

## EDUCATION IN THE SCOTTISH PARLIAMENT

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### PREAMBLE

This paper follows on from the previous bulletin (Priestley 2004), which covered the business of the Parliament's Education Committee between September 2003 and February 2004. The second bulletin brings coverage of committee proceeding up to the end of the Parliamentary year in June 2004. The two bulletins combined thus give an overview of committee business during the first year of the second session of the Scottish Parliament.

The Education Committee currently comprises the following members: Robert Brown (Convener), Wendy Alexander, Rhona Brankin, Rosemary Byrne, James Douglas-Hamilton, Fiona Hyslop, Adam Ingram, Kenneth Macintosh, Elaine Murray. Full records of its meetings include transcripts of proceedings, and Committee papers are found on the accessible and comprehensive Scottish Parliament website at: [www.scottish.parliament.uk/business/committees/education/index.htm](http://www.scottish.parliament.uk/business/committees/education/index.htm)

As detailed in the previous bulletin, the Committee's September 2003 work programme (Education Committee 2003) identified a number of key priorities for the Committee. These included the scrutiny of a major piece of proposed legislation, the Education (Additional Support for Learning) (Scotland) Bill, as well as the following:

- curriculum issues, including the transition from school to work or FE, and pre-school provision, and the relationship of the curriculum to the National Priorities for Education;
- school discipline;
- consideration of petitions, including those inherited from the predecessor Committees (e.g. a UNISON early years petition);
- scrutiny of the Executive budget (conducted in private session);
- several more minor legislative initiatives, including proposed Bills to provide secure status for Gaelic and for introducing Ministerial powers of intervention;
- miscellaneous business including discussion of the European year of education through sport 2004, some secondary legislation, including Scottish Statutory Instruments (SSIs), and research in education.

The bulk of the Committee's work between September 2003 and February 2004 was concerned with the lead up to the first reading of the Education (Additional Support for Learning) (Scotland) Bill. Much of the subsequent committee business has dealt with the following:

- the passage of the Bill through its second stage;
- the ongoing Child Protection Inquiry;
- and the Draft School Education (Ministerial Powers and Independent Schools) (Scotland) Bill
- The School Curriculum Inquiry.

This bulletin focuses on the discussions that have accompanied these substantive issues, including the questioning of expert witnesses.

EDUCATION (ADDITIONAL SUPPORT FOR LEARNING) (SCOTLAND) BILL (SECOND STAGE)

As described in the previous bulletin, this Bill supersedes the concept of ‘special educational needs’ with that of ‘additional support needs’. The main mechanism for this is a new Co-ordinated Support Plan (CSP) to replace the old Record of Needs. The CSP will be available to children or young people who have additional support needs that: arise from one or more complex factors; arise from multiple factors that are likely to continue for a more than a year; and which require significant additional support from agencies outwith the Local Authority education department. Complex and/or multiple factors are defined as those that are likely to have a significant detrimental effect on an individual’s school education. Under the terms of the Bill Education Authorities will have statutory duties to make adequate and efficient provision for children’s needs, subject to their powers unless this is ‘not practicable at a reasonable cost’ (Scottish Executive 2003a). Moreover Education Authorities may ask external agencies for additional support, and these agencies must provide such support as is compatible with their statutory duties. The proposed legislation does not include those children who are educated outside of local authority jurisdiction, for example children schooled at home or in private schools. Readers should refer to the previous bulletin for details of the committee deliberations that preceded the first reading of the Bill.

