



The Scottish Parliament  
Pàrlamaid na h-Alba

**EDUCATION AND CULTURE COMMITTEE**

**AGENDA**

**3rd Meeting, 2015 (Session 4)**

**Tuesday 3 February 2015**

The Committee will meet at 10.00 am in the James Clerk Maxwell Room (CR4).

1. **Curriculum for Excellence:** The Committee will take evidence from—

Dr Janet Brown, Chief Executive, Scottish Qualifications Authority;

Larry Flanagan, General Secretary, Educational Institute of Scotland;

Graeme Logan, Strategic Director for School Years, Education Scotland;

Jane Peckham, National Official (Scotland), National Association of Schoolmasters Union of Women Teachers;

Scottish Secondary Teachers' Association, (representative to be confirmed);

and then from—

Angela Constance, Cabinet Secretary for Education and Lifelong Learning, and Alan Johnston, Deputy Director, Learning Directorate, Scottish Government;

Dr Janet Brown, Chief Executive, Scottish Qualifications Authority;

Graeme Logan, Strategic Director for School Years, Education Scotland.

2. **Subordinate legislation:** The Committee will consider the following negative instrument—

Children (Performances and Activities) (Scotland) Regulations 2014 (SSI 2014/372).

3. **European Union Engagement:** The Committee will appoint a European Union Reporter and consider its EU priorities.

Terry Shevlin  
Clerk to the Education and Culture Committee  
Room T3.60  
The Scottish Parliament  
Edinburgh  
Tel: 0131 348 5204  
Email: [terry.shevlin@scottish.parliament.uk](mailto:terry.shevlin@scottish.parliament.uk)

The papers for this meeting are as follows—

**Agenda item 1**

Written Submissions	EC/S4/15/3/1
SPICe Briefing	EC/S4/15/3/2
PRIVATE PAPER	EC/S4/15/3/3 (P)

**Agenda item 2**

Subordinate Legislation	EC/S4/15/3/4
-------------------------	--------------

**Agenda item 3**

Paper from the Clerk	EC/S4/15/3/5
----------------------	--------------

## Education and Culture Committee

3rd Meeting, 2015 (Session 4), Tuesday, 3 February 2015

### Curriculum for Excellence

The Committee will take evidence on the implementation of the new Higher qualifications. Witnesses have been informed that the Committee may also want to discuss other topical issues around Curriculum for Excellence.

The following will provide oral evidence—

- Education Scotland
- Educational Institute of Scotland (EIS)
- National Association of Schoolmasters Union of Women Teachers (NASUWT)
- Scottish Qualifications Authority (SQA)
- Scottish Secondary Teachers' Association (SSTA)
- Cabinet Secretary for Education and Lifelong Learning

### Written submissions

The Committee invited written submissions from all those who will be providing oral evidence, and from anyone else with an interest in the issue (in particular, the Committee invited views from primary and secondary school headteachers).

The following submissions were received—

	<u>Page</u>
• Education Scotland	3
• EIS	16
• NASUWT	19
• National Parent Forum of Scotland	26
• SQA <sup>1</sup>	30
• Chair, Madras College Parent Council, St Andrews	38
• Owain Bristow, Teacher of Biology	39
• Scottish Government news release	40

### Submissions from Headteachers

• Boroughmuir High School, Edinburgh	41
• Braidhurst High School, Motherwell	42
• George Watson's College, Edinburgh (this submission also contains possible questions for the Cabinet Secretary)	43
• Gleniffer High School, Paisley	47

<sup>1</sup> Please note that the figures referred to in the SQA written submission are summarised in the separate SPICe briefing.

- Hamilton Grammar School, Hamilton 53
- Inverness High School, Inverness 55
- Sgoil Lionacleit, Liniclate, Isle of Benbecula 56
  
- Late submission from ADES 58

### **Questions for the Cabinet Secretary**

The Committee also used social media to invite possible questions to put to the Cabinet Secretary – in reality, many of the questions received would be relevant for other witnesses.

The questions and comments received via Facebook can be viewed [here](#)<sup>2</sup>. Other questions submitted are contained in the annexe, page 59.

All those who took part are aware there is no guarantee of their question being asked by the Committee.

---

2

<https://www.facebook.com/scottishparliament/photos/a.328212350610531.69616.105414346223667/718839008214528/?type=1>

## **Education Scotland**

### **Evidence for Education and Culture Committee, January 2015**

This paper presents a summary of our latest evidence relating to the continued implementation of Curriculum for Excellence (CfE) in primary and secondary schools in Scotland. The evidence is based on our support work and our independent inspection findings. It builds on previous evidence submitted to the Committee. The paper includes the following sections:

- Planning and identifying priorities for support for CfE
- Key messages from the primary and secondary school inspection programme from September to December 2014
- General feedback and key messages from schools and local authorities between August to December 2014
- Support for all schools
- Support for the secondary school sector
- Support for the primary school sector
- Implementing Scotland's Youth Employment Strategy

#### **1. PLANNING AND IDENTIFYING PRIORITIES FOR SUPPORT FOR CfE CfE Implementation Group**

Decisions on the priorities and focus for the implementation of CfE are taken by the CfE Implementation Group which is Chaired by the Chief Executive of Education Scotland and whose membership is drawn from key national and local delivery partners. The group's membership was recently extended to reflect the focus of the Developing Scotland's Young Workforce (DSYW) agenda – further information on this is outlined later in this paper. This group, which meets approximately every eight weeks, oversees and approves the development of annual implementation plans at national and local level and ensures that stakeholder views and priorities and intelligence from inspections, school visits and Area Lead Officer liaison with local authorities are accounted for and included. This group is also responsible for monitoring the progress of the implementation plan and for ensuring that any risks or issues raised by key stakeholders are effectively mitigated or managed to ensure that activities are implemented as planned. This group is accountable to the CfE Management Board.

The CfE Implementation Plan 2014-15 was developed following consultation with a wide range of stakeholders and partners. It identifies the key national support and interventions required to support CfE at all levels. The particular emphasis of support for this session has been in the area of national qualifications alongside developing evaluation approaches (toolkits) to help practitioners improve progression through to qualifications from the Broad General Education (BGE).

The Implementation Plan is designed to be flexible to accommodate additional activities and priorities as they emerge, as has been the case this year, and indeed in previous years.

### **Working Group on the First Year of the New National Qualifications (NQ)**

In October 2014, in response to the recommendation of the Working Group on the first year of the new NQs, an Addendum to the CfE Implementation Plan for 2014-15 was published which set out key deliverables for local and national partners. All activities at national level are on track for completion within the timescales set out in the Addendum.

Key activities completed by national organisations to date are:

- SQA website updated to ensure users are clearly directed to the most up-to-date materials.
- Clear signalling provided to teachers of existing key documents and resources, together with clearer indications of latest versions and when and why critical changes are being made.
- Information produced for parents to explain the differences between the new and old Highers.
- Toolkits published to support evaluation and improvement of primary and secondary schools' curricula, focussing on the BGE.
- Overview of Education Scotland's main activities and publications across each curriculum area for 2014-15 published.
- Route maps through learning, teaching and assessment for N4, N5 and Higher courses published.

At local level, local authorities are taking forward the CfE Implementation Plan. They are fully aware of the Addendum to the CfE Implementation Plan 2014-15 and are taking positive steps to address the actions and supplement their current CfE implementation plans. In a few authorities there were already plans underway to address some of the proposed actions. In others this has been incorporated in or added onto existing plans. Councils have shared the information with headteachers and many have included as agenda items for discussion with headteachers as part of their scheduled meetings. To date other actions include: providing guidance to schools and headteachers; discussing with networks and working groups already set up to take forward implementation of CfE. Many local authorities report that schools are already taking action to keep parents informed of CfE developments. They are also considering how they can further engage with parents about SQA qualifications.

Local authorities and their schools continue to consider carefully curriculum structures and models of delivery the senior phase of CfE. There are a wide variety of approaches being taken in terms of implementing the senior phase in schools, to meet local needs. Some local authorities are developing an authority wide approach while others are allowing more variability, asking schools to take the needs of their learners as the main focus in constructing a senior phase curriculum.

There remain challenges for local authorities and schools in tracking, monitoring and reporting on children and young peoples' progress through broad general education. Education Scotland continues to support schools with this through exemplifying different approaches and sharing good practice. A key success in this area was the launch of the 'significant aspects of learning' set of resources, which simplifies and summarises the key progression steps within each curriculum area.

### **Tackling Bureaucracy Working Group**

Education Scotland staff, including HM Inspectors and Senior Education Officers have continued to address the tackling bureaucracy agenda through a range of activities, including challenging over-bureaucratic approaches found during inspection. Local authorities are taking forward the actions in the CfE Working Group's report on tackling bureaucracy. The tackling bureaucracy agenda was recently a main point for action in a primary school inspection report, which attracted a great deal of local media attention.

In addition, the Education Scotland Assessment Team has worked with local authorities to identify and share examples of good practice in tackling bureaucracy. A new area in the Education Scotland website has been created to provide advice on making good assessment decisions.

Key recommendations delivered to date are:

- Inspection teams are challenging unnecessary bureaucracy and have issued clear messages about the type of documentation required for inspection.
- A new area on the Education Scotland website has been developed which provides advice and support to practitioners and managers on how to tackle bureaucracy, including case studies to illustrate how to reduce bureaucracy in planning for learning, and case studies on how to streamline the process of monitoring and tracking progress.
- A review and update of the Education Scotland website is underway and due to be completed by March 2015.

Education Scotland has been working with partners to simplify advice and support to practitioners. Routemaps through assessment have been published for national qualifications across subject areas. One page summaries of the 'significant aspects of learning and progression', 3-18 have been published for each curriculum area.

## **2. KEY MESSAGES FROM THE PRIMARY AND SECONDARY SCHOOL INSPECTION PROGRAMME SEPTEMBER TO DECEMBER 2014**

Education Scotland carried out 30 primary school inspections and 14 secondary/all-through schools inspections over the period September to December 2014. Overall, schools continue to perform well. The positive



impact of CfE on children's and young people's learning experiences and personal attributes, such as confidence and motivation to learn, continues to be a key strength identified in over 90% of inspections.

### **Primary School Inspections**

Inspectors have been pleased to commend very good and excellent practice in around half of the schools inspected. The most common key strengths have been:

- the confidence, enthusiasm, motivation, positive attitude and friendliness of children;
- partnership working with other agencies, the community, and with parents to enhance children's learning and achievements;
- the leadership of headteachers;
- the supportive ethos and pastoral care; and
- the teamwork of staff to create positive approaches to learning and teaching; and attainment in English language and literacy, and mathematics and numeracy.

The most common aspects for improvement have been:

- developing and improving the curriculum to ensure progression in children's learning;
- self-evaluation to ensure continuous improvement, better monitoring and tracking of children's attainment, and more consistently high-quality learning and teaching; and
- raising attainment.

Inspectors have identified a particular need to provide support for leadership in small primary schools, and this will be a key workstream in 2015-16.

### **Secondary School Inspection Findings September to December 2014**

It is pleasing to note that all aspects of the work of secondary schools inspected have been evaluated as satisfactory or better. Most aspects have been evaluated as good or very good. The most common key strengths have been:

- the positive attitudes of young people to their learning;
- the impact of partnerships, including with parents and the local community; staff leading on a range of school improvements; and
- the high quality of support for young people, including those requiring additional support.

The most common aspects for improvement have related to the continuing need to improve the curriculum, including:

- developing the range of courses in the senior phase;
- improving arrangements to meet pupils’ individual learning needs in order to improve attainment, with particular regard to lower attaining young people;
- strengthening the focus on skills for learning, life and work; and
- enhancing work on literacy, numeracy and health and wellbeing across all aspects of learning.

**Pre-inspection Questionnaires**

Education Scotland issues questionnaires to pupils, parents, teachers and support staff as part of the pre-inspection process. The programme is planned to ensure that we have a national sample which is representative of schools from across Scotland.

Key findings indicate high levels of satisfaction with education provision from parents and young people and high levels of engagement and professional development amongst teaching staff. See Table 1 below.

**Table 1: Analysis of questionnaires for pupils, teachers and parents/carers**

	1 year July 2013 – June 2014	2 year July 2012 – June 2014
Pupils	6,609 respondents 95% response rate	13,525 respondents 94% response rate
	88% agree or strongly agree that they enjoy learning at school	89% agree or strongly agree that they enjoy learning at school
	93% agree or strongly agree that they are getting along well with their school work	94% agree or strongly agree that they are getting along well with their school work
	92% agree or strongly agree that they get help when they need it	92% agree or strongly agree that they get help when they need it
Parents	1 year July 2013 – June 2014	2 year July 2012 – June 2014
	2,912 respondents 42% response rate	6,150 respondents 42% response rate
	78% agree or strongly agree that their child is encouraged and stretched to work to the best of their ability	81% agree or strongly agree that their child is encouraged and stretched to work to the best of their ability

	73% agree or strongly agree that the school keeps them well informed about their child's progress	77% agree or strongly agree that the school keeps them well informed about their child's progress
	88% agree or strongly agree that overall, they are happy with the school	91% agree or strongly agree that overall, they are happy with the school
Teachers	1 year July 2013 – June 2014	2 year July 2012 – June 2014
	1,579 respondents 70% response rate	3,300 respondents 71% response rate
	85% agree or strongly agree that they have regular opportunities to help shape the curriculum by having staff discussions and working groups.	87% agree or strongly agree that they have regular opportunities to help shape the curriculum by having staff discussions and working groups.
	87% agree or strongly agree that they have good opportunities for continuing professional development	88% agree or strongly agree that they have good opportunities for continuing professional development

**3. GENERAL FEEDBACK AND KEY MESSAGES FROM SCHOOLS BETWEEN AUGUST AND DECEMBER 2014**

Education Scotland is in the process of visiting each secondary school in Scotland as part of ongoing support for implementing the curriculum and discussing the model in each school. In the period December 2013 to June 2014, 174 schools were visited and previous evidence for Committee was based on these findings. Forty-five secondary school visits were carried out from August to December 2014. Based on an analysis of the findings, key messages are set out below.

**New Higher Uptake**

Feedback indicates a mixed picture across Scotland. A small number of schools have opted to move entirely over to the new Higher. Similarly, a small number of schools have opted to retain the existing Higher for all subjects this year – these include a few schools who had ‘early-presentation’ policies in place. The evidence suggests that teachers appreciated flexibility in making local decisions on when to move to new higher over the two year period that has been agreed. All schools will be implementing the new Highers in full by August 2015.

A range of reasons for using the existing Higher this year have been given by schools:

- Delivered Intermediate 2 in S4 and retained progression to existing Higher (one local authority)
- The need to review their approaches to N5 to ensure level of challenge is appropriate and articulates with progression to Higher
- Workload issues, particularly in one-teacher departments.

Key challenges regarding the implementation of new higher:

- Managing the extent of the content changes in some subject areas
- The need to involve teachers who are as SQA markers, verifiers or examiners in sharing their experiences and knowledge at school and local authority level.
- Level of verification/moderation for one teacher departments and rural schools.
- In science particularly there was a focus on the requirements of the new assessment arrangements and extent to which the content has changed. However it is equally well recognised by the science community that the curriculum content needed to be updated significantly. Going forward, curriculum content will be reviewed and updated by the new Curriculum Forums which are being established for each curriculum area, with a view to avoiding the need for such major 'one-off' revisions to curriculum content in the future.

The following positive aspects were reported by schools:

- Staff who have been verifiers have benefited from the experience and supported colleagues well.
- Staff who have been SQA markers, examiners have benefited from their experience and their knowledge has been valued by their colleagues.
- Local authority and consortium arrangements have been invaluable in developing programmes of learning.
- New highers generally articulate well with National 5 qualifications
- Quality of support events and materials. Education Scotland providing useful resources.

### **Broad General Education (BGE)**

- Based on teachers' experiences of delivering the new NQs, schools are reflecting on the pace of learning and level of challenge within the BGE, particularly the S3 experience.
- At S1-S3, young people are more involved in and have a greater say in their learning. They have improved opportunities to make connections in their learning through relevant contexts and Inter-Disciplinary Learning opportunities.

- Tensions exist between the BGE experience and sustaining the approaches to learning, teaching and assessment into the senior phase. HT/SMT and teachers express the view that the positive aspects of CfE in relation to the range of experiences young people have within the BGE are not yet consistently sustained within the senior phase due to the pressure of delivering the new qualifications and the nature of assessments within these. This is likely to change over time as the new qualifications become embedded.

### **Senior Phase**

- Based on those schools who provided a response, schools are offering a range of progression pathways within the senior phase. There is encouraging evidence of schools re-thinking how they plan the curriculum, for example planning courses across different timeframes e.g. two years courses across S4 and S5.
- The number of qualifications taken by young people at S4 varies within and across schools. For example, in some schools young people can study up to nine qualifications within a minimum set at five based on their prior attainment and career aspirations. Schools offering five qualifications in S4 are planning to increase this to six. Schools offering five also offered a qualification in PE and Scottish Studies.
- Some schools are broadening provision by planning S4/S5/S6 as a single cohort (within this sample this tended to be schools with a smaller school roll).

### **Learning and teaching**

- Increased focus on effective approaches to learning and teaching are evidence across the country, including through Teacher Learning Communities, school improvement plans, department improvement plans and INSET days. As a result, young people are learning more actively and have a greater say in how to make the way they learn in school better. Learning conversations are a more consistent feature of their experiences leading to young people knowing their strengths and next steps.

### **Insight**

- Insight is the recently launched senior phase benchmarking tool providing schools with customised data analysis to help them identify areas for improvement. Views are mixed in relation to the use of Insight as a benchmarking and self-evaluation tool at this stage. The level of support provided to schools is variable across local authorities. Schools and staff are increasingly using Insight with greater engagement where the local authority or a member of the senior management team take the lead and provide high quality guidance, advice and support.

#### **4. SUPPORT FOR ALL SCHOOLS**

Education Scotland provides a range of approaches to working with primary and secondary schools to support the implementation of CfE including:

- building networks and communities
- providing resources and opportunities for professional dialogue
- using evidence to ensure a focus on the right things.

Specific support being provided to both sectors includes:

- Guidance on planning for learning and assessment, and features of effective learning and assessment across 3-18.
- Identifying and sharing good practice in learning and assessment using outreach activities such as professional dialogue, conversation days, support visits to schools and online materials which drives motivation and engagement for learners.
- Education Scotland provide a wide variety of targeted support to local authorities as part of Local Partnerships Agreements. These agreements aim to provide customised support based on identified needs. Local Partnership Agreements identify a tailored package of activity which will help improve outcomes for learners. This includes providing support for implementation of Curriculum for Excellence. In the last year Education Scotland has worked in partnership with local authorities to provide support in areas, including primary and secondary curriculum; numeracy and mathematics; assessment and moderation; STEM; and subject specific advice.
- Area Lead Officers will continue to discuss how local authorities are progressing the actions contained with the CfE Implementation Plan and Addendum as part of their on-going discussions with senior staff in local authorities.

#### **5. SUPPORT FOR THE SECONDARY SCHOOL SECTOR**

##### **Support for new National Qualifications**

Since September 2014, Education Scotland has published a further nine Professional Focus Papers covering the additional broad areas incorporating the new National 1 units. Also, publication has begun of web based support materials for National 1 units, National 2 courses and Advanced Higher courses. By the end of March 2015, Education Scotland will have published support materials for all National 1 units and all courses from National 2 through to Advanced Higher. In addition, work is already underway to develop support materials for a range of awards and skills for work courses, with an emphasis on those being delivered to support the Youth Employment Strategy.

In areas where the uptake of the new Higher is lower due to significant content changes, for example, sciences, Education Scotland provides extensive additional support to support progression to the Advanced Higher.

Updating of priority National 4 and National 5 course materials is underway and route maps through learning, teaching and assessment for all advanced higher courses will be published by June 2015.

The support materials continue to be used extensively by secondary teachers. As of 31 August 2014, the Education Scotland NQ website has had 83,619 visits. The Glow NQ site has had 22,997 unique visits since its launch.

A range of subject specific support is provided by Education Scotland, in addition to that highlighted above. Annex A sets out the planned support being provided by the Education Scotland Sciences team over the next few months.

“Curriculum for Excellence: Working in Primary and Secondary Schools” which sets out an overview of the work undertaken by Education Scotland to support schools in 2014-15 is provided as an addendum to this paper and is available on the Education Scotland website.

