

TERRITORIAL POLICY COMMUNITIES AND THE SCOTTISH POLICY STYLE: THE CASE OF COMPULSORY EDUCATION

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INTRODUCTION

Devolution in Scotland has produced the potential for major changes to public policy and policymaking. It has prompted academic attention to the 'Scottish policy style', which refers to the new ways in which the Scottish Government ('Scottish Executive' from 1999-2007) makes policy following consultation and negotiation with 'pressure participants'¹ such as interest groups, local government organisations and unions. Devolution has also prompted many pressure participants, and interest groups in particular, to change their *organisations* (devolving lobbying functions to Scottish branches) and/ or lobbying *strategies* (shifting their attention from the UK to the Scottish Government). The overall picture is positive: new 'policy communities' have developed, reflecting the generally open and consultative approach of the Scottish Government and the increased willingness and ability of groups to engage constructively in policymaking in Scotland (Keating and Stevenson, 2001; Keating, 2005; 2010; Cairney, 2008; 2009a; McGarvey and Cairney,

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¹ 'Pressure participants' is a term used by Jordan et al (2004) partly to show us that terms such as 'pressure groups' or 'interest groups' can be misleading because: (a) they conjure up a particular image of a pressure group which may not be accurate (we may think of unions or membership groups like Greenpeace); and (b) the organisations most likely to lobby governments are businesses, public sector organisations such as universities and other types of government.

2008: 236). While we can call this the ‘Scottish’ or ‘devolved’ policy style (since it is also apparent in Wales), and perhaps link it to the pre-devolution rhetoric of ‘new politics’, there is some reason to believe that many of the arrangements are not particularly Scottish.

We can identify at least three key practical reasons for close group-government relations in Scotland. First, compared to the UK, Scotland is small and Scottish Government responsibilities are relatively limited. Scotland’s size in particular allows relatively close personal relationships to develop between key actors (and perhaps for closer links to develop across departmental ‘silos’). Second, the capacity of the Scottish Government is relatively low, prompting civil servants to rely more (for information, advice and support) on experts outside of government and the actors who will become responsible for policy implementation. Both factors also combine to explain what we might call the Scottish Government’s approach to implementation or ‘governance style’. This refers to a relative ability or willingness of the Scottish Government, at least when compared to the UK, to devolve the delivery of policy to other organisations in a meaningful way. In other words, implementing bodies are given considerable discretion and/ or pressure participants are well represented in working groups set up to manage implementation. This may be more possible in Scotland compared to England in which policies travel further distances and the UK government attempts to control far more organisations with less scope for personal relationships (resulting in a relative desire in England to set quantitative targets for service delivery organisations). While this difference has been a feature of Scottish-UK Government comparisons since devolution, the ‘bottom-up’ not ‘top-down’ approach to policy implementation is also associated closely with the post-2007 SNP government and, in particular, its relationship with local authorities (Cairney, 2011a).

Third, devolution went hand in hand with a significant increase in UK and Scottish public expenditure. Its main effect was that there were comparatively few major policy disagreements. Departments or groups were competing with each other for resources, but that competition was not fierce because most policy programmes appeared to be relatively well funded. It is only now that we see the potential for strained relationships between government and groups, and competition between different groups or interests, when tougher policy choices have to be made. While we might expect the decade of good relationships to stand the Scottish Government in good stead, we may also recognise that the economic crisis takes us into new territory and that good

relations may have been built on good policy conditions. Much depends on how we explain the first decade of group-government relations: does it reflect a particularly Scottish culture of cooperation and the pursuit of consensus (summed up by the term ‘new politics’ – see McGarvey and Cairney, 2008: 11; Cairney, 2011b), or does it reflect the once favourable, but now undermined, conditions that were conducive to a particular style at a particular time? We may also examine the additional effect of the new Scottish governance arrangements – can we identify the same types of relationships between groups and local authorities or does the further devolution of power, combined with the new economic climate, produce new tensions and challenges for groups with limited lobbying resources?

Any general picture of group-government relations also masks mixed outcomes, reflecting a certain degree of unpredictability in political systems. As in all political systems, government ministers do not always consult with everyone before making decisions, and they do not always try to reach policy consensus when they have a clear idea of what they want and how they want to achieve it. Further, their attention tends to lurch from issue to issue because they have to react to events and do not have the resources to address all of the problems for which they are ostensibly responsible. While much of the effect of these lurches of attention are addressed by relative constants in the system (such as the role of civil servants and their relationships with pressure participants), there is still the potential for long periods of stability and policy continuity to be ‘punctuated’ by short bursts of instability and policy change (Baumgartner and Jones, 1993; 2009). Consequently, policy relationships tend to vary according to policy issue and over time (John, 1998; 2012).

The aim of this article is to examine how key aspects of compulsory education policy fit into this wider picture. We can identify elements of the broad picture of *consensus*, in which group-government relations are strong and productive. For example, devolution helped produce a marked degree of continuity in the relationships between government, local authorities and unions in relation to teacher pay. It also helped accelerate differences between education policy in Scotland and England, reflecting an often strong rejection of UK government policies before devolution and the acceleration of differences when Scottish governments were able to produce their own policies in concert with pressure participants. This involved the affirmation of key Scottish policies, such as a commitment to comprehensive schools, the relatively strong role for local government in education, and a broad school curriculum tied to the 4-year Scottish degree, as well as more specific policies that developed differently in

different policymaking environments (such as policy relating to additional support needs for learning). Devolution also helped produce the national debate that led to the development of the *Curriculum For Excellence*; the 3-18 arrangements that built on the already distinctive 5-14 provision in Scotland (and marked further divergence from England). We can subsequently identify points of *tension* associated with the new economic climate and the devolution of powers to local authorities. A picture of consensus in the mid-2000s may have been replaced by a picture of tension from 2011.

