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Education (Scotland) Bill Phase 1

Scottish Parliament: Detailed Call for Views

Response from Learning for Sustainability Scotland

30 August 2024

Introduction

This response is from Scotland's United Nations University Regional Centre of Expertise on Education for Sustainable Development (ESD); known as 'Learning for Sustainability Scotland'. LfS Scotland is a membership network of more than 1,000 organisations and individuals working to harness the full potential of learning to create a flourishing, sustainable world (<http://learningforsustainabilityscotland.org>). This response is from the Secretariat following a meeting with Steering Group members.

Learning for Sustainability (LfS) is 'a cross-curricular approach which enables learners, educators, settings and their wider communities to build a socially-just, sustainable and equitable society'. LfS (internationally known as Education for Sustainable Development) is an international and national priority for education.

'Learning for Sustainability (Education for Sustainable Development) empowers learners to take informed decisions and responsible actions for environmental integrity, economic viability and a just society, for present and future generations, while respecting cultural diversity. It is about lifelong learning, and is an integral part of quality education. ESD is holistic and transformational education, which addresses learning content and outcomes, pedagogy and the learning environment. It achieves its purpose by transforming society'. UNESCO

<https://www.unesco.org/en/education/sustainable-development>.

The Scottish Government's Vision 2030+ report (2017 <https://education.gov.scot/improvement/documents/res1-vision-2030.pdf>) set out Scotland's continuing vision for Learning for Sustainability in educational settings through to 2030. These commitments align with the United Nations Sustainable Development Goals 2015-2030: central to Scotland's national vision and at the heart of the Scottish Government's National Performance Framework (<https://nationalperformance.gov.scot/>).

LfS is an important component of Scotland's Curriculum, an entitlement for learners and a core part of teachers' professional standards. It supports the development of knowledge, skills and the values at the heart of the curriculum's four capacities. The most recent Scottish Government Target 2030 Learning for Sustainability Action Plan, launched in June 2023 (<https://www.gov.scot/publications/target-2030-movement-people-planet-prosperity/>), provides a mechanism for engagement of young people, practitioners and stakeholders as a key component of the vision for education in Scotland.



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1. Several reports, including the OECD Review of the Curriculum for Excellence and Professor Ken Muir's report "Putting Learners at the Centre. Towards a Future Vision for Scottish Education", have recommended reforming the current Scottish Qualifications Authority. How well do you think the Bill addresses the concerns raised in those reports?

Key concerns related to the current Scottish Qualifications Authority and its governance were raised in the OECD Review and Professor Ken Muir's 'Putting learners at the Centre' Report:

- **A renewed vision**

'establishing a compelling and consensual vision for the future of Scottish education' (Muir 2022)

We are disappointed that this Bill does not state the overall vision and purpose for quality education in Scotland that was called for in the Muir Report and the National Conversation, and it is not clear if this new body will have a statutory requirement to play its part in achieving an overall vision.

The vision for Scottish education set out in the Scottish Government's Target 2030 Action Plan 2023 (<https://www.gov.scot/publications/target-2030-movement-people-planet-prosperity/>) should be made explicit, i.e

'to support and enable learners, educators and the communities around them to create meaningful, real-life learning experiences that develop and enhance the skills, knowledge, confidence and values needed to thrive in an increasingly complex and challenging world'.

- **The need to increase the influence of educators and learners in the work of Qualifications Scotland**

'The governance structure of the proposed Qualifications Scotland body should be revised to include more representation from, and accountability to all learners, teachers, practitioners and the stakeholders with whom it engages'

'change must focus on how we better ensure the needs and views of all learners, teachers and practitioners, together with wider societal and economic implications, are brought to the fore'

(Muir 2022).

We are pleased to see the changes made to required representation from young people, adult learners and teachers within the governance structure, and the establishment of user-focused statutory committees. Representation and the access to information of young people align with requirements of the UNCRC.

While understanding that this legislation needs to ensure future flexibility for the new organisation, the expectation of diversity of representation from young people, adult learners (backgrounds, different levels of qualifications), and teachers (stage and region) should be made explicit in Part 1: 10.2.



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- **The requirement to *create independence of the accreditation and qualifications functions of the SQA:***
'It will be important that robust safeguards are put in place to ensure that regulation of qualifications remains at arm's length from Scottish Ministers and the integrity of the regulatory role within the proposed agency is secure' (Muir 2022)

The accreditation and qualifications functions will still reside within one organisation, Qualifications Scotland, contrary to the Muir Report's findings and recommendation.

