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<b>Report To:</b>	<b>Education &amp; Communities Committee</b>	<b>Date:</b>	<b>24 January 2023</b>
<b>Report By:</b>	<b>Corporate Director Education, Communities &amp; Organisational Development</b>	<b>Report No:</b>	<b>EDUCOM/02/25/MR</b>
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<b>Subject:</b>	<b>Education Update Report – Report on Local and National Initiatives</b>		

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## **1.0 PURPOSE AND SUMMARY**

1.1  For Decision  For Information/Noting

1.2 The purpose of this report is to ask members of the Education & Communities Committee to note updates relating to the Education Service both in terms of local development as well as national policy development.

1.3 The report includes update on:

- Care Inspectorate inspection outcomes
- Strategic Equity Fund – stretch aims
- Achievement of a level national data publication
- Education and qualifications reform update
- Consultation on the Transfer of the functions of the Education Appeal Committee to the Scottish Tribunals

## **2.0 RECOMMENDATIONS**

2.1 Members of the Education & Communities Committee are asked to note the content of the update report.

**Ruth Binks**  
**Corporate Director**  
**Education, Communities & Organisational Development**

### 3.0 UPDATES

#### 3.1 Care Inspectorate inspection outcomes

Over the autumn term the Care Inspectorate has resumed their inspection activity alongside that of Education Scotland. So far this term 4 authority establishments have been inspected with 2 reports being published. A further 3 private providers have been inspected.

- 3.2 Craigmarloch Onserly (Nursery Class / Primary 1) was inspected in September 2022. The full report can be found here: [Find care \(careinspectorate.com\)](#)

The provision was found to be very good in every category as below:

How good is our care, play and learning?	Very Good
How good is our setting?	Very Good
How good is our leadership?	Very Good
How good is our staff team?	Very Good

- 3.3 Rainbow Family Centre was inspected in October 2022. The full report can be found here: [Site Search \(careinspectorate.com\)](#)

The provision was found to be very good in every category as below:

How good is our care, play and learning?	Very Good
How good is our setting?	Very Good
How good is our leadership?	Very Good
How good is our staff team?	Very Good

- 3.4 St Francis Primary School Nursery Class and Bluebird Family Centre were also inspected this term and we are awaiting the final publication of their reports.

#### 3.5 Scottish Attainment Challenge – stretch aims

As part of the refreshed Scottish Attainment Challenge, amongst a number of key changes to the programme are the introduction of Strategic Equity Funding and the publication of the [Scottish Attainment Challenge: Framework for Recovery and Accelerating Progress](#) with its requirement for local authorities to set locally identified stretch aims for progress in raising attainment and closing the poverty related attainment gap. These aims should be embedded in local authority education service improvement plans.

- 3.6 Following rigorous work from local authorities, supported by Education Scotland, all local authorities submitted their stretch aims to Scottish Government at the end of September. A final publication that summarises the collective stretch aims of local authorities was published in early December and can be found here: [Scottish Attainment Challenge - local stretch aims: 2022 to 2023 - gov.scot \(www.gov.scot\)](#)

- 3.7 Inverclyde's Strategic Equity Fund plan, as well as our local stretch aims, can be found here: [www.inverclyde.gov.uk/assets/attach/15686/SEF-Plan-2022-2023.pdf](#)

- 3.8 Post-publication, attention will turn to supporting the implementation of these ambitious aims, updating the Framework for Recovery and Accelerating Progress for 2023/24 to reflect updates to the National Improvement Framework (to be found here: [Introduction, vision, and key priorities - Education - Achieving Excellence and Equity: national improvement framework and improvement plan 2022 - gov.scot \(www.gov.scot\)](#)) and take on board feedback from local authority colleagues on the stretch aims process.

### 3.9 **Education and qualification reform update**

The Education Reform programme continues to be delivered in line with its approach of combining multiple strands of reform within a single programme structure.

- 3.10 The National Discussion closed on 5 December and its outputs are anticipated in the spring. These outputs will be able to be considered by the Independent Review of Qualifications and Assessment ahead of the outputs from this being published also in the spring. On 21 October, a public consultation was launched seeking views on the future of qualifications and assessment, including the option of introducing a school leaving certificate. The development of Purpose and Principles for post-school education, research and skills in Scotland is also progressing.
- 3.11 The above will provide the context in which the work to design and deliver the new national education bodies will be taken forward. The current focus in this respect is on development of Strategic Target Operating Models (TOMs) by the end of 2022. These will describe the desired state for each new organisation, offering a high-level representation of how the new bodies can be best organised to more efficiently and effectively deliver and execute our future vision for education.
- 3.12 TOMs will provide a strategic document for dissemination and engagement with users and stakeholders. In line with previous programme commitments, Scottish Government will engage with users and stakeholders through a variety of forums and user experience panels to further develop these models from early 2023 onwards. To support cultural change and in response to Professor Muir's report the TOMs have been informed by a Design Framework which outlines seven elements which are mandatory in the design of the new bodies. These design principles mean all 3 new bodies must be: User-centred, data focused, flexible to change, learning organisations, digital by default, collaborative, and operate in a sustainable way.
- 3.13 In line with the commitment in Programme for Government, an Education Reform Bill will be introduced to provide underpinning legislation to the new public body responsible for qualifications and the new independent inspectorate. It is anticipated that this will be in the first part of 2023.