### **National Events on Leadership of CfE**

Education Scotland, in association with the Scottish Government, ADES, SLS and SQA, is building on the success of the 2014 events with a further series of four national events on leadership of CfE in January and February 2015. Secondary headteachers and depute headteachers from every secondary school in Scotland will attend, along with local authority officers. There are three main aims for these conferences:

- to support headteachers in leading key aspects of Curriculum for Excellence
- to share good practice; and
- to provide opportunities for professional dialogue.

Feedback from Education Scotland’s recent fieldwork visits to schools has been used to determine the focus for presentations and workshops at each event. Twelve headteachers in schools with very strong practice will share their curriculum models with their peers through these conferences.

### **6. SUPPORT FOR THE PRIMARY SCHOOL SECTOR** **National Events on Leadership of CfE**

Education Scotland, in partnership with ADES, AHDS, EIS and the Scottish Government ran a series of five national primary leadership events for headteachers and local authority officers. 883 primary headteachers and local

authority officers attended the events which were held across Scotland. The conferences aimed to:

- support headteachers in leading key aspects of Curriculum for Excellence;
- share good practice; and
- provide opportunities for professional dialogue.

Evaluations for all five events were very positive with 99% of participants stating that the aims of the conferences had been met.

### **Primary Toolkit**

The primary leadership conferences also saw the launch of the *Evaluating and Improving the Curriculum- Primary* resource. These materials are designed to support primary headteachers to streamline and simplify approaches to planning and assessment as they continue to develop their curriculum in line with the expectations of CfE. The different sections of the resource reflect the main areas that primary schools are working on, including progression and monitoring and tracking. Each section contains a list of effective features of practice in that area, questions which can be used for self-evaluation and a number of case studies. A reference group of successful headteachers, supported by the EIS and AHDS, has been established to continue to develop the resource and ensure it maintains its relevance.

### **Primary Specific Support**

Education Scotland has worked with 16 local authorities since October to provide primary specific support. The support has taken a variety of forms depending on the needs identified via the inspection process, schools and local authorities. Over recent months this has included work with groups of local authority education officers, large and small groups of headteachers and school visits to work with individual headteachers and staff. The support has mainly focused on self evaluation and curriculum but, in some cases, specific curriculum areas such as numeracy, literacy, science, technologies and expressive arts have also been involved.

## **7. IMPLEMENTING SCOTLAND'S YOUTH EMPLOYMENT STRATEGY**

Education Scotland is working with national partners, schools and local authorities to implement the schools element of the Youth Employment Strategy which was published in December 2014 in response to report of the Commission for Developing Scotland's Young Workforce (DSYW).

The aims of the DSYW programme build on the existing policy framework set out by CfE and Teaching Scotland's Future. The implementation of DSYW will support the aims of CfE to improve outcomes for all young people and provide them with a range of learning pathways that meet their individual needs and aspirations. It will enable the full expression of CfE, building on



and strengthening existing good practice in the development of work related skills.

This requires a focus on the following **themes** by local authorities, schools and their delivery partners:

- Expanding the offer – increasing the routes from school into employment, or further education and training providers on a clear pathway to employment
- Promoting and shaping the offer - engaging with young people, parents, teachers and practitioners, partners and employers
- Supporting teachers and practitioners to develop children’s and young people’s learning about the world of work
- Providing earlier relevant labour market focussed careers advice when young people need it, leading to better outcomes
- Embedding meaningful employer involvement
- Consolidating partnership working with colleges and other training providers

Education Scotland is working with partner organisations, including schools and local authorities to develop and implement a framework of support to take forward this important agenda, including developing a new standard for work experience for young people that ensures that it is relevant and worthwhile as well as working in partnership with Skills Development Scotland to develop an agreed standard for careers guidance.

**We look forward to discussing progress with CfE with members of the Scottish Parliament’s Education and Culture Committee on 3 February 2015.**

## Annex A

The science team in Education Scotland is committed to providing high-quality, fit-for-purpose support for staff delivering the new qualifications in the sciences. This support is determined by the staff themselves via national events, cross-authority working groups and engagement with staff through their local authorities as outlined, in detail, in the Case Study provided for the previous Education and Culture Committee report.

Ongoing development of the team's communications strategy has seen the last STEM ebulletin viewed and forwarded to approx. 3,000 contacts. Our resources are promoted through the EA network and online science forums such as Sputnik, Synapse and Strontium.

A summary of the support planned is as follows:

- Publication of NQ support materials for Advanced Higher Biology, Chemistry and Physics (by March 2015)
- Publication of NQ Resource Guide for Advanced Higher Biology, Chemistry and Physics (by March 2015)
- Event focusing on progression from existing Higher to new Advanced Higher Sciences (May 2015)
- Education Scotland staff participating in SQA Advanced Higher implementation events (March 2015)
- Refresh of Higher Sciences website to ensure alignment with new NQs
- CLTA Sciences Forum established by Autumn 2015
- Continuation of Sharing Practice events, with four events planned through to March 2016
- Continuation of Cross-Authority Writing Group events with six events planned through to March 2016
- Support and development of the Sciences Glow 365 site to facilitate sharing and networking around the NQs
- Publication of NQ Resource Guides for National 5 and Higher Environmental Science

## Submission from EIS

### Introduction

The Educational Institute of Scotland (EIS) is Scotland's largest teaching union representing approximately 80% of teachers and lecturers working in all sectors of education.

The EIS welcomes the opportunity to contribute to the Scottish Parliament's consideration of the implementation of New Higher. Unfortunately, we have a number of concerns to highlight to the Committee.

The introduction of New Higher followed the implementation of N4 and N5 which created increased workload and stress owing to the implementation timescale and assessment arrangements. New Higher has in itself generated workload burdens but the worst potential effects and disastrous impact on teachers and learners has been avoided by the option made available, at EIS request, for departments to have the choice of whether to implement this year or to delay implementation until 2015-2016.

It is our understanding, from information provided by the SQA, that 45% of candidates at the next diet of exams will be sitting Old Higher. There is a different level and pattern of take-up of New Higher across the 32 Local Authorities and workload issues around implementation also differ, particularly with differing levels of support provided by each Local Authority. Despite local variation the message from across the country has been that the workload increase associated with implementation is considerable and unsustainable.

The changes made by the SQA, following representation from the EIS, to verification procedures have been welcomed but the underlying concern which the EIS has raised about the overall burden of assessment for both students and teachers, particularly around Unit assessments, remains to be addressed. Given that reducing the amount of assessment was a key design objective of the new qualifications (at all levels – not simply Higher), the current arrangements fall short of the original ambition of the Senior Phase.

### Survey Results - Members' Views

At the end of last year we surveyed our members on their experience of the implementation of the new qualifications. **65%** of teachers considered the support provided for implementation of CfE Higher to be poor. **44%** of teachers reported to be "**not at all confident**" that it would be introduced successfully. 53% reported to be somewhat confident and only 4% were very confident. Also of great concern are the **82%** who had not experienced any action taken at school level to lessen or control workload related to the introduction of new qualifications. The most common comments were that no noticeable action had been taken and that workload had increased.

Our members have also expressed concerns over the provision of course materials for New Higher in respect of quality and quantity. The EIS AGM 2014 called for the Scottish Government, SQA and Education Scotland to ensure that fit for purpose teaching courses and resource materials are provided to enable teachers to deliver all National 3-6 courses, with a particular emphasis in the forthcoming session on the new Higher, where it is being introduced. The concerns raised by our members indicate that the resource materials and support provided are not considered adequate.

### **Subject Related Concerns**

Specific concerns have been raised by members and examples of such concerns are summarised below:

**Biology** – This subject has been highlighted as having extensive change in content from the old to new Higher and this has huge workload implications for teachers of this subject. In addition, this change in content (often quoted as around 70%) will present difficulties and disadvantage for students who, having sat the Old Higher, go on to the new CfE Advanced Higher.

**Chemistry/Physics** – Concerns from sciences have arisen from extent of content change and volume of content. We have reports of teachers still being unclear about what is expected for the assignment and researching Units. Issues about the 160 hours recommended by SQA not being met have also been raised. The issue of lack resources to purchase new text books is also a continuing problem in some areas.

**Computing** – Concerns have been raised regarding the extent of content change and the amount of development time this requires.

**IT/Administration** - The issue of lack of development time was highlighted for these subjects but it is a common problem across all subject areas.

**PE/HE** – There have been concerns raised about the “big jump” from N5 to Higher in both subjects.

**Modern Studies/History** – Concerns have been expressed on issues around clarity from SQA on assessments and marking. Issues relating to resources in schools, for example access to computers and lack of text books have also been raised.

### **Concluding Comments**

As we have previously identified our view is that the underlying common-cause to the difficulties experienced with the implementation of N4 and N5 was the failure of the Government and all the stake-holders represented on the CfE Management Board who failed to support the EIS call for a year delay for the introduction of the new examinations. Fortunately, the EIS call for a departmental delay for implementation of New Higher was implemented and

we believe this has helped reduce pressure. However, the delayed implementation of new Higher and the introduction of New Advanced Higher without a delay option could mean that for some departments the pressure will be intolerable. Departments will have the double burden of introducing two new courses in the same year.

The EIS has made the case to both Scottish Government and the SQA that a delay option for Advanced Higher should be available for departments who are currently delivering existing Higher, particularly for subjects where the content between old and new qualifications differ considerably.

Departmental decision making on moving to new Advanced Higher would be beneficial to students and could help to reduce workload pressures for teachers. We appreciate that this would mean a significant resource implication for SQA to generate another set of Advanced Higher papers as dual running has not been part of their work plan. Additional resources would need to be made available to meet this request but the impact of such would assist both learners and teachers.

The feedback we have from members emphasises the workload burdens and the need for additional resources to allow time for course development and consolidation. This cannot happen if our schools are under resourced and teachers are left unsupported in their efforts to provide quality learning experiences.

### Submission from NASUWT

1. The NASUWT welcomes the opportunity to submit evidence to the Education and Culture Committee of the Scottish Parliament as part of its evidence session on Curriculum for Excellence (CfE) and the new Highers.
2. The NASUWT is the largest teachers' union in the UK and the fastest growing teachers' union in Scotland.

### GENERAL COMMENTS

3. The NASUWT has developed a range of key principles which are applied to curriculum and qualifications policy. During the implementation of CfE and associated qualifications reform, the NASUWT has used these principles to inform its engagement with the Scottish Government, Education Scotland and other key stakeholders and to evaluate the effectiveness of these reforms and the manner of their implementation. The NASUWT recommends that these principles are adopted by the Committee to inform its ongoing work. The principles are set out below.

**A. *All pupils should have an entitlement to a broad and balanced curriculum.***

The curriculum should recognise different forms of learning, including academic and practical learning, and offer rich, engaging and relevant experiences. This is critical to tackling disaffection and addressing poor pupil behaviour. The curriculum should help learners to become confident and successful and enable them to make a positive contribution to society.

Schools should offer a curriculum that secures breadth and balance and is relevant to all pupils.

**B. *The curriculum should promote the values of equality, community cohesion, social justice and international solidarity.***

The curriculum should equip pupils with the knowledge and skills to challenge discrimination and injustice. It should prepare them to live and participate in a globalised world. This includes helping pupils to understand and appreciate their own identities and those of others. The curriculum should provide opportunities for pupils to engage critically with issues relating to equality and justice and take part in activities that contribute to social cohesion.

**C. *There should be coherence and consistency between policies that relate to the curriculum and other education policies.***

Policies relating to the curriculum must ‘fit’ with, and be supported by, other education policies, including those relating to teachers’ professional autonomy, teachers’ professional development and school accountability. The broader education system must not undermine the principal aims and objectives of the curriculum. In particular, a punitive, high-stakes accountability regime that pressurises schools into narrowing the focus and range of pupils’ learning experiences is not appropriate or acceptable.

***D. Curriculum policy and practice should respect and promote the notion of teachers’ professional autonomy and judgement.***

Teachers must be able to use their professional judgement both individually and collectively to determine what is most appropriate for the learners they teach. They should have the flexibility to make decisions about what they teach and how they teach.

***E. Leadership of the curriculum should build on the principle of collegiality, with teachers working together to design the curriculum.***

Teachers should be actively engaged in the design and development of both the national curriculum and, within that framework, their school’s curriculum. It is essential that reforms encourage schools to adopt approaches to leadership that engage all teachers and support collaboration and co-operative working.

***F. As professionals, teachers and school leaders should have access to, and undertake, regular curriculum-related professional development.***

High-quality continuing professional development (CPD) is essential if teachers and school leaders are to sustain and extend their professional knowledge, skills and expertise. All teachers and school leaders must have designated time to reflect critically on their practice and to access high-quality CPD and support. CPD must be free, well-funded and robustly quality-assured.

***G. Practice should enable teachers and school leaders to focus on their core responsibilities for teaching and leading and managing teaching and learning.***

High-quality curricular frameworks should allow teachers to focus on teaching and learning. Teachers should be able to draw on the skills of others to support pupils’ learning, including expertise from the local community. Tasks that do not require the professional skills and expertise of a teacher should be undertaken by appropriately trained and qualified members of the school workforce.

**H. *Practice should be efficient, avoid unnecessary bureaucracy and workload, and be organised in ways that provide space for teachers to function as professionals.***

The curriculum must be monitored rigorously for its impact on workload and organisational bureaucracy. This needs to happen both at national and school level. It should mean that problems are identified and addressed.

The curriculum should be designed and implemented in ways that allow teachers to plan, prepare and assess pupils' work, collaborate with colleagues, reflect critically on their practice, access support and undertake training and CPD.

**The implementation of Curriculum for Excellence and qualifications reform to date.**

4. In the context of the principles above, the NASUWT offers the following comments. The NASUWT has remained clear that many of the principles underpinning CfE are sound and could, if implemented effectively, provide the basis for a rigorous, relevant and engaging curricular framework for schools.
5. Feedback from teachers has highlighted important positive features of CfE. In particular, teachers have noted that CfE:
  - seeks to secure for all pupils an effective entitlement to a broad, balanced and relevant curriculum;
  - promotes the values of equality, community cohesion, social justice and international solidarity;
  - has been developed in a way that recognises the importance of coherence and consistency between policies that relate to the curriculum and other education policies;
  - is underpinned by an understanding that high standards can only be secured and maintained through respect for the professionalism of teachers; and
  - has been developed in a way that has sought to take account of the views of teachers and other key stakeholders.
6. However, teachers and school leaders have continued to emphasise significant concerns about the way in which CfE is being implemented. These concerns have focused on issues including the planning and assessment-related burdens associated with CfE and the variable extent and quality of support available to staff in schools.
7. Feedback from teachers and school leaders has also indicated that while some of these problems reflect inappropriate approaches to implementation at school level, others result from the inadequate



support given to schools by local authorities and from decisions taken by national bodies.

8. To explore these concerns further, the NASUWT carried out a survey of teachers' and school leaders' experiences of CfE implementation. The survey found that:
  - over six in ten teachers and school leaders report that CfE has added to their workload to 'a very great extent', with a further 25% of respondents reporting that CfE has added to their workload to 'a great extent';
  - over three quarters of respondents (77%) held national-level bodies such as the Scottish Government and Education Scotland most responsible for excessive levels of workload, well ahead of local authorities (14% of respondents) and schools (9%); and
  - over half of respondents reported that a lack of resources and a lack of professional development, training or support had contributed to excessive workload levels to 'a very great extent'.
9. The findings of the NASUWT's survey confirmed reports from teachers and school leaders that they have been subjected to unwieldy planning and assessment requirements, unnecessarily complex auditing and accountability frameworks and ambiguous expectations about the requirements of CfE. As a result, rather than giving members the scope to concentrate on teaching and leading teaching and learning, CfE has led to many teachers and school leaders being distracted from these core responsibilities by tasks and processes that do not make the most effective use of their professional skills and expertise. In this way, the implementation of CfE is placing the important educational objectives at the centre of CfE at serious risk.
10. Teachers and school leaders also emphasised that while some problems had arisen as a result of poor practices that originated in schools, many of the issues faced by teachers and school leaders were the result of ineffective approaches to CfE implementation at national and local level.
11. These concerns led the Scottish Government to convene the CfE Working Group on Tackling Bureaucracy. The Group, comprised of key stakeholders across the education system, including the NASUWT, was tasked with examining the key causes of excessive teacher and school leader workload and identifying practical steps to address these concerns.
12. The Group's recommendations, published in November 2013, included:
  - Education Scotland using the inspection process to challenge unnecessary bureaucracy in schools, reducing its own bureaucratic

- requirements and providing clearer advice and support to schools on CfE implementation;
- reducing verification procedures for new qualifications and supporting teachers and school leaders more effectively in qualifications delivery; and
  - streamlining local audit and accountability requirements to the most critical areas of CfE implementation.
13. Following publication of the Group's recommendations, the NASUWT stressed that, as a starting point for addressing these issues, the Scottish Government, Education Scotland and every local authority must begin to exercise purposeful strategic leadership and oversight of CfE by taking clear steps, including effective implementation of the Working Group's proposals, to secure immediate improvements in the workload burdens faced by teachers and school leaders.
14. Given the period of time that has elapsed since the publication of these recommendations, the NASUWT believes that it would be timely to assess progress towards their achievement in practice.
15. The Union acknowledges the work of the CfE Management Board Working Group in this regard but remains concerned that some local authorities have done very little to action the recommendations of both the *Tackling Bureaucracy* and *Reflections* reports.
16. The ongoing concerns expressed by teachers and school leaders to the Union, set out in further detail below, suggest that coherent and consistent approaches to implementing CfE and qualifications reform have yet to become established fully across the education system.

### **SPECIFIC COMMENTS**

#### **Implementing the new Higher**

17. The decision on whether to implement the new Higher or delay for a year was devolved to individual local authorities and then, in most instances, to school level. Feedback from members highlights that there is, as a result, a mixture of old and new Highers being taught in schools across Scotland.
18. The process for securing a delay in presenting the new Higher qualification varied across authorities but teachers did consistently identify two major concerns with the process:
- (i) where agreement was given to delay the new Higher, this decision was made at a very late stage; and
  - (ii) where the new Higher is being presented in 2015, departmental heads reported feeling under undue pressure to present the new qualification.

19. Where a delay to the implementation of the new Higher was agreed, this was universally welcomed by teachers. Teachers reported that, given the excessive workload and the impact this had on their health and wellbeing, an additional year to consolidate practice in National 4/5 was beneficial.
20. Where the new Higher has been delayed, an emerging concern is that in the academic year 2015/16 these teachers will be implementing both the new Higher and the new Advanced Higher in the same academic year. The NASUWT has significant concerns regarding the impact that this will have on workload and the quality of teaching and learning in these areas.
21. In the current academic year, members across Scotland are reporting that workload has increased whether the new Higher has been introduced or delayed. This is extremely concerning considering that, in a survey of NASUWT members over December 2013 and January 2014, more than six out of ten teachers and school leaders reported that CfE had added to their workload to 'a very great extent', with a further quarter of respondents reporting that CfE has added to their workload to 'a great extent.'
22. Where teachers are delivering the new Higher, workload is further increased by the challenges of introducing another new qualification directly after the introduction of National 4/5. An additional pressure has been the lack of allocated time for the revisions to National 4/5 or for the development of the new Highers. In particular, there is no clear evidence of schools revising Working Time Agreements of School Improvement Plans to take account of the recommendations of the CfE Management Board *Report of the working group on the first year of the new National Qualifications*. The only exceptions to this are where NASUWT school representatives have negotiated a school Working Time Agreement which built in sufficient development time.
23. Teachers have reported a lack of clear leadership at a school and local authority level. 83% of respondents to a snapshot survey of NASUWT Local Association secretaries carried out in January 2015 reported that there had not been adequate training or leadership at a school level in their area regarding the implementation of the new Highers.
24. Feedback in the snapshot survey was more mixed regarding the support and guidance from external bodies such as the Scottish Qualifications Authority (SQA) and Education Scotland.
25. There was significant concern regarding course content being changed during the autumn 2014 academic session, often when the content had already been taught.

