

1

From: REDACTED
Sent: 24 October 2017 11:59
To: Deputy First Minister and Cabinet Secretary for Education and Skills; REDACTED
Minister for Further Education, Higher Education and Science; Minister for
Childcare and Early Years; Minister for Local Government and Housing; DG
Cc: Education, Communities & Justice; Robertson FMG (Fiona); Hicks C (Clare);
REDACTED; McAllister C (Colin); REDACTED; Communications DFM & Education;
Director of Advanced Learning and Science; REDACTED
RE: Education Workforce Council Submission for DFM

Subject:

REDACTED,

With thanks to the DFM for his views please find additional advice below as requested:

- As DFM states the CDN have been asked to review professional Standards for college lectures which includes a refresh of both the Initial Teacher Training/Education Standards and CPD Standards – the review is due to be completed by summer 2018. The SG and GTCS will be represented on the Professional Standards Steering Group which will be established to support this review with the intention that the Standards are reviewed every 5 years.
- The establishment of the Education Workforce Council will be developed through the impending Education Bill, therefore, in line with the Bill timetable, implementation will not be prior to June 2018.
- There is an intention to propose a staggered implementation of the EWCS to ensure best timing for each profession concerned. With regards to college lectures we would not envisage any duplication with the work underway by the CDN to review current Standards. We are currently seeking CDN views on how best we can implement the change proposed, however, a handover prior to 2022 (next review period for the Standards) seems like the most sensible approach.
- Appropriate links will be made by officials with regards to national bargaining, registration and workforce for the future.

Many Thanks

REDACTED

From: REDACTED **On Behalf Of** Deputy First Minister and Cabinet Secretary for Education and Skills **Sent:** 19 October 2017 12:00

To: REDACTED; Deputy First Minister and Cabinet Secretary for Education and Skills

Cc: Minister for Further Education, Higher Education and Science; Minister for Childcare and Early Years; Minister for Local Government and Housing; DG Education, Communities & Justice; Robertson FMG (Fiona); Hicks C (Clare); REDACTED; McAllister C (Colin); REDACTED; Communications

DFM & Education; Director of Advanced Learning and Science; REDACTED; REDACTED **Subject:** RE: Education Workforce Council Submission for DFM

Importance: High

REDACTED,

REDACTED

Thanks for your help

REDACTED

REDACTED | Private Secretary Depute to John Swinney MSP | Deputy First Minister of Scotland and Cabinet Secretary for Education and Skills | Scottish Government | St Andrew's House | Edinburgh | EH1 3DG | 0131 244 REDACTED / Blackberry - REDACTED

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From: Maclean A (REDACTED)

Sent: 05 October 2017 15:06

To: Deputy First Minister and Cabinet Secretary for Education and Skills

Cc: Minister for Further Education, Higher Education and Science; Minister for Childcare and Early Years; Minister for Local Government and Housing; DG Education, Communities & Justice; Robertson FMG (Fiona); Hicks C (Clare); REDACTED; McAllister C (Colin); REDACTED; Communications DFM & Education; Director of Advanced Learning and Science; REDACTED

Subject: RE: Education Workforce Council Submission for DFM

REDACTED

Further to the submission below from REDACTED, and as per your discussion with her yesterday, I've attached below an additional submission for DFM's consideration in conjunction with REDACTED initial note

<< File: Education Workforce Council Scotland (EWCS) - Submission for DFM - 5 October 2017 .. docx >>

Regards

REDACTED

REDACTED | Higher Education and Science Division

The Scottish Government, 6th Floor, 5 Atlantic Quay, Glasgow, G2 8LU

e: REDACTED@gov.scot t: 0131 244 REDACTED bb: REDACTED

From: REDACTED

Sent: 29 September 2017 15:40

To: Deputy First Minister and Cabinet Secretary for Education and Skills

Cc: Minister for Further Education, Higher Education and Science; Minister for Childcare and Early Years; Minister for Local Government and Housing; DG Education, Communities & Justice; Robertson FMG (Fiona); Hicks C (Clare); REDACTED; McAllister C (Colin); REDACTED; Communications DFM & Education

Subject: Education Workforce Council Submission for DFM

REDACTED— as discussed please find attached submission for the DFMs consideration.

<< File: Initial submission to DFM - final - 29 August 2017.docx >>

Thanks

REDACTED

REDACTED

Senior Policy Advisor

People and Infrastructure | Learning Directorate | 2A South | Victoria Quay | EH6 6QQ

Aonad Cumhachdachadh Sgoiltean | Daoine agus Bun-structair | Buidheann-Stiùiridh an Ionnsachaidh | Raon 2A

Deas | Cidhe Bhictòria | EH6 6QQ

REDACTED@gov.scot | 0131 244 REDACTED

2

From: REDACTED
Sent: 23 October 2017 11:23
To: REDACTED
Cc: REDACTED
Subject: RE: Education Workforce Council Submission for DFM

Importance: High

Hi REDACTED,

I am just back from leave today too, I hope you had a good break.

I've attached my previous emails below that contain the contact info for CDN and I attached below some further information on the review. In terms of any handover over of the standards for next review in 5 years time, I recall we agreed when we met in July that you would discuss this in general terms with CDN on how that might be taken forward in advance of the consultation being published - I had alerted REDACTED in August that you would be in touch but the premise of a handover in time before 2022 was a sensible approach.

Given that, I agree that any duplication is unlikely given the timescales involved and the time between each agreed review cycle. SG and GTCS will be represented on the Professional Standards Steering Group throughout the review and I will ensure that the appropriate links are made with national bargaining, registration and workforce for the future. It would be useful if we were to arrange a call or a meeting in advance of each steering group meeting so I can be fully briefed on progress on your side before attending.

The review should be complete by the end of the summer next year. You'll have seen the advice submitted from my Paul Smart last week on the article from last week's edition of the TESS which links registration and the standards and contains supportive quotes from the EIS: "[a spokeswoman said the union was] comfortable with the professional standards ... being refreshed", and "supports the holding of TQFE status and compulsory GTCS registration for FE lecturers [my emphasis]" believing both to be "important means of enhancing the professional esteem of FE lecturing and maintaining high standards".

In terms of next steps, do you want to draft a response based on this information and your current position that we can both agree before submitting? I am out of the office for the rest of the day after 11:30 but can pick anything up first thing tomorrow - I'll be in from 7 am.



RE: Education Workforce Coun...



RE: Education Governance Nex...



RE: Education Governance Nex...

The current position with Professional Standards:

- The Standards are 'owned' by Scottish Government
- The Standards were the responsibility of the Professional Learning and Development Forum, (PLDF) but following a survey of the sector by Colleges Scotland, the decision was made to hand the guardianship of the Standards over to CDN, and the Forum was disbanded

- The Initial Standards are due to be 'refreshed' in 2017
- There is a clear link to and dependency on the ongoing work on the 'Workforce for the Future' and the discussions around the role of the Lecturer
- There are 3 TQFE providers - the TQFE programme is aligned to the Professional Standards
- A Steering Group will be established at the start of the process
- REDACTED

The Refresh of the Professional Standards for Lecturers in Scotland's Colleges:

CDN will undertake a refresh of both sets of standards,

- Initial Teacher Training / Education Standards which were last refreshed in 2012. The TQFE (Teaching Qualification for Further Education) is based on these Initial Standards
- CPD Standards, which were last refreshed in 2006

Given the changes in the learning, teaching, assessment and attainment landscape over recent years, the work involved in refreshing the standards is significant and it is anticipated that it will take approximately 12 months from start to finish.

