

Membership of the re-convened Commission on School Reform is as follows:

- Keir Bloomer (Chair): Education Consultant and former Director of Education
- Rowena Arshad: Head of Moray House School of Education
- Sarah Atkin: Currently works in a secondary school, formerly a Parent Council Chair and researcher for education conferences. Labour Party member.
- John Barnett: Business consultant and former Parent Council Chairman
- Jamie Cooke: Head of RSA Scotland
- **Jim Goodall:** Former Head of Education and Community Services at Clackmannanshire Council.
- Frank Lennon: Former Head of Dunblane High School
- **Judith McClure**: Convener of Scotland-China Education Network and former headteacher
- Clir Paul McLennan: SNP Councillor in East Lothian
- Morag Pendry: Education Development Manager at the Coperative Education Trust Scotland
- Louise Stevenson: Performance Adviser with Inspiring Scotland's 14-19 Programme
- Lesley Sutherland: Board member, the Centre for Scottish Public Policy

Introduction

The Commission welcomes this review of governance. In recent decades, almost every significant aspect of schooling - curriculum, assessment, teachers' professional learning and much more - has been subject to change. However, it is nearly a century since any serious review of governance undertaken. Unsurprisingly, there is now clear evidence that the current structures are outmoded. Indeed, in its recent report on Scottish education, the OECD commented on the disparity that now exists between the theory of how Scottish education is run and reality on the ground.

It is, however, widely believed that governance structures are of relatively little importance in education and that much greater attention should be paid to other factors, particularly the quality of learning and teaching. Such a view is, indeed, embodied in the OECD view of effective governance quoted on page 5 of the current consultation paper.

It is certainly true that the quality of teaching is of great significance, although it is frequently overvalued compared to the crucial importance of relationships and culture, particularly the culture within schools and the quality of the relationships between teachers and learners. Enhancing the quality of practice is primarily a means of securing improvement within system. Transformational change, which is what the Scottish Government's aims of excellence and equity will necessitate, requires something more. Such change needs systemic reform of a kind that depends on having in place inter alia more effective structures and governance arrangements than those currently applying in Scottish education.

Events since the initiation of the governance review have served to emphasise the importance and urgency of the situation. Declining scores in PISA and the unsatisfactory nature of the recently-published data on performance against *Curriculum for Excellence* levels, as evidenced by teachers' professional judgments, illustrate that much is amiss. Individual teacher performance can account for some of the difficulties although the evidence suggests that the teaching profession in Scotland is at least as effective as at any time in the past. The inescapable conclusion is that there are serious problems in the way that Scottish education is run.

The present consultation, therefore, is of the highest importance, providing an opportunity to put in place the means of facilitating farreaching improvement in the future.

Five other preliminary observations are necessary.

- 1. The consultation paper advocates giving schools greater autonomy and empowering teachers, parents and other stakeholders. The Commission welcomes this approach and embraces the inevitable consequence that there will be greater diversity within the system. In these circumstances, it would wish to stress at the outset that it is vitally important that there are effective scrutiny and accountability mechanisms ensuring that equality of opportunity, high standards of human provision, rights and sound governance are adequately protected.
- 2. The consultation paper places much emphasis on collaboration. It rightly points out that 'integration and partnership' were among the principles enunciated by the Christie Commission. There is, indeed, no doubt that schools require to co-operate with other schools, educational agencies and a wide range of external partners if they are to achieve success in relation to government priorities, especially closing the attainment gap between disadvantaged and other learners.

At the same time, it must be recognised that collaboration is not an end in itself but a means of achieving other ends. Furthermore, schools provide a good service most of the time to a large majority of young people without relying on other services or using resources other than their own. In short, it is important to take a proportionate view of the significance of collaboration. Governance arrangements should facilitate partnership but should pay even greater attention to the effective operation of the education service itself.

3. The consultation paper offers a concise, objective and straightforward summary of current governance arrangements. However, the summary neglects an aspect that is of considerable potential significance. The picture presented is of a monolithic system containing only a single governance model in which all state schools are controlled by local authorities. In fact, there is one publicly-funded school that lies outside local authority control. Jordanhill School is directly funded by government and is overseen by a governing body, involving parent, staff and exofficio members.

Jordanhill is widely considered amongst the most successful of Scottish state schools. Its catchment area is undoubtedly advantaged but the school's achievements exceed what might be anticipated from the nature of its intake. The purpose of referring to it here, however, is not to argue that the school benefits from a superior governance model but merely to observe that the existing arrangements support not one but two models and that future arrangements could – and should - also support a variety of governance approaches.

Even within the mainstream local authority sector, some degree of pluralism is evident. Roman Catholic schools are managed by local authorities but in a way that is intended to protect the character of Catholic education. This is most evident in relation to religious

education and the right of the church to approve the appointment of staff.

The existence of RC schools thus demonstrates the capacity of the main existing governance model to support schools of differing sorts. One other example exists in Calderwood Lodge Primary, run by East Renfrewshire Council. It is unclear whether this is technically a denominational school but a Jewish ethos is maintained.

This diversity would be further extended if proposals currently before the Scottish Government are accepted. Business plans have been submitted to the Scottish Government, seeking support to extend the existing independent Muslim Al-Oalam Primary School in Glasgow into a state-funded autonomous all-through school. A similar approach has been adopted by the parents of St Joseph's Community Primary School, East Dunbartonshire, with the intention that it should be funded directly by the Scottish Government, rather than through Dunbartonshire Council, which is seeking to close the school.

would obviously be It possible to accommodate differences other than of religion. Perhaps of greater interest to many parents in an increasingly secular society would be access to schools embodying a variety of educational approaches and philosophies. Currently, the only example of such diversity within the public system is the limited availability of Gaelic education. However, there is clearly some public interest in Steiner education with another business plan proposing state funding for the Steiner Community School in Glasgow considered by the Scottish Government. Meanwhile in England a small co-operative sector operates successfully, as does a network of schools run on educational principles proposed by the Royal Society of Both groups operate on principles similar to those of Curriculum for Excellence. There are, no doubt, families in Scotland who

would be interested in using schools organised along such lines.

It is also worth noting that the Scottish Government funds a range of specialist schools in the ASN sector and supports individual pupils at St. Mary's Music School. It has also assisted in the establishment of Newlands Junior College in Glasgow, a vocationally-oriented school initiated by Jim McColl, the well-known entrepreneur. Some local authorities also maintain specialist provision within mainstream secondaries to support *inter alia* music, dance and sport. These opportunities are limited by geography and could not be said to constitute a national system.

The Commission's concern is that any future system of governance should be capable of encouraging and sustaining greater diversity of provision in the future.

