



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Education, Children and Young People Committee

**Wednesday 25 September 2024**

**Session 6**



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**Wednesday 25 September 2024**

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**EDUCATION, CHILDREN AND YOUNG PEOPLE COMMITTEE**  
**24<sup>th</sup> Meeting 2024, Session 6**

**CONVENER**

\*Sue Webber (Lothian) (Con)

**DEPUTY CONVENER**

\*Evelyn Tweed (Stirling) (SNP)

**COMMITTEE MEMBERS**

\*George Adam (Paisley) (SNP)  
Stephanie Callaghan (Uddingston and Bellshill) (SNP)  
\*Pam Duncan-Glancy (Glasgow) (Lab)  
Ross Greer (West Scotland) (Green)  
\*Liam Kerr (North East Scotland) (Con)  
\*Bill Kidd (Glasgow Anniesland) (SNP)  
\*John Mason (Glasgow Shettleston) (Ind)  
\*Willie Rennie (North East Fife) (LD)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Jackie Dunbar (Aberdeen Donside) (SNP) (Committee Substitute)  
Laurence Findlay (Association of Directors of Education in Scotland)  
Gillian Hamilton (Education Scotland)  
Stuart Hunter (Scottish Secondary Teachers Association)  
Graham Hutton (School Leaders Scotland)  
Anne Keenan (Educational Institute of Scotland)  
Gillian Mackay (Central Scotland) (Green) (Committee Substitute)  
Janie McManus (Education Scotland)  
Fiona Robertson (Scottish Qualifications Authority)

**CLERK TO THE COMMITTEE**

Pauline McIntyre

**LOCATION**

The Robert Burns Room (CR1)



## Scottish Parliament

### Education, Children and Young People Committee

Wednesday 25 September 2024

[The Convener opened the meeting at 09:00]

#### Interests

**The Convener (Sue Webber):** Good morning, everyone, and welcome to the 24th meeting in 2024 of the Education, Children and Young People. How symmetrical.

We have apologies from Stephanie Callaghan and Ross Greer, so I welcome Jackie Dunbar and Gillian Mackay as substitute members. As it is the first time that Jackie and Gillian have attended our committee, the first item of business is members' interests, and I invite both members to declare any relevant interests.

**Jackie Dunbar (Aberdeen Donside) (SNP):** Thank you for the welcome, convener. I have no interests to declare.

**The Convener:** Thank you.

**Gillian Mackay (Central Scotland) (Green):** Thanks for having me. I have no relevant interests to declare.

**The Convener:** That makes it easy. Thank you very much.

## Petition

### Additional Support Needs (Funding) (PE1747)

09:00

**The Convener:** The next item on our agenda is consideration of petition PE1747, which is about adequate funding to support children with additional support needs in all Scottish schools. The committee had previously agreed to consider the issues raised in the petition as part of our work programme. During a subsequent discussion, the committee agreed to undertake an inquiry into additional support for learning, and we published our inquiry report in May this year. The Scottish Government responded to that report in July, and the committee will be holding a debate this afternoon on that subject, the report and its recommendations.

As members have no further comments to make about the petition, and given the work that the committee has already undertaken in this area, does the committee agree to close the petition?

**Members indicated agreement.**

**The Convener:** Thank you very much. That is super.

## Education (Scotland) Bill: Stage 1

09:01

**The Convener:** The next item on our agenda is an evidence session on the Education (Scotland) Bill at stage 1. Today, we will hear from two panels of witnesses. First, I welcome Gillian Hamilton, who is the chief executive of Education Scotland; Janie McManus, who is His Majesty's chief inspector of education for Scotland at Education Scotland; and Fiona Robertson, who is the chief executive of the Scottish Qualifications Authority. Good morning, ladies.

We have a lot to get through this morning, so we will move straight to questions from members, starting with Liam Kerr.

**Liam Kerr (North East Scotland) (Con):** Good morning. I will direct a question straight to Fiona Robertson. Concerns have been raised about the same actors being in the old and the new bodies, before and after reform. Several reports have highlighted that there were various fundamental issues with the SQA that required reform. Do you and, presumably, the management of the SQA accept all those characterisations and issues in their entirety, or are there any that went too far or were unfair?

**Fiona Robertson (Scottish Qualifications Authority):** Good morning, and thank you for inviting us to appear before the committee.

I am very happy to speak about the bill and issues in relation to reform, including the replacement of the SQA and the establishment of the qualifications Scotland body. I have read the responses to the committee's consultation on the bill, and I am happy to talk about the bill itself, as I said. The SQA has put on record its support for the bill, and, in particular, the proposals to ensure that learners and educators are at the heart of decision making in qualifications Scotland. That builds on the recent actions that we have taken to strengthen learner and educator engagement.

However, we have made it clear that the bill should be a catalyst for more far-reaching and fundamental reform. Change should not start and stop with the provisions in the bill, and, if it were to do so, a major opportunity would be lost.

Our forthcoming prospectus for change sets out an ambitious agenda for the transformation of the SQA into qualifications Scotland.

You mentioned staff. It is important that we include a commitment to staff to see through the changes ahead—

**Liam Kerr:** Forgive me for cutting across you, but I am sure that those issues will come out

during the evidence session. I asked whether the SQA specifically accepts in their entirety the criticisms that were levelled.

**Fiona Robertson:** I respect the views that have been provided to the committee, and the views that have been provided across a range of reviews of Scottish education.

**Liam Kerr:** We all respect the views, but I put it to you that that suggests that you disagree with some of the criticisms.

**Fiona Robertson:** It does not suggest that I disagree—I think that I highlighted that I respected the views. We seek views and engage with teachers and learners, and we are seeing the fruits of that engagement. The feedback that the committee received on the bill highlighted that the bill, in and of itself, does not go far enough and provides the scaffolding for further change. That is what I am seeking to set out to you today.

**Liam Kerr:** I will be asking you a direct question about that in two seconds, so I will just hold things there, if you do not mind.

How much involvement did you and the SQA have in drafting the bill, such that it is actually something that the SQA has worked on, given the criticisms that were made? After all, you will have the knowledge. Have you had input into the bill, or is it being drafted and imposed by the Government?

**Fiona Robertson:** We, alongside a range of stakeholders across Scottish education, have had the opportunity to provide advice, both formally and informally, to the Scottish Government in relation to the provisions in the bill. Obviously, its drafting is undertaken by the Scottish Government, but I am supportive of its provisions in relation to learner and educator engagement. As I have said, I think that, more formally, it provides the scaffolding for further work in this area.

**Liam Kerr:** I want to ask you a direct question about that, if you do not mind. You say that you are supportive of the learner provisions, but does that suggest that there are provisions that you are not supportive of? In answering that, can you tell us whether you think that the bill addresses all the criticisms that were levelled at the SQA, or is there anything missing or requiring amendment?

**Fiona Robertson:** The SQA's position, as provided to the committee, is that it is supportive of the bill. I listened to the evidence that was provided last week, and I think that, although the policy memorandum itself does not highlight issues in respect of the division of responsibility around accreditation, regulation and awarding, those issues have been coming through in the responses to the committee from stakeholders and

they also came through at last week's evidence session.

**Liam Kerr:** I am very grateful.

**Willie Rennie (North East Fife) (LD):** I apologise for the direct nature of my question, but it is a question that other people are asking, so I hope that you do not mind me asking it of you, Fiona. Should the leadership of the SQA become the leadership of qualifications Scotland?

**Fiona Robertson:** Ultimately, that is not a matter for me to determine. However, there are a couple of points that it might be important and appropriate for me to make.

I understand the question that you are asking, but answering it requires a degree of sensitivity. Although I am chief executive of the SQA, I also have a leadership team and a wider organisation behind me, and they are working hard to deliver.

I want to pick up on two things. One is about the commitment that the Scottish Government made to the employees of the SQA almost three and a half years ago, at the point at which the announcement was made about replacing the SQA, which was that all staff would have the right to transfer to qualifications Scotland and I think that there are provisions in the bill to that effect.

The second thing, which is on the record in a response to a parliamentary question from Pam Duncan-Glancy, is that the chair of the SQA has been commissioned to look at certain aspects of the establishment of qualifications Scotland. That includes the establishment of a schools unit, the consideration of a headteacher coming into the organisation, which was mentioned in the cabinet secretary's statement on the Hayward review last week, and looking at the leadership structures.

It is important that the committee is aware of the commitments that the Scottish Government has made to all SQA staff about the establishment of qualifications Scotland and the commissioning of the chair on those issues. However, my focus and the focus of my team, at the present time and always, is to continue to deliver qualifications and award them to learners across Scotland. It is really important that I say that. That is my priority and my focus.

**Willie Rennie:** I suppose that there is a difference between having the right to remain in post and exercising leadership and making a decision about whether you should remain in that post, given the groundswell of demand for change. There is a difference between the two, but I will not ask you to go any further than that.

I want to put on the record that a whole range of organisations have expressed very strong views. Many local authority education officers and heads

of education have commented. West Dunbartonshire Council said that

"a wholesale transfer of personnel to Qualifications Scotland would undermine the reform process."

Inverclyde Council said that

"the same people will still be involved leading to ... the same approach by another name."

Moray Council asks:

"How will the current system be different with the same people leading in senior roles?"

Lots of other organisations are responding in that way. How do you view those responses? Will they affect the decisions that you and your team will make going forward?

**Fiona Robertson:** I understand the points that have been made, not least in the context of a bill that creates a new organisation that has the same functions, not just in broad terms but in quite specific terms, as the existing organisation. I understand why a number of stakeholders and some of the responses to the consultation highlight the need for change. However, in response to some of the concerns that have been raised about the SQA, we have been seeking to engage. That has included engagement with some members of the committee, including you, Mr Rennie, on our corporate plan, which we are setting out as a prospectus for change and which highlights that the bill is the scaffolding for further change to the new organisation. The focus is therefore on ensuring that we continue to deliver through this time.

Last year, we talked about the impact that the uncertainty has had on all of my colleagues in the SQA. At the same time, we are seeking to ensure that there is a successful transition to qualifications Scotland. There are some quite significant elements around that transition, but we can also continue to build on some of the issues that have been raised. I highlighted that I feel that we have taken steps to address those issues. Indeed, we are showing the fruits of our labour in engagement through the feedback that we are getting from educators and learners in some of our survey work, which involves hundreds of learners and stakeholders.

However, I understand and respect what people have said. My job and the job of the people behind me is to make sure that we are working hard—consistent with our statutory duties, which can be quite challenging—to win people's trust and to continue to deliver.

09:15

**The Convener:** The questions will come in blocks. I have a question that is focused predominantly on the SQA, so it might feel a little

intense at the moment, but we will move on to other aspects.

**Fiona Robertson:** That is fine.

**The Convener:** Thank you for your letter, which we circulated around committee members yesterday. What progress has been made on rebuilding the confidence of the teaching profession in the SQA? Professor Muir commented:

“Overall, it was evident to me in my engagements that there are significant relationship issues within the current SQA.”

Thinking about reputation and trust, some quite high-profile events took place around this year’s results, from empty emails to history marking. Do you want to comment on those and how the bill’s provisions could prevent such events or strengthen trust and relationships with learners and teachers in the future?

**Fiona Robertson:** There are a number of things in your question. I will try to be brief, but—

**The Convener:** That would be lovely.

**Fiona Robertson:** —if you want me to elaborate on certain issues, please let me know.

In response to the previous question, I set out some things that we have been doing on the broader consultation and engagement with the system and on considering those issues as we develop our prospectus for change. I have set out some of that, and that work includes how we consult with schools, colleges and training providers and how we engage with teachers and learners. Just a couple of weeks ago, I met with our learner panel to talk about some of the issues that were on the minds of its members. I have also been visiting schools and other education establishments—

**The Convener:** What were some of the issues on those learners’ minds?

**Fiona Robertson:** On the basis of successive discussions with those learners, I think the consistent feedback that we have had—

**The Convener:** I am sorry, but I am not asking you what you think—what feedback did the learner panel give you?

**Fiona Robertson:** That is what I was trying to say. My observation, on the basis of the feedback that we had, is that learners are really keen for us to explain the decisions that we take. They recognise that it is not always possible to reach agreement on every issue, but it is important to provide feedback and to demonstrate that we have listened and reflected and made decisions on the basis of a balance of evidence. That is what we have been seeking to do through, for example, our

evaluations each year, on awarding and on other things. There has been consistent feedback in relation to that, and we have sought to do more of that.

**The Convener:** With regard to some of the criticism about the emails and so on, what can you do to restore the trust and confidence of the people who might be tuning in to listen to this meeting? What information can you give them?

**Fiona Robertson:** The email issue on results day was obviously regrettable, and I apologise for that. Members will be well aware that all 145,000 learners get paper certificates, which are posted. A minority of learners sign up to get their results from 8 o’clock in the morning on results day by email, text or both. A small minority—around 5 per cent, which is around 7,500 learners—opt to get email only. Unfortunately, on results day, blank emails were sent out at 8 o’clock.

**The Convener:** Were those sent to the people who had asked for an email only?

**Fiona Robertson:** Yes, although it is important to highlight that they all get paper certificates, which was not impacted.

Blank emails were sent out at 8 o’clock, I was informed shortly afterwards, and, by quarter past 9, the issue was resolved and the correct emails were sent. We undertook a review of what happened, of course. On results day, the priority was to resolve the problem and put it right, which is what we sought to do first thing in the morning. It was an issue of human error. In effect, there is a merge system between a shell email, which is what was sent, and the importing of individualised results to the shell email. The SQA has a lot of manual processes and systems, which is why reforming our technology is one of the planks of our prospectus for change. With an ageing infrastructure, there are risks, and, unfortunately, with great regret, we saw how that played out on results day, but it was fixed really quickly.

**The Convener:** Will the provisions in the bill strengthen and rebuild the confidence of teachers, learners and parents and carers? Is there an opportunity to do that?

**Fiona Robertson:** As I said to Mr Kerr, the bill provides the scaffolding. It includes important provisions in relation to governance and, in particular, learner and practitioner committees, learner and practitioner charters and other matters. By definition, legislation provides scaffolding. What I am saying is that there will be important issues in relation to how we take forward those issues and how we take forward our delivery.

**The Convener:** That is great. Some of those themes lead nicely to John Mason’s questions.



**John Mason (Glasgow Shettleston) (Ind):** Yes, absolutely—that is the area that I am about to move on to. I will be interested in Education Scotland's view on this—not just that of the SQA or qualifications Scotland. The bill's proposals include the charters that you just mentioned, the interest committees and the strategic advisory council, which are all either new or revised bodies. I think that there is already an advisory council—

**Fiona Robertson:** Yes, there is a long-established advisory council.

**John Mason:** Therefore, how will those different organisations or groups change how things work?

**Fiona Robertson:** There is a lot of learner and practitioner engagement at the moment, but the establishment of committees provides a formal and legislative underpinning to some of those structures. There is both symbolism and a practical aspect to that in terms of being able to formally establish, and underpin by statute, the contribution and importance of ensuring that learners and practitioners are at the heart of qualifications Scotland. Those committees will be an important demonstration of that, and, as I said, they will be underpinned by legislation.

