

EIS Advice on Resumption of Education Scotland Inspections (August 2022)

On 31 May 2022, Education Scotland announced its intention to resume its routine programme of inspections of schools and education settings at the beginning of academic session 2022/23.

From August 2022, it will return to using the sampling model of inspections which was in place prior to the pandemic and will, in addition, place an increased focus on the length of time since the last inspection. The time which has elapsed since a school or setting has been inspected will, therefore, be a consideration in determining the order in which establishments will be visited as part of the inspection programme.

The EIS has lobbied against this resumption, arguing that it demonstrates a lack of awareness of, and sensitivity to, teacher wellbeing and the ongoing challenges arising from the pandemic. Despite these representations, Education Scotland and the Scottish Government have insisted that the inspection programme will proceed.

As this scrutiny activity resumes, so too will EIS monitoring of the approach adopted by Education Scotland when conducting inspections in schools and Early Learning and Childcare ('ELC') settings.

We would request that Reps complete the [EIS Monitoring Form](#) and return it to the Education and Equality Department (gpaton@eis.org.uk) as soon as possible after an inspection has been concluded.

The following advice should be read in conjunction with existing EIS advice for [Primary/Nursery](#), [Secondary](#) and [Special Schools and with the EIS advice on Care Inspectorate Inspections of ELC Settings](#).

Focus of HMIE Inspection Activity

With COVID infection rates remaining high and the wellbeing impact of the pandemic, both on pupils and staff, still manifest in schools and ELC settings, session 2022/23 will not, and should not, be a return to 'business as usual'. For reasons of health and safety, in the interests of wellbeing, and in order to address the key priorities for recovery, we must continue to be cautious and resist suggestions that educational settings have returned to 'normal'. COVID-19 is still very much with us.

Education Scotland has acknowledged this, referencing

'the ongoing challenges faced by local authority staff, education staff, learners and communities resulting from the COVID-19 pandemic'

and has undertaken to

'continue to be responsive to the pressures and challenges that the education system is facing while continuing to give priority to the needs and experiences of children and young people'.

The EIS would expect, therefore, that Education Scotland inspectors demonstrate due sensitivity to the many challenges that schools and ELC settings have faced, and continue to face, involving staff at all levels and in all roles, including:

- responding to the wellbeing needs of children, young people and staff
- responding to trauma, distressed behaviour and increased levels of additional support needs in children and young people
- maintaining the health and safety of all in the school community
- supporting families in a variety of ways, not only in response to the pandemic but also in relation to the challenges of the cost of living crisis
- adjusting pedagogy to respond to the consequences of the pandemic
- responding to high levels and recurrence of pupil and staff Covid-related illness and absence
- prioritising Recovery as reflected in Scottish Government [guidance](#)
- supporting young people through National Qualifications in the most challenging of circumstances, in the case of Secondary schools; and
- generally and sustainedly responding to the impact of the pandemic with often inadequate additional resources having been made available.

With this in mind, members are asked to report to Reps the extent to which they find:

- inspectors to have taken account of the context outlined above throughout the course of the inspection activity within the school or ELC setting;
- the inspection process to have been helpful in supporting the recovery process and responding to the particular challenges and pressures experienced within the school or ELC setting.

Reps are asked to include such reflections within the EIS Inspection Monitoring Form.

Collegiate Discussion

Education Scotland has stated that HM Inspectors will

'as part of [their] inspection activities, ... continue to spend time listening and learning from settings and schools about their own current priorities and ongoing challenges' in responding to the impact of the pandemic.

The EIS expects such discussion to be conducted in the spirit of the Empowerment agenda – collegiately and in a way that respects the professionalism of teachers.

Whilst it is understood that the impact of the pandemic will have been felt to different degrees and in different ways, no school or ELC setting has been unaffected. All have faced challenges, many of which have been exacerbated by inadequate staffing resource, particularly when Covid-related absence amongst teachers has been high.

Yet the response of schools and ELC settings in the face of such adversity has been testament to the strength and depth of the professional commitment that teachers have to the children and young people that they teach, and to their families.

This was acknowledged by Education Scotland in their reflection of teacher engagement with the recovery visits conducted over the last year. Gayle Gorman, Chief Inspector of Education said:

'During these visits, we have been overwhelmed by the dedication and resilience demonstrated by staff across Scotland as they work to support continuity of learning and the wellbeing of learners, staff and the school community'.

Against this background, the EIS advises members, including Headteacher and Depute Headteacher members, and those managing ELC settings, to be honest and frank in conversations with inspectors about the impact of the pandemic and associated disruption on children, themselves and colleagues, and on families within the school or ELC community; and about the strength of the setting's response and plans to work towards recovery.