4. If the Scottish Government carries into effect its commitments to give greater decision-making powers to schools and to establish a national funding formula, the effect will be to alter fundamentally the relationship between schools and local authorities. Even if schools remain accountable to, and in some ways managed by councils, power will have moved away from councils both towards schools and towards the centre. Given that school education is the largest service managed by councils, the impact of these changes on the role of local democracy will be highly significant.

The Commission's remit extends only to education. It has no locus to comment on local government. However, it seems fair to suggest that it is anomalous to make such farreaching changes and give no indication of an intention to look more generally at the role and function of local government. Indeed, it is surprising that nearly twenty years have passed since the establishment of the Scottish Parliament fundamentally altered the context in which councils operate yet no serious

attention has been given to the issue of local government reform. However, it should be noted that the Commission on Strengthening Local Democracy produced a report with much of interest to say on the subject.

Local authorities' responsibilities for providing services have changed significantly in the past twenty-five years. At the same time they have been given a new role in promoting collaboration among services through various mechanisms, primarily community planning partnerships. Their function in relation to grassroots democracy has been largely ignored. 1 None of this reflects any coherent view of the value and role of a democratically elected tier of local government in an increasingly autonomous Scotland. As will be clear from the remainder of this paper, the Commission supports the principle of empowering teachers, parents and communities and accepts that this will inevitably involve a diminution in local authority involvement in educational governance. If this is not to be seen as simply a further stage in the erosion of local democracy, it is appropriate for government to see this as the opportune time for looking more broadly at the functions of councils and setting out a positive vision for the future.

5. Finally, in this submission, the Commission argues for far-reaching change. It does not believe, however, that that change need take place at the same pace or even in the same form throughout the country. Rather, it would prefer to see change occur when the ground has been well-prepared and when consensus has been reached locally. For example, this paper advocates a highly significant role for clusters, seeing them as ultimately a more appropriate unit of management than the individual school. It is

Page | 5

¹ Scotland has only 32 councils. In comparison, Norway with a similar size of population of 5,2 million has 428 local authorities (and 19 administrative regions), Finland with a population of 5,5 million has 335 local authorities (and 19 regions), and Sweden with a population of 9,9 million has 290 local authorities (and 21 county councils and 8 regions).

not necessary, however, that there should be a lock-step change, simultaneously involving every school in the country. An evolutionary approach has much to commend it, with considerable discretion to local communities to move at a pace that best suits them.

Question 1: What are the strengths of the current governance arrangements of Scottish education?

The obvious strength of current governance arrangements lies in the fact that they work, at any rate for most young people most of the time. Young people in Scotland benefit from an education that is sometimes very good and seldom less than satisfactory. Breakdowns in service are occasional and almost always minor in character. (The failure of the national examination system sixteen years ago is the most recent exception.) Standards are good and there is evidence that they are improving, even if neither the quality nor the rate of improvement rates with the best that exists internationally. This has recently been demonstrated by the 2015 PISA results which show a continuing decline in Scotland's performance relative to many other countries.

More specifically, inspection finds that most schools are well managed and that arrangements for support and quality assurance help to ensure a generally good quality of classroom practice.

Management through local authorities helps to smooth collaboration between schools and other agencies and services. Access to community planning arrangements is straightforward. It is probably in relation to enabling collaboration at a strategic level that the present arrangements offer advantages that could not easily be replicated in other governance models. It is not clear, however, that this is true at an operational level, i.e. between schools and locally-based social workers, police or health centres.

In short, current arrangements are able to sustain a reliably good, but not excellent, education service. This is insufficiently ambitious. Scotland needs forms of school governance that will promote excellence and bring opportunity and success to the 20% of Scottish young people let down by the system as it currently functions.

Question 2: What are the barriers within the current governance arrangements to achieving the vision of excellence and equity for all?

The emphasis in the consultation paper on empowering teachers, parents and communities is highly welcome and has the capacity to address some of the more important shortcomings in current governance arrangements.

Current arrangements reflect an outdated model built into the Education (Scotland) Act 1980 and earlier legislation in which the most important tier of governance in Scottish education is the local authority. In this model, local authorities constituted an effective intermediate level of governance, directly managing schools and, at the same time, providing them with a wide range of educational and non-educational support services. This has long ceased to be the case in practice. There is an important role to be played at an intermediate level, both in relation to governance/accountability and the provision of services. However, it is no longer appropriate to assume that these two separate functions are best bundled together. The Commission believes that. democratically elected bodies, councils should play some part in school governance but that their role should be discharged collaboration with other stakeholders. However, it believes that decisions in relation to procuring support services are best made by schools or clusters.

Another important obstacle preventing empowerment of teachers and others is the extent of vested interest within the system. Providers have been allowed over a period of forty years to increase their control of the system to the point where it seriously inhibits good governance. Only government can effectively tackle this problem.

Finally, the role in educational governance and policy-making of central government has expanded hugely since the establishment of the Scottish Parliament. The autonomy of schools – and, indeed, of local authorities – is seriously threatened by this trend. This point is examined further in relation to question 12.

Question 3: Should the above key principles underpin our approach to reform? Are there other principles that should be applied?

The consultation paper sets out the principles as follows:

Our education system must:

- be focused on improving outcomes, and support the delivery of excellence and equity for children and young people
- meet the needs of all of our children and young people, no matter where they live or their family circumstances
- support and empower children and young people, parents, teachers, practitioners and communities
- be supported by a simple and transparent funding system to ensure the maximum public benefit and best value for money
- support children and young people to make smooth transitions into formal learning, through school and into further education, training or employment

The Commission considers that these are appropriate principles and has no others to suggest. However, it would emphasise the

following points in relation to their interpretation:

- The first two points rightly set out principles of equity and inclusion. The Commission, while supporting changes that would create a more diverse system, would wish to see these values reinforced.
- Points 1, 2 and 5 rightly focus on the interests of learners and the outcomes that should be sought for them. The Commission believes that they make clear that the interests of users of the service should be prioritised over the interests of providers. If this is not considered self-evident, a further principle should be added to that effect.
- It would be difficult to argue with the principle of 'simple and transparent funding' but there are numerous ways of interpreting it. The Commission outlines its views on this matter in answer to question 14.

Question 4: What changes are required to governance arrangements to support decisions about children's learning and school life being taken at school level?

Traditionally most operational decisions about children's learning and school life have always been taken at school level. Subject to national and local authority guidance and policy, schools have decided the curriculum learners will follow, the choices they will be offered, the nature and frequency of assessments, the pedagogical approaches to be used, the allocation of individuals to classes, the deployment of staff, the school rules and much more besides.

However, it is not only these day-to-day matters that affect the learner's education and school experience. A complex range of socio-economic factors has an impact on "children's learning and school life". If schools are to challenge the inequity resulting from these factors, they need to be empowered to take

decisions on many matters that are currently often regarded as the province of the local authority.

