

THE EDUCATIONAL INSTITUTE OF SCOTLAND

Response to the Commission of the Future Delivery of Public Services in Scotland

1. Introduction

- 1.1 The Educational Institute of Scotland welcomes this opportunity to provide evidence to the Commission on the Future Delivery of Public Services which was established by the Scottish Government in late 2010. The Educational Institute of Scotland is Scotland's largest teacher trade union with over 60,000 members (80% of the profession) in Nursery, Primary, Secondary, Special, Further and Higher Education.
- 1.2 The EIS notes that the Commission sees its work as being to produce a "road map" for the future reform of Public Service Delivery in Scotland. In addition the Commission is asking those individuals and organisations providing evidence to consider three broad questions viz:
 - (a) *how best can our public services achieve positive outcomes for and with the people of Scotland?*
 - (b) *how best can wider organisational arrangements (including functions, structures and processes) support and enable the delivery of effective services?*
 - (c) *what shared values and ethos should underpin Scotland's public services, and how best can they be embedded in the delivery of public services in the future?*
- 1.3 The EIS also notes the timescale for the completion of the Commission's work which seeks to ensure the publication of its report no later than the end of June 2011.
- 1.4 As part of this evidence the EIS will, firstly, deal with some general matters relating to public service delivery in broad terms and then go on to consider some issues which relate directly to Scottish Education and to the future delivery of education services.

2. Public Service Delivery in General

- 2.1 There exists a strong and widely supported "public service ethos" across Scotland which values public services which are accountable, universal, empowering and accessible. This broad consensus would also support maximising public service efficiency and innovation, but does so on the basis of an adherence to the values described above.
- 2.2 In the current harsh economic climate it is tempting for some elements in society to seek to undermine the role of public services with a view to "making more palatable" the cuts in public spending which are currently being experienced. The EIS is, however, clear that the current economic crisis is not the responsibility of public servants nor is it a consequence of

the cost of the public services they provide, but both are paying a very high price indeed for the greed and mismanagement of others.

- 2.3 Further, the EIS shares the concerns of many other commentators that the extent of public spending cuts may well lead to the “choking off” of demand within the economy and lead to a further period of negative or stagnant growth. In short we do not share the view that public services represent a “drag” on the economy when the reverse has in the past been demonstrated, particularly at times where the economy is recovering from recession. Nor do we accept the argument that a contraction in public spending will, of itself, result in an increase in employment levels in the private sector.
- 2.4 It is accepted that current levels of public spending are high as a proportion of GDP, it is the case, though, that there have been periods in the post war years where the proportion of GDP devoted to public services has been higher. In short, increased public spending on health, education and welfare over the past decade or so has been both desirable and sustainable in social and economic terms. The EIS, therefore, opposes the ideologically driven “race to the bottom” which characterises the current UK Government’s approach to public spending and public service delivery.
- 2.5 The EIS would urge the Commission to concentrate on its three major themes (viz: positive outcomes from Scotland’s people, organisational structures which support efficient public services and the country’s shared public service values and ethos) rather than seeking to resolve the plethora of problems which the current round of spending cuts has brought in its wake.
- 2.6 The EIS shares the views expressed by the STUC (in its evidence) with regard to the broad range of factors which will influence the future delivery of public services in Scotland. In the medium to longer term these include:
 - (a) demographic change within the population;
 - (b) public service improvement, efficiency and productivity;
 - (c) public sector pay, conditions of service and pensions;
 - (d) the future delivery of “personal services”;
 - (e) shared services (improving efficiency while protecting public service ethos and values);
 - (f) universalism of public service provision;
 - (g) democratic accountability;
 - (h) enhancing equality;
 - (i) partnership working.

3. The Future Delivery of Education Services in Scotland

- 3.1 Scottish school education is largely (apart from a small private sector) delivered and supported by 32 local education authorities under the broad strategic guidance of the Scottish Government. Scottish Further and Higher Education is delivered by 40 incorporated Further Education Colleges and 17 Universities, again under the broad strategic guidance of the Scottish Government and funded through its Scottish Funding Council.

School Education

- 3.2 The relationship between the Scottish Government and the Local Authorities in Scotland as far as school education is concerned is set out in the Standards in Scotland's Schools Act 2000. The Act sets out the role of the Scottish Government as follows:

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

and the role of the Local Authorities in the following terms:

"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."