Key milestones include:

- Establishment of a Project Steering Group drawing on membership of former the Professional Learning and Development Forum (PLDF), including Scottish Government, Education Scotland, SFC, SQA, Colleges Scotland and others as appropriate
- Agreeing a Chair for the Steering Group
- Engaging with the TQFE providers from Aberdeen, Dundee and Stirling universities
- Agreeing, with the Steering Group, a high-level project plan detailing key milestones and the ways in which the sector will be consulted (survey, focus groups, student engagement, CDN Development Networks)
- Appointment of consultants to undertake the refresh
- Communicating the refresh of the standards, and the timescales, to the college sector and key stakeholders
- By the end of the project, delivery of a refreshed set of 'Professional Standards for Lecturers in Scotland's Colleges'

REDACTED

Team Leader – Governance, Workforce and College Policy

Advanced Learning & Science Directorate

Glasgow

Tel: 0131 244 REDACTED Blackberry: REDACTED

Please note my working pattern is as follows: Monday 9:30-14:30; Tuesday 7:00-4:30; Wednesday 7:00-4:30; Thursday 7:00-4:30; Friday non-working day

From: REDACTED

Sent: 23 October 2017 09:46

To: REDACTED

Subject: FW: Education Workforce Council Submission for DFM

Importance: High

Hi REDACTED – I am only just back from AL today and picking this up.

REDACTED Do you have a contact in CND that we can link in with?

Thanks

REDACTED

From: REDACTED **On Behalf Of** Deputy First Minister and Cabinet Secretary for Education and Skills **Sent:** 19 October 2017:12:00 ...

To: REDACTED; Deputy First Minister and Cabinet Secretary for Education and Skills

Cc: Minister for Further Education, Higher Education and Science; Minister for Childcare and Early Years; Minister for Local Government and Housing; DG Education, Communities & Justice; Robertson FMG (Fiona); Hicks C (Clare); REDACTED; McAllister C (Colin); REDACTED; Communications DFM & Education; Director of Advanced Learning and Science; REDACTED

Subject: RE: Education Workforce Council Submission for DFM
Importance: High

REDACTED,

REDACTED

Thanks for your help

REDACTED

REDACTED | Private Secretary Depute to John Swinney MSP | Deputy First Minister of Scotland and Cabinet Secretary for Education and Skills | Scottish Government | St Andrew's House | Edinburgh | EH1 3DG | 0131 244 REDACTED / Blackberry - REDACTED

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From: REDACTED

Sent: 05 October 2017 15:06

To: Deputy First Minister and Cabinet Secretary for Education and Skills

Cc: Minister for Further Education, Higher Education and Science; Minister for Childcare and Early Years; Minister for Local Government and Housing; DG Education, Communities & Justice; Robertson FMG (Fiona); Hicks C (Clare); REDACTED; McAllister, C (Colin); REDACTED

REDACTED Communications DFM & Education; Director of Advanced Learning and Science; REDACTED

Subject: RE: Education Workforce Council Submission for DFM

REDACTED

Further to the submission below from REDACTED, and as per your discussion with her yesterday, I've attached below an additional submission for DFM's consideration in conjunction with REDACTED initial note

<< File: Education Workforce Council Scotland (EWCS) - Submission for DFM - 5 October 2017 .. docx >>

Regards

REDACTED

REDACTED | Higher Education and Science Division

The Scottish Government, 6th Floor, 5 Atlantic Quay, Glasgow, G2 8LU

e: REDACTED@gov.scot **t:** 0131 244 REDACTED **bb:** REDACTED

From: REDACTED

Sent: 29 September 2017 15:40

To: Deputy First Minister and Cabinet Secretary for Education and Skills

Cc: Minister for Further Education, Higher Education and Science; Minister for Childcare and Early Years; Minister for Local Government and Housing; DG Education, Communities & Justice; Robertson FMG (Fiona); Hicks C (Clare);

REDACTED; McAllister C (Colin); REDACTED; Communications DFM & Education

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REDACTED– as discussed please find attached submission for the DFMs consideration.

<< File: Initial submission to DFM - final - 29 August 2017.docx >>

Thanks

REDACTED

REDACTED

Senior Policy Advisor

People and Infrastructure | Learning Directorate | 2A South | Victoria Quay | EH6 6QQ

Aonad Cumhachdachadh Sgolltean | Daoine agus Bun-structair | Buidheann-Stiùiridh an Ionnsachaidh | Raon 2A Deas | Cidhe Bhictòria | EH6 6QQ

REDACTED@gov.scot | 0131 24 REDACTED

From: REDACTED
Sent: 07 September 2017 16:26
To: REDACTED
Cc: REDACTED
Subject: RE: Education Workforce Council - College Lecturers

Tracking:	Recipient	Read
	REDACTED	Read: 07/09/2017 17:04
	REDACTED	

Hi REDACTED,

I'm good thanks, I hope you are too.

Looking forward to seeing your submission.

We don't have a strategic group that would best fit but I do suggest that you could feed into College Development Network (REDACTED@cdn.ac.uk) in the first instance and if you wanted to cast the net more widely Colleges Scotland.

Kind regards,
REDACTED

REDACTED
Team Leader – Governance, Workforce and College Policy
Advanced Learning & Science Directorate
Glasgow
Tel: 0131 244 REDACTED Blackberry: REDACTED

Please note my working pattern is as follows: Monday 9:30-14:30; Tuesday 7:00-4:30; Wednesday 7:00-4:30; Thursday 7:00-4:30; Friday non-working day

From: REDACTED
Sent: 07 September 2017 15:42
To: REDACTED
Cc: REDACTED
Subject: Education Workforce Council - College Lecturers

Hi REDACTED – hope you're well?

I just wanted to give you an up-date on where I am following our meeting.

I am hoping to get a submission up to DFM next week (which I'll make sure you're on the copy list for) which will seek his views on the legislative vehicle for establishing the new Council (REDACTED) and also the aims, functions and who the Workforce Council will seek to register (which as discussed will cover college lecturers).

I haven't engaged with any stakeholders on that side yet and wondered if you have a strategic group or anything that we could feed into?

Thanks

REDACTED

REDACTED

Senior Policy Advisor

People and Infrastructure | Learning Directorate | 2A South | Victoria Quay | EH6 6QQ

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Deas | Cidhe Bhictòria | EH6 6QQ

REDACTED@gov.scot | 0131 244REDACTED |

We have a commitment to consult in the autumn on the roles and functions of the EWC – likely to be early October. Conversations with stakeholders have indicated that the professional standards and requirement to register for college lectures (REDACTED) should be included within the functions of this public body (ensuring the landscape of registration, professional standards, regulation, training etc for all those working in the education field is coherent).

