

# Education, Children and Families Committee

10.00am, Tuesday, 23 January 2024

## Response to the Consultation on the Provisions of the Education Bill

Executive/routine  
Wards  
Council Commitments

### 1. Recommendations

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- 1.1 The Education, Children and Families Committee is asked to:
  - 1.1.1 Approve the City of Edinburgh Council officers' response to the Consultation on the Provisions of the Education Bill

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# Report

## Response to the Consultation on the Provisions of the Education Bill

### 2. Executive Summary

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- 2.1 This report provides the City of Edinburgh response by officers to the Consultation on the Provisions of the Education Bill. This response broadly agrees with the recommendations of Professor Muir and Professor Hayward in their respective reports.

### 3. Background

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- 3.1 In 2020, Scottish Ministers commissioned a review by the Organisation for Economic Co-operation and Development (OECD), to help better understand how the Curriculum for Excellence (CfE) is being designed and implemented in schools in Scotland, and to identify areas for improvement. The report was published in June 2021 and was then followed by the Muir report 'Putting Learners at the Centre: Towards a Future Vision for Scottish Education' (2022). Two further reports were published in June 2023, Withers (Skills Delivery Landscape Review) and Hayward (It's Our Future: Report of the Independent Review of Qualifications and Assessment). A National Discussion on Education was also undertaken, facilitated by Professors Alma Harris and Carol Campbell, generating over 5,000 submissions.
- 3.2 These reviews, reports and submissions provide the direction for system wide education reform.

### 4. Main report

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- 4.1 Consultation is an essential part of the policy-making process. It gives The Scottish Government the opportunity to consider a range of opinions and expertise on a proposed area of work.
- 4.2 The Scottish Government believe that the case for reform of Scotland's approach to, and support for, education and skills is clear. The Scottish Government is working with partners to deliver system-wide change to ensure we improve education outcomes in Scotland. The establishment of a new qualifications body

and the introduction of a new approach to inspection are key to enabling this system-wide change.

- 4.3 Aligning assessment and qualifications in the Senior Phase to the ambitions of A Curriculum for Excellence (CfE) is a key recommendation from the OECD report from 2021.
- 4.4 The proposals for education reform are set out in the paper 'Consultation on the Provisions of the Education Bill' and are the foundations for the proposed system wide change.
- 4.5 This paper contains consultation questions, the City of Edinburgh draft response to this consultation can be found in appendix 1.

## **5. Next Steps**

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- 5.1 The City of Edinburgh response to this consultation has been submitted subject to committee approval. The next steps will be continued engagement with all stakeholders in the agreement and implementation of future proposals.

## **6. Financial impact**

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- 6.1 There are no financial implications contained in this report.

## **7. Equality and Poverty Impact**

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- 7.1 Ensuring equality and removing the impact of poverty are embedded in the case for education reform and feature in all of the reports and in the response from The City of Edinburgh.

## **8. Climate and Nature Emergency Implications**

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- 8.1 A commitment to sustainable practice and actions related to climate change feature in the response from The City of Edinburgh to the Consultation on the Provisions of the Education Bill.

## **9. Risk, policy, compliance, governance and community impact**

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- 9.1 The next steps will be continued engagement with all stakeholders in the agreement and implementation of future proposals.
- 9.2 Any future implementation will be risk managed in line with Council policy.

## **10. Background reading/external references**

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- 10.1 [A Consultation on the provisions of the Education Bill \(www.gov.scot\)](http://www.gov.scot)

- 10.2 [Supporting documents - It's Our Future - Independent Review of Qualifications and Assessment: report - gov.scot \(www.gov.scot\)](#)
- 10.3 [Supporting documents - Putting Learners at the Centre: Towards a Future Vision for Scottish Education - gov.scot \(www.gov.scot\)](#)
- 10.4 [Supporting documents - Fit for the Future: developing a post-school learning system to fuel economic transformation - gov.scot \(www.gov.scot\)](#)
- 10.5 [Upper-secondary education student assessment in Scotland : A comparative perspective | OECD Education Working Papers | OECD iLibrary \(oecd-ilibrary.org\)](#)
- 10.6 [Curriculum for Excellence: Scottish Government response to OECD Review - gov.scot \(www.gov.scot\)](#)