The planned changes to governance structures with user-focused statutory committees are admirable and will provide a mechanism for learners and teacher engagement and input. We consider that, although this could result in greater accountability and transparency the complexity of the system will still be in place and is hard to know whether the legislation will result in the changes in organisational culture that are required.

We consider that the required transformational system change will demand new approaches to qualifications and assessment, as recommended in our response to the associated Independent (Hayward) Review 2023 <https://www.gov.scot/publications/future-report-independent-review-qualifications-assessment/>. There will be an ongoing need to fully engage the new organisation with reforms which were recommended by the OECD Review, the National Conversation and the Muir Report, to ensure that the change is not merely a renaming and rebranding exercise.

- **the overall recommendation that**

'Scottish Government and other national bodies should collaborate more effectively to ensure that policies align well with each other and with any revised vision for Scottish education' (Muir 2022).

In our view, the legislative requirement for the new organisation's purpose to be underpinned by the values, principles and practice of equity and sustainability should be made explicit in Section 7: the Duties when exercising functions.

Any actions should have regard for 'current and future generations', and the requirement to align with Learners' entitlement to Learning for Sustainability set out in [Scotland's Target 2030 Learning for Sustainability](https://www.gov.scot/publications/target-2030-movement-people-planet-prosperity/) Action Plan. <https://www.gov.scot/publications/target-2030-movement-people-planet-prosperity/>.

2. The Bill sets out measures designed to better involve learners, teachers and others in the new body's decision-making. What do you think about these measures?

We fully agree that the views and insights of learners, teaching professionals and others must be taken into account within the new qualifications body; in order to create and sustain 'buy-in', but also to create a culture of shared ownership, openness and transparency; whilst harnessing their experience and expertise. Now that the UNCRC is enshrined in Scots Law, many would argue that children and young people must now be introduced in a meaningful way to any decision-making process that affects them, as per. Article 12 of the UNCRC.

We support the development of robust processes for meaningful engagement that are set out in the Bill. The principles that must underpin engagement should be made explicit, namely to seek input:

- from all levels: i.e.
 - from the newly-qualified practitioners to those in senior leadership positions, and from across all sectors and



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- learners from all relevant ages, stages and sectors: i.e. from upper primary-aged children to learners entering employment, as well as college/university students of all ages. Input from learners who have left secondary school/college will be particularly useful in terms of providing insight as to the effectiveness/impact of their qualifications on their subsequent path.
- on an ongoing and regular basis.

Communication is key: there should be a requirement in this legislation for the content of views submitted and subsequent activity or decisions to be made publicly available.

Creating this new legislative framework is likely to be only one part of the work required to create Qualifications Scotland. While structures are important, there are other aspects of governance that are necessary to secure good public service and outcomes. These include good leadership and strong relationships with learners, teachers and other public bodies.

Consideration should be given to articulation and connection between these structures and other bodies outlined in the OECD report (2020).

	Role in education in relation to Curriculum for Excellence
Governance committees, advisory bodies and fora for stakeholder consultation	
Scottish Education Council (SEC)	Main forum for oversight of education improvement since 2017. The SEC provides strategic advice to ministers on education improvement and aims to lead and support collaboration between system leaders and key stakeholders to deliver education. The SEC links up with the Curriculum and Assessment Board and the Strategic Board for Teacher Education and is informed by the International Council of Education Advisers.
Curriculum and Assessment Board (CAB)	Main forum for oversight of curriculum and assessment activity in Scotland since 2017. The CAB oversees and leads the curriculum and assessment policy framework in Scottish education; considers actions needed to ensure CfE delivers for all; supports the SEC but is directly accountable to Scottish ministers. It replaced former CfE management groups. It is chaired jointly by the Director of Learning, Scottish Government and Education Scotland, and members include teachers' professional associations, colleges, universities, scholars, parent associations, SDS, and CLD representatives.
International Council of Education Advisers (ICEA)	Established in 2016 to advise the First and Deputy First Ministers on how best to achieve excellence and equity in the Scottish education system based on international best practice. ICEA members are education experts from Scotland and worldwide.
Education Leaders Forum	Established in 2018 to capture the views of a wide stakeholder group on the development of the education system. It is chaired by the Deputy First Minister and Cabinet Secretary for Education and Skills and has input from young people, teachers' professional associations, scholars, parent associations, SDS, and CLD representatives.
Teacher Panel	Established in 2016 to provide views on de-cluttering, workload and bureaucracy in order to enhance the effectiveness of the interaction between pupil and teacher.
Strategic Board for Teacher Education	National forum for discussion between key education stakeholders on teaching standards and teacher education. The Board oversees and evaluates reforms to teacher education from the perspective of the <i>Teaching Scotland's Future</i> report (2011).
Scottish Learner Panel	Comprised of 30 children and young people from nine school settings from across Scotland. The panel deliver their views on education policy to the Scottish Government. The panel met on five occasions in 2018-19 and published a final report.
Commission for Widening Access to University	Gathers Scottish Government officials and stakeholders to tackle socio-economic inequality in higher education by leading the implementation of recommendations contained in the final report of the Commission on Widening Access.

