

# Education Bill provisions consultation

February 2024



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### Acknowledgements

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## Executive summary

The RSE welcomes this consultation on the provisions of the Education Bill, which follows several interlinked consultations commissioned by Scottish Government, including *Putting Learners at the Centre: Towards a Future Vision for Scottish Education* undertaken by Professor Ken Muir (March 2022); *All Learners in Scotland Matter: Our National Discussion on Education* facilitated by Professors Carol Campbell and Alma Harris (May 2023) the *Independent Review of the Skills Landscape* undertaken by James Withers (June 2023); *It's Our Future: Independent Review of Qualifications and Assessment* undertaken by Professor Louise Hayward (June 2023); and the *Purpose and Principles for Post-school Education, Research, and Skills* (June 2023).

The establishment of a new qualifications body and reformation of inspection, as outlined in this consultation document, have the potential to play a partial role in delivering systemic educational change alongside other aspects of the reform agenda. However, the RSE stresses the importance of looking at these changes in the context of the need for more profound systemic transformation. For example, whilst the RSE welcomes further engagement on the nature and form of qualifications, we refer to the existing recommendations arising from the independent review of qualifications and assessment, which we have broadly supported in previous responses<sup>1</sup>, and the need to ensure these are satisfactorily implemented before pursuing further consultation. The structural changes proposed to the qualifications body in this document are no substitute for the fundamental culture change required to develop a reflective, self-critical, responsive education system capable of continuous improvement, and deliver qualifications that are fit for the future.

The RSE notes potential issues associated with the timing of this consultation, having taken submissions ahead of the Scottish Government's 2024/25 budget. It must be recognised that funds will be required to support the kind of organisational and structural reform outlined in the consultation document, and these must now take place in the context of the education reform budget being cut by £1 million (vs 2023/24).<sup>2</sup> There is therefore a serious concern that any recommendations arising from this consultation will be overlooked in favour of other priorities and that the accompanying recommendations will therefore not be implemented properly, missing yet another opportunity to create a step change in the way we do qualifications in Scotland.

The RSE notes that the Muir review was tasked with exploring the possibility of establishing an integrated curriculum and assessment agency to address the OECD's finding that curriculum for excellence (CfE) is heavily dictated by a focus on qualifications. The Muir review ultimately concluded that such an agency should have an even broader remit than just curriculum and assessment and instead function as a single national education agency for Scotland. The view was that this would bring policy and practice closer together and allow for greater stakeholder engagement. It is surprising that the current consultation does not mention this other agency and any associated plans for its establishment. As the Education Bill progresses and a new qualifications and assessment body is developed, it will be critical not to lose sight of the curriculum in the reform agenda. We cannot enact changes to the qualifications and assessment system in isolation of the curriculum, which must be equally scrutinised to ensure it meets the needs of learners in the present day and prepares them for successful futures.

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<sup>1</sup> <https://rse.org.uk/expert-advice/advice-paper/hayward-review-of-qualifications-and-assessment/>

<sup>2</sup> <https://www.gov.scot/binaries/content/documents/govscot/publications/corporate-report/2023/12/scottish-budget-2024-25/documents/scottish-budget-2024-25/scottish-budget-2024-25/govscot%3Adocument/scottish-budget-2024-25.pdf>

## What changes should we consider in terms of how qualifications are developed and delivered that you think would improve outcomes for Scotland's pupils and students?

