

**Argyll and Bute Council**  
**Comhairle Earra-Ghàidheal Agus Bhòid**

*Customer Services*  
*Executive Director: Douglas Hendry*



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17 January 2018

**NOTICE OF MEETING**

A Special meeting of **ARGYLL AND BUTE COUNCIL** will be held in the **COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD** on **THURSDAY, 25 JANUARY 2018** at **2:00 PM**, which you are requested to attend.

Douglas Hendry  
Executive Director - Customer Services

**BUSINESS**

- 1. APOLOGIES FOR ABSENCE**
- 2. DECLARATIONS OF INTEREST (IF ANY)**
- 3. EMPOWERING SCHOOLS - A CONSULTATION ON THE PROVISIONS OF THE NEW EDUCATION (SCOTLAND) BILL**  
Report by Acting Executive Director of Community Services (Pages 3 - 26)
- 4. EDUCATION MANAGEMENT STRUCTURE**  
Report by Chief Executive (Pages 27 - 34)
- 5. APPOINTMENT TO THE WEST OF SCOTLAND LOAN FUND BOARD AND BUSINESS LOANS SCOTLAND BOARD**  
Report by Executive Director of Development and Infrastructure Services (Pages 35 - 36)
- 6. ARGYLL AND BUTE EMPLOYABILITY TEAM - EMPLOYABILITY FUND BID 2018/19**  
Report by Executive Director of Development and Infrastructure Services (Pages 37 - 44)

Contact: Sandra Campbell Tel: 01546 604401



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ARGYLL AND BUTE COUNCIL

COUNCIL

COMMUNITY SERVICES: EDUCATION

25<sup>TH</sup> JANUARY 2018

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**EMPOWERING SCHOOLS - A CONSULTATION ON THE PROVISIONS OF THE EDUCATION (Scotland) BILL**

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**1.0 EXECUTIVE SUMMARY**

The Government's plans for realising the vision of improving the education and life chances of our children and young people and to close the gap in attainment between the most and least disadvantaged children and to raise attainment for all is set out in Education Governance: Next Steps – Empowering Our Teachers, Parents and Communities to Deliver Excellence and Equity for Our Children.

The latest set of proposals, *Empowering Schools – A Consultation on the Provisions of the Education (Scotland) Bill* were published on 7 November 2017 with a closing date for comments of 31 January 2018. A summary of the key points are included in this report.

The consultation document sets out a number of themes for consideration. These are:

- A Head Teachers' Charter (Questions 1-7);
- Parental and Community Engagement (Questions 8-10);
- Pupil Participation Questions ( Questions 11-12);
- Regional Improvement Collaboratives (Questions 13-16), and
- The introduction of an Education Workforce Council for Scotland (Questions 17-24).

There is much in the general deliberations of the Cabinet Secretary's proposals that is to be welcomed:

- (i) A shared ambition to improve education and the life chances of all children and young people;
- (ii) Ensuring Head Teachers have as much freedom as possible in curriculum design, pedagogical priorities, staff recruitment and budget allocations within their schools, and more access to high quality professional support;

- (iii) Enhanced career opportunities for teachers and a promise to “transform the support available to teachers and practitioners at every level in the system” (page 1 of Consultation document);
- (iv) The emphasis on collaboration between schools and between local authorities as exemplified by the Northern Alliance;
- (v) The commitment to update the legal definition of parental involvement via Parent Councils to include parental engagement in their own children’s education outside of school, and
- (vi) The decision, following negotiations with CoSLA, to change the leadership of the Regional Improvement Collaboratives (RICs) from Regional Directors, appointed by Scottish Government and reporting to Education Scotland, to Regional Leads appointed by agreement of the Chief Executives of the local authorities that make up the Collaborative.

There are though, a number of continuing significant general concerns:

- (i) The role of the Education Authority is diminished, and the overall impact of the proposals remains to centralise control of educational improvement, with a consequent loss of democratic accountability at local level;
- (ii) The promise to schools of “world class educational support from Local Authorities” in the Foreword to the document (page1), therefore establishes unrealistic expectations of what is both intended and feasible;
- (iii) With HMIE remaining embedded in Education Scotland, there is no external scrutiny of a key element of Scottish Education;
- (iv) The combined effect of removing responsibility for school improvement from the Local Authority and embedding HMIE in a Scottish Government agency, removes important checks and balances in the system;
- (v) The consultation documentation is silent on the likely costs of implementation;
- (vi) The *Next Steps* report was light on mention of pupils - this latest consultation is very clear on the need for pupil engagement but lacks detail on the practicality of achieving its aims;
- (vii) The potential risk of fragmentation of schools and education from the rest of integrated children’s services, undermining the delivery of GIRFEC, and
- (viii) The new Education Workforce Council (EWC) could add further fragmentation to the children’s services workforce.

This report provides information on and seeks approval of Council to provide a response to the Scottish Government consultation *Empowering Schools A Consultation on the Provisions of the Education (Scotland) Bill* due to be submitted by 30<sup>th</sup> January 2018.

## 1.1 RECOMMENDATIONS

It is recommended that the Council:

- a) Agree and approve the submission of the *Empowering Schools – A Consultation on the Provisions of the Education (Scotland) Bill* consultation response to Scottish Government by 30<sup>th</sup> of January 2018.

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ARGYLL AND BUTE COUNCIL

COUNCIL

COMMUNITY SERVICES: EDUCATION

25<sup>TH</sup> JANUARY 2018

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**EMPOWERING SCHOOLS - A CONSULTATION ON THE PROVISIONS OF THE EDUCATION (Scotland) BILL**

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**2.0 INTRODUCTION**

- 2.1 The main purpose of this report is to provide information to, and seek approval of Argyll and Bute Council to submit a response to the Scottish Government consultation *Empowering Schools – A Consultation on the Provisions of the Education (Scotland) Bill* which is due by 30<sup>th</sup> January 2018.
- 2.2 The Government’s plans for realising the vision of improving the education and life chances of our children and young people and to close the gap in attainment between the most and least disadvantaged children and to raise attainment for all is set out in Education Governance: Next Steps – Empowering Our Teachers, Parents and Communities to Deliver Excellence and Equity for Our Children.
- 2.3 The Scottish Government proposals for changes to the governance of Education, follow a wide-ranging consultation that ran from September 2016 to January 2017, generating 1154 written responses in addition to the views of 700 people who took part in face to face consultations. A summary of the views gathered can be found at – *Empowering Teachers, Parents and Communities to achieve Excellence and Equity in Education: An Analysis of Consultation Responses* on the Scottish Government website.
- 2.4 The latest set of proposals, *Empowering Schools – A Consultation on the Provisions of the Education (Scotland) Bill* were published on 7 November 2017 with a closing date for comments of 31 January 2018. A summary of the key points are included in this report.
- 2.5 A parallel consultation on school funding closed on Friday 13 October. A response from Scottish Government is due in the summer of 2018. Although education governance and funding form two streams of work, they are clearly inter-connected.

- 2.6 The *Empowering Schools – A Consultation on the Provisions of the Education (Scotland) Bill* consultation seeks views on the Scottish Government's future approach to the provision of Education.
- 2.7 In order to respond to the consultation Education Services met with and took the views from the following groups:
- Head Teachers;
  - Representatives of the Head Teacher Advisory Group;
  - The Education Budget Working Group, and
  - The Joint Services Committee (JSC).

Head Teachers have been encouraged to share the consultation with Parent Councils. Parent Council Chairs have been issued with the link to the online consultation response.

### **3.0 RECOMMENDATIONS**

- 3.1 It is recommended that the Council:
- a) Agree and approve the submission of the *Empowering Schools – A Consultation on the Provisions of the Education (Scotland) Bill* consultation response to Scottish Government by 30<sup>th</sup> of January 2018.

### **4.0 DETAIL**

- 4.1 In September 2017, COSLA Leaders agreed to an approach of regional collaboration which left democratic accountability clearly with Scottish Local Authorities and their officers. Currently, in their role as Education Authorities, Scottish Councils hold the statutory responsibility for the provision and delivery of education, for performance and improvement of individual schools, as well as the cumulative authority, as the employer of all staff within a school setting, and more. The consultation document suggests a series of changes to this Authority. The consultation states that the primary focus of the Bill is to create a school and teacher led education system and therefore to empower schools and school leaders. The consultation is set out in a series of questions.
- 4.2 The consultation document sets out a number of themes for consideration. These are:
- A Head Teachers' Charter (Questions 1-7);
  - Parental and Community Engagement (Questions 8-10);
  - Pupil Participation Questions( Questions 11-12);
  - Regional Improvement Collaboratives (Questions 13-16), and
  - The introduction of an Education Workforce Council for Scotland (Questions 17-24).