TERRITORIAL POLICY COMMUNITIES: THE BROAD PICTURE

Keating et al (2009: 54) suggest that devolved policymaking arrangements will be particularly significant in Scotland (compared to Wales and Northern Ireland) because the Scottish Parliament was granted the most powers within the UK political system. Their main suggestion is that, in Scotland, we should expect:

- Relatively high levels of interest group devolution (or the proliferation of new Scottish groups) as groups are obliged to lobby Scottish political institutions.
- ‘Cognitive change’, in which policy problems are defined from a territorial perspective and groups follow, and seek to influence, a devolved policy agenda.
- A new group-government dynamic, in which groups might coalesce around a common lobbying strategy, or perhaps find that they are now competitors in their new environment.
- A series of ‘historic legacies’ based on how groups initially viewed devolution.

They find, following an extensive process of interviews with pressure participants,² that point 1 in particular is borne out. While many UK groups

² See Keating et al (2009: 54). We have conducted approximately 400 interviews in the UK since devolution, including approximately 200 interviews in Scotland. This includes 40-50 interviews with education-specific pressure participants, primarily in two phases (2006 and 2011). Of course, a heavy reliance on interviews raises the prospect of rather biased assessments in some cases (particularly when the analysis reflects the

had regional arms, and many Scottish-specific groups existed before devolution (partly reflecting the value of lobbying the old Scottish Office), there has been a significant shift of group attention to reflect the new devolved arrangements. In particular, UK groups have devolved further resources to their Scottish offices to reflect the devolution of power and their new lobbying demands (50% of groups lobbying in Scotland fall into this category – Keating, 2005a: 65). However, we should not overestimate the shift, since organisational devolution has varied (often according to the level of devolution in their areas – e.g. trade union devolution is often limited, reflecting the reservation of employment law) and some groups have provided few additional resources (such as one additional member of staff).

Perhaps more importantly, groups increasingly follow a devolved policy agenda. The broadest, albeit indirect, marker of this change is the attitude of Scottish branches to their UK counterparts, with many bemoaning the lack of UK-based understanding of the devolved policy context (in fact, this perception of being ignored can be found across Scotland – within government, groups and even academia). They also face a new organisational task, with the old focus on policy implementation (or joining with a coalition of groups and the Scottish Office to attempt to influence UK policy formulation) replaced by the need to fill Scottish Government demands for policy ideas – a process that may be more competitive in the absence of a Scotland-wide lobby. The evidence suggests that some groups addressed that task more quickly than others. Most notably, business groups opposed to devolution (and linked in the minds of many to Conservative party rule up to 1997) were relatively slow to adapt, while the voluntary sector quickly established links that it began to develop with the Labour party in government from 1997 (Keating et al, 2009: 55). There were also some group-government links already in place, reflecting extensive levels of administrative devolution in areas such as compulsory education and, to a lesser extent, health.

Groups are generally positive about these new arrangements (Keating and Stevenson, 2001; Cairney, 2008; McGarvey and Cairney, 2008: 236). The broad image of the Scottish Government is that it is open and consultative. Most feel that they have the chance to take at least some part in policymaking and enjoy regular dialogue with civil servants and (albeit less frequently)

opinions of particular groups), but this is usually overcome by cross-referencing with other sources of information such as documentary analysis. The article points out statements that rely primarily on very particular viewpoints.

ministers who are a ‘phone call away’. Many (but, of course, fewer) also discuss the chance to influence the terms of reference of wider consultations by, for example, becoming part of working groups. Many also describe a fairly small world and the ‘usual story of everybody knowing everybody else’ (Keating et al, 2009: 57). Most contrast this with their perception of the UK policy process which they believe to be more top-down, less reliant on professional or policy networks and perhaps even more competitive between groups (Cairney, 2008). In other words, their satisfaction cannot just be explained by the fact that Edinburgh is easier to get to than London.

Yet, we should not go too far with this picture of consensus and influence for several reasons. First, as outlined above, the new arrangements may be explained by Scotland’s size and capacity as much as its culture of cooperation. Second, their impressions may be based on their experiences as Scottish groups trying to influence UK institutions rather than the experiences of their UK counterparts (Cairney, 2008: 358). Or, they may be based on previous experiences of a Conservative UK Government. Many of the most vocal supporters of devolution were from interests that had poor contacts with successive UK Conservative Governments and pursued agendas not favoured by the Conservatives. Third, Scottish groups also qualify their own experiences. Many acknowledge the difference between being consulted regularly and influencing policy choices – particularly when ministers have already formed views on the subject. Further, many distinguish between their influence at the point of Scottish Government choice and the eventual policy outcome. Indeed, Scottish groups appear to be more disappointed with policy outcomes than their UK counterparts (see Cairney, 2009b).