26. There was also concern that guidance and assessment materials had been issued and then changed. Some teachers did report finding feedback from SQA Understanding Standards events useful, as well as updates on the SQA and Education Scotland websites.
27. To date, there has been no option to delay the implementation of the new Advanced Higher in 2015/16 for those presenting the old Higher this academic year. The NASUWT suggests that this would be one solution to alleviate the pressure on both teachers and pupils. It would allow the progression through the qualifications system to flow more smoothly and ensure no pupil is disadvantaged in the transition to the new National Qualifications.

Chris Keates

General Secretary



# the National Parent Forum of Scotland

*Evidence to the Education and Culture Committee  
Curriculum for Excellence: New Highers  
January 2015*

## **Introduction**

1.1 The National Parent Forum of Scotland (NPFS) welcomes the opportunity to provide evidence for the Committee's inquiry into the implementation of Curriculum for Excellence and the new Highers.

1.2 NPFS has been working closely with parents and other partners to help support the introduction of the new qualifications, and has been listening to and representing the views of parents on the progress that has been made. We have contributed to a range of national working groups including the Tackling Bureaucracy group and the Curriculum for Excellence Management Board, and held our own working group on assessment and reporting. We are also participating in leadership events for both primary and secondary head-teachers to help agencies, schools and local authorities understand the needs of parents.

1.3 We engage with parents through focus groups held throughout the year, and also gather parents' views through local events, quarterly forum meetings, and at our annual conference. This evidence is based on the views of NPFS representatives who responded to our request for information.

## **New Highers and implementation of Curriculum for Excellence**

2.1 Our view is that some of the issues around the implementation of the Nationals and the new Highers are underpinned by a more fundamental issue about Curriculum for Excellence (CfE). NPFS supports the principles of CfE, but believe that there is a risk that CfE's aim of delivering personalisation and cross-curricular learning is not being fulfilled. This is a concern that we raised in our evidence to the Committee on the Draft Budget 2015-16, and is also reflected in the report of the CfE working group on Tackling Bureaucracy which stated that: "The overwhelming perception from those interviewed is that CfE has not turned out the way it was intended. Many [teachers] spoke of still liking the principles and theory behind CfE but that the process of implementation has lost sight of some of these principles. In particular the levels of assessment and the new exams in S4 [were problematic]."

Personalisation was intended to improve young people's learning experience by spreading out learning over three years in the Senior Phase, rather than the previous situation where Highers were crammed into one year (S5 for the majority). Senior Phase was also intended to provide scope for wider learning opportunities beyond the attainment of qualifications, but there is little evidence that this is happening. Parents and learners have said that they are uncertain whether college and universities are adapting their entrance requirements to reflect the principles of the Senior Phase.

2.2 Parents have reported that teachers seem to be under pressure due to delivering the new Higher courses while at the same time there are still issues to be resolved around the Nationals. NPFS representatives have told us over-assessment is still appears to be a problem. If teachers are overworked and uncertain, this could have a negative impact on pupils' learning experiences, and if pupils and teachers are unclear about what they are doing then this lack of clarity will be reflected in their communications with parents.

There seems to be a particular issue with Highers for completely new subjects. One of NPFS' local representatives told us that "there is even more uncertainty and negativity coming from teachers [in relation to] these totally new subjects".

These concerns are reflected in evidence from the EIS and other teaching unions. In a letter to the previous Cabinet Secretary for Education, the EIS wrote that "teachers are increasingly concerned regarding the lack of clear information regarding the new Higher courses, the content of the new Higher exams (in some subjects), the lack of resource material to support the learning and teaching process in the classroom, and the demanding workload implications of attempting to prepare for new Higher exams whilst implementing new National 1-5 qualifications."<sup>3</sup>

2.3 Parents want to help support their child's learning, particularly at exam time. Although parental involvement is valued by schools and is recognised as having a major impact on children's learning<sup>4</sup>, many parents feel that they have not been sufficiently involved in the decisions about which Highers are being offered, and they do not have enough information about what is happening.

A local NPFS representative told us that "few parents have had any information about the new Higher... [at] schools which are doing both old and new Highers this year the parents have had no information (other than from their child) as to which Highers their child is being presented for. There is a high number of parents who are unaware there actually is a change to Highers."

---

<sup>3</sup> <http://www.eis.org.uk/public.asp?id=2430>

<sup>4</sup> For a summary of recent research on the impact of parental involvement, see <http://engagingwithfamilies.co.uk/strategy/positive-outcomes/>

Further confusion has been caused by the fact that it is down to individual schools to decide whether they are delivering old or new Highers this year. Parents and learners are unclear as to why, for instance, one school is still offering old Highers, whereas another one in the same town has decided to offer all new Highers. Better communication between schools, parents and pupils is required so that all parties are involved in the decision-making process and are clear about what is happening and why.

2.4 In particular, there is a lack of clear, easily accessible information for parents on the new Highers. NPFS supports the comment in the Tackling Bureaucracy working group's report that the SQA website needs to be easier to navigate. Information should be presented in a way that makes sense to learners and parents. For example, it is currently quite difficult to locate information on the new Highers, as this appears under 'New National Qualification Subjects', which parents may find confusing as they will see National qualifications as only relating to Nationals 1-5, not Highers. Moreover, once you access the parents' information pages there is very little currently available information on the new Highers. It may well be that there are plans to update the information but it is unfortunate that there is nothing currently available as many parents will be looking for this now as prelims are underway in many schools and parents will be looking for this information now to support their children to revise, as exams start in April.

2.5 Parents have told us that they are worried about the lack of resources and study material. One local representative told us:

"We are struggling to get any practice papers for subjects, or marking schemes. You can get plenty of old Higher resources, but the gradings are different. Teachers are rehashing old material, trying to make it work. The new Higher has potential but not enough time or money has been put in place to make it work."

Another local representative reported the following:

"Trying to order resources for new Higher Graphic Communications on Amazon, received the following:

'Linton, Peter "Course Notes - CfE Higher Graphic Communication Course Notes" Estimated arrival date: November 04 2015 - November 06 2015.'

2.6 Specimen papers and marking instructions are available for each new Higher, but some parents are concerned that this is insufficient. The creation of a bank of questions, from which the exam questions could be randomly selected, might be more helpful, as that way pupils could see the full range of potential questions.

2.7 Arguably, the lack of study materials could create an unfair advantage for pupils sitting old Highers, as they will have access to a range of past papers and other resources. Some schools have been advising that the questions in

the new Higher exams may be similar to those for the old Highers, but again, this is causing confusion and uncertainty.

2.8 The continuous assessment requirements in new Higher subjects is something that many learners welcome. However, one local representative told us that they are concerned about the impact that continuous assessment is having on some learners. The representative told us that:

“In practice, [continuous assessment] seems to be putting students under way too much pressure to perform... This will of course vary from student to student depending upon the individual subjects they have chosen, resulting in some learners being under more stress than others, but typically, unless schools co-ordinate the timing of the individual subject demands and to an extent "control" choices to ensure that not too many of the more demanding subjects are taken (I mean "demanding" in terms of the amount of material which has to be submitted throughout the year), we could be putting our students under intolerable stress.”

### **Conclusion**

3.1 NPFS supports the introduction of the new Highers, but we have concerns about the way in which they are being implemented. In particular, the lack of available study materials, and the postcode lottery in terms of whether old or new Highers are being offered in schools, is creating confusion and worry for parents and learners. Teachers' lack of certainty about the new courses, on top of on-going issues around the implementation of Nationals 1-5, could have an adverse impact on young people's learning. Parents are uncertain about what is happening and there are concerns about the impact on learners, both in terms of this lack of clarity and in relation to practical issues such as the availability of study materials and the amount of continuous assessment involved. More fundamentally, there is a risk that that the aims of Curriculum for Excellence - personalised, cross-curricular learning which places the child's interests and needs at the centre – are being lost sight of, as some of the problems that parents have raised with us about the new Highers suggests.

*Barbara Schuler, NPFS Policy Manager [policymangaer@npfs.org.uk](mailto:policymangaer@npfs.org.uk)*



**Scottish Parliament – Education and Culture Committee – 3 February 2015****Curriculum for Excellence: implementation of new National Qualifications****Written Submission from Scottish Qualifications Authority (SQA)****1 Introduction**

This submission builds on three earlier progress reports, which were presented to the Education and Culture Committee in February 2012, February 2014 and September 2014 respectively.

In September 2014, we reported on the successful implementation of the new National 1–5 qualifications. We are now into the first year of offering and certificating the new Highers, and we are preparing for the new Advanced Highers to go live in August 2015.

We are also continuing to adapt and enhance our support, quality assurance, and communication around the new qualifications both in response to feedback from schools, local authorities and parents, and from considerations from the multi-agency CfE Working Group chaired by Kenneth Muir.

**2 Background to the new qualifications**

Curriculum for Excellence (CfE) represents a different approach to learning and assessment and in the way education is delivered in nurseries, primary schools, secondary schools, colleges, the workplace and the community.

This fresh approach to learning requires new assessment methods and qualifications to ensure continuity of learning and assessment as young people move from the broad general education phase into the senior phase. SQA's role is to develop the new National Qualifications and assessments. This includes helping teachers understand and apply standards; maintaining national standards through a quality assurance system; and ensuring young people are certificated with credible qualifications.

In addition to the Nationals, we have also developed broader qualifications to meet a wider range of learners' needs, including new Awards in areas such as leadership, employability, personal finance and a number of Skills for Work Courses. Our extensive portfolio of qualifications also supports a range of recommendations from the recent report from the Commission for Developing Scotland's Young Workforce.

SQA continues to work closely with Education Scotland, Scottish Government, colleges, local authorities, teachers, head teachers and parent bodies to make sure we understand how the implementation of the new qualifications is progressing and that it is successful and to the benefit of Scotland's young people. We are also continuing with an ongoing process of evaluation of the new qualifications.

### 3 Implementation of new National Qualifications

#### 3.1 Implementation of new Highers

The qualifications that have been developed to support Curriculum for Excellence have been designed to build upon the broad general education phase and to have clear progression through the Scottish Credit and Qualifications Framework (SCQF) levels.

The new Highers were introduced in session 2014/15 as candidates undertaking CfE entered S5. The current Highers were also available in session 2014/15 for those candidates in S6 who had followed the previous curriculum. Schools and local authorities were able to use their professional judgement to decide whether they would follow the current or new Highers in the 2014/15 academic session.

As of January 2015, we have received a total of 217,976 entries for current and new Highers with 45% of entries for the current Highers and 55% for the new Highers. There are local variations in this 45/55 split and also variations across subjects. A breakdown of Higher entries by subject has already been submitted to the Committee as part of its evidence gathering.

This is the last year of the current Highers and in the academic session 2015/16 all Higher candidates will present for the new Highers. In October 2014 we confirmed with schools/local authorities that only *new* Higher Courses will be available from August 2015.

In response to feedback from schools, local authorities and parents, and actions arising from the CfE Working Group, we are continuing to implement a range of measures to support and enhance the delivery of the new qualifications. Measures are being put in place across all the new Nationals, including Highers, and details are given in Sections 4 and 5 below. Three specific measures relating the new Highers are as follows.

- ◆ Development and publication of new Higher Exemplar Question Papers, Marking Instructions and guidance. These are now available on SQA's website for every new Higher Course and include a question paper as part of the Course assessment. These question papers are in addition to the already published specimen question papers and are a resource that teachers and lecturers can use to prepare their candidates for the live new Higher question papers. They may also be of interest to parents/carers in supporting candidates who are preparing for Course assessment.
- ◆ Forty-one Understanding Standards training events for Unit assessment for the new Highers were held in November 2014. Almost 1,400 Nominees attended (Nominees are deployed by SQA to carry out verification activities and are a resource for centres and local authorities to share best practice and national standards with colleagues).
- ◆ To assist in reducing the volume of assessment for candidates and workload for staff, three Unit assessment support packs are available: Unit by Unit, portfolio and combined. This will help staff to develop assessments that meet more than one Assessment Standard.

### **3.2 Preparation for introduction of the new Advanced Highers**

The new Advanced Higher qualifications make up the final suite of qualifications being developed and will be offered in academic session 2015/16. Session 2014/15 will be the last for the current Advanced Highers.

A significant number of mandatory and support documents have already been published to support the introduction of the new Advanced Highers. These include:

- ◆ Three support packages for Units in the new Advanced Higher Courses. The first package was published at the end of October 2014. Packages 2 and 3 will be published at the end of February 2015 and April 2015 respectively.
- ◆ Advanced Higher subject updates. Published in January 2015, these contain up-to-date information on the development of the new Advanced Higher Courses as well as details of the support available.
- ◆ Course comparison documents for new Advanced Higher Courses. Published in January 2015, these will help teachers and lecturers to identify what will change and what will remain the same within their subjects at Advanced Higher level.
- ◆ Guidance on the use of Advanced Higher past papers. Published in January 2015, this includes a question paper as part of the Course assessment. The guidance will help teachers and lecturers identify which existing Advanced Higher past paper questions can be used to help candidates revise for the new Advanced Higher question papers in 2016.

SQA is also running 77 subject-specific Advanced Higher support events from 26 January 2015 to 2 April 2015. To date, 4,404 delegates have signed up for these events. Support materials are also being developed in liaison with Education Scotland and Scholar.

### **3.3 Continued implementation of National 1–5**

We are continuing to deliver our suite of National 1–5 qualifications following last year's successful implementation. Support for this continues through a number of activities, including:

- ◆ Exemplifying Unit assessment standards by drawing on candidate exemplification from the first year and providing commentaries on this evidence.
- ◆ Training in Unit assessment for Nominees for National 1–5. This training took place in September 2014 and 1,187 Nominees attended these events.
- ◆ A further 118 continuing professional development (CPD) events for teachers focusing on the external assessment arrangements for National 5 Courses. These events commenced in November 2014 and will conclude in February 2015 by which time it is expected that 5,018 teachers will have attended. These events exemplify Course assessment standards using candidate materials from last year.

#### **4 Supporting teachers, schools, colleges, parents and learners**

To date, SQA has managed to meet, and continues to meet, its milestones in the delivery and implementation of the new qualifications as agreed by the Curriculum for Excellence Management Board. There have been significant additional demands made of the organisation with new and substantial additional deliverables, SQA has been able to meet these commitments whilst continuing to deliver the current suite of qualifications. Throughout the process, SQA has kept all interested parties updated on progress and developments and has provided training, advice and guidance.

Throughout the design, development and implementation phases of CfE, SQA has consulted, listened and responded to the suggestions and concerns of teachers, schools, colleges, parents, learners, representative bodies and other stakeholders. We have adapted and enhanced our documents, processes and communications as we have moved through each phase. We have taken on board the reflections of the CfE Working Group and discussions with professional associations and the education community, and these have informed our current and planned, future actions. These actions fall into three main categories — understanding standards, quality assurance and communication and centre support.

##### **4.1 *Understanding standards***

SQA has put in place a three-year programme of work to support centres with the understanding of standards for the new National Qualifications. This includes the provision of support materials, exemplification of standards and training events for teaching professionals.

Throughout session 2014/15, SQA is publishing a range of Understanding Standards materials to assist with developing the understanding of the national standards that should be applied when assessing candidates' work from National 1 to the new Higher. Further details of specific support are given in Section 3 above.

As can be seen from Sections 3.1–3.3, SQA is offering a high level of CPD support around standards. In addition, a letter was sent in December 2014 to local authorities, colleges and the Scottish Council of Independent Schools (SCIS) offering to consider any additional CPD requests for aspects not covered by our national programme of work. As of 23 January, 36 requests have been received (some relating to Higher) and to which we will respond.

During January 2015, SQA engaged with all local authorities to review and share good practice in the recruitment and deployment of Nominees to provide a further layer of CPD support to colleagues within local authorities.

This year we have limited exemplification of new Higher Unit assessment standards (as candidates are still in the process of producing evidence), but in the academic session 2015/16 we will provide comprehensive exemplification of Unit and Course assessment standards for the new Highers. We will do the same for the Advanced Highers in the following academic session.

## 4.2 Quality assurance

We have reflected on lessons learned for 2013/14 to enhance and refine our approach to quality assurance for the new National Qualifications in 2014/15. We have made some broad changes, which include:

- ◆ Replacing a round of quality assurance with an understanding standards programme. See Section 4.1 above.
- ◆ A distinct focus for the two rounds of verification:
  - Round 1 will focus on Units. Centres were advised of selections in December 2014 and verification activity will take place in February 2015. We are on track with materials uplifted from centres, Nominees trained and sufficient numbers, and events planned.
  - Round 2 will focus on internally-assessed coursework and Added Value Units. Centres will be advised of selections in February 2015 and activity will take place in May 2015.
- ◆ Refining verification groups so they more closely match the nature (or structure) of school departments. This has resulted in a reduction from 22 to 15 verification groups. This means we would only need to quality assure a department for one subject and their local quality assurance procedures/approach would ensure application of national standards locally.
- ◆ Moving verification in technical subjects from a central model of quality assurance to a verification model where verifiers visit the school and meet with teachers during the process. This approach will quality assure local decisions and ensure teachers will get direct feedback from the visit.
- ◆ Adopting an intelligence-based approach to selections for verification, using data gathered from year one. For example, we will target departments that were not accepted last year during verification and any new centres offering a level for the first time.
- ◆ Increasing, as appropriate, the number of Team Leaders in verification teams to assist the Principal Verifier, thereby reducing the ratio of Nominees to Team Leaders. This will provide better support to Nominees; help with decision making; and enhance the feedback to centres.

In addition, we have made available an Internal Verification Toolkit to help schools/local authorities should they wish to develop their own internal quality assurance systems. The toolkit provides centres with templates that can be used to support an effective internal verification process, and includes a self-assessment tool that enables centres to review their current approach against best practice models. For further information and to access the toolkit, please visit [www.sqa.org.uk/IVtoolkit](http://www.sqa.org.uk/IVtoolkit)

### ***4.3 Communications and centre support***

We will continue to work with schools, colleges, local authorities, parents/carers and learners to ensure they have the information and support that they need.

SQA's CfE Support Management team is dedicated to the implementation of Curriculum for Excellence and continues to support every local authority, school and college across Scotland, carrying out in excess of 200 visits and events each month.

We have an ongoing website improvement programme in place to ensure that information on our website is easy to access. Recent improvements include:

- ◆ A new layout to our web pages with fewer click-throughs required to access documents.
- ◆ A guide for teachers and lecturers to help them access the subject pages of our website to obtain documents and information.
- ◆ A new CfE Subject Changes web page, which lists all of the changes made to the documents for each subject.

All documents are on the website and are in the public domain for parents and pupils to see. (Some assessment material is on SQA's secure site for teachers and lecturers to access by a password, as it is part of live assessment and needs to remain confidential to be valid.)

Updates are also provided through:

- ◆ A weekly e-bulletin which is sent to all SQA Co-ordinators. This deals mainly with operational matters.
- ◆ A monthly CfE e-update which is sent to a wide range of people including centres, local authorities, Directors of Education, teaching unions, Association of Directors of Education, SCIS, SLS, employer groups, parent groups and universities. There is also an option to subscribe direct to the monthly update.
- ◆ Ongoing engagement with parent groups, a dedicated section of the SQA website, parent leaflets and via other parent resources such as Parentzone, NPFS, SPTC and MyWoW.

Other publications which will aid candidates, teachers/lecturers, and centres are being developed. These include:

- ◆ For candidates
  - *Your Exams 2014–15* will be issued to centres in March for distribution to candidates
  - *Your Coursework 2015–16* will be issued to centres in August 2015 for distribution to candidates
- ◆ For teachers/lecturers
  - An SQA Academy Course – *Building Expertise in Assessment* – will be available at the end of March 2015
  - 2014/15 Prior Verified Assessments for National 1 – Higher will be available at the end of March 2015
- ◆ For centres
  - *Delivering National Qualifications: Guide for SQA Co-ordinators 2014–15* will be published at the end of May 2015
  - School and college wall planners with operational key dates will be published at the end of May 2015
  - *Results Reporting and Certification – NQ 2015* — will be published in August 2015

## 5 Work with partners and key stakeholders

SQA continues to work with key delivery partners and stakeholders to ensure successful implementation of CfE. Some key outputs/activities include:

- ◆ A video — *Quality Assuring the National Standard* — produced in partnership with Education Scotland. This is aimed at education professionals who are teaching the new curriculum and qualifications but will also be of interest to parents. The video shows how assessment decisions are quality assured, from broad general education through to the senior phase, to maintain the same standard across Scotland. The video can be viewed at [www.sqa.org.uk/cfeqa](http://www.sqa.org.uk/cfeqa)
- ◆ Strategic input to, and participation in, four leadership events in January/February 2015. These have been organised by Education Scotland in partnership with School Leaders Scotland (SLS); the Association of Directors of Education; and SQA. As with last year's events they focus on the leadership of the senior phase of Curriculum for Excellence.
- ◆ The Internal Verification Toolkit (see Section 4.2) which has been developed in consultation with Principal Verifiers, local authorities, Education Scotland, centres, and the Scottish Council of Independent Schools (SCIS). We are now working in partnership with local authorities and SCIS to roll-out the toolkit and support any centres that wish to implement it. The toolkit is a suggested approach to internal verification.