**John Mason:** Are learners and practitioners not at the heart of things at the moment?

**Fiona Robertson:** What I am saying is that the bill provides a legislative underpinning of that. I can talk further about the work that we do in relation to those issues. That includes the establishment of the learner panel; the work, as you highlighted, of the advisory council, which is long established; and the work that I instituted around the national qualifications strategic group, which, at points during the pandemic, was meeting weekly and bringing together all the stakeholders, including learner representatives, to consider issues around certification during and post the pandemic. The first meeting of the national qualifications 2025 group will be this Friday. We have used a number of mechanisms to strengthen and deepen learner and practitioner engagement, but the bill provides a legislative underpinning. Ultimately, that was a decision that the Government took, but it is one that the SQA has supported.

**John Mason:** So the fact that the interest committees exist will be in legislation.

**Fiona Robertson:** Yes.

**John Mason:** However, that will not automatically mean that the rest of qualifications Scotland—be that the board or anyone else—will necessarily take more into account than has happened in the past. It is more about culture, attitude and ethos, is it not?

**Fiona Robertson:** I have already set out that the bill provides the scaffolding for that. We have also made it clear that the bill is a catalyst for further change. Through our prospectus for change, we seek to set out the core areas where we think that we can go further and deeper on engagement.

The SQA works with thousands of teachers every year. We have thousands of markers. We engage extensively and do events on understanding standards and course materials, for example. However, it will also be important to ensure that we reach practitioners who do not mark for us and have no other formal engagement with us. Through our second plank, which is about transforming our technology, there are opportunities to do that and ensure that we are giving all learners and educators the opportunity to engage with us, should they wish to. That will be an important part of the offer that will underpin the new body.

**John Mason:** Does the present advisory council have a lot of input? Can you give us an example of where it has suggested something or made a comment that has made a difference?

**Fiona Robertson:** Over a period of time, the advisory council has provided advice on, for example, the approach to certification, the approach to appeals and a range of other things. A report is issued to the board in relation to the advice that the advisory council has provided. Alongside other committees that the SQA has—including the qualifications committee, which meets today—the advisory council provides advice on some of the more technical aspects. There are also national qualifications subject teams, which are groups of teachers who provide more technical advice in relation to individual subjects and individual courses.

There is and has been a lot going on. I guess that your question relates to the provisions in the bill, which go one step further in providing a legislative underpinning.

**John Mason:** Yes. The committee as a whole accepts that there is a lot going on. Therefore, the question is what difference the bill will make and what more, or what different things, will happen.

I will ask you about one other point.

**The Convener:** Gillian wants to come in as well.

**John Mason:** Can I ask this question?

**The Convener:** Yes, go for it, John.

**John Mason:** The Educational Institute of Scotland questioned how the strategic advisory council and the interest committees will interact with one another. Does one trump the other? How does that work?

**Fiona Robertson:** The bill has just been introduced. There will be further work to do to consider those issues in more detail as part of the implementation of the legislation. However, the broad point is that we will look at feedback in the round. Obviously, there will be some formality around each of the groups, but it will be important that each of those committees is able to fulfil its functions and provide a formal input to the decisions that qualifications Scotland will make.

**John Mason:** I do not know whether Education Scotland has any thoughts on that.

**The Convener:** Gillian has quite a few. She has been trying to get in for a while.

**John Mason:** I thought that you were referring to Gillian Mackay.

**The Convener:** Oh, apologies—I meant Gillian Hamilton.

**John Mason:** My apologies.

09:30

**Gillian Hamilton (Education Scotland):** Good morning. You said that you would be interested in an Education Scotland view. Janie McManus might also have a view on engagement through the inspectorate.

I agree with Fiona Robertson on the fact that structures and scaffolding take us only so far. You asked about the content of the bill. It provides, to quote Fiona, a formal and legislative structure, but the feedback from the reviews that have taken place over the past number of years is really loud about the importance of not only the views of stakeholders but the ways of working across the teaching profession.

We will probably pick this point up later in the discussion, but no legislation is required for a refocused Education Scotland. That absolutely does not mean that a refocused Education Scotland should not have sound structures, scaffolding and governance in place.

I will pick up a point that Mark Priestley made last week about going beyond representation. He talked about examples of practice in which we have strong representation from key stakeholders across the Scottish education landscape, but we need to take a step beyond that. Fiona Robertson touched on that. For the refocused and established organisations, that has to be about culture, ways of working and how the profession not only sees that it can be engaged but feels engagement. We have been taking forward some work on that about which I will not talk now.

**John Mason:** Is that part of the problem at the moment—that people are engaged a bit but they just do not feel it?

**Gillian Hamilton:** Sometimes they are not engaged and hear about engagement that has taken place. One example of that is the curriculum improvement cycle work that is under way. We have almost 1,000 teachers who have engaged with Education Scotland in that process during the pilot reviews and into the first stage of the improvement cycle, but we have more than 51,000 registered teachers in Scotland. Although 1,000 teachers engaging is a big improvement from previous engagements, there is still a way to go.

Some teachers will see that engagement is taking place, but they will not feel that they have been part of that. We cannot do that one by one with every teacher, but we can work in partnership with the Convention of Scottish Local Authorities and the Association of Directors of Education in Scotland to corral the teaching workforce to be a much greater part of those ways of working.

**John Mason:** Does Ms McManus want to come in?

**Janie McManus (Education Scotland):** I echo the points that have been made. For any national body, it is important to be open to hearing diverse views, whether from stakeholders or, particularly, young people and adult learners, because that is who we work for and deliver for. The bill underpins the importance of that by setting in legislation some things that relate to the commitment to engaging much more with stakeholders and hearing different voices in the system. As others said, that is the first step and the foundation. The next step is about how it is implemented.

It is also important that any formal mechanism, whether it is a council or a forum, cannot be the only way of getting views. There is a need to get diverse views and engage before things happen or before new developments take place, but we also need to think about how we get views from people and get them really engaged during work and activities. When we carry out inspection activity, how do we ensure that people feel engaged during that and then after something has been taken forward? I suppose that we need a feedback loop. We need to ask how it felt for people, whether it delivered and whether it had an impact so that we can all learn and do things differently.

The bill is a starting point, but I suppose that the next element is about how it is implemented and what mechanisms we put in place to ensure that it has the desired impact for not only the organisations, but the stakeholders and the learners.

**The Convener:** George Adam has been waiting patiently.

**George Adam (Paisley) (SNP):** Thank you, convener. It is not normally said about me that I am patient, so that is a nice wee change.

Good morning, everyone. My question was originally going to be for Fiona Robertson, but you can all chip in, should you wish.

When there is organisational change, transferring staff over in their entirety is not unusual. It is the best way to work nine times out of 10. However, there are specific challenges with the SQA, as some of my colleagues have already mentioned. Fiona, you talked about the bill providing the scaffolding, but when the scaffolding goes up, you still need to deliver and get the job done. Last week, we heard from various individuals who told us that the educational landscape was challenging and very busy, and that there are a lot of people in it. How do you feel about this change? Are you and, indeed, all the organisations going to be able to work together to ensure that you can deliver this time? The scaffolding has been put up, and it is time to do the job. How do you do it?

**Fiona Robertson:** I think that our collective priority is always to do the job. I note the comments that were made about the email issue on results day, for example, but the fact is that we delivered results to 145,000 learners on results day and marked more than a million scripts over a period of 14 weeks. We have been working through appeals while, at the same time, preparing the ground for next year's exam diet, the timetable for which has just been published. The priority is always to deliver.

Over the past few years, though, there has been quite a lot of uncertainty over the future of our organisations and, certainly, my organisation. Therefore, we have needed to ensure that we support staff as much as possible and that we think about and start to plan for those elements of transition—that is, the transition from the SQA to qualifications Scotland. At the same time—and to pick up your scaffolding analogy—I think that we also need to begin to build to meet aspirations and to consider the feedback that we have had. After all, there have been a lot of reviews of Scottish education in recent years.

That said, let us not lose sight of what we do, which is all about qualifications. We have just had the Scottish Government's response to the report that Louise Hayward published in May 2023, so there is a programme of work there. My job, and the job of the organisation, at the moment is to make sure that we are focusing, as far as possible, on all of those things in the right way, so that we can continue to deliver for Scotland's learners. Given everything that I have just highlighted—and given the feedback that we have had and the challenges facing Scottish education at the present time—it is quite a tough job for all of us, but we remain committed to and focused on doing it in the best way possible. It is important

that I say that to the committee this morning, not least given the context of some of the feedback that you have received.

That is the priority. If that means—to use the analogy again—building things up brick by brick, that is what we will do.

**Janie McManus:** I echo what has been said. This has been a huge period of uncertainty for staff in all the organisations as they are going through change, looking for stand-up dates for new organisations and so on. Although there has been a guarantee to staff moving into the new inspectorate that Privy Council status will remain for inspectors, it has still been a huge period of change.

Alongside that change and the transition plan that we need to put in place to get us to day 1 of a new body, we still need to deliver our inspection services for children and young people and adult learners in Scotland at the same time, and I give all credit to our staff for continuing to do that work. Coupled with that, we have to look at what elements of our inspection work we can change without needing legislation. We are trying to make those changes and improve things, we are listening to feedback and we are putting new mechanisms in place at the same time as we are delivering our existing work and preparing for that transition to a new body.

**Gillian Hamilton:** I will not repeat the points that my colleagues have already made, but I want to add that, when I took up post as interim chief executive of Education Scotland, I set three priorities for myself. The first was to lead the organisation through reform, and Fiona Robertson and Janie McManus have already recognised the hard work that our staff have been doing during a real period of uncertainty; the second was to move towards new ways of working—in other words, not to wait until a stand-up date, as Janie said, but to start making changes now; and the third was to enhance stakeholder relationships. We might come back to that.

You asked about the role of the organisations in this space. There has been a focus on structural reform and on new and refocused organisations. That is part of the reform jigsaw, but if we want true reform across the education landscape, we need to look at not just the structure of the three bodies but how those bodies work with one another. I am going to use the specific example of the separating out of inspection, but the really important issue is how the three organisations work across Government and with other key stakeholders in Scottish education.

We are supportive of the move to an independent inspectorate, but that does not mean that, in a reformed landscape, the inspectorate

and a refocused Education Scotland have to sit in isolation and cannot talk to each other. The relationships between an independent inspectorate, Education Scotland, qualifications Scotland and others will be fundamental to the success that we are all looking to achieve.

**The Convener:** I call Gillian—that is, Gillian Mackay.

**Gillian Mackay (Central Scotland) (Green):** Thanks, convener—the confusion that comes with two Gillians.

This question is for Fiona Robertson. The current SQA board comprises 11 members, none of whom, as far as I am aware, is a registered teacher, and none of whom has any experience of undertaking a current SQA qualification. I welcome the bill's provisions to add teachers and learners to the board, although I think that they should be expanded to ensure that the board has a majority of registered teachers. How should the new board enact those provisions to ensure that the new body, qualifications Scotland, is more engaged with those groups than the SQA?

**Fiona Robertson:** First of all, I am a member of the board by virtue of my role as chief executive, but I am not responsible for making appointments to it. The composition and make-up of the board are not my responsibility, but are the responsibility of the Scottish ministers. I will seek to answer your question, but I think that it is important to highlight that.

Also, I do not think that it is correct to say that there are no teachers on the SQA board; we have an existing headteacher and a former college principal, for example. It is worth noting that an appointments process has just concluded for five new board members, and I think that there was a very clear expectation that educator experience would be sought. As a result, the composition of the board might change in quite short order once the vacancies are filled.

The board has a specific set of responsibilities. Such responsibilities are set out in the bill's provisions and, indeed, they are set out for all public bodies. The board plays a very important role in providing oversight and direction, with direct accountability to the Scottish Government in relation to the way in which the SQA at the present time—and qualifications Scotland in due course—delivers on its responsibility. That relationship is set out through a framework document, and I mentioned the corporate plan and prospectus for change, which has just been approved by ministers. All that sets the context by which we deliver as an executive non-departmental public body.

I hope that that has answered your question, but in one sense I am probably quite limited in what I can say in relation to appointments to the board.

**Gillian Mackay:** It answers my question to a certain extent. What I am looking for is similar to what John Mason was asking about earlier with regard to how we drive cultural change. Some of that is structural—who is on the board and so on—but it is also about the approach to engaging with learners and teachers.

I accept that there is provision for a learner interest committee, but that will be quite small compared with the spread of learners across Scotland. How can the board and other bodies within qualifications Scotland be made more accessible and welcoming to learners and teachers to ensure that on-going feedback can be taken forward?

09:45

**Fiona Robertson:** The bill is not unimportant; statutory underpinning, certainly for the organisation that I lead, is really important. My current responsibilities are framed in the Education (Scotland) Act 1996, which established the SQA, and the role of qualifications Scotland will be framed in the legislative structure that is set out following the scrutiny and enactment of the bill.

However, in our discussion this morning, my fellow witnesses and I have sought to highlight that, although legislation is necessary, it is not sufficient to make the changes that we all have an ambition to achieve. Formal structures are not unimportant—the governance of our organisations is important—but we are highlighting the importance of how we execute and exercise our statutory functions. As I said, the bill provides the scaffolding by which we can build a new approach.

It is important to highlight another issue, which I have talked about during previous committee appearances, particularly when the focus of questioning has been on the examination results from the previous year. Results day is a day of celebration for many, but not for all. Teachers also feel a responsibility for how their learners perform year on year. It is important to recognise that the SQA must carry out its functions without fear or favour—in due course, qualifications Scotland will have to do that, too—and we need to award qualifications on the basis that is set out in legislation. That can lead to some tension between educators, learners and the organisation that delivers qualifications. That situation is not unique to Scotland; it exists elsewhere.

It is important that legislation is clear about what our responsibilities are. Those responsibilities are serious, and we are sometimes required to deliver quite difficult messages, but that should be done in

a culture of engagement, openness and transparency.

**The Convener:** Earlier, Gillian Hamilton stated that legislation is not required to make some of the changes that are needed.

**Willie Rennie:** Fiona Robertson will have heard comments in previous evidence sessions about the accreditation function sitting with qualifications Scotland. What is your response to those comments?