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1. The proposed organisational reforms to the Scottish Qualifications Authority (SQA) – while broadly positive – should not be viewed as a substitute for implementing the more substantive and fundamental changes that are explored in the reports undertaken by Professor Ken Muir and Professor Louise Hayward. The latter, for example, presented a compelling case for broadening the scope of qualifications and assessment.<sup>3</sup> The establishment of a new qualifications body (i.e. the pursuit of structural change) should not take place separately from the necessary changes to the nature of qualifications suggested by Professor Hayward's Independent Review Group and Community Collaborative Groups. There is a once-in-a-generation opportunity to make changes that render Scotland's qualifications better aligned with building the vital capacity for life-long learning and the skills that the workplace will require in the coming decades - indeed, all the more so, coming off the back of the pandemic and in light of the existential threat of the twin climate and nature emergencies and the opportunities and challenges presented by increasingly sophisticated artificial intelligence. Additionally, there is a timely opportunity to make the system less siloed, promoting deeper, multi-disciplinary learning, critical thinking, systems thinking, and skills in problem-solving and big data. However, it is still critical to recognise the importance of retaining discipline-specific knowledge as the pillars on which these more generic skills are built.<sup>4</sup>
2. The RSE agrees that qualifications need to cater to the diverse needs of individual learners, teachers, lecturers, education providers, and employers/ industry. In order for these different needs to be met, there needs to be consideration of the current barriers to a qualifications structure that is fit for purpose and how we can overcome those barriers. For example, the established role of universities in setting entry requirements and treating certain qualifications as more valid than others is a core issue at the heart of valuing all learning pathways. As the consultation paper notes, *"the way individuals are assessed for a qualification must be relevant to the type of qualification itself and reflect modern techniques and approaches to assessment"*.<sup>5</sup> However, barriers remain, such as Universities and Colleges Admissions Service (UCAS) and its accompanying points system which imposes restrictions on the qualifications system that hinder pupils' movement in practice. For example, in the case of foundation degrees, the number of corresponding UCAS points is very low and what should be a broadening of pathways ends up limiting learners' options.
3. Universities and colleges must be made part of the conversation – particularly in their response to the provision of more technical-based qualifications which are highly in demand – and encouraged to embrace a diverse range of qualifications that feed into a multitude of destinations. These changes must be embraced by not only by tertiary education and, importantly, by employers, but also by the general public. The Scottish credit and qualifications framework (SCQF) is an important, though often underutilised, asset that can enable wider parity of esteem between different qualifications and learning pathways. Consideration should be given as to how the SCQF could be better promoted to highlight the full range of educational outcomes that can be achieved and how these relate to one another. Concurrently, there could be scope for the system to more formally recognise different types of prior experiential learning to further expand the network of progression pathways that are possible. This would encourage greater participation by those from less traditional educational backgrounds.
4. The RSE notes the absence of a "whole systems" plan that brings all of these different types of change together as one piece and receives buy-in from society. Addressing this need for an integrated approach will require effective leadership and a public engagement strategy that outlines what will be done and exactly how and when it is going to happen. This understanding is not something that can be achieved in the short-term and the RSE would like to emphasise its willingness to work with the government in engaging all facets of society as the reform agenda continues to progress.

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<sup>3</sup> <https://www.gov.scot/publications/future-report-independent-review-qualifications-assessment/>

<sup>4</sup> <https://rse.org.uk/expert-advice/interdisciplinary-learning-in-schools/>

<sup>5</sup> Consultation document, pg. 11.

5. Similarly, developing and delivering updated qualifications will require support and validation from all those in the life cycle of education, not just those who are already entrenched in the system. As such, the RSE endorses the independent review of qualifications and assessment and the methodology it followed to meaningfully include every part of the system in developing its recommendations.

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## **How best can we ensure that the views of our teaching professionals are taken into account appropriately within the new qualifications body, and do these proposals enable this?**

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6. The RSE believes that the proposals generally support adequate engagement with teaching professionals, e.g. via the SQA External Reference and Steering Group. The key is to have teachers and practitioners embedded at every stage of the development of the qualifications and guarantee that their expertise and experience will be appropriately heeded. As RSE previously stated in its response to the national discussion on education, teachers and practitioners represent a rich and irreplaceable source of lived experience and professional judgment.<sup>6</sup> Teaching professionals provide invaluable insights into the day-to-day realities of the system and how any changes might materialise on the ground, thereby helping to minimise the risk of unintended consequences. The focus should therefore be on building and establishing networks for consultation, taking care to capture the collective voice of different demographics. As stated in the consultation document, creating a new body that *“supports our teachers and practitioners”* will only be possible if teachers embrace the new structure and system. A key obstacle to implementing successful change in the past has been supporting the teaching profession with adequate resources and allowing sufficient time for professional development. Given the ongoing challenges facing public sector finances, there is a worry these resources will again be lacking.