The experience that the school is able to provide is greatly affected by its ability to move resources in accordance with its priorities. The school's freedom to select staff is another important factor. Its ability to deploy staff is often inhibited by agreements to which the school is not directly party2. Time that has to be devoted to meeting the demands of local authority officers and external agencies reduces the time available for more directly educational activities. Some local authorities impose policies on matters that would be much better decided at school level. A good recent instance would be decisions taken by several councils, setting a ceiling on the number of subjects that pupils could study in S4. These few examples are only a small sample of the obstacles currently in the way of empowering teachers and schools.

Not all of these obstacles stem directly from governance arrangements. Some arise from collective bargaining processes (although the centralised nature of governance arrangements encourages the focusing of industrial relations activity at a level higher than the school). The role of the local authority as employer also plays a role. A further difficulty arises from the way in which national agencies, particularly Education Scotland, have been encouraged to take on a role resembling that of a national policy agency, filling the gap created as a result of the diminishing capacity of local authorities to provide satisfactory educational advice and quality improvement services but lacking the means (and, perhaps, the desire) to respond to schools' particular needs as actually perceived by their teachers.

The Commission does not argue that all decisions should be taken at school level.

Indeed, there are important decisions such as the delineation of catchment areas, the timing of holidays and aspects of provision for Additional Support Needs that, almost by definition, cannot be taken by schools. There are many others, for example the provision of services such as finance support, HR, coordination of school transport, deployment of crossing patrols and aspects of procurement, that could be undertaken by local authorities or by other means (including by the suggested 'education regions').

However, the Commission does believe that the assumption should be made that all decisions relating to 'children's learning and school life' should be taken in school unless strong arguments are advanced to the contrary. It would follow that the powers (and responsibilities) of the school should be written into statute. This would include duties with regard to improvement that currently lie only with local and national government.

A vitally important area of decision-making relates to staffing. If headteachers are to lead schools effectively and be held responsible for their actions, it is imperative that they should have the final say in staff appointments and should be able to remove staff who are surplus to requirements or at not performing satisfactorily. At present, local authorities stand in the way of headteachers exercising these functions. In large measure this is a consequence the responsibilities of authorities carry as a consequence of being the employer.

It is essential that the Scottish Government should commission studies to establish whether the necessary powers can be delegated to school level while still retaining the local authority as employer or whether a change in employment practice is essential.

² This point is further developed in relation to question 5.

Giving schools³ such responsibilities will, in effect, constitute them as legal entities. Discharging such a role would, in the Commission's view, be greatly assisted by the creation of Boards of Trustees or Governors. Such Boards could place significant new expertise at schools' disposal. Business, community interests and other stakeholders would be more actively involved. In this way, local accountability would be strengthened.

There are numerous models for such boards available. The Commission would see the core membership consisting of representative parents and staff, community nominees, business and persons co-opted for their expertise. Local authorities would be strongly represented. In the denominational sector, the church would have a significant role to play. (There is, of course, no reason why those involved with churches should not be involved in the non-denominational sector as community members if that is the wish locally.)

Headteachers would be members of, as opposed to advisers to, the board. Their position would be akin to that of chief executive officer. Their powers would enable them to establish the culture and ethos of the school (in collaboration with their Board) and direct its affairs effectively.

Question 5: What services and support should be delivered by schools? What responsibilities should be devolved to teachers and headteachers to enable this? You may wish to provide examples of decisions currently taken by teachers or headteachers and decisions which cannot currently be made at school level.

³ This submission will later (see question 9) argue that the cluster rather than the individual school should be the main unit of organisation of the system. References to 'school' should be understood as meaning 'cluster' should the government decide to progress in this direction.

It has long been accepted that decisions relating to individual pupils, detailed curriculum design, contact with families and other operational matters should be made at school level. None of the developments of recent years would suggest any change in these arrangements.

Since the 1990s, schools' powers have increased in a number of important respects. The introduction of Devolved School Management (DSM) has given headteachers restricted but worthwhile discretion in relation to budgets. Schools have, with some important limitations, become responsible for appointing classroom teachers and generally have significant influence over promoted appointments. It is worth noting that both of these developments were initiated by the former Strathclyde Region and that, in recent years, further progress has tended to be resisted both by CoSLA and ADES.

The limitations mentioned in the previous paragraph are substantial. The largest part of the money spent on behalf of schools relates to staff costs. However, DSM schemes generally allow schools very little discretion over staffing budgets. Local authority policies and collective agreements mean that the staffing budget is overwhelmingly already committed and cannot be varied at school There are similar restrictions over schools' freedom to appoint staff of their choice and ensure the removal of those they deem unsatisfactory. When a school has a vacancy, it is often the case that it is obliged to fill it by accepting a teacher on transfer from another school where he/she is surplus to requirements. The receiving school has little, if any, say in the matter and may often believe that the teacher nominated as surplus elsewhere will be one who was not highly valued by the other school.

Increasing the powers of schools in these two areas – budget and staffing - are probably the extensions to their decision-making powers that headteachers would value most highly.

However, it must be observed that change could be very hard to achieve in practice. The collective agreements in relation particularly to class size prevent schools from developing and implementing innovative and distinctive educational practices but they are considered of great importance by the unions. obstacles in the way of greater school freedom in relation to appointments are, if anything, even greater. Local authorities see themselves as legally obliged to seek to redeploy staff rather than make them redundant. In answer to question 4, the Commission has argued that the legal position ought to be investigated as a matter of priority. The aim must be to devolve full control of staffing matters to a local level. In order to ensure, however, that schools are given responsibilities that they are capable of handling, aggregating school capacity by seeing clusters as the main unit of management could well become a practical necessity. This case is argued in more detail in the response to question 9.

The Scottish Government will need to consider these points most carefully. should recognise the need for far-reaching change. A systematic investigation of options for taking matters forward should be set up as a matter of urgency. The Commission's view is that the best way forward is through the extensive transfer of powers to clusters as large units capable of undertaking serious governance responsibilities. This would be an approach that would significantly strengthen the 'middle' as recommended by OECD and would represent an innovative, distinctive and uniquely Scottish solution to difficulties of global significance.

Schools have in recent years become more closely involved in professional development, from initial teacher education through to career-long professional learning. At the same time, it has been increasingly realised that professional practice is often more likely to be improved by collaboration and sharing ideas with colleagues than by attendance at a

course or event. The role of schools in professional development should be further encouraged.

Schools have also become more active in setting up mutual support networks of various kinds. Groups of schools have come together to share experience and develop ideas. They have supported each other through mentoring, work shadowing and in a range of other ways. The provision of minority subjects in the senior phase has been made possible through inter-school The introduction of new collaborations. subjects, such as Chinese language, has been made possible by partnership working, including collaboration between public and independent schools. It is vital that all these forms of co-operation should be further encouraged.