### 4.3 A Head Teachers' Charter

The Head Teachers Charter will establish to empower Head Teachers to make the key decisions about learning and teaching in their schools and clarify the responsibilities that sit with the Local Authority have to enable Head Teachers to be the leaders of their schools. It notes that education will be improved if Head Teachers are able to make decisions in four key areas:

#### 4.3.1 Curriculum for Excellence

The Bill describes that Head Teachers will:

- Make decisions on how best to design their local curriculum in line with the national framework set out by the Curriculum for Excellence, and
- Will have a new duty placed upon them, alongside their leadership teams, to work collaboratively with other schools and partners on curriculum design and improving learning and teaching. That collaboration is not fixed and can focus on different issues as Head Teachers see fit.

The impact of these elements, were they to become law, is that elected members and their officers would have little influence on curriculum development/delivery or collaboration with parents and young people in any school. Local Authorities may be prevented from taking action in their own area if this was not deemed to be part of the work of the wider Improvement Collaborative.

#### 4.3.2 Improvement

The consultation document suggests a change in the responsibility for improvement of education within a Local Authority area, with the role of the Local Authority would be to act within the Improvement Collaborative. The decision making around improvement would rest with individual Head Teachers.

The impact of this change would mean that if local elected members identify local issues in relation to improvement, then they can no longer address it as the Local Authority/Education Authority but as a member of a collaborative.

#### 4.3.3 Staffing

In this section of the consultation document, Local Authorities are acknowledged to be the employer but there are clear commitments that the Head Teacher will decide on the staffing complement in their school. This includes non-teaching staff and will therefore affect both employee groups in Local Government.

There are potential legal risks if Local Authorities, as the employer, are unable to adhere to good employment practice and case law because the staffing decisions in one of our establishments are made by an individual. It is also worth noting that should this change become enacted, Scottish Local Authorities would be unable to sign up to any future Teacher Numbers

agreement or Pupil: Teacher Ratio agreements. Furthermore, in circumstances where an Authority has supernumerary teachers it may not be possible to place them in instances where a Head Teacher refuses a teacher transfer.

### 4.3.4 Finance

Despite the fact that the Scottish Government have not published their response to the consultation on Fair Funding, there are a number of commitments in this consultation which take forward some of the proposals suggested earlier this year. In relation to funding, the Head Teachers' Charter will:

- Require Local Authority delegation of budgets to extend to staffing, rather than just to schools' discretionary expenditure outside staffing; and
- Increase the transparency of Local Authority decisions on education spending and require the involvement of Head Teachers and school communities in these decisions.

Currently Argyll and Bute Head Teachers already have a significant workload, we have a responsibility as employers to ensure their wellbeing as well as ensuring that we remain accountable for decisions taken on education in our communities. The support that is provided to all Head Teachers by the Local Authority is vital for both the individual employees involved and for the benefit of children and their families.

### 4.4 Parental and Community Engagement

The Education Bill will include provision to make the existing legal duties in relation to parental involvement clearer and stronger.

The improvements that will be made through the Bill to the 2006 Act are:

- To strengthen the duties of Head Teachers to work collaboratively with Parent Councils on substantive matters of school policy and improvements. It is intended to replace current duties on Head Teachers to inform and consult with Parent Councils to revised duties to work in a collaborative way with Parent Councils;
- To reflect updated legal responsibilities on parental involvement in the Head Teachers' Charter;
- Update and clarify the duties on Parent Councils to represent the diversity of the school community, and
- Include parental involvement and engagement as one of the relevant improvement matters covered by the Regional Improvement Collaboratives.

### 4.5 Pupil Participation

The Education Bill will include provision to ensure that the principles of pupil participation are pursued in every school.

The improvements that will be made to pupil participation is to provide a general duty on Head Teachers to promote and support pupil participation in specific aspects of education and school life including:

- The pupil's own learning as part of the formal and extended curriculum;
- Decision-making relating to the life and work of the school (such as school policies);
- School improvement activity, and
- The pupil's participation in the wider community.

This general duty will be accompanied by key principles to support effective participation by collaboration and dialogue, authenticity and inclusion.

## 4.6 Regional Improvement Collaboratives

The Education Bill will include provisions to provide appropriate legislative underpinning for national and local government participation in the new Regional Improvement Collaboratives.

Regional Improvement Collaboratives will bring together a range of professionals with a relentless focus on supporting teachers and other school staff working with children and young people to improve their wellbeing, attainment and outcomes. The Collaboratives will include sector and curriculum area support including additional support for learning. They will provide targeted advice and support in order to drive improvement, making use of all available evidence and data. They will help teachers to access the practical improvement support they need, when they need it.

Since November 2017, Argyll and Bute Council Education Service has actively participated within the Northern Alliance. Membership of the Northern Alliance is as follows:

- Aberdeen City Council
- Aberdeenshire Council
- Argyll and Bute Council
- Comhairle nan Eilean Siar
- Highland Council
- Moray Council
- Orkney Islands Council
- Shetland Islands Council

Local Authorities retain their overarching duties in relation to the sufficiency of education provision. However, when it comes to teaching and learning in schools, the role of the Local Authority will be to participate in the Regional Collaborative's work to provide the support and expertise that schools in the

area need, rather than imposing local curricular policies and practices on schools. This means in practice that the role of the individual Local Authority will diminish, an aspect which was not agreed as part of the joint agreement between Scottish Government and CoSLA.

#### 4.7 The Education Workforce Council of Scotland

The Education Bill will include provision to establish an Education workforce Council which will take on the responsibilities of the GTCS, the Community Learning and Developments Standards Council and for the registration of all other education professionals.

The Education Workforce Council for Scotland will have the following purpose and aims:

##### **Purpose**

- Through supporting and enhancing the professionalism of those involved directly, and indirectly in learning and teaching, to enable Scottish education to be world leading in the delivery of high quality outcomes for all learners.

##### **Aims**

- To set high standards and promote high quality professional learning, teaching and leadership to improve learner outcomes and assist in reducing inequality;
- Be an effective regulator acting in the public interest to maintain and enhance public trust and confidence in education professionals, and
- Through the setting of professional standards and values, support and enhance levels of professionalism, professional identity and professional practice while bringing cohesion to the Scottish education system.

#### 5.0 Summary consultation responses

5.1 There is much in the general deliberations of the Cabinet Secretary's proposals that is to be welcomed:

- (i) A shared ambition to improve education and the life chances of all children and young people;
- (ii) Ensuring Head Teachers have as much freedom as possible in curriculum design, pedagogical priorities, staff recruitment and budget allocations within their schools, and more access to high quality professional support;
- (iii) Enhanced career opportunities for teachers and a promise to "transform the support available to teachers and practitioners at every level in the system" (page 1 of Consultation document);
- (iv) The emphasis on collaboration between schools and between local authorities as exemplified by the Northern Alliance;
- (v) The commitment to update the legal definition of parental involvement via Parent Councils to include parental engagement in their own children's education outside of school, and

- (vi) The decision, following negotiations with CoSLA, to change the leadership of the Regional Improvement Collaboratives (RICs) from Regional Directors, appointed by Scottish Government and reporting to Education Scotland, to Regional Leads appointed by agreement of the Chief Executives of the local authorities that make up the Collaborative.

5.2 There are though, a number of continuing significant general concerns:

- (i) The role of the Education Authority is diminished, and the overall impact of the proposals remains to centralise control of educational improvement, with a consequent loss of democratic accountability at local level;
- (ii) The promise to schools of “world class educational support from Local Authorities” in the Foreword to the document (page1), therefore establishes unrealistic expectations of what is both intended and feasible;
- (iii) With HMIE remaining embedded in Education Scotland, there is no external scrutiny of a key element of Scottish Education;
- (iv) The combined effect of removing responsibility for school improvement from the Local Authority and embedding HMIE in a Scottish Government agency, removes important checks and balances in the system;
- (v) The consultation documentation is silent on the likely costs of implementation;
- (vi) The *Next Steps* report was light on mention of pupils - this latest consultation is very clear on the need for pupil engagement but lacks detail on the practicality of achieving its aims;
- (vii) The potential risk of fragmentation of schools and education from the rest of integrated children’s services, undermining the delivery of GIRFEC, and
- (viii) The new Education Workforce Council (EWC) could add further fragmentation to the children’s services workforce.

5.3 Briefing meetings for Head Teachers and Teacher representative were held during November. Overall Head Teachers did not express support for the proposals as they were set out in the consultation and raised a number of concerns. Key areas of concern noted during the briefings are set out below:

- The practicality of the proposed new duties and organisational structures;
- Resourcing of the new structures, proposed levels of professional support and new career structures;
- Potential tensions with the Local Authority in areas which remain within its responsibility;
- Lack of clarity on the level of genuine autonomy which Head Teachers will actually have;
- Workload implications, and
- The poor quality of the Next Steps analysis, and also the consultation document which they feel demonstrates a lack of understanding of the

system and what is actually happening for young people and families in schools and children's services.