- 3.3 The EIS has historically supported the role of Scotland's Local Authorities in the delivery of school education at local level. The principal reason for this support relates to the fact that the Scottish councils provide a mechanism for ensuring a level of democratic accountability at local level which, for us, remains an important principle as far as public service delivery is concerned. In the late 1980s and early 1990s the EIS opposed the "opting out" agenda of the, then, Conservative Government which also established School Boards as embryonic Boards of Management for these "opted out" schools. It was not until 2006 and the enactment of the Scottish Schools (Parental Involvement) Act that the 1988 School Boards legislation was finally removed from the Statute Book. It remains the view of the EIS that the "parental involvement" legislation is a genuine attempt to improve general parental involvement in all aspects of school life rather than providing a "few" parents with the opportunity of sitting on a quasi-management board with a number of quasi-management responsibilities.
- 3.4 In 2001 the Tripartite Agreement (involving the Scottish Government, COSLA and the Teaching Unions) entitled "A Teaching Profession for the 21st Century" was signed. The agreement (sometimes referred to as "The McCrone Agreement") introduced a significant alteration to the existing pay and conditions of service of Scotland's teachers and established a framework which included (inter alia):
- a one year induction (probationary) period
 - a chartered teacher programme;

- job-sizing for promoted posts;
- professional development entitlement;
- uniform maximum class contact across the sectors;
- a winding down scheme;
- new negotiating machinery at national and local levels.

3.5 Since 2007 however, tensions have developed between the Scottish Government and Scotland's 32 Local Authorities with regard to the delivery of school education. This has been particularly apparent in situations where the aspirations and policy priorities of the Government have not been delivered by the Local Authorities on the ground. The following priorities of the 2007-2011 Scottish Government were not delivered by the Local Authorities despite their inclusion as part of the "Concordat" and the "Single Outcome Agreement" process.

- (a) Teacher Numbers A commitment to maintain the 53,000 figure achieved by the 2003-2007 Administration has not been delivered with teacher numbers having fallen by over 3,000 since 2007.
- (b) Class Size Commitments on class size (particularly the reduction to 18 for all Primary 1, 2 and 3 classes) have not materialised. In fact many Councils have resiled from the policy of the previous (2003-2007) Administration to limit class sizes in S1 and S2 Mathematics and English classes to 20. In addition, the Scottish Government has only now introduced Regulations which will restrict P1 classes to a maximum of 25 from August 2011.
- (c) Nursery Education As part of the 2007 Scottish Parliament Elections, the Government included in its manifesto a commitment to the right of access to a nursery teacher for all nursery pupils. This commitment has also been abandoned with the number of nursery teachers in Scotland continuing to decline.
- (d) Additional Support for Learning Act The last few years has seen a reduction in the number of teaching staff employed in ASL provision with a number of Local Authorities effectively paying lip-service to the provisions of this important piece of legislation.
- (e) Assessment and Testing The Scottish Government's decision on the move away from a regime of testing within the primary and early secondary years as part of the 5-14 programme was welcome. However, a number of Authorities continue to believe that it is important to hold test data on pupils and still test children on the basis of the old 5-14 levels while others are seeking to introduce standardised testing which has little educational purpose (eg PIPS and MIDYS).

(f) Curriculum for Excellence The professional autonomy for teaching staff which is such an important element of the new curricular structure is being undermined by a number of Local Authorities. Many are reluctant to move away from a "top down" model of curricular change and are thus undermining one of the fundamental principles of the new curriculum. In addition insufficient funding is also threatening the successful future development of these curricular changes.

3.6 The tensions between national and local government have led many to question whether the current model of delivery through Local Authorities is the best means of delivering education at a local level. Despite the tensions, EIS continues to believe that a model with clear local accountability should not be departed from lightly. The removal of education in part or in whole from Local Authority control would also have a major destabilising influence within Local Authorities as education accounts for such a significant proportion of Local Authority budgeting.

3.7 We are also mindful of strong commitments to the comprehensive principle within Scotland, including a commitment to the all through six year comprehensive secondary school. There is a substantive evidence base that this model of education delivery contributes strongly to improving education standards in Scotland. Measures of performance include the year on year improvement in the number of young people gaining SQA qualifications and also Scotland's strong performance in international comparisons especially the Programme for International Student Assessment (PISA).

3.8 However, the tensions outlined elsewhere in this paper are not assisted by a unitary local government structure which was introduced in the mid 1990s to try to achieve certain political outcomes and which was not predicated on the existence of a Scottish Parliament which came into being just a few years later. Indeed these tensions have been exacerbated since the restructuring of local government and the opening of the Scottish Parliament.

3.9 In short, the 2007 Concordat between the Scottish Government and COSLA, the freezing of the council tax and the immense current pressures on local authority budgets will result in a very significant debate on the future organisation of school education in Scotland. We do not believe that the status-quo is an option in the longer term and the EIS would request that the Christie Commission gives initial consideration to the following possibilities (some of which are being actively considered at the moment) in order to bring some coherence to what may develop as piecemeal and uncoordinated reforms:

(a) a further partial or full re-organisation of Local Government in Scotland in an attempt to resolve the range of the range of problems which continue to undermine the relationship between the Scottish Government and the 32 Councils and which are having an increasingly detrimental effect on the delivery of school education in Scotland.

(b) moves towards shared service delivery of Scottish school education and support services by a number of individual Local Authorities.

- (c) the introduction of a limited number of "Education Boards" or "Social Enterprise Companies" across Scotland which would have clear responsibility for delivering the broad, overarching and strategic priorities of the Scottish Government while maintaining an important level of local decision making and accountability.
- (d) moves towards accelerated devolution to schools as part of the Cameron Recommendations to the Scottish Government.

