

**VALUE
EDUCATION
VALUE
TEACHERS**



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THE EDUCATIONAL INSTITUTE OF SCOTLAND

RESPONSE TO THE CONSULTATION FROM THE SCOTTISH PARLIAMENT'S COMMITTEE ON EDUCATION & SKILLS

THE 2019/2020 DRAFT BUDGET

Introduction

1. The Educational Institute of Scotland, Scotland's largest education union, welcomes this opportunity to provide a written response to the consultation initiated by the Scottish Parliament's Education & Skills Committee.
2. It is difficult to find clear and transparent data to follow and comment on public expenditure in Scotland in general, and on schools in particular. It is unfortunate that Audit Scotland has not done an update on its Schools 2014 Report¹.
3. Notwithstanding the challenge around data, the EIS has concerns regarding ongoing spending on education across all of Scotland's 32 Local Authorities, based on feedback from our members and local associations who deal on a daily basis with the impact of spending reductions.

The Need for Increased Investment in Education

4. The Audit Scotland Schools 2014 Report stated that "*In 2012/13, councils spent £4.8 billion on education, of which £4 billion was provided through the block grant.*" It is clear, therefore, that Scottish Government sets the limit for the vast majority of school funding.
5. The EIS has repeatedly rejected the policy of austerity in public finances i.e. fiscal consolidation with public spending cuts. This means that the EIS believes that there should be greater public spending.
6. The EIS recognises that UK public sector spending decisions significantly affect the expenditure available to Scottish Government regarding public spending in Scotland. The EIS has previously called on the Scottish Government to use the increased revenue raising powers at its disposal and welcomes the use of some of these powers in the 2018-19 budget to increase public revenues and thus increase public spending. The EIS believes that the Scottish Government should further explore its options around using its existing and new fiscal powers to support public sector provision.

¹ http://www.audit-scotland.gov.uk/docs/local/2014/nr_140619_school_education.pdf

7. A recent SPICe Spotlight² Briefing states: *"The amount allocated to Fiscal Resource (which funds day-to-day spend on public services) will grow in real terms by 1.8% in 2019-20 on the current year."* The draft budget³ states: *"If this year's budget consequential for investment in the NHS are excluded – which given our commitment to pass these on in full to Scottish health and social care services, is reasonable – our 2019-20 resource block grant is £340 million or 1.3 per cent less in real terms than it was in 2018-19."* This suggests that if the budget consequential are included then the Scottish Government's revenue from the UK Government has increased in real terms. This is welcome news and hopefully heralds the end of the austerity period of public finances.
8. A Local Government Benchmarking Framework Report⁴ on the Public Finance' website (which is associated with the Chartered Institute of Public Finance and Accountancy (CIPFA), looks into Education spending between 2010-11 and 2016-17. This was published in January 2018.
9. According to the Report, *"The benchmarking framework now has seven years of trend data, covering 2010/11 to 2016/17. Across the seven-year period for which we present data, total revenue funding for councils has fallen by 7.6% in real terms from £10.5 billion to £9.7 billion."*
10. According to the Report (referring to 2016-17): *"Despite real reductions in the education budget of 3.8% since 2010/11, the number of preschool and primary places in Scotland has increased by over 30,000."*
11. The Report also considers the change in real terms funding per pupil group between 2010-11 and 2016-17, and notes:

"In the past 12 months, there have been small reductions in real spend per primary and secondary pupil (0.2% and 0.4% respectively), with expenditure trends largely reflecting pupil number changes. Since 2010/11, real spend per primary and secondary pupil has fallen by 9.6% and 2.9%."
12. Given the fact that local authorities receive a block grant from the Scottish Government and that education spending by local authorities is not ring fenced, it is difficult to use Scottish Government budgets to track education spending.
13. The SPICe Spotlight Briefing states: *"The core local government revenue settlement – General Resource Grant and Non-Domestic Rates Income combined (see Table 6.10 in the Budget) – falls in real terms by £319 million (-3.4%)."*

² <https://spice-spotlight.scot/2018/12/12/and-were-off-scottish-budget-2019-20-the-parliamentary-debate-begins/>

³ <https://www.gov.scot/publications/scottish-budget-2019-20/pages/1/>

⁴ <http://www.improvementservice.org.uk/documents/benchmarking/overviewreport1617-2.pdf>

14. A separate SPICe Briefing⁵ states; *"In real terms, the local government Revenue settlement as a proportion of the Scottish Government Revenue budget decreased by 1.9 percentage points between 2013-14 and 2017-18."* It is clear to the EIS that local authorities have borne the brunt of the Scottish Government funding decisions, and that education funding has been adversely affected as a result.
15. The EIS recognises that ongoing additional funding has been made available to schools and local authorities through the Pupil Equity Fund initiative of £120m per FY, and that 2019-20 will be the second year of that three year programme. Whilst this resource is welcome it is not universal, it is focussed on a specific policy objective of addressing the impact of poverty (which the EIS shares) and it is clearly an additional spending stream. Without the PEF initiative funding, the EIS believes that the core education budget for many local authorities would have been cut. The perceived reliance of 'initiative funding' to cover real terms reductions in core funding is a matter of concern for the EIS. Core funding is effectively being substituted by targeted funding.
16. There is considerable anecdotal evidence that schools and pupil support services are experiencing funding levels that are continuing to have a detrimental impact on the working lives of teachers and others working in school education. This anecdotal evidence suggests fewer support workers in classes, less ASN support, fewer educational psychologists, fewer Quality Improvement Officers and fewer school resources resulting in more anecdotes of teachers buying basic materials such as pencils, glues etc themselves.
17. According to Government figures⁶, the overall pupil teacher ratio was 13.2 in 2007, 13.4 in 2011 and 13.6 in 2018. The pupil teacher ratio in primary schools is broadly flat in recent years (including 2018) at 16.1. The pupil teacher ratio for secondary schools has risen marginally from 12.1 to 12.2 between 2012 and 2018. The pupil teacher ratio for special schools has risen from 3.4 in 2012 to 3.6 in 2018.
18. The number of ELC teachers (early learning & childcare aka nursery teachers) has dropped from 1630 in 2009 to 821⁷ in 2018. This is despite the Government policy of improving early years education, and its increases in such funding stated in the draft budget.
19. Any changes in education funding needs to be considered in the context of pupil numbers. Scottish Government figures⁸ give a headcount of 693,251 for 2018, which is the sixth consecutive year of increase since

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⁶ <http://www.gov.scot/Topics/Statistics/Browse/School-Education/teachcenssuppdata/teachcensus2015/teachercensus2016>

⁷ <http://www.gov.scot/Topics/Statistics/Browse/School-Education/TrendTeacherNumbers>

⁸ <https://www.gov.scot/publications/summary-statistics-schools-scotland-9-2018/pages/4/>

2011's low of 670,481. Teacher numbers have also increased since 2011, and there are currently (2018) 51,959 teachers.

20. There has been an increase of just under 1,000 teachers between 2016 (prior to the PEF initiative beginning) and 2018, with an increase of around 10,000 pupils. It is worth noting that the annual PEF initiative funding of £120m is equivalent to the salaries plus oncosts⁹ of around 2,500 experienced teachers. Whatever the number of PEF funded teachers within the education system, it should be noted that their funding would only last a maximum of three years under the PEF initiative.
21. The Scottish Government has previously acknowledged that it has maintained a public sector pay cap in order to maintain staffing¹⁰. Teachers, like most of the public sector, have been subject to sustained sub-inflationary pay rises that has led to a cut in real terms value of an experienced teacher's pay of over 20% in the value of a top of the scale unpromoted school teacher since 2008 (using RPI). There are recruitment challenges in some areas (such as STEM), with some Universities being unable to fill post graduate teacher training courses.
22. Pay is undoubtedly an issue across the public sector and specifically a factor in relation to the status of teaching as a profession. This has been shown by over 20,000 teachers sending postcards to the DFM in June 2018, around 30,000 teachers and supporters marching through the streets of Glasgow in October 2018 and a 74% turnout in a consultative ballot¹¹ to reject a pay offer – with 98% rejecting.
23. The draft budget does not set out any additional investment in teachers' pay. Whilst the increased funding for pre-5 education services is welcome, the budget ignores the pay concerns of the teaching profession.
24. The draft budget, states: "*Education continues to be this Government's defining mission and we remain determined to improve the life chances of the children and young people of Scotland and change lives for the better.*" The First Minister has previously stated¹² that education is the Government's priority and that it should be judged on its education record.
25. The draft budget, according to the SPICe Spotlight briefing uses the Barnett consequential arising from additional UK (England) NHS spending, and further additional money to fund the NHS in Scotland. The briefing goes on to state: "*By passing on the Barnett consequential to Health, other Budget areas will continue to feel the squeeze. Although the overall budget settlement is better than previously thought, with Health*

⁹ Teacher of annual salary of £36,000 plus 1/3 oncosts (£12,000).

¹⁰ "The pay cap, while never desirable, was necessary to protect jobs and services."
https://www.snp.org/first_minister_nicola_sturgeon_scottish_programme_for_government

¹¹ <https://www.eis.org.uk/Ballot/Reject>

¹² <https://www.scotsman.com/news/education/nicola-sturgeon-judge-me-on-education-record-1-3861506>

now comprising an increasing share of the Budget, other areas inevitably see their share of the budgetary cake fall.”

26. The Government claims of education being the defining mission of its term does not seem to be reflecting in its spending decisions.

The 2018-19 budget included around £270m¹³ additional spending on supporting business and the economy. The EIS is disappointed that the Scottish Government has decided to spend additional funds reducing business tax rates in the 2019-20 draft budget.

27. The BBC¹⁴ reported: *“Another big ask (by business) was not to implement an idea proposed by the Barclay Review of business rates - that an extra levy should be charged on out-of-town and online retailers. The retailers have seen that off.*

Lots of small businesses have retained their zero rating on business rates, and Mr Mackay went further on two fronts; raising next year's bills by less than inflation, and linking them after that to the Consumer Price Index, a relatively low measure of price increases.

Signal number four: the continued starter rate for income tax has been raised with inflation, while business rates are going up by less than inflation - both measures letting Mr Mackay boast that Scotland is the lowest taxed part of the UK - albeit on some measures of his choosing, and by a small margin.”

28. The EIS supports the STUC analysis¹⁵ that *“The STUC remains sceptical about the efficacy of rates relief to business as a method of stimulating the economy, and the loss of revenue to the Scottish Budget of these measures is considerable.”* Put simply, the EIS believes this funding should have been invested in public services rather than subsidising private businesses.

Summary

29. The EIS believes that the Government needs to invest more in schools and significantly increase the core budget to schools in order to fund permanent posts. The increased investment should deliver a fairer salary to teachers and more resources so that all pupils can thrive in our

¹³ <https://www.gov.scot/publications/scottish-budget-draft-budget-2018-19/pages/12/>

¹⁴ https://www.bbc.co.uk/news/uk-scotland-scotland-business-46543790?intlink_from_url=https://www.bbc.co.uk/news/topics/cqgpmnzkv1dt/scottish-budget&link_location=live-reporting-correspondent

¹⁵ <http://www.stuc.org.uk/files/STUC%20on%20The%20Scottish%20Budget-%20Bite%20Sized%20Briefing.pdf>

education system, and further progress made in closing the poverty attainment gap.

30. The EIS believes that the Scottish Government should further explore ways to increase public revenues in Scotland to deliver increased spending on its stated policy objectives and public services in general.

THE EDUCATIONAL INSTITUTE OF SCOTLAND

EIS submission to the Education and Skills Committee 5 November 2018

Music Tuition in Schools Inquiry

Summary

The EIS welcomes the opportunity to assist the Education and Skills Committee with this inquiry, which seeks to find out the extent to which charging for instrumental music tuition as part of the school curriculum acts as a barrier to participation by pupils, particularly those from low income households.

We are commenting from the perspective of teachers (over 80% of teachers in Scotland are members of the EIS). We have around 350 Instrumental Music Teacher (IMT) members, and an active IMT Network. We also have a long-standing interest in the arts and culture as a means of enriching the lives of Scotland's children; the EIS donates 0.5% of its subscription income annually to sponsorship of the arts in Scotland, regularly supporting music festivals.

We believe that music tuition should be free to all children who wish to take part. Our submission to this inquiry focuses on four main points:

1. the **catastrophic impact of recent charging decisions** taken by local authorities and the misalignment between recent decisions and the 'excellence and equity' agenda;
2. inequitable **variance in concessions policies** as applied across Scottish local authorities
3. the **way in which instrumental music provision has been unfairly and wrongly characterised by some as 'extra-curricular'** and has been disadvantaged as a result
4. the **need for urgent action.**

Recent decisions – excellence and equity?

Our Instrumental Music Teachers' Network met in the first week of October 2018 and shared updates on developments in their local authorities. That network has representatives from across Scotland. Their updates were deeply concerning¹⁶. To give you a flavour of what was discussed:

- Edinburgh is anticipating a potential budget cut, which would mean a 50% reduction in IMT staff and 2,500 fewer pupils able to access the service
- West Lothian has introduced charges of £354 per year (it was previously a non-charging authority) and it was reported that subsequently 1,300 pupils who were previously learning an instrument have dropped out of the

¹⁶ Please note that these reports were based on the current picture in early Oct 2018 as observed by members of our IMT Network; we know that the situation is fluid. We have raised FOI queries to gather definitive data on drop-out rates in authorities which have introduced new charges.

service; it was further reported that one instructor alone has lost 78% of their pupils

- South Ayrshire has introduced a £200 charge, and has reportedly lost between a third and a quarter of pupils; in some primary schools there is now no child learning to play a musical instrument
- Perth and Kinross has seen a progressive dropping off as charges have risen and a 50% rise in applications for charitable support to take part in music education
- East Lothian has introduced charges of £280, and from 1,500 learners, only around one third have registered to continue; 3 FTE IMTs who left have not been replaced; instruments have not been funded and so many children who are paying for lessons have had no instrument provided yet on which to learn
- Midlothian has seen 2/3 of pupils who were learning musical instruments drop out of the service since introducing charges of £205 per year; and those pupils who remain in the service are choosing disciplines that involve no instrument costs (e.g. singing rather than violin)
- Clackmannanshire has lost 74 pupils from its service since introducing charges of £524 per year (an increase of 103% in the charge); about half of paying parents have reportedly said that they would pay for one year only but couldn't sustain this in the longer-term, so further drop-off is expected.

This is just a snapshot of some of the impacts that the current inequitable approach to music provision in schools is having. We trust that the Education and Skills Committee will agree that it is alarming to hear of children dropping out of music lessons in such great numbers because they simply cannot afford to take part. This cohort of young people are missing out on two fronts: on the many benefits that are intrinsic to learning a musical instrument, and on the wider cognitive, social and emotional, including mental health, benefits which impact positively on achievement and attainment in school beyond the curricular area of music. The benefits to be reaped from learning a musical instrument are lifelong. The disadvantage resultant from being denied access to this valuable learning is also, therefore, lifelong. This is unacceptable injustice.

It is hard to see how this aligns with the agenda to pursue 'excellence and equity' across the Scottish education system that the Scottish Government has articulated over recent years. We would ask, where is the equity in vastly disparate charging policies? Is it equitable that 'who pays, plays'? How can excellence be enhanced when, increasingly, music education is becoming available to a narrower field of pupils?

We would argue that rather than striving to enhance excellence and equity, it appears that many local authorities' budgeting decisions are reducing young people's opportunities and increasing inequality. This cannot continue.

Variance in concessions policies

Local authorities apply very disparate approaches to concessions for music tuition. A 2017 Improvement Service report (*Results from the IMS Survey May-July 2017*¹⁷) noted that all charging local authorities provide some form of concession for pupils from low-income households and pupils sitting SQA music exams. (We note that the 2018 survey data is not available yet but is forthcoming). However, the report highlighted a wide range of measures being used to mitigate charging, with no standard approach being adopted.

For example:

- Most authorities offer complete exemption from charges to children with entitlement to Free School Meals and/or Clothing Grants.
- Some authorities offer a discounted rate for tuition to children entitled to Free School Meals, e.g. at that point, Falkirk offered concession rates of £60.45 per year for these pupils.
- One authority was offering a 50% concession rate for pupils from households entitled to Housing Benefit or Income Support.
- One authority was offering offers different concessionary rates for pupils in receipt of free school meals and/or clothing grants (who were charged £66 per year), and for pupils whose families are in receipt of housing benefit, council tax reduction/benefit or education maintenance allowance (who were charged £189 per year).
- Some authorities offer discounted rates for second and subsequent siblings receiving instrumental tuition with their service.
- Several authorities offered other concessions e.g.
 - o North Lanarkshire Council was offering full exemption from tuition fees for pupils with Additional Support Needs and a 50% discount on a second instrument.
 - o Inverclyde Council was offering full exemption for Primary School Pupils.
 - o Argyll and Bute was offering a 50% discount for pupils learning the bagpipes (Argyll Piping Trust Subsidy).
 - o Renfrewshire and Inverclyde was offering 1-year free tuition to new starts.
 - o Shetland was offering a free first term.
 - o Scottish Borders was offering a discount rate of £80 per year for new starts.
 - o North Ayrshire and Shetland Islands Councils were offering full exemption from tuition fees for children who are looked after by the local authority.
 - o In Dundee, instrumental music tuition was being provided free of charge to all pupils but hire fees still applied if pupils chose to hire an instrument, unless pupils lived in households with annual income of less than £15,800 per year or were studying SQA music.

¹⁷ <http://www.improvementservice.org.uk/documents/research/IMS-survey-report-2017.pdf>

We find it very concerning that concession policies are so variable and that children's access to music tuition can depend so greatly on familial income, which part of Scotland they live in and how their home authority has defined its approach to expanding access.

Instrumental music as a curricular endeavour

Learning an instrument should not be characterised as 'extra-curricular'; this thinking has contributed to gross under-investment in music education in recent years and inequitable access to music tuition.

Instrumental Music Teachers deliver education during the school day, often in support of National Qualifications. For some courses, e.g. Higher Music, performance constitutes 60% of the assessment. Pupils perform their examinable instrumental pieces best with access to excellent teaching, delivered by highly skilled, professional instrumental music teachers. It is clear to us that if music tuition charges continue to rise, that pupils' subject choices will increasingly be guided, indeed curtailed, by a financial rather than an educational motive and that children from lower income families will have less access to SQA qualifications in Music than their more affluent peers. That is not equitable.

The EIS firmly believes that universal comprehensive education is a public good and therefore should be delivered as a public service free at the point of use, and that charging for aspects of education is incompatible with the principles of comprehensive education. Instrumental music education should be, especially within the terms of CfE, considered a key facet of the curriculum; it should be publicly funded and all children should be entitled to this learning, free of charge.

The scenario which all too commonly exists, where service levels have been reduced due to budgeting decisions, whereby children who are taking Music qualifications or whose parents are paying fees are prioritised in terms of access to tuition over those who are not, is unsatisfactory. The requisite numbers of skilled, qualified instrumental music teachers should be recruited to meet the ambition of all children and young people, who wish to do so, being able to enjoy the benefits of learning an instrument. Clearly, this will require significant investment to enable the expansion of this highly valuable service. It is a false economy, which only serves to diminish the service. Instrumental music services should be fully funded by ring-fenced expenditure in order that the creation of a free service is not provided at the expense of existing jobs.

In terms of the alignment of the curriculum to Scotland's ambitions as a society, it would be true to say that there is some divergence with regards to the status of music education at present. Scotland rightly values music as a strong element of its cultural identity; yet investment in instrumental music education has never been protected and is now significantly eroding. To ensure that the school curriculum truly reflects the cultural ambition of the nation, the status of instrumental music within the curriculum requires to be elevated; and the funding increased and protected to enable wide and equitable access to all children and young people who wish to participate, free of charge. The young people who engage with the service will be Scotland's musicians of the future. Failure to invest

in them now, will do damage to the musical heritage of the whole country in the future.

The case for urgent action

It was encouraging to hear at an EIS liaison meeting with the Deputy First Minister on 19 June 2018 that he shares the concerns of the EIS and others about the status of music education and widely variable approaches to provision in local authorities across Scotland. That he was at that stage in talks with COSLA about a way forward was a promising development.

Five months later, however, we are heading into another round of local authority budget setting processes, and the situation appears unchanged. There have been no announcements about any progress.

We would argue that urgent action is needed, as children are falling away from the service in large numbers because of the introduction of charging regimes and increased fees and choosing disciplines based on cost (e.g. singing over violin), narrowing their opportunities and causing them distress (one member reported, *"One of my pupils was devastated to have to stop clarinet lessons due to the implementation of charges."*).

Action must be taken before a further erosion of the service further narrows the opportunities available to children from low-income households. We trust that the Education and Skills Committee will make rapid progress on this important issue.

THE EDUCATIONAL INSTITUTE OF SCOTLAND
EIS submission to the Public Petitions Committee
31 October 2018

PE1694: Free Instrumental Music Services

Summary

The EIS welcomes the opportunity to comment on petition PE1694, which is calling on the Scottish Parliament to urge the Scottish Government to change the law to ensure that musical instrument tuition is available as of right to all children attending state schools in Scotland who wish it, free of charge.

We are commenting from the perspective of teachers (over 80% of teachers in Scotland are members of the EIS). We have around 350 Instrumental Music Teacher (IMT) members, and an active IMT Network. We also have a long-standing interest in the arts and culture as a means of enriching the lives of Scotland's children; the EIS donates 0.5% of its subscription income annually to sponsorship of the arts in Scotland, regularly supporting music festivals.

We strongly support this petition. Instrumental Music should be free to all children who wish to take part.

This submission focuses on four main points:

1. the **catastrophic impact of recent charging decisions** taken by local authorities and the misalignment between recent decisions and the 'excellence and equity' agenda;
2. the **benefits of music education**, for individuals and society;
3. the **way in which instrumental music provision has been unfairly and wrongly characterised by some as 'extra-curricular'** and has been disadvantaged as a result; and
4. the **need now for urgent action** to resolve the matter, given the worsening crisis, and its impact on our members and across society.

Recent decisions – excellence and equity?

Our Instrumental Music Teachers' Network met in the first week of October 2018 and shared updates on developments in their local authorities. That network has representatives from across Scotland. Their updates were deeply concerning¹⁸. To give you a flavour of what was discussed:

- Edinburgh is anticipating a potential budget cut, which would mean a 50% reduction in IMT staff and 2,500 fewer pupils able to access the service

¹⁸ Please note that these reports were based on the current picture in early Oct 2018 as observed by members of our IMT Network; we know that the situation is fluid. We have raised FOI queries to gather definitive data on drop-out rates in authorities which have introduced new charges.

- West Lothian has introduced charges of £354 per year (it was previously a non-charging authority) and it was reported that subsequently 1,300 pupils who were previously learning an instrument have dropped out of the service; it was further reported that one instructor alone has lost 78% of their pupils
- South Ayrshire has introduced a £200 charge, and has reportedly lost between a third and a quarter of pupils; in some primary schools there is now no child learning to play a musical instrument
- Perth and Kinross has seen a progressive dropping off as charges have risen and a 50% rise in applications for charitable support to take part in music education
- East Lothian has introduced charges of £280, and from 1,500 learners, only around one third have registered to continue; 3 FTE IMTs who left have not been replaced; instruments have not been funded and so many children who are paying for lessons have had no instrument provided yet on which to learn
- Midlothian has seen 2/3 of pupils who were learning musical instruments drop out of the service since introducing charges of £205 per year; and those pupils who remain in the service are choosing disciplines that involve no instrument costs (e.g. singing rather than violin)
- Clackmannanshire has lost 74 pupils from its service since introducing charges of £524 per year (an increase of 103% in the charge); about half of paying parents have reportedly said that they would pay for one year only but couldn't sustain this in the longer-term, so further drop-off is expected.

This is just a snapshot of some of the impacts that the current inequitable approach to music provision in schools is having. We trust that the Petitions Committee will agree that it is alarming to hear of children dropping out of music lessons in such great numbers. We would point out this will inevitably mean fewer bands, orchestras, and other such ensembles being sustainable in schools, and fewer learning opportunities being available as a result.

It is hard to see how this aligns with the agenda to pursue 'excellence and equity' across the Scottish education system that the Scottish Government has articulated over recent years. We would ask, where is the equity in vastly disparate charging policies? How can excellence be enhanced when music education faces continual devastating cuts? Is it equitable that 'who pays, plays'?

We would argue that rather than striving to enhance excellence and equity, it appears that many local authorities are reducing young people's opportunities and increasing inequality. This cannot continue.

The benefits of music education

Music education has significant worth, which we believe has been undervalued. Learning to play a musical instrument has intrinsic value, but it also leads to

significant cognitive, social and emotional benefits for learners, and the development of lifelong skills. In an era of increasing concern about young people's mental health, the wellbeing benefits of music participation must be recognised; its role in supporting enhanced attainment must also be closely considered by the Scottish Parliament.

There is a vast amount of evidence of the value of studying and playing music. A literature review by Prof. Sue Hallam of the University of London's Institute of Education reports that "*engagement with music plays a major role in developing perceptual processing systems which facilitate the encoding and identification of speech sounds and patterns*"; and "*active engagement with music can improve mathematical performance*".

A 2016 study on music and attainment found that young people (aged 11-16) playing an instrument showed greater progress and better academic outcomes than those not playing, with the greatest impact for those playing the longest.

Dr Rachel Drury, Royal Conservatoire of Scotland, reported in her 2015 paper, 'The wider benefits of instrumental music learning in childhood', that "*Benefits to literacy, numeracy, cognition, spatial-temporal reasoning, fine motor coordination and physical and mental wellbeing, and even the amount of grey matter in the brain, have all been linked with learning to play a musical instrument.*"

EIS members have observed, and actively contribute to, the very wide range of benefits to pupils gained from learning a musical instrument, including increased confidence, improved organisational skills, enhanced literacy and numeracy, the development of collaboration skills and increased focus and concentration.

Learning and playing an instrument also increases children's happiness, and aligns closely with the four capacities of Curriculum for Excellence, particularly those related to confidence and contribution.

Instrumental music as a curricular endeavour

Learning an instrument should not be characterised as 'extra-curricular'; this thinking has contributed to under-investment in music education.

Instrumental Music Teachers deliver education during the school day, often in support of National Qualifications. For some courses e.g. Higher Music, performance constitutes 60% of the assessment. Pupils perform their examinable instrumental pieces best with input from highly skilled, professional instrumental music teachers. IMTs also contribute to SQA qualifications by, for example, sourcing and researching materials; rehearsing with or accompanying learners in rehearsals/exams; and composing/arranging/transposing music for use during lessons, performances, and practical examinations.

The EIS firmly believes that universal comprehensive education is a public good and therefore should be delivered as a public service free at the point of use, and that charging for aspects of education is incompatible with the principles of comprehensive education. Instrumental music education should be publicly-funded and all children should be entitled to this learning, free of charge. The scenario which all too commonly exists whereby children who are taking music

qualifications are prioritised in terms of access to tuition over those who are not is unsatisfactory. The requisite numbers of skilled, qualified instrumental music teachers should be recruited to meet the ambition of all children and young people, who wish to do so, being able to enjoy the benefits of learning an instrument. Clearly, this will require significant investment to enable the expansion of this highly valuable service. It is a false economy, which only serves to diminish the service. Instrumental music services should be fully funded by ring-fenced expenditure in order that the creation of a free service is not provided at the expense of existing jobs.

The case for urgent action

It was encouraging to hear at an EIS liaison meeting with the Deputy First Minister on 19 June 2018 that he shares the concerns of the EIS and others about the status of music education and widely variable approaches to provision in local authorities across Scotland. That he was at that stage in talks with COSLA about a way forward was a promising development.

Five months later, however, we are heading into another round of local authority budget setting processes, and the situation appears unchanged. There have been no announcements about any progress.

We would argue that urgent action is needed because:

- children are falling away from the service in large numbers because of the introduction of charging regimes/ increased fees
- ensembles across Scotland will cease to exist if this continues, denying children a valuable learning opportunity
- some music disciplines may die off as learners opt out of studies with a cost attached (preferring e.g. singing to violin)
- instrumental music teacher wellbeing and morale is at an all-time low – it causes high levels of stress working for services which are continually under threat
- the recruitment and retention of skilled qualified teachers is harmed by cuts to Instrumental Music provision
- Scottish cultural life will be seriously affected over the medium and long term by continued erosion of music education.

Member testimony

Members have told us how difficult the current climate is. For example,

"One of my pupils was devastated to have to stop clarinet lessons due to the implementation of charges." (Member from a charging authority in the West of Scotland)

"I have managed to keep my daughter taking lessons but if the fees increase I will have to stop. I am the main breadwinner and my job no longer feels secure. I find this devastating as my instrument has been something that I have turned to personally when dealing with family crises." (Member and parent in a charging authority (prefers us not to disclose area))

"Our Saturday morning orchestras, which have been running for over 30 years, are being scrapped" (Member from a charging authority in the South of Scotland)

We urge the Petitions Committee to press the Scottish Government to take urgent action to show that it values music education and values instrumental music teachers.

THE EDUCATIONAL INSTITUTE OF SCOTLAND

Positive Action Schemes

1. The last AGM made the following resolution:

"That this AGM instruct Council to encourage the EIS to support and attract employees with protected characteristics by:

(a) asking EIS to investigate positive action schemes relating to recruiting and employing people with protected characteristics, such as Disability Confident, Carer Positive and Stonewall Workplace Equality Index, and consider which of these would be worthwhile to sign up to; and

(b) updating the EIS Website with an employee section that details membership of positive action schemes and includes EIS' own Equality policy for current and prospective employees."

2. The Executive Committee has previously agreed to:

Actions: *To bring a report to a future Executive meeting investigating the adoption of the following schemes: Disability Confident, Carer Positive and Stonewall Workplace Equality Index.*

Positive action is permitted by law (the Equality Act) where an organisation has evidence that people from particular group (i.e. with characteristics defined by the Equality Act) are under-represented in the workforce. It can be used in both recruitment and training & development.

The three positive action schemes that are listed in the AGM are explored below.

3. **Disability Confident** (<https://disabilityconfident.campaign.gov.uk/>)
The 'Disability Confident' positive action scheme seeks to improve how employers attract, recruit and retain disabled workers. The scheme has over 11,000 employers listed as signed up on its website, including the TUC. The scheme is administered by the UK Government.
4. The scheme has three levels: Level 1 Disability Confident Committed; Level 2- Disability Confident Employer and Level 3 -Disability Confident Leader. Employers sign up as Level 1 and then may progress through to Level 3. More information on the three levels may be found in the Appendix.
5. Employers self-assess whether they meet each successive level. To be recognised as Level 1 (Disability Confident Committed) the Institute would need to agree to the Disability Confident commitments below and identify at least one action that it would carry out to make a difference for disabled people.

The commitments are:

- inclusive and accessible recruitment
- communicating vacancies
- offering an interview to disabled people

- providing reasonable adjustments
 - supporting existing employees
6. The activities include (you must identify at least one):
- work experience
 - work trials
 - paid employment
 - apprenticeships
 - job shadowing
 - traineeships
 - internships
 - student placements
 - sector-based work academy placements
7. Whilst the EIS is already meeting several of these commitments, it is not offering the “activities” for disabled people other than offering paid employment. There are EIS staff that are arguably already defined as disabled under the Equality Act (although this is ultimately a question of law). It would therefore seem to be straightforward for the EIS to sign up as a Level 1 employer. There is no cost involved. The EIS would be able to advertise on its website that it is a ‘Disability Confident’ Employer Level 1/2/3.
8. **Carer Positive (<http://www.carerpositive.org>)**
Carer Positive aims to encourage employers to create a supportive working environment for carers in the workplace. The Carer Positive award is presented to employers in Scotland who have a working environment where carers are valued and supported. Carer Positive employers recognise the importance of retaining experienced members of staff, reducing absence, and cutting down on avoidable recruitment costs. The scheme has 135 employers listed as signed up on its website. The scheme is supported by the Scottish Government.
9. The scheme has three levels: Level 1 Positive Carer Engaged; Level 2-Positive Carer Established and Level 3 -Positive Carer Exemplary. Employers apply for Level 1 and then may progress through to Level 3.
10. Employers self-assess whether they meet each level. Level 1 requires that:
- The organisation has awareness of carers within the workforce and has made a commitment to support carers through workplace policies/working practices
 - There is some evidence that systems and processes have been developed to support this
 - Carers are supported to identify themselves as carers and can access support within the organisation to help them manage their work and caring responsibilities
11. If the Institute is willing to make these commitments that it would seem to be straightforward for the EIS to successfully apply to be a Level 1 employer

or it may apply directly to Level 2 or 3. There is no cost involved. The EIS would be able to advertise on its website that it is a Positive Carer Level 1/2/3.

12. **Stonewall Workplace Equality Index** (<https://www.stonewall.org.uk/>)

The Stonewall UK Workplace Equality Index is not a positive action scheme, but is a structured submission to Stonewall which assesses LGBT equality across the employer. Staff from across the organisation also complete an anonymous survey about their experiences of diversity and inclusion at work. Stonewall would then access the total submission and give the EIS a score – which could be used to feed into a future developmental action

Areas that the submission cover are set out in the Appendix. More details may be found here: <https://www.stonewall.org.uk/uk-workplace-equality-index#employeesexperiences>

The Equality Index are published annually, the next being the 2020 Equality Index, which has a submission deadline of 2 September 2019.

Stonewall is UK charity, and there seems to be no cost to make a submission.

The EIS could state on its website that it has made a Stonewall Equality Index submission for the 2020 Survey, but its report back should be confidential – reflecting the anonymous staff input.

Stonewall advertises the top 100 submissions each year.

13. **EIS Equality Policy**

The EIS does not have an Equality Policy for employees.

Recommendations

The Institute sign up to Level 1 of both Disability Confident and Positive Carer positive action schemes.

That the Institute make the necessary commitments to progress to Levels 2 and 3 of both schemes over the next 3 years.

That the Institute does not make an Stonewall Equality Index submission in 2020 since it is not a positive action scheme or any form of scheme.

The EIS develop and agree an Equality Policy for current and prospective staff with the recognised trade union.

Appendix 1: Disability Confident

Level 1: Disability Confident Committed

To be recognised as Disability Confident Committed, just agree to the Disability Confident commitments and identify at least one action that you'll carry out to make a difference for disabled people.

The commitments are:

- inclusive and accessible recruitment
- communicating vacancies
- offering an interview to disabled people
- providing reasonable adjustments
- supporting existing employees

The activities include (you must identify at least one):

- work experience
- work trials
- paid employment
- apprenticeships
- job shadowing
- traineeships
- internships
- student placements
- sector-based work academy placements

Your business may be doing these things already.

Level 2: Disability Confident Employer

Once you've signed up for level 1 you can progress to level 2, a Disability Confident Employer, by self-assessing your organisation around 2 themes:

- getting the right people for your business
- keeping and developing your people

Disability Confident Employers are recognised as going the extra mile to make sure disabled people get a fair chance.

Having confirmed you've completed your online self-assessment, you'll be registered as a Disability Confident Employer for 2 years. You'll receive:

- a certificate in recognition of your achievement
- a badge for your website and other materials for 2 years
- information on how to become a Disability Confident Leader

Level 3: Disability Confident Leader

By stepping up to become a Disability Confident Leader, you'll be acting as a champion within your local and business communities.

To reach this level you'll need to:

- have your self-assessment validated from outside your business
- show what you have done as a Disability Confident Leader

Once you're recognised as a Disability Confident Leader, you'll be sent:

- a certificate in recognition of your achievement
- a badge for your website and other materials for 3 years

**Appendix 2: Carer Positive
Level 1 Carer Engaged
Engaged Checklist:**

- The organisation has awareness of carers within the workforce and has made a commitment to support carers through workplace policies/working practices
- There is some evidence that systems and processes have been developed to support this
- Carers are supported to identify themselves as carers and can access support within the organisation to help them manage their work and caring responsibilities



**Already engaged?
Aim for Level 2: Established
Established Checklist:**

- The organisation involves carers in the development of policies and processes to support carers within the workforce
- Well documented policies and systems are in place and communicated throughout the organisation
- A culture of support is embedded within the organisation
- Carers feel comfortable in identifying themselves and in accessing available support both from within and outside the organisation
- They are fully informed of and involved in any changes / development of the support to carers in the workplace



Already Established?

Become Exemplary (Level 3) Exemplary Checklist:

- The organisation is recognised for its exemplary support for working carers
- The organisation demonstrates creative and innovative approaches to supporting and involving carers
- The organisation engages in wider awareness raising activities, whether community based/external promotional campaigns, or in forums to communicate the business case to other employers
- Carers are encouraged to lead on the development of new approaches to support carers
- Where practical, carers are positively encouraged in the recruitment process to access employment in this organisation



Appendix 3: Which sections does the Stonewall 2020 Index cover?

- Section 1 – Policies and benefits: how you audit, develop and communicate your policies
- Section 2 – The employee lifecycle: how you engage all employees on LGBT inclusion, from attraction and recruitment to retention and development
- Section 3 – LGBT employee network groups: how the activity of your network group contributes to LGBT inclusion in your organisation and beyond
- Section 4 – Allies and role models: how you empower allies and role models to create change and their subsequent actions
- Section 5 – Senior leadership: how you engage and empower senior leaders to create LGBT-inclusive workplaces
- Section 6 – Monitoring: how you collect and analyse data to improve the experiences of LGBT employees
- Section 7 – Procurement: how you engage your supply chain on LGBT matters
- Section 8 – Community engagement: how you demonstrate a commitment to LGBT equality and create change in the wider community

Section 9 – Clients, customers and service users: how you engage and consult clients, customers, service users and partners around LGBT equality

Section 10 – Additional work and award nominations

THE EDUCATIONAL INSTITUTE OF SCOTLAND

Report into Campus Police

1. The 2018 AGM passed the following resolution:
"That this AGM call on Council to investigate and report on the source of funding for campus police and on their deployment and role in schools."

The Survey

2. A Freedom of Information (FoI) request was sent to all education authorities in Scotland (32). The survey consisted of two questions:
 - Are campus police deployed in any of the Council's schools?
If so:
 - How many schools have a nominated campus police officer?
 - What is the role of campus police?
 - Does the Council fund or contribute to the funding of campus police within the Council's schools?

Results & Findings

3. Twenty-six responses were received to the FoI, with no response from six education authorities. It is clear, from the responses, that some education authorities made enquiries to their schools. This may have delayed some of the outstanding responses.

ANSWER CHOICES	RESPONSES	RESPONSES
Yes	14	43.8%
No	12	37.5%
No response	6	18.7%
TOTAL	32	100%

4. The responses indicate that the education authorities (i.e. councils) have interpreted the term Campus Police Officer in two ways:
 - Police officers that are based within schools and are funded (sometimes in part) by the council
 - Police officers who work within schools but are not funded by councils at all.
5. The latter type of police officer is often identified as a "Community Police Officer", "School Liaison Officer", "Youth Engagement Officer" or "School Link Officer". It is possible that some of the education authorities that stated that they had no Campus Police Officers do have police officers that carry out the role of Campus Police Officers – for example the School Link Officers of the City of Edinburgh's schools seems to have a similar remit to Falkirk Council's Campus Police Officers.
6. Eight education authorities have a Campus Police Officer based in each secondary school or in many secondary schools, for example:

"All 16 secondary schools have a nominated officer"

"Campus Police Officers are deployed in all eight of the Secondary Schools within South Ayrshire."

7. Nine of the fourteen education authorities that responded stated that they partially fund the operation of Campus Police Officers. A few education authorities stated that their Campus Police Officers were funded by Police Scotland. The funding from schools/education authorities seems to vary from 50% of cost of the Campus Police Officers to a few councils specifying that they pay for one or two.
8. The major part of the funding of Campus Police Officers is picked up by Police Scotland. A hyperlink in Falkirk education authority's response states that it pays around £84,000 per annum for two of the eight Campus Police Officers at the authority's secondary schools.
9. Three education authorities stated that their Campus Police Officers are paid (in part) by PEF funding.
10. The City of Edinburgh Council's response stated that it did not have Campus Police Officers in its schools but sent a document that outlined the role of School Link (Police) Officers in the city's secondary schools. Each School Link (Police) Officer had two secondary schools and the remit is attached in Appendix 2 and is similar the role of Campus Police Officers in other education authorities. The cost of these police officers is entirely covered by Police Scotland. The City of Edinburgh Council's response on School Link Officers states *"It is anticipated the SLO will spend the majority of their time working day [sic] within the schools and the immediate area."*
11. The role of Campus Police Officers seems wide ranging and one response set out the remit below:

"Youth engagement officers are not solely tied to the school but also there to deal with young school age children in the community.

- *They have a role in the curriculum participating in classes such as crime and punishment, princes trust;*
- *Dealing with anti- social behaviour;*
- *internet safety/ social media awareness;*
- *Parent Nights;*
- *Assemblies;*
- *Addressing hot spots i.e shops etc near to schools where young people congregate;*
- *Extra-curricular and diversionary activities;*
- *Assisting teaching staff on legal matters;*
- *Providing advice at careers events.*

The deployment of Youth Engagement Officers can break down barriers and challenge young people's perceptions and views of Police Officers and vice versa. Young people and officers develop a different relationship in school that can be beneficial in the wider community."

12. Another education authority's response states:

"In secondary schools the inputs cover all year groups. SLOs play a part in the delivery of early intervention and crime prevention work. For all age groups, lessons are compliant with the Curriculum for Excellence and delivered in a manner consistent with modern teaching practices. Time is provided for students to reflect on information given, ask questions, and discuss practical examples of legislation in practice with peers and the Officer."

13. The job description (Appendix 2) of School Link Officers within the City of Edinburgh's secondary schools includes:

"Delivery of specific lessons to Personal and Social Education (PSE) and citizenship as appropriate and agreed by the school management, thereby contributing to the learning environment."

14. Campus Police Officers (and some School Liaison/Link Officers) are meant to be involved with pupils on a daily basis and in a myriad of different ways. The remits and roles of Campus Police Officers/ School Liaison Officers provided in Appendixes 1 and 2 show many similarities – but Appendix 1 (Falkirk) outlines the role of police officers across the whole school community, as it states:

- assist in reducing anti-social behaviour and youth crime, including offending by and victimisation of, young people within the cluster community;*
- assist in promoting a positive image of Police Scotland with young people in the area through the establishment of positive partnerships;*
- assist in educating members of the school community about the consequences of actions and the potential for positive citizenship;*

15. Appendix 2 (City of Edinburgh Council) also sets out a similar role with its School Link Officers but it is more targeted at certain pupils:

- Arranging and supervising the delivery of intervention work such as leisure activities to develop and encourage young people, particularly those at risk of offending or re-offending;*
- Motivating and relating well with young people, in particular those who are a cause for concern;*
- Identifying and working where appropriate in active diversion plans with those young people at high risk of becoming involved (or further involved) in offending behaviour.*

16. The role of Campus Police Officers (and some School Liaison/Link Officers) is far more extensive than that of a community police officer visiting schools on an occasional basis as suggested by at least one education authority response, i.e.:

"No school with Campus Police as such. Dunoon Grammar School reported that they do have a Youth Engagement Officer who works

closely with the school and Rothesay Joint Campus reported that local Police Officers do occasionally include the school as part of their patrol.”

Conclusions

17. Many education authorities in Scotland have entered into arrangements with Police Scotland to have Campus Police Officers that are based on all or most of the authority's secondary school premises. In most cases, the education authority or schools contribute to the funding of Campus Police Officers.
18. Campus Police Officers have a wide-ranging role within schools – including in some cases – delivering PSE lessons and being involved in guidance support. The role of the Campus Police Officer/School Liaison/Link Officer seems to be agreed between Police Scotland and the education authority (see Appendices 1 & 2). Whilst there are similarities in these remits, there are also differences – such as the police officers identifying and targeting their work at specific pupils.
19. Some education authorities' responses refer to School Liaison/Link Officers delivering a similar role to Campus Police Officers. The difference in role between a Campus Police Officer and a School Liaison/Link Officers in some education authorities is minimal and may be one of scale (i.e. whether the education authority or schools are willing to pay for additional police officers).
20. Other education authorities' responses refer to community police officers engaging with schools, but these seem to do so at a reduced level compared to Campus Police Officers (and some School Liaison Officers).
21. Responses suggest that education authorities contribute funding to some Campus Police Officers. A few education authority responses stated that schools contribute to funding Campus Police Officers using PEF funding.
22. Funding levels from education authorities/schools seem to vary. Falkirk Council's response stated that it and its secondary schools paid the salary of two police officers (£84K) out of the eight officers employed as Campus Police Officers.
23. Responses suggest that Police Scotland entirely fund School Liaison Officers.

Recommendations

24. Executive is asked to note this report.

If you wish to see the appendices for this paper please contact the Organisation Department.

THE EDUCATIONAL INSTITUTE OF SCOTLAND

Report on Tourist Tax

1. The 2018 AGM passed the following resolution:

"That this AGM instruct Council to investigate and report on the potential of a Tourist Tax to raise revenue in Local Authorities that can be used directly to support the Education budget within those Local Authorities."

2. The Executive Committee has previously agreed:

"To bring a report to a future Executive meeting that investigates and reports on the potential of a Tourist Tax to raise revenue in Local Authorities that can be used directly to support the Education budget within those Local Authorities."

3. Tourist Tax (or Transient Visitor Levy as it is more widely known as) is a form of taxation paid by overnight visitors (usually per person per night) in several countries including France, Spain, Italy and the USA. Many countries allow individual towns/cities/municipalities to implement the tax, and tourist tax rates vary considerably.
4. Tourist Tax is often justified by the notion that the generated revenue from it is put into tourism-related purposes and counteracting the consequences of tourism for the local inhabitants and ecological area.
5. No tourism tax is currently applied in any part of the UK. A tourist tax in any part of Scotland would require new legislation to be passed by the Scottish Parliament.
6. The City of Edinburgh has consulted¹⁹ on developing and implementing a tourist tax in Edinburgh and it has proposed a flat rate tourist tax of £2 per person per night for up to 7 nights. Since the City of Edinburgh Council has no legal powers to implement such a tax, it has called on the Scottish Government to bring forward legislation to permit such taxation. This call has been supported by other local authorities and COSLA.
7. Historically the Scottish Government has been reluctant to introduce legislation that would allow a tourist tax but in November 2018 it issued a "discussion document"²⁰ to support a "national discussion on transient visitor (tourist) taxes in Scotland". It is therefore possible that the Scottish Government will bring forward legislation that may permit Scottish local authorities to implement a tourist tax.
8. It is worth noting that effectively this is what has happened in relation to workplace parking charges, the potential negative impact of which the EIS

¹⁹ https://consultationhub.edinburgh.gov.uk/ce/tvl/user_uploads/tvl-consultation-report.pdf

²⁰ <https://www.gov.scot/publications/transient-visitor-taxes-scotland-supporting-national-discussion/pages/1/>

has been quick to highlight in relation to teachers.

9. A broader debate on tax raising powers is planned in response to previous EIS AGM resolutions, and this area will be incorporated into this consideration and debate.

Tourist Taxes Supporting Education Services

10. The AGM resolution instructs Council to investigate and report on the potential of a Tourist Tax to raise revenue in Local Authorities that can be used directly to support the Education budget within those Local Authorities. Tourist taxes (in the form of a levy for overnight stays) are often justified as a means for tourists to contribute to the services they use and generally aimed for the benefit of tourists.

11. The Scottish Government discussion document reinforces this notion:

“Use of revenues from occupancy taxes varies across areas that levy them. In a number of EU Member States, including Croatia, France, Malta and parts of Spain, revenues from occupancy taxes are hypothecated, with revenues directed towards supporting the tourism sector. Activities supported include:

- Croatia: funding for local tourist boards and financing of promotional activities;
- Spain (Balearics): environmental protection and conservation, historical and cultural preservation and restoration, workforce training;
- Lithuania (Palanga): improvement of tourism marketing and city infrastructure;
- Germany: access to facilities in some spa towns.

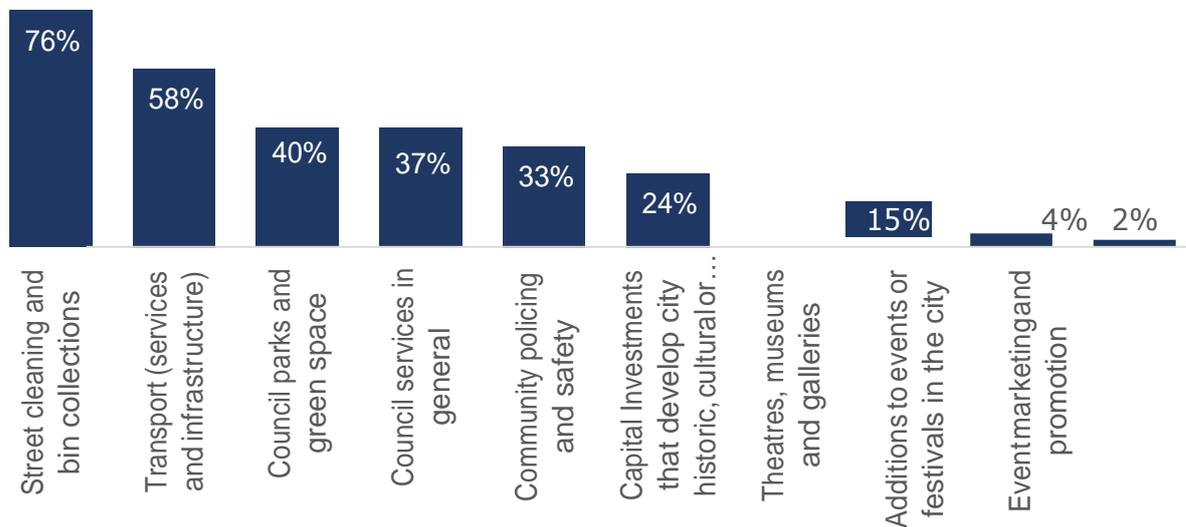
12. The beneficiaries of occupancy taxes can also vary. In the case of Croatia, revenues are shared among different bodies, including cities, counties, the national tourist board, and the Red Cross, while Catalonia distributes revenues among municipalities, local tourist boards, and the regional tourist agency.”

13. The City of Edinburgh Council survey asked respondents to comment on how the revenue raised from a tourist tax should be spent and it reported that:

“There was strong consensus around the priorities for investing any revenue generated by TVL. 76% of all respondents cited street cleaning as their priority for spending. This was the number one ranked priority for all stakeholder groups, followed by transport (58%), which was also the second priority for all stakeholders. The least preferred choices for all groups were additional events (4% overall) and promotions (2% overall). Additional priorities for funding included public toilets, access to drinking water, and improving disabled access to historic buildings and festival

venues.

14. *Fig 12. 'If a transient visitor levy were introduced, which three areas would you prioritise to receive funding from the revenue raised? (Choose up to three options)' (2,560)*



15. While the survey identified a substantial minority (37%) who were in favour of the TVL revenue being used to fund Council services in general, feedback from others – particularly industry stakeholders – indicated strong opposition towards this idea.”
16. It should be noted that tourist tax revenues are generally not used for non-tourist related activities, and, according to the City of Edinburgh Council, there is only limited support in Edinburgh for using a tourist tax to fund ‘Council services in general’ and there is “strong opposition towards this idea” from the tourism industry. The City of Edinburgh Council’s tourist tax proposals do not include using this additional revenue stream to fund council services in general – such as education.
17. Ultimately, it would be for the Scottish Parliament to decide the regulations for how the revenue raised by a tourist tax could be spent but it would not be unreasonable to conclude at this stage that the potential impact of a tourist tax on education spending would be marginal at best.
18. As most Education spending is dictated by the level of funding made available to local authorities from Scottish Government, for which a funding formula applies, there is a scenario which may develop which could see areas able to apply a tourist tax gain additional financial advantage over other areas, potentially in more deprived communities.

Recommendation

The Committee is asked to note this report, at this time.

THE EDUCATIONAL INSTITUTE OF SCOTLAND

Report into School Cleaning Survey

1. The 2018 AGM passed the following resolution:

"That this AGM instruct the EIS to investigate the impact of cuts to cleaning services in schools and to campaign to oppose any reduction in the frequency of classroom cleaning."

The Survey

2. A short electronic survey was shared with all school reps and Health & Safety reps, i.e. around 3,000 members. The survey was open for three weeks and consisted of two questions:
 - *Has there been a reduction in the frequency or quality of the cleaning services within your school due to funding cuts in the last 3 years or so?*
 - *What impact have cuts to cleaning services had in your school?*

Results & Findings

3. Six hundred and eighty-one responses were received to question 1 of the survey and six hundred and twenty-six of these then responded to the second question. The response rate of 681 from around 3000 reps is high and allows meaningful conclusions to be drawn from the survey.
4. The first question (*Has there been a reduction in the frequency or quality of the cleaning services within your school due to funding cuts in the last 3 years or so?*) generated the following results:

ANSWER CHOICES	RESPONSES	
Yes	546	80.2%
No	92	13.5%
Other (please specify)	43	6.3%
TOTAL	681	100%

5. A large majority (80.2%) of the reps who responded believe that there has been a reduction in the frequency or quality of the cleaning services in the last 3 years or so. A low proportion (13.5%) disagreed and 6.3% of responses did not give a view.
6. The second question (*What impact have cuts to cleaning services had in your school?*) was open and generated 626 individual responses. Each response was analysed by considering three themes; poor quality of cleaning, teachers cleaning classrooms and health concerns arising from the cleaning. Sections of responses that commented on the poor quality of cleaning are marked in green; sections that commented on teachers cleaning classrooms are marked in blue and sections of responses that commented on health (inc hygiene)

concerns arising from the cleaning are marked in yellow. Where a response did not reference any one of these three themes, no colour was applied.

7. Of the 626 individual responses to question 2, around 54 responses did not state or imply that the quality or frequency of the cleaning services had worsened. Two themes were evident from this group of responses: that cleaners were working beyond their contracted duties in order to maintain cleanliness standards and that cleaning quality was maintained in some schools due to the nature of PPP contracts in place.
8. Around 480 responses of the 626 responses commented on the poor cleaning, dirtiness or other concern regarding cleaning. The following themes were regularly cited:
 - No cleaning at all on some days;
 - Reduced cleaning on some days – possibly only a wipe-down;
 - Limited or reduced hoovering;
 - Windows and high ledges not cleaned;
 - Large amounts of dust;
 - Tables, sinks and other surfaces not cleaned or not cleaned regularly;
 - Toilets not cleaned regularly, and toilet rolls, soaps and drying materials not replenished regularly;
 - Smelly toilet areas and sinks;
 - Cleaning under or behind large objects not carried out;
 - Floors not cleaned – even if muddy or sticky;
 - Bins not emptied daily;
 - No deep cleans during summer breaks;
 - Cleaners given cheaper ineffective detergents or even water to clean with;
 - Vomit and other bodily fluids not cleaned up effectively;
 - Cleaners given too little time per room;
 - The work of absent cleaners not being covered.
9. Many responses that commented on the cleaners stated that the worsening in cleaning standards was not the cleaners' fault but down to the reduction in the amount of cleaning time that they are given per room. Some responses expressly stated that their cleaners were working additional time (beyond their contracted hours) in order to maintain the cleanliness of classes.
10. A number of responses commented on the poor-quality of cleaning products issued and a few responses stated that water was used to clean dirty surfaces.
11. Over a hundred responses stated that their classrooms were "dirty" and a few responses described the condition of their school as "filthy" or "disgusting."
12. Around 120 of the 626 responses stated that they or teacher colleagues had cleaned their classrooms or another part of the school. Several of the responses stated that they cleaned parts of the school themselves because

as teachers they were concerned with pupils' welfare, as the cleaning would not be otherwise done. The following themes were identified:

- Teachers using their own disinfectant wipes on surfaces (such as table tops within their classrooms) as they were not otherwise properly cleaned daily;
- Teachers cleaning vomit and other bodily fluids at times;
- Teachers cleaning staff toilets and staffrooms;
- Teachers emptying bins or replenishing toilet supplies;
- Teachers (and cleaners) bringing in their own cleaning materials;
- Teachers spending time cleaning rather than pedagogical work;
- Teachers and pupils having less pride in their schools.

13. Around 138 of the 626 responses expressed health or hygiene concerns within schools arising from poor cleaning, including the perception of more frequent staff and pupil illnesses. Many responses stated, or speculated that, specific staff and pupil illnesses were caused by poor cleaning. The following themes were identified:

- Higher staff/pupil sickness absence rates were linked to poorer cleaning standards;
- More instances of a group of pupils from one table being ill at the same time;
- More instances of classes having bugs or norovirus;
- High dust levels potentially affecting respiratory ailments and exacerbating asthma conditions, and
- Outbreaks of mice, rats and ants.

Conclusion

14. This survey produces clear evidence that there has been a reduction in the frequency or quality of school cleaning services in the last 3 years or so. This survey shows that staff and pupils' health seem to have suffered as a result of the reduction in cleaning quality and that a clear minority of teaching staff clean their own classrooms due the reduction in the quality of cleaning.

15. This survey shows that many of the respondents believe that cleaning standards have dropped due to funding cuts in cleaning services in recent years. This has resulted in fewer cleaners in some schools, leading to cleaning rotas in which only basic cleaning or no cleaning is done in some classrooms on some days. Some respondents also commented that cleaners seemed to have been given cheaper less effective cleaning materials and, in a few cases, were using water to clean surfaces.

16. The most significant consequences of poor cleaning were identified as:

- Increased staff/pupil sickness absences;
- Teachers spending time cleaning rather than pedagogical work;
- Unhygienic and dirty teaching environments;
- Staff and pupils having less pride in their surroundings.

17. The survey responses show that teachers are deeply concerned about the reduction in the frequency and quality of school cleaning and their consequences.
18. There is a concern amongst representatives regarding the dirtiness of schools due to cuts in cleaning services. These cuts are driven by local education authorities and would therefore be best addressed by Local Association campaigns and through discussion at LNCT level. One aspect of any local campaign to improve or restore school cleaning services is that councils owe a duty of care to staff and that duty should prevent foreseeable harm to staff.
19. It is clear that in some authorities cost savings in school cleaning are having an adverse effect on the quality of cleaning and that many teachers believe that this has had a direct and negative impact on the health of staff and pupils.

Recommendations

Executive is asked to agree:

- i. To circulate the survey findings to LA secretaries for consideration by local associations;
- ii. To encourage Local Associations and branches to campaign for improved cleaning services;
- iii. To publicise and highlight the extent of the reduction in cleaning standards in recent years and the effect it is having within schools.

