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education trade union

eis

Policy Papers Relating to Minutes of Council 2020-2021



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CARBON FOOTPRINT OF THE EIS – PAPER IN RESPONSE TO THE MOTION CARRIED AT THE MEETING OF EXECUTIVE COMMITTEE ON 10 JANUARY 2020

INTRODUCTION

1. In terms of the memorandum from Executive Committee to Finance Sub-Committee dated 20 January, it was asked that certain aspects of the proposals to reduce the carbon footprint of the EIS be investigated further and that a further report be made to Executive.

The matters referred back to Finance Sub Committee were as follows.

The Institute:

- A. Should bring forward detailed proposals to reduce the volume of printed materials distributed to National Committees;**
 - B. Should take steps to improve the sustainability of Committee lunches through a review of suppliers' packaging and switching to reusable crockery and cutlery wherever possible;**
 - C. Should identify appropriate partners working in the education sector and within Scottish rewilding projects, through which to make carbon offset payments commensurate with the EIS carbon footprint.**
2. **Detailed proposals to reduce the volume of printed materials distributed to National Committees**

The previous paper in relation to Carbon Footprint reduction presented to the Sub-Committee at their November meeting and then to Executive, included the following.

"On the basis of the above analysis, the key area on which the Carbon Footprint of national committees could be reduced is in relation to paper use.

The members' area of the EIS website already provides access to Committee Papers relevant to members and staff. However, at present no-one opts out of receiving hard copy committee papers.

One suggestion would be that the EIS could purchase a suite of 25 basic tablet computers (cost c£100 - £150 each) which could be used in Committee meetings. (Overall estimated cost of up to £4,000)

Committee members would be invited to opt out of receiving hard copies of committee papers, with the intention that they can view papers in advance on-line via their own devices and on EIS tablets during the meeting.

For the avoidance of doubt, the EIS tablets would not, generally, leave the building."

As requested by Executive, more detail is presented below in respect of the key points raised.

a) Specification of tablets

Thomas McNally has recommended the purchase of Lenovo Yoga which retail at £200 each. There would be a small additional cost for the 'pens' required to annotate documents on screen.

b) Presentation and hyperlinking of papers

At present, papers for meetings are presented on the members' area of the EIS website as a large number of discrete papers. TM advises that if the various agendas and papers were combined into a single PDF document, then it would be straightforward for the agenda to be linked to back up papers using hyperlinks so that members could easily navigate during the meeting.

Paul Benzie (Print room) has the version of Adobe Acrobat which enables multiple Word (and other format) documents into a single PDF file, add the hyperlinks and insert or substitute late papers.

c) Annotation and retention of final papers by Committee Members

The version of Adobe Acrobat which would be installed would allow members to annotate their papers rather than take separate notes on paper.

At the end of the meeting, the user will be able to click on 'share document' in order to email their annotated version of the meeting papers to their own email address.

Each tablet used will have any saved files (and sent mail) deleted following the meeting.

d) Use of own equipment

The protocol above will also enable committee members to use their own equipment if they have a tablet with the right functionality.

e) Confidential papers

Confidential papers would continue to be distributed in hard copy and collected for shredding at the conclusion of the meeting.

f) Roll out

If approved, it is suggested that the new protocol be introduced for the next physical meeting of Finance Sub-Committee. (28 October 2020 or later).

If considered successful, rollout to other Committees could take place commencing with the subsequent Committee cycle.

g) Opt out

It is accepted that there will be Committee Members who will still wish to receive hard copies of papers. It is proposed that this will still be available on request.

3. Steps to improve the sustainability of Committee lunches

a) Packaging

The Finance Manager has contacted all of our regular suppliers of outside catering in order to ask about the type of packaging used for outside catering/lunch orders and if this is recyclable or non-recyclable. Positive responses have been received from all of those contacted with the exception of Milk & Honey who, despite a number of responses, have not responded.

It is proposed that lunches are not ordered from Milk & Honey until a satisfactory response has been received with regard to the sustainability of their packaging.

b) Cutlery and Crockery

Additional reusable plates have been purchased so that the Institute should not be using single use items going forward (whether or not these are considered to be recyclable). There is also a supply of cutlery. However, as committee lunches are usually 'finger buffet' style, cutlery is not often used.

4 Carbon Offsetting and Identification of Appropriate Partners

4.1 Within the previous paper, it was identified that, based on workings prepared by Mabbett, that the 'calculated' level of payment to offset the current EIS carbon footprint was £1,376 per annum.

4.2 As noted within the minutes of meeting of the Finance Sub-Committee, it has been recommended that, on completion of current contracts, the EIS should move its gas supplies from Natural Gas to carbon neutral Biogas. As 41% of the EIS Carbon footprint, as calculated by Mabbett, was in relation to the natural gas consumed for the heating of the Edinburgh and Glasgow offices, this change will reduce the level of carbon offset payment required to achieve carbon neutrality to something in the region of £800 per annum.

4.3 Two projects have been identified as appropriate beneficiaries of the EIS carbon offset payments as follows.

<https://treesforlife.org.uk/dundreggan/>

A major ancient forest restoration project near Loch Ness, with its own tree nursery. Currently fundraising to build a rewilding education centre due to open in 2022.

<https://wild-things.org.uk/>

Wild things! is an award winning environmental education charity based in Findhorn, on the magnificent Moray Firth, in Scotland providing inspiring wilderness, nature based, and outdoor learning experiences for all ages and abilities. They also have rewilding projects and a schools programme.

4.4 There was a suggestion made by a member of Executive that the Institute might identify an organisation promoting rewilding projects in school grounds. Whilst there is a reference to such projects on the Learning for Sustainability Scotland web-site, a suitable partner organisation with whom we could pursue that option was not found.

4.5 The Finance Sub-Committee recommended that

- for the financial year ended 31 August 2020, the sum of £500 should be donated to each of Trees for Life and Wild Things! In lieu of the Institute's residual carbon footprint.
- the first finance sub-committee meeting of the 2021/22 cycle reconsider the appropriate level of carbon offset payment for that financial year and consider recommendations for donations to these or other appropriate projects in that respect.
- an appropriate statement to be added to the EIS website in due course with regard to carbon neutrality.

5 EIS Vehicle Fleet

Executive is asked to note that as requested at their meeting of 10 January 2020, the Finance Sub-Committee will consider proposals in respect of the EIS Vehicle Fleet at their October meeting and a report will be prepared for the next meeting of Executive.

6 Request

Executive is asked to approve the recommendations of the Finance Sub-Committee as set out above.

Briefing paper on potential "Safety Strikes"

1. The concept of carrying out industrial action, including strike action, to protect employee safety is a well-established tactic. The EIS raised in the last member survey¹ the possibility of industrial action, e.g. a "safety strike", in the event that a school wasn't applying agreed safeguards against Covid-19; a slight majority (52%) indicated that they would support strike action, with a further 39% indicating "don't know at this time". Whilst this may not be considered a strong basis for beating Trade Union Act thresholds, it should be borne in mind that any industrial action is likely to be localised and developed as a collective response within a branch.

Collective Industrial Action as a means to Protect Members from Danger

2. Lawful industrial action must relate to pursuing a legitimate trade dispute between the trade union and the employer(s). Section 244 TULR(C)A broadly defines the matters capable of constituting a trade dispute which include not only terms and conditions of employment, but also "the physical conditions in which any workers are required to work". This provides the mechanism by which health & safety concerns may be registered as a dispute.
3. Ordinarily, the trade union would seek to resolve these safety concerns with the employer(s) via a grievance or internal dispute process. However, these are not statutory requirements.
4. Once a dispute is in place, and the employer(s) given written notice and an opportunity to resolve the dispute, then a statutory ballot for industrial action may be carried out.
5. Whilst carrying out a statutory ballot for industrial action for a safety dispute is procedurally straightforward, it is time consuming, however. All industrial action ballots involve giving the employers 7 days' notice, and 14 days' notice of any industrial action after the ballot closure. Even if a trade union declared a dispute, and immediately moved to a statutory ballot without any consultative ballot in a specific workplace (or small group of affected workers), then the fastest timeframe in which the ballot could be turned around and industrial action initiated would be around 5 weeks.

¹ "In the event that a disagreement arises in a local authority or a school over the safe implementation of the Guidelines, the EIS would register a grievance and then potentially move to dispute. In such a scenario would you be willing to take industrial action, up to and including strike action, to resolve the matter?"
Yes - 52%, Don't know at this point – 39%, No – 9% (No of responses - 26,747)

6. There is no known lawful precedent for expediting the statutory ballot process by reducing or eliminating the notice periods – even for safety concerns. Furthermore, there is no lawful alternative way for a trade union to carry out collective action to protect members’ safety by providing a legal way for them to either remove them from the workplace (i.e. strike) or stop doing a specific dangerous task (i.e. action short of strike action). In other words, the industrial action route for a statutory ballot carried out under the TULR(C)A seems the only way in which a trade union can facilitate collective action in order to protect members by removing them from an immediate danger
7. Two main scenarios present themselves for consideration for collective industrial action: failure on the part of the employer to deliver agreed mitigations, in part or wholly; and a single significant breach of Health and Safety protocols.
8. In the first instance, the recommended route would be through grievance, then dispute declaration followed by consideration of ballot options; in the second, where the issue is of immediate import, moving straight to dispute may be the most effective option.

Potential Use Section 44 of the Employment Relations Act (1996)

9. Under section 44 of the Employment Rights Act 1996, employees have the **individual** right not be subjected to a detriment if they leave work or refuse to do a specific task that "*in circumstances of danger which the employee reasonably believed to be serious and imminent.*"
10. The Institute issued a briefing to Local Association Secretaries on Section 44 in August 2020 which described the use of Section 44 as an individual right as and as "a back-stop and for use if all other actions have failed." Its use may be appropriate, for example, by individuals who were previously shielding whose vulnerability is heightened by a local spike in the virus without the employer making any subsequent mitigations.
11. Applied collectively, however, by several people refusing to work at a workplace at the same time could amount to unofficial industrial action and if a union were to be considered to have induced its members to stop working without a lawful industrial ballot having been held, then the refusal to work may be deemed unlawful² and the union may be held vicariously liable.
12. Whilst the Union would support members on a case by case basis where Section 44 might apply, it is not recommended as a tool for collective action.

² Balfour Kilpatrick Ltd v Acheson [2003] IRLR 683 EAT

Conclusion

13. The most established way in which the EIS can directly support and enable members collectively to refuse to attend work if they believe that are 'serious and imminent' danger is by a statutory ballot for industrial action. The process for such a 'safety strike' could be expedited by a pre-agreed EIS statutory ballot process – essentially creating a 5-week turnaround from a request for such a ballot from a branch.

Recommendation

- I. To set out a protocol around initiating, prosecuting, and escalating collective grievance and dispute on Covid-related Health and Safety issues.
- II. Said protocol to exemplify scenarios where such an approach should be deployed.
- III. To agree a rapid EIS decision making mechanism to enable statutory ballots to be turned round quickly on a 5-week timetable in order to carry out a "safety strike" as required.
- IV. To note and confirm the current advice being issued around Section 44.

EIS Submission to Scottish Parliament's Education & Skill Committee for DFM Meeting (16.09.2020)

1. The EIS (Educational Institute of Scotland), Scotland's largest teacher union representing over 60,000 teachers and lecturers, is pleased to submit this short paper to the Education and Skills Committee of the Scottish Parliament in advance of the Deputy First Minister's appearance before it on 16 September 2020.
2. The lockdown and subsequent reopening of schools have shown that teachers and lecturers are committed to the children and young people they teach and support.
3. The EIS believes that the Scottish Government was right to close schools when it did in order to safeguard the health and safety of pupils, staff and wider society. A recent EIS survey has that a majority of members supported reopening schools for the new academic year on August 12th. It is a credit to the teaching profession that whilst a majority of teachers support the re-opening of schools, they did so despite the majority also having concerns around their safety and wellbeing during the re-opening and operation of schools.
4. The EIS supports the way in which the Scottish Government has worked inclusively with trade unions since the start of the lockdown and acknowledges that the Scottish Government has listened to EIS views.
5. The Scottish Government formed the CERG group at the start of the lockdown and this has been an effective means of reviewing developments, consulting on Scottish Government's forthcoming publications and giving advice to the Scottish Government. Whilst the EIS feels that CERG has played a positive role and has added value to the Scottish Government's decisions and publications, it notes that ultimately it is the Scottish Government which has made the decisions regarding education and published its guidance to the education sector – not all of which have the support of the EIS e.g. the EIS view is that the guidance on physical distancing amongst pupils, especially in secondary schools, is woefully inadequate.
6. The Scottish Government announced in 21 May 2020 that schools would re-open in August 2020 with pupils physical distancing using a blended teaching approach. Teachers spent some considerable time preparing resources and planning for such a return. Much of that work was lost as the Scottish Government announced on 23 June 2020 that the Covid-19 virus was sufficiently suppressed to allow all pupils to return on August 12, 2020. The revised Scottish Government Guidance for re-opening schools was issued on 31 July, during the school holidays and this led to many teachers returning to schools the week prior to re-opening to ensure the pupils return was as successful and safe as possible.

7. Blended learning remains a contingency if schools are closed (or pupil physical distancing becomes mandatory) either at a local or national level in the future. The national or local triggers for the contingency do not seem well understood. It is also not clear to the EIS how teachers are expected to teach face-to-face a cohort of pupils and to prepare simultaneous online teaching materials – with both sets of work being marked and fed-back on. A sustainable model should be developed in advance of any blended learning ever being needed.
8. The Scottish Government published its updated guidance on re-opening schools on 31 July 2020, further updated on 11th September. The government consulted on the document at CERG, and, whilst the EIS supported the guidance, it had argued for the guidance to go further in places. The guidance did provide succor for teachers in preparing risk assessments with trade union input and this was carried out consistently well across Scottish local authorities. The enhanced cleaning regime, access to symptomatic and asymptomatic testing were also welcomed.
9. The EIS' main concern with the full pupil return to school and associated Scottish Government Guidance (of 31 July 2020) was that physical distancing between pupils was being sacrificed in order for all pupils to return to school. Furthermore, full pupil returns meant that teachers would be exposed to more pupils compared to a blended approach and it made schools more crowded. The Scottish Government guidance did not set out concrete steps to facilitate greater physical separation between pupils such as requiring modified timetables or temporary expansion of the school estate to split classes.
10. Whilst the Scottish Government announced more funding¹ for extra teachers, the funding was insufficient to make a meaningful difference. There are still a large number of recently qualified teachers that have no posts or have been put in supply pools to backfill future vacancies. As the EIS has previously advised, Scottish education has amongst the largest average class size in the OECD with almost the highest teacher contact hours in the OECD². Without an expansion in the school estate and increase in teacher numbers, the high pupil density Scottish school system will be vulnerable to Covid-19 outbreaks relative to other OECD countries. Furthermore, the smaller class sizes that more teachers and increased school estate bring will also support improved educational outcomes.
11. The 2020-21 school year will be a challenging year and unusual year. Prior to school re-opening, it was thought that the well-being of pupils would be the priority for schools, as consistent with the Maslow's hierarchy of needs, in a recovery phase. In general, however, it has become clear that most schools have got on with delivering their curriculum. Greater

¹ A total of £80 million for the current session, and up to £50 million to support broader education recovery.

² <https://www.oecd-ilibrary.org/docserver/f8d7880d-en.pdf> Page 422

access to counsellors in secondary schools will help in future, but the EIS suspects that further support will be required to address consequences for pupils' mental health arising from the lockdown. Targeted pupil support will require more resources. Furthermore, it is probable that pupils from less affluent backgrounds will be the hardest hit by the lockdown in educational terms, and they may require increased support. The EIS recognises that some additional funding has been made available for additional staffing, and welcomes that investment, but believes it falls well short of what is required in terms of genuine education recovery. In reality it is little more than the Barnett consequential of additional UK Government spending on Education and therefore disappointing in the context of the Scottish Government's professed priority on Education..

12. The DFM has previously accepted responsibility for the SQA external exam results earlier this summer that reinforced social injustice, before overturning the moderated results by relying on teacher professional judgement. The EIS view is that the SQA had a significant locus in the decision making process and itself failed to listen to the concerns being expressed by bodies such as ourselves. There are a number of consultations in place to learn the lessons from the episode, but the EIS is clear that this is an opportunity to look again at national qualification assessment and reconfigure it to be more consistent with the original aims of Curriculum for Excellence and to be more progressive to avoid exacerbating social injustice.
13. The EIS also believes that the Scottish Government should direct the SQA to be more inclusive with its plans and engage with a wider section of stakeholders in order to avoid repeating recent mistakes. Pupils have lost much learning over the last six months, and college students will have a shorter academic year in which to prepare for SQA awards. The SQA obstinacy in sticking to a planned exam diet later this year whilst asking teachers and lecturers to also collect additional pupils work in case exams are cancelled does not augur well.
14. The Scottish Government moved to implement face coverings in secondary schools in light of revised WHO guidance. The Scottish Government has followed the science, but sometimes may need to consider whether it could act proactively - ahead of the science - regarding the safety concerns of (public sector) workers such as teachers. The Scottish Government has facilitated asymptomatic testing for teachers and thereby recognised that the morale boost to teachers this brought outweighed the cost of additional testing.
15. The DFM is also responsible for further and higher education; areas in which the EIS is very active. The Scottish Government has recognised the key role both sectors have in mitigating the future effects of a Covid-10 caused recession that is likely to be compounded by Brexit. However, the EIS would caution the Scottish Government not to consider colleges and universities' primary role as supporting the Scottish economy by reconfiguring

their funding accordingly. The role of education to allow learners to develop and flourish, whatever their background, in order to empower them to lead fulfilled lives that contribute to society. Work is simply one part of this.

16. The EIS would expect leadership from the Scottish Government and its national agencies in this school year, and it expects the teacher unions to be closely involved in order to deliver the best possible strategies for the sector, in the safest way.
17. Most teachers support the Scottish Government view that the potential harm to pupils' social and educational development is currently greater than the harm from Covid-19 by re-opening schools, i.e. the balance of harm argument. Nevertheless, it is teachers that are travelling to school on public transport during rush hour to sit in poorly ventilated classrooms all day to teach up to hundreds of pupils each week whilst other graduate professions heed Scottish Government advice and work from home. Localised outbreaks have already closed some schools, and intra-school transmission of Covid-19 has been reported in one school. The Scottish Government cannot afford to take teachers for granted and should ensure that its Guidance is comprehensive, prescriptive, and sufficient resources are available for it to be implemented in full in all schools.

