

Draft Statutory Guidance

**Standards in Scotland's
Schools etc. Act 2000**

August 2016



Scottish Government
Riaghaltas na h-Alba
gov.scot

THE EDUCATION (SCOTLAND) ACT 2016 – PART 1: CONSULTATION ON DRAFT STATUTORY GUIDANCE

1. Overview

1.1 This consultation seeks your views on draft statutory guidance for Part 1 of the Education (Scotland) Act 2016 (“the 2016 Act”). The draft statutory guidance covers those provisions which make amendments to various sections of the Standards in Scotland’s Schools etc. Act 2000 (“the 2000 Act”). In summary, the draft statutory guidance has been developed to support those who will have responsibility for various duties in relation to:

- reducing inequalities of outcomes for pupils experiencing them as a result of socio-economic disadvantage;
- the National Improvement Framework (NIF), and;
- planning and reporting duties at school and education authority levels.

1.2 Chapter 1 of the draft statutory guidance provides more information on the context of the legislation and the guidance itself. Chapter 2 deals with the duties and steps that might be taken by education authorities to reduce inequalities of outcome for pupils experiencing them as a result of socio-economic disadvantage. Chapter 3 then sets out the duties and steps that might be taken by education authorities in pursuance of the NIF priorities. Finally, chapter 4 deals with the duties and steps that might be taken by education authorities in relation to their respective planning and reporting duties as to proposed steps/steps taken to reduce these inequalities.

2. Key audience for this statutory guidance

2.1 This draft statutory guidance is aimed at those with responsibilities within schools and local authorities for fulfilling the duties within the legislation. This is likely to include strategic leaders and senior planning managers in local authorities, particularly those for whom education functions are a responsibility, as well as Headteachers within schools. The 2016 Act also introduces the role of the Chief Education Officer, the duties of which will be commenced in early 2017, who will have an interest in this statutory guidance.

3. Background

3.1 The Education (Scotland) Act 2016 was passed by the Scottish Parliament on 2 February 2016 and received Royal Assent on 8 March 2016.

3.2 This legislation is a key part of the Scottish Government’s strategy to ensure that the life chances of our children and young people are improved and that our

education system delivers excellence and equity. Building on a range of key policies and reform, the legislation aims to help deliver an education system which continually improves and which effectively closes the attainment gap in order to deliver both excellence and equity.

4. Reducing inequalities of outcome for pupils experiencing them as a result of socio-economic disadvantage

4.1 There has been a longstanding legal requirement on Scottish Ministers and education authorities to raise attainment for all as set out in existing duties under section 3 of the 2000 Act. However, the amendments made to the 2000 Act by the 2016 Act place more emphasis on addressing the educational challenges that are specifically associated with pupils experiencing such challenges due to socio-economic disadvantage.

4.2 Section 1 of the 2016 Act introduces new sections 3A and 3B of the 2000 Act, which require the Scottish Ministers and education authorities respectively, to attach an increased level of priority and focus on addressing this issue at both national and local level.

5. The National Improvement Framework

5.1 The NIF sets out the Scottish Government's vision and priorities for Scotland's children's progress in learning. A draft NIF was published on 1 September 2015 as was followed by an Interim Report, published on 5 January 2016, which set out progress against the draft NIF. A subsequent NIF was published on 6th January 2016.

5.2 New section 3C of the 2000 Act, as introduced by section 2 of the 2016 Act, places the NIF on a statutory footing, requiring Ministers to publish and annually review the NIF strategic priorities and objectives in relation to school education.

5.3 New section 3D of the 2000 Act, also introduced by section 2 of the 2016 Act, requires education authorities when carrying on their duty in section 3(2) of the 2000 Act (endeavouring to secure improvement in the quality of school education in the schools they manage), to do so with a view to achieving the strategic priorities set out in the NIF.

6. Planning and reporting

6.1 A series of planning and reporting duties have been introduced by section 3 of the 2016 Act, in relation to the NIF and with a view to reducing inequalities of outcome experienced by pupils as a result of socio-economic disadvantage.

6.2 The Scottish Ministers and education authorities must prepare annual plans (new sections 3E and 3F of the 2000 Act as inserted by section 3 of the 2016 Act) setting out what steps they intend to take to fulfil their duties under new sections 3A to 3D of the 2000 Act. They must also produce annual reports (new sections 3G and 3H of the 2000 Act) detailing the progress they have made against their plans as well as setting out any educational benefits that have arisen as a result of the work undertaken to fulfil their duties.

6.3 Finally, sections 3(3), 3(4), 3(6) and 3(7) of the 2016 Act make a series of amendments to the 2000 Act. These amendments concern the production of School Improvement Plans, which will replace School Development Plans. The main change, other than the name of the plan, is that it must now take account of the education authority's plan or revised plan under section 3F, report under section 3H and strategy for parental involvement as introduced by new section 2A of the Scottish Schools (Parental Involvement) Act 2006 (as inserted by section 6 of the 2016 Act).

7. Development of this statutory guidance

7.1 The Scottish Government has worked closely with Education Scotland and external stakeholders to develop this draft statutory guidance. Representative bodies have contributed to that process through a working group whose membership includes: the Association of Directors of Education in Scotland (ADES); the Association of Headteachers and Deputies in Scotland (AHDS); the Convention of Scottish Local Authorities (Cosla); the Education Institute of Scotland (EIS); the Improvement Service; the National Parent Forum of Scotland (NPFSS); the Society of Local Authority Chief Executives Scotland (SOLACE), and; School Leaders Scotland (SLS).

8. Timeline

8.1 This consultation will invite comments from 22 August until 11 November 2016. Full publication of the guidance is expected in March 2017. This proposed timing should enable those with responsibility to familiarise themselves with their new statutory duties prior to them taking effect from August 2017. It will also enable them to digest the content of the statutory guidance to assist them in considering how they might go about undertaking and fulfilling their duties.

8.2 The Scottish Government and the working group will continue to develop a range of support materials and opportunities to be available from the point of full publication of the statutory guidance and beyond.

Draft Statutory Guidance

Standards in Scotland's Schools etc. Act 2000

**Pupils experiencing inequalities of
outcome**

National Improvement Framework

Planning and reporting

CONTENTS

7-11	Chapter 1: Introduction
12	Glossary of terms
17-29	Chapter 2: Pupils experiencing inequalities of outcome
17	Summary of new education authority duties
18	Introduction and context
20	Duties the education authority must fulfil
22	Definitions:
	“school education”
	“decisions of a strategic nature”
	“due regard”
	“inequalities of outcome”
	“socio-economic disadvantage”
26	Approaches the education authority may take to fulfil its duties:
	<ul style="list-style-type: none">• Potential sources of evidence• Consultation methods
30-38	Chapter 3: Delivering the priorities of the National Improvement Framework
30	Summary of new education authority duties
31	Introduction and context
33	Duties the education authority must fulfil
33	Approaches the education authority may take to fulfil its duties
	<ul style="list-style-type: none">• NIF strategic priorities• NIF drivers• Potential sources of evidence

39-57	Chapter 4: Sections 3F, 3H and School Improvement Planning: Plans and reports
39	Summary of new education authority and Headteacher duties
41	Introduction and context
43	Duties the education authority must fulfil – sections 3F and 3H plans and reports
44	Planning Period (education authorities)
45	Approaches the education authority may take to fulfil its duties: <ul style="list-style-type: none">• The planning and reporting process• Format of plans/reports
52	School Improvement Planning
53	Planning period (schools)
54	The planning and reporting process
56	Format of plans and reports
Annex A	58 Planning and reporting timeline
Annex B	59 Planning and reporting tabular timeline

(Annexes A and B are best viewed or printed at A3 size)

CHAPTER 1: INTRODUCTION

1.1 This is statutory guidance prepared under section 13 of the Standards in Scotland's Schools etc. Act 2000 ("the 2000 Act") as amended by section 4 of the Education (Scotland) Act 2016 ("the 2016 Act"). Section 13 enables the Scottish Ministers to issue guidance to education authorities in relation to their functions under section 3 to 8 of the 2000 Act, and education authorities are required to have regard to this guidance in discharging these functions.

1.2 This guidance focuses in particular on education authority duties which are designed to enhance equity and support improvement within schools and across education authorities as provided for in the following statutory provisions:

- **Section 3B of the 2000 Act¹**: imposes duties on education authorities which are designed to promote a reduction in inequalities of educational outcome experienced by pupils as a result of socio-economic disadvantage.
- **Section 3D of the 2000 Act²**: imposes a duty on education authorities, in discharging their duty under section 3(2) of the 2000 Act (to secure improvement in the quality of school education) to do so with a view to achieving the strategic priorities of the National Improvement Framework³.
- **sections 3F, 3H⁴ and 6 of the 2000 Act**: impose duties on education authorities in relation to annual planning and reporting; and annual school improvement planning.

1.3 These duties have been introduced by way of a series of amendments to the 2000 Act, delivered through Part 1 of the 2016 Act. They form part of a broad programme of activity focused on improving educational outcomes for all learners and closing the attainment gap experienced by children and young people from

¹ Section 3B is inserted into the 2000 Act by section 1 of the 2016 Act.

² Section 3D is inserted into the 2000 Act by section 2 of the 2016 Act.

³ "National Improvement Framework" is defined in section 58(1) of the 2000 Act as amended by section 2(4)(b) of the 2016 Act.

⁴ Section 3F and 3H are inserted into the 2000 Act by section 3 of the 2016 Act.

disadvantaged backgrounds. This is underpinned by section 2 of the 2000 Act which states that:

“Where school education is provided to a child or young person by, or by virtue of arrangements made, or entered into, by, an education authority it shall be the duty of the authority to secure that the education is directed to the development of the personality, talents and mental and physical abilities of the child or young person to their fullest potential.”

1.4 The broader programme builds on the approach embodied through Curriculum for Excellence and will support the Scottish Ministers, education authorities and others to promote, support and safeguard the wellbeing and development of our children and young people. The Children and Young People (Scotland) Act 2014 (“the 2014 Act”) places further duties on local authorities and other bodies to more actively collaborate and take action to promote and safeguard the wellbeing of looked after children and care leavers.

1.5 The new duties imposed on education authorities by the 2000 Act as amended by the 2016 Act are designed to complement the range of legal requirements already placed on education authorities, most notably the legal requirement included at section 3(2) of the 2000 Act which provides:

“An education authority shall endeavour to secure improvement in the quality of school education which is provided in the schools managed by them; and they shall exercise their functions in relation to such provision with a view to raising standards of education.”

1.6 The new duties imposed on education authorities will take effect from August 2017.

1.7 The guidance is split into three main parts, focusing on the following main issues:

- Pupils experiencing inequalities of outcome;

- National Improvement Framework (“the NIF”), and;
- Planning and reporting.

1.8 The duties covered in each part form part of a single coherent approach designed to deliver both excellence and equity across Scotland’s education system. It is therefore important that all aspects of the guidance are considered together.

1.9 The guidance is issued under section 13 of the 2000 Act and is complemented by the “National Improvement Framework for Scottish Education”⁵, “How Good is our School 4 (HGIOS 4)”⁶ and “How Good is our Early Learning and Childcare?”⁷, the national self-evaluation toolkits for Scottish schools. It is recognised, however, that in discharging their education functions, education authorities may require to cut across, or have regard to, a number of interrelated policies, initiatives and legislation. To that end, this statutory guidance also takes account of other guidance related to Getting It Right for Every Child (GIRFEC)⁸ and the Scottish Attainment Challenge as well as the priorities set out in “Developing the Young Workforce: Scotland’s Youth Employment Strategy.”⁹ It may be helpful for education authorities and schools to consider their duties under the Scottish Schools (Parental Involvement) Act 2006 given that many of the new duties set out at paragraph 1.2 will require them to consult with parents, whether individually or through Parent Councils and such like.

