotland's Schools (2018), by Professor Rowena Arshad: https://www.gov.scot/publications/teaching-diverse-scotland-increasing-retaining-minority-ethnic-teachers-scotlands-schools/

Joint Agreement on Education Reform https://www.gov.scot/publications/education-bill-policy-ambition-joint-agreement/pages/3/

Progress and Challenge: Reflections on the Development of the West Partnership 2018-2020 (Feb 2021) https://www.westpartnership.co.uk/?dlm_download_tag=progress-and-challenge

An externally commissioned review of Education Scotland's locality work (February 2022) https://education.gov.scot/education-scotland/news-and-events/news/an-externally-commissioned-review-of-education-scotland-s-locality-working-now-published/

Climate Emergency Action Plan https://www.skillsdevelopmentscotland.co.uk/media/47336/climate-emergency-skills-action-plan-2020-2025.pdf

National Gaelic Plan https://www.gov.scot/publications/scottish-government-gaelic-language-plan-2016-2021/pages/4/

Her Majesty's Inspectorate of Education in Scotland (HMIE) was established as an Executive Agency of the Scottish Ministers under the terms of the Scotland Act 1998 section 93 https://www.legislation.gov.uk/ukpga/1998/46/section/93

Care Inspectorate Inspection Framework (June 2021) https://www.careinspectorate.com/images/documents/6128/Quality%20framework%20for%20early%20learning%20and%20childcare%202021.pdf

Welsh Inspectorate A Learning Inspectorate Independent review of Estyn, Professor Graham Donaldson (June 2018) https://www.estyn.gov.wales/system/files/2022-01/A%2520Learning%2520Inspectorate%2520-%2520en%2520-%2520June%25202018.pdf

The Scottish Government's Young Person's Guarantee, www.youngpersonguarantee.scot

SDS's Career Service Review https://www.skillsdevelopmentscotland.co.uk/career-review/

Scottish Government's *15-24 Learner Journey Review* (May 2018) https://www.gov.scot/publications/15-24-learner-journey-review-9781788518741/

Office of the High Commissioner on Human Rights: General Comment No. 1: https://www.ohchr.org/EN/Issues/Education/Training/Compilation/Pages/a)GeneralCommentNo1TheAimsofEducation(article29)(2001).aspx

The Scottish Attainment Challenge – Plans for the Scottish Attainment Challenge (SAC) for 2022/23 to 2025/26 were set out by the Cabinet Secretary for Education and Skills in November 2021. https://www.gov.scot/news/closing-the-attainment-gap-4/

The National Improvement Framework (NIF) – The 2021 National Improvement Framework and Improvement Plan which was published in December 2020. https://www.gov.scot/publications/2021-national-improvement-framework-improvement-plan/

Realising the Ambition: Being Me – The national practice guidance for early years in Scotland covering the period from birth through early childhood into primary education which was introduced in February 2020. https://education.gov.scot/improvement/learning-resources/realising-the-ambition/

International Council of Education Advisers: 2nd Formal Report which was released in December 2020. https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2020/12/2021-national-improvement-framework-improvement-plan/documents/achieving-excellence-equity-2021-national-improvement-framework-improvement-plan/achieving-excellence-equity-2021-national-improvement-framework-improvement-plan/govscot%3Adocument/achieving-excellence-equity-2021-national-improvement-framework-improvement-plan.pdf

Audit Scotland: Improving Outcomes for Young People through School Education which was published in March 2021. https://www.audit-scotland.gov.uk/publications/improving-outcomes-for-young-people-through-school-education#:~:text=School%20education%20is%20not%20just%20about%20exam%20results.,ways%2C%20including%20their%20learning%2C%20wellbeing%20and%20economic%20circumstances

The Scottish Government's response to the Scottish Funding Council's Coherence and Sustainability: A Review of Tertiary Education and Research which was published in October 2021. https://www.gov.scot/publications/scottish-governments-response-scottish-funding-councils-review-tertiary-education-research-scotland/pages/2/#:~:text=The%20Scottish%20Government%E2%80%99s%20Response%20to%20the%20Scottish%20Funding,large%20part%2C%20follows%20the%20structure%20of%20the%20Review

Scottish Government
Riaghaltas na h-Alba
gov.scot

© Crown copyright 2022

OGL

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit **nationalarchives.gov.uk/doc/open-government-licence/version/3** or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: **psi@nationalarchives.gsi.gov.uk**.

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at **www.gov.scot**

Any enquiries regarding this publication should be sent to us at
The Scottish Government
St Andrew's House
Edinburgh
EH1 3DG

ISBN: 978-1-80435-100-0 (web only)

Published by The Scottish Government, March 2022

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA
PPDAS1008138 (03/22)