Organising Strategy Paper: Organising in the Time of Covid-19

Background

1. The fundamental principle of Organising, as adopted by the EIS, is to engage with members so that they participate in collective activities, becoming activists who will act together to create a stronger union in order to bring about change.
2. In order to successfully implement our Organising Strategy, we must have the capacity to do so – both in terms of governance structures that facilitate appropriate decision making and an investment in staff, resources and policies in order to be in a position that can increase member engagement.
3. Member engagement in an Organising Model is mainly brought about by ‘campaigns’. Successful campaigning leads to a stronger union as it increases activist skills, member participation, widens the base and instils confidence in the union, creating an ability to win further campaigns.
4. Key aspects of successful member mobilisation may be summarised as:
 - Having a sense of grievance or injustice: violation of accepted standards; language; emotion.
 - working alongside others who share that grievance.
 - believing that ‘management’ or government is to blame for their problems.
 - believing the union will be effective: has enough power to deliver benefits at relatively little cost.
 - combining these elements into a ‘narrative’ or ‘story’.

EIS Organising Model Strategy for Covid-19 – Thus Far

5. The EIS has reacted to the Covid-19 Pandemic in a number of ways – a mix of organising and servicing actions. In terms of Organising, it has developed and implemented expansive training programmes for EIS reps and activists with regards to Health & Safety matters pertaining to re-opening and keeping schools open. This was implemented with a national webinar, but more importantly by Organisers and Area Officers across almost every Local Association. This training gave the skills and confidence for members to deal with immediate issues within schools and Local Authorities. Meetings were arranged weekly between Local Association Secretaries and EIS staff to discuss national and local developments and to plan national and local responses – with LA Secretaries leading on local responses.
6. EIS resources were also developed to support and empower individual members with their interactions with their employers. Two Local Associations lodged collective grievances against the Council’s non-collegiate approach to decision making during the summer. Both were successfully resolved, with both Councils giving assurances of future consultation at a formative stage. The EIS has also set out a position as to when it would escalate a collective grievance into

industrial action (i.e. an Organising response) and when a Section 44 response should be considered by members.

7. The EIS has surveyed members twice in order to gauge (and to some extent map) members' views. The last survey in the Summer identified that most members (66%) supported schools fully re-opening, and yet 80% members did not have the confidence in their safety once open. The key campaign issue identified was around Health and safety (and associated risk assessment practice). Nationally, the EIS articulated its three red lines to support a safe school reopening. One practical context at this time, of course, was that we were in lock down and then in the summer break.

Determining a Covid-19 Organising Strategy

8. The primary function of the EIS, as a trade union, is to protect and advance the interests of teachers. Any holistic campaign to protect the health & wellbeing (i.e. interests) of teachers with regards to the Covid-19 pandemic will operate on several levels – national campaigns, local campaigns (including at school level), rep training, informing members etc. The most prominent feature of any organising approach, however, is generally regarded as the campaigning element.
9. The EIS Organising Strategy for Covid-19 must work at both national and local levels – with the same message of acting to protect members' health & wellbeing. One strategy the Executive may wish to consider is to create a national EIS campaign in which it exercises the role of constructive engagement where it can with the Scottish Government and active campaigning to influence the Scottish Government where it needs to. Associated with this national campaign, would be a series of campaigns in support of members' interests at local level.

Potential National Campaigning Issues

10. A national EIS campaign on protecting the health & wellbeing of members is likely to be very different to local EIS campaigning on this issue. The Scottish Government does not employ teachers and thus does not have a statutory duty of care towards teachers as an employer. The role of the EIS with respect to the Scottish Government is to proactively influence Scottish Government policy and decisions. Sometimes this "influencing" will successfully occur in existing fora (such as CERG) and sometimes national campaigning will complement lobbying activity within such fora.
11. Current issues and grievances that could be further developed as a basis of campaigns (with one or more collective activities) at a national level are set out below:
 - i. Strategic Framework that does not plan for school closures in any eventuality;
 - ii. Schools and/or teachers treated differently to other workplaces;
 - iii. No investment in larger school estate or net increase in available teachers – class sizes;
 - iv. Supply teachers exploited on zero hours contracts;
 - v. Inadequate Covid-19 testing for teachers;

- vi. Inadequate or flawed national guidelines for ensuring safe schools – physical separation or ventilation;
- vii. Inadequate or flawed national guidelines for shielding teachers;
- viii. Inadequate or flawed national guidelines for supporting vulnerable (including BME) teachers;
- ix. Inadequate or flawed national guidelines for supporting pregnant teachers;
- x. Given gender profile of the teaching profession, high risk and detriment for women despite the Scottish Government’s otherwise commitment to gender equality;
- xi. Lack of national triggers, or flawed national triggers to move to national blended or remote learning;
- xii. Lack of leadership or guidance to Local Authorities regarding local trigger to move to local blended or remote learning;
- xiii. Inadequate or flawed national accreditation for SQA awards;
- xiv. Inequity around educational provision for pupils;
- xv. Excessive workload or cover arrangements – lack of meaningful national guidelines;
- xvi. Failure to share scientific evidence or deviation from scientific advice;
- xvii. Insufficient sharing of data – CERG Dashboard.

Some of these issues may be raised with COSLA or at the SNCT.

- 12. Many of these issues may be run simultaneously or they could be prioritised or run on a fortnightly focus cycle.

Potential Local Campaigning Issues

- 13. The EIS has greater scope for campaigns by Local Associations against Local Authorities, since Local Authorities are employers, they have a duty of care to teachers and control the working conditions of members. Not only are working in partnership and campaigning to influence Local Authorities possible – so are grievances, collective grievances, disputes, Section 44 notices and industrial actions. There is more scope for the EIS to take a more adversarial approach to Local Authorities – to be seen as the protector of teachers’ health and wellbeing.
- 14. It is recognised that different Local Authorities work in different ways, and so the grievances will be different in each Local Association – necessitating different campaigns of varying intensity.
- 15. Potential issues or grievances that could be used as a basis for individual campaigns (with one or more collective activities) at a local level to apply strategic leverage to bring changes in Local Authority policy or decisions:
 - i. Close any school or group of schools that are believed to be operating unsafely;
 - ii. Failing to share local contingency planning or triggers for local school closures;
 - iii. Failing to engage constructively with the EIS reps at formative stages;
 - iv. Failing to implement agreed risk assessments;
 - v. Blanket failure to support shielding, vulnerable or pregnant teachers;
 - vi. Failure to support individual shielding, vulnerable or pregnant teachers;
 - vii. Failure to support teachers with long Covid-19 or other Covid-19 related issues;
 - viii. Public transport commute issues and/or no staggered start for teachers;
 - ix. Supply teachers exploited or treated differently in different schools/LAs;

- x. Unreasonable expectations placed on peripatetic staff
 - xi. Emphasis on gender dimension where appropriate
16. The Scottish Government's guidance to Local Authorities on operating schools during the pandemic is written in such a way as to create expectations and to put many responsibilities on Local Authorities and, in reality, to give the Local Authorities the right to make a large range of decisions. For example, the decision to close any school or group of schools that has a Covid-19 outbreak is in the hands of the Local Authority. This approach encourages and facilitates local campaigning.

Legal Advice and the Use of Occupational or Employment Law Procedures or Judicial Reviews i.e. Non-Collective Aspects of the EIS Organising Approach

17. Most of these issues are collective in nature and may be addressed collectively. However, some of the issues are member specific and cannot be dealt with in a collective manner, but on a member by member basis (i.e. casework). In these cases there will need to be a campaign to encourage those affected members to identify themselves and there will need to be EIS training and pre-prepared EIS resources to ensure that reps and Local Associations process these cases consistently and quickly. This may include the systemic use of Sections 44 & 100 of the Employment Relations Act (1996) (as set out in our Safety Strikes paper).

E.g. where a Local Authority is erratic in how it supports vulnerable teachers and does not allow a specific member to work from home despite having a 'Fit Note' whilst other teachers are so allowed.

18. Seeking legal advice on new considerations of employment law, and the actions of the Scottish Government and Local Authorities is also an active consideration.
19. Campaigns wins – no matter if won collectively or by technical/ judicial means will instil confidence in members and may breed further success.

Campaigning Activities

20. For any of the campaigns above to establish traction, there would need to be a clear narrative setting out that the Scottish Government or individual local authority is acting unreasonably, are to blame for the issue/grievance and have the ability to resolve the issue/grievance.
21. Once an issue or series of issues have been identified and the campaign aims agreed, then the appropriate campaign strategy will need to be developed to deliver the aim. This will involve a campaign timeline with a range of escalating collective activities (i.e. stress tests) with evaluations. These may include:
- i. Emails to Councillors & MSPs;
 - ii. Email template or postcard to DFM or First Minister;
 - iii. The use of mass emails – e.g. to Scottish Government;
 - iv. Use of national and local press releases;

- v. Use of model letters to affected staff encouraging them to have a personal risk assessment or reviewed personal risk assessment – supported by GP’s letters;
 - vi. Encouragement of the application of Section 44 notices by members or groups of members;
 - vii. Collective grievances at school or Local Authority level - with escalated move to statutory ballot (as set out in the safety strikes paper);
 - viii. Dispute at SNCT;
 - ix. Large scale use of Local Authority or SQA complaint procedures;
 - x. A H&S survey of every school and/or every LA;
 - xi. Coordinated series of personal grievances or complaints to Local Authorities that create workload issues for Local Authorities re their implementation of blanket policies;
 - xii. Use of short EIS surveys to gauge members’ views on certain issues;
 - xiii. Facilitation of whistleblowing for unsafe practices;
 - xiv. Weekly or regular H&S walkaround in school to review mitigations.
22. The national and local campaigning will also need to be evaluated holistically as it proceeds – in terms of outcomes – whether the campaign objective is being met or whether the EIS needs to escalate, engagement at Local Association level, changes in EIS membership & activist numbers etc. Social media information may also be measured, albeit with some care.

The Risks and Benefits of Campaigning on Covid-19

23. The potential benefits associated with campaigning on Covid-19 to challenge either the Scottish Government or Local Authorities are set out below:
- 1. The EIS campaign may facilitate safer working conditions for members and possibly save lives;
 - 2. The EIS provides support and hope for EIS members at a time when they need it most and that no other body can provide;
 - 3. The EIS could increase members’ confidence in their collective and individual ability to control and improve their working lives through the EIS. It will continue to build power within our Local Associations and Branches which will result in greater strategic leverage over time.

The Potential Risks of any Campaign or Series of Campaigns

24. The potential risks associated with campaigning on Covid-19 to challenge either the Scottish Government or Local Authorities are set out below:
- 1. Difficulty in convincing the majority of our membership that they are suffering an injustice that is the Scottish Government or Local Authority’s fault – members may believe each is doing their best under difficult circumstances;
 - 2. Unwillingness of members to take collective action whilst NHS is under severe strain in a national health emergency, i.e. that an EIS campaign would be tone deaf;
 - 3. The EIS will be perceived as putting teacher safety above the mental health and education of pupils, and this may not carry parental or public support, and the campaigning actions may be seen as disruptive.

25. These lists are not exhaustive. If the public's reaction to the first wave is replicated, then there will be a large amount of sympathy for NHS and care workers.
26. A membership survey may also be used as a tool to gauge members' views on choosing specific campaigns or to inform campaigns.

EIS Culture – Local Campaigning & the Use of Grievances

27. The ideas in this paper may lead to simultaneous national and local campaigns, where each Local Association maps its issues and implements a campaign plan to address the issues identified. Whilst there may be common issues facing many Local Associations, they will have the freedom to develop campaigns to address these issues using their own bespoke campaigns (supported by the EIS).
28. These local campaigns are inherently adversarial against Local Authorities or in some cases, headteachers, based on unreasonable and unjustifiable Local Authority decisions affecting our members. Some Local Associations have worked effectively with Local Authorities in partnership to solve previous issues and there may be a reluctance to put these long term mutually beneficial relationships at risk. There may also be a lack of experience in some Local Associations in raising and progressing collective grievances or disputes.
29. Furthermore, the adversarial nature of grievances in general often leads members and some representatives to conclude that submitting one has greater risks to working relationships than potential benefits arising from having the grievance upheld. These perceptions will need to be challenged if this approach is taken – stressing that grievances are a standard tool to challenge employer decisions, that they do not have to be personal (as they can be taken out against the corporate body) and winning a grievance can serve the collective. The EIS may also need to guarantee that it would follow up any potential acts of victimisation.

Working with other Trade Unions & Stakeholders

30. Organising seeks to campaign using as wide a base as possible and to maximise “power” by building support amongst stakeholders and the wider community. Reaching out and working with other trade unions should be an important part of the EIS campaign but it will also show that the EIS is seeking safer and better working for all school staff – and not exclusively for teachers. This may also be helpful in how the EIS campaigning for teachers is perceived by the wider public and mitigate any arguments that the EIS is seeking special treatment for a part of the schools service.
31. Reaching out to parental bodies and other stakeholders would also be prudent and may include meeting them and producing specific materials explaining our position in any campaign and responding to any concerns.

The Use of Social Media in Organising

32. The use of social media as a campaigning tool within Organising is well established and it can help to renew and strengthen member participation in trade unions. It can invigorate union campaign organising by facilitating workers' involvement by:
 - i. strengthening a sense of collective identity among dispersed workforces;
 - ii. developing solidarity around experiences of injustice.
33. Furthermore, the use of social media can support trade union campaigning:
 - i. by amplifying 'offline' collective actions;
 - ii. by amplifying and confirming individual members' grievances and experiences;
 - iii. by connecting the members with each other and with activists to form a hub;
 - iv. the emergence of new forms of collective action.
34. A large number of comments on social media can also give the impression that a campaign is gaining momentum – for a relatively small investment of time from those members. Social media is also fast (at times instant) and can give rapid feedback to an evolving campaign.
35. The use of mobile phones and in particular tools such as text messaging and WhatsApp messages may also be used in campaigning, e.g. the CWU's Four Pillars Campaign. Mobile phones also allow members to watch videos in work – especially if they are subtitled so they may be played silently.
36. Social media can also be a double-edged sword as it also gives a platform to those people that oppose or question a campaign, thereby potentially undermining it. A small, dissatisfied caucus can be very disruptive on social media. This may be mitigated to some extent by moderation and limited rebuttals to prevent serious factual inaccuracies or harassment. In general, however, it is better for members to rebut problematic posts and for our members to flood the small number of negative comments.
37. Social media may give sufficient prominence to self-organising workers or groups to raise issues and potentially address them outwith the trade union movement.
38. An important strength of social media is that members' reactions in social media allow us to clear any confusion or target unconvinced groups of members. This is an advantage of social media over TV or printed newspapers, since if our members react badly to our campaigning or message in the traditional media – we simply do not see it.
39. Some trade unions have developed specific "apps" to inform members and to directly support a specific campaign. The NEU for example developed an app that allowed each school rep to audit their school's H&S preparations for reopening and this linked to a national database which allowed a standardised response to the school's failings and instantly charted the status of each school.
40. Care should be applied whilst planning the use of social media activity in order for it to complement and amplify campaigning activity as opposed to displacing direct member contact. Social media may also be used as a self-evaluation tool by considering feedback received.

41. Table 1: Platforms for digital organising

Platform	Engagement	Advantages	Disadvantages
Facebook	Facebook is a place where lots of our members already spend their time.	<p>Facebook groups</p> <ul style="list-style-type: none"> • Communicate quickly with members • Recruit new supporters • Communicate daily/weekly actions and wins • Advertise events through the calendar • Higher engagement with posts than on pages <p>Facebook pages</p> <ul style="list-style-type: none"> • Use paid advertising to target people from specific demographics • Communicate messages to the public 	<p>Facebook groups</p> <ul style="list-style-type: none"> • Members with privacy concerns may feel unsafe joining public discussions and in groups, might hesitate to post <p>Facebook pages</p> <ul style="list-style-type: none"> • Lower engagement with posts due to changes in the algorithm, unless paid advertising is used
Twitter	<p>Lots of highly engaged activists and members use Twitter.</p> <p>Students and probationer teachers often set up teacher Twitter profiles to discuss their course and teaching.</p>	<ul style="list-style-type: none"> • Good for making campaigns look big to journalists, politicians, and decision-makers • Engage activists and members who use Twitter 	<ul style="list-style-type: none"> • Lots of members don't use Twitter • Not the best for securing commitment to campaign actions as behaviour is a lot more passive
Texting/ WhatsApp	<p>Text messages have a 98% average open rate and a much higher response rate than other platforms (~20%).</p> <p>Lots of LAs have already set up WhatsApp groups e.g. for their committees/ reps networks</p>	<ul style="list-style-type: none"> • Mimics how people already use texting to talk to friends and family – feels personal and recipients are talking to a real person • Used to drive simple actions e.g. sign up to an event, voting in the ballot • Can set up peer-to-peer texting sessions, where a group of leaders text a list of members together (like phone-banking but for texting). This has been successful in trade union and political organising e.g. Texting for Bernie campaign or National Nurses United Covid-19 campaign 	<p>Time intensive - if you don't have time to engage in two-way conversations with lots of people. Some people expect WhatsApp to be a two-way conversation.</p> <p>Can overuse this platform as people can become overwhelmed with messages.</p>
Video calls	Many are now familiar with using Webex, Teams, Zoom platforms	<ul style="list-style-type: none"> • Can be used for mass organising calls to secure simple commitments from members to act e.g. commit to vote, sign the petition, write to your MSP 	<ul style="list-style-type: none"> • Unless they're highly structured, participants can become disengaged • Risk of trolls – can be mitigated with a team of moderators/passwords

Recommendations

1. To note this paper
2. To progress a holistic Organising Strategy for Covid-19 at national and local levels – with the purpose of protecting members’ health & wellbeing.
3. At a national level, the Campaign will involve:
 - constructive engagement where possible with the Scottish Government, COSLA and other Education bodies
 - active campaigning to influence the Scottish Government and other bodies
 - working with the STUC around broader Covid 19 issues
 - developing a workload dimension in relation to SQA procedures
 - pursuing agreements around “supply” staff
 - pursuit of additional investment re staffing, class sizes and education recovery
 - focus on the gender impacts of SG’s COVID response for schools
 - the promotion, facilitation and coordination of campaigns in Local Associations, including at school level.
4. Associated with this national campaign, would be a series of campaigns in Local Associations to respond to local circumstances to support members’ health & wellbeing. The use of grievances, other occupational procedures and legal avenues will also be used to support the collective campaigning.
5. Active local campaign areas should focus on:
 - Risk assessments around ventilation and heating
 - Implementation of school guidance
 - Collective grievance on paused shielding teachers and those with additional vulnerabilities
 - Supply staff and cover
 - Gender impacts of local government COVID responses
 - Potential ballots around Level 4 mitigations

The Use of Age Inappropriate Video Games to the Mental Health and Wellbeing of Primary Aged Pupils

1. Introduction

1.1. In November 2019, the EIS Council approved the following motion:


"That this Council conduct desk-based research on the impact of exposure to age inappropriate computer games and social media platforms (as defined by PEGI ratings) on the mental health and well-being of primary aged pupils."