**Fiona Robertson:** Ultimately, it is a choice as to whether the accreditation and regulatory function should sit with qualifications Scotland, as it does in the SQA. The Government has set out its reasons for the function sitting with the new qualifications body, but it is a choice. The bill's policy memorandum, particularly paragraph 133, highlights that no significant concerns about the issue were raised when the bill was drafted.

I accept that the original recommendation from Professor Ken Muir was for that function to be separate. However, there are important issues of function and form here. They concern, first, what the accreditation and regulation function of the qualifications body does, and its scope. I am certainly keen that the scope of the accreditation function be expanded.

Secondly, there are issues about where it sits. I have to say that I am a fan of form following function. It is important for us, as a system, to consider what the scope of the accreditation and regulation function is and then where it sits.

**Willie Rennie:** You have described the circumstances very well, but you have not given me your view. Do you feel uncomfortable that the accreditation part, which assesses the functions of other parts of the body, will sit within the same organisation? Are you comfortable with that? Has there ever been a moment when you have thought, "This should be separate. This should not be with me; it should be with another organisation"?

**Fiona Robertson:** I give the committee an assurance that the accreditation function of the SQA operates separately from the awarding part. It is also important to highlight that the accreditation function either accredits or regulates a large number of other awarding bodies that operate in Scotland, but its scope is limited. It is largely a voluntary model, with the exception of Scottish vocational qualifications, licence-to-practise qualifications and some security industry qualifications. I would like that model not to be voluntary. If we are thinking about learners being at the centre, which has been a focus of the discussion to date, the quality and integrity of all qualifications that are offered in Scotland, irrespective of provider, are critical. As chief

executive, I have responsibility for oversight of the regulatory function of the SQA, which is really important.

I go back to the point about there being a choice. In responding to the original consultation on the bill, the SQA's view was that those functions could remain together. That is the choice that has been made and the decision that the Scottish Government has reached. However, if there are important issues of public confidence in qualifications and there is a perception that the regulatory function of the organisation impacts on such confidence, that should be considered.

**Willie Rennie:** That is quite interesting. I understand your point about the model being voluntary versus there being another approach, but you are indicating that, if there is an issue of public confidence, perhaps that function could be separated and put into another body.

**Fiona Robertson:** It is a slightly nuanced point. It goes back to my earlier point about the current SQA model being a choice.

**Willie Rennie:** Yes.

**Fiona Robertson:** However, it needs to be informed by function. Public confidence in our qualifications system is precious. I give the committee an assurance that the SQA's accreditation function works separately from its awarding function. However, if there is a perception that the situation is otherwise, or that the same organisation cannot do both jobs, it would be legitimate to consider whether separation is appropriate.

**Willie Rennie:** That is very helpful. Thank you.

**Pam Duncan-Glancy (Glasgow) (Lab):** I put on record my apologies to the convener, other committee members and the panel for my slightly late arrival this morning. I was stuck in traffic. I am really sorry for any disruption that that might have caused.

On the point about confidence, I want to share a few aspects of the evidence that we received, which I am sure you will have read. After that, my question will be for Fiona Robertson.

In its submission, the EIS said:

"The actions of the SQA have inflicted significant damage upon its relationship with the profession, which now largely views the organisation with cynicism and suspicion."

The Scottish Secondary Teachers Association has said that the SQA is "adrift" from teachers, and School Leaders Scotland has said:

"We ... question why the Chair of the SQA will automatically become the Chair of Qualifications Scotland", because

“those involved cannot transfer lock-stock and barrel to the new body”.

Given that, and given what you have just said, do you accept that public and teacher confidence in the organisation is not what it should be?

**The Convener:** I am aware that many of those points were covered earlier, in responses to other members, so, in the interests of time, I ask the witness to pick up on some of the newer points, as that would be helpful.

**Fiona Robertson:** I do not want to repeat what I have already said. I have substantially set out my response on those points.

Confidence in the products that we are responsible for—the national and other qualifications—remains very high. Interestingly, our work on engagement shows improvement. We engage both routinely and frequently with professional associations and others. We met the EIS senior team just yesterday.

It goes back to the point about engagement not being an event—it needs to be both deep and broad; it needs to be felt every day; and the profession needs to feel listened to. We need to do that not just through enacting the provisions in the bill but through our on-going work.

**Pam Duncan-Glancy:** Thank you, and apologies if I was asking you to go over old ground; I may have missed a part of that, as you are aware.

I will move on from that to the involvement of teachers specifically. A former history teacher has contacted me and others—members around the table and across the Parliament will be aware of the concerns about a higher history paper, as I know the SQA is as well, as you have highlighted that in your letter of 23 September to the committee.

One comment that that individual made was on what they saw as the change in the marking regime:

“It’s absolutely criminal and clearly largely due to a change in the standard for the Scottish paper made during the marking process and not communicated with schools.”

Another—a teacher from a forum—said:

“I heard a horror story from a teacher who was forced out from marking in 2023, after questioning what was going on.”

What is your response to that, and will you set out how the profession is currently involved in the development and review of current qualifications?

**Fiona Robertson:** In relation to higher history in particular, I, too, have read and received concerns that have been raised. That is why I moved to undertake a review to look at marking standards in 2024. That is important for the reasons that I set

out about public confidence in our qualifications system.

I also highlight the need to ensure that the review can be taken forward in the appropriate way. There is a spectrum of views on those matters. You have highlighted some correspondence that you have received that has been critical, but there are a variety of views, and it is important to highlight that the marking team for higher history comprises around 200 teachers, including a principal assessor, a senior marking team and others.

The marking, standardisation and production of marking instructions is a teacher-led process, but given the concerns that have been raised, including those that have been raised with me directly, it is important that we consider those issues—and, if action is required, we will take it. However, it is important for us to be sensitive to the fact that, as I know you will appreciate, at the heart of all this are the 10,000 learners who took higher history this year. I need to make sure that any consideration of those issues is based on evidence, not on assertion of evidence. We are looking into those matters, and will report on them as soon as we can.

10:00

**The Convener:** In the interests of time, I move to Evelyn Tweed.

**Evelyn Tweed (Stirling) (SNP):** Good morning, and thank you for all your answers so far. I direct this question to Gillian Hamilton. How will the greater independence of the inspectorate change its approach? What might that look like?

**Gillian Hamilton:** Janie is probably better placed to answer that, so I will follow her. I do have a view, but I will pass to Janie first.

**Janie McManus:** Good morning. A number of aspects that are set in legislation will change for the inspectorate, the first being the separation of the inspection functions from Education Scotland. Historically, there has been criticism that having the improvement body and the inspection functions in the one body meant that it was marking its own homework. Committing to moving the inspection functions out sets out the intention for the inspectorate to be independent.

The changes that are set out in legislation on the powers that will move to the chief inspector’s office should also be noted. Setting up that office-holder will in itself strengthen the independence.

We have been talking about culture, and it is important that children, young people, adult learners, parents and stakeholders have trust that the inspectorate is independent. All steps to strengthen and make that independence much

more explicit are helpful. The elements of the inspectorate's functions in relation to focus and frequency that are set out in the bill will move to the chief inspector to take forward.

There are also changes for the inspectorate in terms of accountability and reporting annually to Parliament, and in relation to reporting much more regularly on the performance of Scottish education.

I touched on this earlier, but a key change in the legislation is around the set-up of the advisory council, which is important. It is really quite significant. It is important that, just as the inspectorate provides support and constructive challenge, it should welcome hearing the diverse views of stakeholders. There are a number of different ways in which there will be changes to the inspectorate's work going forward.

**Gillian Hamilton:** I would have said something very similar, so, in the interests of time, I will not—

**The Convener:** It is all right. We are interested in hearing you, but I am aware that we have spent two thirds of the session on the SQA, so I am trying to move the discussion forward. Carry on.

**Gillian Hamilton:** Very briefly, to add to what Janie said, the other piece that I would have spoken about is the work that we are already doing on that separation. I talked earlier about our not standing still when I took up post and when Janie took up the interim chief inspector post.

We have been operating as an organisation for almost a year now, and the decision to be one organisation with two distinct functions recognises that, in autumn 2025, an independent inspectorate will be set up.

We have already been looking at separating governance, oversight and engagement with stakeholders, which has been well received by the stakeholders we engage with.

**Evelyn Tweed:** Should the new inspectorate retain the current powers of inspection of funded early learning and childcare?

**Janie McManus:** It is really important that we think about the reason why an inspectorate exists in Scottish education, which is to focus on ensuring that every child, young person and adult learner receives the highest quality of education. Therefore, it follows that an inspectorate should be part of their education journey, because that is why we exist—we are there for those learners.

Curriculum for excellence has an early level and we are very focused on our curriculum improvement cycle. We review the curriculum to ensure that it is fit for purpose and that it is developing the skills, knowledge and competencies that our learners need. Therefore, it

is really important for the inspectorate to be looking at the learners' journey throughout early learning and childcare, school and beyond, and that it has a role to play when education is delivered, which includes in early learning and childcare settings.

**George Adam:** Last week, we heard much in evidence about the independence of the inspectorate. Some of my colleagues have concerns about ministerial control. I tried to assure them that ministers are far too busy to plan world domination, but they still have concerns about there being a possible power grab. My question is probably best directed at Janie McManus. In your experience, how often have the Government or ministers directed the work of the inspectorate? For example, have they said, "Gonnae go and check out that school there"? Has there been anything at all like that from the Government?

**Janie McManus:** Yes, there has been, because the powers sit with ministers. Predominantly, those interventions have been made when there have been significant risks to children and young people, and they are carried out under section 66 of the Education (Scotland) Act 1980.

More often, the inspectorate will provide advice, along with other bodies. That can be seen from the advice provided when I and my inspectors link with the registrar of independent schools when accommodation is involved, and we see advice from the Care Inspectorate come into that mix. Different bodies that are engaging with a particular school may have significant enough concerns that we feel that ministers need to initiate an inspection. Mainly, that is in response to significant risks to children and young people.

**George Adam:** To follow on from that, how frequently have the powers under section 66 of the 1980 act been used by ministers?

**Janie McManus:** In the past year, those powers have been used once.

**George Adam:** Would they normally be used in the high-profile cases that we are probably all aware of, where everyone has understood what has been going on because the situation has become newsworthy?

**Janie McManus:** Not always. In the past three years, there have been about two inspections. Some inspections have not been high profile and have not made headlines or been covered in the media. We have been able to go in and understand what is happening in the school very quickly.

There are two approaches to those inspections that we can take: we either go in unannounced, so we turn up at the school with the necessary information, or we give the school very short

notice. Those inspections happen very quickly. Depending on what we find, the registrar may then give advice to ministers to impose requirements or conditions on the school, or the registrar may have confidence in what has been taking place in the school.

**Bill Kidd (Glasgow Anniesland) (SNP):** Thank you very much for all the evidence—it has been very helpful. I have two quick questions. The first is for Janie McManus. What new approaches to the work of the inspectors are being considered?

**Janie McManus:** We are looking at a number of new approaches in a range of sectors. One aspect is the review of our school inspection approach. We are just about to start that work, in which we will look at that approach from start to finish.

We will look at the quality improvement framework that we use, “How good is our school (4th edition)”, which people refer to as HGIOS 4. That framework sets out the areas of school provision that inspectors may look at, but it also capitalises on the range of areas in which a school might want to evaluate its own performance and improvements.

We want to ensure that our quality improvement framework supports inspection, self-evaluation and self-improvement for the school. We will look at the framework to ensure that it is fit for purpose, relevant, adaptable and agile and that we can use it flexibly. A range of people have given evidence about uncertainty in education and things changing for children and young people. We need to ensure that the frameworks that we use are adaptable and flexible and that we can use them in different ways. That framework is the first area that we will look at, and it will set out the areas that the inspectorate can focus on.

We will also look at our models and methodologies—what happens during the inspection—and at what is working well now. We get positive feedback about aspects that are working well, and we will look at that. We will also look at areas in which we need to improve and at things that we need to do differently. We want to be more dynamic and more flexible, so we need to consider how we do that in our models.

We also want to look at how we report our findings and at what the reports look like. A quite exciting element involves how we use digital technologies to report our findings in different ways.

The final area that we want to look at is what we do to celebrate success. When things are really good and we see strong, effective practice, we want to consider how we get a message about that into the system. Also, if things are not of a suitable quality, how do we follow up? That is what

I meant when I said that we are looking at the approach from end to end.

We will use a couple of approaches. First, we will listen to stakeholders, teachers, practitioners and learners and ask for their views about all those different aspects and what is working well for them. Then we will begin to think about the opportunities for our work. We will consider those views and they will shape what we do next. I have deliberately not set a detailed timescale for that, because I want to hear what the views are first. That will determine the scale of the work that we need to carry out. We need to get it right for children and young people.

Working with our stakeholders, we will then begin to develop and draft the frameworks and models. Then we will need to test them out, because when we put them into practice we will need to look at further refinement in some areas.

The final element of any new change that we put in is that we want to see whether it is having the desired impact. We want to know whether it is working, whether things feel different for people and whether they are able to use inspection to support their own improvement.

Does the change enable us to gather the evidence to report on the quality of education? Do the new approaches enable us to reach a greater number of children and young people? Some of the feedback that we get from children and young people in schools that have been inspected is that they knew the inspectors were there—they saw them—but they did not always get a chance to speak to and engage with them. The inspectorate will have some really powerful opportunities in taking that work forward.

That gives a bit of an overview.

10:15

**Bill Kidd:** You have a lot of work there by the sounds of it. Thank you very much indeed for that.

I have a potentially controversial question for Gillian Hamilton. What is your view of the suggestion that the inspectorate should be able to inspect the function and performance of other national bodies?

**Gillian Hamilton:** Ms Duncan-Glancy talked about reading the evidence, and I read about that in the evidence last night. In a networked learning system, when we are all working together, we should be open to working with other organisations on a fresh perspective, so I do not think that the question is that controversial.

**Bill Kidd:** Okay—you will do it anyway.

**Gillian Hamilton:** Well, I am not an inspector.



**Bill Kidd:** Yes, but the inspectorate will look into the functions and performance of other national bodies.

**Gillian Hamilton:** Yes.

**Bill Kidd:** Thank you.

**The Convener:** Janie McManus, do you have thoughts on the inspection of other bodies?

**Janie McManus:** I am going to go back to the reason why the inspectorate exists and whether it is the best body to inspect the function of another organisation. The suggestion would bring in a new area and we would need to be suitably resourced to take it forward.

I am much more interested in the difference that policies and practice make to children, young people and adult learners. For me, it is the about the interface between the work that is being done and the difference that it makes to children and young people. We could spend a lot of time looking at a structure, a function or an area, but I am much more interested in what is happening to our learners.