There are other opportunities for expanding the range of services undertaken at school level. At present many services are provided by councils on a monopoly basis. frequently, schools are critical of the costs entailed in, for example, installation of additional electrical points and are able to demonstrate that better value could be At the same time, few obtained locally. headteachers wish to be involved in making decisions in relation to energy contracts. In principle, schools should be free to reach their own decisions although, in practice, most are likely to wish to remain part of council-wide arrangements for many services for some time to come.

In considering the locus of decision-making about services, the default position should be choice exercised at school level. In practical terms, many schools may opt to continue to use local authority services but the principle of school empowerment requires that this decision should lie with schools rather than councils.

Question 6: How can children, parents, communities, employers, colleges, universities and others play a stronger role in school life? What actions should be taken to support this?

Current statutory arrangements for parental engagement in schools are weak. The forthcoming review will almost certainly reveal a high level of dissatisfaction and a wide range of practice.

Much of the dissatisfaction relates to schools' interaction with individual families rather than to matters of governance. While there is much very good practice taking place, there is great variation and a need for sharing ideas across the country. It is very welcome that the government will be looking at how schools report on pupils' progress. survey could usefully be extended to include mechanisms for conveying messages, parents' evenings and the full extent of school/family communication. It should also assess the ease or difficulty that parents experience when seeking to access information about their child. Good practice embraces a more open attitude to parents than often characterised schools in the past.

Although involvement in governance is a minority interest among parents, there is a need for more formal parental involvement. Currently, schools have strong feelings of responsibility towards pupils, parents and the community to whom they are not formally accountable. Instead they are accountable to councils, HMI and government, towards whom they have no strong feelings of responsibility. Formal channels accountability and more general feelings of responsibility require to be brought into better alignment. It is for this reason, among others, that the Commission favours the establishment of Boards of Trustees.

A possible model is that of community trusts proposed by East Lothian Council some years ago. This model envisaged schools being run

on behalf of the council by community-based charitable trusts on which a number of stakeholders would be represented. trust would have been responsible for a group of schools in a neighbourhood. The model is thus readily compatible with the idea of clusters, which this paper strongly supports. The model had the additional bonus that schools would have ceased to be liable for non-domestic rates. Of course. implemented on a national scale, this benefit would be illusory and does not play a part in the Commission's thinking.

Whilst it is important to restate here that the Commission is not in favour of a lock-step imposition of any new model of governance across the whole country, there would be great merit in the government requiring all councils to produce schemes for school governance that would involve a broader group of stakeholders - principally parents but also senior pupils, local employers, community representatives and others - in holding schools to account. Councils would remain formally responsible for some of the functions given to them by the Education (Scotland) Act 1980, particularly obligation in Section 1 "to secure that there is made for their area adequate and efficient provision of school education". However, they would exercise much of their governance role with others collaboration community trusts or, where trusts were not established. through local management committees. In the Commission's view, such an approach would be both more effective and more democratic than the regions suggested in the consultative paper.

Although the previous paragraphs have focused on parents, the same mechanism will suffice to involve other stakeholders such as employers and the broader community. It would also be possible to directly involve senior pupils while establishing consultative arrangements within schools (as many have already) to engage younger learners.

In principle, there is no reason why universities and colleges could not also be involved in local management committees. However, the much larger number of schools (even if organised into clusters) and the broad geographical areas covered by many colleges and national profiles of many universities could mean that such involvements would be unduly burdensome.

Universities and colleges are, however, extensively involved in working with schools in more directly educational ways. forms of engagement have been increasing in significance in recent years due to inter alia the focus on widening access and the recommendations of the Commission on Developing Scotland's Young Workforce (DYW). Initiatives such as young academies programmes and the Children's University have sought to engage young people with universities from primary school onwards. At a more fundamental level, DYW has blurred the boundaries between institutions during the senior phase years and offered a range of vocational courses to senior pupils.

The Commission fully supports these developments and sees them as perhaps the most important way in which universities and colleges can become more closely involved with schools.

Question 7: How can the governance arrangements support more community-led early learning and childcare provision particularly in remote and rural areas?

It is not clear that this is a question about governance.

The expansion of pre-school provision has been one of the success stories of the past twenty years. Almost all children attend nurseries or other pre-five establishments from the age of three for at least part of the week. Increasingly provision is also available to disadvantaged families from an earlier age. All this contrasts markedly with the position twenty years ago when only a small minority of children received any service before going to primary school and much of the available provision was on a fee-paying basis.

The impetus behind the expansion of preschool education and childcare was, initially at least, as much to do with enabling parents (usually mothers) to access the labour market as with improving the educational prospects of children. More recently, the belief that early years education can contribute to 'closing the gap' has been the main driving force. Nevertheless, enabling employment remains an important consideration and, for many families, putting together a package of nursery schooling involving both before and after-school care remains a problem.

In short, two main issues require to be addressed:

- 1. Ensuring that the quality of provision is high enough to confer a lasting educational advantage on all children but especially on those from disadvantaged backgrounds.
- 2. Creating sufficient extended places and other convenient arrangements to allow parents to take up employment opportunities.

Addressing the first issue will require closer collaboration with other professionals such as health visitors and language therapists. Senior staff within clusters should have clearly defined responsibilities in relation to decision-making about vulnerable children. In the Commission's report, *By Diverse Means*, it advocated the creation of a concerted approach, or even a unified service, catering for the period from pre-birth to entry to primary school and focussed on health, child development and wellbeing. It continues to

believe that this is the correct approach. Such a service should meet the needs of all children but should be resourced so as to give additional, individual attention to those in disadvantaged circumstances.

The Commission is not sure that 'community-led... provision' is the only, or necessarily the best way of achieving these objectives but equally it has no objection to such provision and can see how it might be particularly beneficial in more rural areas.

Encouraging community-led initiatives is primarily a matter of making funding available. It is also important, however, that governance arrangements facilitate the development of ventures drawing funding from public and other sources and, therefore, operating partly but not wholly within the public sector.

Essentially this is a matter of having in place governance arrangements that are flexible and can accommodate more than one model of management and ownership. This issue of plurality in governance arrangements is dealt with more fully in the introductory section of this paper.

Question 8: How can effective collaboration amongst teachers and practitioners be further encouraged and incentivised?