I suppose it was really to give you a heads up that this is likely to be part of the consultation and to find out if there would be any concerns over this change in policy? Also given it is not currently mandatory for collage lectures to register do you have any indication of how this is likely to be perceived by that sector?

REDACTED

From: REDACTED
Sent: 18 July 2017 09:48
To: REDACTED
Cc: REDACTED
Subject: RE: Education Governance Next Steps - Education Workforce Council

Hi REDACTED,

REDACTED in my team leads on professional standards so I would suggest a meeting with her however, unfortunately REDACTED is currently off unwell. What are the timescales are you working towards? If REDACTED isn't back by the time you need to discuss then we can certainly meet to discuss.

Whilst SG own the professionals standards for lecturers, the College Development Network (CDN) are guardians of the standards and are responsible for them so I also recommend that you also speak to REDACTED (REDACTED@cdn.ac.uk) who is our lead contact there. There are two sets of standards and CDN are to embark on a review of the both standards

- The Initial Teacher Training / Education standards for Lecturers in Scotland's colleges – last updated 2012, and due to be updated in 2017. The TQFE is based on these standards.
- The Continuing Professional Standards (CPD) which were last updated in 2006

REDACTED

REDACTED
Team Leader – Governance, Workforce and College Policy
Advanced Learning & Science Directorate
Glasgow
Tel: 0131 244 REDACTED Blackberry: REDACTED

Please note my working pattern is as follows: Monday 1:45-16:15; Tuesday 7:00-4:30; Wednesday 7:00-4:30; Thursday 7:00-4:30; Friday 7:00-9:30

From: REDACTED
Sent: 17 July 2017 14:49
To: REDACTED
Subject: Education Governance Next Steps - Education Workforce Council

Hi REDACTED,

I'm looking to touch base with someone regarding college lecturer professional standards and regulation and also beyond that into work based learning (post 16).

To give a bit of context on 15 June a commitment was made by the DFM (<http://www.gov.scot/Publications/2017/06/2941>) to establish an Education Workforce Council for Scotland which will take on the responsibilities of the GTCS, the Community Learning and Development Standards Council and register other education professionals. I am currently leading on developing a consultation paper and policy position on this and the more conversations I have with stakeholders the more I realise how important college lecturers and work based learning opportunity employers are in all this (if we're talking about learning environment for aged 3-18).

I would happily come through to Glasgow for a chat but am keen to pick this up with you and your colleagues.

Many thanks

REDACTED

REDACTED

Senior Policy Advisor

Empowering Schools Unit | People and Infrastructure | Learning Directorate | 2A South | Victoria Quay | EH6 6QQ Aonad Cumhachdachadh Sgoiltean | Daoine agus Bun-structair | Buidheann-Stiùiridh an Ionnsachaidh | Raon 2A Deas | Cidhe Bhictòria | EH6 6QQ
REDACTED@gov.scot | 0131 244 REDACTED|

3

From: REDACTED on behalf of Deputy First Minister and Cabinet Secretary for Education and Skills
Sent: 25 October 2017 14:18
To: REDACTED; Deputy First Minister and Cabinet Secretary for Education and Skills; REDACTED
Cc: Minister for Further Education, Higher Education and Science; Minister for Childcare and Early Years; Minister for Local Government and Housing; DG Education, Communities & Justice; Robertson FMG (Fiona); Hicks C (Clare); REDACTED; Communications DFM & Education; Director of Advanced Learning and Science; REDACTED
RE: Education Workforce Council Submission for DFM

Subject:

REDACTED,

Thanks for this. DFM has requested that officials please make sure that all of the connections are in place for this

REDACTED

REDACTED | Private Secretary Depute to John Swinney MSP | Deputy First Minister of Scotland and Cabinet Secretary for Education and Skills | Scottish Government | St Andrew's House | Edinburgh | EH1 3DG | 0131 244 REDACTED / Blackberry - REDACTED

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From: REDACTED
Sent: 24 October 2017 11:59
To: Deputy First Minister and Cabinet Secretary for Education and Skills; REDACTED
Cc: Minister for Further Education, Higher Education and Science; Minister for Childcare and Early Years; Minister for Local Government and Housing; DG Education, Communities & Justice; Robertson FMG (Fiona); Hicks C (Clare); REDACTED; McAllister C (Colin); REDACTED; Communications DFM & Education; Director of Advanced Learning and Science; REDACTED
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Subject: RE: Education Workforce Council Submission for DFM

Importance: High

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REDACTED

Thanks for your help

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Subject: RE: Education Workforce Council Submission for DFM

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Senior Policy Advisor

People and Infrastructure | Learning Directorate | 2A South | Victoria Quay | EH6 6QQ

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Deas | Cidhe Bhictòria | EH6 6QQ

REDACTED@gov.scot | 0131 244 REDACTED

From: REDACTED
Learning Directorate: People and
Leadership Unit
29 September 2017

Deputy First Minister

EDUCATION WORKFORCE COUNCIL

Purpose

1. This submission provides background to the current landscape and initial proposals on the creation of the Education Workforce Council for Scotland including legislative levers to achieve this through the forthcoming Education Bill.
2. I seek the DFMs views on:
 - The recommended legislative vehicle for the establishment of the EWCS (Annex A)
 - the questions for initial consultation on the EWCS (Annex B)

Priority

3. **Routine:** to support the Education Bill timeframe it would be helpful if a response is offered by the 4 October.

Background

4. On 15 June 2017 the DFM launched the Education Governance: Next Steps paper which set out the Scottish Government's work to fully deliver bold but necessary reform to Scottish education. This paper contained a commitment to establish an Education Workforce Council for Scotland (EWCS) which will take on the responsibilities of the General Teaching Council (GTCS) for Scotland, the Community Learning and Development Standards Council for Scotland (CLDSCS) and register other education professionals. A further commitment was made to consult on the full scope of the role and functions to be undertaken by this body in autumn.
5. The education workforce in Scotland has changed significantly in recent years. Options available to learners in Scotland through collaboration between schools and post 16 providers has led to much closer working of practitioners between different sectors. The introduction of the Pupil Equity Fund has evidenced an increase in a wider range of professions working with children and young people in schools and wider learning environments including the role of family/homelink workers.
6. The quality of teaching is the most important in-school factor that affects student learning and achievement which is why teacher professionalism and school leadership are key drivers within the National Improvement Framework and were at the heart of Teaching Scotland's Future (the Donaldson review of teacher education in Scotland published in 2010). While there has been a clear acceptance of the

importance of teacher professionalism, and therefore investment in teacher professional development, this has not been replicated across the wider education workforce.

7. There are many professions involved in the delivery of education with considerable differences between the requirements in professional standards, qualifications, initial training, performance management and continuing professional development between those professions.

8. As a key commitment in Next Steps which requires legislation for delivery, we intend to consult on this as an integral part of the Education Bill consultation which we intend to launch at the end of October. We will provide the DFM with further detailed advice on the scope and options for this consultation shortly.