**Bill Kidd:** Delivery is at the heart of the whole thing. Thank you very much for that.

**The Convener:** We come to Jackie Dunbar.

**Jackie Dunbar:** Good morning. My first question is for Gillian Hamilton or Janie McManus—I am not sure who would be best to respond. Will you briefly outline the plans that are in place to make sure that the remainder of Education Scotland is responsive to our learners and practitioners? How will those plans help to improve the support that is given to our local authorities, teachers and schools?

**Gillian Hamilton:** I can start. We probably should have said something brief at the beginning of the meeting about the relationship between my role and Janie's role; that might have helped.

**Jackie Dunbar:** I am sorry. I am new to the committee.

**Gillian Hamilton:** In my current role as interim chief executive, I remain the accountable officer for the entirety of the organisation, including the inspectorate function and the part of the organisation that will become the refocused Education Scotland. As the interim chief inspector, Janie McManus has responsibility for the oversight of inspection. We should probably have said that 10 questions ago. That might have helped with the questions.

**The Convener:** I should probably have said it in my pre-brief.

**Gillian Hamilton:** In my current role, I oversee the entirety of the organisation and, specifically,

the work on Education Scotland becoming the refocused organisation.

Members will know that the majority of the functions of that new organisation were confirmed in an answer to a Government-initiated question just before recess. The primary purposes of the organisation will be to lead the curriculum, including the curriculum improvement cycle; to provide resources to support high-quality learning and teaching; to support professional learning and a thriving professional learning sector through a national framework; and, importantly—to answer your question—to work with local authorities to inform approaches to wellbeing, inclusion, behaviour and better enabling support for those with ASN. Linked to that, the organisation has and will have an important role in informing, sharing and promoting the wider approaches to closing the poverty-related attainment gap.

I hope that that context helps. To come to your question, I refer to the work that Janie McManus has set out in relation to reviewing the frameworks and the changed ways of working. The heads of inspection and senior colleagues in the inspection teams already have close links and close working relationships with our senior regional advisers, who oversee the local authority support and targeting of resources and so on.

There is therefore already an intelligence flow to enable us to target our support and resources. That should be improved, given the information that Janie set out around the sharing of findings and getting them into the system, but colleagues are already using that information in their work with directors, heads of service and local authorities to identify the resource that we have to provide support.

Education Scotland has often been criticised in the past for trying to be all things to all people and to provide a solution to every area. We hope that the clarity around the functions, the clearer role for Education Scotland and the removal of the need to be all things to all people enables us to target that resource.

I will also pick up on ELC, coming back to Ms Tweed's question. I think that we all know and appreciate that ELC is an area that we want to be strongly supporting right now. When we hear from the profession, we hear about challenges for the workforce. As it stands, in Education Scotland, we have a team of three people working in the early years space. A refocused organisation cannot do this on its own. I talked earlier about the importance of working with local authorities and other national organisations. One of the specific actions that we have already taken is to recruit a pool of Education Scotland associates—colleagues working in the profession, in early years establishments and across our schools—to

bolster our existing expertise and knowledge so that we can work in an extended team to support the specific areas that people are asking about.

You also asked about the plans that are in place to do that. Education Scotland had a corporate plan in place covering until 2024—members might remember that that was the original timescale for the reform period. We have extended that for a further year through an annual action plan that takes account of the refocusing of the organisation and the key functions, so that we have plans in place not only to deliver that support but to monitor its impact.

**Janie McManus:** Gillian Hamilton mentioned the curriculum improvement cycle and the work that is taken forward, which is perhaps a really good example.

I note the separation between the chief executive and chief inspector positions. Prior to Gillian and I being in post, the roles were held by one person, but there is now that separation. One area that we have been working closely on is the question of what we can begin to test out in this period to look at how two different organisations can work, while being mindful that, as an inspectorate, we do not want to sit in isolation from other areas of the system. That is really important. We are all in this together and we are all about supporting improvement, but we carry that out in different ways.

Education Scotland, the inspectorate and the SQA are all involved in the curriculum improvement cycle work together; we all sit in that group to take forward that work. The work is being led by a team in Education Scotland. The inspectorate will provide evidence to help to inform possible changes to the curriculum. I suppose that it will be about giving a stakeholder view, in giving evidence to support that work. However, as the cycle gets up and running, as part of the inspection functions, it will be about looking at what impact changes in the curriculum are having on children and young people.

I suppose that it is about showing how different bodies can work together. We will need to work out how, as bodies, we share information, and whether we need to set up memorandums of understanding so that we are making best use of the evidence that we have in the education system, so that we can work towards the same goal.

**Jackie Dunbar:** Do we have time to hear from Fiona Robertson, convener?

**The Convener:** We do, provided that it is a succinct response—if you do not mind, Fiona.

**Fiona Robertson:** I want to highlight the joint working on curriculum improvement. Last week,

the cabinet secretary made a point about the need to consider what implications the work to look at the curriculum improvement cycle will have for the qualifications that we want to see. Similarly, I was at an event with colleagues from Education Scotland and His Majesty's Inspectorate of Education, at which, along with directors of education, we looked at the joined-upness of the evidence—qualitative and quantitative—to help to inform improvement.

The national bodies are working together to look at the evidence, but it is important that we also work with the wider system to bring all the evidence that we have to bear to help local authorities, schools and others to drive improvement.

**Jackie Dunbar:** How are the current bodies making sure that they meet the public sector equality duty that is in place?

I am not sure who wants to take that one first.

**The Convener:** Fiona, you go first, if you do not mind.

**Fiona Robertson:** We have done a lot of work in that area over the past few years, especially on equality impact assessments and children's rights and wellbeing impact assessments. We have also increased our resource in that area. We have important responsibilities as an employer, too.

We have sought to mainstream all our equalities work. Alongside any policy announcements, we provide EqIAs and children's rights and wellbeing impact assessments. In addition, on results day in recent years, we have provided an equalities monitoring report, which looks at results by different protected characteristics, for example. Ensuring that we meet our statutory obligations in that respect has been a core part of our work.

**Gillian Hamilton:** Education Scotland is in a similar position. We have a really good team that has worked extensively over the past few years to move away from the view that meeting the equality duty, rather than being the responsibility only of that team, is the responsibility of the entirety of the organisation.

As Fiona Robertson mentioned, the use of EqIAs is standard practice in the work that we do. We also have a responsibility to build the capacity of the profession in those areas—that includes work on the United Nations Convention on the Rights of the Child. We have an excellent building racial literacy programme for practitioners across Scotland. The team is working hard to make sure that that work continues in the transition phase, and that the refocused organisation and inspectorate are well placed to continue that work.

**Janie McManus:** Through our inspection programmes, we look at how well our learners are

served with regard to equalities and at the equalities work that is undertaken.

Another key area is the emphasis on the UNCRC, which we will take forward in the review of our inspection frameworks. As part of that, we will ensure that all our inspectors have received updated training on the UNCRC. We are looking at how we factor that in to our work.

**The Convener:** Willie Rennie has a brief question.

**Willie Rennie:** I want to follow up on the relationship with ELC and the Care Inspectorate. You said that it was really important to work in partnership. I do not know whether you remember the Care Inspectorate issuing its framework just when HMIE was agreeing with the Care Inspectorate on a joint approach. Do you know how that came about? Have those relationships improved since then?

**Janie McManus:** Yes. We work closely with the Care Inspectorate, not only on ELC but in other areas. We had been taking forward work on a shared inspection framework, but then we paused that work. I think that it was in the period when that work had paused that the Care Inspectorate issued its framework, but it would be better placed to comment on that. That work has resumed—we are taking forward the work on a shared inspection framework, and the sector is feeding into that.

10:30

**The Convener:** You have spoken a lot about the new approaches that are being taken and the developments that are happening. Do you have any thoughts on whether the changes that you are making might curtail the work of, or tie the hands of, any future organisation?

**Janie McManus:** It takes time to make changes in an inspectorate. We are an evidence-based organisation, and I am confident that, through our work in engaging with stakeholders, we will have clear evidence of the views of stakeholders. Recently, the post for the permanent chief inspector was advertised, and I think that they are to be in place in the next few months. I do not feel that what we are doing will curtail anything.

**Gillian Mackay:** I have a very quick question. A lot of reform is going on, and the bill is only one part of it. Arguably, most of the reform that the Government wants to take forward is outwith the legislative space. Are we doing things in the right order, with legislation being introduced and then non-legislative reform work being done, or would you have liked to have seen something different?

**Fiona Robertson:** I highlight the response that I provided to Mr Rennie earlier. I am a fan of form following function. From my organisation's

perspective—this goes back a few years—the Hayward review comes first. When establishing a new organisation, it is important to understand what the organisation will be responsible for, and the policy context should be set out to inform the new organisation and its success. I am pleased that there has now been a response to the review, which will set a context for qualifications Scotland. The point about form following function is really important.

**Janie McManus:** It is important that an inspectorate has enough scope to be flexible and adaptable, because the education system will always change. There will always be new approaches and challenges in the system, and societal changes will take place. It is important that an inspectorate is not hampered from taking a flexible, adaptable and dynamic approach. We have certainly been living with such changes over the past few years, and I think that change and churn will become the norm.

**Gillian Hamilton:** I repeat the point that I made earlier about legislation being part of the reform process and journey. I stress again that our organisation has not stood still, waiting for the legislation before moving to the next thing. Reform is happening at the same time, ultimately for the good of Scotland's young people and the profession.

**The Convener:** What is the benefit of having the curriculum support agency separate from the Scottish Government? How much distance is appropriate?

**Gillian Hamilton:** Education Scotland will remain an executive agency of the Government, so the executive agency ways of working will remain in place. The Scottish Government and Education Scotland bring unique perspectives to the curriculum improvement cycle. The Government has expert policy makers, and Education Scotland has a whole team of educationists with backgrounds in leadership, curriculum development and so on, who work with the profession. Those roles are complementary in the curriculum improvement cycle and should work well.

**Liam Kerr:** I have a quick question for Fiona Robertson. In your letter to the committee, you say that investment is needed, and you give a specific example. How much investment is needed? What figure are you after? Is there any indication that that investment will be forthcoming?

**Fiona Robertson:** A number of investments will be required. A business case for digital investment was submitted to the Government, and we have been given permission to spend some of our existing budget on that. We are looking for probably about £10 million for digital investment,

because some of our infrastructure and legacy systems go back to the establishment of the SQA in the 1990s. If we are to realise the ambitions that are set out in the bill's provisions, that investment would be very welcome.

**Liam Kerr:** If the Government does not provide that money, will you not realise the ambitions?

**Fiona Robertson:** If there is no further investment, we will not realise the ambitions.

In relation to qualifications development, we have set out—as the cabinet secretary said in her statement last week—that we are looking at rationalising the portfolio of qualifications. However, if we are to establish a life cycle of qualifications and ensure that we have the agility to make changes as part of our business as usual, we will need investment and a smaller portfolio of qualifications. The committee will be aware that all public bodies, including the SQA, face very challenging financial issues, and I am sure that I can speak for the other witnesses, too, when I say that that will involve difficult choices.

**The Convener:** I have a final quick ask. You have highlighted that the SQA involves teachers in developing awards and revising school qualifications. I hope that you can send some details of that to the committee in writing, if you do not mind.

**Fiona Robertson:** Absolutely. I am happy to do that.

**The Convener:** That is super.

I thank the witnesses for their evidence. I suspend the meeting to allow the witnesses to leave and the witnesses on our second panel to come in.

10:36

*Meeting suspended.*

10:51

*On resuming—*

**The Convener:** I welcome our second set of witnesses. We are joined by Laurence Findlay. He is the director of education and children's services with Aberdeenshire Council but, today, he is representing the Association of Directors of Education in Scotland, which we will refer to as ADES this morning. We are also joined by Anne Keenan, assistant secretary with the Educational Institute of Scotland; Graham Hutton, general secretary with School Leaders Scotland; and Stuart Hunter, president of the Scottish Secondary Teachers Association.

I thank you all for joining us this morning. I apologise for the shite—the slight delay—

*[Laughter.]* That is worse than “sausages”. I hope that the *Official Report* picks that one up. Apologies. I wonder what will be picked up. We will move straight to questions from members, just to get away from me and my red face. Pam Duncan-Glancy is first.

**Pam Duncan-Glancy:** It is Liam first.

**The Convener:** I am sorry—it is Liam Kerr first.

**Liam Kerr:** You are having a grand day.

**The Convener:** I am having a really good morning. Thank you.

**Liam Kerr:** I thank everyone for their submissions, which I will refer to, but I will come to you first, Graham Hutton. In the SLS submission, you say that reform is overdue, and you speak quite positively about some of the things that are happening. Earlier, we explored the fact that, fundamentally, the same people from the SQA will be popping up on the other side of reform. Does SLS have any sense that the SQA and the people who run it accept the criticisms that have been levelled in their entirety? In any event, are those who are presiding over those issues able and willing to address those criticisms as we go forward?

**Graham Hutton (School Leaders Scotland):** You ask a very cogent question about whether the body can transfer from being the SQA to being qualifications Scotland. Professor Muir and Louise Hayward think that there must be a complete reform of the SQA. It did not deliver in the past, and it has been quite a secretive authority. It has been quite conscientious in its work, but it has not been open and transparent or reacted positively to criticism.

In the past few years, particularly since the Covid pandemic and the alternative certification model, there has been a movement to listen to people a bit more. I see that as a positive aspect of how the SQA is moving forward. It is going out into schools and consulting SLS and the other unions more, and there is a more collaborative and consultative approach than there has been in the past.

However, that must continue. There must be a culture change that involves more openness, more integrity and the ability to own up to mistakes and to seek advice and support from other stakeholders. As my father would say, there is no shame in asking for help and advice when you are on a sticky wicket. At times, the SQA has bricked itself into a corner, as it were, and felt unable to ask for more help and support. I think that that is slowly changing.

Sometimes, you have to separate the posts from the postholders, and the posts must be very similar to posts in the new body, because you still

need a director of operations and whatnot. However, there must be leadership, and the leadership must accept that the status quo in the SQA was not working. In many ways, it was delivering for young people, because it does its job very thoroughly and very conscientiously, as I said. I worked for the SQA for 25 years as an appointee, and I know the ins and outs of how it works. However, I also know how reluctant it often was to give answers outwith the organisation.

Therefore, a different direction is needed. It is moving that way. There needs to be more interaction with young people and teachers. Remember that there might be about 1,000 people who work for the SQA as permanent employees, but there are thousands more in schools who do the groundwork—the marking, the setting and the examining—and they must have a much bigger say in how the organisation is run.

When I first started working for the SQA, way back in the last century, the qualifications managers had all been teachers—sometimes principal teachers—in schools, so they knew schools and how they function, and that has been missing for the past few years. There is a salary issue in that regard, because a principal teacher in a school might not be recompensed at the same level if they go into the SQA. I know that that is a worry that teachers have. However, there must be more support for, and more involvement of, teachers and young people in the authority.