Further Education

3.10 The removal of Scotland's Further Education Colleges from Local Authority control in 1994 as a consequence of the enactment of the Further and Higher Education (Scotland) Act 1992 has produced an incoherent and disparate sector. Each college is governed by a Board of Management which is, largely, self-appointing but is nonetheless responsible for the expenditure of millions of pounds of tax payers' money. There are major problems currently facing the Further Education Sector in Scotland and, from an EIS perspective, these are as follows:

- (a) Each college's management has the capacity to act in an arbitrary manner with the support of its Board of Management. This leads to each college developing its own ethos, curriculum and practices resulting in uneven and uncoordinated FE provision across Scotland of variable quality.
- (b) Colleges act in the knowledge that they are unlikely to be held accountable outside their own Board of Management. Poor management or mismanagement has, in the past, not been effectively addressed in some colleges and it could be argued that the governance structure itself promotes a management style which is not collegiate nature.
- (c) Colleges spend their funds according to their own judgements and priorities, leading to uneven and variable provision within the sector. This also leads to some colleges building large reserves using public money provided by the SFC for the purpose of teaching students whilst other colleges have no significant reserves at all.
- (d) Each college is the employer of its staff, determining their own pay and conditions of service, resulting in large differentials in staff pay and conditions of service across Scotland. There are also significant variations in staff engagement, morale and industrial relations across the FE sector.
- (e) The EIS believes that the current FE governance structure leads some Boards of Management to provide limited scrutiny of college management decisions. This has resulted in vastly increased senior managers' pay within the sector.
- (f) There are currently 40 FE Colleges in Scotland, sometimes described as independent islands of FE activity funded by the public purse but accountable to none but themselves.

The EIS believes that, in the short term, changes should be made to the legislation so that College Boards of Management are more accountable both to the communities they serve and to the public which funds them. In the medium term the EIS believes that all FE Colleges should be under the direct control of the Scottish Government which would allow for a uniform, more effective and accountable FE sector in Scotland.

3.11 The EIS would, therefore, ask that the Christie Commission gives initial consideration to these possible options.

- (a) A major review of the structure and organisation of Further Education provision in Scotland with a view to improving cohesion and coordination across the sector. There is also a need to enhance levels of local accountability to the communities which the colleges exist to serve.
- (b) A review of the bargaining arrangements for college staff which, at the moment, are carried out at a college by college level. This "plant bargaining" has led to significant disparities in both pay and conditions of service across the sector and, in the recent past, has resulted in a turbulent industrial relations atmosphere which has been both damaging and disruptive.

Higher Education

3.21 The Scottish Higher Education sector is currently at a significant crossroads. English Universities will be able to charge students up to £9,000 per annum while, at the same time, the UK Government has cut £4.6 billion from the HE teaching budget. Unless a Scottish Government can devote considerable additional resources to Scotland's universities, the funding gap between HE Institutions north and south of the border will widen markedly. This could result in Scottish universities having to rely on enrolling an increasing number of students from outwith Scotland which could result in Scottish students having to fight for a limited number of places in Scottish HE Institutions. The choices are stark and the future could be very bleak indeed.

3.13 The Scottish Government has recently produced a Green Paper on the future funding of Scotland's Higher Education Institutions and has highlighted six broad possible policy options for further consideration. These are:

- (a) the state retaining primary responsibility for funding;
- (b) the state retaining primary responsibility for funding, but with a form of graduate contribution;
- (c) increasing income from students coming to Scotland from other parts of the UK;
- (d) increasing donations and "philanthropic giving";
- (e) increase investment from Scottish businesses in Higher Education;

(f) making further efficiency savings in the sector.

3.14 On this basis the EIS would ask that the Christie Commission gives consideration to the following options:

(a) The possible mechanisms for the future funding of Scotland's Higher Education sector which would both maintain the competitiveness of Scotland's universities while, at the same time, protecting the position of Scottish students and protecting their access to high quality Higher Education in Scottish Institutions.

(b) To review the current structure and organisation of Higher Education provision in Scotland with a view to maintaining a proper balance between institutional autonomy and accountability to the tax payer.

(c) The most appropriate means by which Scottish students can be supported financially while studying at Scotland's Universities and to make recommendations to the Government in this area.

4. Conclusions

Within the remit and the terms of reference which the Commission on the Future Delivery of Public Services in Scotland has been given, The Educational Institute of Scotland would offer the following recommendations and conclusions:

4.1 Public services in Scotland exist to provide the highest quality of public provision in order to deliver a range of positive outcomes to the people of Scotland.

4.2 The strong Scottish public service ethos coupled with a desire to enhance equality across the public sector must be protected and, if possible, enhanced.

4.3 This paper, therefore, has attempted to highlight some major organisational and structural issues which have to be addressed across the three education sectors in order to deliver the highest quality of service in School, Further and Higher Education.