One reason for such disappointment is perhaps an irony of the new system – groups who buy into the idea of ‘new politics’ and meaningful government engagement are likely to be more disappointed than the more experienced or jaded campaigners. A more important reason is that there is often a significant difference between the initial policy choice (policy formulation) and the final outcome (policy implementation). This has particular relevance to the devolved context often characterised by a ‘bottom up’ approach to implementation in which flexibility is built into the initial policy design and there is less of a sense of top-down control (linked to specific targets which are monitored and enforced energetically) that we associate with the UK government. Further, some groups are less supportive of this approach than others. In particular, groups with limited resources may be the least supportive of flexible delivery arrangements because they only have the ability to

influence the initial policy choice. The more that governments make policy commitments that lack detailed restrictions, and leave the final outcome to the organisations that deliver policy, the less they see their initial influence continued during implementation (2009b: 366).

While this perception can be identified over the lifetime of devolution, it has taken on greater significance since the formation of the SNP Government in 2007. The Scottish Government proceeded to sign a Concordat with the Convention of Scottish Local Authorities (COSLA) which contained a package of Scottish Government aims, including a commitment by local authorities to: freeze council taxes; fund an extra 1000 police officers; maintain 'free personal care' for older people; and, achieve a series of educational aims, including maintaining school buildings, delivering *A Curriculum For Excellence*, reducing P1-3 class sizes, expanding pre-school provision and extending the provision of free school meals. In return, the Scottish Government agreed to increase the scope for flexible local delivery of Scottish Government policies by: promising to not consider reforming local government structures; moving to a Single Outcome Agreement (which involves a longer term approach to agreed targets); reducing the amount of ring-fenced budgets from 22% to 10%; allowing local authorities to keep their efficiency savings; and, in effect, rejecting a tendency to 'micromanage' local government (Scottish Government and COSLA, 2007; Cairney, 2011a).

An interesting feature of this relationship is that it has the potential to produce new policymaking relationships. Just as devolution produced 'territorial policy communities' (Keating, Cairney and Hepburn, 2009), the Scottish and local government relationship has the potential to produce further devolved networks of policymakers and groups. This additional devolution of service delivery responsibility to local authorities, and the need to reorganise group lobbying activities, may produce further dissatisfaction amongst some groups with limited resources. While they once had to influence a single Scottish Government (or perhaps a range of actors within it) they may now have to lobby to influence 32 local authorities (and organisations within them).

HOW DOES COMPULSORY EDUCATION FIT INTO THIS PICTURE?

In many ways education is a special case because many of the conditions we now associate with devolution were already in place. Interest group devolution was always relatively high in an area characterised by extensive administrative

devolution. While the Scottish Office was not ultimately responsible for education policy in Scotland, education is the area most cited as an example of relative Scottish autonomy (Kellas, 1989; Midwinter, Keating and Mitchell, 1991). To a large extent this reflected the protection of Scotland's distinctive approach to education in the Union of 1707 and the long term development of distinctive Scottish policies based on a broader based education at school followed by 4 year University education. Indeed, in many (*but by no means all*) cases, the education agenda in England had limited relevance since the structures of education were so different (there are also interesting comparisons to be made with Wales³).

Similarly, key groups existed long before devolution. The largest teachers' union, the Educational Institute of Scotland (EIS), has been around for 160 years (EIS, 2010), while the second largest, the Scottish Secondary Teachers Association (SSTA) was founded in 1946 (McPherson and Raab, 1988: 82). There is some evidence of post-devolution expansion in Scotland of groups of UK origin, such as the NASUWT, ATL (Association of Teachers and Lecturers) and Voice (formerly PAT), but they do not command anything like the presence that they have in England and Wales (for example, the EIS has approximately 60000 members, SSTA 9000, NASUWT and ATL 3000). School Leaders Scotland (formerly Head Teachers' Association of Scotland and originally the Scottish Secondary Headmasters' Association, operating within the EIS) was established in 1936 (SLS, 2012) and the Association of Head teachers and Deputies in Scotland (largely representing the primary sector) formed in 1975. Both maintain links with their equivalents in England and Wales (Association of School and College Leaders; National Association of Head Teachers), but they are separate bodies. The Scottish Parent Teacher Council formed in 1947. The Scottish Council of Independent Schools formed in 1990 (to coincide with the set up of the Standard grades). The Association of Directors of Education was established before WWII and the Convention of Scottish Local Authorities (COSLA) in 1975 (linked to local government

³ *Much of the discussion of 'England' should really refer to 'England and Wales' since UK government legislation on education tended to extend to both, and pre-devolution education policy in Wales was tied much more closely (than Scotland) to that of England. However, the 'England and Wales' tag soon becomes confusing because pre-devolution Wales had some ability to opt-out of initiatives for England (including maintaining more local authority control of schools) and post-devolution Wales has seen considerable divergence from England (on issues such as pupil testing). More direct comparisons between Scotland and Wales can be found in Keating et al (2009).*

reorganisation). The General Teaching Council Scotland (GTC) was established in 1965 (with, at the time, no counterpart in England), the Scottish Qualifications Authority (SQA) in 1996, and Her Majesty's Inspectorate of Education (HMIe) effectively existed within the Scottish Office (and its predecessor bodies) from 1840, before becoming an executive agency in 2001 and combining with Learning and Teaching Scotland to form Education Scotland in 2011.