General Teaching Council for Scotland

Role and Functions

9. Currently, all teachers in public schools, all teachers in grant-aided schools and new teachers in independent schools must be registered with the GTCS in order to teach in Scotland. From 1 October 2020, existing teachers in independent schools will also have to be registered. As part of this regulation process the GTCS sets professional standards, maintains a register of teachers and determines whether teachers from out with Scotland meet the requirements of the standards to enable them to join the register and thereby teach in schools in Scotland. It also, through the Fitness to Teach process, considers whether teachers have fallen below the expected professional standards. The Scottish Social Services Council fulfils a similar role for the social services workforce in Scotland including early years practitioners.

Governance

10. The GTCS is an independent body but one established in statute which gives Ministers the power to control aspects of how it operates. It was first established under the Teaching Council (Scotland) Act 1965 but did not become fully independent until governed by The Public Services Reform (General Teaching Council for Scotland) Order 2011 as one of the bodies created by the Public Services Reform (Scotland) Act 2010 which sought to reduce the number of NDPBs in Scotland.

11. GTCS is governed by a board (the Council) comprising 37 members. Members are appointed to the Council via three routes: election (19 members), nomination (11 members) and appointment (7 members). All elected members are teachers (elected by registrants), all appointed members are lay (appointed according to an appointments scheme produced by the GTCS which provides for an Independent Appointments Committee) and the nominated members reflect a range of stakeholders (specifically, as set out in statute, they must include 3 representatives nominated by CoSLA after consultation with ADES, 3 nominated by Universities Scotland after consultation with institutions providing teaching qualifications, 1 nominated by institutions in the further education sector, 1

nominated by the Scottish Council of Independent Schools, 1 nominated by the Church of Scotland, 1 nominated by the Catholic Church and 1 individual nominated by the National Parent Forum of Scotland). Members should be reviewed every 4 years and no member of the Council can be in place for more than 8 years.

12. While the remit of the GTCS is restricted to teachers it also has a power to keep other registers of other individuals working in educational settings as it sees fit and, if it does so, must publish a scheme governing the operation of such a register. However, the GTCS does not have wider powers to determine whether those practitioners meet specific standards or to mandate registration (such a requirement would need to be specified in primary legislation). Neither does it explicit equivalent powers to ensure on-going fitness to teach/practice/educate of these other professionals. A project is currently on-going to introduce a pathway to registration for Instrumental Music Instructors.

Community Learning and Development Standards Council Scotland

Role and Functions

13. In Scotland, Community Learning and Development is embedded in The Requirement for Community Learning and Development (Scotland) Regulations 2013. CLD primarily supports disadvantaged or vulnerable groups and individuals of all ages to engage in learning, with a focus on bringing about change in their lives and communities. The term covers a wide range of activity such as youth work, family and adult learning, including adult literacy and English for Speakers of Other Languages (ESOL), community development and community capacity building.

14. Currently every local authority must secure and co-ordinate the provision of CLD which generally incorporates community development, adult learning, and youth work services.

Governance

15. The CLDSCS, set up in 2008 by Scottish Ministers, is the body (executive agency within Education Scotland) responsible for the registration of Community Learning and Development (CLD) practitioners, the approval of CLD training courses, and the continuing professional development of the CLD workforce.

16. There are 50 registered members who lead the council, sitting on the Executive Committee, Committees for Approvals, Committee for Professional Learning and Committee for Registration.

17. Registration with the CLDSCS is not mandatory therefore a number of members offer limited detail on their professions, however, we are aware that a majority of registrants work within community education, adult learning, family learning, youth work sector, community development, FE/HE, volunteers and students.

The New Education Workforce Council

Role and Functions

18. There are a number of professionals working within the education workforce currently not required to register including over 600 school learning and additional support staff, over 240 school librarians and over 10,000 teaching staff in the higher education sector who are.

19. With increasingly diverse arrangements and partnerships across the education workforce, coming together more effectively to meet the needs of learners, the EWCS offers the opportunity to have a national system to ensure the full range of practitioners have the skills and expertise to work with our children and young people in Scotland. It also presents an opportunity to recognise the role of all those working to support teaching and learning as part of a coherent education workforce in Scotland.

20. There is a general consensus with stakeholders, both within the CLDSCS and GTCS, that the EWCS should function independently of Scottish Minister (consistent with the current status of the GTCS). The CLDSCS had begun seeking independence prior to the commitment to establish the EWCS.

21. Annex B offers a list of proposed questions for public consultation to support the development of the EWCS which will form part of the Bill consultation. As part of this a list of professionals to be registered with the EWCS has been provided for consultees to consider. Boundaries have been considered and drawn to focus the Council's remit on those who support the learning and teaching of all in Scotland. Whilst the professionals identified clearly fit within this description, challenges may be faced from the professionals themselves due to ongoing uncertainty in some sectors e.g. among early years practitioners (with the expansion of funded hours) and college lecturers (Workforce for the Future and national bargaining). Therefore further consideration will need to be given to the timing of practical roll out and commencement of the registration and regulation for these professions. In addition, due to their position as autonomous bodies, and their current Office for National Statistics classification, further consideration will also be required with regard to the inclusion of Higher Education Institutions.

Registration

22. While we are clear that the registration of teachers should remain mandatory, we propose that registration of CLD practitioners remains voluntary and free of charge until the EWCS can establish how best to take this forward, including the setting of registration fees.

23. Ministerial regulation-making powers to amend the list of practitioners required to register with the EWCS could future proof the legislation for the purpose of bringing other professionals on an equal (or similar) mandatory registration footing as teachers.

Governance

24. REDACTED

25. REDACTED

26. REDACTED

27. Officials are establishing a short life working group (comprising membership from GTCS and CLDSCS) to look into the practical elements of implementation including this specific point and wider financial implications. Further advice and options on governance arrangements will be presented to DFM at a later date.

Legislative Options

28. REDACTED

Conclusion

29. I seek the DFMs views on:

- REDACTED (Annex A)
- the process and questions for initial consultation on the EWCS (Annex B)

REDACTED

Learning Directorate, People and Leadership Unit
REDACTED

29 September 2017

Copy List:	For Action	For Comments	For Information		
			Portfolio Interest	Constit Interest	General Awareness
Deputy First Minister Minister for Further Education, Higher Education and Science Minister for Childcare and Early Years Minister for Local Government and Housing	X			X X X	

DG Learning, Justice and communities
 Fiona Robertson, Director for Learning
 Clare Hicks, Deputy Director for People and Infrastructure
 REDACTED
 Colin McAlister, Special Advisor
 REDACTED

REDACTED

AIMS, FUNCTIONS AND GENERAL QUESTIONS FOR CONSULTATION

Timing is limited and does not allow for open questions to be asked as part of this consultation. Therefore extensive stakeholder engagement with the GTCS and CLDSCS has been paramount in developing the list of questions below including the purpose, aims and functions:

PURPOSE OF NEW BODY

Through the enhanced professionalisation of those involved directly and indirectly in teaching and learning, support Scottish education to be world leading in the delivery of high quality outcomes for all learners.