#### 5.4 Specific Concerns

There are also a number of additional specific concerns. Notably:

- 5.4.1 Regional Collaboratives: It is difficult to see how even the best and most effective communication could create a Regional Improvement Collaborative (RIC) which is "relevant to, designed by and close to the communities they serve" (Consultation p2).

The Northern Alliance was established as a 'collaborative of the willing', to give added value to the role of the Local Authority, not to diminish that role. Indeed, the benefits of collaboration have been clearly shown by the Northern Alliance; sharing insights and strategic approaches of common interest and providing a model for effective collaboration in other parts of the country - importantly, leaving the prime responsibility for school improvement with the Local Authority.

On page 2 of *Next Steps*, it states that "the structure of the present system is too complex". However, the proposals now being consulted on do not simplify the structures. Instead, they add further complexities through the establishment of the RICs and, in places, ambiguous redefinitions of roles and responsibilities. For example, the text in both documents (*Next Steps* and *Empowering Schools*) make clear that some Local Authorities are seen as having done a poor job and being an impediment to progress.

The diagram on page 14 of the consultation suggests that the main responsibilities of the Local Authority will be HR and Finance. Yet, page 7 of the same document suggests that the Authority will engage in "constructive discussion with the Head Teacher on the rationale for the decisions they are taking on the curriculum in their school". Not surprisingly, some Head Teachers fear that they will be "servants of multiple masters" and that the ambiguity over challenge and support roles provides fertile ground for tensions within the system.

In addition, the fact that potentially the Local Authority will no longer have to produce an Improvement Plan could be seen as part of a simplifying agenda, but could also be seen as a means of legally distancing them from the improvement agenda and ensuring that they will not be in a position of "imposing local curricular policies and practices on schools" (Consultation document page 16). In effect, local authorities will no longer be part of the 'engine room' of school improvement.

Finally, it is worth noting that during this consultation phase the Regional Leads have already been appointed, and timelines for progress are being put in place, including having RIC Improvement Plans agreed by the end of January 2018 - the deadline for the consultation to end.

5.4.2 More Autonomy for Head Teachers: While Head Teachers in Argyll and Bute welcome the promise of more autonomy, most are far from convinced that the proposed model is either workable or desirable. They are sceptical that such significant structural change will of itself bring the attainment improvements envisaged.

They also point out that the proposals do not address the issues that currently concern them: staff reductions and staff shortages (including the availability of supply teaching staff), the effect of budget cuts and workload/bureaucracy which is not seen to be reducing. They believe that addressing these problems would be a more fruitful direction for the shared national desire to improve overall attainment.

They are concerned that the RICs will add another layer of bureaucracy and will be remote from schools. Many value the professional support that can best be provided by staff in local offices who know the schools and their communities.

Schools currently allocated additional funds via the Pupil Equity Fund (PEF) and the Attainment Scotland Fund welcome the additional funding and flexibility in spending decisions, but point out that it comes with additional bureaucracy and does not compensate for the funds that have been cut from core budgets. They question the value of more control over budgets if there is no significant injection of financial resources to accompany it.

Head Teachers in Argyll and Bute note that the Local Authority Devolved School Management Policy provides a fair structure providing support and autonomy for spend.

On staffing, the consultation document is clear that “it is the Head Teacher who should decide who works in their school and the management structure in which they work” (page 11). However, on the following page it states that “Head Teachers should continue to cooperate with their Local Authority in the allocation of probationers, student teachers, surplus staff and compulsory transfers.”

Nor is it clear how a Head Teacher, newly appointed to school and wishing to change the staffing structure, might achieve this, if staff are in posts with permanent contracts.

5.4.3 The Role of Parents: It still requires to be established if Parent Councils have the appetite for collaborating with Head Teachers “on substantive matters of school policy and improvement” (page 18) to the extent suggested in the consultation. Many Head Teachers fear that they will lose parents who currently contribute significantly to the life of their schools via Parent Councils if their responsibilities in future are in areas where they have no expertise.

Similarly, Head Teachers are concerned that the proposed requirement of

head teachers to collaborate on 'substantive matters' with all parents will lead them to expend a great deal of time and energy for no return. However, they do welcome the promise of home – school link workers and the beneficial effect this could have on levels of parental engagement with the school.

It should be noted that Parent Councils are being encouraged to respond to the Consultation document.

#### 5.5 An Alternative Approach

The notion of collaboration as the key to improvement is central to the proposals. However, collaboration already exists at all levels within the current arrangements. It could undoubtedly be increased and made more effective, but wholesale redesign, new legislation and new duties are not the only way of achieving this.

In Education the crucial issue is to identify the impact of action on the lives and development of the people served by the system. A duty on Local Authorities to collaborate for improvement supported by regular and meaningful inspection of Local Authorities on the impact of their collaborative improvement actions could well form the basis for an effective, locally accountable alternative model which would be much closer to the communities it serves.

5.6 Following the scheduled meeting with Education Services, Head Teachers , the Education Budget Working Group and the Head Teachers' Advisory groups summary of the responses to each of the twenty four consultation questions were pulled together to formulate a single response for submission by Argyll and Bute.

5.7 Appendix 1 contains the formulated responses to the consultation questions.

### 6.0 CONCLUSION

6.1 The consultation questions appear to be based on an assumption that there is no alternative and that the proposals will deliver the anticipated improvements in educational outcomes. However, major concerns remain around:

- The lack of detail on resourcing such an ambitious set of proposals;
- The centralisation of key functions and loss of local democratically elected checks and balances in the system;
- A "one size fits all" approach to addressing perceived shortcomings in some Local Authorities;
- The tensions that will be created between different parts of the education system;
- The fragmentation of schools and education from other services for children, and
- The loss of locally based support for schools, and the loss of local contact for communities on many aspects of education.

- 6.2 This report provides information on and seeks approval of Council to provide a response to the Scottish Government consultation *Empowering Schools A Consultation on the Provisions of the Education (Scotland) Bill* due to be submitted by 30<sup>th</sup> January 2018.

## 7.0 IMPLICATIONS

7.1 Policy

7.2 Financial Not known at this time. However, there may be financial implications for the Council subject to the outcome of the consultation and subsequent Scottish Government

7.3 Legal Potential changes to legislation as it applies to Scottish Education may arise as a consequence of the conclusions from the consultation.

7.4 HR None known at this time.

7.5 Equalities None.

7.6 Risk None known at this time.

7.7 Customer Service This report provides Elected Members with an overview of the proposed response to the *Empowering Schools – A Consultation on the Provisions of the Education (Scotland) Bill* consultation.

Ann Marie Knowles

**Acting Executive Director of Community Services**

Councillor Yvonne McNeilly

**Policy Lead for Education and Lifelong Learning**

18 December 2017

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Appendices: Appendix 1 - Consultation Responses

## **EMPOWERING SCHOOLS A CONSULTATION ON THE PROVISIONS OF THE EDUCATION (SCOTLAND) BILL 31**

Context for collation of response from Argyll and Bute Council

In order to respond to the consultation Education Services met with and took the views from the following groups:

- Head Teachers;
- Representatives of the Head Teacher Advisory Group;
- The Education Budget Working Group, and
- The Joint Services Committee (JSC)

Head Teachers have been encouraged to discuss the consultation with Parent Councils.

### **Question 1**

**The Headteachers' Charter will empower headteachers as the leaders of learning and teaching and as the lead decision maker in how the curriculum is designed and provided in their schools. What further improvements would you suggest to enable headteachers to fulfil this empowered role?**

*Head Teachers are currently leaders of learning and teaching. It is, therefore unclear why a specific Head Teachers Charter is required. The consultation document appears not to take account of the current provisions in place within which Head Teachers are empowered to lead and design the curriculum provision within their individual school. The proposed empowerment for Head Teachers, in designing the curriculum whilst welcome provides significant challenges, specifically related to issues of equity and ensuring that each school is providing a common approach. A significant concern in adopting alternative approaches to those currently in place has the potential to place significant additional demand for the provision of adequate staffing to meet the expectations of curriculum programmes. This provides considerably greater challenge within a rural area.*

*As it stands, there is relatively little mention of the role of teachers as the leaders of learning and teaching within classes. There is no mention of the support required to ensure the correct pedagogical approaches are being developed by the Head Teacher.*

*The approach set out within the terms of the Bill in regard to a Head Teachers' Charter presents further risks, with a top down process which has the potential to reduce the engagement and involvement of class teachers in the identification, preparation and implementation of curriculum design when they are in fact principally tasked with delivering the curricular model and improving learning and teaching in classrooms.*

