

POLICY NOTE

THE HEAD TEACHERS EDUCATION AND TRAINING STANDARDS (SCOTLAND) REGULATIONS 2019

SSI 2019/217

1. The above instrument is made in exercise of the powers conferred by section 2, 74(1) and 90A(1), (2) and (3)(a) of the Education (Scotland) Act 1980.
2. These Regulations are subject to affirmative procedure.

Policy Objective

3. The policy objective of these Regulations is to introduce a requirement that all teachers being appointed to their first permanent headteacher post in either an education authority or grant aided school from August 2020 must have been awarded the Standard for Headship by the General Teaching Council for Scotland (GTCS). Leadership is recognised as one of the most important aspects of the success of any school. Leaders at all levels who are empowered, and who empower others to take ownership of their own learning, have a strong track record of ensuring the highest quality of learning and teaching. This in turn helps to ensure that all children achieve the best possible outcomes. Highly effective leadership is key to ensuring the highest possible standards and expectations are shared across schools to achieve excellence and equity for all.
4. Since 2005 there has been an expectation that teachers should meet the Standard for Headship before they can be appointed as a headteacher, by completing either one of two programmes (the Scottish Qualification for Headship or the Flexible Route to Headship) or through the judgment of local authorities as employers. These programmes are no longer available and were replaced by the Into Headship programme in 2015.
5. In 2015 the First Minister announced that the Scottish Government would make it a legal requirement that all new headteachers must hold the Standard for Headship. The Scottish Government document “Delivering Excellence and Equity in Scottish Education – A Delivery Plan for Scotland” stated that “We will make holding the Standard for Headship mandatory for all new headteachers by August 2019 and will consult by the end of 2016 on the legislation that will achieve this.”
6. Powers were acquired under section 28 of the Education (Scotland) Act 2016, which amended the Education (Scotland) Act 1980, by inserting sections 90A and 98DA in to the 1980 Act which allow Scottish Ministers to make regulations prescribing the standards of education and training needed before a person could be appointed as a headteacher of an education authority, grant-aided or independent school. There was agreement during the passage of the Bill that the regulations relating to the independent sector would be delayed until after those

covering the education authority and grant-aided sectors came into force and the requirement for all teachers in independent schools to be registered with the GTCS had become embedded. Section 28(1) of the Education (Scotland) Act 2016 came into force on 1 January 2017.

7. The Standard for Headship is part of a suite of Professional Standards that are developed by the GTCS. The Standard for Headship supports the self-evaluation and professional learning of those in, or aspiring to, formal leadership roles in schools. All teaching standards are underpinned by the themes of values, sustainability and leadership and are integral to professional relationships and practices. The Standard for Headship is awarded by the GTCS on completion of the Into Headship programme, which is delivered by university providers and accredited by both the Scottish College for Educational Leadership, which is now incorporated into Education Scotland, and the GTCS.
8. Seven universities are delivering the Into Headship programme and since it was introduced in 2015, 255 teachers across all 32 local authorities have competed the programme.
9. These Regulations provide that from 1 August 2020 only teachers who have been awarded the Standard for Headship can be appointed as a headteacher in an education authority or grant-aided school. They also provide two exemptions. The first applies to any permanent headteacher who has been appointed to a position in an education authority, grant-aided or independent school on or prior to 1 August 2020. For individuals within that category holding of the Standard for Headship is not a requirement. The second exemption enables education authorities or the managers of grant-aided schools to appoint a person to a headteacher post who has not attained the Standard for Headship on a temporary basis for a period not exceeding 30 months after 1 August 2020.
10. Regulation 2 of these Regulations prescribes that only persons falling within section 90A(2) of the Education (Scotland) Act 1980 may be appointed by education authorities and managers of grant-aided schools as headteachers of schools. Section 90A(2) of the Education (Scotland) Act 1980 was introduced by the Education (Scotland) Act 2016 and identifies persons who have achieved the standard specified which is the Standard for Headship.
11. If an education authority or the managers of a grant-aided school were to appoint a person to a permanent headteacher position who had not achieved the Standard for Headship on or after 1 August 2020, Scottish Ministers could consider action under section 70 of the Education (Scotland) Act 1980. Section 70 applies where Scottish Ministers are satisfied that a local authority, the managers of a grant-aided school or other persons have failed to discharge a duty imposed on them by or for the purposes of the 1980 Act or any other enactment relating to education.

