COMMISSION
ON SCHOOL
REFORM

Anniversary report

Fit for Purpose: School Governance for the 21st Century

January 2022

Membership of the re-convened Commission on School Reform is as follows:

- **Keir Bloomer (Chair)**: Education Consultant and former Director of Education
- **John Barnett:** University Court Member, retired finance professional and former Parent Council Chairman
- **Carole Ford:** Former Head teacher
- **Jim Goodall:** Former Head of Education and Community Services at Clackmannanshire Council and current Lib Dem councillor at East Dunbartonshire Council
- **Anna Hazel-Dunn:** Headteacher Royal High Primary
- **Johann Lamont:** Former teacher (1979-99) and retired Member of Scottish Parliament (1999-2022)
- **Frank Lennon:** Former Head of Dunblane High School
- **Ross Martin:** Economic Agitator with experience in a variety of roles in education-including school teacher, voluntary tutor, chair of local education authority, member of college board & university court, Chair of a charity, and, most importantly, a parent and former student.
- **Lindsay Paterson:** Professor of education policy in the School of Social and Political Science at Edinburgh University
- **Caroline Shiers:** Councillor for Blairgowrie and Glens ward since 2007 and Convenor of Lifelong Learning since 2017. Also Mum to two children in S5 and S2

Please note that all members of the commission participate in an individual capacity and that the views of the commission do not represent the views of any other organisation to which the individual members belong.

Background

The Commission on School Reform's first substantial paper, entitled *By Diverse Means*, had two main themes. Both have featured in subsequent Scottish educational debate.

The first was the need to promote greater equity in Scottish schooling. This was already a matter of concern and it is fair to say that it has been the focus of greater attention in subsequent years than any other topic. Although the evidence does not exist to decide whether any significant progress has been made, there is no doubt that sincere efforts have been made by government, schools and teachers.

The second theme has received less attention. For a period of a year or so, empowering schools became an established government policy. There seemed every likelihood of legislation but the Bill was ultimately withdrawn. Instead a code of practice was drawn up by local authorities and directors of education, some of whom are amongst those least committed to the policy. No other aspect of the governance or structure of schooling has been the subject of serious debate. In the meantime other issues have gained prominence; in particular failures in relation to Curriculum for Excellence and in response to the pandemic.

This is unfortunate as there is good reason to believe that these failures are the almost inevitable results of the way in which the system is run.

Processes of change

Over the past fifty years education has become increasingly driven by public policy. Schools are expected to change their practices in response to objectives set out by the government of the day. This has brought about a situation, not only in Scotland, in which governments promote various ends without supplying the means and, perhaps more seriously, without giving sufficient thought to the processes that will be required in order to bring about the changes they seek. As a result, educational policies often lack intellectual depth and clear purposes.

By Diverse Means, therefore, devoted considerable attention to examining the kind of processes that promote successful change. By successful, it meant not only processes that bring about the desired end but do so without incurring unintended and damaging consequences.

The most obvious characteristic of change in the school system is its slow pace. Thus, the Standard Grade development programme sought to implement ideas arising out of the Munn and Dunning reports, published in 1977 but themselves a response to problems that became evident after the raising of the school leaving age six years earlier, and the need for the newly comprehensive system to cater properly for the full range of pupils' ability. The programme was not complete until the early '90s, some twenty years after the need had become evident.

The timescale of CfE is similar. It was the response of the then Scottish Executive to comment received during the National Debate on Education in 2002 and, seventeen years later, remains to some extent a work in progress as the recent OECD report demonstrates.

If anything, a more important criticism is that programmes of educational change seldom, if ever, yield the progress that is hoped for at the outset. Few people, if any, now believe that comprehensive reorganisation did more than make a start to promoting great equity in secondary education, perhaps facilitating but not causing social changes that were happening independently of that reorganisation, such as the rising aspirations

of girls. This is not to argue that the policy was mistaken but rather that the policy-makers of the early 1960s underestimated the complexity of the problem they were addressing. Similarly, Five to Fourteen improved planning, but at the price of unacceptable rigidity. Standard Grade created more flexible certification in S4 but failed to achieve market currency for Foundation awards. It would be hard to maintain that CfE has come close to realising its ambitious objectives.

