1. HEADTEACHERS’ CHARTER

We will include provisions in the Education Bill to establish a Headteachers’ Charter. This will clearly empower headteachers to make the key decisions about learning and teaching in their schools and clarify the responsibilities that local authorities have to enable headteachers to be the leaders of their schools.

The OECD identifies a clear relationship between school autonomy and performance. Looking at the evidence from the PISA programme they conclude that “…the greater the number of schools that have the responsibility to define and elaborate their curricula and assessments, the better the performance of the entire school system!” Giving headteachers more power to make important decisions will make a difference to the educational outcomes of the young people in their schools but will also help improve school education in Scotland as a whole. It will enable all headteachers to do their jobs more effectively than is currently possible in many cases and enable them to access the additional support and resources they need in order to do so.

We know that different headteachers across the country currently have different levels of freedom to make important decisions. Some have considerable levels of choice enabling them to shape the staffing structure and curricular offer in their schools in ways which best meet the needs of their communities. There are many good examples of effective arrangements but they do not exist in every school.

We want to create a genuinely school and teacher-led system which is centered on the child, and where decisions that shape the education of our young people are made by those working with young people, their parents and communities. That is the basis of Curriculum for Excellence. The Headteachers’ Charter will play an important role in transforming the system by enabling headteachers to make the decisions that most affect the quality of teaching and learning in their school. It will also support a number of important elements of the existing legislative framework, founded on the values and principles of Getting It Right For Every Child, which will continue to apply.

We believe that education will be improved if headteachers are able to make decisions in four key areas:

- Curriculum for Excellence
- Improvement
- Staffing
- Funding

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**Curriculum for Excellence**

Curriculum for Excellence sets out a national framework for the design of learning and teaching in schools across Scotland. National expectations around children and young people’s learning, and the standards to be achieved, are set out in the Experiences and Outcomes and the Benchmarks respectively. Within this national framework, schools have the freedom and authority to design a curriculum that best meets the needs of their individual learners. In doing so, practitioners should take account of seven broad principles of curriculum design: challenge and enjoyment; breadth; progression; depth; personalisation and choice; coherence; and relevance.

Headteachers should have the freedom to decide how best to plan and design learning and teaching in their schools within this framework. Headteachers are responsible for the quality of learning and teaching in their schools and for empowering their staff to develop approaches which meet the needs of individual learners and groups of learners.

While they will have the ability to make these choices as a result of our reforms, headteachers should also be open to professional challenge of their decisions in relation to curriculum design and content, particularly where there is greater opportunity to maximise the flexibilities of the Curriculum for Excellence. This should be provided by a supportive network of critical friends, including their staff, local community and headteachers of other schools. As their employer, the local authority will continue to play an important line management role, engaging in constructive discussion with the headteacher on the rationale for the decisions they are taking on the curriculum in their school. The Regional Improvement Collaborative and Education Scotland will also be able to provide support and critical feedback.

Currently some headteachers find their freedom within the framework of Curriculum for Excellence is reduced by requirements from their local authority that they adopt particular approaches to learning and teaching. Some headteachers will already be free to take decisions about the curriculum offer in their school but many are not. Where this freedom is available, it is given at the discretion of the local authority. We want to provide a clear, firm legal basis for all headteachers to have this freedom of choice.

All local authorities have a statutory duty to provide adequate and efficient education for the children in their area, having regard to the age, ability and aptitude of their pupils and with a view to developing children and young people’s talents and abilities to their fullest potential. They must also have due regard to the views of children and young people when making decisions that significantly affect them, taking account of their age and maturity. In practice, when it comes to actual provision of school education, headteachers and the teachers in their schools carry out these roles on behalf of the local authority which employs them.

Some local authorities provide high quality support for teaching and curriculum development. In particular there are examples of work being done by some to enable design of the curriculum in secondary schools to be more efficient and collaborative, for example through e-learning or timetable alignment. Others, however, impose local restrictions on the organisation of subjects into specified ‘faculties’ in each school, which constrains headteachers’ flexibility to lead learning and teaching as well as limiting the staffing and management structures which they can adopt.
How will the Headteachers’ Charter lead to improvement?