## **How best can we ensure that the views of pupils, students and other learners are appropriately represented within the new qualifications body, and do these proposals enable this?**

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7. The RSE generally supports the proposals within the consultation document that build upon Professor Muir’s recommendations. It is highly important that the governance structure of the proposed qualifications body be revised to include more representation from, and accountability to, all learners, teachers, practitioners, and the stakeholders with whom it engages. If Scottish society does not accept the case for change, then any attempts at reform will be unsuccessful.

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## **How can we ensure qualifications being offered in Scotland are reliable, of a high standard, and fit for purpose?**

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8. It is critical that Scottish qualifications continue to be recognised and valued on a local, national, and international scale. In this regard, the RSE once again refers back to, and endorses, the findings of the Independent Review of Qualifications and Assessment. The RSE also believes that this question relates strongly to questions 2 and 3. If system users believe their views have indeed shaped the system, they will be more motivated to engage with the system and produce positive outcomes for themselves and for Scotland as a whole.
9. There are two challenges to be overcome. Firstly, there is a challenge in “selling” reform to stakeholders that continue to subscribe to dated assumptions about the purposes of education, assessment, and qualifications. For example, many in the life cycle of education still believe that any forms of assessment short of exams undertaken in traditional settings are inferior. Second, there is a technical challenge in terms of determining what constitutes a technically reliable, high quality, rigorous, and therefore valid measure of attainment. The exponential growth in technology – e.g. generative AI such as ChatGPT - is an area that was underexplored and underconceptualised even within the context of the independent review of qualifications and assessment due to the sheer speed at which these changes

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<sup>6</sup> <https://rse.org.uk/expert-advice/advice-paper/national-discussion-on-education/>

have taken place. Indeed, the EU have just released risk categories as part of its burgeoning Artificial Intelligence Act, labelling those applications that stand to influence education, transport, employment, and other sectors as “high risk”.<sup>7</sup> The Scottish Government and the future qualifications body must constantly monitor developments and consider how AI is interacting with education as well as how people are learning in this new hyper-digital environment.

10. Scotland is on a journey of continuous evolution and development, one which will require regular input (not only from assessment experts but also from teachers and practitioners) to ensure that education meets the current and future needs of learners, and that qualifications remain consistent across centres and also fit for purpose. There are many existing successes across the system which can and should be built upon – for example, realising the potential of CfE – and the framing of that is highly important for the morale of the teaching profession. The SCQF has been in place for over 20 years and facilitates an understanding of the wide range of qualifications available to learners across all sectors of education and training. There are known successes in facilitating transitions between pathways such as from Higher National Qualifications into degree programmes but much more use could be made of this valuable tool.

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## **How do you think the qualifications body can best work with others across the education and skills system to deliver better outcomes for all?**

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11. The RSE emphasises the need to value diverse outcomes and situate these along the impressive but still largely underappreciated breadth of the SCQF. The new qualifications body can play a pivotal role in encouraging widespread support of the full complement of qualifications as represented by the SCQF, thereby helping to promote parity of esteem.
12. An External Reference Group rather than an Advisory Council would work well here, provided it draws upon a sufficiently comprehensive and influential range of stakeholders who are close to delivery and can therefore speak meaningfully about the most relevant issues. The idea of a national forum need not be contrary to that, though it runs the risk of becoming a

bland and ineffective “talking shop” unless meaningful representation is assured. The example of how exam papers are created and reviewed is another positive model of effective cross-sectoral engagement that could be further emulated. The RSE notes that getting stakeholders together from across the education sector/levels (i.e. primary through to university), plus representatives from industry and other employers, to feed into qualifications development would be a reasonably straightforward task given Scotland’s size and existing connections, and we would emphasise our willingness to facilitate such dialogue.

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## **Do you agree or disagree with the purposes set out? Is there anything in addition you would like to see included?**

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13. Yes, and nothing obvious that has not been included.