*Argyll and Bute Local Authority have many small schools with class committed Head Teachers and feedback from members of this groups is that they require*

*local authority support in terms of curriculum and learning and teaching. This is an area that Head Teachers have noted to be essential to be retained.*

*Head Teachers in Argyll and Bute have noted that the greatest challenge is in staffing the schools with quality teaching staff which is required to address the raising of attainment.*

### **Question 2**

**The Headteachers' Charter will empower headteachers to develop their school improvement plans collaboratively with their school community. What improvements could be made to this approach?**

*Head Teachers currently fulfill this role in Argyll and Bute, with the on-going support of the Education Central Staff to ensure the school improvement plans, improvement priorities and supporting implementation plans are effective in meeting local and national expectations. Such a change present significant risks, specifically in instances where Head Teachers may formulate their establishment improvement plan without supporting guidance, challenge and scrutiny on the local authority improvement agenda or connection into the wider assets of the Council or Partnership. It is essential to recognise that there are challenges in engaging parents and communities in developing school improvement plans and support of good practice in these areas should be sought and shared nationally.*

### **Question 3**

**The Charter will set out the primacy of the school improvement plan. What are the advantages and disadvantages of this approach?**

#### **Advantages**

*Argyll and Bute Council recognises the importance of school improvement plans and have committed resources in to improving this process. We endorse that a well-developed school improvement plan provides clear aims for all staff to improve the quality of learning and teaching.*

#### **Disadvantages**

*The fact that Local Authorities will no longer have to produce an Improvement Plan could be seen as part of a simplifying agenda, but could also be seen as a means of legally distancing them from the improvement agenda and ensuring that they will not be in a position of "imposing local curricular policies and practices on schools" (Consultation document page 16). In effect, Local Authorities will no longer be part of the 'engine room' of school improvement. The practicality of the proposed new duties and organisational structures may need greater clarification and may actually deflect from the current improvement agenda.*

*This could impact on the workload on Head Teachers and their staff as currently important development areas are led at an authority level ensuring that the approach can be equitable across the Authority e.g. development of Developing the Young Workforce, Early Years. The development of these areas within education has an impact on the local economy too.*

#### **Question 4**

**The Head teachers' Charter will set out the freedoms which head teachers should have in relation to staffing decisions.**

- a. What are the advantages and disadvantages of headteachers being able to have greater input into recruitment exercises and processes adopted by their local authority?**

##### **Advantages**

*Head Teachers in Argyll and Bute are currently responsible for, and engaged in, recruitment of both teaching and non-teaching staff. They work with HR personnel in creating the essential and desirable criteria for staffing vacancies within their own schools and are best placed to do so. Staff appointments should not be made by a single person, there should be appointments panels which adhere to the policies and procedures of the local authority who are the employers of all local government employees. SNCT and LNCT agreements need to be adhered to including the use of expert HR advice and employment legislation compliance processes which are currently in place*

##### **Disadvantages**

*Further risks exist. For example: increasing the levels of bureaucracy for Head Teachers, going against the current principle of reducing bureaucracy. Staff can currently be appointed to the Local Authority and this allows wider support for schools. Within a rural area this is a good way to appoint staff and ensure that all schools have equitable access to the necessary support, advice and guidance. Schools in rural areas of Argyll and Bute welcome this approach and feel supported in appointing quality staff. This approach also allows the Local Authority, in compliance to SNCT principles to transfer staff where excess staffing occurs due to roll fluctuation. This is also important during a time with falling rural school rolls.*

*There is potential, especially within rural areas such as Argyll and Bute, that the lack of being able to appoint central staffing to the Authority will affect the ability to meet and sustain the current National pupil/teacher ratios (PTRs).*

- b. What are the advantages and disadvantages of headteachers' ability to choose their teams and decide on the promoted post structure within their schools?**

##### **Advantages**

*Head Teachers in Argyll and Bute are currently able to choose their own teams and this is supported and encouraged by the Local Authority. Schools also have flexibility to design their management teams within an allocated structure and meets the context of the school. This is subject to agreement within SNCT and LNCT.*

##### **Disadvantages**

*There are significant risks, potentially leading to inequality in the level, range and*

*number of promoted posts at both Local Authority and National levels. This could impact greatly on the more rural schools who are facing considerable difficulties in recruiting to key posts. This approach also goes against the existing SNCT principles, as set out in national agreements.*

### **Question 5**

**Should headteachers be able to decide how the funding allocated to their schools for the delivery of school education is spent? If so, what is the best way of doing this?**

*Nationally agreed frameworks, as set out in guidelines for the implementation of Devolved School Management policies, currently allow for such decisions to be made by Head Teachers. Argyll and Bute Head Teachers have indicated that they welcome this approach. The schools in Argyll and Bute have 90% of the education budgets devolved via the Devolved School Management policy.*

### **Question 6**

**How could local authorities increase transparency and best involve headteachers and school communities in education spending decisions?**

*Devolved School Management (DSM) protocols currently allow for appropriate funding decisions to be made at school level. This should be continue to be carried out within a democratic school model in which decision making is shared between all school staff.*

*Current budget setting processes in Local Authorities also allow for opportunities for Head Teachers and other staff members to be consulted on, and engaged in, decision making processes. The availability of committee papers as well as any resulting decisions assists in increasing transparency.*

*The availability of specific working groups for example Budget Working Groups greatly assist in ensuring that there is clarity and transparency in all aspects of budgetary decision making.*

*All Argyll and Bute Head Teachers have access to Area Finance Administrators (AFAs) who support the budgetary management and value this support. Head Teachers have indicated that they would find greater responsibilities and increased accountability very challenging. This is of particular concern in rural schools with teaching Head Teachers.*

### **Question 7**

**What types of support and professional learning would be valuable to headteachers in preparing to take up the new powers and duties to be set out in the Headteachers' Charter?**

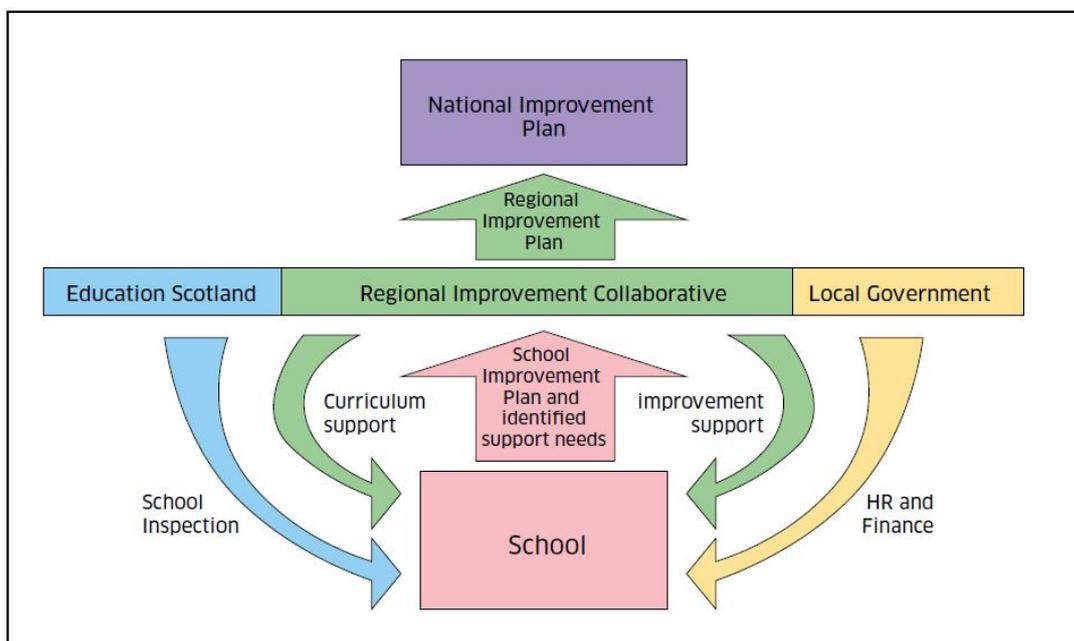
*Head Teachers in Argyll and Bute have noted the considerable bureaucratic challenges, which impacts on their ability to focus on learning and teaching, and are concerned that new and additional powers, have the potential to increase workload*

are being considered.

Argyll and Bute Council would note a concern that Head Teachers already have a significant workload and that we have a responsibility as employers to ensure their wellbeing as well as ensuring that the Authority remains accountable for decisions taken on education in our communities. The support that is provided to all Head Teachers by the Local Authority is vital for both the individual employees involved and for the benefit of children and their families.

The proposals now being consulted on do not simplify the structures. Indeed, they add further complexities through the establishment of the Regional Improvement Collaboratives (RICs) and, in places, ambiguous redefinitions of roles and responsibilities. For example, the text in both documents (Next Steps and Empowering Schools) make clear that some Local Authorities are seen as having done a poor job and being an impediment to progress.