Consequently, levels of 'cognitive change' may be less apparent in a system with a long-established administrative structure and distinctive values (they are often portrayed as 'professionalised', perhaps at the expense of, say, 'user' or parental influence). Yet, the extent to which existing values have remained, despite the potential for new education agendas, is an open question. For example, the *Curriculum for Excellence* (discussed below) began life as a response to the Scottish Government's 'national debate' in 2002/3, but it did not mark a shift to a new territorial frame of reference. The same scope for investigation can be found in the new group-government dynamic. The general picture may be that there is a strong professional or 'practitioner' value system in which all or most participants share a common set of values, but identifying those values and their influence on policy dynamics is not straightforward – perhaps beyond the broad finding that, for example, teacher and head teacher unions and ADES generally agree on policy issues regarding education practice (in other words, we do not have the same sense of a 'medical model' in which an approach to policy issues is so taken for granted that it is rarely questioned). Further, there is a tangible sense of competition between some groups with, for example, the EIS often regarded as the key player and a dominant figure within the teaching profession in some areas (most notably professional representation on the SNCT, discussed below). Perhaps most importantly, the role of local authorities complicates national level relationships, partly because ADES and COSLA often perform different functions. For example, ADES and the teaching unions often pursue very similar policy positions when they seek to influence national education policy; they are often partners with each other and the Scottish Government in key 'professional' areas. The role of COSLA is often to be most involved in 'corporate' (including finance and governance) issues and, given their increasingly autonomous position in the new SNP era, they are increasingly responsible for *making* policy – either in close negotiations with the Scottish Government or as they implement (with considerable discretion) Scottish Government policy. This changing role of local authorities and COSLA often

contributes to rather tense relationships with teaching unions at the national and local levels (discussed below).

There are further interesting 'historic legacies', but they are perhaps based more on the attitudes of key education groups to the previous Conservative Government than to devolution. One key example relates to Conservative education reforms in the 1980s and 1990s. Broadly speaking, in England, the UK government moved to a system in which schools became increasingly autonomous from local authorities and powers were devolved to school governing bodies (who became charged with holding head teachers to account). At the same time, the UK furthered a system of school testing (in the same key stages on the same date) to build up national measures of school performance (summed up by the idea of league tables). A key aspect of this process is the ethos behind the measures, linked to an ideology invoking the spirit of competition (between schools, to see who provides the better education) and choice (for parents, to choose the best school to send their child).

In short, that ethos was largely rejected in Scotland by key actors representing local authorities, teachers and parents. While Michael Forsyth (during his initial spell, 1987-92, as a minister with some responsibility for education in the Scottish Office; he returned as Secretary of State for Scotland from 1995-7) was able to introduce some aspects of the England agenda, opposition to it was largely or eventually successful, producing many important separate arrangements in Scotland (Gillespie, nd; Arnott and Menter, 2007). For example, while school boards were introduced, they did not become responsible for the management of schools (and were abolished following devolution). While testing is a feature of Scottish education, it is linked more closely to a formative process in which primary teachers test pupils when they decide they are ready (until preparations for formal, externally marked, examinations begin in secondary school). Further, there is less of an emphasis on league tables of school performance (although Scottish newspapers will publish them even if the Scottish Government does not) and the HMIE became recognised internationally as a key initiator of the self-assessment of school quality.⁴

⁴ See 'How Good is Our School?'

http://www.educationscotland.gov.uk/resources/h/genericresource_tcm4684382.asp?strReferringChannel=inspectionandreview&strReferringPageID=tcm:4-684189-64

It is easy to go too far with this narrative, extending the myth of Scottishness and the fierce protection of common values, because no society contains a fully cohesive and unified set of values.⁵ Yet, the Forsyth experience did contribute significantly to our understanding of Scottish education policy's 'historical legacy'. These developments in the 1990s had a significant effect on group-government relations, both in the past and the future. McPherson and Raab (1988: 493-4) describe the development of a relatively close-knit relationship in the 1950s and 1960s, in which education leaders, 'shared a set of beliefs and experiences that made possible a community of policy-makers'. While they explore the idea that such relationships were linked strongly to post-war expansion, and therefore were likely to come under threat following the economic crisis of the 1970s (and the subsequent election of a Conservative government in 1979), they conclude that policy community-style relationships lived on, partly because policy communities (as described initially by Richardson and Jordan, 1979) play an important and pervasive role in British politics; the potential for centralisation and top-down policymaking is generally offset by the desire of policymakers to secure consent for their policy initiatives. This account compares with Humes (1986, recounted in Humes, 1995: 116-7), which describes the relationship between 'bureaucrats' and 'professionals' as 'incestuous', to the exclusion of pupils and parents. Both accounts were followed almost immediately by the short but profound tenure of Michael Forsyth who, in Humes' (1995: 117-8) eyes, 'quickly disturbed the complacency of the operation' and 'established a strong reforming agenda' based on an "appeal 'over the heads' of the professionals to parents as consumers"; 'Faced with what he saw as the soft consensus of the

⁵ *Indeed, within Scotland, the issue of testing displays one of the most significant sources of tension within the education profession. In particular, it relates to the transition between primary and secondary schools. The latter are tied more directly to quantitative measures of school performance (the proportions of pupils who attain X number of Standard Grades or Highers in each school and local authority). Subsequently, teachers and head teachers in secondaries (particularly the latter, who are effectively held accountable for final performance), are more sympathetic to the idea of testing at a specific stage (such as the end of primary 7) to produce what they consider to be a more reliable gauge of pupil attainment when they enter the secondary system. While the issue of transition goes beyond this aspect (to reflect the difficulties, even in independent schools where pupils are on the same campus, of moving between systems with different teaching philosophies), secondary teachers often distrust the information on pupil performance that they are given by their primary counterparts.*

policy community, he sought to challenge it head-on with a different set of values and beliefs' (1995: 122).