AIMS

- To set high standards and promote high quality professional learning, teaching and leadership to improve learner outcomes and assist in reducing inequality
- Be an effective regulator acting in the public interest to maintain and enhance public trust and confidence in education professionals
- Through the setting of professional standards and values, support and enhance levels of professionalism, professional identity and professional practice while bringing cohesion to the Scottish education system

Question 1 – Do you agree with the purpose and aims?

Question 2 – What other purpose and aims might you suggest for the proposed new body?

FUNCTIONS

- Keep a Register of those practitioners engaged in the teaching (including pre-school), community learning and development and other relevant professions (including the establishment of criteria to meet their registration)
- Establish and keep under review, as appropriate, Professional Standards and appropriate Code(s) relating to the conduct and professional competence of those engaged in the teaching, community learning and development and other relevant professions
- Establish and review Standards of education, professional learning and leadership appropriate to those on the Register, including initial teacher and other professional education, and monitor and evaluate their implementation
- Investigate and ensure the fitness to practise of registrants with regards to conduct and professional competence
- Accredite, validate and promote professional learning and development through maintaining and operating national systems in partnership with other bodies as appropriate.
- Support the operation of teaching, community learning and development and other relevant professions, including induction schemes, professional learning frameworks, quality assurance marks and student placement systems.

- Provide independent, evidence-based advice to Scottish Ministers on relevant matters of education, teacher professionalism, workforce planning, career development and fitness to practise of those engaged in the teaching, community learning and development and other relevant professions.
- Contribute to evidence-based policy making through engagement in and with research that supports improved learning and teaching.
- Promote family/carer/community engagement in and with the education system.

Question 3 – Do you agree with these functions?

Question 4 – What other functions might you suggest for the proposed new body?

REGISTRATION

The following professions are currently being considered as within scope for registration to the new body:

- Teachers
- CLD Practitioners
- Classroom Assistants/ASL Support Workers
- Early Years Practitioners
- College Lecturers
- University Lectures
- School Librarians

Question 5 – Which education professionals should be subject to mandatory registration with the proposed new body?

GOVERNANCE

Question 6 – What principles should be used in the design of the governance arrangements for the new proposed body? Should the governing ‘Council’ be made up of a balance of professional and lay members for example.

GENERAL

Question 7 – Should the proposed new body be independent of the Scottish Government?

Question 8 – By what name should the proposed new body be known?

Question 9 – Should the new body require to consult on registration fees?

From: REDACTED
Sent: 29 September 2017 13:34
To: REDACTED
Subject: RE: HE Workforce

Sorry! Office for National Statistics ☺

From: REDACTED
Sent: 29 September 2017 13:33
To: REDACTED
Subject: RE: HE Workforce

SorryREDACTED – what’s ONS?

From: REDACTED
Sent: 29 September 2017 13:28
To: REDACTED
Cc: REDACTED
Subject: RE: HE Workforce

REDACTED,

With apologies for the delay, please find below slightly amended Para 21.

21. Annex B offers a list of proposed questions for public consultation to support the development of the EWCS which will form part of the Bill consultation. As part of this a list of professionals to be registered with the EWCS has been provided for consultees to consider. Boundaries have been considered and drawn within the remit of supporting the learning and teaching of all in Scotland. Whilst the professionals identified clearly fit within this boundary, challenges may be faced from the professionals themselves due to ongoing instability in some sectors e.g. among early years practitioners (with the expansion of funded hours) and college lecturers (Workforce for the Future and national bargaining). Therefore further consideration will be given to the timing of practical roll out and commencement of the registration and regulation for these professions. Because of their position as autonomous bodies, and their current ONS classification, further consideration will also be required with regard to the inclusion of Higher Education Institutions.

Kind regards,
REDACTED

From: REDACTED
Sent: 29 September 2017 11:56
To: REDACTED
Cc: REDACTED
Subject: RE: HE Workforce

Hi REDACTED,

REDACTED. But more substantively, the nature of HEIs as autonomous bodies –as REDACTED points out – is significant.

At present HEIs are not classified by ONS as public bodies (colleges are). REDACTED

I have copied in REDACTED, our Finance lead on this, but unfortunately REDACTED isn't in the office until Monday.

I hope this helps explain the situation.

Kind regards,
REDACTED

From: REDACTED
Sent: 29 September 2017 11:28
To: REDACTED
Cc: REDACTED
Subject: RE: HE Workforce

Thanks REDACTED. I have attached the draft and think paragraph 21 would be of more interest –
haven't touched on the professions in any great detail. REDACTED

<< File: Initial submission to DFM - final -29 August 2017#2.docx >>
Thanks

REDACTED

From: REDACTED
Sent: 29 September 2017 11:13
To: REDACTED
Cc: REDACTED

Subject: RE: HE Workforce

HI REDACTED,

REDACTED

Thanks
REDACTED

From: REDACTED
Sent: 29 September 2017 11:11
To: REDACTED
Subject: FW: HE Workforce

Thanks for this REDACTED—Just to let you know I will be sending up a submission to DFM today and have put you on the copy list –hopefully this will give you the background and you'll see that at the moment we are still proposing university lectures as part of this submission. REDACTED.

Look forward to talking this through with you next week.

REDACTED

-----Original Appointment-----

From: REDACTED
Sent: 29 September 2017 11:07
To: REDACTED
Subject: Accepted: HE Workforce
When: 04 October 2017 10:30-11:00 (UTC+00:00) Dublin, Edinburgh, Lisbon, London.
Where: Telekit -0300 244 REDACTED

From: REDACTED
Sent: 05 October 2017 15:06
To: Deputy First Minister and Cabinet Secretary for Education and Skills
Cc: Minister for Further Education, Higher Education and Science; Minister for Childcare and Early Years; Minister for Local Government and Housing; DG Education, Communities & Justice; Robertson FMG (Fiona); Hicks C (Clare); REDACTED; McAllister C (Colin); REDACTED; Communications DFM & Education; Director of Advanced Learning and Science; REDACTED
 RE: Education Workforce Council Submission for DFM

Subject:

REDACTED

Further to the submission below from REDACTED, and as per your discussion with her yesterday, I've attached below an additional submission for DFM's consideration in conjunction with REDACTED initial note



Education
Workforce Coun...

Regards

REDACTED

REDACTED Higher Education and Science Division
The Scottish Government, 6th Floor, 5 Atlantic Quay, Glasgow, G2 8LU
e: REDACTED@gov.scot t: 0131 244 REDACTED bb: REDACTED

From: REDACTED
Sent: 29 September 2017 15:40
To: Deputy First Minister and Cabinet Secretary for Education and Skills
Cc: Minister for Further Education, Higher Education and Science; Minister for Childcare and Early Years; Minister for Local Government and Housing; DG Education, Communities & Justice; Robertson FMG (Fiona); Hicks C (Clare); REDACTED; McAllister C (Colin); REDACTED; Communications DFM & Education
Subject: Education Workforce Council Submission for DFM

REDACTED –as discussed please find attached submission for the DFM's consideration.