The diagram on page 14 of the consultation suggests that the main responsibilities of local authorities will be HR and Finance. Yet, page 7 of the same document suggests that Authorities will engage in “constructive discussion with the Head Teacher on the rationale for the decisions they are taking on the curriculum in their school”. Not surprisingly, some Head Teachers fear that they will be “servants of multiple masters” and that the ambiguity over challenge and support roles provides fertile ground for tensions within the system.



Argyll and Bute Council would agree with the broad areas of reform and generally recognised that increased parental involvement is central to the closing the gap agenda. However, it is unclear from the information currently available how the reform will actually ensure that the harder to reach parents are involved in the improvement agenda. Head Teachers are reporting that there is an increase in the “hard to reach parents” who have limited interest and are looking for support

*from local authority and national teams to work with them to improve engagement.*

### **Question 9**

**How should the Scottish Schools (Parental Involvement) Act 2006 be enhanced to ensure meaningful consultation by headteachers with parents on substantive matters of school policy, improvement planning and curricula design?**

*There is a significant issue regarding training and support that would be required for parents and school staff to provide the skills and context for meaningful interaction between parents and the policy makers. Time for carrying out these exercises would have to be given careful consideration. Head Teachers are already involved in parental consultation, often finding this time consuming within the current system. This also impacts on rural schools where there are fewer parents to undertake formal roles and may actually be detrimental to the already good practice which is in place. Very often Head Teachers in rural settings are class teacher committed and have a considerable work load currently, these amendments may add further complications, with the potential for a two tier system across urban and rural school settings.*

### **Question 10**

**Should the duties and powers in relation to parental involvement apply to publicly funded early learning and childcare settings?**

*Parental involvement is core at all stages of a child or young persons' educational career and as such should be encouraged regardless of the context within which it is being delivered. There are many good examples of parental involvement in early years and this should be further developed. There is no evidence to suggest that revised or new legislation would assist in improving parental involvement. It may, however, further widen the gap.*

### **Question 11**

**Should the Bill include a requirement that all schools in Scotland pursue the principles of pupil participation set out in Chapter 3? Should this be included in the Headteachers' Charter?**

*The involvement of pupil participation is core to the improvement agenda and many Head Teachers recognise this and have ensured this is an important aspect of the school context and ethos. It is unclear how further legislation will improve this aspect.*

### **Question 12**

**What are your thoughts on the proposal to create a general duty to support pupil participation, rather than specific duties to create Pupil Councils, committees etc...?**

*This would be a welcome addition and would provide support for schools to ensure that pupil participation is central to the life and works of the school and its curriculum. However, this must extend further than the Head Teacher, it is unclear how pupil participation will be increased by adding to the Head Teacher Charter.*

### **Question 13**

**Should the Bill include provisions requiring each local authority to collaborate with partner councils and with Education Scotland in a Regional Improvement Collaborative?**

*Collaboration must be bought in to and be seen to be adding value in improving outcomes for learners, not to replace or add further layers of reporting and complexity. It is difficult to see how even the best and most effective communication could create a Regional Improvement Collaborative (RIC) which is “relevant to, designed by and close to the communities they serve” (Consultation p2). This is particularly true of Argyll and Bute in a RIC covering Aberdeen City, Aberdeenshire, Moray, Shetland, Orkney, Comhairle nan Eilean Siar and Argyll & Bute. This is a very big geographical area with a variety of establishments.*

*Potential consequences include the diminution of the role of the Education Authority, and the overall impact of the proposals remains to centralise control of educational improvement, with a consequent loss of democratic accountability at local levels.*

*Resource which will come from Education Scotland to the Regional Improvement Collaborative is to be welcomed. We hope that this will be deployed more consistently than was previously the case to individual Local Authorities where there was little consistency in what was allocated, or in the quality of the allocation. It should not just be Education Scotland resources which are allocated regionally, but other national bodies too, for example SCILT etc. could redeploy their resources regionally in order to support the collaborative.*

### **Question 14**

**Should the Bill require each Regional Improvement Collaborative to maintain and to publish annually its Regional Improvement Plan?**

*There should be a need for a regional plan, although a three year plan would allow real, meaningful work to take place across a collaborative area and is more likely to succeed in terms of improving outcomes for young people. This should, however, be reported on, and where required updated, annually. Local authority plans should remain in place as outlined previously in this response.*

### **Question 15**

**If we require Regional Improvement Collaboratives to report on their achievements (replacing individual local authority reports), should they be required to report annually? Would less frequent reporting (e.g. every two years) be a more practical and effective approach?**

*An annual plan would be very time consuming and again it would need to be clear with regard to purpose. As above a three year plan would be more meaningful.*

#### **Question 16**

**In making changes to the existing planning and reporting cycle, should we consider reducing the frequency of national improvement planning and the requirement on Ministers to review the National Improvement Framework?**

*This would be a helpful outcome, reporting should have clarity as to purpose and outcome.*

#### **Question 17**

**Are the proposed purpose and aims of the Education Workforce Council for Scotland appropriate?**

*Purpose and aims are commendable. However the detail is lacking on how this will be delivered and this makes it more difficult to answer this question.*

#### **Question 18**

**What other purpose and aims might you suggest for the proposed Education Workforce Council for Scotland?**

*There is a concern around the external scrutiny as HMIE is still firmly rooted in Education Scotland. There needs to be consideration of the role of external scrutiny and whether or not is best placed as part of the Education Workforce Council.*

#### **Question 19**

**Are the proposed functions of the Education Workforce Council for Scotland appropriate?**

*The combined effect of removing responsibility for school improvement from local authorities and embedding HMIE in a Scottish Government agency, removes important checks and balances in the system. Whilst there is an attraction in having one workforce council to recognise the range of workers in the "education family", alternative ways of bringing the Community Learning and Development (CLD) Council etc. into the fold should be considered rather than establishing a new council. For example, the General Teaching Council for Scotland (GTCS) is a recognised, and largely respected global brand and it would be unfortunate to lose this. Furthermore, the costs associated with disestablishing the GTCS and establishing a new Council may run to several million pounds and in the current climate, this is not the best use of public resources.*

#### **Question 20**

**What other functions might you suggest for the proposed Education Workforce Council for Scotland?**

*There is ongoing risk of fragmentation of schools and education from the rest of integrated children's services, undermining the delivery of Getting it Right for every Child (GIRFEC) and the new Education Workforce Council (EWC) could add further fragmentation to the children's services workforce. Whilst there is an attraction in having one workforce council to recognise the range of workers in the "education family", alternative ways of bringing the Community Learning and Development (CLD) Council etc. into the fold should be considered rather than establishing a new council.*

### **Question 21**

**Which education professionals should be subject to mandatory registration with the proposed Education Workforce Council for Scotland?**

*All educational professionals. However, the Education Workforce Council would require to have the in-depth knowledge of each professional body to ensure robust and rigorous approach to registration and continued review of registration.*

### **Question 22**

**Should the Education Workforce Council for Scotland be required to consult on the fees it charges for registration?**

*Yes fees should be set after clear discussion and clarity around the use of fees and what is required by the Education Workforce of the parent body.*

### **Question 23**

**Which principles should be used in the design of the governance arrangements for the proposed Education Workforce Council for Scotland?**

*Governance needs to be clear and to involve each of the agencies, providing a coherent approach to the role of the Education Workforce and how it will enhance improvement in Scottish Education.*

### **Question 24**

**By what name should the proposed Education Workforce Council for Scotland be known?**

*Education Professional Workforce Council*

### **Additional comments**

- 1. It is concerning that the consultation document on the Bill provides very little detail on each of the main 5 areas. There appears to be a lack of understanding of the current system and what is actually happening for young people and families in schools and children's services. There does seem to be a proposed separation of schools and children services which would be*

*detrimental to the closing the gap agenda and to have a holistic approach to improving life chances for our children.*

- 2. Transparent processes are already in place for financial accountability and reporting at school and local authority levels. Schools report regularly to their Parent Council bodies and in some cases to their Pupil Councils and at local authority level, there is full and transparent financial reporting in place which covers all budgets. Many Head Teachers already actively involved parents and young people in significant spending decisions at local school level and there are many good examples of this in relation to Pupil Equity Funding (PEF) monies which has been awarded directly to schools.*
- 3. Whilst there are a number of elements of the proposals which are a positive change for Scottish Education the costs associated with disestablishing the current statutory and regulatory provisions, including potential increased job-sizing cots for Head Teacher and the establishment of new bodies may run to several million pounds and in the current climate, this is not the best use of public resources.*

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**ARGYLL AND BUTE COUNCIL****COUNCIL****CHIEF EXECUTIVE****25 JANUARY 2018**