This briefing paper highlights key evidence on the use of age inappropriate video games to the mental health and wellbeing of primary aged pupils for discussion by the Executive Committee.

2. PEGI Ratings





- 2.1 PEGI provides age classifications for video games in 38 European countries. The age rating confirms that the game is appropriate for players of certain age. PEGI considers the age suitability of a game, not the level of difficulty.¹
- 2.2 PEGI ratings include 2 levels of information as a guide of the content and age recommendations for players as detailed in the table below.

Table 1: PEGI Ratings and Content Descriptors²


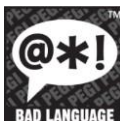

PEGI Age Labels		
Symbol	Label	Description
	PEGI 3	The content of games with a PEGI 3 rating is considered suitable for all age groups. The game should not contain any sounds or pictures that are likely to frighten young children. A very mild form of violence (in a comical context or a childlike setting) is acceptable. No bad language should be heard.





¹ PEGI, <https://pegi.info/> (last accessed 16/10/20)

² PEGI, "What do the labels mean?" <https://pegi.info/what-do-the-labels-mean> (last accessed on 16/10/20)

	PEGI 7	Game content with scenes or sounds that can possibly frightening to younger children should fall in this category. Very mild forms of violence (implied, non-detailed, or non-realistic violence) are acceptable for a game with a PEGI 7 rating.
	PEGI 12	Video games that show violence of a slightly more graphic nature towards fantasy characters or non-realistic violence towards human-like characters would fall in this age category. Sexual innuendo or sexual posturing can be present, while any bad language in this category must be mild. Gambling as it is normally carried out in real life in casinos or gambling halls can also be present (e.g. card games that in real life would be played for money).
	PEGI 16	This rating is applied once the depiction of violence (or sexual activity) reaches a stage that looks the same as would be expected in real life. The use of bad language in games with a PEGI 16 rating can be more extreme, while games of chance, and the use of tobacco, alcohol or illegal drugs can also be present.
	PEGI 18	The adult classification is applied when the level of violence reaches a stage where it becomes a depiction of gross violence, apparently motiveless killing, or violence towards defenceless characters. The glamorisation of the use of illegal drugs and explicit sexual activity should also fall into this age category.

PEGI Content Descriptors

Symbol	Label	Description
	Violence	The game contains depictions of violence. In games rated PEGI 7 this can only be non-realistic or non-detailed violence. Games rated PEGI 12 can include violence in a fantasy environment or non-realistic violence towards human-like characters, whereas games rated PEGI 16 or 18 have increasingly more realistic-looking violence.
	Bad Language	The game contains bad language. This descriptor can be found on games with a PEGI 12 (mild swearing), PEGI 16 (e.g. sexual expletives or blasphemy) or PEGI 18 rating (e.g. sexual expletives or blasphemy).
	Fear	This descriptor may appear on games with a PEGI 7 if it contains pictures or sounds that may be frightening or scary to young children, or on PEGI 12 games with horrific sounds or horror effects (but without any violent content).

	Gambling	The game contains elements that encourage or teach gambling. These simulations of gambling refer to games of chance that are normally carried out in casinos or gambling halls. Games with this sort of content are PEGI 12, PEGI 16 or PEGI 18.
	Sex	This content descriptor can accompany a PEGI 12 rating if the game includes sexual posturing or innuendo, a PEGI 16 rating if there is erotic nudity or sexual intercourse without visible genitals or a PEGI 18 rating if there is explicit sexual activity in the game. Depictions of nudity in a non-sexual content do not require a specific age rating, and this descriptor would not be necessary.
	Drugs	The game refers to or depicts the use of illegal drugs, alcohol or tobacco. Games with this content descriptor are always PEGI 16 or PEGI 18.
	Discrimination	The game contains depictions of ethnic, religious, nationalistic or other stereotypes likely to encourage hatred. This content is always restricted to a PEGI 18 rating (and likely to infringe national criminal laws).

2.3 These descriptions not only ensure that children are not accidentally given games that are unsuitable for their age, but also detail the content of the games allowing buyers to better assess what players will be exposed to during game play.

3. Legal Enforcement

3.1 From July 2012 it became a criminal offence to sell video games with a “12” rating to those younger than that age. PEGI ratings had previously been applied voluntarily by publishers to many video games, but some had to be additionally rated by the British Board of Film Classification (BBFC). The 2012 legislation ended the dual system and gives legal backing to PEGI 12, 16 and 18 ratings.³

4. Access to Age Inappropriate Games

4.1 In 2018 Childcare.co.uk (an online community of parents, childcare providers, household helpers, schools and private tutors) surveyed more than 2000 parents in the UK on video game use. This survey found more than half let their children play video games for over 18s without supervision or knowledge of the game beforehand. In contrast, just eighteen percent said

³ UK Government, “New rules on video game classification” (27 July 2012) <https://www.gov.uk/government/news/new-rules-on-video-game-classification>

they would let 10-14-year-olds watch an 18+ movie.⁴ Within in this survey Childcare.co.uk also reported:

- More than four fifths (86%) of parents admitted that they don't follow age restrictions on video games, compared to just a quarter (23%) who said they didn't follow age restrictions on films
- Nearly half (43%) of parents have seen a negative change in their child's behaviour since playing games aimed at adults, and almost a quarter (22%) of the 2,171 respondents said their kids now understand and use negative or offensive language since playing these games.
- Nearly three quarters (72%) of respondents were mothers and those surveyed were parents of children from the ages of 5-16, with 53% boys and 47% girls.
- More than four fifths (86%) of parents don't believe that games will impact their child's behaviour or outlook on life. However more than half (62%) admit they have tried to take the games away from their kids but gave them back soon after because of tantrums and nearly half (48%) fear that their child is addicted to video games.

4.2 Research has also suggested that certain groups of children may be more at risk from playing age inappropriate games. A study carried out in 2013 found that boys with Autistic Spectrum Disorder (ASD) spend much more time playing video games than boys with Typical Development (TD), and boys with ASD and Attention Deficit Hyperactivity (ADHD) are at greater risk for problematic video game use than are boys with TD.⁵

4.3 The researchers concluded that boys with ASD spend more time playing video games than boys who are developing typically. And boys with ASD and ADHD are at greater risk for problematic video game use than are boys with normal development. They highlight the association of inattentive symptoms with higher problematic video game use scores for boys with both ADHD and ASD, and the association between role-playing game preferences and higher scores in boys with ASD.⁶

5. Gaming Disorder

5.1 Gaming disorder is defined as a pattern of gaming behaviour ("digital-gaming" or "video-gaming") characterised by impaired control over gaming, increasing priority given to gaming over other activities to the extent that gaming takes precedence over other interests and daily activities, and

⁴ Childcare.co.uk, "Half of parents allow young kids to play 18+ games unsupervised"
<https://www.childcare.co.uk/blog/video-games>

⁵ Micah O. Mazurek, Christopher R. Engelhardt, "Video Game Use in Boys With Autism Spectrum Disorder, ADHD, or Typical Development" *Pediatrics* Aug 2013, 132 (2) 260-266; DOI: 10.1542/peds.2012-3956
<https://pediatrics.aappublications.org/content/132/2/260>

⁶ NHS, "Autism and ADHD associated with video game 'addiction'" (Friday 2 August 2013)
<https://www.nhs.uk/news/neurology/autism-and-adhd-associated-with-video-game-addiction/>

continuation or escalation of gaming despite the occurrence of negative consequences.⁷

- 5.2 For gaming disorder to be diagnosed, the behaviour pattern must be of sufficient severity to result in significant impairment in personal, family, social, educational, occupational or other important areas of functioning and would normally have been evident for at least 12 months.
- 5.3 Last year the NHS opened a specialist clinic to support children and adults addicted to gaming, following the World Health Organisation (WHO) decision to class Gaming Disorder as a mental health condition.⁸
- 5.4 At present studies suggest that gaming disorder affects only a small proportion of people who engage in digital- or video-gaming activities. However there are increasing calls from health professionals for people who partake in gaming to be alert to the amount of time they spend on gaming activities, particularly when it is to the exclusion of other daily activities, as well as to any changes in their physical or psychological health and social functioning that could be attributed to their pattern of gaming behaviour.⁹

6. Violent Video Games

- 6.1 There has been considerable debate around whether playing violent video games (classed as PEGI 12 or above) in turn leads to more violent behaviour in children. In general, the evidence supporting this claim has been found to be very weak with other factors in a child's background or upbringing more likely to affect their behaviour than the video games they play.
- 6.2 Psychologists Andrew Przybylski and Netta Weinstein recruited 1,004 teens in the United Kingdom between the ages of 14-15 years old. The teens' parents or guardians also took part answering questions about their teen's aggressive behaviour. The teens answered a different set of questions. Some asked about their feelings. For example, would they hit someone if they got angry enough? Did they argue a lot? Did they tend to lose their temper? These responses in fact closely matched what their parents or guardians had said.¹⁰
- 6.3 Researchers then compared levels of video-game violence with a teen's aggression. They looked for two potential links. One was a direct relationship — that teens who spent more time playing violent video games were more

⁷ World Health Organisation, "Gaming Disorder" <https://www.who.int/westernpacific/news/q-a-detail/gaming-disorder>

⁸ NHS, "Children treated for computer gaming addiction under NHS Long Term Plan" (8th October 2019) <https://www.england.nhs.uk/2019/10/children-treated-for-computer-gaming-addiction-under-nhs-long-term-plan/>

⁹ World Health Organisation, "Gaming Disorder" <https://www.who.int/westernpacific/news/q-a-detail/gaming-disorder>

¹⁰ Andrew K. Przybylski and Netta Weinstein, "Violent video game engagement is not associated with adolescents' aggressive behaviour: evidence from a registered report" (The Royal Society Open Science 13 February 2019) <https://royalsocietypublishing.org/doi/10.1098/rsos.171474>

aggressive. The other was a “tipping point” — signs that teens were more aggressive — but only after spending a certain threshold amount of time playing violent games. Their research concluded that there was no evidence for either.¹¹

7. Conclusion

- 7.1 Whilst there is reported use of children playing age inappropriate games the PEGI ratings are explicit on what each video game includes, in terms of game play content, and legally who should be able to access them.
- 7.2 There is evidence to suggest that video games can be addictive, and that certain children for example those diagnosed with ASD or ADHD may be more at risk than others. The WHO has recently classed this addition as a mental health condition, with specialist support to children and adults now available through the NHS. However the numbers of children and adults affected remain very small. There is also not sufficient evidence to suggest that the content within higher age restricted games, for example violence, directly affects children’s behaviour.

8. Recommendation

The Committee is asked to note this report.

¹¹ Science News for Students, “Teens who play violent video games aren’t any more violent” (27 March 2019) <https://www.sciencenewsforstudents.org/article/teens-who-play-violent-video-games-not-more-violent-behavior>

Petition PE01789

“Calling on the Scottish Parliament to urge the Scottish Government to increase the number of professionals such as speech and language therapists, educational psychologists, physiotherapists, psychiatrists and occupational therapists qualified to assess children and parents with learning disabilities/difficulties and other behavioural problems, to reduce the number of children taken into care.”

Background

The Additional Support for Learning: statutory guidance¹ 2017 published by the Scottish Government defines Additional Support for Learning as:

A child or young person has additional support needs for the purposes of this Act where, for whatever reason, the child or young person is, or is likely to be, unable without the provision of additional support to benefit from school education provided or to be provided for the child or young person.

In addition, education authorities have a duty to make provision for the additional support needs of certain looked after children and disabled children under the age of 3 years in certain circumstances and this support, is also not limited to educational provision.

Local authorities and schools identify most² children and young people with ASN through their arrangements for assessing learning and for monitoring individual educational progress. A child’s parent/guardian and children themselves have the right to request that the education authority establish whether the child has additional support needs.

Under the Education (Additional Support for Learning) (Scotland) Act 2004 (as amended 2009 & 2016), education authorities have a statutory requirement to identify, provide for and review the additional support needs of children and young people for whose education they are responsible.

The Act places a duty on education authorities to establish procedures for identifying and meeting the additional support needs of children and young people. In many ASN pupil cases, an individualised child plan (eg Behavioural Support Plan or Individualised education plan (IEP) is produced by the education authority (or school). Child plans are used as a planning, teaching and reviewing tool, but they are not statutory documents and some education authorities use other tools. Where a child has severe ASN requiring support from external agencies then the ASN plan is written as a “Co-ordinated Support Plans (CSPs)” which is a statutory document. The identified needs must be kept under review and it will be the responsibility of all agencies to help education authorities meet their duties. The act

¹ <https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2017/12/supporting-childrens-learning-statutory-guidance-education-additional-support-learning-scotland/documents/00529411-pdf/00529411-pdf/govscot%3Adocument/00529411.pdf?forceDownload=true>

² https://eacea.ec.europa.eu/national-policies/eurydice/content/special-education-needs-provision-within-mainstream-education-79_en

defines such agencies as "*including the local authority's social work services, any health board, any other local authority or other agency specified by Scottish Ministers, such as Careers Scotland or further education colleges.*"

There is a wide range of factors which may lead to some children and young people having a need for additional support. These fall broadly into the four overlapping themes:

- Learning environment
(of the school - quality of ethos and relationships in the school, the curricular arrangements and the approaches to learning and teaching)
- Family circumstances
(for example, where a child's or young person's home life is disrupted by poverty, homelessness, domestic abuse, parental alcohol or drug misuse or parental mental or physical health problems)
- Disability or health need
(for example, where a child or young person is a disabled child. Additional support is required to meet the needs of a child or young person who has a motor or sensory impairment, specific language difficulty, fetal alcohol spectrum disorder, autism spectrum disorder or has learning difficulties. Mental health and wellbeing issues such as anxiety, eating disorders and depression are also covered.
- Social and Emotional Factors
(For example, a child who has had Adverse Childhood Experiences may also benefit from additional support to overcome barriers to their learning. A child with behavioural difficulties or at risk of exclusion from school may require additional support to develop positive relationships and behaviours to prevent further escalation.

The Scottish Government's Guidance reflects the Act in that it recognises the needs of all pupils are different, and it does not prescribe a single way in which potential ASN pupils should be evaluated. There are no statutory requirements for any specified professional to be involved at any stage – the guidance states that the system is about "*ensuring that assessment is an ongoing, integrated process of gathering and evaluating information, planning and offering support, and reviewing progress against agreed outcomes, in partnership with the child and parents and the services involved.*"

As each ASN pupil is unique, and that there is a huge range in the nature/causes of the ASN, the way in which education authorities evaluate and support each ASN pupil varies. Not only are there specialist teachers to carry out some of this work, but there are a range of specialist professions – such as those listed in the Petition i.e.

- educational psychologists,
- speech and language therapists,
- psychiatrists

- physiotherapists, and
- occupational therapists.

Decisions about which children are deemed to have ASN, and how best to support them are usually made collaboratively by teams including teachers, head teachers, Educational Psychologists, and other specialists where appropriate, for example speech and language specialists.

The most common non-teacher professional input is from educational psychologists, and all educational authorities have educational psychologist services. Nevertheless, there is significant input from the other professions listed, who are usually part of external agencies such as the NHS or social services. Specialist support may also be provided by professionals employed by the third sector.

Access to these professionals assists in not only framing the best possible ASN plan (IEP or equivalent, CSP etc) but also in monitoring and reviewing the child's progress, supporting the child's teachers, adapting the learning environment and identifying the correct additional resources.

The Challenges Facing ASN Pupils & Teachers

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 EIS 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 underfunding of support for ASN on wider attainment and achievement levels."

The 2018 EIS AGM adopted the following resolution:

"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."

An EIS briefing paper 'ASL Resourcing'³ was published which set out the scale of the problem, and stated:

"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

³ <https://www.eis.org.uk/Content/images/For%20Information%20EIS%20Briefing%20-%20ASL%20resourcing-%20Aug%202018.pdf>

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.”

An EIS member survey report⁴ published in 2019 identified “dealing with the additional support needs of pupils” as the third greatest source of stress in the past 12 months. The survey also asked; “As a trade union the EIS campaigns on a wide range of issues that affect Scottish education and our members. What would you say are the 3 most important issues that you would like the EIS to raise with the Scottish Government and Local Government:” ‘Support for ASN’ was the second biggest issue in Early Years and Primary sectors, and the leading issue in the Special School sector.

In 2019, a separate EIS survey⁵ asked members “How far do you agree with the following statement: ‘The provision for children/young people with ASN is adequate in my school.’” Over 20,000 members responded to the survey and generated the responses below to the question.

Strongly Agree	3%
Agree	12%
Neither agree or disagree	7%
Disagree	37%
Strongly Disagree	42%

These results are simply the latest confirmation of the concerns that teachers have regarding the provision of additional support for learning for ASN pupils.

The EIS gathered views from members on the impact of under-resourcing of ASL provision, and they were summarised in an EIS paper “Briefing: ASL Resourcing”⁶. Serving teachers reported that the impacts of under-resourcing ASL have profound impacts on pupils, and on teachers’ workload and job satisfaction; these impacts are set out in Annex A.