The bulk of committee discussion of the Bill during the February-June 2004 period concerns the suggested amendments from the first reading in Parliament. During this period the following amendments were considered:

| Amendments  | Action taken by the Committee                           |
|---|---|
| <ul style="list-style-type: none"> <li>• 63, 64, 65, 66, 67. Sections 2 and 3 agreed to as amended (<i>11th February</i>).</li> <li>• 68, 7, 69, 71, 72, 73, 74, 75, 76, 77, 50, 78, 79, 80, 81, 82, 83, 22, 84, 184, 85. Sections 4, 5, 6, 7, 8, 9 agreed to as amended (<i>25th February</i>).</li> <li>• 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 233, 234, 235, 236. Sections 10, 11 and schedule 1 agreed to as amended, and section 12 without amendment (<i>3rd March</i>).</li> <li>• 87, 88, 89, 237, 238, 239, 185, 186, 91, 92, 206, 240, 241, 242, 204, 243, 244, 245, 246, 247, 96, 248, 249, 205, 250, 251, 252. Sections 13, 14, 16, schedule 2, sections 22, 23, 25, schedule 3 and section 27 agreed to as amended, and sections 15, 17, 18, 19, 20, 21, 24, 26 and 28 without amendment (<i>10th March</i>).</li> </ul> | Agreed to   |
| <ul style="list-style-type: none"> <li>• 154, 1, 2, 54, 55, 97, 63C, 63D, 98 (<i>11th February</i>).</li> <li>• 99, 123, 174, 16, 176, 181 (<i>25th February</i>).</li> <li>• 210, 31, 218, 219, 224, 102, 226, 103, 104, 105, 106, 227 (<i>3rd March</i>).</li> <li>• 269, 270, 261, 93, 268, 228, 138, 107, 258, 41, 53, 140, 255, 90, 150, 45, 95, 187, 271, 152, 109, 96F, 96D, 96E (<i>10th March</i>).</li> </ul>   | Disagreed to  |
| <ul style="list-style-type: none"> <li>• 155, 157, 63B, 65A, 164 (<i>11th February</i>).</li> <li>• 117, 166, 121, 51, 81a, 180, 182 (<i>25th February</i>).</li> <li>• 132, 86, 135, 253, 100, 225 (<i>3rd March</i>).</li> <li>• 259, 260, 229, 141, 144, 221, 230, 58, 263, 222, 231, 188 (<i>10th March</i>).</li> </ul>  | Moved and then withdrawn with the Committee’s agreement |

Many of the agreed amendments to the Bill were minor changes in wording, but several are worthy of further mention. A number of significant amendments reflected concerns about the potential for Local Authorities to take advantage of opt out clauses in the legislation. Amendments 63 and 64 (moved by SEED) strengthen the obligation on Local Authorities to provide for all children in their care, including where there is no Coordinated Support Plan (11.02.04, Col 889). This amendment was welcomed by a former critic, Scott Barrie (Labour, Dunfermline West), as going 'a long way towards addressing the perception that the bill contains a get-out clause for authorities' (Barrie, 11.02.04, Col 897). In a similar vein, Amendment 7 seeks to address the concerns about potential opt out clauses; it strengthens 'the duty on local authorities by imposing an objective test and would remove the words "they consider", which yet again provide a get-out provision for any unreasonable authority' (Douglas-Hamilton, 25.02.04, Col 931). Finally, amendment 248 deals with the arrangements for transition from the old to the new system, obviating the possibility that some children formerly eligible for support will lose out if they do not qualify for a CSP.

We expect the changeover to the new system to take about two years from commencement to allow authorities sufficient time to put the new system fully into force. That is a realistic target, because there will be a considerable number of children and young people whose needs for additional support will have to be established. It will also have to be decided whether they should have a CSP. All that will take time. About 17,000 children have a record of needs and they will have to be considered for a CSP, which cannot possibly happen overnight.