A full range of stakeholder engagement opportunities will be identified as the reform programme progresses throughout 2023.

### 3.14 **Publication of Achievement of a Level data 2021/22**

The Scottish Government published the 2021/22 ACEL data on 13 December 2022 and can be found here: [Achievement of Curriculum for Excellence \(CfE\) Levels 2021/22 - gov.scot \(www.gov.scot\)](https://www.gov.scot/achievements-of-curriculum-for-excellence-cfe-levels-2021-22)

This annual statistical publication:

- Provides information on national performance of school pupils in the **literacy organisers** (i.e. reading, writing, and listening and talking) and **numeracy**.
- Reports on the percentage of pupils who have achieved the expected Curriculum for Excellence level in these organisers, based on teachers' professional judgements.
- Covers all Primary 1 (**P1**), Primary 4 (**P4**), Primary 7 (**P7**) and Secondary 3 (**S3**) pupils in publicly funded mainstream schools, and all pupils based in publicly funded special schools/units.

Further to the recent members briefing where these outcomes were shared at authority level, the benchmarking of data against all other 32 local authorities shows that Inverclyde is within the top 10 performing authorities on all measures.

**3.15 Consultation on the transfer of the functions of Education Appeal Committee to the Scottish Tribunal Service**

The Scottish Government are consulting on the transfer of functions of Education Appeal Committees to the Scottish Tribunals and are inviting responses to this consultation by 6 February 2023.

The consultation can be accessed at [Education appeal committees - transfer of functions to Scottish Tribunals: consultation - gov.scot \(www.gov.scot\)](https://www.gov.scot/consultations/education-appeal-committees-transfer-of-functions-to-scottish-tribunals)

Local authorities are required to set up and maintain Education Appeal Committees (“appeal committees”). The great majority of the appeals considered by these appeal committees relate to school admission placing requests and a smaller number to exclusions from school.

The proposal under consultation is to take forward the transfer of the jurisdiction of appeal committees to the Scottish Tribunals as provided for by the 2014 Act. If approved, this process would require secondary legislation governing the operation of appeal committees to be put in place. This process would be expected to take at least 18 to 24 months from the date a decision is made to progress the transfer.

Officers from both Legal and Education Services have collaborated to respond to the consultation, and a copy of the response is attached to this report as Appendix 1.

**4.0 IMPLICATIONS**

4.1 The table below shows whether risks and implications apply if the recommendation(s) is(are) agreed:

<b>SUBJECT</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
Financial		X	
Legal/Risk	X		
Human Resources		X	
Strategic (LOIP/Corporate Plan)		X	
Equalities & Fairer Scotland Duty		X	
Children & Young People’s Rights & Wellbeing		X	
Environmental & Sustainability		X	
Data Protection		X	

**4.2 Finance**

There are limited financial costs associated with the information provided in this paper.

One off Costs

<b>Cost Centre</b>	<b>Budget Heading</b>	<b>Budget Years</b>	<b>Proposed Spend this Report</b>	<b>Virement From</b>	<b>Other Comments</b>
N/A					

Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (If Applicable)	Other Comments
N/A					

**4.3 Legal/Risk**

None.

**4.4 Human Resources**

None.

**4.5 Strategic**

None.

**4.6 Equalities and Fairer Scotland Duty**

A full Equalities impact assessment has been completed for this policy.

(a) Equalities

This report has been considered under the Corporate Equalities Impact Assessment (EqIA) process with the following outcome:

	YES – Assessed as relevant and an EqIA is required.
X	NO – This report does not introduce a new policy, function or strategy or recommend a substantive change to an existing policy, function or strategy. Therefore, assessed as not relevant and no EqIA is required. Provide any other relevant reasons why an EqIA is not necessary/screening statement.

(b) Fairer Scotland Duty

If this report affects or proposes any major strategic decision:

Has there been active consideration of how this report’s recommendations reduce inequalities of outcome?

	YES – A written statement showing how this report’s recommendations reduce inequalities of outcome caused by socio-economic disadvantage has been completed.
X	NO – Assessed as not relevant under the Fairer Scotland Duty for the following reasons: Provide reasons why the report has been assessed as not relevant.