There needs to be a culture change, and some new people probably need to come in—I think that we have said that we need new blood. However, there must be some continuity from what has happened before—there are no two ways about that. You cannot have a complete big bang and changeover. There is no alternative qualifications authority waiting in the wings to come and take the place of the SQA, unless you want to go down south and use one of the ones there, and I cannot see the current Government doing that. There must be some continuity, but there must be a different culture and a way of moving forward that takes in views from other people and that involves being a bit more consultative.

**Liam Kerr:** Laurence Findlay, I note your remarks in your submission, which are challenging. Will the bill as drafted address the concerns that were raised by the Organisation for Economic Co-operation and Development and by Professor Muir and Professor Hayward and/or achieve what their reports intended?

**Laurence Findlay (Association of Directors of Education in Scotland):** Good morning. I associate myself with Graham Hutton's comments. The bill does not go far enough in that it focuses primarily on structural as opposed to cultural change. I will not repeat Graham's points. Like

him, I worked for the SQA for many years as an appointee—as a marker. A significant cultural shift is required with regard to how the new qualifications agency works with the system and with all stakeholders—schools, learners and their families, local authorities and so on.

However, I also sit on the transitions board on behalf of ADES, which is transitioning from the SQA to qualifications Scotland. The new chair of the board has been focusing significantly on the need for cultural change, and I have been very impressed with the focus that she has put on culture at each transitions board meeting. We are meeting monthly, of course, given that the transition is due to take place next autumn. She always comes back to culture and the need for it to be a very different organisation—to look and feel different and to interact differently with the system. The proof of the success or otherwise of the bill will be in how that is monitored and evaluated on an on-going basis.

11:00

In the bill, we read about the need for charters to be developed and different groups of stakeholders, be they learners or staff. The charters must be co-created with people—young people, staff and so on.

I return to Graham Hutton's point that the new qualifications agency needs to begin with the people who already work for it. For example, in Aberdeenshire, we have many teachers working for the SQA as markers, and that will be the same across the country. They are a huge resource with a strong and passionate belief in the qualifications system and how it should or should not operate, so getting their views would be a good first step to drive cultural change.

To go back to the initial question about whether the bill goes far enough, I do not think that it does. There needs to be a much greater focus on change. I would go back to the recommendations that were made in the Muir report about separating the accreditation function from the awarding function, without which, in essence, you will end up with a bit of a monopoly in Scotland. That is the one concern that is outstanding.

On culture, I detect, through the transitions board, a genuine drive from the new chair to push that forward.

**Anne Keenan (Educational Institute of Scotland):** In answer to your question, I do not think that the bill meets the recommendations of the OECD, the Muir report or, indeed, the national discussion from Professors Alma Harris and Carol Campbell.

The most refreshing thing about the Muir report was that, although it could have been quite dry, looking purely at structural and functional change, Professor Ken Muir addressed the elephant in the room: the importance of cultural change, which has been referred to by my colleagues this morning. That is key.

Fundamentally, in his report, Professor Muir gave us a pathway. He spoke of key principles that had to be in place for there to be effective cultural change. He spoke of the importance of there being transfers of power, influence and resourcing to empower teachers, to put learners' voices at the centre of decision making and to give meaning to the empowerment agenda that we have all been discussing since 2017 but have not seen realised in education as yet. He spoke of the importance of time for teachers to collaborate, of greater trust in teacher professional judgment and, crucially, of the consensual vision of what Scottish education is all about.

That was picked up in the national discussion by Professors Campbell and Harris, and they echoed the need for cultural change. I really liked the way that they adopted their recommendation for human-centred educational improvement, with teachers and their professional judgment driving changes and influencing the education sector. They had a clear call to bring the joy back into teaching and for teachers to lead the way in that process.

Both those reports referenced the importance of teachers being central to decision making and, importantly, to governance of the national bodies if there is to be a restoration of trust in those bodies. Trust in the SQA is not there in the profession. Our members have raised concerns about the SQA's attentiveness and how it listens to them. There is a job of work to be done to restore and build trust and confidence within the teaching profession and with learners and families. To do that, we have to take the principles that Professors Campbell and Harris referred to and we need to see them in the bill.

However, looking at the bill, I do not see those principles. I do not see empowerment in the governance structures—perhaps we can go into that in more detail later—and I do not see teacher voice in the membership of the new qualifications Scotland body. There has been some movement regarding teacher representation in the membership, but I do not see it creating sufficient empowerment to ensure that teacher voice leads the way and is a majority in that capacity, bearing in mind that the teacher voice will represent and be cognisant of the interests of learners in that space. Those are the governance aspects.

The advisory committees and the charters to which Laurence Findlay referred to do not go far

enough. They need to be much stronger. I can go into that in more detail, if you wish, subsequently. However, overall, the bill falls short of meeting the needs of those reports.

**Liam Kerr:** My final question is for Stuart Hunter. You heard quite a lot there about cultural change and the restoration of trust. Do you in the SSTA think that the fix to that is legislative, or is it practical and on the ground? In any event, given what you have heard, what should we as a committee amend? What change to the bill would you like?

**Stuart Hunter (Scottish Secondary Teachers Association):** First, I will say that I concur with all my colleagues and everything that has been said. The bill does not go far enough.

On what we need to change, teachers are the educators—the professionals. As the OECD backs up, you have in Scotland some of the best-qualified teachers in Europe—and, in some cases, further afield—yet they are disconnected from the entire process.

I will use the SQA as an example to back that up. The SQA employs hundreds, if not thousands, of teachers as markers. They are the employees of the SQA while they do that. They are also party to a non-disclosure requirement. They are not legally entitled to discuss any of the matters of the SQA outside of their employment. I have attended meetings with the SQA at which some of our members are part of the SQA—they are appointees—and they have to declare a conflict of interests. How is that putting teachers at the heart? When we talk about a disconnect, the SQA will turn around and say that it has consulted teachers, which gives a veil of respectability, but, often, those are employees of the SQA.

To go back to the idea of what we need to do, there is the charter. A charter is meaningless unless it is backed up by legislation. There have to be consequences in a system that relies on education being carried out, as is mentioned in the bill, through requirements on partners.

My final point is on semantics. There is a difference between a “partner” and a “stakeholder”. Often, a “stakeholder” is an interested party. A “partner” is at the centre. Teachers and the teaching profession are not partners. Every time there is a major discussion, teachers are left on the side. Look at the various committees that this Government and previous Governments have established, and ask yourself how many of their members are there to represent the teaching profession. Often, those in the teaching profession—the experts—are in the minority. Teachers are meant to be partners. We need to have that enshrined in legislation.

**Willie Rennie:** This is quite a difficult set of questions, because we are talking about people's jobs and livelihoods. Laurence Findlay and Graham Hutton, I was pleased to hear that your experience is that the SQA has attempted to change, and that you have seen some of the benefits of that. However, Graham, you indicated that a change of personnel will still be needed. I will be direct. Should the chair and chief executive of the SQA be the chair and chief executive of qualifications Scotland?

**Graham Hutton:** As I said, it is difficult to put the personalities aside from the posts. If the current chair is taking forward the culture and changing that culture now, as Laurence Findlay has said and of which we have evidence, I do not see why not. The problem is, when that job was advertised, was it stated that it would be as the chair of the SQA then the chair of the qualifications authority? I do not know whether that was made public.

It is difficult to have the people who are at the top of the qualifications authority now leading the authority in a different direction unless they are already showing that they want to lead it in a different direction. The jobs must be advertised and the current people could apply for them, be interviewed and take it forward that way. If they are really of the mind to change, they will convince people because of their background, experience and the way they want to move forward.

**Willie Rennie:** That is a change in your position. You previously said that you could not understand how the chair could continue from one to the other.

**Graham Hutton:** No, I do not. I still think that there was a bit more politics in the criteria when the job was advertised. We think that there has to be a complete change in many ways, but we are realistic about the fact that there are people in those posts at the moment. Their livelihood also has to be taken into consideration. If they are convinced, and can convince an interview panel, that they will take the SQA in a different direction, that is the decision that the interview panel will make.

I still think that there needs to be a change. There might be other people in the authority who need to think about their position as well and how they are taking change forward. It is a collective responsibility. It is the same in a school. A headteacher and a depute run the school together and take things forward. There has been a collective view in the SQA. The question is how to change that collective view and move things forward.

**The Convener:** Pam Duncan-Glancy wants to pick up on some of those threads.

**Pam Duncan-Glancy:** Good morning to the witnesses. Thank you for the information that you submitted in advance. I found it really helpful, as were the comments that you have made.

I will pick up on a couple of things that have been said. I do not know whether any of you followed the earlier panel's evidence, but one of the questions that I asked Fiona Robertson was about the history paper. I have a question based on what I just heard from Stuart Hunter and Graham Hutton.

The approach that the SQA has taken to addressing some of the concerns that have come out of the history paper is to hold an independent review, using teachers who are markers to independently review the marking. Stuart Hunter, is that appropriate and does it demonstrate a change in approach?

**Stuart Hunter:** My question, which has already been raised in the SSTA's education committee, is: how independent is independent? We have had issues in the past with papers and we have no input into the review. My question is: what does the SQA mean by independence? At the moment, there is not a great deal of confidence in it within our education committee and among history teachers. That is the consensus from our members in history.

**Pam Duncan-Glancy:** Do you mean confidence in the history paper in particular or in general?

**Stuart Hunter:** I mean in the history paper in particular, but also in the independence overall and the SQA's ability to mark fairly. Probably the easiest way to describe the situation is that, although the SQA said that papers would be issued and students would have the opportunity to see theirs, it is not a root-and-branch review of the markings; it is simply a totalling of the marks. That is not a review. That is where there is a lack of trust.

**Pam Duncan-Glancy:** I think that that lack of trust applies to the general appeals system as well.

**Stuart Hunter:** Yes.

**Pam Duncan-Glancy:** Have the witnesses seen any indication of a change in approach from the SQA in recent months and the past year?

**Laurence Findlay:** It is fair to say that senior staff in the SQA have been much more visible. Two members of senior staff from the SQA have visited schools in my local authority area. One met headteachers; another went to a school and met learners and staff to listen to their concerns and hear about their ideas for reform. Colleagues in other local authorities have had similar visits and input from senior staff, who are keen to hear from practitioners, so there has been a shift. That is

something new that we have not seen in previous years.

11:15

**Anne Keenan:** In recent months, we have seen much more visible engagement in relation to liaising with ourselves in headquarters at the EIS.

For a number of years, we have been raising issues around assessment arrangements, and the bureaucracy and workload in trying to get alternative assessment arrangements in exams for some of the most vulnerable students. In our view, those pleas had not previously been responded to or given appropriate consideration. However, within the past year, we have worked collaboratively with senior staff and members of the SQA and engaged our subject specialist networks to listen to their concerns.

We put those concerns to the SQA, and a list of frequently asked questions has now been issued, within the past month, to address the concerns that we have been raising for a number of years. We have seen that movement. We have engaged in liaison meetings with the SQA, as recently as Monday of this week, to raise a number of concerns that the profession has around a variety of topics and to seek to advance them. We have also seen some movement there.

The issue comes back to the question of trust and whether it is too little, too late. There is a job of work to do to ensure that teachers in schools receive the support that they need and are given the assurance that this will be a listening qualifications Scotland body that is responsive to their needs. As I said, I do not think that we can do that unless the governance arrangements have teachers as a majority.

I agree with Laurence Findlay that the accreditation and regulatory functions have to be in a separate body, if there is to be assurance that some of the issues that the committee has raised this morning will be dealt with fairly, impartially and appropriately.

**The Convener:** We will pick up on some of those themes shortly with other lines of questions.

Graham Hutton, do you want to respond?

**Graham Hutton:** Yes. I completely agree with my colleagues.

Moving the SQA forward is a case of three steps forward and two steps back. Sometimes, it goes into a default defence mechanism—the shutters come down and it is not prepared to listen and takes a bit of persuading. An example is the recent discussion that we had with the SQA about the 2025 diet timetable, which was going to start two days after Easter. We had to persuade the SQA to

move that to a week later to allow young people to have some time in school so that they are exam ready.

The SQA sometimes goes into default mode, and it is about trying to move it forward on that. There are sometimes three steps forward and two steps back. Given the history, that needs to be looked at. My feeling is that, even if the person doing the independent review in the SQA comes up with something, we will still want an independent review outwith the SQA. It maybe needs to think about that. We are not out to get the SQA; we are trying to make sure that we do the best by the young people, which is at the heart of everything.

**Pam Duncan-Glancy:** When she was asked about culture earlier this morning, Fiona Robertson mentioned that the bill creates scaffolding to make the change. Do the witnesses believe that the bill will bring the types of improvements in relation to cultural and behavioural change that are expected through the scaffolding that has been described?

**Anne Keenan:** I have probably answered that already but, no, I do not believe that it will provide sufficient structure, because of the governance arrangements. The membership of the new qualifications Scotland includes a chair, the convener of the accreditation committee and the chief executive—those are three of the members. Thereafter, the bill becomes a bit opaque, because we have a reference to between six and 10 members, of which one or more is representative of learners, two or more are representative of registered teachers, two or more are people teaching in the college sector, and one or more is staff.

Looking at that, I cannot assess how the balance of power within the body will be structured. I do not know how many teachers will be on it. It could be that teacher voice is, again, in the minority. If that is the case, that structural change, and the empowerment referred to in the national discussion and the Muir report will not come through. Therefore, you will not get buy-in from the profession to ensure that its interests are adequately represented in a meaningful way.

The other thing that is missing from the central governance provisions is that the bill refers to “registered teachers”, whereas the EIS has been clear that that should be a representative function. We want those two or more roles—however many there are—filled by people who are representative of the professional associations. There would then be a proper structure through which policy is formulated democratically, through engagement with the profession and a means of consultation. It cannot just be about the individual interests of two or more teachers on that panel; it must be a



representative voice, and the method to achieve that is through engagement with the professional associations.

I am also concerned that the teacher and practitioner interests committee—

**The Convener:** We are coming on to that. We have lots of questions, so do not feel that you have to get everything in when you are responding.

**Laurence Findlay:** In response to Pam Duncan-Glancy's question, there is potentially scaffolding in so far as the charters are concerned. We said that the concept of charters is positive, but the bill says very little about them. How will the charters be co-created with the profession and learners and so on? How would a charter have prevented the higher history example from this year? Graham Hutton said that it was too little, too late, but there has been a response. How could that have been structured in a charter? If a significant number of candidates have an issue with a specific examination paper, how does the system deal with that?

