

ANGUS COUNCIL

EDUCATION COMMITTEE

6 JUNE 2000

SCHOOLS (SCOTLAND) CODE 1956

REPORT BY THE DIRECTOR OF EDUCATION

ABSTRACT

This report draws the Committee's attention to a Scottish Executive consultation paper on the future of the Schools (Scotland) Code 1956, and proposes a draft response to that consultation paper.

1 RECOMMENDATIONS

It is recommended that the Committee approves the terms of the enclosed response (Appendix) to the Scottish Executive consultation paper on the future of the Schools (Scotland) Code 1956.

2 BACKGROUND

- 2.1 On 3 April 2000, the Minister for Children and Education launched a consultation on the future of the Schools (Scotland) Code 1956. (A copy of the consultation paper is available for perusal in the Members' Lounge)
- 2.2 Comments on the consultation paper are sought by 30 June 2000.
- 2.3 The appendix to this report has been compiled as a draft response for the consideration of the Education Committee. The sheer volume of consultation exercises which have been launched in recent months has meant that no time has been available to enable staff consultation to take place on the contents of this draft response.

3 CONSULTATION

- 3.1 In accordance with the Standing Orders of the Council, this report has been the subject of consultation with the Chief Executive, the Director of Law & Administration and the Director of Finance.

Jim Anderson
Director of Education

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above report.

APPENDIX

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RESPONSE TO SEED CONSULTATION ON THE SCHOOLS (SCOTLAND) CODE 1956

1 Introduction

- 1.1 This Council welcomes the opportunity to comment on the future of the Schools (Scotland) Code 1956.
- 1.2 Even the most superficial examination of the Code reveals its lack of relevance to the present day. A closer examination should provide an object lesson to any over-enthusiastic Regulators in the Scottish Executive : Regulations of the type contained in the Code very quickly become dated and meaningless, and the desirability therefore of the Regulatory approach should be critically questioned.
- 1.3 There is a very strong argument which suggests that any detailed prescription of inputs as exemplified in the Code does not help schools and education authorities in the priority objective of raising standards. Such an approach effectively disempowers the very people whose creativity should be nurtured and developed, not stifled by excessively bureaucratic rules and regulations.
- 1.4 This Council supports the repeal of the Code in its entirety, and believes that any replacement set of Regulations would be wholly inappropriate.

2 People

- 2.1 *Question 1 - What role, if any, should there be for detailed central Regulations or guidance in determining staffing standards in schools?*
- 2.1.1 Section 1 of The Education (Scotland) Act 1980 requires an education authority to ensure the provision of "adequate and efficient education" for its area - thereby subsuming much of the unnecessarily detailed requirements of the Code.
- 2.1.2 What is important is the quality of the educational provision in a school, and no amount of prescriptive guidance on staffing levels can be of much assistance in guaranteeing this quality.
- 2.1.3 The pace of change in society (particularly the speed with which Information and Communications Technology - ICT - is changing the potential for new approaches to learning) makes it inevitable that detailed prescription on staffing levels will become obsolete very quickly.
- 2.1.4 Although it might be helpful for the Executive to provide a series of possible staffing models for schools of different sizes - principally to ensure there is a transparent link between central government funding and a Council's ability to deliver the quality of service needed - such models should be used purely for guidance, and no Regulations should be required.
- 2.2 *Question 2 - Do the Regulations of the Code unduly hamper the ability of local authorities to provide adequate and efficient education or to make innovative and flexible arrangements to suit local needs and circumstances?*
- 2.2.1 Yes. The very existence of Regulations of this type affects the way in which schools and education authorities view their responsibilities, and encourages an unhelpfully narrow outlook.
- 2.3 *Question 3 - Is it appropriate or necessary for Regulations to lay down requirements regarding clerical or other support staff for head teachers?*

- 2.3.1 Considerable efforts are currently being expended in addressing the recommendations contained in "Time for Teaching" (1999 HMI/Accounts Commission). These efforts are being informed by a Best Value mentality far removed from the simplistic staffing formulae which Regulations would certainly entail.
- 2.3.2 In these circumstances, and also in the context of previous comments in this response, this Council does not believe that Regulations for the levels of clerical/support staffing are either appropriate or necessary.