Issues Facing Additional Support for Learning

A number of issues have contributed to the growing ASN crisis in schools, and these issues were set out in the EIS Paper⁷ “Additional Support for Learning in Scottish School Education: Exploring the gap between promise and practice” published in May 2019. This paper set out

⁴ <https://www.eis.org.uk/Content/images/Campaigns/TimeToTackle/MembershipSurvey.pdf>

⁵ <https://www.eis.org.uk/Content/images/Research/Membership%20Survey%20-%20presentation.pdf>

⁶ <https://www.eis.org.uk/Content/images/For%20Information%20EIS%20Briefing%20-%20ASL%20resourcing-%20Aug%202018.pdf>

⁷ <https://www.eis.org.uk/Content/images/education/ASN/ExploringTheGap.pdf>

‘what is working well in ASL provision?’ and ‘what’s not working in ASL provision?’ – and the headings of the latter section are set out below:

- Undervaluing of the ASN Specialism – with ASN teachers often used as short-term cover.
- Undervaluing of ASN roles and the women who undertake them.
- Underinvesting in ASN teaching staff
- Overburdened teaching staff
- Too few learning/support assistants
- Too few Educational Psychologists
- Too few specialist mental health services – with difficulty accessing specialist mental health services such as CAMHS (Child and Adolescent Mental Health Services)
- Cuts to specific services – such as English as an Additional Language (EAL) teachers or Speech and Language Therapists
- Delayed identification of need
- Overly large class sizes
- Too little professional learning for teachers
- Changing criteria for accessing support - with issues with the assessment process and the variance in approaches used

The “overly large class sizes” is an issue that exacerbates the reported drop in ASN support. External support, resources and an ASN support worker make a huge difference to not only the ASN pupil but to the working of the whole class. It is generally accepted that ASN pupils benefit educationally from being in smaller classes. The EIS campaign to reduce class sizes is, in part, driven by increasing ASN demands put on teachers.

The Scottish Government has reduced some Local Authority budgets in real terms of recent years and this has led to funding pressures in some education authorities. The process of finding “efficiencies” in recent years has had an adverse effect on some education authorities’ staffing and resources available to support ASN pupils.

The number of ASN pupils (in mainstream schools⁸) has risen significantly in recent years:

⁸ <https://www.gov.scot/publications/pupil-census-supplementary-statistics/>

	2009⁹	2012	2016	2017¹⁰	2018	2019
Total No of ASN Pupils	37,504	111,058	163,774	176,837	192,243	208,765
<i>Primary</i>	<i>19,881</i>	<i>62,572</i>	<i>88,517</i>	<i>94,125</i>	<i>101,558</i>	<i>107,635</i>
<i>Secondary</i>	<i>17,623</i>	<i>48,486</i>	<i>75,257</i>	<i>82,712</i>	<i>90,685</i>	<i>101,130</i>
% of ASN pupils on primary school roll	5.4%	16.9%	22.3%	23.5%	25.4%	27.0%
% of ASN Pupils on secondary school roll	5.8%	16.5%	26.8%	29.3%	31.7%	35.0%

During the same period of time, the number of ASN and Learning Support Teachers also dropped.

	2009	2012	2016	2017	2018	2019
No of ASN Primary Teachers	303	236	193	156	157	154
No of ASN & Learning Support Secondary Teachers	1,485	1,375	1,177	1,181	1,216	1,223
Total Number of centrally employed Learning Support & ASN Teachers (Visiting)	N/A	321	406	365	348	351

For less severe ASN pupils, specialist ASN teachers are able to shape Child Plans and provide specialist tutoring or support to class teachers. However, the capacity to do this has dropped in recent years with the reduction in the number of these teachers being employed. This has led to many classroom teachers getting less support for ASN pupils.

⁹ <https://www.gov.scot/publications/teacher-census-supplementary-statistics/>

These figures appeared in the Teacher Census upto 2016

¹⁰ <https://www.gov.scot/publications/school-support-staff-statistics/>

These figures appeared in the Support Staff Census from 2017

Educational Psychologists (EPs)

The “Making a difference to excellence and equity for all: The future of educational psychology services in Scotland¹¹” report published in May 2019 stated:

“EPs work with children and young people from birth to 19 years of age. They advise education authorities, school staff and, importantly, parents/carers on the needs of children and young people with additional support needs (ASN) and the educational provision required for them. Educational psychologists have a unique role in working at different levels within the education system, linking casework to the development of policy and strategy. They provide direct support to individual children and young people and often work with and through others.”

The report published a survey of EPs which gave the following breakdown of their work:

- 38% of work is delivered at the individual level. Almost all individual work is delivered to the most vulnerable children and young people. Individual level work includes, for example:
 - psychological advice and consultation to other agencies to help meet children’s and young people’s needs in the least intrusive environment;
 - assessment of needs using psychometric tools and contextual assessments, observation, developmental interviews and information from teachers, parents/carers and other professionals; and
 - direct and indirect interventions such as mental health support through counselling, coaching and cognitive behavioural therapy, as well as the application of programmes to address autism and dyslexia.
- 35% of EPs work is delivered at school and education authority levels. Almost all education authority work is strategic. Services provide advice on policy and specific approaches to meeting children’s and young people’s needs, such as nurture, restorative approaches, resilience, video interactive guidance, building staff capacity in teaching early literacy skills, working with children and young people on the autism spectrum, with dyslexia, and other ASNs.
- the remaining 27% of EPs time is spent on other activities such as advice to other professionals, and working in partnership with other agencies outwith the school or education authority.

Educational psychologists are, arguably, the most important professional other than teachers in supporting ASN pupils. Access to an educational psychologist is seen as a key step for many ASN pupils, and any delay in seeing one will hinder ASN support. Educational Psychologists play an even more significant role for moderate to severe ASN pupils, including those with multiple needs and who have a CSP.

¹¹ <https://education.gov.scot/Documents/EPsReportApril2019.pdf>

The Scottish Government and COSLA have acknowledged the importance of recruiting Educational Psychologists and are implementing a joint plan¹².

The EIS has concerns that the plan for re-training graduate educational psychologists at university is not as financially attractive as the clinical psychologists option since the trainee educational psychologists have additional financial burdens that clinical psychologists do not have. This may hinder educational psychologist recruitment.

Over the last 10 years, the number of educational psychologists has dropped in Scotland – although it rose in 2019:

	2009 ¹³	2012	2016	2017 ¹⁴	2018	2019
No of Educational Psychologists	418	411	370	356	368	372

For the same period of time, the number of ASN pupils in mainstream schools has risen by 500% whilst the number of employed educational psychologists has dropped by around 11%. Furthermore, the EIS understands that educational psychologists that are absent due to maternity leave and other medium-term reasons are not covered in Scotland, possibly due to a lack of available educational psychologists.

The 2019 Report has a section on “Workforce planning data collected over a three year period to look at patterns of employment, and the supply of, and demand for, EPs” and it makes the following two statements:

“In April 2018 there were 344.5 full-time equivalent (FTE) permanent EPs of all grades. Over the last four years of the survey there has been a decline in the number of FTE posts, (equivalent to 17 FTE). Current data suggests that the year-on-year decline may be levelling off.”

Also:

“The declining numbers of EPs is impacting on services’ ability to deliver core functions across the three levels of engagement. A number of areas of work which were previously supported, such as input to colleges, and work with school leavers to promote positive destinations, have been discontinued, or significantly reduced.

¹² <https://www.gov.scot/news/more-than-gbp-4-million-for-educational-psychologists/>

¹³ <https://www.gov.scot/publications/teacher-census-supplementary-statistics/>

These figures appeared in the Teacher Census upto 2016

¹⁴ <https://www.gov.scot/publications/school-support-staff-statistics/>

These figures appeared in the Support Staff Census from 2017

Almost all services in Scotland are looking at how they can reconfigure their models of service delivery to ensure equity for all stakeholders. The increased demands for assessment of ASN, interventions in relation to wellbeing and involvement in ASN tribunals as well as targeted support related to PEF is placing increased pressure on staffing.”

The adverse impact on the education and life opportunities for a range of pupils arising from a reduction in the number of educational psychologists is stark, and laid out in Appendix A. Furthermore, there are potential financial implications to education authorities, who may see reducing these services as a means of making financial savings. Through preventative work, educational psychology services may limit education authorities’ financial costs by preventing or minimising placement in special provision, placement outwith the local authority or through taking an expert witness role in Additional Support Needs Tribunals. There is also a risk to the local authority that legislative duties will not be met - complaints about unmet Additional Support Needs are increasing nationally, as are references for ASN, tribunals and placing requests to independent schools, with significant associated costs. This increase correlates with the reductions in services for ASN, including EP Services.

Teachers have reported (in EIS surveys) problems with accessing the assistance of Educational Psychologists in recent years, and teachers have noted variances in how different education authorities’ educational psychologist services differ in how they carry out their work.

In 2018, the EIS published a report it commissioned from the University of Aberdeen into the “Provision for learning support in Scotland: a survey of local authorities¹⁵”. The study examined changes in, and variations of, provision of learning support for pupils. The project investigated the different criteria currently used by Local Authorities (LAs) to establish students’ entitlement to learning support. It explored changes to these criteria over time, and the reasons for these changes. It also looked at potential impacts of these variations for both pupils and staff.

The findings of this study included:

- *There are variations between LAs in terms of how readily they use diagnostic criteria to identify ASN, with some LAs seeing these as unhelpful and static, as they locate the difficulties and potential solutions within the child.*
- *In describing how children were identified as having ASN, many LAs preferred to describe the process of identification, rather than specifying criteria.*
- *resources were often not allocated to children, but they were allocated to schools, with the expectation that schools would meet the needs of the children as they saw appropriate.*
- *The main changes over time relate to the roles of ASN staff and classroom teachers. LA respondents argued strongly for the role of classroom teachers in making environmental and pedagogical changes. The role of specialists in providing limited targeted support coupled with capacity building for the teachers was common,*

¹⁵ <https://www.eis.org.uk/Content/images/education/ASN/FinalASNReport.pdf>

although LA respondents acknowledged considerable variation at school level with this development.

- *In the questionnaires, LA respondents rarely mentioned budget as a reason for changes over time. In the interviews, respondents largely commented that budgets for ASN had remained fairly static. However, the level of need was recognised as increasing by all respondents who commented on this issue.*
- *There was also a recognition that staff shortages affected ASN provision. Particularly in rural areas, where there was a shortage of staff generally, ASN staff were sometimes deployed as classroom teachers where there was no one available to take a class.*

One of the biggest changes reported by members in recent years is the perception that educational psychologists are increasingly playing a consultative role with pupils, i.e. by advising teachers and having less contact with ASN pupils. In simplistic terms, this means that educational psychologists seem to be shifting their work to spend more time supporting and training teachers and schools – rather than regularly engaging with the same ASN child. This has led to a shift towards mainstream classroom teachers engaging more with ASN pupils' specialist needs – at the same time as having less ASN support in the classroom – and it is a factor in increasing workplace stress. Large classes and combined award classes further exacerbate issues.

Given the five-fold rise in ASN pupils in recent years and the reduction in the number of educational psychologists, this is not surprising, and it underlines the need for further investment in educational psychologists services.

Speech & Language Therapists, Psychiatrists, Physiotherapists, & Occupational Therapists

Speech and language therapists, psychiatrists, physiotherapists, and occupational therapists also have a key role in supporting specific ASN pupils. They have a critical role when the ASN pupil has physical disabilities or mental health issues in particular. The multi-agency aspect of this type of support is well established throughout Scotland.

A recent NHS workforce report¹⁶ has shown the change in Speech and language therapists, physiotherapists, and occupational therapists between 2014 and 2019, and the key table is copied below.

¹⁶ <https://www.isdscotland.org/Health-Topics/Workforce/Publications/2019-06-04/2019-06-04-Workforce-Report.pdf>

Table 8: NHSScotland Allied Health Professions Staff in Post (WTE) ¹

	Mar-14	Mar-18	Mar-19	% change Mar-18 to Mar-19	% change Mar-14 to Mar-19
Allied health professions	11,194.0	11,653.1	11,891.2	2.0%	6.2%
Arts therapy (art/music/drama)	21.2	21.9	20.0	-8.8%	-5.5%
Dietetics	716.4	740.1	765.4	3.4%	6.8%
Occupational therapy	2,192.2	2,253.4	2,269.2	0.7%	3.5%
Orthoptics	96.6	99.7	104.3	4.6%	7.9%
Orthotics	69.6	77.0	80.7	4.8%	15.9%
Paramedics	1,395.6	1,468.6	1,579.3	7.5%	13.2%
Physiotherapy	2,758.3	2,892.9	2,941.6	1.7%	6.6%
Podiatry	663.7	620.5	624.1	0.6%	-6.0%
Prosthetics	25.4	30.3	30.9	2.0%	21.6%
Radiography	2,175.7	2,285.5	2,333.8	2.1%	7.3%
Diagnostic	1,909.7	1,992.9	2,050.4	2.9%	7.4%
Therapeutic	266.0	292.6	283.4	-3.2%	6.6%
Speech and language therapy	955.6	984.4	962.9	-2.2%	0.8%
Multi skilled ¹	123.6	178.8	176.2	-1.4%	42.6%

The number of speech and language therapists since between 2014 and 2019 has remained broadly flat, and there has been a small increase in the number of physiotherapists and occupational therapists. These small increases need to be seen in the context of the huge rise in the number of ASN pupils – and the consequent rise in demand.

EIS members have reported difficulty in accessing many of these external professional support services, especially from CAMHS (Child & Adolescent Mental Health Services).

Summary

For the reasons outlined in this submission, the EIS believes that the number of educational psychologists, speech and language therapists, psychiatrists, physiotherapists and occupational therapists have either dropped or remained broadly flat during a period in which the number of ASN pupils has risen significantly. This has led to a difficulty in some pupils and teachers receiving the necessary support which has had adverse effects.

The EIS supports the Petition’s call for the Scottish Government to increase and facilitate the recruitment of more educational psychologists, speech and language therapists, psychiatrists, physiotherapists and occupational therapists. Furthermore, it calls on the Government and Local Authorities to invest in more ASL teachers and ASN support assistants and to foster a culture where their contribution is more valued.

Appendix A

The EIS gathered views from members on the impact of under-resourcing of ASL provision, and they were summarised in an EIS paper “Briefing: ASL Resourcing”¹⁷. Serving teachers reported that the impacts of under-resourcing ASL have profound impacts on pupils, and on teachers’ workload and job satisfaction; these impacts are set out in Annex A.

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 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.

¹⁷ <https://www.eis.org.uk/Content/images/For%20Information%20EIS%20Briefing%20-%20ASL%20resourcing-%20Aug%202018.pdf>

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:

- o receiving less support to have their needs met than is required;
 - o being in larger class size(s) than is optimal;
 - o being less supported to take part in enrichment/after-school activities than is required;
 - o lower self-esteem caused by all of the above;
 - o higher levels of generalised anxiety;
 - o being more likely to display challenging behaviour;
 - o being involved in more violent incidents, fights and low-level disruption to learning; and
 - o 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.

Survey Results and Subsequent Considerations

1. The Executive previously agreed to run a consultative ballot with our school-based membership, in the context of the new Strategic Framework and the possibility of some Council areas moving into Level 4.
2. Submissions will be accepted until the end of this weekend but it is possible to consider an interim report as an accurate reflection of the trends revealed in the survey and a basis for consideration of next steps, particularly in relation to 11 Council areas moving into Level 4 from this Friday.
3. To date, 16,837 members have completed the survey. Although down on the record 30,000 participants from the last survey, this is a very good return and certainly meets the criterion for validity normally applied to such surveys. As a result of attempted outside interference in our last survey, we were required to link the survey to membership data as a security measure, which made it slightly more complex to initiate engagement but the link also allows us to mine the data down to school level figures.
4. The majority of members (64.2%) remain supportive of the Scottish Government's prioritisation of schools remaining open where possible, with a quarter (25.8%) not supporting this objective.
5. Around 70% report the mitigation Guidelines as being either fully or mainly implemented, with only 3.5% saying generally not in place. Despite this, however, 42.6% report feeling either unsafe or very unsafe in school, with only 30% feeling safe or very safe. This would suggest a degree of concern of the effectiveness of the mitigations.
6. At Level 3 there is clear support for schools remaining open (86%), although just under half of respondents (48.1%) believe this should be on a blended learning model to enable physical distancing.
7. At level 4 the majority view (51.3%) believe that remote learning should be introduced although nearly 44.2% support a blended learning approach or current arrangements with some additional mitigations such as wider use of face coverings.
8. On the possibility of industrial action by way of protest at any failure to move to blended or remote learning where school memberships deem it necessary, there is clear majority in favour of such (66.5% to 33.5%), with only a slightly stronger poll in Secondary (71.9%) compared to Primary (62.8%). A word of caution is necessary here as breaking these figures

down to either LA or school level, indicates clearly that the survey return does not demonstrate member majorities, at the moment, in any establishment for industrial action and certainly not enough engagement to meet any of the thresholds require by the Trade Union Act.

9. If there is to be further consideration of industrial action it will certainly require specific consultative ballots to identify areas of strength before initiating statutory.
10. Finally, on the survey it is worth noting the mixed picture with regard to members identifying as vulnerable, with 13.4% indicating a level of satisfaction with mitigations put in place against 17.7% dissatisfied. Note – these figures are percentages of the whole return and not specific to only those identifying as vulnerable.
11. The percentage figure for those who have had clinical advice to work from home rejected is 1.1%; even on the survey sample this represents nearly 200 teachers.

Next steps

12. The announcement of the Level 4 moves was accompanied by an apparent commitment that these levels would apply only until December 11th. Executive may harbour some scepticism around that, given that previous indications of time limited mitigations have been set aside regularly. Assuming, however, that the proximity of Christmas may see this date being held to, it does mean that we would be unable to complete the statutory ballot process within the legal time frame before December 11th.
13. As Level 4 may be applied again, post-Christmas, there is potential merit in forearming ourselves as any industrial action mandate would run for six months. Against that is the very real possibility that blanket consultative ballots may fail to demonstrate sufficient support for reaching either of the Trade Union Act thresholds. Member support for prioritising the opening of schools was strong and it is likely that developments such as the introduction of mass testing, the possibility of a vaccine, school based data (contested as some of it may be) and an aversion to be seen to be “special pleading” would dampen any willingness to vote for industrial action, especially given that we are currently developing a strategy, having focussed more on health and safety mitigations until this stage.
14. Within the SG guidelines there is very clear reference to the use of blended and remote learning as appropriate contingencies, however (Appendix A). The EIS will continue to engage with the SG in seeking clarity and guidance on the Public Health and Educational circumstances that would trigger a

move to blended or remote learning. Pursuing LNCT discussions on these issues may be a productive strategy at Authority level to articulate members concerns locally, demonstrating our willingness to exhaust all dialogue before considering industrial action.