1.10 Recognising that the delivery of education services represents a very significant part of children’s services planning and delivery, it is important that this guidance is considered in conjunction with the statutory guidance issued under section 15 of the 2014 Act which relates to Part 3 (children’s services planning), Part 6 (Early Learning and Childcare) and Part 9 (Corporate Parenting) of that Act. Education authorities will also wish to bear in mind their duties under the Education (Additional Support for Learning) (Scotland) Act 2004 (as amended) when considering this guidance. This guidance should also be considered in relation to

⁵ <http://www.gov.scot/Publications/2016/01/8314>

⁶ <http://www.educationscotland.gov.uk/resources/h/hgios4/introduction.asp>

⁷ <https://education.gov.scot/improvement/Pages/frwk1hgioearlyyears.aspx>

⁸ <http://www.gov.scot/Topics/People/Young-People/gettingitright/publications/revised-draft-guidance>

⁹ <http://www.gov.scot/Publications/2014/12/7750>

section 20 (duty to provide information to Skills Development Scotland) of the Post-16 Education (Scotland) Act 2013 and the Young People's Involvement in Education and Training (Provision of Information) (Scotland) Order 2014 which concern the provision of information to support post-school participation in learning, training and work. Furthermore, awareness of the local authority's responsibilities under the Requirements for Community Learning and Development (Scotland) Regulations 2013 may be helpful as other relevant work may already be underway within the authority which could contribute to the carrying out of the education authority's new duties. This could perhaps involve some of the same educational practitioner stakeholders, such as community learning and development workers including youth workers, for example.

1.11 While the guidance has been designed to support education authorities in effectively fulfilling the relevant duties listed in paragraph 1.2, it seeks to offer a degree of flexibility and discretion with regard to how they do this in practice. This approach should allow each authority to shape their own policies and processes, reflecting their local context and the needs of their communities while at the same time allowing education authorities to report against the key NIF priorities. It will also enable education authorities to take account of the Tackling Bureaucracy agenda and other related work in shaping how they take forward their duties in practice. A range of case studies will support education authorities in exploring how they could fulfil the duties covered by this guidance. These can be found through Education Scotland's Improvement Hub¹⁰¹¹ and are provided for illustrative purposes only – there is no requirement for education authorities to adopt those models.

1.12 The guidance is aimed at those with statutory responsibility for fulfilling the relevant duties described above (education authorities). The guidance will therefore be of interest to strategic leaders and senior operational managers in education authorities. Headteachers will wish to be aware of this guidance where the education authority has delegated the carrying out of the duty to them. Section 25 of

¹⁰ Case studies will be published on Education Scotland's Improvement Hub when the statutory guidance is published in full – expected March 2017.

¹¹ <http://www.educationscotland.gov.uk/inclusionandequalities/sac/nationalhubforscottishattainmentchallenge/index.asp>

the 2016 Act also introduces the role of the Chief Education Officer. Once these provisions are commenced, likely to be summer 2017, the individuals in these roles will have an interest in this statutory guidance. It will be the responsibility of the education authority to ensure that all appropriate staff are supported to satisfy the legal requirements of the 2000 Act, as amended by the 2016 Act, through local guidance, policies and procedures, and training and management support structures.

1.13 It is also likely to be of interest to other organisations involved in the delivery of education services and those involved in strategic planning processes related to children's services. The guidance is not, in itself, aimed at parents and/or children and young people. Education authorities are also encouraged to explore what measures they can take to raise awareness of the contents of the guidance within their communities.

GLOSSARY OF TERMS

Within the context of this statutory guidance, the following terms have the following meanings:

Attainment refers to the measurable progress which children and young people make as they progress through and beyond school. This progress is in relation to curriculum areas and in the development of skills for learning, life and work.

Achievement refers to the totality of skills and attributes embedded within the four capacities of Curriculum for Excellence and developed across the curriculum in school and through learning in other contexts. This includes successes recognised by other groups and bodies as well as strengths identified by the individual.

The attainment gap refers to the gap in attainment and achievement between those living in Scotland's least and most disadvantaged homes. Many children and young people from lower-income households do significantly worse at all levels of the education system than those from better-off homes. Success in closing the attainment gap will be reflected in improved levels of attainment and achievement across a number of identified measures.

Corporate Parenting is defined in the statutory guidance to Part 9 of the 2014 Act as an organisation's performance of actions necessary to uphold the rights and safeguard the wellbeing of a looked after child or care leaver, and through which physical, emotional, spiritual, social and educational development is promoted.¹²

Curriculum for Excellence (CfE) is the curriculum in Scotland for children and young people aged 3 to 18 years old. Curriculum for Excellence aims to transform education in Scotland by providing a coherent, flexible and enriched curriculum which will prepare young people for learning, life and work in the 21st century.

¹² Definition is adapted from Sonia Jackson's definition of 'parenting' presented in M. Davies (ed) (2000) *The Blackwell Encyclopaedia of Social Work*, Oxford, Blackwell, and cited in the Scottish Government (2008) [These Are Our Bairns: A Guide for Community Planning Partnerships on Being a Good Corporate Parent](#).

CfE levels refer to the levels of learning within CfE. There are two phases of CfE- broad general education (pre-school to S3), then senior phase (S4 to S6). Across the BGE there are five levels of learning: Early, First, Second, Third and Fourth.

Data are facts and statistics collected together for reference or analysis.

Education authority means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994, in the discharge of its education functions.

Education authority annual plan is a plan which must be prepared and published under new section 3F of the 2000 Act (introduced by section 3 of the 2016 Act). The annual plan must set out three different things:

- (a) steps proposed to reduce inequalities of outcome for pupils experiencing them as a result of socio-economic disadvantage;
- (b) the steps proposed to comply with authorities' duty to consult with and advise the persons specified in section 3B(4) when making decisions of a strategic nature about the carrying out of their school education functions, and;
- (c) steps proposed in pursuance of the NIF (the four key NIF priorities)

The plan must be published before the 12 month planning period commences (see below). The planning period dates will be prescribed in regulations brought forward by the Scottish Ministers in 2017.

Education authority annual report is a report which must be prepared and published under new section 3H of the 2000 Act (introduced by section 3 of the 2016 Act). The report must set out:

- (a) steps taken to reduce inequalities of outcome;
- (b) steps taken to comply with authorities' duty to consult and advise those persons specified in section 3B(4);
- (c) steps taken in pursuance of the NIF (the four key NIF priorities), and;
- (d) any resulting educational benefits.

The report must be published as soon as is reasonably practicable following the end of the planning period.

Employability is the combination of factors and processes which enable people to progress towards employment, to stay in employment and to move on in the workplace.

Equity means treating people fairly, but not necessarily treating people the same. Equity in education means steps are taken to ensure that, as far as is possible, personal or social circumstances such as gender, ethnic origin or family background are not obstacles to achieving educational outcomes and that all our young people are well supported to secure wellbeing, skills for learning, life and work and the best possible post-school destination.

Equality is the removal of barriers and the widening of opportunities for those for whom access is limited. Where equality is embedded in practice, there will be no prejudice-based discrimination.

Family learning is one aspect of parental involvement and is a method of engagement and learning which can foster positive attitudes towards lifelong learning, promote socio-economic resilience and challenge educational disadvantage. Family learning encourages family members to learn together as and within a family, with a focus on intergenerational learning. Family learning activities can also be specifically designed to enable parents to learn how to support their children's learning.

Inequalities of outcome is the term used to describe a measurable difference in the attainment and achievement of children who fall within groups that share certain characteristics and those who do not.

National Improvement Framework (NIF) sets out the Scottish Government's vision and priorities for Scotland's children's progress in learning¹³. The first NIF was published on 6th January 2016.

¹³ <http://www.gov.scot/Topics/Education/Schools/NationalImprovementFramework>

NIF drivers provide a focus and structure for gathering evidence which can then be analysed to identify where further improvements can be made in Scottish education.

NIF key priorities, as set out in the 2016 publication, are:

- improvement in attainment, particularly in literacy and numeracy;
- closing the attainment gap between the most and least disadvantaged children;
- improvement in children and young people's health and wellbeing, and;
- improvement in employability skills and sustained, positive school leaver destinations for all young people.

National Outcomes describe what the Government wants to achieve over the next ten years. They help to sharpen the focus of government, enable priorities to be clearly understood and provide a clear structure for delivery.

Parent is any person (including a guardian) who is liable to maintain or has parental responsibilities (within the meaning of section 1(3) of the Children (Scotland) Act 1995) in relation to, or has care of a child or young person. This is a wide definition which might, by way of example, include: non-resident parents who are liable to maintain or have parental responsibilities in respect of a child; carers who can be parents; others with parental responsibilities, e.g. foster carers, relatives and friends who are caring for children and young people under supervision arrangements, **and**; close relatives, such as siblings or grandparents caring for children who are not looked after or are under home supervision arrangements. Everyone who is a parent has rights to receive advice and information about their child's education, general information about the school, to be told about meetings involving their child, and to participate in activities, such as taking part in decisions relating to a Parent Council.

Parent Council is defined under the Scottish Schools (Parental Involvement) Act 2006 as the statutory body responsible for representing parents' views in the life and work of the school. Members of the Parent Council must be members of the school's Parent Forum. That is, they must have a child attending the school.

Parent Forum – Parent Forum is defined under the Scottish Schools (Parental Involvement) Act 2006. All parents who have a child attending a public school are automatically a member of the Parent Forum for that school. Membership of the forum allows parents to have a say in the local arrangements to enable their collective view to be represented on matters such as the quality and standards of education at the school. When considering how and in what ways to involve and work in partnership with parents, schools should consider how to involve the wider Parent Forum as well as the Parent Council.

Partners include all individuals or organisations that deliver learning and contribute to the life and work of schools. These may include community learning and development services, colleges, universities, employers, third sector, community organisations and libraries.

Planning period is an annual 12 month period of activity, the dates of which are to be prescribed in regulations to be made by the Scottish Ministers. Education authorities will take action over the 12 months in line with the annual plan it has published and will subsequently report on the progress made against the plan once the planning period has concluded.

Pupils are those children and young people aged 3-18 who receive education provided by the education authority whether that is in the early years through nursery, through primary school or secondary school, or other means. In some cases this may also include some looked after 2 year olds.

Stakeholders are those who are affected by the carrying out of the duties outlined in this guidance and, while not exhaustive, may include Headteachers, pupils, parents of pupils, Parent Councils and the wider parent forum within schools, teachers, teaching staff unions, voluntary organisations and, where applicable, church representatives.

Standards and Quality report is a term used within most education authorities to describe the annual report that is produced by most education authorities under section 6(4) of the 2000 Act.

GUIDANCE – Chapter 2:

Pupils experiencing inequalities of outcome

Guidance made under section 13 of the Standards in Scotland's Schools etc. Act 2000

Summary of new education authority duties

To have due regard to the need to carry out school education functions in a way designed to reduce inequalities of outcome for those pupils experiencing them as a result of socio-economic disadvantage (see section 3B of the 2000 Act).

- Education authorities, in carrying out their school education functions, must have **due regard** to the need to reduce inequalities of educational outcome experienced by pupils as a result of socio-economic disadvantage, where:
 - an education authority is making a decision of a strategic nature about the carrying out of its functions relating to school education;
 - an education authority is considering what steps to take to implement such a decision¹⁴.
- The duty applies to: all pupils in receipt of early learning and childcare provided under section 47 of the Children and Young People (Scotland) Act 2014, and all pupils in receipt of primary or secondary education provided by an education authority, including those placed in an independent or grant aided school by an education authority, and covering education delivered in partnership with colleges, employers and Community Learning Development Partners.
- Education authorities must seek and have regard to the views of the persons set out at paragraph 2.11 of this statutory guidance document, in fulfilling their “**due regard**” duty.
- The processes education authorities put in place to fulfil their “due regard” duty must support authorities in understanding the impact that their strategic decisions have (or are likely to have) on educational outcomes for those children and young people impacted by socio-economic disadvantage.
- The education authority is expected to consider a range of available evidence which is relevant. Evidence should include data on the effectiveness of past improvement activity undertaken within the authority and must take account of learning from individual school improvement planning processes as well as relevant evidence developed in other areas.