<< File: Initial submission to DFM - final -29 August 2017.docx >>

Thanks

REDACTED

REDACTED

Senior Policy Advisor

People and Infrastructure | Learning Directorate | 2A South | Victoria Quay | EH6 6QQ

Aonad Cumhachdachadh Sgoiltean | Daoine agus Bun-structair | Buidheann-Stiùiridh an Ionnsachaidh | Raon 2A

Deas | Cidhe Bhictòria | EH6 6QQ

REDACTED@gov.scot | 0131 244 REDACTED |

REDACTED
DALs: Higher Education and Science
5 October 2017

Deputy First Minister

EDUCATION WORKFORCE COUNCIL – IMPACT ON UNIVERSITIES

Purpose

1. This submission provides supplementary advice on the potential risks around ONS classification of Higher Education Institutions (HEIs) of their inclusion in the scope of the consultation on the Education Workforce Council for Scotland (EWCS) and any subsequent legislation – as flagged at paragraph 21 of REDACTED submission of 29th September 2017.

Priority

2. **Routine** – it would be helpful to consider this in conjunction with the previous advice from REDACTED

Office for National Statistics (ONS)

3. You are aware that the ONS is responsible for classifying bodies in order to ensure that the UK complies with the European System of Accounts 2010 (ESA 2010). Key classification decision include whether a body is public or private, and whether a public body is part of government or a publicly owned company. ONS classification decisions can have significant budgetary implications for the Scottish Government.
4. In classifying bodies as either public or private, the fundamental question for ONS is whether “government exercise significant control over the general corporate policy of the unit?” The key difference between the public and private sectors is determined by where control over the organisation lies, rather than necessarily where ownership itself sits. Whether or not such government control exists is assessed by considering a number of “indicators of government control” set out in the published ESA 2010 guidance.
5. As previously advised, the ONS is currently reviewing the classification of UK universities. Although existing elements of the governance of higher education institutions (HEIs) constitute a risk to their current classification as non-profit organisations serving households (NPISH), REDACTED

EWCS Consultation and potential sensitivities

6. REDACTED

7. REDACTED

Copy List:	For Action	For Comments	For Information		
			Portfolio Interest	Constit Interest	General Awareness
Deputy First Minister Minister for Further Education, Higher Education and Science Minister for Childcare and Early Years Minister for Local Government and Housing	X			X X X	

DG Learning, Justice and communities
 Fiona Robertson, Director for Learning
 Clare Hicks, Deputy Director for People and Infrastructure
 REDACTED
 Colin McAlister, Special Advisor
 REDACTED

From: REDACTED
Sent: 21 September 2017 12:42
To: REDACTED
Cc: REDACTED
Subject: RE: Higher Education Workforce

Hi REDACTED—thanks for this.

I have been speaking to REDACTED on the FE side.

I totally appreciate potential challenges on this and thankful that you are willing to look into it.
REDACTED

To give you an idea of timeframe we will sending up a submission to DFM over the next couple of weeks to ask his views on the aims, functions and wider consultation questions to go out to public consultation late October. We will be developing this 'body' through the Education Bill which is scheduled to be introduced to Parliament in June next year.

REDACTED

Happy to come through to Glasgow to discuss, however I am on A/L for the middle 2 weeks of October so it would be good to meet before then.

Thanks

REDACTED

From: REDACTED
Sent: 19 September 2017 16:05
To: REDACTED
Cc: REDACTED
Subject: RE: Higher Education Workforce

Hi REDACTED,

~~Apologies for the delay in responding.~~ Yes, I think that my colleague REDACTED and I are probably the right people to speak to about this.

REDCATED

So, as you can see, we will need to do a bit of research. Could you let me know who you have been dealing with in FE division, then once we have found out a bit more we'll get back in touch to arrange a chat.

Kind regards,
REDACTED

From: REDACTED
Sent: 13 September 2017 15:28
To: REDACTED
Subject: FW: Higher Education Workforce

Hi REDACTED – please see e-mail below.

It would be good to have a chat if you're the right contact?

Thanks

REDACTED

From: REDACTED
Sent: 13 September 2017 15:14
To: REDACTED
Subject: RE: Higher Education Workforce

Hi REDACTED,

REDACTED in our HE Governance Team would be the best person to speak to about this, her contact details are; REDACTED@gov.scot; ext: REDACTED

REDACTED

REDACTED
Advanced Learning and Science Directorate
Higher Education and Science Division

6th Floor
5 Atlantic Quay
150 Broomielaw
Glasgow
G2 8LU
REDACTED@gov.scot
t: 0131 24 REDACTED

From: REDACTED
Sent: 13 September 2017 09:11
To: REDACTED
Subject: Higher Education Workforce

Good morning REDACTED I hope you can help. I am looking for someone who is currently involved in the higher education workforce (lecturers etc.)

DFM made a commitment back in June to establish an Education Workforce Council (EWC) which will, in the first instance, bring together the roles of the General Teaching Council for Scotland and the Community Learning and Development Standards Council with the view of registering and regulating other education professionals.

With increasingly diverse arrangements and partnerships across the education workforce the EWCS offers a chance to have a national system to determine who has the skills and expertise to enhance learning experiences and improve outcomes for people of all ages engaging in education and community development. It also presents an opportunity to recognise the role of all those working to support teaching and learning as part of a single and coherent education workforce in Scotland.

REDACTED Can you confirm what you think the position would be from your side? Are university lecturers required to register with a body currently?

Thanks

REDACTED

REDACTED
Senior Policy Advisor

People and Infrastructure | Learning Directorate | 2A South | Victoria Quay | EH6 6QQ

Aonad Cumhachdachadh Sgoiltean | Daoine agus Bun-structair | Buidheann-Stiùiridh an Ionnsachaidh | Raon 2A

Deas | Cidhe Bhictòria | EH6 6QQ

REDACTED@gov.scot | 0131 244 REDACTED |



From: REDACTED
Sent: 28 November 2017 09:39
To: REDACTED
Subject: FW: Proposed meeting - Public Bodies unit and School Education Colleagues - to discuss changes to bodies being proposed as part of the Governance Review - Next Steps Paper

From: REDACTED
Sent: 26 July 2017 19:39
To: REDACTED
Cc: REDACTED
Subject: RE: Proposed meeting -Public Bodies unit and School Education Colleagues -to discuss changes to bodies being proposed as part of the Governance Review -Next Steps Paper

Hi All

It was good to meet you today. Further to our discussion, I thought that it might be helpful to send some additional information. Please see below:

- **Guidance on establishing a new public body**

<http://saltire/our-organisation/Pages/public-bodies.aspx?pageid=1759f31a-0869-42b0-9362-94ce95c8dfe7>

- **Background information on previous PSR Act Orders (8 so far) and flow-charts on process (as included in the briefing we prepared for DFM when renewing the Part 2 powers in 2015)**



PSR Act info.docx

- **Ministerial policy statement on the GTCS Order**

Education, Lifelong Learning and Culture Committee 02 March 2011

Michael Russell (Cabinet Secretary for Education and Lifelong Learning):

I am grateful for this opportunity to discuss the draft Public Services Reform (General Teaching Council for Scotland) Order 2011. I welcome the chance to make these opening remarks about the importance of the order and the GTCS itself. I will then, of course, be happy to answer questions.