A very evident feature of recent history is that central government has become the only source of policy initiatives. There has been no local authority initiative in recent years to compare with the local management of schools, quality assurance or area curriculum planning policies of the former Strathclyde Region, the forward-looking approaches taken to early years provision by Lothian and Strathclyde or even the much smaller-scale but highly successful synthetic phonics schemes of Clackmannanshire and West Dunbartonshire Councils or quality improvement systems of East Renfrewshire or West Lothian, or the pioneering work in Gaelic-medium education in Highland. Central government has not replicated the Schools of Ambition programme which sought to stimulate change at local authority and school levels.

One consequence has been that recent initiatives tend to encourage uniformity. Indeed, the culture of Scottish education is now hostile to diversity and, therefore, to grassroots initiative and experiment. A false notion now prevails that difference is inimical to equity. This view, apparently largely confined to education, is in sharp contrast with the valuing of diversity in most other social and policy contexts.

A further difficulty lies in the inadequacy of data about Scottish education. For at least thirty years, 'evidence-based policy' has been the mantra of governments, whether at UK or Scottish level. However, there can be no evidence-based policy in the absence of evidence. Neither can there be any worthwhile evaluation of the effects of policy.

The situation has not improved over the years since *By Diverse Means* was published. The 2015 OECD report *Improving Schools in Scotland: an OECD Perspective* recognised this and concluded that "There does not appear to be any large scale research or evaluation projects either by the universities or independent agencies with specific responsibility to provide advice to Education Scotland on what is working well…. And what areas need to be addressed." This lack of research continues. Indeed, in important ways, matters have deteriorated. Withdrawal from two out of three international surveys of pupil attainment and the abolition of the Scottish Survey of Literacy and Numeracy have left Scottish education even more data-poor than before.

However, a radical improvement in the quality and quantity of information is not the only pre-requisite of putting in place effective mechanisms for bringing about change. The whole change process needs to be remodelled.

In a public education system, it is perfectly legitimate for government to set a limited number of goals at an appropriate level of generality. In some instances, this will involve legislation. Thus, a very early action by the new Scottish Parliament was to pass the Standards in Scotland's Schools etc. Act which established, subject to relatively few exceptions, a child's right to a mainstream education. Two Education (Additional Support for Learning) (Scotland) Acts in 2004 and 2009 provided a legal framework for the provision of additional support. The unanimous vote of the Scottish Parliament in 2021 to incorporate the United Nations

Convention on the Rights of the Child into Scottish law can be seen as part of this tradition.

In approving the 2004 paper, *Curriculum for Excellence*, the then Scottish Executive indicated that the purpose of school education was to develop *successful learners*, *confident individuals*, *effective contributors* and *responsible citizens*. However, this was not followed by legislation and Scotland continues to have a non-statutory curriculum. In the same way the National Improvement Framework established improving attainment, closing the gap, young people's wellbeing and improving employability skills as national objectives. GIRFEC stipulates a number of other high-level objectives, again without statutory backing. In addition, there is a multitude of more specific policy aims such as those set out in the modern languages policy,1+2.

Thus, whilst a few pieces of key legislation set out certain rights for individuals, there is a much larger number of national commitments – at both a strategic and operational level – that remain non-statutory. The number of commitments is excessively large. They are supported by voluminous guidance and are liable to rapid change.

This does not constitute strategic clarity. There is no clear hierarchy of policies or goals. Thus, taking the examples of CfE and the NIF, improving attainment and closing the gap could be – but are not – described as sub-sets of *successful learners*. Similarly, there is clearly a close relationship between wellbeing and *confident individuals* and between employability skills as outlined in *Developing the Young Workforce*, the government's youth employment strategy, and *effective contributors* but it is not made explicit. The first requirement of a successful programme of change – the need for a clear and simple strategic framework – has thus been forfeited.

The fact that policy diktats may be very general such as raising attainment or very detailed such as an expectation that primary schools will introduce two languages in addition to English violates the second pre-condition: the balance of a limited national policy framework and operational discretion at the level of the school or the individual classroom.