## **11. Appendices**

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- 11.1 Appendix 1 Response to the Consultation on the Provisions of the Education Bill

# Appendix 1: Response to the Consultation on the Provisions of the Education Bill

**What changes should we consider in terms of how qualifications are developed and delivered that you think would improve outcomes for Scotland's pupils and students?**

In 2020 Scotland invited the OECD to assess the implementation of Curriculum for Excellence (CfE) and report on progress since 2015. A key recommendation from this report was that we should focus on

“adapting the pedagogical and assessment practices and the structure of the learning pathways in the Senior Phase to enhance learners’ experience of the upper secondary education and help them develop CfE’s four capacities continuously”

The report was clear that the current Senior Phase did not match the vision of CfE. It goes on to say

“Scotland needs to create more coherence and alignment within the Senior Phase, between the curricular vision, learning goals, pedagogy and assessment approaches. It should consider reviewing the coherence of CfE enactment for learners aged 15 to 18 years, as the qualifications focus the attention on “traditional” exam- and memory-based assessment and limit the wider purpose and scope of CfE.”

The report recommends exploring more flexible and formative approaches to assessment including portfolio approaches, continuous assessment and strengthening the role of teacher judgement with clear moderation. In a comment that predates the current debate around the role of AI the report recommends more use of digital opportunities for feedback and next steps.

In 2021 the OECD commissioned Professor Gordon Stobart to produce a paper comparing Scotland’s Senior Phase to other international systems. Stobart commented on Scotland’s cultural obsession with exams, the assessment burden on our learners and the need to broaden our approach to be more innovative to capture a wider range of student capabilities including the integration of vocational qualifications. No other system out with the UK has exams in S4, S5 and S6.

The 2022 the Nation Discussion facilitated by Professors Alma Harris and Carol Campbell generated over 5000 submissions and highlighted the need to cultivate a love and joy of learning, shift from an age and stage approach to much more flexible and responsive pathways that reflect each young person’s interests, aptitudes and ability and the need for a broader range of qualifications.

In these reports and through the wide consultation we have a consensus emerging that there is a need for change, that the current system of assessment and qualifications is over reliant on high stakes examinations that assess a very narrow aspect of the totality of

student achievement and does not capture the development of the four capacities in a way personal to each learner.

In response to this Professor Louise Hayward conducted a wide ranging and thorough review and detailed very specific issues with our current system and offered strategic direction through recommendations for a new Scottish Diploma of achievement. The current systems of assessment and qualifications she argues

- Focuses solely on individual subjects with little awareness of skills within qualifications
- Examinations in each year generates a 'two term dash' with time wasted constantly rehearsing for and then sitting exams
- Approaches to qualifications commonly formulaic – learners are taught to answer in formulaic ways to align with very prescriptive marking schemes
- There is little progression between National 4 and 5 and the vocation suite of qualifications not regarded with equal value or well-integrated consistently across our schools.

Hayward's response to this detailed in "It's Our Future: Report on the Integrated Review of Qualifications and Assessment" sets out broad ideas for a Scottish Certificate of Achievement (SDA). The SDA is in three parts

**Programmes of Learning** – Subject study remains; there will not be exams for courses in SCQF levels 1-5. A learner sitting Highers would not need to sit a National 5 exam at the end of S4, time is not wasted sitting large exam diets or indeed rehearsing for them, it would be a two year courses with a range of ongoing formative assessment. Credit would be given for learners who leave before sitting the exams as part of a leaver certificate.

**Project Learning** – Use learning to tackle a global or local challenge to develop knowledge, understanding and skills. This would be graded using SCQF levels 1-7.

**Personal Pathway** – This is digital portfolio of skills and achievements that could be shared with employers, colleges and or universities. It would replace personal statements and would be designed to capture a totality of achievement throughout the four capacities.

### **City Of Edinburgh Council's Response**

We (officers) think that Assessment approaches in a 3-18 curriculum should aim to capture attainment and, as far as practicable, achievement across the four capacities. Children and young people should have agency in their learning journey, carefully stewarded by educators. They should be able to articulate their progress in becoming successful learners, confident individuals, effective contributors, and responsible citizens, exhibiting personal responsibility rather than mere compliance. The introduction of Project Learning and Personal Pathway is a considered and practical approach to achieving this. Any implementation must consider how we ensure that these aspects of the SDA have real currency and status.