If amendment 248 is agreed to, the existing provision for each child with a record of needs will be protected until that child is considered for a CSP. If it is decided that a child should not get a CSP, their provision will be protected for another two years from the date of that decision. Therefore, some children could have their provision protected for up to four years. Only if there is significant change in such a child's needs can the provision be altered. Amendment 248 is an important amendment, which should reassure parents that, if their child does not have a CSP, they will continue to receive the support that they need (Robson, 10.03.04, Col 1093)

Amendment 81, which allows for a CSP to be disapplied when parents and Local Authorities are in agreement that satisfactory arrangements are in place, seems to contradict this general trend towards more regulation; as a consequence it provoked some anxiety amongst Committee members. This is well encapsulated by Kenneth Macintosh's comments to the committee:

I know from experience that there are many cases in which children have a record of needs and the system works absolutely fine for them and other cases in which children do not have a record of needs and still get the support that they need without, one might argue, unnecessary or cumbersome bureaucracy. However, there is undoubtedly a danger in going down that road because, at the very least, it opens the way for the needs of some children to be overlooked (Macintosh, 25.02.04, Cols 957/8).

These concerns have been acknowledged by SEED, and it is intended that the next draft of the report will contain additional provisions to deal with the loophole, in the shape of a requirement for 'some form of notification of the joint decision not to prepare a co-ordinated support plan' (Robson, 25.02.04, Col 961).

Several amendments reflected a concern to clarify and improve the rights of both parents and young people. Amendments 73, 74, 77 and 78 (25.02.04, Col 941) extend the rights of these groups to request assessment, and amendment 194 requires Local Authorities to take account of a range of views in coming to decisions.

Amendment 194 places an explicit duty on education authorities to seek and take account of information that is provided by agencies and other persons and the views of the child, parent or young person at two further specific instances. Those two instances are when the education authority is determining the appropriate provision for the child or young person in meeting their additional support needs and when the education authority is preparing a co-ordinated support plan for the child or young person.

The amendment seeks to ensure that the education authority considers all appropriate information when it makes decisions in those areas. I note that other amendments along those lines, which we will come to in due course, have been lodged. That shows a degree of consensus. Appropriate information must be sought from other agencies and, when appropriate, from the children (Robson, 03.03.04, Col 975)

A final issue, and one that has provoked some controversy, is the role of tribunals within the disputes resolution procedures (see Priestley 2004 for further details). This amended, opposed by SEED but passed by the Committee, seeks to extend tribunal jurisdiction to encompass individuals who do not have a CSP. In the words of its proposer, Robert Brown, this amendment:

... follows a suggestion by Children in Scotland and linked groups that we should deal with the cases involving a child who would require a co-ordinated support plan were it not for the fact that his or her additional support needs could be met by the education authority exercising its functions relating to education alone. The amendment relates to the arrangements for additional support in that particular situation and attempts to open them up, not hugely, but to a point at which additional support would be provided for children in situations in which co-ordination with services outwith the education department is not needed (Brown, 10.03.04, Col 1034).

The third stage of the Bill will be addressed in the next bulletin.

#### CHILD PROTECTION INQUIRY

The protection of children in Scotland is a multi-agency responsibility; agencies include Local Authorities, the Police, health professionals, the Social Work Services Inspectorate and voluntary agencies (Berry 2004a). The Inquiry is framed against this background, and set within the changing context for action necessitated by a Scottish Executive commitment to boost expenditure on the Social Services, the rising number of child protection referrals, a number of tragic deaths of children and the recent publication of the review, *It's Everyone's Job to Make Sure I'm Alright* (Scottish Executive 2002). The Inquiry commenced with the questioning of expert witnesses at the Committee meeting on 28th January 2004, and has continued throughout the session. The Inquiry's terms of reference were agreed by the 11th February 2004 committee, the main focus of the Inquiry being to examine the implementation by the Scottish Executive of the recommendations contained in the aforementioned review; these included recommendations relating to 'inter agency communication, reviews of child protection committees, the development of professional standards and improving the interface between children's services and the hearing system, all with a three year timescale' (Berry 2004a).