Again, it is difficult to see this question as relating primarily to governance. Collaboration can be incentivised in various ways. Inspection can be used to encourage sharing of ideas and collaboration between schools and other services and establishments. On a more limited scale, targeted funding can be made available, for example through the Innovation Fund. It is likely that increasing school autonomy will in itself encourage the formation of informal

networks and mechanisms for collaboration. More formally, strengthening clusters will have a more powerful but similar effect. The cluster will provide directly a mechanism for collaboration in the pre-school and primary sectors (although institutions should also be encouraged to look beyond their cluster boundaries). It is important that secondary schools should also collaborate with each other and the formation of inter-cluster partnerships should be strongly encouraged. In addition, in areas where this is feasible, encouragement should be given collaboration between schools in the public and independent sectors.

Question 9: What services and support functions could be provided more effectively through clusters of schools working together with partners?

Clusters could play a very substantial and beneficial role in Scottish education. Already in many, possibly all, local authority areas, clusters are used to encourage co-operation and joint planning among schools and to emphasise continuity in the educational process from pre-school through to the end of secondary schooling and beyond.

Clusters can be composed in a variety of ways. Most are built around a secondary school and associated primaries. Pre-five establishments in the area are often included. ASN schools may also be included, although they tend to serve a wider area than a secondary school catchment. There are usually connections to local CLD staff and perhaps to other services.

Organisation tends to be informal, sometimes nothing more than occasional discussions among headteachers. However, the trend is towards greater formality and giving clusters limited decision-making powers, particularly in relation to improving transitions (between pre-school and primary and primary and secondary) and continuity in the curriculum.

There is thus an observable trend from the notion of the cluster as, at most, a very loose kind of federation towards the developent of the cluster as a distinct entity with some defined functions. Of course, this trend could be projected much further. At the extreme end of the continuum, the cluster would replace the individual school as the basic unit of organisation of the service. 'School' is, of course a term used in legislation but it is not defined in ways that would prevent such a development. There are already schools that cover, say, pre-school and primary stages. Others provide an 'all-through' service. Some incorporate ASN units. While most schools operate on a single site, institutions occupying two or more locations are not unusual. Most schools have their own headteacher but an increasing number do not. In some cases as many as four small primary schools share a head. There is, therefore, nothing to prevent the emergence of multi-site, multi-stage organisations under common management; in effect, the redefinition of the cluster as the school.

Two councils - Clackmannanshire and East Ayrshire - have recently introduced new organisational arrangements in which clusters appear as formal elements in the structure. In both cases, clusters have defined memberships and management functions. The clusters are led by a management group comprising the secondary headteacher, a primary headteacher and a senior officer of the council. In East Ayrshire the pre-five sector is also represented in this senior group. As these arrangements are new, the role of the clusters is still emerging but the intention is that significant functions should be devolved from the central management team of the service. In the case Clackmannanshire, each member of the cluster management groups will also carry responsibility for some function at the level of the whole service. Thus the distinction between central and school management will be blurred with the intention of reducing any feeling of 'us' and 'them' and promoting a

common culture and feeling of trust throughout the service.

These developments are potentially of great importance. They mark the emergence of the cluster as a distinct tier of management. There is every reason to encourage this trend and, indeed, take it to a further stage of development.

Secondary schools usually have a significant management capacity and, therefore, ability cope with the kind of increased responsibilities that the government's commitment to empowering schools will entail. The same is true - to a somewhat lesser extent - of larger primary schools. However, smaller primaries and other small units lack this capacity. This is a largely unrecognized difficulty within existing arrangements. In the absence of exceptional leaders, small schools often lack the ability to meet the expectations already placed on them.

Clusters allow for the pooling of resources, including management capacity. As resources at the centre have shrunk in the face of financial restraint, it has become clear that management capacity in the education service is overwhelmingly concentrated in schools. Typically, a council will have up to twenty times the number of managers in schools that it has in the centre. However, the large number of separate schools means that this resource is deployed inefficiently with the result that sufficient management capacity exists neither in the centre nor in the field. There is moreover a much more realistic prospect of developing and recruiting 350 or so outstanding leaders for clusters than the 2500+ needed to lead individual schools.

Empowering schools will involve passing to them a range of responsibilities that extend beyond essentially educational concerns such as professional practice, pedagogy and management of the curriculum. Many headteachers do not welcome the prospect of increased financial or HR functions. Particularly in the case of smaller schools, this is very understandable, even though their ability to control educational factors will be much more constrained in a context in which they have little ability to shift resources or alter staffing arrangements. By aggregating management capacity, clusters would make the devolution of a wide range of functions a realistic option. Clusters would have the resources to engage business managers and other support staff in a way that individual schools often do not.

The pooling of resources, including budgets, would make clusters a financially prudent approach. Sensible actions, such as sharing staff among schools, that are currently difficult would be made simple. Overall resources could be better deployed and improved value for money would be achieved.

There are, however, a number of factors that would require to be taken into account in moving towards a system primarily organised around clusters rather than individual schools.

- The purpose of the exercise has to be to empower schools and teachers by transferring decision-making powers from the centre to people much more closely in contact with children and families and thus better placed to respond to their needs. This aim will not be well served by unnecessarily moving power from schools to a slightly more remote organisation. It will, therefore, be important to keep the ability to make decisions at the lowest compatible with reasonable notions of efficiency.
- Parents will require to be satisfied that any new form of organisation will improve the quality of decisions that affect their child. The presence of a responsible person, easily accessible and often present in the same building is likely to be seen as important.

- Clusters will give most schools better opportunities to collaborate and learn from each other. Co-operation with other services will also be made easier. However, the secondary school's access to partner schools is not automatically improved and there is a risk that even staff in the other sectors will have their horizons narrowed to correspond with the boundaries of the cluster. Other, wider partnerships, therefore, will remain a necessity.
- Moving from a school- to a clusterbased structure will not he a straightforward process. The 'leadership group' concept implemented in Clackmannanshire and East Ayrshire has much to commend it, whether as a transitional device or as a long-term solution. Where there is a management team for the cluster or a distinct post of 'head of cluster', it would be important that cluster management should be strategic. It should not be directly involved in the detailed operational management of each constituent school.
- Clusters should be strongly encouraged to partner with other clusters and, where appropriate, with the independent sector. Such partnerships could provide mutual support and a useful quality assurance mechanism through inter-cluster monitoring and sharing of ideas.
- Inter-cluster partnerships will be particularly important for the secondary sector, providing the mutual support and challenge that is available to primary schools within the cluster. The London Challenge demonstrated the importance of this kind of partnership between secondary schools.

The Commission sees the development of a strong and empowered tier of management at cluster level as a major component in any effective strategy to improve governance. The

cluster would not primarily be administrative device but an educational unit, led by a headteacher, with the capacity to shape educational development over the whole period 3-18. Ideally, it would wish to see the cluster as the main unit of organisation in the system although it would be happy to see the pace of change dictated by local circumstances and preferences. Such an approach would establish a distinctively Scottish solution to the problems reconciling far-reaching decentralising of decision-making with effective management at a local level.