## **Project Learning**

Project Learning has the potential to empower and motivate our learners around issues that are meaningful to them. The examples of contexts for project learning often quoted are social justice, particularly around equalities and climate justice. We believe that the production and implementation of projects in these contexts have the potential to build collaboration and sustainable learning communities and networks. We feel that the current seismic health inequalities should also feature in any project learning. The development of contexts, resources and experiences within project learning must be created by teams in partnership with health bodies, industry and third sector organisations. We should empower all stakeholders in our system in order to co-create contexts for project learning where learners can lead and shape their own learning. The need for learning contingent to local contexts should be considered against teacher workload and the Impact of everyone 'reinventing the wheel'. There must be central moderation and rigorous assessment to ensure quality and status of this aspect of the SDA across our society.

## **Personal Pathway**

Children and young people should have agency in their learning journey, carefully stewarded by educators. They should be able to articulate their progress in becoming successful learners, confident individuals, effective contributors, and responsible citizens, exhibiting personal responsibility rather than mere compliance. As digital tools and platforms will become ever more integral to our personal and working lives, more effort should be put into a national, coordinated response in which learners and teachers can share infrastructure and innovation. A nationally designed digital infrastructure should be developed to ensure that there is consistency in the implementation of the Personal Pathway. This should be done in partnership with colleges, universities and most importantly employer groups. A national focus on Wider Achievement and learners' ability to reflect on skills development through a broad range of experiences would enhance the quality of content in each learner's Personal Pathway. Future Wider Achievement provision should develop radical learning dispositions such as, enquiry, entrepreneurial approaches, enterprising attitudes to learning, adaptability, negotiating and communication, teamwork, resilience and so on. Equity of access to Wider Achievement opportunities should be a national priority.

## **Programmes of Learning**

We agree with Professor Hayward that in-depth study of individual areas of the curriculum, subjects and vocational, technical and professional qualifications, should remain a fundamental part of qualifications. A parity of esteem between academic and vocation pathways would be more achievable if all courses and programmes were labelled using the SCQF framework rather than the confusingly named range of awards that are not fully understood by learners, their families, employers and many education staff.

The new programmes of learning must align with learning in the Broad General Education with clear articulation and progression. Assessment data relating to CfE levels should give an indication of appropriate pathways in programmes of learning in a new Senior Phase.

We believe that steps should be taken to reduce the burden of examinations on our young people. Learning from the Alternative Certification Model and the use of a range of assessments to provide teacher judgement via demonstrated attainment should be used to reduce or remove the need for examinations in SCQF levels 1-5.

We think that examinations should be retained where they are an important part of the assessment methodology. We should not be training our learners to sit exams. We should review existing examinations to reduce susceptibility to question prediction and over-rehearsal.

We agree that there should be increased flexibility by modularising courses in Programmes of Learning. Programmes of Learning should be organised into modules to allow learners maximum flexibility to build credit as they progress through courses. It should be possible for modules from different types of award to be combined. This is particularly important when combining SQA awards with work based qualifications. For example, the Foundation Apprenticeships should be much more flexible and recognise a range of prior learning.

Programmes that involve school based learning and work based qualifications should be expanded and aligned to local economic development needs.

**How best can we ensure that the views of our teaching professionals are taken into account appropriately within the new qualifications body, and do these proposals enable this?**

There should be identified lead teacher networks across local authorities, RICs and at national level that feed into qualification design. Any qualification design should then be fully reviewed before implementation by focus groups of practitioners who will be teaching the qualifications. There should be a rolling programme of two year secondments to ensure staff with school experience are involved in the decision making in the new qualifications body. Staff training on qualification standards should be an entitlement and expectation for all teaching staff.

**How best can we ensure that the views of pupils, students and other learners are appropriately represented within the new qualifications body, and do these proposals enable this?**

Any engagement with learners needs to mean something, it must be connected to future action. Youth work partners across Scotland should facilitate youth led enquiry with learners who have experience of the Senior Phase. This youth led enquiry should consider the new proposals, moreover this approach should be in place in the longer term to inform progress with implementation and review gaps between intention and reality of any reform and crucially feed back into the planning cycle.