A real co-created progressive charter could give some confidence to the system that such issues would be addressed more swiftly, which was not the case with higher history. As soon as the youngsters got their results, I was getting representations from parents about it. It has taken some time—we are almost at the October break now—for that review to be commissioned, and I understand the questions about the independence of that, but there is scaffolding there.

It is incumbent on us all as a profession, including the qualifications authority, to work collectively across the system to make sure that those charters come off paper, are brought to life and are meaningful.

**Graham Hutton:** I agree with what my colleagues are saying. I hesitate to use the word “scaffolding”, because that usually leads to an execution—I hope that that is not going to happen here. As Anne Keenan said, the voices of teachers, young people and employers are important. In her review of qualifications and assessment, Louise Hayward spent a lot of time with employers, and they are all in favour of moving forward. They are the ones who use the qualifications, and the validity time for those qualifications is often only a few months, so it is important that employers also have a say in that.

It is important that internal qualifications Scotland people do not have a majority—I think that Anne Keenan said that, and we agree. When I was on the national qualifications group during the Covid period, the majority of people on that group were SQA internal. It needs to be a far more external-oriented organisation.

Finally, on what Pam Duncan-Glancy asked, the accreditation committee is not strong enough. We back Professor Muir's point that there have to be separate powers. Perhaps there is reason to set up a separate arm's-length organisation to do accreditation or to look at the Scottish credit and qualifications framework partnership framework. I understand that that would involve legislation as well, but perhaps that is what needs to happen.

**John Mason:** To continue the theme, I will ask you about the interest committees and the advisory council that are proposed in the bill. I am not asking about the board—one of my colleagues is going to do that, so can we leave the board until later?

First, how will the arrangements be different from what we have at the moment? I think that the EIS is on a similar advisory council at the moment, but I am not sure who else is. Does it have influence, and do you think that there will be more or better influence in the future?

**Anne Keenan:** The EIS's concern throughout has been that the committees are advisory in nature—we have been clear about that throughout. We are involved in the current advisory committee but, clearly, that is in an advisory capacity. There is no mechanism through which we can ensure that teacher voice is adequately heard, and there have been a number—

**John Mason:** I am sorry, but can I press you on that? You said that the voice should be “adequately heard,” but you do not have to have a majority to be adequately heard. I get heard on this committee, but I am not a majority.

**Anne Keenan:** I accept that. The issue is that we want the voice of teachers to be central to governance arrangements. The only way that we can ensure that their voice is meaningfully heard is if there is a majority, otherwise it could be listened to and disregarded. The same applies in the governance arrangements and the advisory committees.

**John Mason:** If there is a majority of teachers, that means that every other group—learners, parents and taxpayers—are all in a minority. They are effectively excluded, are they not?

**Anne Keenan:** They are not excluded, no. As I said, they would also be listened to—

**John Mason:** But that would be it—they would only be listened to.

**Anne Keenan:** No, it would not. I think that there is a reference to the importance of what teachers do. Teachers advise on the best interests of those in education. That goes back to something that Stuart Hunter said about the role of teachers as educators. All teachers in Scotland

are educators, because they care about the interests of children and young people. Teachers are also advocates of learners in this space, and they have a voice in that regard as well.

**John Mason:** I picked up on your point about teachers being advocates of learners and young people. However, surely if we are going to have two interest committees, they need to be different. If the teachers dominate both, that would not be right, would it?

**Anne Keenan:** The problem is that, at the minute, we do not know. There is no indication that teachers are going to dominate either committee, which is a concern. The bill has been drafted to say that those on the teacher and practitioner interest committee can be members of qualifications Scotland or members of staff of qualifications Scotland, although they cannot be a majority. Therefore, they are in the minority. There is then a majority left, and of that majority, teachers must be represented. A majority of a majority is usually a minority, so I am not satisfied that there would even be a teacher majority on the teacher and practitioner interest committee, which seems to be a conundrum if that committee is going to take forward the interests of practitioners. The role that teachers will have on that committee is unclear, at the minute.

**John Mason:** I will maybe widen out the discussion, as that leads to my next question. How much detail do we go into in the bill? With all legislation, if we go into too much detail, it ties everybody's hands for the next 20 years. Should there be guidance as well?

**Anne Keenan:** The way that the bill is drafted is really opaque. If we are talking about majorities of majorities, that is not giving anybody any certainty as to what there should be. Clear legislative provisions can be drafted to say, for example, that there should be a teacher majority on the teacher and practitioner interest committee, because that is the committee where their voice should be heard. I suggest that there should be greater clarity in the drafting of the provisions and that we have certainty, and that it is not open to fluctuation, whereby the representation of teachers on this important committee could be changed at a whim, because that is not set out in legislation.

**John Mason:** That is helpful. Stuart Hunter, is your view about the interest committees the same?

**Stuart Hunter:** I concur whole-heartedly with what Anne Keenan said. To come back to a point that I made earlier, the bottom line is that teachers are professionals—we have professional judgment. A teacher committee will consider what professionals are doing in the classroom, the school environment and the education

environment. I will give a simple analogy. Would you outweigh a doctors committee? We need to be respected as professionals.

**John Mason:** To be fair, we stopped doctors running hospitals some time ago, because it was not working.

**Stuart Hunter:** I am talking about the professional judgment that a teacher has in the classroom and the way that education moves forward. There is a difference.

**John Mason:** Do the other two witnesses want to come in on the point about interest committees?

**Laurence Findlay:** Obviously, the teacher and practitioner interest committee should have lots of teachers and practitioners on it, and the learner interest committee should have learners on it. My only point would be that the committees must be representative of the whole of Scotland. In some of the governance structures that we have had previously, there has been central belt dominance, which concerns me and colleagues in other parts of the country. There should be good representation from the whole of Scotland to represent the country that the system is set up to serve.

**John Mason:** Would you say the same for the advisory council?

**Laurence Findlay:** Yes.

11:30

**Graham Hutton:** I agree with my colleague Laurence Findlay. The membership must be representative. I am worried about getting hooked on numbers, but the advisory council should reflect employers, colleges and other interested parties, because the membership must be representative across the board. Education is not just about teachers. They play a hugely important part, but there are other stakeholders, too.

The small special interest committees must be representative of teachers and young people. There is a difficult issue with the young people one, because we must ensure that young people are able to contribute positively. Linking up with the Scottish Youth Parliament might be a way of moving forward, because it can defend the interests of young people.

**John Mason:** That is very helpful.

**George Adam:** We do not often hear John Mason admit that he is in a minority's minority. That is just a wee bit of light banter before I start.

On the more serious issue of the bill, we have heard much about the relationship between the SQA and the profession. There is a lack of trust between them, although Laurence Findlay has

stated that things are getting better. I am forever the optimist and forever hopeful that we can make things better. What do we need to do to make changes? How can trust be regained with the new qualifications body?

**Stuart Hunter:** One of the most significant issues for secondary school teachers and, to some degree, teachers in colleges is the SQA's failure to listen to teachers' concerns about additional workload being dropped in at any time in the academic year. We have repeatedly told the SQA about that, and I know that our colleagues in the EIS and the NASUWT have raised the same issue with the SQA for more than a few years.

The reality is that school courses have already started—they started before the summer—so exam courses are taking place right now, but the SQA drops in additional work that needs to be done and amendments that need to be made during this term or, sometimes, the October term. By that time, some units have been taught, which means that those units have to be abandoned or teachers have to start going over assessments again. We have repeatedly said to the SQA that schools have working time agreements. That is part of what the Scottish Negotiating Committee for Teachers does. Decisions about the workload of teachers are often made before the summer break, and we have asked the SQA on numerous occasions to try to align with that system. If there are changes, they have to wait, because teachers are already teaching the courses.

In addition, there is a hierarchy of subjects. Those who teach English, maths or the sciences tend to be first in line to get any significant updates that are required. Those who teach subjects such as religious and moral education get changes in November or December, when prelims are about to start.

In relation to structures, the SQA must be aligned with the school education system in Scotland. That would make us partners, not stakeholders. The SQA needs to listen to that. I am afraid that, until the SQA or qualifications Scotland can demonstrate that it can work with teachers in partnership, it will be hard to develop trust.

**Anne Keenan:** In our written evidence, we alluded to the fact that we want the governance arrangements to change so that there is a more robust system, with governance arrangements similar to those for the General Teaching Council for Scotland, or the bill to be amended to ensure that there is majority representation of teachers and lecturers in the membership of the SQA.

Stuart Hunter raises a really important point—namely, that that governance needs to be developed and made manifest through the actions

of the new qualifications agency, by it being a listening body that is responsive to workload. Many of our members tell us that the issues around qualifications are a major driver of workload, so we need to see that being addressed and we need a qualifications agency that is much more responsive to the needs of the profession.

**Graham Hutton:** There are four things—the four Cs. First, there needs to be far more consultation by the SQA on where the assessment procedures are going. Secondly, there must be far more collaboration, particularly with Education Scotland, because we cannot have the situation where the assessment tail is wagging the dog. Thirdly, there needs to be better communication, and I think that the appointment of John Booth has made a big difference to communication in the SQA. Usually, you would get communication in school on a Friday at about 5 to 6, when everybody had gone home. It is important that there is better communication from the SQA.

Finally, the fourth thing is co-creation, which is an SQA word—that is where it started off. We really have to move that forward so that all the different partners and interested parties, which means teachers, pupils, employers, Education Scotland and the SCQF in particular—I come back to that partnership, which is absolutely crucial for moving the reform process forward—co-create by working together. Those four things represent a better way of doing things.

**The Convener:** Laurence Findlay, do you want to add to that?

**Laurence Findlay:** No, I would just associate myself with my colleague's comments.

**George Adam:** I have a fair idea of the answer that I am going to get but I will ask the question anyway. What should be the make-up of the board of qualifications Scotland?

**The Convener:** Who wants to go first? Anne Keenan, you have already started to address that.

**Anne Keenan:** Yes, I suppose that I have already answered that question. If you look to the model of the GTCS, there are a number of educational partners and stakeholders on the board, but it has a majority of teacher representation. We have proposed something similar as a robust governance process for the membership of the new qualifications Scotland board. If that model were not adopted, the provisions in the bill could be adjusted to ensure that there is a majority of teacher representation.

**Laurence Findlay:** It is important that the board of the new qualifications Scotland body has broad representation from a range of backgrounds. Teachers need to be represented, but employers and local authorities also need to be included. We

spend a lot of our resource on supporting our schools through the qualifications process. It is good to have some members who bring something unique from their backgrounds and their roles in society. It is good to have people with a business background and so on who have a vested interest in the qualifications system. Therefore, it needs to be broad and balanced and, again, representative of Scotland as a whole.

**George Adam:** In evidence last week and earlier today, the committee has heard that there is a broad landscape with many players. I do not doubt for a minute that teachers are an extremely important part of that, but there are many other stakeholders and people involved. There will always be someone who is saying, “We should have representation on said board because of X, Y and Z”, so how do you see the plan for this? Laurence Findlay, you have gone down this route because you mentioned the local authority point of view—and I understand that perspective, because I used to be a councillor. We will not keep everybody happy all the time, but how do you create a board that people feel is representative of all those who are involved in education in Scotland?

**Graham Hutton:** You do that through consultation, by getting people round the table and by not imposing things but co-creating—looking at how we move things forward to get an advisory board that will do more than just advise and will actually direct how qualifications Scotland will work. The wider you make that involvement and the greater the number of people involved, the more variety of views you will have. I think that that is what Laurence Findlay is saying—there must be a variety of views. Saying “This association has to have a representative but that one doesn’t, because it’s bigger or it looks at a different aspect” is not the road we should go down. It is about who can contribute a valid interest in relation to young people and how we ensure that they get the best deal possible through the qualifications association—I am sorry, I mean the qualifications authority.

**The Convener:** It is okay—you tripped up, although not in the same way that I did.

**Graham Hutton:** It is better than “sausages”, I suppose.

**Anne Keenan:** I think that there is a distinction between the board of qualifications Scotland and the advisory council. The membership of the new qualifications Scotland should be quite small. As the bill is currently drafted, it could have up to 13 members. It is vital that the interests of teachers and learners are represented. That is key if we are to adhere to the recommendations of the Muir report and the OECD reports. It is also important that staff of the new qualifications Scotland are

represented in that space. They do a fantastic job across the piece, and we want to make sure that they have a body to represent them.

There is the membership and, distinct from them, there is the advisory council, which can perhaps inform the wider engagement with stakeholders and partners.

**The Convener:** Stuart, do you have anything to add?

**Stuart Hunter:** I agree whole-heartedly with what has been said.

**Evelyn Tweed:** Good morning. Will the bill ensure that the inspectorate is sufficiently independent from the Scottish ministers? I put that to Anne Keenan in the first instance.

**Anne Keenan:** No—I do not think that the bill will ensure that the inspectorate is sufficiently independent from ministers. I should probably preface my remarks by saying that we would have liked to have seen a different model from the inspection model that we have in the bill, but I can come back to that if the committee wants to discuss that further.

We would much prefer that resources had been deployed to support the development of teachers and the creation of a quality assurance process. However, if we have to have an inspection function, we would welcome its being independent of ministerial control, as Professor Muir recommended. As the bill is currently drafted, I do not think that it provides that reassurance. As we have outlined in our written evidence, there are a number of functions over which ministers have control. Ministers can recommend for appointment other inspectors, and they can direct the chief inspector to inspect establishments and so on. There will continue to be ministerial control over a range of functions. We would much rather see a truly independent inspectorate that reports directly to the Scottish Parliament.

**Laurence Findlay:** I agree that the new chief inspector of education must be completely independent and impartial. It is interesting to note that, over the past few years in this country, some fantastic reports have been published, such as the Muir report, the OECD report, the Stobart report and the Hayward report. The international council of education advisers has written some excellent state-of-the-nation reports on education in Scotland. That suggests to me that the inspectorate has not been doing that job adequately or appropriately over the past decade or so.

As a profession, we used to rely hugely on the “Improving Scottish Education” series, which gave a fantastic state-of-the-nation overview of education, which was derived from what HMIE

was seeing in our schools. We used to have really good curricular reports on the state of different curricular areas and what effective learning and teaching looked like in different subject areas, but we have not had any of those for a long time.

Therefore, something has been going wrong, and I associate myself with Anne Keenan's comments that the new chief inspector and the inspectorate must be absolutely independent to allow them to tell it as it is, if you like—to speak truth unto power when it comes to the state of Scottish education and what needs to change.

**Graham Hutton:** I totally agree with my colleagues. We believe that the chief inspector must be totally independent and must be accountable to Parliament. That will be a very powerful job, and there must be some accountability to Parliament. Education has become a political football over the past 10 years, and if we take it out of the hands of the Scottish Government and put it into the hands of Parliament—that will involve taking it from one set of politicians and giving it to all the politicians—we will get better co-operation and better co-creation in relation to how we move Scottish education forward. The inspector must be accountable.