A cluster-based approach would also facilitate a number of the other changes that the consultation paper advocates or raises as options:

- Clusters would maximise the use of management capacity
- They would be able to attract high quality members for Boards of Governors and place greater expertise at the disposal of schools
- It would be easier to ensure a high quality of leadership at cluster level than in 2500 separate schools
- A national funding formula would operate both more easily and more effectively in a cluster context.

Question 10: What services or functions are best delivered at a regional level? This may include functions or services currently delivered at a local or a national level?

The Commission is uncertain about where the impetus to establish education regions originates. It surmises that it reflects a nostalgia for the days of the former regional councils with an assumed capacity to operate at a strategic level and to assemble sufficient resources to offer effective support to schools. If this is the case, it represents a misunderstanding of the changes that have taken

place over the past twenty years. Seven of the twelve education authorities that managed Scottish education between 1975 and 1996 still exist and fulfil the same functions as Three of those abolished in 1996 before. were smaller than several of the current units. Only Strathclyde and, arguably, Lothian operated on a different scale from the larger of today's councils. The diminished capacity of local authorities to provide strategic direction and support is not so much a product of smaller size as of reduced financial resources and a steady centralisation of policy making within central government. Unless these trends are reversed (which in the shortto medium-term seems unlikely), local authorities will remain unable to carry out their traditional educational support role It is not clear that regions effectively. composed of several similarly underresourced authorities will fare any better.

There are, however, services that could operate on a regional basis. Indeed, virtually any of the services provided to schools by local authorities could be run in this way although, in many cases, it is not clear that this would offer any advantages. Thus, corporate services such as finance, legal services and HR could be managed by a consortium of local authorities or by a single council on behalf of a group. There could be modest economies of scale but it is difficult to think of other advantages. The same might be said of procurement and non-educational support services such as cleaning and catering.

A better case can be made for more specialist educational services such as the educational psychology service, services supporting Looked After Children and units and services catering for particular additional needs such as autism.

Proponents of education regions may believe that the pooling of resources would facilitate the creation of more comprehensive quality improvement and advisory services. This seems unlikely. The total resource would not be increased and the share available to the individual school would be unchanged. Some non-educational services – procurement would be an example - can be provided to an increased number of customers without the need for any increase in the resources of the service provider. However, this not true of any service involving personal interaction in the form of, for example, advice, observation of teaching, mentoring and coaching.

At this point it is worth reflecting on the experience of joint services in education. Two pairs of councils have considered setting up joint education services. A proposal involving East Lothian and Midlothian reached the early stages of implementation but was abandoned following changes in political control in one of the partners. Clackmannanshire and Stirling Councils set up what was described as a joint service in late 2010 but it has recently been dismantled. The term 'joint service' was in any event a misnomer. In a reciprocal arrangement, Stirling Council managed the education services of both areas while Clackmannanshire managed both social work services. In effect, each council outsourced the management of one of its services to the other. There was never any element of joint management.

None of this suggests that there is support among councils for joint services, nor that consortium arrangements at a regional level would achieve anything useful that could not be provided in other ways.

There are, however, areas of joint planning that might usefully be carried out at a regional level. For example, it would make sense for the implementation of aspects of the recommendations of Developing Scotland's Young Workforce to be co-ordinated at a multi-authority level, say, at the level of college regions. This would not require the creation of an education region *per se* but rather of an *ad hoc* board for the purpose.

The consultation paper says nothing about the governance of the proposed regions. It is unclear if there would be any directly elected element (such as existed in the parish school boards before 1918). Some vestige of democratic accountability might be built in through the creation of joint boards comprising councillors from the constituent councils, although such mechanisms have tended to be seen as unsatisfactory in the past. (The Commission's response to the next question assumes that that is the most likely approach.)

Alternatively, the region could be a purely administrative arrangement; a device enabling senior officers of several authorities to co-ordinate action and provide support to schools on a collaborative basis.

None of these seems an attractive proposition. What is certain, however, is that any kind of joint service will require clear governance arrangements and accountability mechanisms.

Neither is it clear whether schools would be in any way accountable to regions. In such a case, would schools be considered responsible both to individual councils and to regions or would the region effectively replace the council? Either way, there would seem to be a high risk of increased bureaucracy and paper-based justification of school decisions and actions.

In short, the Commission can see uses to which education regions might be put but is not persuaded that they would make a significant contribution to improving educational governance. Links to the learning experiences of young people would be remote and attenuated. There is the risk that an already crowded landscape might be made yet more complex.

Question 11: What factors should be considered when establishing new educational regions?

The answer to the previous question indicates that the Commission does not consider that the notion of education regions has any significant useful contribution to make to improving governance in Scottish education. The following brief comments should be understood in that light.

Possibly the main strength of local authority involvement in educational governance is that it makes possible local accountability that has democratic basis. (Comments made elsewhere in this paper indicate that the basis of this accountability could usefully be extended to include some element of direct accountability to parents and possibly others with a legitimate locus but this does not undermine the value of accounting to communities through their elected representatives.)

Consortium arrangements inevitably weaken this kind of democratic accountability. Joint boards and similar devices inevitably dilute the democratic aspect. It may be felt that it is not important that a regional body providing, say, transport and catering services to schools should be accountable through the democratic process. There are good reasons to suggest that being accountable to schools as customers will suffice. If, however, that view is taken, there is no valid reason why such services should be provided through an extension of the council mechanism rather than on a purely commercial basis on the open market.

Where services are being provided through the public sector, this should generally be done at a level that facilitates democratic accountability. Exceptions should be few and carefully justified.

A further consideration is the nature of the relationship between regions and Education

Scotland and other support mechanisms. The impulse for the creation of regions seems to be a desire to strengthen the educational support available to schools; in effect, a recreation of the kind of advisory services that existed in the past at local authority level. The more limited number of staff now employed by councils has been largely diverted into a quality improvement role.

Although this role normally includes a support function, it significantly duplicates the quality assurance role of the inspectorate. The Commission questions whether this is the best use of a limited human resource.

If it is, indeed, the intention to reinstate a supportive advisory service through the mechanism of regions, there would be important implications for the role of Education Scotland. There would also be a need to consider carefully the relationship of such a regional service to the newly-established network of Attainment Advisors and the proposal in the Delivery Plan to set up a post of Chief Advisor.

More fundamentally, the consultation appears to reflect a belief that the most effective way of providing schools with educational support is through one or more public agencies. The Commission does not share this view. Rather, it considers that it would be far preferable to resource schools to obtain support in ways of their choosing and from whatever sources they see as most appropriate. In many cases, this is likely to be through collaborations with other schools. The private sector also has a useful role to play.

