

**PROVISIONS OF THE EDUCATION (SCOTLAND) BILL**

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**1.0 EXECUTIVE SUMMARY**

1.1 The Scottish Government launched The Education (Scotland) Bill on 23<sup>rd</sup> March 2015. The Education (Scotland) Bill contains provisions to:

- Narrow the attainment gap faced by those children from low income households
- Enhance children's rights by extending the rights of children aged 12+ with capacity under the Additional Support for Learning Act 2004
- Promote Gaelic education by placing a duty on councils both to assess the need for Gaelic medium primary education following a parental request and to actively promote and support Gaelic learning and teaching in schools
- Ensure that all teachers in Scottish schools are appropriately trained and qualified by requiring all teaching staff within independent and grant aided schools to be registered with the General Teaching Council in Scotland
- Improve the process, under section 70 of the 1980 Education Act, for dealing with complaints about councils and schools failing in their education duties, and
- Ensure senior managers within councils have the necessary qualifications and experience by providing for the creation of a Chief Education Officer post.

1.2 The Bill presents both a possible financial and resourcing risk to the Council arising from introducing a duty to assess the need for Gaelic medium primary education following a parental request and introducing new provision.

1.3 The recommendation in the report is that the Community Services Committee notes the provisions being placed on education authorities from the Education (Scotland) Bill.

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**2.0 INTRODUCTION**

2.1 The purpose of this report is to provide the Community Services Committee with information on the provisions of the Education (Scotland) Bill.

**3.0 RECOMMENDATIONS**

3.1 It is recommended that the Community Services Committee:

- a) Note the provisions being placed on education authorities from the Education (Scotland) Bill.

**4.0 DETAIL**

4.1 The Education (Scotland) Bill launched on 23<sup>rd</sup> March 2015 will place a statutory duty on councils to narrow the 'attainment' gap in Scottish schools. The bill makes suggested changes to the law which aims to narrow the attainment gap faced by those children from low income households. Narrowing that gap is key to delivering the Scottish Government's commitment to building a fairer Scotland and tackling inequality.

4.2 The Bill introduces new laws for Scottish Ministers and Councils to plan and deliver education services in a way which is designed to narrow the attainment gap. It requires Councils to consult parents, children, schools and other partners when taking decisions about how to do this and it requires Scottish Ministers and Councils to report on progress every two years. Those progress reports will form part of a new National Improvement Framework, which will measure progress and deliver improvements throughout the education system.

4.3 The Scottish Government are looking to strengthen Gaelic in Scotland. The Bill gives parents of pre-school aged children the right to request Gaelic medium primary education. Local authorities will assess the need for Gaelic medium primary education following a parental request. In addition, local authorities will promote and support Gaelic Medium Education and Gaelic Learner Education.

4.4 The Bill proposes local authorities appoint a Chief Education Officer who will provide professional advice on the provision of education services. Education services may need to consider their structure in order to accommodate this post. The person appointed will need to have suitable experience and qualifications.

- 4.5 The Bill also includes improvements to the process for dealing with education complaints. Currently under section 70 of the Education (Scotland) Act 1980, any interested party can make a complaint to Scottish Ministers that the Council has failed to carry out a legal duty. The Bill introduces improvements to the current process for how section 70 complaints are handled.
- 4.6 The introduction of the Bill coincides with the announcement of an additional £1m funding for councils to purchase textbooks and other resources to support the delivery of Curriculum for Excellence. It is hoped that the money will enable councils to support schools as they move into the final phase of the introduction of the new qualifications, including help with the purchase of textbooks for the new Highers.
- 4.7 The Bill is currently in stage 1 of the parliamentary process and will be considered by the Education and Culture Committee.
- 4.8 The financial memorandum accompanying the bill states that there is an expectation that there will be a cost to local authorities specifically in meeting the new duty to promote Gaelic Medium Education (GME). The Council's total cost of Gaelic Medium Education is £615k. This is funded by the Gaelic Specific Education grant from Scottish Government of £370k plus £245k from the Council. The Council's contribution to this budget currently exceeds the 25% match funding contribution that local authorities are expected to cover the Scottish Government grant. Signifying a considerable investment by the Council in Gaelic education in Argyll and Bute.

#### Key issues

- 4.9 The Bill potentially presents financial risk to the Council arising from the potential for additional demand for GME across Argyll and Bute. The Council currently has 6 Gaelic Medium Units, which also have pre 5 provision, these being Bowmore, Salen, Rockfield, Tiree, Sandbank and Strath of Appin. There is currently some spare capacity within these establishments to meet any additional demand arising from parental requests.
- 4.10 However, we do not currently have provision across the whole of the Council area and there would be significant challenge to provide GME if requests were to come from Mid Argyll, Kintyre, Helensburgh and Lomond and some of our smaller islands. If there was a significant increase in demand requiring additional GME units the Council would be required to fully fund the revenue costs plus 25% of any capital costs should we be successful in accessing the Gaelic Schools Capital Fund. If a school building has sufficient capacity to accommodate a new Gaelic Department the capital costs would be minimal. If a new classroom was required these costs could become significant.
- 4.11 Recruitment of Gaelic teachers has historically and continues to be a challenge for the Council. Specific schemes such as Gaelic Immersion for Teachers provided by Strathclyde University and the inclusion of Gaelic places in the post graduate diploma in education provided by the Argyll College UHI partnership should enable us to grow our own and will begin to address some of these

recruitment challenges.

- 4.12 A significant impact in Argyll and Bute could be on transport costs, particularly if a pupil requests attendance at their local GME provision which is not their catchment school. This would be highly dependent on the specifics of the situation.
- 4.13 We need also to be mindful of the sensitivities when considering introducing GME into some of our smallest rural schools. Some existing school rolls are very small and to split pupils into two cohorts English and Gaelic may have impact on the learning for both groups and impact on the wider community. In addition the requirement for additional teaching staff would have financial implications for the authority.

## **5.0 CONCLUSION**

- 5.1 The Education (Scotland) Bill was launched on 23<sup>rd</sup> March 2015. If all recommendations are fully enacted it will place a statutory duty on councils to narrow the 'attainment' gap and contains a number of provisions for councils including the promotion of Gaelic education, improvements to the process for dealing with education complaints and the introduction of a Chief Education Officer post.
- 5.2 The Bill assumes that increased promotion of Gaelic Medium Education has the potential to create additional demand and in turn make GME more efficient, therefore delivering value for money. In Argyll and Bute our geography and the challenges this brings will more likely lead to increased provision and increased cost.

## **6.0 IMPLICATIONS**

- 6.1 Policy – Policies will require to be developed by the Education service to clarify the procedure and processes for parental requests and how they will be considered and implemented by the authority.
- 6.2 Financial – There is a degree of financial risk which is difficult to quantify but could lead to increased provision and therefore increased resource costs.
- 6.3 Legal – There are legal risks to the Council arising from any failures to fully comply with the Act.
- 6.4 HR – None.
- 6.5 Equalities – Compliance with the Act helps ensure children and young people have an equality of access to education services.
- 6.6 Risk – There are financial, legal and reputational risks to the Council arising from any failures to full comply with the Act.
- 6.7 Customer Service - None

**Cleland Sneddon**  
**Executive Director of Community Services**  
**7<sup>th</sup> May 2015**

**Cllr Rory Colville - Policy Lead Education and Lifelong Learning**

**For further information contact:**

Helen MacLeod, Executive Support Officer, [helen.macleod3@argyll-bute.gov.uk](mailto:helen.macleod3@argyll-bute.gov.uk) or  
telephone: 01546 604127.