**How can we ensure qualifications being offered in Scotland are reliable, of a high standard and fit for purpose?**

We agree with Professor Hayward's recommendations relating to the new national qualifications body, particularly with the need to work in partnership with learners, teachers, policy and research communities.



“Develop a flexible modular approach to National Qualification courses to allow learners to build credit over time towards qualifications and to enable the system to respond with agility to the changing needs of individuals, society and the economy.” (Page 94 It’s Our Future)

This approach requires robust marking and rigorous external moderation through sampling to ensure confidence and consistency.

“Extend the range of assessment methods within National Qualifications and identify what other actions might be taken to reduce the potential for rote learning and enhance the learner experience.” (Page 94, It’s Our Future)

The new national qualifications body must engage with all stakeholders to ensure that their assessment methods are valid, they assess the skills and knowledge that is taught and not formulaic set piece answers. In addition, these courses and assessment methods should be culturally sensitive to the diverse range of learners in our country, this is particularly relevant in Social Subjects.

### **How do you think the qualifications body can best work with others across the education and skills system to deliver better outcomes for all?**

There should be a high level governance board with representation from the new qualifications body, the new curriculum body, the new inspectorate, ADES, unions, Connect and the Scottish Government. We should ensure that national and local policy makers and national agencies lead cultural change by example.

There are too many silos, the system should commit to integrated planning. The policy landscape should be simplified to ensure that all parties including children, young people and their families understand what the system as a whole is trying to deliver. We should develop a clear, coherent story of the wider reform.

### **Do you agree or disagree with the purposes set out? Is there anything in addition you would like to see included?**

Purposes of inspection The Scottish Government supports the following core purposes of inspection:

- To provide public accountability and assurance on the quality of education to learners, their parents/carers and the Scottish Parliament
- To support education providers, including schools, teachers and other practitioners to improve, through capacity building and sharing effective practice
- To share evidence about education and training to support services to improve and inform the development of education policy.

We broadly agree with these core purposes, however we would like to add the sharing of learning and effective practice in research from our universities and international partners.

**Do you agree or disagree with the priorities set out? Is there anything in addition that you would like to see inspection cover?**

Inspection Priorities as Identified in the Muir Report

- Ensure that children, young people, adult learners, parents/carers, teachers and other practitioners, as well as the public, have confidence in the work of the inspectorate of education.
- Ensure the involvement of teachers and other practitioners, children, pupils and students, parents / carers, local authorities and providers in inspections.
- Ensure inspection evidence is being fully utilised to: (a) provide assurance and public accountability; (b) drive improvement and build capacity; and (c) inform practice and policy.

In this response we have stated that high stakes assessment on a narrow set of performance measures does not fully capture the totality of learners' experiences across the four capacities, it leads to 'teaching to the test' and formulaic responses designed to maximise scoring as opposed to deep learning and growth. The same could be said for the inspection process, the key challenge is how we balance the need for assurance and accountability alongside supporting schools to own their improvement journey as part of a genuinely transformative process.

**Do you have a view on these options for establishing the new approach to inspection?**

In some responses to Professor Muir's consultation, concerns were expressed that having inspection and education development functions within the same body created potential conflicts of interest and could undermine the inspectorate's ability to perform its role well, including providing impartial comments on the impact of national guidance or programmes.

In its current set up there is a danger that the inspection process is not assessing the quality of provision but instead assessing the implementation of policies that have been written by its own organisation. This leaves Education Scotland open to criticism that it is inspecting compliance rather than quality.

The model of Collaborative Improvement that replaced local authority inspections where a team of Education Scotland, ADES and LA peers engage in a validated self-evaluation process that is ultimately written up by the authority that is the subject of the process is worth considering. Could the collective learning from this process inform future approaches to inspection? This is worth considering.

The use of associate assessors (often Headteachers and local authority officers) as part of inspection teams could be expanded to involve classroom teachers from local and national subject networks. This would further build improvement capacity in the system and communicate that inspection is a collaborative process focused on facilitating improvement.

There should be a review of the PRAISE framework and refreshed commitment not to leave a school in a poorer position following an inspection.