Consequently, relationships between the Conservative government and the EIS soured to the extent that Scottish Office civil servants were allegedly 'virtually forbidden' from speaking to the latter (interview, EIS, 2006). This combined with a period of tension between teaching unions and local authorities (as the employers of teachers) to produce a fairly strained relationship between key players in the run up to devolution. As a result, it took time for the open and consultative relationships that we associate with devolution to develop in education. The experience suggests that a new policy style, or at least new group-government relationships, may owe much to a significant change of government as well as devolution, but it is important to note that these relationships did not change overnight in 1997. In fact, Raffe et al (2002: 168; see also Cairney, 2011a: 62-4) discuss the idea that the 'exam results debacle' in August 2000 (i.e. one year into devolution) gave some pressure participants the chance to criticise the 'leadership style of those in the Scottish Executive, the Schools Inspectorate and their agencies'. To some critics, the top-down era associated with Conservative Government reforms had been replaced by an era of 'centrally-driven' policymaking led by key organisations such as the HMIe, producing 'frustration and resentment of the style of governance of Scottish education' (2002: 168-9; although Raffe et al, 2002: 182-3 question this argument, reminding us of the continuous need for governing organisations to secure consent for policy change).⁶

The interview evidence suggests that education groups subsequently (and perhaps quite quickly, given previous experiences) became generally positive about devolution. As with the broad picture, most feel involved in policymaking and enjoy regular dialogue with civil servants and ministers. While there is the potential for tension based on the asymmetrical representation of some groups (and the EIS in particular), it is generally unfulfilled because groups are in general agreement on many, if not most,

⁶ *Events such as the exams crisis contributed to the reform of the status of the HMIe, towards a relatively independent executive agency removed more from Scottish Executive control. Previously (until 2001), it had enjoyed an unusual position of being a key player in the production of education policy and the body effectively charged with the evaluation the success of policy ('it was effectively making, running and inspecting policy – interview, HMIe, 2006). See also Humes (1995: 122) for a brief discussion of its reform under Forsyth.*

issues and many working groups are populated by a fairly wide range of groups (with the general rule that the EIS is at least as well represented as the SSTA, followed by the NASUWT (and so on) on the teaching side, with head teacher representation kept separate on most issues bar pay and conditions). It is certainly a small world, to the extent that participants joke about how closed it seems ('narrow gene pool' is one self-deprecating description). However, as with the broad picture, many distinguish between their influence at the point of Scottish Government choice and the eventual policy outcome. The perception (among unions and some professional bodies) of vague national policy prescriptions, combined with considerable local authority discretion, is a particular feature in education, and a more pronounced feature since the combination of an SNP government from 2007 and the new economic environment from 2010. These issues are best demonstrated with two key examples: teacher pay and conditions and the Curriculum For Excellence.

Teacher Pay and Conditions

Devolution initially contributed to one of the quietest periods of industrial relations in Scottish education. A number of things happened at the same time: informal or 'casual' contact between unions and the Scottish Government became much more regular; they found that they agreed on many (if not most) aspects of education policy; and the pay and conditions of service agreement between the teaching profession, local authorities and Scottish Government, following the McCrone report (below), provided the 'lubricant' for smooth group-government relations for many years. There is some doubt expressed about the cause of the change, which could relate to devolution or the individuals involved in policymaking at the time. However, two factors point to a devolution effect. First, the style of the McCrone consultation in education was perceived, by most interviewees, to be markedly different in tone to previous reviews. Second, that style can be found in other major consultations, including the Millan review of mental health legislation (Cairney, 2009a).

Indeed, education seems to demonstrate the new policy style best; it might be difficult to find a better exemplar of pre- and post-devolution consultation exercises. The 'Millenium Review' of pay and conditions, conducted before devolution, was rejected by the main unions, with the EIS reporting a 98% rejection and its general secretary Ronnie Smith criticising the 'proposals and the government's handling of them' (BBC News, 1999; see also Buie, 1999a and 1999b on the tensions created within the EIS during the process). One particular sticking point, that has dogged negotiations for years, relates to the balance between the national and local negotiating roles; teaching unions have

generally rejected calls by some local authorities to further devolve pay and conditions bargaining to the local authority level (based on fears that some local authorities wanted to merge teacher pay deals with other local authority employee deals – Munro, 1998 – and fears that local negotiations would mirror the shift to local (and strained) negotiations in further education).