15. Alongside this, we could agree in principle support for any branch which wishes to move to a ballot in protest at safety levels in their schools. Successfully prosecuting a limited number of local actions would create more leverage in discussions than “losing” a broad sweep of local ballots.
16. Additionally, we should note that there has been a concerted effort this week on the part of the Scottish Government to message around school safety and diminish the concerns being raised by members. Whilst the comments in the survey return will provide a source of testimony to how members feel, and we will utilise these in the publication of the survey results, Executive may wish to endorse a member campaign to articulate their experience. A “For Your Information, First Minister” theme, inviting direct email / letter writing of the FM would be an option to consider.
17. Executive is invited to discuss the survey findings in the context of the recent SG decision on Levels and to agree or amend the following:
 - 1) To continue to engage with the SG in seeking clarity and guidance on the Public Health and Educational circumstances that would trigger a move to blended or remote learning outlined in Appendix A and report back progress or otherwise to the Executive.
 - 2) To provide advice and guidance to Local Associations in negotiations at LNCT level on the Public Health and Educational circumstances that would trigger a move to blended or remote learning outlined in Appendix A.
 - 3) Advise Local Associations to seek urgent dialogue based on the Guidelines in Appendix A, focussing on school by school considerations which look at catchment data re infection levels, in-school data, and member perception of how effective school mitigations are.
 - 4) Agree to support an organising approach to said discussions, including use of collective grievance, articulation of triggers for blended/remote learning options, declaration of dispute, balloting if necessary etc.
 - 5) Agree to school or Local Association based consultative ballot requests for industrial action in those Council areas which have moved to Level 4 and which have not moved to remote/blended learning.

- 6) Agree in principle to move to statutory ballots, on a disaggregated basis, where consultative ballots demonstrate sufficient support to overcome Trade Union Act barriers.
- 7) To approve a "For Your Information, First Minister" communication campaign.
- 8) Develop a targeted media briefing strategy, to include personal testimony of members in schools, questioning of selective use of data related to infection rates within school communities, and highlighting of positive experiences in the delivery of remote/blended learning.
- 9) Intensify local and national campaigning for a move to remote/blended learning in those Council areas which have moved to Level 4, and on behalf of paused shielding teachers, pregnant staff and those with vulnerabilities.
- 10) Demand that the Scottish Government articulate and resource the promised "enhanced and targeted protective-measures" cited in its Level 4 guidance.
- 11) Demand clear articulation from the Scottish Government on the deployment of blended and remote leaning contingencies.
- 12) Seek further Scottish Government funding for additional staffing in schools to facilitate smaller classes and physical distancing in compliance with public health measures as required in wider society.

Appendix A

Scottish Government Guidelines

253. In the event of a local outbreak of the virus, a school or a number of schools may be closed temporarily to help control transmission. This applies to schools and local authorities across all protection levels, and is not reserved only for those areas at the highest levels. Schools and local authorities should prepare and maintain clear, strong contingency plans for providing education remotely and should include the possibility of using online national resources such as digital class. Local authorities and schools should ensure that parents/carers are fully informed of the contingency plans in place. A very practical step is for schools to identify the essential items and information that would be needed in the event of a school closure, for example access to contact information, the correspondence that would be used to inform parents and others of the arrangements for closure and re-opening for example.
255. Local authorities, schools and teachers will need to consider strategies for managing this scenario in their local context, including considering the use of technology. In making decisions on any such approaches, relevant staff should be fully engaged and there should be careful consideration of workload implications. Consideration should be given to the impact of such arrangements on all children, young people and parents/carers affected, especially those who are vulnerable. Reasonable adjustments may need to be made to ensure accessibility. It is important that schools communicate quickly and clearly with parents / carers in order to develop how this will work, to come to arrangements which meet the pupil's needs as well as the school's capacity, and to agree appropriate arrangements for ongoing communication during any period self-isolation. This should include arrangements for pupils' additional support needs.
258. If the scientific advice were to be updated in the future to recommend that physical distancing should be introduced for children and young people in schools, or deemed necessary by a local Public Health Incident Management Team, then schools and local authorities must be prepared to enact contingency measures as outlined in their Local Phasing Delivery Plans. Local authorities should continue work to strengthen these and to plan for different future scenarios. e.g. a range of distancing requirements.

FURTHER REVISIONS TO MODEL CONSTITUTIONS FOR LOCAL ASSOCIATIONS

1. BACKGROUND

Following the approval by Council at its meeting on 20 November 2020, of an amended model constitution for Local Associations, it has been noted that the amended model constitution for LAs contains inconsistencies with regard to the change of no longer appointing independent auditors.

Whilst the amended model constitution for Local Associations was updated in order to remove the requirement for Local Associations to appoint professional auditors, it has been noticed that

- paragraph 17 with regard to the Annual General Meeting of the Association still contains, at bullet point (f), a requirement that "the Meeting shall consider the recommendation of the Executive/Management Committee on the appointment of auditors for the following year".
- The Appendix "Timetable for a Local Association" contains a reference to "Auditors appointed on the recommendation of Council;" within the indicative list of business for a Local Association AGM.

2. PROPOSALS

It is proposed that paragraph 17(f) be deleted from the Model Constitution for Local Associations, that paragraphs 17 (g) and 17 (h) be renumbered accordingly and that the Appendix be amended to remove the reference to the appointment of auditors noted above.

3. ADOPTION AND CONSEQUENCES OF THESE REVISED AMENDED MODEL CONSTITUTION FOR LOCAL ASSOCIATIONS

It is acknowledged that several Local Associations have previously modified the model constitution for Local Associations in order to reflect local practices, and that these locally amended LA constitutions have been approved by the Executive Committee.

All Local Associations should seek to adopt this revised amended Model LA Constitution. If an LA has adopted the previously amended model LA Constitution approved by Council on 20 November 2020 then this revised amended model LA Constitution will need to be adopted by the LA in the 2022 ABM.

For the avoidance of doubt, all Local Associations should seek to adopt this revised amended model constitution in their 2021 ABM.

Any Local Association that makes further or local changes to the model constitution must seek approval for these changes from the Finance Sub-Committee via the Organisation Dept (Lucy Murray lmurray@eis.org.uk) after they have been approved by the ABM.

Note Bene

Any Local Association **not** adopting an amended model constitution for Local Associations in early 2021 will require to have an externally audited set of accounts submitted to HQ in 2021.

THE EDUCATIONAL INSTITUTE OF SCOTLAND

Model Constitution for a Local Association

1. The Association shall be called the () Local Association of The Educational Institute of Scotland.
2. The membership of the local association, hereafter referred to as “the Association”, shall consist of members of the Institute who are employed wholly or mainly in the area of () excepting members of a self-governing association.
3. Subject to the control of Council, the Association shall operate within the area covered by the Association and its functions shall be to:-
 - (a) promote and pursue Institute strategy and policy determined by the Annual General Meeting and Council within the area covered by the local association;
 - (b) consider educational matters, pursue national or local campaigns and determine areas of local policy on educational and conditions of service matters consistent with national Institute policy;
 - (c) provide support for members and educational establishments within the local association area;
 - (d) provide local arrangements to ensure that the interests of special interest groups within the area are properly protected, such arrangements to include, in the case of local associations with in excess of one thousand members, special interest sub-committees or representation of special interests on the management committee or executive committee;
 - (e) provide Institute representation on any local negotiating forum, subject to the provisions of Rule XIII.1(e)5 and 6;
 - (f) recruit and retain Institute members within the area;
 - (g) provide the electoral base for representation on Council and, through a method of direct election approved by Council, for delegates to the Annual General Meeting and any Special General Meeting of the Institute;
 - (h) determine, consistent with the terms of the Institute policy on casework protocol, the nature of support for members in casework matters;
 - (i) liaise with branches of the self-governing associations within their geographic area;
 - (j) oversee the appointment of a representative of the Institute in each educational establishment within each local association area. The representative shall be appointed in February each year by election of members in the establishment according to a scheme approved by Council.

The Local Association shall not communicate with or otherwise support the work of national bodies or international bodies without prior reference to the Executive Committee or Council of the Institute.

4. LOCAL SUBSCRIPTION

As part of the annual subscription, a sum to be determined (from a range of subscription levels set by Council) by the Association at its Annual General Meeting, to be known as the local subscription, shall be due and payable by each member belonging to the Association. Such sums shall be due and payable on 1 September

annually by a means determined by Council from time to time but, where subscriptions are payable by instalments, failure to pay regular instalments as and when due shall result in suspension of the rights and privileges which membership of the Institute confers. Such part of the annual subscription received by the Institute as represents the local subscription shall be paid by the Treasurer of the Institute to the Association.

5. FUNDS OF THE LOCAL ASSOCIATION

(a) Application of Funds

- (i) The annual income of the association, including the whole of the income derived from the local subscription, shall be allocated to a General Fund, which shall be used for the pursuit of the activities of the Association within the area of the Association and according to the terms of paragraph 3 of this Constitution. Such activities shall include the right to pay an honorarium at a level determined by the Annual General Meeting of the Association to the Secretary and the Treasurer of the Association and such other office-bearers as the Association may determine.
- (ii) The income of any funds held by the association for the purpose of benevolence shall be allocated to a Benevolent Fund, which shall be used to provide relief in cases of necessity to members, to former members and to widows, widowers or other dependents of members or former members of the Association.
- (iii) The Association shall not hold any other funds without the prior approval of Council of the Institute.

(b) Financial Year

The financial year of the Association shall end on the last day of August in each year or on such other date as may be determined by Council of the Institute from time to time.

(c) Audit Requirements

The accounts of the Association will be included within the annual audited accounts of the Institute. Where the appointed Auditors of the Institute require access to the financial or administrative records of the Association or require supplementary information or explanations as part of their audit, the Executive Management Committee will ensure that any such documents, information or explanations are supplied on a timely basis.

(d) Accounts of the Association

- (i) Accounts comprising an Income and Expenditure Account for financial year and a Balance Sheet, showing the assets and liabilities of the Association at the end of each financial year, shall be prepared such as to give a true and fair view of the state of affairs of the Association and of the income and expenditure of the Association for the financial year and, after consideration by the Finance Sub-Committee of the Executive Committee of the Institute and approval by the Executive/Management Committee of the Association, shall be submitted to the Annual General Meeting of the Association.

- (ii) The accounts of the Association, once approved by the Annual General Meeting of the Association, shall be conclusive against all members of the Association.

(e) Expenditure

- (i) Expenditure from the General Fund of the Association shall not be incurred or accounts paid except in accordance with such arrangements as are made by the Executive/Management Committee of the Association from time to time and which establish and maintain a satisfactory system of control of the accounting records of the Association, its cash and investment holdings and all receipts and payments and include a requirement for the Treasurer to provide a report on such matters to each meeting of the Executive/Management Committee of the Association.
- (ii) All claims for expenses by Office-Bearers, members and employees of the Association shall be examined in accordance with such arrangements as are made by the Executive/Management Committee of the Association from time to time, and, if approved, shall be passed for payment by the Treasurer.
- (iii) Any cheque or other instrument drawn on a bank account of the Association shall be signed in accordance with such arrangements for the signing of such documents as are made by the Executive/Management Committee of the Association from time to time.

6. OFFICE-BEARERS OF THE LOCAL ASSOCIATION

The Office-Bearers of the Association shall be members of the Association. They shall consist of:-

- (a) the President, the Vice-President, the Secretary, the Assistant Secretary and the Treasurer, who shall be elected annually and shall be eligible for re-election. Each shall hold office from the close of one Annual General Meeting to the close of the next; and
- (b) the Ex-President, that is the immediate past President.

7. EXECUTIVE/MANAGEMENT COMMITTEE

The Executive/Management Committee shall consist of the Office-bearers, the Association's representatives on Council of the Institute, representatives from Special Interest Groups *[if applicable]* and members elected by the membership of the Association. Vacancies on the Executive/Management Committee which arise between Annual General Meetings shall be filled by the Executive/Management Committee. The Executive/Management Committee shall hold office from the close of one Annual General Meeting until the close of the succeeding Annual General Meeting. The Executive/Management Committee shall transact the business of the Association in accordance with Paragraph 3 of this Constitution.

The Executive/Management Committee shall meet on a regular basis, normally once per calendar month with the exception of the month of July. Other meetings of the Executive Committee shall be held as determined by the Committee or by the Office-Bearers.

8. ELECTION OF THE OFFICE-BEARERS AND OF THE EXECUTIVE / MANAGEMENT COMMITTEE

- (a) **Nomination of Candidates.** The secretary of the Association shall, prior to the end of the second week of January, advise all educational establishments within the area of the Association of the availability of forms for the nomination of President, Vice-President, Secretary, Assistant Secretary, Treasurer and *[other office-bearers which may be specified by the Association]* and members of the Executive Committee.

Any nomination form shall be signed by five members of the Association. Candidates shall not be nominated without their consent. Nomination forms, duly signed, shall be returned to the secretary on or before 1 February.

- (b) **Eligibility to Vote.** All ordinary members of the Association and Fellows of the Institute who are members of the Association (except those members disqualified in accordance with the terms of Rule II.6 and II.8 of the national Constitution) in membership at 1 February within any one year shall be eligible to vote.

- (c) **Method of Voting.** The Secretary shall make the necessary arrangements for the election, which shall take place in accordance with a scheme approved by the Council of the Institute. Each member eligible to vote shall be entitled to one vote each in the election of the President, Vice-President, Secretary, Assistant Secretary and Treasurer *[and other categorised members]* where there are, in any case, only two candidates for the office. In the event of there being three or more candidates for any office, the method of election for that office shall be by the modification of proportional representation known as the alternative vote.

In the election of Executive Committee members, each member eligible to vote shall have a number of votes equal to the number of Executive Committee members to be returned but may not give more than one vote to any one candidate. The number of members elected shall be in order according to the number of votes cast and according to the number of members to be elected to the committee.

- (d) **Return of Voting Papers.** Voting papers shall be issued to allow at least two weeks for their return to the Secretary of the Association not later than 28 February. Thereafter, all arrangements including the declaration of results, shall be made by the Secretary of the Association.

The list of office-bearers and members of the Executive/Management Committee shall be notified to the General Secretary not later than 7 April.

9. ELECTION OF DELEGATES TO THE ANNUAL GENERAL MEETING OF THE INSTITUTE

- (a) **Nomination of Delegates.** The Secretary of the Association shall, in the month of January, advise all educational establishments within the area of the Association of the availability of forms for the nomination of candidates to be delegates to the Annual General Meeting of the Institute. Such forms shall contain the number of delegates to be elected by the Association as indicated annually by the General Secretary of the Institute.

Any nomination form shall be signed by five members of the Association. Candidates shall not be nominated without their consent. Nomination forms shall be returned to the secretary on or before 1 February.

- (b) **Eligibility to Vote.** All ordinary members of the Association and Fellows of the Institute who are members of the Association (except those members disqualified in accordance with the terms of Rule II.6 and 8 of the national constitution) in membership at 1 February within any one year shall be eligible to vote.
- (c) **Method of Voting.** The secretary shall make the necessary arrangements for the election. In the election of delegates, each member eligible to vote shall have a number of votes equal to the number of delegates to be returned but may not give more than one vote to any one candidate.

The number of delegates elected shall be in order according to the number of votes cast and according to the number of delegates to be returned. Unsuccessful candidates shall be reserve delegates according to the order of votes cast.

- (d) **Return of Voting Papers.** Voting papers shall be returned not later than 28 February.

Vacancies. In the event of there being insufficient delegates or reserve delegates, vacancies shall be filled by the Executive/Management Committee.

The list of delegates, together with names of reserve delegates, shall be notified to the General Secretary not later than 7 April.

10. ELECTION TO COUNCIL OF THE INSTITUTE

The Association secretary shall, during the month of December, advise all educational establishments within the area of the Association of the availability of forms for the election of members to Council. Nomination forms shall be signed by five members of the Association. Candidates shall not be nominated without their consent. Nomination forms shall be returned to the General Secretary of the Institute on or before 1 February. Election thereafter shall be conducted by independent scrutineers in accordance with Rule XII of the national constitution.

11. SPECIAL INTEREST GROUPS

The Association shall ensure that special interests within the area of the Association are fully and appropriately represented.

12. NEGOTIATING SUB-COMMITTEE

The Executive/Management Committee shall set up a sub-committee consisting of those members of the Executive who represent the Local Association on the Local Negotiating Committee for Teachers and any other recognized negotiating sub-committee, group or forum with representatives of the local authority.

It shall be the duty of Institute Representatives on the Negotiating Committee for Teachers established within the local authority to present the relevant policies of the Institute in the said Negotiating Committee for Teachers, provided that the

Representatives shall have the right to adapt the policies in the light of negotiating circumstances. However, where instructed by the Institute nationally to effect a particular settlement or follow a particular course of action, Institute Representatives will follow that instruction. Periodic reports shall be submitted to the Local Association Executive or Management Committee on the work of the Negotiating Committee for Teachers established within (council) area. At their discretion, the Institute Representatives on the Committee may seek the advice of the Local Association Executive or Management Committee on a matter which is under negotiation.

13. SUB-COMMITTEES AND *ad hoc* COMMITTEES

The Executive/Management Committee shall have the power to set up subcommittees and *ad hoc* committees, which shall report their findings to the Executive/Management Committee.

14. FELLOWSHIP OF THE INSTITUTE

A Committee shall be set up consisting of all the Fellows of the Educational Institute of Scotland who are members of the Association together with the Office-Bearers of the Association. Its sole function shall be to make recommendations to the Board of Examiners of the Institute regarding the conferring of the Fellowship of the Institute. The deliberations of the Committee shall be confidential and its recommendations shall be passed on, in confidence, to the Board of Examiners.