11:45

We would also welcome associate assessors becoming far more involved in the inspection process. I tend to agree with Anne Keenan about “inspection” being an old-fashioned term. Previously, the word “scrutiny” was used, but I think that that has totally gone out now—thank goodness.

The more that we have practising teachers and leaders in schools forming part of the inspection process, the sooner we will move to a far better situation where there can be self-improvement. At the moment, associate assessors are mainly headteachers or deputies, but we would welcome the appointment of faculty heads, too. They are the ones who run departments and support teachers to deliver and improve things in the classroom.

**Stuart Hunter:** Again, I agree with everything that my colleagues have said. For the SSTA, the only additional point is on why the inspectorate should be completely independent of the Government. At the end of the day, the whole purpose of an inspectorate is to support schools, local authorities and teaching staff. If it were to be completely independent, it would be more empowered to do that, rather than simply follow key drivers. For example, schools are exam driven and data driven, so we find that many of the reporting systems in our workload are based around that. An independent inspectorate would

consider how it could support schools to achieve the outcomes that it is looking for, rather than penalise them in the way that can be seen in the league tables approach.

**Evelyn Tweed:** I will follow up on that. To what degree should a future independent chief inspector be able to determine the purpose of, and approach to, inspections?

**Laurence Findlay:** They should have the ability to determine the approach to inspection. However, it should be done in co-creation—we have used that word a lot today—with the wider education community.

I will give a live example of what is happening just now. Currently, all local authorities in Scotland are being inspected: a thematic inspection is considering how well we are supporting schools in our local authority areas. That work was announced just before the summer break, and it is taking place throughout September and October. It will be followed by a national report.

ADES is of the view that we could take a different approach, which would be much more about supporting improvement from within the system. By that we mean that local authorities and our staff, including school staff, would work closely with Education Scotland and the inspectorate to develop a more validated self-evaluation model. An example of that is the collaborative improvement work that we have led over the past few years, which is leading to our next phase of work on examining how good our education authority is. We can take a more progressive approach, rather than again imposing the top-down model of accountability that the thematic reviews seem to illustrate.

**The Convener:** Anne, would you like to go next?

**Anne Keenan:** I went first the last time. On you go, Graham.

**Graham Hutton:** I agree with Laurence Findlay. It is important that there is a purpose to inspection. It is about finding out not only what is wrong but the good things as well.

In the past, something that has not been passed on under the inspectorate is the huge variety of examples of top-quality practice in schools across Scotland. Often, the emphasis in inspection reports seems to be on what has gone wrong or needs to improve, whereas a huge amount of super stuff goes on in Scotland's schools that we should be immensely proud of. The OECD has pointed that out, as can be seen from the wellbeing aspect and various other aspects of its reports.

We need to ensure that we share such good practice. In addition, the schools where we do not

find good practice must be helped and supported by having teams around them. Too often, in the past, schools have been found to be lacking but have been left to get on with it. The inspectors have said that they will come back in six months or a year. In the meantime, the school has not really had the chance, the facilities, the capacity, or the ability to improve on its own, and even the local authority might not be able to do that. We feel that there needs to be a team around the school that will support staff and come in from other places. That is where the reformed Education Scotland—which, I have to say, is not mentioned at all in the bill—plus the Scottish Qualifications Authority, the SCQF and all the various partners could come in together and support a school that is struggling. The purpose of inspection is to improve schools, not to do them down.

**Stuart Hunter:** It is becoming a bit of an echo chamber in here, but I agree with everything that has been said.

I just want to add another point. Have any of the members sitting here right now ever been in a school a few days before a school inspection? I can tell you that if you go into any school in Scotland that is about to be inspected, you will see staff who are absolutely exhausted. They are like rats in a run, trying to get all the evidence that they need to meet the inspectorate's standards. Indeed, it is not just classroom teachers; it goes right through the entire school, to the school leadership and everybody else. The minute that you mention inspection, the staff go, "Aw, naw." They are terrified, because it comes on top of everything else.

That is why we have said that, when it comes to the advisory bodies and so on, we need to change the culture of the inspectorate to one that is supportive. My colleagues have already highlighted this, but in every school in Scotland, there is amazing work going on with our children and staff. It is incredible what they do. Schools are not about exam results; they are about trying to make life better for every child in a classroom, and often that gets lost in league tables. I am sorry to repeat that point.

**Anne Keenan:** I think that the original question was whether the chief inspector should have the function of determining what the inspections look like. That comes back to governance. I think that Laurence Findlay alluded to that when he talked about collaboration, and we also need to see much more change, as my colleagues have outlined. We have an antiquated inspection system that is driven by top-down accountability targets; it puts pressure on staff and impacts on staff health and wellbeing; and I question the extent to which it contributes to advancing educational purposes at this stage.

If the chief inspector is looking at that, we very much hope that, as was highlighted in the Muir report and the Scottish Government's response to that, there will be a much more collaborative approach, signalling empowerment and with a strong focus on self-evaluation and the teacher voice. However, it all comes back to that governance arrangement, and the only stipulation that we can see in the bill in that respect is the advisory council. I do not think that that goes far enough to assure us that the changes to culture, which we need, will be effective. We do not want that sort of thing to be dependent on one person's views; the culture cannot just change whenever a new chief inspector comes in. Governance arrangements need to be in place to ensure that there is truly an empowered collaborative approach to what we would like to see, which is a much more co-created—that word has been used a lot in this session—approach to support and development rather than inspection.

**Graham Hutton:** One more thing that I would add along those lines is that the gradings that come with the quality indicators do not help. People focus unduly on whether a school is excellent, very good, good or satisfactory, and it is not about that. A school can be branded, wrongly, for not having good attainment, even though so many other things might be going right at it. Indeed, I can speak from personal experience about that.

We need a narrative of where the school is at, how it got there and how it can move on—that is how we improve schools in Scotland, not by branding. I work very closely with the Association of School and College Leaders, our sister union in England, and it has been following the Ofsted change in respect of the one-word judgments. We are not as bad as that here, but in the past we have felt the same impact from gradings. Therefore, we feel very strongly that those gradings—the scores on the doors—have to go and that instead there should be a narrative of where the school is, how it has got there and how we can move on. That is where the team around the school comes in.

**The Convener:** I know that Bill Kidd wants to pick up on that thread.

**Bill Kidd:** Yes—thanks, convener.

As has been said, it is very important that schools are not pinned to the wall and vilified because somebody has decided that something is not right. The fact is that every school has an overarching local authority, and the local authority's contribution to the delivery of education needs to be evaluated, too. I see what you are saying about not pinning people to the wall and saying, "You're no doing it right", "You're doing it wrong" or whatever, because there is more to it all

than an immediate inspection would suggest. How do you communicate to learners, their parents and their carers—and, in fact, to voters in local authority areas—how a school is performing once you have overcome the difficulties with the present inspection regime? How do you get that out and let people know how a school is improving?

**Laurence Findlay:** Perhaps I can come in first. Thank you for the question. It is all about the approach to standards and quality reporting; I would expect all local authorities to have such an approach in place across all their establishments to ensure consistency in what schools are telling their parents and communities about performance—for example, outlining their priorities for improvement, their successes and so on. All of that needs to be quality assured by the local authority, with somebody checking that what is going out is factual and can be backed up with evidence, data and so on.

**Anne Keenan:** This brings us back to the national discussion. I think that part of the problem is that we are looking at all these reforms in isolation, but I remember Ken Muir asking the national discussion to lead on finding some consensual vision. Indeed, it gave us that vision of a child's holistic development, underpinned by social justice, equity, equality and diversity. We would meet the needs of all learners, but do so in an empowered system.

It all comes back to empowerment. We throw that word around, but very rarely do we unpick what it actually means; it means involving the children, the young people, the families and the whole community within which that school is placed in the school's journey and in the journey of its learners. We need to get away from top-down performativity targets, where we are constantly measuring and measuring. Instead, we need to look to realign our resources towards providing support and development at a local level in a way that enables collaborative engagement across the piece and ensures that the community is aware of how good the school is and that it will engage with it. There can be other reporting mechanisms, but it is the cultural change that we need to move forward with if we are ever going to achieve that consensual vision with regard to curriculum for excellence, and if we are going to deliver not just meaningful outcomes for children and young people, but meaningful and supportive conditions in which our teachers can work without undue stress.

**Bill Kidd:** I understand, and your comments have been very helpful.

On the back of that, when we were discussing the proposed advisory council, someone talked about the representation of teachers and, indeed, who will be represented on that advisory council.

Will that not help shape the approach that is taken to inspections? What is your view on how the council should be set up and how it should operate once established? That is, if it should be established—you might not think so.

**Laurence Findlay:** I think that the advisory council should be established, because it is something that we lack at present. I have said this before, but it is important that it is fully representative of the establishments and the bodies that are inspected. Yes, schools are inspected, but so are early learning and childcare settings, community learning and development and so on. It is vital that all the key people—and by “key people”, I mean those who have a stake in the game by being inspected, which will include local authorities as employers, as they go through thematic inspections, too—have a voice in how the system evolves and improves and how it is co-created to be fit for purpose in the 21st century.

12:00

**Graham Hutton:** I agree with that in many ways. There has to be an advisory council. HMIE has been doing its own thing, as it were, for a long while now. Although we want such a body to be independent from Government, we still need some advice about how we move forward. I come back to the four Cs that I mentioned. It is all about consultation and working together in order to take things forward.

Moreover, when it comes to reporting back, at the moment we get a letter to the school, and we also have the summary of inspection findings—or SIF—which is a far more in-depth report that was originally intended to be for school use only, but which, as a result of freedom of information requests, usually has to be released, too. Perhaps we need something in between to tell the story of where the school is, how it has moved on and what support it is getting from the local authority.

I know that my colleagues in the Association of Headteachers and Deputies in Scotland will say that what need to be inspected are the local authorities and how they support all the different schools in their areas. After all, in one local authority area, you might have schools at different ends of the spectrum—that is, going from high to low on the Scottish index of multiple deprivation, with some in the middle, which will be completely comprehensive. However, each school is different, and that is the problem. One size does not fit all, and you might not be able to transplant what goes on in one school into another and ensure that it is successful there.

The question, then, is: where does the local authority come in? How does it support a school? Indeed, how does it work with a cluster of

secondary schools, plus their primary schools? There are different angles that we can look at, aside from the traditional one of simply going into a school in isolation, reporting on it and then just leaving things there and going away.

**Anne Keenan:** The advisory council is a start, but it does not go far enough. As you will have seen from our written report, we have advocated more of a board approach to the inspectorate so that it can influence governance arrangements more directly, instead of having merely an advisory role. Our concern at the minute is that, as drafted, the bill merely provides that the chief inspector will

“endeavour to ensure that the Advisory Council ... is representative of”

those who will be affected by the inspections. The bill, therefore, does not provide any great clarity with regard to who will be on the council. I agree that it will have to be representative; obviously, we would want the teacher voice to be a key part of it, but, with the move to a much more collaborative and self-evaluative approach, we would be advocating for a board rather than an advisory council to be established.

**Bill Kidd:** That sounds sensible. Does Stuart Hunter want to comment?

**Stuart Hunter:** Again, I concur with everything that has been said. I know that I am repeating this, but the only thing that I would add is that the advisory council has massive potential to flag up everything good that is going on in schools. The secondary phase of our education system is exam driven: it is all about results. When you look at those exam results, though, can you see how many of those kids did not end up sitting exams? Can you see how many of those kids might have had massive achievements way beyond their potential, but did not get an exam result? A key function of the advisory council would be to highlight successes that meet the principle of getting it right for every child. After all, that is the *raison d'être* of education in Scotland—we need to get it right for every child. If it follows through on what Anne Keenan has quite eloquently highlighted, the advisory council has massive potential to help educators to get it right for every child.

**Bill Kidd:** I presume, then, that the witnesses are proposing that the correct way forward would be for us to be able to hear about not just when somebody has done something wrong, but all the things that are being done well. We need to push those things out, too, so that people believe in schools and we raise their expectations of schools and what they deliver.

**Graham Hutton:** I totally agree. Indeed, that is what the Hayward report encapsulates in the

proposal for a Scottish diploma of achievement. It is about not just the academic, but all the other things that young people do.

I know that there is an issue about equity, but it can be solved, because the Hayward review made that recommendation to ensure that those who are not in SIMD areas 9 and 10 have something to show for what they have done. If a young person is a carer or has a part-time job, they might not have a national 5 qualification, but they will have other skills and experiences that are just as relevant, particularly for employers.

Stuart Hunter is absolutely right. In Scotland, 20 per cent of young people leave school without one national 5 qualification, and that is one of the benchmarks or metrics that we use. Those metrics are wrong, because they do not represent how much young people achieve. National 4 qualifications are not highly regarded, and one of the reasons why we wanted exams to be taken out of national 5s was to raise the standard of those qualifications and make them highly regarded, so that young people who leave school without the first watermark on the wall of having one national 5 qualification can be seen to have achieved something. The SDA, which Louise Hayward proposed, will start that process. We are taking baby steps—and I mean baby steps—towards that, and the work needs to be done at pace so that we can see what our young people are doing.

The OECD focuses on such metrics, particularly for reading, literacy and numeracy. I am not doing them down, because they are important, but so much else is going on in Scotland that young people benefit from. In a load of schools, attainment might not be up at level 6—I am not going to call them highers any more—but so much else is going on for our young people. If we want the economic benefits of this country to improve, we must ensure that those young people get recognition and are valued for what they have done.

**The Convener:** If you do not mind, I will go back a little and ask about the mechanism for evaluation. We have heard from Stuart Hunter about the fear and panic in establishments when they are notified of an inspection, and Graham Hutton and Laurence Findlay have talked about the important role that the local authority plays in relation to the performance of a school. How should the performance of schools and local authorities be evaluated?

**Laurence Findlay:** It is critical that the inspection agency and local authorities work together, bringing together their skills, expertise and knowledge, to consider the key indicators that matter. Obviously, a huge one relates to outcomes for learners. How are we improving outcomes for learners in local authority A, B or C? How good is



the leadership, direction and vision for education in local authority A, B or C? Together, we should set out our stall in relation to where we think we are and where we think we can improve, based on evidence and data. It should be much less a top-down system from the inspectorate; the system should be more consensual. We should take that approach in the future.

The system must also be cognisant of context, which is really important. Earlier today, Graham Hutton and I were chatting about the fact that the local context of a school in an SIMD area 5 in one part of the country can be very different from that of a school in an SIMD area 5 in another local authority area, because of job patterns, geography or whatever it might be. We appreciate that the national standard is the national standard, but the context in individual areas is unique. In parts of the country, including my own area, we really struggle to recruit teachers in certain sectors, but very little cognisance is taken of that during inspections. That makes things even more stressful for staff. We get that the national standard is the national standard, but the context must be understood by all.