The Millennium review contrasts with the post-devolution review commissioned by the Scottish Executive in September 1999 to examine teacher pay, promotion and conditions of service and the wider context, including: (a) how they should be negotiated (following the Executive's decision to disband the Scottish Joint Negotiation Committee); and, (b) how they contribute to the promotion and retention of teachers and 'improving standards of school education for all children in Scotland' (Scottish Executive, 1999). The review, chaired by Gavin McCrone, was praised by the EIS for its, 'refreshing style in which the teacher is actually placed at the centre of the educational process. The report itself is devoid of much of the managerialist rhetoric which so characterised the Millennium proposals and, in many ways, is a genuine attempt to address some of the real concerns of a demotivated and demoralised profession' (McIver, 2000). This reception reflected a particular review style designed to 'avoid the mistakes of the millennium committee' (interview, member of review group, 2006). The review team visited schools, talked to teachers and was careful to phrase the report in a more sympathetic way; in 'more teacher-friendly language than the millennium committee'. It contributed to an agreement which: simplified teacher career structures; introduced the new Chartered Teacher Status (to allow salary increases based on further University qualifications and continued professional development); guaranteed newly qualified teachers a one-year contract; set a maximum 35 hour week for teachers (including a maximum class contact time of 22.5); set annual CPD levels to 35 hours per year; made a pay award of 23% from 2001-4; signalled an increased investment in support staff; and introduced the tripartite Scottish Negotiating Committee for Teachers (SNCT) to replace the Scottish Joint Negotiating Committee (Scottish Executive, 2001; SPICE, 2007). The agreement also paved the way for the devolution of negotiations on issues (such as local authority inspections of schools, teacher numbers or the deployment of staff) to local NCTs. The headline action was the significant pay rise, but the style of the consultation, the language of the report and the commitment to national negotiations was also important since it set in place the machinery to produce relatively consensual pay agreements for ten years.

Yet, by 2011, we saw the potential to return to a period of industrial disputes under the same policymaking arrangements. From the perspective of some teaching unions, the SNCT no longer operates in a tripartite way. Instead, we have witnessed a two stage process. First, many local authorities have been considering proposals (to change teacher terms and conditions) within their own committees rather than taking them directly to the SNCT. They include plans by Glasgow to increase teacher contact hours from 22.5 to 25, and by Renfrewshire and Aberdeen to bring in other staff to teach the extra 2.5 hours. Second, COSLA and the Scottish Government have engaged in bilateral negotiations (building on their agreements set out in the Concordat and their new relationship) to produce plans to take to the SNCT – a process that unions may feel undermines the spirit of tripartite agreement. Perhaps more significant is the tone of wider debates, with some suggestion that teachers did disproportionately well from the earlier McCrone agreements and that they should therefore shoulder a disproportionate share of the new economic burden (based on the rule of thumb that education is 80% of a local authority budget and wages represent 80% of education spending).

This tone may have fed into the latest pay and conditions negotiations and the ‘McCormac review’ (of ‘teacher employment’). Certainly, the agenda of the SNCT was how much money to cut, with the original Scottish Government/COSLA proposal to reduce the national wage bill by £60m rejected by unions, followed by an offer of £45m tied (financially) to the condition that the Scottish teaching force is no less than 51,131 FTE and that previous COSLA proposals to reduce sick pay have been rejected (the SSTA rejected the deal, but it passed because the EIS recommended acceptance – see EIS, 2011a; 2011b; SSTA, 2011a). The McCormac review had a shorter timescale than McCrone as well as significantly different terms of reference, focused partly on the ‘cost and size of the teacher workforce in the context of the current financial climate’ (Scottish Government 2011a; BBC News, 2011) in the context of a 2007 HMIe report stating that McCrone delivered industrial harmony but not an increase in attainment.⁷ The review did not recommend increasing teaching hours, but did recommend more flexibility in the use of non-contact hours – an issue that will be reconsidered by the SNCT (Scottish Government, 2011c; 2012; see EIS, 2011c; 2011d; 2011e on its reaction to

⁷ *‘A key test of the success of the Teachers’ Agreement must be its beneficial impact on young people and their learning. As yet the evidence of that impact is very limited’ (HMIe, 2007).*

flexibility and, in particular, the proposed abolition of the Chartered Teacher Scheme).

These more recent developments prompt us to reconsider the nature of the original agreements: did they reflect new policy styles or were they only made possible by the favourable economic conditions that allowed significant morale-boosting (or goodwill-boosting) pay rises to the profession? There are certainly new tensions associated with an economic climate not yet faced since devolution, as well as signs that the ‘Scottish policy style’ itself may also suffer. Yet, this conclusion may be to underestimate the scale of the current economic crisis. An agreement to reduce teacher pay by such a significant amount seems unprecedented in the modern era – suggesting that if the SNCT delivers an agreement after the McCormac review, it will represent the success of a body that has operated well for over ten years. It may be a better marker of success than a body that delivered a substantial pay rise during a period of financial stability. It will signify the ability of the Scottish Government to dissuade local authorities from going their own way on key issues and to persuade teachers to accept a significant pay reduction instead of industrial action. This task would have been much more difficult if conducted by the UK Government or old Scottish Office, or by a Scottish Government without a good track record on pay and conditions on which to draw. Indeed, the much-greater likelihood of widespread teaching union strikes across the UK, on the issue of pension reform, may reflect that difference in style and success (EIS, 2011f; 2012; SSTA, 2011b).