Furthermore, there is very little evidence of other pre-requisites of effective change being given sufficient attention. There are few incentives to schools to innovate. The nature of inspection and accountability measures puts a higher premium on compliance. The amount of leadership development opportunities available has increased but there has been totally insufficient emphasis on encouraging divergent thinking and independence of mind. Leadership development programmes mandated, funded and certificated by agencies of the government, perpetuate the culture of compliance and seem more concerned with instilling in current and potential future school leaders a willingness to take forward the government and local authorities' agenda rather than meeting teachers' and schools' needs as they, themselves, perceive them.

As indicated above, the quantity and quality of information and data is incapable of supporting evidence-based policy. As the Commission has repeatedly said, remedying this situation is a pre-requisite of making progress. It also continues to believe that, if government wishes to be more successful in the future than in the past in seeing its educational policies implemented successfully, it needs first to adopt an effective change mechanism and subsequently to accept the constraints this will place on its own actions.

Implications for governance

There is a well-established principle of subsidiarity; decisions should be taken as close to the point where they have effect as is consistent with effectiveness. In relation to school education, this means at the level of the school or, indeed, the individual classroom. Such an approach ensures that decisions are informed by the knowledge and experience of those who will implement them and understand the context in which they will be applied.

There was a point in the last Parliament when the Scottish Government was prepared to legislate in support of this principle. It indicated a desire to empower schools by giving headteachers a substantial degree of control over curriculum, staffing and resources. Indeed, a significant initiative was made through the Pupil Equity Fund (PEF) to increase school control over resources. However, the experience of that development demonstrates clearly that Scotland's approach to school management requires to be substantially changed if schools are to enjoy the autonomy that their pivotal role in the system makes essential.

Schools run by local authorities have no legal existence. Therefore the government could not distribute PEF money directly to them but had to channel it through local authorities. The accompanying guidance included an instruction to headteachers that they must "agree the use of the funding" with their local authority. Local authorities were then required to account to government for the way in which funds were used; a textbook example of how innovation in education often leads to a proliferation of time-consuming bureaucratic accountability systems. Some local authorities simply collected the information from schools and passed it on in a suitably digestible form. Others appear to have taken the opportunity to exercise some level of control over school spending decisions. This could take the form of helpful advice over how to apply government spending guidelines or of an additional unnecessary level of interference. It is also worth noting that the overall level of PEF funding was lower than the scale of previous reductions in local authority spending and, therefore, in school spending. Looked at in this light, the effect of successive government decisions was to change a significant sum of money into a kind of specific grant accompanied by additional and more burdensome reporting mechanisms. In other words – although not by intention – local discretion over spending was actually reduced. If school autonomy is to be extended, future schemes will require to be much better thought out.

Any credible notion of school empowerment has to include significantly increased control over staffing. No headteacher can reasonably be held accountable for the performance – or, indeed, the ethos – of a school unless he/she has control over staffing structures and appointments processes. This should include the ability to increase or reduce the proportion of the budget spent on staff, to shift the balance between teaching and other staff and to determine the balance of skills within the team. The practice of obliging schools to accept on transfer, staff surplus to requirements elsewhere, regardless of their competence or suitability, conflicts with every principle of sound organisational management and can serve to stifle innovation. All this implies significant change from the practices built up over more than forty years in which the interests of providers have been given priority over those of learners. Change will, no doubt, have to be gradual but its direction should be guided by the principles set out in this paragraph.

Although the government ultimately decided – unwisely in the view of the Commission – not to proceed with its Bill, it presumably continues to believe in the value of

empowering schools, and indeed defended its withdrawal of the Bill on the grounds that the intended school autonomy could be better achieved by consensus than by legislation. Indeed, the language of empowerment continues to be extensively used even as evidence of greater operational empowerment continues to be conspicuous by its absence. This disconnect between rhetoric and reality has become an endemic part of the culture in which schools in Scotland now operate.

It is, therefore, to be hoped that matters will be taken further in the present Parliament. The recent OECD report supplies a further reason for moving in that direction. The report states that a major reason why the implementation of CfE has been seriously compromised is that a far reaching initiative of that kind called for an overhaul of structures and a change in culture that did not take place.