**The Convener:** Those are some helpful examples.

**Graham Hutton:** I concur with Laurence Findlay. It is important that we have a standard for what we expect in schools. At the moment, we use HGIOS 4. We definitely need to look at replacing or refurbishing that, or to consider whether we need a totally different way of evaluating schools, with different quality indicators. There are far too many quality indicators—there are about 30, I think—but inspections focus on only four or two, depending on the length of the inspection. It is important that we consider what is important in schools and what we value, rather than the metrics that are linked to the national improvement framework. I come back to the point about what we value. What is the context of the school?

I was headteacher at one school in Dundee and senior deputy at another school in Dundee that was just 2 miles away. Those schools were chalk and cheese, yet what was going on in them was valuable and relevant to the young people in each school. They were different, but they were still in tune with what the young people needed.

**Stuart Hunter:** There is an interesting model that is already used across a lot of local authorities, which involves the schools doing a local self-evaluation of where they are. That is important. When that process is done properly, it is usually done in conjunction with the local authority employer. It is often arranged through the local negotiating committee for teachers at the local level, and there are agreed parameters. As

Graham Hutton has already highlighted, the HGIOS 4 indicators are usually used.

I will tell you what is really positive about that process. When it is done on a voluntary basis, it is amazing how everyone buys into it and works together. Instead of doubling or tripling the amount of work that is involved, the results of that process can be handed to any inspectorate. We can say, “This was completed in the most recent academic year, and these are the outcomes that we achieved.” That allows the inspectorate to look at other indicators without undertaking a massive inspection that is hugely disruptive and stressful. Staff are already doing that work. As far as I am aware, every local authority in Scotland inspects its schools. Why are we having double or triple inspections when local authorities are already carrying out inspections?

**The Convener:** Do you have anything to add, Anne?

**Anne Keenan:** Yes. Stuart has highlighted the fact that the whirlwind of top-down accountability is creating additional workload. The fact that mini-inspections are taking place before the inspection process is a driver of workload for our members.

As I have indicated, we would much prefer a complete review of the inspection process, so that we have something that is co-created with the profession and that is much more akin to the model in Finland, which Professor Priestley spoke about last week. We would rather have a model in which resources are driven more towards support and development than top-down accountability.

**Gillian Mackay:** A huge amount of reform work is being done, and the bill is only part of that. It could be argued that most of the reform that the Government is considering sits outside legislation. Do you believe that we are undertaking the reform work in the right order? Should we start with the bill and then move on to other non-legislative reform work, or would you have preferred us to take a different approach?

I will come to Anne Keenan first, because she has touched on all the other reform work that is under way.

**Anne Keenan:** That is a difficult question to answer succinctly. Our members made it clear that the qualifications agency urgently needed to be reformed. We raised concerns when there was a delay with that last year, and we welcome the fact that action is being taken to advance that. Equally, we welcome the fact that action is being taken in relation to inspections. We have to start somewhere, and I think that structural reform is a good place to start in moving us forward.

However, we cannot get away from the fact that there is much more work to do in relation to the

cultural change that we have mentioned, and, more importantly, in achieving the vision of education that we have spoken about. Over the past year, we have spent a lot of time on numerous reviews. If we put all the jigsaw pieces together, we will have a consensual vision of, and a pathway for, where we can go to better meet the needs of children and young people in Scotland, and to ensure that we develop them holistically and that we celebrate not only attainment but achievement, so that everybody—as colleagues have mentioned—can, on leaving school, celebrate the advancements that they have made in education. We have a huge way to go with that, and I think that the bill is a start.

12:15

Last week, we had the cabinet secretary's announcement on the Hayward review. Although we welcomed the fact that she signalled the need for culture change and for the teaching profession to be at the centre of reform, and the fact that she acknowledged that there was a need to move away from some exams, we are concerned that we are not moving faster in giving parity to academic and vocational qualifications, that we are not moving away from the two-term dash that we all know, and that we are still attainment driven. That is the culture change that we need if curriculum for excellence, which has been lauded through all those reports, is to lead to a meaningful end in the senior phase for a huge number of children and young people.

We desperately want to ensure that we develop all four capacities, so that not just successful learners but confident individuals and responsible citizens come out at the other end.

**Laurence Findlay:** Anne Keenan is right that we need to start somewhere, and this is clearly where we are starting. However, very little is said about the remainder of Education Scotland once the inspectorate leaves and, for me, that is crucial.

Graham Hutton and I were chatting earlier about what we wish we had known 20 years ago, in the early days of curriculum for excellence. One of the big things would have been the need to build in the curriculum review cycle, which will be essential in ensuring that we future proof the curriculum and that we are not in the same position in another 10 or 20 years' time. That is critical.

Interestingly, I was here a few years ago, talking about regional improvement collaboratives. Although regional improvement collaboratives were not perfect, local authorities came together to share resources and look at issues where they had shared concerns. It was disappointing to see the announcement last year that there would be a shift away from regional working to a more

centralised national model. That gives me some concern, given the context in different parts of the country.

Collaboration is key, as we have said several times throughout today's meeting. I associate myself with Anne Keenan's comments on Hayward. That was potentially one of the most exciting changes for a long time.

Stuart Hunter spoke about getting it right for every child and every learner. Clearly, we have not been doing that because of the number of young people for whom the senior phase has not been working. I do not think that Hayward is a pick-and-mix approach; it is a total approach to shifting the system once and for all. If the pandemic taught us anything, it was that we had an outdated model of assessing young people in the senior phase, which was not fit for purpose in the 21st century and certainly not pandemic proof, as we learned to our cost. That gave us a real opportunity. As an education system, there are other areas that we need to take a much closer look at.

**Graham Hutton:** I concur with my colleagues, to a great extent. We are where we are. The time that it has taken—from all the reports coming in to taking baby steps forward—has been frustrating, to say the least. In the SLS, we are a wee bit disappointed about how far we have got.

I disagree with Anne Keenan about the word "vision", because I do not think that there is a complete vision of where Scottish education is going at the moment. There are too many jigsaw pieces, and I do not know how they all fit together. The bill deals only with the Qualifications Authority and the inspectorate; it does not mention Education Scotland, the centre of teaching excellence, the SCQF partnership or the GTCS. How do they all fit together? They all have to interlink and they are all partners in taking things forward for our young people. I hope that the vision will come shortly—I think that the cabinet secretary will issue it in November. The bill is just a starting point, and the baby steps are there.

In the view of the SLS, Hayward was an absolutely golden opportunity to move our education system forward. At the moment, our education system is based on the introduction of highers and lowers in 1888, so it is a 19th-century system. Bits have been bolted on to it and other bits have been bolted on top of those bits. Bits have rusted and the system is creaking. We needed to undertake not a big-bang approach but a fundamental review, which is what Louise Hayward did, to take forward a system that would be suitable for the 21st century. We are a quarter of the way through the 21st century and, as we said earlier, we are not really delivering for all our young people and for the country.

**Gillian Mackay:** I will come back to you, Graham, on the point about those jigsaw pieces. What are the dangers of potentially having to take a hammer to those jigsaw pieces to make them fit in that context of reform, rather than the whole-scale review to make sure that everything sits together neatly, as the Hayward approach might have achieved?

**Graham Hutton:** I think that that is a danger. I might not use a hammer on the jigsaw, but I might need a jigsaw to cut bits off. The question is where all the pieces fit together. There is an overlap with the centre of teaching excellence and research into good pedagogy, but what good practice is His Majesty's Inspectorate of Education already seeing in schools and how does it share that? I mentioned that earlier. How does Education Scotland come into that? It does a fantastic job of supporting professional learning and improving learning and teaching across the country. All those things overlap, and that really should not be the case, because we are in a situation of financial constraint, so we cannot have doubling up—we have to ensure that everything fits together.

We might not need a hammer, but we certainly need a bigger picture to see how everything fits together. At the moment, I am not convinced that we have that.

**The Convener:** What should the new Education Scotland focus on to ensure that it contributes effectively to higher quality learning and teaching in schools?

**Laurence Findlay:** It should continue its focus on supporting the system with the curriculum review cycle, which will be essential, as I mentioned earlier. It must also play a key role in the professional learning of teachers and practitioners across the system, by continuing to support the middle leadership programme and the “Into headship” programme, which all the witnesses around this table are partners in. It needs to continue along those lines.

**Graham Hutton:** I agree. There is immense work being done on the professional learning front, particularly on the “Into headship” programme and the middle leadership programme. The curriculum review cycle, which Laurence Findlay mentioned, is actually well overdue. It was one of the OECD recommendations. It is about looking at where we are in each area of the curriculum, starting with maths, then English and then moving through all the curriculum areas. That is a very sensible thing to do, but it needs to be done in a cycle over the next 10 years and then we need to come back to it.

**Anne Keenan:** We would like to see much more support from Education Scotland for teachers. In previous responses to reviews, we have

highlighted that teachers felt that, when Learning and Teaching Scotland was disbanded along with support for local authorities in relation to particular areas, that was a huge miss. We would like to see co-creation, much more advice on the curriculum for classroom teachers and the production of resources that could be adapted to support them. That is particularly needed in a number of difficult areas, such as in the relationships, sexual health and parenthood curriculum, where teachers are looking for sensitive responses. We would like to see much more advice and direct support for classroom teachers.

I agree with what my colleagues have said about the curriculum review cycle. That is an important piece of work, and we are delighted to see the commitment to involve classroom teachers. The concern is that teachers are not being readily released to engage in these practices. With regard to the maths review, we raised a number of concerns about the fact that that took place over the summer holidays, which meant that the teachers who engaged in that process were giving up their holidays to be involved. If we are really committed to the curriculum review cycle and if we want the voice of teachers to be at the centre of that, the process needs to be matched by resources to allow teachers to engage meaningfully.

**The Convener:** Thank you for that, Anne. I will bring in Stuart Hunter.

**Stuart Hunter:** Anne Keenan stole my thunder.

**The Convener:** You can always repeat it.

**Stuart Hunter:** Teachers are at the heart of education. They are the ones in the classroom. Anne Keenan mentioned LT Scotland, which gave resources and materials to various curriculum leaders and classroom teachers in each subject specialism. The secondary sector is about subject specialism, but, over the past 25 years—for teachers in the 21st century—we have seen generic continuous professional development. Subject specialism CPD has almost gone completely, which has a direct impact on curriculum delivery.

The SSTA and our members are pretty unanimous on this: Education Scotland should get back to the day job of delivering for classroom teachers and schools in general in developing and supporting the curriculum.

**The Convener:** Thanks, Stuart. Finally, I call Jackie Dunbar.

**Jackie Dunbar:** How well does support from the current national agencies reflect the diversity of our learners, including our care-experienced young folk and those with protected characteristics?

**Stuart Hunter:** I am going to throw in an answer to that question, because we have been dealing with a significant issue with ASN support. I just want to flag that up in particular. We are seeing a massive increase—of, I think, 400 or 500 per cent—in the number of children who are identified as having ASN, while, at the same time, we have seen an almost 70 per cent drop in ASN staff. That is a complete and utter failure of those children and learners in the school environment and from the support agencies.

Moreover, with social services cutting back in the face of financial difficulties, they will often deal primarily with the urgent and priority cases, with school and support staff left to pick up the pieces. However, we are not qualified social workers. There is therefore a disconnect between the various agencies, and it is having a direct impact on the workload of not just teachers in the school but the entire school staff. I would also say that the local authority is having a huge impact, because those agencies are not getting the funding that they need to provide support, and that, too, is impacting on the school environment.

I will leave it at that and let my colleagues respond.

**Anne Keenan:** Stuart Hunter has highlighted the imperative for additional resources for ASN. Indeed, I know that the committee has just completed its report on the matter, which is being presented to Parliament this afternoon.

Our “Stand up for quality education” campaign looks at the correlation between workload, violence and aggression and ASN. Thirty-seven per cent of children across Scotland have additional support needs; given the falling number of specialists that Stuart Hunter has highlighted, that is a real concern for us, and it needs urgent investment. We can look at reform and at how our resources are being spent, but we absolutely need additional investment for children and young people in that sphere.

The same applies to the support that they receive from the national agencies. I have previously referred to the alternative assessment arrangements from the SQA and the advice that has come out in that respect; we have worked collaboratively to improve those aspects and to ensure that the young people sitting exams have the appropriate supports in place. I was pleased to see that taken forward recently, and I would like to see that type of engagement continue, because we must ensure that we are providing the best supports for children and young people in our schools.

**Graham Hutton:** I totally agree with my colleagues. I have to say that the stress on and rise in ASN numbers, and what I would say is the

reverse amount of support and resources that is being given, are making things far more difficult.

I am going to praise the SQA, for once, for the triple As—the alternative assessment arrangements—that it is providing to young people with ASN characteristics and the digital question papers that are coming out to support them. There is a lot of good coming out of the SQA to help our young people get assessed better.

Education Scotland has done a lot, too, to support those with particular characteristics. Almost every week, I put out to my members an update from Education Scotland, which might be about LGBTQ issues, the recent riots down south and how people up here feel threatened and so on. That sort of worthwhile advice is coming from Education Scotland, and it shows that there has been a big change there and that it is back on the ball.

Again, it all comes down to more resources from local authorities and the Scottish Government. I know that we keep saying that there is no money—but there is money. There is a huge budget. The question is: how do we prioritise things within that budget? That is a political decision that local authorities and the Scottish Government have to make at the end of the day. I know, though, that there is no extra money—I think that we do need to say that.

**The Convener:** The other three panel members have talked about additional support needs, but I wonder, Laurence, whether you can focus on the care-experienced young people angle.

**Laurence Findlay:** Absolutely. In that respect, we need some joining up of policy at national and local level. For example, there is some really good work coming out of the Promise and some really good practice locally. Indeed, in my own area, we are seeing a huge increase in the number of Promise care-experienced young people groups across our school estate, with care-experienced young people coming together—under the UNCRC banner, too—to express their rights, and it is incumbent on all of us to do everything that we can to ensure that they have a certain quality of experience. There is certainly more that we can expect from the national agencies in relation to care-experienced young people.

**The Convener:** Thank you very much. That was super.

Thank you all for joining us today and for your evidence. As with our first panel, we had a lot to get through, and I am glad that we got through it all in time, even with the little hiccups that we had at the beginning.

That concludes the public part of our meeting. We will allow our witnesses to leave and then we

will move into private session to consider the final items on our agenda.

12:30

*Meeting continued in private until 12:54.*



This is the final edition of the *Official Report* of this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

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