Over the course of a series of meetings between January and June 2004, a number of witnesses were questioned by the committee. These are listed below.

| Date of Committee | Witnesses  |
|-------------------|--|
| 28th January 2004 | <ul style="list-style-type: none"> <li>• Children 1st</li> <li>• Gill Otley, Deputy Social Work Inspector, Scottish Executive</li> <li>• Child Protection Nurse, Tayside NHS</li> <li>• Child Protection Unit, Strathclyde Police</li> <li>• Scottish Children’s Reporter Administration</li> </ul>  |
| 17th March 2004   | <ul style="list-style-type: none"> <li>• Scottish Executive Children and Families Division</li> <li>• Gill Otley, Deputy Chief Social Work Inspector, Scottish Executive</li> <li>• Chris McIlroy, Acting HM Chief Inspector, HMIE</li> <li>• Dr Linda De Caestecker, Head of Women and Children’s Unit, Health Department, Scottish Executive</li> <li>• Dumfries and Galloway Constabulary (representing the Association of Chief Police Officers in Scotland)</li> </ul>  |
| 24th March 2004   | <ul style="list-style-type: none"> <li>• Association of Directors of Social Work</li> <li>• COSLA</li> <li>• Scottish Commission for the Regulation of Social Care</li> <li>• Scottish Social Services Council</li> <li>• UNISON</li> <li>• Scottish Children’s Reporter Administration</li> <li>• Aberlour Child Care Trust</li> <li>• Peter Peacock, Minister for Education and Young People</li> <li>• Euan Robson, Deputy Minister for Education and Young People</li> <li>• Catherine Rainey and Colin MacLean, Children and Families Division, Scottish Executive</li> </ul> |

It is clearly beyond the scope of this bulletin to report in detail on all of the witness testimonies; I have therefore focused on a few of the witnesses and the interim and final reports to highlight some of the main issues raised.

Children 1st presented a number issues and recommendations in a detailed written submission to the Committee in January (Children 1st 2004).

- The report stressed the importance of publicising clear channels through which individuals could report abuse, quoting the 2002 Report of the Child Protection Audit and Review: “... if you see somebody breaking into a house you know to go to the police, if you’re concerned about a child you don’t really know what to do”.
- It drew attention to issues concerned with physical punishment of children, calling for the active promotion of positive forms of discipline.
- The report highlighted what is seen as a failure of the system to protect potentially vulnerable witnesses and victims of abuse, citing examples of cases where children have had to give evidence in court in the presence of an abuser.
- It emphasised the view that child protection is the responsibility of everyone, and that this messages needs to be actively promoted.

In oral evidence to the committee, Children 1st argued for a new approach to safeguarding children engaged in leisure and sporting activities:

We also believe that we should use the opportunities presented by the need to

carry out checks on volunteers to transform safe adults into protecting adults. Every day, many thousands of adults are involved with children in informal ways in sport, leisure and a range of activities. Much attention is given, rightly, to ensuring that those adults are safe and proper people. However, we argue that, with good advice, support and training, they can become agents and active partners in the cause of keeping children safe (Children 1st, 28.01.04, Col 829).

In March 2004, the Committee questioned Gill Otley, Deputy Chief Social Work Inspector at the Scottish Executive and Chris McIlroy of HMIE. These discussions highlighted both the difficulties pertaining to the extension of multi-agency collaboration into the sphere of child protection, and the present experience of integrated working (for example with the Care Commission in the pre-five and independent schools sectors, and in the inspection of adoption agencies). Shortage of social workers was identified as a problem by one member of the Committee. In response, Ms. Otley accepted the validity of this, stating:

You are right to suggest that the level of service is patchy across Scotland. Circumstances are changing quickly as local authorities offer various incentives and start to examine salary structures and scales. It cannot be doubted that staff have moved in recent months. Shortages are being experienced in parts of the country where problems were not reported before Christmas. There has been a degree of churn. A report produced recently by the Scottish Social Services Council stated that the problem is worse in children and families teams. There are some suggestions that social workers are being enticed into some of the new initiatives that are around, partly as a result of increased Executive funding. Overall, the problem is growth. We have 50 more social workers on the ground this year than we had at the same time last year, but we have more vacancies, too. The problem is how best to manage that growth (Otley, 17.03.04, Col 1132).