In relation to the Curriculum for Excellence, the Headteachers’ Charter will:

- Give headteachers freedom to lead teaching and learning in their schools, by setting out that it is for headteachers to decide how best to design their local curriculum in line with the national framework set out by the Curriculum for Excellence;

- Create a new duty on headteachers, alongside their leadership teams, to work collaboratively with other schools and partners on curriculum design and improving learning and teaching. That collaboration can take different forms and focus on different issues as headteachers see fit. The OECD Review suggested that priority should initially be given to collaboration on improving teaching, assessment and connecting schools to take collective responsibility for each other’s improvement and results;

- Require that headteachers will continue to involve their school community (pupils, parents and staff) in the life of the school and in key decisions which affect them. Proposals for clarifying and strengthening this are set out later in this consultation; and

- Ensure local authorities retain their overarching duties in relation to the sufficiency of education provision but, when it comes to actual teaching and learning in schools, the role of the local authority will be to participate in the Regional Collaborative’s work to provide the support and expertise that schools in the area need, rather than imposing local curricular policies and practices on schools.

Question 1

The Headteachers’ Charter will empower headteachers as the leaders of learning and teaching and as the lead decision maker in how the curriculum is designed and provided in their schools. What further improvements would you suggest to enable headteachers to fulfil this empowered role?

Improvement

The National Improvement Framework is central to the Government’s ambition of improving outcomes for all children and young people. It brings together evidence from across the education system to tell us how well things are working and to help identify what needs to be done to secure the necessary improvement. The National Improvement Framework has been developed in collaboration with partners across the system and the key priorities it identifies have been supported and agreed by all involved.

Headteachers should align their school’s priorities for improvement with the policy direction set out in the National Improvement Framework and they should decide how best to implement these priorities. Within the context of the National Improvement Framework schools’ priorities should have primacy and these should not be overridden by alternative priorities set by local government. Instead, schools should be supported in their improvement activity by local authorities working through the Regional Improvement Collaborative. The Bill will make these changes.

The Scottish Attainment Challenge and the introduction of the Pupil Equity Fund have already generated a number of examples of creative and innovative interventions designed by schools to deliver improvements in attainment. The purpose of the Headteachers’ Charter is not to place new duties on headteachers in this regard but rather to provide further support to them in their efforts to secure excellence and equity for all pupils.
Headteachers should be able to determine the improvement priorities for their own schools, based on rigorous self-evaluation and evidence. They should be supported and, when appropriate, challenged in the exercise of that function, by local authorities acting in their capacity as part of the Regional Improvement Collaborative.

We envisage a shared model of accountability. Headteachers will meet their responsibilities for improvement in their schools by planning and monitoring improvement in collaboration with their peers, staff, parents and pupils. Local Authorities will contribute to school improvement differently in future and the Bill will set out their new role. Local authorities will continue to employ and line manage headteachers and will meet their responsibilities by working with other authorities in their region and with Education Scotland through the Regional Improvement Collaboratives to provide robust and constructive challenge and support to their headteachers.

Local authorities have a long-standing statutory duty to improve the quality of school education. They are responsible for producing local improvement plans and have to consult headteachers on their priorities. The responsibility for producing individual school improvement plans is currently delegated to headteachers through the Devolved School Management scheme. All of these improvement plans are required to be consistent with the National Improvement Framework and its priorities.

Under the Bill local authorities will retain their duty to improve the quality of school education but will be required to achieve this through their participation in the work of the Regional Improvement Collaboratives. The reform will deliver more empowered schools while maintaining the democratic accountability of local authorities for education. These changes will not result in additional bureaucracy or additional layers of reporting on improvement: there will be a school improvement plan and a regional improvement plan, both of which will inform the National Improvement Plan. Local authorities will no longer be required to develop individual improvement plans.

The functions and structure of the Regional Improvement Collaboratives have been agreed between local and national government. The Collaboratives are now being established and will start actively to involve headteachers locally, helping them to understand how they can inform and access this new offer of improvement and curricular support. Much will rest on the relationships that the Regional Improvement Collaboratives establish with headteachers, and the extent to which headteachers are involved in setting the priorities of the Collaborative. The Bill will ensure this involvement.