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**EDUCATION MANAGEMENT STRUCTURE**

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**1.0 EXECUTIVE SUMMARY**

- 1.1 Following the decision of the Acting Executive Director of Community Services to retire in April 2018, the purpose of this report is to consider the capacity of the senior management structure of the Education Service to support: a broad range of new legislative duties on education authorities; the expansion of service areas such as early learning and childcare; and to take forward service improvements in line with the action plan developed in conjunction with the inspection of the education functions of Argyll and Bute Council carried out by Education Scotland. Additionally the report invites the Council to establish an Appointments Panel to appoint to the posts of Head of Education.
- 1.2 There has been an imbalance in the scope and scale of remits with a single Head of Education to lead a service comprising 89 schools, 73 early years establishments, youth services, adult learning, educational psychology, quality improvement/ central service, additional support need services and a number of other services. This has been a recognised issue since the introduction of the single Head of Education model in 2010 and has increased in significance given the scale and pace of change in education in recent years and going forward.
- 1.3 Following the appointments of the former Executive Director of Community Services to the post of Chief Executive in May 2016, acting up arrangements were established on an interim basis to fill the post and the post of Head of Education. Over the next couple of years there will be an unprecedented level of change in the delivery of education services arising from the new Education Act, the Government's Education Delivery Plan and National Improvement Framework and the anticipated expansion of early learning and childcare to 1140 hours per annum. This will require strong, consistent leadership of the Council's largest service area.
- 1.4 The Scottish Government has also undertaken a review of education governance involving comprehensive national consultation on proposals over the last year. The recommendations arising from this review led to the establishment of Regional Improvement Collaboratives which, as reported to council, positions Argyll and Bute Council within the Northern Alliance territory.
- 1.5 It is recommended that the Council:
  - 1.5.1 Agrees the establishment of two Heads of Education posts (increased from the current single Head of Education post) to provide the necessary strategic management capacity to support a broad range of new

legislative duties on education authorities, the expansion of new statutory service areas and to take forward service improvements in line with the service improvement plan.

- 1.5.2 Agrees that the additional costs associated with the increase in the Head of Education posts be funded from the deletion of the Executive Director of Community Services post.
- 1.5.3 Notes that the Chief Executive will review the strategic management structure of the council over the period 2018-19 having regard to changes in council functions and structure and will bring forward a further report outlining a revised management structure.
- 1.5.4 Establishes an Appointment Panel of 7 Members to appoint to the posts of Head of Education.

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**ARGYLL AND BUTE COUNCIL**

**COUNCIL**

**CHIEF EXECUTIVE**

**25 JANUARY 2018**

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## **EDUCATION MANAGEMENT STRUCTURE**

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### **2.0 INTRODUCTION**

- 2.1 Following the decision of the Acting Executive Director of Community Services to retire in April 2018, the purpose of this report is to consider the capacity of the senior management structure of the Education Service to support: a broad range of new legislative duties on education authorities; the expansion of service areas such as early learning and childcare; and to take forward service improvements in line with the action plan developed in conjunction with the inspection of the education functions of Argyll and Bute Council carried out by Education Scotland. Additionally the report invites the Council to establish an Appointments Panel to appoint to the posts of Head of Education.

### **3.0 RECOMMENDATIONS**

It is recommended that the Council:

- 3.1 Agrees the establishment of two Heads of Education posts (increased from the current single Head of Education post) to provide the necessary strategic management capacity to support a broad range of new legislative duties on education authorities, the expansion of new statutory service areas and to take forward service improvements in line with the service improvement plan.
- 3.2 Agrees that the additional costs associated with the increase in the Head of Education posts be funded from the deletion of the Executive Director of Community Services post.
- 3.3 Notes that the Chief Executive will review the strategic management structure of the council over the period 2018-19 having regard to changes in council functions and structure and will bring forward a further report outlining a revised management structure.
- 3.4 Establishes an Appointment Panel of 7 Members to appoint to the posts of Head of Education.

### **4.0 DETAIL**

- 4.1 As the Council is aware, Cleland Sneddon was formerly the Executive Director of Community Services before taking up the post of Chief Executive in May 2016.

At the time, Anne Marie Knowles, the Head of Education was appointed into the Executive Director post in an acting capacity. Similarly Anne Paterson, Education Manager was appointed to the post of Head of Education in an acting capacity.

- 4.2 During 2016 the Deputy First Minister announced a national review of educational governance supported by a comprehensive national consultation involving a broad range of stakeholders. The recommendations arising from this review were significant and could have had significant implications for the management and governance of education services by local government. Ultimately the Government joined a joint steering group with representatives of the Convention of Scottish Local Authorities (CoSLA), the Society of Local Authority Chief Executive (SOLACE) and the Association of Directors of Education in Scotland (ADES). The Steering Group produced a proposal that gave effect to the Government's policy intent but which maintained the role of local authorities and their accountability for education services.
- 4.3 The recommendations arising from this review also led to the establishment of Regional Improvement Collaboratives which, as reported to council, positions Argyll and Bute Council within the Northern Alliance territory. The Collaboratives are led by a seconded Improvement Lead and are charged with the development of a Regional Improvement Plan and associated workforce plan for each collaborative territory by the end of January 2018.
- 4.4 The acting up arrangements for the Executive Director of Community Services and the Head of Education posts have remained in place pending clarity on the outcome of the review. Subsequently Mrs Knowles has advised the Council of her intention to retire from public service after 38 years on 5 April 2018.
- 4.5 In terms of the Council's Constitution, the Council has the power to establish a Panel to appoint, on behalf of the Council, the Chief Executive, Executive Directors and Heads of Service.
- 4.6 Community Services, largely comprising the Education Services, is the largest service area within the council in terms of budget, staffing and number of operational establishments. As a result of the decision to progress with the establishment of a Leisure and Cultural Trust, there were changes to the overall remit however the Education Service will remain by far the largest and will retain responsibility for early learning and childcare; primary, secondary and special schools education; youth learning services; adult learning; community development; educational psychology; etc. Areas of the service are also due to expand due to new statutory duties such as the expansion of early learning and childcare to 1140 hours per annum.
- 4.7 There are other substantial changes intimated by the Scottish Government over the next few years which will require strong, consistent leadership. These include addressing the requirements of the new Education Act (currently being consulted on), Developing Scotland's Young Workforce, the Government's Education Delivery Plan and National Improvement Framework and the associated standardised testing of pupils' development.

- 4.8 The Chief Executive has intimated that there are a number of changes to scope and remit of different services arising from national reviews, alternative service delivery methods (e.g. the Leisure and Cultural Trust); shared service arrangements; commissioning and partnerships; etc. which will require a review of the strategic management structure of the council.
- 4.9 A key issue that has been identified however is the imbalance in scope and scale of remits across the strategic management structure and in particular having a single Head of Education to lead a service comprising 89 schools, 73 early years establishments, youth services, adult learning, educational psychology, quality improvement/ central service, additional support need services and a number of other services. This has been a recognised issue since the introduction of the single Head of Education model in 2010 and has increased in significance given the scale and pace of change in education in recent years and going forward. In addition there are a wide range of partnership duties related to integrated children's services and child protection that require input from the Head of Education. Comparison with other education authorities with a similar size of establishment suggest Argyll and Bute is significantly under resourced at strategic management level for education services. The recent inspection of the education functions of Argyll and Bute Council highlighted the need strong leadership of improvement activity. Addressing this issue is a key element of the service improvement plan developed in conjunction with the inspection findings.
- 4.10 The consideration of this issue concludes that there is a need to address these points on imbalance and capacity and it is proposed to create a second Head of Education post. The responsibilities associated with the broad range of service areas noted above will be developed into the respective remits for the two posts prior to recruitment.
- 4.11 Consideration of options to define how these responsibilities are divided has been given with regard to cohesion of the curriculum, the developing changes in education legislation and collaborative work and relevant workload balance. There are positives and negatives in simply selecting a geographic split or a solely thematic split of responsibilities. Previous experience has illustrated the risk of area based models producing inconsistency, duplication and a loss of cohesion across the service. Similarly a fully thematic split with each remit having area wide responsibility for separate parts of the overall service can produce a similar lack of cohesion in the design and delivery of the curriculum, elements of duplication and create barriers to joint working.
- 4.12 To address the above concerns and to exploit the benefits of both approaches, the preferred model provides for thematic leadership with area line management responsibility. Whilst ensuring flexibility in the job descriptions to allow for future remit changes to reflect changes arising from the fast development Education legislation and guidance, the preferred model would be introduced as:

Head of Education (Learning and Teaching)

- Curriculum (2-18)
- Performance, Improvement and Collaboration

- Gaelic Education
- Leadership Development

Head of Education (Lifelong Learning and Support)

- Early Learning and Childcare
- Additional Support Needs
- Youth/Adult/ Developing Scotland Young Workforce
- Educational Psychological Services

The Heads of Education will have line management responsibility for two geographic areas covering clusters in Helensburgh and Lomond; Bute and Cowal; MAKI and OLI. The alignment of areas to postholders will be identified following appointment.