Suggested solutions included the establishment of a new social work degree, golden hellos and other more long term financial incentives and a fast track graduate scheme, however it was acknowledged that there are no 'quick fix' answers. These themes have been subsequently echoed by witnesses at more recent Committee sessions (e.g. the Association of Directors of Social Work, 24.03.04).

In its evidence to the same meeting of the Committee, the Association of Chief Police Officers in Scotland (ACPOS) drew attention to a number of initiatives, including the video interviewing of child victims and witnesses, recent progress towards the establishment of a national Domestic Abuse Protocol and the development of the ViSOR software to manage sex offenders (ACPOS 2004). Significantly, the police officers present at the tribunal alluded to an issue raised by other respondents, namely the difficulties in this area of establishing a coherent national system:

...until we get a comprehensive national solution, we must ensure that the arrangements that we have in place are fit for purpose. From the north to the south of Scotland, there are a variety of protocols and other arrangements. Until we have a national solution, we must identify the best arrangements—those that fit working practices in different areas—and ensure that our information sharing is as good as it can be. That tends to be an area in which gaps exist and failures occur (Ovens, 17.03.04, Col 1140).

In general many witnesses recognise that progress is being made in respect of child protection, but that further work is required in the following respects (Education Committee 2004b):

- there is a need for strong leadership and urgent action from the Scottish Executive in respect of information sharing. One key area is ‘ensuring that the technology is a tool to make that happen, rather than a problem that prevents it from happening’ (Robson, 31.03.04, Col 1243). The establishment of a national database would greatly facilitate matters, although clearer guidance is needed on data protection issues;
- there needs to be greater clarity about the role and accountability of Child Protection Committees;
- while the Scottish Executive standards document represents a good start, some witnesses believed that work is needed to translate this into measurable standards;
- training, and especially multi-agency training, is a priority for development;
- the issue of staff resources, as highlighted earlier in the bulletin, is an area of urgent need;
- while existing Disclosure Scotland procedures are robust, concerns were expressed about delays in the system, which make it difficult to recruit quickly to address staff shortages;
- many respondents highlighted the rise in risks to children due to drug-abusing parents.

In July 2004, the Education Committee published its final report on the Inquiry (Education Committee 2004c). This report included the following recommendations:

- Ministers should continue to encourage agencies to adapt to the needs of individual children;
- there needs to be cross-departmental commitment at a Ministerial level to maintain the momentum on child protection issues;
- there is a need for a review of recruitment criteria, training, remuneration and career progression for social workers;
- disclosure turnaround times need to be improved quickly;
- the wasteful practice of multiple disclosure applications (where individuals work for different agencies) needs to be eliminated;
- the policy commitment concerning the sharing of information between agencies should be ‘translated into “on-the-ground” reality’ (ibid);
- there should be a single accessible helpline for reporting child protection concerns;
- the Executive should consider mandatory child protection training for teachers;
- research into child protection should be centrally funded, to provide a ‘Scottish context for informed policy making’ (ibid);
- the wishes of individual children should be taken into account when referral decisions are made;
- the timetable for multi-disciplinary inspections (completion within 4 years of the 2005 starting date) needs to be accelerated (perhaps through legislative change).

A further Executive review of child protection will take place in three years time; the Education Committee promises to examine this review closely, and to continue to monitor the implementation of the child protection reform programme, 'as there is too much at stake for it to fail' (ibid).

#### PROPOSED SCHOOL EDUCATION (MINISTERIAL POWERS AND INDEPENDENT SCHOOLS) BILL

This bill has its origins in the 2003 partnership agreement (Scottish Labour Party and Scottish Liberal Democrats 2003) that heralded the coalition for the second parliamentary session. The bill 'proposes new powers of ministerial intervention where schools or education authorities are found to be failing to implement recommendations of a report from Her Majesty's Inspectorate of Education... (includes) separate proposals to update the registration and monitoring system for independent schools' (Berry, 2004b). According to a SEED briefing paper presented as evidence to the Education Committee, the overall objective of this somewhat uneasy marriage of two diverse sets of proposals 'is to give the Scottish Ministers proportionate powers that will assist them meet their statutory duty to endeavour to secure improvement in the quality of school education which is provided for Scotland' (Scottish Executive, 2003b).