Headteachers have a strong sense of moral purpose towards breaking the cycle of poverty and helping to close the poverty-related attainment gap. While they and their staff are key agents in making changes which will close the poverty-related attainment gap, we are clear that successfully doing so will require the collaboration of a wide range of public services. Therefore, while we do not intend to hold headteachers to account individually for the impact of other services, we do expect them to work in a collaborative way with other professionals to achieve excellence and equity in their school; to ensure that every child achieves the highest standards of literacy and numeracy and the right range of skills, qualifications and achievements to allow them to succeed; and to ensure that every child has the same opportunity to do this, regardless of their background.
How will the Headteachers' Charter lead to improvement?
In relation to improvement, the Headteachers’ Charter will:

- Empower headteachers and teachers to work collaboratively by requiring schools to work together. While the Charter will not specify precisely what form that collaboration should take we expect it to apply not just in relation to other schools, but in relation to the work of the Regional Improvement Collaboratives and the wider school community. Guidance will be provided to ensure these expectations are clear;
- Ensure local authorities and headteachers will continue to be required to have regard to the importance of reducing inequalities of outcome for socio-economically disadvantaged pupils but headteachers will be able to decide improvement priorities for their school (in consultation with their school community); and
- Remove the requirement for local authorities to develop separate improvement plans given the new requirement for Regional Improvement Plans which should reflect the school improvement plans in that region.

**Question 2**
The Headteachers’ Charter will empower headteachers to develop their school improvement plans collaboratively with their school community. What improvements could be made to this approach?

**Question 3**
The Headteachers’ Charter will set out the primacy of the school improvement plan. What are the advantages and disadvantages of this approach?
Staffing

The quality of learning and teaching is the most important in-school factor in determining a child’s educational outcomes. While local authorities will remain the employers of staff, including headteachers, it is the headteacher who should decide who works in their school and the staffing and management structure within which they work. We know that the ability of headteachers to influence the process through which teachers are recruited varies between local authorities. In some areas headteachers can participate in general recruitment exercises to recruit teachers to the local authority but cannot appoint individual teachers to specific posts in their school. In other areas, headteachers are able to decide personally on most of the permanent appointments to their school and are able to observe candidates engaged in teaching as part of that process.

Headteachers should have the ability to select the vast majority of their school’s permanent staff. They should have the option to see candidates engaged in teaching in order to make informed choices and they should have a strong representative voice in the design of recruitment processes locally.

As officers of the local authority, headteachers must cooperate with the local authority in carrying out its employment duties. While they may be obliged when filling a vacancy to consider staff being redeployed within the authority they should not be obliged to select them if they are not the best fit for the post. Ultimately a headteacher must be able to select the team with whom they work. Headteachers already support the development of the profession by providing places for centrally-allocated students and probationers and will continue to do so. Local authorities must be able to allocate resource to support the provision of additional support for learning.

The same argument applies to determining an appropriate staffing and management structure in a school. Currently, headteachers have very different levels of input into the leadership structure of their school. Some are able to design the structure that will best support their school’s priorities, but others have their school’s leadership structure set by a central formula. Headteachers are best placed to decide the leadership structure of their school, taking into account the needs of learners, the capacity of existing staff and the resources available. They should be able to decide how their leadership team is configured in terms of teaching and management time, and distribute leadership throughout their school using a promoted post structure that they themselves have designed within the budget allocated to their school.

Headteachers will not be the employer of the staff in their school; that role will be retained by the local authority who will ensure recruitment decisions are consistent with employment law and with national agreements on pay and conditions. As the employer, the local authority will address any issues of performance, discipline or grievance which arise and be expected to provide support to headteachers should members of their staff be performing below expected standards to enable their development needs to be met or more appropriate roles to be found for them. That also applies where staff have been recruited to meet learner needs which have become less of a priority in the school over time. Processes for dealing with performance issues and redeployment of surplus staff need to be fair, efficient and timely.

We recognise that some issues, such as allocating newly qualified teachers as probationers or providing placements for Initial Teacher Education students should be coordinated at local authority or regional level and so this will be a limitation on headteacher freedom of choice. But headteachers should have the option to be more involved in that process should they wish. Similarly, there is scope to achieve economies of scale in shared recruitment exercises at a local authority or regional level. So while it will not always be possible for headteachers to choose every single member of their staff, they should be the principal voice in the designing and reviewing of recruitment processes.
The impact of leadership in a school extends beyond teachers. Other professionals who deliver education and other staff who provide vital functions in the school (such as business management, administration, and catering and janitorial services) are all fundamental parts of the life of the school, supporting its ethos and aims and contributing to its success. Headteachers and their management teams should have the option of selecting the staff who work in their schools.

Greater freedom for headteachers in this area can usefully be supported by appropriate engagement with the wider school community. Proposals for strengthening parental engagement are set out later in this paper.