15. DUTIES OF THE SECRETARY

The Secretary of the Association shall (a) carry out the decisions of the Executive Committee according to the terms of Paragraph 3 of this Constitution; (b) provide support for members and educational establishments in terms of Paragraph 3(c) of this Constitution; (c) liaise with the national body and the local office of the Institute as appropriate; (d) ensure that the agenda for each meeting of the Executive Committee and of its sub-committees is in the hands of members of the committee or subcommittee at least one week prior to the meeting of the committee or subcommittee; (e) ensure that due notice of all general meetings is notified to all establishments at least ten days prior to the date of the meeting; (f) keep minutes of the Annual General Meeting, any other general meeting, the Executive Committee and its sub-committees (if applicable), such minutes to be submitted to, the Executive Committee for approval; (g) ensure that the terms of the national and association constitutions are adhered to at all times.

Among the returns which the Secretary shall submit to the General Secretary are:

- (a) on or before the last day in February in each year, the names of members proposed for the Fellowship of the Institute;
- (b) on or before the tenth working day following the March meeting of the Council, any motions for the Annual General Meeting;
- (c) on or before 7 April in each year, the list of delegates and reserve delegates to the Annual General Meeting.

16. DUTIES OF TREASURER

The Treasurer shall record all receipts and payments of the Association and shall maintain proper accounting records with respect to the transactions of the Association and its assets and liabilities. The accounting records shall be such as are necessary to give a true and fair view of the state of the affairs of the Association and to explain its transactions.

Among the returns which the treasurer of each Association shall transmit to the General Secretary are:

- (a) on or before 7 April in each year any decision to modify the local subscription (within the subscription levels approved by Council of the Institute);
- (b) on or before 31 October in each year, a certified copy of the accounts of the Association for the immediately preceding financial year.

17. ANNUAL GENERAL MEETING OF THE ASSOCIATION

The Annual General Meeting of the Association shall be held in March in each year on a date to be determined by the retiring Executive/Management Committee. The Secretary of the Association shall give three weeks intimation to all educational establishments in the area of the Association of the date, place and time of the Meeting. All members of the Association shall be entitled to attend the meeting.

At the Annual General Meeting

- (a) the President shall report on the activities of the Association for the preceding year including any negotiations with the local authority;
- (b) the Secretary shall report on his/her work for the preceding year and on the result of elections to the Annual General Meeting of the Institute and result of elections of office bearers of the Association and representatives to Executive Committee;
- (c) the annual accounts of the Association shall be presented for approval;
- (d) the level of local subscription (within the subscription levels agreed by Council of the Institute) shall be determined;
- (e) proposals for change in the Constitution shall be considered according to the terms of paragraph 23 of this Constitution;
- (f) vacancies to the Annual General Meeting of the Institute with the required number of delegates in accordance with the terms of paragraph 9 of this Constitution shall be filled;
- (g) motions for the Annual General Meeting of the Institute can be considered provided that all such motions shall be in the hands of the General Secretary of the Institute no later than 10 working days following the March meeting of Council.

18. GENERAL MEETINGS

If it is not possible for the Annual General Meeting of the Local Association to consider motions for the Annual General meeting of the Institute then a General meeting of the Association shall be held in late February or early March to consider motions to the Annual General Meeting of the Institute. All such motions shall be in the hands of the General Secretary no later than 10 working days following the March meeting of Council.

Other general meetings shall be called (a) by decision of the Executive/Management Committee, or (b) by decision of the Office Bearers, or (c) by a signed requisition of no fewer than ten per cent of the membership of the Association.

In each case, the reason or reasons for calling the additional meeting shall be specified within an agenda sent to all establishments in the area of the Association no later than ten days prior to the meeting.

19. EDUCATIONAL ESTABLISHMENTS AND INSTITUTE REPRESENTATIVES

- (a) Each educational establishment in the area of the Association shall elect an Institute Representative or Branch Secretary. The election shall take place each year during the month of February. The result of the election shall be notified no later than one week following the election to the Secretary of the Association.

In certain establishments where the Institute membership exceeds forty, a Representatives' Committee may be set up. The setting up and size of such a committee are for the approval of the Association Executive/Management Committee.

The duties of the Representative/Branch Secretary shall be:-

- (i) to promote and pursue Institute strategy and policy determined by the Annual General Meeting, Council and the Association within the educational establishment;
- (ii) to distribute to members information issued for the advice and information of members within the establishment from the Association and from the national body of the Institute;
- (iii) to retain for the use of members within the establishment any other advice and information issued by the Association or the national body of the Institute;
- (iv) to recruit new members to the Institute and update existing records when required to do so by the Association or national body;
- (v) to provide advice for Institute members;
- (vi) to liaise with the Association secretary on matters pertaining to the Institute within the establishment;
- (vii) to provide information when requested by the Association or by the national body of the Institute;

- (viii) to liaise with Institute representatives on the School Board;
- (ix) to hold meetings within the establishment. Such meetings shall take place at least once per term, on the instruction of the Association or the national body of the Institute, by decision of the Representative, or where requisitioned by at least ten per cent of the members within the establishment. Except in exceptional circumstances, such a meeting shall take place with at least three days' prior notification and on the basis of an agenda which is available to all members. At such meetings the representative or other person appointed by members at the meeting shall act as chairperson.

The representative shall hold a record of any meeting held which shall be available to members in the school and to the Association.

- (b) A representative shall be removed from office where the following procedures are carried out:
 - (i) a requisition is presented to the representative calling a meeting exclusively for that purpose and signed by no fewer than ten per cent of the members in the establishment;
 - (ii) notice of no less than 1 week is given of the meeting;
 - (iii) no fewer than two-thirds of members in the establishment are present at the meeting;
 - (iv) a majority of those attending the meeting support the motion for removal.

In the event of the removal of a representative, a chairperson shall be appointed to move to the election of an interim representative to serve as representative until the election at the date stated in Paragraph 20(a).

(c) Health and Safety Representative

Each establishment in the area of the association shall elect an Institute Health and Safety Representative according to the procedures in Paragraph 20(a). The Health and Safety Representative may be the same person as the Institute Representative.

The duties of the Health and Safety Representative shall be:

- (i) to investigate potential hazards and dangerous occurrences in the establishment (whether or not they are drawn to his/her attention by the employees he/she represents) and to examine the causes of accidents at the workplace (e.g. acid spillage, asbestos);
- (ii) to investigate complaints by any employee he/she represents relating to that employee's health, safety or welfare at work;
- (iii) to make representations to the Safety Officer of the Establishment on matters arising out of (i) and (ii) above;
- (iv) to make representations to the Safety Officer on general matters affecting the health, safety or welfare at work of the employees at the workplace;

- (v) to carry out inspections in accordance with the terms of the relevant section of the Health and Safety at Work etc Act (1974);
- (vi) to represent the employees he/she was appointed to represent in consultations at the workplace with Inspectors of the HSE and of any other enforcing authority;
- (vii) to receive information from Inspectors in accordance with Section 28(8) of the Health and Safety at Work etc Act (1974);
- (viii) to attend meetings of safety committees where he/she attends in his/her capacity as a safety representative in connection with any of the above functions; and
- (ix) other duties which shall from time to time be conveyed by the national body of the Institute or the Association.

(d) Learning Representatives

A Learning Representative/Learning Representatives shall be appointed to work within the local association according to a scheme approved by Council.

The role of the Learning Representative, within the area of the local association shall be the promotion of quality teacher professional development, liaison on issues related to professional development with the local association executive/committee of management; with the council and other employers; with providers of teacher professional development together with support for members in accessing, planning and managing professional development.

20. TRAINING

The Association shall from time to time provide training for representatives and health and safety representatives within the area of the Association.

21. STANDING ORDERS

The procedure at all general meetings, meetings of committees or sub-committees or of members of the Institute within educational establishments shall be consistent with the Standing Orders of the Institute.

22. QUORUM

The quorum for meetings of members shall be as follows:-

- (a) Executive/Management Committee, sub-committees ad hoc committees, sections: one-third of the members of the committee;
- (b) educational establishment: one-third of the members within the establishment;
- (c) Annual General Meeting or General Meeting of the Association: 2 per cent of the membership of the Association.

At any meeting where a quorum is not present, no business shall be transacted. In the case of a General Meeting of the Association, all business to be transacted shall be remitted to a subsequent meeting of the Executive/Management Committee.

23. CHANGES TO THE CONSTITUTION OF THE ASSOCIATION

The Association shall make such changes in the constitution which are from time to time required by decision of Council.

Any alteration proposed by the Association shall be in accordance with the following procedures:-

- (a) intimation of a proposed change shall be made by any member of the Association no later than one week prior to the meeting of the Executive Committee held in February;
- (b) the Executive Committee shall, at its meeting in February, formulate its own proposed changes and shall determine whether to approve or disapprove any change submitted to it by a member;
- (c) the Executive Committee shall submit to the Annual General Meeting of the Association any proposed changes, together with recommendations on approval or disapproval;
- (d) the Annual General Meeting of the Association shall vote on any proposed change;
- (e) any proposed change which is accepted by two-thirds of those attending the Annual General Meeting shall be submitted to the Executive Committee of the Institute for approval.

APPENDIX

TIMETABLE FOR A LOCAL ASSOCIATION

(Bracket denotes National Function of Institute)

Month	Business at Meeting to Include Following	Election Calendar
AUGUST (31 August)	End Financial Year	(*Date at which membership level counted for Council/AGM electoral purposes)
OCTOBER (31 October)	Certified copy of accounts of Local Association to General Secretary	
NOVEMBER		(*General Secretary intimates number of members of Council and AGM delegates for forthcoming year)
DECEMBER	LA Executive considers nominations for national Presidency, Vice-Presidency	(*General Secretary sends out nomination forms for nominations to: (1) Presidency/Vice-Presidency, (2) Council) *LA Secretary advises educational establishments of availability of forms for nomination of: (1) Office-Bearers plus members of Executive Committee (2) candidates as delegates to AGM
JANUARY/ FEBRUARY	Consideration of changes to national rules and regulations	

Month	Business at Meeting to Include Following	Election Calendar
<p>FEBRUARY (1 February)</p> <p>FEBRUARY (3 February)</p> <p>FEBRUARY</p>	<p>LA Executive carries out the following:</p> <ul style="list-style-type: none"> (a) consideration of motions to the AGM for consideration to the AGM; (b) LA constitutional changes <ul style="list-style-type: none"> (i) from educational establishments, (ii) from EC; (c) filling of vacancies to the AGM with required number of delegates and reserve delegates <p>General Meeting of the Association</p> <ul style="list-style-type: none"> (a) consider motions to AGM unless the Local Association Annual General Meeting can fulfil this function 	<p>*Date at which membership counts for eligibility to vote in any elections.</p> <p>*Nomination forms for election of Office-Bearers, members of Executive Committee and candidates as delegates to AGM returned to LA Secretary.</p> <p>(*Final date for nomination forms for national President/Vice-President to General Secretary)</p> <p>(Final date for nomination forms for EC to General Secretary)</p> <p>(*Date by which national President, Vice-President and EC nominations may be withdrawn)</p> <p>LA Secretary organizes elections of AGM delegates, election of local Office-Bearers and to LA Executive</p>

<p>MARCH (First working day)</p> <p>MARCH</p>	<p>Final date for proposed changes to national rules and regulations to be received by General Secretary</p> <p>AGM of LA</p> <ol style="list-style-type: none"> (1) Reports by President/Secretary/Treasurer; (2) Local subscription determined; (3) Representatives on EC report on work; (4) Proposed changes in LA Constitution agreed. (5) Consider motions to the AGM unless a General Meeting has been called for this purpose 	<p>*Election of Special Interest Sections within LA (if applicable)</p>
<p>7 APRIL</p>		<p>LA Secretary notifies General Secretary of election of AGM delegates, reserve delegates, local Office-Bearers, Executive Committee members, also of motions to AGM and of any changes in LA constitution.</p> <p>*LA Treasurer notifies General Secretary of any change in local subscription.)</p> <p>(*Voting papers for President, Vice-President and EC representatives returned to Scrutineers.)</p>
<p>JUNE</p>	<p>Educational establishments notify Secretary of name of elected Representative/Health and Safety Representative/Learning Representative</p>	

Indicators and Thresholds: The Use of Triggers

The current position of national lockdown and remote teaching for most pupils has been predicated on analysis by the Scottish Government and its scientific advisors of all available data, combined with projections of infection trends and potential impact on the NHS.

Whilst the EIS supports the decisions made, based on our own assessment of the heightened risk, it may be more challenging to find similar agreement on how we move out of the current situation.

It is important, therefore, not only to understand from national and local government how they apply triggers but also to consider how the EIS should use public health data, employers' data and our own data as key indicators to inform decision-making processes on the applicability of remote or blended learning approaches against face-to-face teaching.

Extant Scottish Government Guidance for schools on Covid states:

"There may be circumstances in which, based on clear evidence and public health considerations, or other relevant factors (e.g. minimum staffing requirements) specific schools require either to close, or to implement remote learning for some children and young people, for a defined period of time. All such decisions will continue to be made by local incident management teams working in partnership, and on the independent advice of local Directors of Public Health, who will take full account of school safety and wider public health considerations in line with their statutory duties. Similar decisions may require to be taken by local authorities in conjunction with schools where staffing constraints (e.g. due to self-isolation or shielding) or other matters make such a move unavoidable."

Schools may move to blended or remote learning, therefore, when local public health teams believe there is a public health reason to do so, or if the local authority believes there are other relevant factors. Staffing constraints is cited as one such consideration, but clearly other educational issues may apply, as would duty of care to staff.

1. Public Health Triggers to Move to Remote Learning

- 1.1. Government¹ and health authorities collect and analyse large amounts of data to support their decision-making processes in public health, including identification of key indicators and data values (thresholds).
- 1.2. The Scottish Government website states: *Decisions about levels involve judgment, not the mechanistic application of a predetermined set of criteria. A number of broad considerations apply. These include but are not limited to:*

¹ The term "government" includes, UK, Scottish and local government

- *application of general principles of public health and effective disease control including the precautionary principle which may suggest caution in some circumstances and early intervention in others*
- *the prevalence of infection in neighbouring areas including relevance of travel routes in and out of an area*
- *trends in the data which may in some cases point to the need for a period of consolidation or stability before the allocation of a level can be reduced*
- *the effectiveness and sustainability of local public health measures including Test and Protect*
- *the relevance of "special cause" explanations such as particular outbreaks or events – such as festive relaxations - that may require more limited or specific action to suppress the virus*
- *hospital capacity may need to be considered regionally and even nationally*

The suite of key indicators used to inform decisions around the allocation of local authorities to levels are:

- The number of cases per 100,000 people over the past seven days*
- The percentage of tests that are positive over the past seven days*
- Forecasts of the number of cases per 100,000 consisting of the weekly number of cases in two weeks' time*
- Current and projected future use of local hospital beds, compared with capacity*
- Current and projected future use of intensive care beds, compared with capacity"*

Using the indicators, it is possible to set thresholds to act as a "signalling mechanism". Once the indicator reaches these thresholds it will indicate consideration of whether a change in level is required.

For example, a local authority area (in Scotland) is considered for level 4 when it "broadly" meets one of the following conditions:

- *more than 300 cases per 100,000 people*
- *more than 10% positive tests - twice the rate for national concern given by WHO*
- *very high probability of 500 cases per 100,000 forecast in two weeks' time*
- *the projection of hospital bed use in the health board in three weeks' time is greater than the health board's share of 2,000 beds nationally*
- *the projection of ICU bed use in the health board in two weeks' time is greater than twice its normal capacity*

1.3. The Government publishes its reasoning for the allocation of a level to each Local Authority, with the factors and data used to determine each local authority's Covid level being publicly available.

1.4. The current reality is that Public Health Scotland (PHS) believes that schools merely reflect community transmission of Covid as opposed to driving it; schools therefore are kept open for as long as possible. Although it is generally accepted that moving to remote learning (and closing school buildings) indirectly mitigates Covid transmission rates in the community as it means many workers stay at home to look after children, PHS and the Scottish Government see greater risks of harm to pupils learning and well-being by closing schools than the risk of harm from Covid. Whilst this balance of harm may be a correct judgement for pupils, it may not be helpful for

teachers. The EIS believes it puts teachers in a vulnerable position. Therefore, clear and agreed pathways to remote and blended learning are needed to help instil confidence in school safety for members.

- 1.5. Clearly, the dynamics around this issue have change dramatically with the new Covid variant now in play, which has increased the role of children, especially teenagers, in transmission chains and made school building closures more central to suppression of community infection levels.
- 1.6. On December 16th, the PHS published three reports on Covid surveillance in education settings with a combined set of 'key findings' bullet points and report. For pupils, it stated: "*children diagnosed with COVID continue to be in areas with higher community prevalence, and intelligence from local investigations of school cases continue to indicate that transmission is occurring predominantly outside of school, in social and household settings.*"
- 1.7. The Key Findings bullet points stressed that "*Teachers are not at increased risk of being hospitalised for COVID-19 compared to the population as a whole*" and "*Teachers have a lower risk of having severe COVID-19 compared to the population as a whole*". However, the Key Finding report stated that "*Following the re-opening of schools, teachers' risk of testing positive was higher than the general population (HR1.47 (95% CI 1.37–1.57)).*" i.e. 47% higher.
- 1.8. The summary of Teachers Report – which was not copied into the 3 reports' key findings bullet points – stated, "*The risk of testing positive has been higher among teachers than the general population.* Whilst PHS has started to engage with the EIS recently, greater efforts may be required to engage with PHS at a national and local level for PHS to see a more nuanced picture of schools that better considers the risks to teachers as well as pupils. This engagement may also lead to PHS understanding the real-life consequences of their recommendations across the whole school community. Furthermore, it is important that PHS understand the challenges that teachers face daily as opposed to assuming that the Scottish Government guidance is implemented in full in every school.
- 1.9. The World Health Organisation² (WHO) has long recommended a Covid level approach and identified key indicators and triggers for indicating a level; they are copied for information overleaf:

² [Considerations for implementing and adjusting public health and social measures in the context of COVID-19](#)

Domain	Epidemiological Indicator	Level of Community Transmission			
		CT1	CT2	CT3	CT4
Hospitalization Rate	New COVID-19 hospitalizations per 100 000 population per week averaged over a two-week period	<5	5 - <10	10 - <30	30+
Mortality	Number of COVID-19 attributed deaths per 100 000 population per week averaged over a two-week period	<1	1-<2	2-<5	5+
Case Incidence	New confirmed cases per 100 000 population per week averaged over a two-week period	<20	20 - <50	50 - <150	150+
Testing	Test positivity proportion from sentinel sites averaged over a two-week period.	< 2%	2% - < 5%	5% - <20%	20%+

2. Staffing Constraints Triggers for Moving to Remote Learning

- 2.1. It would seem straightforward that if a local authority does not have enough staff to deliver a normal school day (i.e. its normal taught curriculum) for pupils – then either some or all pupils should be sent home to receive remote learning.
- 2.2. Whilst schools can merge classes and deploy a childcare model, the EIS believes that if staff absence rates lead to a suspension of teaching for a significant amount of time or to a significant number of pupils – then the school should move to remote learning.
- 2.3. There would seem to be two key indicators whilst looking at staffing constraints:
 - Staff infection rate
 - Staff absence rate
- 2.4. It is understood that more teachers will be absent due to self-isolation than being Covid positive. However, even with SMT and Principal teachers providing cover, schools can rarely sustain more than a handful of staff being absent for 2 weeks or

more. Furthermore, the effect on staff morale of having large numbers of staff Covid infections should not be underestimated – especially for those that are vulnerable or shielding.