The first section of the Bill stems from belief that there is currently a gap in the system of proportional inspections established by the Standards in Scotland's Schools etc Act 2000 (Scottish Executive, 2000) which gave ministers the duty to ensure the maintenance of standards in school education. The proposed powers would give the Minister the right to intervene to direct Local Authorities and schools to implement specific HMIE inspection recommendations, if and when HMIE recommend such a course of action. Such provisions represent an extension of the general powers of intervention granted under the provisions of Section 70 of the 1980 Act (SOED 1980) and are analogous to the specific powers of intervention given to Ministers by the Local Government in Scotland Act 2003 (Scottish Executive, 2003c) in the sphere of community planning. The Bill proposes two stages of intervention: notice served on a local authority, with a deadline for a response; and an enforcement directive issued to the local authority subsequent to its submission and following further consultation with HMIE.

The second part of the Bill concerns the registration and monitoring of independent schools. The Bill introduces the concept of provisional registration; Ministers can thereby easily revoke registration if circumstances change. The Bill also changes the current definition of an independent school to encompass institutions with less than five pupils. The Bill lays out five aspects of ministerial jurisdiction:

- provision of suitable instruction;
- safeguarding the welfare of pupils;
- ensuring that the proprietor and teachers at each school are 'proper' persons;
- ensuring that premises are suitable;
- ensuring that accommodation is suitable, including in respect of age and gender.

The Bill outlines four levels of Ministerial action:

- the removal of a school from the register;
- the disqualification of specific staff members, owners or premises etc.;
- the specification of conditions;
- an order of complaint.

The appeals procedure proposed by the Bill replaces the existing use of the Independent Schools Tribunal (which has not been used since 1977) with a route of appeal via the Sheriff Principal.

The section of the Bill dealing with Independent Schools has been relatively uncontroversial. Judith Sischy (Scottish Council of Independent Schools), in her oral evidence to the Committee, accepted the need for such provisions:

We feel that it provides an opportunity to tidy up and update the law in this area. The regulations that govern independent schools are pretty ancient and are full of antique language. They could do with tidying up and modernising. The bill introduces some consistency in the reasons for which the Scottish Executive should accept an independent school on the register and the reasons why a school might be unacceptable or might need to be removed from the register. The bill also updates regulations to take into account important pieces of legislation such as the Children (Scotland) Act 1995 and other acts that are more recent than 1957 (Sischy 12.05.04, Col 1354).

In a detailed response to the draft Bill, SCIS identified a number of more minor points, where further clarification is necessary. These included: a specific requirement to evidence Notices of Complaint; an adequate definition of the term 'proper persons', including specifying whether teachers need to be GTC registered, and extending the definition to non-teaching staff; and clarifying the distinction between premises and accommodation (SCIS 2004).

The proposed provisions in section one of the Bill have been more controversial. The Convention of Scottish Local Authorities (COSLA) is unequivocally opposed to the Bill:

COSLA is opposed in principle to this Bill. It is our view that we cannot see the Bill in isolation, but must consider the proposal to give Ministers new powers to intervene in schools within the wider political context facing Scottish local government. COSLA has consistently argued against the Executive taking an increasingly interventionist approach to local government and local government services. It is within this context that we took the decision not to actively engage with the consultation process. We are also of the view that giving Ministers a new power to intervene to direct local authorities to take specific action relating to individual schools is pre-emptive and unnecessary.... COSLA's main concern is that the increasing taking of powers of intervention goes against the presumption of subsidiarity and establishes a trend towards centralisation (COSLA 2004).