**How will the Headteachers’ Charter lead to improvement?**

In relation to staffing, the Headteachers’ Charter will:

- Give headteachers the right to be involved in devising and reviewing recruitment processes within the local area;
- Give headteachers the ability to choose their team and to decide the promoted post structure within their school, in order to design a leadership team which best meets the needs of pupils and enables staff progression and development within a school level budget;
- Clarify that headteachers should continue to cooperate with their local authority in its on-going role as employer e.g. in its duty to manage the allocation of probationers, student teachers, surplus staff and compulsory transfers; and
- Clarify that education authorities continue to play a significant role as the employer of teaching and non-teaching staff within the school (including the headteacher) and provider of HR support and other services to schools.

**Question 4**

The Headteachers’ Charter will set out the freedoms which headteachers should have in relation to staffing decisions.

a. What are the advantages and disadvantages of headteachers being able to have greater input into recruitment exercises and processes adopted by their local authority?

b. What are the advantages and disadvantages of headteachers’ ability to choose their teams and decide on the promoted post structure within their schools?
Funding

A separate consultation seeking views on possible future approaches to funding school education to support our vision of excellence and equity for all children and young people was carried out between June and October 2017. The Government will be reporting on the outcome of that consultation in summer 2018.

Headteachers should have more of a say in how the budget allocated to their school can be used on delivery of school education e.g. to obtain learning and teaching resources, to recruit additional staff for particular purposes or to adopt a different leadership structure. There should be transparency in how those allocations are calculated so that the reasons for variations in budgets of similar schools are clear. However, headteachers must not become accountants or business managers as a result of these reforms.

Local authorities will remain the overall budget holders and will still be accountable for education spending. It is already possible for them to delegate funding to individual schools for headteachers to decide spending priorities through Devolved School Management schemes. Local authorities take different approaches to this, with some allowing headteachers to decide how to use the available staffing budget (e.g. using a 'points' system) while others retain this centrally delegating only a small proportion of discretionary expenditure to headteachers.

In order to support headteachers’ new powers to determine the leadership structures in their schools, the Charter will require greater delegation of staffing budgets to individual schools. As a result, headteachers will have freedom to choose how their staffing budget is used to support learning and teaching in the school. Headteachers will be accountable to the local authority as their employer for the decisions they make in relation to staffing and budget, and will have to have due regard to the need to secure best value in spending public funds. Pupil Equity Funding (PEF) supports this approach with headteachers having the right to decide how to spend the PEF allocation and the local authority being ultimately responsible for the role in best value assurance in relation to public funds. If appropriate headteachers should be able to access suitable school business management support to fulfil their empowered role.

Procurement processes should support headteachers while making sure that the relevant legal obligations of the local authority, including procurement law, are met.

Local authorities will continue to be responsible for ensuring provision of specialist services and for managing provision of support for learners’ additional needs as well as expenditure on the school estate and other issues connected to placing of pupils in schools such as school transport.

How will the Headteachers’ Charter lead to improvement?

In relation to funding, the Headteachers’ Charter will:

• Require local authority delegation of budgets to extend to staffing, rather than just to schools’ discretionary expenditure outside staffing; and

• Increase the transparency of local authority decisions on education spending and require the involvement of headteachers and school communities in these decisions.

Question 5

Should headteachers be able to decide how the funding allocated to their schools for the delivery of school education is spent? If so, what is the best way of doing this?
Question 6
How could local authorities increase transparency and best involve headteachers and school communities in education spending decisions?

Supporting Empowered Headteachers
In addition to empowering headteachers, our reforms will provide them with improved support from their local authority, from Education Scotland and from both working together through the new Regional Improvement Collaboratives. Headteachers will have clarity on what support and guidance is being provided through the Collaborative, what is being provided by their individual local authority, and where to go for specialist advice. The need to provide that clarity will be a key element in the development of each Collaborative.

Through the Collaboratives, headteachers will have greater access to educational support and advice to assist them in leading learning and teaching and closing the attainment gap in their schools. They will have the opportunity to help shape the priorities for their Collaborative, and an important role in supporting improvement and the sharing of best practice and innovation in and between schools.