Curriculum For Excellence

The issues of pay and conditions and the curriculum are often closely linked – particularly since the McCrone review sought to reintroduce flexibility into the way that teachers operated in the classroom. The assumption was that teachers taught to the Scottish educational equivalent of the bible – the ‘yellow book’ – because it was a protective device (without it, teachers feared that local authorities would place additional demands on their time). The aim of the review team was partly to trade more favourable pay, and a wider recognition of the important job that teachers were doing, for more flexibility in teaching hours and the way that they taught the curriculum. While McCrone’s recommendations on teaching hour flexibility were not taken on board in the Scottish Executive report (prompting McCrone later to bemoan a ‘clock-watching’ profession – Rice, 2002), the agenda on curriculum reform did gather pace.

Devolution initially contributed to the production of a curriculum review that attracted the support of all major political parties and limited dissent from education groups. Indeed, it is notable that an issue that seemed so innocuous during interviews in 2006 should prove so significant by 2011. It began with the ‘National Debate’ in 2002 (itself a sign of the new possibilities of devolution) which prompted the Scottish Executive to highlight a commitment to ‘simplified assessment’ and a review of the curriculum (as well as make a commitment to ‘smaller classes at crucial stages’, ‘improved information for parents’ and ‘more control over budgets for headteachers’ – Scottish Executive, 2003). The Scottish Executive then established the Curriculum Review Group in 2003 which produced the broad policy, *A Curriculum for Excellence*, in 2004. This agenda was taken forward by Learning and Teaching Scotland which commissioned research in 2005, specified the curriculum’s key features in 2006, produced the ‘draft experiences and outcomes’ from 2007 and published the new curriculum guidelines in 2009 (for the detailed timeline see LTS, 2011a). The process was fairly low key throughout, in large part because this was a classic ‘valence’ issue and the aims were unobjectionable – with many interviewees referring to the ‘motherhood and apple pie’ aspect of curriculum reform. This has two related aspects. First, we can highlight the high presence of *consensus* around broad themes such as ‘successful learners’, ‘confident individuals’, ‘responsible citizens’ and ‘effective contributors’ (who wouldn’t want these things?), professional consensus on the key aims for curriculum reform - such as to close the ‘achievement gap’ for people in poorer backgrounds and improve, for some, the transition to work through vocational courses – and Scottish professional consensus on the aim of maintaining an equitable comprehensive system furthering a broad education (see LTS, 2011b). Second, low key can also mean *low attention*, with few actors (outside a small professional world of active and interested practitioners) aware of the details of the policy.

This image of curriculum reform changed markedly during the implementation process, with local authorities, schools and teachers displaying highly variable levels of preparation and support for the new arrangements. A shift of attention from the broad aims during policy formulation to the details during implementation produced considerable disquiet, with many individuals (including parents and teachers), unions and local authorities expressing uncertainty about the meaning, and the practical implications, of curriculum reform. The issue appears to reinforce the perception of minimal national policy prescriptions, combined with considerable local authority discretion, since the idea behind the 3-18 curriculum is that local authorities and schools

can design their own ways to help students learn (with help from the LTS if requested), with the confidence that the HMIe will not tell them they are doing it wrongly and that the SQA will provide examinations that reflect the curriculum and how it is taught (not vice versa) (this production of new forms of assessment is still in progress – SQA, 2011).⁸

However, there are some differences when compared to the issue of pay and conditions. First, there is less concern about the relationship between COSLA and the Scottish Government; curriculum development is largely a professional issue with minimal ‘corporate’ involvement (bar the broader issue of resources to aid implementation). Second, the new economic environment has not produced hard choices in the same way. Instead, participants are concerned about the lack of resources to implement a new policy. Third, there is perhaps less to unify the profession. This is often portrayed (and perhaps exaggerated) as a clash of cultures between primary and secondary teachers. The former may be better able to apply a curriculum based on interdisciplinarity and a further move away from the old testing regime. The latter may be more concerned about the future of their specific disciplines and the uncertainty regarding the future of external assessments (and perhaps the workload involved in internal assessment), given the move away from the 8 Standard grade in S4 and 5 Highers in S5 model (still a key indicator for many universities) towards a more flexible structure. It is also the most immediately affected, with the curriculum now in place for S1 and S2 (following the timetable set by the Scottish Government for the new assessment regime). There are also some differences based on the extent to which teachers and particular local authorities are prepared and enthusiastic. Finally, Curriculum For Excellence has produced one of those rare instances of top-down ministerial intervention, with Education Secretary Mike Russell responding to the SSTA’s criticism of the reforms by removing its representative from the Curriculum For Excellence Management Group (the SSTA were preparing to ballot members on a strike related to the extra workload involved in curriculum reform). Overall, this is an issue that is affected by current economic conditions, but in a less stark way than negotiations on pay and

⁸ *Indeed, if we are being positive (and we ignore the suggestion that the decision was made with minimal consultation), the formation of the new body Education Scotland (bringing together the LTS and HMIe) may foster greater joined up thinking in this regard (also note that the LTS and SQA share an office in Glasgow) (Scottish Government, 2010).*

conditions, and less affected by changes to the Scottish Government and local authority relationship.

CONCLUSION: WHERE NOW FOR THE EDUCATION ‘POLICY COMMUNITY’?