¹⁴ See section 3B(1) and (2) of the 2000 Act.

2. Introduction and context

2.1. The central purpose of the Scottish Government is to create a more successful country with opportunities for all of Scotland to flourish, through increasing sustainable economic growth. 16 National Outcomes contribute to the achieving of the central Purpose by setting out what the Scottish Government wants to achieve and providing a clear structure for delivery. Four of these National Outcomes are key to improving outcomes for children and young people:

- Our children have the best start in life and are ready to succeed;
- Our young people are successful learners, confident individuals, effective contributors and responsible citizens;
- We are better educated, more skilled and more successful, renowned for our research and innovation, and;
- We have tackled the significant inequalities in Scottish society.

2.2. The Scottish Government is determined to deliver a successful education system which meets the needs of our children and young people. It should focus on achieving excellence and equity within Scotland's education system by closing the attainment gap and creating continuous improvement. "*Delivering Excellence and Equity in Scottish Education: A Delivery Plan for Scotland*¹⁵" ("the Delivery Plan") was published on 28 June 2016 and set out the steps the Scottish Government will take to drive improvement in Scottish Education, in particular to deliver excellence and equity and to close the attainment gap between our least and most disadvantaged children and young people.

2.3. The most important factor is the belief that every child and young person matters, can achieve equity of outcome, can access quality of learning, and can achieve as highly as possible, according to their individual abilities and strengths¹⁶. Addressing equity needs to address the attitudinal factors: lack of engagement, lower expectations and confidence and a resulting lack of ambition. By supporting children and young people to become confident, responsible and

¹⁵ <http://www.gov.scot/Publications/2016/06/3853>

¹⁶ Section 2(2) of the 2000 Act

effective learners, educational outcomes can be improved and children and young people will be prepared with the knowledge, skills and attributes required to succeed in life. This represents a significant contribution to the economic growth of the country, improving wellbeing, families, lifestyles, communities and the nation as a whole as well as increased opportunities for all.

2.4. Evidence shows that there is a significant gap in educational attainment between children and young people living in the most and least socially disadvantaged areas of Scotland. That can be as a result of many different contributing factors, including, most significantly, levels of family income or poverty. Whatever the reason(s), this is clearly not acceptable. The earlier that gaps in attainment can be identified and tackled, the better chance there is of securing positive outcomes, whether those be educational, health and wellbeing related or financial and so on. It is, therefore, important that any attainment gap is addressed for children and young people from the earliest opportunity.

2.5. There has been a longstanding legal requirement on Scottish Ministers and education authorities to raise attainment for all. Section 3 of the 2000 Act provides that:

(1) The Scottish Ministers shall endeavour to secure improvement in the quality of school education which is provided for Scotland; and they shall exercise their powers in relation to such provision with a view to raising standards of education.

2) An education authority shall endeavour to secure improvement in the quality of school education which is provided in the schools managed by them; and they shall exercise their functions in relation to such provision with a view to raising standards of education.

2.6. However, less emphasis has been placed on the need to address, through legislation, the educational challenges that pupils experience which are specifically associated with socio-economic disadvantage. The 2016 Act amends the 2000 Act so as to require that an increased level of priority and

focus be attached to addressing this issue at both national and local level both by the Scottish Ministers and education authorities.

Duties the education authority must fulfil

Section 3B: Pupils experiencing inequalities of outcome – education authority’s duty to have “due regard”

2.7. Section 3B of the 2000 Act (as inserted by section 1 of the 2016 Act) places a duty on education authorities, in carrying out their school education functions, to **have due regard to the need to reduce inequalities of educational outcome experienced by pupils as a result of socio-economic disadvantage** (referred to hereafter as the “due regard” duty). Subsection (1)(a) requires that education authorities satisfy this duty where:

- “an education authority is making a decision of a strategic nature about the carrying out of its functions relating to school education; or
- an education authority is considering what steps to take to implement such a decision.”

2.8. In effect, the primary duty in section 3B of the 2000 Act, requires that education authorities continually consider whether they can do more to help those pupils impacted by socio-economic disadvantage to achieve equality of outcome and to give due weight to the outcome of those considerations when delivering school education.

2.9. Section 3A(2)(b)(ii) of the 2000 Act allows the Scottish Ministers to extend, through regulations, the scope of the duty placed on education authorities so as to capture other groups of children experiencing inequalities of educational outcome in addition to those who experience such inequalities as a result of socio-economic disadvantage. There are no plans to use this regulation making power at present.

Section 3B: Pupils experiencing inequalities of outcome – education authority's duty to consult and have regard to views

2.10. Education authorities are expected to consider the range of relevant available evidence in order to inform the decisions and steps they take with a view to reducing inequalities of outcome. Partners can prove a valuable source of such evidence and it is important that they are given the opportunity to inform and influence an authority's approach.

2.11. Accordingly, section 3B(3) of the 2000 Act (introduced through section 1 of the 2016 Act) requires that, in fulfilling their "due regard" duty, the education authority must seek and have regard to the views of the following persons as listed in section 3B(4):

- a) The Headteachers of such schools managed by the authority as the authority thinks appropriate;
- b) Such pupils as the authority thinks appropriate;
- c) The parents of such pupils as the authority thinks appropriate;
- d) The representatives of any trade union which appears to the authority to be representative of the teaching staff at such schools managed by the authority as the authority thinks appropriate;
- e) Such voluntary organisations as the authority thinks appropriate, and;
- f) Any other persons the authority thinks appropriate.

2.12. Other appropriate persons could include, for example, partners involved in delivering programmes, such as colleges; any Developing Young Workforce Regional Group associated with the authority, and; Parent Councils and the wider parent forum within schools.

2.13. Section 3B(4) provides that the key partners listed must be involved in the decision making process. However, the education authority does have discretion to consult other stakeholders in addition to those listed.

Definitions of “school education”, “decisions of a strategic nature”, “due regard”, “inequalities of outcome” and “socio-economic disadvantage”.

Defining “school education”

2.14. Section 3B focuses on the delivery of an education authority’s functions relating to school education. The definition of “school education” for the purposes of the 2000 Act is the same as the definition in the Education (Scotland) Act 1980 (section 1(5)(a)):

“progressive education appropriate to the requirements of pupils, regard being had to age, ability and aptitude of such pupils, and includes:

- (i) early learning and childcare
- (ii) the teaching of Gaelic in Gaelic-speaking areas”

2.15. Early Learning and Childcare is defined in the 1980 Act with reference to the definition at section 46 of the Children and Young People (Scotland) Act 2014, which provides:

“early learning and childcare” means a service, consisting of education and care, of a kind which is suitable in the ordinary case for children who are under school age, regard being had to the importance of interactions and other experiences which support learning and development in a caring and nurturing setting.”

2.16. Consequently, the duty introduced at section 3B of the 2000 Act, through the 2016 Act, applies in respect of:

- all pupils in receipt of early learning and childcare provided under section 47 of the Children and Young People (Scotland) Act 2014;
- All pupils in receipt of primary or secondary education provided by an education authority, including those placed in an independent or grant aided school by an education authority, and covering education delivered in

partnership with the local authority with colleges, employers and Community Learning Development Partners.

Defining “decisions of a strategic nature”

2.17. The duty introduced by section 3B focuses on the considerations which must be made when education authorities are taking decisions of a **strategic nature** about the carrying on of their school education functions and when deciding how best to implement those decisions.

2.18. Education authorities take a wide range of decisions relating to individual learners and other day-to-day operational matters within the schools they operate, including the support required to overcome barriers to their learning¹⁷. It is not the intention that these decisions be covered by the duty included in section 3B. Instead, the duty is intended to focus on those key, high level decisions which influence the way in which education is provided across an education authority area. It is the responsibility of the education authority to frame local policies within strategic decision making processes. It is, therefore, recognised that these decisions could ultimately impact on the operational matters within individual schools and classrooms.

2.19. Examples of strategic decisions could include:

- The setting of education budgets;
- The establishment of arrangements for monitoring the standards and quality of school education in a given area;
- Decisions about the size and construct of the school estate;
- Decisions about the commissioning of services;
- Decisions about specialist provision across the education authority area;
- The identification of targeted and sustained improvement activity designed to raise standards and address known challenges across an education authority area, such as those priorities set out in the Delivery Plan;

¹⁷ Supporting Children’s Learning, Code Of Practice for Additional Support for Learning
<http://www.gov.scot/resource/doc/348208/0116022.pdf>

- The content of any guidance issued by an education authority to schools in their area;
- Decisions taken at authority level which impact on the ability of children and young people to access and participate in education, including strategies for providing support and challenge to partnership providers, and;
- Partnership arrangements to promote equity and collaborative working.

2.20. In order to fulfil the “due regard” duty at section 3B of the 2000 Act, education authorities will have to identify those decisions of a strategic nature they take and, further, to consider how those strategic decisions can be **taken and given effect to** in a way which addresses, or helps to address, the disparity in educational outcomes which exists between our most and least disadvantaged learners whilst at the same time raising attainment for all.

Defining “due regard”

2.21. Commonly, legislation places a duty on somebody (an individual or a body corporate) to “have regard” to certain considerations when making a decision. In order for somebody to “have due regard”, not only must they consider the issue but it must be given weight which is proportionate to its relevance. In the context of the duty included at section 3B, education authorities have a legal responsibility to consider how they can reduce inequalities of educational outcome caused by socio-economic disadvantage. Further, they will have to attach a degree of weight to this matter and balance it against countervailing factors appropriately.

2.22. The duty is designed to strike a balance. It recognises the need for education authorities to operate within their financial thresholds and to adopt policies which are coherent and complementary. **The “due regard” duty at section 3B of the 2000 Act does not take precedence over these matters but operates within that context.** Instead, it requires that education authorities explore how they might reduce inequalities in educational outcome for those who experience such

inequalities due to socio-economic disadvantage, alongside their responsibilities to provide appropriate challenge, support and opportunities for all learners.

Defining “inequalities of outcome”

2.23. For the purposes of section 3B, “inequalities of outcome” is the term used to describe a measurable difference in the achievement and attainment of children who fall within groups which share certain characteristics and those who do not. The term “attainment” denotes educational performance and the acquisition of the valuable skills, knowledge and attributes needed to succeed in life. Assessment of attainment includes evaluation of a range of evidence on what children and young people learn and achieve throughout their school career. This includes Curriculum for Excellence levels, skills, qualifications, other awards and wider achievement. It is recognised that not all ‘wider achievement’ is measurable, for example, voluntary work and participation in sport, the arts or other activities in the community.

2.24. It is fully recognised that children and young people’s attainment and achievement will differ and it is important that our approach is flexible enough to ensure that every child is supported to achieve as highly as possible.

Defining “socio-economic disadvantage”

2.25. The term “socio-economic disadvantage” describes disadvantage caused as a result of a combination of inter-related social and economic factors such as poverty as a consequence of low income, health, housing or education. Poverty is accepted to be the most common driver for socio-economic disadvantage.

2.26. In the context of the “due regard” duty included at section 3B of the 2000 Act, education authorities are expected to focus predominantly on addressing the challenges experienced by learners from disadvantaged communities and those who experience poverty. This is an important distinction to make as not all children and young people who experience poverty live in disadvantaged communities.

Children from disadvantaged communities

2.27. Disadvantaged communities are those with a range of problems which arise due to lack of resources or opportunities, covering income at source (low or no income), health, safety, education, employment, housing, access to services and other personal circumstances or responsibilities. Children and young people from such communities are likely to suffer significant, sustained disadvantages as they grow up and as adults across some or all of these descriptors.

Other children who experience poverty

2.28. There are children and young people who do not live in disadvantaged communities but are nonetheless just as likely to suffer disadvantages across a number of financial, health and social outcomes. Such children and young people may live in communities that have sufficient or ample resource and opportunities but are unable to access them as a result of issues relating to poor health, safety, education, employment, housing and income that are specific to their household or family.