OECD's earlier report in 2015 called for a strengthening of what it called 'the middle'. What this meant was that schools should benefit from more effective support mechanisms. The report referred to networks and collaborations among schools and teachers as well as to more formal approaches. In the event, however, the government's response was limited to forming Regional Improvement Collaboratives which pooled the resources of the support services of local authorities within a defined geographical area and added modest resources from the centre.

This initiative has yet to be evaluated. There are signs that at least some RICS have exhibited the same characteristic as Education Scotland of pursuing a centralised agenda in preference to being responsive to the needs of schools. It has been said, however, that some schools valued the support given by certain RICs during the pandemic although support for this view is anecdotal. It is important that an independent evaluation is conducted in the near future. Equally important would be a recognition that the measure of success for RICs is the extent to which they have been found to be of value by schools and individual teachers.

It is perhaps surprising that the 2015 report had little to say about the role of local authorities when describing the need to strengthen the middle. Local authorities were – and remain – the official 'middle'. A glance at the 1980 Education Act which, notwithstanding the Standards in Scotland's Schools etc. Act of 2000, remains the fundamental piece of legislation in relation to schooling, indicates clearly that most of the responsibilities and powers relating to the operation of the system continue to lie with councils.

In practice, however, their powers have markedly diminished over the ensuing forty years. Parents and the public at large could be forgiven for thinking that Scotland has a national school system with local councils fulfilling a relatively minor implementation role, largely concerned with policing how schools implement policies that they had little or no say in formulating. The future of local government is beyond the Commission's remit. However, it is clearly unhealthy that the position in law and the position in practice should be so far apart. It is also fair to observe that, notwithstanding the introduction of the RICs, the 'middle' is now weaker than at any time since schooling became a responsibility of general local government in 1929.

Even more pressing, however, than considering the future of local government and strengthening the educational 'middle' – two issues which may, or may not, be linked – is the empowerment of schools.

The Commission believes that subject only to a light-touch and clear national strategic

policy framework and the requirements of the law and good governance schools should, with few exceptions, take all decisions affecting learning in all its aspects and the welfare of pupils. It further believes that wherever there is a willingness to set up and maintain such a structure, schools should be able to benefit from the involvement, advice and expertise of parents, young people, local elected members, business and the wider community as channelled through 'partnership boards'.

The substantial extension of school autonomy that the Commission recommends would have numerous important implications:

1 The current very limited concept of Devolved School Management would require to be extended. In effect, the current guidelines would become a full scheme of delegation setting out, not merely financial powers, but the entire decision-making authority of the school.

2 Headteachers would be expected to become responsible for significant budgets, analogously to the responsibilities of the principals of colleges and universities. This would require the support of professional finance officers, perhaps serving clusters of schools. These officers would be employed by schools, not by local authorities or central government.

3 The financial aspects of the scheme would, of course, require schools to adhere to normal principles of probity and solvency but would at the same time give them full control over almost all aspects of revenue spending. School budgets would be determined according to input formulae determined either by central or local government but schools would be free to move money between headings as they saw fit.

4 In order to ensure that financial delegation worked in practice, schools would need freedom of choice in relation to the purchase of many services; in particular those relating to educational support. Implications for procurement mechanisms would need to be examined although significant disruption would be unlikely as there would be little merit in schools taking on large management responsibilities in relation to, for example, the purchase of energy or transport.

5 Schools would require to take steps to ensure appropriate freedom of action at classroom level. In other words, delegation of powers to school level would be accompanied by similar delegation within schools.

6 The incentives to innovate would need to outweigh those tending towards compliance. At the same time, schools would require to be accountable for the use made of their extended powers. This has important implications both for inspection and for other accountability mechanisms.

To meet these conditions, new legislation may be required.

Scotland has some advantages in moving towards greater school autonomy. Regulation and statute are less extensive than in many other countries, for example England. Nevertheless, current contractual arrangements and certain constraints imposed by the General Teaching Council Scotland limit school autonomy in ways that do not contribute to good governance. The Scottish Government should seek the progressive removal of such impediments.