In short, the Commission would be wary of approaches that invested much of the limited resources available in the creation of monopolistic agencies and services, not answerable to schools through a customer relationship and, therefore, liable to provide what they consider schools need or ought to want rather than responding to the

requirements of schools as perceived by schools.

Question 12: What services or support functions should be delivered at a national level?

The crucial contributions of national government to education lie in establishing aims and objectives, giving a limited amount of genuinely strategic advice and providing a mechanism whereby revenue from taxation is converted into funding for schools and other institutions. (Local authorities also have a limited capacity to generate funding.) Many other services can be provided at national level but these are the only ones that are necessarily managed in this way.

This means that many of the functions carried out by the Scottish Government at its own hand to enable the operation of the education system are indispensable to the operation of the system and cannot easily be carried out in any other way. The same is not true of the functions carried by the main national agencies.

Thus, for example, it is perfectly possible for an education system to operate satisfactorily without a national inspection system - Finland is a case in point – and equally possible for the inspection function to be managed at a local authority level or be sub-contracted to an independent agency.

Equally, the need for national qualifications in the senior phase of Scottish education does not necessarily imply the need for a single national examinations board. It would be possible to obtain the service through a number of boards offering different kinds of qualifications — vocational and academic qualifications were offered by different providers until the 1990s — or from a private provider selected through a competitive tendering process.

The Commission is not arguing that the alternative mechanisms outlined in the previous two paragraphs would be preferable to the current arrangement but merely that the government has choices about the services provided by the main national agencies in a way that is not true of its own strategic functions. The Commission, therefore, welcomes the fact the functions of these agencies form part of the current review.

There is a strong case for reviewing in particular the remit and operation of Education Scotland. The Commission has that considered from the time organisation was set up that the combination of developmental and inspectorial functions in Education Scotland brings with it a fundamental conflict of interest that is incapable of resolution. The opportunity should now be taken to separate the two functions and review each in turn.

In each case, it will be important to establish evidence on which to take decisions. This has not previously been attempted. Rather, over the past forty years it has been assumed that Scotland requires a national curriculum development agency although the functions it is needed to undertake have not been clearly established. In the same way, and over a much longer period, it has been assumed that an inspectorate is required to undertake a range of functions, not necessarily readily compatible with each other.

Education Scotland represents Scotland's fourth attempt to establish a curriculum agency, beginning with the network of centres established under the auspices of the Consultative Committee on the Curriculum in the 1970s. One survey was conducted during the period of Learning and Teaching Scotland to discover whether or not the agency was regarded as useful and credible by teachers and schools. The outcome can only be described as devastating. Similar research should be conducted in the near future.

Government has its own reasons for wanting the services of a curriculum agency. These mainly relate to the production of guidance, particularly on Curriculum for Excellence. The findings of the recent OECD investigation, however, suggest that the guidance produced has been excessive in quantity, variable in quality and has served in many instances to obscure the intentions of Curriculum for Excellence and add to teacher workload.

The inspectorate is seen as fulfilling a range of functions including providing parents with information on individual schools, reporting on quality at individual school level, producing reports on aspects of education, monitoring quality across the system on the basis of a sampling of schools, assisting in the process of educational development and providing support to schools and teachers.

It is clear that the inspectorate lacks the resources to carry out all of these functions effectively. For example, if inspection reports are to provide parents with up-to-date information of school quality, all schools need to be inspected regularly. For some years, the aim was to inspect schools on a 'generational' basis (i.e. every 6 years for secondary schools and every 7 for primaries). It is very doubtful if this is frequent enough. School level information is unlikely to be reliable after even four years. However, in recent years the number of school inspections carried out annually has steeply declined and figures recently released indicate that, unless the number of inspections is greatly increased soon, the cycle will be in excess of twenty years. As a form of information to parents, this is valueless.

Perhaps more importantly, little research has been carried out to evaluate the effectiveness of inspection as a mechanism for securing improvement. Logically schools that have been recently inspected should improve fasters than others. There is no evidence as to whether this is the case. At the very least, there is a need to clarify the functions of the

inspectorate, having first evaluated the value of current activities.

Question 13: How should governance support teacher education and professional learning in order to build the professional capacity we need?

This question raises some interesting issues but has little to do with matters of governance.

The Commission believes that any new governance structure should play a part in helping to shape the teachers of tomorrow. They should, therefore, help in promoting robust partnerships between schools and universities and teacher education providers. Such partnerships should not operate at the whim either of individuals or institutions. The obligation to provide appropriate placement opportunities, to contribute to shaping and delivering professional learning that is conceptually strong and practically relevant and to engage and collaborate in research cannot be viewed as discretionary.

Question 14: Should the funding formula for schools be guided by the principles that it should support excellence and equity, be fair, simple, transparent, predictable and deliver value for money? Should other principles be used to inform the design of the formula?

The issue of funding is of fundamental importance. The question assumes that the best way forward lies through a 'fair and transparent needs-based formula'. The Commission has no objection in principle to the idea of a national funding formula. However, it would be concerned should government feel that issues such as equity can be fully addressed through the adjustment of inputs rather than by changes in practice. How schools use resources is of much greater

importance than the basis on which they are determined and allocated.

The clear implication is that the task of determining school funding should be removed from local authorities and be taken over centrally. Thus, it would not solely be the £120m currently earmarked for distribution directly to schools that would come from the Scottish Government but the entire resource. Even if some other governance functions were to remain with councils, their powers in relation to school education would be very substantially reduced.

Before considering the desirability of such a development, the Commission feels it is necessary to make three general observations:

1. Removing control over funding schools would sharply diminish the notion of local democracy (at any rate, as manifest through councils). Currently it is perfectly possible for schools in one council area to be better funded than those in another area because the local elected councillors have taken the that, say, improving local transport is a greater priority for their area than some element of spending on In the same way, it is schools. legitimate for a council to shift the balance of spending between primary and secondary schools in pursuance of its view of where spending has the greatest impact. The Scottish Government would appear to have taken the view that differences in spending priority should not be determined at local authority level. even if sanctioned by the local electorate. This would represent an important change in the nature of local government. It may. however. correctly represent public feeling as there is little evidence of popular support for the notion that schools