- ◆ Working with Skills Development Scotland, Scottish Credit and Qualification Framework Partnership, and the Institute of Directors to host events in March 2015 to brief employers and answer questions on the new qualifications, as part of an engagement strategy with users of the new qualifications.
- ◆ Participation in a series of Education Scotland/EIS events on tackling bureaucracy – two of which took place in Autumn 2014.

## **6 Conclusion**

As we approach the half-way mark for the implementation of the new CfE qualifications, we have endeavoured to put in place measures to support the successful delivery of the new Higher; the continued success of the National 1–5; and good preparation for Advanced Higher.

We will continue to work closely with all our stakeholders to ensure appropriate support is given to maintain the robust Scottish standard in our National Qualifications.



**Chair of the Madras College, St Andrews, Parent Council**

I am writing as Chair of the Madras College, St Andrews, Parent Council. In common with other Parent Councils, we have had repeated concerns over the last few years about the educational challenges which have faced the current S5 cohort, ie the first year of those educated within the new Curriculum for Excellence Framework.

Despite the permitted and very welcome flexibility in the introduction of new Highers in 2014/15 for this cohort, the SQA has advised that there will be no similar flexibility allowed in the introduction of new Advanced Highers in 2015/16 - even though we have been given to understand that, in many subjects, the old Highers do not articulate well with the new Advanced Highers. To help bridge this gap, teachers will have to prepare additional new materials (which will be needed for one year only), generating extra workload for both teachers and pupils, and thus potentially having a negative impact on pupils' performance in 2016.

We are very concerned that the current cohort of S5s may be disadvantaged by this lack of articulation; Advanced Highers remain important qualifications for children applying to universities (Scottish and English), where particular grades may be required to secure acceptance onto courses.

In his response to The Education and Culture Committee on 7 October 2014 the then Cabinet Secretary for Education and Lifelong Learning said that "It is less likely that that will be a major pressure in the process for the advanced higher." However, given that apparently at least a third of Highers being sat this year will be of the old format Higher, it is still potentially an issue for a large number of children and given the potential impact on their future options, it is unacceptable to dismiss this concern simply, it seems, on the basis of lack of perceived pressure rather than an analysis of need and educational fairness.

**Submission from Owain Bristow, Teacher of Biology**

My comments are primarily concerned with the new Higher Biology course.

I have taught the old Higher Biology course for 3 years and have also taught the Revised Higher Biology course for the last 3 years. The content of the Revised Higher course is largely the same as the new Higher / CfE Higher. I really enjoy teaching the RH content as it contains lots of topical and modern biology. The depth and breadth allow me to teach at pace that has to be quick in places, but provides some time for pupil-led research, practical work, revision, "rich" activities and the chance to impart a passion for my subject to the pupils.

I am gravely concerned that with the move to the new Higher / CfE model of assessment there will not be enough time in the school year to deliver the course in a way that is enjoyable and educational pupils, one that will encourage them to be lifelong learners. Or rather, the course will still be taught, but at a frantic rate with little opportunity for exploring the material beyond the basic requirements of the assessment specification. The reason for this is that the SQA have added an assignment to the course assessment: a piece of coursework that is written up in class and submitted for external marking. However, they have not balanced this out by removing any topics from the course. It appears that my colleagues and I will now be expected to fit the assignment into our Higher teaching timeline at the expense of the time already devoted to covering the course content. This does not simply mean one lesson, but multiple lessons of research and writing up: a substantial time period. It is my belief that the group responsible for the addition of the Higher assignment are not aware of the yearly "race" to teach the old Higher that exists, even without coursework.

S5 pupils will be faced with an assignment in all their Higher science courses (and possibly their other new Highers) and I am worried that this will put them under undue stress in a school year that is already stressful enough. I have the same concerns about S4 pupils doing N5, who may have to do 8 assignments in the course of their studies. As they will not all be done at the same time, pupils will experience the stress of course assessment almost continuously throughout the year: certainly not what the architects of CfE had in mind!

In my opinion the model of assessment that was already in place for the old Higher (a terminal exam, NABs, and a pass/fail practical write up) was robust and the addition of an assignment brings no net benefit to the course, while putting further pressure on pupils and teachers, particularly in schools that are stretched for resources. It may have been introduced with good intentions, but it will ultimately amount to a hoop-jumping box-ticking exercise, as seems to be the case with N5 assignment.

Owain Bristow,  
Teacher of Biology

## **Scottish Government News Release**

### **Increase in provisional entries for Highers.**

The introduction of new qualifications is progressing well, with provisional entries for Highers indicating a record high number will be sat this year.

The figure, which follows on from last year's record number of passes at Higher, was welcomed by Cabinet Secretary for Education and Lifelong Learning Angela Constance during a visit to Craigmyle Community High School in Edinburgh, to hear about the progress being made there in introducing new qualifications as part of Curriculum for Excellence.

New Highers have been introduced this year, alongside the existing Higher qualifications for this year only. School departments are able to use this flexibility to phase in the new qualifications in the way that best serves the interests of the pupils. From the 2015/6 school year onwards, all pupils will be studying the new Highers.

The total figure of 217,976 provisional Higher entries this year (across S5 and S6, and including both new and existing Highers) is five per cent up on the corresponding figure from this time last year. This figure comprises 120,557 provisional entries for new Highers, and 97,419 provisional entries for existing Highers.

Ms Constance said:

"The ongoing reform of our education system is preparing our young people for the world of work and further and higher education. Scottish education now offers more flexible learning opportunities for our young people and new National qualifications, which were introduced at the beginning of the 2013/14 school year, are now well established.

"In August last year we saw a substantial increase in the number of both Higher entries and Higher passes. I am very pleased that we are again seeing a substantial interest in provisional entries for Higher. It is very positive to see greater numbers of young people aspiring to higher levels of qualifications in our schools.

"This shows that ambition, more than ever, is alive and well in classrooms across Scotland, in no small part thanks to the work of teachers who continue to do an excellent job. This bodes well for Scotland's economic future.

"We know from provisional entry data from the Scottish Qualifications Authority that significant numbers of those pupils taking Highers this year have been studying the new Highers. We listened to schools who requested flexibility, and we acted. I have seen today how schools are making good use of this flexibility, to phase in the new qualifications in a sensible way."

**Boroughmuir High School, Edinburgh**

Similarly to Nat 3,4,5 in many subject areas the new CFE Higher is too heavily loaded with internal SQA assessments.

This is taking more time to administer than the previous courses. The same skills are being tested too frequently (e.g. expt planning and write up). This has thus far reduced the time spent teaching concepts.

The Assignments / Researching Topics have not been exemplified and so pupils are not aware of the standard expected and the instructions given are vague. Also as in Nat 3,4,5 the pupils are not able to fully demonstrate the improvement in their skills developed in CFE due to over prescriptive marking criteria (these tasks are hoop jumping and more a test of teachers' organisation!)

These issues will cause significant challenge for schools delivering new CFE Higher and AH courses this and next session

Within the Authority there has been very little organisation and planning with school having to support each other in an ad-hoc basis.

A very small number of staff from each Authority have had some training in recent months, but it is a challenge getting this information shared across the Authority.

Some resources shared within online school Learning communities/networks which is helpful.

There is no doubt that the demands of assessment that have shifted to teachers is wholly disproportionate.

On paper these demands may seem reasonable for a single course but when pupils are doing a suite of courses it is wholly unmanageable for pupils and similarly unmanageable for teachers with numerous classes.

This is of course on top of a similar assessment structure at National 3,4,5.

All these courses need a simplified form of assessment if young people and teachers are to engage in the type of creative and dynamic learning and teaching that CfE espouses.

There also needs to be greater clarity in the course outlines to save the hours of time that staff use trying to translate the 'meaning' of the course outline documents.

David C. Dempster  
Head Teacher

**Braidhurst High School, Motherwell**

I feel that the main issue remains the total over assessment by the SQA. The move away from examinations at National 3 and 4 is a total disaster. It is divisive and is causing a breakdown of the whole basis of comprehensive education. In my school more than half the students never sit any examinations whilst others sit a few and a tiny number sit a normal examination diet. The net result is the creation of groups of pupils who feel a total lack of any sense of self-worth. We have created a Junior and Senior secondary system based within the one building. The associated workload for pupils and staff is really excessive.

The recent report into this has made no difference due to the lack of response from the SQA. There needs to be far greater pressure put upon the SQA to reduce verification and introduce a more manageable scheme of assessment. The report was fine but the action has been nil! I fear we need competition i.e. another examination body as well as the SQA. I am being serious.

In terms of new Highers we were lucky enough to be allowed by our local authority to delay implementation of several new Highers and thank goodness. The assessment and content changes were considerable and we were simply poorly prepared for the introduction. Materials were late or in some cases assessment was unclear and for ever changing. In many subjects staff training is still lacking e.g. computing. Teachers lacked the confidence partly due to the entire programme being continuous--once we got one years work established (but never reviewed/changes/improved) we were forced on to the next year of change.

There has also been a total lack of consistency between subjects. The various subject groups have been given too much freedom and diversity has resulted.

The main aims of Curriculum for Excellence have been lost in a sea of assessment. We should have had less content, more depth, greater emphasis on skills. As a result of diversity in assessment and over assessment we have lost the very things we set out to achieve.

I am truly sad to make this honest report.

I would be happy to comment further or be interviewed.

I have been a HT for 23 years and these comments are not made lightly.

Mr D Hannan  
Headteacher

## George Watson's College, Edinburgh

### Introduction

George Watson's College welcomes the opportunity to provide feedback to the Committee concerning the new National Qualifications and suggest questions for the Cabinet Secretary for Education and Lifelong Learning.

### A Whole School Perspective

Following the implementation of the new qualifications, an evaluation was undertaken focusing on assessment practice for each department and each subject at National 4 & 5 levels across the School.

The evaluation encompassed both data analysis and personal views held by staff, pupils and parents. Unsurprisingly the overwhelming message that emerged was that there was too much assessment. As a rough estimate, a pupil is currently projected to take between 50 – 90 assessment exercises in their S3 and S4 years alone. It has appeared that despite the best intentions of CFE and the SQA, staff have 'defaulted' to summative assessment practice as the best way of addressing the assessment requirements of the SQA. In particular, what has caused the greatest damage to the learning experience is the requirement to evidence unit passes. Too much time is thus spent proving that candidates can meet the most basic level of achievement.

We recognise that this practice was not an intended outcome of SQA design and that staff have not embraced alternative strategies available. This is in part because they do not consider that suggested material is of a high enough quality or to an appropriate standard to be a formative assessment experience. In addition, a transition to alternative methods of assessment requires a huge change of assessment culture and behaviours which is unlikely to occur whilst we are in a climate of curriculum change and of general uncertainty amongst staff in understanding standards.

Our concern is that this practice is being replicated now at Higher and Advanced Higher qualifications. The concern arises because there has been a disparity between the SQA operations team and subject specialists in the guidance, key messages and support that they have provided. This confusion and uncertainty leads to staff not trusting the process and hence, once again, defaulting to assessment-driven experiences.

It must be recorded that the SQA have been extremely helpful in supporting the School and it is only the necessity to repeatedly seek clarification because of conflicting messages that undermines confidence.

An alternative strategy would be for the SQA to reconsider its demand on all pupils passing (and having evidence of) units. Instead, entering and documenting unit passes would be an opt-in service. This would allow a

proportion of candidates (in particular borderline) the facility to recognise positive achievement and to demonstrate progress in practical skills. In addition, at National 5 level it would indeed provide the basis of a failsafe, with the National 4 Added value unit, securing a National 4 qualification.

Removing the requirement to demonstrate pupils have satisfied the level of a pass (Grade D) in Units across all qualifications, a significant proportion of candidates would then have the freedom to engage in positive learning experiences that fulfil the curriculum design aspirations of breadth, depth and challenge that are not restricted by numerous assessments.

Comments and questions from specific departments appear below:

### English

1. Why has the SQA become so obsessed with making the Advanced Higher English Course 'fit' the language of the Higher Course Units, so that it is now no longer fit for purpose as a course that sixth form pupils who wish to read widely will enjoy, or that the universities will value?
2. Why is there so much needless baseline testing in the Higher Learning Outcomes, at the expense of learning and teaching and more meaningful assessment that actually supports learning?

### Physics

1. The New CfE Higher/National 5 courses have a large number of internal assessments, the Knowledge and Understanding and Problem Solving tests being set at a very low minimum standard level such that high achieving kids gain no assessment for learning benefit. Would it not be more appropriate to set Unit Assessment at the same standard as the final exam but have a very low pass mark (say 40%) as this would allow the tests to have real assessment for learning value as well as being used to satisfy minimum competency level?

### Economics, Business Management, Accounting and Administration

On the positive side the new Business Management Higher is improved but still has a way to go.

However:

1. The workload associated with the administration/paper work ensuring all Learning Outcomes are passed by all pupils and to fulfil the requirements for verification is excessive. The Learning Outcomes are set at a very low level, assessment can be with Open Book tests - all very pointless as meaningful assessment has to be done on top of this. Feedback from one SQA adviser:

'the unit assessments (i.e Learning Outcomes NARs) are set at minimum standards it is just jumping through hoops'. This is so disconcerting: what 'excellence' is there in us wasting our time on meeting minimal standards

2. The value added assignment. We will have about 300 individual assignments to monitor next session. If we are to do this meaningfully in the proper spirit of CfE we need to give advice and feedback to students on the process - this will take us a lot of time. Fitting it into a two year National 5 course can make this work reasonably well but doing these in a crowded one year Higher course is going to be very difficult. Advice from the SQA on time allocation and teacher involvement is unrealistic if this is to be done properly. Of course, they may well force teachers to 'process' the assignment - all do it on one company / issue. Teaching the skills required to investigate, apply theory, write up a coherent report are admirable skills to promote but to basically tell the students to come up with a topic and go away and complete it without ongoing feedback on progress, structure and coherence makes the exercise a missed learning experience.

Of particular concern is the fairness of this coursework element. It is open to abuse. It makes up (at Higher level) 30% of the grade in Business Management, Economics, Accounting and 70% of the grade in Administration. Despite the guidelines laid down about help from teachers, there are going to be problems here even though it has to be written up during a supervised time slot. Research material/notes can be used (i.e. they can effectively pre-write it) but excessive input from teachers/parents will be hard to monitor. This has already proved to be a problem in National 5 Accounting where huge disparities between assignment grades and exam paper grades were obvious to all.

With Administration, we have a particular problem as the assignment is not secure, as it is issued well before to teachers. They can teach to this assignment, help the pupils during the 2 hour write up, no invigilation and it is 70% of final grade. Schools can sit it at different times and it is naive to think that pupils will not communicate between themselves in different schools even if the teacher sticks totally / strictly to the SQA guidelines. The opportunities for abuse are huge. The qualification will be devalued because the abuse could occur over 70% of the assessment and it won't be long before Universities stop taking this Higher seriously.

Overall we are very concerned about the enormous workload this new approach brings (of which we have already experienced with the National 5) but on top of that all our efforts will be devalued if widespread abuse occurs.

### Conclusion

In conclusion, we consider that new assessment requirements place too much emphasis on establishing basic standards rather than enabling pupils to strive for true excellence. They tend to encourage an approach which prioritises assessment over learning to the detriment of both staff and pupils. We fear



that a combination of the potential for inappropriate coaching through coursework, a focus on basic competency, and conflicting messages emanating from the SQA may undermine the credibility of the new qualifications.

Melvyn Roffe  
Principal

**Gleniffer High School, Paisley****26 January 2015****Curriculum for Excellence submission to Scottish Parliament's Education and Culture Committee**

The following submission is made on behalf of the school following consultation with senior managers, Principal Teachers and Faculty Heads. The submission includes direct responses from a number of Principal Teachers and Faculty Heads.

Firstly, it must be stressed that the preparation over the last five years for what has been the greatest wholesale change in education in Scotland has lacked clarity, direction, leadership and planned or structured support. It has been inconsistent across subject areas from the introduction of the Experiences and Outcomes in the BGE to the implementation of National 3, 4, 5 and National 6 Higher. The introduction of such an ambitious programme has come at a time of national austerity when financial support and staffing levels have been at their lowest for many authorities. Any support that has come over the last three years in particular has come as a result of pressure from local authorities and the professional associations. There has been no long term planning and no acknowledgment of the work that teachers have had to put in to make all of the courses currently running in schools work.

The 'bottom up' approach from the Broad General Education through to Advanced Higher has created a great deal of uncertainty, frustration and increased workload for staff. Throughout each stage of development, teachers were unclear of the assessment standards required as pupils moved through the levels in the BGE into the new Nationals. As experience has been gained and teachers have become more familiar with course work and assessments they have had to continually re-evaluate the work from the previous year and level. This would not have been the case had the 'gold standard' for National 6 Higher and National 5 been set at the outset of curricular change. However, that situation has regrettably happened and cannot be changed but some lessons have been learned and the support for the new Highers does seem to be better but again this is inconsistent across subjects. It must also be stated that as a local authority Renfrewshire Council has been very proactive in developing and supporting the new Higher but this is also affected by the national picture which is inconsistent across subjects.

As we move into 2015 with a varied picture across Scotland for Higher presentations in May, the Scottish Government is urged to take cognisance of a programme that has stuttered its way from inception to where we are now. Additional support must be made available now through additional planned in-service days to allow staff to further develop courses as well as having protected time to re-evaluate and change courses at preceding levels as a result of what they have learned from current levels. There must also be ring fenced financial support for authorities to commission staff as well as support

certain courses which now demand greater access to IT, increased consumable materials and new course work textbooks.

Teaching staff across our country have worked incredibly hard to deliver new courses in spite of the ongoing issues of direction, support and financial constraints. They have worked tirelessly for the young people in their classes and done their best to support them during a period of great uncertainty. This is now time to take stock and despite the lateness of the hour, put in the necessary support for this session and next by listening to subject specialists and head teachers and giving them what they require to finish off the course development and implementation in a way they should have been supported from the inception of Curriculum for Excellence.

Responses from a selection of Principal Teachers and Faculty Heads

### **English**

In-school issues as a direct results of CfE implementation and development:

- All members of the department fully aware of the prerequisites of the course as well as internal assessment and external assessment
- Provision of internal assessment items for both units at Higher level ; problematic in talking and listening which covers two units
- Adaptation of close reading and listening assessment items in the SQA Unit Assessment Support Packs for departmental use
- Development of materials for the teaching of literature- Scottish text and critical essay
- Evaluation of teaching resources created this session by Local Authority Commissioning
- Evaluation and familiarisation of commercially produced textbooks and SQA/ Education Scotland teaching materials
- Familiarisation with the changes the close reading (RUAE) in the external exam
- Creation of materials to teach towards the changes the close reading (RUAE) in the external exam
- Understanding standards for the Higher folio essays
- Clarity and exemplification on the moderation process carried out in the first year of implementation

Development time this session is being used to address some of items above. However, the development time allocated to this session also is required for existing courses and for those teaching a new course for the first time. This limits the time available to address all of the required work to set the new Higher in place for the start of next session.