- 2.5. A further issue is pupil absence rate; a high pupil absence rate leads to a large amount of home learning taking place, supported by teachers, as well as face-to-face teaching. There may come a point where this is unsustainable and a move to remote learning is required.
- 2.6. Putting specific values of staff absence or pupil absence to trigger remote learning is problematic, however. The availability of supply staff, the amount of stretch available from school staff, whether the absences take out all the subject specialists in a school, rurality of the school, small primary schools, number of vulnerable or shielding staff, staff morale and staff resilience etc are factors that affect each school individually and make it impossible to choose an arbitrary trigger for staff absence rates.
- 2.7. One of the issues of using “triggers” is that the LA/Branch would have to wait until the indicator value has reached a high or the threshold figure, therefore, whilst staff absence or pupil absence figures are useful, LA/Branches may wish to rely on the trajectory of such absences and the views of the teachers themselves.

3. Discussion

- 3.1. As a trade union, the EIS may find it difficult to successfully argue that it understands public health more effectively than Public Health Scotland, and therefore calls to close schools on public health grounds without PHS support will probably be unsuccessful.
- 3.2. There would seem to be little value, therefore, for the EIS to develop a detailed or mechanistic public health set of triggers, either nationally or locally. It is worth noting that neither Public Health Scotland nor Government use data and key indicators in a mechanistic manner to make decisions.
- 3.3. The World Health Organisation (WHO) trigger values are different to Scotland’s, and both entities have stated that the thresholds (triggers) may be updated as additional data becomes available. These thresholds are developed by public health specialists, and the EIS simply does not have the capacity to develop credible public health thresholds to challenge those used by the Scottish Government or Public Health Scotland.
- 3.4. Choosing a set of triggers or thresholds of selected public health indicators in a mechanistic manner to move to remote learning, therefore, seems problematic. It is instructive that the NEU, our sister organisation, is not using this approach in Wales nor England.
- 3.5. The EIS has contacted Education International, also, which stated:
“We are not aware of specific indicators being used to move to blended or remote learning, in relation to transmission rates in schools/education institutions or amongst pupils/staff.”
- 3.6. The EIS policy of stating that local authorities at Level 4 should consider moving to remote learning relies on the Scottish Government definition of level 4. The Level 4 decisions before Christmas were, for example, largely preventative as Covid data did not cross Level 4 thresholds in all areas of the country. The extent to which each Local

Association wishes to campaign for such a move or to engage with the local authority to determine what would trigger a move to remote learning (either in a specific school or LA wide) is for each Local Association to determine.

- 3.7. If Local Associations (and branches) wish to track public health data for their locality it can be found here: https://public.tableau.com/profile/phs.covid.19#!/vizhome/COVID-19DailyDashboard_15960160643010/Overview

Persuading Local Authorities to move to remote learning on “workforce constraints” issues appears easier than public health grounds as it does not, technically, require PHS agreement. Furthermore, there is a pressure for local authorities to be more responsive to this issue since they have a duty of care to staff and are liable for any negligent decision. The key indicators and data would seem simpler and easier to challenge in this area - the key indicator would seem to be staff absence as this would drive any workforce constraint.

- 3.8. Ascribing a value to the staff absence indicator, to act as a trigger for a move to remote learning is problematic for the reasons outlined earlier.
- 3.9. Furthermore, the attitude of members in the affected Local Association or schools is critical and must drive any campaign to implement remote learning. In other words, campaigns should be member driven as is consistent with the Organising model, and in different LAs campaigning for remote learning there may well be different data for the key indicators.

4. Scotland Wide Lockdown

- 4.1 The Scottish Government announced, on 19th December 2020, a tightening of the previously announced Christmas Covid-19 restrictions moving mainland Scotland to Level 4 and that Christmas holidays would be extended to January 11th with schools providing remote learning until fully re-opening on January 18th. This decision was described as a “preventative” measure by the Government reacting to news of a new variant of Covid – of which 17 cases had been reported at that time in Scotland. The community transmission and hospital occupancy levels numbers were not indicative of Level 4 at the time of this decision.
- 4.2 The Scottish Government announced, on 4th January 2021, a national lockdown with all but essential work done at home and indefinite remote learning for pupils – reviewed every two weeks. The decision was explained by the fact that the new variant Covid was accounting for 50% of new Covid-19 cases, that hospital occupancy rates were climbing and that 15% of Covid-19 tests were giving positive results (a WHO Trigger is 5%). The new variant’s transmissibility by young people (especially older pupils) is still being investigated by health authorities and may have influenced the Scottish Government’s decision to move to remote learning.

5. Conclusion

- 5.1. The EIS should not seek to use public health indicators mechanistically with any self-specified thresholds automatically leading to a call for remote learning but should seek agreement for a meaningful dialogue and review mechanism to consider all relevant factors when a local authority moves to Level 4.

- 5.2. Whilst public health and staff absence data is useful for LAs/Branches, ultimately, it is the members' views that should drive any campaign to local remote / blended learning.
- 5.3. Whilst calling for consideration of remote or blended learning will follow the general principle of doing so when a local authority moves into Covid Level 4, the holistic approach set out in this paper (using public health information, staff absence rates and the views of members) could lead to a LA or school at any Covid Level making a call to move to blended or remote learning. The key issues being members' views and concerns, not necessarily the statistics of the data of key indicators at that point of time. This is consistent with how the Scottish Government has made its recent decisions.

6. Recommendations:

Executive is asked to note this paper and agree its distribution to LA Secretaries as a briefing note.

EIS policy is to push Local Authorities and Scottish Government for move to remote/blended learning at Level 4.

Further, that Local Associations would continue to work with individual or clusters of schools who identify concerns around levels of Covid related absences.

Appendix 1: Scottish Government Covid Indicators and Thresholds

An area is considered for level 1 when it does not meet level 2 and it broadly meets one of the following conditions:

- between 20 and 75 cases per 100,000 people
- between 1.5% and 3% positive tests
- Very high probability of 50 cases per 100,000 in two weeks' time
- the projection of hospital bed use in the health board in six weeks' time is greater than the health board's share of 2,000 beds nationally
- the projection of ICU bed use in the health board in five weeks' time is greater than twice its normal capacity

An area is considered for level 2 when it does not meet level 3 and it broadly meets one of the following conditions:

- between 75 and 150 cases per 100,000 people
- between 3% and 5% positive tests
- Very high probability of 100 cases per 100,000 in two weeks' time
- the projection of hospital bed use in the health board in five weeks' time is greater than the health board's share of 2,000 beds nationally
- the projection of ICU bed use in the health board in four weeks' time is greater than twice its normal capacity

An area is considered for level 3 when it does not meet level 4 and it broadly meets one of the following conditions:

- between 150 and 300 cases per 100,000 people
- between 5% and 10% positive tests
- very high probability of 300 cases per 100,000 in two weeks' time
- the projection of hospital bed use in the health board in four weeks' time is greater than the health board's share of 2,000 beds nationally
- the projection of ICU bed use in the health board in three weeks' time is greater than twice its normal capacity

A local authority area is considered for level 4 when it "broadly" meets one of the following conditions:

- more than 300 cases per 100,000 people
- more than 10% positive tests - twice the rate for national concern given by WHO
- very high probability of 500 cases per 100,000 forecast in two weeks' time
- the projection of hospital bed use in the health board in three weeks' time is greater than the health board's share of 2,000 beds nationally
- the projection of ICU bed use in the health board in two weeks' time is greater than twice its normal capacity

Running a Dispute & Processing of EIS Industrial Action on Covid-19 Related Issues

Pre-Christmas a number of Local Associations balloted members successfully on the principle of declaring a dispute with their employer on Covid related health and safety issues, with a number of others considering similar action on the return to schools.

The Scottish Government decision in late December to delay a full pupil return until January 18th, with a default of remote learning for the preceding week, might be viewed as demonstrating cognisance of the mood of EIS members as indicated in the ballot returns.

Since then, the impact of the new variant on infection levels has led to a longer period of planned remote learning, as part of the new national lockdown, with fortnightly reviews in place as to when in school provision would be restored.

EIS input to the review process will be conducted at a national level.

In a practical sense, therefore, it should be noted that the current local “disputes” are unlikely to escalate in the immediate future, although discussions should continue with regard to the central issues.

Notwithstanding any current hiatus, the Executive Committee is asked to consider the following as an operational context for processing any future developments.

1. Running a Trade Dispute with a Local Authority

- 1.1. A trade dispute is defined as 'a dispute between workers and their employer which relates wholly or mainly' to one or more of a number of specified matters (TULR(C)A s244(1)). Lodging a trade dispute with an employer is considered a signal to employers that the trade union is willing or planning to mobilise its members for industrial action. For industrial action to be lawful it must be taken 'in contemplation or furtherance of a trade dispute'.
- 1.2. Caselaw has shown that the employer should be notified that they are in dispute, in order for them to have the ability to resolve the dispute.
- 1.3. The current declared disputes are being coordinated across Local Associations around the general failure by Local Authorities to fully exercise their duty of care to their workers; for example:

"Our Local Association Executive believe that Fife Council is not fully exercising its duty of care to staff with regard to risks from coronavirus, including protecting staff mental health and wellbeing.

For example, the Council has rejected EIS requests to adopt a wholesale remote learning platform for the pre-Christmas period, in the interests of minimising infection risk, and supporting staff to be able to spend the holiday with vulnerable family members. You are now being consulted on whether our EIS Local Association should declare a trade dispute against the Council on the failure of the Council to fully exercise its duty of care to employees.

Are you in favour of declaring such a dispute?"

- 1.4 In response to the declaration of a dispute, a reasonable employer should seek to engage with the Local Association and ask what it needs to do in order to show the Local Association that it is meeting its duty of care to members. It is essential therefore that LAs in dispute articulate demands in relation to any dispute resolution.
- 1.5 National EIS policy on Covid is to call for any Local Authority on Level 4 to trigger automatic consideration of blended / remote learning contingencies.
- 1.6 Other broader issues which may be included are ventilation issues, treatment of vulnerable staff, access to asymptomatic testing, implementation of current mitigations e.g. cleaning regimes etc.
- 1.7 Appendices 1 and 2 outline the issues raised by Edinburgh LA and Glasgow LA respectively.
- 1.8 If a resolution cannot be found or is not foreseeable after a series of negotiating meetings, then a LA should consider whether it wishes to advise the Local Authority that it will move to a consultative ballot of members to gauge support for a statutory ballot. It is normal within collective bargaining processes that negotiations/discussions continue between the employer and trade unions whilst such ballots take place.

2. Pursuing industrial action

- 2.1 Council has already approved the principle of Local Associations carrying out consultative ballots. It is for LAs, therefore, to consider the outcome of dispute ballots and subsequent negotiations, in deciding its next steps.
- 2.2 Although industrial action will end up being pursued at Local Association level, given the role of Local Authorities as the Employers, the issues involved clearly have national import and it is important that an overall strategic approach is taken around issues such as the nature and duration of the industrial action: should we ballot on a disaggregated basis; are we seeking support for continuous or discontinuous action; does the hardship fund apply? These matters may well be critical to ensuring member support.
- 2.3 Although final decisions on this may not be required until the point of a statutory ballot (it is for LAs to seek approval from Executive around statutory ballots), it is useful for consultative ballot questions to anticipate what any statutory ballot may ask (one of the consequences of the Trade Union Act (2015) is that the precise industrial action and timeline must be specified on the ballot paper). It is important, therefore, that appropriate advice is sought by Local Associations from Officials to avoid any risk of a future Executive request to re-run a consultative ballot with amended industrial action being sought in order to accurately gauge member support.
- 2.4 Ultimately, the Executive Committee makes the decision to approve or reject statutory ballot requests and it also decides on the nature of the industrial action.
- 2.5 Thereafter, the issue for Executive becomes one of maximising the impact of coordinated action.

3. Consultative Ballot to Determine Support for a Specified Industrial Action in Furtherance of the Dispute Lodged

- 3.1 If the dispute cannot be resolved by focussed negotiations with the employer then the Local Association should decide whether to move to a consultative ballot for specified industrial action, eg

"The EIS has lodged a trade dispute with the Council over its failure to fully exercise its duty of care to staff during the pandemic. No resolution has been found to date. In the event of a statutory ballot being called in the new session as a consequence of a continued failure on the part of the Council to fully exercise its duty of care, would you, in the interests of safety, support [ONE OF THE FOLLOWING: discontinuous (i.e. escalatory) strike action OR continuous strike action OR Action Short of Strike to effect remote teaching]

Yes / No."

- 3.2 All consultative balloting will be electronic and organised through HQ.

4. Using Consultative Ballots to Increase Pressure on the Employers: The Organising Approach

- 4.1 Consultative ballots should not be seen as hurdles or delays to an industrial action ballot. The Consultative ballots that have mandated the local disputes have shown that there is clear support for them – indeed the action is being driven by members. Not only does it show employers that the threat of industrial action is credible but the employers will be aware that such votes are effectively votes of no confidence in the Councils' ability to manage their schools safely; this will increase the pressure on employers. Going back to members at every stage of industrial action also shows members that every effort is being made by the EIS to resolve the dispute – and if strike action is to happen then it is the employer's fault.
- 4.2 This approach of going back to members and gauging their views at every step is the Organising approach and each consultative ballot is a structural test building towards the statutory ballot for industrial action.

5. Types of Industrial Action on Covid-19 Lodged Disputes

- 5.1 The trade disputes lodged by the EIS with Local Authorities are general disputes around the EIS belief that Local Authorities are not fully exercising their duty of care to their employees – with examples being cited. The purpose of the industrial action is to effectively force Local Authorities to make satisfactory changes to workplaces or patterns of working in order to give workers confidence that they are safe. A range of industrial action options appropriate to the circumstances should be considered before making a final decision (which will be necessary for the statutory ballot).
- 5.2 Ideally, the credible threat of industrial action alone will be sufficient, but ultimately industrial action will need to be delivered if it is threatened and there is no resolution. The EIS has never sought to deploy continuous strike action (effectively "all out"), preferring instead to use discontinuous action, which can range from single strike days, a series of strike days, or a series of escalating days.
- 5.3 Strike action is high visibility action and is more straightforward to implement than industrial action short of strike action (ASOS).

6. Who are the Affected Members?

- 6.1 Trade unions must ballot all members that are affected by a trade dispute. The trade union cannot, for example, gerrymander the constituency in order to maximise its chances of crossing the statutory threshold(s).
- 6.2 As the EIS believes that a Local Authority is not fully exercising their duty of care to all schoolteachers by not moving to remote learning at the appropriate times – then all EIS members working in schools in that Local Authority must be balloted.
- 6.3 If a LA believes the LA is not fully exercising its duty of care to secondary teachers only, then only secondary members would be “affected members” and would be balloted. In this way, the LA can choose to lodge a dispute and follow up with a statutory ballot of any specific group of members or schools.

7. Aggregated or Disaggregated Ballots?

- 7.1 The EIS may choose to aggregate or disaggregate a statutory ballot. An aggregated ballot applies the thresholds to all the affected members balloted as a single group – in this way, all or none cross the threshold. A disaggregated ballot applies the thresholds to all the affected members balloted as separate groups by workplace (or profession). In this way, each workplace or profession may cross or fail the threshold independently. If an LA was balloted in a disaggregated ballot, then it is probable that some branches would cross the thresholds and carry out industrial action whilst others would fail to cross the thresholds. The advantage of the latter is to facilitate the schools that do support industrial action even if the total turnout across the affected members in the whole Local Association did not cross the threshold.
- 7.2 It should also be noted that if a LA crosses the threshold (either aggregated or disaggregated) then the EIS can choose which balloted schools or members it takes out on industrial action.

Appendix 1: Edinburgh LA Issues for Negotiation to Resolve Dispute

Our hope is to ensure, through ongoing negotiation, an improvement in conditions for our members, and thus a successful resolution of this dispute. This will involve ongoing discussion, and we will be consulting with school branches on a continuing basis about what measures need to be put in place – a dynamic approach is required as we all respond to the rapidly changing nature of the ongoing pandemic. Thus, the following should not be regarded as a definitive list of demands, but as a few key measures that, if rapidly implemented, would serve to reassure members that, despite their disappointment over your failure to accede to our request over remote learning, you do in fact prioritise the wellbeing of your staff.

Track and Trace – we welcome the commitment to ensure that school staff will not be involved in contact tracing over the Christmas holidays. The arrangements put in place should be maintained in the new term, to relieve one burden that has fallen on school leaders (though secondary members have expressed concern over the specifics of how pupil contact information is being gathered, and we would welcome a chance to work with you, and Health Protection Lothian, to see if a better method can be devised).

Asymptomatic testing – arrangements for staff to be able to access asymptomatic testing on demand, including appropriate systems over the holidays, must be clear, and shared with all staff.

Individual school closures – we note with extreme concern the number of schools that, this week, have had confirmed positive cases, resulting in large numbers of staff and pupils having to self-isolate. This self-isolation period will impact on Christmas holiday plans, and this will clearly become worse between now and 22nd December. We would also question the quality of educational provision for those pupils who remain in school buildings when large numbers of their peers and their usual teachers, are at home, and where QIEOs and others are having to provide cover. For these and other reasons we would ask that CEC exercises its right to close an individual school when both staff and pupil welfare considerations make it clear this is the best option.