- 4.13 On an interim basis, Education Services will report to the Executive Director of Customer Services who has extensive experience in managing the service when in his previous role of Executive Director of Community Services.

The costs associated with the establishment of the second Head of Education post would be:

2018/19 (full year – assumed 2% pay award 2018/19, inclusive of on costs)

- £97, 220

These costs would be met from deleting the existing post of Executive Director of Community Services which generates a full year saving of £131,693 (inclusive of on costs). The net saving is therefore £34,473 which is proposed to contribute to the Regional Improvement activity undertaken by the Northern Alliance.

- 4.12 It is recommended that, in line with existing practice, panels of 7 Members be appointed to approve the short list, interview the short listed candidates and make an appointment to the posts of Head of Education.

## **5.0 CONCLUSION**

- 5.1 There is an unprecedented level of change anticipated in the delivery of education services over the next few years which will require consistent and strong leadership of the service. Interim management arrangements have been in place since the appointment of the current Chief Executive and need to move forward to a permanent appointment to address these challenges.

## **6.0 IMPLICATIONS**

- |               |  |
|---------------|--|
| 6.1 Policy    | The post is required to ensure that the Council's statutory obligations are met. |
| 6.2 Financial | The net effect of the proposals will produce a net saving of                     |

£34, 473 which is proposed to be directed to support the council's contribution to the work of the Northern Alliance on regional improvement activities.

6.3 Legal	None
6.4 HR	The Council's recruitment and selection procedures for Chief Officers will be adhered to.
6.5 Equalities	None
6.6 Risk	There are risks to the council highlighted in the inspection report of the education functions of Argyll and Bute Council in relation to the strategic management capacity of the education service and its capacity to lead improvement.
6.7 Customer Service	None

**Cleland Sneddon**  
**Chief Executive**

**Councillor Aileen Morton, Council Leader**

10 January 2018

**For further information contact:** Cleland Sneddon, Chief Executive, Tel 01546  
604350

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**ARGYLL AND BUTE COUNCIL****Argyll and Bute Special Council****DEVELOPMENT AND  
INFRASTRUCTURE SERVICES****25<sup>th</sup> January 2018**

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**Appointment to the West of Scotland Loan Fund Board and Business Loans  
Scotland Board**

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**1.0 INTRODUCTION**

- 1.1 The purpose of this report is to appoint an elected member to represent Argyll and Bute Council on the West of Scotland Loan Fund (WSLF) Board and the Business Loans Scotland (BLS) Board.

**2.0 RECOMMENDATIONS**

- 2.1 The Council is being invited to consider making one appointment for an elected member to sit on both the WSLF Board and the BLS Board.

**3.0 DETAILS**

- 3.1 Business Loans Scotland builds on the previous successful loan funds, the WSLF, the East of Scotland Investment Fund and the South of Scotland Loan Scheme. With the input of funds from local authorities<sup>1</sup> and supported by European Regional Development Fund finance, the aim of Business Loans Scotland is to substantially increase the supply of loan capital to new and existing, small and medium sized businesses across Scotland. This innovative public-private partnership fund aims to help accelerate the growth of businesses in Scotland, complementing other private and public sector forms of funding, creating valuable increase in SMEs.
- 3.2 For clarity the previous WSLF is currently inactive, with its staff seconded to BLS and remaining funds held (circa £157k for Argyll and Bute). The current position is that Argyll and Bute Council will “seek to transfer any WSLF surplus to the Council’s Economic Development department, or other appropriate body able to provide loans, for the purposes of promoting commerce by giving financial assistance by way of loans, donations or subscriptions, noting that this may require the unanimous approval of all WSLF Member Authorities”. (Source P&R Committee, March 2016).
- 3.3 Most local authorities are expected to nominate their WSLF Board Member as their BLS Board Member. The appointed Board member can appoint an officer proxy to attend Board meetings on their behalf (not less than forty eight hours prior to the start of the relevant meeting). A proxy will be able to vote, as appropriate, on issues that provide a decision at such meetings.

**4.0 CONCLUSION**

- 4.1 The Council is being asked to make an appointment to the WSLF Board and to the BLS Board.

- 4.2 The evolution of WSLF to BLS makes it appropriate for the council to appoint one representative for both boards.

## 5.0 IMPLICATIONS

- |     |                   |  |
|-----|-------------------|--|
| 5.1 | Policy            | Making a local authority loan fund available to businesses across Argyll and Bute will support the Council's overarching Economic Development Action Plan 2013-2018 objective of assisting more businesses to start-up and grow. Furthermore this will align with the Local Outcome Improvement Plan's Delivery Plans, in particular outcomes one and three. |
| 5.2 | Financial         | Travel and subsistence costs of an elected member attending WSLF and BLS Board meetings. Dial-in options are also made available.  |
| 5.3 | Legal             | None   |
| 5.4 | HR                | None   |
| 5.5 | Equalities        | None.  |
| 5.6 | Risk              | Ongoing vacancies pose a risk to effective elected member engagement in the actions discussed and decisions made by the WSLF and BLS Boards..  |
| 5.7 | Customer Services | None   |

**Pippa Milne, Executive Director of Development and Infrastructure  
Policy Lead, Cllr Aileen Morton**

**For further information contact:**

Ishabel Bremner, Economic Development Manager, tel: 01546 604375

Kate Fraser, Senior Development Officer, Business Gateway, tel: 01546 604550

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<sup>i</sup> Funding was not required from Argyll and Bute Council.

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**ARGYLL AND BUTE COUNCIL****SPECIAL COUNCIL MEETING****DEVELOPMENT AND  
INFRASTRUCTURE SERVICES****25<sup>th</sup> January 2018**

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**ARGYLL AND BUTE EMPLOYABILITY TEAM – EMPLOYABILITY FUND BID  
2018/19**

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**1.0 EXECUTIVE SUMMARY**

- 1.1 The purpose of this report is to seek approval from elected members for officers to submit a competitive bid to Skills Development Scotland for the delivery of the Employability Fund contract for the financial year 2018/19.

**Current Position**

- 1.2 Welfare to Work services were devolved to Scotland on the 1<sup>st</sup> April 2017. To manage this significant policy change from a UK to a Scottish level, the Scottish Government has treated this current financial year 2017/18 as a transition year. The major contracts for the 2017/18 period were the transition Work Able contract and the Employability Fund.
- 1.3 The Council's Employability Team has delivered the Employability Fund across Argyll and Bute on behalf of SDS for the final quarter of 2016/17 and is currently doing so for this financial year 2017/18, with some assistance with client delivery through the Council's Adult Learning and Literacies Service, which also hosts the Argyll and Bute Community Learning Scottish Qualifications Assessment (SQA) Centre.
- 1.4 The Policy and Resources Committee on 8<sup>th</sup> December 2017 approved the delivery of the Fair Start Scotland Contract by the Employability Team which has an indicative value of £866,150 (net of management fees) over the three-year lifetime of the contract (to commence on the 3<sup>rd</sup> April 2018 to the end of March 2021).
- 1.5 The workload for the Employability Team is quite substantial for the five remaining staff in the team. This includes the new Fair Start Scotland contract, the ongoing delivery of the Work Able contract with current referrals until March 2019, Employability Fund provision with current referrals until the end of 2018 and the ongoing opportunity to receive one-off/ad hoc employability service provision, within short timescales, through the new demand led Dynamic Purchasing System adopted by the Department for Work and Pensions (DWP).
- 1.6 It should be noted that the value of all employability related contracts, including the Employability Fund, are dependent on indicative referral

numbers being achieved. There is concern that if bids are not made to ongoing yearly contracts, such as the Employability Fund, then the Employability Team will be reliant solely on the income from Fair Start Scotland referrals and delivery. Successfully bidding for other contracts (subject to a viability assessment) would dilute the risk of relying on a single source of income.

- 1.7 The Council has the opportunity to submit a competitive bid to Skills Development Scotland for the delivery of the Employability Fund contract for the financial year 2018/19.
- 1.8 The deadline for the submission of the Employability Fund bid was 24<sup>th</sup> January 2018. Officers have submitted a bid subject to approval by the Council.
- 1.9 Members are asked to:
  - Approve that the Employability Team's competitive bid to deliver the Employability Fund during 2018/19 can go forward to be assessed by Skills Development Scotland.
  - Note that if overall referral numbers increase to a level that is beyond the capacity of the current team it may be necessary to recruit additional staff to manage the workload adhering to the Council's existing recruitment procedures and processes. This will only be done if sufficient income is being generated through the delivery of the Employability Fund and other current contracts.
  - Note that financial performance of the contract will be reported on a quarterly basis to the Council's Strategic Management Team (SMT) and by exception to members.