The following is required:-

- At least one additional In Service day next session to assist in the implementation of the new Higher and evaluate the impact of this on BGE and Nat 3 to 5
- Additional ring fenced subject specific funding to allow departments to buy in commercially produced and very expensive textbooks to teach courses
- Additional financial support to support the department through commissioning work and development days

## **Humanities**

### **(Geography, History, Modern Studies and Religious Education)**

- Confidence in the delivery of the CfE Senior phase within the faculty has increased this session. This is partly due to increased availability of course resource materials from Education Scotland and additional assessment exemplification from the SQA.
- The level of support supplied by Renfrewshire Council for the delivery of the CfE Senior phase has been very helpful this session. Authority meetings have been especially helpful in allowing staff to increase their knowledge, skills and confidence in the delivery of courses, especially the new CfE Highers.
- The new CfE Higher History materials published by the SQA to support preparations for the new qualification are clear and concise. A vast improvement on materials produced for National 5 History last session.
- However, staff feel their workload has increased significantly over the last two years due to preparation for CfE Senior Phase implementation and the delivery of new courses. Staff also believe that their workload will continue to increase next session, due to the delivery of the new CfE Higher in Modern Studies and Geography.
- Staff also highlighted the need for a National 4 examination. Staff believe that pupils and their parents do not think the National 4 qualification has much worth because there is no independently marked exam required to pass it.

## **Art & Technology Faculty**

### **Art & Design**

Issues specific to National 6 Higher:

- Costings across all year groups has increased as we now deliver a more coherent CfE curriculum.
- Art and technical are finding it difficult to ensure that staff have the correct resources to deliver courses adequately.
- We are getting a lot less consumable materials for our money these days. As a result we have to be very resourceful and some elements like printing in S1/2 has had to be removed from the curriculum because of the expense.
- This is all about giving pupils 'experiences and outcomes' - but cutbacks are already being made.

### **Design and Manufacture**

- The course is being taught using the original Higher Product Design Course Notes.
- SQA have not produced a course book.
- SQA have produced an arrangement document with no exemplar materials showing clear steps of marking.
- The tasks involved in this course are highly academic and reflect University level work.
- The time for each task has not been accurately thought out as our students have been virtually taken by the hand through every stage of each task.
- No training or quality assurance has been given with teachers have to self-start the course
- I cannot put an accurate account of the time I have personally spent making resources, researching, lesson planning and trying to structure a course which can be delivered in 2015. Also, I feel vulnerable as there is no one or leader who can direct me. I have used the Drop Box and contact friends and everyone is of the same opinion.
- Finally, the students who are presently being taught this subject are not skilled and the progression from National 5 to Higher is a massive difference. It is my professional opinion 90% of students should tackle this course over two years.

### **Higher Graphic Communication**

- The number of tasks is excessive and repetitive and requires an introductory unit before completing. This is time consuming and the teachers delivering this qualification feel uncomfortable and vulnerable teaching this course.
- No resources have been produced and staff are working to develop resources and delivering units of work as they progress.
- Course notes are required as the course has a number of new concepts and the course notes for the old higher cover 90% of the new higher.
- The general consensus from staff is that there has been insufficient opportunities to receive adequate training to make them feeling comfortable delivering all units.
- CPD is now urgently required as well as resources and funding. Booklets, Books and exemplar materials produced by SQA are required.
- I honestly do not know what commissioned SQA teachers have produced for both courses. Quality assurance and simple breakdowns explaining clear each mark for a portfolio is desperately required. It is like working in the dark.

### Physical Education

- In order for the implementation to be fully successful departments need to be fully resourced. The new courses require additional materials, photocopying and equipment and the current department budget does not take this into consideration.
- Due to the 'bottom up' approach to developing courses and the inability for departments to see the 'end point' earlier in this process, BGE and early National courses now require constant adjustment and this stretches departments with regards to time.
- Additional In-service days are **essential** for departments to fully implement, evaluate and adjust courses to suit the new curriculum.
- The level of support from the Scottish Government and SQA in implementing the New Higher courses has been extremely disappointing. This has left departments to 'go it alone' and this stretches department's staff and resources.

### Health Food and Technology

- Course content has been diluted at National 5 impacting on the preparation of candidates for Higher awards.
- Repetition between course levels could result in uptake and progression within the subject being reduced.
- Increased Assessment - interrupting effective Learning and teaching
- Unit assessments are too long it has taken 3-4 weeks for each unit assessment - in total 12 teaching weeks in the school year is assessment, then candidates have to produce a course assignment taking another 4-5 weeks.
- Pupil enjoyment has decreased - ultimately affecting engagement, achievement and uptake.
- SQA support materials are limited and often inaccurate.

### Business Management:

- Welcome the new content - relevant and engaging.
- Feel the new assessments are too open ended
- Feel the standard of answer required in some areas has dropped slightly
- There is more time pressure now with new content added and new assessment added and nothing removed
- Overall very positive about the new course however

### Administration & IT

- Welcome the clear focus on skills
- Like the fact there haven't been radical changes to content
- New content is valuable
- Feel the pupils are not allocated enough time to complete their assignment however

- Little flexibility with assessments - need 100% accuracy which is a real challenge
- Feel pupils are still over assessed

**Computing Science**

- Welcome the changes to the course
- New content relevant, engaging and valuable
- Significant challenges with staff knowledge and training needs in some areas with little support from Education Scotland
- Too much content in second unit
- There are clear challenges but very positive about the new course

David Nicholls  
Head Teacher

**Hamilton Grammar School, Hamilton**

I am writing as the Head Teacher of Hamilton Grammar school in South Lanarkshire. In making this submission regarding Curriculum for Excellence I would wish to make it clear that, while I am providing information about progress in delivering the Senior Phase, the views expressed below are my own. I would also like to make two contextual points.

Firstly, this school is firmly committed to the values, purposes and principles of Curriculum for Excellence. Our curriculum is innovative and fully honours the broad general education and senior phases of CfE. I believe that this school has a curriculum model that will meet the needs of almost all young people and deliver on both attainment and achievement.

Secondly, governments around the world have turned their minds to educational policy in response to a rapidly changing, increasingly globalised world economy. Scotland's response - Curriculum for Excellence - should therefore have the highest priority within government if we truly wish to have not just a good but a world class education system and so this school views CfE as not just a local issue..

This school is making good progress in delivering the 'new' Highers and about 80% of higher courses being delivered this session are the new courses. The school in general is finding the situation less stressful than delivering N3-5 courses last session, as important lessons were learned. That is not to say that there are no issues. Staff have cited a number of major concerns. Workload is cited almost unanimously by staff as an issue. Secondly, and related to this, staff have again had to create new course materials as there are few commercial resources available. Thirdly, there is a perceived lack of support and exemplification from SQA, particularly vexing when staff are trying to get a sense of the standards on their first year of delivering the new courses. While it was always clear that CfE would be delivered as a professional development model and that we should not expect large quantities of support materials, this is disappointing. Almost every subject voiced the same concern. I believe that as a country which wants (and needs) to have a world class education system, we could have done better in this respect. The last big issue relates to getting the standard right in terms of assessment. Many staff see this year as very much of a learning process in this respect. This relates particularly to the new coursework elements of the new Higher courses with some concerns raised about time to complete these.

Despite these concerns, there is a lot of positivity about the new Highers. It is felt that they are more interesting and relevant than the previous prelims and generally better than those courses. There is also good progression and articulation from National 5. South Lanarkshire Council has put in place a number of support structures and in my local area the Hamilton Area Moderation programme continues to provide a valuable forum to discuss assessment issues, e.g. verification. This session the focus is new Higher. The funding provided by the Scottish Government has also proved valuable.



The feedback from students is fairly positive. Last session was fairly stressful for them and focus groups conducted by the school reinforced the point that they were unsure about the demands of the new Nationals and worried about what lay ahead. This session they acknowledge that the courses are challenging and that they have to work hard. They are, however, much less anxious about this session. They learned a lot from coping with the demands of National 4 and 5 last session. The school has helped by providing students and parents with a detailed assessment calendar and hosting curriculum information events.

Looking forward, I would make the following points:

- 1) There should be minimal changes for three sessions (beyond addressing identified specific problems) to allow schools to revisit and improve what they deliver as the broad general education phase, bed in their senior phase curriculum and address the evident problem of on-going over assessment S4 to S6.
- 2) Any evaluation of CfE should be considered over a reasonably long time scale.
- 3) The current concern over relative performance of young people from the most and least affluent backgrounds is well founded but cannot fully be addressed by educational change alone. This is a defining social issue. Indeed, given the stresses on some communities at the moment, it is possible to expect the gap to widen even further for a time.
- 4) In taking forward CfE (and narrowing the attainment gap) the biggest risk factor for schools at the moment – the factor that could make the difference in succeeding or not - is the continuing round of efficiencies and savings required of local authorities. The scale of these in the next three years is leading some authorities to consider making changes unthinkable in past years. In my view there is a real threat to further implementation of CfE. I believe that this is not compatible with fulfilling our ambition to be a world class education system.

C Stewart  
Head Teacher

**Inverness High School, Inverness**

Two brief comments w.r.t. the introduction of the new Highers.

1. Implementation in our school has been variable with some teachers waiting until next year. This seems inevitable given many of our departments are one or two staff only who have been involved in development work on new courses for the last four years and, in many cases, need a break. Many are waiting for resources to be more fully developed before starting the new Higher courses.

2. Concerns have been raised in Highland about the robustness of the marking process with, in some instances, up to 50% of appeals being successful. This brings into question the rigour of some marking processes and needs to be sorted out so that all pupils stand an equal and fair chance of success.

Many thanks,

John Rutter

Headteacher

**Sgoil Lionacleit, Liniclate, Isle of Benbecula**

Thank you for the invitation to provide feedback and comment on new qualifications (Higher) and Curriculum for Excellence in general.

- We would like to see National 5 and Higher Computing Science coursework assignments to be marked externally. This ties in with other subjects, for example, Administration and IT. This will reduce workload and ensure national standards are maintained.
- We have discussed the possibility of a school-based certificate based on performance in school tests for pupils not taking National 5 examinations. However it still leaves a problem with my school qualification and that of another centre elsewhere in Scotland; would they be seen of equivalent value and merit. With Standard Grade a pupil could take elements at different levels in line with their strengths in a subject. It was an inclusive and equitable system – something that could have been modified rather than dropped. We think it makes sense to see National 4 qualifications graded because it will restore parity in the perceived value of all qualifications.
- I think it is a pity that SQA have retained units in mathematics that must be passed to qualify for a full course award but that do not actually contribute anything to the grade that the young person receives. Mathematics seems to be different to the way other courses are structured. No one wishes to return to the investigations that were once a part of the Higher Mathematics course but I think it is unfortunate that the results of these unit tests do not in some way contribute to the final award.
- It appears that the SQA are tied to the old Scotvec (Modules and Units) and SEB (External Exams) approach to assessing young people. Why wasn't a more creative approach taken along the lines of the Open University? With the OU there are two components to every course: an internal element based on course work (30%) and an exam element based on the end of course external exam (70%). With sampling of centres it could be done and it wouldn't be any more onerous than what we currently have to do.

[The following additional comments were subsequently provided—]

**New Highers in Physics, Chemistry and Biology**

1. We have found that the launch of the new Higher qualification has been rushed and there has been insufficient resources provided to support their implementation.
2. Planning the delivery of the courses has been made unnecessarily difficult as the key information is scattered through various documents and not easy to find.

3. There doesn't seem to be consistency in where to find information across the different qualifications and so it is easy to overlook vital details.
4. Sometimes documents referred to come from different sources e.g. Education Scotland and there have been discrepancies between these and the SQA documents.
5. More detailed information with respect to the assignment is badly needed. The student guides are poor and it is difficult to guide the pupils effectively without exemplars and training

#### National 5

The points raised above with respect to documentation and the assignments also apply. It is now the end of January and there are still no exemplars for the assignment on the Understanding Standards pages of the SQA secure site. We were told that it was not possible to provide these before the first cohort had been examined (Andy Shields) but that they would be provided after. It is now too late to learn from them for the current cohort.

Miller MacDonald  
Head Teacher

**ADES SUBMISSION TO PARLIAMENTARY EDUCATION COMMITTEE 3 FEBRUARY 2015**

We note that the Education Committee of the Scottish Parliament is conducting a session on Tuesday 3 February in relation to Curriculum for Excellence and that the Association of Directors of Education has not been invited to give evidence. Notwithstanding our disappointment in this respect, we would like our submission to be made available to the committee so that the views of Directors of Education can be noted.

- In broad terms, Curriculum for Excellence ( CfE ) is a long term Educational Reform Programme which is bringing great benefits to learners due to the improving approaches to learning, teaching and assessment, more meaningful curriculum experiences, and a range of more appropriate and relevant qualifications now becoming available. That said, change is never easy and there is a need to continue to monitor progress to ensure that the goals of CfE are realised.
- 2014 saw the introduction of the first phase of National Qualifications which, while proving challenging for schools, have been successfully delivered. This was due to teachers, schools, education authorities and national agencies, working hard, and in partnership, to ensure standards were met and young people rewarded for their hard work. The system delivered and should be congratulated for that.
- CfE is a programme that continues to evolve and discussions continue on the evaluation of the first year of NQs and, as a consequence, some changes have been introduced by the Scottish Qualifications Authority to improve approaches but ensure standards are met. This is particularly the case in the quality assurance of the internally assessed courses. ADES supports these changes.
- Preparations for the new Highers are going well but again we acknowledge that schools and teachers involved do have to prepare new courses and, as a consequence, a range of support materials, advice and help has been made available. SQA have been very responsive to meeting the support and advice requirements and ADES is working closely with them and Education Scotland to ensure that as much help is made available as possible. Along with Education Scotland, Education Authorities have prepared course materials for the full range of NQ courses with a start being made now for the Advanced Highers which come on stream in 2016. The additional in service day for secondary schools has been helpful as have the various local and national seminars for teachers.
- ADES notes recent press coverage on the uptake of new and existing Higher courses, and is quite relaxed on this matter. Schools have been given the opportunity to transition into this new qualification framework and the most important issue is to ensure that standards are maintained. All schools realise that this is a transitional year for the Higher and that all the 2016 courses will follow the new syllabi.
- We are currently supporting a series of national conferences for all of Scotland's secondary HTs and they have reported a much calmer, albeit busy and purposeful tone in schools across the country in respect of the new qualifications. We are also working hard to reduce unnecessary bureaucracy from CfE, and also to implement the findings of the Reflections Report.
- While much of the publicly reported statements on CfE revolve round the qualifications element of the programme, members of the committee will be aware that the whole of the 3-18 learner journey is covered by CfE, and teachers continue to review and develop their curricula in light of the needs of children and their communities.
- One particularly important dimension which has the potential to bring great benefit to Scotland is the implementation of the recommendations of the ' Wood Commission ' report, Developing Scotland's Young Workforce. This should bring exciting and meaningful opportunities to our young people.

In conclusion, ADES would advise the Education Committee that CfE continues to develop and mature in a manner that supports the needs of children and young people, their parents and carers, and our society generally. While we don't doubt that this programme will continue to require to be supported and evaluated, we can report an increasing confidence and purposeful approach particularly with the development of the Qualifications Framework.

## ANNEXE A

### Clerk's note:

The following questions were submitted in response to a request made via Twitter and the Committee's webpages. All questions are reproduced anonymously unless the submitter requested otherwise. They have been grouped together into broadly similar themes, where possible. In some cases, the submitter also provided a short pre-ambule to his/ her question.

The following questions are broadly concerned with **assessment**—

### Question from a Physics Teacher

2. In view of the fact that a substantial proportion of assessment in the new CfE qualifications is now carried out and marked by teachers, rather than the SQA, how will this additional workload be reflected in the time and salary given to teachers?

### Question from Mark Ashmore, Head of Faculty of Science, St George's School for Girls

3. Are there any plans to have a feedback and review working group following the introduction of the new CfE Highers, particularly on the level and type of assessments involved?

### Question from NPFS

4. What is the Cabinet Secretary's response to the view of some parents that continuous assessment requirements are "putting our students under intolerable stress"?

### Question from The Mary Erskine School

5. The introduction of CfE was intended to reduce assessment but the present system has not achieved this. Candidates are assessed on specific outcomes and, should they fail an outcome, they are reassessed on this. Many of the assessments make it difficult for the candidate to attain overall success and re-assessment is frequently required. The CfE courses have also added in other layers of assessment for which the candidates have to be prepared. All of this is causing great stress for both pupils and teachers and also reducing time available for the delivery of the course material. There are also issues with the recording of a large volume of evidence which seriously impacts on teaching staff. **Are all of these assessments aiding the students in their learning or are they having a negative impact?**

### Question from a Biology Teacher

6. I watched with great interest the highlights of the evidence session from October 7<sup>th</sup>, and welcomed the discussion relating to the concern regarding teachers not being allowed to teach. I teach Biology, I have 60 National 4/5 pupils who I have been unable to 'teach' for 5 weeks. Why I hear you ask, because I have had to spend all of this extremely

valuable teaching time assessing these pupils for N4/5 courses. This is not what I would call educational progress! Content has been replaced by assessment. This curriculum is far from excellent! It fails to meet the needs of all, where is the progression for N4 candidates, these pupils who are most in need of qualifications that count are being short changed and the routes for progression are either too difficult for them (N5) or don't exist in every school. It also fails to provide teachers with the many opportunities for quality teaching promised as a selling point for CfE. Standard Grades were far superior in both of these respects. **How are you going to address these concerns felt by many secondary teachers?**

The following questions are broadly concerned with **study materials**—

**Question from NPFS**

7. What is the Cabinet Secretary's response to parents' and learners' concerns about the lack of study materials for the new Highers?

**Question from a school pupil**

8. I am part of the first year to be sitting the new highers in 2015 and I am finding it very difficult to study as there are no past papers and a lack of specimen papers. This makes myself, my peers and especially my teachers unsure of what type of questions will be in the new exam, which is worrying. This is also very unfair as all other candidates sitting their highers in previous years have known what types of questions expect. I am aware that lists of previous questions from past higher exams (which are relevant to the new highers) have been provided, however this is extremely unhelpful and time consuming as they are all in completely different past papers. **Why is there a lack of specimen papers provided for the New Higher qualifications?**

The following questions are broadly concerned with **SQA assessors**—

**Questions submitted anonymously**

9. Can the SQA explain why a number of its appointees, even up to the level of Principal Assessor, have no or relatively little experience of marking, examining or setting in the Higher subject in which they will lead or be involved?
10. What guarantees can the SQA give in a year of 'dual running' that Principal Assessors, some with no experience of the 'old' Higher qualification, can ensure consistency of the national standard year-to-year and between 'old' and 'new' qualifications?
11. During the development stage of the CfE Highers, can the SQA guarantee that all final published documentation was checked by subject Principal Assessors to ensure there was no ambiguities or contradictions that may result in some centres misinterpreting the documentation to the disadvantage of candidates?

12. Can the SQA guarantee that all exemplar Higher unit assessment items on the SQA Secure site are valid questions that centres may use to provide certification for candidates?

The following questions are concerned with **advanced highers**—

**Question from The Mary Erskine School**

13. Many schools delayed the introduction of the CfE Higher as a result of changes to the course and lack of available material for effective delivery of the new course. As a result a large number of the present cohort of students taking Higher will sit the CfE Advanced Higher which could disadvantage them. The SQA have refused to run the present Advanced Higher for a further year as "contingency plans are not in place". **What can be done to correct this?**

**Question from Madras College, St Andrews, Parent Council**

14. We would like to ask the Cabinet Secretary to reconsider allowing schools a similar one-year discretionary extension to the introduction of the new Advanced Highers. [The preamble to this question is contained in the college's written submission.]

Other questions relating to **old and new Highers**—

**Question submitted anonymously**

15. How will the old Higher be affected by the introduction of new Higher?

**Question from a 5<sup>th</sup> year pupil**

16. My question is that not all school in Scotland are doing the new highers this year even though they all had to do national 5 last year. Why should these pupils be allowed to do the old higher because their course will be significantly easier, compared to the schools which are doing the new highers? Doesn't this put them at more of an advantage, and shouldn't we all be doing the same courses to keep it the same across Scotland? It seems ridiculous.

**Questions from Colleges Scotland**

17. Lessons have been learned from the first cycle of Curriculum for Excellence Qualifications. What reassurance can be provided for students, teachers, lecturers and parents that the transition from National 5 qualifications to new Higher qualifications will be seamless and will not disadvantage students sitting new Highers this academic session?

**Question from NPFS**

18. Will the Cabinet Secretary release extra funding for resources to help parents understand what is happening with the new Highers?



**Question from NPFS**

19. What is the Cabinet Secretary's view on NPFS' suggestion about the creation of the bank of questions for the new Higher exams, from which questions would be randomly drawn each year?

**Questions from a teacher and parent**

20. On what educational, developmental psychology and equity bases are decisions on the number and range of subjects children study being taken by schools?