Appendix 1:

Selected responses:

1. "Our Early Learning and Childcare staff are washing the floor and cleaning toilets which they didn't do before. Classrooms and corridor floors are not hoovered/buffed as often as they use to be and the children's desks are not wiped down every day. In general, the classrooms are dustier and grubbier than before."
2. "In 2018 2 of the 3 schools I work in had to be closed for deep cleaning measures due to infectious illness - sickness virus casing half school to become ill."
3. "Building is disgustingly dirty."
4. "My classroom is dirty and I have to buy Anti-bacterial wipes to keep desks clean. I also Hoover at times. Stairwells and corridors are covered in dried mud for a few days between cleans and this does not show pupils high expectations for looking after our school. Pupils do change shoes before entering the classroom however they need to enter the building in outdoor shoes. Pupils in my class and myself have been off with viruses which spread through the class as door handles, desks etc are not cleaned daily."
5. "We had a very bad infection that required a deep clean to get rid of and all staff and a huge majority of the pupils got sick. I don't believe this would have happened if the school was cleaner in the first place."
6. "All classes not being cleaned on a daily basis, floors not moped, tables not cleaned, areas not hoovered. General build up of dirt in areas such as windowsills, cupboard tops etc. As children are sneezing and coughing over tables on a daily basis as well as painting and cutting and sticking, they should be wiped clean daily and not when they are on the rota to be cleaned."
7. "The classroom carpets are only vacuumed three times a week. That means if a child accidentally comes in with muddy feet or someone spills the sharpener contents or anything else, we can sweep it up as best we can with a dustpan and brush but we still end up sitting amongst the remains on the carpet. Many surfaces are no longer being dusted. Last night I wiped down a months worth of dust from the computer table last night as it was getting unbearable. Classroom furniture was not moved aside during the "Big Clean" in the summer holidays last year. As a result the classroom I moved into felt filthy. If you peek behind trolleys and units there's a thick layer of dust and hair. Members of teaching staff have been hoovering up spills, wiping down tables and dusting."
8. "Increase in staff illness, decline in standard of the learning environment for the children"
9. "Classroom just not cleaned as thoroughly as it used to be. Sinks not cleaned. Table tops wiped less frequently. Ledges and shelves don't seem to get touched. No antiseptic soap or paper towels in individual classrooms either. All part of cost cutting we're told. Cleaners say not enough hours to do what they're expected to do. Lots off sick perhaps due to stresses of the job."
10. "The cleaners can only 'spot clean' - this leads to dirt and mess building up behind and under units, window sills, on boards, under equipment etc In

some cases, when cleaning staff have been absent, we have gone days without the school being cleaned at all as there are little to no relief workers - we have often relied on the goodwill of staff from other schools to assist. Staff will often try and maintain the cleanliness of classes as much as possible, paying for materials from their own pocket. Teaching staff absences often coincide with cleaner shortages, from personal experience my only absence in recent years was due to a vomiting bug that had spread in the school. The cleaners, at that time, were off for various reasons."

11. "School is constantly dusty. All resources covered in thin layer of dust after just a short time. Cleaner told to only use water so vomit and urine stains and smells linger. Staff constantly have to buy own soap and refill paper towels. Areas ignored altogether e.g. behind moveable boards and furniture. Cleaner is in such a hurry she regularly sweeps up and discards school resources rather than picking them out where possible. egg cubes and parts of toys which have been lost down sides of tables. Children constantly sneeze and cough on tables and these are only cleaned with water every other day, so germs spread like wildfire."
12. "My school is dirty!"
13. "Children have been more prone to infections and at one point in the winter, the Norovirus was so bad, the school had to be closed for two sets of two days in order for a deep clean to be done."
14. "Classrooms are most definitely not cleaned as well as they once were. Also cannot remember the last time there was a 'deep clean'. The spread of germs is concerning. Classrooms are simply given a once over every night rather than being thoroughly cleaned."
15. "The classrooms are only being cleaned every other day and the hall is only done once a year. This has caused more cases of sickness in the school. When this happens the council send in a deep clean team of around 12 cleaners. This compares to the 2.5 cleaners we normally have for a 18 classroom school."
16. "Cleaners are stretched between more classes, and therefore not spending enough time in each class. Speaking to cleaners, their resources are not good enough or strong enough. In our new building the bleach isn't strong enough to wash the floors to be clean, with the guidelines they are given. We have less cleaners."
17. "Less cleaning staff. Cleaning not done to anywhere near the standard of previous due solely to reduction in staff."
18. "Dirty tables, floors and general filth throughout the school. Complaints from staff and cleaner alike, only having 10 minutes to clean a classroom. Walls are marked and not clean. Floors now get swept and bins emptied but sinks and work tops are left uncleaned."
19. "General cleanliness and appearance of school has slipped, some areas looks particularly dirty and dusty."
20. "At the start of each year, I'm having to thoroughly clean my room myself."
21. "Our school is not clean. Desk tops in classrooms are not cleaned often enough and many teachers are doing this themselves. The staff room is almost never vacuumed and, again, teachers are having to do this task. There are not enough cleaners for the size of the school. It is not about the quality of the

- cleaning staff but about the actual number of cleaners we have in school. It is not possible to keep our school clean with such a small number of staff."
22. "No deep clean. (Used to be an annual activity) Things like windows, window ledges never cleaned or teaching staff do this. Evidence of more outbreaks of vomiting bug and respiratory infections in pupils and staff."
 23. "Floors not cleaned etc. Lower standard throughout the school. This impacts on the children's pride in their school."
 24. "Untidy classrooms and I think more cases of winter vomiting bug and colds."
 25. "Flies in my classroom. Smell begins to hit during warmer weather at start of Spring. Tend to clean my own desk area each week. In one classroom, due to dust in my lungs I had 4 absences"
 26. "Our school constantly feels dirty and I, alongside other staff members, spend their time do additional cleaning and buying cleaning products. I would say this also affects the health of all in the school as often germs spread more quickly."
 27. "I am a teaching head teacher and nursery manager - among my other roles I have now added cleaning, hoovering, dusting and mopping. Sometimes I have to decide between preparing sessions for children's learning, sorting out someone's pay with HR and wiping tables that present an infection control hazard. I need three of me really but since when did the EIS or anyone else really care about or put any effort or resources into finding out about life for teaching head teachers and the ridiculous choices they need to make where there is no option sometimes but to consider whether or not to compromise children's learning and well-being."
 28. "School dirty. Lots of children absent with recurring sickness bug. Teachers having to clean own classroom etc"
 29. "Classrooms much dirtier Teachers having to clean tables and sinks. Illness more widespread due to poorer hygiene."
 30. "The bins in my class and in the shared open area do not get emptied every second day. They are full to the brim and children have to squeeze rubbish into them. Sometimes the rubbish spills out onto the floor and I end up cleaning it after three o'clock. Children brush their teeth and the bins can be full of paper towels that they've used to empty their mouths. Surfaces of desks are filthy and I end up cleaning them after the children have left. I constantly have to clean my own class as it's never cleaned thoroughly. I've even cleaned the windows as nobody ever comes in to do them. The whole school feels dirty and it's not surprising f that so many children pick up stomach bugs. The paper towel dispenser is always needing filled and I often have to dry my hands on my clothes. The sanitary bins in the staff toilets are frequently overflowing and rarely get emptied. Not a very pleasant working environment plus I shouldn't have to clean my class!!!"
 31. "Kids sitting on mucky floors. Door handles and sinks not cleaned...bad outbreak of norovirus. Staffroom not always cleaned."
 32. "Hoovering classrooms only on Tuesdays and Thursdays. Unhygienic if wet interval on Friday and crumbs etc. not hoovered up until the following Tuesday. Cleaners stressed trying to get same work done with fewer staff and no cover for sickness. One day had 1 cleaner for whole school (14 classrooms plus offices, toilets, corridors, canteen and hall)."

33. "Poor hygiene resulting in colds and sick bugs being passed around staff and children constantly. Having to buy my own cleaning products to clean the classroom as I was sick of getting ill. Staff toilets only cleaned once a week and bare minimum done as only one cleaner in the whole school."
34. "No longer filling paper towel dispensers, soap or blue roll. Having to clean desks and surfaces ourselves daily. Toilets still having toilet gel put down them but little else in the way of maintenance. Takes time away from preparing lessons and becomes an added responsibility of classroom teachers and support staff. Staff often buying wipes etc for own classrooms to cut down on cleaning time."

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AGM 2017 Remitted Motion N5 and Higher English Folio Background

The 2017 AGM remitted the following Motion to Council, it subsequently being assigned by Executive to the Education Committee for consideration:

“This AGM instruct Council to campaign for the assessment of National 5 and Higher English Writing by means of external examination rather than through the current SQA procedure of folio assessment.”

The Committee agreed to endorse existing policy on the assessment of Writing in the interests of social justice and assessment validity; that the workload, inequity and authenticity issues raised by the mover continue to be addressed in appropriate fora; that English Subject specialists would be surveyed post-submission of English folios and that the data collected would inform future discussions with the SQA, and that a paper would be disseminated to members through Reps’ and Members’ bulletins, and via the HT & DHT Network.

Action

During the summer term, the Education Department emailed all members of the English Subject Specialist Network (six) and Secondary members of Council who teach English (six). Replies were received from five English subject specialists.

English subject specialist views on the Folio of Writing

1. How well, in your view, does the Folio of Writing support students’ skill development in Writing?

‘If the student has been put into the correct level of course and the stated conditions and approaches suggested by SQA are followed then it does develop writing skills and ideas.’

‘The writing folio can support skill development very well, especially in S4 National 5 courses which can only be timetabled for 3hrs 20mins a week [130 hours]. The shortfall of a notional 30 hours prohibits depth of teaching and learning and SQA portfolio course requirement supports writing skills focus.’

‘I like that the folio is a process – the pupils have an opportunity to redraft and think about the piece of writing, which is an important part of any writing process.’

‘Reasonably well. It is a pity that the exhortation for centres not to begin N5 courses before S4 means that (like the old Standard Grade) pupils can’t write a more extensive, organic portfolio across S3 and S4. It would also be useful if formally responding to feedback and evaluating their own editing/improvements (as per the AH creative folio unit assessment) was a formal part of the assessment process.’

‘We would also like to see greater rigour and consistency in how pupils are expected to use academic referencing across all SQA coursework tasks.’

‘It supports it well, along with skills in planning, editing and working to deadlines.’

All five respondents are of the view that the Folio of Writing is a support to the development of students' skills in Writing. The most positive comments pointed to the design of portfolio assessment articulating well with the key elements of the writing process and enabling independent learning.

Two of the comments contain the qualification that the Folio works well in developing writing skills if students are enrolled for the correct level of course and if SQA assessment conditions and guidance are adhered to. Another comment suggests that the students' experience of writing pieces for the Folio are curtailed by annual presentation patterns, while another indicates that the Folio provides some compensation for the shortage of class time in which to complete one-year N5 qualifications, presumably because students can work on Folio pieces outwith class time.

None of the respondents provided comments to suggest that they do not see the English Folio as being an appropriate process and method of assessment to support skills development in Writing.

2. Are there any workload concerns that you would wish to raise with regards to the Folio?

'It is important to make clear expectations and deadlines at the start of the course. Key dates should be provided. Sometimes teachers can leave this work until too near the end of the course and it can become demanding. Also if pupils don't meet deadlines for various reasons teachers will always give them longer to complete which can mean a lot of pressure at the last minute.'

'In relation to the submission on the template, the dept built that factor into its planning from the start, recognising the only way to address this was for the CL to manage it.'

'Teachers recognise the practical support they can offer students to complete and submit folio essays on the template but this adds to an already unwieldy process of getting regular access to 20 – 30 computers in ICT suites. The tracking and supporting of individual students through the process creates an equally unwieldy workload burden for teachers, which is inequitable given English teachers can have more than one presentation class in a single session.'

'If the SQA guidelines are followed there shouldn't be workload implications. Teachers should only be marking one draft of each piece.'

'The administrative side could be hugely simplified if pupils were able to submit their folios online. It could also allow for a more rigorous approach towards tackling plagiarism, by using a system like 'Turnitin'.'

'The only workload concerns are if the rules are being bent about 2 drafts maximum per essay, whether it's pressure from management or parents.'

The comments provided highlight some potential workload generation associated with the Folio. The SQA requirement for Folio pieces to be submitted using an electronic template was identified by two of the respondents as a source of additional workload, in one case for English teachers generally and in the other, for the Curriculum Leader. This was the only aspect of the Folio-related workload that respondents commented on that is directly attributable to the SQA. On the other hand, one respondent indicated a preference for online submission, believing this to offer a streamlining of processes.

Two respondents suggest that adherence to SQA guidelines around the number of drafts allowable minimises workload, the corollary being that where such guidance is breached, teacher workload increases.

One respondent indicated the importance of transparency around key dates and adherence to deadlines for submission of portfolios, highlighting the risk of workload bottle-necks either where timing determined by the teacher or late submission by students, creates disproportionate pressure on time immediately preceding the SQA Folio submission deadline. While to a large extent this is down to establishment-based policy, it has become clear from recent discussions with them that the SQA is reluctant to make formal deadlines known to all Secondary teachers, preferring to circulate these only to SQA co-ordinators.

3. A strong argument in favour of the inclusion of the Folio, and one which the EIS supports, is that it enables students to demonstrate skills and knowledge in a context other than the final exam, so benefits students from less affluent backgrounds.

To what extent is this reflected in your experience of working with students on the Folio?

'Yes, this is true, and in relation to a personal piece it can be very rewarding for the student (and at times their families if they read it once it has been completed). The discursive/persuasive piece can enable students to consider an issue more deeply and can influence their thinking and their lives. However, if the student has been put into the wrong level of course, it can be difficult for her/him and the class teacher if her/his professional judgement on which course is appropriate is ignored. Students who struggle with this can get an essay/s on-line. However, most teachers will spot this and challenge the student.'

'This is our experience in a school where most backgrounds are far from affluent: often the creative writing offers a way for students to express and reflect on some very challenging life experiences.'

'I work in a school in an affluent catchment area so have little experience of teaching less affluent pupils. In my experience, students from affluent backgrounds can buy tutors to help with writing the folio and in that respect coursework can in fact favour affluent pupils.'

'While we support a coursework element that is not assessed under exam conditions, the suggestion that it creates a more even playing field for disadvantaged pupils seems misguided. Regardless of the systems and strictures that schools/departments put in place to try and guarantee pupils' work is entirely their own, those who can afford the help of tutors or who have 'helpful' family members will inevitably employ them to the disadvantage of pupils without.'

'Those from more affluent backgrounds often have a tutor – this is a concern because there is no way of proving definitively if the tutor has had too much input into the folio. This is not, however, a reason to remove the folio; perhaps more time could be freed up elsewhere in the course to allow more of the folio to be done in school – this would certainly help those from less affluent backgrounds who lack the space and/or peace and/or resources for research or production at home.'

Two respondent comments echo the EIS position that a folio-based approach to the assessment of writing as opposed to an exam-based one, can enable students

from less affluent backgrounds (implied by one respondent, all students) to engage more meaningfully and rewardingly with the writing process.

One of these two statements contains the qualification that this occurs when students are appropriately placed in terms of course level and suggests that where students are inappropriately placed and the level of demand too great, there may be temptation by candidates to plagiarise the work of others or falsely present pieces that have been obtained from the internet as their own work.

Three of the five respondents highlighted the inequality of tutor intervention and/or other at-home assistance with, Folio work for students from more affluent backgrounds. None of the three suggest that this would warrant the replacement of folio-based assessment with an exam, however. One suggests that more time spent in class on Folio writing would be a better leveller, enabling less affluent students the requisite access to the resources, research materials and conducive learning space, which tend to be in shorter supply for such students within the home environment.

4. Are there any other issues that you wish to raise?

'It might be helpful if the conditions under which folio pieces are to be completed were stated more often/more prominently.'

Creativity doesn't often flourish under pressure like an exam.

Researching an issue for the folio is a good skill for like and work beyond school.

For students who have EAL the fact the folio pieces are not timed and they can use English dictionaries (not bilingual ones) to support their writing can mean that their marks for the folio are higher proportionately than they are able to gain in the exam, with its added pressures. The overall outcome in terms of final grade in August can sometimes disappoint.

The need to have the submissions word-processed can be difficult for some students, not because they don't have access to equipment as they use school computers or iPads, but because their typing skills are poor/slow.'

'I don't think the folio should be replaced with an exam.'

'We are concerned about a narrowing of pupil experience - that pupils who progress through N5 > H > AH will increasingly write in the same narrow range of genres (one creative, one discursive) for fear that experimenting beyond these will be seen as 'risky'. We accept that, ultimately, it is up to centres and practitioners to design their own courses, and we appreciate that having the same folio element at every level creates greater 'articulation'. However, repeating exactly the same pattern year on year runs the risk of further diminishing the breadth of the pupil experience in English (just as the Scottish Set Text element has), especially when time to deliver the courses is already squeezed - it risks leading to a 'lowest common denominator' approach from practitioners and candidates.'

Final comments referenced more of what are considered by some to be shortcomings arising from SQA decisions: insufficient communication of the detail of assessment conditions; and the mirroring of Folio requirements from National 5 to Advanced Higher, which one English Department considers to be limiting. One comment referenced the difficulties associated with school-based decisions to

set the requirement that pieces are word-processed, which can pose challenge to students lacking the requisite digital skill level to manage this well.

Comments also pointed to further benefits of folio-based assessment: stimulating creativity among students who are engaged in the writing process; encouraging the development of good research skills; giving students the freedom to write without being under tight pressure of time; and the greater accessibility of this assessment mode for students for whom English is an additional language.

Again, none of the final comments from respondents called for an end to the Folio as an assessment of Writing in favour of external examination. One respondent stated quite simply that the Folio should not be replaced in this way.

Conclusions

Only five of those invited to respond to the survey did so, meaning that the views obtained are from a small number of English subject specialists. That more members did not respond to the survey with calls for the Folio to be scrapped is also telling. It would appear that there is not great appetite among members of our networks who are English teachers to abandon the Folio of Writing at National 5 and Higher.

None of the responses called for this, though did highlight some of the issues posed by the Folio in terms of teacher workload, ICT demands, ensuring the authenticity of candidate work, inequality in the levels of support that more and less affluent candidates receive at home, and impact on the curriculum.

On balance, the Folio was judged to be strong on assessment validity, enabling and encouraging the acquisition of knowledge and understanding, and of skills development, in relation to the writing process. There was acknowledgement, also, of the alignment in terms of assessment design, with social justice principles: the view expressed was that the process of writing within the framework of a Folio, more closely mirrors the process associated with the art of writing, as opposed to the on-demand nature of writing under exam conditions, and this is beneficial to students from poorer backgrounds.

That many candidates complete Folio work at home, largely as a result of annual presentation patterns and significant time constraints within one-year courses, was thought to contribute to rather than reduce inequality between the most and least deprived students. A move to two-year qualifications could helpfully address this issue, among others.

Recommendations

The EIS should maintain its support of assessment practice that is known to enhance learning and which is evidenced to minimise disadvantage to poorer students whose outcomes run greater risk of being compromised as a result of the socio-economic challenges that they face.

The EIS should continue to call for greater support for schools to diversify in terms of senior phase pathways, to move away from one-year presentation patterns as

the norm, and within such a senior phase framework, to ensure as far as possible that students undertake courses that are appropriate to their learning needs.

The Education Committee should, in its discussions with the SQA, revisit the matters of insistence on submission of Folio pieces using an SQA electronic template; and the need to publicise clearly to all Secondary teachers, the formal deadlines for Folio submission and the appropriate conditions of assessment for Folio writing.

Advice to members in relation to SQA-related workload should be re-iterated through member bulletins.

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Equality matters within ITE programmes

Background

The 2017 AGM passed the following resolution, which was delegated to the Education Committee, with input from the Equality Committee.

"That this AGM call on Council to:

- (a) hold a series of exploratory discussions with Initial Teacher Education (ITE) providers and the General Teaching Council for Scotland, to investigate the ways in which equality matters are addressed within ITE programmes, including whether there is coverage of all protected characteristics in all programmes, and whether equality matters are covered by compulsion or on an opt-in basis; and*
- (b) develop recommendations for partners regarding enhancing current provision of equalities education for teachers, both through ITE and through ongoing Professional Learning."*

Initial correspondence

In September 2017 the EIS wrote to all Heads of School at Universities offering ITE programmes in Scotland, requesting a discussion of these matters. Six follow-up meetings were subsequently arranged for the autumn and spring, with the University of Edinburgh, the University of Glasgow, the University of Dundee, Strathclyde University, Stirling University and the University of the Highlands and Islands. Some institutions (University of the West of Scotland and University of Edinburgh) sent information by correspondence; some did not reply.

The EIS also sought and held a discussion with the GTCS, meeting with Ellen Doherty, Director of Education, Registration and Professional Learning, in November 2017, in recognition of its important role in setting the Professional Standards expected of all teachers (which reference equality and social justice) and accrediting ITE programmes leading to the award of GTCS Standards.

Desk-based research: Scottish Government study

To supplement and inform the exploratory discussions, a Scottish Government baseline study of the hours dedicated to different areas (including equality) within ITE was examined (Initial Teacher Education, Content Analysis, May 2017).¹ The key findings from this report were as follows:

- Courses were offering vastly different amounts of content dedicated to equality:

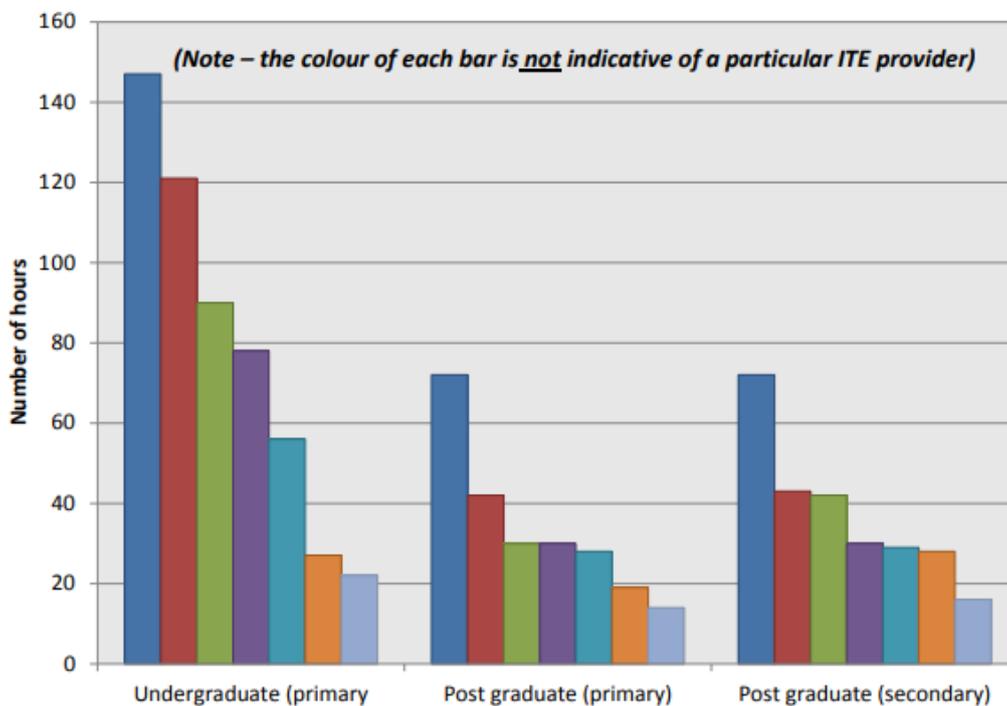
¹ ITE content analysis, Scottish Government, May 2017.

<https://beta.gov.scot/publications/initial-teacher-education-content-analysis-2017/Initial%20Teacher%20Education%20content%20analysis%20May%202017.pdf?inline=true>

- Undergraduate Primary courses offered from a low of 22 hours of content dedicated to equality to a high of 147 hours
- Postgraduate Primary (PGDE) courses offered from a low of 14 hours to a high of 72 hours
- Postgraduate Secondary (PDGE) courses offered from a low of 16 hours to a high of 72 hours.

ITE content analysis

Graph 14 – Range of hours dedicated to equality (highest to lowest)



- The mean number of hours dedicated to equality across seven institutions was:
 - PGDE Secondary – 37 hours
 - PGDE Primary – 34 hours
 - Undergraduate Primary – 77 hours
- The range of hours dedicated to equality “raises questions of equality of provision for student teachers” and also “raises questions around the expectation of teacher professionalism with values such as social justice underpinning their practice”.
- Overall, the number of hours of dedicated contact time for equality across all programmes was described as “low, given the commitment in policy for excellence and equity for all children and young people.”
- The greatest range was found in UG Primary programmes and the smallest in PGDE Secondary programmes.
- It is worth noting that a broad definition of equality was used to support the data collection exercise: the definition provided was:

"Equality (and equity): Promoting equality and equity removes discrimination of individuals or group of individuals and ensures all are treated equally specific to their needs, including areas of race, gender, disability, religion or belief, sexual orientation and age. We also need to recognise that some individuals are at a larger disadvantage than others and so require more support in order to help everyone attain the same type of healthy lifestyle. Educational equality and equity rely on all students being supported to achieve and attain academic success regardless of disadvantage or specific needs. This is more important than ever as there is evidence to suggest that an individual's level of education is dedicatedly correlated to the quality of life they will live." (We note that the definition does not strictly align to the Equality Act 2010, for example it refers to gender rather than sex, and we also note that the definition does not refer to poverty/socio-economic status, which is not a protected characteristic but is an increasingly central equity issue).

- The paper states that "A holistic approach is taken by all ITE providers to support student teachers to develop skills and knowledge in teaching keys areas that are the responsibility of all. As such...**equality** [is] embedded across all learning in ITE programmes. Therefore, the figures quoted in the report are indicative..."

Other background information

Conversations with ITE providers also drew on a range of other background information and developments, including:

- Anecdotal evidence from members that they had not had sufficient exposure to equality matters during ITE, e.g. during discussions at Equality Rep residential events.
- Anecdotal evidence of organisations and individuals conflating equality and inclusion.
- Discussions of equality coverage in ITE/CPD at recent EIS AGMs, at which members have said that where there had once been a wide range of CPD opportunities covering all aspects of equality, this was no longer the case; and referenced the goal in Scotland's Race Equality Framework that Scotland's educators are confident and empowered to challenge racism, and the need for dedicated work to realise that, as a matter of urgency.
- EIS research among members on training on the Equality Act 2010, which showed that:
 - 40% of members had not had any training on this legislation;
 - 38% of respondents felt that that they had not had enough coverage of equality legislation during ITE.

Equality Committee observations

The Equality Committee was consulted in March 2018 about the preferred nature of ITE content in relation to equality. There was a consensus that much more coverage of equality matters is needed. Members made a wide range of observations, notably:

- Many new teachers haven't heard of the Equality Act/protected characteristics (not the details of specific duties, etc. but the basics)

- Equality can't be opt-in, it's crucially important; everyone should learn about it initially, with the option of deeper study during electives
- Some ITE providers had not offered any specific electives about equality matters when members had been trained
- Equality should be core, like child protection
- It should be included in Headship qualifications so that it pervades all schools; if teachers are exposed to these issues in training they won't then arrive in workplaces where equality is not seen as important
- Equality is about what happens in the staffroom as well as in the curriculum; some attitudes could be challenged more robustly
- It's important that the GTC standards include equality matters, and are more robust – actively challenging discrimination/preventing prejudice rather than anything too vague.

CPD Sub-Committee observations

The CPD Sub-Committee was consulted about the preferred nature of equality-related professional learning. There was a consensus that more PL on equality matters was needed by members. Members made a wide range of observations:

- Often policies are in place but with no training to support them
- The content of training should ideally be all-encompassing and not limited to specific equality strands
- PL should ideally be delivered face to face (e.g. at in-service days, although some are 'owned' by authorities); delivery modes should be as inclusive as possible to allow people to attend; online training could be mixed with face to face for accessibility
- Provision should be tailored to members' needs, not a 'one size fits all' approach that people are made to sit through
- Using case studies can be a good approach
- Interactive workshops are helpful
- PL should link to GTCS standards
- Content should explore the prism of teachers as workers/colleagues as well as educators with responsibilities to young people
- Courses should signpost resources, organisations, support
- Training on equality needs to be factored in to Working Time Agreements
- Useful to highlight EIS Equality Reps to local authorities.

Discussions with the GTCS

Assistant Secretary Andrea Bradley and National Officer Jenny Kemp met with Ellen Doherty in November 2017, as per the terms of the resolution. Interestingly, her focus seemed to be on additional support needs and not on equality as per the protected characteristics. She volunteered perspectives on ASN but had to be prompted to comment on equality issues/law.

Key points from the discussion:

- GTCS as the accrediting body requires (not requests) that all programmes meet the professional standards, and social justice should always be core but the depth and quality of content varies; students can deepen learning via electives and personal study

- ITE content analysis shows a mixed picture, although solely noting and/or comparing the time spent on a theme within one course in comparison to others is not necessarily helpful; the depth and quality of input is key
- In terms of whether programmes specifically look at equality legislation, some do, some won't
- All ITE providers have different ways of doing things, this diversity brings richness, but can be seen as inconsistent; Deans like the bespoke nature of their institutions and the different specialisms/strengths
- Need to remember that ITE is a blend of university and school experience - GTCS would expect students to look at school/LA policies on e.g. equality; and remember that it's *Initial* TE – students aren't the finished article and need to learn from colleagues
- Universities' own quality assurance programmes are a strong check on the quality of content
- There may be a gap between intent and delivery; GTCS look at the programme as drafted etc. but Education Scotland will have a new role in looking at delivery
- In Ellen's view, people coming into the profession aren't clear about what 'social justice' is and don't know what 'learning for sustainability' is but they do Fairtrade work, global citizenship, outdoor learning, etc. which all reflects commitment to social justice
- NQTs are too distracted by thinking about mechanisms, behaviour, classroom management etc. and equality is 'over there'
- PRD can be used to reignite interest in/knowledge of equality matters; when people have time to consider equalities issues they can feel reinvigorated
- HTs have a key role to play in leading the equality agenda in schools; this agenda needs to be 'revived and refreshed'
- GTCS is questioning why teachers aren't embracing the standards, think they are too long and repetitive (EIS posited it was due to lack of time, workload, loss of collegiate time); and wants to make equality a stronger feature of the updated standards
- GTCS intends to strengthen the focus on equality in accreditation
- GTCS sent out a booklet to all student teachers about neurodiversity
- They, and ITE providers, need to be sensitive to the increasing diversity of Scotland's population.

Findings and recommendations

Headlines findings are set out on page 6. Key points from the discussions with each institution engaged with, which informed these findings, are detailed in Annex A. Recommendations arising from the findings are on page 7.

Headline findings

- Equality coverage in ITE programmes is extremely variable

- Most institutions confuse equality and inclusion, and are not clear enough about the specific provisions of the Equality Act 2010 and the nine protected characteristics
- There does not appear to be coverage of all protected characteristics in all programmes
- Equality matters appear often to be covered in optional electives rather than by compulsion
- Most Schools of Education have a specialism or area of interest e.g. LGBT or race equality, which often flows from the research background of a Programme Director or influential senior member of staff such as the Head of School; this leads to diverse provision across Scotland, which could be seen as a strength of the system (offering richness and choice), or a weakness (creating inconsistent provision, being dependent on one key person and at risk if they leave)
- Most providers are offer-led in terms of guest lectures etc., rather than actively seeking out external or internal support to cover all equality strands/protected characteristics
- Certain third sector organisations which are well resourced and staffed are much more likely to have input to ITE courses than others, leading to a focus on a limited range of protected characteristics; some, whose interests are less well represented in the charity sector, are almost invisible
- Providers were of a mind that they are not seeking to create a fully-formed teacher but someone at the start of a career who will need to engage in continuous learning on a range of topics, including equality matters; this makes professional dialogue and professional learning critically important, and reinforces the importance of schools engaging with equality matters, and employers prioritising this in policy and in its professional learning offer.

Recommendations

This investigation suggests that there is a very wide range of approaches to addressing equality matters within ITE programmes in Scotland, and that many students are still receiving far too little exposure to critically important concepts such as the concepts within the Equality Act of different forms of prejudice (discrimination, harassment, victimisation), means to address those (promoting equality, fostering good relations etc), and protected characteristics. These specifics are being lost in among broad discussions of inclusive education. It is

more difficult for teachers to prevent discrimination and promote equality without a good grounding during ITE.

It is therefore recommended that the EIS should:

1. Encourage ITE providers to be clearer about the differences between equality, as per the Equality Act 2010, and inclusion, as per the Additional Support for Learning Act 2004, in all programmes and ensure that this is covered as core content and not solely during elective aspects.
2. Encourage ITE providers to embed equality matters across all programmes but not to the extent that equality matters are so embedded as to be 'hidden'; some implicit content needs to be made more explicit.
3. Continue to encourage the GTCS to give more consideration to equality in its standards and accreditation approaches, as it reviews these.
4. Raise these matters with the new EIS Teacher Education Partnership Informal Network, once it is operational.
5. Continue to advocate for enhanced provision of equality-related CLPL, using existing campaigning materials and evidence, e.g. the December 2017 briefing note for LA Secretaries on equality legislation training.
6. Raise concerns with the Scottish Government and SCVO re: the unequal engagement of third sector organisations with ITE providers, and encourage them to fund/develop education capacity building work more evenly across equality strands.
7. Seek a meeting with relevant officials at COSLA to explore the local authority role in promoting professional learning in equality in education.
8. Continue to highlight the value of professional dialogue, especially for NQTs, and lobby for school infrastructure which facilitates collegiate time, e.g. staffrooms/departmental bases.
9. Keep a watching brief on the development of a self-evaluation framework for ITE programmes and particularly the equality aspects

Annex A – Information gathered

University of Edinburgh

National Officer Jenny Kemp met with Dr Rowena Arshad, Head of School, Moray House School of Education, University of Edinburgh, in October 2017. At the time of meeting, Moray House offered both Undergraduate and Postgraduate courses, including an MA in Primary Education/Primary Education with Gaelic; MA in Physical Education; BA in Childhood Practice; and Professional Graduate Diploma in Education. It was teaching its final intake of 4-year UG Primary students. The UG course would be replaced with a 2-year MSc in Transformative Learning and Teaching (which the Head of School has said will have equalities as a core concern from day one, 'front and centre'). A letter was also received detailing the approach taking at the University.

Key points:

- All programmes have social justice as core courses and equality/valuing diversity are values which underpin the various degree programmes.

- However, not all protected characteristics under the Equality Act 2010 are discussed equally/get equivalent coverage.
- Students have opportunities to consider different theoretical approaches to social justice, but there is a language/interpretation issue – when you ask some ITE staff about their equality work they refer to their work on child development and locate it there, whereas others would take it a notch up and use language like ‘critical social justice pedagogy’, or name issues of class, social justice, structural oppression or discrimination - people aren’t necessarily talking about the same concepts. You often see language of ‘inclusion’ or ‘citizenship’ rather than ‘equality’ or ‘discrimination’. (This is also a wider issue for the Scottish polity).
- Some students are provided with a basic guide to the equalities legal framework.
- They don’t look at every ASN issue but look holistically at barriers to learning; ASN is explicitly covered, moving from a deficit model to a socially just model.
- Placements are important learning spaces; it would be better if there were more opportunities for students to be placed in special schools.
- There is a role for GTCS in looking at these issues when programmes are re-accredited; it’s not clear how much the panel considers equality matters.
- The GTC standards are very important and valuable – but they need to work better; social justice should be discrete but also permeate everything.
- Some variation stems from different backgrounds/interests of PDs (Programme Directors); one PD looks at hegemony and racism, for example.
- They have some interesting new practice, e.g. the Year 1 PE students have been working with Disability Sport Scotland to develop courses.
- EAL is offered as an elective; they believe that there need to be teachers with EAL skills in mainstream and not just in EAL services.
- The challenge for ITE providers is how to keep updated. Academic staff/PDs have very little collegiate time to share information, and for their own CPD.
- Where PGDEs have more coverage of equality matters than Undergraduate courses (which is counter intuitive) that would come down to PDs.
- Lecturers in ITE will be a microcosm of society and will thus could be expected to have some prejudices of their own.
- Teach First type accelerated schemes would exacerbate any deficits.
- They are seeking to diversity their ITE staffing and student profile.

University of Dundee

National Officer Jenny Kemp met with Prof Tim Kelly, Dean of the School of Education & Social Work, and three other colleagues (Carrie McLennan, Teresa Moran, and Paola Sangster), in November 2017. It is a fairly small institution and staff work across programmes; it offers both UG and PG programmes.

Key points:

- All teachers should uphold the GTC standards and know they have responsibility to meet them.

- UG students currently do most on inclusion in 4th year, but UoD is now putting a 'Permeating Matters' module in year 1, which looks at threads that run through course – inclusion, health and wellbeing etc.
- Getting students beyond thinking a module is on a single issue and seeing the threads (e.g. it was about outdoor learning, but it included all the other dimensions); sometimes students say 'we didn't do x' and have to be reminded 'but we did y and can you see the link?' and then the penny drops. Maybe some of the implicit signposting needs to be more explicit.
- The Values module is where there is the most explicit equalities content. Module leader has background in CLD/social work. They look at protected characteristics - maybe not all e.g. not pregnancy – but they are core to the module. It tends to be older students on that course, not school leavers; it's grounded in society, professional responsibility.
- They are finding that younger students are more comfortable talking about gender diversity, mental health issues etc. and more conversant with e.g. non-binary gender/LGBT issues.
- Time is very tight especially in the PG course, there is lots to pack in.
- The PGDE (PG course) has external inputs e.g. from LGBT Youth Scotland's Education Capacity Building Officer.
- It offers 16 electives, including Health and Wellbeing, ASN (new), Ethics and Morality; students can choose a minimum of 2 and up to 4.
- PGDE students do 2 big assignments (including one on whose responsibility H&W is) and 3 placements, so they have lots of opportunity to cover the issues and meet the standards.
- Tutorials are a very supportive place to ask about things encountered on placement - e.g. one tutor group had 2 students who had both encountered transgender pupils. (students were not at all judgmental or uncomfortable – both just keen to be led by the pupil).
- Students learn that it's the *process* of working out how to support a child with additional needs/challenges that is key
- University education is a mix of contact time, tutor directed time, and self-directed time (50%) so students need to take on responsibility.
- Narratives about what teachers are/do change over time – see Donaldson – used to be early career teachers, then all 'lifelong learners' etc; remember students don't arrive in the classroom fully formed.
- UoD offers an international baccalaureate which includes a placement not in a Scottish primary - can be in Australia, Africa, Europe, third sector etc.
- University itself has lots of E&D programmes, an active LGBT Network, a Gender Action Plan etc. and staff have to go through E&D modules.
- They get male primary teachers to come back to talk to male primary students. (Research about their experiences, including high dropout rates, and adverse experiences during placement).
- Dundee exceeds its targets for recruiting from areas of deprivation.
- Re: whether they address race issues, they have nearly all white students (sometimes a few Muslims). Not much evidence of negative experiences on placement (though one got moved); when there are could that be religion, ethnicity, personality? Pupils with EAL tend to be Eastern European – less visible diversity.

- Student blogs offer powerful insights e.g. on internalised homophobia, poverty (<https://blogs.glowscotland.org.uk/glowblogs/uodedushare/>).
- Pressure on students/teachers – what space to be a trusted professional and how directed by political priorities? Education a political football.
- Students may not know difference between equality and equity, but do other educationalists?
- Other external partners include Disability Sport, Dyslexia Scotland, Changing Faces, and Women's Aid, but they don't get lots of offers.
- Self-directed professional learning is encouraged – students are supported to bring speakers in.

University of Stirling

National Officer Jenny Kemp met with Dr Jane Smithson, Teaching Fellow, and Course Director, Initial Teacher Education, in November 2017. At the time of the meeting, the University offered 4-year UG courses in Primary and Secondary Education. The BA/BSc Primary Education degree can include one of seven specialisms (Modern Languages, the Environment, Additional Support Needs, Literacy, Numeracy, Early Years or Primary Science (STEM)). They had around 190 students; 90 Primary and around 100 Secondary.

Key points:

- They have a module in "Differences and Identities" which is based on an inclusive practice outlook.
- There is a module about inclusion which is core for Education students in first year.
- They don't think they are offering 'training', it is the development of a mindset; don't want to focus on normative practice.
- Students bring different understandings of what equality means.
- They have conversations about social class, homophobia.
- They have a second year module specifically about differentiation.
- In third year the 'Differences and Identities' module looks at medical and social models of disability and inclusion.
- There are high expectations on teachers at present e.g. the pressure to close the attainment gap, and high levels of scrutiny.
- Race equality is embedded.
- Learning to teach is analogous with learning to drive – you learn basic skills then learn to navigate multiple terrains.
- Students need to continually build on their core learning; probationary years and early career are very important (but people need to be interested to find out more about different topics).
- In 4th year when students choose a research topic many choose ASN.
- Stirling Uni has a diverse staff team delivering ITE (staff from Greece, Nigeria, Cyprus).
- They are looking at gender equality issues through Athena Swann and the use of Equality Champions.
- They have no third sector partners, for external inputs, but get inputs from other depts. on e.g. unconscious bias, or from the student LGBT society.

University of the Highlands and Islands (UHI)

National Officer Jenny Kemp met with Dr Morag Redford, Head of Teacher Education, at Perth College UHI in November 2017. At the time of the meeting, UHI offered PGDE Primary and Secondary, and also Gaelic Medium. It was offering a new Undergraduate Gaelic in Education degree and also a Masters course. They started offering ITE in 2013; previously Perth College had partnered with Strathclyde University. There is a very small focused staff, which will differ from the larger universities.

Key points:

- Programmes are built from the values and standards set by GTCS
- Each week is themed and equity and social justice would run across/be intertwined though all weeks but particular focus in the Equity and Social Justice week, the Sustainability and Global Citizenship week, and the Health and Wellbeing week.
- Had external input from LGBT Youth Scotland – very well received, generated lots of discussion, students valued being signposted to excellent online resources, much prefer that to a leaflet.
- Two tutors were very reluctant to have LGBTYS in, as they didn't see it as relevant to/suitable for a primary education course. Sometimes UHI sees a clash with people's religious beliefs (tutors and students). Tutors were "very uncomfortable" with this. MR persuaded them with various arguments re: e.g. different families but also because they trust her professional judgement; this shows need for strong leadership.
- Underlying issue for UHI is that the communities it engages with are largely white, not very diverse; first 'visible' difference was a Muslim student but not really aware of anyone 'different' before her.
- All weeks would include in-depth moral discussions.
- Big difference between what students learn in theory and what they do in practice – students have to work out how to respond to the specific situation that they find themselves in and the local approach.
- Remember they're new to teaching & not fully formed so professional dialogue in first few years is critical, but being squeezed by workload etc.; would strongly recommend equality matters being covered in induction.
- Maybe now there is less understanding of the balance between what is learned during ITE and what is provided for by LA policy/structures and the ways individual schools run. Students have to learn to navigate different systems as schools all have their own ways of doing things.
- Work with external partners/guest lectures etc – 'pot luck' in who provides input – comes down to who offers, who can come to UHI or offer content via video link. They have some external input at the start of each week, and they look at what is offered and what fits. Often comes down to who within UHI has particular expertise/research interests.
- UHI also offers 5 CPD/PL events each year, with the LA, set up as twilights – additional to programmes.
- UHI cohort is a bit different from the larger universities; age range 21 – 58, very few straight from university, about a third are career changers, many of whom have been support assistants, mostly drawn from local area; because many have been support assistant they often use enquire aspect to look at e.g. dyslexia/ASN.

- Will be aware of the Equality Act but much more focus on practice than on the legal architecture.
- UHI signposts students to autism and dyslexia toolkits.
- Not aware of any specific anti-racist approaches in programmes.
- It would really help universities if these issues could be recognised as longer-term PL issues.

University of Glasgow

National Officer Jenny Kemp met with Margaret McCulloch, from the Inclusion Team at the School of Education, in February 2018. (Margaret Sutherland, who is the Programme Leader for the Masters in Inclusive Education, had offered to meet but had to send last-minute apologies). The University of Glasgow offers both UG and PG level study, and also hosts the St. Andrew's Foundation for Catholic Teacher Education.

Key points

- The Inclusion Team has diminished in recent years, from, about 6 FTE to one 0.4 post; shortly to be bolstered by the appointment of 1 FTE.
- The PGDE offers less time for reflection and is more limited – they have a video lecture on inclusion.
- Used to have an elective on ASL in the previous BEd course, then started working towards it being a core component.
- Early courses were based on educational values, i.e. a “what you believe is what you will do” approach.
- 4th years used to have an inclusive pedagogy focus.
- They have input from the EAL service, LGBT Youth Scotland, Dyslexia Support Service; NGOs don't operate on a level playing field.
- Elective assignment - lots of people choose inclusion.
- All 4th years get a one-day placement in a Grant Aided Special School and are asked to reflect on, in terms of ASL, what was different and what was the same?
- Faculty stance would be that there isn't something intrinsically different about any child with any need.
- The University has a mostly white, mostly female intake.
- In terms of where they would cover the Equality Act, it would be in the history section, and in the context of a human rights agenda.
- Sometimes students opt out or don't go to some bits of the course.
- Students need to balance knowledge with experience – sometimes their knowledge is of an archetype.
- SG ask the wrong questions - instead of asking, 'did you learn enough about this?', they should ask “what experience do you have in doing this?”
- PGDE is half university, half school, so schools have a huge part to play in how student teachers are formed.
- Universities do the best they can.
- Individuals (working in ITE) will inevitably have different interests, e.g. MS has a particular interest in highly able pupils.
- The current climate is characterised by an obsession with data; the wider context of SNSAs etc make inclusion more difficult.
- Teaching is the only profession where you don't have to train to be a mentor (although training for probationer mentors exists) – it's hard to claw that back.

University of the West of Scotland

Correspondence was received from Professor Donald Gillies, Dean of the School of Education. This outlined the approach to equality taken at UWS. It appeared that staff had been asked to comment on provision related to protected characteristics and that the information had been collated; this was a more detailed commentary on equality matters than other institutions offered.

Key points:

- The promotion of issues of equality and diversity permeates ITE programmes.
- The Equality Act is introduced to the BA students in the BA1 module Society and Lifestyles. All protected characteristics are addressed in the course of this module and relevant questions are included in the exam. The Equality Act is revisited in the BA2 module Inter-professional Working, with a focus on the role of partnership working in promoting equality and getting it right for every child. The protected characteristics of disability, sex and sexual orientation are also addressed in the optional BA2 module Children's Literature. The Equality Act is also revisited in BA3 (in the modules Leading Learning in the Early Years and Integrated Wellbeing). Finally, some BA4 students choose to focus on a protected characteristic for their dissertation.
- Both secondary and primary students get inputs as part of school and professional studies on Inclusion and Social Justice: an introduction; Inclusion: Getting It Right For Every Child; and Inclusion: Dealing with Difference.
- They offer nothing specific about age or pregnancy/maternity in terms of lecture/workshop/module content, but have significant amounts of coverage of disability, race, religion and belief, and sexual orientation issues.
- They give specific consideration in Inclusive PE to how to adapt Physical Education for pupils with disabilities and all students attend sessions on Working with Pupils with Hearing Impairment and Visual Impairment; Situated Communication (B.A.1) includes a session on Communicating with people with communicative needs.
- Inputs entitled 'Supporting LGBT learners' are based on Stonewall Scotland's 'Train the Trainer' programme.
- In Literacy, they emphasise that teachers have the responsibility to ensure that contemporary books which contain not exclusively white characters and strong female characters are used/ read in the classroom; the importance of meeting the needs of EAL pupils; the diversity of pupils, by having multicultural books in the school and classroom library.
- In addressing racial inequality within Art, they suggest that students privilege BME imagery when referencing imagery for teaching over the dominant canon of 'white western art' and privilege female over male artists and designers.
- Students are encouraged to appreciate language diversity and value all languages within 1+2 initiative.
- The optional module Controversial Issues and Citizenship addresses several equality issues. In addition to inputs on racism, antisemitism, homophobia,

the rights of refugees and prejudice towards Gypsy Travellers is also discussed. Included in the PGDE Primary and Secondary programme is a class entitled Inclusion: Cultural and Religious Identities.

- Gender and communication is addressed in B.A.1 in Situated Communication.
- They look at gender inequality within sport, physical activity and PE.
- On placement, Secondary students complete the ASL task, which will usually mean considering the support requirements of a pupil who has some form of disability, and within the generic issues log they are also asked to find out about ASL provision, equal opportunities and anti-bullying approaches within the school.
- Many PGP and PGS students choose to focus on an aspect of inclusion and social justice for one of the topics in the S&PS assignment.
- All students teach classes in LA schools that contain a diverse range of learners. All students are expected to cater for those needs.

University of Strathclyde

National Officer Jenny Kemp met with Dr Iain Rivers, Head of School, School of Education, in December 2017. Strathclyde is a large institution and produces 47% of newly qualified teachers, making it the largest provider in Scotland. There are no fast-track routes into teaching at Strathclyde.

Key points:

- All PGDE and BA students and staff are trained on LGBTI issues (by the Education Capacity Building Officer from LGBT Youth Scotland); LGBT YS say Strathclyde is the most engaged with LGBT equality issues of all ITE providers; the university is seeking an LGBT YS charter mark; it also has good links with Scottish Transgender Alliance, so able to signpost; it is holding 4 events on LGBTI issues during LGBT History Month.
- Not a confidence issue, about level of support for raising equality students get when in schools – some students told, 'we don't talk about that here'.
- Strathclyde has an E&D advocate (lecturer Sharon Jessop).
- They have students who are undergoing gender reassignment so are very aware of transgender issues.
- They are going for their Athena Swann bronze award re: gender equality.
- They are very keen to diversify the staff team – mostly white women.
- Have a race forum and students are very aware of the issues, but University of Edinburgh is doing more on this because of Rowena Arshad's expertise.
- Talk about intersectionality – keen to get students to understand that people get that people have more than one characteristic – keen to make sure that's fed into the curriculum.
- Disability and ASN is covered in the UG course and raised in the PG course – they have strong CPD on this and offer an Inclusive Education PG course.
- They offer a masters level module on gender and sexuality.
- They don't have enough placements in special schools to enable students to work with pupils with ASN as much as they would like.
- Schools need a supply chain to enable CPD and that's not there.
- Even if people miss a lecture they know what resources etc are available on the VLE – emphasis on self-directed study.

- They are rethinking delivery, because large lectures, 1000 people at once, offer minimal interactivity; with recorded lectures students can watch at home; they're thinking about more streamed lectures.
 - Faith and belief – they run the Catholic Education Certificate, and have lectures on faith issues.
 - They don't cover much/offer much re: young mothers.
 - UG degree has much more space for social issues/politics and policy – PGDE more cramped.
 - They offer short, sharp CPD e.g. 4 mornings.
 - Equity and Inclusion module (core) – in PG and MEd Educational Leadership.
 - Keen to offer a more flexible masters – pick and choose modules; blended and distance learning.
 - Also running workshops funded by Salters – for kids with ASN to do hard science and not an abbreviated curriculum.
 - Inclusion drives everything at Strathclyde; it is a socially progressive institution and poverty is on the radar.
 - They have inputs from Respect Me, Nil By Mouth, Louise Hayward, autism experts, guest lectures.
 - It has a partnership with Malawi, where students build schools
 - BA students do their first placement in a community organisation, not a school – see wider world.
 - Interested in developing prison education, links with Polmont.
 - Iain Rivers is chairing new working group on recording of bullying.
 - Lots of research output on equity and inclusion.
 - They ask students to direct content for final few lectures, asking, 'what haven't you covered that you'd like to?'
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THE EDUCATIONAL INSTITUTE OF SCOTLAND

Briefing: Holocaust Education August 2018

Purpose of this briefing

This briefing aims to support EIS members in their provision of Holocaust Education, which the EIS believes should be embedded as a key feature of the Curriculum for Excellence, as one means of delivering the inclusive education system and society we wish to see. We oppose racism and all forms of prejudice; we want educational establishments to be safe, inclusive environments for all children, young people and staff. Holocaust Education can play an important part in bringing that about.

Content of this briefing: The Holocaust and other genocides

The Holocaust was a genocide which took place during the Second World War, in which Nazi Germany, aided by collaborators, systematically murdered approximately 6 million European Jews (around two-thirds of the Jewish population of Europe) between 1941 and 1945. The Nazi regime also persecuted and murdered other groups, including in particular Roma people, disabled people, and LGBT people, as well as political opponents such as trade unionists. It is the most extensively documented genocide in human history, and it reveals the full range of human behaviour, from appalling acts of hatred, to remarkable acts of extraordinary courage.

The Holocaust raises profound questions about the human condition, making Holocaust Education a rich seam of material for independent enquiry, the examination of moral and human rights issues, and exploration of one of the central aspects of Curriculum for Excellence, i.e. what it means to be a responsible citizen. Crucially, Holocaust Education enables learning about racism and fascism and the dangers that each poses to human society. It has the potential to empower young people to use their voice, and have the courage to speak out about prejudice, hate and oppressive behaviour. By learning from the grave wrongs committed against humanity in the past, young people can be equipped to create a more cohesive society in the future.

"Silence helps the oppressors." — Leslie Meisels, Hungarian Holocaust survivor

It is crucially important to educate young people about other genocides, including for example the atrocities in Rwanda, Cambodia and Srebrenica, and explore common themes. An ambassador for the Holocaust Education Trust, giving evidence to a UK Parliament inquiry (reported in September 2016 – see Useful Links section) advocated drawing on the experience of survivors of other genocides, not to replace, but rather to complement the testimony of Holocaust survivors.

Guidance produced by the Education Working Group of the International Holocaust Remembrance Alliance states that "the Holocaust may constitute a starting point and the foundation for studying genocide [...] to compare the Holocaust to other

genocides may be a means to alert young people to the potential danger for other genocides and crimes

against humanity to evolve today. This may strengthen an awareness of their own roles and responsibilities in the global community.”

This briefing however looks at current practice in Scotland as regards teaching about the Holocaust of the Jewish people during World War 2; members were not specifically asked about their practice in teaching other genocides.

Current practice in Scotland: Teaching about the Holocaust

The EIS gathered information from Local Association and Branch secretaries, Deans of Education, and from multi-establishment Learning Reps about approaches to Holocaust Education in their local settings. There is a wide range of good practice taking place in schools across Scotland. Some of the approaches described are set out below.

In Primary schools:

- P7 World War 2 topics often include Holocaust Education
- Literacy work with older pupils often uses texts about the Holocaust such as 'The Boy in the Striped Pyjamas' or 'I am David'; which then drives a wide range of cross-curricular work on the themes emerging.

In Secondary schools – subject specific approaches:

- In **English**, learners are, for example:
 - o studying various Holocaust related films and texts (e.g. Anne Frank's diary, 'The Boy in the Striped Pyjamas', 'Schindler's List', 'Nicky's Family', 'Paper Clips')
 - o learning about the Holocaust through the BGE English curriculum
 - o undertaking reflective and functional writing tasks about the Holocaust.
- In **Religious and Moral Education/Religious, Moral and Philosophical Studies**, learners are, for example:
 - o engaging in Holocaust studies, one period a week for all S6, delivered through RME (one school's approach)
 - o engaging in a whole term course on the Holocaust as part of RMPS (one school's approach)
 - o learning about Judaism and Anti-Semitism during RME.
- In **Social Subjects** learners are, for example:
 - o spending an entire term learning about the Holocaust during S2 History (one school's approach)
 - o looking in History at how Jewish children were treated at school
 - o learning about the Holocaust as part of Higher History and National 5 curriculum
 - o looking at recent wars and genocides e.g. Darfur, Rwanda, Cambodia, in S4 Modern Studies
 - o in most Secondaries, studying the Holocaust (or related aspects) in S1/S2 History.
- In **Drama**, learners have, for example, been involved in:

- creating a pupil-led dramatization of 'The Boy in the Striped Pyjamas'.
- In **Art**, learners have, for example, been involved in:
 - making lanterns as remembrance objects during a themed Holocaust Memorial Week
 - spending a whole term on art created in the concentration camps, propaganda and Jewish art
 - looking at the art of Marianne Grant (a Holocaust survivor), during S3.
- In **Music**, learners are, for example:
 - learning about Jewish music and composers.
- In **French**, learners are, for example:
 - studying 'Au Revoir Les Enfants'.

Other approaches used in schools

There is a rich variety of engagement with Holocaust Education, in many forms, taking place in schools across Scotland.

Visits and Trips

- Some schools organise visits to synagogues on Open Doors Day
- Many schools take part in the 'Lessons from Auschwitz' programme, whereby two S6 pupils visit the Auschwitz-Birkenau Memorial and Museum in Poland and provide various forms of feedback in their community afterwards, e.g. giving talks to the Parent Council, speaking at assemblies, making displays of art and writing, helping with the delivery of History and RME courses; some authorities do this with all secondary schools
- Some schools organise trips to other former concentration camp sites, e.g. Sachsenhausen, with secondary RME pupils
- Some schools arrange visits to museums with relevant exhibitions, e.g. the St. Mungo Museum of Religious Life and Art in Glasgow, or the Imperial War Museum in London.

Exhibitions

Members spoke of, for example,

- engaging with the Anne Frank exhibition – hosted in secondary schools, with pupils trained as tour guides
- hosting a 'Gathering the Voices' exhibition ('Gathering the voices' is a project based at Glasgow Caledonian University, gathering audio testimony of people who sought sanctuary in Scotland from the Nazis, with accompanying educational materials).

Special events

Members spoke of, for example,

- organising events around Holocaust Memorial Day (27 January, the anniversary of the liberation of Auschwitz)

- arranging talks from a Holocaust survivor – in the school, or externally, e.g. at a special event in the Scottish Parliament; some schools hold such talks annually
- holding workshops for P6 pupils, led by Anne Frank ambassadors
- holding themed assemblies on this topic, including assemblies by pupils who have visited concentration camps
- in some authorities, holding annual events, e.g. Glasgow City Council, which has an annual event hosted by young people with survivor speakers
- using workshop sessions to prepare pupils for trips to concentration camps
- organising a cross-curricular week with a Holocaust Education focus, including the creation of a remembrance room in the school (which included pupil poems and reflective writing), holding a remembrance service, and the creation of a Tree of Life.

Dedicated programmes/charter mark schemes/awards

- Some schools participate in the 'Vision Schools' programme (a University of the West of Scotland initiative)
- Others addressing Holocaust Education through participation in the Rights Respecting Schools programme
- Some schools take part in the Anne Frank awards.

Parental engagement

Members spoke of, for example,

- holding parents' meetings in advance of former concentration camp trips
- inviting parents to relevant film screenings.

More ideas

Members spoke of, for example,

- creating a memorial within the school
- creating a mural within the school
- posing a Facebook challenge, where pupils find by research the name of a survivor and light a candle for them and pledge to keep their memory alive by sharing the information on social media
- working with a local cinema to organise film screenings
- engaging with theatre companies, e.g. the Citizens' Theatre Young Company 'Voices from the Holocaust' performance, which toured secondary schools
- engaging in staff development on Holocaust Education, sharing good practice
- making a DVD following a concentration camp visit and developing this as a learning resource, which was shared on GLOW
- building Holocaust Education into the local authority equality policy.