Source: The roles summarised here are based on official documentation and stakeholders' views collected during OECD interviews (OECD, 2020^[11]).

3. The Bill also creates several Charters, designed to let people know what they can expect when interacting with Qualifications Scotland. What is your view of these Charters?

In principle, we support the creation of Charters to let people know what they can expect when interacting with Qualifications Scotland. As stated in response to previous questions, it will be important for the Charters to make



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explicit the purpose of education and the entitlements for current and future learners, including an entitlement to learning for sustainability.

The expectation of diversity of representation in the creation of the Charters from young people, adult learners (backgrounds, different levels of qualifications), and teachers (stage and region) should be made explicit in Part 1, 10.4 and Part 1 11.4, together with the expectation of 'co-creation' rather than consultation. This should also apply to the review and revision of the Charters (Part 1, 12).

Charters are only effective if they are implemented, and their impact monitored and reviewed. There should be a legislative requirement (in Part 1, 20 or 21) setting out how the new organisation will be held to account for the expectations set out in them.

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

We understand that the concept of 'quality' in Scottish education is left undefined in this legislation, to ensure longevity. However, this should be linked to a vision for Scotland's education system, such as the vision set out in the Scottish Government's Target 2030 Action Plan 2023 (<https://www.gov.scot/publications/target-2030-movement-people-planet-prosperity/>):

'to support and enable learners, educators and the communities around them to create meaningful, real-life learning experiences that develop and enhance the skills, knowledge, confidence and values needed to thrive in an increasingly complex and challenging world'.

Research indicates that improvement of 'quality' in education involves the consideration of both quantitative and qualitative measures of improvement, and that improvement is developmental (e.g. <https://www.tandfonline.com/doi/full/10.1080/02601370.2022.2041747#d1e398>). The term 'Inspector' conveys that this will be 'an official employed to ensure that official regulations are obeyed' (Oxford English Dictionary), and this approach does not emphasise the constructive, enabling future-focused aspects that are crucial for the role and organisation. We consider that a name change is required, e.g. to 'Chief Appraiser'. This approach would emphasise the dual roles of scrutiny and provision of support/advice for the improvement of 'quality' in Scottish education settings.

In our view, the requirement to support critical engagement with young people and practitioners throughout the processes set out in the Bill is not sufficiently highlighted. This does not align with findings and recommendations of the Muir Report (2022) and the implications of the UNCRC should be incorporated to ensure that the needs and rights of children are met.

5. Do you have any other comments on the Bill?

The proposals in the Bill set out legislation that should successfully re-brand the SQA as Qualifications Scotland, and remove the inspection function from Education Scotland by establishing an independent body. However, these changes alone will not be enough to enhance the contribution of the organisations to Scottish education.

There is a need to take action, following the extensive stakeholder engagement that was carried out following the OECD Review via the Scottish Government-commissioned Muir and Hayward reports and the National Discussion on Scottish Education, by setting out a clear overarching shared vision and purpose for our education agencies and institutions at every level (government, local authorities, ELC, school, college, university). We consider equity and



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sustainability principles, and Learning for Sustainability to be a ‘golden thread’ woven across all the reports referenced in this proposed legislation, with a commitment to enabling children and young people, educators, settings and their wider communities to build a socially-just, sustainable and equitable world.
<https://learningforsustainabilityscotland.org/2023/06/26/welcoming-the-new-national-learning-for-sustainability-action-plan/>

Realising the vision will require a culture change in approaches to curriculum, assessment, and associated quality improvement. This not sufficiently reflected in the tone or substance of the Bill.



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