21. With a reduction of choice from 8 to 6 at S4, it means that children are a year younger than they used to be when making decisions that may affect their whole life. In terms of child and learning psychology, what evidence are you using that such a restriction of choice does not impact detrimentally on the intellectual development of the child? What is the evidence that children of this age are able to make such decisions?

**Submission from a 6<sup>th</sup> year pupil**

22. As a sixth year pupil I am only sitting one of the new highers this year. The structure and content of the new higher is not a problem but we have been told that our spelling must be correct or else we can lose marks. This is completely unfair to pupils who are under a lot of pressure, are dyslexic or need a scribe.

The following questions raise broader Curriculum for Excellence-related issues—

**Questions from Colleges Scotland**

23. Curriculum for Excellence is a strong foundation for achieving the ambitions of the key themes and milestones of Developing the Young Workforce. What information and resources will be available for employers and parents to achieve genuine and authentic connection to the proposed senior phase pathways on offer in schools and colleges?

**Question from NPFS**

24. What does the Cabinet Secretary think should be done to ensure that the principles of Curriculum for Excellence – personalisation, a focus on wider achievement, cross-curricular learning – are fulfilled?

**Question from The Duke of Edinburgh's Award**

25. Achievement is a key plank in Curriculum for Excellence, what steps can the Scottish Government take to ensure that there is as much focus on closing the Achievement GAP as there is closing the Attainment GAP?

**Education and Culture Committee  
Curriculum for Excellence: New Highers  
3 February 2015**

The purpose of this session is to discuss the implementation of the new Highers. Witnesses have been informed that the Committee may also want to discuss other topical issues around Curriculum for Excellence.

This year the first exams under the new Highers will take place and the second cohort of pupils will take National 4 and 5 qualifications. Intermediate 1 and 2 (which the National 4 and 5 qualifications will replace) and the old Higher are also available this year. From the 2015/6 school year onwards, all pupils will study the new Highers. A Scottish Government news release setting out provisional entries for new and existing Highers this year has been circulated separately, with the other written submissions.

This paper briefly summarises some of the main issues from the Committee discussion on Curriculum for Excellence on [30<sup>th</sup> September](#) and [7<sup>th</sup> October 2014](#), which focussed on the first year's implementation of the National 4 and N5 qualifications. The paper gives information on entries to Higher this year and also mentions briefly recent developments such as the Scottish Government's strategy for implementing the Wood Report and the SQA new post-results service.

**Previous Committee consideration:**

The Committee last considered CfE in September and October 2014<sup>1</sup>. For members new to the Committee, information on other meetings at which Curriculum for Excellence has been discussed is available [here](#), and the most recent SPICe briefing on Curriculum for Excellence can be accessed [here](#).

The main themes discussed at the meeting in September were teacher workload and the degree to which the 'vision' of CfE had been realised. There was some specific consideration of the new Highers, although many of the more general points made would apply across all the new qualifications.

**Workload**

Union representatives referred to the extra work put in by teachers to ensure the successful delivery of National 4 and 5. They considered that this was not sustainable. Jane Peckham (NASUWT) said: "it is foolish to think we are over the worst." On the other hand, Janet Brown (SQA) considered that: "the first year is always difficult, the second year will be better".

---

<sup>1</sup> On 30th September the Committee heard from: ADES; Education Scotland; GTCS; NAS/UWT; SQA; and SSTA. The following week the Committee took evidence from the then Cabinet Secretary, Michael Russell.

## **Aims of CfE**

Although witnesses recognised that the first exam diet for National 4 and 5 was successfully delivered, it was considered that there was much more to do to ensure that the 'vision' of CfE would be achieved. Terry Lanagan (ADES) said:

"We have the challenge of developing a truly progressive, coherent three to 18 curriculum. I believe we are some distance from achieving that as yet, but everybody in the system is well placed to take forward that next challenge."

Ken Muir (GTCS) was more circumspect, saying:

"we still have some way to go with teachers' understanding - and headteachers' understanding in some cases - of what CfE is trying to achieve."

## **Report on First Year of National Qualifications**

A working group, led by Ken Muir, published in August 2014 a quick review of the first year of the delivery of National Qualifications. Its main message was that there had been too much assessment. This 'reflections report' included 36 actions for the 2014/15 session and 19 longer term actions. Graeme Logan (Education Scotland) said that many were already underway and the recommendations had been incorporated into the CfE implementation plan.

## **The New Highers**

Richard Goring (SSTA) commented on anxiety about the new Highers and about the level of support that would be provided by Education Scotland and SQA. However, he acknowledged that:

"there is perhaps a bit more confidence about the highers than there was about the national 4 and 5s last year [...] but there are still major problems with materials, resources, budgets and obviously, time."

Larry Flanagan referred to a survey of EIS members which found that 65% of respondents said support for the new Higher was poor. He said: "There are still big challenges in the year ahead, especially with the new Higher."

Graeme Logan referred to:

"a mixed picture of uptake this year. We have been analysing the subjects where there is less uptake of the new higher and providing additional support for those subject areas, which are computing science, physics, chemistry and biology."

This was echoed by Terry Lanagan:

"it has been quite interesting to see the consistency across local authorities with regard to the subjects that people had concerns about - the sciences and computer science."

The then Cabinet Secretary, Michael Russell, told the Committee that:

We have a lot more work to do, but we have had that successful introduction. If we keep our head and ensure that we continue to support teachers, we will get through

the introduction of the highers and then the new advanced highers, and we will continue with CFE.

[...]

We are continuing to refine the internal communications between the parts of the whole, and I think that the SQA is now fully embedded in that process in a way that it might not have been a year ago. That will continue through the roll-out of the highers.

## Entries for Higher in 2015

Schools were given the option of whether to use the new Higher or continue with the old Higher this year. The table below shows the proportion of entries for the new Higher compared with the nearest equivalent of the old Higher.

Overall, 55% of the entries for Higher courses this year are for the new Highers.

The table below shows the Higher courses for which there are over 3,000 entries, giving the split between those for the new Higher and the old Higher. The two most popular Higher courses - English and Maths – have 61% and 51% of entries respectively for the new Higher courses. Courses with particularly higher proportion of students taking the new Higher include: Graphic Communication, Administration, Music and Drama. Those courses where students have been more likely to stick to the older Higher include Computing, Chemistry and Physics.

	entries	% new higher
Graphic Communication	5,067	84%
Administration (old) administration and IT (new)	4,023	83%
Music - Performing / music	5,606	83%
Drama	3,476	78%
Design and Manufacture (new) product design (old)	3,200	78%
Biology/ biology (revised)	3,884	75%
Physical Education	10,325	70%
Art and Design	7,230	66%
History	12,671	65%
Business Management	9,677	61%
English	38,491	61%
French	4,938	61%
Religious, Moral and Philosophical Studies	5,206	57%
Mathematics/ Maths 1, 2 and 3	24,706	51%
Modern Studies	10,623	51%
Geography	9,173	47%
Human Biology /human biology (revised)	5,117	40%
Physics /physics (revised)	10,747	39%
Chemistry/ chemistry (revised)	11,737	38%
Computing Science (new) computing (old)	4,823	30%

source: SQA personal communication, January 2015

n.b: lists those subjects with a total of more than 3,000 entries. Some course titles and content have changed - for example the table compares computing with computing science and compares music -

*performing with music. For old Higher science courses the entries for revised and un-revised courses have been combined.*

## **Developments Since September 2014**

### ***Tackling Bureaucracy***

Since the Committee last discussed CfE the working group on tackling bureaucracy re-convened in late 2014 to consider progress on its recommendations made a year earlier<sup>2</sup>.

Around the same time the EIS published results of a [survey](#) of their reps, indicating a gap between policy and practice on tackling bureaucracy:

"The overall message from the Reps survey is that the Tackling Bureaucracy Report has been well received and that its recommendations are sound, but that there is a clear gap between the rhetoric and the reality in our schools."

### ***EIS survey***

The EIS also consulted with their members in autumn 2014 on the implementation of N4, N5 and the new Higher. Their [survey](#) received 1385 responses and results were published in October 2014:

- Nearly two thirds (63%) had not seen the 'Reflections' report (i.e. the report of the working group led by Ken Muir which looked at the first year of the new Nationals)
- 64% said National 5 passes were in line with school expectations.
- 65% said support for the new Higher was poor.
- 53% were 'somewhat confident' that the new Higher would be delivered successfully.
- 82% said no action had been taken to control workload.

### ***SQA and Education Scotland support***

The SQA and Education Scotland have continued to publish support materials for the new qualifications. For example:

- All Exemplar Question Papers for Highers are due to be published on SQA [subject pages](#) by the end of January 2015. The Exemplar Question Papers include Marking Instructions, and will also be accompanied by a guidance document that illustrates how further examples of questions can be produced.
- SQA is running subject-specific support events from 26 January 2015 to 2 April 2015 to support the new National Courses at Advanced Higher in Session 2015–16.

### ***OECD Review***

The OECD's review of CfE is due to report in December 2015. The Royal Society of Edinburgh has commented on the review saying: "it is our understanding that the OECD review will not undertake an in-depth evaluation of the impact of CfE. Rather, it will adopt a broader, forward-looking perspective on how CfE is being implemented." [Herald report 24th Dec](#). At last week's Committee meeting Prof. Sally Brown said that the OECD would visit Scotland in February and June.

---

<sup>2</sup> The working group was initially launched by the former Cabinet Secretary in 2013.

## **SQA 'Post results service'**

Following consultation, the SQA introduced a ['post results' service](#) this year, replacing the previous appeals service. In 'exceptional circumstances', on or before the day of the exam a candidate can have alternative evidence considered. This must be requested before exam results are issued. Exceptional circumstances would include bereavement or serious illness. After the results are issued, a school can request a clerical check and/or a marking review. A fee will be payable for this service if there is no change made to the original grade.

[Statistics](#) show that 1.6% of eligible entries requested a Results Service review. Of these, 25.7% resulted in a grade change. These figures do not include "exceptional circumstances" requests.

In comparison, in 2013, 5% of Standard Grade results were appealed, as were 11% of Highers and Advanced Highers. 43% of appeals in Standard Grade were successful, as were 43% of Higher appeals and 48% of Advanced Higher appeals.

## **Wood Report**

On 10 March the Committee will have a dedicated evidence session on the Wood Commission's implications for schools, teachers and pupils (as part of its work on attainment). Given the breadth of this topic, however, members may also want to discuss some relevant issues at today's meeting.

In the Committee's session on CfE in October, the links with the Wood Commission were briefly discussed. Michael Russell said:

"Wood could not really succeed without the flexibility of CfE or the opportunity for divergent paths to be taken and a range of opportunities to be added on to the offer and to be there as alternatives."

The Wood report frequently referred to Curriculum for Excellence, noting for example that

"The good news is a shift is clearly under way from purely the provision of learning to more focus on employability and skills required to meet market demand. This was among the original aims of *A Curriculum for Excellence ...*".

It went on to recommend that:

"A focus on preparing all young people for employment should form a core element of the implementation of Curriculum for Excellence with appropriate resource dedicated to achieve this."

Following the Wood report, the Scottish Government published its [Youth Employment Strategy](#) in December. This is a seven year strategy for schools, colleges and employers. In connection with school education it seeks to:

- increase the range of vocational qualifications offered through the 'senior phase'
- improve partnerships with employers and colleges
- improve careers information and work experience.

The strategy emphasises partnership:

A genuine, long-term partnership approach between schools, colleges, training providers, employers, parents and young people themselves is central to the success of this agenda. It is only through a partnership approach we will widen the range of choices available to young people and support them to make the most appropriate choices for their futures.

The strategy sets out 'what will be different' in each of the seven years of the strategy. This includes, for example:

- by year four, "all schools will have employers fully involved in informing curriculum planning and delivery and providing work related learning experiences"
- in 2014/15 there will be an initial evaluation of the starting point in terms of what secondary schools are already offering by way of vocational qualifications. In 2015/16 there will be an increase in the quality and number of strategic partnerships between local authorities, schools, and colleges, to widen the offer to young people in the senior phase

The strategy uses the following 'baseline' definition of vocational qualifications, while stating that this may be amended:

- National Certificates
- Higher National Qualifications (i.e. HNC, HND)
- Scottish Vocational Qualifications
- National Progression Awards
- Skills for Work

While these qualifications can be taken by young people, most of them have a wider appeal for employment training for people of all ages.

The 2015-16 draft budget allocated £16.6m to implement the Wood report. This funding will be used to:

- work with COSLA to develop the opportunities in school to access learning which is directly relevant to getting a job;
- ensure that colleges are offering young people work relevant learning that is shaped and supported by employers;
- fund some developments regarding Modern Apprenticeships with a focus on STEM;
- encourage and support employers to engage with education and employ young people;
- work with the third sector to offer supported employment opportunities for groups who face barriers to employment.

### **Provision for Higher Russian**

It was reported on 26<sup>th</sup> January that Dr Alexander Yakovenko, the Russian Ambassador to Great Britain and Northern Ireland, has criticised the removal of Higher Russian course (Herald).

This year there are only 11 entries for Higher Russian (SQA personal communication).  
The trend in entries since 2008 is:

2008	2009	2010	2011	2012	2013	2014
15	13	25	25	32	36	52

(SQA statistics)

**Camilla Kidner**  
**SPICe**  
**27<sup>th</sup> January 2015**



**Education and Culture Committee**

**3rd Meeting, 2015 (Session 4), Tuesday, 3 February 2015**

**Subordinate Legislation**

1. This paper seeks to inform members' consideration of the Children (Performances and Activities) (Scotland) Regulations 2014 (SSI 2014/372) which is attached to this paper. This is a negative instrument.

*Procedure in Committee*

2. Under the negative procedure, an instrument comes into force on the date specified on it (the "coming into force date") unless a motion to annul it is agreed by the Parliament (within the 40-day period). Any MSP (whether a member of the lead committee or not) may lodge a motion recommending annulment of an SSI at any time during the 40-day period, including after the lead committee has considered the instrument.
3. No motion to annul the instrument has been lodged.

*Background*

4. The instrument has been considered by the Delegated Powers and Law Reform Committee. That Committee determined the instrument did not need drawn to the attention of the Committee.

*Policy Objectives*

5. The instrument revokes and replaces the Children (Performances) Regulations 1968 insofar as they extend to Scotland to update the procedures for child performance licensing.

**Action**

6. Unless a motion to annul the instrument is lodged, the Committee need only consider the instrument, and indicate whether it is content not to make any recommendation.
7. **The Committee is invited to consider whether it is content with the instrument.**

Clerk to the Committee  
29 January 2015

SCOTTISH STATUTORY INSTRUMENTS

**2014 No. 372**

**CHILDREN AND YOUNG PERSONS**

**The Children (Performances and Activities) (Scotland) Regulations 2014**

*Made* - - - - - *17th December 2014*  
*Laid before the Scottish Parliament* *19th December 2014*  
*Coming into force* - - - *20th February 2015*

**CONTENTS**

**PART 1  
GENERAL**

- 1. Citation, commencement, extent and application
- 2. Interpretation

**PART 2  
DOCUMENTATION REQUIREMENTS FOR ALL LICENCES**

- 3. Application of Part 2
- 4. Application for a licence
- 5. Power of licensing authorities to obtain additional information
- 6. Form of licence
- 7. Particulars to be sent to a local authority under section 39(3) of the 1963 Act
- 8. Records to be kept by the licence holder under section 39(5) of the 1963 Act
- 9. Production of licence

**PART 3  
RESTRICTION ON THE GRANT OF PERFORMANCE LICENCES**

- 10. Number of performing days

**PART 4  
RESTRICTIONS AND CONDITIONS APPLYING TO ALL LICENCES**

- 11. Application of Part 4
- 12. Education
- 13. Earnings
- 14. Chaperones

- 15. Accommodation
- 16. Place of performance, rehearsal or activity
- 17. Travel arrangements

**PART 5**  
**CONDITIONS APPLYING TO ALL PERFORMANCES**

- 18. Application of Part 5
- 19. Children under 5
- 20. Children aged 5 to 8
- 21. Children aged 9 or more
- 22. Minimum breaks overnight
- 23. Limitation on daily performances
- 24. Employment

**PART 6**  
**RESTRICTIONS AND CONDITIONS APPLYING TO PERFORMANCE LICENCES**

- 25. Application of Part 6
- 26. Maximum number of days in a week on which a child may take part in performances or rehearsals
- 27. Break in performances
- 28. Night-work
- 29. Chaperone discretion

**PART 7**  
**LICENCES TO PERFORM AND PARTICIPATE IN ACTIVITIES ABROAD**

- 30. Form of licence to perform and participate to activities abroad
- 31. Particulars for transmission to the proper consular officer

**PART 8**  
**REVOCATIONS**

- 32. Revocations

- SCHEDULE 1 — FORM OF APPLICATION FOR A LICENCE
- SCHEDULE 2 — FORM OF LICENCE
- SCHEDULE 3 — RECORDS TO BE KEPT BY THE LICENCE HOLDER
  - PART 1 — Licence granted in respect of a performance
  - PART 2 — Licence granted in respect of an activity
- SCHEDULE 4 — FORM OF LICENCE TO PERFORM OR PARTICIPATE IN ACTIVITIES ABROAD

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 25(2) and (8) of the Children and Young Persons Act 1933(a), sections 37(3), (4), (5) and (6) and 39(3) and (5) of the Children and Young Persons Act 1963(b) and all other powers enabling them to do so.

## PART 1

### GENERAL

#### Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Children (Performances and Activities) (Scotland) Regulations 2014 and come into force on 20th February 2015.

(2) These Regulations extend to Scotland only.

(3) These Regulations apply in relation to—

- (a) the granting of licences in respect of children resident in Scotland by education authorities(c) in Scotland to take part in performances or activities within Great Britain, where required by section 37(1) of the 1963 Act;
- (b) the granting of licences in respect of children not resident in Great Britain by education authorities in Scotland to take part in performances or activities within Great Britain, where the applicant for the licence is resident or has a place of business within the area of that education authority, where required by section 37(1) of the 1963 Act;
- (c) performances in Scotland, for which no licence is required by virtue of section 37(3)(a) of the 1963 Act; and
- (d) the granting of licences by justices of the peace in Scotland under section 25 of the 1933 Act to enable children to take part in performances or activities abroad for profit.

#### Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

“the 1933 Act” means the Children and Young Persons Act 1933;

“the 1963 Act” means the Children and Young Persons Act 1963;

“the 1995 Act” means the Children (Scotland) Act 1995(d);

“activity” means participation in a sport, or work as a model, in the circumstances specified in section 37(1)(b) of the 1963 Act;

“applicant” is to be construed in accordance with regulation 4(1)(a);

“chaperone” is to be construed in accordance with regulation 14(1);

“day” means a period of 24 hours beginning and ending at midnight and, for the purposes of regulation 28(3)(a), any performance taking place after midnight and before the earliest permitted hour as defined in regulation 28(4) is deemed to have taken place before midnight;

- 
- (a) 1933 c.12 (“the 1933 Act”). Section 25(2) was amended by the Employment Act 1989 (c.38), section 10(2) and Schedule 3, Part III, paragraph 6(b); section 25(2) and (8) were amended by the Children (Protection at Work) Regulations 1998 (S.I. 1998/276). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46). Section 107(1) of the 1933 Act defines “prescribed”.
  - (b) 1963 c.37 (“the 1963 Act”). Sections 37 and 39 were amended by the Children (Protection at Work) Regulations 1998 (S.I. 1998/276). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46). Section 110(1) of the Children and Young Persons (Scotland) Act 1937 (c.37) (“the 1937 Act”) defines “prescribed”. Section 44(2) of the 1963 Act provides that Part II of the 1963 Act is, in its application to Scotland (with the exception of one section), to be construed as if it were included in Part III of the 1937 Act.
  - (c) “Education authority” is defined in regulation 2(1). Section 44(2) of the 1963 Act provides that Part II of the 1963 Act is, in its application to Scotland (with the exception of one section), to be construed as if references to a local authority were references to an education authority.
  - (d) 1995 c.36.