In **Further Education**, various approaches are taken to including Holocaust Education within programmes, for example,

- college students can take part in trips to former concentration camps
- the topic is studied in various subjects including History, English and other social subjects
- some colleges organise annual lectures by Holocaust survivors to cross-college groups, or other special events to mark Holocaust Memorial Day.

In **Higher Education**, various approaches are taken to including Holocaust Education within Initial Teacher Education programmes, for example,

- incorporating Holocaust Education into relevant modules e.g. 'Controversial Issues and Citizenship', Children's Literature, School and Professional Studies
- taking a small group of students to a 7-day seminar for teachers at Yad Vashem each June
- holding events on Holocaust Memorial Day
- arranging a full day conference provided by the Centre for Holocaust Education at UCL for third and fourth years
- holding 2-hour sessions with 'Gathering the Voices' project leaders for students
- including a lecture on Holocaust Education in a PGDE course.

Suggested texts

Texts that may be useful in teaching Holocaust Education include:

- "How Was it Humanly Possible?" by Irena Steinfeld
- "Holocaust Education: Challenges for the Future" by R.S.M. Carol Rittner
- "Through Our Eyes" by Itzhak B Tatelbaum
- "The Whispering Town" by Jennifer Elvgren
- "A Family Secret" by Eric Heuvel
- "Sophie Scholl and the White Rose" by Annette Dumbach
- "We Will Not Be Silent" by Russell Freedman
- "The Reader" by Bernhard Schlink
- "The Diary of a Young Girl", by Anne Frank
- "Anne's World" by the Anne Frank House
- "My Secret Camera: Life in Lodz Ghetto" by Frank Dabba Smith
- "Au Revoir Les Enfants" by Louis Malle
- "I am David" by Anne Holme
- "Understanding and Teaching Holocaust Education" by Dr Paula Cowan
- "When Hitler Stole Pink Rabbit" by Judith Kerr
- "Return to Auschwitz" by Kitty Hart-Moxon.

The EIS would suggest to members that they exercise caution when undertaking Holocaust Education, given the sensitive nature of the subject, and the potential distress that can be caused by images of people who were killed in concentration camps, for example, or graphic descriptions of the camps. Teachers should use their professional judgment when planning age-appropriate Holocaust Education. Members are also encouraged to use a wide range of texts, and to avoid over-reliance on certain texts. (For example, 'The Boy in the Striped Pyjamas', which is widely used, has been criticised by some Holocaust Education experts for containing historical inaccuracies ('Understanding and Teaching Holocaust Education', Cowan and Maitles, 2016); they urge that fiction is considered alongside informational texts and historical enquiry.

Teachers should also be sensitive to the fact that some pupils and students may have relatives who experienced the Holocaust, and for them it is part of their family history. Similarly, teachers will want to be mindful that some pupils may have escaped more recent genocides or have lost family members to them.

It is the view of the EIS that in order to be equipped to offer high quality Holocaust Education teachers and lecturers should be supported with appropriate professional learning, as well as coverage of the Holocaust during Initial Teacher

Education. Members who judge that it would inform and support their practice should seek out professional learning in this area as part of their 35-hour annual entitlement.

Establishment ethos: the backdrop to Holocaust Education

Holocaust Education should be part of a whole-establishment approach to promoting equality and inclusion and challenging discrimination and prejudice. Alongside discussing race, religion, sexual orientation and disability equality matters across the curriculum, establishments should also make concerted efforts to challenge prejudice on a range of other fronts, e.g. through robust systems for handling incidents of prejudicial behaviour.

Some schools may focus on Holocaust Education around Holocaust Memorial Day (27 January), but others choose to discuss it throughout the year. Schools should choose the approach that best suits their context, and which fits with existing improvement plans.

Policy and legal context

Holocaust Education is supported by the Scottish policy context within education and by equality legislation. Challenging Anti-Semitism and other forms of prejudice such as disability discrimination and discrimination on the grounds of sexual orientation or gender reassignment can form part of an educational establishment's approach to meeting the terms of the Equality Act 2010. This law includes religion and belief among nine protected characteristics. It offers a wide range of protections from discrimination. This important legislation includes a Public Sector Equality Duty, which obliges local authorities and public bodies to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- Advance equality of opportunity between people who share a protected characteristic and those who do not
- Foster good relations between people who share a protected characteristic and those who do not.

The promotion of equality is also supported by Curriculum for Excellence, the Standards in Scotland's Schools Act 2000, and Getting it Right for Every Child (an aspect of the Children and Young People Act 2014). An equality lens can be applied to the SHANARRI indicators. Children who are educated in an environment that is inclusive and cohesive, where prejudicial attitudes are prevented and challenged are more likely to feel safe, healthy, respected, etc.

More information

For more information, please contact Jenny Kemp, National Officer (Education and Equality), email jkemp@eis.org.uk /Tel. (0131) 225 6244.

Useful links

Holocaust Education Resources

Holocaust Educational Trust

<https://www.het.org.uk/>

Holocaust Educational Trust film channel

<https://vimeo.com/user4861321>

UCL Centre for Holocaust Education

<https://www.holocausteducation.org.uk/>

Centre for Holocaust Education Teacher resources

<https://www.holocausteducation.org.uk/teacher-resources/>

Holocaust Memorial Day Trust

<http://www.hmd.org.uk/>

Open University – The Holocaust (Free 12-hour course)

<http://www.open.edu/openlearn/history-the-arts/history/world-history/the-holocaust/content-section-0?active-tab=description-tab>

Anne Frank Trust: UK anti-prejudice education charity

<https://annefrank.org.uk/>

Imperial War Museum, London (has a very good permanent Holocaust Exhibition, 14+)

<https://www.iwm.org.uk/events/the-holocaust-exhibition>

National Holocaust Centre and Museum, Nottinghamshire (new centres in other locations under development).

<https://www.nationalholocaustcentre.net/>

Yad Vashem (the World Holocaust Remembrance Centre)

<http://www.yadvashem.org/>

International Holocaust Remembrance Alliance

<https://www.holocaustremembrance.com/>

'Gathering the Voices' – oral testimony from people who sought refuge in Scotland

<https://www.gatheringthevoices.com/>

Paperclips Project

<http://www.oneclipatatime.org/paper-clips-project/>

Vision Schools Programme

<https://www.uws.ac.uk/research/research-impact-influence/holocaust-education-vision-schools-scotland/>

Toolkit on the Holocaust and Human Rights Education in the EU

<http://fra.europa.eu/fraWebsite/toolkit-holocaust-education/index.htm>

House of Commons Education Committee report on Holocaust Education (HC 480)

<https://publications.parliament.uk/pa/cm201516/cmselect/cmeduc/480/480.pdf>

Resources for teaching other genocides:

Short film, 'We Remember Rwanda', and Beacon School case study/lesson ideas

<https://www.holocausteducation.org.uk/beacon-school/st-johns-school-leatherhead/>

<https://www.youtube.com/watch?v=4kMHU9ItSlk>

International genocide prediction and prevention alliance

<http://genocidewatch.net>

UN report on teaching the Holocaust and other genocides (includes suggested sources):

http://www.un.org/en/holocaustremembrance/EM/partners%20materials/EWG_Holocaust_and_Other_Genocides.pdf

Case study

Many schools are engaged in good practice in Holocaust Education, and all schools should develop their own ideas about what is right for their pupils, taking into account the local context. It can be useful for schools in developing their ideas to learn about practice elsewhere: the case study below illustrates one approach to Holocaust Education.

Holocaust Education case study: Dyce Academy, Aberdeen

Dyce Academy's Holocaust Education Course won the 'Promoting Inclusion' award at the Children and Young People's Services Awards in September 2017.

The course was recognised as a programme of excellence, with the awards committee stating, '*Dyce Academy's 'Holocaust Education' programme enables our young people to become leaders in using their voice to fight inequality, stand up to hatred and change the world in which they live*'.

The overall approach taken at Dyce is, S1/S2 focus on developing skills; S3/S4 on applying skills; and S5/S6 on leading learning.

S1 and S2: developing skills

In S1, pupils look at how the Holocaust happened. The content includes the spiral of discrimination – stages from 1-10; Anne Frank's diary; a book called 'Kitty's Return to Auschwitz'; learning about the SS St Louis and the Channel Islands occupation. In S2, pupils take part in an Oracy Project, undertaking research then doing a 5-minute TED talk. They learn about the paperclips project, in which a Tennessee school attempted to collect six million paper clips to try to give pupils a sense of the scale of the Holocaust. Dyce Academy asks students to think about how they could create a monument in their school that is about effecting change/tackling discrimination.

S3 and S4: applying skills

In S3 and S4, pupils begin applying skills. They put on a Holocaust Memorial Day event; take the message out to the community; and engage in drama projects using a play about the Lodz ghetto. One resource used is a supply of identity cards which tell people's stories. Children get information about their person weekly. Crucially, they don't find out until after several weeks of the programme if their person lived or not. The school holds two BGE trips, to Amsterdam and Berlin, visiting

sites such as the Anne Frank House, a former concentration camp, the Wannsee conference site, and the 'Typography of Terror' SS Headquarters.

S5 and S6: leading learning

In S5 and S6, two pupils go to the Auschwitz Memorial and then become leaders of learning in this topic. They deliver an assembly about their trip and produce content for a local newspaper item; they also help to teach it in PSE.

More information: Mr John Naples-Campbell, Faculty Head (Expressive Arts), Dyce Academy (<https://dyceacademy.aberdeen.sch.uk/wp/>)

THE EDUCATIONAL INSTITUTE OF SCOTLAND

Early Learning and Childcare Expansion Consultation Response

Question 1

The EIS is of the view that early years education should be funded and delivered on the same basis as Scotland's highly successful comprehensive education system- publicly funded, publicly provided, free at the point of use.

If equity and high quality are to be imperatives, rather than profit, then local authorities as the public providers of education in Scotland should be exclusively funded by the Scottish Government, on a ring-fenced basis, to deliver children's ELC entitlement.

The EIS view, like that of the wider STUC, is that the highest quality of ELC provision lies in local authority run nurseries where children receive the benefits of higher levels of skill among staff, more of whom are qualified to degree level, and where children are more likely to have access to a qualified teacher, as well as access to a suitable outdoor play area and play equipment.

The EIS is not in favour of any move that would encourage the privatisation of education, including that for early learners. We would not seek to extend the range of funded providers; rather we would wish to see higher levels of funding to local authorities for the provision of education, including nursery education. In essence, the EIS would not wish to see the simplification of a process for the realisation of an objective with which we strongly disagree.

Question 2

Firstly, the EIS does not support the 'Funding Follows the Child' model on which this consultation is based. As is the view of the STUC, this demand-led model, poses significant risks for the delivery of childcare: of creating a service dependent in large part on lower paid and unqualified staff; of variability and lack of equivalence in the delivery of the 3-18 curriculum for early learners; of a two tier system in which the more affluent can purchase additional nursery provision while those who cannot afford it do not; of even greater inequity than already exists with regards to children's access to a qualified teacher.

It should be noted that access to qualified teachers is already falling within the early years and childcare system with a 39% reduction in teacher numbers within early years settings over the past decade. There is now also considerable variability across and within local authorities in term of children's access to a teacher. While the Scottish Government has committed to ensuring only undefined 'access to a teacher', some local authorities, with legal impunity, have been removing teachers from nursery classrooms to reduce costs.

In line with international and Education Scotland's own evidence, the EIS is of the view that the pedagogical input of qualified degree-educated teacher professionals, as part of a pre-5 workforce, is an essential ingredient to the CfE 3-18 curriculum, if it is to lead to more equitable outcomes as intended. In October 2015, the Scottish Government, seemingly persuaded that the quality of early years provision is as important as quantity, announced its intention to provide additional qualified teachers or degree educated childcare workers for nurseries in the most deprived areas¹. Though welcome, the pledge reveals a misunderstanding of the roles of teachers and childcare workers, a lack of awareness of the value of qualified teachers in the early years of education as

¹ <http://news.scotland.gov.uk/News/Developing-potential-1e71.aspx>

evidenced in recent research by the Child's Curriculum Group²; and in terms of providing access to a teacher, can only be a starting point. Without universally extending the commitment to a guaranteed minimum (and adequate) access to a nursery teacher, enabling meaningful interaction with a teacher for all Scotland's early learners, it will fall short of that which is required to meet the needs of the thousands of nursery-aged children living in poverty in homes whose postcodes lie outwith the SIMD zones targeted by the current policy.

Further, with provision of early years education and childcare now potentially being delivered more readily in the private sector, where access to highly qualified staff generally, and teachers in particular, is lower, and with a potentially greater role for childminders, there is a genuine challenge as to how quality and equity of education provision can be maintained across the sector.

A recent Joseph Rowntree Foundation programme paper: *Creating an Anti-poverty Childcare System*³ states that a shift to supply side funding for pre-school childcare services is the most effective route forward:

"International evidence and the best examples of high quality provision in the UK suggest that the most effective approach to funding pre-school childcare is supply side funding, where investment is made directly in service. This approach provides the means to offer universal access to services and effectively shape the quality, affordability and flexibility."

Regarding partnership arrangements, the document references providers' access to improvement support but cites only the Care Inspectorate as a source of such support, omitting Education Scotland which, in the context of Scotland's education system being subject to this kind of scrutiny, is troubling for the EIS. The EIS is firmly of the view that Early Level learners, in engaging with CfE, must have their entitlement to be taught by qualified teachers safeguarded in statute, as school-aged learners do. While the EIS does not necessarily view inspection as the best means by which to deliver school improvement, while this is the approach in Scotland, all educational establishments which deliver the 3-18 curriculum should be healthily staffed with qualified teachers and the education as opposed to the care provision, inspected by HMIE inspectors, who are themselves qualified teachers.

The creation of a set of National Standards provides opportunity, in lieu of legislation and as a first step, for the Scottish Government to encourage local authorities to provide minimum access for each child attending a nursery in Scotland to a qualified teacher, whose terms and conditions are SNCT (Scottish Negotiating Committee for Teachers) compliant. The EIS would wish to see partnership arrangements reflect this.

The EIS, while holding serious reservations about the provision of nursery education by private providers, welcomes the commitment to payment to childcare workers of the 'real' living wage as a minimum by all providers delivering the funded entitlement. In addition to this being a step in the right direction in terms of achieving fair pay for all within the ELC workforce, it is important in addressing the lifelong pay and pension inequalities that, without significant intervention, will be experienced by the predominantly female ELC workforce. More, of course, requires to be done to eliminate such pay inequality completely.

² <http://www.eis.org.uk/Policy-And-Publications/Sustain-The-Ambition>

³ JRF programme paper: *Creating an Anti-poverty Childcare System*
<https://www.jrf.org.uk/report/creating-anti-poverty-childcare-system>

The EIS would wish to see the full range of the principles of the Fair Work convention- effective voice, security, opportunity, respect and fulfilment- embedded in any local authority-private provider partnership arrangements.

Question 3a

The EIS view on how early years education and childcare should be delivered is articulated earlier within this response. In addition to those comments, we would wish to question how Early Level CfE will be delivered for 3-5 year olds in the context of childminding.

Question 3b

The EIS has no view on this.

Question 4

Research conducted by the EIS in 2010 found that across Scotland, public nursery provision offers a higher proportion of provision which has access to an outdoor play area (90.2% as opposed to 76.5% in the private sector and 70.6% in the voluntary sector).

As Children in Scotland pointed out in a media release of 24/08/10, research published in *Children in Europe* magazine demonstrated that private sector provision does not require to meet the outdoor space standards required of public provision:

'outdoor space standards in services for young children vary widely across Europe, with some countries, including the Republic of Ireland, France and Germany, having no national requirements specified. Although Scotland does have a requirement for local authority nursery schools and classes for 3-4-year-olds to provide an area of 9.3m² per child – less than the size of the average bedroom – other services need only provide 'adequate and appropriate space' for the activities being undertaken.'

This clearly highlights that in this regard, also, local authority provision offers a higher quality learning experience to nursery children.

A potential challenge for the range of proposed ELC providers, if quality is to be maintained, is adherence to the national minimum of requirement of 9.3m² per child.

In addition to availability of physical space within the grounds of a nursery establishment, adequate resourcing in terms of outdoor equipment and toys is essential, as is quality training for early years staff, including teachers, in delivering outdoor learning, exercise and play. If nurseries are to be encouraged to take outdoor learning beyond their own immediate play areas, additional funding of transport costs may be required, depending on the locations selected. Healthy adult to staff ratios to ensure that outdoor learning experiences are of the highest quality, including for children with additional support needs, are, of course, essential.

Consideration should also be given to how families on low incomes can be supported financially to ensure that their children have the necessary shoes and clothing for any outdoor activity.

Question 5

The EIS welcomes the reference to the role of Education Scotland in supporting improvement planning within early years establishments, as per the rationale provided earlier in this response.

Regarding accessibility and the assertion that the Funding Follows the Child model offers greater flexibility, the EIS remains unconvinced of this. In our view, families could be offered the flexibility that they need in terms of hours in which care of their children is delivered, through direct funding of local authority providers.

The EIS has been clear in previous consultation responses on childcare that the drive for greater flexibility for parents should not be at the expense of the terms and conditions of those employed within the sector, many of whom are also parents of young children and who face challenges in meeting the costs and the limitations of childcare.

Also in terms of accessibility, the EIS would wish rurality to be a consideration, in addition to access to early years provision within areas of high deprivation.

In seeking to maximise the inclusion of children with additional support needs in early education, in the view of the EIS, qualified teachers are best placed in terms of training and expertise to identify additional support needs, and to determine and deliver the pedagogical interventions required to meet the wide spectrum of such needs. The EIS would urge that serious consideration be given to ensuring healthy presence of qualified teachers in all early years establishments as a key means of ensuring that the provisions of the ASL Act are delivered for early learners.

On business sustainability, the EIS disagrees strongly that education for any age and stage of learner should be delivered as a business. As previously stated, we are of the wholehearted view that education as a public good, should be publicly funded and publicly provided on a not-for-profit basis.

Regarding Fair Work practices, the EIS would question why providers should be required to demonstrate commitment to only one additional practice aside from fair and equal pay. To limit expectations in this way could encourage a cynical tick-box approach rather than the development of sound workplace cultures, policy and practice. The EIS welcomes the inclusion of workforce engagement through trade unions, for example. International evidence, including from the OECD, clearly demonstrates that the highest performing education systems feature active education unions. If a provider opted not to focus on this principle of Fair Work, this benefit would be lost. All providers in receipt of public funds should be required to demonstrate commitment to the development of all of the Fair Work practices, as they apply to their particular contexts, for the benefit of the workforce, and, ultimately, the benefit of young learners and their families, and of wider society.

On payment processes, the EIS is strongly of the view that all aspects of the nursery experience should be free at the point of use- snacks and outings, included. We believe that music education is part of Curriculum for Excellence and should not be delivered at cost to parents and carers, the danger in this being that only those children whose families can afford to pay, are able to participate in and derive the many benefits that there are to be gained from, music education.

The consultation document refers quite frequently to parental choice and flexibility without clearly defining the parameters for or rationale of this. It is worth noting the experiences of countries which have encouraged greater parental choice in terms of the schools which their children attend- a causal outcome of which has been reduced outcomes in terms of equity.

In terms of the provision of food to children attending early years settings, the EIS would wish to see this delivered on a universal basis and in line with current recommendations on children's nutrition and education around healthy eating.

The document is silent on child to adult minimum ratios- a key element in determining the degree of equity and quality of learners' experiences and thereby of outcomes. The EIS would wish to see clear stipulations with regards to ratios written into the national standards. We believe that to ensure equity in provision, a national minimum staffing standard should be developed, to include nursery settings. Within that standard, issues of additionality should be considered, e.g. deprivation, additional support needs, English as an Additional Language, rurality, and guaranteed time for promoted members of staff.

Additionally, the EIS would concur with OECD findings with regards to other indicators of quality- the effectiveness of the curriculum, the physical environment and staff gender and diversity. The EIS view is that Curriculum for Excellence provides a framework within which, with adequate resources, high quality learning experiences can be designed and delivered for Scotland's early learners. The physical environment is, of course, key to providing the space and surroundings to enable those high quality learning experiences to occur, and to supporting the wellbeing of the children and adults who learn and teach within it. Finally, diversity within the workforce is of huge importance in fostering a sense of belonging among learners, all of whom should see the diversity of their communities reflected in the composition of the staff who work with them.

Question 6

Regarding payment of the 'real' living wage, it is the view of the EIS that the Scottish Government could do more to encourage employers, including ELC employers, to pay the people who work for them at least at this rate.

It is the view of the EIS that the payment of poverty wages by any employer is wholly unacceptable and more so where employers are seeking access to public funds to support their businesses. The EIS holds such a position both as a trade union which objects to the exploitation of fellow trade unionists in any sector, and as a professional association whose members witness the impact of poverty, largely as a consequence of low income from employment, on children's education on a daily basis in the classroom.

The EIS would suggest that the Scottish Government should go further than making a condition of funding for the additional hours living wage hourly rates for the funded hours only. As a minimum, while EU law prevents mandatory payment of the living wage as a public procurement requirement, the EIS would expect stringent adherence by the Scottish Government and local authorities to the principles of the Statutory Guidance on the Selection of Tenderers and Award of Contracts – Addressing Fair Work Practices, including the living wage, as a key means of realising the aims of the Working Together recommendations.

Question 7

The EIS would reiterate the view that early learning and childcare should be delivered by local authorities.

The stated intention to ensure that newly established ELC settings will be inspected within one year by the Care Inspectorate seems to ignore the importance of the quality of children's **educational** experience within early years; the EIS is of the view that 'daycare' should neither be the sole nor the over-riding priority. A probationary evaluation based on expectations of quality of care alone falls far short of ensuring the calibre of provision required to deliver the

entitlements of the 3-18 curriculum, GIRFEC and the ASL Act for Scotland's 3-5 year olds.

Question 8

In terms of support towards implementation, requirements include:

- Training of employers around the full set of Fair Work principles
 - Scottish Government intervention to boost teacher recruitment and retention to ensure healthy teacher numbers within early years, with particular emphasis on pay, workload and diversification of career pathways that encourage enhanced qualifications and specialism in early years education
 - Scottish Government intervention to determine healthy minimum child to adult and child to teacher, ratios
 - Financial support for local authorities to extend existing or to build new, premises as required to accommodate children for an increased number of hours, including ensuring access to outdoor play areas.
-

THE EDUCATIONAL INSTITUTE OF SCOTLAND

EIS Response to Scottish Government Consultation: Nutritional requirements for food and drink in schools

The Educational Institute of Scotland (EIS), the largest teacher union and professional association for teachers and lecturers at all career levels in Scotland, welcomes the opportunity to contribute to this consultation, particularly in the context of growing incidence of child poverty and its manifestation in our schools with regards to hunger.

1. What are your views on our intention to amend the current school food and drink Regulations to ensure children and young people are able to access more fruit and vegetables as part of their school day?

The EIS welcomes the intent of the Scottish Government (SG) to seek to increase the consumption of fruit and vegetables by children and young people, and acknowledges the role of schools, teachers and other school staff in contributing to this endeavour, though we may not entirely agree with SG on the approach outlined in this consultation document.

It states:

'...we propose to amend the school food and drink Regulations to require a minimum of two of vegetables and a portion of fruit to be offered as part of a primary school lunch.'

'For secondary schools, we propose to amend the school food and drink Regulations to require two portions of vegetables and a portion of fruit to be offered as part of a full school lunch. In addition, where secondary pupils are choosing to take a main meal rather than a full lunch, that main meal must include salad or vegetables as part of the price.'

It is not entirely clear from this wording whether the intention is to 'offer' a choice as to whether vegetables and fruit will be included in the child's meal or not. Neither is it clear, if there is a choice as to which fruits and vegetables the child may wish to have as part of their lunch.

With a quarter of children in Scotland now living in poverty, many of whom will be experiencing daily hunger, we would signal caution against any move towards an 'all or nothing approach' to children's school lunches, whereby if a child does not wish to eat fruit or vegetables with a meal, then either the portion of food served to them, or eaten by them because they reject the fruit and veg, diminishes in size. Such an arrangement would serve to exacerbate the hunger, malnutrition and resultant difficulties with engagement in learning, that many children and young people who live in poverty are already experiencing in school.

The most recent survey of EIS members on their perceptions of the impact of poverty in the classroom pointed to increased incidence of hunger among children in school. More than 50% of those who took part in the survey reported an increase in the number of children coming to school without play-pieces, snacks or money for the tuck-shop. 16% of respondents said that they had observed greater incidence of children demanding or stealing food from others because they were hungry, while almost a quarter signalled increased attendance at breakfast clubs, and more than 10% highlighted that a greater number of families were requesting local foodbank referrals. This clearly points to the need for urgent measures to prioritise children getting **enough** to eat in the course of a school day.

Of course, vegetables and fruit should be available to children to choose (and education on healthy eating a strong feature of schools' curricula, to promote understanding of balance in diet and how choices made can achieve this). But children should not go hungry, or hungrier at school than many already do, because their eating habits that are formed at home (where for at least a quarter of them, money is tight and emotional pressures are great) do not currently involve the regular and adequate consumption of fruit and vegetables and are likely to result in rejection of them at school. Shaping children's healthy eating habits should be done over time, with their involvement and 'buy-in', and without inadvertent harm being done to them in the process.

For some children at present, though, having more fruit and vegetables available on a school lunch menu may be attractive - in particular, pupils who have come to Scotland from other countries and don't like/eat what is otherwise on offer.

The EIS is in favour of fruit being made available as a choice to children and young people who make use of school tuckshops and vending machines where these exist, but would urge consideration of the lack of affordability of these for children whose families are on low incomes. Many children and young people from have no access to the snacks that tuckshops and vending machines have on sale. Children and young people living in poverty have no ability to make any choices, let alone healthy choices, in this regard. The EIS favours the universal provision of free school meals for all children and young people in school. We would be interested in exploring the application of the same principle to the provision of snacks.

The importance of fruit and vegetables as part of a balanced diet should feature consistently, too, in the curricula of early learning establishments. The EIS is concerned that schemes that did provide free fruit to nurseries and primaries for snack time have had their funding cut, with the result that opportunities for young children to taste and find that they enjoy different kinds of fruit, have reduced or disappeared from many establishments entirely.

2. What are your views on our intention to amend the current school food and drink Regulations to ensure the amount of sugar children and young people can access over the course of the school day is reduced?

The EIS would not disagree with the principle of sugar reduction in the food and drink supplied in schools but, again, would suggest that care must be taken to ensure that an over-zealous approach does not lead to children - particularly those living in poverty - missing out on valuable nutrients, for example, those in cereal, fruit juice, some smoothies and yoghurts.

In the case of cereal, if only no or low sugar kinds are on offer, children may not eat it, thereby them falling short of the recommended daily intake of fibre and calcium. Pure fruit/vegetable smoothies and juices, without added sugar, are a good way of getting children to consume high concentrations of the nutrients contained in fruit and vegetables which, often in their regular forms, are less attractive options and which, for many, are not available at home.

For these reasons, the EIS would not be in favour of banning fruit juices and smoothies; instead we would suggest that these remain available in school, particularly those that

contain no added sugar. Regarding sugar reduction in cereals and yoghurts, where this occurs, there should be no compromising on the flavour and attractiveness of these foods to children at the risk of them simply not eating them. Breakfast clubs serving a variety of cereals and yoghurts are the only means by which many children living in poverty can eat in the morning, breakfast being a very important meal in the day. We would stress that it's imperative that the basic nutritional needs of the poorest of children are not forgotten or compromised in pursuit of the aspiration to reduce the nation's intake of sugar.

The EIS agrees that drinks which are high in caffeine and in artificial colours and additives are not conducive to learning. We concur that the drinking of water should be encouraged among school pupils but would advise that greater consideration should be given to maximising the availability of fresh drinking water in schools, this not always being easy to access. Schools should be equipped with adequate numbers of properly serviced water coolers/ water fountains for the numbers of pupils and to be able to locate them strategically throughout school buildings.

3. What are your views on our intention to amend the school food and drink Regulations to set a maximum for red and red processed meat in primary school lunches and for overall provision in secondary schools?

While recognising the need to avoid children's and young people's over-consumption of red meat, we would again flag up that thousands of children and young people living in poverty do not have adequate access to foods at home, such as red meat, that are an essential source of iron. The danger of setting a maximum amount for all children is that for a sizeable minority of children – at least one in four nationally, and more than one in three in some communities – it will result in further under-consumption of iron and greater incidence of immediate health-related issues associated with iron deficiency.

Rather than reducing the availability of red meat overall, with detrimental impact on the poorest children, a better course of action may be to offer greater choice. This would enable children and young people who have enough access to red meat and other iron sources at home to vary their diet in school and might enable more consideration to be given to the dietary needs of those pupils from different faith communities, without restricting the poorest children in terms of what might be their only red meat/ iron source in their weekly diets.

4. What are your views on our intention to amend the school food and drink Regulations to enable caterers to provide a service which better supports secondary age pupils to make balanced and nutritious food and drink choices as part of their school day?

The EIS is supportive of an holistic approach to educating and encouraging all children and young people – nursery, primary and secondary- to make choices leading to a healthy, balanced diet, and to ensuring that all children and young people get **enough** to eat during the school day.

This requires a careful approach that takes into account a range of needs, and demands some more nuanced measures, than perhaps, for example, the suggestion to limit the

number of pastry products available per day within a school – with such a simplistic approach, the same young people, by being 'first come and first served', could consume two pastries per school day, indefinitely if they wished, without more sophisticated intervention.

As previously stated, care must be taken, also, to avoid scenarios in which young people from poor families, who are likely to be experiencing food poverty and hunger, are inadvertently restricted in the amount that they can eat at school.

Food habits cannot, for the most part, be changed overnight, and in the case of young people living in poverty, should not, be forced to change overnight. The EIS view is that it would be better to alter menus incrementally rather than all at once.

5. Do you have anything else you wish to comment on in relation to the nutritional content of food and drink provided in local authority, and grant maintained, schools in Scotland via the School food and drink Regulations?

We would wish to see explicit reference in the Regulations to how the needs of those with food intolerances should be accommodated.

A key element in influencing the menu choices that children and young people make, is the appearance of food. It is therefore important to give consideration, not only to the nutritional content of the food served in school, but to how it looks. If food is appealing to the eye and then to the taste buds, children, like adults, will be more likely to choose it and to choose it again.

THE EDUCATIONAL INSTITUTE OF SCOTLAND

EIS Submission to the Education and Skills Committee Inquiry into SNSAs

The Educational Institute of Scotland (EIS), Scotland's largest teacher trade union, representing 80% of Scotland's teachers and lecturers, welcomes the opportunity to provide evidence to this inquiry by the Committee on the evidence base for the recently introduced Scottish National standardised Assessments (SNSAs).

The EIS has been involved in the debate and discussion around national standardised assessments since the First Minister in September 2015 made the announcement on their introduction.

The EIS is of the firm view that all assessment, both by its design and method of delivery, including the way in which feedback is given to children and young people, should support learning. Our union has been influential in shifting the initial thinking of the Scottish Government away from designing SNSAs as a summative assessment tool, with tests to be undertaken during what resembled an exam-type diet, and results of which would be published on a school by school basis; such a potentially damaging, high-stakes model of assessment, designed to serve an explicit accountability imperative, would have had the unintended consequence of worsening educational inequality.

In its stead, the current model is one which at least sought to be diagnostic in nature and was intended to be one small contribution to the professional judgement of teachers, predominantly based on a much wider, more sophisticated, formative assessment context.

Our initial evaluation of the extent to which this has proven to be the case in the first year of SNSA implementation, however, is negative. The use of the assessments has largely breached the guidelines established and moved them in practice towards the high stakes testing approach which had been rejected. (The EIS continues to monitor and evaluate the use and effectiveness of SNSAs.)

This response will focus on two areas of the inquiry, mainly: the evidence base for moving away from the Scottish Survey of Literacy and Numeracy; and what information the government's assessments can provide that contribute to improving the educational outcomes of children and young people.

The evidence base for moving away from the SSLN

In the view of the EIS, the evidence base for moving away from the SSLN has never been made clear by the Scottish Government; nor indeed has the evidence base for the re-introduction of national assessments in the interests of closing the poverty-related attainment gap.

The EIS considered the SSLN to be a useful sampling tool, serving to inform aspects of education policy, until it fell foul of the Scottish Government's rash reaction to the criticism of political opponents who sought to capitalise on what was a relatively modest – albeit concerning- dip in the SSLN Literacy results in 2015. These results were produced by the Survey at a point when the impact of austerity and its resultant poverty were weighing heavily on at least 20% of the pupils who took part, yet the political focus was less on that fact than on constructing a false narrative of failure about Scottish education. The EIS view remains that educational inequality must be tackled at its root and by investing in education. Collective political commitment in these areas leads to better outcomes for children and young people; politicking and spin around the messages of attainment data, do not.

In terms of the SSLN as a sampling tool, the EIS favours the proportionate gathering of data to provide appropriate system-wide information to inform policy making, whilst

protecting the crucial role of assessment in supporting learning, and avoiding the league table approach which featured within the previous regime of national testing, and which was removed for good reason with the introduction of CfE.

Finland concurs:

'At the national level sample-based student assessments ... that have no stakes for students, teachers, or schools are the main means to inform policy-makers and the public on how Finland's school system is performing. Teachers and principals in Finland have a strong sense of professional responsibility to teach their children well but also to judge how well children have learned what they are supposed to learn according to curriculum designed by teachers.' ([Washington Post](#), 25 March 2014)

Rather than the emergence of any evidence of an inherent flaw in the SSLN as a sampling tool, what was clearly visible was the instinct of some to seize upon data about children's and young people's learning, for ill-purpose, which apparently propelled the Scottish Government towards seeking a different set of measures of system progress towards closing the poverty-related attainment gap. No clear evidence base for SNSAs has ever been forthcoming.

Indeed, the EIS and others were truly baffled as to the suddenness and the intensity with which the Scottish Government appeared welded to the principle of national standardised assessment. Since 2015, no one in Scotland has come forward laden with evidence of the virtue of such a model and identifying themselves as the lead proponent; no academic journal or conclusive system research has been cited as the rationale for the development of SNSAs as a tool for realising greater educational equity.

On the contrary, there is a strong evidence base to suggest that large-scale standardised testing/assessment is an inhibitor of equity, and of student wellbeing which is inextricably linked to young people's ability to make good progress in their learning. Now much documented- Finland, an international champion of educational equity and excellence, almost entirely rejects standardised assessment. Andy Hargreaves- one of the Scottish Government's own International Council of Education Advisors - warns of the growing evidence of 'ill-being' caused by 'standardised testing and out-moded approaches to learning and teaching' (based on observation of standardised assessment practice in Ontario and South Korea, in particular). Much international evidence points to the inherent bias within standardised assessments in favour of more affluent learners; there is the potential, then, for the (mis-)handling of results to exacerbate existing educational inequalities related to socio-economic background.

Information SNSAs can provide that contribute to improving the educational outcomes of children and young people

The EIS is of the firm view that assessment must be for the benefit of learners in the classroom. All assessment, by content and delivery style, must align fully with what is taught to ensure its validity, and should align with the values underpinning CfE, of which commitment to social justice and equity is one.

The question of assessment validity is highly pertinent to the continuing debate around P1 SNSAs. The EIS is clear that SNSAs are misaligned with and contradictory to, the play-based pedagogy and curriculum of Early Level CfE. For this reason, we have called for them to be scrapped – not to be replaced with a different brand of standardised assessment according to the particular preference of a local authority, and not as a

result of political game-playing by local councillors, but to enable the consolidation of assessment practice that is appropriate for a genuinely play-based P1 curriculum.

At all ages and stages, the EIS is clear that all assessment data gathered must be of use to teachers, and, crucially, to learners themselves. They need to understand the criteria for 'success', and assessment feedback must be accessible to them if the assessment is to have any value in supporting their future progress. Any assessment which does not possess these features will not provide information that is useful to learning and teaching in the classroom; is wasteful of valuable time for good quality learning and teaching; and worse still, can actively damage children's confidence, muddle theirs and their teacher's understanding of their learning, and slow or even reverse their progress as a result.

Currently schools and teachers use a wide range of assessment methods, involving human interaction, evaluation and observation, which gather rich data on children's individual progress – their strengths, development needs and next steps. Coined 'small data' by another of the International Council of Educational Advisers, Pasi Sahlberg, this is the information that is most useful to teachers, learners and parents as they work in partnership to progress individuals' learning. Such data may not be easily understood by those driving narrow accountability agendas either at local or national level, but this is the information on which successful learning and greater equity of outcome fundamentally depends.

Questions remain for the EIS about the assessment validity of SNSAs in terms of their content, mode of delivery, including in digital format, and ability to provide feedback that is meaningful to learners; our scepticism about the national drive for 'big data' to which SNSA results can contribute, holds firm.

Prior to and coinciding with the launch of SNSAs, speaking at various conferences and meetings of stakeholders, Scottish Government officials made clear the relatively marginal importance of SNSAs as an assessment tool. The assessments were said to cover at a maximum around one tenth of the skills and knowledge expected at each CfE level in two areas of the curriculum only-Literacy and Numeracy.

The coverage of SNSAs in terms of the knowledge and skills assessed is, by the government's own admission, quite limited, as is the assessment information elicited. In the case of the Literacy assessment pertaining to Writing, for example, it provides only minimal diagnostic or summative data (depending on how the assessments are used), on children's grasp of some technical aspects of writing – spelling, grammar and punctuation. (In this regard, the assessments do not align well with how writing is or should be taught, which calls into question the reliability and validity of the information that they provide on children's understanding of writing.) Any data produced by SNSA completion requires the much richer, broader collection of assessment evidence gathered by teachers through talking with, listening to, and observing children as they engage in learning activities; and through evaluating both the process and products of children's learning across a whole curricular area.

A further issue lies in what appears to be a lack of shared clarity around the purpose of the assessments. When first announced by the government, it was clear that the intention was that they would be a summative measure of children's attainment, applied across the country during the same window of time each year. The influence of the EIS and others persuaded the government of the value of some forms of standardised assessment for diagnostic purposes, and of the fact that if assessment is to genuinely support the learning of individual children, then whole cohorts and classes of young people should not be undertaking the assessments at the same time. SNSAs were then designed to enable their use at any point in the year, the government advising that the timing be determined by schools and teachers in consultation with the local authority.

What happened in the first year of implementation, though, was that children in 25 local authorities- the vast majority- sat the assessments at the same time, teachers having had little to no decision-making influence on the timing. The marginalisation of teacher professional judgement in determining the timing of what should be diagnostic assessments to support learning and teaching for individual and groups of children, compromises the usefulness of any information elicited.

The recent publication of teacher judgement of CfE levels obtained by pupils at P1, P4, P7 and S3 during session 2017-18 highlights an increase in the numbers of children reaching the appropriate level within the timeframe desired. Though 2017-18 was the school session in which SNSAs were introduced, the recent successes cannot be credited to national standardised assessment since most schools carried them out, as largely directed by local authorities, in the final weeks of the session, for summative purposes, when it was too late for teachers to use the information diagnostically to benefit children's learning and progress towards the appropriate CfE levels. Those successes were the result of teachers' efforts to ensure the provision of quality learning and teaching, leading to strong outcomes for our children and young people, amidst huge challenges stemming from continuing workload increase, pay erosion and teacher shortage.

A recent EIS snapshot survey of members who had been involved in Year 1 delivery of SNSAs specifically asked for comment on the extent to which data provided in SNSA learner reports had been useful in providing reliable information on children's progress, in identifying next steps in learning, and informing professional judgement on the achievement of CfE levels.

This question elicited 40 pages of comments - 33 pages contained negative comments; pages of positive or more neutral feedback totalled 7.

The majority of comments in response to the question of its utility to learning and teaching, were critical of the value of SNSA data. The reasons cited were largely the unreliability of the assessment data in the context of wider assessment - in many cases the evidence provided was not in line with the wealth of information elicited by more valid and reliable means.

Many teachers commented that the SNSAs provided little to nothing in the way of new information to inform their understanding of children's progress and next steps in learning. Some explicitly referenced them as a waste of valuable time for this reason. Other issues experienced were in relation to the amount of information provided per pupil per assessment - far in excess of that which teachers have time to absorb in the granular detail provided. Many teachers complained that they were unable to make sense of the results, not having had access to or sight of the assessments themselves, or not having had adequate training to enable their understanding of the language within the associated 'learner report'.

Of the very few positive comments about the helpfulness of SNSA data in providing useful information about children's progress, one expressed appreciation of the ability to compare the progress of children in the school with national standards. A few respondents said that they found the data useful in identifying gaps in children's learning and determining next steps.

Some of the positive comments stated the value of the SNSAs in relation to teacher professional judgement of pupil progress. It was clear from several of such comments, though, that some teachers are viewing the SNSA results as a means of 'testing' or 'checking' their own professional judgement. Clearly there remains misunderstanding of the intention that the results of SNSAs should 'inform', not 'confirm', teacher professional judgement of children's progress. Misuse of the results in this regard will simply serve to undermine the place of teacher professional judgement - a cornerstone principle of CfE- to the detriment of teaching and learning. The EIS welcomes the recent

endeavour of ADES and Scottish Government to ensure clarity in terms of the relationship of SNSAs to teacher professional judgement.

To conclude, the EIS remains clear that efforts at national and local level should be channelled more thoroughly towards enhancing the confidence of teachers in their professional judgement by freeing up time – as in many high-performing education systems internationally- for meaningful collaboration and professional dialogue among teachers, which is focused on learning, teaching and assessment. This together with increased investment in additional support for learning provision and reductions in class sizes to allow more time for teachers to talk on an individual basis to children and young people about their learning within a formative assessment context, would go a significantly greater way towards improving educational outcomes for Scotland's children and young people than SNSAs will.

THE EDUCATIONAL INSTITUTE OF SCOTLAND

Consultation on the Memorandum on Entry Requirements for Initial Teacher Education Programmes in Scotland

October 2018

What are we consulting on?

Since 1965, the Scottish Government (under its various titles) has issued a Memorandum on Entry Requirements for Initial Teacher Education programmes in Scotland (Memorandum). Originally this was done on an annual basis but latterly it was issued on a less frequent basis. The current Memorandum was issued by the General Teaching Council for Scotland (GTCS) in 2013 and at the time GTCS gave a commitment that the next review of the Memorandum would start in January 2018.

The Memorandum sets the minimum entry requirement for students' entry to Initial Teacher Education (ITE) programmes in Scotland. This consultation is to ensure:

- the Memorandum is relevant and fit for purpose;
- the content of the Memorandum is sufficiently comprehensive and clear to all stakeholders;
- that ITE applicants can use the Memorandum confidently to determine whether they meet with the minimum entry requirements when applying to join an ITE programme; and
- ITE providers can provide up to date information in their literature to guide potential applicants on the expectations of the minimum entry requirements for ITE programmes.

The consultation questions will focus on areas of the Memorandum where a change is being considered. At present, we are not proposing to make changes to the qualities, values and disposition expected of applicants and therefore there is no question relating to this area. However, there is an opportunity to offer other suggestions in the 'other comments' section should you chose to do so.

Who should read this?

The consultation will allow GTCS to collect the views of stakeholders around issues relating to the minimum entry requirement to apply to join an ITE programme in Scotland.

Views are welcomed from everyone and debate is encouraged about this important matter as this consultation is relevant not just to Initial Teacher Education providers, teachers and employers of teachers but also to the parents or carers of children and young people, and other members of the public.

Start date: 1 October 2018

End date: 21 December 2018

After the consultation: We will publish the revised Memorandum April 2019 on the GTCS website.

This memorandum will take effect for applicants applying for ITE for academic session 2020/21.

Documents relating to this consultation

Click here: [Memorandum on Entry Requirements to Programmes of Initial Teacher Education in Scotland \(2013\)](#)

What is the purpose of the review?

Under the Public Services Reform (General Teaching Council for Scotland) Order 2011, it is for GTCS to determine what constitutes a recognised teaching qualification for individuals seeking registration as a school teacher.

GTC Scotland ensures that these requirements are met through the application of the Memorandum and through the accreditation of all programmes of Initial Teacher Education (ITE) in Scotland and other related documentation*.

(*Guidelines for ITE programmes In Scotland, The Evaluation Framework for ITE programmes in Scotland, Policy Statement accreditation of programmes of ITE in Scotland.)

The overall aim of the Memorandum and programmes of ITE is to prepare student teachers who *“have high levels of pedagogical expertise, including deep knowledge of what they are teaching; to be self-evaluative; to be able to work in partnership with other professionals; and to engage directly with well-researched innovation”* Teaching Scotland’s Future (2010).

To date, working in partnership with universities, GTCS has maintained the high standard of applicants into ITE through the Memorandum providing clarity of expectation for applicants and University colleagues consistently applying the Memorandum.

Importantly too, in the last two academic sessions, GTCS has accredited a number of new routes into teaching to broaden access and increase flexibility of ITE and thereby attracting an increased number of high quality candidates into the teaching profession.

This review process therefore demonstrates firstly GTCS’s commitment to being a contemporary regulator who is responsive to the ever changing needs of the teaching profession and the evolving landscape of Scottish education. It is also intended to offer suggestions which will add further flexibility in ITE recruitment while maintaining high standards and ensure that the Memorandum remains relevant and fit for purpose.

Memorandum Consultation Questions

The consultation questions have been separated into a number of areas:

1 Literacy and Numeracy

- 2 Primary
- 3 Secondary
- 4 Broad General Education

The consultation seeks your views in three different formats; no change, suggested change or suggested addition. There is also space for additional comment.

1 Literacy and Numeracy

Curriculum for Excellence recognises the centrality of literacy, numeracy and health and well-being in relation to their impact on attainment and achievement. The current memorandum demands a **minimum entry** requirement of English at SCQF level 6 (Higher) and Mathematics at SCQF level 5 (National 5).

Literacy

The rationale for this requirement is as follows:

- As a result of the influence that teachers have on both the life skills and life chances of children and young people, it is important that they themselves reflect high standards in literacy.
- As professionals, there is a requirement that teachers engage critically with policy and research. Therefore, it is essential that they have sufficient levels of literacy skills to access, understand and use their reading of policy and literature to underpin their thinking and practice.
- It is vital that teachers are able to communicate effectively both orally and in written form, with a range of stakeholders and on multiple levels.
- Literacy permeates the curriculum and is the means by which all other areas of the curriculum are accessed. It is therefore essential that all teachers have a benchmark level of literacy irrespective of subject or sectors.

Therefore, there should be **no change** to current provision.

- Agree
- Disagree

Please use this space if you wish to comment further:

Numeracy

Nationally there has been some debate regarding increasing the level of demand in terms of numeracy skills for entry to ITE. It is recognised that numeracy is a key life skill and as such it is important that all teachers irrespective of subject or sector have a certain level of competence.

This view is exemplified by the *Transforming Scotland into a Maths Positive Nation: The final report of the Making Maths Count group* report. This report recommended that the SCQF level of requirement in numeracy was increased from SCQF level 5 (National 5) to SCQF level 6 (Higher).

The implementation of such a recommendation may create a significant barrier to some high quality applicants, as outlined in the report;

"The students in our focus groups did however express some concern if the minimum entry requirements for maths were raised to SCQF level 6 as this would preclude some of them from entering teaching." (p20)

It is however recognised that all teachers, irrespective of subject or sector, are required to have a level of numeracy skills that allows them to support numeracy across the curriculum.

This is presently being achieved through setting the required level at SCQF level 5 (National 5). Based on this and the potential for a significant impact on teacher recruitment of raising the required entry to SCQF level 6 (Higher).

Therefore, there should be **no change** to current provision.

- Agree
- Disagree

Please use this space if you wish to comment further:

The EIS is of the view that since Literacy and Numeracy are of equal status in terms of their importance within the curriculum, then the level of qualification required in each area for entry to ITE should be equal. The EIS concurs with the recommendation of the Making Maths Count group that the required entry qualification should be raised to SCQF Level 6 in parity with the required qualification in English.

2 Primary

The current Memorandum requires that universities ensure that an applicant's educational background (including the content of their degree) provides a good basis for becoming a primary teacher.

The Memorandum currently requires evidence of National Qualifications at SCQF Level 6 (Higher Grade), in at **least three** subjects (one of which must be in English), along with National 5 mathematics.

All Universities, presently exceed this minimum requirement and require evidence of **minimum of four** SCQF level 6 (Higher) qualification, one of which must be English, along with National 5 mathematics. This is due to the desire from Universities to increase expectations and enhance the quality of applicants.

Therefore, the **suggested change** is:

The required minimum entry requirements should be a **minimum of four** SQCF level 6 (Higher) qualification, one of which must be English, along with National 5 mathematics.

- Agree
- Disagree

Please use this space if you wish to comment further:

The EIS is of the view that entry requirements as formally expressed should explicitly and accurately reflect the standards expected in reality. We are keen to ensure that high standards are maintained so perhaps take a slightly different view from that expressed in relation to Universities' desire to 'enhance the quality of applicants'. The EIS is clear that the current cohort of teachers in Scotland meet the high standards that are expected of the profession.

3 Secondary

In the current Memorandum, some subjects have specific requirements. Views are being sought on the following suggested changes.

3.1 Art and Design

The current Memorandum states that "Applicants must have coverage of both Fine Art and Design within the 80 credit points"

Suggested change

In recognition of the impact of digital technology on design, it is suggested that the Memorandum is amended to "Applicants must have coverage of Fine Art and Design within the 80 credit points and **a further 20 credits may come from Digital Art or Photography.**"

- Agree
- Disagree

Please use this space if you wish to comment further:

The EIS supports this proposal, viewing it as a means by which to ensure that teachers are best equipped to deliver successfully all aspects of the curriculum in Art and Design. We understand that digital art and photography now feature strongly in the curriculum though we are concerned that the digital resources are not in place at present to fully support learning and teaching in photography and digital design/expressive work. Budget cuts now increasingly affect this and other practical subjects, meaning that to some extent, ITE Art and Design graduates may be equipped with the

skills and knowledge to teach elements of the curriculum that are not deliverable in the classroom in the context of current budgetary constraints.

3.2 Business Education

Currently, there is no undergraduate degree offered in Scotland that adequately covers all four subject areas (accounting, economics, information technology and business management), as required to teach Business Education. Consequently, most applicants are required to successfully complete a top-up programme to comply with the Memorandum.

The current Memorandum states "Applicants must have a degree with at least 80 SCQF credit points coming from subjects in the following list: Accounting, Economics, Information Technology and Business Management"

Suggested change

To ensure that there is the appropriate balance of skills and knowledge required of a teacher of Business Education, the requirements should be as follows;

Applicants have 80 SCQF credits in Accounting, Economics, Business Management and a **further 20 SCQF credits in Information Technology**

- Agree
- Disagree

Please use this space if you wish to comment further:

The EIS supports this proposal on the basis that the top-up element would no longer be required.

3.3 Computing

In line with the recent decision made by the SQA to change the name from Computing to Computing Science and to offer consistency across organisations, the following name change is proposed.

(i) Suggested change

Name change from Computing to Computing Science.

- Agree
- Disagree

(ii) Suggested change

In line with the recent decision made by the SQA to use current nomenclature, the following change is proposed that 'Databases or Information Systems' is changed to 'Database systems or Web development'.

- Agree
 Disagree

Please use this space if you wish to comment further:

3.4 Dance

It is proposed that dance is now included in the Memorandum.

Suggested addition

Applicants should submit a digital portfolio which includes practical work and teaching as part of the admission process.

Applicants are required to evidence or demonstrate their competence in practical skills.

Applicants should also provide evidence of their personal involvement in relevant activities through:

- regularly taking part in appropriate Dance practice;
- experience of training and performance of Dance at a high level;
- achieving national governing body awards in Dance;
- having experience of teaching, coaching, instruction or leadership in Dance.

- Agree
 Disagree

Please use this space if you wish to comment further:

The EIS supports this proposal though would have concerns if all of the types of experience listed above required to be evidenced by one applicant. The EIS would also point out that many of the PE staff who currently teach National Qualifications in Dance are excellent dancers, dance teachers and visiting assessors, though they have no formal training in dance. The EIS would wish both pathways to teaching Dance to remain open to those with the requisite professional experience and skills.

3.5 English

The current Memorandum states that "Applicants must have a degree with at least 80 SCQF credit points in English, of which at least 40 SCQF credit points must be in English literature or Scottish literature."

In recognition of the need for an increased level of inclusion and diversity, to widen access and value literature from a range of other countries and cultures the following is proposed.

(i) Suggested change

Applicants must have a degree with at least 80 SCQF credit points in English. At least 40 SCQF credit points must be in English literature, with the remaining 40 SCQF credit points from literature in the English language (e.g. Scottish literature, American literature), this could include English translation.

- Agree
- Disagree

Increasingly, the study of media and critical analysis of film is relevant to the teaching of English and provides applicants with a strong basis to teach many aspect of the curriculum.

(ii) Suggested change

Therefore, it is proposed that, a maximum of 20 SCQF credit points in Media can be considered as part of the requirement of 80 SCQF credit points for English.

- Agree
- Disagree

Please use this space if you wish to comment further:

While agreeing the first proposed change, the EIS would query the definition of English literature which seems to have been applied in this context. We understand it to mean literature that is written in English, rather than literature that was written in England or by authors who are English.

3.6 Gaelic

The current Memorandum states "Applicants must have a degree with at least 80 SCQF credit points in Gaelic or in Celtic (but they must have specialised in Scottish Gaelic). Applicants have to prove to the university they apply to that they are fluent in spoken Gaelic."

Suggested change

Applicants are required to demonstrate their competence and fluency in spoken **Scottish** Gaelic.

- Agree
- Disagree

Please use this space if you wish to comment further:

The suggested shift from 'prove' to 'demonstrate' is welcome, it removing the connotations of doubt that rest in the current phraseology.

3.7 History

There are no subject specific requirements in the current Memorandum. This is an unhelpful position and clarification is required, particularly in the areas of ancient history and archaeology in relation to the teaching of history within the curriculum. To provide clarity the following is proposed.

(i) Suggested addition

Applicants may only use 40 SCQF credits in Ancient History toward the requirement of 80 SCQF credits.

- Agree
- Disagree

(ii) Suggested change

Archaeology should not be accepted as part of the minimum requirement for 80 SCQF credits for the teaching of history as it provides an insufficient basis for the teaching of history within the curriculum.

- Agree
- Disagree

Please use this space if you wish to comment further:

The EIS disagrees with the proposal to exclude applicants whose degrees are exclusively in Ancient History. We are clear that History is a discipline within which the related skills and aptitudes can be applied to a range of contexts. Indeed, many History teachers – including those who have no Ancient History within their degrees- currently teach curricular content that they did not study at University. We do not believe it necessary for teachers to have studied all areas of the History curriculum in order to teach them to the requisite standard. In addition, the proposal has no associated rationale other than that 'there are no subject specific requirements'. Perhaps there do not need to be. Finally, the exclusion of Ancient History graduates from the application process will result in missed valuable opportunity to recruit from this cohort.

The EIS also contests the complete invalidation of SCQF credits in Archaeology for similar reasons to those outlined above. The proposal seems to undermine the intention that CfE should capture a diverse range of interests and should encourage a wide range of skills and learning to be applied in unfamiliar contexts. The EIS considers the knowledge and skills that could be brought to the teaching of history by graduates with an understanding of Archaeology to be of strong potential value in enriching young people's experiences of the History curriculum.

3.8 Home Economics

The current memorandum states:

Applicants must have a degree with 80 SCQF credit points including 40 SCQF credit points at SCQF Level 8 (or above) from at least two of: consumer studies; food studies; food or textile technology; nutrition.

The other 40 credits are needed in any home economics area relevant to the home economics curriculum in Scottish schools.

The following table provides guidance for programme directors and for applicants on areas other than those listed above, relevant to home economics.

Topic	Brief content
Family Studies	Parenting; childhood studies; family lifestyles; socioeconomic influences; environmental issues
Food Science	Food chemistry; composition of foods, processing and manufacturing of foodstuffs; functional properties of foods; biotechnology; microbiology.
Health	Health promotion; health education; determinants of health, lifestyles and health; environmental issues; health and food policies.
Hospitality	Practical food preparation skills; food preparation techniques; food and beverage management.
Textile Studies	Textile construction,; properties; finishes; contemporary developments; production systems; textile futures; design technologies

Suggested change

Applicants must have a degree with 80 SCQF credit points including 40 SCQF credit points at SCQF Level 8 (or above) from at least two of:

- consumer studies;
- food studies;
- food technology
- textile technology
- nutrition.

The other 40 credits can come from the above or any of the other relevant areas outlined in the table below.

Topic	Brief content
Family Studies	Parenting; childhood studies; family lifestyles; socioeconomic influences; environmental issues
Food Science	Food chemistry; composition of foods, processing and manufacturing of foodstuffs; functional properties of foods; biotechnology; microbiology.
Health	Health promotion; health education; determinants of health, lifestyles and health; environmental issues; health and food policies.
Hospitality	Practical food preparation skills; food preparation techniques; food and beverage management.

Textile Studies

Textile construction,; properties; finishes; contemporary developments; production systems; textile futures; design technologies

- Agree
 Disagree

Please use this space if you wish to comment further:

3.9 Modern Studies

The current Memorandum states "Applicants must have a degree with at least 80 SCQF credit points from two separate subjects listed below. At least 40 SCQF credit points must be from either Politics or Sociology.

Economics
Geography
History or Economic History
International Relations
Law
Politics
Sociology
Social Policy

Suggested addition

Criminology should be added to the list of subjects as part of the requirements of Modern Studies.

- Agree
 Disagree

Please use this space if you wish to comment further:

3.10 Music

The current Memorandum states "Applicants must have a degree with at least 80 SCQF credit points in music and which includes studying music over at least three years. The degree must include the following:

- (i) the study of harmony, counterpoint, arrangement, orchestration and composition, together with a broad study of music in its social and historical contexts within traditional, ethnic and non western musical cultures.
- (ii) keyboard studies including sight reading, playing by ear, accompanying, harmonising and improvising in traditional and contemporary styles.

(iii) studying an instrument or voice to an advanced standard. Applicants will have to prove they have experience of an instrument or of voice according to the following table:

Specialist subject	Extra experience needed
Voice	an instrument (non-keyboard)
Instrument	solo singing or taking part in choral work (during time of study)
Keyboard	an instrument (non-keyboard)

Applicants must meet all the requirements of (i) and (ii). Those who do not meet all the requirements in (iii) may have to pass an entrance exam in areas in which they lack experience.

