



WRITTEN EVIDENCE FROM THE FDA TO THE EDUCATION, CHILDREN AND YOUNG PEOPLE COMMITTEE REGARDING THE EDUCATION (SCOTLAND) BILL

The FDA is the trade union for managers and professionals in public service, representing more than 22,000 members across the United Kingdom. Membership includes senior civil servants, government policy advisors, prosecutors, diplomats, tax professionals, economists, solicitors, HM Inspectors and other professionals working across the government and in the NHS.

In Scotland, our main sections and branches are in Education Scotland, the Crown Office Procurator Fiscal Service and the Scottish Government.

We will not be commenting on the role of the new qualifications agency and so the following observations all relate to the establishment of the new inspectorate, the role of the new HM Chief Inspector of Education and the wider impact of these aspects on our members in Education Scotland.

Response to consultation questions:

Part 2 of the Bill establishes the role of HM Chief Inspector of Education in Scotland, setting out what they will do and how they will operate. What are your views of these proposals? E.g. Do they allow for sufficient independence?

- Overall, FDA members in Education Scotland are concerned that the wording in this bill does not reflect Scottish education in the twenty-first century. There is a need to ensure that the new inspectorate is based on aspirations across education sectors and the reality of learners' and the workforce's experience. Few learners only experience one aspect of Scottish education throughout their lives. This relates to the wording 'relevant educational establishments' and 'schools' throughout the Bill. FDA members would value the Bill providing more clarity on aspects such as initial training for teachers or other education practitioners, early learning and childcare (ELC), out of school learning such as community learning and development (CLD) and lifelong learning, further and higher education, and national agencies.
- There is also a need for greater clarity about the level and extent of the independence of the new inspection agency. For example, Section 31 implies Scottish ministers directing what is covered. More needs to be said about how independence would be established and maintained, whilst allowing Scottish ministers to seek the information they require to inform policy. This will be important to enable FDA members who are HM Inspectors to understand their role and the expectations around this.

What are your views on the reporting requirements set out in the Bill, including the requirement to report on the performance of the Scottish education system?

- FDA approves of the requirement for the HM Chief Inspector to report regularly to the Scottish Parliament.

Are there any powers HM Chief Inspector should have that are not set out in the Bill?

- The scope of what can be inspected, as referenced in the Bill, does not reflect all of current HMI activity. For example, the Post-16 sector is not sufficiently specified, and neither is Community Learning and Development (CLD).
- HM Chief Inspector does not appear to have control of the inspection of post-16 establishments. This currently sits with the Scottish Funding Council and the Quality Assurance Agency (QAA), which have proposed an alternative model of evaluation. This does not include a scrutiny role for HM Inspectors.
- As a result, His Majesty's Inspectorate of Education (HMIE), and potentially Scottish ministers, will have far less or no information on one third of those undertaking education in Scotland, leaving HMIE and HM Chief Inspector with a much smaller role in the Scottish educational landscape. This limits HM Inspectors' ability to highlight issues or positive developments and to influence policy in this area.
- HM Inspectors currently work with a range of post-16 providers who have public funding, including MA providers, prisons, and private colleges. This allows a consistency of approach and expectations in adult education, and enables HM Inspectors to share good practice and build capacity. In addition, as our post-16 HM Inspectors also work with schools, they bring an informed view to support the development of a joined-up senior phase. This has the potential to be lost.

In your view, what should the outcomes of the Bill be?

- The Bill should provide for a new inspectorate that can, without fear or favour, accurately access and report on all aspects of Scottish education. This would provide stakeholders, including learners, parents, the wider both the public and ministers with reassurance that learners experiences are understood. This requires ensuring the Bill makes clear the roles extend beyond school and local authorities but into other sectors, such as post-16 provision, ELC and CLD , which are integral parts of the education system.
- It is important that existing Education Scotland staff, both those moving to the new inspectorate and those remaining in Education Scotland, are empowered to respond quickly to the needs of the education sector.

- The staff and volunteers working in Education Scotland and HMIE should have appropriate terms and conditions that support their wellbeing so that they can support the education system well. This would include appropriate terms and conditions, comparable to the terms and conditions, including pay, of other staff in Scottish education.
- The Bill should ensure that the education agencies created, and those that continue to exist, work together well to best support the education system. This must include clear, planned coherence and cooperation, and effective communication between these national bodies. A duty to work together, supported by a Memorandum Of Understanding, would be a helpful addition to the Bill.

Do you have any other comments on the Bill?

- Whilst the discussion about the structure of the new inspection agency is important, FDA members who are HM Inspectors are understandably more concerned with what it will be like to work for. As the management consultant Peter Drucker observed, “culture eats strategy for breakfast”. There are currently significant, unresolved issues around different aspects of terms and conditions for HM Inspectors.
- For example, civil service pay has not kept pace with teachers’ pay increases in recent years. The majority of those who become HM Inspectors have been teachers and have to take a pay cut to join the inspectorate. This has implications for the reputation of the new agency and its ability to attract candidates of a sufficiently high calibre.
- For example, expenses and allowances for civil servants, including those for subsistence and car mileage, have not been increased since 2009. It is becoming increasingly common for HM Inspectors to have to subsidise their own meals when working away from home as the allowance will not cover a main course.
- For example, working hours. From 1 October, the working week for colleagues in Bands A to C will reduce to 35-hours per week without any reduction in pay, as part of the Scottish Government’s 2023-2025 pay award. However, HM Inspectors are working significantly beyond the 35 hours they will be paid for and there is no plan from senior managers to address this disparity. Instead, the same number of inspections are planned for as last year, along with 12 additional initiatives, including thematic inspections of all local authorities between September and November 2024.
- The impact of the Bill on staff who will remain at Education Scotland needs to be better explained and communicated. Currently, FDA members in Education Scotland who are not HM Inspectors have very little clarity on what these changes will mean for their jobs. The prolonged period of reform over the past three years, with several changes of approach, extensions to timescales and minimal communication from Scottish Government, has been extremely

stressful for all FDA members. Similarly, the lack of guidance in regard to Education Scotland once the inspectorate is established is creating a stressful working environment for those who will remain. FDA members require more clarity, Those without clear curriculum roles feel that their jobs and remits are in jeopardy. This clarity is required for staff wellbeing and to enable them to continue to support the education sectors through this period of change. This includes staff whose remits are not so explicitly linked to curriculum areas such as those supporting inclusion, wellbeing, equality, and Developing the Young Workforce (DYW).

FDA appreciates the opportunity to submit evidence to the Committee and looks forward to discussing these matters further.

Ken McAra, Convener (FDA Education Scotland Section)
September 2024