‘Territorial policy community’ is a particularly apt description of the Scottish education policy landscape if we adhere to an intuitive understanding of the meaning of ‘community’. Yet, ‘policy community’ also has a specific meaning in the political science literature, often referring to relatively close relationships between government and a small number of groups (although see Jordan, 2005 on this point). When civil servants and certain interest groups form relationships, they recognise the benefits - such as policy stability - of attempting to insulate their decisions from the wider political process (Richardson and Jordan, 1979). In some accounts, this stability hinges on socialisation. Inclusion within the policy community depends on the gaining of personal trust, through the awareness of, following, and reproduction of ‘rules of the game’. The learning process involves immersion within a ‘common culture’ in which there exists a great deal of agreement on the nature and solutions to policy problems (Wilks and Wright, 1987: 302-3).

This relationship appears to have positive and negative aspects. On the one hand, consultation is frequent and high quality; relationships are stable and agreement is high. Indeed, in Scotland, this may be linked to the relative inclusion of public sector professionals in the policy process, linked strongly to the tendency for Scottish governments to introduce relatively ‘social democratic’ policies when compared to their UK counterparts (although such comparisons require extensive discussion and qualification). On the other hand, the (intended or unintended) consequence of this arrangement is that many participants are effectively excluded from some consultation processes. In some cases, this is a deliberate strategy. If groups are competing with each other for influence within government they seek ways to reduce the role of their competitors. This generally involves competition to define the nature of the policy problem. In some discussions, policy ‘monopolies’ develop when some groups can command a ‘monopoly on political understandings’, or maintain a dominant image of the policy problem (Baumgartner and Jones, 1993: 6). For example, they may portray a policy problem as essentially ‘solved’, with only the technical details of implementation to be discussed.

Such strategies can be used to exclude others, since the technical details involve expertise which only some groups have.

Or, the effective exclusion may be less deliberate. In some cases, it may follow a more ingrained relationship between governments and groups based on a basic understanding of the problem that most take for granted and few question. For example, this may refer broadly to the ‘professionalization’ of policy communities when all the participants who engage have the same basic beliefs regarding policy, and these beliefs can be traced to a body of knowledge developed and maintained by a particular profession. The classic example is the ‘medical model’ of health that sets the agenda for health policy while, to a lesser extent, models of education may be based strongly on teaching professional values.

While the idea of professionalised education policy communities may have less relevance in England, partly since there are multiple sources of competing ideas on how education should be organised and the subject may be relatively ‘politicised’ (prompting sustained higher levels of meaningful ministerial and party political involvement), it has some relevance to Scotland. Indeed, one of the key texts outlining close and exclusive policy communities based on common understandings, is based on a study of post-war Scottish education (McPherson and Raab, 1988: 55). Further, we may attribute a high degree of policy continuity, in the face of a strong Conservative Government reform agenda, to the resilience and cohesiveness of the Scottish education community during the 1990s reforms, that helped maintain the Scottish policy differences that devolution has now reinforced.⁹

Yet, the policy community image may also be under threat for two main reasons. First, the economic context has not only produced greater levels of non-professional attention (e.g. media and public) but also allowed subsequent debates to be based on issues – such as the balance of funding between education and other areas - that are difficult to monopolise.

Second, the image of a community may rely on the idea that most actors coalesce around a common reference point – such as central or national government. There is still much uncertainty on this point. Before 2007 the picture was perhaps clearer, with the Scottish Executive responsible for

⁹ *Other differences may appear without such concerted action – such as the limits in Scotland to ‘Teach First’ qualifications gained in England, based on stricter General Teaching Council Scotland rules on teacher registration.*

national policy and local authorities delivering a policy given to them, backed up by an inspection regime, some ring fenced money and a tendency for local authorities to follow a common and relatively detailed curriculum. While there was considerable scope to influence national policy, it was still driven by the Scottish Executive. This picture is now less clear and we may ask ourselves at what point the acceleration of local devolution produces significantly new arrangements. We still have a nationally directed education system which is locally managed, but local management becomes more significant when national direction is backed up less by dedicated money and short term targets – a difference in relationship that has been accelerated by: (a) the new funding climate which puts many of the most important (or at least the hardest) decisions in the hands of local authorities; and, perhaps (b) a more devolved curriculum.

Local policymaking also has the potential to change relationships. While there may be a policy community at the national level and, for example teaching union representatives have strong links with each other despite their competing roles, local level relationships between unions and local authorities are often relatively strained. There may be community-type relationships but they are harder to identify. Most importantly, the older image of policy communities is that groups effectively had two bites at the cherry. If they didn't get what they wanted during a policy formulation process with greater ministerial involvement, they would have a second chance with national civil servants during the implementation (Jordan and Richardson, 1982: 3). In effect, civil servants represented the constant throughout the process – it was the part of government that groups shared a close relationship with and the part of government that furthered their common interests when higher political interest had waned. Now, there may only be one bite at the cherry because that second process is less likely to exist; policy is made and then it leaves the building. To some extent, this has prompted renewed calls for a reform of education governance with some teaching unions calling for education boards outside of the control of local authorities (this was not recommended by the Christie Commission – Scottish Government, 2011c).

Yet, these changes are easy to overstate, and more studies are required to determine the extent to which new relationships have developed across Scottish public policy. In the case of our compulsory education case studies, there is a strong degree of central involvement in pay and conditions, while its attempts to decentralise the delivery of the curriculum are tempered by a tendency within education to maintain a degree of professional consistency,

backed up by the roles of national bodies such as Education Scotland and the SQA. An era of 'local policy communities' or 'territorial sub-communities' may be approaching, but we should demonstrate, not assume, its arrival.

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