Approaches the education authority may take to fulfil its duties

Section 3B: Pupils experiencing inequalities of outcome – education authority's duty to have "due regard"

2.29. **Ultimately, it is for individual education authorities to determine which processes require to be implemented in order to support them in fulfilling their "due regard" duty.** Those processes must support authorities in understanding the impact that their strategic decisions have (or are likely to have) on educational outcomes for those children and young people impacted by socio-economic disadvantage.

2.30. In reaching this view, the authority is expected to consider the range of available evidence which is relevant to the decision in question. That evidence should include data on the effectiveness of past improvement activity undertaken

within the authority as set out in the reports authorities are required to produce under section 3H of the 2000 Act (see paragraphs 4.5 to 4.8). Further, it must take account of learning from individual school improvement planning processes as well as relevant evidence developed in other areas. It may also be the case that evidence could emerge from other education authorities, or nationally through the Delivery Plan for example, which could be drawn upon, where that information is considered to be relevant to the education authority.

Potential sources of evidence

- The NIF – local and national annual plans/reports focussed on reducing inequalities of educational outcome and NIF implementation
- National Improvement Hub
- Local, national and international research
- Inspection and review findings
- Local authority self-evaluation/quality improvement processes
- School Improvement Plans and associated reports
- National initiatives
- Scottish Attainment Challenge¹⁸ – local and national evaluation
- Early Years Collaborative and / or Raising Attainment for All programme¹⁹
- Relevant Developing the Young Workforce Key Performance Indicators
- Partnerships with other public services, employers, academia and third sector
- Insight data and national dashboard measures
- Relevant information supplied by teacher trade unions
- Feedback and information from parents and pupils
- Corporate Parenting plans

2.31. The authority must also obtain evidence by seeking and having regard to the views of key partners when seeking to fulfil the “due regard” duty (see paragraph 2.11).

¹⁸ <http://www.educationscotland.gov.uk/inclusionandequalities/sac/index.asp>

¹⁹ <http://www.gov.scot/Topics/Education/Schools/Raisingeducationalattainment/RAFA/QIMaterial>

2.32. Education authorities should work to further develop an understanding: of the factors that give rise to inequalities of outcome arising from socio-economic disadvantage within their local context, and of how these can most effectively be addressed. The plans developed by education authorities should reflect how this understanding is being given effect, within the constraints arising from other legal responsibilities, organisational objectives and available resources (financial and otherwise) and will require the education authority to work with other services within the authority.

2.33. Education authorities will have to be able to evidence that they have fulfilled their “due regard” duty. This will be achieved, in part, through the preparation of annual plans and reports under sections 3F and 3H of the 2000 Act (see paragraphs 4.5 to 4.8). Authorities will also wish to consider how best they can demonstrate their efforts through the range of information and correspondence they produce on an on-going basis and any relevant planning and reporting documentation produced for scrutiny and improvement purposes.

Section 3B: Pupils experiencing inequalities of outcome – education authority’s duty to consult and have regard to views

Consultation methods

2.34. Education authorities are encouraged to use recognised good practice when consulting, building on the 10 National Standards for Community Engagement²⁰²¹:

2.35. They should use a range of consultative methods to engage a wide range of partners from a variety of backgrounds (this must include those persons specified in section 3B(4) of the 2000 Act, see paragraph 2.11) from a variety of backgrounds, providing them with the support they need to participate in decision making processes. For example, the education authority may choose

²⁰ The National Standards for Community Engagement are being refreshed and are due for publication approx. July 2016.

²¹ <http://www.scdc.org.uk/what/national-standards/>

to involve the wider Parent Forum, as opposed to the Parent Council alone. They may choose different approaches to consulting the parents of pupils experiencing inequality of outcome, from those they might consider in consulting other stakeholder groups, particularly where such parents may lack confidence in engaging with the school or where parents have difficulty fully interacting with schools. The education authority will also wish to consider how they involve pupils in the development of their plans.

2.36. Education authorities may find it helpful to have cognisance of their three yearly plans produced under the Requirements for Community Learning and Development (Scotland) Regulations 2013²² which require the inclusion of a variety of information relating to engagement with communities.

²² http://www.legislation.gov.uk/ssi/2013/175/pdfs/ssi_20130175_en.pdf

GUIDANCE – Chapter 3:

Delivering the priorities of the National Improvement Framework

Guidance made under section 13 of the Standards in Scotland's Schools etc. Act 2000

Summary of new education authority duties

To carry out the duty to secure improvement in quality of education, with a view to achieving the strategic priorities in the NIF (see section 3D of the 2000 Act)

- Education authorities must ensure the delivery of improvement activity within schools which is consistent with the strategic priorities of the NIF.
- The four strategic priorities of the NIF are:
 - Improvement in attainment, particularly in literacy and numeracy,
 - Closing the attainment gap between the most and least disadvantaged children and young people,
 - Improvement in children and young people's health and wellbeing, and
 - Improvement in employability skills and sustained, positive school leaver destinations for all young people
- Education authorities will have to be able to demonstrate how they have sought, and continue to seek, to deliver against the strategic priorities of the NIF. This is linked to the planning and reporting duties set out at chapter 4 of this statutory guidance.
- This duty supplements, rather than replaces, an existing duty on education authorities in section 3 of the 2000 Act (to deliver improvement in the quality of school education and to raise standards of education).

3. Introduction and context

3.1. As already stated at paragraph 2.1, the central purpose of this Government is to create a more successful country with opportunities for all of Scotland to flourish, through increasing sustainable economic growth. Scotland's children and young people are our greatest asset and investing in their education is essential to ensuring their wellbeing as well as achieving their aspirations and our ambitions as a country.

3.2. The "National Improvement Framework for Scottish Education" was published on 6 January 2016 and sets out the Scottish Government's vision for Scotland's children and young people's progress in learning:

- **Excellence through raising attainment:** ensuring that **every** child achieves the highest standards in literacy and numeracy, set out within Curriculum for Excellence levels, and the right range of skills, qualifications and achievements to allow them to succeed; and
- **Achieving equity:** ensuring **every** child has the same opportunity to succeed, with a particular focus on closing the poverty-related attainment gap.

3.3. Further, the NIF sets out the four **strategic priorities** we must focus on if that vision is to be realised:

- Improvement in attainment, particularly in literacy and numeracy;
- Closing the attainment gap between the most and least disadvantaged children and young people;
- Improvement in children and young people's health and wellbeing, and;
- Improvement in employability skills and sustained, positive school leaver destinations for all young people²³.

²³ Scotland Performs 'sustained positive destinations' measure will be replaced by a new 'Participation' measure in late 2016 which will instead measure the proportion of young people participating in learning, training and work.

- 3.4. In focusing on strategic priorities through the NIF we seek to build on the success delivered through a series of key reforms including: Getting it right for every child, Curriculum for Excellence, investment and expansion of early learning and childcare provision, Teaching Scotland's Future, the Youth Employment Strategy²⁴. More specifically, the NIF represents a key strand of our response to the 2015 OECD review focussing on Scottish Education "Improving Schools in Scotland: An OECD Perspective". That review identified the need to develop an integrated Framework for assessment and evaluation which encompasses all system levels and ensures all partners are focused effectively on key priorities.
- 3.5. The first NIF was published by the Government on 6 January 2016. New section 3C of the 2000 Act (as inserted by section 2 of the 2016 Act) requires the Scottish Ministers to place the NIF on a statutory footing. It is intended that Ministers will publish this first statutory NIF around December 2016. While priorities may change over time, depending on what evidence tells us, this statutory NIF will very much be based upon the first NIF, the priorities and drivers of which were informed by wide ranging consultation. The NIF is then to be reviewed annually and revised where necessary to reflect emerging trends and priorities within the education system²⁵. It is to provide evidence to help parents, teachers, education authorities and the Scottish Ministers better understand how children and young people are progressing at all stages of their education. That evidence will then be used to identify successes and areas where improvement is possible, both for individual children and for the education system as a whole. This model is consistent with the findings of the Commission on the Future Delivery of Public Services and the Scottish Government's approach to public service reform which called for greater emphasis on prevention and early, appropriate intervention to address emerging needs. Of course, some of those needs may be poverty or attainment related, in which case education authorities will wish to make links to wider local authority responsibilities under the Local Government in Scotland Act 2003, the

²⁴ <http://www.oecd.org/edu/school/improving-schools-in-scotland.htm>

²⁵ Section 3C(2) and (6) of the 2000 Act (as inserted into the 2000 Act by section 2 of the 2016 Act).

Community Empowerment (Scotland) Act 2015 and so on, as adopting solely an education focus may not in itself be adequate in addressing such issues.

Duties the education authority must fulfil

3.6. Section 3D of the 2000 Act (as inserted by section 2 of the 2016 Act) introduces a requirement on education authorities to carry out their duty to ensure the delivery of improvement in the quality of school education which is provided in the schools they manage, with a view to achieving the strategic priorities of the NIF.

3.7. When education authorities are providing education, they must do so in a way which ensures it is directed to the development of the personality, talents and mental and physical abilities of the child or young person to their fullest potential.²⁶

3.8. This definition, set out in section 2 of the 2000 Act, is consistent with Curriculum for Excellence which encourages an approach to learning whereby teachers and schools are empowered to develop and deliver a curriculum – a plan for learning – which is tailored to meet the needs and aspirations of each individual child. This model of learning is essential if we are to be successful in creating an education system which is capable of delivering for all learners.

Approaches the education authority may take to fulfil its duties

3.9. The duty included at section 3D supplements, rather than replaces, the existing duty on education authorities in section 3 of the 2000 Act to deliver improvement in the quality of school education and to raise standards of education. It achieves this by requiring that an identified set of strategic priorities as set out in the NIF be given particular focus when improvement activity is being undertaken locally. Whilst this targeted activity should not be to the detriment of all other improvement activity, section 3D recognises it is legitimate that action to deliver

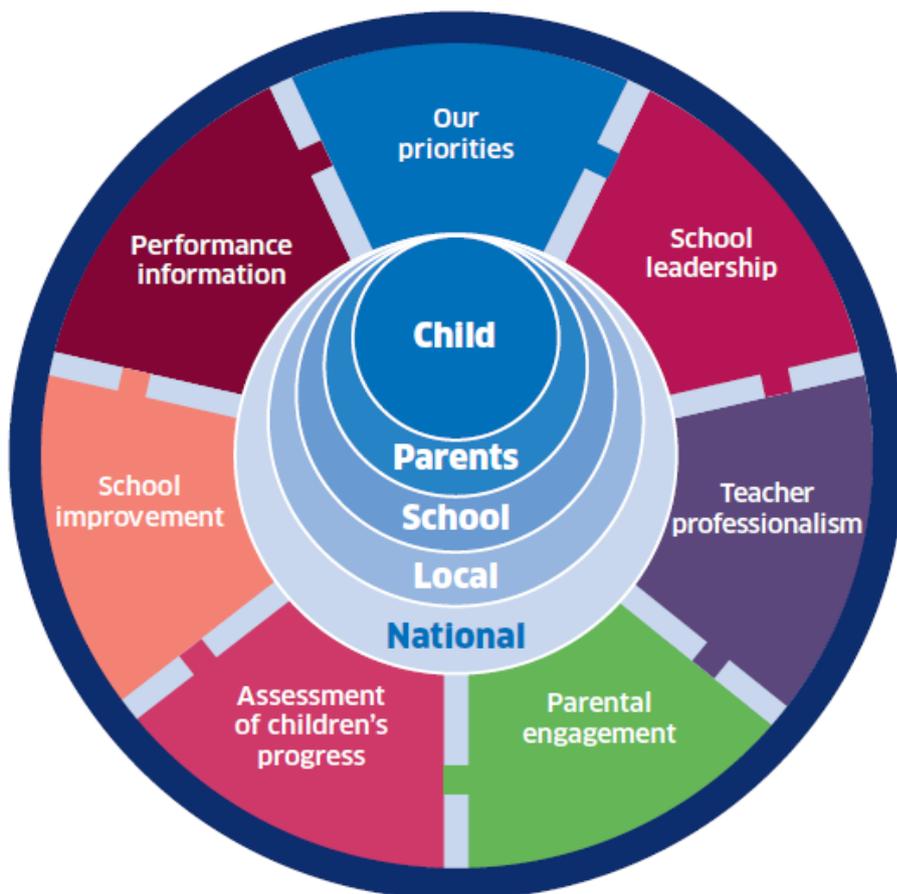
²⁶ As set out at section 2(1) of the 2000 Act.

against these priorities be given a degree of precedence over other improvement activity.