- should be resourced in accordance with 32 sets of political priorities.
- 2. The task of developing a fair and needs-based funding formula is a formidable one. This is particularly the case in a country such as Scotland that is highly urbanised but includes large geographical areas with a sparse population. has many areas concentrated poverty and, at the same time, numerous disadvantaged families spread across districts that are not disadvantaged overall. Calculating the financial implications of providing transport in remote areas or of targeting small numbers of poorer children in a generally affluent area call for detailed local knowledge that the government does not possess and will have difficulty in acquiring. It is hard to see how the development and operation of a funding formula can be carried out in a manner that is both effective and sensitive without the establishment of an intermediate body along the lines of the Scottish Funding Council (which deals with universities and colleges). The Commission would, in any event, favour the setting up of such a body in order to ensure fairness and transparency but would stress that the task of distributing resources equitably to more than 2,500 schools (or even to 350 clusters) will be orders of magnitude more complex than that of the current SFC.
- 3. It distinguish is essential to assumptions made in setting up the formula from decisions made later by schools in using the resources the formula provides. Thus, the formula may assume that a primary school with 200 pupils serving an area with little deprivation will need eight class teachers in addition to promoted staff, and generate the resource needed to pay them. However, it would be a mistake of enormous proportions if the effect were to be to oblige the school to

use the resource in accordance with the way that it had been generated. If the purpose of the exercise is to devolve decision-making powers to those best placed to make decisions, then the school needs to be free to take the resources provided and use them in whatever ways seem best to fit local needs and the school's educational Thus, the school might strategies. reasonably engage seven teachers and allocate more money to improving its library or running a breakfast club. Equally, it might prefer to reduce spending on support staff and/or aspects of supplies and appoint nine teachers.

The combined impact of these preliminary points is that, if the Scottish Government is determined to proceed with a national funding formula for schools, it must accept that:

- Local democracy will be diminished
- It is vital that school autonomy is not restricted
- The nature of the task will require some kind of funding body to be set up.

Provided that these implications are accepted, the Commission has no problem with the government's commitment to a national funding formula.

Question 15: What further controls over funding should be devolved to school level?

The default assumption should be that control of resources should be devolved to the most local level consistent with efficiency and effectiveness. In most cases this will be the school. There are, of course, many cases where control should be further devolved within the school to groups responsible for

particular stages, curriculum areas, activities and so forth.

Question 16: How could the accountability arrangements for education be improved?

Matters relevant to this question have been extensively covered in earlier parts of this paper. It only remains here to emphasise what the Commission sees as basic principles:

- National government has a clear and unique role in setting a broad strategic direction for the service as a whole.
- That role has to be limited in scope. Government should not seek to micromanage schools from the centre.
- So far as possible, operational decisions should be taken at school (or cluster) level.
- There is value in retaining a limited governance role at local government level. This role should be focused on undertaking a range of functions that cannot properly be discharged by schools or clusters, drawing up a scheme for devolving the main role in governance to a more local (preferably cluster) level, playing a part in holding schools to account, providing support to schools' corporate governance and providing other services as desired by schools.
- Local authorities should put in place local governance arrangements that will include parents and other important stakeholders as well as the council itself. These arrangements should operate at neighbourhood or cluster level.
- The default assumption should be that decision-making powers not specifically allocated to government or local authorities lie with schools or clusters.
- Within schools, decision-making powers should be further delegated so as to empower the profession as a whole.

• The roles of the main national agencies require to be urgently reviewed.

Question 17: Is there anything else you would like to add regarding the governance of education in Scotland?

Please regard the Introduction to this paper as a response to this question.

The following summary may also be helpful:

- The Commission wholeheartedly supports the Government's intention to empower teachers, parents and communities and to see more important decisions taken at school level. Everything in this response is intended to suggest ways in which the process of empowerment can be made as effective as possible.
- Empowering schools is the single most effective way of challenging the current culture of conformity and compliance in Scottish education and encouraging in its place, a culture of innovation and improvement. It can make an indispensable contribution to the Government's aims of raising standards overall and closing the attainment between gap disadvantaged and other young people. without substantially Indeed. strengthening governance at school level, the progress that can be made towards these objectives is very limited.
- Any new governance arrangements should encourage greater diversity within the system.
- Any new governance arrangements need not be introduced for all schools simultaneously in a lock-step mandatory fashion.

- Given the impact of any significant changes in governance of schools on local government, the Scottish Government should develop and consult upon a vision for local democracy in the future.
- Vested interests are strongly entrenched in Scottish school education. This problem requires to be effectively addressed by government.
- The default position should be that decisions affecting the experience of young people attending a school should be made in that school. Departures from this norm should be few and carefully justified.
- Admissions arrangements and the delineation of catchments would be examples of decisions better made at local authority than school level.
- Schools should have the maximum flexibility in relation to the deployment of their resources. Obstacles standing in the road of achieving this flexibility should be reduced and ultimately removed, by legislation if necessary.
- Schools would benefit from the establishment of Boards of Trustees (or Governors). Where desired by the school community, such Boards should be set up as soon as possible. The form and role of these Boards would be determined as part of the process whereby Councils would produce schemes of school governance (see next point).
- Councils should be required to produce schemes of school governance that would involve a wide range of stakeholders but with priority being given to parents. Councils should give consideration to governing schools through local charitable trusts.

- Early years provision is vital to closing the gap. The Commission believes that a coherent service should be available to all children, but especially those living in disadvantaged homes, from before birth until entry into the education system.
- Clusters can play a vital role in any strategy for empowering parents teachers and schools. Indeed, it is only by aggregating the management capacity of smaller schools that they can be enabled to take on increased decision-making powers.
- Clusters can take many forms and the Commission does not wish to promote a 'one size fits all' approach or a lockstep process of change. However, it looks to a future in which the cluster, rather than the individual school, would be the main unit of management of the system. Such an approach would go a long way towards achieving the OECD recommendation of strengthening the 'middle'.
- The Commission thus favours the idea of substantially autonomous clusters under the governance of Boards of Trustees.
- The Commission is not persuaded that 'regions' have an important role to play. However, it would have no objection to specialist educational support services being managed in this way, nor to having residual local authority functions, for example in relation to Additional Needs and admission arrangements, carried out at regional level.
- Regions are unlikely to involve parents, teachers and communities to any significant extent in their management. Furthermore, they are likely to dilute the democratic accountability of local authorities. The

- Commission would, therefore, wish to see their role limited to the management of defined technical functions.
- The crucial roles of the national tier of educational management are funding and strategic direction. Strategy should be clear, high level and limited in extent.
- There s a need to review the remit and operation of Education Scotland. The Commission believes that a separate and independent inspectorate should be restored. It also considers that the resources for educational support should be (as far as possible) devolved to school (or cluster) level so as to ensure that support is responsive to need as perceived by the customer.
- The Commission has no objection in principle to the establishment of a national funding formula for schools but it foresees great practical difficulties. Setting up such a formula should not diminish schools' discretion in the use of their resources. The complexity of the task would probably require the establishment of some form of funding council.
- In conclusion, the Commission would wish to reiterate its support for the overall thrust of the consultation paper and its hope that the Government will adopt the radical approaches necessary to create successful new governance structures.