Other respondents were more ambivalent towards the Bill. Margaret Doran, speaking on behalf of the Association of Directors of Education in Scotland, accepted that the Bill is a logical extension of the 2000 Act, but questioned whether it is a necessary step:

... we regard the proposal to give ministers powers to intervene in certain circumstances as unexceptionable; to some extent, it is unfinished business from the 2000 act. If we accept — as we must — that the minister, Parliament, local authorities, directors of education, head teachers and school boards all have duties to promote improvement, we need to be clear about what action they should take if that improvement is not forthcoming.... The current system, with its increasing emphasis on best value and continuous improvement, is working and caution is required (Doran 12.05.04, Col 1331).

In a similar vein, Alex Easton, representing the Headteachers Association of Scotland, stated that, 'it would me wrong of me to say that the power is not necessary, but I cannot envisage it being used, (Easton 12.05.04, Col 1347).

Much of the argument about the provisions of the Bill stems from the view that

such powers are unlikely to be ever used, given the robust nature of existing quality assurance procedures; in short many respondents viewed the Bill as being simply unnecessary and even a waste of Parliamentary time. In a typically robust defence of the Bill, Peter Peacock, the Minister for Education and Young People, put the opposing view that even if powers were unlikely to be used, it is necessary for them to be held in reserve to deal with contingencies.

The fact that powers exist but are not exercised is not in itself a bad thing. The crucial point is that the powers might need to be exercised. There is no point in my turning up at the Education Committee the day after something has gone wrong and saying when the committee demands answers, “Actually, I have no powers to do anything about this. What is more, I knew that I did not have powers and I did nothing about it.” That would be unforgivable, compared to what we seek to do (Peacock 12.05.04, Col 1379).

When challenged on the necessity of such powers by Committee member Fiona Hyslop, he added:

Your argument is rather like saying that I should not take out any home insurance because no houses in my street have burned down yet. Just because something has not yet happened does not mean that we should make no provision for the day when it does (Peacock 12.05.04, Col 1380).

Nevertheless, despite such arguments, several members of the Education Committee remain unconvinced of the need for additional ministerial powers, and the future passage of the Bill promises to be a rough ride.

#### THE CURRICULUM

Towards the end of the parliamentary year, the Committee started to concern itself with the school curriculum, and with the imminent curriculum review. The School Curriculum Inquiry, which will occupy much Committee business next year, kicked off with two sessions hearing evidence from Learning and Teaching Scotland, the Association of Directors of Education in Scotland and the Headteachers Association of Scotland. In the first of these hearings, described as ‘stimulating’ (Hyslop, 09.06.04, Col 1510), there was a lively discussion of the many of the key issues facing educators.

Keir Bloomer of LTSScotland succinctly summarised these issues:

It is worth touching briefly on the conclusions of the national debate. Obviously it is impossible to summarise briefly the findings of so many written submissions, but the general flavour was that people did not believe that the system was falling apart, but had a range of concerns for the medium to long term, which are reflected in the issues that you are considering. There was a feeling that education was excessively academic in a rather traditional and subject-centred way, that it was obsessed with assessment and internal examination, that it tended to neglect the promotion of skills and capabilities and, perhaps most important—this came over in the evidence that a group of young people gave your predecessor committee—that the educational experience was not motivating and did not encourage people to become committed lifelong learners. At the root of those concerns is an assumption about how secondary education goes about its business, which is that it concentrates on the transfer of subject content—not knowledge, but inert information—and assumes that the skills and capabilities will follow. There is little evidence that that is the case and the evidence that there is becomes weaker as the skills with which we are concerned become more demanding. The skills that people are looking for include critical thinking, creativity and

so forth. It is open to question whether those skills can be left to take care of themselves in a curriculum that is extremely content focused (Bloomer, 09.06.04, Col 1489).

The subject-based nature of the secondary school curriculum was inevitably a topic for conversation. At the subsequent meeting Michael O'Neill, representing ADES, stated the problems caused by a too narrow adherence to this 'valid, but partial' model (Bloomer, 09.06.04, Col 1490).