Furthermore, if the beneficial impact of increased school autonomy is to be maximised, some important pre-requisites would need to be put in place.

Perhaps the most important of these would be an ambitious programme of leadership development. Again, Scotland has some advantages in that many leadership development opportunities already exist. However, these are not generally geared to equipping school leaders for the level of autonomy the Commission is suggesting. Much more emphasis would require to be placed, particularly in the case of development programmes for aspiring and serving headteachers, on divergent thinking and on taking ultimate responsibility for important decisions. In addition, school leaders need to be aware of current thinking about possible future directions in educational practice. This would need to include not only contemporary curriculum theory but also fields of study such as neuroscience and genetics which will certainly have a major impact on educational thinking in the future.

There are also implications for the 'middle'. Support networks led by schools would almost certainly be a necessary feature of a devolved system. There would be a need too to have regard to the pace of change and the involvement of schools in leading such change. The ultimate destination would be radically different from the status quo but the journey could be taken at a pace seen as manageable by schools.

Making the transition

This paper recommends a far-reaching reform of educational governance and structures. Such a reform would not be without risks. Furthermore, governments are notoriously reluctant to abandon mechanisms of control.

However, as the history of Scottish education over several decades convincingly demonstrates, change by central fiat simply does not work. In the absence of the necessary data, not much can be said about the performance of Scottish school education with confidence. No convincing evidence can be produced of a rise in standards overall. It is possible – but by no means certain – that the gap between the attainment of affluent and disadvantaged children is narrowing, but any steps in the right direction are small and faltering. The quality of statistical information on Scottish education is so poor that there is equally plausible evidence that inequality is, in some respects, widening. What is certain is that Scotland is losing ground when compared with other countries. There are also good reasons to fear that the performance of the ablest young people is declining.

In these circumstances, the need to run the system in a different way is pressing. What we know about the processes of change and, indeed, examples from other fields of professional activity strongly suggest that the role of the centre should be clarified and simplified, making it simultaneously both more limited and more effective. By contrast, the autonomy and freedom of action of individual schools should be greatly extended and protected in statute.

The model of change traditionally favoured in Scotland is that policy is determined and schools are then expected to make the necessary changes at the same time. Everyone marches in step. This is misguided. Piloting allows flaws in policy to be corrected before large-scale change takes place. The whole system benefits from the experience of early adopters. If these are identified with care they will include willing headteachers and teachers with the experience and wisdom to identify the strengths and weaknesses of the process they undergo and then make a

substantial contribution to subsequent developments.

The Commission, therefore, advocates a gradualist approach, involving in the first instance a definition of how roles and responsibilities should be distributed within the system and permissive legislation to allow the system to be trialled. The trialling would involve volunteer schools which need not follow identical models. Over time, more schools would be encouraged to join the initiative. At the same time, the original model would be independently evaluated and modified in the light of experience. Legislation, taking matters forward on a national basis, would come only at a late stage and only after evaluation had established the case for it.

Many educational policies have been introduced in Scotland on the basis of very little evidence and in the absence of any piloting. Even where pilot projects have been run, the correct lessons have not always been learned with the result that factors which contributed importantly to the initial success have been ignored during the roll-out phase. The Commission, therefore, attaches great importance to this trialling process.

Successful innovation requires government, local authorities and schools themselves to put aside the view that equity requires uniformity. Schools' needs differ. Any open-minded approach to innovation will inevitably mean that practice will also vary. A successful programme of trialling will depend on schools volunteering and this, in turn, will depend on local authorities welcoming diversity of practice. It will also require careful and honest communication of the objectives of the innovation to parents and other interested parties. Thorough and scientific evaluation, which needs to be properly resourced, should lead to the dissemination of positive aspects of pilot projects and a consequent strengthening of the whole initiative.

Large-scale change would only follow extensive piloting and a thorough evaluation. It would, nevertheless, be essential to recognise from the outset that the aim would be a transformation of the way in which Scottish education is run. Gradualism and radicalism are not incompatible. It is only by action that is ultimately transformative that the prospects of Scottish education can themselves be transformed.