In simple terms, the order repeals the Teaching Council (Scotland) Act 1965, which governs the way in which the GTCS works, replacing it with an improved constitution. As I am sure the committee is aware, the GTCS is currently an advisory non-departmental public body. The order will alter that arrangement, and the GTCS will become fully independent of the Scottish Government.

The change in the council's status reflects the Government's desire to reduce the number of NDPBs in Scotland. However, more than that, the draft order, and the new constitution that it enshrines, represent nearly 50 years of consistent good performance from GTC Scotland. GTCS has traditionally carried out its functions without significant

interference, and the draft order recognises that. Through its history, it has shown a strong commitment to maintaining and improving the standard of teaching in Scotland and the order will allow that to continue and, indeed, intensify.

The order brings in a number of changes to the role of the GTCS and the way in which it operates. Commensurate with the council's status as an independent body, the order gives the GTCS far greater operational flexibility. The structure of the independent council will no longer be bound by a restrictive statutory base. It will be possible to co-opt members more readily and decisions relating to the organisation's finance will be for the council to take. That will be supported by a slimmed-down council membership, while retaining a teacher majority and seats for representatives of key interests. There will also be an increased number of members who are not teachers.

As for the revised role, I am happy that the order gives the council increased responsibility for setting entry requirements for teacher education courses and for approving the courses themselves. I have taken the opportunity to widen GTCS powers with respect to competence cases. The order places on the council a duty to develop a system of reaccreditation, and development work for that is now well under way.

It is no secret that the teaching profession in Scotland is undergoing a period of significant change. An independent GTCS, with a refreshed constitution, expanded responsibilities and a clear focus on the maintenance and development of teaching standards, will help Scottish education to meet the challenges that lie ahead.

I have gone on record many times, stating my belief that there are hundreds of thousands of good pupils in Scotland, being taught by tens of thousands of good teachers in thousands of good schools. Ultimately, the GTCS regulates those teachers. It helps to drive up standards. In the most serious of cases, it ensures that the most unsuitable teachers are removed from the classroom. Those powers are strengthened under the draft order. The order provides an opportunity for the GTCS to continue, and indeed improve, its good work in helping to ensure that pupils receive the best possible teaching experience.

I hope that those remarks have been helpful. Together with my colleagues, I am happy to answer questions.

Please get in contact with us if we can provide any further information or assistance.

Many thanks

REDACTED

REDCATED
Public Bodies Unit
The Scottish Government
AREA 3-F North Victoria Quay
Edinburgh

Tel 0131 244REDACTED/ Ext REDACTED/ Mob REDACTED

E-mail REDACTED@gov.scot

I work Monday mornings and Tuesday, Wednesday and Thursday.

-----Original Appointment-----

From: REDACTED

Sent: 30 June 2017 19:10

To: REDACTED

Cc: REDACTED

Subject: Proposed meeting - Public Bodies unit and School Education Colleagues - to discuss changes to bodies being proposed as part of the Governance Review - Next Steps Paper

When: 26 July 2017 14:00-15:00 (UTC+00:00) Dublin, Edinburgh, Lisbon, London.
Where: VQ Ground Floor Meeting Room G-D76 (South) (8)

Please note that this meeting has been brought forward to the earlier time of 2 pm

As per my email of 28 June – I am suggesting this slot as a time when colleagues in School Education / SGLD / Public Bodies Unit could meet to discuss the changes that are being proposed to bodies as part of the next steps paper.

I am not entirely sure who all should be attending this so please revert if it is others in your team who should be invited. Given holiday leave however it is considered important that some time is set aside to discuss what would be required and how the public bodies unit could input.

REDACTED

MINISTERIAL ENGAGEMENT BRIEFING

ANNEX E – DETAIL OF THE EIGHT ORDERS TAKEN FORWARD UNDER PART 2 OF THE PSR ACT

Section 14 Orders – Efficiency, Effectiveness and Economy

SSI Number	Purpose	Policy issues raised during Parliamentary process and public consultation	Process issues raised during Parliamentary process and public consultation	SG response to points raised
<p>2011/215</p> <p>The Public Services Reform (General Teaching Council for Scotland) Order 2011</p>	<p>This order provides for the continuation of the GTCS with amendments to its functions, constitution and governance arrangements – essentially it declassified the GTCS as a public body and made it an independent, profession-led organisation.</p>	<p><u>Public consultation</u></p> <p>Respondents commented on the role and governance arrangements for the GTCS as it moved towards becoming a fully independent, profession-led, regulatory body.</p> <p><u>Parliamentary process</u></p> <p>Discussion in the lead committee focused on the issues raised by the Subordinate Legislation Committee:</p> <ul style="list-style-type: none"> power the order gave the GTCS to make rules and schemes and whether by gaining that power, the GTCS is having a function of legislating conferred upon it; and appointment of members to the GTCS. 	<p><u>Public consultation</u></p> <p>No issues raised regarding the use of Part 2 of the PSR (S) ACT 2010.</p> <p><u>Parliamentary process</u></p> <p>The Subordinate Legislation Committee asked for an explanation of how the order would comply with <u>section 20</u> of the 2010 Act (prohibition of delegation of any function of legislating) and other related matters. The Committee reported on the draft order on this point.</p> <p>Debate in the ELLC Committee about the use of a statutory instrument rather than primary legislation. Mr Russell advised that Ministers had been given powers under the PSR Act and it was appropriate to use them.</p>	<p>SG did not consider that the conferral of a power on a body to make "rules" necessarily amounts to the creation of a "function of legislation" (section 20).</p> <p>The order creates a new appointment function for the GTCS that gives it the ability to co-opt its own members. Significant distinction between transferring Ministers' power of appointment to a third party, which the PSR Act would not permit, and granting a body the power.</p> <p>The order was passed by the Education, Lifelong Learning and Culture Committee on 2 March 2011 and made on 17 March 2011.</p>

REDACTED

ANNEX F – SUMMARY OF THE ORDER

PROPOSED ORDER: PUBLIC SERVICES REFORM (SCOTLAND) ACT 2010 (PART 2 EXTENSION) ORDER 2015

Summary of the Order

- Section 134(3) of the Public Services Reform (Scotland) Act 2010 stipulates that sections 14 to 30 and schedules 5,6 and 7 cease to have effect 5 years after the date on which those sections and schedules (or the last of them) come into force.
- Section 134(4) of the 2010 Act states that Scottish Ministers may by order extend, or (on one or more occasion) further extend, the period for which those sections and schedules have effect.
- This Order seeks to ensure the continuation of the order-making powers by extending the effect of Part 2 of the 2010 Act for a period of 5 years.
- The order-making powers in part 2 of the 2010 Act have appropriate safeguards and parliamentary procedures in place