In the secondary curriculum there is what I have referred to in the past as the tyranny of the modes. Until not long ago pupils were, after the second year of the secondary curriculum, forced into eight modal areas of study. It did not really matter whether they had interest in, aptitude for or desire to study in those areas; they had to follow the previous guidelines and do it. That resulted in youngsters' ending up in areas of study in which they were not interested and in which they were doomed to fail, which also led to attendance and discipline problems (O'Neill, 16.06.04, Col 1530).

The tyranny of assessment over the school curriculum drew some comment from respondents. For example, Keir Bloomer warned of the dangers inherent in conflating age and stage flexibility with curriculum flexibility:

The risk is that curriculum flexibility is seen purely in terms of flexibility within the constraints of the existing system. What we really require is the capacity to think beyond that. A good example is one that we spoke about earlier: does flexibility only confer the right to put children through exams earlier? That would be a fairly sterile use of the flexibility circular (Bloomer, 09.06.04, Cols 1509/10).

Clearly such usage of the circular underpins some curriculum planning at the levels of Local Authorities and Schools; addressing the Committee the following week, Michael O'Neill pointed to the possibilities of earlier examinations for standard grade.

The new age-and-stage regulations offer young people the opportunity after first year to go into the option choices that I spoke about, and to begin on a coherent pathway that leads to certification or a career. If young people follow standard grade courses in their second and third years, they can consider at the beginning of their fourth year two-year higher, vocational opportunities and a more coherent pathway forward (O'Neill, 16.06.04, Col 1530).

It is clear in general from the evidence presented that there is a will to push the school curriculum forward in new and interesting directions. Respondents spoke of the need to trust teachers, to supersede traditional linear views of education, and for the inclusion of vocational options within the school curriculum:

I have strong views about that. As I said in my initial comments, vocational education is probably the most crucial area for comprehensive schools in Scotland over the next few years. It is crucial not just because we have a skills shortage but because of a range of issues, including attitudes, behaviours and discipline. The 26 headteachers in North Lanarkshire strongly support my view that vocational education is not just about delivering courses in FE colleges. If the future is about busing 14 or 15-year-old pupils to colleges up and down the country, it will not work.

We need to change how schools operate so that when pupils at the age of 14 sit down to make their choices, the option column lists "French", "English", "German", "hairdressing" and "construction trades" as subjects that they can pick to study in school. If we can provide science, music and technical

subjects in school, why cannot we provide construction and other trades? At the age of 16 or 17, pupils should then be able to attend FE college to continue with higher levels of vocational skills that cannot be taught in schools or to take up an apprenticeship that is linked to, and provided in partnership with, colleges.

I am strongly opposed to the view that vocational education should be provided only by colleges. If schools in France, Germany and Spain can deliver vocational education as part of the normal school curriculum, why cannot we do that in Scotland? A school cannot be called comprehensive if it does not allow all pupils the opportunity to develop their skills but affords that opportunity only to a small group. That is a key point about curriculum flexibility (O'Neill, 16.06.04, Col 1551).

A final point concerns pedagogy; genuine change in the curriculum does not only involve structural or organisational change, but a revolution in the ways that teachers teach, and learners learn:

In my introduction I said that the notion of a curriculum that is wholly subject-organised is a mistake. We require to have a basis of subject organisation, but also the opportunity for other activities that are not organised in that way, some of which are concerned with the examination in depth of multidisciplinary issues... we require to engage young people in discussions on what they are doing and why – the phenomenon that is usually described as metacognition. If they do not know the purpose of the exercise, they will not be active partners in trying to realise it. The notion of being active partners is critical, because real knowledge and understanding is co-produced; it does not exist in the mind of the teacher and is then transferred ready-made to the mind of the learner. The real learning process takes place in the learner, if properly stimulated. They therefore have to actively co-operate in what you wish them to do (Bloomer, 09.06.04, Col 1503).

There is clearly much discussion ahead on this crucial issue, to be covered in the next Education Committee bulletin.

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