Applicants have to prove to the university they apply to that they are familiar with and can use music technology.”

Suggested changes

The following changes are proposed.

Applicants are also expected to:

- (i) demonstrate intellectual music skills (some of which would be advanced) across the following:
 - musical repertoires and musical contexts;
 - an understanding of interdisciplinary approaches, e.g. music and the relationship to other disciplines);
 - analysing, synthesising and interrogating musical materials.
- (ii) demonstrate that they are competent in practical musical skills (some of which should be advanced) across the following:
 - Instrumental Performance;
 - Vocal Performance;
 - Keyboard Performance.
- (iii) have experience of music technology in some format (e.g. use of microphones, experience of recording and producing).

It would be expected that all applicants should meet the requirements of (i). Applicants who do not meet the requirements of (ii) or (iii) will have to demonstrate competence through an interview process.

- Agree
 Disagree

Please use this space if you wish to comment further:

The EIS is of the view that engagement with prospective ITE students within an interview context would be amore effective way of evaluating their overall suitability for Music teaching within the profession.

3.11 Psychology

It is proposed that psychology is now included in the Memorandum.

Suggested addition

Applicants are required to have 80 SCQF credits in psychology.

- Agree
- Disagree

Please use this space if you wish to comment further:

4 Broad General Education (BGE)

GTCS is currently considering the creation of a BGE category, in recognition of an increasing number of 3-18 provision and to facilitate transitions. This category of registration will enable BGE (primary) teachers to teach in secondary through the BGE phase and for BGE (secondary) teachers to teach in the primary sector in their specialist subject area only.

The following addition is proposed;

Suggested addition

All BGE (primary or secondary) teachers who wish to teach a specialist subject area must hold 80 SCQF credit points in this specified area.

- Agree
- Disagree

Please use this space if you wish to comment further:

Additional Comments

The memorandum plays an important function within Scottish education as it sets out the minimum expectation for all perspective ITE applicants. If you have comments on any of the areas covered by this consultation or other matters which relate to the Memorandum, please make use of the space provided below.

The proposals within the consultation were considered by the EIS Education Committee who found elements of the wording to lack sufficient clarity in places.

Equality and Diversity

GTCS promotes equality and diversity and we respect and value difference. We want everything that we do to be fair to all individuals and groups.

We want to ensure that all of our policies and services are free from discrimination. For this reason, we are carrying out an equality and diversity impact assessment on the changes that we are proposing to the Memorandum (as detailed above). We are interested in receiving feedback as part of this consultation exercise to help us carry out our impact assessment.

Do you consider the proposed changes will any adverse impact on any group of people, in terms of people with additional support needs, those with protected characteristics, (i.e. age, disability, gender reassignment, pregnancy/maternity, race, religion or belief, sex, sexual orientation and marriage/civil partnership) or other social inclusion issues?

The EIS would wish there to be consideration of reasonable adjustments in the event of applicants with disabilities or additional learning needs.

We would also encourage the GTCS to consider how the proposed changes to the Memorandum of Entry might impact on those from disadvantaged socio-economic backgrounds.

When would the proposed changes take effect?

The revised Memorandum will be available from April 2019 and will take effect for applicants applying for ITE for academic session 2020/21.

Questions?

If you would like to clarify any aspect of this consultation, please contact us at Consultations@gtcs.org.uk

THE EDUCATIONAL INSTITUTE OF SCOTLAND

Impact of Pupils with Social, Emotional and Mental Health Issues: Training and Support for Teachers April 2019

Background

The 2018 AGM passed the following resolution:

"That this AGM call on EIS to demand training and support for all teachers and associated professionals in order to address the impact of the increasing number of pupils with social, emotional and mental health issues being accommodated within schools."

This paper, in referring to pupils' social, emotional and mental health issues, means issues which go beyond what might be classed as 'normal' or typical adolescent experiences and behaviour, which can be challenging at times. Children and young people in Scotland may experience a wide range of social and emotional difficulties, which manifest themselves in different ways. These may include becoming withdrawn or isolated, as well as displaying challenging, disruptive or distressed behaviour, including self-harming, substance misuse, or disordered eating. Sometimes these behaviours reflect underlying mental health difficulties such as anxiety or depression.

Other children and young people may have diagnosed disorders such as attention deficit disorder, attention deficit hyperactive disorder or attachment disorder, although some children and young people may experience social, emotional and mental health issues but have no formal recognition in terms of a diagnosis.

Some of the social and emotional difficulties experienced by young people and the underlying mental health issues that drive them are becoming high profile themes of discussion in the Scottish polity. There appears to be a consensus gathering on the need for intensified efforts to address the prevalence of poor mental health among children and young people in Scotland, and growing awareness of the extent of the problem.

In Autumn 2018, Audit Scotland reported that one in ten children and young people aged five to 16 has a clinically diagnosable mental illness; and that there has been a 22% increase in the number of referrals received by specialist services since 2013/14¹. The issue of building capacity to support young people to develop good social and emotional skills and good mental health has been high on political and public policy agendas; it has also been the focus of significant efforts by the third sector.

In addition, the specific issue of training for teachers on supporting young people with mental health issues has been the focus of parliamentary scrutiny in the last year. A number of pertinent Parliamentary Questions were posed in the Scottish

¹ Children and Young People's Mental Health, Audit Scotland, Sept 2018
http://www.audit-scotland.gov.uk/uploads/docs/report/2018/nr_180913_mental_health.pdf

Parliament during session 2018/19, including a question asked by Edward Mountain MSP (“To ask the Scottish Government what action it has taken in the last year regarding the provision of training for teachers and staff to support pupils with mental health issues”)²; and one asked by Mary Fee MSP (“To ask the First Minister, in light of it being Children’s Mental Health Week, what action the Scottish Government is taking to increase the provision of mental health support for young people”)³.

The role of other professionals was also discussed, for example Anas Sarwar MSP raised a question about occupational therapists (“To ask the Scottish Government what plans it has to increase the number of occupational therapists in schools to help improve mental health provision for children and young people.”)⁴

Caveat

Any training for teachers aimed at enabling them to better support pupils with social, emotional and mental health issues must recognise the limits of the teacher’s role. There will always be a need for qualified and extensively trained mental health professionals to be the lead specialists in this area. There is a clear distinction between ‘normal’ adolescent anxiety (for example about sitting exams) and behaviour to which teachers may reasonably be able to respond, and behaviours linked to mental health which is so poor as to constitute a psychiatric illness, to which they are not and indeed should not. Schools need to be able to signpost pupils about whom they are seriously concerned to e.g. Educational Psychologists and Child and Adolescent Mental Health Services (CAMHS). However, the context of significant cuts to Educational Psychology and CAMHS provision is very concerning. It is the EIS view that children presently have too little access to mental health professionals.

The wider context is that children and young people’s mental health is affected by many factors, including an over emphasis on attainment, on Literacy and Numeracy specifically within the BGE, and qualifications acquisition within the Senior Phase, and too little emphasis on Health and Wellbeing; and current curriculum architecture (with not enough time and space available for activities that promote positive health and wellbeing generally and good mental health specifically). These factors should be addressed in a range of ways.

Actions taken by the EIS

Our demands for training and support for teachers were conveyed to government, Education Scotland and employers, and will continue to be articulated when

² Scottish Parliament Official Report:
http://www.parliament.scot/parliamentarybusiness/report.aspx?r=11934&mode=html#iob_107865

³ Scottish Parliament Official Report:
http://www.parliament.scot/parliamentarybusiness/report.aspx?r=11935&mode=html#iob_107905

⁴ Scottish Parliament Official Report:
<https://www.parliament.scot/parliamentarybusiness/28877.aspx?SearchType=Advance&ReferenceNumbers=S5W-19633&ResultsPerPage=10>

appropriate. We also scoped out what training and support was being planned or offered by central/local government. Further, we met and/or held discussions with several third-sector organisations, namely:

- The Scottish Association for Mental Health (SAMH)
- Support in Mind Scotland
- Mental Health UK
- The Anna Freud National Centre for Children and Families
- The Mental Health Foundation.

The purpose of the discussions with the above organisations was to ascertain what training and support is available for teachers and associated professionals from third sector partners; and to make them aware of our needs in relation to professional learning for teachers.

All discussions were informed by the EIS view that guidance and training for teachers and associated professionals are useful and necessary but not sufficient to address this issue. Thus, the EIS, as well as demanding training has, in a range of fora, and through means such as consultation responses and meetings with key educational partners, persistently made calls for a more holistic approach to ensuring that schools and teachers are better enabled to support young people.

ASN Network perspective

The EIS ASN Network was consulted on the resolution, and offered the view that some programmes which are widely used in schools to address pupils' social, emotional and mental health issues, e.g. 'Seasons for Growth', are perhaps being provided as a cheap form of therapy, which is not their purpose. The programme is useful but should be used appropriately.

Other training that was felt to be useful was that centred on resilience and adverse childhood experiences, and the film 'Resilience'⁵ was also recommended. NHS Scotland had offered training sessions on this topic which were felt to be very good. A number of local authorities are offering such training in schools.

It was reported that the impact of trauma on children was an emerging issue; that some of the pupils who are most traumatised are migrants and asylum seekers; and that teachers themselves can experience vicarious trauma from supporting children who have had particularly difficult experiences. This needs to be recognised. The Rivers Centre⁶ in Edinburgh was noted as a potential source of support. Colleagues in one authority had been trained as 'trauma associates'.

The issue of teachers' own mental health, and their capacity to support young people in difficulty, was raised.

Some members reported taking part in mental health or anxiety management training that they felt to be inadequate, e.g.

⁵ <https://kpjrfilms.co/resilience/>

⁶ <https://services.nhslothian.scot/riverscentre/Pages/default.aspx>

- a one-day course that contradicted some local authority guidelines, and made assumptions about teachers' preparedness to deal with extremely challenging situations, for example, pupils with suicidal ideation, which participants felt were not reasonable
- an anxiety management course which was too basic and focused on low-level anxiety, e.g. around exams, which schools are well used to, rather than emergent issues such as self-harm among highly anxious children, which members wanted more information about (whilst also wishing to be able to direct such children to specialist services and support)
- a half-day 'mental health champions' course, which was also offered to senior pupils (the appropriateness of this had caused members concern)
- a 45-minute suicide awareness training, held in the aftermath of specific incidents within the local authority area, which was felt to be too short.

Members felt that they would need much more support and guidance than the courses offered, and that young people deserve better than access to insufficiently trained supporters. It was also noted that participants were not asked about their own mental health in advance or during the course, in terms of whether they felt able to take part. Sensitivity to what teachers might have experienced outside of school in their own lives appeared to be missing. Concerns about the efficacy of cascading training using a 'train the trainer' model were also raised.

Members suggested that 'mental health first aid' may be a misnomer as it implies low-level incidents as opposed to life and death situations; mental health illnesses were felt to be very serious, and something that teachers cared passionately about but wanted to raise with pupils in ways appropriate to their professional role.

EIS Professional Learning

The EIS, through its Network of Union Learning Representatives, and through partnership with Scottish Union Learning, offers professional learning to members on these matters. For example, we have recently provided courses on 'Additional Support for Learning: Social, Emotional & Behavioural Needs' and on 'Developing Awareness of Young People's Mental Health Needs', which were fully subscribed.

Scottish Government Developments

Developments regarding support for teachers around pupils' mental health issues were scoped out by the Education and Equality Department. The Scottish Government launched a new 10-year mental health strategy in 2017, which included various actions relevant to schools, including:

- Review Personal and Social Education (PSE), the role of pastoral guidance in local authority schools, and services for counselling for children and young people.
- Roll out improved mental health training for those who support young people in educational settings.
- Commission the development of a matrix of evidence-based interventions to improve the mental health and wellbeing of children and young people.
- Determine and implement the additional support needed for practitioners assessing and managing complex needs among children who present a high risk to themselves or others.

- Fund improved provision of services to treat child and adolescent mental health problems.

The 2018/19 programme for government⁷ included:

- Ensuring that, by the end of academic year 2019-20, every local authority will be offered training for teachers in Mental Health First Aid, using a 'train the trainer' model to enable dissemination to all schools.
- Providing counsellors in schools – around 350 counsellors will be created. The details of this programme are not yet available. (The EIS notes that there are 359 secondary schools in Scotland so this is not quite one counsellor per school, and that 350 counsellors equates to one per 806 pupils, although the way that counsellors is allocated will affect the counsellor to pupil ratio in any given area. There are also questions about how sustained this will be; the funding is for 4 years initially. There are also concerns about focussing on secondary schools, given that earlier intervention can prevent issues worsening over time.)
- Recruiting an additional 250 school nurses by 2022, which Scottish Government says, "will help provide a response to mild and moderate emotional and mental health difficulties experienced by young people in the form of local help available immediately".

In relation to a parliamentary question about trauma-informed practice, the DFM has drawn attention to Education Scotland guidance for schools on nurturing approaches, and to Education Scotland developing "additional career-long professional learning resources on trauma-informed practices".⁸ New guidance on nurturing approaches is welcome, as the EIS supports schools being enabled to offer a more nurturing environment, but we would note that such approaches need to be well resourced. While PEF funding should offer opportunities to develop such approaches, we are mindful that this is short-term project funding.

Third sector offers

Mental Health Foundation

Early conversations took place between Assistant Secretary Andrea Bradley and Mental Health Foundation Policy Officers. They may develop self-assessment tools for young people, and are also thinking about teacher health and wellbeing, but are in the early stages of planning.

Scottish Association for Mental Health (SAMH)

⁷ Programme for Government 2018/19: <https://www.gov.scot/publications/delivering-today-investing-tomorrow-governments-programme-scotland-2018-19/>

⁸ Scottish Parliament Official Report: http://www.parliament.scot/parliamentarybusiness/report.aspx?r=11934&mode=html#iob_107861

SAMH were keenly interested in discussing training needs with the EIS. In 2018 they conducted a survey of school staff on training needs, and just over 3,000 responded, an unprecedented level of response to a SAMH survey and found that

- 66% of teachers who responded to the survey did not feel they have received sufficient training in mental health to allow them to carry out their role.
- Only a third of respondents said their school had an effective way of responding to pupils experiencing mental health problems.
- Only one in 100 respondents recalled doing detailed work on mental health when they were student teachers.

The survey formed part of an ongoing campaign to get more support for young people with mental health issues, 'Going to Be Well Trained'⁹. Their position is that all school staff should be trained.

National Officer Jenny Kemp met with two SAMH staff in early 2019 to discuss all of the above. They have developed a free online e-learning resource about mental health, to be launched early in 2019, which they are calling "a start" in terms of meeting teachers' professional learning needs. They agreed to keep the EIS updated on this. It should take a teacher about 2 hours to complete, and at present SAMH intend for it to include content such as:

- we all have mental health
- looking after your own mental health
- a teacher's role and the duty of care
- GTC standards and mental health
- Curriculum for Excellence and mental health
- general info about specific issues (anxiety, panic attacks, depression, eating disorders, suicide)
- young people's stories
- links to further information.

The e-learning has been designed to be suitable for both primary and secondary teachers, but is more targeted at secondary in terms of language. A teacher was involved in developing and testing the content.

SAMH shared some concerns about the roll out of Mental Health First Aid (MHFA) training as this is an expensive model because it is licensed, and is perhaps not focused on open and general conversations about what mental health is, but is more reactive. It is also a two-day course, which may pose issues for teachers while there is a cover crisis. They are planning to closely scrutinise the implementation of local authority led MHFA training.

Support in Mind Scotland/Mental Health UK

National Officer Jenny Kemp held tripartite discussions with the Head of Young Person's Programme for Mental Health UK and with a Project Lead at Support in

⁹ <https://www.samh.org.uk/get-involved/going-to-be/well-trained>

Mind Scotland, who are looking at developing a new young person's programme, with a 14-18 focus, for delivery within schools. There will be a component for teachers. They reported that the biggest need is teachers requesting support. They are seeking to build resilience in young people around key transition points; and have been holding roundtable meetings to explore the issues. They stated that "teachers' own resilience is an issue" and noted that although there are lots of toolkits out there, there is still much progress to be made.

Anna Freud Centre

National Officer Jenny Kemp spoke with the Project Manager for 'Mentally Healthy Schools' at the Anna Freud Centre, a London based children's mental health charity that approached the EIS for advice. The Anna Freud Centre has been working with Place2Be and YoungMinds, with funding from the Royal Foundation, on a relatively new website, Mentally Healthy Schools (www.mentallyhealthyschools.org.uk) which was launched in March 2018, targeted at Primary teachers in England.

They hope to make it relevant to devolved nations and to secondary schools, and were seeking advice on the current mental health landscape in Scotland and the usefulness of their website as it stands. The website would need quite a number of changes to make it relevant to Scotland, and more easily navigable. They offered to keep us updated on developments as their scoping continues.

Recommendations

1. Local Association Secretaries are recommended to raise in local negotiations on professional learning and around pupils' and students' mental health, the demand for training and support for teachers in order to address the impact of the increasing number of pupils in schools with social, emotional and mental health issues. Local Association Secretaries may wish to explore the possibility of such professional learning being organised through Regional Improvement Collaboratives.
2. Local Association Secretaries are recommended to query with Local Authorities how Mental Health First Aid training is being provided, and to whom.
3. Members are recommended to note the training and support offered by the third sector and, within the terms of their contractual obligation to undertake continuing professional learning, may wish to avail themselves of any relevant opportunities to take part in professional learning, including e-learning on mental health.
4. The EIS should continue to advocate at a national level for training and support for teachers on social, emotional and mental health issues, including in discussions with key educational partners and the Scottish Government; and should continue to advocate for educational provision that enhances pupils' health and wellbeing and promotes positive mental health.

5. The EIS should consistently raise the need for initiatives aimed at supporting young people's social, emotional and mental health needs, e.g. the provision of school counsellors, to cover children in early years settings and primary schools as well as secondary schools, to ensure that any emerging mental health issues are addressed as early as possible.
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Educational Institute of Scotland
Review of SQA Alternative Assessment Arrangements
April 2019

Background

The 2018 AGM passed the following resolution:

"That this AGM request Council to undertake a review of current SQA alternative assessment arrangements to ensure that they are equitable, fair and fit for purpose in the 21st Century and request that Council work with the SQA on poverty proofing all SQA qualifications."

The Education Committee agreed to a range of actions to process this resolution, including examining existing SQA documentation related to alternative assessment arrangements (AAA); consulting the ASN and the HT & DHT Networks; seeking the views of the Poverty Working Group of the Equality Committee; and raising at EIS-SQA and SQA Equality and Inclusion Key Partners meetings. Accordingly, these issues were raised in the appropriate fora throughout the session.

Context: Changes to NQs and rising demand for AAA

Recent changes to NQs, and the impact on candidates with ASN

In its Equality Impact Assessment of changes to the National Qualifications (the removal of National Units as part of the assessment for Higher qualifications, and the decision to extend Higher question papers and/or coursework; or introduce a new question paper and/or new coursework) SQA noted that there could be an impact on learners with disabilities. They stated:

"Some disabled candidates who require extra time in their examinations may find the increase in the question paper examination time, and therefore their total examination time, more challenging and they may experience fatigue over the longer examination time. For example, candidates with severe physical and severe visual difficulties may have problems in maintaining stamina. Candidates who have difficulties in concentrating for extended periods may have problems in maintaining focus and have difficulties in demonstrating their attainment. Other disabled candidates such as those with mental health difficulties or emotional and behavioural difficulties may find the longer examination experience overly stressful leading to increased anxiety which could negatively impact on their ability to demonstrate their attainment."

In this context, learners having access to AAA is increasingly important. In terms of mitigating these effects, SQA stated that:

"It is hoped that the decision to split some of the examinations into two separate question papers, with a break in between, might go some way to mitigate the negative impact. Careful consideration of the amount of extra time being requested for individual candidates and further consideration being given as to whether there are any other more appropriate assessment arrangements such as using ICT and/or assistive technologies or the inclusion of rest breaks may also mitigate the negative impact. To this end, SQA has enhanced its current guidance on the use of extra time to reflect the need for careful consideration of the impact

of extra time on the total length of the examination. SQA recognises that reasonable adjustments or assessment arrangements may be incapable of mitigating all of these potential negative impacts entirely."

Rising demand for AAA

It is also worth noting, when considering context, that the total number of Assessment Arrangement requests for diet 2018 was 58,655, submitted on behalf of 18,487 candidates. This represents a significant increase of 5,908 in the total number of requests (up 10.1%) and 1729 candidates (up 9.4%) on the previous year. This continues the trend of rising numbers over the last couple of years. This may suggest that candidates needing AAA are being better identified, in some centres; or it may simply reflect the growth in the number of disabled learners and learners with identified ASN in mainstream education. It may still be the case that while more requests are being made, some children with ASN who would be entitled to AAA are not getting access to them.

A consequence of the rising demand for AAA has been an increase in the level of associated bureaucracy whereby applications for AAA for students must be made for each student for each individual qualification being undertaken within an exam diet and for the same subject in any subsequent year should a candidate progress to a higher qualification level.

There is also an issue with schools' physical capacity to facilitate AAA –members have reported difficulties in identifying suitable space for children using scribes or readers during exams for example. In one case a child was sitting an exam 'in a glorified cupboard' due to lack of space in the building.

The EIS has queried the rationale for such an approach and highlighted the workload implications for teachers of there having to be subject by subject, year upon year application and collection of evidence to justify applications, for additional assessment arrangements, for young people who have recognised needs.

The EIS has suggested the adoption of a more common-sense, less workload intensive approach, whereby if a young person's additional support need presents a barrier in a particular skill area, evidence of that could be applicable across subjects. This would reduce the risk of a young person missing out on their entitlements as a result of excessive and unnecessary bureaucracy. Thus far, there has been reluctance on the part of the SQA to adjust the requirements that they set in this regard though their approaches are reviewed annually.

Current SQA alternative assessment arrangements

Currently, SQA offers a range of AAA, including extra time, assistive technologies, scribes and readers, and different types of scripts, including on coloured paper or having large print. The number of AAA requests made in 2017 and 2018 are detailed overleaf.

AAA requests made in 2017 and 2018 (Data source: SQA)

Arrangement	No of AA Requests per arrangement	
	2017	2018
Adapted Cert	56	84
Braille	20	27
Calculator	229	253
Candidate Responses Signs	20	32
Coloured Paper	2,340	3,437
Digital Question Papers	5,888	6,662
Enlarged Print Question Papers	1011	1,143
Extra Time	41,622	45,087
Modified Content	286	401
PA Referral	63	56
Prompter	2,045	2,207
Question Paper signed to candidate	36	48
Reader	8,432	9,564
Rest Period	3,612	4,356
Scribe	5,447	5,818
Separate Accommodation	31,872	36,209
Transcription with correction	609	666
Transcription without correction	404	335
Use of ICT	14,710	16,579
Live Presentation	22	37

By far the most commonly requested AAA is extra time (over 76% of all requests); the number of requests for extra time continues to increase year on year. (NB: SQA is currently undertaking research that aims to review other UK Awarding Body practices regarding extra time.)

The types of ASN leading to requests for AAAs were as set out in the table below.

Difficulty	2017		2018	
	Request	% of total AAs	Requests	% of total AAs
Dyslexia	19,947	37.8%	21,858	37.3%

Other Specific Learning Difficulty	6,713	12.7%	7,096	12.1%
Physical Health Problems	5,038	9.6%	5,372	9.2%
Physical or Motor Impairment	2,761	5.2%	2,666	4.5%
Learning Disability	537	1.0%	411	0.7%
Autistic Spectrum Condition	4,503	8.5%	5,027	8.6%
Other Moderate Learning Difficulty	3,160	6.0%	3,986	6.8%
Social Emotional Behavioural Difficulty	2,838	5.4%	3,327	5.7%
Visual Impairment	1,987	3.8%	2,183	3.7%
Language or Speech Disorder	287	0.5%	404	0.7%
Mental Health Problems	4,244	8.0%	5,572	9.5%
Hearing Impairment	549	1.0%	599	1.0%
Deaf	150	0.3%	110	0.2%
Blind	17	0.03%	31	0.05%
Deaf/blind	16	0.03%	13	0.02%

SQA reported at the Equality and Inclusion Key Partners' Group that it undertook an annual review of policy, guidance, processes and procedures related to the provision of AAA in Diet 2018 during September 2018 to identify areas for improvement and agree actions to be implemented for Diet 2019.

This included: statistical analysis of AAA data to identify trends in provision; a review of processes relating to the provision of adapted question papers to address the high number of late requests; development of guidance around optionality in certain braille question papers; the need for refreshed guidance on appropriate provision for candidates who have English as an additional language (EAL); and user issues relating to the Assessment Arrangements Request (AAR) system software.

SQA has reported that quality assurance of AAA was included on the agenda for Schools and College SQA Coordinators events held in June 2018, and that the key issues and concerns raised at these events included issues around centre resource implications, the increase in number of AAA required for candidates experiencing mental health difficulties and the need for system improvements to the Assessment Arrangements Request software. A Short Life Working Group is currently exploring these issues.

When AAA were discussed by the Equality and Inclusion Key Partners Group in October 2018, members of the group expressed the view that AAA were too difficult to obtain for many learners; that there should be more mapping of AAA against SIMD data and keener awareness of the link between deprivation and ASN; and that Education Scotland could play a more active role in supporting the

sector to make use of AAA and scrutinising variations in their use e.g. through a thematic inspection.

There was also discussion of the significant changes in requests, with it being noted that requests from blind students were up 82.4% (2017 to 2018); requests relating to language and speech difficulties were up 40.8%; requests relating to mental health problems were up 31.3%; requests for AAA for learners with moderate learning difficulty were up 26.1%; and requests relating to social and emotional behaviour were up 17.2%. In this context it was felt that more needed to be done to support centres and teachers, as they were clearly working with a learner population with significantly complex and rising needs.

There was discussion of variability in centres' approaches. One member shared concerning anecdotal evidence of a school stating during inspection that they don't generally apply for AAA because they are meeting the children's needs so AAA are not required, and noted that it had reportedly only applied for AAA for two pupils. This showed the need for more professional learning and more support from the local authority. It was noted that local authority personnel who can support schools in applying for AAA change frequently, and many QIO and other support posts at the centre have been cut during austerity budgeting.

On ICT provision, it was noted by the group that authorities' approaches to buying hardware e.g. Chromebooks, iPads etc, and software, e.g. MS Office, varies considerably, which poses another challenge in setting up AAA.

The group expressed its wish for more information for candidates on AAA and noted the development by SQA of a new candidate guide.

Members' views

We consulted the EIS Headteachers' and Depute Headteachers' Network, the EIS Additional Support Needs Network, and discussed with members of the Equality Committee. Their comments were as follows:

ASN Network

- There is a disparity at present in arrangements for EAL learners; SQA guidelines allow 10 minutes per hour for dictionary use but that's not what they need the time for; students need processing time; there is very little evidence that having a dictionary makes a difference, as a pupil may not be literate in their home language or their home language might not have a dictionary; this favours higher status languages.
- Some teachers may encourage EAL learners to look at the dictionary on their desk occasionally even if they don't need it, just to ensure that they get the extra time they need.
- AAA for dyslexia assume that children have access to a home computer.
- Not all subjects have Digital Question Papers that work well.
- It is more and more difficult to provide ICT in schools.
- There is a reliance on readers and scribes, but these are not always available.

- Some children have such specific needs that SQA don't know how to help them, e.g. a child with cerebral palsy with limited motor skills but who was cognitively able for whom they were unsure what to offer.
- SQA seem to cite 'the integrity of the exam' often when faced with requests for AAA that are perhaps not the norm.
- There are wider questions about the purpose of exams, and of qualifications, in terms of what meaningful destinations they lead to; and whether we could assess skills and knowledge differently; although sometimes for young people with ASN getting a qualification can be important in itself.
- AAA are easier to arrange if there is a mix of qualification types and assessment arrangements, and not all children are sitting exams.

HT and DHT Network

- Some young people who are most vulnerable as a result of having additional support needs and/or living in poverty have very long exams, e.g. 3.5 hours for a Higher, which is concerning.
- For young people with additional support needs who receive extra time, the extended duration of exams is particularly challenging. In some cases, this can be for as long as four hours for one exam.
- Where the timing of an exam continues beyond the length of the school day, this can pose challenges for securing reader and scribes and for young people's travel home. For young people living in poverty who are entitled to free school travel as a consequence of distance, affording alternative travel home from school is problematic.
- The continuance of exams past the end of normal school hours poses difficulty, also, for young people who act as carers at home.
- The extended duration of exams is also concerning in terms of hunger. Young people from poor homes frequently arrive in school without having eaten breakfast, or indeed a nutritious evening meal the previous day. Exams scheduled for several hours in the morning are likely to be particularly disadvantageous to young people who are experiencing hunger, therefore. While some schools have sought to mitigate this disadvantage to some extent through the provision of breakfast clubs and alternative arrangements for travel, difficulties remain for some young people.
- Concern was expressed, also, about young people who have additional learning needs and/or who are coping with the impact of poverty sitting two exams on one day, resulting in intensification of the issues already outlined and potentially resulting in greater anxiety and stress for the young people affected.
- The introduction of written papers in some subjects e.g. technical studies may be problematic as it places undue stress on a group of young people who as a consequence of socio-economic disadvantage, are likely to experience difficulties with literacy and therefore face additional disadvantage when required to demonstrate their learning by writing responses to a written question paper, under strictly timed exam conditions.
- There does not appear to be 'equity of application' for AAA. Members of the Network had a clear perception that parental demand in affluent areas for their children to be granted AAA, far outstrips that in poorer areas.

EIS Equality Committee

Members of the Equality Committee echoed concerns about the equality impact of the lengthening of some exams.

The Committee welcomed aspects of the SQA's equality impact assessment and some actions by the SQA to address the needs of vulnerable groups, for example, Looked After Children who are not charged a fee for the issue of replacement qualifications certificates. This exemption should include young people living in the lowest SIMDs and who are entitled to free school meals.

The Committee reiterated dissatisfaction at the requirement for students of National 3 and 4 English and Maths to sit discrete qualifications in Literacy and Numeracy in order to have full certification in these levels. Such additional qualifications are not required of students undertaking English and Maths courses and National 5, Higher or Advanced Higher in which Literacy has been stated by the SQA to be 'embedded'. In general, National 3 and National 4 qualifications are more frequently accessed by those young people from poorer backgrounds who already experience disadvantage in terms of their outcomes in numeracy and more markedly in literacy. A disproportionately high number of young people living in poverty also have additional support needs yet are required to evidence their skills in literacy and numeracy across two qualifications as opposed to one for those whose level of disadvantage is generally less.

Poverty proofing all SQA qualifications

The EIS in a submission to the Education and Skills Committee Enquiry into the experiences of school aged children experiencing poverty, highlighted the issue of cost barriers to young people's access to qualifications, which arise as a result of school/ local authority policy. For example, the practice of charging Secondary school students for ingredients for cooking in Home Economics classes and for materials in Art continues in some schools, with some families accumulating 'debt' to the school because they are unable to pay. Not only does this carry stigma for the young people affected, it discourages them from choosing certain subjects for further study because they are aware of the associated costs and their family's inability to meet them. The EIS has written to local authorities, MSPs and Scottish Government in the past year, requesting that each plays their part in addressing such inequality within what is supposed to be a system of comprehensive education offering equal opportunity for all to participate and succeed, including in national qualifications.

In terms of the SQA's role in poverty-proofing its qualifications, key areas for joint working identified in the course of this investigation are:

- The relationship of socio-economic deprivation to incidence of additional support need
- Equity of access to AAA for more and less affluent students
- The equality impact of assessment changes for candidates who experience poverty
- Exemption from charging for duplicate certificates for young people experiencing poverty

- The omission of Literacy and Numeracy from National 3 and 4 English and Maths qualifications.

Members may wish to note that SQA reported at a 2018 meeting of the Equality and Inclusion Key Partners Group that it offers an SQA Academy Course on 'Designing Inclusive Assessments', and a guidance document on designing inclusive assessments. From September 2017 to September 2018, a range of Higher Specimen Question Papers were subject to an additional equality review as part of SQA's evaluation work, to ensure that question papers were designed to be as accessible and inclusive as possible to all candidates, and the needs of candidates who are socio-economically disadvantaged and/or care experienced were considered in this review wherever possible. The review involved discussion with subject Qualification Managers and subject Implementation Managers.

Conclusions

Additional Support for Learning legislation creates a right for young people to the appropriate additional support when needed. The way in which alternative assessment arrangements are offered should be supportive of this right.

Investment in ASL provision, which has been steadily eroded over recent years, against a backdrop of rising need, has meant there are fewer teachers and other local authority staff with sufficient specialism to be able to advocate for and secure the right assessment arrangements for young people. Both the Scottish Government and local authorities should make concerted efforts to invest in ASL provision to ensure that education services truly can 'get it right for every child' as the policy promises, including with regards to establishing the most suitable assessment arrangements.

The EIS will raise the issues emergent from this investigation directly with the SQA, urging that they continue to review alternative assessment arrangements, and ensure that they are equitable, fair and fit for purpose; and will seek to work with the SQA to mitigate the impact of poverty on young people's engagement with National Qualifications.

THE EDUCATIONAL INSTITUTE OF SCOTLAND

Education provision for children and young people recovering at home from long-term illness, or serious injury and subsequent treatment May 2019

Background

The 2018 AGM passed the following resolution:

"That this AGM call on Council to investigate and report on the education provision for children and young people recovering at home from long-term illness, or serious injury and subsequent treatment."

A detailed freedom of information request was issued to local authorities subsequent to the AGM, and the data received was reviewed by the Education and Equality Department.

We asked:

1. Does your Local Authority have a discrete provision to accommodate home tuition specifically for school-age children and young people recovering at home from long-term illness or serious injury, e.g. a Hospital and Outreach Teaching Service, Interrupted Learning Service, or similar?
2. If so:
 - How many teaching staff members (FTE and number) are in the team providing the service?
 - How are schools made aware of the service?
 - Can a parent request the service on behalf of their child?
 - How many hours of teaching per pupil does the service offer?If not, what, if any, are the alternatives?
3. What subjects are taught to children and young people recovering at home from long-term illness or serious injury and how many hours of teaching for each subject do they get?
4. Is time allocated within teachers' contracted class contact time to provide this service?
5. Are there any IT provisions available to teachers to assist with tuition in the home environment of children and young people recovering from long-term illness or serious injury?
6. Are there any school-age children and young people recovering from long-term illness or serious injury in your authority who are receiving no educational inputs from the authority, and if so how many?

Responses were received from 24 local authorities. The answers were often provided in lengthy narrative form with qualifiers and explanations, meaning that simple comparisons/averages etc. in terms of the offer to young people were not able to be identified.

Summary of findings

The general picture in Scotland as regards education provision for children and young people recovering at home from long-term illness, or serious injury and

subsequent treatment, appears to be mixed, with considerable variability across authorities.

Discrete provision?

- More responding authorities have some kind of provision for this cohort of young people than those who do not (13 who said they have discrete provision versus 11 who answered no) but there is a wide variation in approaches. The approaches include:
 - provision for home and hospital tuition within area ASN budgets
 - the ASL service having discrete provision for school-age learners on a school roll who are too unwell to attend school, if verified by a Community Paediatrician
 - a Home/Hospital service
 - the locality model whereby schools can make a request to the Principal Teacher Locality through a staged intervention process
 - requests made via the Additional Support Needs Forum and then approved by Head of Service, with staff who are willing to provide support then sourced.
- Some of the authorities who do not have a discrete provision for this cohort nonetheless have arrangements to meet their needs e.g. a Supporting Learners Service; a 'long-term process'; tuition provided by teachers from within the pupil's school, outwith school hours.

How services are publicised

- Schools are made aware of the service via a wide range of means including:
 - information in parents' guides to education services
 - engagement on a case by case basis
 - publicity on GLOW
 - locality staff
 - an Educational Standard Circular on 'Education of children unable to attend school due to ill health'
 - QIO sharing information with schools
 - training for pastoral care teachers during an in-service day
 - Named Person Service Directory
 - Inclusion and Wellbeing Service webpages on local authority website
 - ASL training for schools
 - School Bulletin
 - HT and Guidance updates
 - phone and email advice from ASN service
 - service circulars from Children's Services
 - ASN blog.
- One authority reported that schools are "aware of the process for accessing Home Tuition as this is a long-standing practice."

Staffing levels

- Thirteen authorities provided information about the staffing levels of services for this cohort of young people.

- Staffing varied considerably, from 0.5 FTE Home/Hospital Support and Liaison, to a team of 11 staff covering 10 FTE posts, and one authority with 2 FTE and 8 sessional staff.
- Two authorities had one full-time post for this work, and one specified that it had one FTE employed as a Hospital Teacher but a different model for home teaching.
- One authority reported that it had no specific team but that it did have 1 FTE “who is engaged with more home support”.
- There were different models cited for teaching at home versus in hospital:
 - using current staff members
 - using subject specific tutors on an individualised basis at times
 - teachers on the general supply or schools’ own staff who are paid an additional sum for providing this service
 - using sessional staff
 - teachers within the wider ASL team, beyond the specific Secondary subject specialists/Primary teachers, allocated to medical outreach learners as the Medical Team does not have capacity to meet demand
 - Commissioned Tutor Service
 - school staff undertaking the role as additional hours.
- There was a fair degree of variability between seemingly comparable authorities, e.g. two large urban authorities with similar population size had very differently sized teams for this work; one having 11 FTE and one having 5.1 FTE.

Access via parental request

- In general parents had a role to play in requesting access to this service, but in partnership with the school, and usually via the staged intervention process in which the parent would be involved. The responses to this aspect were fairly consistent.
- Only one authority said that parents could not request access to home teaching, as requests came via the pupil's school.

Hours of teaching

- There is considerable variability in how much teaching young people recovering at home from illness or injury are offered.
- Several authorities commented that the allocation is dependent on factors such as the age/stage of the child and the severity of their illness, and also referenced issues such as distance from school, ASL capacity, and the wider package of support associated with e.g. the Team Around the Child.
- The maximum in three authorities is seven hours per week.
- The maximum in one authority is six hours per week.
- One hospital offers a full secondary school timetable of seven 45-minute periods and encourages pupils to attend full days if they are well enough.
- Only four authorities told us with a degree of specificity on average how many hours' teaching young people in this cohort are getting per week:
 - One authority offers an average of 5 hours per week
 - One authority offers on average 2 hours per week for up to 12 weeks, when an updated assessment of needs is then conducted
 - One authority offers 3-4 hours per week
 - One authority offers 1-3 hours per week.
- One authority referenced a blended approach, where a learner is 'managing a bit of school' and might also get one home session a week (a session appears to be up to 1.5 hours).
- One authority discussed a possible approach to a senior phase learner sitting SQA exams, who would get two sessions per week of up to 1.5 hours i.e. a maximum of three hours, but said it always depends on need and on ASL capacity.
- It seems that there may be a postcode lottery of provision, with some children being entitled to up to seven times as much teaching as others, depending on where they live.
- No authority is offering more than 7 hours per week of teaching at home to this cohort of children and young people; in most situations full-time education refers to 25 hours of education per week, so children recovering from illness or injury appear to be getting about one third of the time they'd

have in school, but in a one to one setting, which they would be unlikely to receive in school.

- Interestingly only one of the thirteen authorities who commented on hours mentioned Scottish Government guidance.

Alternatives to a discrete service

- Various alternatives to a discrete service for educating children at home due to long-term illnesses or injury appear to be in use across Scotland.
- Some rural authorities use hospital education services for their young people when the children are receiving medical treatment in a hospital outwith their home authority then use peripatetic support staff when the children return.
- One authority said this support was provided by the NHS, and that it has an outreach service where the illness is not long-term.
- Two authorities have created a register of teachers willing to provide home tuition (paid at an hourly rate).

Subjects taught at home

- Most responses said the plan for each child was bespoke to their needs, and would depend on their health, energy, learning needs etc.
- Nine out of 23 respondents to this question referenced prioritising English and Maths/literacy and numeracy; and two of those nine referenced Health and Wellbeing as also being a priority.
- Two authorities specifically noted that if a young person is in the senior phase the subjects taught will be informed by their course choices.
- One authority referenced schools providing additional work that can be completed independently and delivered/collected by an Area Inclusion Officer or equivalent; likewise two referenced subject input where the materials are provided by the mainstream school.
- Some respondents noted that it can be difficult to get subject specialists, with one saying, "Unfortunately we cannot offer specialist teaching in the wider secondary curriculum as we don't have the qualified staff".
- Only four responses specifically mentioned subjects other than English and Maths:
 - one authority offers teaching in most curricular areas, in keeping with the BGE, to S1-3; N4 English, Maths, History, Biology, Chemistry and Geography; and N5 English and Maths
 - one authority referenced social subjects and ICT
 - one authority reported having a list of volunteer supply teachers which includes teachers of Science, Art, Spanish, Chemistry, Modern Studies, PE, History, Geography and Photography.

- one authority reported that arts and crafts to simulate play is common; and that French, Modern Studies, and Media Studies have been offered, with supporting work issued from schools.
- In general, the offer appears to be fairly limited across most authorities, with a focus primarily on English and Maths, and some subjects not mentioned at all (e.g. Music, RMPS, Computing Science).

Time allocated to provide the service

- Responses varied, with three authorities replying yes, that time is allocated within teachers' contracted class contact time for providing this service; but most noting that the service is separately funded and organised.
- Some referred to 'after-school provision' on supported study rates/an hourly rate outwith their contracted time.
- Three authorities said that responsibility for this matter is devolved to school management and planned at school level.
- One authority noted that its outreach teachers are not class committed.

IT provision

- Most authorities referred to ICT being provided if appropriate/as necessary and available but gave little detail. For example, one reported that "IT equipment can be provided if required".
- Where more specifics were provided these related to the use of:
 - 'Google Classroom' (two authorities)
 - an AV1 'No Isolation' robot (one authority)
 - video conferencing, for a pupil on a remote island (one authority)
 - iPads with a variety of apps (four)
 - Chrome books/laptops (five)
 - GLOW, for accessing resources and work (three)
 - e-sgoil, for pupils accessing lessons at home (two)
 - Skype (one)
 - a Virtual Learning Environment (one)
 - Online resources such as Scholar and BBC Bitesize
 - Show My Homework (two)
 - Dictaphones (one)
 - Flash drives (one)
 - Video cameras (one)
 - Microsoft Teams (one)
 - Class Dojo (one).
- One respondent said there was no specific training (although the question had not asked about training, the lack of support to use ICT with this cohort of pupils is worth flagging).

- One authority said this is being explored as part of a digital learning project, and another spoke of trials using different digital platforms such as DropBox and Face Time.
- One respondent said this was the responsibility of individual schools.
- Four authorities provided detailed responses, indicating a high degree of commitment to using ICT for home learners. One of those was predominantly rural and the other three could be described as semi-rural.

Is anyone missing out?

- One authority said yes, they were aware of one young person who was not well enough to receive educational input; and another two said they were aware of young people receiving treatment who were too ill/not physically fit enough to undertake meaningful learning activities; one said these young people would be seen by the Home Visiting Teacher when professionals working with them deemed this appropriate.
- One authority reported that “as the needs of the young person are determined on an individual basis, it may be that, at an appropriate time, no educational input is made for a period of time” but stated that this will be under regular review by the school.
- One authority has three pupils on the waiting list to receive tuition; this was the only authority to reference children not receiving education for capacity reasons and not health reasons.
- Fifteen authorities said there were no young people who were not receiving education due to illness or injury; and of these, five added a qualifier such as ‘so far as we are aware’ or ‘to our knowledge’.
- Three authorities said this information was not held centrally.
- One authority referred to the responsibility on schools to accurately record attendance and SEEMIS codes and noted that no pupils have been recorded with a particular code (SEP) but that three have a medically certified reason for non-attendance.
- Several authorities said that due to their being covered by Additional Support for Learning legislation and/or schools being aware of how to apply for and organise home tuition, there *should* not be any pupils who were not receiving any educational inputs from the authority, but did not quite go so far as to say there were definitely no children receiving no inputs in their area. One referred specifically to its statutory duty to make special arrangements for children unable to attend school for health reasons.
- One authority advised that it had young people receiving treatment and thus education outwith the area e.g. most child cancer patients are treated in Edinburgh.

- Overall it appears that most authorities believe they are providing some education to children recovering from long-term illness or serious injury with only one not doing so for capacity reasons; but the tenor of answers suggested perhaps some complacency and a trust that no child falls through the cracks of ASL/Interrupted Learner systems.

Members' views

We also consulted the EIS Headteachers' and Depute Headteachers' Network and the EIS ASN Network about the resolution. Their comments were as follows:

- outreach education services in some areas are perceived as hard to access with barriers such as a complicated paper-based referral process
- some authorities are using Skype to offer home teaching
- one authority offers online maths tutoring for schools to purchase, with good dialogue between schools and tutors
- one authority is using the 'Show My Homework' app to post work online if a young person is unable to go to school, but this depends on the individual circumstances of the young person in question
- one authority has an Interrupted Learners' Service, which offers home visits - this service has experienced cuts recently
- some authorities have Home/School Partnership Officer posts
- there has been an increase in home schooling more generally
- some young people may be at home long-term because of mental health illnesses
- one authority has a team for this provision which has reduced over recent years
- provision sometimes comes down to the pupil's school knowing what it's possible to provide
- a member of the ASN Network had been involved in this kind of provision for a pupil in their own class, and had visited the pupil's home after school twice a week and been paid extra for this arrangement, which was not part of their Working Time Agreement
- the service will very much depend on what a child is recovering from and how able they are to learn
- one authority with a medical outreach team has experienced "massive cuts" and now has very limited scope, only being able now to teach within hospital school rooms and not at home; and because the service exists the authority has no budget to pay for teachers to do home visits
- one member of the ASN Network was aware of a pupil on the autism spectrum with mental health issues, and that the authority had provided teachers who visited them during the school day
- many parents don't ask for this provision
- teachers going out to see a child after a school day, having worked for a full day, perhaps arriving at the child's home at 5 or 6pm, may not always be the best thing for the child; are the needs of the child fully taken into account?
- the service in at least one area appears to be volunteer-led, not child-led
- teachers' class contact hours specified in contract must be adhered to
- there is concern about the breadth of subjects offered at home, especially to secondary pupils
- IT shortages exacerbate the issues faced by these pupils

- the home learning environment might not always be safe or appropriate; the Interrupted Learner Service in one authority commented on a case whereby a learner had no table to work at in the home.

Conclusions

From the information provided both by local authorities and by members we can conclude that there is significant variability in the education provided to children at home after illness or injury across different local authorities, in terms of:

- whether or not a discrete service exists to meet their needs
- whether education is provided during or after the school day
- the number of hours of teaching offered
- the subjects offered
- the ICT support/tools used.

The UN Convention on the Rights of the Child art. 28 provides that children and young people have the right to education no matter who they are; it obliges state parties to “recognize the right of the child to education” and speaks of the need to achieve this right “progressively and on the basis of equal opportunity”.

Education legislation in Scotland provides that education should be flexible to fit individual needs, be tailored to 'age, ability and aptitude' (Education (Scotland) Act 1980) and should develop the 'personality, talents and mental and physical abilities of children and young persons to their fullest potential' (Standards in Scotland's Schools etc. Act 2000). Additional Support for Learning legislation creates a right to additional support when needed, e.g. because of illness or injury.

It appears that more efforts could be made by local authorities to meet the educational needs of young people recovering from long term illness or injury at home. Revising of national guidance¹ may also be useful, as while we understand why each case will have to be treated on its own circumstances, the variations reported suggest some prescription may be prudent. Dissemination of existing guidance in the interim, as this was not generally known about by ASN Network members, also would be helpful.

However, what would make the most difference would be sufficient investment in ASL provision, which has been steadily eroded over recent years, against a backdrop of rising need. Both the Scottish Government and local authorities should make concerted efforts to invest in ASL provision to ensure that education services truly can 'get it right for every child' as the policy promises.

The EIS should continue to take all opportunities to advocate for better resourcing for ASL provision.

We also recommend that Local Association Secretaries raise the issues arising from this report, as appropriate to their local context, in local negotiations on educational provision for children who require additional support for learning.

¹ *Education of children unable to attend school due to ill health: guidance*, Scottish Government 2015. <https://www.gov.scot/publications/guidance-education-children-unable-attend-school-due-ill-health/>

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Forward Planning and Assessment Practices

The 2018 AGM passed the following Resolution:

"That this AGM instruct Council to investigate and report on models of current forward planning and assessment practices in local authorities and how they relate to workload."

The Resolution was referred to the Education Committee for action.

Action taken

To gather relevant information, the Committee consulted Local Association Secretaries in all 32 areas; brought the terms of the resolution for discussion to the HT and DHT Network meeting of January 2019; and extrapolated relevant details from the Value Education Value Teachers Member Survey. Findings from each of these sources are outlined below.

Local Association Feedback

LAs were asked by the Education Department to respond to and provide comment on a series of questions. 23 of the 32 Local Associations responded to the request as outlined below.

1a) Does your LNCT have an agreement/policy on forward planning?

11 Local Associations indicated that there were LNCT agreements in place covering forward planning. They were Aberdeen, Dundee, Glasgow, Edinburgh, Highland, Moray, Perth and Kinross, South Ayrshire, South Lanarkshire and West Lothian.

Replying no to the question were 12 Local Associations: Aberdeenshire, Clackmannanshire, East Ayrshire, East Dunbartonshire, East Lothian, East Renfrewshire, Fife, Inverclyde, Orkney, Stirling and West Dunbartonshire.

A couple of comments were provided by Local Associations which reflect a reluctance on the part of some local authorities to engage meaningfully or with any urgency in discussion on the issue of forward planning and its associated workload and bureaucracy.

Another comment provided indicated that whilst a discrete agreement on forward planning did not exist, the issue was being addressed specifically in the context of wider discussions related to the Tackling Bureaucracy agenda.

1b) If so, what are the key elements?

8 of the 11 Local Associations which indicated that there was a relevant LNCT agreement in place identified their significant elements summarised as follows:

- Clear allocation of time for forward planning within Working Time Agreements
- Completion of forward plans mainly within the collegiate time arising from WTAs
- Establishment of principles for forward planning in all Primary schools to take account of the requirement on LNCTs to take forward actions to reduce teacher workload by tackling unnecessary bureaucracy
- Planning formats which suit school context

- Whilst annual overviews and medium plans can be shared with SMT, weekly/daily plans are for the class teacher's own use and should not be submitted to the Headteacher for approval
- Identification within plans of what needs to be learned and assessed, with learners fully involved in planning learning.

These comments clearly reflect the need for a close relationship between forward planning approaches and WTA discussion, negotiation and final agreement, in the context of the continuing focus on tackling unnecessary bureaucracy.

Also evident in the comments is the importance of clarity and appropriateness of purpose within forward planning arrangements and formats, with schools being best placed to determine these through collegiate discussion.

The comments also reflect that teachers' shorter-term planning is captured in working documents which are primarily for their use, and therefore should be in a style and format which is self-determined and which best suits their needs as professionals working in the classroom context.

1c) If not, or if the agreement does not cover them, how has your LNCT sought to address matters in schools related to:

- **the correct use of forward plans as working documents to aid teachers' planning of sequences of lessons**
- **teacher workload?**

17 Local Associations provided feedback outlining a number of approaches being taken as follows:

- Tackling Bureaucracy as a standing LNCT agenda item, with the Teachers' Side highlighting issues as and when they arise, including excessive planning demands
- Discussions within general workload working groups and those set up to consider forward planning specifically
- Joint LNCT advice note on WTAs issued annually, including guidance on forward planning
- Agreed workload/ Tackling Bureaucracy questionnaires for all teachers, followed by results analysis with a view to agreeing advice on workload, including planning.
- Reiteration to schools and EIS members of LNCT messages re. the correct use of forward plans as working documents to aid teachers' planning of sequences of lessons
- Recirculation of agreed advice to Headteachers as necessary
- Sampling of school WTAs and calendars by LNCT members followed by reporting of findings to wider LNCT
- LA Secretary response to individual school concerns raised
- WTA Training to highlight good/poor practice and emphasise the use of the WTA as a mechanism for controlling workload
- Primary and Secondary Reps' Network meetings to share and consolidate understanding of key messages.

Again, the comments provided highlight the centrality of WTA processes and the Tackling Bureaucracy agenda to addressing workload associated with forward planning; the importance of discussions on workload featuring strongly on LNCT agendas; and the usefulness of close monitoring and sharing of experience of

workload, including in relation to forward planning, at school level to inform TU action and LNCT discussion.

1d) Are members in your Local Association raising issues related to forward planning? If so, please outline how.

11 Local Associations indicated that members were raising issues directly related to forward planning, with comments pointing to a range of matters.

Most commonly, it would appear from the comments, issues have arisen where Headteachers have made inappropriate demands of staff, for example, requesting submission of daily/ weekly plans, or demanding an unnecessary level of detail which has resulted in excessive amounts of time being spent writing planning documents.

Complaints have also related to Headteachers returning plans to teachers with comments (sometimes written in red pen), or without relevant professional dialogue around their content, suggesting their treatment as mere bureaucracy.

A couple of the comments provided referenced lack of knowledge by Headteachers of existing agreements related to forward planning and what can reasonably be asked in the way of documentation. One highlighted lack of awareness among members of the existence of such agreements, whilst another suggested that even where staff are aware of LNCT agreements related to workload control of forward planning, there is a reluctance to abide by their terms and to resist the demands of the Headteacher.

2a) Does your LNCT have an agreement /policy on assessment?

5 Local Associations provided advice that their LNCTs have such agreements/policies. These were East Dunbartonshire, Inverclyde, Perth and Kinross, South Ayrshire and West Lothian.

2 Local Associations- Edinburgh and Glasgow- indicated that while discrete agreements on assessment do not exist, advice/guidance on assessment, in one case specific to SNSAs, provided by the local authority to schools, was drafted with the involvement of TUs.

Highland Local Association gave feedback that whilst there is no overarching agreement, elements of assessment-related policy are included within other specific agreements, such as the Moderation of Assessment.

Replying no to the question were: Aberdeen, Clackmannanshire, Dundee, East Ayrshire, East Lothian, East Renfrewshire, Fife, Moray, North Lanarkshire, Orkney and Stirling.

2b) If so, what are the key elements?

3 Local Associations provided comments in relation to the areas outlined below:

- Coverage of SNSA implementation, including scheduling of assessments according to school-based decision-making processes in line with existing assessment plans
- Agreement that other types of assessment/standardised testing were to have no provisions unless agreed at local level and within WTAs
- Intention to keep agreement/policy under review in the context of SNSA implementation
- Co-existence of strategic plans and teachers' personal plans
- Use of all assessment information to track children's progress.

2c) If not, or the key elements do not include them, how has your LNCT sought to address matters in schools related to:

- **avoidance of whole cohort standardised testing/assessment**
- **the discontinuation of other types of standardised/testing assessment since the introduction of SNSAS**
- **workload control and assessment-related activity.**

On the question of whole cohort standardised testing/ assessment using SNSAs, 7 Local Associations provided comment:

- Discussion with Head of Education in pursuit of EIS policy (adherence to Scottish Government guidance) re. SNSA implementation and active challenge of practice of setting deadlines for SNSA completion
- Some recent movement on the issue of administering standardised tests to whole cohorts since the introduction of SNSAs as a result of EIS pressure
- Working Group activity to create SNSA guidance which includes no whole cohort assessment
- Issuing of LNCT/ local authority advice on the avoidance of whole cohort standardised testing/ assessment (individual schools often ignore, reportedly in one areas, creating SNSA 'windows' because of practicalities in organising assessments)
- Reiteration of relevant messages by the local authority to Headteachers and by the EIS to members
- Review of SNSA implementation agenda item at LNCT with findings to be shared with EIS Reps.

On the matter of discontinuation of other types of standardised/testing assessment since the introduction of SNSAS, 6 Local Associations provided comment. In summary:

- TUs have engaged in discussion with Heads/ Directors of Education on the issue
- SNSA implementation resulting, in some areas, in the cessation of other forms of standardised testing such as PIPs and CEM assessments
- No firm direction from the local authority either to continue or discontinue other standardised testing- no expectation that they occur but left to individual schools to decide.

4 Local Associations gave feedback on the question of the usefulness of SNSAs or other standardised testing in helping identify next steps in learning, indicating that there had been little direct communication with them on this subject from members or detailed discussion within LNCTs. One LA Secretary had discussed SNSAs with Secondary Reps, receiving feedback that they had not seen the data produced from their S3 classes' SNSAs undertaken the previous session.

In relation to workload control and assessment-related activity, 9 Local Associations commented as summarised below.

- Focus of LNCT discussion
- Creation/ continuation of Working Groups to consider assessment-related workload
- Council and union advice forwarded to all Reps
- Alleviation of this type of workload since elimination of other/most forms of standardised assessment

- Recirculation of Scottish Government SNSA guidance
- Recirculation of Tackling Bureaucracy/ WTA advice and guidelines.

2d) Are members in your Local Association raising issues related to assessment? If so, please outline how.

2 Local Associations answered yes to this question, citing moderation of assessment, whole cohort assessment using SNSAs, and administering of SNSAs to P1 pupils as particular generators of teacher workload.

15 Local Associations commented to the effect that there had been little to no feedback from members on this issue. In some area, it was suggested, this may be down to teachers having no involvement in administering SNSAs.

Whilst the main thrust of the responses to the questions on assessment was focused on SNSAs, EIS members have previously reported spikes in assessment-related workload relative to senior phase course delivery and presentation for qualifications, for example, internal and external verification processes, and with regards to overly atomised approaches to the use of CfE Benchmarks for the purposes of assessment.

It is therefore important to stress the conclusions of the Tackling Bureaucracy Report, 2013:

'Assessment judgements, particularly within broad general education but also in the senior phase of CfE, should be based on evidence drawn mainly from day-to-day teaching and learning. Tracking pupil progress and moderation is important; however, there is no need to produce large folios of evidence to support this. Assessment within CfE is based on the exercise of professional judgement.'

Discussion by the HT and DHT Network

In its discussion of the Resolution, the Network was of the view that issues related to forward planning predominate in Primary, though planning issues can affect Secondary colleagues, also.

Members spoke about their experiences of forward planning from their respective local perspectives. In one local authority, the Tackling Bureaucracy agenda had been advanced sufficiently to result in a progressive policy on forward planning. It was felt that a culture of elaborate planning-related documentation had arisen in response to what were perceived to be sometimes 'whimsical' demands from Education Scotland inspection teams.

In another area, a Workload Control Agreement was reported to be in place, the terms of which require co-operation from all. Whilst Headteachers seek to abide by the terms, it was suggested that many teachers do not, giving more time to tasks than is asked for or needed.

Another attendee of the meeting spoke of significant variations in the level of expectation and therefore the experiences of teachers in relation to forward planning in different schools. There was a suggestion that 'professional shame' is intrinsic to the teacher psyche resulting commonly in a strong tendency to over-work.