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## **Do you agree or disagree with the range of establishments to be inspected by HM Inspectors of Education? Is there anything you would add or change?**

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14. Although there is some benefit to having HM Inspectors of Education (HMIe) tasked with inspecting a broad range of establishments – thus, providing continuity and facilitating the sharing of best practices - RSE questions whether this adds value to existing systems of inspection and quality assurance in all cases. For example, initial teacher education (ITE) programmes already work closely with the General Teaching Council for Scotland to pursue the requisite accreditation; similarly, colleges will be subject to a “one tertiary system” approach to sectoral level enhancement alongside universities by 2024/25, replacing the existing HMIe model. An integrated approach to assessment in which HMIe inspection complements rather than duplicates existing regimes could work as long as the transition period were specified and each body’s remit clearly defined to avoid duplication of methodology and unnecessary bureaucracy.
15. RSE is supportive of reintroducing inspection in local authorities to provide quality assurance of qualification delivery at the school level.

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<sup>7</sup> <https://digital-strategy.ec.europa.eu/en/policies/regulatory-framework-ai>

## Do you have any specific comments on the role of the inspectorate of education in the inspection of publicly funded colleges, initial teacher education, early learning and childcare and / or modern apprenticeships?

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16. It is important to ensure that education is delivering quality and efficiency as a public good; however, there are instances where other bodies could (and already do) satisfactorily fulfil some of the functions undertaken by HMIE.

## Do you agree or disagree with the priorities set out? Is there anything in addition that you would like to see inspection cover?

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17. We agree in principle with these priorities. With respect to the third priority, it is important that inspection follows a genuine enhancement-led ethos rather than being misapplied as a punitive tool.

18. The bill represents a chance to recalibrate the inspectorate to ensure it embodies the principles of inspection as they were originally conceived. Unfortunately, the education system has grown sceptical of inspection – the assumption being that it is disproportionately concerned with accountability and serves as an extension of government to perpetuate existing philosophies – and faith in it must be restored in order to provide reassurance that inspection is being used to uphold and reward good practice and usher in positive change. If the system has confidence in inspection, it is more likely to engage with the process in a way that leads to genuine knowledge-sharing and improvement across the entirety of the education spectrum.

19. Reaffirming the purpose of inspection will also help to circumvent the risk of duplicated effort when performing quality assurance in settings such as ITE and colleges, as mentioned in response to paragraphs 14-15.

## Do have a view on these options for establishing the new approach to inspection?

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20. The RSE does not offer a view in response to this question.

## Do you have a view on how governance arrangements for the inspectorate could be developed to better involve providers, including teachers and other practitioners, pupils and students, and parents/carers in inspection?

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21. Their involvement should enable a clear understanding of the purpose of inspection and encourage positive participation in the process. One potential model could be an External Reference Group to support the scoping and communication of inspection approaches. It is, however, critical that the inspectorate is able to fulfil its function to monitor and improve Scottish education in an open and unbiased manner.

## Do you have a view on how we make sure evidence from inspections is being used as fully as possible to drive improvement and inform policy and on who the inspectorate should report to?

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22. The inspectorate must be empowered to comment incisively on the health and functioning of the system and to challenge the status quo where appropriate – in effect, serving as the “conscience” of the education system. In order to do so, it must be wholly independent and report directly to Scottish Parliament, with this independence reinforced by the approach taken to funding and appointments.

23. We would also recommend mandating a longer-term and regular appraisal of the performance of the system as a whole, and following a five-year reporting schedule, to provide consistent strategic oversight and evaluation of the system, particularly the efficacy and coherency of policy as well as implementation and delivery. The role of the Chief Inspector should be as concerned with the performance of policies themselves as it is about the bodies and individuals tasked with delivering them. Inspection provides one necessary channel of feedback to help inform if policies are having the desired effect or whether any adverse unintended consequences have materialised, helping to identify where change is needed.

## Additional information

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24. Any enquiries about this advice paper should be addressed to Fraser Gillan, Public Affairs Officer ([fgillan@theRSE.org.uk](mailto:fgillan@theRSE.org.uk)). Responses are published on the RSE website ([www.rse.org.uk](http://www.rse.org.uk)).



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