3.10. The duty takes account of the wide range of factors which can ultimately influence the level of improvement achieved over a specified period of time. At least some of these factors will be outwith the control of an education authority.

3.11. The strategic priorities that education authorities will seek to achieve (see paragraph 3.3) are intentionally focused on outcomes for children and young people.

3.12. Of course, the NIF goes beyond simply identifying strategic priorities. It also identifies key drivers for educational improvement and the evidence which will be gathered to analyse whether progress is being made and where further improvements are required. Education authorities will wish to take account of these drivers and the evidence in undertaking their planning and reporting duties.



3.13. The drivers for improvement and the evidence to be gathered under each are designed to add value to the range of other improvement activity that will be taken forward by individual education authorities, tailored to meet the needs of individual communities. Education authorities are encouraged to consider evidence under all of the drivers as part of their improvement activity.

3.14. This process allows the Scottish Government to ensure a degree of consistency in our approach to educational improvement by identifying areas of common consideration for the benefit of pupils. At the same time, it continues to afford education authorities the flexibility and autonomy they need if they are to build on the successes and address the challenges which are particular to their area.

3.15. It is important that, when seeking to deliver improvement activity, education authorities take account of the full range of evidence available to them. That

evidence should include data on the effectiveness of past improvement activity undertaken across the authority area and wider improvement evidence.

3.16. Further, it should take account of learning from individual school improvement planning processes (see paragraphs 4.31 to 4.33) as well as evidence developed in other areas. Education authorities are encouraged to consider how they can expand the range of evidence available to them and to adopt an approach to improvement which recognises the central importance of data gathering and analysis, and broader evaluation activity.

Potential sources of evidence

- Teacher professional judgement data
- Scottish Standardised Assessment data
- Insight data
- Education Scotland National Improvement Hub
- Local, national and international research
- Local and national annual plans/reports focussing on inequalities of outcome and the NIF
- Inspection findings
- Local authority self-evaluation/quality improvement processes, trends, changing profiles etc
- School Improvement Plans and self-evaluation reports
- National initiatives
- Scottish Attainment Challenge
- Raising Attainment for All
- Local initiatives, such as family learning, training for young people etc
- Partnerships with other public services, employers, academia and the third sector
- Feedback and information from parents and pupils
- Pupils' learning plans and achievements
- Corporate Parenting plans and reports for looked after children and care leavers

3.17. While this is particularly relevant in the context of the new planning and reporting duties introduced through sections 3F and 3H of the 2000 Act (see paragraphs 4.5 to 4.8), it is important that planning for improvement is not viewed as a periodic exercise, driven solely through the development of annual planning and reporting documentation.

3.18. Whilst such plans/reports provide a useful opportunity to ensure (and demonstrate) that the correct arrangements are in place to deliver systemic and sustained improvement, they should not inhibit the ability of teachers, education authorities and others to identify opportunities for innovation on an on-going basis. **Further information on the process of effective improvement planning is set out at paragraphs 4.12 to 4.22 of this guidance.**

3.19. Education authorities will have to be able to demonstrate how they have sought, and continue to seek, to deliver against the strategic priorities of the NIF. This will be achieved, at least in part, through the preparation of annual plans and reports under section 3F and 3H of the 2000 Act. In addition, authorities will wish to consider how best they can demonstrate their efforts through the inclusion of relevant information in the range of information materials they produce on an on-going basis as well as any other relevant planning and reporting documentation produced for scrutiny and improvement purposes. Authorities are likely to:

- maintain a clear statement of their ambitions in relation to the key priorities within the NIF, and which reflects the local context;
- model in their own practice and ensure that educational establishments are successfully aligning self-evaluation and planning activities with the NIF;
- provide a cycle of activities which will raise standards, promote engagement, address the impact of deprivation and improve outcomes for all learners;
- maintain an agreed action plan which will focus on defining specific objectives, targets and measurable outcomes. It will incorporate

milestones which will support a measuring of progress against agreed success criteria;

- consult with parents on the quality of their child's learning and provide opportunities for meaningful, relevant and child focused engagement in order to support parents to actively engage in their child's learning and progression, and;
- liaise with partners in evaluating the impact of intervention and improvement strategies.

GUIDANCE – Chapter 4:

Plans and reports

Guidance made under section 13 of the Standards in Scotland's Schools etc. Act 2000

Summary of new education authority duties

Education authority annual plans and report – NIF and reducing inequalities of outcome (see sections 3F & 3H of the 2000 Act)

- Education authorities must prepare and publish annual plans describing the steps they intend to take during the planning period:
 - in pursuance of the NIF for Scottish education;
 - to reduce the inequalities of outcome experienced by pupils as a result of socio-economic disadvantage and the ways in which they will consult key partners when deciding how this should be achieved, and;
 - the plan must also set out any educational benefits the authorities consider will result from taking all of these steps.

- These plans must be published by the education authority before the beginning of the planning period each year. Education authorities must give a copy of the annual plan to Scottish Ministers as soon as reasonably practicable after publishing the plan.

- Where a new NIF has been published by the Scottish Ministers, education authorities must review and, where necessary, revise their annual plan. Any revised education authority plan must also be published and a copy given to Scottish Ministers as soon as reasonably practicable after publication.

- Education authorities must prepare and publish annual reports setting out the steps they have taken, over the course of the planning period:
 - in pursuance of the NIF for Scottish education;
 - to reduce inequalities of outcome experienced by pupils as a result of socio-economic disadvantage and the ways they have consulted key partners when deciding how this should be achieved, and;
 - the report must also set out any educational benefits for pupils that the authority considers have resulted from taking those steps.

- The education authority annual report must be given to Scottish Ministers as soon as reasonably practicable after publication.

- **The legislation is intentionally silent on the format that annual plans/reports should take.**

School improvement planning – Headteacher annual plans and reports (see section 6 of the 2000 Act as amended by section 3(4) of the 2016 Act)

- “School development plans” are replaced by “school improvement plans” (SIPs) and must be produced on an annual basis, with the task being delegated from education authorities to individual Headteachers.
- The plans must be underpinned by consultation²⁷ with:
 - Pupils;
 - any Parent Council or Combined Parent Council established for the school;
 - teachers employed in the school;
 - any volunteers working in the school;
 - local bodies representing teachers and parents of pupils in attendance at the school.
- Headteachers must produce these annual SIPs and also annual SIP reports (to be prepared without unreasonable delay after the expiry of the period of twelve months immediately following the preparation of the SIP) describing past and planned activity to secure improvement within their school. SIPs must also take account of the relevant education authority plan (or revised plan) and report prepared under sections 3F and 3H of the 2000 Act which detail work in pursuance of the NIF and to reduce inequalities of outcome and the strategy for parental involvement report prepared under new section 2A of the Scottish Schools (Parental Involvement) Act 2006 (as amended by section 6 of the 2016 Act).
- Summaries of the SIP and corresponding annual SIP report must be provided to parents and pupils and made available to other individuals on request. Full versions of the SIP and the SIP report must be made available to parents and pupils on request.
- The SIP must take account of the education authority’s latest Parental Involvement Strategy and must also set out how pupils are to be involved in decisions relating to the operation of the school.
- Education authorities must take account of the SIPs and SIP reports in the development of their own education authority plans and reports.

²⁷ The wording here reflects that of the legislation.

4. Introduction and context

Summary of planning and reporting processes

The various planning and reporting processes at school, education authority and national levels are designed to produce robust, consistent and transparent data across Scotland to improve our understanding of what works and, ultimately, drive improvement for the benefit of our children and young people. So, what does the legislation provide for and how does it all link together?

A key requirement of these processes is that the Scottish Ministers must publish a National Improvement Framework²⁸. The NIF sets out the four key priorities which all partners in the education system should be working to address. The first NIF was published in January 2016. The first statutory NIF under the 2000 Act will be published around December 2016.

Linked to the NIF, the Scottish Ministers and education authorities must publish annual plans and reports²⁹ which focus on pursuing the four key priorities, which include reducing inequalities of outcome as a result of socio-economic disadvantage. Those plans and reports must be published prior to, and as soon as is possible following the end of, the planning period, respectively. A planning period is the relevant 12 months within which action is taken by the Scottish Ministers and education authorities in order to progress the objectives set out in their respective plans.

The first planning period for the Scottish Ministers is proposed to commence on 1 January 2017 and end on 31 December 2017. Education authority duties will not commence until 1 August 2017. Their first planning period is therefore likely to commence on 1 September 2017 and end on 31 August 2018. We expect that their first plans will be published in August 2017 and their first reports will be published as soon as is possible following 31 August 2018.

Feeding into the national and local level planning and reporting will be information provided through the School Improvement Planning process³⁰. Headteachers may be responsible for this process within schools and can determine the timing of their 12 month planning period for the School Improvement Plan, subject to any local processes or procedures adopted by the education authority. Ultimately, it is the education authority which has responsibility for using this information as part of its planning and reporting duties. So, alignment of all of these processes, so far as is possible, will be important and beneficial.

²⁸ Section 3C of the 2000 (as inserted by section 2 of the 2016 Act).

²⁹ Sections 3E, 3F, 3G and 3H of the 2000 Act (as inserted by section 3 of the 2016 Act)

³⁰ Section 6 of the 2000 Act (as amended by section 3(4) of the 2016 Act).

4.1. A revised and improved approach to planning and reporting on educational improvement activity will help to satisfy four key requirements for our education system:

- It will improve the quality and availability of information available to children and young people, parents and teachers.
- It will improve the quality of information available to support education authorities and Community Planning Partnerships in planning and delivering services.
- It will improve the quality of information available to support the development of national education policy;
- It will promote a more coherent approach to planning and reporting across the education system as a whole.

4.2. In order to meet the requirements above, clear and meaningful planning and reporting at school, education authority and national level must take place. The 2000 Act achieves this through the establishment of requirements on Ministers, education authorities and schools to plan and report on improvement activity.

4.3. Taken together, these planning and reporting arrangements will form a continuous coherent annual improvement cycle, providing a line of sight between national improvement activity and efforts to raise standards within individual schools and authorities.

4.4. Targeted planning and reporting linked to the duties covered in chapters 2 and 3 of this statutory guidance should be fulfilled in a way which complements other relevant planning and reporting regimes including, most notably, children's services planning, local outcome improvement planning and broader education authority standards and quality reporting. All of these planning processes are designed to improve outcomes for Scotland's population and promote a coordinated and evidence-led approach to the use of resources. It is therefore clear that each of these planning/reporting processes has the potential to enrich the other.

Duties the education authority must fulfil – sections 3F and 3H plans and reports

- 4.5. Section 3 of the 2016 Act introduces sections 3F and 3H of the 2000 Act which place duties on education authorities to prepare annual plans and reports describing past and planned activity to i) reduce inequalities of educational outcome experienced by pupils as a result of socio-economic disadvantage, and ii) achieve the strategic priorities of the NIF.
- 4.6. Section 6 of the 2000 Act (as amended by section 3(4) of the 2016 Act) places a duty on Headteachers to produce annual plans and reports describing past and planned activity to secure improvement within their school. Those plans must take account of the relevant education authority plan and report produced under sections 3F and 3H and of the strategy for parental involvement under section 2 of the Scottish Schools (Parental Involvement) Act 2006.
- 4.7. Section 3F requires each education authority, before the beginning of the planning period each year, to prepare and publish an annual plan describing the steps they intend to take during the planning period in pursuance of the NIF. The annual plan must also describe the steps they intend to take to reduce the inequalities of outcome experienced by pupils as a result of socio-economic disadvantage and the ways in which they will consult key partners when deciding how this should be achieved. Finally, the plan must set out any educational benefits they consider will result from taking these steps. Education authorities must give a copy of the annual plan to Scottish Ministers as soon as reasonably practicable after publishing the plan. Where a new NIF has been published, education authorities must review and, where necessary, revise their annual plan. Any revised plan must be published and a copy given to Scottish Ministers.
- 4.8. Section 3H requires each education authority to prepare and publish an annual report setting out the steps they have taken in pursuance of the NIF. The report must also describe the steps they have taken to reduce the inequalities of outcome experienced by pupils as a result of socio-economic disadvantage and

the ways in which they have consulted key partners when deciding how this should be achieved. The reports must also set out any educational benefits for pupils that the authority considers results from taking those steps. The education authority annual report must be given to Scottish Ministers as soon as reasonably practicable after publication.