A Secondary colleague highlighted the difficulties faced by teachers with responsibility for delivering Senior Phase qualifications which have been subject to ongoing, often unannounced and mid-session change. Such course alteration has made forward planning, albeit in a different format from that required by Primary colleagues, extremely challenging for this cohort of teachers.

On the topic of assessment, one member described a re-energised approach to assessment and moderation and the training of 'champions' in this field as part of an attempt to address elements of assessment-related workload.

Value Education Value Teachers Member Survey

The Survey conducted in December 2018 included a question on generic workload which revealed significant levels of members dissatisfaction with this aspect of their jobs as can be seen from the graph in Table 5. The Education Department had requested that certain themes, including assessment-related workload, be addressed in the VEVT Survey also. The results are summarised in Table 7.

Table 5: "How satisfied are you with your workload levels generally?" responses

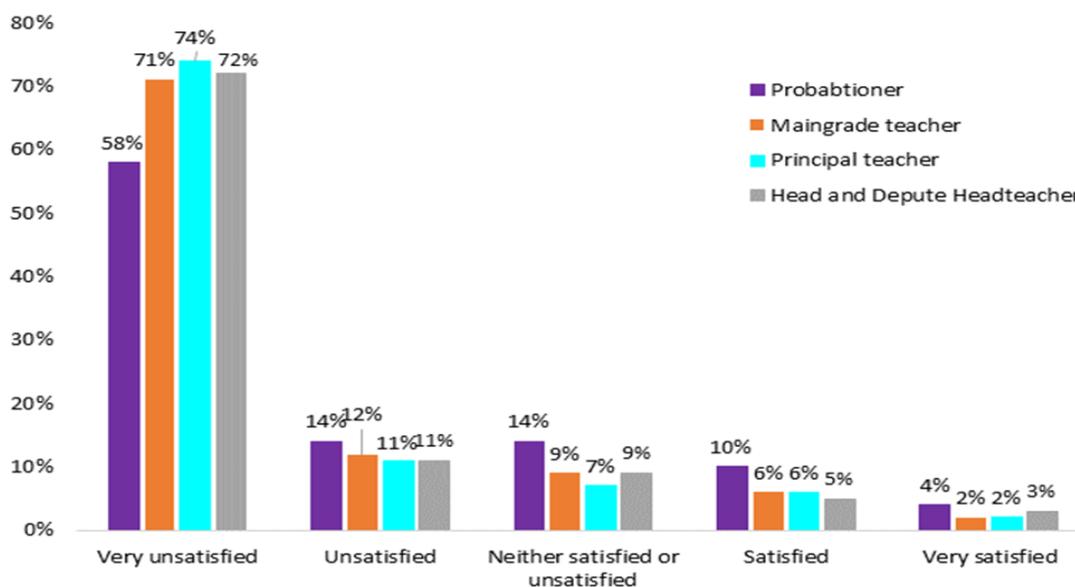
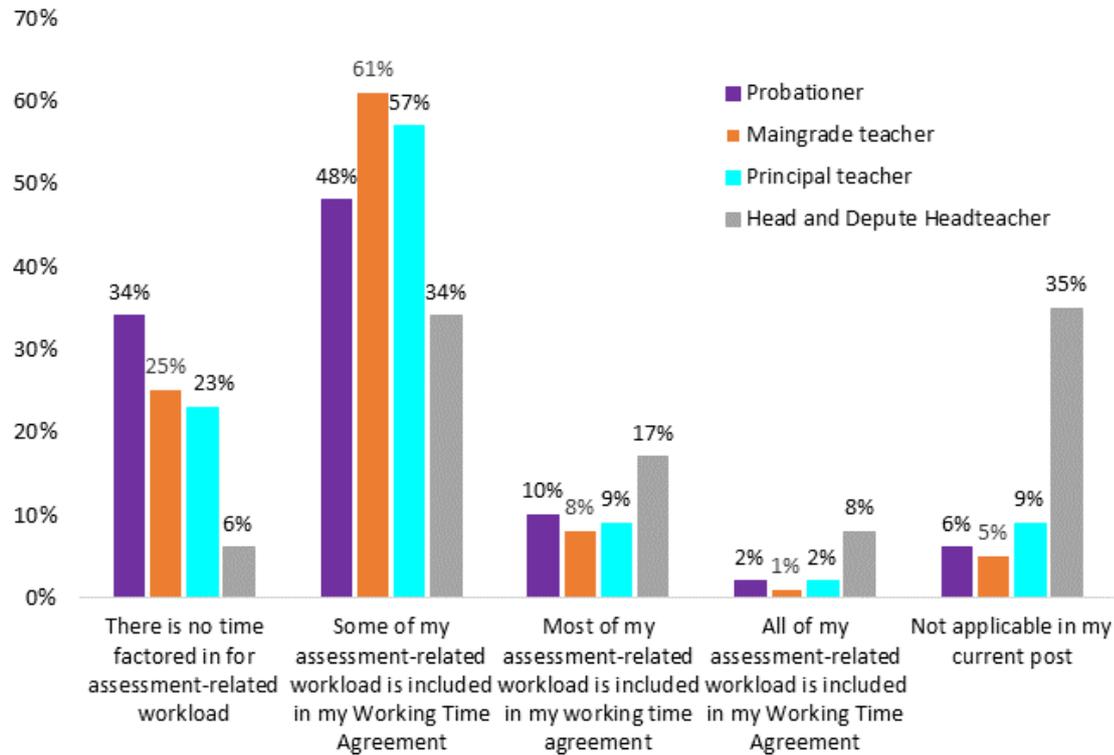


Table 7: "Assessment-related workload should be factored in to your school's Working Time Agreement. Which of the following best matches your actual experience?" responses



As can be seen from the bar graph, only very small percentages of teachers in any type of post who are involved in assessment of pupils report that all of their assessment-related workload is captured fully within Working Time Agreements. The percentage reporting that most of this kind of work is included within WTAs does not exceed 10% except for HTs and DHTs who are likely to be teaching less. Therefore smaller allocations of time for assessment-related activity within WTAs may be more adequate for a greater number of HTs and DHTs with some class commitment, though 17% reporting to this effect, falls far short of what should be the case.

Even the more modest statement that 'some' assessment-related workload is included within WTAs was not strongly agreed by respondents. Main grade teachers were the cohort most commonly agreeing this statement though only 61% of them did so.

Worrying are the percentages of strongly class-committed teachers who report that WTAs omit time for assessment-related activity – more than a third of probationers, a quarter of main grade class teachers and almost the same number of Principal Teachers responding in these terms.

Members responded additionally to this question with a range of comments, almost 700 in total, some of which cited difficulties in utilising WTAs to control assessment-related workload. Among the specific issues raised were:

- Lack of discussion of the WTA with staff
- Inadequacy of WTAs to realistically capture the entirety of teachers' work
- The absence of protected time within WTAs for assessment activity
- Variations from year to year in the amount/ nature of assessment activity

- Lack of earmarked time for the preparation and recording of holistic assessment
- Differing priorities of school management and teaching staff with an imbalance of time being given over to activities less directly related to learning, teaching and assessment from the teacher perspective
- Mis-match of WTA to what should be the pro-rata working week of part-time staff.

Members commented within the Survey, also, on lack of time to carry out assessments. Specifically, comments touched on issues related to:

- The entirety of the assessment demand outweighing the availability of hours within WTAs
- The complexity of assessment tasks- marking, provision of feedback to pupils/students, collation of information, as well as benchmarking progress
- Large class sizes
- Inaccessibility of SQA assessment guidance
- Continuation of unit assessments within National Qualifications
- Dual presentation of candidates for National 4/SCQF Units and National 5 qualifications
- Marking of internal assessments as part of SQA courses
- Prelim marking
- Folio marking
- Increasing number of assessments of pupil wellbeing
- Quality assurance demands leading to school management encouraging/ demanding written comments on all pupil work rather than verbal feedback for some activities/assignments.

Conclusions and recommendations

Forward planning

Whilst forward planning was reported to be an issue raised by members in less than half of the Local Associations who provided feedback, in the majority areas, it features strongly in LNCT discussion and activity in recognition of the potential of forward planning to be a significant driver of teacher workload.

In light of this, it is recommended that Local Associations continue their efforts to reach/ ensure implementation of agreements in relation to forward planning, either through discrete policy/agreements or more generic Tackling Bureaucracy/ workload control agreements which specifically reference the parameters of forward planning. Both the 2013 Tackling Bureaucracy Working Group Report and the 2015 Follow Up Report continue to be useful reading and can be accessed here: <https://www2.gov.scot/resource/0043/00438617.pdf>

<https://news.gov.scot/resources/cfe-report-162>

It would appear from the comments provided, both by Local Associations and the HT and DHT Network, that regular reference to existing agreements and reiteration of agreed messages in relation to forward planning, including its relationship to WTAs, is required- by local authorities to Headteachers and by Local Associations to EIS Reps and members in schools.

Taking account of the renewed commitment by the Scottish Government and COSLA to address teacher workload and in the context of the developing Empowering Schools Agenda, it is recommended that the Education Committee shares the contents of this report with the Executive Committee accompanied by a memo recommending that:

- (a) the EIS representatives who will be involved in the forthcoming negotiations and joint working with the Scottish Government and employers on teacher workload, should ensure a strong focus on addressing workload issues related to forward planning demands and/or actual practice;
- (b) consideration is given to the provision of training for Local Association Secretaries and School Reps on workload control using Working Time Agreements, including the allocation of time for planning therein.

Assessment

From the information provided by Local Associations, it would appear that it is a minority of LNCTs which have agreed policy on assessment. It is recommended that Local Associations whose LNCTs do not have agreed policy in place should seek to open discussions in this area with the local authority.

Whilst only two Local Associations indicated assessment-related workload to be a matter being raised by members, responses to the VEVT Survey, paint a different picture, suggesting that assessment-related workload is not sufficiently controlled by existing mechanisms.

This would suggest the need for further relevant discussion within LNCTs; the inclusion of workload control measures within any agreed assessment policy; and for consideration of the extent to which WTA training which includes clear focus on assessment-related activity, is available to and undertaken by EIS members locally.

Finally, it is recommended in light of the renewed commitment by the Scottish Government and COSLA to address teacher workload, and in the context of the developing Empowering Schools Agenda, that the Education Committee includes in its aforementioned memo to the Executive Committee, recommendations that

- c) the EIS representatives who will be involved in the forthcoming negotiations and joint working with the Scottish Government and employers on teacher workload, ensure a strong focus on assessment-related workload in both the Primary and Secondary contexts, and in Nursery and Special education, covering such areas as moderation, recording of assessment, appropriate models of holistic assessment, and workload associated with the delivery of SQA qualifications;
 - d) consideration given to the provision of training for Local Association Secretaries and School Reps on workload control using Working Time Agreements includes a focus on the allocation of sufficient time for assessment-related activity therein;
 - e) a clear action plan to ensure the revival of the Tackling Bureaucracy agenda locally and to stimulate appropriate LNCT discussion and agreement on controlling all aspects of teacher workload, including that generated by forward planning and assessment, is drawn up once the conclusions of national negotiations around workload are known.
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THE EDUCATIONAL INSTITUTE OF SCOTLAND

The effect of an increase in the statutory age for starting primary school to age 7 April 2019

Contents of this paper

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1. Background to this report

The 2017 AGM passed a resolution on school starting age as follows:

"This AGM resolve that the EIS should investigate and report on the effect of an increase in the statutory age for starting primary school to age 7 and the development of a compulsory kindergarten stage, where there is a focus on social skills and learning through play."

During the debate on this resolution at the AGM the mover noted that in most countries, children start formal education later than children in Scotland, and that the starting age of five "dates back to 1870, and isn't based on educational reality". He argued that "there is no educational detriment to starting later".

The EIS Education and Equality Department undertook a range of activities to investigate the effect of increasing the statutory age for starting primary school to age seven and the development of a compulsory kindergarten stage. We started from the assumption that there would be multiple effects of these initiatives. There are implications for:

- children and young people – their outcomes, wellbeing, attainment
- the early learning and childcare sector
- teachers, especially of P1 and P2; teacher numbers; teachers' professional learning
- society – for example, longer-term impacts on young people's social, emotional and cognitive development, etc.
- parents, carers and families – childcare issues, out of school care aspect, etc.
- public finances – for professional learning, for suitable school accommodation/infrastructure, for staffing in adequate numbers, etc.

A range of actions were taken to support the investigation, including:

- Desk-based research during autumn 2017 and early 2018
- Meetings and discussions with key partners and advisers in spring 2018:
 - o Children in Scotland, a charity advocating for children's rights
 - o The Upstart campaign for a kindergarten stage

- Prof. Aline Wendy Dunlop, Emeritus Professor of Education, University of Strathclyde (who, in 2016, conducted independent research commissioned by the EIS on the contribution of GTCS-registered teachers in early years settings)
- The 'Give Them Time' campaign for more parental choice regarding deferral of children starting Primary One in Scotland.
- A Council Members' focus group, held in Sept 2018
- Attendance at a conference on play, Child's Curriculum International Conference, and informal discussions at the conference reception, in Nov 2018
- A survey of NQTs, conducted in early 2019.

2. Context: current policy and approaches

2.1 Current school starting age

Children who attend school in Scotland usually start school between the ages of 4.5 and 5.5 years old. Any single school year group consists of children born between the beginning of March in one year and the end of February the following year. Children born between March and August start school in the August of, or following, their fifth birthday. Those born between September and February start school in the August prior to their fifth birthday.

However, parents of children born between September and December can request to defer their child's entry to the following August. These deferrals are not automatic and are subject to approval by the local education authority. Parents of children born in January and February may also choose to defer their child's entry; these requests are automatically approved. Children whose entry is deferred will tend to be aged between 5.5 and 6 years old at the time they start school. Delayed entry to school is more common in other countries than it is in UK countries.¹

The 'Growing Up in Scotland' study² found that:

- at school entry, 42% of children were under 5, 49% were aged between 5.0 and 5.5 years, and 9% were older than 5.5 years
- 87% of children started school in the August when they were first eligible and 13% had their entry deferred
- the most common reasons for deferring entry were that the parent(s) felt the child was 'not ready' (44%) or that she or he was too young (32%).

Young children in Scotland also have an entitlement to early learning and childcare (ELC), and ELC is expanding, to almost double the entitlement to funded ELC from 600 to 1140 hours per year, by 2020, for all three- and four-year olds and eligible two- year olds (there are specific circumstances which confer eligibility³). The campaigning organisation Children in Scotland takes the view that new infrastructure for ELC in Scotland will provide a foundation for a new approach to P1/P2.

Only 12% of countries have four or five as a starting age for school; all are either in the UK or are former British colonies. By contrast, 66% of countries have a

¹ Sharp, C. (2002) School Starting Age: European Policy and Recent Research. Paper presented at the LGA Seminar, November 2002. NFER and Local Government Association

² <https://www.gov.scot/publications/growing-up-scotland-early-experiences-primary-school/pages/4/>

³ <https://www.mygov.scot/childcare-costs-help/funded-early-learning-and-childcare/>

starting age of six or over and 22% have a starting age of seven or over. Most children in EU countries start school at age six or over.⁴

Age of children starting school in European countries⁵

Age	Country
Four	Northern Ireland
Five	Cyprus, England, Malta, Scotland, Wales
Six	Austria, Belgium, Croatia, Czech Republic, Denmark, France, Germany, Greece, Hungary, Iceland, Republic of Ireland, Italy, Liechtenstein, Luxembourg, Netherlands, Norway, Portugal, Romania, Slovakia, Slovenia, Spain, Switzerland, Turkey
Seven	Bulgaria, Estonia, Finland, Latvia, Lithuania, Poland, Serbia, Sweden

Campaigning organisations which favour a raised school starting age would point out that countries deemed by the Organisation for Economic Co-operation and Development (OECD) as having highly successful education systems (for example, Finland, Poland, and Estonia) tend to have a higher school starting age.

A 2002 paper by the National Foundation for Educational Research (NFER)⁶ considered the reasons for the earlier school starting ages adopted in the UK, and noted that the term after a child's fifth birthday first became enshrined as the compulsory school starting age in the 1870 Education Act, about which there was very little parliamentary debate.

Reasons advanced in support of setting the school starting age at five "were related to child protection (i.e. protection from exploitation at home and unhealthy conditions in the streets)". The paper also states that "there was...a political imperative to appease employers because setting an early starting age enabled an early school leaving age to be established, so that children could enter the workforce." The paper reports that it has been noted (by Martin Woodhead⁷) "that the school starting age was not decided on the basis of any developmental or educational criteria".

2.2 Play and play-based learning

All children have a right to play. The UN Convention on the Rights of the Child, article 31, provides that all children have a right "to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts".

The importance of play for children has been recognised by numerous child development experts over many years. Early exponents of play include:

⁴ Comprehensive data on school starting ages across the world is available at: <https://data.worldbank.org/indicator/se.prm.ages>

⁵ National Foundation for Educational Research: <https://www.nfer.ac.uk/media/1318/44414.pdf>

⁶ School Starting Age: European Policy and Recent Research, Caroline Sharp, NFER, 2002. <https://www.nfer.ac.uk/media/1318/44414.pdf>

⁷ M Woodhead, Journal of Education Policy, cited in Shap, op cit.

- Robert Owen (1771-1858), whose New Lanark community created the first Infant school, which offered sensory learning, a nurturing and emotionally secure setting for children, and used stories, dancing, singing, nature study and physical exercise as a vehicle for learning
- Maria Montessori (1870-1952), who advocated for children participating in caring for the environment and having choices
- Margaret McMillan (1860-1931), who pioneered a play-centred approach and was keen on children reaping the benefits of being outdoors
- Susan Isaacs (1885-1948), who advocated patient listening and valuing of the child's play, and outdoor environment with risky play
- Friedrich Froebel (1782-1852), who believed play to be the highest level of child development and felt it is essential to give children the freedom to choose, take control, explore, create, imagine and go beyond thinking about the 'here and now'. He invented the idea of a kindergarten and believed that play was the most important vehicle for learning.

The Curriculum for Excellence describes play as an aspect of active learning. A 2007 CfE paper on 'Active Learning in the Early Years'⁸ states that "active learning is learning which engages and challenges children's thinking using real-life and imaginary situations" and which "takes full advantage of the opportunities for learning" presented by, among other things, "spontaneous play" and "planned, purposeful play", supported when necessary through sensitive intervention to support or extend learning. The paper states that "all areas of the curriculum can be enriched and developed through play".

More recently, play was recognised as important by the Scottish Government, in its 'Play Strategy for Scotland'⁹, published in 2013. In this strategy, play is defined as "children's behaviour which is freely chosen, personally directed and intrinsically motivated", and which comes in many forms, including active, passive, solitary, independent, assisted, social, exploratory, indoors or outdoors. A literature review on children's play¹⁰ reported that "the element of 'fun' [is] a central defining quality of children's play".

Play-based learning can therefore be defined as an approach to learning whereby play is central to the learning experience. A play-based approach does not mean that children simply do as they please all day. At times children may play alone or with their friends. At other times children will come together as a group as directed by the teacher, listen when others are talking, follow the rules of the group and begin to take responsibility for their own actions and their environment. Within this approach, the adult's role is to guide and extend the play activities; adults continually evaluate children's play to discover what it is children are learning and to then help contextualise, shape and extend this learning.

The Play Strategy for Scotland states that "All learning environments, including nurseries and schools need "free play"...This form of play has the potential to

⁸ <https://education.gov.scot/Documents/btc2.pdf>

⁹ Play Strategy for Scotland: Our Vision. Scottish Government, 2013: <https://www.gov.scot/publications/play-strategy-scotland-vision/>

¹⁰ Qualitative Research on Children's Play A review of recent literature, Meire, 2007: https://www.researchgate.net/publication/242237359_Qualitative_Research_on_Children's_Play_A_review_of_recent_literature

contribute powerfully and positively to some of the most significant areas of school life." It further states that "Play supports the development of social skills and collaboration. It stimulates physical activity and the development of important physical competencies. It encourages creativity, imagination and problem solving."

Play-based learning was considered by the Curriculum and Assessment Board (CAB) at its October 2018 meeting, in terms of how it supports children's outcomes in early primary. Scottish Government provided a written update on the development of an updated national strategy for play and sought the views of the CAB as to whether more should be done to promote the use of appropriate play-based learning in early primary school and if so, what strategies should be further considered. The paper strongly endorsed a play-based approach to learning in early primary.

During the discussions that followed, the EIS welcomed the emphasis on the value of play within the paper and referenced the contribution of the Finnish educationalist Pasi Sahlberg in an SEJ interview that play should be firmly embedded throughout the curriculum and not exclusively confined to the Early Years.

2.3 Current approaches in Initial Teacher Education (ITE) and professional learning to play-based learning

It was reported in discussions with partners about the possible effects of an increased school starting age and the development of a compulsory kindergarten stage, with a focus on social skills and learning through play, that there is already much activity around supporting more play-based approaches underway across Scotland.

One form of early years pedagogy which is being widely discussed and promoted in Scotland presently is the Froebel approach, which derives its core principles from the thinking of Friedrich Froebel. Froebel training is being delivered in Falkirk, Edinburgh, Midlothian, West Lothian, and Glasgow.

Other approaches are also being used. The examples provided were as follows:

- Glasgow City Council is thought to be very supportive of play based learning, with strong support from the Director of Education
- Scottish Borders Council is doing a lot of play based learning, e.g. in Innerleithen and Melrose
- Falkirk Council is also very active in this area
- The University of Edinburgh (Moray House) is developing a Masters in Froebel
- Strathclyde University includes some content on play in ITE (led by Deirdre Grogan, Senior Knowledge Exchange Fellow); they offer an early childhood pedagogy course
- Queen Margaret University and Napier University are also covering play
- Some schools are, reportedly, per Children in Scotland, quietly using more play-based learning but not promoting their activity because they are in authorities which place importance on standardised test results

- In some rural areas children are all together from 3-6 anyway so the structure/formal policy is less important
- One school in East Renfrewshire was cited by Professor Dunlop as an interesting example, having a seamless curriculum, including a nursery on site.

It was also noted that all East Dunbartonshire teachers had been trained in play-based learning (government funded) during 2007, when the then Education Minister Hugh Henry strongly advocated for more play in P1, and thus that these discussions were not new and had been ongoing for several years.

Some of the people and organisations consulted (mainly Children in Scotland and Upstart) argued that ITE is not covering play enough and that there are inconsistencies in professional learning provision. Some members highlighted during focus group discussions that a nursery placement of two weeks' duration during an entire four-year ITE course appears to be inadequate preparation for teaching very young children.

During discussions about play-based learning at an October 2018 meeting of the Curriculum and Assessment Board, Early Years Scotland signalled a lack of focus on play-based approaches within ITE, leading to lack of teacher confidence in adopting them later.

2.4 Current evidence

Research evidence reviewed by the Education and Equality Department strongly supports a later start to formal education. The evidence reviewed included:

- The Importance of Play, Whitebread et al, 2012¹¹
- research collated by Upstart¹²
- an article by one of the signatories to the 'Too Much Too Soon' campaign, a researcher based at Cambridge University¹³
- information provided by Early Education, including the EPPSE study¹⁴ and the HighScope¹⁵ study
- research conducted by the National Foundation for Educational Research.

Upstart Scotland, a campaign for a later school start age and a kindergarten stage, would argue that earlier school starting ages in Scotland are due to economic thinking, not pedagogic thinking or an educational rationale; and that "we are stuck in a way of thinking" (Kate Johnson, Vice-Chair, Upstart, speaking at Children in Scotland Annual Conference, Nov 2016).

Upstart's position is that "current Scottish policy supports a developmental approach", but that "the structure of our schooling system makes it difficult to deliver". They note that "in the 2015 OECD international review, the three most successful western nations were Finland, Estonia and Switzerland. All have a play-based kindergarten stage for three to seven-year-old children."¹⁶

¹¹ http://www.importanceofplay.eu/IMG/pdf/dr_david_whitebread_-_the_importance_of_play.pdf

¹² <https://www.upstart.scot/the-evidence/>

¹³ <https://www.cam.ac.uk/research/discussion/school-starting-age-the-evidence>

¹⁴ <https://www.ucl.ac.uk/ioe/research-projects/2018/oct/effective-pre-school-primary-and-secondary-education-project-eppse>

¹⁵ <https://highscope.org/perry-preschool-project/>

¹⁶ <https://www.upstart.scot/reasons/>

Early Education, a charity advocating for high quality early childhood education, notes that much longitudinal research such as EPPSE, CfBT (2010) High Scope, McLelland et al (2012) states that “the short-term effects of formal academic early years programmes wear off after a few years in primary school. However cognitive-developmental approaches emphasising children’s choice, autonomy and self-regulation have longer term positive effects on both academic and social adjustment outcomes.”¹⁷

An American paper from 2015 by the National Bureau of Economic Research, on school starting age and mental health,¹⁸ noted that “the conjectured benefits of starting formal schooling at an older age reflect two broad mechanisms”, which are relative maturity and absolute maturity. Learners may benefit when they start school at an older age simply because they have, on average, a variety of developmental advantages relative to their classroom peers; or it may be that formal schooling is more developmentally appropriate for older children. The paper notes that “literature in developmental psychology suggests that children who start school at a later age benefit from an extended period of informal, play-based preschool that complements language development and the capacity for “self-regulation” of cognitive and emotional states”.

The same study found that a one-year delay in the start of school dramatically reduces inattention/hyperactivity at age 7, which the authors describe as “a measure of self-regulation with strong negative links to student achievement”. They also found that this large and targeted effect persists at age 11.

It should be noted that the estimated effects of school starting age on other mental-health constructs were smaller and less persistent according to that study; however, the NFER paper referenced above notes that “there are some suggestions that an early introduction to a formal curriculum may increase anxiety and have a negative impact on children’s self-esteem and motivation to learn”.

The Scottish Government’s play strategy, which was developed with a wide range of partners, whilst not specifically addressing the question of school starting age or the nature of different ELC settings, makes a strong case for more play-based learning and play in schools, saying that “from the earliest days and months play helps children learn to move, share, negotiate, take on board others’ points of view and cultivate many more skills” (Section 2).

Further, the strategy states that “A growing body of evidence supports the view that playing, throughout childhood, is not only an innate behaviour but also contributes to quality of life, sense of wellbeing and is a key element in effective learning, thereby developing their (children’s) physical, cognitive, emotional and social skills (Section 3). Further, it says that “Numerous studies, including Growing Up In Scotland, show play to be a crucial factor in a child’s educational achievement” (Section 3).

¹⁷ <https://www.early-education.org.uk/press-release/early-years-experts-challenge-recommendation-review-reception>

¹⁸ The Gift of Time? School Starting Age and Mental Health, Thomas S. Dee and Hans Henrik Sievertsen, NBER Working Paper No. 21610, October 2015, JEL No. I1,I2, available at: <https://www.nber.org/papers/w21610.pdf>

In a section on play and learning at nursery and schools, it says, "Teachers who have closely observed free play in schools have identified a wide range of curriculum experiences and outcomes that are being delivered without any formal input from teachers. Schools that provide rich outdoor free play environments report happier children, better break-time behaviour and children who are better able to concentrate in class." (Section 5)

It was reported in discussions with Professor Dunlop that she has been engaged in a longitudinal study in East Renfrewshire, with a cohort of 150 children, from nursery to leaving school, which is showing that good continuity from early years to primary is related to good outcomes for children. This study is yet to be published.

David Whitebread, from the Faculty of Education at Cambridge University wrote in 2013 that "a number of longitudinal studies have demonstrated superior academic, motivational and well-being outcomes for children who had attended child-initiated, play-based pre-school programmes". He reports on one particular study of 3,000 children across England, funded by the Department for Education, which showed that "an extended period of high quality, play-based pre-school education was of particular advantage to children from disadvantaged households".¹⁹

One American study²⁰ found that 'early school entry was associated with less educational attainment, worse midlife adjustment, and most importantly, increased mortality risk'. Another American study²¹ followed three groups of disadvantaged children who had different educational experiences between ages 5 and 6 (structured teaching; free play; and play-based learning plus daily structured discussion with the teacher) and found that those who had only structured teaching without a focus on play experienced many more emotional, social and behavioural problems during their subsequent school careers, and more problems in social adjustment during adulthood.

David Whitebread notes that studies which compared groups of children in New Zealand who started formal literacy lessons at ages 5 and 7 found "that the early introduction of formal learning approaches to literacy does not improve children's reading development, and may be damaging". These studies found that by the age of 11 there was no difference in reading ability level between the two groups, but the children who started at 5 developed less positive attitudes to reading, and showed poorer text comprehension than those children who had started later.²²

Missing evidence?

¹⁹ <https://www.cam.ac.uk/research/discussion/school-starting-age-the-evidence>

²⁰ 'Early educational milestones as predictors of life-long academic achievement, mid-life adjustment, and longevity', Kern and Friedman, *Journal of Applied Developmental Psychology*, 2008

²¹ 'Lasting Differences: The High/Scope Preschool Curriculum Comparison Study through Age 27' by L Schweinhart and D.P. Weikart (Monographs of the High/Scope Educational Research Foundation. No. 10. Ypsilanti, MI. High/Scope Press, 1993).

²² <https://www.cam.ac.uk/research/discussion/school-starting-age-the-evidence>

In terms of missing evidence, Children in Scotland argued that there is a need for good research on what's happening in schools that are doing more play-based learning, to measure the impact on language, confidence, questioning, self-esteem, etc. They suggested that it will be important to find out about the impact of children getting additional hours of ELC, especially those having more outdoor learning, and their response to Primary 1. They noted that PEF money is being used to employ extra staff in P1 and P2 in some schools and would like to know more about the impact of this and any evaluation of this investment.

A study on school starting age conducted in 2002 for the National Foundation for Educational Research found that there is a lack of conclusive evidence concerning the benefits of starting school at different ages and highlighted a research gap. It stated that the best available evidence suggests that teaching more formal skills early (in school) gives children an initial academic advantage, but that this advantage is not sustained in the longer term. It also said that "the long-term impact of different early childhood curricula would seem to be an important topic for further research".

Caroline Sharp, the author of the NFER paper, further notes that "there is no definitive evidence from randomised control trials charting the progress of children who started school earlier or later (and it would be difficult to envisage parents agreeing to participate in such a trial). International comparisons are indirect evidence at best, because they involve such different cultures and educational systems."

Evidence of the advantage of an early start?

No longitudinal studies showing that an early start to formal education confers a positive long-term advantage were identified. The NFER paper cited above also comments on one small-scale study, focused on mathematics attainment among a group of children in England and Slovenia, which suggested that the much earlier school starting age in England did not provide any lasting advantages in terms of mathematical attainment.

Caroline Sharp for the NFER concluded in her 2002 paper that "there would appear to be no compelling educational rationale for a statutory school age of five or for the practice of admitting four-year-olds to school reception classes".

Evidence of the disadvantage of a later start?

The NFER found that a late start appears to have no adverse effect on children's progress.²³ Caroline Sharp's paper states that "a later start does not appear to hold back children's progress (although it is important not to forget the important contribution made by children's experiences at home and in preschool)."

Other issues to consider

The Association of Directors of Education in Scotland have raised concerns that 'play is not a silver bullet' and highlighted a range of issues about which more

²³ Sharp, NFER, op cit.

evidence may be needed, for example the differences in nursery and primary cultures; and the pressure from parents and inspection regimes against the adoption of play-based methods.

Martine Leitch, a Deputy Head Teacher presenting at an EIS Professional Learning Conference in 2017 on 'Reconstructing the Early Years Curriculum', during a session on play-based learning, highlighted some additional challenges, including:

- Developing an understanding of play vs active learning
- Pacing; depth vs speed; ensuring scaffolding of learning for all learners
- Trust: in the research, in guiding principles, in each other
- Risk: Being bold and changing "what we have always done".

3. Members' views

3.1 Council Members Focus Group

A member focus group was held in September 2018. The members were drawn from Council and worked primarily in nursery and early primary. Members considered five questions, considering whether the current school starting age is appropriate; likely effects on children and teachers of a change; and supports that would be needed if the policy changed.

Members were universally of a mind that the current school starting age is not right, citing various reasons, including that 4-7 generally needs to change; and that expecting children to sit still at desks is "turning kids into wee office workers, it's not right".

However, finessing the point, one member observed that "either it's the wrong age or the wrong system"; and said it would be the right starting age if we were doing the right things with the children. Similarly, another said that whether the starting age is right depends on what schools are doing with the children, but that the current approach isn't working.

One member observed that if schools are to do more play in P1/2, curriculum pressure needs to be taken away, saying "it's the worst of both worlds at the moment".

Issues around what is needed to support play-based learning were a strong theme of discussion, with the need for large rooms with enough space and the right furniture for play-based learning, good outdoor spaces, etc. Members observed the contrast between nurseries and schools, especially in terms of access to outdoor space. There was a view that transition could have a different focus, with less emphasis on children finding their allocated desk and on school uniform.

The group took the view that "the kindergarten stage should take place in the schools that we already have"; that the EIS should highlight that there is no capacity in the ELC sector to host this; and that nursery provision is hugely varied, from purpose built premises to converted houses, and would not be the right setting. It was felt that a creative approach to adapting schools to more suitably accommodate early learning was needed, for example, removing doors or using different spaces in the school.

The focus group identified other supports that would be needed, aside from accommodation, as being:

- promotion of the benefits of play to parents, teachers and wider society – a kind of 'myth-busting' exercise

- professional learning – there was felt to be a huge need for this, for everyone including support staff
- links to the ACES/nurture agenda (this was felt to be a conducive context for promoting play)
- testing being removed: “testing needs to go to make this work”
- addressing the issue of the cluttered primary curriculum
- review of the first level Experiences and Outcomes in CfE, which are too narrow; some are too factual or content-based to be delivered through play
- a huge spend on play equipment, meaning toys, puzzles, etc. and not iPads, screens or Virtual Reality equipment.

The focus group members were of the view that the effects for children of greater emphasis on play-based learning would include:

- being more emotionally mature when starting school
- being able to concentrate for longer
- being more confident (confidence is commonly observed in children whose school starts are deferred)
- being able to transition more easily from kindergarten to school
- greater independence, and ability to exercise more freedom and choice in their learning
- more equipped with practical skills (changing for PE, buttoning shirts etc), which members felt were lacking presently
- being better able to manage their personal hygiene (for example, being fully toilet trained)
- enjoying school more
- being able to build more effectively on their prior learning, with immense benefits over the long term.

The group discussed different benefits for different groups of children, and caution was expressed in relation to making assumptions about the degree to which some children, for example, those growing up in poverty, are engaged in play at home. It might also be the case that children from wealthier homes have less time with parents and would benefit from more play. Children with English as an Additional Language would, it was suggested, benefit from more unstructured activity, and the opportunity to talk and listen in more informal ways and learn from peers, rather than having the pressure of speaking in front of a class, as might be expected in a more formal or structured learning environment. It was noted that some children who like and depend on structure (e.g. children on the autism spectrum) might want the chance to have their own seat or have predictability in their activities, but it was felt that this could be accommodated through appropriate adjustments and awareness of those children’s needs.

Concerns were expressed about whether play-based learning would be sufficiently stimulating and challenging for children who were more advanced in their learning and keen on maths, for example, although it was generally felt that differentiation for these children could be built in. Members discussed whether the EIS position would be in support of three or four years of kindergarten, and felt that this needed to be resolved.

In terms of the effects for teachers, points made included:

- that as a trade union, the EIS needs to be very careful to advocate for a kindergarten stage being provided in schools delivered by GTCS registered teachers, to protect the profession, with the point made that existing ELC

forums often omit teachers from their discussions and don't recognise the importance of the teacher role

- that changes that have previously been mooted in some authorities, e.g. 'soft start' with an 8:30 a.m. start time, have an implication for teachers' working hours/contracts
- that teacher interest in and knowledge of this topic will vary.

Other key points made related to:

Understandings of play-based learning

- It's not 'just' play -need to get away from that diminishment; play is definitely a kind of learning and a means to an end, which is learning of concepts, behaviours, skills, etc.
- Parents can sometimes put pressure on schools to do more formal, academic learning, and to prove that children are progressing, and to issue homework, etc. which may cause some difficulty if more free play is encouraged and supported
- Parental opposition to P1 SNSAs has perhaps changed the focus in recent months, as parents don't want children to be tested, so may perhaps become more open to play-based learning and more informal approaches if they are helped to learn more about their benefits.

Children's needs and experiences

- Certain children really need nurture when they start school, and a play-based approach can be more nurturing
- There is a marked difference between children who have had access to a teacher in nursery and those who haven't, in terms of what they are able to do when they start school; whether their Additional Support Needs have been identified and addressed; how they behave; if they can follow rules, etc.
- Members are seeing more delay in speech, for example, in one setting, 25% of all children are going to a speech and language service
- A focus across the education system on building children's resilience would be helpful
- Nurseries are now starting to see some 'reverse transitions' i.e. children starting school then going back to nursery a few afternoons a week, which members find very concerning.

System issues

- It's rare for student teachers to get an ITE placement in a nursery, which is unhelpful for teachers who wish to better understand the needs and learning styles of younger children
- A transitional period would be very important for steering children towards more formal learning, when they have been used to having freedom and choice in terms of the activities they choose to engage with
- Some nurseries have existing partnerships with schools and the children transition into P1 classes for e.g. French, which is very beneficial, but not an advantage shared by all nurseries.

The group was keen to stress that the risk of the loss of teachers must be anticipated and mitigated; members felt that parents would strongly object to their child losing teacher-led learning and would not accept this.

3.2 Survey of NQTs

Further to the discussions at the focus group, it was felt that the perspective of Newly Qualified Teachers would be useful to capture, especially as regards how well they feel that play pedagogies were covered in their initial teacher education courses, and if they would support a change to school starting age and a compulsory kindergarten stage. A survey, with question wording closely aligned to the wording of the AGM resolution, was issued in early 2019; a total of 189 responses were received and analysed.

Views on the school starting age were very mixed. Just under half of respondents (45%) agreed that the school starting age should be increased to seven; whereas 55% disagreed.

Views on a kindergarten stage were less diverse. When asked, 'Do you believe that a compulsory kindergarten stage, where there is a focus on social skills and learning through play, should be developed?', the vast majority of respondents (86%) said yes and 14% said no. Thirty nine respondents made comments about this aspect, from different perspectives, with themes emerging being:

- that six would be an appropriate starting age
- that many children would be more ready for school at a later age, socially, emotionally and developmentally
- that this may delay the acquisition of key skills for children whose home/family life not does equip them with those, and may disadvantage children with more difficult home lives who need the structure and stability of school
- that there is scope for P1 to incorporate more play-based learning
- that some pupils are displaying a decline in literacy and numeracy which this change would compound (NB: no specific evidence for this was cited).

The most commonly occurring theme in the comments was the difference between children who are able to build effectively on their prior learning when they start school and those who are too immature, and not ready socially or emotionally, or who lack the fine or gross motor skills for school. For example:

- *"The attainment gap in one class alone was huge, some children were unable to recognise letters, including letters from their own names, whilst others in the class could read novels."*
- *"Having had Primary 1 in my NQT year...I believe a lot of children are ready for a more structured education. However, there are many children who are not".*

There was strong support for more capacity building, with 68% of members answering yes when asked, 'Would you require more support and / or professional learning to implement this change?', although around a third of NQTs (32%) said no. There were more comments on this question (50) than on any other. Members wanted:

- specific training on learning through play
- deeper understanding of how to utilise outdoor learning
- additional adults in the classroom

- consistent information about what is deemed as best practice in play-based learning
- new course materials.

A recurrent theme was the need for more teachers/staff:

- *"One teacher cannot possibly implement a successful play environment on their own"*
- *"Learning through play requires additional adults in the classroom"*
- *"Additional people to facilitate"*
- *"It would be useful to have an Early Years officer present to support and help staff and learners"*
- *"Assistance from EY specialists, play specialists"*.

When asked if ITE had covered play-based learning/play pedagogies, only 4% said this was covered in depth; just under a third said it was 'somewhat' covered (31%); the same proportion said it was mentioned superficially (31%); and the largest proportion said it was not covered (34%).

At the end of the questions, 'any other comments' were enabled; only a handful (14) of comments were made and views on the desirability of a change were mixed. The majority of comments were in support of a change, but some were very sceptical, and illustrate that if a substantial policy change is agreed by the Institute as desirable, professional learning on the rationale, and on the value of a delayed school start and of play-based learning, will be needed.

4. Employment Relations Perspective

The Employment Relations Department offered comment on the implications of a change to school starting age. They noted that legislation was introduced in November 2010 to limit class sizes for P1 pupils to 25 (maximum class sizes in primary schools are currently 25 for pupils in P1²⁴; and 30 for single stage class P2 or P3²⁵) and suggested that the issue that stands out is class size maxima.

It is difficult to predict, as the legislation relates to the current system and not a future one, but one consequence might be that if the statutory age for starting primary school is increased to age 7 then it may be the case that the class size maxima for 4 year olds, 5 year olds and possibly some 6 year olds would increase from the current number of 25 to 30 or perhaps even higher, as the current statutory provisions may no longer apply. This, it was suggested, would be an unintended consequence which would need to be addressed.

There may be other employment dimensions, including impacts on teacher numbers. There is also a risk that the development of a kindergarten stage would affect teacher numbers. Local authorities have shown a tendency to employ less well qualified Early Learning and Childcare (ELC) staff with different skills than teachers, and now employ fewer qualified nursery teachers (who are more expensive to employ than ELC staff). Research commissioned by the EIS found that over a ten-year period there has been a 39% reduction in the number of GTCS registered teachers employed in Early Years²⁶. This pattern might continue

²⁴ Education (Lower Primary Class Sizes) (Scotland) Amendment Regulations 2010.

²⁵ Education (Lower Primary Class Sizes) (Scotland) Regulations 1999

²⁶ EIS, Sustain the Ambition, 2016:

<https://www.eis.org.uk/Content/images/education/Early%20Years/STA-Nursery%20Booklet.pdf>

in a kindergarten for children aged up to 7 if strenuous efforts are not made to ensure that the experience is teacher-led.

Member consultation would suggest that there is a clear view that many more personnel would be needed to effectively deliver play-based learning; and that GTCs-registered teachers should be leading learning in kindergartens.

5. Possible effects of a change to school starting age

Without conducting a full-scale literature review it is difficult to be certain about the likely effects of raising the school start age to seven and developing a compulsory kindergarten stage, with a focus on social skills and learning through play. However, the possible effects of such a change, based on the information gathered above, from stakeholders and partners, members and academic research, might be as follows:

For children and young people

- more enjoyment of kindergarten/school
- enhanced wellbeing including improved mental health
- more opportunity for outdoor learning, with consequent benefits for physical fitness, coordination, confidence
- improved social skills
- more independence
- less disadvantage for children with EAL
- better able to concentrate
- better able to build on prior learning
- improved longer-term outcomes including attainment
- rights to play met

For the early learning and childcare sector

- more able to focus on the needs of very young children/lesser role in working with older children
- development of more and better partnerships with schools
- highlighting of the need for professional learning so there is consistency of approach across settings

For teachers

- highlighting of the need for significantly more teachers
- highlighting of the significant need for professional learning on play pedagogies/play-based learning
- highlighting of the need for more time for peer to peer support/developing and sharing practice

For society

- may lead to enhanced wellbeing and outcomes for children having consequent effects for social cohesion in the future
- may lead to future employees have more useful soft skills e.g. resilience, confidence, independence
- may lead to greater equity of educational outcome for children from more and less affluent backgrounds

For parents and carers

- may have more difficulty balancing work with children's schooling if kindergarten hours are shorter than school hours
- may be supportive, especially if they subscribe to the view that testing, homework, etc. makes children unhappy, and if they understand the positive outcomes of more play in learning settings
- may benefit from children being happier at kindergarten/school
- would need information about the change of approach

Financial

- would lead to costs associated with employing requisite numbers of highly skilled teachers (much will depend on the ratios in kindergarten stage)
- would lead to costs associated with creating more suitable premises for kindergartens and for early level primary classes
- might be some cost involved in adapting school premises
- more investment in outdoor spaces would be needed
- would lead to costs associated with the provision of significant amounts of professional learning
- would create a need for significant investment in play equipment such as toys, outdoor equipment etc.

Possible risks

Some risks and concerns were shared during discussions and by members in the survey. For example:

- a change of school starting age and focus on kindergarten could let the government 'off the hook' for not employing enough teachers, and instead employing less qualified ELC staff with different skills; particularly as teachers are more expensive than ELC staff
- this could lead to learning being given less focus than child development, when learning actually promotes development and children need progression
- children's literacy and numeracy might decline as a result of less formal schooling (although no specific measures were cited)
- children with more difficult and less stable home lives might be disadvantaged by this change
- there might be other alternatives which are worth considering, e.g. the creation of a bridging class between the last year of nursery and the first year at school
- this would be yet another change in a system which is constantly changing, creating further pressure within an already changed-fatigued system, if not well supported.

Conclusion

Key points arising from this investigation are listed below.

- Children in Scotland start school earlier than children in most other countries. Just over four in ten children in Scotland start school before they are 5 years old; and just under half of children in Scotland start school between the ages of 5 and 5.5 years.
- It appears to be the case that historic decisions about the school starting age were not based on an educational or developmental rationale.
- It appears that no longitudinal studies exist which show that an early start to formal education confers a positive long-term advantage.
- Whether children are in school or nursery, the importance of them experiencing play-based approaches to learning has been widely recognised in Scotland for many years; but despite this, the extent to which play-based learning is covered within ITE and teachers' professional learning vary.
- Research evidence reviewed by the Education and Equality Department strongly supports a later start to formal education and more play-based learning at all stages of education.

- The implications of changing the school starting age to 7 and developing a compulsory kindergarten stage with a focus on social skills and learning through play would be significant, and such a change would require substantial public investment.
- There are potential implications for reduction of the size of the qualified teacher workforce in light of now well-established local authority trends towards the employment of ELC workers in lieu of teachers.

It is recommended that these points should be fully considered by the Education, Salaries and Employment Relations Committees. Given the complexity of this topic, and the likely short and long-term implications of changing the school starting age and developing a compulsory kindergarten stage, Council may wish to consider whether further investigations or research on this topic are needed.

THE EDUCATIONAL INSTITUTE OF SCOTLAND

Learning: Multiple Children with ASN April 2019

The 2018 AGM passed the following resolution relating to the impact of having multiple children with additional support needs in mainstream classes:

"That this AGM instruct Council to investigate and report on the impact on teaching and learning when there are multiple children with additional support needs (ASN) in a mainstream classroom.

We further instruct Council to use these findings to lobby the Scottish Government and Local Authorities to increase the level of additional support in mainstream classrooms to improve the learning and teaching for all."

This resolution echoed very similar concerns which had been expressed at previous recent AGMs. In 2016, the AGM called on Council "to investigate and report on the consequences of Presumption to Mainstreaming in all sectors in terms of funding, resources, workload and impact on staff health and wellbeing" and "to use the information to campaign for an increase in resources, including staffing, to support all children with additional support needs and the full implications of the ASL Act (as amended 2004)."

Also in 2016, it was agreed to "investigate and report on the consequences, as perceived by nursery, primary and secondary teachers, of current inclusion practices on the welfare and learning of the majority of children."

In 2017, concern was noted about the continuing reduction in EAL teachers, ASN teachers and vital support staff including classroom assistants and ASN assistants and it was agreed to "campaign for a review of resourcing of the Education (Additional Support for Learning) (Scotland) Act 2009 and to urge the Scottish Government to increase funding and staffing levels following this review" and to reflect in campaigning "the growing concerns of members of the impact of under-funding of support for ASN on wider attainment and achievement levels."

The 2018 resolution which is the subject of this report therefore coincided with significant recent and ongoing work to highlight the impact on the education system, including on teaching and learning, of there being multiple children with additional support needs (ASN) in many mainstream classrooms. It also coincided with ongoing lobbying for increased levels of additional support for mainstream schools.

The EIS has consistently argued in favour of the presumption of mainstreaming; we welcome diversity in classrooms and in educational communities. However, the Institute has also consistently argued, in relation to meeting the needs of children who require Additional Support for Learning (ASL), that the success of ASL legislation and of the associated processes is dependent on the provision of adequate resources to meet the needs of each individual learner. We are gravely concerned by the under-resourcing of the legislative commitment to include children with a range of sometimes complex needs in mainstream settings.

The number of children in Scotland with identified ASN has increased significantly in the last decade, from 17,626 in 2008 to 101,558 in 2018. The 2018 figure equates to 25.4% of the total school roll, compared with only 4.8% in 2009. Of the 101,558 pupils with additional support needs reported in the 2018 school census, 98,905 (or 97%) spend all their time in mainstream classes. The proportion of pupils with additional support needs in 2008 who spent all of their time in mainstream classes was 88%.¹

Our concerns about a rising climate of need set against ever reducing resources have been noted in a range of policy papers in response to the above resolutions, which were shared at the 2017 and 2018 AGMs. Our concerns were summated in a member briefing paper, appended. Local Association Secretaries have been encouraged to use the briefing paper in local lobbying and negotiations.

Other developments

Over the course of the 2018/19 session, other important developments unfolded. The 'Value Education, Value Teachers' campaign survey identified that meeting the needs of children and young people with ASN is a major priority among members, with over 78% of respondents stating that they disagreed that there was adequate provision for children with additional support needs in their school.² This will be a significant element of ongoing negotiations now that the pay element of the offer has been agreed.

The EIS has also decided to publish a position paper on ASL, to draw together our concerns about what's not working well at present, which will be a companion to research commissioned from the University of Aberdeen. This new publication, expected in May 2019, will give fresh impetus to our lobbying for adequate resourcing, which is an ongoing endeavour.

The Scottish Parliament also passed a motion³ calling for a review of ASN provision, which is ongoing at the time of writing.

Conclusion

There is now a wealth of evidence about the impact of having multiple children with additional support needs in a mainstream classroom, within a context of diminishing support for those children from specialist services, and a context of staff shortages. The impact on teaching and learning is significant. The EIS will continue to campaign for an increase in resources, including staffing, to ensure that all children with additional support needs, including those in mainstream classes, are able to have their needs met at school.

¹ Pupil census: <https://www2.gov.scot/Topics/Statistics/Browse/School-Education/dspupcensus/dspupcensus18>

² <https://www.eis.org.uk/Research/MemberSurvey>

³

http://www.parliament.scot/parliamentarybusiness/report.aspx?r=11919&mode=html#iob_107750

Briefing: ASL Resourcing August 2018

Purpose of this briefing

This briefing aims to support Local Association and Branch Secretaries in local negotiations concerning under-resourcing of the Education (Additional Support for Learning) (Scotland) Act 2009, the legislation which underpins additional support needs (ASN) provision.

We would suggest that discussions should highlight three key issues:

1. The adverse impact of under-resourcing on **learners' educational experiences**;
2. The adverse impact of under-resourcing on **teachers' health and wellbeing**; and,
3. The **unsustainability of the current approach and the need for urgent action**.

Why raise this now?

The 2017 EIS AGM passed a resolution which expressed "*concern at the continuing reduction in EAL teachers, ASN teachers and vital support staff including classroom assistants and ASN assistants*" and called on Council to campaign for an increase in staffing to support this provision, and for a review of resourcing of the Education (Additional Support for Learning) (Scotland) Act 2009, to reflect "*the growing concerns of members of the impact of under-funding of support for ASN on wider attainment and achievement levels.*"

The debate on this resolution reflected a sense among the membership that **the current situation is unsustainable**. There was a clear focus on the practical difficulties of meeting the needs of all children and young people with ASN within the constraints of current budgets and staffing levels in the debates, with delegates saying, "*The EIS has been clear over the years about its support of inclusive education*" but this "*can only work where it is properly funded*" and "*One of the real traumas for staff is that they feel that they are not getting it right for every child.*" It was passed in the context of recurrent concerns, including:

- increasing numbers of pupils with ASN, including significant numbers of pupils with social, emotional and mental health issues, and more pupils with severe/complex needs in mainstream school settings
- large class sizes
- increased workload and pressures associated with seeking to meet learners' needs in large classes, where children with complex needs all need different pedagogical strategies
- unreasonable expectations that curricular differentiation can be done without the requisite time/support
- excessive workload derived from GIRFEC and young person's planning meetings
- increasing levels of poverty among the pupil population, exacerbating support needs

- too few teaching and support staff, including EAL staff, classroom assistants, learning assistants, behavioural support staff etc.
- the undervaluing of specialist ASN teachers (especially those deployed as cover due to teacher shortages)
- unceasing budget cuts and shortages of basic resources
- reduced access to appropriate professional learning on ASN
- decreased pupil and staff access to Educational Psychology services
- decreased pupil access to CAMHS (Child & Adolescent Mental Health Services)
- reduced social work, youthwork and outreach teaching services
- the impact of all of the above on teachers' mental health and general wellbeing
- the impact of stress and ill-health on teacher absence and retention.

Teachers go to great lengths to make sure that children and young people get the right support, but at significant expense to their own wellbeing; their commitment needs to be underpinned by adequate systems and investment. It is unjust and unsustainable for teachers to be expected to keep propping up a system that is so significantly under-resourced.

ASN in Scotland: facts and figures

- The number of teaching staff in primary schools with a Behaviour Support role has declined from 32 in 2008 to 9 in 2017 – a **reduction of 72%**
- The number of teaching staff in primary schools with a general ASN role has declined from 146 in 2008 to 68 in 2017 – a **reduction of 53%**
- The number of teaching staff in secondary schools with a Behaviour Support role has declined from 127 in 2008 to 71 in 2017 – a **reduction of 79%**
- The number of learning support teachers in secondary schools has declined from 945 in 2008 to 821 in 2017 – a **reduction of 13%**
- ASN teacher numbers **fell** in 16 out of 32 local authorities over the period 2007 to 2016
- The number of ASN assistants **declined by 730** (FTE) between 2013 and 2016
- **Over 1 in 4 school pupils** (183,491 pupils/**26.6%**) has identified ASN; in 2011, the overall number was 98,523; the increase in number over those seven years is **86%**
- **10%** of children and young people (aged five to 16) have a clinically diagnosable **mental health** problem (Scottish Children's Services Coalition); and 20% of adolescents may experience a mental health problem in any given year
- 4.1% of children from the most affluent backgrounds displayed social, emotional or behavioural difficulties when they started school, falling to 3.6% by primary three; whereas **7.3% of children from the most deprived areas had mental health difficulties** at the start of school, rising to 14.7% by primary three.

- There were 2,182 pupils with a Coordinated Support Plan; 35,164 pupils with an Individualised Education Programme; and **32,009 pupils with a Child Plan** in 2017
- **One in five** children in Scotland lives in poverty (strongly linked to having ASN)
- 44,667 (**11%**) of Scotland's 396,697 primary pupils were in a **class of more than 30** in 2016, compared to 31,842 (9%) in 2011.
- The number of educational psychologists in Scotland fell by a tenth from 2012 to 2015; there were 370 trained EPs in Scottish local authorities in 2015 - **10% fewer** than the 411 practising in 2012.

Changes to ASL teacher numbers

Teachers with Additional Support for Learning as their main subject (Teacher Census data)

2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
3,062	3,301	3,402	3,363	3,258	3,249	3,157	2,963	2,936	2,896

Changes to centrally employed teacher numbers⁴

Centrally employed teachers by main subject taught (Source: Teacher census, table 5.2, 2017/16)⁵			
SUBJECT	2017	2016	Difference '16-'17
ESL (English as a second language)	97	87	+10 teachers
Learning Support	229	243	-14 teachers
Additional support needs – general	36	45	-9 teachers
Additional support needs – behavioural support	45	59	-14 teachers
Additional support needs – learning difficulties	69	74	-5 teachers
Hearing impairment	25	33	-8 teachers
Visual impairment	30	27	+3 teachers

⁴ NB: The Scottish Government teacher census defines 'centrally employed teachers' as 'teachers who are employed by a local authority rather than an individual school or early learning and childcare centre'. They may be teachers who have an advisory role rather than those employed as school staff based in one establishment.

⁵ <http://www.gov.scot/Topics/Statistics/Browse/School-Education/teachcenssuppdata/TeaSup2017>

The wide range of learner needs

Members will be aware that Scottish ASL legislation is expansive and covers a wide range of circumstances from which additional support needs (ASN) can stem. A young person is said to have 'additional support needs' if they need **more, or different, support to what is normally provided in an educational setting to children/young people of the same age**. The range of learners' needs is becoming ever wider, with the presumption of mainstreaming (which the EIS supports in principle) meaning that schools and colleges now have learners with a very wide range of support needs, arising from (but not limited to):

- sensory impairment, including impaired sight or hearing
- long-term learning difficulties or disabilities e.g. dyslexia, dyspraxia
- autism spectrum disorders
- physical disabilities and health conditions, such as diabetes, asthma or epilepsy
- mental health conditions, such as anxiety or depression
- experience of the care system/being looked-after by the authority or kinship carers
- social, emotional and behavioural issues
- being a young parent or carer
- having experienced abuse or neglect
- family issues such as parents involved with substance misuse or in prison
- having English as an additional language
- being a refugee or asylum seeker
- changing gender identity or expression
- coming from a Traveller community
- being exceptionally gifted or having particular talents.

Some children will have needs arising from multiple factors in combination. With such a diverse range of needs in schools and colleges, it is self-evident that resourcing – both funds for learning materials and professional learning, and staffing resource – needs to be in place to ensure that educational establishments can 'Get it Right for Every Child' and young person.

What teachers say about the current situation

Members' words can be a powerful adjunct to statistics. Members have shared their deep frustrations with the EIS. Some of their comments are below.

- ❖ *"It is frustrating that we cannot Get it Right for Every Child as we should."*
- ❖ *"Support staff are an important and integral part of successful teaching and learning."*
- ❖ *"Violent, excluded SEBN pupil who assaulted a member of staff is now back in school without a risk assessment or back to school meeting."*
- ❖ *"What we are seeing is 'mainstreaming on the cheap.'"*
- ❖ *"This is mainstreaming without resources."*
- ❖ *"When I was assaulted by a pupil with challenging behaviour I was told, 'It's part of the job' and no-one asked me if I was OK."*

- ❖ "Across the board you've got children's needs not being met."
- ❖ "We are being asked to do more and more with some of the most vulnerable young people in Scotland, while at the same time losing EAL and ASNA support."
- ❖ "Nothing is coming from the authority to help support the behaviour of youngsters who are experiencing real distress."

Policy and legal context

Meeting the variety of needs present in schools is primarily required by the Education (Additional Support for Learning) (Scotland) Act 2009. However, it is also supported by, among other laws and policies, including:

- Curriculum for Excellence
- the Standards in Scotland's Schools Act 2000
- Getting it Right for Every Child (an aspect of the Children and Young People Act 2014) and the SHANARRI indicators
- the UN Convention on the Rights of the Child.