Consultation

12. A public consultation took place from December 2016 to March 2017 (<https://www.gov.scot/Resource/0051/00511400.pdf>) and received 42 responses. The Scottish Government response was published in April 2017 and can be viewed at <https://www.gov.scot/publications/consultation-draft-head-teacher-education-training-standards-scotland-regulations/>.
13. In general most respondents thought that the draft regulations were practical and a positive statement of intent with regard to ensuring that suitably prepared and qualified teachers are appointed to headteacher posts. Although it was suggested that introducing the qualification requirement may be seen as an additional barrier and impact on the number of applications for headteacher posts. Respondents also focused on 3 main areas: scope and exemptions, coming into force date and duration of temporary appointments.
14. With regard to the scope of the regulations some respondents thought that this should be widened. One suggestion was that the requirement to hold the Standard for Headship should also apply to Heads of Service and Quality Improvement Officers employed by education authorities. They considered that this was essential if they were to lead and manage headteachers. Other respondents thought that the requirement should apply to all headteachers both currently in post and yet to be appointed.
15. A small number of respondents wanted the scope of the draft regulations to be more limited. They wanted the requirements to be optional for local authorities who could make decisions based on local circumstances. Again a small number thought that the regulations should not cover appointments to small rural schools where recruitment was traditionally difficult or to acting headteachers who had been in post for a certain length of time.
16. In respect of the implementation date some respondents felt that the proposed date of 1 August 2019 was arbitrary. There was a feeling among several respondents that much more detailed work was required on headteacher workforce planning, especially if that work pointed towards a shortage in the primary sector, before the regulations were brought into force. One particular aspect was that they thought that the Into Headship programme would not have produced enough graduates by this date to ensure a large enough pool of qualified teachers. Others pointed to recruitment related issues such as salary differentials for promoted staff, extra duties due to the Education (Scotland) Act 2016 and the Pupil Equity Fund that needed to be considered. About half of respondents (including the majority of local authorities, the Association of Directors of Education, Education Institute for Scotland, School Leaders Scotland and Association of Heads and Deputies in Scotland) therefore, thought that a more sensible and realistic date would be either August 2020 or August 2021.
17. With regard to the duration of temporary appointments most respondents said that there was a need to avoid a situation where temporary contracts were

repeatedly renewed, in effect agreeing with the Scottish Government's core policy of capping the length of temporary appointments. Some thought that this clause may allow employers to keep rotating acting headteachers into posts without proper qualifications. Others had the different opinion that the draft regulations gave flexibility that was needed to balance complex staffing situations. Some respondents asked for an extension of the proposed temporary appointment period from 24 months to 30 months. This was to address a situation where somebody is appointed on a temporary basis but has missed entry to the annual intake to the Into Headship programme and find themselves waiting most of the year before being able to start the 18 month programme.

18. The point was made that parents, who are represented on appointment panels, are generally against acting headteacher appointments. Four local authorities said that the draft regulations should be changed to reflect a situation where employers can appoint on a permanent basis a teacher who has yet to meet the Standard for Headship. This could be on the proviso that the teacher has up to three years to complete the Into Headship programme. This would enable the post to be more attractive to teachers and allow a degree of flexibility in completion for teachers where circumstances such as illness or maternity leave occur.
19. In considering the responses it was clear that the majority supported the terms of the Regulations. The main area of concern was the implementation date along with the length of time being allowed for temporary appointments. There was also a desire by a few to extend the regulations to local education authority staff and criticism that they may limit local authority flexibility. Others commented that parents are not generally in favour of acting appointments. All comments were given full consideration as to whether they should be reflected in the Regulation. However, it was concluded that the Regulations should be revised in 2 aspects. The implementation should be moved forward to August 2020 and the length of time of temporary positions should be extended from 24 to 30 months.

Financial Effects

20. The Scottish Government has provided 100% of the Into Headship programme fees since 2016/17 at a cost of £3000 per participant. Administrative costs have also been provided to SCEL, now part of Education Scotland, in the region of £95,000 per annum based on a similar number of teachers as present undertaking the programme each year. Ministers have committed to funding the programme until the end of the current Parliamentary term.
21. Teachers in Scotland have a contractual entitlement to career-long professional learning. As their employer, local authorities play an important role in providing and facilitating access to professional learning. The Scottish Government provides local authorities with a block grant to deliver education which reflects this responsibility.

22. The Into Headship programme has been available since 2015 with local authorities and possibly the managers of grant-aided schools already budgeting for participants which will include costs associated with participants requiring some release from class duties and the provision of mentors to support aspirant headteachers. Therefore, we would not anticipate any additional financial requirements on local authorities or grant-aided schools as a result of the introduction of the legislative requirements.

Scottish Government
Learning Directorate
May 2019