Planning period (education authorities)

4.9. The planning period for the purposes of section 3F(1) (education authority planning period) is defined in section 3F(4) as the period of 12 months beginning with such day as the Scottish Ministers prescribe by regulations. The intention is that the planning period for Ministers will run from 1st January to 31st December in any given year, and from 1st September to 31st August for education authorities. While regulations will prescribe particular points in the year for the planning period, which will then drive the publication of plans and reports, the expectation is that education authorities should be seeking to continuously improve, regularly collating and analysing the information it has to hand in the fulfilment of its duties.

4.10. Education authorities will wish to note that the “planning period” is the terminology used in the 2000 Act as amended by the 2016 Act. In practice, the planning period will be a 12 month period of implementation where Ministers and education authorities will implement their respective plans which they have published prior to the commencement of that period. So, it is actually a period of activity rather than a period for planning solely. The intention is to commence education authority duties in August 2017. Therefore, their first plan would be published on or after the 1 August 2017 but prior to commencement of their 12 month statutory planning period on 1 September.

4.11. The timings proposed are intended to draw upon existing education authority development planning processes (which are to be replaced by school improvement planning, see paragraph 4.31 of this guidance). These suggest that schools begin their planning processes around January/February with plans signed off by education authorities around April/May time. The proposed timings

are therefore intended to enable education authorities to work efficiently and reduce burden by using information which already exists to inform the NIF annual planning and review process led by the Scottish Ministers.

Approaches the education authority may take to fulfil its duties

The planning and reporting process

4.12. Planning for educational improvement should be viewed as a continuous process, within which the preparation of an annual plan and corresponding report are discrete elements. The process of planning should inform and underpin decisions relating to local organisational structures, investment, interventions and commissioning; all of which should be based on the range of available evidence.

4.13. Partners can prove a valuable source of evidence and it is important that they are given the opportunity to inform and influence an education authority's approach to improvement. Accordingly, authorities are encouraged to conduct their planning in as inclusive and collaborative a fashion as possible and to use recognised good practice when consulting, building on the National Standards for Community Engagement³¹.

4.14. This involves using a range of methods to engage a wide range of partners from a variety of backgrounds, providing them with the support they need to participate in the planning process.

4.15. The 2016 Act is intentionally silent on the model to be adopted by education authorities when planning for future improvement activity³². However, **any model adopted must operate with specific reference to the strategic priorities and drivers for improvement which are set out in the NIF** and be in a position to provide information to support the evidence base. It may be helpful

³¹ <http://www.scdc.org.uk/what/national-standards/>

³² Consideration to be given to possible improvement planning tools that could potentially be suggested for use.

for education authorities to refer to an example of a 3 step improvement framework for Scotland’s public services which provides guiding principles to help achieve improvement³³.

4.16. It is generally recognised that good improvement activity involves a number of discrete but closely related processes:

Analyse	Undertake a detailed assessment of the current position. This will be achieved (in part) through the preparation of annual reports under section 3H of the 2000 Act.
Plan	Establish a clear vision of what will be achieved by the end of the plan, setting priorities and objectives with clear reference to: <ul style="list-style-type: none"> • the strategic priorities of the NIF; • the need to reduce inequalities of outcome experienced by pupils as a result of socio-economic disadvantage; • broader children’s services planning and community planning objectives; • data from Early Years Collaborative and / or Raising Attainment for All programme, and; • Scotland’s National Outcomes.
Do	Agree which activities will be delivered in order to realise that vision. Decide how those activities will be resourced, with reference to planned national activity being taken forward under the NIF’s key priorities for improvement.
Review	Monitor progress through a structured process of evidence-based review and development, including through the preparation of an annual report under section 3H of the 2000 Act.

4.17. As noted above, effective analysis and review of past activity is central to effective strategic planning. Education authorities will be expected to draw on their full range of available evidence to reach conclusions about the effectiveness of past improvement activity in their area, including:

³³ <http://www.gov.scot/Topics/Government/PublicServiceReform/Improvementframework>

- Progress being made by particular groups for example; children and young people who have Additional Support Needs, including those with social and emotional behavioural difficulties, those who are young carers and those who have English as an Additional Language, or are looked after children and young people;
- Senior phase: qualifications and the proportion of young people in learning, training and work;
- Teacher professional judgement data on achievement of CfE levels, particularly in literacy and numeracy;
- Scottish standardised assessment data: progress in literacy and numeracy, in particular;
- Other locally available assessment data;
- Childhood development data (e.g. 27-30 month Child Health Review);
- Other child and maternal health-related data (e.g. smoking during pregnancy);
- Availability, uptake and evidence of success of early intervention programmes (e.g. parenting programmes, adult literacy classes, etc);
- Data relating to wider achievement;
- Statistical data relating to attendance, absence and exclusions (including uptake of early learning and childcare);
- Staff qualifications and skills;
- Health and wellbeing statistical data;
- Local labour market data;
- Scottish Index of Multiple Deprivation data;
- School inspection findings;
- Careers Information Advice and Guidance review findings;
- Outputs from college reviews (whether local authority colleges or other);
- Outputs from school improvement planning and self-evaluation activity;
- Outputs from local authority quality assurance and self-evaluation activity;
- Outputs from Parent Council involvement in school improvement planning;
- Feedback from pupils via the pupil council or other collaborative methods to draw in pupil views on teaching and learning practice as well as the wider life and work of the school;

- Parental surveys, informal methods to gather parent views as well as the more formal routes via the Parent Council;
- Discussions with teacher trade unions representatives, and;
- Corporate Parenting plans and reports.

4.18. Education authorities are encouraged to continuously consider how they can enhance the range of data and evidence available to them. Authorities should consider any short, medium and long term trends demonstrated through available data and should seek to draw conclusions and highlight any variations in outcomes experienced by disadvantaged pupils when compared with their peers.

4.19. One such source of evidence may be Insight, the senior phase benchmarking tool developed by the Scottish Government and partners, accessible online by secondary schools and education authorities since September 2014. It supports self-evaluation and professional dialogue, by providing schools with their attainment and destinations information in a format that assists data-led enquiry to identify possible areas for improvement for young people. This data is linked to Pupil Census and attainment information to allow benchmarking on a range of key measures. The leavers-based measures allow schools and education authorities to look at overall attainment, literacy and numeracy, and course-level data, in the context of deprivation and destinations.

4.20. Importantly, education authorities should seek to establish not only whether improvement has been secured and inequalities of outcome reduced, but also how that has been achieved. Adopting this approach will allow education authorities to:

- more effectively target future improvement activity;
- share good practice across their authority area and with other education authorities, and;
- inform the identification and delivery of improvement activity at the national level.

4.21. Authorities should consider the effectiveness of the procedural and administrative steps adopted to support them in i) reducing inequalities of outcome linked to socio-economic disadvantage; and ii) achieving the strategic priorities of the NIF. Finally, authorities should consider the effectiveness of their approach to engaging partners in their efforts to fulfil these duties.

4.22. When planning future improvement activity, education authorities should also take account of the effectiveness of measures adopted by partners elsewhere in the country as well as any emerging national and international good practice. Sources of evidence may include:

- annual plans and reports produced by Scottish Ministers under sections 3E and 3G of the 2000 Act;
- emerging evidence from other education authorities and national change programmes;
- emerging learning captured through the National Improvement Hub, and;
- other relevant national and international research.

4.23. Drawing on the above will complement existing approaches to strategic planning. It will allow education authorities to ensure that all future improvement activity is based on a sound, evidence-based understanding of local strengths and weaknesses and on the effectiveness of local, national and international interventions which have the potential to support the strategic priorities of the NIF and improve outcomes for children and young people impacted by socio-economic disadvantage.

4.24. Planning and reporting on reducing inequalities of outcome, pursuing the priorities in the NIF will of course form part of a wider public service planning and reporting landscape. There will be clear links to a broad number of strategic multi-agency planning processes, including (but not limited to):

- **Local Outcomes Improvement Plans** required under section 6 of the Community Empowerment (Scotland) Act 2015;
- **Children’s Services Planning** required under section 8 of the Children and Young People (Scotland) Act 2014, and;
- **Community Learning and Development** under the Requirements for Community Learning and Development (Scotland) Regulations 2013.

4.25. There will also be clear links to more targeted local plans designed to strengthen provision for particular groups of children and young people, including for example:

- **Education authority standards and quality reports** provided for through section 7 of the 2000 Act;
- **Corporate parenting plans** required under Part 9 of the Children and Young People (Scotland) Act 2014, and;
- **Early learning and childcare plans** required under Part 6 of the Children and Young People (Scotland) Act 2014.

4.26. Whilst there is some variation in the planning periods/cycles associated with some of the above mentioned processes, there is nothing to prevent education authorities from seeking to use these existing structures to satisfy their planning/reporting duties under sections 3F and 3H of the 2000 Act. It is for individual education authorities to decide whether, and if so, how best to link these planning and reporting requirements, reflecting local circumstances and need.

4.27. Similarly, education authorities retain their separate duties in relation to the promotion of equal opportunities (section 3I of the 2000 Act as inserted by section 3(2) of the 2016 Act), parental involvement (sections 2 and 2A of the Scottish Schools (Parental Involvement) Act 2006) and promotion of health (section 2A of the 2000 Act). Authorities will wish to explore the scope for developing an integrated approach to meeting those wider planning and

reporting duties in a coherent and joined up way with the new duties imposed by the 2016 Act.

Format of plans/reports

4.28. All plans/reports must be published in order to facilitate the sharing of good practice, to support local scrutiny and to enhance the education authority's accountability to the communities it serves. At the same time, the publication should be submitted to Scottish Ministers with a view to informing national activity to deliver improvement.

4.29. Analysing past activity is central to effective strategic planning. This guidance recognises the clear links which exist to other key strategic planning processes in which the education authority is involved. As already mentioned, there is nothing to prevent education authorities from seeking to use those existing planning and reporting structures (and associated publications) to fulfil their planning/reporting duties under sections 3F and 3H of the 2000 Act.

4.30. The 2000 Act is intentionally silent on the format that annual plans/reports should take. Education authorities are encouraged to consider formats where priorities and objectives are clear and measurable, and where the rationale behind them is explicit and evidence based. Any plan/report must demonstrate:

- clear links to the strategic priorities and drivers for improvement established through the NIF;
- the need to reduce inequalities of outcome experienced by pupils as a result of socio-economic disadvantage;
- alignment with broader children's services planning and community planning objectives, and;
- clear links to Scotland's National Outcomes.

School improvement planning

4.31. The process of statutory school improvement planning is provided through section 6 of the 2000 Act (as amended by sections 3(3) and 3(4) of the 2016 Act³⁴). Section 6 requires education authorities to prepare school improvement plans, as opposed to school development plans (the preparation of which is delegated to individual school Headteachers by section 8 of the 2000 Act). The school improvement plan must now take account of the authority's annual plan (or revised plan) under section 3F of the 2000 Act, its annual report under section 3H of the 2000 Act and its strategy for parental involvement under section 6 of the Scottish Schools (Parental Involvement) Act 2006. Section 6 requires that school improvement plans ("SIP") be produced on an annual basis and those plans must be underpinned by consultation with:

- pupils;
- any Parent Council or Combined Parent Council established for the school;
- teachers employed in the school;
- any volunteers working in the school, and;
- local bodies representing teachers and parents of pupils in attendance at the school.