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**ARGYLL AND BUTE COUNCIL**

**SPECIAL COUNCIL MEETING**

**DEVELOPMENT AND  
INFRASTRUCTURE SERVICES**

**25<sup>th</sup> January 2018**

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**ARGYLL AND BUTE EMPLOYABILITY TEAM – EMPLOYABILITY FUND BID  
2018/19**

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## **2.0 INTRODUCTION**

2.1 The purpose of this report is to seek approval from elected members for officers to submit a competitive bid to Skills Development Scotland for the delivery of the Employability Fund contract for the financial year 2018/19.

## **3.0 RECOMMENDATIONS**

3.1 Members are asked to:

- Approve that the Employability Team's competitive bid to deliver the Employability Fund during 2018/19 can go forward to be assessed by Skills Development Scotland.
- Note that if overall referral numbers increase to a level that is beyond the capacity of the current team it may be necessary to recruit additional staff to manage the workload adhering to the Council's existing recruitment procedures and processes. This will only be done if sufficient income is being generated through the delivery of the Employability Fund and other current contracts.
- Note that financial performance of the contract will be reported on a quarterly basis to the Council's Strategic Management Team (SMT) and by exception to members.

## **4.0 DETAIL**

4.1 The overarching remit for the Council's Employability Team is to assist long term unemployed people into sustainable employment. Since the service's inception in 1999, the team has developed a preventative approach to employment support for the most vulnerable individuals across Argyll and Bute and has enabled cost savings elsewhere, particularly on health issues, given the significant correlations between unemployment, low income and health outcomes.

4.2 Over the last three years (since April 2014 to date) the Employability Team has supported 266 individuals into work.

4.3 The Council's Employability Team has delivered the Employability Fund contract across Argyll and Bute on behalf of Skills Development

Scotland for the final quarter of 2016/17 and is currently doing so for this financial year 2017/18, with some assistance with client delivery through the Council's Adult Learning and Literacies Service, which also hosts the Argyll and Bute Community Learning Scottish Qualifications Assessment (SQA) Centre.

- 4.4 The workload for the Employability Team is quite substantial for the five remaining staff in the team. This includes the new Fair Start Scotland contract, the ongoing delivery of the Work Able contract with current referrals until March 2019, Employability Fund provision with current referrals until the end of 2018 and the ongoing opportunity to receive one-off/ad hoc employability service provision, within short timescales, through the new demand led Dynamic Purchasing System adopted by the Department for Work and Pensions (DWP).
- 4.5 It should be noted that the value of all employability related contracts, including the Employability Fund, are dependent on indicative referral numbers being achieved. There is concern that if bids are not made to ongoing yearly contracts, such as the Employability Fund, then the Employability Team will be reliant solely on the income from Fair Start Scotland referrals and delivery. Successfully bidding for other contracts (subject to a viability assessment) would dilute the risk of relying on a single source of income.
- 4.6 The Council has the opportunity to submit a competitive bid to Skills Development Scotland (SDS) for the delivery of the Employability Fund contract for the financial year 2018/19. SDS administers and manages the Employability Fund on behalf of the Scottish Government. It supports the Youth Employment Strategy by working with employers to understand their skills needs, helping them find and train the right individuals. The Fund can be used to support people to develop the employability and vocational skills they need to make the transition into sustainable employment.
- 4.7 The deadline for the submission of the Employability Fund was 24<sup>th</sup> January 2018. Officers have submitted a bid subject to approval by the Council.
- 4.8 The total allocation of referrals for the Argyll and Bute area that delivery agents/providers can bid for under the Employability Fund, 2018/19 is 103. **Table 1** below shows the breakdown of this allocation by age and stage.

Age	Stage 2	Stage 3	Stage 4	Total
16-17	28	30	-	58
18+	19	19	7	45
Total	47	49	7	103
Allocation as a % of total Argyll and Bute allocation	46%	48%	7%	

Source: SDS, Information for Bidders, 2018/19.

- 4.9 For the current financial year, 2017/18, the Council's Employability Team bid for the full allocation of 99 referrals under Stages 2 and 3 (44 under Stage 2 and 55 under Stage 3) and through the competitive bidding process secured 41 Stage 2 and 30 Stage 3 referrals across the whole of the Argyll and Bute Council area. If a similar number of referrals were secured for 2018/19, this could generate approximately £54k of income for the Employability Team, circa 40% of the current annual wage bill of £142k. However, for the 2018/19 bid, the number of anticipated referrals will focus on the Mid Argyll, Kintyre and the Islands and the Bute and Cowal administrative areas, reflecting available resources to deliver the contract. The income generation would then be less. **Please note, the figures quoted are rough estimates at this time.**
- 4.10 The workload of the team depends on the number of referrals. Staff workloads will be monitored closely by management. If overall referral number increase to a level that is beyond the capacity of the current team it may be necessary to recruit additional staff to manage the workload. If sufficient income is being generated through the delivery of the Employability Fund and other current contracts then an operational decision will be made to employ additional staff, with detailed input from Strategic Finance.

## Risks

- 4.11 **Table 2** below outlines the risks associated with the delivery of the Employability Fund and how these will be addressed. A value score of between 1-5 has been deemed as low risk (green); a value score of between 6-12 represents medium risk (amber) and a value score of between 15-25 has been deemed as high risk (red).

Table 2: Risks Associated with Employability Fund Provision				
Service Provision Risks				
Description	Prob	Impact	Value	Action to mitigate risks
Approval for the Council's Employability Team to bid to gain Employability Fund provision for 2018/19 is not given.	2	5	10	<p>Apart from greater provider competition in the Helensburgh and Lomond and Oban, Lorn and the Isles administrative areas, there are no other providers that can cover the rest of the Argyll and Bute area for all stages of the Employability Fund, in particular Stage 2.</p> <p>Non-approval would create a gap in provision which would need to be addressed by SDS.</p> <p>Approval would enable the Employability Team to deliver the service provision through the Employability Fund to vulnerable residents in the other communities across Argyll and Bute.</p>

<b>Table 2: Risks Associated with Employability Fund Provision (continued)</b>				
<b>Financial Risks</b>				
<b>Description</b>	<b>Prob</b>	<b>Impact</b>	<b>Value</b>	<b>Action to mitigate risks</b>
Employability service provision – costs of delivery outweigh the income generated.	1	5	5	The funding models are based on an on-costs approach where payments are made for programme starts rather than an outcome based model associated with initiatives such as the former DWP Work Programme.
Council spends money which it cannot reclaim from main provider due to non-compliance with financial record keeping.	1	4	4	With direct input from Strategic Finance, robust systems will be put in place to monitor spend and claims to the main provider, to ensure compliance with programme rules.
<b>Operational Risks</b>				
<b>Description</b>	<b>Prob</b>	<b>Impact</b>	<b>Value</b>	<b>Action to mitigate risks</b>
Inappropriate referral	1	5	5	This would add a time pressure on achieving the full number of referrals. A quick turnaround from referral to induction will mitigate the effects of this and allow for a quick replacement candidate.
Staff capacity issues	2	4	8	Staff workloads will be monitored closely by management. If sufficient income is being generated through the delivery of the Employability Fund and other current contracts then an operational decision will be made to employ additional staff, with detailed input from Strategic Finance.

## 5.0 CONCLUSION

5.1 This report provides elected members with a short overview of anticipated the Employability Fund provision across Argyll and Bute during 2018/19 and the opportunity for the Employability Team to bid to deliver Employability Fund support services to vulnerable individuals across the communities of Argyll and Bute. In addition, the report notes that additional staff to be recruited to manage the Employability Team workload providing there is adequate income to cover staff costs.

## 6.0 IMPLICATIONS

6.1 Policy The current and proposed employability service provision fits and contributes to *Outcome 3: Education, skills and training maximises opportunities for all* and *Outcome 5: People live active, healthier and independent lives* within the Local Outcome Improvement Plan.

6.2	Financial	The funding model has a payment structure which includes upfront customer start costs appropriate for a rural area.
6.3	Legal	All appropriate legal implications will be taken into consideration.
6.4	HR	Recruitment of additional staff may be required subject to referral numbers and if income generated allows.
6.5	Equalities	Delivery of the Employability Fund contract will comply with all Equal Opportunities policies and obligations.
6.6	Risk	See <b>Table 2</b> in the main report.
6.7	Customer Services	None.

**Pippa Milne, Executive Director of Development and Infrastructure**  
**Cllr Aileen Morton, Policy Lead for Sustainable Economic Growth (Economic**  
11<sup>th</sup> January 2018

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