3 Class Sizes

- Question 4* Should the maximum for all primary stages be set in Regulations?
- Question 5* What Regulations, if any, should govern class sizes in secondary schools?
- Question 6* Is there any advantage in retaining the distinction between "practical" and other subjects in secondary schools?
- Question 7* Should class sizes for pupils with Special Educational Needs continue to be set in Regulations?
- Question 8* Should Regulations differentiate between different types and degrees of (Special Educational) need - if so, how?
- Question 9* How should the issue of mainstream classes be approached?
- Question 10* Should the maxima for composite classes be set in Regulations?
- Question 11* Should Regulations limit the number of stages that may be included in a particular composite class?

- 3.1 This response so far has strongly advocated the scrapping of Regulations, seeing them as unnecessarily restricted and bureaucratic.
- 3.2 Ideally a similar approach should be taken to Regulations on class sizes; however, it is recognised that class sizes can directly impact on the quality of education which can be provided. It is also recognised that the current Westminster government has a very specific manifesto commitment to reducing class sizes (to 30 pupils or less) in P1 to P3, and indeed has laid new Regulations before Parliament - in 1999 - to help to secure the delivery of this manifesto pledge.
- 3.3 It is also impossible to ignore the statutory framework into which parents and education authorities have been placed in terms of dealing with school placing requests. For as long as that statutory framework remains in its present form, an education authority will be forced to rely on some form of statutory rationale for limiting class sizes, in the event of legal challenges to the refusal of parental placing requests. This in turn suggests that some statutory support to maintain some class size maxima may be unavoidable (see 3.5 below).
- 3.4 Given that pupils with Special Educational Needs are increasingly having these needs catered for in mainstream schools, and given also the huge range of special needs, there would appear to be little merit in attempting to Regulate the maximum numbers of pupils in classes as they relate to pupils with Special Needs. The proposal to place a duty on education authorities to attempt to ensure that all children's potential is fully developed (as set out in the Standards in Scotland's Schools Bill currently being debated in the Scottish Parliament) seems to have much greater capacity for long-term benefit than would any Regulations on maximum class sizes.

3.5 Notwithstanding the general principle that Regulations should be avoided wherever possible, in all the circumstances there may be no alternative but to Regulate for maximum class sizes on the understanding that:

- the Regulations should be as simple and broadly based as possible (eg no class in a primary or secondary school should normally consist of more than 30 pupils)
- the need to take Health and Safety into account is recognised (eg any class undertaking practical activities involving equipment which may be dangerous if used without proper supervision should consist of no more than 20 pupils)

3.6 Further detailed Regulations on class sizes are not believed to be necessary.

4 Management Structures

Question 12 Should the type and level of promoted posts in schools continue to be the subject of Regulation, or should local authorities and schools be able to determine appropriate structures for their circumstances?

Question 13 What Regulation governing the requirement for head teachers is necessary, if any?

4.1 Although there may be some merit in a common nomenclature for promoted teaching posts being adopted by all education authorities this is not the same as arguing for that nomenclature to be the subject of Regulations.

4.2 As indicated above (paragraph 2.1.4), it might be helpful for the Executive to provide a series of possible staffing models (including model management structures) for schools of different sizes. The principal purpose of these models would be to assist in the process of determining an appropriate expenditure level for the education service, and doing so in as transparent a way as possible; such models, however, should be for guidance only and no Regulations are believed to be required.

5 Teacher Registration and Teacher Qualifications

Question 14 What arrangements would allow for flexibility in delivery of courses and staff deployment while ensuring that standards are maintained?

Question 15 Should Regulations, as well as requiring teachers to be registered with the GTC, specify which teaching qualifications are required for working in different sectors?