4.32. The SIP should describe intended activity to be undertaken within the school in the coming year for the purpose of securing improvement in the quality of education being provided. Section 6(1)(a) of the 2000 Act (as amended by section 3(4) of the 2016 Act) requires that such activity be identified with reference to the relevant education authority's latest annual plan and report (see paragraphs 4.5 to 4.8) and its latest parental involvement strategy (required by section 2 of the Scottish Schools (Parental Involvement) Act 2006) as amended by section 6 of the 2016 Act. SIPs must also set out how pupils are to be involved in decisions relating to the operation of the school.

³⁴ Section 3(5) of the 2016 Act amends section 7 of the 2000 Act to require authorities in defining measures and standards of performance for the purposes of carrying out a review of school performance, to take account of the Framework and the annual plan published by the authority under section 3F of the 2000 Act. Section 3(6) of the 2016 Act makes consequential amendments to section 8 of the 2000 Act to refer instead to "school improvement plan" and section 3(7) replaces the definition of "school development plan" with a definition of "school improvement plan" in section 58(1) of the 2000 Act.

4.33. A corresponding SIP report will be produced annually describing the action taken to implement the SIP. The majority of education authorities in Scotland already produce annual ‘Standards and Quality’ reports. These Standards and Quality reports fulfill the existing duty under section 6(4) of the 2000 Act to prepare a report as to what was done to implement the school development plan. In effect, the SIP annual report becomes part of this existing process, it is just the case that additional information (see paragraph 4.31) will need to be reported against. Summaries of the SIP and corresponding annual SIP report must be provided to parents and pupils and made available to other individuals on request. Education authorities may wish to consider the option of developing pupil and parent friendly versions of their SIP. In every instance they should seek to ensure that their SIP is clear, straightforward and accessible to staff, pupils, parents and community partners. Full versions of the SIP and SIP report must be made available to parents and pupils on request.

Planning period (schools)

4.34. Whilst SIPs (and their corresponding SIP reports) must be produced on an annual basis, there is no statutory “planning period” associated with this process. It is therefore open to individual Headteachers to identify the 12 month period to which their plan relates, subject to any local processes or procedures adopted by the education authority.

4.35. Practice dictates that such plans and reports tend to be developed within the first quarter each calendar year and published in time for the start of the subsequent school year. Whilst not a legal requirement, individual schools and education authorities are encouraged to continue operating on this basis. In doing so, Headteachers may find it helpful to consider the relationship between SIP planning and Working Time Agreement processes for their schools in order to avoid overly burdensome or bureaucratic practice being adopted and to ensure that the improvement activities identified within SIPs are able to be fully resourced and to be delivered within teachers’ working time. Headteachers may wish to bear in mind outputs from the Scottish Government’s Curriculum for

Excellence Working Group on Tackling Bureaucracy³⁵ which contain, amongst other matters, a range of examples from schools and education authorities on how they are tackling bureaucracy in four key areas of concern: forward planning; assessment; self-evaluation and improvement processes; and monitoring and reporting. Additionally, the Scottish Government's Working Group on Assessment and Qualifications produced a report setting out a range of actions to reduce teacher workload³⁶. Furthermore, Education Scotland has published guidance³⁷ in response to the findings of the Assessment and Qualifications report which Headteachers may wish to draw upon in putting together their SIPs.

The planning and reporting process

- 4.36. School self-evaluation and improvement should be viewed as an on-going and collaborative process, with the annual school improvement planning and reporting cycle featuring prominently. *How good is our school? 4TH edition (HGIOS 4)*, as well as those concerning *Early Learning and Childcare* and *Community Learning and Development*, are toolkits for schools to use to engage in evidence-based analysis of what is working well and what needs to improve within their establishment. Headteachers should use that framework to inform the content of SIPs. They may also wish to bear in mind the Career Education Standard which contains a number of entitlements. In addition, they will wish to bear in mind the requirement to involve parents, as set out in the Scottish Schools (Parental Involvement) Act 2006³⁸ and associated statutory guidance³⁹. Reference to the Education (School and Placing Information) (Scotland) Regulations 2012⁴⁰ may also be helpful as part of this process.
- 4.37. HGIOS 4 recognises the central importance of analysing past activity and wider evidence as part of effective improvement planning. The process of

³⁵ <http://www.gov.scot/Topics/Education/Schools/CfEtacklingbureaucracygroup>

³⁶ <http://www.gov.scot/Topics/Education/Schools/WorkingGrouponAssessmentandNQs>

³⁷

<http://www.educationscotland.gov.uk/learningandteaching/thecurriculum/whatiscurriculumforexcellence/keydocs/letterandguidance2016.asp>

³⁸ http://www.legislation.gov.uk/asp/2006/8/pdfs/asp_20060008_en.pdf

³⁹ <http://www.gov.scot/resource/doc/148166/0039411.pdf>

⁴⁰ <http://www.legislation.gov.uk/ssi/2012/130/made>

preparing plans and reports should therefore form part of a single improvement planning exercise. In this regard, the Career Information Advice and Guidance Framework also reflect many of the HGIOS 4 Quality Indicators and Headteachers may find it useful to also refer to this.

4.38. It is important that SIPs form part of a coherent approach to raising standards at all levels within the education system and that they reflect and address NIF priorities. In applying the NIF, schools must explore how their own plans can complement improvement activity across their education authority. This will involve (but not be limited to) reviewing the relevant education authority annual plan and report, having cognisance of community planning approaches and local/regional colleges and SDS operations.

4.39. Before publishing their SIP, Headteachers are encouraged to consider whether it requires to be supplemented or revised to take account of any new activity or evidence set out in their education authority's updated annual plan/report (see paragraphs 4.5 to 4.8) which will usually be published to coincide with the start of the school year.

4.40. Headteachers may find it helpful to consider the following challenge questions when preparing their SIP:

- **Using the features of highly effective practice and the challenge questions within HGIOS 4, what overarching conclusions can be drawn about our school's strengths and aspects for development?**
- **How well placed is our school to deliver the strategic priorities of the National Improvement Framework?**
- **Building on the NIF drivers for improvement, which aspects of our school's approach to learning need to be strengthened in the coming year if we are to deliver both excellence and equity?**
- **What evidence can I draw on to support us in identifying the most appropriate interventions for our learners and staff in the coming year?**

- **How can our school benefit from authority-wide improvement activity?**
- **How can we ensure that learners and parents play a central role in the life of our school over the coming year?**
- **How can we ensure that our partners make a valuable contribution to the development of children and young peoples' employability skills?**
- **How well do we support parents to become actively involved in their child's learning and progression?**

4.41. Answering the above challenge questions should support Headteachers in developing a SIP which provides a holistic picture of the improvement activity required across their school in a given year, with the NIF placed at its core. Reference to a number of challenge questions contained within HGIOS 4 may also be helpful to Headteachers in developing their SIP.

Format of plans and reports

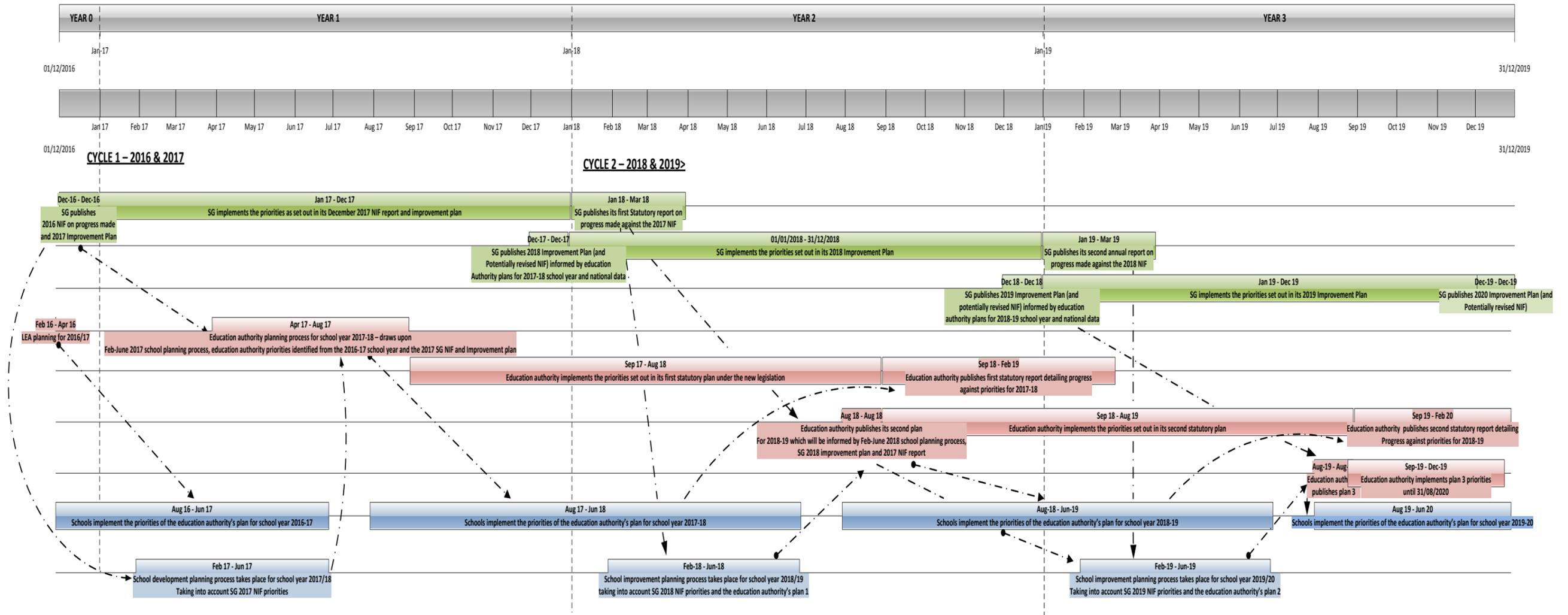
4.42. HGIOS 4 recognises the central importance of analysing past activity and wider evidence as part of effective improvement planning. In line with this principle, schools are encouraged to fulfil their duties to produce annual SIPs and corresponding SIP reports through the preparation of a single publication should they wish.

4.43. It is for individual Headteachers, working in partnership with their education authority, to identify the preferred format for their SIP. Whichever format is adopted, Headteachers are encouraged to set out priorities and objectives which are clear and measurable, and where the rationale behind them is explicit. Clear links should be made to:

- the need to reduce inequalities of outcome experienced by children and young people as a result of socio-economic disadvantage;
- the Strategic Priorities of the NIF;
- the key drivers for improvement which are set out in the NIF;

- any objectives identified and agreed by the education authority with a view to supporting school improvement;
- planned steps to improve outcomes, and;
- the Quality Indicators set out in *HGIOS 4*.

ANNEX A – PLANNING AND REPORTING TIMELINE



Please see chapter 4 of the draft statutory guidance when considering this indicative timeline.

This timeline attempts to present the planning and reporting cycle over its first four years. It is thought that it will take this kind of time period to make the transition from having information available under current planning and reporting arrangements to having that under the new planning and reporting processes as introduced to the 2000 Act by the Education (Scotland) Act 2016.

Prior to 2018, education authorities will still be reporting, either wholly or partially, against plans that were made, and information that was available, in previous years. It is only from 2019 (cycle 2) that education authorities will be able to produce plans and reports based solely on data, information and priorities published/required by the Scottish Government under the Education (S) Act duties. In summary, information from year 1 (2017) will inform planning and reporting for year 3 (2019).

Following these first transitional four years, planning, reporting and implementation should fall into regular cycles which should take around two years to complete. For example, when national priorities are set, schools will then have to take account of this during school improvement planning for the next school year and it will take a school year of activity before the outcome of the implementation of those national priorities will be available.