The extent to which schools and ELC settings will have been able to progress with improvement priorities as directed by self-evaluation and possibly previous inspection activity will, understandably, be dependent on the intensity of the Covid impact experienced by the school or ELC community.

Schools, ELC settings, school leaders, teachers and other school and ELC staff should not be reticent to highlight the strength of the efforts made and the size of the challenges faced in maintaining provision during all stages of the pandemic and the ongoing challenges in working towards recovery.

It is against such a backdrop that some improvement priorities may have had to be stood down, set to one side or altered for the time being. This, in most cases, is likely to have been entirely in keeping with Scottish Government [advice](#) issued in June 2020, that recovery should be the priority.

Scheduling of Inspection Activity

Schools

As highlighted above, Education Scotland has indicated that it will adopt the same sampling model for school and other education setting inspections, which was in place prior to the pandemic and will, in addition, place an increased focus on the length of time since the last inspection.

This announcement should **not** prompt any activity not already included within the Working Time Agreement, either directed by the school/ELC setting or the local authority, that is aimed at preparing for inspections 'just in case' a setting is selected.

If this does occur, the matter should be raised immediately by the School Rep with the management of the school or setting, and the Local Association Secretary if necessary, thereafter.

ELC Settings

On 30th August 2022, Education Scotland and the Care Inspectorate issued a joint letter, advising that they have now increased the period between inspections of ELC settings to **18 months**.

This means that if the setting has been inspected by the Care Inspectorate, then it will **not** receive an inspection from Education Scotland within 18 months of the date of that inspection. The same timescale will apply if the setting has been inspected by Education Scotland. The only exception to this would be if Education Scotland or the Care Inspectorate receive information which suggests there is a higher level of risk and an inspection is judged to be needed, in which case it would be carried out sooner.

This change will have implications for Primary school nursery classes because Education Scotland inspects the nursery setting and the Primary school at the same time. Accordingly, if a Headteacher of a Primary school with a nursery class is notified of an Education Scotland inspection within 18 months of a Care Inspectorate inspection, Education Scotland will **not** inspect the education provision within the nursery setting unless there is a request by the Headteacher to do so.

The EIS would recommend that in reaching a decision as to whether the nursery setting should take part in the inspection, **Headteacher and Depute Headteacher members engage in collegiate dialogue with the EIS Rep and staff in the nursery class**, to ascertain whether:

1. there is capacity to support the inspection process in terms of current staffing levels and staff wellbeing
2. the Working Time Agreement could support such a visit

3. health and safety would be compromised (a risk assessment should determine this)
4. it is in the overall interests of the nursery setting to proceed with the inspection at that time.

If following such collegiate discussion, it is decided to request that the nursery setting is included in the inspection process and it would be beneficial to the Primary school and the nursery setting, then the Headteacher should discuss this with the local authority, with a view to enlisting the support of centre staff around the inspection.

The EIS would advise that nursery settings should only participate in these Education Scotland inspections with the full support of their local authority throughout the process.

Health and Safety Considerations

COVID Security

Although the Scottish Government Guidance, '[Reducing the Risks in Schools](#)' states that there are no longer any restrictions on supply staff, other professionals or visitors in general entering schools, it makes it clear that 'all visitors will ... be expected to comply with the school's routine measures and arrangements for managing and minimising risk.'

The EIS would expect that any planned Education Scotland visit to a school/ELC setting will be subject to a risk assessment, with HMIE staff acting in full accordance with the outcomes of any risk assessments either for the whole establishment or for individual staff members or learners who have bespoke risk assessments in place.

This could mean, for example, that it might not be possible for inspectors to visit certain areas of the setting, where space and ventilation issues would prevent it or that face coverings would require to be worn where individual staff members and/or young people have particular vulnerabilities.

Members should advise the Headteacher and/or the School Rep of any non-adherence to COVID protocols by Education Scotland staff visiting an establishment.

Mental Health and Wellbeing

The EIS would also expect that Education Scotland staff, in visiting any establishment, would contribute to efforts towards supporting the mental health and wellbeing of staff, which is a stated priority within all Scottish Government and Education Scotland recovery guidance.

Where any member finds this not to be the case, the matter should be raised with the Headteacher, manager of the setting and/ or the EIS School Rep. In discussing the details of plans around inspectors' interactions with staff with the Managing Inspector, Headteachers are advised to consider the wellbeing needs of staff as well as their own in determining final arrangements.