“education authority” has the meaning given by section 135(1) of the Education (Scotland) Act 1980(a);

“host authority” means the education authority or, in England and Wales, the local authority in whose area a performance or an activity takes place;

“licence”, except in Part 7, means a licence authorising a child to do anything for which, by virtue of section 37(1) of the 1963 Act, a licence is required;

“licence holder” means the person to whom a licence is granted by the licensing authority;

“licensing authority” means the education authority to which an application for a licence requires to be made in accordance with section 37(1) of the 1963 Act;

“parent” includes a guardian appointed under sections 7 or 11(2)(h) of the 1995 Act, a person who has parental rights or parental responsibilities in relation to the child (within the meaning given to those expressions in Part 1 of the 1995 Act) or other person who has for the time being care or control of the child;

“public school” has the meaning given by section 135(1) of the Education (Scotland) Act 1980;

“rehearsal” means any rehearsal for, or preparation for, a performance, being a rehearsal which takes place on the day of performance or during the period beginning with the first and ending with the last performance; and

“week” means a period of 7 days beginning with the day on which the first performance for which the licence is granted takes place or any 7th day following.

(2) Any reference in these Regulations to a numbered regulation or Schedule is a reference to the regulation or Schedule bearing that number in these Regulations and any reference in a regulation to a numbered paragraph or sub-paragraph is a reference to the paragraph or sub-paragraph bearing that number in that regulation.

## PART 2

### DOCUMENTATION REQUIREMENTS FOR ALL LICENCES

#### Application of Part 2

3. This Part applies to licences for a performance or an activity.

#### Application for a licence

4.—(1) A licensing authority must not grant a licence unless it receives an application for a licence, which must—

- (a) be made in writing by the applicant, who is—
  - (i) the person responsible for the production of the performance in which the child is to take part; or
  - (ii) the person responsible for the organisation of, or engaging the child in, the activity;
- (b) be in the form set out in Schedule 1 (form of application for a licence) or in a form to the like effect;
- (c) be accompanied by the documents specified in the form set out in that Schedule; and
- (d) be signed by the applicant, a parent of the child and, if the application relates to a performance or activity for which the child will require to be absent from school, the head teacher at the child’s school.

---

(a) 1980 c.44. This definition was amended by the Local Government etc. (Scotland) Act 1994 (c.39), Schedule 13, paragraph 118(9).

(2) The licensing authority may refuse to grant a licence if the application is not received at least 21 days before the day on which the first performance or activity for which the licence is requested is to take place.

#### **Power of licensing authorities to obtain additional information**

5.—(1) The licensing authority may request such further information as it considers necessary to enable it to be satisfied that it should grant a licence as required by section 37(4) of the 1963 Act.

(2) In particular the licensing authority may—

- (a) request a report from the head teacher at the child's school;
- (b) request that the child be medically examined in order to ascertain whether the child is fit to take part in the performance or activity for which the licence is requested and that the child's health will not suffer as a result of taking part in that performance or activity; and
- (c) interview the applicant, the child, the child's parents, any proposed chaperone and any proposed private teacher.

(3) The licensing authority may make such inquiries as it considers necessary to enable it to consider whether a licence should be granted subject to a condition relating to the manner in which sums earned by the child in taking part in any performance or activity should be dealt with.

#### **Form of licence**

6.—(1) A licence granted to an applicant by a licensing authority must be in the form set out in Schedule 2 (form of licence) or in a form to the like effect.

(2) In the case of a licence for a performance, the licence must specify—

- (a) the names, places and nature of the performance;
- (b) the number of days on which the child may perform; and
- (c) the period, not exceeding 6 months, in which the performance may take place.

(3) In the case of a licence for an activity, the licence must specify the nature of the activity, the place at which it is to take place and either—

- (a) the date on which it is to take place; or
- (b) the number of days on which the child may participate and the period, not exceeding 6 months, in which the activity may take place.

(4) The licensing authority must send a copy of the licence to the parent who signed the application form.

#### **Particulars to be sent to a local authority under section 39(3) of the 1963 Act**

7. Where a performance or an activity is to take place in the area of a host authority other than the licensing authority, the licensing authority must send to that host authority a copy of the application form and the licence.

#### **Records to be kept by the licence holder under section 39(5) of the 1963 Act**

8. The licence holder must retain the records specified in Schedule 3 (records to be kept by the licence holder) for 6 months from the date of the last performance (Part 1 of Schedule 3) or activity (Part 2 of Schedule 3) to which the licence relates.

#### **Production of licence**

9. The licence holder must on request produce the licence (at all reasonable hours) at the place of performance or rehearsal, or at the place where the activity takes place, to which the licence relates, to an authorised officer of the host authority or a constable.

## PART 3

### RESTRICTION ON THE GRANT OF PERFORMANCE LICENCES

#### Number of performing days

**10.**—(1) Other than in exceptional circumstances, a licensing authority must not grant a licence in respect of a performance by a child if, during the 12 months preceding any performance in respect of which a licence is requested, the child will have taken part in other performances on more than 80 days.

(2) In deciding whether or not to grant a licence or the number of days in respect of which it should be granted, the licensing authority must take into account any employment of the child during the 28 days preceding the day of the first performance for which the licence is requested.

## PART 4

### RESTRICTIONS AND CONDITIONS APPLYING TO ALL LICENCES

#### Application of Part 4

**11.** The restrictions and conditions prescribed in this Part apply to the grant of licences for a performance or an activity.

#### Education

**12.**—(1) The licensing authority must not grant a licence unless it—

- (a) is satisfied that the child's education will not suffer by reason of taking part in the performance or activity for which the licence is requested;
- (b) has approved the arrangements (if any) for the education of the child during the period to which the licence relates; and
- (c) has approved the place where the child is to receive education during that period, subject to such conditions as it considers necessary to ensure that the place is suitable for the child's education.

(2) The licence holder must ensure that any arrangements approved by the licensing authority for the child's education are carried out.

(3) Where, during the period to which the licence relates, a child requires to be absent from school for more than 5 days on which the child would be required to attend school if the child were a pupil attending a public school, arrangements must be made for the education of the child by a private teacher in accordance with this regulation.

(4) The licensing authority must not approve any arrangements for the education of a child by a private teacher unless it is satisfied that—

- (a) the proposed course of study for the child is satisfactory;
- (b) the proposed course of study will be properly taught by the private teacher;
- (c) the private teacher is a suitable person to teach the child in question;
- (d) the private teacher will not teach more than 5 other children at the same time or, if the other children being taught at the same time have reached a similar standard in the subject to the child in question, 11 other children; and
- (e) the child will, during the period to which the licence relates, receive education for periods which, when aggregated, total not less than 3 hours on each day on which the child would be required to attend school if the child were a pupil attending a public school.

(5) Where the performance to which the licence relates is to be recorded with a view to use in a broadcast or in a film intended for public use, the requirements of paragraph (4)(e) are deemed to be satisfied if the licensing authority is satisfied that the child will receive education—

- (a) for not less than 6 hours a week;
- (b) during each complete period of 4 weeks or, if there is a period of less than 4 weeks, during that period, for periods not less than the aggregate periods of education required by paragraph (4)(e) in respect of the period;
- (c) on days on which the child would be required to attend school if the child were a pupil attending a public school; and
- (d) for not more than 5 hours on any such day.

(6) When calculating any period of education for the purposes of this regulation the following must not be included—

- (a) any period which is outside the hours when the child is permitted to be present at a place of performance or rehearsal under regulations 19 to 21; and
- (b) any period of less than 30 minutes.

### **Earnings**

13. The licensing authority may grant a licence subject to a condition that any or all of the sums earned by the child for taking part in a performance or an activity be dealt with in a particular manner by the licence holder.

### **Chaperones**

14.—(1) A licensing authority must not grant a licence unless it has approved a person to be a chaperone to—

- (a) have care and control of the child; and
- (b) safeguard, support and promote the wellbeing of the child,

at all times during the period beginning with the first and ending with the last performance or, as the case may be, occasion to which the licence relates except while the child is in the care and control of a parent or teacher.

(2) The maximum number of children a chaperone may have care and control of at any one time is—

- (a) 10; or
- (b) where a person approved to be a chaperone is the private teacher of the child in question, 3.

(3) The licensing authority must not approve a person to be a chaperone unless it is satisfied that the person—

- (a) is suitable and competent to—
  - (i) exercise proper care and control of a child of the age and gender of the child; and
  - (ii) safeguard, support and promote the wellbeing of the child; and
- (b) will not be prevented from carrying out duties towards the child by other duties towards any other children.

(4) Where a child suffers any injury or illness while in the care and control of the chaperone, the licence holder must ensure that the parent of the child, named in the application form, and the licensing authority and host authority are notified immediately.

### **Accommodation**

15.—(1) This regulation applies where a child would be required to live in accommodation other than where that child would usually live by reason of taking part in a performance or an activity.



(2) A licensing authority must not grant a licence unless it has approved that accommodation as being suitable for that child.

(3) The licensing authority's approval may be subject to any of the following conditions—

- (a) that transport will be provided for the child between the accommodation and the place of performance, rehearsal or activity;
- (b) that suitable arrangements are made for meals for the child; and
- (c) any other condition to safeguard, support or promote the wellbeing of the child in connection with the accommodation in which the child will live.

### **Place of performance, rehearsal or activity**

**16.**—(1) A licensing authority must not grant a licence unless it has approved the place where the child will perform, rehearse or take part in any activity.

(2) The licensing authority must not approve the place of performance, rehearsal or activity unless it is satisfied that, having regard to the age of the child and the nature, time and duration of the performance, rehearsal or activity—

- (a) suitable arrangements have been made for—
  - (i) the provision of meals for the child;
  - (ii) the child to dress for the performance, rehearsal or activity;
  - (iii) the child's rest and recreation, when not taking part in a performance, rehearsal or activity;
- (b) the place has suitable and sufficient toilets and washing facilities; and
- (c) the child will be adequately protected against inclement weather.

(3) The licensing authority may give its approval subject to such conditions as it considers necessary for the purposes of this regulation.

(4) In paragraph (2)(a)(ii), arrangements for a child who has attained the age of 5 to dress for a performance, rehearsal or activity are not suitable unless the child can dress only with children of the same gender.

### **Travel arrangements**

**17.** A licensing authority must not grant a licence unless it is satisfied that the licence holder will make suitable arrangements (having regard to the child's age) to get the child home or to any other destination after the last performance or rehearsal or the conclusion of any activity on any day.

## **PART 5**

### **CONDITIONS APPLYING TO ALL PERFORMANCES**

#### **Application of Part 5**

**18.** The conditions prescribed in this Part apply to licences for performances and to performances for which, by reason of section 37(3)(a) of the 1963 Act, a licence is not required.

#### **Children under 5**

**19.**—(1) This regulation applies to a child who is under the age of 5.

(2) A child must not be present at a place of performance or rehearsal—

- (a) for more than 5 hours a day; and
- (b) before 8 a.m. or after 8 p.m..

- (3) A child must not take part in a performance or rehearsal on any day—
- (a) for a continuous period of more than 45 minutes without a rest break of not less than 15 minutes; and
  - (b) for a total period of more than 2 hours.

(4) Any time during which a child is present at a place of performance or rehearsal but is not taking part in a performance or rehearsal, must be used for meals, rest and recreation and suitable arrangements must be made to safeguard, support and promote the wellbeing of the child.

### **Children aged 5 to 8**

**20.**—(1) This regulation applies to a child who is at least the age of 5 but under the age of 9.

- (2) A child must not be present at a place of performance or rehearsal—
- (a) for more than 8 hours a day; and
  - (b) before 7 a.m. or after 11 p.m..
- (3) A child must not take part in a performance or rehearsal on any day—
- (a) for a continuous period of more than 1 hour without a rest break of not less than 15 minutes; and
  - (b) for a total period of more than 3 hours.

(4) A child must not be present at a place of performance or rehearsal for more than 3½ consecutive hours without there being a meal break of not less than 1 hour.

(5) When calculating the number of hours on any day during which a child is present at a place of performance or rehearsal, any periods of education required to comply with the arrangements approved under regulation 12 must be taken into account, even if that education is provided somewhere other than at the place of performance or rehearsal.

### **Children aged 9 or more**

**21.**—(1) This regulation applies to a child who is at least the age of 9.

- (2) A child must not be present at a place of performance or rehearsal—
- (a) for more than 9½ hours a day; and
  - (b) before 7 a.m. or after 11 p.m..
- (3) A child must not take part in a performance or rehearsal on any day—
- (a) for a continuous period of more than 1 hour without a rest break of not less than 15 minutes; and
  - (b) for a total period of more than 4 hours.

- (4) A child must not be present at a place of performance or rehearsal—
- (a) for more than 3½ consecutive hours without there being a meal break of not less than 1 hour; and
  - (b) for more than 8 consecutive hours without there being 2 meal breaks, the first being not less than 1 hour and the second not less than 30 minutes.

(5) When calculating the number of hours on any day during which a child is present at a place of performance or rehearsal, any periods of education required to comply with the arrangements approved under regulation 12 must be taken into account, even if that education is provided somewhere other than at the place of performance or rehearsal.

### **Minimum breaks overnight**

**22.** Subject to regulation 28, a child must have an overnight break of a minimum duration of 12 hours between leaving a place of performance or rehearsal and being present at a place of performance or rehearsal the next day.

**Limitation on daily performances**

23. On any day a child may take part only in a performance or rehearsal which is of the same nature and in which the child performs the same part or takes the place of another performer in the same performance.

**Employment**

24. A child taking part in a performance must not be employed in any other form of employment on the day of that performance or the following day.

**PART 6****RESTRICTIONS AND CONDITIONS APPLYING TO PERFORMANCE LICENCES****Application of Part 6**

25. The restrictions and conditions prescribed in this Part apply to licences for performances.

**Maximum number of days in a week on which a child may take part in performances or rehearsals**

26. A child must not take part in performances or rehearsals on more than 6 consecutive days.

**Break in performances**

27.—(1) Subject to paragraph (2), a child who takes part in performances, or rehearsals on the maximum number of days permitted under regulation 26 for a period of 8 consecutive weeks, must not take part in any performance or rehearsal or be employed in any other form of employment during the 14 days following the last performance.

(2) The restriction in paragraph (1) does not apply if—

- (a) the performances are circus performances; or
- (b) the number of days specified in the licence on which the child may perform is less than 60.

**Night-work**

28.—(1) Notwithstanding regulations 19 to 21, and subject to the restrictions and conditions in paragraphs (2) and (3), a licensing authority may permit a child to take part in a performance after the latest permitted hour if it is satisfied that a performance must take place after that hour.

(2) The licensing authority must only permit the child to take part in a performance after midnight and before the earliest permitted hour if it is satisfied that is impracticable for the performance to be completed before midnight.

(3) Where the licensing authority permits a child to take part in a performance after the latest permitted hour, the following restrictions and conditions apply—

- (a) the number of hours during which the child takes part in a performance after the latest permitted hour must be included when calculating the maximum number of hours during which the child may take part in a performance or rehearsal on any one day under regulations 19 to 21;
- (b) the child must not take part in any other performance or rehearsal until at least 16 hours have elapsed since the end of the child's part in the performance; and
- (c) where the child takes part in a performance after the latest permitted hour on 2 successive days, the licensing authority must not permit the child to take part in any further

performance after the latest permitted hour during the 7 days immediately following those 2 days.

(4) In this regulation “latest permitted hour” and “earliest permitted hour” in relation to a child mean the latest hour and the earliest hour respectively at which that child may be present at the place of performance or rehearsal under regulations 19 to 21.

### **Chaperone discretion**

**29.**—(1) A chaperone may allow a child to take part in a performance for a period not exceeding 30 minutes immediately following the latest permitted hour provided that—

- (a) the total number of hours during which the child takes part in a performance or rehearsal, including that period of 30 minutes, does not exceed the maximum number of hours permitted under regulations 19 to 21;
- (b) the chaperone is satisfied that the wellbeing of the child will not be adversely affected; and
- (c) the chaperone is satisfied that the situation requiring the child to take part in a performance after the latest permitted hour arose in circumstances outside the control of the licence holder.

(2) Where the chaperone allows a child to take part in a performance after the latest permitted hour, the licence holder must ensure that the chaperone notifies the licensing authority no later than the following day and provides the reason for that decision.

(3) A chaperone may allow one of the meal breaks required under regulation 20 or 21 to be reduced where the child is taking part in a performance or rehearsal outdoors, provided that—

- (a) the duration of the meal break is not less than 30 minutes; and
- (b) the maximum number of hours during which the child may take part in a performance or rehearsal under regulation 20 or 21 is not exceeded.

(4) In this regulation “latest permitted hour” in relation to a child means the latest hour at which that child may be present at the place of performance or rehearsal under regulations 19 to 21.

## **PART 7**

### **LICENCES TO PERFORM AND PARTICIPATE IN ACTIVITIES ABROAD**

#### **Form of licence to perform and participate to activities abroad**

**30.** A licence granted under section 25 of the 1933 Act<sup>(a)</sup> must be in the form set out in Schedule 4 (form of licence to perform or participate in activities abroad).

#### **Particulars for transmission to the proper consular officer**

**31.** Where a licence under section 25 of the 1933 Act is granted, renewed or varied, the prescribed particulars which the justice of the peace must send to the Scottish Ministers for transmission to the proper consular officer are—

- (a) the name and address of the child;
- (b) the date, place of birth and nationality of the child;
- (c) the name and address of the applicant for the licence;
- (d) the name and address of the parent of the child;
- (e) particulars of the engagement including where and for how long the child is to participate;

---

<sup>(a)</sup> 1933 c.12. Section 25 was amended by the Employment Act 1989 (c.38), section 10(2) and Schedule 3, Part III; the Courts Act 2003 (c.39), Schedule 8, paragraph 73 and by the Children (Protection at Work) Regulations 1998 (S.I. 1998/276).

- (f) a copy of the contract of employment or other document showing the terms and conditions on which the child is engaged; and
- (g) a copy of the licence.

## PART 8 REVOCATIONS

### Revocations

32. The following instruments are revoked in so far as they extend to Scotland—
- (a) the Children (Performances) Regulations 1968(a); and
  - (b) the Children (Performances) (Miscellaneous Amendment) Regulations 1998(b).

*ANGELA CONSTANCE*  
A member of the Scottish Government

St Andrew's House,  
Edinburgh  
17th December 2014

---

(a) S.I. 1968/1728.  
(b) S.I. 1998/1678.

SCHEDULE 1

Regulation 4(1)(b)

FORM OF APPLICATION FOR A LICENCE

(Note – When completed, this form should be sent so as to reach the licensing authority not less than 21 days before the first performance or activity for which the licence is requested, as the licensing authority may otherwise refuse to grant a licence.)

Application to the

Council

PART 1

(TO BE COMPLETED BY THE APPLICANT)

1. I apply for a licence under section 37 of the Children and Young Persons Act 1963 authorising the child (*insert name of child*)

\*Delete if inapplicable

\*(1) to take part in performances on the number of days and during the period specified in item 4(i) of the Annexe to this Part.

\*(2) to take part in a sport either on the number of days and during the period specified in item 4(i) of the Annexe to this Part or on the dates specified in item 4(ii) of the Annexe to this Part.

\*(3) to work as a model either on the number of days and during the period specified in item 4(i) of the Annexe to this Part or on the dates specified in item 4(ii) of the Annexe to this Part.

2. I certify that to the best of my knowledge the particulars contained in the Annexe to this Part are correct.

3. I attach the following documents—

- (a) a copy of the birth certificate of the child or other satisfactory evidence of the child’s age;
- (b) a completed risk assessment detailing any potential risks arising from the child’s participation in the performance or activity and information on the steps which will be taken to mitigate those risks;
- (c) a copy of the contract, draft contract or other documents containing particulars of the agreement regulating the child’s appearance in the performances or regulating the activity for which the licence is requested.

4. I understand that if a licence is granted to me it will be granted subject to the restrictions and conditions laid down in the Children (Performances and Activities) (Scotland) Regulations 2014 and to such other conditions as the licensing authority may impose under those Regulations.

Date ..... Signed.....

(Applicant)

Full name:

Address:

Occupation:

(If the application relates to a performance or activity for which the child will require to be absent from school)

Date ..... Signed .....

(Child's head teacher)

Full name:

Address:

NOTE – Any person who fails to observe any condition subject to which a licence is granted or knowingly or recklessly makes any false statement in or in connection with an application for a licence is liable to a fine not exceeding level 3 or imprisonment for a term not exceeding three months or both (section 40 of the Children and Young Persons Act 1963).