The expectation is that plans will be laid in the month before planning periods commence. **Reports must be laid as soon as is practicable following the end of the planning period.** This timeline, in suggesting a timeframe for publishing reports, attempts to take account of existing current local authority analysis and reporting processes and timescales for sign-off by the authority (for example, analysis of SQA data, Insight data) in order to, so far as is possible, avoid duplication of effort. It is acknowledged that at the time of planning and reporting, some information may not be completely up to date.

ANNEX B – PLANNING AND REPORTING TABULAR TIMELINE

	Remainder 2016	January to June 2017	July to December 2017	January to June 2018	July to December 2018	January to June 2019	July to December 2019	January to June 2020
Scottish Government	<p>August – commence 2016 Act duties on Scottish Ministers</p> <p>December – (following consultation) publish 2017 SG improvement plan and first statutory National Improvement Framework</p> <p>December – publish 2016 NIF report on progress made</p>	<p>Implements the priorities set out in SG 2017 NIF and improvement plan</p> <p>March – publish statutory guidance on 2000 Act new duties</p>	<p>Continued SG implementation of the priorities set out in its 2017 NIF and improvement plan</p> <p>Review of 2017 NIF, in consultation with stakeholders</p> <p>December – publish 2018 SG improvement plan (and potentially a revised NIF) informed by education authority plans for 2017-18 school year and national data.</p>	<p>Implements the priorities set out in SG 2018 improvement plan</p> <p>January – publish 2017 NIF report on progress made (including new statutory reporting requirements under 2016 Act).</p> <p>The 2017 NIF report will report on progress against priorities during the 2016-17 school year and will not report against the priorities set out in the 2017 improvement plan as they would not have been implemented within schools for a full school year by that time.</p>	<p>Continued SG implementation of the priorities set out in its 2018 improvement plan</p> <p>Review of 2018 NIF, in consultation with stakeholders</p> <p>December – publish 2019 SG improvement plan (and potentially a revised NIF) informed by education authority plans for 2018-19 school year and national data.</p>	<p>Implements the priorities set out in SG 2019 improvement plan</p> <p>January – publish 2018 NIF report on progress made.</p> <p>The 2018 NIF report will report on progress against priorities during the 2017-18 school year and will not report against the priorities set out in the 2018 improvement plan as they will not have been implemented within schools for a full school year by that time.</p>	<p>Continued SG implementation of the priorities set out in its 2019 improvement plan.</p> <p>Review of 2019 NIF, in consultation with stakeholders</p> <p>December – – publish 2020 SG improvement plan (and potentially a revised NIF) informed by education authority plans for 2019-20 school year and national data.</p>	<p>Implements the priorities set out in SG 2020 improvement plan</p> <p>January – publish 2019 NIF report on progress made.</p> <p>The 2019 NIF report will report on progress against priorities during the 2018-19 school year and will not report against the priorities set out in the 2019 improvement plan as they will not have been implemented within schools for a full school year by that time.</p>
Local authorities	<p>Implementation of local plan's and priorities for the 2016-17 school year based on "school development" and other planning at school and local authority level and 2016 NIF priorities.</p>	<p>Continued education authority implementation of local plan's and priorities for 2016-17 as per existing processes.</p> <p>From March plan for new duties under 2000 Act.</p> <p>April to July – education authority planning process for school year 2017-18 takes place.</p> <p>This planning</p>	<p>August – new education authority duties under the 2000 Act, as amended by the 2016 Act, commence.</p> <p>August - publish local plan and priorities for school year 2017-18. This will be the first statutory plan under the new legislation</p> <p>Implementation of the priorities set out in its first statutory</p>	<p>Continued education authority implementation of the plan and priorities within schools for the school year 2017-18.</p> <p>April to July – education authority planning process for school year 2018-19 is undertaken.</p> <p>This planning process will draw on the Feb-June 2018 school planning process and will</p>	<p>August – publish second statutory plan and priorities under the new legislation for school year 2018-19. This plan will be informed by the Feb-June 2018 school improvement planning process. It will also take into account priorities from the SG 2018 improvement plan and 2017 NIF report.</p> <p>Education authority implements the</p>	<p>Continued education authority implementation of the plan and priorities within schools for the school year 2018-19.</p> <p>April to July – education authority planning process for school year 2019-20 is undertaken.</p> <p>This planning process will draw on the Feb-June 2019 school planning process and will</p>	<p>August – publish third statutory plan and priorities under the new legislation for school year 2019-20. This plan will be informed by the Feb-June 2019 school improvement planning process. It will also take into account priorities from the SG 2019 improvement plan and 2018 NIF report.</p> <p>Education authority implements the priorities set out in</p>	<p>Continued education authority implementation of the plan and priorities within schools for the school year 2019-20.</p> <p>April to July – education authority planning process for school year 2020-21 is undertaken.</p> <p>This planning process will draw on the Feb-June 2020 school planning process and will</p>

		process will draw on the Feb-June 2017 school planning process and will include progress against priorities identified in the education authority plan for the 2016-17 school year. It will also take account of the statutory guidance and the 2017 SG improvement plan and NIF.	plan covering the period between 1 September 2017 and 31 August 2018.	include progress against priorities identified in the education authority plan for the 2017-18 school year. It will also take account of the statutory guidance and the 2018 SG improvement plan and NIF.	priorities set out in its second statutory plan covering 1 September 2018 and 31 August 2019. September to December - analyse outcome of implementing its first statutory plan and publishes report as soon as reasonably practicable after 31 st August. This report will detail progress against the priorities set out in the plan covering school year 2017-18. (This is an indicative timescale to reflect existing education authority reporting and internal clearance processes).	include progress against priorities identified in the education authority plan for the 2018-19 school year. It will also take account of the statutory guidance and the 2019 SG improvement plan and NIF. To end Feb - education authority may still be in process of analysing outcome of implementing its first statutory plan and publishing report as soon as reasonably practicable after 31 st August	its third statutory plan covering 1 September 2019 and 31 August 2020. September to December - analyse outcome of implementing its second statutory plan and publishes report as soon as reasonably practicable after 31 st August. This report will detail progress against the priorities set out in the plan covering school year 2018-19. (This is an indicative timescale to reflect existing education authority reporting and internal clearance processes).	include progress against priorities identified in the education authority plan for the 2019-20 school year. It will also take account of the statutory guidance and the 2020 SG improvement plan and NIF. To end Feb - education authority may still be in process of analysing outcome of implementing its second statutory plan and publishing report as soon as reasonably practicable after 31 st August
Schools	Implement the priorities of the education authority's plan for the school year 2016-17.	Continued implementation of the priorities of the education authority's plan for the school year 2016-17. February to June – Development of school plans under section 6(4) of the 2000 Act, taking account of the 2017 NIF priorities	Implement the priorities of the education authority's plan for the school year 2017-18.	Continued implementation of the priorities of the education authority's plan for the school year 2017-18. February to June – school improvement plans to be prepared and published under amended section 6 of the 2000 Act. The key change from school development plans is that these improvement plans must now take account of the education authority's annual plan (or revised annual plan)	Implement the priorities of the education authority's plan for the school year 2018-19.	Continued implementation of the priorities of the education authority's plan for the school year 2018-19. February to June – development and publication of school improvement plans.	Implement the priorities of the education authority's plan for the school year 2019-20.	Continued implementation of the priorities of the education authority's plan for the school year 2019-20. February to June – development and publication of school improvement plans.

				under new section 3F of the 2000 Act, its annual report under new section 3H of the 2000 Act and its strategy for parental involvement under section 6 of the Scottish Schools (Parental Involvement) Act 2006.				
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Responding to this Consultation

We are inviting responses to this consultation by **11 November 2016**.

Please respond to this consultation using the Scottish Government's consultation platform, Citizen Space. You view and respond to this consultation online at <https://consult.scotland.gov.uk/strategy-and-performance-unit/statutory-guidance>. You can save and return to your responses while the consultation is still open. Please ensure that consultation responses are submitted before the closing date of **11 November 2016**.

If you are unable to respond online, please complete the Respondent Information Form (see "Handling your Response" below) to:

Hazel Crawford
Strategy and Performance Unit
Learning Directorate
The Scottish Government
Area 2B South
Victoria Quay
Edinburgh
EH6 6QQ

Handling your response

If you respond using Citizen Space (<http://consult.scotland.gov.uk/>), you will be directed to the Respondent Information Form. Please indicate how you wish your response to be handled and, in particular, whether you are happy for your response to be published.

If you are unable to respond via Citizen Space, please complete and return the Respondent Information Form attached included in this document. If you ask for your response not to be published, we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

Next steps in the process

Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material, responses will be made available to the public at <http://consult.scotland.gov.uk>. If you use Citizen Space to respond, you will receive a copy of your response via email.

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us. Responses will be published where we have been given permission to do so.

Comments and complaints

If you have any comments about how this consultation exercise has been conducted, please send them by e-mail to Hazel.Crawford@gov.scot or to the postal address provided above.

Scottish Government consultation process

Consultation is an essential part of the policy-making process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work.

You can find all our consultations online: <http://consult.scotland.gov.uk>. Each consultation details the issues under consideration, as well as a way for you to give us your views, either online, by email or by post.

Consultations may involve seeking views in a number of different ways, such as public meetings, focus groups, or other online methods such as Dialogue (<http://ideas.scotland.gov.uk>)

Responses will be analysed and used as part of the decision making process, along with a range of other available information and evidence. We will publish a report of this analysis for every consultation. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.

Consultation on draft statutory guidance: Standards in Scotland's Schools etc. Act 2000

Pupils experiencing inequalities of outcome
National Improvement Framework
Planning and reporting

RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response.

Are you responding as an individual or an organisation?

- Individual
 Organisation

Full name or organisation's name

Phone number

Address

Postcode

Email

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name
 Publish response only (anonymous)
 Do not publish response

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Yes

No

**Consultation on draft statutory guidance:
Standards in Scotland's Schools etc. Act 2000**

Pupils experiencing inequalities of outcome
National Improvement Framework
Planning and reporting

Questions

Chapter 2

1. Do you have any comments on the definition of “decisions of a strategic nature”?

2. Do you have any comments on the definition of “due regard”?

3. Do you have any comments on the definition of “inequalities of outcome”?

4. Do you have any comments on the definition of “socio-economic disadvantage”?

Chapter 4

5. The legislation is intentionally silent on how education authorities should report on the fulfilment of their duties. The draft statutory guidance reflects the legislative position and leaves it open to education authorities to determine how best to report against their duties. Do you agree that education authorities should determine how they report? Would you find some form of template helpful?

6. The draft statutory guidance sets out proposed planning period dates for the Scottish Ministers and education authorities: 1 January to 31 December; 1 September to 31 August for education authorities. The planning period for Ministers has been identified to align Ministers’ reporting with education authorities’ planning processes. This is designed to maximise the information available to education authorities, in particular the national priorities they will be expected to take account of and contribute to throughout their own planning period. The information that the Scottish Ministers will assess and that will be included in national reports will evolve over time as more sources of evidence become available. It is anticipated that future reports will include data and evidence which tells us how we are making progress against the four NIF priorities covering all of the six NIF driver areas.

Do you have any comments on the proposed planning period for the Scottish Ministers of 1 January to 31 December? Do you have any comments on how this proposed planning period timeframe will work with that proposed for education authorities (1 September to 31 August)?

7. Bearing in mind that the purpose of statutory guidance is to reflect legal provisions, do you find Chapter 4 clear in relation who it is aimed at and what its purpose is?

General

8. Did you find the draft statutory guidance to be of assistance when read in the context of the relevant legal duties that will apply? Do you find it strikes a balance between offering flexibility and meaningful support? If not, how could it be improved?

9. Do you have any other comments about the draft statutory guidance?



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The Scottish Government
St Andrew's House
Edinburgh
EH1 3DG

ISBN: 978-1-78652-382-2 (web only)

Published by The Scottish Government, August 2016

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA
PPDAS76823 (08/16)

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