We envisage the Collaborative providing support on curriculum and improvement issues, the local authority providing support on funding and staffing issues and Education Scotland identifying areas for improvement through the school inspection process. The school will identify the issues on which it needs support from the Collaborative whose Regional Improvement Plan will be informed by school improvement plans from across the participating local authorities. This model of support provision for schools is illustrated in the diagram below:
While these reforms will result in greater responsibility and freedom for education professionals than many of them presently have, they must not result in additional unnecessary workload. On the contrary, having more control over their staffing complement, their improvement priorities and their curricula means that headteachers and their staff will be better able to ensure that they are focusing entirely on activity which supports the progress of learners.

Building on the work of the Scottish College for Educational Leadership, Education Scotland will be reviewing the provision for aspiring and serving headteachers to reflect the enhanced decision-making powers they will have as a result of the Charter. GTCS will also be reviewing its Standards for Leadership and Management to reflect these powers (which will subsequently be applied by the Education Workforce Council when established - see Section 5 below) and Government will work to review career pathways with the profession as part of the non-legislative phase of the reform programme. We also acknowledge that these reforms will necessitate a review of pay and reward for headteachers through the tripartite Scottish Negotiating Committee for Teachers.

Headteachers already feel a strong sense of accountability to their school community for the quality of learning and teaching in their schools and the outcomes the school achieves; and to their local authority employer as an officer of the authority, charged with fulfilling delegated statutory duties. Under the Charter, headteachers will retain this accountability to their school community and employer, but have greater operational flexibility to make key decisions that enable them to fulfill their duties and achieve excellence and equity in their schools. By doing so they will be driving forward improvement which will help to ensure that the poverty-related attainment gap will close. In fulfilling this newly empowered function, headteachers will be well supported by their local authority as their employer and by their Regional Improvement Collaborative which will deliver a network of skills and talent from across the education landscape.

**Question 7**

What types of support and professional learning would be valuable to headteachers in preparing to take up the new powers and duties to be set out in the Headteachers’ Charter?
In summary, the Headteachers’ Charter will:

In relation to the Curriculum for Excellence

- Give headteachers freedom to lead teaching and learning in their schools, by setting out that it is for headteachers to decide how best to design their local curriculum in line with the national framework set out by the Curriculum for Excellence;
- Create a new duty on headteachers, alongside their leadership teams, to work collaboratively with other schools and partners on curriculum design and improving learning and teaching. That collaboration can take different forms and focus on different issues as headteachers see fit. The OECD Review suggested that priority should initially be given to collaboration on improving teaching, assessment and connecting schools to take collective responsibility for each other’s improvement and results;
- Require that headteachers will continue to involve their school community (pupils, parents and staff) in the life of the school and in key decisions which affect them. Proposals for clarifying and strengthening this are set out later in this consultation; and
- Ensure local authorities retain their overarching duties in relation to the sufficiency of education provision but, when it comes to actual teaching and learning in schools, the role of the local authority will be to participate in the Regional Collaborative’s work to provide the support and expertise that schools in the area need, rather than imposing local curricular policies and practices on schools.

In relation to Improvement

- Empower headteachers and teachers to work collaboratively by requiring schools to work together. While the Charter will not specify precisely what form that collaboration should take we expect it to apply not just in relation to other schools, but in relation to the work of the Regional Improvement Collaboratives and the wider school community. Guidance will be provided to ensure these expectations are clear;
- Ensure local authorities and headteachers continue to be required to have regard to the importance of reducing inequalities of outcome for socio-economically disadvantaged pupils but headteachers will be able to decide improvement priorities for their school (in consultation with their school community); and
- Remove the requirement for local authorities to develop separate improvement plans given the new requirement for Regional Improvement Plans which should reflect the school improvement plans in that region.
In relation to Staffing

• Give headteachers the right to be involved in devising and reviewing recruitment processes within the local area;

• Give headteachers the power to choose their team and to decide the promoted post structure within their school, in order to design a leadership team which best meets the needs of pupils and enables staff progression and development within a school level budget;

• Clarify that headteachers should continue to cooperate with their local authority in its on-going role as employer e.g. in its duty to manage the allocation of probationers, student teachers, surplus staff and compulsory transfers; and

• Clarify that education authorities continue to play a significant role as the employer of teaching and non-teaching staff within the school (including the headteacher) and provider of HR support and other services to schools.

In relation to Funding

• Require local authority delegation of budgets to extend to staffing, rather than just to schools’ discretionary expenditure outside staffing; and

• Increase the transparency of local authority decisions on education spending and require the involvement of headteachers and school communities in these decisions.