The Equality Act 2010 is relevant, as it affords both learners and staff protection from discrimination, including discrimination arising from disability, which can include mental health conditions associated with work-related stress. Some young people may have ASN which overlap with the protected characteristics in this Act, e.g. travellers whose needs arise from their ethnicity, or young people undergoing gender reassignment whose circumstances temporarily give rise to support needs. There is also interaction between the Equality Act 2010 and certain policies e.g. around exclusion.

The impacts on staff of under-resourcing of learner support prompt significant issues. For that reason, the Health and Safety at Work etc Act 1974 is also relevant, and Health and Safety risk assessments can be an important tool to use. The EIS also has member guidance on Health and Safety matters, including violence at work.⁶ The guidance states, "*The risk of a violent attack at work is a serious occupational hazard. The EIS does not accept that a risk of a violent attack at work is something which is part of the job.*"

Workload concerns should always be discussed in the context of the SNCT Handbook and local Working Time Agreements.

The impact of under-resourcing ASL provision

The EIS gathered views from members on issues caused by under-resourcing of ASL provision. These can be summarised as follows:

Impacts on teachers and lecturers' health and wellbeing

- Reduced morale, owing to a feeling of failing young people and their families; a feeling of being 'useless'; feeling blamed for repetitive

⁶ H&S Handbook: <https://www.eis.org.uk/Content/images/HS-HANDBOOK%20-%204th%20Edition%20April%202012.pdf>

unacceptable pupil behaviour; feeling unsupported by SMT; concern for vulnerable children

- Increased stress and risk of personal injury or other health impacts, because of exposure to violent incidents, personal abuse or aggression, from learners who require more support but are not getting it, and their parents
- Reduced wellbeing both at and outside of work – lack of sleep, headaches, generalised anxiety – all of which potentially contribute to more long-term absence
- Frustration caused by lack of opportunities to undertake relevant professional learning.

Impacts on teachers' and lecturers' workload burden

- More time spent on records creation; review meetings; meetings with parents; GIRFEC processes; curriculum differentiation; doing tasks previously done by classroom and support assistants
- Reduced time for preparing learning materials, marking, etc.
- Reduced ability to plan working day, due to constant child protection/support issues, emergencies, medical issues
- Own time, beyond Working Time Agreement, spent pursuing professional learning, where available, or dealing with issues – no breaks or lunch.

Further impacts on teachers and lecturers

- Erosion of professional status and autonomy, e.g. when task list broadens, or when support for learning tasks are undertaken by volunteers, failing to recognise the value of the qualified teacher in doing this work
- Change in status when teachers' role becomes crisis-led and there is less time for preparation of learning and teaching materials
- More likely to leave teaching due to stress and unreasonable expectations.
- Remaining teachers have fewer colleagues and even greater workload burdens due to shortages; this damages morale across the school community.

Impacts on learners' wellbeing

- There are multiple health and wellbeing impacts being reported for learners, including those learners who have additional support needs and those who don't. Learners who have additional support needs can experience reduced morale, due to:
 - receiving less support to have their needs met than is required;
 - being in larger class size(s) than is optimal;
 - being less supported to take part in enrichment/after-school activities than is required;
 - lower self-esteem caused by all of the above;
 - higher levels of generalised anxiety;
 - being more likely to display challenging behaviour;
 - being involved in more violent incidents, fights and low-level disruption to learning; and
 - experiencing a loss of dignity e.g. when they exhibit high levels of distress ("a meltdown").
- Among the general pupil population, learners can experience higher levels of anxiety due to more stressful atmospheres developing when children do not receive the requisite support; stress caused by disrupted learning e.g.

when a classroom has to be evacuated due to a violent incident; potential distress caused by witnessing peers' violent behaviour; and overall, reduced enjoyment of school.

Impacts on learners' educational experiences

- Some pupils being unable to access learning due to social/emotional issues
- Less access to learning support for some pupils, as this is diverted to supporting the most complex and severe needs, e.g. less support for children with dyslexia
- Some pupils having longer waits for work to be marked or new work set
- Some pupils having fewer positive interactions with SMT and other teachers who are dealing with large numbers of acute cases/crises
- Some pupils receiving less attention from teachers but also feeling more stress caused by constant formal assessment in senior phase classes
- Risk of reduced attainment, due to increasing non-attendance, opting out of school, disruption of learning or less time with teachers
- Differential impacts depending on socio-economic status: children from higher income families often getting more support than those from poorer backgrounds, as a result of more strident parental advocacy
- Less support available at transition times
- Less exposure to demonstrations, discussions, etc. as these are curtailed when teaching is adapted to suit the needs of pupils whose difficulties, from being inadequately supported, have the potential to disrupt learning.

What can LA/Branch secretaries do?

LA/Branch secretaries are advised to keep advocating for:

- an end to austerity budgets
- the provision of special schools or specialist units for the children with the most severe and complex additional support needs, and sufficient numbers of specialist teachers in all settings with the expertise requisite to the range of additional needs that children and young people have
- reduced class sizes (EIS policy is that no class should exceed 20 pupils, while a range of circumstances might justify smaller groups, e.g. composite classes)
- discussions on attainment to explicitly include the types of achievement that matter to pupils with ASN, and which go beyond the narrow focus on achievement of CfE levels, SQA exam results and standardised assessments
- further elucidation of the connections between poverty and ASN
- all pedagogical developments to take account of pupils with ASN
- enhanced provision of professional learning on ASN matters
- robust processes for reporting violent incidents and meaningful responses to these
- collegiate discussions about Working Time Agreements and awareness among members of how to use these
- adequately funded support services, including EAL, counselling, behaviour support
- local authorities/colleges to spend less on developments which have no sound educational rationale or which are duplicated elsewhere (e.g. standardised assessments which duplicate the SNSA) so that they can invest more in ASN provision

- appropriate use of Health and Safety risk assessments, and processes to ensure that concerns raised are addressed.

More information

For more information, please contact Jenny Kemp, National Officer (Education and Equality), jkemp@eis.org.uk / (0131) 225 6244.

Further reading and contacts

Education (Additional Support for Learning) (Scotland) Act 2004: <https://www.legislation.gov.uk/asp/2004/4/contents>

'Supporting Children's Learning' Code of Practice - Statutory Guidance on the ASL Act: <https://beta.gov.scot/publications/supporting-childrens-learning-statutory-guidance-education-additional-support-learning-scotland/>

Scottish Government ASL webpage:

<http://www.gov.scot/Topics/Education/Schools/welfare/ASL>

Children in Scotland's 'Enquire' service: <http://enquire.org.uk/>

EIS ASN Network: <http://www.eis.org.uk/Networks/ASNnetwork>

Scottish Parliament Education and Skills Committee report on ASN provision: http://www.parliament.scot/S5_Education/Reports/ASN_6th_Report_2017.pdf

Teacher census (data source for teacher numbers): <http://www.gov.scot/Topics/Statistics/Browse/School-Education/teachcenssuppdata>

Pupil census (data source for pupil numbers):

<http://www.gov.scot/Topics/Statistics/Browse/School-Education/dspuppcensus>

Joseph Rowntree research on the link between special educational needs and poverty: <https://www.jrf.org.uk/report/special-educational-needs-and-their-links-poverty>

Education Scotland - Milestones to support learners with complex ASN: <https://education.gov.scot/improvement/learning-resources/Milestones%20to%20support%20learners%20with%20complex%20additional%20support%20needs%20-%20Literacy%20and%20English>

THE EDUCATIONAL INSTITUTE OF SCOTLAND

EIS response to the Education and Skills Committee Inquiry into Subject Choices

The EIS, Scotland's largest teacher trade union, representing more than 80% of Scotland's teachers at all levels of their careers, is pleased to provide evidence to the Committee's inquiry into Secondary school subject choice.

a) Has the structure of the Senior Phase of the Curriculum for Excellence allowed for better learning and overall achievement than previously?

The EIS is of the view that the structure of the Senior Phase is mostly unchanged from its pre-CfE design. While the qualifications themselves have changed, the ways in which young people undertake them much too closely resemble the experiences of senior students a decade and a half ago when the new ambitions of CfE, including those for the Senior Phase, were being articulated out of the desire to transform the curriculum for the better.

Indeed, it could be argued that the current arrangement is poorer as the compression of qualifications at SCQF levels 4 and 5 into one year (S4) rather than the two years of Standard Grade (S3 and S4), has required a reduction in the number of subjects chosen and also a significant time pressure in delivering said courses in a single year.

The inertia in terms of progress towards achieving the ambition for the Senior Phase is for three main reasons. One- an unstinting and misplaced focus on qualifications by government and Education Scotland as CfE was being implemented, rather than on support to schools in re-designing coherent new curricula reflecting the design intentions of the CfE Senior Phase: breadth and depth of learning, and parity of esteem for 'vocational' and more traditional learner pathways, courses and qualifications. Two- the rush to implement the new qualifications in 2014 before schools had been afforded the time to consider how to transform their Senior Phase curriculum offer. Three- the profile given to school attainment data from within the system itself and by external observers and commentators, particularly politicians and the media.

Schools, under pressure to deliver the new qualifications in such a context, achieved this without detriment to young people's qualifications but only through a significant explosion in excessive workload for teachers. Having battled consistently since the introduction of the new qualifications with short-notice changes to courses and assessment, only now are schools, to some extent, beginning to make adjustments to the Senior Phase curriculum to bring it in line with what was originally intended.

Education Scotland and the SQA have both identified that there are modest signs of greater curriculum diversification. In the view of the EIS, this is not enough to account for the positive picture painted in the recently published School and Leaver Attainment and Destinations data. There is evidence within the data that Scottish Education is performing well by the measures set:

- 94.4% of school leavers were identified as being in work, training or further study within three months of leaving school last year, this the highest rate of such success since 2009
- a halving of the gap in the achievement of positive destinations by the most and least deprived young people, in addition to the eighth successive

reduction in the gap between the most and least deprived young people in terms of attainment of Higher passes

- overall attainment at Higher is also an improved picture with more than 30% of young people leaving school with five Higher passes or better; the 2009 figure was 22.9%
- a strong level of engagement by young people in their school experience with further increase in the numbers staying on at school into S6- almost two thirds in total.

The EIS would argue, however, that this is more a sign that the qualifications are being well delivered rather than that the overall structure of the curriculum has been transformed according to CfE principles to deliver these outcomes. Much more needs to be done to meet the ambitions of CfE and this should not be piecemeal.

The majority of schools, for the reasons outlined above, continue to structure their senior curricula as per pre-CfE- i.e. around annual acquisition of qualifications. There has been no significant change to presentation patterns as a result of CfE. Even the welcome increase in students being presented for and achieving qualifications from the extended SQA qualifications menu, largely reflects the continuation of work already established pre-CfE through such means as school college partnerships. A combination of annual patterns of presentation across S4, S5 and S6, and insufficient curriculum diversification, therefore, conspire to inhibit progress in learning and achievement of the kind envisaged.

To realise the vision, the EIS believes, learner pathways designed for two years of study from S4 towards an exit qualification, based on students' prior learning, achievement and attainment during the three years of Secondary BGE, are the way forward. Such pathways should be creatively constructed to engage students in academic, 'vocational', and personal and social skills-based learning in a balance that suits their prior learning, achievement and attainment, and which is appropriate for the next stages of their learner journey. S6 should enable students to deepen their learning in some areas, diversify in others, and in so doing, acquire additional qualifications as necessary and appropriate to their chosen post-school destinations.

Within such a model, National Qualifications would be undertaken for the vast majority of students, for the first time, in S5; only the 10-11% of students who leave school at the end of S4 should sit National Qualifications after one year – or more realistically 9 months -of study within the Senior Phase.

Where schools (only a small minority currently) have moved to curriculum models that closely reflect the original design intentions of CfE Senior Phase – which maximise opportunities for depth and richness in learning, and consequently minimise the amount of unnecessary formal assessment which detracts from the core purpose of learning and teaching- our members report positive impact on learning and overall achievement.

They cite the shift to a three-year Senior Phase as being beneficial to student outcomes because it enables much greater flexibility within the timetable for young people to take courses at a level and at a point within the three years of the Senior Phase as most appropriate for them. For example, students sitting National 5 and SCQF Level 6 Units during S4 and S5, then sitting Higher in S6, or students studying Higher during S4 and S5, and having the option of more 'vocational' learning in the remaining available time. There are different models in operation across different schools.

Where increased flexibility within the timetable has been matched by a widening of achievement opportunities such as 'vocational' qualifications, leadership and employability awards, our members indicate that this reflects fairer, more inclusive prioritising within the curriculum offer than perhaps was the case previously when timetabling decisions rested often on ensuring that Higher and Advanced Higher classes would run.

In scenarios in which the curriculum architecture has changed its overall shape but where the ethos continues to be rooted in the pursuit of maximising the number of Higher passes attained, the benefits to students' learning and achievement are questioned by our members, particularly where it is felt that the individual needs and interests of students are not the key determinants of subject choice.

Our members in schools which have maintained pre-CfE curriculum shape, report either no significant change or deterioration to learning, achievement and attainment.

In these contexts in particular, difficulties remain in relation to National 4 courses. The EIS has been of the view for some time that National 4 courses require to be re-structured to include an assignment, perhaps in replacement of the Added Value Unit, which is externally marked and graded by the SQA. Scottish Government has procrastinated on this issue for over two years.

Over-assessment persists, also. While EIS members welcomed the removal of mandatory units from National Qualifications, the EIS is aware that too many schools continue to present students for National 4 or SCQF Units in addition to presenting them for qualifications which include a final exam. Such practice strangles progress towards realising the ambition of the Senior Phase, and fails to address the problem of SQA-related teacher workload. We welcome the albeit late-in-the-day announcement from the Deputy First Minister that such presentation patterns will not be permissible next session.

Also of concern in relation to presentation patterns, is the tendency in the majority of schools for the curriculum to resemble a 'ladder' of qualifications, with students required to sit N4 before progressing to N5 before progressing to Higher. The intention to enable students to 'by-pass' unnecessary qualifications in S4 and to deepen learning within a course of two-year study at an appropriately challenging level is being realised still only in a minority of schools. This needs to change.

b) [Education Scotland says](#) the Senior Phase has the "flexibility to offer a range of pathways that meet the needs and raise the attainment levels of all learners". How does your school offer flexibility to its learners through the Senior Phase and how does this impact on the range of subjects available and the depth of pupils' learning?

The EIS has previously argued that the curriculum in S4-S5 should be structured as per the Standard Grade S3-S4, with eight available options and two school sessions within which the associated learning is undertaken. Not all of the eight options would be National Qualifications, therefore time and space would be created for students to engage in a broader range of learning experiences- community-based learning, Modern Apprenticeships, Duke of Edinburgh Awards, etc. – and in greater depth in some, depending on course and level.

Schools which have continued to structure their Senior Phase curricula as per the Standard Grade model- S1&S2, S3&S4, and S5&S6- offer the least flexibility in terms of the range of pathways, with students still undertaking eight National Qualifications in S4. In such schools, breadth of learning, or at least a perception of it, is treated more as a priority than depth.

As referenced above, this raises significant questions about the amount of teaching time that S4 candidates studying eight National Qualifications in one year are receiving. In many/most cases, teaching time falls far short of the 160 hours allocated notionally per course, with learning for what were originally designed to be two-year courses being crammed into a timescale that stops significantly short of one school session. This strongly mitigates against the principle of depth in learning.

Where schools have sought to embrace the design intentions of the Senior Phase, members report greater diversification of learner pathways- subjects being delivered on a school cluster basis, and a larger number of 'vocational' courses, some of which are delivered through partnership with colleges. In these cases, timetables are being built around learner pathways rather than timetables dictating the pathways. Flexibility is further enhanced through the offer of lateral as well as linear progression within a curricular area, and accreditation of wider achievement.

c) Do you think there has been a narrowing of the range of subjects and subject choices in:

I. Broad General Education (BGE)

In some schools, the BGE offer is reduced. This is particularly the case where there are staffing shortages which result either in BGE courses not running at all or being allocated less time within the timetable. Where staffing within a particular subject area is limited, our members report that priority is given to staffing Senior Phases classes.

Aside from this, difficulties arise, again, where schools treat the third year of the BGE as preparation for undertaking National Qualifications in S4 (as per the Standard Grade model), and not as intended, the final year of the BGE experience. Subject choice is unsatisfactorily narrowed for young people at the end of S2 as a result of this approach, for example, from 13 to 6, 7 or 8 subjects, depending on how many qualifications students undertake in S4. Worse still is that many S3 pupils for whom National 4 study is not planned, are needlessly sitting N4 units which are 'banked' before progression to N5 in S4. This is far from what was intended for the BGE.

Other schools have sought to address issues around the transition from BGE and the Senior Phase by providing 'masterclasses' and other enriched learning experiences that are intended to support more seamless movement from S3 and the end of the BGE into S4 and beyond. This is not universal, however. The EIS is of the view that progression from the BGE to the Senior Phase is an area that requires time and space for system-wide thinking and subsequent action in order to improve it for all young people regardless of the school that they are in.

II. S4?

As previously mentioned, where schools have sought to deliver the aspirations of the Senior Phase of CfE, students often study 6 subjects in S4, whilst other schools remain fixed to the previous curriculum model with students studying eight subjects – National Qualifications in the main- and the vast majority of pupils sitting qualifications including exams at the end of S4.

The latter is effectively the Standard Grade model, largely unaltered from the previous O Level model, which was structured to enable the completion of seven or eight (sometimes nine) qualifications before the majority of students left school at the end of S4. S4 no longer serves that primary purpose.

It is for this reason that the EIS advocates re-purposing of that year as the first of a two-year learner pathway that incorporates both depth and breadth of

learning, and greater diversity of experience, with stronger emphasis on the development of creativity skills, as outlined previously in this paper.

III. S5

As outlined above, the EIS believes that S5 should be the second year of a two-year learner pathway for the vast majority of students, and the first in which they sit exit qualifications. Within most current models, the range of subject choice for S5 remains at is was in the past but is too narrow to realise the full ambition of Senior Phase CfE.

S6?

This varies from context to context - some members report that the range of subject choice in their schools has remained the same, others that it has increased, others that the range of subjects on offer has reduced somewhat.

The EIS believes that the fullest range of subjects should be available to young people in S6 to maximise opportunities for their progression, and to enable them to undertake learning at the appropriate level, and as far as possible at the appropriate stage, in their individual learner journey.

d) What are the factors that influence the range of subject choices? Possible factors include: curriculum timetabling; local decision making; school size; area and school demography.

As articulated in the early sections of this paper, the key driver in influencing the range of subject choices is strong adherence to an atomised qualifications-gathering approach rather than universal commitment to the creation of coherent learner pathways that offer more holistic learning experiences.

Also featuring heavily in the influencing factors as cited by our members are the availability of staffing and school size. Staffing levels in Secondary schools influence to a large extent, what can and cannot be offered. What has until recently been a challenge relatively exclusive to particular geographical areas and affecting a minority of subjects, is now being more universally experienced across the country and in a large number of subject areas. The challenge is compounded in small schools where the size of the school roll, in limiting the overall size of the staffing complement, restricts also the range of subject specialism within the teaching staff profile. Larger schools can benefit to some extent from economies of scale.

Increasingly, schools facing shortage in certain specialisms are reliant on cluster arrangements and college provision to maximise the options choice. Commonly, in single-teacher subject areas, teachers are under increasing pressure to teach multi-level classes, this effectively amounting to multi-course teaching in subject areas where there is little commonality of course content across levels. The EIS has consistently argued that this is neither educationally sound nor conducive to teacher wellbeing.

EIS members also report moves towards the delivery of learning and teaching for some subjects, in order to keep them as live options, within 'digital campuses'- a development which raises many questions about the quality of teacher-student interactions and the ability to learn co-operatively with fellow students in the context of learning being a fundamentally social experience. The EIS is keeping a watching brief on such developments.

In some schools, parental demand for the priority provision of particular subjects, a broader range of subject choices and students undertaking more qualifications in one year- S4 in particular- has also been identified as an influencing factor. Schools perceive the need to maintain such curriculum architecture in response to parental demand and the continuing misunderstanding of employers, also, about

the purpose of the Senior Phase and the value of some of the new qualifications, National 4 being one of them.

Parental preference for their children to study STEM, and arguably the drive from government, in addition to more 'academic' subjects, has reportedly led to some marginalisation of Creative and Aesthetic subjects, Social Sciences, Home Economics, etc. in some schools.

The EIS is of the view that system-wide efforts are needed to enhance parents' and employers' understanding in this regard. Again, we see it that the rush to implement the new qualifications in 2014 missed the crucially important step of educating and gaining 'buy-in' from stakeholders who are highly influential in the decisions that young people make about their Senior Phase options, and thereby in the decision-making that occurs at school level around curriculum architecture.

e) Have you experienced any changes in the level of uptake in particular subjects in the past 5 years? If so, what subjects in particular and what do you think has caused this change?

This appears to be a mixed picture across schools.

Teacher availability, of course, is critical to subject options being available. For example, the EIS is aware of the critical shortage in Home Economic teachers which has resulted in this subject being removed from the curriculum in many schools.

The proliferation of faculties and subsequent diminution in the number of subject specialist Principal Teachers is having an impact on the uptake of some subjects. In the past, each subject in a Secondary School was led by a PT who had a role in promoting awareness of their subjects and of the benefits of studying them to young people. Increasingly, collections of subjects are grouped together within Faculties led by Principal Teachers who are specialist in only one of the disciplines, leading to less even promotion of individual subjects across the range.

In instances where Maths is no longer mandatory at S5, members report some modest decrease in uptake. Maths qualifications have not been without their difficulties in recent years. This may be influencing decision-making.

Other schools report increased uptake in more 'vocational' or practical subjects such as Accounting, Practical Cookery, Cake Craft, Music Technology and Practical Metalwork and Woodwork at N5. At Higher, Administration and IT, Computing Science, Engineering Science and Photography have increased uptake; whilst at Advanced Higher the demand for Art and Design, Business Management and Computing Science has increased significantly. This may be accounted for by these schools' sharpened focus on creating learner pathways, or at least providing subjects, that more accurately capture the interests and talents of the majority, if not all, of the learner population.

In schools where there is a strong focus on STEM, and particularly where this is supported by parents, EIS members report decreased uptake in creative, social and languages subjects.

f) What is the impact, positive or negative, of any limitations on subject choices?

Limiting subject choice without ensuring sufficient richness and diversity of the learning experience within the Senior Phase, and just as importantly within the BGE from S1 to S3, is likely to impact negatively on young people's motivation, and the quality of their learning, achievement and attainment.

Of primary importance is that each school has a sufficiently diverse choice of coherent learner pathways which are flexible enough to prevent young people being locked into narrow routes; to enable the possibility of them changing their minds about the direction they would like their learning to take without valuable

learning being lost; and to enable them to undertake learning at the appropriate level at the appropriate time in their development.

We stress that young people should not as a rule sit qualifications in the same subject at a different level, year upon year. While qualifications and/ or exams in S4 may be necessary for those leaving school at the end of the year, this is not needed and indeed is an unhelpful barrier to depth and richness, and arguably greater enjoyment, of Senior Phase study, for the vast majority of young people -almost 90%- who remain at school until the end of S5, two thirds till the end of S6.

A two-year S4-S5 approach to presentations would enable a greater breadth of experience and greater creativity within individual subject areas. More time and space would be freed up for projects and visiting specialists; interdisciplinary learning and collaboration with other learners; sound formative assessment practice that encourages young people's ownership of their learning; extension to learning contexts beyond the classroom and school, strengthening relevance, deepening understanding and enhancing creativity; and building engagement with Modern Apprenticeship and other work-based programmes of learning.

The relative freedom that such approaches would offer from the constraints of the traditional examination regime and the gift of time that it would give to spend on activities which are nurturing and beneficial to personal, social and emotional development, would be hugely beneficial to young people's mental health and overall wellbeing, to their enjoyment of their Senior Phase experience, and thereby to their learning and overall achievement.

THE EDUCATIONAL INSTITUTE OF SCOTLAND

Computing Science Teachers: Stress Levels

Introduction

- 1.1 The following resolution was approved by the 2019 Annual General Meeting:
- "This AGM investigates and reports on the levels of stress of computing science teachers as a result of the handling of the subject by the SQA."*
- 1.2 The Employment Relations Committee decided to use the information gathered through the EIS Value Education Value Teachers membership survey to assist with this enquiry. The survey sought to gather the views of members on key issues, such as pay, workload, wellbeing and the work/life balance.
- 1.3 Approximately 43,000 EIS members covered by the provision of the Scottish Negotiating Committee for Teachers Handbook were surveyed. The survey opened on 3rd December 2018 and closed on the 17th of December. 12,250 responses were recorded in total giving a return rate of 28%.

Report

- 2.1 From the 12,250 responses gathered, 188 indicated that they were a computing teacher. The following analysis is drawn from the answers they gave to questions related to health and wellbeing. A copy of the report written by the EIS containing the disaggregated data concerning computing teachers is appended to this report.

Key Findings

- 3.1 The data analysis reported on workload and well-being. This paper and the AGM resolution focus on levels of stress, well-being and the contribution to each made by the SQA.
- 3.2 4 comments made with specific reference to the SQA. Other comments made specific reference to stress and changes to the curriculum.

Comment 1

"With the constant changes to course content from ES and SQA in my subject area I feel like I'm starting from scratch every year."

Comment 2

"Stress increases as year progresses due to lack of time to complete SQA courses."

Comment 3

"The SQA keep changing the computing curriculum far too frequently."

Comment 4

“Changes to the curriculum with very little time to implement these changes.”

- 3.3 Table 5 details how respondents felt their stress levels had changed in the last year. 89% said they felt that their stress levels had either stayed the same or had increased.
- 3.4 In order to better understand the key sources of stress for EIS members, the survey asked respondents which aspects of their work had provided them with the most stress over the past 12 months. Tables 6 and 7 show the areas that were causing the most stress. The highest area causing most stress for computing teachers at 65.5% was changes to the curriculum.
- 3.5 Table 11 and Question 15 asked teachers “What are the 3 most critical elements that go towards making up any sense of poor wellbeing at work?” The top 5 issues facing computing teachers were workload, behavioural issues of students, changes to the curriculum, completing paperwork and inadequate staffing. Changes to the curriculum was the 3rd highest most critical element.

Conclusion and Recommendations

- 4.1 There is some evidence arising from the AGM resolution and some of the comments received in the survey that the computing science curriculum changes frequently. Further enquiries would have to be undertaken to compare the rate of change in the computing science curriculum with other SQA subjects and subject areas.
- 4.2 The findings of this survey should be discussed with the SQA during the normal round of meetings with the SQA and the EIS. A memorandum from the Employment Relations Committee requesting this should be sent to the Education Committee.

THE EDUCATIONAL INSTITUTE OF SCOTLAND

EIS Survey Findings Health and Wellbeing of Computing Teachers February 2019

Background

In 2018 The EIS launched their Value Education, Value Teachers campaign to secure a 10% pay rise for teachers across Scotland. Whilst campaigning to reverse the decline in teacher pay, borne out of austerity, pay freezes and below inflation uplifts, other significant issues were raised by members. The increase in workload, inadequate resources to support pupils with additional support needs and changes to the curriculum were some of the issues that came to the fore whilst discussing teacher pay. It is for this reason The EIS decided to survey its teacher members to gather their views on key issues, such as pay, workload, wellbeing and the work/life balance. This document summarises the results of this survey and offers analysis of key issues affecting EIS members.

Methodology

The survey was issued to EIS members that are covered by the Scottish Negotiating Committee for Teachers, roughly 43,000¹ members in total. Eligible members were emailed a link to the survey, which was also promoted on Twitter and Facebook². The survey was opened on 3rd December 2018 and closed on the 17th of December. 12,250 responses were recorded in total, however not every respondent answered every question. The only mandatory questions within this survey were the opening six questions in the "About You" section of the survey. The return rate of the survey was 28%.

Prior to the survey going live to members, it was issued to all Council members for peer review. Council members were asked to fill in the survey as though they were completing it for the first and only time. Minor amendments were made to the survey following comments from members, with a few questions removed and more user-friendly answer options put in place. As the changes did not affect the integrity of questions, the final number of responses quoted includes the responses gathered from this. Roughly 100 responses were collected from this initial survey review, which have been included in these findings.

The survey was broken down into 4 sections; About You, Health Wellbeing and Workload, Teaching Experiences and the Value Education, Value Teachers Campaign. There was an additional section on the Scottish Educational Journal which was made optional following member feedback.

As highlighted above, only a handful of questions were mandatory. This allowed respondents to skip questions as they progressed throughout the survey. Details of how many respondents answered each question are included within this report. A similar survey was completed in 2014 which was issued to all members (53,800 individuals) and received a 12.8% return rate. Some of the questions within this survey have been repeated in order to determine if there are significant trends to report on. A full analysis of this will be available in due course.

Margin of Error

¹ An exact figure isn't available as the total number eligible varies daily

² Public posts included a link to the members section of the EIS website to ensure only eligible members could respond

With 12,250 completed surveys submitted over a 2-week period, this accounted for 28% of the total eligible membership of 43,000. Using the standard Market Research Society (MRS) confidence level of 95% the margin of error is 0.75%.

Computing Teachers – Disaggregated Data

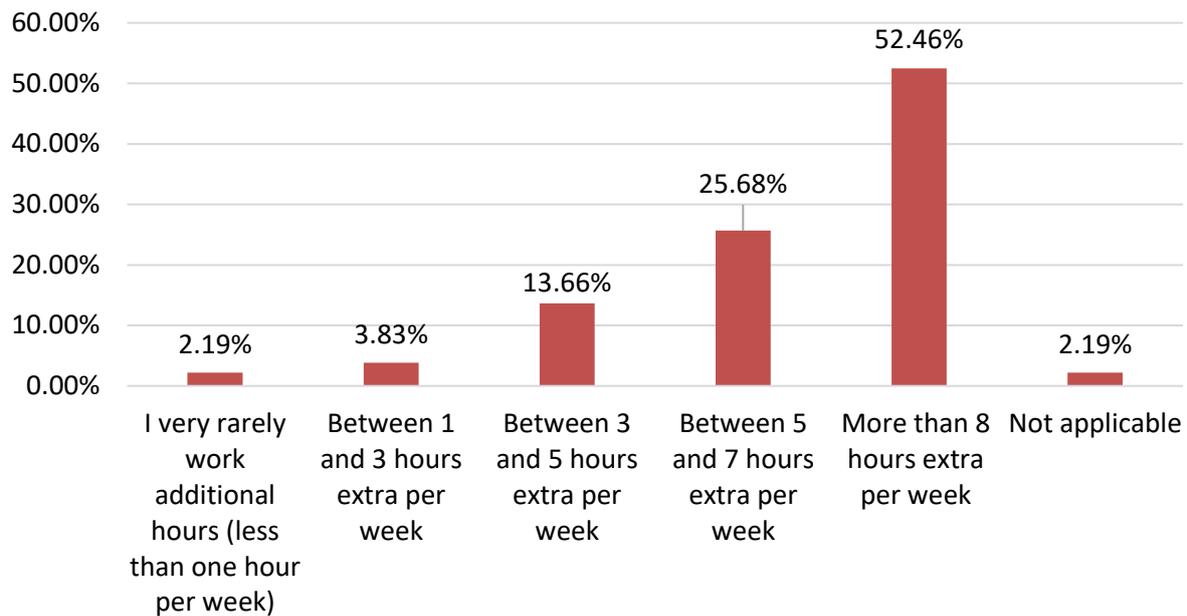
One of the questions asked within the survey was what subject area members taught. From the 12,250 responses gathered 188 indicated that they were a Computing teacher. The following analysis is drawn from the answers they gave to questions related to health and wellbeing.

Workload

Within the survey, there were key questions posed to all members on their workload and their perceptions of their own work/life balance. The tables and information below shows how Computing teachers responded to each of these questions.

When asked how many hours a week outside of their contracted hours (35 for 1 FTE) they usually worked more than half responded by saying that they worked more than 8 additional hours weekly. In total more than three quarters (78%) of Computing teachers said they worked more than 5 additional hours per week, which was in line with the total sample percentage of 80%. This contrasts starkly with the 2% of respondents who stated that they rarely worked additional hours. Table 1 below shows the full break down of responses.

Table 1: Question 6 “How many hours outside of your contracted hours (35 for 1 FTE) do you usually work?” responses



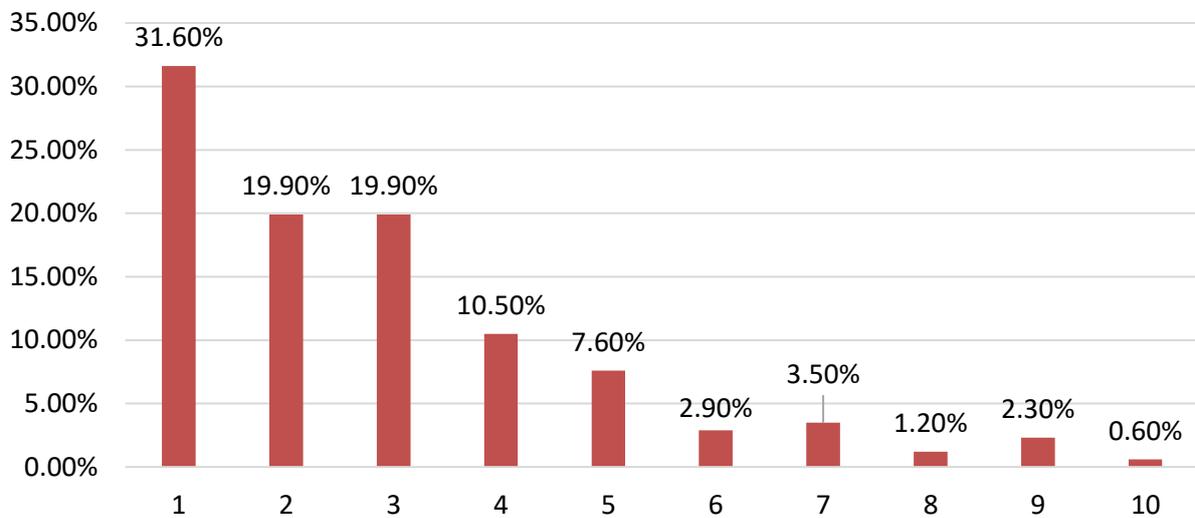
Responses: 183

Workload is frequently cited as a problem for many teachers, so in order to better understand member perceptions of their workload they were asked to indicate their satisfaction on a scale of 1 to 10. Table 2 details the responses that were collected from this answer. Those that responded with a value of 4 or less were recorded as being unsatisfied with their workload, and those that responded with 3 or less were noted as being very unsatisfied with their workload. A similar number grouping was applied to the other end of the scale with those recording 7 or above as being satisfied with their workload and those who recorded an 8 or higher value were considered to be very satisfied with their workload.

Of the 171 Computing teachers who answered this question 82% indicated that they were dissatisfied with their workload levels. Of those who were dissatisfied 71% gave a response of 3 or less indicating that they were very unsatisfied with their workload.

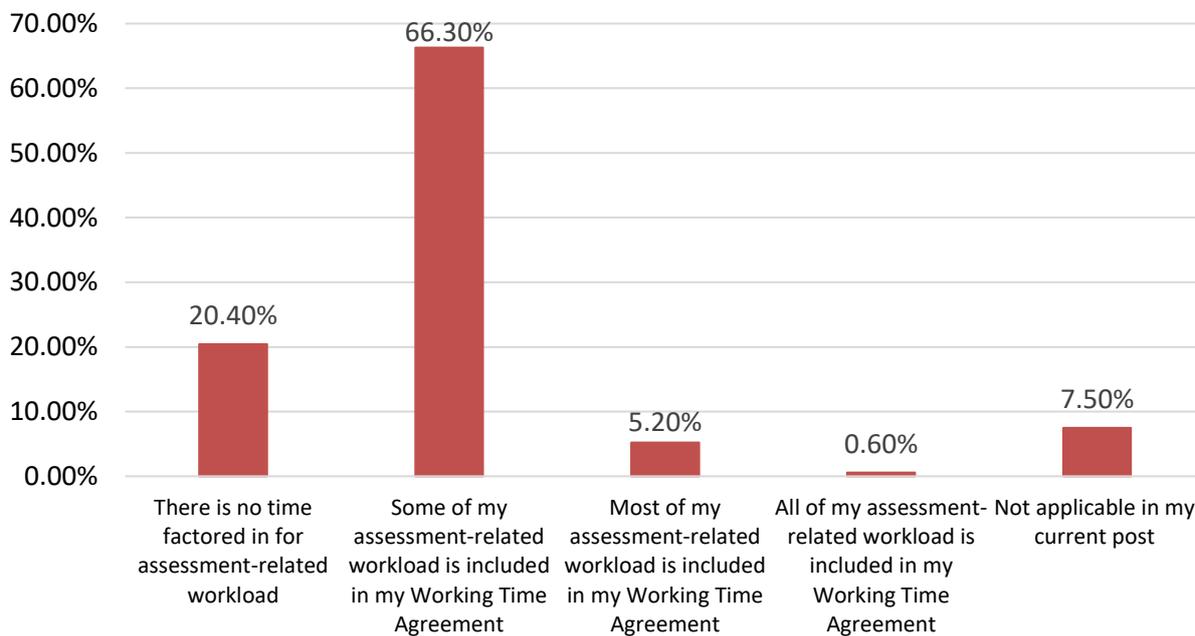
In contrast, at the opposite end of the spectrum, only 7 respondents or 4% indicated that they were very satisfied with their workload levels as detailed in Table 2.

Table 2: Question 8 “How satisfied are you with your workload levels generally?” responses (Between 1 and 10, where 1 indicates that you are not at all satisfied and 10 would suggest that you are completely satisfied)



Responses: 171

Table 3: Question 9 “Assessment-related workload should be factored in to your school’s Working Time Agreement. Which of the following best matches your actual experience?” responses



Responses: 171

In terms of assessment related workload, Table 3 details how many respondents felt they had sufficient time factored into their Working Time Agreement. More than two thirds of respondents claimed that only some of their assessment-related workload had been factored in, and only 20% believed that no time had been allocated for this purpose. Bearing in mind that it is a requirement that assessment-related workload be included in the Working Time Agreement, it is alarming to note that less than 1% of respondents agreed this reflected their actual experience.

There were 14 additional comments left under this question:

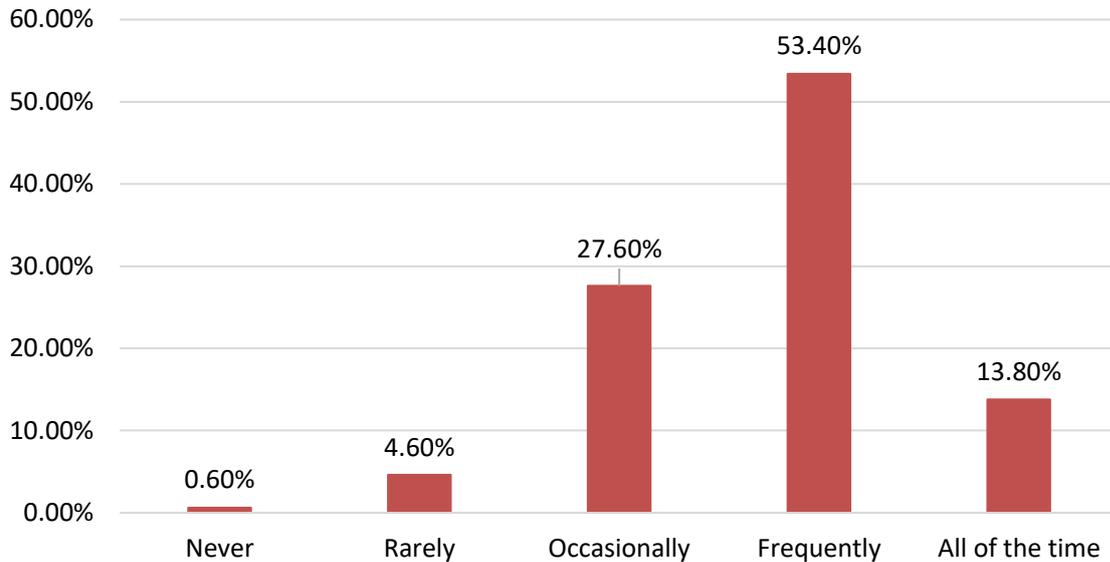
- "Whilst time is factored in, there is so little non-contact time for preparation and marking, so most of this is done outwith"
- "The issue is that SMT have no idea how much time is needed for assessment-related workload since they haven't taught classes for so long"
- "As SQA coordinator - this work is done at home in my time"
- "My school has allocated me less than 10 hours for the year"
- "Has improved with external marking of CAT but increased with Games Development due to folio evidence requirements and repeated remarking of evidence"
- "Don't know"
- "It is difficult to factor it all in as pupils are assessed when ready not at specific times"
- "No appreciable time allocated for verification"
- "No allowance is made for teachers who may have 5 or 6 S1 or S2 classes"
- "I do some of my assessment in the evening at home"
- "Not sure"
- "Very difficult to factor in subject related as main job is pupil support and support for learning"
- "Although the working time agreement stipulates 40hours, it is not enough when we assess all pupils from S2-S6"
- "Workload varies from week to week, but it generally involves more time than is contracted. A simple example is that I have to work through my lunchtime when there is an excessive amount to be done by a certain time. Too much of the work I have to do is cascaded to me from authority level - and not related to learning and teaching specifically. That is when it becomes burdensome."

Wellbeing

Wellbeing at work, looks beyond productivity and short-term goal setting in order to determine the health and sustainability of industries and professions. Despite a decade of cuts imposed through austerity teachers in Scotland have remained resilient and continue to provide support to pupils to ensure they achieve positive destinations. However there is growing concern about the health and wellbeing of those delivering that support.

Included within our survey was a series of questions looking into wellbeing, the first asking respondents how often within a typical week they felt stressed within their job. We know that teaching can be a demanding role with more and more expected of our teachers, however EIS is concerned to find that 67% of Computing teachers reported that they felt stressed "frequently" or "all of the time" within their jobs as shown in Table 4.

Table 4: Question 10 "In a typical week how often do you feel stressed within your job?" responses



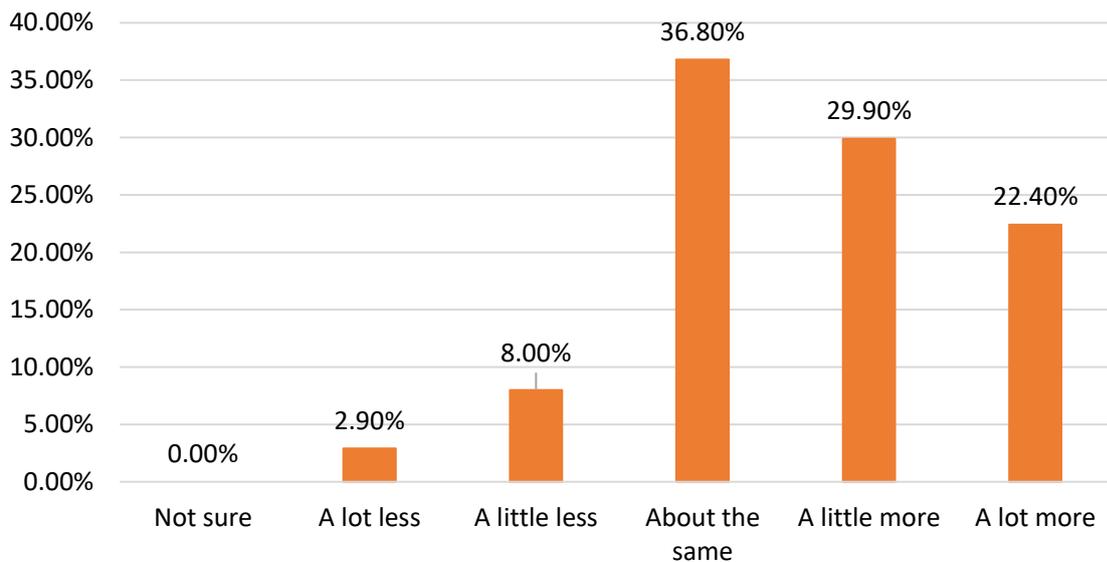
Responses: 174

There were 16 additional comments left under this question:

- "Mostly down to workload"
- "I manage things fairly well, but it means other things don't get done"
- "There's a sense that no matter what I do I can't actually do the job that I'm expected to do. There are too many expectations placed on teachers in terms of knowing and differentiating for the needs of every child in every class that you teach for example. And with the constant changes to course content from ES and SQA in my subject area I feel like I'm starting from scratch every year."
- "Life is a constant battle to catch up."
- "Typical weeks are just about manageable, but weeks with extra demands (organising cover for classes with absent teachers, additional marking, meetings, etc) are more stressful naturally."
- "Too much to do in too little time. No slack at all to develop resources. Everything is"
- "ICT issues often add to the stress and slow fixes"
- "First computing teacher in 5 years so lots of stress building all new materials on top of normal teacher duties"
- "I have learned to cope with it."
- "Was off for two months in December 2014 with work related stress."
- "Far too much emphasis on HIGIOS 4 and ensuring you have evidence for all the Quality Indicators. Time could be better spent on preparing learning & teaching materials"
- "Having to cover a class when I had planned to do lesson prep is very stressful"
- "High demands of pupil support and support learning combined with subject pressure"
- "Never enough time to do anything properly"

- “I am constantly prioritising my tasks, I have more paper work to complete and meetings to attend. My subject is forever changing and trying to keep abreast of new developments takes time before I can teach the pupils, I am literally 1 period ahead of them.”
- “Stress increases as year progresses due to lack of time to complete SQA courses.”

Table 5: Question 11 “Think back to this time last year – how would you say your stress levels within your job are now compared to back then?” responses



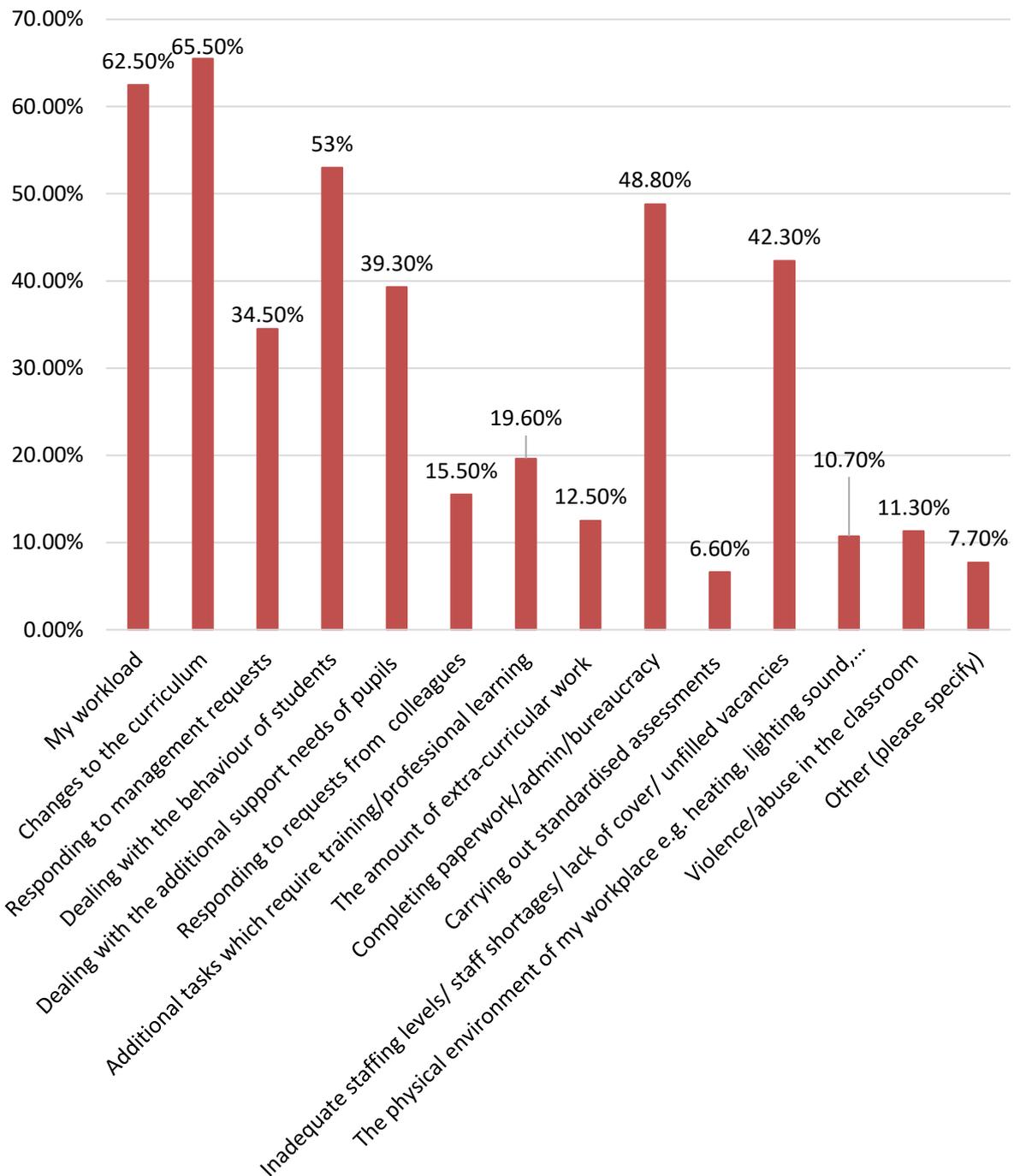
Responses: 174

Respondents were also asked about their perceptions of their stress over the past 12 months. Table 5 details how respondents felt their stress levels had changed in the last year. 89% said they felt that their stress levels had either stayed the same or had increased.

The long term physical and mental ill-health that stems from stress is widely known and therefore it is concerning to note that only 11% of respondents said they felt that their stress levels had decreased in the past year.

In order to better understand the key sources of stress for our members the survey asked respondents which aspects of their work had provided them with the most stress over the past 12 months. Respondents were able to tick all options that they felt were applicable, but were encouraged to indicate their top three. Tables 6 and 7 show the areas that were causing the most stress.

Table 12: Question 12 “Which aspects of your work have provided you with the greatest stress in the past 12 months?” responses (Please tick the top 3 issues)



Responses: 168

Table 7: Question 12 “Which aspects of your work have provided you with the greatest stress in the past 12 months?” responses and percentages

Answer Choices	Responses	%
My Workload	105	62.5%
Changes to the curriculum	110	65.5%
Dealing with the behaviour of students	89	53%
Completing paperwork/admin/bureaucracy	82	48.8%
Inadequate staffing levels/ staff shortages/ lack of cover/ unfilled vacancies	71	42.3%
Dealing with the additional support needs of pupils	66	39.3%
Responding to management requests	58	34.5%
Additional tasks which require training/professional learning	33	19.6%
Responding to requests from colleagues	26	15.5%
The amount of extra-curricular work	21	12.5%
Violence/abuse in the classroom	19	11.3%
The physical environment of my workplace e.g. heating, lighting sound, insulation...	18	10.7%
Other (please specify)	13	7.7%
Carrying out standardised assessments	11	6.6%

As can be seen from table 7 above the top 5 issues facing members are workload, changes to the curriculum, behavioural issues of students, completing paperwork and inadequate staffing levels. Of those who ticked “other” the answers given were as follows:

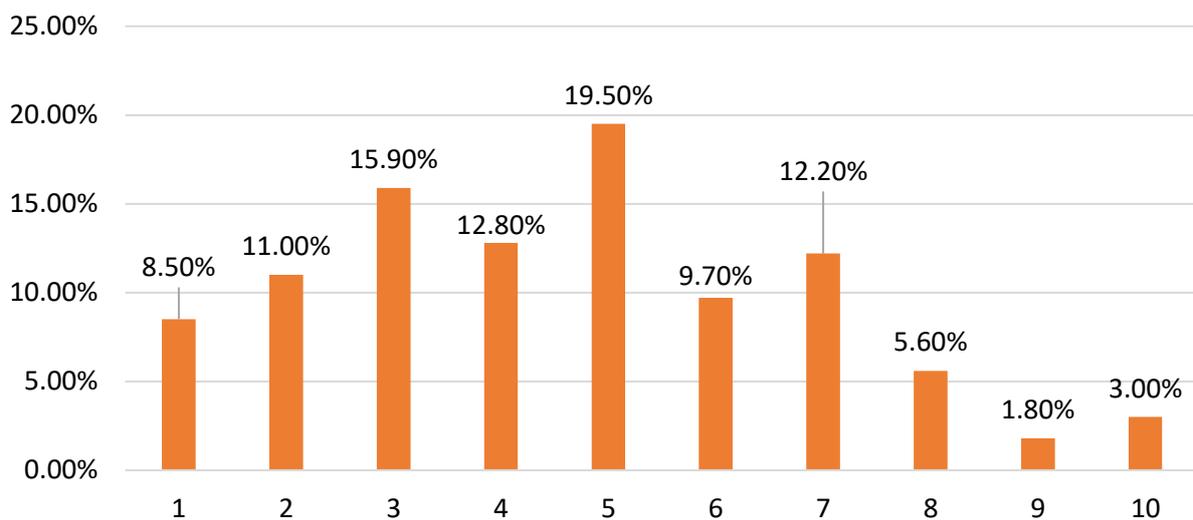
- “Communication with parents”
- “The SQA keep changing the computing curriculum far too frequently.”
- “Needing to learn a massive amount of computing science work”
- “We have several unfilled posts, and staff are always out at something, so cover demands are high”
- “Constant requirement to learn and implement new/different teaching strategies.”
- “Working time agreement TLCs being compulsory”
- “Issues with staff in current post regarding incompetency”
- “Dealing with computer breakdowns, laptops not working/charging”
- “Inadequate support for ICT in the classroom. We migrated to Windows 10 during the October Holidays and my computers still don't have software and pupils need to share computers for certain lessons. I was left without a projector for 3 weeks and I am a Computing Teacher!”
- “The Faculty arrangement has devalued individual subjects and removed the focus from learning and teaching and shifted it to paperwork. This causes stress as those leading subjects in time of great change have no recognition of their commitment.”
- “I have picked three - but it could easily have been six!”

- “Violent incidents both verbal and physical are forcing me to strongly consider leaving the profession, so have already started looking for an alternative career.”

The next couple of questions posed to members looked at their perceptions of their own wellbeing and their work/life balance. Using a similar format as other questions within the survey respondents were asked what level of wellbeing they felt within their job on a scale of 1 to 10. As with question 6 responses were grouped to indicate the strength of responses with values 1-3 being noted as not feeling well at work and answers 8-10 suggesting that that respondents felt very well within their job.

Of the 164 respondents, or 35% responded saying that they did not feel well at all within their job overall, compared to 10% who indicated that they felt very well as shown in Table 8.

Table 8: Question 13 “What level of wellbeing would you say you feel within your job overall?” responses (Between 1 and 10, where 1 indicates that you do not feel well at all and 10 would suggest that you feel very well within your job)

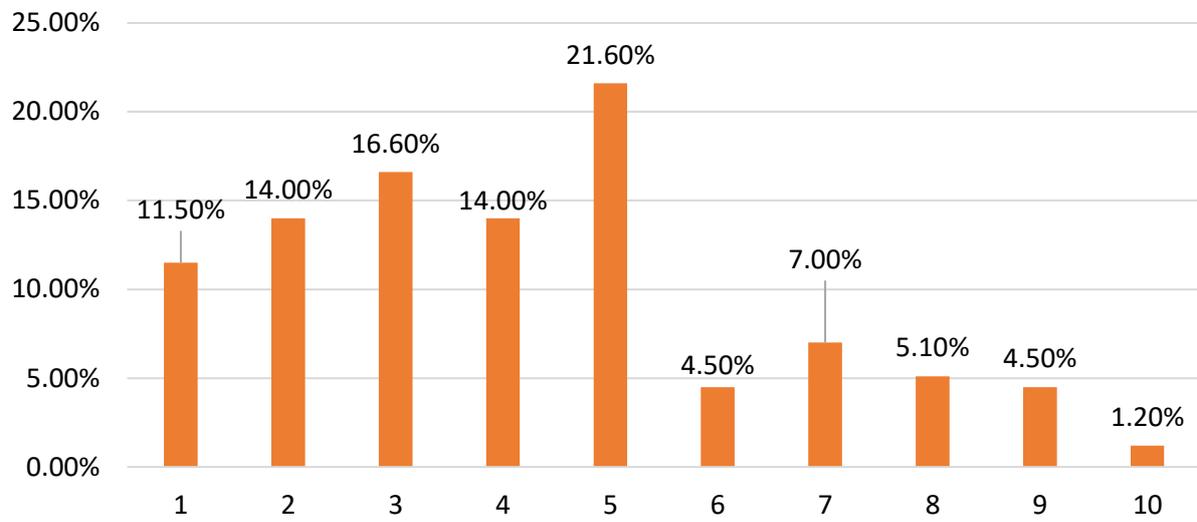


Responses: 164

Members were also asked to rate their work/life balance using a similar 1 to 10 answer scale. Using the same groupings as described above, 42% responded saying they had a very poor work/life balance and 11% suggested that they had a very good work/life balance as shown in Table 9.