Question 16 Should the definition of "appropriate teaching qualification (secondary education)" be relaxed to make it easier for teachers to teach outside the subjects in which they are formally qualified?

5.1 These are fundamentally important questions for the future of the Scottish education service. The need for a General Teaching Council is accepted and supported, but it is vital that the GTC is empowered and encouraged to become more attuned to the primacy of pedagogical skills and abilities (gained by experience and continuing professional development (CPD)) over academic qualifications (gained by many teachers prior to having any teaching experience whatsoever).

- 5.2 The Scottish education service is fortunate to be served by many extremely talented teachers; one key strand in delivering a comprehensive CPD programme for the teaching profession should be to open up opportunities to share and extend best practice. Unfortunately the current exceptionally rigid system makes this unnecessarily difficult : the primary teacher who is interested in the future development of her Primary 7 class is “not qualified” to teach these same children once they enrol in secondary school; similarly, the secondary subject specialist eager to be more aware of the experience his new S1 pupils have had prior to S1 is “not qualified” to teach a P7 class and - worse still - that same subject specialist is most probably “not qualified” to teach his S1 pupils in any other subject but “his own.” The fragmentation of the delivery of the secondary curriculum created by this quite unnecessary rigidity is at the heart of growing concerns about the quality of education in S1/S2, concerns which are further exacerbated by persistent nagging doubts about curriculum continuity and progression from P7 to S1. To pigeon-hole talented and dedicated professionals in the current over-restrictive system cannot be in the best interests of the education service, and ways must be found to begin to break down the quite unnecessary barriers which have been erected - partially at least by the Code.
- 5.3 The academic requirements for provisional registration with the GTC should be reviewed to encourage more teachers to aspire to spend part of their teaching careers in different sectors, and also to encourage more secondary teachers to teach more than one subject.
- 5.4 Thereafter, as teachers gain experience, CPD opportunities should be created to encourage and support those teachers who are interested in extending their qualifications to enable them to teach in different sectors and/or in different subject areas.
- 5.5 If possible all the above should be accomplished with minimal reference to Regulations.

6 Special Educational Needs Qualifications

Question 17 Would the interests of children with special needs be best served by:

- *removing the detailed Regulations which now apply*
- *maintaining and modernising the existing Regulations*
- *extending the scope of the modernised Regulations to all staff working with children with special needs whether in special or mainstream settings*

Question 18 If the Regulations are relaxed, is there a class (or classes) of special needs for which specialist qualifications are of such importance that they should be the subject of specific Regulation?

- 6.1 The need for well qualified staff in all parts of the education service is absolutely paramount. However, it is highly questionable whether stipulating specific qualifications in Regulations will be of any long-term benefit in ensuring that all staff are appropriately qualified and that their professional expertise is constantly updated.
- 6.2 Notwithstanding the continuing need for specialist SEN qualifications, on balance this Council recommends that the existing Regulations should be removed and no replacement Regulations laid before Parliament.

7 Designation of Stages and Classes

Question 19 Is there a continuing need for these Regulations (which set out the terminology used to describe yearly stages of primary and secondary courses and classes - eg P1, S3, etc)

- 7.1 No

8 Conclusion

Question 20 If new Regulations are required, should they be embodied in a new single Code or as a series of separate, unrelated Regulations?

Question 21 Are there any areas of school/pre-school education not touched on in this paper where new Regulation is required?

8.1 It should be clear from the tenor of this response as a whole that it urges the Executive to resist the temptation to over-Regulate.

8.2 There are persuasive arguments for relying more heavily on guidelines than on Regulations - as a general principle. However, it is important also to recognise the long-term difficulties created when a number of unrelated matters are brought together under a set of Regulations such as the 1956 Code. One fairly superficial lesson to be learned from the lack of relevance of the 1956 Code to today's circumstances is that a single Code of this type is not an appropriate way to proceed. If Regulations are absolutely essential then specific Regulations should be made to cater for specific circumstances - on the clear understanding that a surfeit of Regulations does not then ensue.



JAA/CJ
May 2000