ANNEXE TO PART 1

PARTICULARS CONNECTED WITH THE PERFORMANCE OR ACTIVITY IN WHICH THE CHILD IS TO TAKE PART

1. Name and nature<sup>(a)</sup> of the performances or activities in respect of which the licence is requested.
2. Description of the child's part.
3. Place of the performances or activities in respect of which the licence is requested<sup>(b)</sup>.
4. (a) The number of days, and the period during which, it is requested that the child may take part in performances or activities, or  
(b) The dates of activities for which the licence is requested.
5. Time and duration of performances or activities in respect of which the licence is requested.

<sup>(a)</sup> Nature of the performances, e.g. theatrical, filming, television, etc.

<sup>(b)</sup> This includes the places at which work on location is to be done.

6. Approximate duration of the child's appearances in the performances or activities in respect of which the licence is requested.
7. The amount of night-work (if any) for which approval will be sought from the licensing authority under regulation 28 of the Children (Performances and Activities) (Scotland) Regulations 2014 stating—
  - (a) the approximate number of days, and
  - (b) the approximate duration on each day.
8. The sums to be earned by the child in taking part in the performances or activities in respect of which the licence is requested.
9. The days or half days on which leave of absence from school is requested to enable the child to take part in performances or activities for which the licence is requested or in rehearsals.
10. Proposed arrangements (if any) under regulation 12 of the Children (Performances and Activities) (Scotland) Regulations 2014 for the education of the child during the period for which the licence is requested stating—
  - (a) the name and address of the school to be attended, or
  - (b)(i) (if the child requires to be absent from school for more than 5 days during the period to which the licence relates) the name, address and qualification of the proposed private teacher,
  - (ii) the place where the child will be taught,
  - (iii) the proposed course of study,
  - (iv) the number of other children to be taught by the private teacher at the same time as the child in respect of whom this application is made, and the gender and age of each such child, and
  - (v) whether the child is to receive the required amount of education in accordance with regulation 12(4)(e) or regulation 12(5).
11. The name of the licensing authority (if any) which has previously approved the appointment of the private teacher for the purposes of a licence.
12. The name, address and contact telephone number of the proposed chaperone.



13. The name of the licensing authority (if any) which has previously approved the appointment of the proposed chaperone for the purposes of a licence.
14. Details of whether or not the proposed chaperone is listed on any administrative chaperone register held by a licensing authority—
  - (a) if yes, which licensing authority; or
  - (b) if no, confirmation from the proposed chaperone of whether they would like to be so listed in consequence of the application and also evidence of the proposed chaperone's suitability to fulfil the chaperoning role.
15. The number of other children to be in the care and control of the proposed chaperone during the time when the proposed chaperone would be in care and control of the child in respect of whom this application is made, and the gender and age of each such child.
16. The address of the accommodation where the child will live if a licence is granted by reason of which the child has to live somewhere other than at the place where the child would usually live, the name of the householder and the number of other children who will live in the same accommodation.
17. Approximate length of time which the child will spend travelling—
  - (a) to the place of performance, rehearsal or activity,
  - (b) from the place of performance, rehearsal or activity,and the arrangements (if any) for transport—
  - (a) to the place of performance, rehearsal or activity,
  - (b) from the place of performance, rehearsal or activity.
18. Name of any other licensing authority to which an application has been made for another child to take part in a performance or an activity to which this application relates.
19. Where the application is for a licence for an activity, a statement by the child's parent that the child is medically fit for the proposed activity.

20. Details of any known health conditions which could—
- (a) adversely affect the child's ability to participate in the performance or activity, and
  - (b) be adversely affected as a result of the child's involvement in the performance or activity.

## PART 2

### (TO BE COMPLETED BY A PARENT)

(Note – parent includes a guardian, a person with parental rights or responsibilities or other person who has for the time being care or control of the child.)

Please give the following particulars—

1. Full name of child.
2. Date of birth of child.
3. Address of child.
4. Contact telephone number of parent.
5. Name and address of schools attended by the child during the 12 months preceding the date of this application or, if the child has not attended school, the name and address of the child's private teacher.
6. Particulars of each licence granted during the 12 months preceding the date of this application by any licensing authority other than the licensing authority to whom this application is made, stating in each case—
  - (a) the name of the licensing authority,
  - (b) the date on which the licence was granted, and
  - (c) the dates and nature of the performances or activities.
7. Particulars of each application for a licence made during the months preceding the date of this application and refused by any licensing authority other than the licensing authority to whom this application is made, stating in each case—
  - (a) the name of the licensing authority,
  - (b) the date of the application, and
  - (c) the reasons (if known) for the refusal to grant a licence.
8. Particulars of each performance for which a licence was not required in which the child took part during the 12 months preceding the date of this application, stating in each case—
  - (a) the date,

- (b) the place,
  - (c) the nature of the performance, and
  - (d) the name of the person responsible for the production of the performance in which the child took part.
9. Dates (if any) on which the child has been absent from school during the 12 months preceding the date of this application by reason of taking part in a performance or activity.
10. Particulars of any employment of the child during the 28 days preceding the day of the first performance or first activity for which the licence is requested stating—
- (a) the nature of the employment,
  - (b) the days on which the child is employed, and
  - (c) the times during which the child is employed.
11. Particulars relating to the sums earned by the child during the 12 months preceding the date of this application stating—
- (a) whether the sums earned were in respect of performances or activities for which a licence was granted or performances or activities for which a licence was not required
  - (b) or other forms of employment,
  - (c) the amount of the sums earned,
  - (d) the date on which payment was received, and
  - (e) the name, address and description of the person from whom the payment was received.

I support this application for a licence.

I certify that to the best of my knowledge the particulars given are correct and I understand that if a licence is granted it will be granted subject to the restrictions and conditions laid down in the Children (Performances and Activities) (Scotland) Regulations 2014 and to such other conditions as the licensing authority may impose under those Regulations.

Date ..... Signed .....

(Parent)

Full Name:

Address:

Relationship to child:\*

(Optional counter-signature – if appropriate taking account of the child’s age and maturity)

Date .....

Signed .....

(Child)

Full Name:

Address (if different from above):

NOTE – Any person who fails to observe any condition subject to which a licence is granted or knowingly or recklessly makes any false statement in, or in connection with, an application for a licence is liable to a fine not exceeding level 3 or imprisonment for a term not exceeding three months or both (section 40 of the Children and Young Persons Act 1963).

\*State whether parent, guardian, person with parental rights or parental responsibilities or other person having for the time being care or control of the child

**SCHEDULE 2**  
**FORM OF LICENCE**

Regulation 6(1)

The Council, on an application relating to (“the child”) grant to authorising the child— (“the licence holder”) a licence

\*Delete if inapplicable

\*(1) to take part in performances on the number of days and during the period specified below,

\*(2) to take part in a sport for payment (other than expenses) on the dates specified below or on the number of days and during the period specified below, or

\*(3) to work as a model for payment (other than expenses) on the dates specified below or on the number of days and during the period specified below,

subject to the restrictions and conditions laid down in the Children (Performances and Activities) (Scotland) Regulations 2014 and to such other conditions as the licensing authority may impose under those Regulations.

The performances or activities in respect of which the licence is granted are<sup>(a)</sup>

\*Delete if inapplicable

\*The child may be absent from (insert name of school) for the purposes authorised by this licence on<sup>(b)</sup>

\*The licence holder must ensure that<sup>(c)</sup>

<sup>(a)</sup> In the case of (1) above state the names, places and nature of the performances, the number of days on which the child may perform and the period in which the performances may take place. In the case of (2) above state the nature of the sport, the place at which it is to take place and either the dates on which it is to take place or the number of days on which the child may take part in the sports and the period in which the sport may take place. In the case of (3) above state the nature of the modelling, the place at which it is to take place and either the dates on which it is to take place or the number of days on which the child may model and the period in which the modelling may take place.

<sup>(b)</sup> Set out the days or half days on which the child may be absent from school. If absence from school is granted to enable a child to take part in a rehearsal, this should also be stated.

<sup>(c)</sup> Set out the terms of any condition imposed under regulation 13 (earnings) of the Children (Performances and Activities) (Scotland) Regulations 2014 in respect of any sums earned by the child in taking part in the performances or activities to which this licence relates.

## SCHEDULE 3

Regulation 8

## RECORDS TO BE KEPT BY THE LICENCE HOLDER

## PART 1

## Licence granted in respect of a performance

1. The licence.
2. The following particulars in respect of each day (or night) on which the child is present at the place of performance or place of rehearsal—
  - (a) the date;
  - (b) the time of arrival at the place of performance or rehearsal;
  - (c) the time of departure from the place of performance or rehearsal;
  - (d) the time of each period during which the child took part in a performance or rehearsal;
  - (e) the time of each rest interval;
  - (f) the time of each meal interval; and
  - (g) the times of any night-work authorised by the licensing authority under regulation 28.
3. Where arrangements are made for the education of the child by a private teacher, the date and duration of each lesson and the subject taught.
4. Details of injuries and illnesses (if any) suffered by the child at the place of performance, including the dates on which they occurred and stating whether they prevented the child from being present at the place of performance.
5. The dates of the breaks in performances required under regulation 27(1).
6. The amount of all sums earned by the child by reason of taking part in the performance and the names, addresses and description of the persons to whom such sums were paid.
7. Where the licensing authority grants a licence subject to the condition that sums earned by the child must be dealt with in a manner approved by it, the amount of the sums and the manner in which they have been dealt with.

## PART 2

## Licence granted in respect of an activity

8. The records specified in paragraphs 1, 2(a), 3, 6 and 7 as if any reference in those paragraphs to a “performance” were a reference to the activity for which the licence was granted.

SCHEDULE 4

Regulation 30

FORM OF LICENCE TO PERFORM OR PARTICIPATE IN ACTIVITIES ABROAD

I authorising (a) grant to (b) a licence (c) to go abroad to fulfil the following engagement(d):

.....

I grant the licence until (being a period not exceeding 3 months from the date below) subject to the following restrictions and conditions.

.....

for the observance of which the applicant is to give security of (e)

Signed ..... Justice of the Peace

Date .....

- (a) Name of Justice of the Peace.
(b) Name of applicant.
(c) Name of child.
(d) State whether the engagement is to sing, play, perform or be exhibited for profit, to take part in a sport or to work as a model.
(e) Delete if not applicable.

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations make provision in relation to applications made to local authorities in Scotland for, and the conditions and restrictions that apply to, licences for performances and activities granted under section 37 of the Children and Young Persons Act 1963 (“the 1963 Act”). The conditions prescribed in Part 5 also apply to performances for which a licence is not required by reason of section 37(3)(a) of the 1963 Act.

These Regulations replace the Children (Performances) Regulations 1968 (S.I. 1968/1728) in so far as they extend to Scotland. Part 8 (regulation 32) revokes those Regulations and a relevant amending instrument in so far as they extend to Scotland.

Part 1 makes general provision as to citation, commencement, extent, application and interpretation.

Part 2 and Schedules 1 to 3 make provision in relation to applications for, and the grant and form of, licences and the keeping of records by the licence holder.

Part 3 provides for a restriction on the grant of a performance licence. Regulation 10 prohibits the grant of a licence if the child has taken part in performances on more than a specified number of days during the previous year.

Part 4 makes provision for certain restrictions and conditions applying to all licences, for performances and activities. They concern the wellbeing of the child, such as in relation to education (regulation 12), chaperones (regulation 14) and accommodation (regulation 15).

Part 5 makes provision for certain conditions applying to all performances (i.e. those that require a licence and also all those for which a licence is not required). Regulations 19 to 21 provide for age specific conditions in relation to working hours, rest and meal breaks.

Part 6 makes provision for certain restrictions and conditions applying to all licences for performances. These include restrictions on the maximum number of days a week a child may take part in performances or rehearsals (regulation 26) and relating to night-work (regulation 28).

Part 7 and Schedule 4 make provision in relation to licences to perform and participate in activities abroad granted under section 25 of the Children and Young Persons Act 1933.

A partial Business and Regulatory Impact Assessment has been prepared. Copies can be obtained from the Scottish Government Directorate for Children and Families, Victoria Quay, Edinburgh, EH6 6QQ.



**POLICY NOTE****THE CHILDREN (PERFORMANCES AND ACTIVITIES) (SCOTLAND) REGULATIONS 2014****SSI 2014/372**

1. The above instrument is made in exercise of the powers conferred by sections 25(2) and (8) of the Children and Young Persons Act 1933 and sections 37(3), (4), (5) and (6) and 39(3) and (5) of the Children and Young Persons Act 1963. The instrument is subject to negative procedure.

**Policy Objectives**

2. The instrument revokes and replaces the Children (Performances) Regulations 1968 (“the 1968 Regulations”, S.I. 1968/1728) insofar as they extend to Scotland to update the procedures for child performance licensing.
3. Primary legislation focussing on the protection of children involved in performances was last reviewed in the 1960s. The Children and Young Persons Act 1963 places restrictions on the types of performances in which children under school leaving age can participate. It does this by prescribing in section 37 those performances or other activities (i.e. sport and modelling) for which a child requires a licence to be granted. Licences are granted by the education authority<sup>1</sup> in which the child resides (referred to in the instrument as the “licensing authority”)<sup>2</sup>. The 1968 Regulations provide for certain restrictions and conditions applying to all licensable activities (for example, conditions relating to the child’s education) and some that only apply in relation to performance licences (for example, limits on working hours and rest and meal intervals).
4. The range and nature of performance opportunities available to children and young people has increased significantly since the current licensing arrangements were put in place. New genres of programmes and emerging media technologies have undoubtedly influenced the shape of our creative industries. Furthermore, our approach to protecting, promoting and supporting the wellbeing of our children has strengthened considerably in recent times.
5. Scottish Ministers have been approached on several occasions in recent years by a number of individuals and organisations highlighting the challenges now being faced, by both organisations hosting performances and young performers, as a result of a licensing regime which is no longer considered fit for purpose.
6. In light of these approaches, the Scottish Government has developed this instrument to replace the 1968 Regulations and update and modernise the procedures for child performance licensing. The main changes from the 1968 Regulations relate to the requirements around applying for a licence, the conditions relating to education, the

---

<sup>1</sup> Whilst section 37(1) of the 1963 Act refers to a local authority granting a licence, by virtue of section 44(2) of that Act, references to a local authority are to be construed as if they were references to an education authority,

<sup>2</sup> Unless the child does not reside in Great Britain, in which case the licence is granted by the local authority in whose area the applicant or one of the applicants resides or has his place of business (Section 37(1) of the 1963 Act).

requirements for a chaperone and also changes to the various working hour limits for performers of different ages. The instrument also removes the distinction made in the 1968 Regulations between broadcast performances and non-broadcast performances, subject to one exception in relation to education requirements.

### **Consultation**

7. A public consultation on the proposals (“Getting it Right for Young Performers – National Consultation on the arrangements for ensuring the wellbeing of children involved in performances”) took place from 4 April 2014 to 6 June 2014. A full list of those consulted and who agreed to the release of this information is attached to the consultation report published on the Scottish Government website. It includes Barnardos, the BBC and Youth Theatre Scotland.

### **Impact Assessments**

8. An initial child impact assessment was completed in March 2014 in relation to the proposals contained in the consultation paper and is attached.

### **Financial Effects**

9. A partial Business and Regulatory Impact Assessment (BRIA) was completed in March 2014 in relation to the proposals contained in the consultation paper and is attached.
10. The summary of the partial BRIA was that the revised licensing arrangements for child performers are likely to offer moderate benefits to both the creative industries and to local authorities who will be implementing and enforcing the arrangements. These benefits will be delivered through:
  - i. A simplified application process to be followed by organisations hosting performances.
  - ii. More flexible working hours limits for young performers, making Scotland a more competitive option for organisations involved in the hosting of performances.
  - iii. A more straightforward licensing system for local authorities to operate and enforce, to be underpinned by non-statutory guidance.
11. It is not possible to quantify these benefits in financial terms at this point.
12. The changes will have some limited costs attached to them. These will fall primarily to local authorities and will relate primarily to the revision of internal resources and the production of updated information materials. The costs are not anticipated to be significant.

**Education and Culture Committee**

**3rd Meeting, 2015 (Session 4), Tuesday, 3 February 2015**

**European Union engagement**

**Appointment of European Union Reporter**

1. Subject committees and the Equal Opportunities Committee are each invited to appoint a European Union Reporter.
2. The role of a committee's EU Reporter is to act as a 'champion' for EU matters within the committee. This is likely to involve:
  - promoting the EU dimension of issues in committee meetings and policy debates;
  - leading on EU engagement and the development of relations with EU actors;
  - leading the committee's EU scrutiny work; and
  - acting as a conduit between the committee and the European and External Relations Committee.

**Consideration of European Union priorities**

3. As part of its annual reporting of the Parliament's EU engagement activities, the European and External Relations Committee (EERC) invites subject committees to provide details of their EU work and consider their EU priorities for the coming year.
4. The EERC will then produce a report, which will be debated in the Chamber. The debate will take place at the end of March.
5. The Committee's response to the EERC is attached at the Annexe.

**Recommendation**

6. **The Committee is invited to—**
  - **appoint a member to serve as European Union Reporter.**
  - **agree the response to the EERC regarding its EU priorities.**

**Clerk to the Committee**  
**January 2015**

## ANNEXE

***If agreed by the Committee, the following text will form the basis for a report to the European and External Relations Committee—***

**Activities undertaken**

While the European Union does not have legislative competence in relation to education and culture, the Committee has included consideration of a number of EU policy areas during the course of its work programme.

As part of its inquiry into Scotland's Educational and Cultural Future, the Committee discussed the EU initiative for a youth guarantee scheme. This was in the context of the Scottish Government's White Paper, which set out a commitment to a Youth Guarantee for Scotland.

Linked to its interest in raising youth employment, the Committee asked the Cabinet Secretary for Education and Lifelong Learning for details of her attendance at the Education, Youth, Culture and Sport Council meeting in December 2014. The Cabinet Secretary had led the UK delegation at the meeting, which included a discussion on the economic case for education, with a particular focus on the Europe 2020 strategy for economic growth and jobs.

During its scrutiny of the Historic Environment Scotland (HES) Bill, the Committee considered the issue of funding for the historic environment. This was linked to the European Commission Communication, *Towards an integrated approach to cultural heritage for Europe*, which sought to help Member States and stakeholders make the most of the significant support for heritage which is available under EU instruments; to progress a more integrated approach at national and EU level; and to facilitate the development of heritage-based innovation. The Committee asked the Scottish Government for details of how the available EU funding for the cultural heritage was being accessed in Scotland and, in this regard, to what extent the Government was working with Scottish stakeholders. The Government's response helped to inform the Committee's consideration of the Bill.

Also on the subject of cultural heritage, the Convener spoke at two events hosted for European representatives, at Runnymede and then Gabrovo, in Bulgaria. In each of his presentations, the Convener talked in detail about what the Committee had learned during its scrutiny of the HES Bill, including the challenges of preserving our cultural heritage and how to increase its economic contribution. Many of these experiences were echoed by other representatives from across Europe and contributed to the discussions on the EU's cultural heritage policy.

**Future work**

As noted above, the European Union does not have legislative competence in relation to education and culture. However, the Committee will seek to incorporate consideration of relevant EU issues in its existing work programme. Where opportunities arise, it should strengthen the Committee's inquiry work by including a European perspective.

The Committee has recently begun an inquiry into the Educational attainment gap. This substantial piece of work could usefully take account of the Europe 2020 targets<sup>1</sup> and the Scottish Government's European Action Plan, to reduce the number of early school leavers and increase entry into further or higher education.

Also, in the context of its scrutiny of the British Sign language (Scotland) Bill, the Committee will have an opportunity to take account of European experiences of promoting sign language. In addition, there are likely to be opportunities to follow up, with the Cabinet Secretary for Education and Lifelong Learning, our work on the youth guarantee and other issues, such as Erasmus+ and Horizon 2020.

It is understood that the Scottish Government is currently reviewing its European Action Plan. Once the Action Plan has been published, the Committee will have regard to the Scottish Government's planned actions in the context of its wider work programme.

The Committee will continue to receive the Brussels Bulletin and will take account of any relevant issues.

---

<sup>1</sup> Europe 2020 headline targets on education: Reducing school drop-out rates below 10%; and at least 40% of 30-34-year-olds completing third level education.