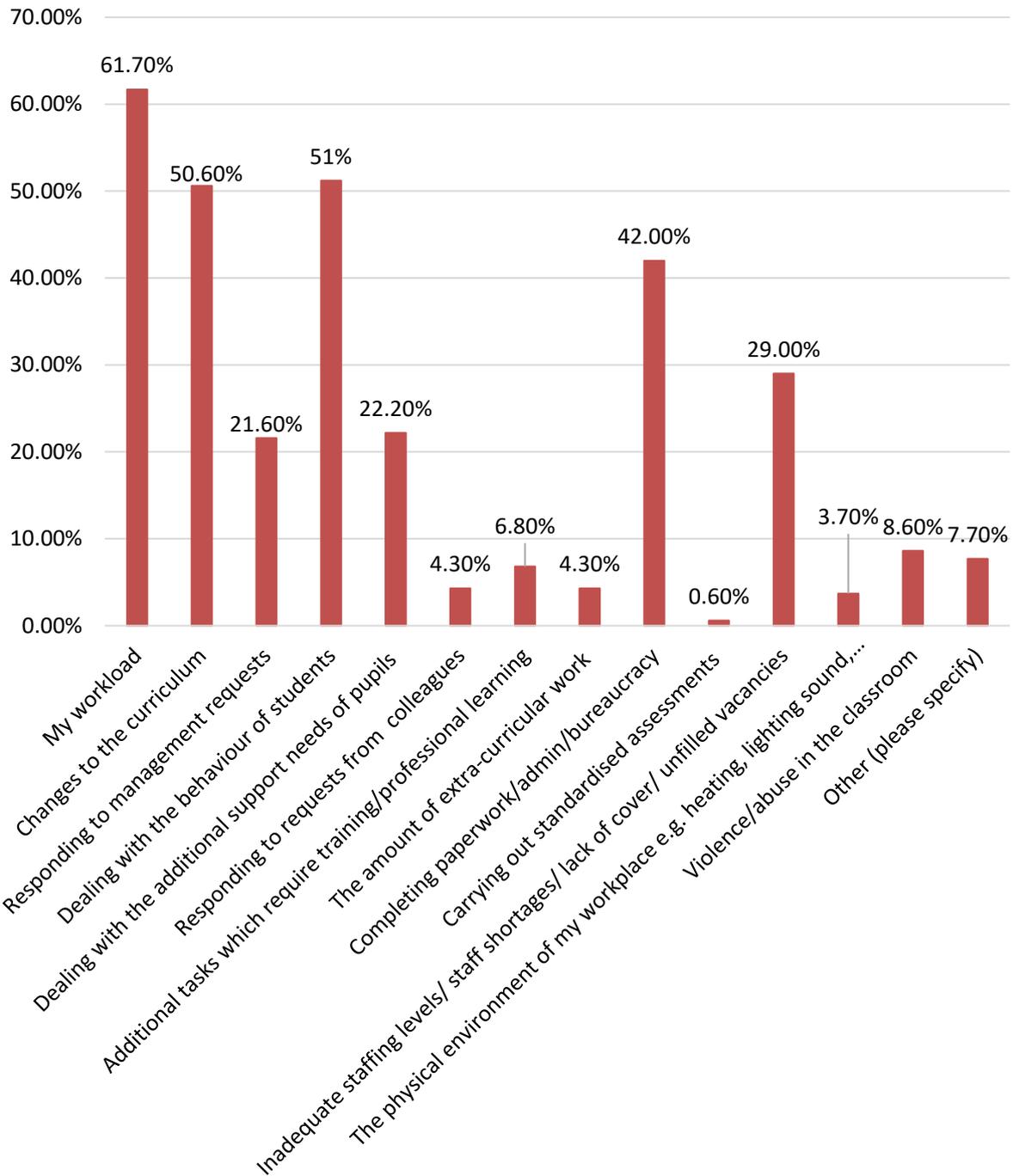
Respondents were then asked what factors contributed to any sense of poor wellbeing at work. The answer choices presented were the same as those given for question 12 with similar trends observed in tables 10 and 11.

Table 9: Question 14 "How would you rate your work life balance?"
(Between 1 and 10, where 1 indicates a very poor work life balance and 10 would suggest a very good work life balance)



Responses: 157

Table 10: Question 15 “What are the 3 most critical elements that go towards making up any sense of poor wellbeing at work?” responses



Responses: 162

Table 11: Question 15 “What are the 3 most critical elements that go towards making up any sense of poor wellbeing at work?”

responses and percentages

Answer Choices	Responses	%³
My Workload	100	61.7%
Dealing with the behaviour of students	83	51.2%
Changes to the curriculum	82	50.6%
Completing paperwork/admin/bureaucracy	68	42%
Inadequate staffing levels/ staff shortages/ lack of cover/ unfilled vacancies	47	29%
Dealing with additional support needs of pupils	36	22.2%
Responding to management requests	35	21.6%
Violence/abuse in the classroom	14	8.6%
Additional tasks which require training/professional learning	11	6.8%
Other (please specify)	11	6.8%
Responding to requests from colleagues	7	4.3%
The amount of extra-curricular work	7	4.3%
The physical environment of my workplace e.g. heating, lighting sound, insulation...	6	3.7%
Carrying out standardised assessments	1	0.6%

As can be seen from Table 11 above the top 5 issues facing members are workload, behavioural issues of students, changes to the curriculum, completing paperwork and inadequate staffing. Of those who ticked “other” the answers given were as follows:

- “Poor work-life balance”
- “Lack of career development and progression”
- “Working time agreement”
- “It equipment not fit for purpose. Big push for Google classroom. Pcs too slow. Pupils can't get access to internet at home.”
- “Faculty staff issues”
- “Lack of funding to buy even the most basic of materials”
- “Changes to the curriculum with very little time to implement these changes.”
- “Feeling undervalued by SMT and the fear of not being supported should support be required - having witnessed poor treatment of colleagues”
- “Dealing with other staff”
- “Meaningless local authority training/admin/bureaucracy with little to do with the classroom”

³ Rounded to the nearest decimal point.

THE EDUCATIONAL INSTITUTE OF SCOTLAND

False, Vexatious & Defamatory Allegations

Introduction

1.1 The following resolution was approved by the 2018 Annual General Meeting:

"This AGM instructs Council to investigate and report on the increasing incidences of false and vexatious allegations against teaching and academic professionals and to publicise the advice leaflet to members on False, Vexatious and Defamatory Allegations (Members Subject to Complaints) and to highlight to members the advice contained therein."

1.2 The EIS wrote to all 32 Councils requesting the following information.

1. How do you record incidences of allegations against teachers?
2. How many allegations against teachers has your Council received since 1 January 2015?
3. How many of the allegations received were substantiated?
4. How many of the allegations were withdrawn?
5. How many of the allegations are still being processed?
6. How many of the allegations were resolved?
7. How many of the allegations were recorded as false, vexatious or defamatory?

Analysis

2.1 At the time of writing, 6 responses had been received from 32 Councils. Several Councils claimed they had difficulty in interpreting the request for information as evidenced below.

2.1.1 Response from Fife

"Can you please clarify what you mean by 'allegations'? By who and what?"

2.1.2 Response from Inverclyde.

"In order to allow us to answer your request fully it would be helpful if we could have clarification in what you mean in terms of allegations?"

2.1.3 Response from North Ayrshire.

"North Ayrshire Council acknowledges receipt of your request and will respond to you within 20 working days as required by the Freedom of

Information (Scotland) Act 2002. Should your request relate to environmental information in terms of Section 7 of the Regulations (complex or voluminous requests), the Council may extend the timescale to 40 working days."

2.1.4 Initial response from Perth and Kinross.

"Can you please specify the types of allegations you are referring to?"

In the circumstances, I regret that your request will be on hold until such time as your request is clarified."

2.2 In an attempt to assist Councils with the EIS request for information, the following email containing clarification was issued to those Councils seeking further clarification and assistance.

2.2.1 *"For the purposes of this Freedom of Information request, an allegation is a formal complaint, assertion or statement that has been made against a teacher with the expectation that it would be investigated and an outcome given in relation to the teacher's misconduct and/or incompetence."*

2.3 Response in full from Argyll and Bute

1. How do you record incidences of allegations against teachers?

"These are received as complaints to the managers (Head Teachers) who complete an initial assessment. If there is found to be a case for investigation under the disciplinary procedure, it is passed to the HR Team to investigate formally."

2. How many allegations against teachers has your Council received since 1 January 2015? 21

3. How many of the allegations received were substantiated? 8

4. How many of the allegations were withdrawn? 0

5. How many of the allegations are still being processed? 1

6. How many of the allegations were resolved? 14

7. How many of the allegations were recorded as false, vexatious or defamatory? 0

2.4 Response in full from Perth and Kinross

"Relative to the above, I am advised that we receive information in a variety of ways, such as corporate complaints, from Headteachers/Quality Improvement Officers or Heads of Service. An initial assessment is undertaken, based on information available to determine whether to proceed to a formal investigation. A decision is made by the Commissioning Officer to proceed to a formal hearing

following that investigation. The outcome of this hearing is not shared with anyone other than the teacher involved.

1. *"Where cases are taken forward for formal investigation these are held on a Case Management System."*
2. *"26 formal investigations have been taken forward."*
3. *"13 formal investigations were upheld following a formal hearing."*
4. *1*
5. *"3 are currently undergoing formal investigation."*
6. *As Q3*
7. *0*

2.5 Response from Shetland

1. How do you record incidences of allegations against teachers?
"Allegations relating to employment matters which follow a formal process are recorded centrally in our Human Resources Department."
2. How many allegations against teachers has your Council received since 1 January 2015? 9
3. How many of the allegations received were substantiated?
"We do not record information in this way."
4. How many of the allegations were withdrawn? 0
5. How many of the allegations are still being processed? 1
6. How many of the allegations were resolved? 9
7. How many of the allegations were recorded as false, vexatious or defamatory? 1

Conclusion and Recommendations

- 3.1 The response rate from this FOI request was poor and disappointing. It also makes it difficult to conduct any meaningful analysis.
- 3.2 The existing policy paper and the accompanying leaflet have been issued to Local and Association Secretaries, Branch Secretaries and EIS Officers is already on the EIS website and is available at the following address.

<https://www.eis.org.uk/PoliciesandGuidance/Allegations>

- 3.3 It is recommended that this advice leaflet to members on False, Vexatious and Defamatory Allegations (Members Subject to Complaints) (Appendix 1), is brought to the attention of members via an EIS members ebulletin before the end of the current session.
- 3.4 It is recommended that the outcomes of these FOI requests are shared with Council for information.

**False, Vexatious & Defamatory Allegations
Existing Advice Leaflet to Members**

Advice Leaflet to Members

Members Subject to Complaints

- 1.1 Local authorities, Colleges and Universities have a duty to investigate complaints. Members subject to such investigation are advised to co-operate and to seek early advice and support from their EIS Representative.
- 1.2 The following advice is for all members who are subject to complaints and to situations where the complaints are believed to be false, spurious, vexatious or malicious.

Legal Rights

- 2.1 Members who are subject to false, spurious, vexatious or malicious complaints may have legal remedy. However, the legal routes outlined below are complex and should not be considered lightly. Furthermore, any request for legal representation can only be approved by the Employment Relations Committee. Requests for legal advice should be discussed with your Local Association Secretary/Branch Secretary.
- 2.2 It is possible for employers to seek an interdict to stop a complainant coming to a school/college or otherwise approaching a member. An interdict is likely to be granted only where there is a risk of harm, normally arising from a threat of violence.
- 2.3 Under the Protection from Harassment Act 1997 a person must not pursue a course of conduct which amounts to harassment of another and (a) is intended to amount to harassment of that person or (b) occurs in circumstances where it appears to a reasonable person that it would amount to harassment of the person. There would have to be at least two occasions when harassment has occurred. In such actions it is necessary to demonstrate beyond doubt that the action was unreasonable in the circumstances. A non-harassment order may be made by a Sheriff.
- 2.4 A person may be able to pursue an action for defamation for verbal injury. Defamation requires a complainant to prove that a statement made, orally or in writing, is false. Complaints made to Headteachers, Principals, Education Departments, MPs, MSPs or Councillors are liable to be covered by qualified privilege.

2.5 Qualified privilege can be summarised as follows:

Privilege is a legal right to do or say something unrestricted and without liability (e.g. a witness in Court or a Member in Parliament). Qualified privilege will apply to individuals who make statements in the discharge of private or public duties. This covers parents, guardians and students.

2.6 You should note that defamation actions are difficult to pursue successfully and are likely to bring unwarranted media attention.

Contractual Advice

3.1 Where you are advised that a complaint has been raised against you, you should immediately advise your representative who will advise the Local Association Secretary. If there is a likelihood of police involvement EIS HQ must be informed. In Further and Higher education, you are advised to contact your Branch Secretary. It is expected that employers will have explicit complaints procedures. Investigations should be conducted in accordance with such procedures.

3.2 Employers are under an obligation to investigate complaints. Therefore, even if you believe the complaint is false, spurious, vexatious or malicious, you should cooperate. When being interviewed you should seek to be accompanied by your representative or by a colleague. Where a complaint moves beyond investigation to disciplinary procedures you are entitled to be advised and represented by EIS.

3.3 In circumstances where parents have submitted complaints you can decline to meet the parent unless the meeting is a parental consultation meeting set out in the school's working time agreement. It is not appropriate for members to meet with parents who have initiated formal complaints through an employer's complaints procedure in relation to that complaint.

3.4 If, however, you do choose to meet the parents you are entitled to seek accompaniment by a member of the establishment's senior management team. If you are a Headteacher you can seek this support from the authority.

3.5 You may withdraw from any meeting with a parent if you are dissatisfied with how the meeting is being conducted. If you do so you should advise your line manager of your reasons for doing so.

3.6 You are entitled to be advised if complaints are dropped or proven to be unfounded. If you believe there is evidence of false, spurious, vexatious or malicious complaints you should ask your employer to protect you from future complaints. You should raise this with your Local Association Secretary or Branch Secretary.

Some Legal Definitions

Defamatory statements. An offending statement may not necessarily be defamatory as it may fall into another category of hurtful words, such as being a “malicious falsehood” or a “slander of title”. To be defamatory “a statement must be false and must lower the defamed in the estimation of right-thinking members of society”. In addition, a defamatory statement must be communicated. The traditional forms of communication are publication in print or oral dissemination. However, modes of communication have increased with technological advances and now include communications made on Twitter, LinkedIn, Facebook, Trip Advisor and blogs. The greater the circulation by the original defamer, the greater the sum of damages is likely to be. However, qualified privilege, which is explained below, sets out a context for defence.

Interdict is a judicial prohibition or court order preventing someone from doing something. In English law, this is called an injunction.

Malice. There is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false.

Qualified privilege. Privilege is a legal right to do or say something unrestricted and without liability (e.g. a witness in Court or a Member in Parliament). Qualified privilege will apply to individuals who make statements in the discharge of private or public duties. This covers parents, carers and students.

Substantiated. There is sufficient identifiable evidence to prove or disprove the allegation.

Unfounded. There is no evidence or proper basis which supports the allegation being made, or there is evidence to prove that the allegation is untrue. It might also indicate that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively, they may not have been aware of all the circumstances.

Upheld. This means to confirm or support something which has been questioned.

Unsubstantiated. This simply means that there is insufficient identifiable evidence to prove the allegation.

THE EDUCATIONAL INSTITUTE OF SCOTLAND

Work-Related Stress: Educational Psychologists

Introduction

1.1 The following resolution was approved by the 2018 Annual General Meeting:

"This AGM instruct the EIS to submit freedom of information request to local authorities to assess levels of work-related stress absence among educational psychologists."

1.2 The EIS wrote to all 32 Councils requesting the following information.

1. How many educational psychologists do you employ?
2. How many have recorded an absence in the last 12-month period?
3. How many of these absences among educational psychologists were stress related?
4. How many of these absences among educational psychologists were classified as work-related stress?
5. Please provide me with a copy of your Council's work-related stress policy.

Analysis

2.1 The latest information available from the Scottish Government shows that the numbers of educational psychologists (FTE figures) employed by Scotland's Councils in 2017 were as follows.

Educational Psychologists	265
Senior Educational Psychologists	41
Principal Educational Psychologists	67

2.2 At the time of writing, 16 responses had been received from 32 Councils. However, 3 of these responses were holding responses or acknowledgements. A summary of the responses is outlined in Appendix 1.

Conclusion and Recommendations

3.1 The response rate from this FOI request was poor and disappointing. It also makes it difficult to conduct any meaningful analysis.

3.2 It is recommended that the outcomes of these FOI requests are sent to Council and the EIS Educational Psychologist Network for information.

Appendix 1

Council	Number EPs	of	Number Recorded Absences	Stress Related?	Work- Related Stress?	Policy Provided
Council A	7		4	0	N/A	Yes
Council B	11		5	0	N/A	Yes
Council C	8		6	Since <5, numbers too small to disclose as individuals maybe identified	Since <5, numbers too small to disclose as individuals maybe identified	Yes
Council D	13. 11.8 FTE		6	Since <5, numbers too small to publish as individuals maybe identified	0	Yes
Council E			Holding response			No
Council F	9		3	Since <5, numbers too small to publish as individuals maybe identified	Since <5, numbers too small to publish as individuals maybe identified	Yes
Council G			Holding response			No
Council H	2		0	0	0	Yes
Council I	11		9	0	0	Yes
Council J	2		Classed by the Council as being exempt from public disclosure under Sections 36 (Confidentiality) and 39 (Personal Information) of the Freedom of Information (Scotland) Act 1998.			Yes
Council K			Holding response			No
Council L	19		10	0	0	Yes
Council M	9		2	0	0	Yes
Council N	8.5 FTE		<10	<10	<10	Yes
			Exempt	Exempt	Exempt	
Council O	29		16	0	0	No
Council P	8.5 FTE		3	1	0	Yes

THE EDUCATIONAL INSTITUTE OF SCOTLAND
EQUALITIES AND HUMAN RIGHTS COMMITTEE
AGE OF CRIMINAL RESPONSIBILITY (SCOTLAND) BILL
SUBMISSION FORM

Educational Institute of Scotland

The EIS, Scotland's largest teaching union with over 50,000 members, supports raising the age of criminal responsibility from eight to 12, as proposed in the Age of Criminal Responsibility (Scotland) Bill. We believe that no child under 12 should receive a criminal record.

We note that the Bill aims to further embed the principles of the UN Convention on the Rights of the Child into Scottish life and consider that this is to be welcomed. The EIS strongly supports the development of public policy founded on children's rights. We further note that the UN Committee on the Rights of the Child has stated that setting the age of criminal responsibility below 12 is considered 'not to be internationally acceptable' (and that eight is the youngest age of criminal responsibility in Europe) and so commend the Scottish Government for bringing forward this Bill.

The EIS has a long-standing position that children should be able to exercise some rights in relation to key decision making from around the age of 12, for example rights to opt out of participating in religious observance at school, or to be involved in discussions about one's own additional support for learning. We would suggest that this is the age at which most children are able to take greater responsibility for their decisions, though we would always stress the need for them to be supported in the process of doing so.

This is in line with evidence around brain development, which shows that good judgment is something that develops over time, as the development and maturation of the prefrontal cortex (the rational part of the brain, which allows for an awareness of long-term consequences) occurs primarily during adolescence.

At age eight children are ordinarily in Primary 4 and for the most part, are working at First Level in Curriculum for Excellence. Between ages eight and 12, children are still very much in the early stages of learning about rights and responsibilities, which they do in a range of ways across the curriculum. Becoming a responsible citizen is one of the four capacities of Curriculum for Excellence. However, this concept would be introduced in an age-appropriate way, and developed over time. The concept of criminal responsibility specifically would be deeply unfamiliar to most children between the ages of eight and 12. It would not be appropriate - indeed it would be absurd - to criminalise very young children, working at First Level, when they are still learning about behaviour, citizenship, etc. and are unable to fully comprehend what they may have done wrong and why it is so wrong as to be considered criminal.

Children under the age of 12 who commit offences need to be helped to stop offending, by adequately resourced supports, and child-centred infrastructure such as children's panels. Giving them a criminal record at such a young age could seriously damage their life chances, which will, most likely, already be compromised. Barnardo's Scotland has reported that children in the youth justice system are predominantly drawn from the poorest and most disadvantaged families and communities and have multiple problems, including over half with significant speech, language or communication difficulties; around a quarter with a learning disability; mental health disorders at a higher level than the general

population; and many with a history of abuse, bereavement, or care-experience. To criminalise young children whose offences are borne out of profound disadvantage is unjust.

We note that 95% of consultation respondents supported this change so there is clearly an overwhelming majority in support of and a clear mandate for this new law.

End

THE EDUCATIONAL INSTITUTE OF SCOTLAND

Briefing: Anti-Racist Education August 2018

Purpose of this briefing

This briefing aims to support EIS members to advocate for better provision of anti-racist education in their educational establishments. The EIS has a commitment to the promotion of sound learning rooted in equality and inclusivity. We oppose racism and all forms of prejudice; we want educational establishments to be safe, inclusive environments for all children, young people and staff.

Young people have the right to learn and teachers and lecturers have the right to work in an educational environment that is free from discrimination.

The briefing paper has two primary aims:

1. **To promote anti-racist education** and support members in reinvigorating this.
2. **To inform members of examples of current anti-racist education practice** in use across Scotland, drawn from consulting members, to enable the sharing of good practice.

Why raise this now?

After the Stephen Lawrence inquiry¹ and the 1999 publication of the resulting Macpherson Report there was a considerable focus on challenging institutional racism across the public sector, including in educational establishments. That focus waned over the years that followed, and although there is now much positive practice, with some establishments making considerable efforts to challenge racism, more needs to be done.

The 2017 EIS AGM passed a resolution which said, *"This AGM calls on Council to promote and re-establish Anti-Racist Education firmly in the curriculum for every year group and sector; including training for all teachers and lecturers in light of the current political climate and as a way to tackle the rise in Racism."*

The debate on this resolution reflected a sense among the membership that anti-racist education has been in decline in recent years. This sentiment has also been repeatedly aired at the annual STUC Black Workers' Conference. One speaker at the 2017 Conference said, *"anti-racist education has fallen off a cliff"*.

The resolution was passed in the wider context of:

¹ Stephen Lawrence Inquiry: <https://www.gov.uk/government/publications/the-stephen-lawrence-inquiry>

- High levels of **racist hate crime**: racial crime remains the most commonly reported hate crime, with 3,349 charges reported in 2016-17² (figures are indicative of the scale the problem, but it should be borne in mind that many incidents are never reported)
- A significant minority holding **negative attitudes towards diversity**: the Scottish Social Attitudes survey³ has found that a third of people in Scotland (33%) said that they would rather live in an area 'where most people are similar to you', and fewer than half (40%) agreed that 'people from outside Britain who come to live in Scotland make the country a better place' (although, it is positive that from 2010 - 2015, there was a 10% decline in the proportion of people who said that they would rather live in an area where most people are similar to them and a 7% increase in the proportion of people agreeing that people from outside Britain who come to live in Scotland make the country better)
- Increasingly **hostile and Islamophobic media coverage** of world events such as the refugee crisis: the European Commission against Racism and Intolerance (ECRI) has raised concerns about some British media outlets, particularly tabloid newspapers, using "offensive, discriminatory and provocative terminology" and says that it considers that "hate speech in some traditional [UK] media continues to be a serious problem"⁴
- **Low and declining numbers of minority ethnic teachers** (only 1% of primary teachers and 1.7% of secondary teachers in Scotland come from an ethnic minority background)⁵, suggesting that that Black, Asian and minority ethnic graduates experience barriers to entering the teaching profession, meaning that schools gain less social, cultural and linguistic capital than other more diverse workplaces
- More prominence of **racist and extremist views in political discourse**, associated with e.g. the Trump administration and the 'Brexit' referendum. The ECRI has highlighted this issue, saying, "There continues to be considerable intolerant political discourse" which it links to "an increase in xenophobic sentiments". It reports that "Muslims are similarly portrayed in a negative light by certain politicians and as a result of some government policies" and raises concern about the tenor of discourse on Traveller communities⁶

² Hate Crime statistics: <http://www.copfs.gov.uk/media-site/media-releases/1557-hate-crime-in-scotland-2016-17-an-official-statistics-publication-for-scotland>

³ Scottish Social Attitudes Survey 2015: Report of Attitudes to Discrimination: <http://www.ssa.natcen.ac.uk/read-the-reports/scottish-social-attitudes-2015/attitudes-to-discrimination-positive-action.aspx>

⁴ ECRI REPORT ON THE UNITED KINGDOM (fifth monitoring cycle), 4 October 2016: https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/United_Kingdom/GBR-CbC-V-2016-038-ENG.pdf

⁵ Teacher Census: <http://www.gov.scot/Topics/Statistics/Browse/School-Education/teachcenssuppdata/TeaSup2017>

⁶ Paras 33-39, Hate Speech in Political Discourse: https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/United_Kingdom/GBR-CbC-V-2016-038-ENG.pdf

- The passing of 'counter-terrorism' **legislation which the EIS views as likely to unfairly and disproportionately impact on Black and Minority Ethnic (BME) people** (e.g. the Prevent duty⁷)
- **Scotland becoming a more diverse nation**, and areas of Scotland that have not previously hosted refugee communities doing so for the first time, often with positive results but with some tensions also
- New research on **young people's experiences of racism**, highlighting emerging issues such as 'micro-aggressions' (subtle experiences of racism that happen on a daily basis in public spaces) and 'misrecognition' as Muslim based on ethnicity.⁸ Many young people in the study were highly positive about diversity in Scotland and valued schools as safe places to study and develop friendships but they also described in different ways how they were made to feel as though they did not belong, on the basis of accent, colour, faith, dress, nationality and ethnicity
- New EIS research on **teachers' and lecturers' experiences of racism and Islamophobia**. The EIS conducted a survey of BME members in 2018 on this matter, which found that:
 - o A significant majority (71%, or nearly three-quarters) of all respondents had experienced racism in their capacity as a teacher or lecturer, and the proportion was higher among certain groups (e.g. 83% of African, Caribbean or Black respondents had experienced racism)
 - o Manifestations of racism seen most commonly were racist language used by learners (mentioned over half of respondents) and racist attitudes among learners (mentioned by nearly half); colleagues showing racist attitudes was the third most common observation; and curriculum content which lacks ethnic diversity was cited by four in ten respondents
 - o Many respondents had experienced unhelpful curriculum content. Over four in ten (41%) respondents reported having seen curriculum content which lacks ethnic diversity. This figure was higher among Asian respondents: nearly half had seen curriculum content which lacks ethnic diversity (48%).

All of these matters bring into sharp focus the urgent need for concerted efforts to ensure that anti-racist education pervades Scottish educational establishments.

Making concerted efforts to educate young people against racism as early as possible brings many benefits, for young people, staff and communities.

Anti-racist education is a preventative approach; it is about working to change attitudes and equip learners with the knowledge and skills

⁷ EIS guidance on the Prevent Duty: <http://www.eis.org.uk/Equality-Policies/Prevent>

⁸ University of Edinburgh briefing paper: <https://www.ed.ac.uk/education/election-briefings/experiences-of-minority-ethnic>

necessary to understand and challenge racism. It should form part of a **whole-establishment approach** to promoting equality and inclusion.

Policy and legal context

Anti-racist education is supported by the Scottish policy context within education and by equality legislation.

The Equality Act 2010⁹ includes race as a protected characteristic, and offers a wide range of protections from discrimination on the basis of ethnicity. This important legislation includes a Public Sector Equality Duty, which obliges local authorities and public bodies to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- Advance equality of opportunity between people who share a protected characteristic and those who do not
- Foster good relations between people who share a protected characteristic and those who do not.

The promotion of race equality is also supported by Curriculum for Excellence, the Standards in Scotland's Schools Act 2000, and Getting it Right for Every Child (an aspect of the Children and Young People Act 2014). A race equality lens can be applied to the SHANARRI indicators (especially Safe, Healthy, Achieving, Nurtured, Respected, and Included).

It should also be noted that 2018 is the 'Year of Young People'; an opportune moment to revisit existing approaches to anti-racist education, especially as equality and health and wellbeing are key themes of the YoYP 2018. However, the EIS would advocate for anti-racist approaches to take into account the experiences of staff as well as young people, and reminds members of the inter-relation between the learning and the working environment.

Anti-racist education approaches: current practice

The EIS gathered information from activists about approaches to anti-racist education in their local settings. Some activists reported that they were not aware of any notable practice in their area; or referred to the need for more specific and co-ordinated approaches to anti-racism, taking in, for example, different forms of racism and different target groups.

Virtually all respondents said they were not aware of any professional learning being made available on anti-racist approaches. Most references to training mentioned this being provided in the 1990's or mid 2000's but not more recently. Only one respondent reported recent activity (their Local Association Equality Reps

⁹ The Equality Act overview: <https://www.equalityhumanrights.com/en/equality-act/equality-act-2010>

had recently offered professional learning on equalities, which had included content on racism). Some people mentioned the depletion of local authority equality staffing; such teams would once have offered such training, but they have been affected by austerity budgets.

A range of current practice was shared, some examples of which are described below.

Some respondents spoke of the general ethos of the school and of their overall approach to teaching, e.g. "In the school we emphasise respect for everyone and equality in our general school ethos"; and "By bringing particular matters into discussion and responding appropriately to any questions or comments I am supporting anti-racism".

Curricular approaches

- In **English**, pupils have studied:
 - o 'Blood Brothers', and in connection, have studied the place of Liverpool in the slave trade;
 - o the Robert Burns poem 'The Slave's Lament', learning in the process about the slave trade;
 - o racism in football, in light of the statement made by a player who left a high-profile local team due to racism;
 - o 'The Diary of Anne Frank', exploring racism and anti-Semitism;
 - o Rosa Parks, Barack Obama, JFK, and Will Smith, to bring about some understanding of the Civil Rights movement and current racial tensions in the USA;
 - o 'Divided City' by Theresa Breslin, exploring sectarianism and racism;
 - o the issues shown in 'Hidden Figures', a film about the role of Black women in the space industry in the 1950s/60s
 - o the coverage of Charlottesville in terms of bias, and connected this to discussions on the American Civil War.

(NB: Members felt that English offers tremendous scope for anti-racist education, as with other social issues, as teachers can choose to use literature which deals with themes related to racism, and discursive writing can be focused on racism and related issues, but this is at the discretion of individual teachers and their professional judgement as to the appropriate curriculum content.)

- In **Religious and Moral Education**, pupils have looked at:
 - o anti-Semitism, linking to WW2 in social subjects
 - o attitudes towards racism globally and locally, through discussion and drama activities
 - o anti-racist role models such as Martin Luther King and Nelson Mandela
 - o issues arising from the Holocaust
 - o interfaith week and the value of respect for difference.
 - o
- In **Social Subjects**:
 - o e.g. Modern Studies, Nelson Mandela is studied

- through interdisciplinary learning, pupils learn about attitudes towards racism globally and locally, through discussion and drama activities
 - pupils have engaged in a unit (for S1, S2 and S3 year groups) on the UN Sustainable Development Goals¹⁰, which explores anti-racism.
- In **Health and Wellbeing** work:
 - some classes discuss the need to respect others
 - an S3 class explores what they may, or may not, consider as racist
 - pupils in an autism base have explored anti-racism within a Human Rights unit.
 - In **Modern Languages**:
 - the content is inherently anti-racist as the promotion and acceptance of the culture and values of other countries are part of the Experiences and Outcomes; textbook material invariably represents the cross section of communities that live in that country
 - learners explore and celebrate differences between cultures.

Other approaches

- Some schools hold **special events**:
 - A school celebrates Chinese New Year, with inputs on Chinese language and culture
 - One area holds an annual EIS anti-racist poster competition for schools
 - One area organised a Convention on the Rights of the Child poster competition where pupils explored the concept of being 'free from discrimination'.
- Some schools work with **partners**:
 - Some areas engage with 'Show Racism the Red Card', e.g. one school mentioned that they deliver workshops to all P7 pupils.
 - One school has worked with 'Beyond the Veil' to challenge myths about people who are Muslim, especially women who wear Hijab.
- Members undertake **professional learning**:
 - A specialist in one area is running a training session with probationer teachers, on anti-racism with a focus on Islamophobia.
- Teachers in another area are addressing racism through **Health and Wellbeing** planning.

EIS Learning Reps were also consulted about current practice. They reported on a wide range of anti-racist educational activity, including:

- Global citizenship education
- Coverage of the transatlantic slave trade in history
- Anti-racism being included as part of the wider Equality Diversity & Inclusion agenda

¹⁰ <https://www.un.org/sustainabledevelopment/sustainable-development-goals/>

- Activity during Interfaith Month (November)
- Guest speakers
- Participation in the 'Rights Respecting Schools' programme
- Inclusion of racism issues in Personal and Social Education and in RME
- Use of relevant 'TED Talks'
- Police talks highlighting the consequences of racist behaviour and attitudes
- Show Racism the Red Card workshops
- A wide range of Holocaust education activity, including studying films ('The Boy in the Striped Pyjamas', 'Schindler's List') and visits to synagogues on Open Doors Day.

The above represents a snapshot of current practice and may give members some ideas for how to develop their anti-racist education work. Any curricular interventions, projects, events or initiatives should sit within a wider context and form part of the whole-establishment approach to preventing racist attitudes and celebrating diversity.

School/college ethos: Handling incidents

Anti-racist education should be part of a whole-establishment approach to promoting equality and inclusion. Alongside discussing race equality matters across the curriculum, establishments should also make concerted efforts to challenge racism on a range of other fronts. One aspect of this would be their handling of racist incidents.

In 2017 the EIS gathered information from across Scotland about local authorities' approaches to recording racist incidents. From the data received, we observed that practice as regards recording of racist incidents appears to be very variable across Scottish schools.

Some authorities do not record race-based or racially motivated incidents at all. Several authorities had recorded extremely low numbers (often less than five incidents in a year), which does not align with what we know about hate crime, or data gathered by Show Racism the Red Card, who reported in May 2017 that 37% of young people in the classes they were working with had experienced racism. This suggests either under-reporting by pupils or under-recording by schools.

Likewise, there were a few authorities that had a marked decline in incidents, and nine authorities overall recorded a decreased number of incidents between 2015/16 and 2016/17. This seems counter-intuitive, in the current climate. It may be that some authorities are seeing a decline due to enhanced efforts to tackle racist attitudes, but there has been no evidence forthcoming to suggest this.

The EIS would encourage authorities and establishments to develop robust systems for recording data on racist incidents, and critically to use the data to inform practice at a whole establishment level. Members must be supported with time and the necessary professional learning to use the systems that are put in place if they are to be effective.

New Scottish Government guidance on recording and monitoring of bullying incidents in schools¹¹ carries “an expectation that all local authorities and schools adopt the approach outlined within this guidance”, i.e. the approach of using the SEEMiS Bullying and Equalities module.

What can members do?

Taking account of working time agreements and the 35-hour CPD entitlement, members are encouraged to take whatever actions they can to enhance anti-racist education in their establishments, for example, by taking stock of current provision, developing policy or undertaking/providing professional learning.

Taking stock

- **Audit** your current approach to anti-racist education – be as honest as you can. Robust self-evaluation can help improve your practice. Consider using some of the challenge questions contained in ‘How Good is Our School 4’¹², especially relating to QI 3.1 (Ensuring Wellbeing, Equality and Inclusion) e.g.
 - “To what extent does our school celebrate diversity?”
 - “How well does our school ensure that the curriculum is designed to develop and promote equality and diversity, eliminate discrimination?”
- **Examine** whether anti-racist efforts are sufficiently cross-curricular or tend to be located in a limited selection of subjects or a single session with a partner agency.
- **Review** the content of the establishment library and other stocks of texts – are authors from a range of minority ethnic backgrounds well represented? Is the stock sufficiently ethnically and culturally diverse in its content?
- **Consult** with BME learners and staff or community members about the current approach – what is working well, and what could be better? Is anything actually undermining your message or intentions e.g. perpetuating stereotypes? (If there are very small numbers of BME staff and learners in the establishment you could consider asking a third sector organisation or an EIS Equality Rep or colleague from within your authority to act as a sounding board.)
- **Assess** the appearance of the school and the diversity of representations – do you have signs or posters in various languages? Do images used around the school and on the website/in the handbook or any similar publicity show diverse images of people from a wide range of ethnic backgrounds?

¹¹Respect for All: Supplementary Guidance on Recording and Monitoring of Bullying Incidents in Schools, 2018. <https://www.gov.scot/Resource/0053/00535867.pdf>

¹² HGIOS 4 Self-Evaluation Framework: https://education.gov.scot/improvement/Documents/Frameworks_SelfEvaluation/FRWK2_NIHedithGIOS/FRWK2_HGIOS4.pdf

Developing policy

- **Consider** how to embed anti-racist approaches in the work of the establishment, taking account of working time agreements and school improvement plans.
- **Ensure** that the school has an updated anti-racism policy which reflects the rights of both learners and staff to work and learn in an environment free from discrimination. You could use EIS anti-racism policies as a reference point.¹³
- **Ensure** that policies and systems relating to the recording of racist incidents are robust and that staff are aware of them and understand how to use them, and have access to the relevant guidance; and monitor the data collected to identify issues which need to be addressed at a whole establishment level through curriculum and/or ethos.

Changing practice

- **Use** existing resources, such as:
 - EIS 'Myths of Immigration' booklets¹⁴
 - Show Racism the Red Card packs, films and other resources¹⁵
 - 'It Wisnae Us' by Stephen Mullen (Coalition for Racial Equality and Rights book about Glasgow's role in the slave trade)¹⁶
 - Video footage of the 'Glasgow Girls' talking about their role in campaigning for refugee and asylum seeker rights.¹⁷
- **Try** new approaches, using ideas from the 'current practice' section above.
- **Find out more** about the diverse range of religious festivals which might be important to BME members of the establishment's community and explore ways of marking these.
- **Plan** for some activity during (but not limited to) Black History Month, which is in October. This could be an opportunity to highlight the contributions of notable BME people, or unsung heroes such as suffragette Sophia Duleep Singh or civil rights campaigner Ida B Wells.
- **Consider** linking anti-racist education to specific occasions e.g. Holocaust Memorial Day (27 January); International Day for the Elimination of Racism (21 March); World Refugee Day (20 June); Anti-Bullying Week (November); or UN Human Rights Day (10 December).

¹³ EIS Anti-Racist Policy: <http://www.eis.org.uk/PoliciesandGuidance/Anti-Racist>

¹⁴ Myths of Immigration booklets: <https://www.eis.org.uk/Policy-And-Publications/MythsofImmigration>

¹⁵ Show Racism the Red Card Scotland: <http://www.theredcard.org/scotland>

¹⁶ CRER Publications: <https://www.crer.scot/crer-publications>

¹⁷ Glasgow Girls film: <https://education.gov.scot/improvement/learning-resources/inc75-glasgowgirls>

- **Invite** diverse members of the school or wider community to become involved in sharing their experiences and exploring their culture with staff and pupils.

Learning more

- **Seek out and take** opportunities to personally engage in professional learning on race equality matters, and to be involved in collegiate discussions about the professional learning offer to your colleagues across the establishment.

Questions?

For more information, please see: <http://www.eis.org.uk/Equality/Anti-Racism> or, contact Jenny Kemp, National Officer (Education and Equality), email: jkemp@eis.org.uk

Further examples of current practice are warmly welcomed. If your establishment engages with anti-racist education in ways not mentioned in this paper, please share these with the Education and Equality Department (send relevant information to jkemp@eis.org.uk).

Useful contacts/links

EIS Anti-Racist Policy

<http://www.eis.org.uk/PoliciesandGuidance/Anti-Racist>

EIS Myths of Immigration booklets

<https://www.eis.org.uk/Policy-And-Publications/MythsofImmigration>

Show Racism the Red Card

<http://www.theredcard.org/scotland>

Coalition for Racial Equality and Rights

<https://www.crer.scot/>

BEMIS

<http://bemis.org.uk/>

Scottish Association for Minority Ethnic Educators

<https://www.samee.org.uk/>

Amina Muslim Women's Resource Centre

<https://www.mwrc.org.uk/resources/>

One Scotland

<http://onescotland.org/equality-themes/http-onescotland-org-equality-themes-http-onescotland-org-equality-themes-race/>

Equality and Human Rights Commission

<https://www.equalityhumanrights.com/en/advice-and-guidance/race-discrimination>

Scottish Government

<https://beta.gov.scot/policies/race-equality/>

Action on Prejudice

<https://actiononprejudice.info/>

Centre for Education for Racial Equality in Scotland

<http://www.ceres.education.ed.ac.uk/>

THE EDUCATIONAL INSTITUTE OF SCOTLAND

Scottish Government consultation: Increasing the Employment of Disabled People in the Public Sector

August 2018

Response from the Educational Institute of Scotland

Thank you for the opportunity to comment on the matter of the employment of disabled people in the public sector. The Educational Institute of Scotland (EIS) is Scotland's largest and longest-established teaching union with over 50,000 members in all sectors of education. We have a very active member-led Equality Committee and a growing national network of Equality Representatives; we are deeply committed to promoting a more diverse teaching workforce and more inclusive learning and working environments.

Our response is informed by research undertaken with EIS members to inform the development of EIS guidance on reasonable adjustments, and on issues raised by our delegations at successive STUC Disabled Workers' conferences.

Our June 2018 AGM unanimously passed a resolution on disability equality which committed the EIS to raising the profile of issues affecting teachers, lecturers and associated professionals with disabilities, and so we welcome this opportunity.

Comments on specific questions

Q1. Self-reporting is hindered by a culture of fear of discrimination, but also by people not seeing themselves as disabled despite having a condition that would be considered a disability under the Equality Act 2010. More needs to be done to promote public understanding of what is meant by the term 'disability', and of the wide range of conditions, including less visible mental health and neurological conditions, which come under its scope, to challenge myths and misinformation.

Public sector bodies could better support self-reporting by clearly explaining why they are seeking the information and how it will be used; and by demonstrating that it really is used to promote positive change, and not gathered for its own sake. Public bodies could demonstrate genuine commitment to equality for disabled employees by running positive action schemes, setting up Disabled Staff Networks, adjusting absence management policies, etc. People will not give out what they consider to be sensitive personal data unless they can see some advantage to doing so, in the short, medium and long term. A good disclosure policy could set out these benefits, both to the individual and to the collective.

People may also be concerned about the security of the data collected about them and would benefit from information being publicly available about how confidential, sensitive data is managed, in keeping with the GDPR.

Self-reporting could also be enhanced by promoting wider understanding of the fact that disability can be acquired and can be temporary, and of treating employment records as fluid and not fixed in time. For example, some of the health complaints caused by menopause can be so substantial and limiting as to be classified as disabilities under the Equality Act, but most menopausal women would not be aware of that, and would not seek to disclose this temporary disability at the point of being affected. Similarly, cancer-related disability may not be disclosed if the person affected does not have cancer when they take up employment. Employees should be given regular opportunities to update their data and should be encouraged to think of disability using the social model and the Equality Act definition.

Q2. We have no particular view on the specifics of the time scale for implementing new measures, but suggest that this should be treated as an important priority and acted upon soon (i.e. within the next two years), as disabled people have been under-represented in the workforce for too long, and the current disability employment gap of 37% is completely unacceptable. People from minority groups who face oppression and discrimination are often (rightly) cynical about initiatives to promote equality, as so many seem ineffective and to effect little change; swift action would perhaps alleviate some of that cynicism and demonstrate the Scottish Government's commitment to disability equality.

Q3. Public sector bodies would need support to implement measures. For example, centrally developed guidance on improving data collection would be helpful, although the development of such should ideally not be deferred to a large and potentially unwieldy working group which could take many months to conclude, as is common practice. Means of expediting this should be explored. A coordinated approach to supporting more open dialogue about disability might be helpful.

Q4. Yes, we believe that setting targets would improve disability employment in the public sector. The status quo is clearly not working.

Disabled people's under-representation in public sector employment has serious consequences for policy-making and for services; it is vital that disabled people's many diverse lived experiences of, for example, encountering discrimination and barriers to success, are reflected in the solutions we seek to current challenges. There is no substitute for first-hand knowledge of the issues and challenges faced by individuals who belong to disadvantaged groups, and it is imperative that the public sector, which employs around a fifth of the total workforce in Scotland, is enriched by employing disabled people in greater numbers.

It is also arguable that target-setting will eventually create a 'new normal' in Scottish society. By encouraging equality in employment, and involving more disabled people in the public sector, organisations will create role models for others. The observation that "you can't be what you can't see" (made by Marie Wilson from the White House project) is relevant here. As more disabled people see their peers securing and retaining public sector jobs, others will be encouraged to apply, and cultures of embedding reasonable adjustments and adapting workplace practices to suit more diverse teams will grow and spread.

Without the will to increase disability/neuro-diversity within public sector organisations, voluntary measures are unlikely to be applied. The will to shift employment patterns onto a more equitable footing within an organisation is unlikely to emerge without raising awareness of diversity issues, and without highlighting the negative impact of disability discrimination/exclusion, versus the benefits that increased diversity will bring. We would expect the setting of targets to fast-track this awareness raising and consciousness of the benefits of diversity, as it will become an obligation rather than an option. We need to get to a point where it is the normal expectation that disabled people will be present in a wide range of roles in public sector bodies that make decisions which affect us all, particularly in a time of austerity when spending and policy decisions can have considerable impacts on the life chances of the most disadvantaged people, including disabled people, who are much more likely than others to live in poverty, for example.

Another important reason for public services to have more diverse workforces is to enable them to better serve the population of Scotland. For example, disabled people can bring valuable insight and experience to educational establishments, which is always useful, but particularly at a time when a growing number of

learners are being identified as having additional support needs, some of which arise from disability.

Q5. Options from favourite to least favourite:

Favourite – Option C: most flexible, allows public bodies to take action but tailor it to their current circumstances.

Option B: still flexible, good to have the ability to tweak targets with the benefit of experience.

Option A: not flexible but would ensure action by all public bodies.

Least favourite: Option D: Encouraging voluntary action won't work in our opinion. Voluntary initiatives have not been sufficient to achieve equality in employment thus far.

Q6. Regarding how long it would take to achieve our preferred option (requiring Scottish public sector bodies to set targets for their organisation, taking into account their starting point in terms of the level of disabled people in their workforce, their size and differing core functions), we imagine that public sector bodies would be able to develop their own targets within a relatively short timeframe, i.e. within two years of being required to do so.

Organisations which spend public money and are covered by the Public Sector Equality Duty should already be reflecting on the diversity (or not) of their workforces and have strategies to widen access to employment. Many already take part in specific inclusion schemes such as those which guarantee job interviews to disabled people who meet the minimum requirements. No organisation should be overly disadvantaged by now having to move quickly towards setting targets. However, targets will be more meaningful if there is scope for these to be considered during an organisation's usual planning cycle, so a degree of discretion will be needed.

Q7. N/A.

Q8. There are many other measures that could be put in place to employ more disabled people in the public sector and support disabled people to remain in employment in the public sector.

A major barrier to work is access to support, across a number of areas, including education, transport and finances.

Access to tertiary education is a requirement for securing qualifications needed for many posts in the public sector, but is very difficult for disabled students to access FE and HE (cost, accessibility of accommodation, accessibility of learning spaces and activities, etc).

To get to an interview or work once you have been offered a job, access to transport is essential. Some disabled people are barred from any job requiring a car because they can't drive. Wheelchair users often can't get access to space on buses (peak time is exceptionally difficult) and trains' lack of accessibility is a cause for concern, especially as some operators are moving towards driver operated services with no other on-board staff to offer assistance. Some operators' booking systems don't allow for special assistance to be requested.

The work place must be genuinely accessible – sometimes there is a disabled toilet but with a step or used as storage (our disabled members have seen this), sometimes there's no lift, or the fire alarm can't be heard (a serious concern for hearing impaired or deaf people), and so on.

Also, the financial impact of disability is significant. Social security payments such as DLA, PIP, and Access to Work are all getting harder to get, and some employers are reported as saying that reasonable adjustments are too expensive.

There needs to be integration of support: home, education, travel, work, etc. all need to be dovetailed sufficiently that the disabled person's life can run relatively

smoothly. It takes a lot of time to put together all of those pieces of the jigsaw and get to the point where a disabled person can take part in employment reliably, but the investment of time and effort is more than outweighed by the benefits both to the individual and to society.

Q9. We regard monitoring and reporting of the actions needed to increase disability employment rates as important.

Case study: Disabled science teacher

"For me as a teacher, I was able to access the necessary university level education, but it was a struggle and I needed significant money spent on equipment and assistance. All schools are supposed to be accessible, since we must be able to teach any pupil so that's mostly fine, except for the fact that I can't hear the fire alarm in my school, and the flashing lights for deaf people don't work for me either, so I have about 5 fire buddies. The main barrier I've encountered is the attitudes of others towards me: either they forget I'm disabled, think I'm not as disabled as I say I am, or treat me like an idiot because being deafblind obviously affects my brain. There tends to be a reluctance to put in place reasonable adjustments, and over-enthusiastic help (opposite sides of the same coin!), which I've heard from a lot of other disabled people."

General comments

In 2017, the EIS undertook research with members about reasonable adjustments for disabled teachers, that might be requested under the Equality Act 2010, and the issues faced specifically by disabled teachers as opposed to workers in other sectors with disabilities.

Our members were clear that, while working in educational establishments presents some clear challenges for disabled people, as there is sometimes less flexibility than in other sectors due to the hours of the school day, for example, that there are many reasonable adjustments that can be made to enable disabled people to stay in teaching.

These would include:

- Transferring the employee to another job that involves lighter work, provided the employee consents
- Modifying instructions/reference manuals, e.g. providing them in Braille or large print
- Providing a modified chair or workstation
- Providing a car parking space near to the place of work or with sufficient space for manoeuvring mobility equipment
- Adjusting lighting levels in the workspace
- Flexibility about start times to take account of the extra time a person with a disability may need to get ready for work
- Providing software for reading
- Sharing classes with another teacher to allow unsuitable tasks to be reallocated, e.g. a blind teacher may share a class so s/he can teach the theory aspects of a science course whereas a colleague would teach the practical aspects of the course
- Providing a tablet to make website and smartboard use easier
- Providing hearing assistance equipment for deaf teachers, e.g. a loop system
- Timetabling extra non-contact time to allow time for planning, marking and reporting

- Adjusting the timetable to allow for rest breaks; and providing facilities for rest
- Making physical changes e.g. installing a ramp for a wheelchair, installing a lift, or relocating the employee to a different classroom
- Providing a special keyboard for a teacher with arthritis
- Allowing a phased return to work after a period of disability related absence
- Offering flexible working arrangements including part-time working
- Facilitating the provision of Access to Work including transport or the provision of Personal Support Assistants
- Adjusting sickness absence management policies to be sensitive to conditions caused by or arising from disability, e.g. migraines exacerbated by visual impairment, which could be monitored separately but not included as a 'trigger' for an absence management meeting.

Some of these would apply specifically to teaching/lecturing, but many are common sense approaches to adapting employment for disabled people, which would apply equally in a wide range of settings.

Other issues

Issues routinely raised by our disabled members as concerns/barriers to their entry into the workforce or continued presence there include:

- discrimination in access to training/professional learning/professional development, with assumptions made that disabled staff will not be interested in or be capable of progressing
- being overlooked for promotion
- being assumed to have limitations based on one's impairment without creative thought being applied to how to overcome any practical difficulties in taking on a particular role (e.g. a visually impaired teacher working in a practical subject)
- struggling to access reasonable adjustments, or having these put in place but then withdrawn at short notice for no apparent reason
- misunderstanding of different conditions, for example sometimes people with certain conditions that cause slurred speech have been assumed to be drunk and subject to harassment
- assumptions made that everyone in the workplace is 'neurotypical' and can cope with the same stressors, and limited public (employer/colleague) understanding and valuing of neurodiversity. For example, a disabled teacher with dyslexia and dyspraxia may need order and routine (e.g. a tidy classroom, orderly classrooms, advance notice of events) to cope with these conditions, but may be perceived as being uptight
- being inappropriately drawn into competency processes when absence results from disability or medical treatments e.g. chemotherapy
- being excluded from workplace social activities/networks
- being inappropriately highlighted or spotlighted in a meeting or workplace setting where you wish to blend in, e.g. people asking if you want to leave because you can't hear, rather than asking colleagues to adjust their volume and make themselves accessible for lip-reading
- struggling to access suitable transport, either to the normal place of work or to events such as conferences, especially for disabled people living in rural or Island communities

- being unfairly treated by insensitive absence management policies and the poor implementation of these, especially where there is no provision for separate (paid) disability leave
- employers' lack of preparedness for the predicted huge escalation in numbers of people with cancer over the coming decades, and poor workplace practices for people currently living with cancer and seeking to maintain careers, including insensitive absence management processes which make employees with cancer feel guilty for taking leave
- poor public (and hence, employer/colleague) understanding of 'hidden' or unseen/less visible disabilities, such as those caused by chronic illness, and the discrimination and harassment people with unseen disabilities can face, for example when accessing disabled toilets or priority seating
- continuing low levels of awareness of the social model of disability and its importance over an impairment-driven medical model
- being treated by colleagues as a hindrance rather than as a useful member of the team
- changes in policies that are not disability-friendly, often caused by a lack of equality impact assessments (either not conducted or conducted poorly) and a lack of disabled people in the decision-making bodies which develop policies
- the increasing prevalence of dementia, and a lack of clarity about how employers can respond to this condition
- mental health issues not being widely understood and predictable, preventable relapses occurring due to poor employment practices
- financial stresses, caused by targeted cuts to social security and funds designed for supporting access to work
- disability related hate crime.

Investment

We welcome the ambition to make transformational change in this area, as inequality for disabled people has persisted for many years, but we would stress that achieving large-scale changes in culture, systems and practices takes a considerable investment of time and resources (e.g. in training, guidance etc) and so we trust that the Government's ambition will be underpinned by the investment required. We await the publication of the Disability Employment Action Plan with interest.

More information

For more information on this response please contact National Officer Jenny Kemp, jkemp@eis.org.uk / 0131 225 6244.

THE EDUCATIONAL INSTITUTE OF SCOTLAND

Women and Equalities Committee Inquiry **Enforcement of the Equality Act: the law and the role of the EHRC** **Written evidence submitted by the Educational Institute of Scotland** **5 October 2018**

Summary of our suggestions:

- Detailed examples of the types of discrimination should be made easily accessible;
- Access to judicial mediation should be increased;
- Vento bands for compensation awards should be increased so that awards act as a real deterrent and an employer's resources are taken into account;
- There should be increased use of recommendations as a remedy and follow up, and penalty where recommendations are not implemented; and
- Due consideration should be given to how people are made aware of their rights under the Act and how professional learning on any changes will be provided for.

The EIS's interest in the Inquiry

The Educational Institute of Scotland¹ is the largest trade union for teachers and lecturers in Scotland, representing over 80% of Scotland's teachers and lecturers, across all sectors. The EIS supports members with any employment issues and has a dedicated Education and Equality Department promoting equality in education. Our Equality Committee has a keen interest in members' awareness (or not) of their rights under the Equality Act 2010; and members of our national network of Equality Reps perceive the Act as an important driver of equality in education settings, and receive training on its contents. The EIS regularly provides legal support to members who wish to pursue employment tribunal claims against their employer and many of these claims are brought under the Equality Act 2010. The EIS has insight into issues members face in accessing justice when they feel they have been discriminated against.

Response to Inquiry

Q1: How easy is it for people to understand and enforce their rights under the Equality Act?

(a) Understanding rights under the Act

1. It is our submission that materials provided by ACAS are helpful in setting out an individual's rights under the Equality Act. The materials can be found with a basic Google search, providing that the individual requiring advice has access to the internet.
2. However, it is sometimes unclear to our members which type of discrimination is applicable to the treatment they have received. The concept of harassment is regularly misunderstood. Our members have access to legal advice; however we anticipate that without advice, framing a claim such that the treatment complained of falls within a section of the

¹ www.eis.org.uk

Act would be challenging. It would be helpful if the Government's own website provided detailed examples of the types of discrimination that individuals may experience.

3. In reference to people's understanding of the rights more generally, beyond those who have or may perceive that they personally have experienced discrimination, we find that people often do not understand the difference between direct and indirect discrimination, for example. We would also suggest that the most vulnerable people, with protected characteristics (such as people with disabilities and transgender people) are the least well placed to understand and claim their rights.

(b) Enforcing rights under the Act

4. Firstly, the removal of employment tribunal fees is most welcome. These created a barrier to justice which was completely unacceptable.
5. Secondly, it is our observation that it is not yet widely known that contacting ACAS to commence the Early Conciliation process is a pre-requisite to bringing an employment tribunal claim.
6. Our members tend to find entering the ACAS Early Conciliation process an overly formal step if they do not ultimately wish to pursue an employment tribunal claim (this is usually for health reasons). It would be helpful to promote conciliation/mediation as being a means of addressing discrimination in the workplace without the need to follow up with legal action.
7. It would also be helpful to consider whether the 3-month timeframe for a person to contact ACAS after an incident occurs, which can elapse very quickly while a person considers how to act in response to possible discriminatory treatment, is appropriate. We consider that this is not long enough. In some cases, a 6-month timeframe might be more appropriate.

Q2: How well does enforcement action under the Equality Act work as a mechanism for achieving widescale change?

8. The EIS does not have any evidence that suggests that employment tribunal findings of discrimination in the workplace influence change in employers' practices/attitudes. Findings of discrimination are not published widely enough, in our view. Further, the awards granted are often not significant enough to act as a deterrent to employers, in our estimation.

Q3: How effective and accessible are tribunals and other legal means of redress under the Equality Act, and what changes would improve those processes?

9. We would encourage an increase in access to judicial mediation. The EIS has found that the possibility of judicial mediation is discussed at a preliminary hearing (after considerable cost has been incurred by both

parties) and often scheduled to take place a month or so prior to a hearing. Given the sensitive nature of discrimination cases and the limited outcomes that are available at an employment tribunal hearing (compensation, declaration, recommendation) it would be preferable if claimants could indicate at an earlier stage if they are willing to engage in judicial mediation. In this way more cases could benefit from mediation before costs are incurred in attending a preliminary hearing. The EIS accepts that if the issues are not clear, a preliminary hearing may be necessary to allow for an effective judicial mediation process.

Q4: How effective are current remedies for findings of discrimination in achieving change, and what alternatives or additional penalties should be available?

10. The EIS has found that there are limited remedies for findings of discrimination; compensation for injury to feelings is the outcome usually sought by claimants, in our experience. However, claimants often simply wish to be listened to, to have change implemented and perhaps to receive an apology – remedies which are not available to claimants in the employment tribunal. Again, judicial mediation can be useful in achieving such alternative remedies.
11. The current updated Vento bands are low and, particularly for companies with larger resources, do not serve as a deterrent or a punishment to employers who discriminate against employees.
12. The EIS has not found many recommendations to be made by employment tribunal judges and without follow up, this remedy lacks teeth. The EIS would support penalties in line with the upper Vento band for failure to implement a recommendation.

Q5: The effectiveness of the Equality and Human Rights Commission as an enforcement body.

13. The EIS has not had any direct experience of the EHRC using its powers and cannot therefore comment on its effectiveness. However, we observe that its budget has been significantly cut in recent years; it reported in 2017 that its expenditure had reduced by 68% since its first full year in operation² and was facing further substantial cuts. We suggest that in order to be an effective arbiter of equality and human rights the Commission must be sufficiently resourced and staffed.

Q6: Whether there are other models of enforcement, in the UK or other countries, that could be a more effective means of achieving widespread compliance with the Equality Act 2010, either overall or in specific sectors.

14. We do not have information on other models of enforcement.

² <https://www.equalityhumanrights.com/en/file/22551/download?token=pbllaRx9>

General remarks

15. The EIS has heard from members that they lack awareness of the Equality Act 2010, and have not had adequate professional learning on its contents, or indeed been introduced to the Act during their initial teacher education. Given the scope of the Act, and its direct relevance to teachers, both as employees, and as educators who have an important role in preventing discrimination, promoting equality and fostering good relations between people with and without protected characteristics, this is concerning.