#### 4.7 Children and Young People

Has a Children's Rights and Wellbeing Impact Assessment been carried out?

	YES – Assessed as relevant and a CRWIA is required.
X	NO – Assessed as not relevant as this report does not involve a new policy, function or strategy or recommends a substantive change to an existing policy, function or strategy which will have an impact on children's rights.

#### 4.8 Environmental/Sustainability

Has a Strategic Environmental Assessment been carried out?

	YES – assessed as relevant and a Strategic Environmental Assessment is required.
X	NO – This report does not propose or seek approval for a plan, policy, programme, strategy or document which is like to have significant environmental effects, if implemented.

#### 4.9 Data Protection

**Has a Data Protection Impact Assessment been carried out?**

	YES – This report involves data processing which may result in a high risk to the rights and freedoms of individuals.
X	NO – Assessed as not relevant as this report does not involve data processing which may result in a high risk to the rights and freedoms of individuals.

#### 5.0 CONSULTATIONS

N/A.

#### 6.0 BACKGROUND PAPERS

N/A.

## Appendix 1

### Response to Scottish government about transfer of Education Appeals to the Scottish Tribunals

#### Question 1

Do you agree that appeal committees **should transfer** to the Scottish Tribunals?

Yes

No

Not Sure

Please explain your answer in the text box.

There is no need for the work of appeal committees to transfer to the Scottish Tribunals. It is the view of Inverclyde Council's Education Service that the existing appeals process to the Education Appeal Committee is fit for purpose and works well. The experience of Inverclyde's Education Service is that appeals which have been considered and determined by the Inverclyde Education Appeal Committee are well run and progress expeditiously. The current process permits the Council's Education Appeals Committee to retain control over the timing of appeals to ensure they are progressed in a timely manner and concluded prior to the commencement of the new school term in August each year. Most appeals before the Inverclyde Education Appeal Committee are heard in April or May each year to allow sufficient time for parents to appeal any decision to the local Sheriff Court and learn the outcome of that appeal prior to the commencement of the new school term in August.

Furthermore, in the past Inverclyde's Education Service has received a high number of appeals in relation to placing requests. It is believed that transferring appeals to the Tribunal Service will notably increase the volume of work for officers of the Council's Education Service and the Council's Legal Service team, in terms of attending and presenting the Council's case to the Tribunal, with its own procedural rules, to represent the Education Service at preliminary and subsequent Appeal Hearings and also when preparing large bundles of documentation to assist the Tribunal.

Transferring the work to the Tribunal Service is likely to make it more difficult for parents to participate in the process and we feel that the proposal will disadvantage those from less affluent areas because of the need to travel quite a distance to the location. We also feel that people in professional occupations will be more confident when entering the tribunal setting. We feel that people are more comfortable visiting their local Council buildings which are known to them than appearing in a tribunal setting.

We consider the numbers in the proposal paper to be out of date and do not feel that they accurately affect the fluctuations and numbers that can be involved in the appeals process. We anticipate that this will almost inevitably mean a delay in settling appeals and that the outcomes of appeals may be unknown until after the new academic term has commenced. This will result in significant disruption to the schooling of pupils in Inverclyde, disrupting timetables for whole year groups (or indeed whole schools) if extra classes need to be created as a result.

## Question 2

Do you consider that appeal committees should remain with local authorities but with improvements to how they operate? And if so, what changes would you like to see?

Yes

No

Not Sure

Please explain your answer in the text box.

We are of the view that education appeals should continue to be dealt with by the Local Authority Education Appeal Committee and we do not consider that improvements are necessary.

## Question 3

Do you consider that no changes should be made to how appeal committees operate? And if so, why?

Yes, no changes should be made

No, changes should be made

Not Sure

Please explain your answer in the text box.

The experience of Inverclyde Council in relation to how the education appeal committee process currently operates is very positive. Inverclyde Education Appeal Committee members are well trained and ably advised by a very experienced legal representative. All Chair members of Inverclyde education appeal committees are specifically trained to put appellants at ease, insofar as this is possible, and go to great lengths to ensure that appellants are provided with a fair hearing, by those who have an intimate knowledge of Inverclyde, its communities and schools. The current system is able to manage time pressures and enables important decisions to be taken expeditiously by an experienced Committee with good knowledge of local issues. It is believed that transfer of the process to the Tribunal Service will entirely remove the ability of Inverclyde's Education Appeal Committee to retain control over the timing of appeal hearings and place an additional burden upon Inverclyde Education Authority officers, both in terms of appearing at Tribunal hearings and the preparation of paperwork. Transfer will also make the process more remote for families. As noted above, these proposals would likely also result in additional work for Council officers.