Summary of Part 2 of the PSR Scotland Act 2010

Public functions: efficiency, effectiveness and economy – Section 14

- Scottish Ministers may by order make any provision which would improve efficiency, effectiveness and economy of bodies listed in Schedule 5
- provision that may be made – modifying, conferring, abolishing, transferring, or providing for the delegation of, any function
- amending the constitution of a person, body or office holder listed in schedule 5
- preconditions – proportionate to the policy objective, does not remove any necessary protection, modification broadly consistent with the general objects, any function conferred is broadly consistent with general objects

Power to remove or reduce burden - Section 17

- Scottish Ministers may by order make any provision which they consider would remove or reduce any burden, or the overall burdens, resulting directly or indirectly for any person from any legislation
- burden means – financial cost, an administrative inconvenience, an obstacle to best regulatory practice, an obstacle to efficiency, productivity or profitability, or a sanction, criminal or otherwise, which affects the carrying on of any lawful activity
- preconditions – Scottish Ministers may not make provision under section 17(1), other than provision which merely restates an enactment, unless they

MINISTERIAL ENGAGEMENT BRIEFING

consider that the conditions in subsection (2), where relevant, are satisfied in relation to that provision

- conditions are – policy objective intended to be secured by the provision could not be satisfactorily secured by non-legislative means, the effect of the provision is proportionate to the policy objective, the provision taken as a whole, strikes a fair balance between the public interest and the interests of any person adversely affected by it, the provision does not remove any necessary protection, the provision does not prevent any person from continuing to exercise any right or freedom which that person might reasonably expect to continue to exercise

Both sections 14 and 17

- Scottish Ministers may not propose to make provision under section 14 or 17 (1) which relates to bodies or office holders listed in schedule 6 unless requested to do so in writing by the Scottish Parliamentary Corporate Body
- Procedure - an order under Part 2 must be made by statutory instrument, consultation must have taken place, following that consultation they have laid before the Scottish Parliament – a draft order, and an explanatory document and the draft order has been approved by resolution of the Parliament
- Consultation - consult such organisations as appear to them to be representative of interests substantially affected by the proposals, consult those persons, bodies or office holders appearing to them to be representative of those persons, bodies or office holders, if appropriate consult the Scottish Law Commission, consult such persons as considered appropriate
- Explanatory document – must explain under which power(s) in Part 2 the draft order is made, introduce and give reasons for the provision
- Section 14 - should explain why the Scottish Ministers consider that the conditions are satisfied, explain how the provision made would improve the exercise of public functions
- Section 17 – should explain why the Scottish Ministers consider that the conditions where relevant are satisfied, include so far as appropriate an assessment of the extent to which the provision made would remove or reduce any burden(s)

Flowcharts setting out a summary of routes to be followed for section 14 and 17 can be seen on the next pages

MINISTERIAL ENGAGEMENT BRIEFING

The Public Services Reform Scotland Act Part 2 – summary flowchart

Section 14 – Public Functions; efficiency, effectiveness and economy

Public Body must be listed in Schedule 5 of the 2010 Act (or Schedule 6 if requested by the Scottish Parliamentary Corporate Body)

The provision that may be made includes

- modifying, conferring, abolishing, transferring, or providing for the delegation of any function,
- amending the constitution of a person, body or office-holder listed in schedule 5
- creating a person, body or office-holder on which functions are conferred

Does the change meet the preconditions set out in section 16?

- The effect of the provision is proportionate to the policy objective,
- The provision does not remove any necessary protection,
- Any public function which is to be modified will, as modified, be broadly consistent with the general objects or purpose of the person, body or office-holder concerned,
- Any function which is conferred on a person, body or office-holder listed in schedule 5 is broadly consistent with the general objects or purpose of the person, body or office-holder,
- Any function which is conferred on a person, body or office-holder created by virtue of section 14 is broadly consistent with the general objects, purpose of a person, body or office-holder listed in schedule 5 which is abolished, or whose functions are modified or public functions abolished or modified by virtue of section 14.

An order under Part 2 must be made by SSI

Consultation must take place in accordance with section 26

- Consult such organisations as appear to them to be representative of interests substantially affected by the proposals,
- Where the proposals relate to the functions of one or more persons, bodies or office-holders, consult those persons, bodies or office-holders, or persons appearing to them to be representative of those persons, bodies or office-holders
- In such cases as considered appropriate, consult the Scottish Law Commission, and
- Consult such other persons as they consider appropriate

Scottish Ministers must lay before Parliament – a copy of the proposed draft order and a copy of the explanatory document

- 60 day period for consultation (no account is to be taken of any time during which the Parliament is dissolved or is in recess for more than 4 days)
- If changes come about because of the consultation then further consultation
- Ministers must explain why they consider that conditions in section 16 are satisfied and how order improves exercise of public functions

- DPLRC and Lead Committee consider the draft order
- Requires to be approved by resolution of the Parliament (40 days plus plenary vote)

MINISTERIAL ENGAGEMENT BRIEFING

Public Services Reform Scotland Act Part 2 – summary flowchart

Section 17 – Power to remove or reduce burdens resulting directly or indirectly from any person from any legislation

Does the change meet the test of burden set out in section 17(2)?

- a financial cost,
- an administrative inconvenience,
- an obstacle to best regulatory practice,
- an obstacle to efficiency, productivity or profitability, or
- a sanction, criminal or otherwise, which affects the carrying on of any lawful activity.

Does the change meet the preconditions set out in section 18?

- The policy objective intended to be secured by the provision could not be satisfactorily secured by non-legislative means,
- The effect of the provision is proportionate to the policy objective,
- The provision, taken as a whole, strikes a fair balance between the public interest and the interest of any person adversely affected by it,
- The provision does not remove any necessary protection,
- The provision does not prevent any person from continuing to exercise any right or freedom which that person might reasonably expect to continue to exercise.

An order under Part 2 must be made by SSI

Consultation must take place in accordance with section 26

- Consult such organisations as appear to them to be representative of interests substantially affected by the proposals,
- Where the proposals relate to the functions of one or more persons, bodies or office-holders, consult those persons, bodies or office-holders, or persons appearing to them to be representative of those persons, bodies or office-holders
- In such cases as considered appropriate, consult the Scottish Law Commission, and
- Consult such other persons as they consider appropriate.

Scottish Ministers must lay before Parliament – a copy of the proposed draft order and a copy of the explanatory document

- 60 day period for consultation (no account to be taken of any time during which Parliament is dissolved or is in recess for more than 4 days)
- If changes come about because of the consultation then further consultation
- Ministers must explain why they consider that conditions in section 18 are satisfied and how order would remove or reduce any burdens

- **DPLRC and Lead Committee consider the draft order**
- **The order requires to be approved by resolution of the Parliament (40 days + plenary vote)**

**EDUCATION WORKFORCE COUNCIL
POLICY INSTRUCTIONS: STATUS, POWERS AND GOVERNANCE**

REDACTED

1.

4.

ANNEX A

EDUCATION REFORM: EDUCATION WORKFORCE COUNCIL: STATUS, POWERS AND GOVERNANCE

REDACTED

(a)			