16. A sample survey of members conducted in spring 2017 found that fewer than half of respondents had had training on the Equality Act 2010: 40% of respondents had received training on this legislation, but 60% had not. It is our position that all teachers should be conversant with this legislation. People will not be able to understand and enforce their rights (and those of others) if they lack basic awareness of the legal framework on which those rights are built. If the Act is amended we would ask that due consideration is given to how people will be made aware of the changes.

THE EDUCATIONAL INSTITUTE OF SCOTLAND

EIS Advice: Sexual Harassment in Schools, and Further and Higher Education

February 2019

Sexual Harassment at a glance

See page 3 - Sexual harassment is unwelcome and unwanted sexual behaviour

See page 5 - Sexual harassment is *not* 'just banter', flirting, a compliment or a joke

See page 6 - Sexual harassment is widespread and affects mostly women and girls

See page 8 - Sexual harassment has serious effects

See page 8 - Sexual harassment is against the law – it's prohibited by the Equality Act 2010

See page 9 - Tackling sexual harassment aligns with teachers' professional standards and values

See page 10 - Unions have a key role to play in tackling sexual harassment and changing workplace cultures

See page 12 - What can I do? Specific advice for members, reps, etc

See page 14 - There are lots of further information sources available

Introduction

All teachers and lecturers are entitled to work in a safe environment, free from discrimination on any ground, and from harassment at work including sexual harassment. All pupils and students are entitled to learn in a safe environment, free from discrimination and from sexual harassment.

This advice is designed to support union members at all levels in challenging sexual harassment in Schools, and in Further and Higher Education establishments.

Sexual harassment is prohibited under the law (the Equality Act 2010) and it is unacceptable conduct at work. Such harmful, disrespectful and often misogynistic conduct has no place in an education setting. Unfortunately, we know that sexual harassment does occur within education settings, as it does throughout society. Indeed, awareness of the prevalence of sexual harassment has never been so high – the #MeToo movement¹ and several high-profile cases have raised the profile of the issue enormously.

¹ In 2017, film producer Harvey Weinstein was accused of harassing and assaulting women over several decades, and using his position of influence to silence women. Other powerful Hollywood figures were also accused, and this encouraged further revelations in other countries, industries and workplaces. Women came forward in unprecedented

The Women and Equalities Committee of the UK Parliament has reported that the lack of concerted efforts by employers to tackle this problem means that the burden of holding harassers to account currently rests heavily on the individual. However, many people who have experienced harassment may not want to take forward a complaint for fear of victimisation, or because they do not trust their employer to take robust action. Learners may not want to raise the issue because they do not think it will be taken seriously, or they don't want to make a fuss, or they fear being seen as uptight for challenging what is presented as 'banter' or 'just a joke'.

It is vital, then, for trade unions to take action on this issue, to improve the situation for workers; and for educationalists to play their part in improving the situation for the young people whom they teach.

Trade unions have a critical role to play in translating increased awareness of the issue into real change in the workplace, and teacher trade unions have an important part to play in changing culture and spreading awareness. Collectively, teachers and lecturers can make a difference.

Contents of this advice

This advice includes:

- definitions of sexual harassment in the workplace, with examples
- information on the scale of the problem
- information on the effects of sexual harassment
- information on the legal context, and on professional standards and values
- remarks on the role of unions in challenging sexual harassment and changing cultures
- information about initiatives to tackle sexual harassment
- advice for people involved in the union, at all levels
- further reading and information sources.

What is sexual harassment?

The term sexual harassment covers a wide range of behaviour, ranging from inappropriate jokes right through to serious sexual assault; essentially it means subjecting someone to unwelcome and unwanted sexual behaviour.

Sexual harassment is defined in the Equality Act 2010 (s.26) as

- **unwanted conduct** related to a relevant protected characteristic,
- **which has the purpose or effect of violating a person's dignity, or**
- **creating an intimidating, hostile, degrading, humiliating or offensive environment** for that person.

numbers and shared their experiences of harassment, after the actor Alyssa Milano tweeted: "If all the women who have been sexually harassed or assaulted wrote 'me too' as a status, we might give people a sense of the magnitude of the problem." The first response was, "Me too, he was my stepfather." In the first week after Milano's suggestion, 1.7 million tweets included the phrase.

Sexual harassment can involve one or more incidents. Actions constituting harassment may be physical, verbal and non-verbal.

In deciding whether conduct has the effect of creating a hostile, degrading etc environment, as described in the Equality Act, various factors must be taken into account, including the perception of the person who alleges harassment, the other circumstances of the case, whether it is reasonable for the conduct to have that effect, and the relevant protected characteristics of the complainant, e.g. sex or sexual orientation.

Examples of conduct which constitutes sexual harassment include, but are not limited to:

Physical conduct

- Unwelcome physical contact including patting, pinching, stroking, kissing, hugging, groping, or any inappropriate touching
- Pinging a girl's or woman's bra straps or lifting up her skirt
- Physical violence, including sexual assault.

Verbal conduct

- Making comments on a colleague's or peer's appearance, age, private life, etc.
- Making sexual comments, or telling sexual stories and jokes
- Making sexual advances
- Issuing repeated and unwanted invitations to social events/dates
- Sending sexually explicit messages and images (e.g. by phone, email or on social media) – sometimes known as 'sexting'
- Making job-related threats to solicit sexual favours.

Non-verbal conduct

- Displaying sexually explicit or suggestive material e.g. pornographic images
- Making sexually-suggestive gestures
- Whistling or leering
- 'Up-skirting', i.e. taking covert photos of a girl's or women's underwear, usually done with mobile phones.

Examples

Rejected for promotion after turning down a colleague's advances

A male Headteacher propositions a female member of his school's teaching staff. She rejects his advances and then is turned down for a promotion to DHT which she believes she would have got if she had accepted his advances. The teacher would have a claim for harassment.

Based on EHRC Code of Practice on the Equality Act 2010 (Employment), para 7.14²

² <https://www.equalityhumanrights.com/sites/default/files/employercode.pdf>

Exposed to sexual content online

Male members of staff download pornographic images on to their phones in a school and discuss them in the presence of a female colleague. She may make a claim for harassment if she is aware that the images are being downloaded and the effect of this is to create a hostile and humiliating environment for her. In this situation, it is irrelevant that the male members of staff did not have the purpose of upsetting the woman, and that they merely considered the downloading of images as 'having a laugh'.

Based on EHRC Code of Practice on the Equality Act 2010 (Employment), para 7.17

Persistently touched by a peer

An eleven year old girl in primary seven who has just recently started to wear a bra persistently has her bra straps 'pinged' by boys in her class who also make remarks about her body and ask her what bra size she is wearing. The girl is experiencing ongoing sexual harassment; however, it would also be harassment if it only happened once.

This kind of harassment is common in schools. GirlGuiding UK research found that 39% of girls aged 11-21 had seen or experienced a girl having their bra strap pulled by boys in one week in 2017; and 27% had seen girls' skirts being pulled up by boys.³

These examples are provided for illustrative purposes. They are not exhaustive. Sexual harassment can include any conduct of a sexual nature which is unwanted and unwelcome by the recipient.

It is important to remember that teachers and lecturers can be affected by sexual harassment not only on school, university or college premises; but also at work-related conferences, at social events, on trips, on school transport, at training sessions etc. Policies must address the fact that harassment can happen anywhere, including in online spaces such as social media websites.

Likewise, learners can experience harassment outside of school/college/university, for example on school trips, at conferences, while using school transport, or on social media. Schools, colleges and universities cannot always be responsible for what happens outwith their premises, but they can support any affected learners by recognising what they have experienced and offering support and advice.

What sexual harassment is not

Often a person who has carried out sexual harassment will say that they were just joking or harmlessly flirting, and that they didn't intend to cause offence.

³ <https://www.girlguiding.org.uk/what-we-do/our-stories-and-news/blogs/lets-end-sexual-harassment-in-schools/>

This is irrelevant if it has had the effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. The conduct doesn't have to be specifically or directly targeted at the person who is affected; for example, they may work in an environment where men make sexual comments about women which they regularly see or overhear.

Sexual harassment is NOT 'just a bit of banter'. It is not 'harmless fun'. It is not 'just flirting'. It is not a joke. It is not a compliment.

The effects of sexual harassment can be traumatic and devastating. The people affected, who are overwhelmingly women and girls, can be left feeling offended, humiliated and sometimes scared. Attempts to minimise sexual harassment over the years have resulted in under-reporting and have enabled serial offenders to harass multiple people without sanction. Sexual harassment should be taken seriously. It should never be minimised.

Who is affected by sexual harassment?

Anyone can experience sexual harassment, regardless of their sex or gender identity, and of the sex or gender identity of the harasser. The EIS recognises that sexual harassment can occur between people of the same sex or gender identity. What matters is that the sexual conduct is unwanted and unwelcome, whoever experiences it.

That said, we know that while both women and men can experience sexual harassment in the workplace, research evidence suggests that women are more likely to experience harassment, and that it is usually perpetrated by men. Girls are more likely than boys to be harassed in school. Social attitudes, including disrespect of women and girls, and an assumption by some men that they can behave in this way, underpin sexual harassment. The EIS has specific advice about to tackle misogynistic attitudes in education settings, 'Get it Right for Girls'.

Some people can be more vulnerable to sexual harassment or can experience it differently because they have a combination of protected characteristics, such as being gay, transgender, from a visible ethnic minority background or a visible faith group, such as being a hijab-wearing Muslim woman.

Sexual harassment is also a manifestation of power relationships; it often occurs within unequal relationships in the workplace, for example between managers and employees. Younger women employed on casual contracts are particularly vulnerable to sexual harassment.

Teachers and lecturers can be affected by sexual harassment perpetrated by colleagues, but we also recognise that in education settings, it is possible for harassment to be carried out by, for example, visitors, parents and carers, or by learners. Learners largely experience harassment from peers. Although it can be difficult for an employer to deal with sexual harassment when it is perpetrated by third parties, the employer is nonetheless responsible for the wellbeing of its

staff if the harassment occurs during work. Employers should have specific policies to deal with sexual harassment by third parties.

The scale of the problem

There is significant evidence that sexual harassment at work is widespread and commonplace, even though reporting levels are low. The TUC found that four out of five women who said they had experienced sexual harassment did not tell their employer, and only 1% of those polled told a union rep. We know that individuals may often tolerate forms of harassment such as 'banter' because they do not feel able to speak up, for example because of a power imbalance in the situation or because of the culture of the workplace or learning environment. Caselaw⁴ has remarked on people's ability to 'soldier on' and tolerate harassment over an extended period, putting up with behaviour that violates their dignity, because they are constrained by circumstances. It is likely, therefore, that much harassment is unreported. What we know about may be the tip of a much larger iceberg. That said, we know a lot about how common it is.

Likewise, there is recent evidence of sexual harassment being prevalent among the learning population, with girls and young women in Scotland experiencing high levels of unwanted sexual behaviour, and even though much goes unreported we can conclude that it is commonplace.

Evidence that sexual harassment is widespread:

- The **TUC's** '*Still just a bit of banter?*' report (2016)⁵ found that more than half (52%) of all women polled had experienced some form of sexual harassment; nearly a quarter of women have experienced unwanted touching; a fifth of women have experienced unwanted sexual advances; and a fifth of respondents had been sexually harassed by their boss or someone with authority over them. In the vast majority of cases, the perpetrator was a male colleague.
- In October 2018, the **Women and Equalities Committee** of the UK Parliament published a report⁶ on sexual harassment of women and girls in public places, which concluded that such harassment is "relentless and becomes 'normalised' as girls grow up, contributing to a wider negative cultural effect on society" and that while the Government has pledged to eliminate sexual harassment of women and girls by 2030 under its international obligations, there is no evidence of any programme to achieve this.

⁴ E.g. *Munchkins restaurant vs Anor & Karmazyn & Others* [2009] UKEAT/0359/09/LA

⁵ '*Still just a bit of banter?*', TUC, 2016:

<https://www.tuc.org.uk/sites/default/files/SexualHarassmentreport2016.pdf>

⁶ Sexual Harassment of Women and Girls in Public Places, Women and Equalities Committee, 2018: <https://www.parliament.uk/business/committees/committees-a-z/commons-select/women-and-equalities-committee/news-parliament-2017/sexual-harassment-public-places-report-published-17-19/>

- A survey (**ComRes poll for BBC Radio 5**), carried out in 2017⁷, found that over half of British women (53%) and a fifth of men (20%) have been sexually harassed at work or a place of study; more than a quarter of people surveyed had experienced harassment in the form of inappropriate remarks; and nearly 1 in 7 had experienced inappropriate touching. One in 10 women who had experienced harassment said it led to them leaving their job or place of study.
- The **Sex Discrimination Law Review**⁸, launched in January 2018 by the Fawcett Society, found that violence against women and girls (of which sexual harassment is one aspect) is “endemic” in the UK.
- **EIS members** have identified misogynistic attitudes (which often underpin sexual harassment) as a key issue of concern in education settings.⁹
- The **National Education Union** (NEU) ‘It’s Just Everywhere’¹⁰ report on sexism in schools says that “sexual harassment, sexist language and gender stereotyping are commonplace in school settings, yet teachers report feeling unsupported and ill-equipped to respond”; and reports that over a third (37%) of female students at mixed-sex schools have personally experienced sexual harassment while at school, and that almost one in three (32%) teachers in mixed-sex secondary schools witness sexual harassment in their school on at least a weekly basis.
- **Plan International UK**¹¹ conducted research in 2018 which found that more than one in three girls in the UK had received unwanted sexual attention, e.g. being groped, stared at, catcalled or wolf-whistled in public when wearing school uniform, and two thirds of girls said they had experienced unwanted sexual attention in public. Their report said girls as young as eight years old described witnessing or experiencing harassment.
- **Girlguiding Scotland** research found that a fifth of girls and young women in Scotland aged 13-25 (21%) experience sexual harassment at school, college or university; girls also commonly experience this on public transport (19%); on social media (27%); whilst playing sports and exercising (10%); and when they are out in their community (33%).¹²
- **Young Women Lead**, a project of the voluntary organisation YWCA Scotland, presented a report on sexual harassment to the Scottish Parliament¹³ and in an evidence session there¹⁴ said it had been chosen

⁷ BBC news, October 2017: <https://www.bbc.co.uk/news/uk-41741615>

⁸ Fawcett Society: <https://www.fawcettsociety.org.uk/news/legal-system-failing-women-need-reform-says-fawcett-landmark-sex-discrimination-law-review>

⁹ Get it Right for Girls: <https://www.eis.org.uk/policy-and-publications/get-right-girls>

¹⁰ ‘It’s Just Everywhere’, 2018: <https://neu.org.uk/sexism-in-schools>

¹¹ <https://plan-uk.org/act-for-girls/street-harassment>

¹² Girls in Scotland study, 2018: <https://www.girlguidingscotland.org.uk/wp-content/uploads/2018/11/Girls-in-Scotland-survey-2018-compressed.pdf>

¹³ Young Women Lead report: <http://www.ywscotland.org/wp-content/uploads/2018/06/YWL-Report-FINAL.pdf>

¹⁴ Official Report of Equality and Human Rights Committee evidence session, 13 Dec 2018: <http://www.parliament.scot/parliamentarybusiness/report.aspx?r=11849>

because “it was an issue that had impacted on everyone who was present [when the topic was being planned]; it was part of our experience not just in school, but beyond—when we went to university or into careers” and that “the harassment can range from something as simple as the pinging of a bra strap, which can impact on a girl by making her feel shy or that she needs to hide herself, to the unconscious bias that comes through in preferences in classrooms, and straight through to sexual assault.” Their focus groups found that 91% of participants considered sexual harassment or gender-based bullying to be a problem at their school, but only half said there was a teacher they could trust to tell.

Clearly sexual harassment is a serious problem affecting educational communities across Scotland which needs to be addressed if people are to feel safe and respected as they work and learn.

The effects of sexual harassment

Sexual harassment can make the people who experience it feel shocked, ashamed, embarrassed, upset, scared and violated.

Many girls and women go to great lengths to try to avoid harassment, effectively ‘self-policing’ by taking measures such as avoiding public transport, changing the routes they use to walk to work or school, or dressing differently. Plan UK’s research found that girls were self-limiting in myriad ways to try to avoid sexual harassment, and many girls had, for example, crossed the road to avoid someone, taken a longer route to avoid a danger spot, changed what they were wearing, or stopped going out at night.

The YWCA Young Women Lead project reported in evidence to the Scottish Parliament their view that “*after they have experienced sexual harassment, many girls try to make themselves smaller or are scared to take up too much space. They also try to be quiet in school and to engage in as many activities as possible outside school. There is definitely an impact not only on their day-to-day lives, but on their performance at school and their relationships with their families and friends*” and “*it is not just instances of sexual assault that impact on girls’ lives; things such as bra straps or skirts being pulled...have a huge impact on girls’ performance in school, too.*”¹⁵

Sexual harassment can also affect girls’ subject choices (if they deliberately opt out of certain male-dominated subjects or seek to avoid certain classes or departments); their later career choices (it can be a barrier to women entering or sustaining careers in male-dominated sectors such as construction); their participation in after-school activities and clubs (if they, for example, wish to avoid walking or getting the bus home alone); their mental health and wellbeing; and their access to social networks and educational resources (if they

¹⁵ P4, Official Report, Equalities and Human Rights Committee, 13 Dec 2018: <http://www.parliament.scot/parliamentarybusiness/report.aspx?r=11849&mode=pdf>

self-limit mobile phone use, for example, to avoid harassment in that medium). The consequences can be life-long.

Unhelpful messages about e.g. changing their uniform or appearance, given to girls in some settings, can perpetuate myths about who is responsible for sexual harassment. The responsibility for stopping sexual harassment lies with those who perpetrate it, and who freely choose to create these negative effects in their targets.

Legal context

The Equality Act 2010 prohibits harassment "related to" a protected characteristic such as sex (being a man or a woman), but it also specially outlaws sexual harassment (at S26(2)). It makes two types of sexual harassment unlawful. These are:

1. **Unwanted conduct of a sexual nature** perpetrated on a particular person, with the purpose or effect of violating their dignity or creating an intimidating, hostile, degrading or offensive environment; for example a person making unwelcome sexual advances to a colleague.
2. **Less favourable treatment** based on a person's rejection of or submission to advances of a sexual nature; for example, a woman being rejected for promotion by her manager after turning down his sexual advances.

Employers can be held liable for sexual harassment that occurred in the workplace unless they can show that they took all reasonable steps to prevent it, for example if they had set up robust procedures for dealing with complaints and had trained staff on their policy and approach.

Sometimes, a person accused of harassment retaliates by further harassing the person who lodged the complaint, or an employer treats the complainant unfairly because they are perceived as being "difficult" or "uptight". If a worker is victimised for complaining, or if a colleague or union rep is victimised for helping someone to make a complaint, this may constitute unlawful victimisation under the Equality Act 2010.

Sexual harassment that occurs in a public place can breach the Protection from Harassment Act 1997, which makes it an offence to cause "alarm or distress" or put people "in fear of violence". Legislation on stalking is also relevant. The Criminal Justice and Licensing (Scotland) Act 2010 includes an offence of stalking, where a person engages in a course of conduct, with the intention of causing a person to suffer fear or alarm, which causes them to suffer fear or alarm.

Detailed legal advice on sexual harassment is available from various sources; see 'Further reading' section on page 14.

Professional standards and values

School teachers in Scotland are bound by the General Teaching Council for Scotland (GTCS) Professional Standards, which are rooted in the Professional Values. Over a teaching career a teacher is expected to demonstrate the values in their everyday teaching; consider how their values can be embedded in their professional actions; and explore ways of deepening their values throughout

their career. Both the standards and the values should act as a bulwark against any type of discriminatory behaviour, including sexual harassment, and as a catalyst for teaching which actively explores issues of equality, dignity and respect.

The most relevant values in terms of tackling sexual harassment are those linked to Social Justice and Trust and Respect, including:

- embracing locally and globally the educational and social values of sustainability, equality and justice and recognising the rights and responsibilities of future as well as current generations
- committing to the principles of democracy and social justice through fair, transparent, inclusive and sustainable policies and practices in relation to...gender and gender identity¹⁶
- demonstrating a commitment to engaging learners in real world issues to enhance learning experiences and outcomes, and to encourage learning our way to a better future
- acting and behaving in ways that develop a culture of trust and respect through, for example, being trusting and respectful of others within the school, and with all those involved in influencing the lives of learners in and beyond the learning community
- providing and ensuring a safe and secure environment for all learners within a caring and compassionate ethos and with an understanding of wellbeing.

Lecturers and other associated professionals working in educational settings will have other standards and policies by which they can be guided, including workplace policies on e.g. Dignity at Work or Equal Opportunities.

The role of unions: supporting people and changing cultures

Unions have a critical role in ensuring that workers can do their jobs free from harassment.

A union rep may be the first person someone tells about being harassed. Union reps should be well versed in discrimination law in relation to sexual harassment; they should be sympathetic and supportive when taking a complaint; and they should advise complainants to keep a record of any incidents, including details of witnesses. Union reps also need to be clear on how to deal with cases of sexual harassment where both the perpetrator and the victim are union members.

Unions also have an important role to play in changing workplace cultures, and for teaching unions, changing the culture within learning environments. To eradicate sexual harassment, workplaces (including schools, colleges and universities) need to work towards a permanent shift in attitudes and a culture of equality and respect. Unions members can actively promote the changes needed, and can take actions to get sexual harassment onto the agenda, e.g. by carrying out a confidential member survey to identify the extent of the problem. Other steps that unions can take to change workplace cultures include:

¹⁶ This standard applies to a wide range of protected characteristics.

- co-producing anti-harassment policies with the employer
- publicising anti-harassment policies
- running a (carefully designed) sexual harassment awareness raising campaign
- organising meetings on the issue
- ensuring awareness is incorporated in appropriate training
- using a health and safety risk assessment approach to tackle harassment
- encouraging members to keep written records of all harassment and bullying incidents
- informing employers in writing that incidents are occurring (this must be done in a general way if a member has raised the issue in confidence)
- ensuring all Local Association/branch representatives have been trained in dealing with harassment and bullying cases.

The EIS believes that all employers should:

- raise awareness of the prevalence and unacceptability of sexual harassment
- raise awareness of what constitutes sexual harassment and that it is unlawful
- operate a zero tolerance policy for any form of sexual harassment
- create robust systems for reporting sexual harassment, including systems which capture where the complainant has more than one protected characteristic
- treat all complaints of sexual harassment seriously, with respect and in confidence
- promptly investigate all allegations of sexual harassment
- take disciplinary action against any person found to have sexually harassed another
- ensure that no one is victimised for making a complaint of sexual harassment
- develop and widely publicise a comprehensive sexual harassment policy, and offer professional learning on its contents
- work towards a positive, respectful culture in which equality is the norm and harassment is not enabled.

The EIS believes that all schools, colleges and universities should:

- raise awareness of the prevalence and unacceptability of sexual harassment
- raise awareness of what constitutes sexual harassment and that it is unlawful
- operate a zero tolerance policy for any form of sexual harassment
- operate robust systems for reporting sexual harassment, including systems which capture where the complainant has more than one protected characteristic
- treat all complaints of sexual harassment seriously, with respect and in confidence
- promptly investigate all allegations of sexual harassment
- take appropriate action against any person found to have sexually harassed another

- work towards a positive, respectful culture in which equality is the norm and harassment is not enabled
- support children and young people to make positive use of social media tools and increase their awareness of the potential benefit, risks and harms of new technologies
- develop a sexual harassment policy, which should draw on best practice (see e.g. the LRD guide, section 34), but also reference relevant educational imperatives, including GIRFEC, the GTCS Professional Standards and the GTCS Code of Professionalism and Conduct (COPAC).

Initiatives to tackle sexual harassment

Scottish Government, local councils and various civic society organisations are taking forward multiple initiatives to tackle sexual harassment and to spread good practice. These will vary over time, but at the time of writing some examples include:

- Close the Gap's Equally Safe at Work project¹⁷;
- the Equally Safe in Colleges and Universities workstream¹⁸ sitting beneath the overarching Scottish Government and COSLA 'Equally Safe' strategy for preventing violence against women and girls¹⁹;
- STUC training for union reps on identifying and responding to sexual harassment in the workplace;
- Work by the 'Better than Zero' campaign youth committee to develop a workplace charter on sexual harassment;
- an ongoing review of Personal and Social Education provision, which will inform young people's learning about issues related to sexual harassment, such as sexual consent and sex and gender stereotypes; likewise, new Relationships, Sexual Health and Parenthood (RHSP) guidance is expected in 2019.

The UK Government announced in December 2018 plans to tackle sexual harassment at work²⁰, including the introduction of a new Code of Practice so that employers better understand their legal responsibilities to protect their staff; awareness raising work with the Advisory, Conciliation and Arbitration Service (ACAS), the Equality and Human Rights Commission and employers; and consultation on non-disclosure agreements, third party harassment, and the evidence base for introducing a new legal duty on employers to prevent sexual harassment in the workplace.

Advice

(a) for EIS members

¹⁷ <https://www.closesthegap.org.uk/news/blog/equally-safe-at-work/>

¹⁸ <https://www.gov.scot/groups/equally-safe-in-further-and-higher-education-working-group/>

¹⁹ <https://www.gov.scot/policies/violence-against-women-and-girls/equally-safe-strategy/>

²⁰ <https://www.gov.uk/government/news/government-announces-new-code-of-practice-to-tackle-sexual-harassment-at-work>

- Make yourself aware of what sexual harassment is and what it is not.
- In schools, record incidents of sexist bullying and use the data to inform your approach; this is very important and must be done consistently to ensure that schools have robust data on levels of harassment, including where more than one protected characteristic is involved.
- Engage in professional learning on sex and gender equality when possible.
- Familiarise yourself with school/college/university, authority and EIS policies and procedures for tackling harassment and discrimination.
- Take every opportunity to challenge discrimination, sexism, and stereotypes, embedding this across the curriculum in schools and throughout courses in FE/HE.
- Hold class/tutor group discussions as necessary, especially when the issue is predominant in the media, so that learners can voice their feelings in a controlled and secure atmosphere.
- Provide opportunities, where possible, for individual learners to receive support on a one-to-one basis, as needed.
- Consult with other relevant advice such as the EIS 'Get it Right for Girls' publication.

(b) for members in school leadership posts

- Take a lead on embedding equality and respect for all across the school.
- Engage in and also seek to provide professional learning on equality matters and specifically on tackling sexual harassment and sexism.
- Seek opportunities to work with relevant outside agencies e.g. for guest assemblies, talks etc. on the topic of sexual harassment.
- Use data on recorded incidents of sexist bullying to plan your approach.

(c) for school reps

- Make yourself aware of the contents of this advice and be proactive about considering what issues might arise, so as to be ready to support members if approached.
- Disseminate this advice among members.
- Offer support to any members who have experienced sexual harassment, seeking support from full-time union officials where needed.
- Make arrangements for members accused of sexual harassment to be appropriately represented, ensuring that different parties represent complainants and those accused.²¹
- Hold a Branch meeting to discuss the implications of this advice and any appropriate action that the branch may wish to take.

²¹ Specific advice about representing an alleged harasser can be found at p44 of the LRD advice listed in the further reading section.

- Discuss with school management the effectiveness of current anti-sexism approaches and what is known about the prevalence of sexual harassment in the establishment.
- Ensure that the school leadership team has effective mechanisms in place for reporting, monitoring and responding effectively to incidents of sex discrimination.
- Encourage the provision of relevant professional learning for staff.
- Seek opportunities to learn more about the legal protections offered by the Equality Act 2010.

(d) for FE/HE Branch reps

- Make yourself aware of the contents of this advice and be proactive about considering what issues might arise, so as to be ready to support members if approached.
- Disseminate this advice among members.
- Offer support to any members who have experienced sexual harassment.
- Seek opportunities to learn more about the legal protections offered by the Equality Act 2010.
- Work with your local Equality Reps to identify ways in which you can contribute to challenging sexual harassment in your college/university.
- Hold a Branch meeting to discuss the implications of this advice and any appropriate action that the Branch may wish to take.
- Discuss with the college/university management the effectiveness of current approaches to highlighting and addressing sexual harassment, and how the approach fits with the college/university policy on preventing gender-based violence.
- Encourage the provision of relevant professional learning for staff.
- Make use of 'Equally Safe' resources e.g. the Equally Safe in Higher Education toolkit²² and the FE Toolkit once available.

(e) for Local Association/Branch Secretaries

- Raise issues arising from this advice at LNCTs or other local negotiating fora.
- Encourage the local authority to maintain updated policies on equality and specifically on sexual harassment.
- Encourage the provision of relevant professional learning for staff.
- Ask the local authority how it will use recorded sexist bullying incidents data to shape its approach, and how it will ensure that teaching staff are supported with time and training in using recording systems.
- Ask the authority about its plans to promote equality and prevent discrimination, as per the Public Sector Equality Duty.

²² The ESHE Toolkit is available at: <https://www.strath.ac.uk/humanities/schoolofsocialworksocialpolicy/equallysafeinhighereducation/eshetoolkit/> and the FE Toolkit is in development at the time of writing.

- Work with your local Equality Reps to identify ways in which you can contribute to challenging sexual harassment and sexism in your school.

(f) for Equality Reps

- Share knowledge of relevant professional learning opportunities with Learning Reps and work with them to organise equality related professional learning for members.
- Consider opportunities to challenge sexism in your setting and beyond.

Further reading and advice

Tackling sexual harassment at work: A guide for union reps. Labour Research Department, February 2018

<http://bit.ly/LRD-sh-guide>

Equality and Human Rights Commission advice on sexual harassment at work

<https://www.equalityhumanrights.com/en/sexual-harassment-workplace>

'Still just a bit of banter?', TUC report, 2016

<https://www.tuc.org.uk/sites/default/files/SexualHarassmentreport2016.pdf>

Protection from Sexual Harassment: Your Rights at Work, TUC booklet, Feb 2018

<https://www.tuc.org.uk/research-analysis/reports/national/protection-sexual-harassment>

Tackling sexual harassment in the workplace: A TUC guide for trade union activists

<https://www.tuc.org.uk/sites/default/files/sexualharassmentrepsguide.pdf>

ACAS advice on sexual harassment

<http://www.acas.org.uk/index.aspx?articleid=6078>

EIS gender equality resources

<https://www.eis.org.uk/equality/gender>

EIS advice on tackling misogynistic attitudes - 'Get it Right for Girls'

<https://www.eis.org.uk/policy-and-publications/get-right-girls>

Equally Safe in Higher Education Toolkit

<https://www.strath.ac.uk/humanities/schoolofsocialworksocialpolicy/equallysafeinhighereducation/eshetoolkit/>

'Young Women Lead' Committee: Report on Sexual Harassment in Schools, 2018

<http://www.ywcascotland.org/wp-content/uploads/2018/06/YWL-Report-FINAL.pdf>

THE EDUCATIONAL INSTITUTE OF SCOTLAND

Equal Protection from Assault: Evidence from the EIS 13 March 2019

About the EIS

The Educational Institute of Scotland (EIS) welcomes the opportunity to comment on the proposed Children (Equal Protection from Assault) (Scotland) Bill. We are commenting from the perspective of teachers working in all sectors and at all levels of Scottish education. Over 80% of teachers in Scotland are members of the EIS, including teachers in nursery, primary secondary, FE & HE. Our members include teachers, Headteachers and Depute Heads, Educational Psychologists, and ASN Teachers.

Summary of our position

In brief, the EIS supports the proposed Bill and has no concerns about potential impacts on teachers. On the contrary, we would be concerned if physical punishment of children continued, as we believe that children being physically punished at home has a negative impact on their wellbeing and on their behaviour in school; and is contrary to a children's rights approach to public policy, for which we consistently advocate.

Policy context

Scotland has children's rights and wellbeing firmly embedded in its legislative and policy approaches to children's lives. Multiple actors across the public sector are striving to 'Get it Right for Every Child', and GIRFEC is underpinned by the SHANARRI wellbeing indicators, which recognise that wellbeing is central to children's learning and achievement. We believe that this policy architecture is sound in principle; and that happy children, who feel respected and safe, are better able to learn than children who feel unsafe or unhappy. We believe that physical punishment of children is inimical to the GIRFEC agenda.

Relationships are essential to education; and positive relationships promote positive behaviour. We would agree with Finnish educationalist Pasi Sahlberg (a member of the Scottish Government's International Council of Education Advisors) who says, "human relationships and children's emotions...drive learning in schools."¹ We believe that physical punishment of children leads to an erosion of trust in adults who have a role in promoting and safeguarding the wellbeing of children and young people, and can therefore have negative impacts on pupils' learning in school and on their behaviour.

One of the four key capacities of the Curriculum for Excellence relates to young people developing confidence; the evidence is clear that experiencing physical punishment undermines children's wellbeing and as such it is likely to have a detrimental impact on their confidence

Further reasons for our view

We support the proposed Bill for reasons primarily relating to equality and rights, but also wish to make remarks relating to indiscipline in schools and our opposition to using physical punishment in response; on the likely effects of a change in the law; and on the mandate for change.

Equality and rights

¹ <https://pasisahlberg.com/big-data-or-small-data-whats-the-key-to-unlocking-learning-opportunities/>

- We take a children's rights approach to our work, and the proposed Bill is firmly rooted in children's rights.
- We support all efforts to prevent age discrimination, age being a protected characteristic under the Equality Act 2010; we find it unacceptable that children are not protected from assault in the same ways as adults are in Scotland, due to the continuing 'justifiable assault' provisions in law.
- We believe that physical punishment of children runs contrary to universal human rights. Article 3 of the European Convention on Human Rights prohibits inhumane, degrading treatment or punishment and that is an absolute – there are no exceptions.
- We believe that the physical punishment of children, too often referred to as 'smacking', is seriously harmful behaviour that needs to be prevented by a combination of legislative and non-legislative means.
- We would argue that even the paradigm of 'smacking' and the language associated minimises this behaviour. We have supported similar efforts e.g. to prevent and challenge the abuse of women and girls and not allow it to be trivialised or minimised, for example with language like 'a domestic', so our stance on abuse of children is consistent with that belief.

Indiscipline in schools and our opposition to using physical punishment

- As early as 1968, the EIS was advocating the removal of corporal punishment from schools. In the mid 2000's the EIS produced a major report looking at the issue of school indiscipline and how it can be tackled, and not once throughout the writing of the report was a return to corporal punishment even discussed or considered. The EIS view for many years has been that the use of corporal punishment is not a realistic or desirable solution to the issue of classroom indiscipline; nor is it desirable at home.
- We believe that using violence to seek to modify a person's behaviour is never acceptable; teachers employ a wide range of strategies to encourage, promote and reward good behaviour and de-escalate challenging or distressed behaviour.
- We believe the causes of indiscipline in schools and solutions to that (significant) problem are various and complex, and that simplistic notions that using more physical punishment would reduce indiscipline are entirely wrong.
- We note that the evidence is clear that physical punishment damages children's wellbeing and carries the risk of escalation into physical abuse; for example, "*Equally Protected? A review of the evidence on the physical punishment of children*"², a systematic review of the research literature on

² www.nspcc.org.uk/equallyprotected

the physical punishment of children published in the last ten years, found strong and consistent evidence from 98 pieces of international research that physical punishment:

- damages children's wellbeing
- carries the risk of escalation into physical abuse
- increases aggression, antisocial behaviour, depression and anxiety in children, which may continue into their adult lives.

Effects of legal change

- We note that the research cited above highlights that there is no evidence that a change to the law regarding physical punishment results in increased criminal proceedings, but rather that it facilitates widespread culture change which we think would be valuable.
- We believe that tolerating the physical punishment of children undermines attempts to tackle bullying in schools, because it tells children that violence is sometimes acceptable; the national anti-bullying framework (The National Approach to Anti-Bullying for Scotland's Children and Young People) is clear that bullying is "behaviour that can make people feel hurt, threatened, frightened"; physical punishment can have all of those effects. The proposed law would therefore, we believe, be helpful to efforts to eradicate bullying.
- We believe that tolerating the physical punishment of children undermines attempts to tackle domestic and sexual abuse across our society, because it tells children that violence is sometimes acceptable, depending on who/how old the perpetrator is and what the power balance is between them and the person being hit. The proposed law would therefore, we believe, be helpful to efforts to eradicate domestic and sexual abuse.
- We believe that the new Equal Protection legislation would provide legal clarity and consistency. Presently parents may claim 'reasonable chastisement' or 'justifiable assault' in the context of disciplining their children, but the law specifically prohibits certain acts of physical punishment (being struck with an implement, being struck on the head, and being violently shaken). A clear law that says no physical punishment of children is permissible will aid understanding and certainty.

Mandate for change

- Finally, we note that 75% of consultation respondents supported this change so there is clearly an overwhelming majority in support of and a clear mandate for this new law.

Conclusion

The EIS would like to see a step change in how we deal with this issue, so that children are equally protected in law from assault.

We would welcome the passing of the Children (Equal Protection from Assault) (Scotland) Bill and ending the 'justifiable assault' of children in Scotland.

More information

For information about any aspect of this response please contact Jenny Kemp,
National Officer (Education and Equality), 0131 2256 6244/ jkemp@eis.org.uk

THE EDUCATIONAL INSTITUTE OF SCOTLAND

Scottish Government Hate Crime consultation

February 2019

EIS response

NB: Response sent by Jenny Kemp, National Officer (Education and Equality) for the Educational Institute of Scotland.

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Part One: Consolidating Hate Crime Legislation

Q1. Do you think the statutory aggravation model should continue to be the core method of prosecuting hate crimes in Scotland?

Yes; this has been the model for some years now and appears to us to be reasonably well embedded and understood; whereas an entirely new model would need considerable investment in training, implementation etc. We believe that the current model is reasonably well used, despite general under-reporting of hate crimes. The model is a sound idea which communicates that prejudice towards certain oppressed groups can make some crimes worse because of the impact on whole communities, e.g. an attack motivated by racism on one BME individual making their wider community fearful.

Q2. Do you think that the language of the thresholds for the statutory aggravations would be easier to understand if it was changed from 'evincing malice and ill will' to 'demonstrating hostility'?

Yes. This is easier to understand; it is plainer and more accessible language. Given that 10% of respondents to an STUC survey on Hate Crime were 'not sure' if they had experienced a hate crime at work it must be made easier for people to understand this legal framework.

Q3. Do you think changing the language of the thresholds for the statutory aggravations from 'evincing malice and ill will' to 'demonstrating hostility' would change how the thresholds are applied?

No comment

Q4. Do you think that variations of sex characteristics (intersex) should be a separate category from transgender identity in Scottish hate crime legislation?

Yes. People with variations of sex characteristics (VSC) are not necessarily part of the trans umbrella and we understand that groups representing people with VSC would like their concerns to be articulated and addressed separately. We are not sure if there is demonstrable evidence of hateful attitudes towards VSC people, but for clarity they should be treated separately.

Q5. Do you think that the terms used in Scottish hate crime legislation in relation to transgender identity and intersex should be updated?

Yes. We would share the views of expert LGBT organisations on this matter.

Q6. If you think that the terms used in Scottish hate crime legislation in relation to transgender identity and intersex should be updated, what language would you propose?

We would share the views of expert LGBT organisations on this matter.

Part Two: New Statutory Aggravations

Q7. Do you agree with Option A to develop a statutory aggravation for gender hostility?

No. International evidence suggests this would be poorly used and could create complacency. In legislatures where it has been introduced it has been barely used e.g. in New Jersey in the US where only four gender-bias crimes were recorded compared with over 3,500 race bias incidents, and over 2,500 religion bias incidents (Hodge, Gendered Hate, Northeastern University Press, 2011). In New Jersey, after gender had been part of the Hate Crime infrastructure for over ten years "investigators and prosecutor were reluctant to conceptualize gender-based offences as hate crimes, much less enforce the gender category within the bias crime statute". (Hodge). The Council of Europe also reports that there are few legal cases which deal with sexist hate speech. (CoE, Background note on sexist hate speech, 2016).

Pilot initiatives to record 'misogynistic hate crime' by police forces in England and Wales have had mixed results but early indications are that some of the developing practices risk women's safety. (Engender, Submission to Independent Review of Hate Crime Legislation).

A statutory aggravation for gender could undermine the understanding of violence against women that has been in use in Scotland over many years. Leading Scottish women's equality organisations such as Engender, Rape Crisis Scotland and Scottish Women's Aid do not support this model and we are minded to agree with their position. An aggravation model would suggest that crimes overwhelmingly experienced by women, perpetrated overwhelmingly by men, e.g. rape or domestic abuse may sometimes be motivated by hostility to women as a group but may sometimes not, which differs fundamentally from the understanding of violence against women and girls that has developed in Scotland, that it is a product of women's inequality and of misogyny.

To develop such an aggravator would require the construction of a concept of 'gender hostility' that doesn't currently exist in Scotland and would not sit well alongside existing laws, initiatives and programmes.

In general, we dislike the use of the word gender where we assume that sex is actually meant, and note that sex is a protected characteristic in the Equality Act, not gender.

Q8. Do you agree with Option B to develop a standalone offence for misogynistic harassment?

Yes. This would be helpful. Misogyny is widespread in Scottish society but seldom tackled. Developing a standalone offence of this nature could be done in collaboration with gender bias experts in Scotland and could lead to a piece of very effective legislation being enacted (a similar process to the development of the Domestic Abuse (Scotland) Act 2018).

Q9. Do you agree with Option C of building on Equally Safe to tackle misogyny (this would be a non-legislative approach)?

Increased efforts to tackle misogyny via non-legislative work should absolutely continue, at pace. The many workstreams under 'Equally Safe' can all play a part in changing cultures in workplaces, schools and wider society.

However, this work, while necessary, will not be sufficient.

Q10. Do you agree with Option D of taking forward all of the identified options? (This would include development of a statutory aggravation based on gender hostility (Option A); development of a standalone offence relating to misogynistic harassment (Option B); and work to build on Equally Safe (Option C)?

No. We would support options B and C.

Q11. Do you think that a new statutory aggravation on age hostility should be added to Scottish hate crime legislation?

While we instinctively see the appeal of creating an age aggravator to mirror age being a protected characteristic in the Equality Act 2010, we do not necessarily believe that there is strong evidence that age discrimination, which is not uncommon in employment, translates into age-motivated hate crimes.

We believe that some crimes committed against older people may be motivated more by their vulnerability than by hatred of old people, and so would be covered by new provisions as discussed in relation to question 28.

We are not aware of any crimes being targeted specifically at younger people because of hatred of young people as a group, or of evidence that young people are 'hated' in the same way as people from different racial backgrounds or LGBT people. However, it may be that organisations representing older or younger people have evidence of this and we would wish to review their evidence.

We are certainly aware of ageism as a phenomenon, which often affects our members, sometimes in combination with sexism, and would be interested in how this area develops.

Q12. Do you think there is a need for sectarianism to be specifically addressed and defined in hate crime legislation?

No. We believe that the protections for race and religion are sufficient to tackle bigotry and unacceptable criminal behaviour. Defining sectarianism is extremely complex and would need to take account of the fact that sectarian attitudes are not only relevant to Christian communities but also to other faiths. We would not support the creation of new aspects of legislation if the driver was primarily to enable better recording of incidents.

Q13. If your response to question 12 was yes, do you think a statutory aggravation relating to sectarianism should be created and added to Scottish hate crime legislation?

N/A

Q14. If yes to question 12, do you think a standalone offence relating to sectarianism should be created and added to Scottish hate crime legislation?

N/A

Q15. If your response to question 12 was yes, do you agree with the Working Group that sectarianism should be defined in Scots Law in terms of hostility based on perceived Roman Catholic or Protestant denominational affiliation of the victim and/or perceived British or Irish citizenship, nationality or national origins of the victim?

N/A

Q16. If you disagree with the Working Group's proposed definition of sectarianism, what do you believe should be included in a legal definition of sectarianism?

N/A

Q17. The Scottish Government recognises that legislation on its own will not end sectarianism. What else do you feel could be done to address sectarianism?

EIS policy on tackling sectarianism (Breaking Down the Barriers) states that we recognise the role education plays in combating sectarianism; and the opportunities available in the Curriculum for Excellence to tackle sectarianism and discrimination.

We continue to support a fully comprehensive non-denominational education system; and we believe that the Scottish Government could also challenge employment practices which can be perceived as discriminatory by all means possible; monitor closely the development of joint campus schools; and encourage churches and other faith communities to preach a strong anti-sectarian message and to work together in partnership across the diversity of faiths followed in Scotland. We would also encourage voluntary organisations, sports clubs, public

bodies and businesses to include a commitment to non-sectarianism in their constitutions, mission statements and application forms.

We also seek continued efforts from both national and local government to eradicate poverty from Scottish society and to mitigate the effects of poverty on people's lives, and would suggest that such efforts would have a positive impact on reducing sectarianism, which although not confined to areas of deprivation, appears to be more prevalent in deprived communities. (For example, Scottish Social Attitudes data shows that those in deprived areas are more likely than those in affluent areas to think there is some anti-Protestant sentiment in Scotland).

Q18. Do you think that a new statutory aggravation on hostility towards a political entity should be added to Scottish hate crime legislation?

No. As far as possible the Hate Crime legislation should mirror the Equality Act 2010 in terms of the groups who are offered protection, as these groups have historically experienced substantial disadvantage and discrimination, which is well evidenced.

Q19. Do you think that a new statutory aggravation should be added to Scottish hate crime legislation to cover hostility towards any other new groups or characteristics (with the exception of gender and age)?

No.

Q20. Do you think that the religious statutory aggravation in Scottish hate crime legislation should be extended to include religious or other beliefs held by an individual?

No comment.

Q21. Do you think that the statutory aggravations in Scottish hate crime legislation should apply where people are presumed to have one or more protected characteristic? (Examples of protected characteristics are religion, sexual orientation, age, gender, race, disability, transgender identity and intersex).

Yes. This can be particularly relevant for people from BME backgrounds who are frequently 'misrecognised' e.g. Sikhs who are believed to be Muslim and who experience hate crime rooted in anti-Muslim prejudice. Similarly, assumptions can be made about e.g. patrons of LGBT friendly venues, or women or men who do not conform to rigid gender norms in terms of dress, hairstyle, etc. and are thus perceived by people with ideas about how men or women should behave to have a different sexual orientation than they do.

Q22. Do you think that the statutory aggravations in Scottish hate crime legislation should apply where people have an association with that

particular identity (relating to religion, sexual orientation, age, gender, race, disability, transgender identity and intersex)?

Yes. This confers important protections on the family members, friends, colleagues etc. of people who are at risk of experiencing hate crime.

Part Three: New Stirring Up of Hatred Offences

Q23. Do you agree with Lord Bracadale's recommendation that stirring up of hatred offences should be introduced in respect of each of the protected characteristics including any new protected characteristics?

Yes. If one of the key purposes of Hate Crime legislation is to convey the message that hateful and prejudiced attitudes will not be tolerated in modern Scotland then it will be important for efforts to be made to quell these attitudes even where they do not result in a specific offence against an individual person and where they place communities in fear.

Q24. Do you agree with Lord Bracadale's recommendation that any new stirring up hatred offences should require that the conduct is 'threatening or abusive'? (If not, what do you think the threshold should be for the offence to be committed?)

Yes, this seems appropriate.

Q25. Do you think that the existing provisions concerning the stirring up of racial hatred should be revised so they are formulated in the same way as the other proposed stirring up hatred offences? (This would mean that the offence would apply where the behaviour is 'threatening or abusive', but not where it is only 'insulting'.)

Yes.

Q26. Do you agree with Lord Bracadale's recommendation that there should be a protection of freedom of expression provision for offences concerning the stirring up of hatred? (If you answered yes to this question, do you have any comments on what should be covered by any such 'protection of freedom of expression' provision?)

Freedom of expression needs some protection, but this should never mean freedom to cause harm to people, and to express hateful views. This work will need to be carefully constructed and should be done in collaboration with people most affected by hate speech e.g. people from minority ethnic communities, disabled people and LGBT people. 'Freedom of speech' can too often be used by bigoted groups to promote speech which puts people at risk of real harms. We note that the Article 10 Convention right to freedom of expression is already limited by duties and responsibilities.

Q27. Do you agree with Lord Bracadale's recommendation that no specific legislative change is necessary with respect to online conduct?

No. Online spaces are particularly toxic and regulation has not kept pace with this. The targeted harassment of Black and Minority Ethnic (BME)

women in public life, for example, is particularly significant. For example, a study by the Guardian newspaper of comments on their website articles found that of its ten regular writers who received the most abuse, eight were women (four white and four BME women) and two were BME men. The ten regular writers who received the least abuse were all men. (<https://www.theguardian.com/technology/2016/apr/12/the-dark-side-of-guardian-comments>).

Also, we do not support the creation of a gender aggravator as per the discussion at Q7 above, which Lord Bracadale has argued would help to tackle this problem. Regulation of online spaces could however form part of the planning for a standalone offence on misogyny, which we would support, to ensure that such offences could be prosecuted whether conducted offline or online.

Part Four: Exploitation and Vulnerability

Q28. Do you think a statutory aggravation (outwith hate crime legislation) should be introduced that could be applied when a perpetrator exploits the vulnerability of the victim?

Disabled people in particular are often exploited when they are vulnerable. e.g. people with epilepsy or other neurological conditions who can be robbed when unconscious, people with learning disabilities or dementia who can be exploited financially, etc. However, they would be protected by a disability provision, so on balance we think that more efforts should be made to use existing aggravators to protect people with vulnerabilities. Also, we suggest that exploiting the vulnerability of a victim is not conceptually the same as perpetrating a crime against someone based on prejudice towards the victim because of their characteristics such as their race or sexual orientation. Other schemes which seek to protect vulnerable groups should be supported but hate crime is the wrong rubric for addressing exploitation of vulnerable people.

Q29. If you think a statutory aggravation (outwith hate crime legislation) should be introduced that could be applied when a perpetrator exploits the vulnerability of the victim, please provide details of the circumstances that you think such an aggravation should cover?

As above.

Part Five: Other Issues

Q30. Do you think that Section 50A of the Criminal Law (Consolidation) (Scotland) Act 1995 about racially aggravated harassment should be repealed? (Please provide details in the comments box.)

No. We would view this as a misstep, which might be interpreted by members of Scotland's BME communities and by potential offenders as meaning that racist hate crime does not matter. Racist hate crime is the most commonly charged in Scotland, with racially aggravated crimes comprising 61% of all hate crimes. However, the overall number of charges remains similar to those pursued in 2003, which we find concerning in the current climate.

A significant minority of the Scottish population hold negative attitudes towards diversity: the Scottish Social Attitudes survey has found that a third of people in Scotland (33%) said that they would rather live in an area 'where most people are similar to you', and fewer than half (40%) agreed that 'people from outside Britain who come to live in Scotland make the country a better place'. There has been increasingly hostile and Islamophobic media coverage of world events such as the refugee crisis: the European Commission against Racism and Intolerance (ECRI) has raised concerns about some British media outlets, particularly tabloid newspapers, using "offensive, discriminatory and provocative terminology" and says that it considers that "hate speech in some traditional [UK] media continues to be a serious problem"

Racist and extremist views have been more prominent in political discourse, associated with e.g. the Trump administration and the 'Brexit' referendum. The ECRI has highlighted this issue, saying, "There continues to be considerable intolerant political discourse" which it links to "an increase in xenophobic sentiments". It reports that "Muslims are similarly portrayed in a negative light by certain politicians and as a result of some government policies" and raises concern about the tenor of discourse on Traveller communities.

In this climate we would have expected reporting of racially aggravated crimes to have increased; the fact that the number of charges is broadly static is concerning and suggestive of under-reporting and under-utilisation by protected groups of the justice system.

If efforts to tackle racist hate crime are subsumed within a consolidated piece of legislation we believe that the focus on racism may be lost.

S50A is heavily relied on by prosecutors, and it resulted in more convictions in 2016/17 (626) than s38 with a racial aggravator (433).

We support the creation of a standalone offence on misogyny. We think therefore that it is important to preserve the existing standalone offence of racially aggravated harassment, to show that racism is considered by the justice system to be just as harmful as misogyny. In general, the experience of consolidating equality law has led to a less sharp focus on the needs and experiences of particular groups, and we would be concerned about consolidating hate crime law on that basis.

Q31. What do you think the impact of repealing section 50A of the Criminal Law (Consolidations) (Scotland) Act 1995 about racially aggravated harassment could be?

As discussed above, we believe the impacts could be:

- the unintended consequence of signalling that tackling racism is less of a priority now than in the past*
- the unintended consequence of creating a hierarchy of oppression, if a standalone misogyny offence is created whilst this is repealed*

- *capturing fewer expressions of racist behaviour within the criminal law and thus creating a gap in legal protection*
- *repealing a provision which is widely used, to the detriment of BME people in Scotland*
- *a less sharp focus on racism.*

Q32. Do you think that courts should continue to be required to state in open court the extent to which the statutory aggravation altered the length of sentence? (This would mean that Lord Bracadale's recommendation on sentencing would not be taken forward.)

Yes. This could have a deterrent effect. The additionality is likely to be reported in the media where it is significant. This will show communities who are targeted that the legal system recognises this is unacceptable; and will show potential offenders that prejudicial attitudes, where translated into harmful criminal behaviour, will be taken seriously by the justice system.

Q33. Do you agree that no legislative change is needed in relation to the support given to victims of hate crime offences?

No comment.

Q34. Do you agree that no legislative change is needed in relation to the provision of restorative justice and diversion from prosecution within hate crime legislation in Scotland?

No comment.

Q35. What else do you think the Scottish Government could include in its proposals to update Scottish hate crime legislation?

We would encourage the Scottish Government to continue with non-legislative programmes to bring about change to Scottish society, as legislation tends to be remote from people's lives, with many people, including those who regularly experience hate crime, feeling that the legal system is not relevant to them or not accessible. Non-legislative efforts to tackle prejudice and discrimination and to celebrate diversity and inclusion are important and should be sustained.

THE EDUCATIONAL INSTITUTE OF SCOTLAND

Use of Homework Apps

1. Introduction

- 1.1 The following resolution was approved by the 2018 Annual General Meeting:

"This AGM instructs the EIS to conduct a scoping exercise into the use of homework apps across all 32 local authorities and their possible impacts on the terms and conditions service of classroom teachers and to produce clear guidance on the use of homework apps such as Show My Homework."

- 1.2 The AGM in 2018 also approved the following resolution which is being processed by the Education Committee.

"This AGM recognises that children and young people in Scotland have different learning experiences outside school and, in particular, have different experiences of homework."

This AGM instructs Council to report on recent research into the impact of homework on young people at all stages or in the absence of existing relevant research, to conduct such research.

On the basis of this research, this AGM instructs Council to develop guidance for members:

(i) on how to devise homework tasks that are effective for pupils while minimising impact on workload, and empower teachers to provide advice to parents as to how young people can be supported with homework;

(ii) takes account of poverty, home circumstances and the mental and emotional health of learners and their families."

- 1.3 The outcome of that resolution will impact upon some of the findings and conclusions contained within this report. This report focuses on the use of homework apps and their possible impacts on the terms and conditions service of classroom teachers. Guidance is also provided.

2. Discussion

- 2.1 The Salaries Committee used the information gathered through the EIS Value Education Value Teachers membership survey to assist with this enquiry. The survey sought to gather the views of members on key issues, such as pay, workload, wellbeing and the work/life balance. The issue of homework did not feature specifically as an aspect of work which provided teachers with the greatest stress in

the past 12 months. In addition, it did not appear as an issue to be raised by the EIS with Scottish Government and Local Government.

- 2.2 At the time of writing, the EIS has no policy on the delivery, design, purpose or value of homework whether it is administered and delivered with or without the assistance of computer software applications. However, this position may change as policy emerges following the work undertaken by the Education Committee.
- 2.3 Homework apps such as *Show My Homework* are online homework calendars showing homework information, deadlines and attachments for pupils and students. Homework is set by teachers and is displayed online using *Show My Homework*. Personal accounts are usually created for all staff and pupils for the management and tracking of homework tasks. All pupils have a gradebook and homework calendar that is automatically linked to their subjects, class and teacher.
- 2.4 Assignments appear to be the most common and widely-used exercise on *Show My Homework*. This homework that can be handed in online or in class. The teacher enters the title for the homework which then appears on the school calendar, as well as the students' personal calendars and to-do list. The teacher can describe the task for students and can also upload resources, images or other attachments. Issue dates and due dates are also identified.
- 2.5 Once all this information is uploaded, the students either type their answers online in a text editor (suitable for quiz-like homework or multiple-choice assessments which are marked instantly online) or they can upload a document from their computer (assuming they have access to one at home) to places such as Google Drive or Dropbox for marking later by the teacher.
- 2.6 *Show My Homework* and other homework apps appear to be more prevalent and utilised in secondary schools than primary schools. One possible reason for this is that *Show My Homework* provides a free mobile device app for Apple iOS and Android devices but not currently for Windows Phone & Blackberry App This highlights an additional issue regarding equity of provision which is out with the scope of this report.

3. Guidance of the use of homework apps

- 3.1 The main duties of all registered teachers are contained within Part 2, Section 2, Main Duties of the SNCT Handbook. It is worth emphasising that the SNCT Handbook is silent on the topic of "homework". However, the SNCT Handbook clearly states that "...the individual and collective work of teachers must should be capable of being undertaken within the 35-hour working week." This includes "homework" in whatever format it is issued and subsequently assessed.

- 3.2 For most teachers, preparation and correction are the most time-consuming activities outside class contact time. This needs to be reflected in the way that a teacher's working time is deployed including time set aside for the preparation and marking of homework where it is issued.
- 3.3 The EIS believes that teachers are best placed to exercise professional judgement over how they manage and organise their time in school. The SNCT requires schools' negotiating committees to conclude written Working Time Agreements (WTA), subject to guidance provided by each LNCT. This WTA should provide the context to undertake the collegiate activities set out in the SNCT Handbook (Appendix 2.7).
- 3.4 A climate of collegiality must underpin the enhanced professional role of teachers and that due regard to workload and contractual obligations should be given in order to allow them time to focus on their core role as leaders of learning. Therefore, any decisions to use homework apps should only ever be made in this climate of collegiality and be the subject of agreement within each school's WTA.

4. Conclusion and Recommendations

- 4.1 The use of homework apps across and within all 32 local authorities varies greatly. However, where they are used in a climate of collegiality and their use has due regard to teacher workload, contractual obligations of teachers and the 35-hour working week, there should be no negative impact on the terms and conditions service of classroom teachers.
- 4.2 The use of homework apps, along with other school initiatives and curricular plans, should be reviewed and evaluated on a regular basis. Each session's WTA should be evaluated to inform negotiations on the WTA for the session ahead. Any disagreement or failure to agree should be reported in the first instance to the Local Association Secretary.
- 4.3 It is recommended that this guidance on the use of homework apps is brought to the attention of members via an EIS members' ebulletin before the end of the current session.