Staffing in the last few days of term – there are real fears that the stress and anxiety being felt by many school staff will result in increased levels of absence in the coming days. This will add to problems created by the increasing numbers of staff having to self-isolate. School leaders, in particular, would like information and reassurance about contingency plans should any school find its staffing levels falling below what is viable.

Self-isolation – Every member of staff who has to self-isolate over a holiday, or who tests positive, should be compensated with accrued leave.

January return – should the anticipated post-Christmas spike in case numbers materialise, we would ask that CEC look at whether a period of remote learning is appropriate to protect staff and pupil health and wellbeing. We also note, with concern, that some members have said that their schools seem to be planning in-school activities for the first INSET day. We would ask that there is a very clear directive that INSET activities are remote, as would be best for infection control.

Bubbles – CEC is already aware of concerns about how bubbles are being managed in primaries and special schools. A better system, that prevents infection

spreading between staff, and across groups of pupils, needs to be implemented. It should be noted that doing so is likely to require significant extra staffing.

Support for staff managing infection control – the demands being placed on staff by infection control measures are immense. Areas of particular concern include:

- Increased supervision requirements because of staggered breaks and lunches

- Increased demands on staff around helping with distribution, supervision and cleaning at lunchtimes

- Impacts on breaks and lunches, and lesson change-overs, because of the time taken to manage infection control protocols

- Supervision and other pressures where schools have staggered start and end times.

More staffing is required to help with all these. We would like to see existing PSAs and other support staff being offered more hours, should they want them, and more PSAs being deployed in schools. Other sources of support should also be considered.

Increasing numbers of supply teachers deployed in schools – many members are reporting pressures that could be avoided were more supply teachers to be used in their schools. In some cases, it would seem that schools are not employing supply teachers even when they are available, presumably because of budgetary concerns. In other cases, there do not seem to be sufficient numbers of supply teachers available. Further, in some schools, the Closing the Gap teacher is being used as supply, and not to address gaps in pupil learning.

- Schools should be given additional funding, separate to their DSM budget, so that they can employ the necessary number of supply teachers without the fear of going over budget.

- Where it becomes clear that there is a shortage of supply teachers, say in a particular subject area, CEC should then enter into urgent talks with Scottish Government to look at what further measures can be taken.

- Closing the Gap teachers should remain focused on their core role of supporting those pupils who require the most support in their learning, and not be used for supply.

Pregnant staff – the EIS commends CEC for the way it has supported those teachers who have a clinician's recommendation to work from home. However, we would request that this is extended so that *all* pregnant staff can work from home from 28 weeks. We note the joint statement of the Royal College of Obstetricians and Gynaecologists, the Royal College of Midwives and the Faculty of Occupational Medicine that, beyond 28 weeks, social distancing is particularly important for pregnant women, and this is something that is very hard to ensure in school settings.

<https://www.rcog.org.uk/globalassets/documents/guidelines/2020-09-10-occupational-health-statement-rcog-rcm-fom.pdf>

Enhanced mitigations in Level 4 – the lack of any enhanced mitigations for schools in Level 4 areas is a cause of concern to the entire teaching profession. We would like to work with you so that we have appropriate contingency plans in place should CEC move into level 4. These should include triggers for moves to blended

or remote learning, and an agreement that previously shielding and clinically extremely vulnerable staff should automatically move to working from home.

Cleaning regimes – members are, generally, very appreciative of the tremendous efforts being made by cleaning staff, facilities management, and others. However, there is a general perception that these staff are working above and beyond to maintain satisfactory levels of hygiene, and increasing the numbers of staff working in schools would help address this.

SQA -secondary staff are *extremely* concerned by the workload demands arising from the cancellation of the exam diet. This is probably the single biggest factor that is negatively impacting on secondary teachers' mental health. We have already had constructive discussions at LNCT around this, and have submitted an initial set of proposals. These will need to be developed and expanded as a matter of urgency. One suggestion from some members is to move the May INSET day to earlier in the year, so it can be used for Quality Assurance activities. Ensuring that there are *no* other demands made of secondary staff, so that they have time to overtake this work, will also be vital. Providing cover in schools, to release staff to overtake key work, is also going to be necessary, as well as offering extra support to small departments.

Compliance with face coverings – schools where significant numbers of pupils are not complying with requirements to wear face coverings should be offered more support so that this can be improved.

Communication and interactions with parents – Many staff would welcome CEC making it much more explicit to parents that this is not “business as usual” and supporting schools in managing parental expectations. There are also some schools that are reporting difficulties around some parents not wearing face coverings, respecting social distancing etc. There should be enhanced support available to schools that might require this.

More clarity over what would trigger an individual school closure – there is a belief that CEC is committed to keeping school buildings open at all costs, even when it would be in the best interests of pupils and staff to close. There needs to be a much better shared understanding of the circumstances under which an individual school will close, and school leadership teams need to feel that their views on the operational feasibility of keeping a school open will be respected.

As we said, the above are some initial ideas about measures that would go some way to improving working conditions in Edinburgh's schools, and rebuilding staff morale. We expect that members will highlight other requirements. We look forward to discussing all this with you in the appropriate forums, so that this dispute can be successfully resolved.

Appendix 2: Glasgow LA Issues for Negotiation to Resolve Dispute

The PHS report on linkage,¹ published 16th December, makes it clear that teachers are at greater risk of catching COVID-19 than the general population and it is evident that the mitigations in place in schools are not effectively stemming the spread of the virus

We are seeking the implementation of measures to proactively prevent the spread of the virus and protect the health and wellbeing of our members and the pupils and wider communities in which they work.

Mitigations of Blended Learning and School Closures – Triggers

A draft Protocol is attached which shows triggers for blended learning or school closure as mitigation measures against COVID-19.

Blended Learning

In June plans for blended learning were made that enabled social distancing in schools and these should be implemented in schools where community infection rates are in Level 4 or moving close to Level 4.

Clarity on Data and Monitoring of Data

If the Directorate are meeting with PH officials 'regularly' then this information should be shared with education unions when the data is available. If community transmission data and school data on positive tests are, at least, weekly then outbreak can be detected and support offered to establishments in local areas. A weekly update of COVID-19 infection rate in area and numbers self-isolating should be shared with staff in schools. A draft Protocol is attached.

Reducing Contacts

Clearer direction and support is required to ensure all schools can create 'bubbles' which limit the number of contacts any individual, staff and pupil, are exposed to. This may require amended timetables to avoid movement but there should be a commitment to increasing capacity and resources as required.

Pregnant and Vulnerable Staff

EIS suggests revisiting and expanding the interrupted learners' teaching group which was explored previously. This would allow a group of staff to work from home in a synchronous learning environment, ensuring that those children who are self-isolating have access to a teacher. The West Partnership's guide to remote and blended learning outlines how this could work in practice.

Ability to work from home from 28 weeks pregnant or as vulnerable member of staff based on decision made by HT and HR with advice from GP and OH. Decision based on health and safety of member, not the school which member works in or the budget needs of the school.

¹ [Report of record linkage study of COVID-19 among teachers, healthcare workers and other working-age adults - Downloads - Public Health Scotland](#)

January

EIS believes it prudent, erring on the side of precautionary principle, to introduce additional in-service days and a period of remote learning post-Christmas in order to manage the January spike in cases. This would protect staff and pupil health and wellbeing.

Testing

Schools should be prepared to engage with enhanced testing responses to COVID-19 outbreaks in schools, where recommended by the Incident Management Team. Asymptomatic testing – arrangements for staff to be able to access asymptomatic testing on demand, including appropriate systems over the holidays, must be clear, and shared with all staff.

Risk Assessments

Risk Assessment to be updated, as agreed, to include a specific section on the number of adults that can safely work in a single classroom. Weekly H&S walkround with reps and SMT.

Self-isolation

Every member of staff who has to self-isolate over a holiday, or who tests positive, should be compensated with accrued leave.

Ventilation and Heating

Specific guidance on each building that keeps ventilation safe (and how measure) whilst ensuring legal temperatures met.

HSE's guidance on ventilation has been updated. What action has been have taken, or will be taken, to reflect this updated guidance? How ventilation will be improved especially as we move to the colder months of January and February?

Cleaning regimes in schools

Seek assurances that there are enhanced cleaning and disinfection regimes in place for frequently touched objects and surfaces to control the spread of COVID-19 virus.

Compliance with face coverings

Schools where significant numbers of pupils are not complying with requirements to wear face coverings should be offered more support to improve.

Meetings

Online as a norm and not at decision of individual schools – stronger message

Timetables in Secondary

Clearer direction to move to amended timetables to avoid movement.

CPD

What further professional learning would be required to support synchronous and asynchronous learning and teaching? Time and planning for this.

Protocols:

Any Level

- Regular meetings with Directorate and PHS in order to allow complete clarity on the data to track increases in infection rate;
- Agree time for increased CPD on digital teaching skills.

Level Two upwards

- Increased meetings to target support towards establishments in communities where Covid-related concerns have arisen – need for timeous data;
- Open and transparent data shared with schools on COVID19 infection rates and numbers self-isolating;
- Restart the local incident management teams – to be held when a community outbreak is identified as currently defined;
- Agree interrupted learners' provision as number of pupils self-isolating rises.

Level Three upwards

- Agree WFH for shielding (clinical letter) staff and staff over 28 weeks pregnant;
- Agree trigger points for blended learning (West Partnership definition) e.g. when a percentage of pupils / staff are absent as a total of school roll or when community outbreak increases to a certain point;
- Agree list of updated 'creative solutions' for risk assessment as mitigations including smaller class sizes and additional budgets for cover;
- 'Bubbles' created in secondary schools which can be done by re-timetabling, e.g. more double periods for BGE, home rooms, staggered breaks, etc or fewer subjects per day for seniors.

Level Four upwards

- Agree trigger points for establishment closure and remote learning e.g. for operational reasons or when a higher percentage of pupils / staff are absent as a total of school roll or when community outbreak increases to a certain point;
- A childcare hub system instigated.

Appendix 3

Processing of EIS Industrial Action on Covid-19 Related Issues

TULCRCA states that that authorised industrial action must be carried out in accordance with the union's rules and legislation. The EIS Industrial Action Policy Booklet states:

The AGM has agreed the following points of policy in this area:

- (a) That power to call, authorise or endorse industrial action should rest solely with (i) the Executive Committee*, acting on behalf of Council; or (ii) the General Secretary. Any other policy position which devolves or appears to devolve such powers is overtaken by this policy document.*
- (b) That all arrangements for calling, authorising or endorsing industrial action should be under the supervision of the Executive Committee*, and no decision calling, authorising or endorsing industrial action should be taken by any other EIS body, official or representative.*

Whilst the General Secretary has the power to call, authorise or endorse industrial action, the decision to do so and the arrangements are the responsibility of the Executive Committee (or Emergency Committee).

[Where appropriate, between meetings of the Executive Committee, the Emergency Sub-Committee shall have powers to authorise action or otherwise make decisions on behalf of the Executive Committee.]*

Expediting the Current Industrial Action Process

The EIS industrial action process set out in our Industrial Action policy paper sets out an EIS decision making framework to carry out the statutory actions required, with the Executive* being the responsible committee. In any industrial action process, there are 21 days of notice plus the period of the statutory ballot being open – usually three weeks. Therefore, a statutory ballot process takes around 2 months when including the consultative ballot at the start, carefully putting together the statutory paperwork (obtaining legal advice as necessary), dealing with the balloter (data & paperwork) and giving the opportunity for the Branch/LA/SGA to consider ballot results etc. Cutting all these processes to the bone in the Industrial Action policy paper by sending out notices as quickly as possible could lead to an expedited timetable as set out in Table 1. The suggested expedited process still has the Executive* Committee responsible for all the decisions regarding the calling and authorising of industrial action. No decision making is transferred or displaced.

Given the risks to the EIS, there may be a day or two delay at times in order to ensure that each step is carried out correctly.

The expedited timetable has the Executive* Committee meeting to consider the request for the statutory ballot, to approve the nature of industrial action and it could also give pre-approval to the industrial action if certain specified conditions are met. This would mean that the Executive* Committee would not need to automatically meet a second time to authorise industrial action if there is a mandate. However, the Executive* Committee may choose to meet for this second meeting if pre-approved industrial action is problematic (e.g. a change in circumstances) or at President or Conveners' Wish or at request of 1/3 Executive* Committee.

Table 1: Example of Expedited Processing of Industrial Action

DAY	SITUATION	ACTION TO BE TAKEN
	<p><i>Deadlock reached in school or LA re member safety. Dispute registered by LA with a failure to agree recorded with the Employer.</i></p> <p>Request made to Executive* Committee for a statutory ballot for industrial action in pursuit of the dispute.</p>	<p><i>Branches and Local Associations must engage the services of their Area Officer to try to break the deadlock.</i></p> <p><i>LA makes request for statutory ballot for a Branch, group of Branches or whole LA. Area Officer to provide written report and any consultative ballot result.</i></p> <p><i>The nature and timing of industrial action to be specified.</i></p>
1	Executive (or Emergency Sub Committee) Meeting	<p>Executive* considers request for a statutory ballot and approves such a request. The nature and timing of industrial action to be approved for the ballot paper.</p> <p>Conditional approval given for industrial action if specified conditions are met.</p>
1	7 days statutory notice issued	Headquarters to process all material and arrange balloting agents.
8	Ballot opens	
18	Ballot closes & result published	Employer, members, and LA receive ballot results.
19	<i>Executive* Committee Meeting if called by President/ Convener</i>	<i>Executive Committee meet results if pre-approved industrial action is problematic (eg change in circumstances) or at President or Conveners' Wish or at request of 1/3 Executive or Emergency Committee.</i>
19	14 days statutory notice issued to Employers and members of industrial action	<p>General Secretary issues strike notifications.</p> <p>LA dispute to be managed by Area Officer with HQ advice & support.</p>
33	Industrial Action begins	Mandate for industrial action expires 6 months after date of ballot closing

COVID-19 COMMITTEE

SUBMISSION FROM THE EDUCATIONAL INSTITUTE OF SCOTLAND

Social and cultural impact of possible restrictions on travel and social gatherings over the winter

The EIS is Scotland's largest education trade union with over 60,000 members representing teachers, lecturers, and other associated educational professionals at all grades and in all sectors. The EIS exists to serve the interests of its members and the promotion of sound learning, pupil welfare and social policy aimed at creating a fair and equitable society.

The EIS recognises the role of the Scottish Government in managing the country's response to the Covid-19 pandemic. This response focuses on the impact on schools, colleges and universities of possible restrictions on travel and social gatherings during this winter.

The EIS supported the March to June "lockdown" imposed by the Scottish Government. Teachers provided online (i.e. remote) teaching materials and staffed "hubs" for children of key workers and those from a vulnerable background. Travel restrictions were tight, as were the restrictions limiting social interaction with other households. Whilst many teachers and lecturers found these restrictions challenging, there is anecdotal evidence that pupils, particularly those from disadvantaged backgrounds, found the situation particularly difficult, and that levels of anxiety and other behavioural issues rose significantly amongst young people.

Some research also suggests that some pupil learning and development not only stalled but regressed¹.

In the current situation, the Scottish Government has published policies and guidance that seeks to keep schools open for as long as possible for all Strategic Framework Levels – even Level 4 and the putative lockdown level beyond Level 4. This refusal to even allow consideration of whether schools should be closed or moved to blended learning is a stressor for the teaching profession.

Colleges and Universities are required to operate at 'restrictive blended learning' at Levels 3 and 4 of the Framework.

Advising people in general not to use public transport in Tier 3 areas may reduce their usage and may make it safer for those that have to attend their workplace (like teachers) to use public transport. Teachers are unlikely to benefit from staggered start time as schools have little flexibility in this regard; therefore, many teachers are forced to take public transport at peak times.

¹ <https://www.bbc.co.uk/news/education-54880403>

The Tier 2,3 & 4 guidance to avoid meeting others in your or another person's home is going to become more challenging as the winter progresses due to it being possible to sit outside for long periods of time to socialise. If all households obey this then face-to-face social contact may effectively cease for many households outside of school or work. This is likely to have a huge impact on individuals in society and, in particular on the young and those that are living alone or are in some way vulnerable – e.g. with mental health issues. Those that live in poverty or on low incomes or live in flats without gardens may be disproportionately affected as the only way to lawfully socialise is in public spaces or in cafes/pubs in Tiers 2 and 3. Given financial challenges, many may be tempted to socialise at home.

These social restrictions will have an adverse impact on families' ability to share Christmas and this is likely to be most felt by the young and the old, i.e. grandparents. Christmas can be a sad and lonely time for a number of people, and the current restrictions will exacerbate this. This is bound to have an effect on the wellbeing and happiness of pupils returning to school in January, and on some staff who live alone.

Social restrictions also have a significant impact on those people, especially women but including men and children that suffer from domestic violence. The EIS believes that this could worsen over winter and Christmas.

The impact of large numbers of students returning home and catching up with their friends over Christmas should not be underestimated. The EIS believes that these students should stay home after Christmas and that all teaching in colleges and universities should be carried out online in the next semester.

Cultural and religious life will be significantly impacted by the restrictions on social gatherings for all areas in Tiers 2, 3 and 4. The EIS believes that the social restrictions are likely to have a far greater effect than the travel restrictions.

The balance of harms between implementing these restrictions and the community rate of Covid-19 infection is difficult to judge, especially as Covid-19 is not the biggest risk of harm for some individuals, although it may be for society as a whole. A published Equality Impact Assessment may help to inform public debate regarding the use of the appropriate Tier of the Strategic Framework by measuring risks and harms for protected characteristics such as age and ethnicity and other equality issues such as poverty.

The EIS also believes that the travel and social restrictions that come with Tier 4 should include meaningfully improved mitigations at school level too, i.e. whether blended or remote learning is the appropriate means of educational delivery to protect pupils and staff alike.

17.11.2020

EIS submission to Education & Skills Committee for the Scottish Budget 2021/22

1. The EIS is the largest teacher trade union in Scotland, representing over 60,000 teachers, lecturers and other associated professionals in all areas of education and at all career levels. Representing around 80% of Scotland teachers and lecturers, the EIS is committed to both serving the interests of teachers & lecturers and the promotion of sound learning for all. The Institute also works hard to improve equity, social justice, equality and diversity in education and wider society. As a member-led trade union, EIS policies are determined by serving teachers and lecturers.

The Ongoing 2020-21 Budget

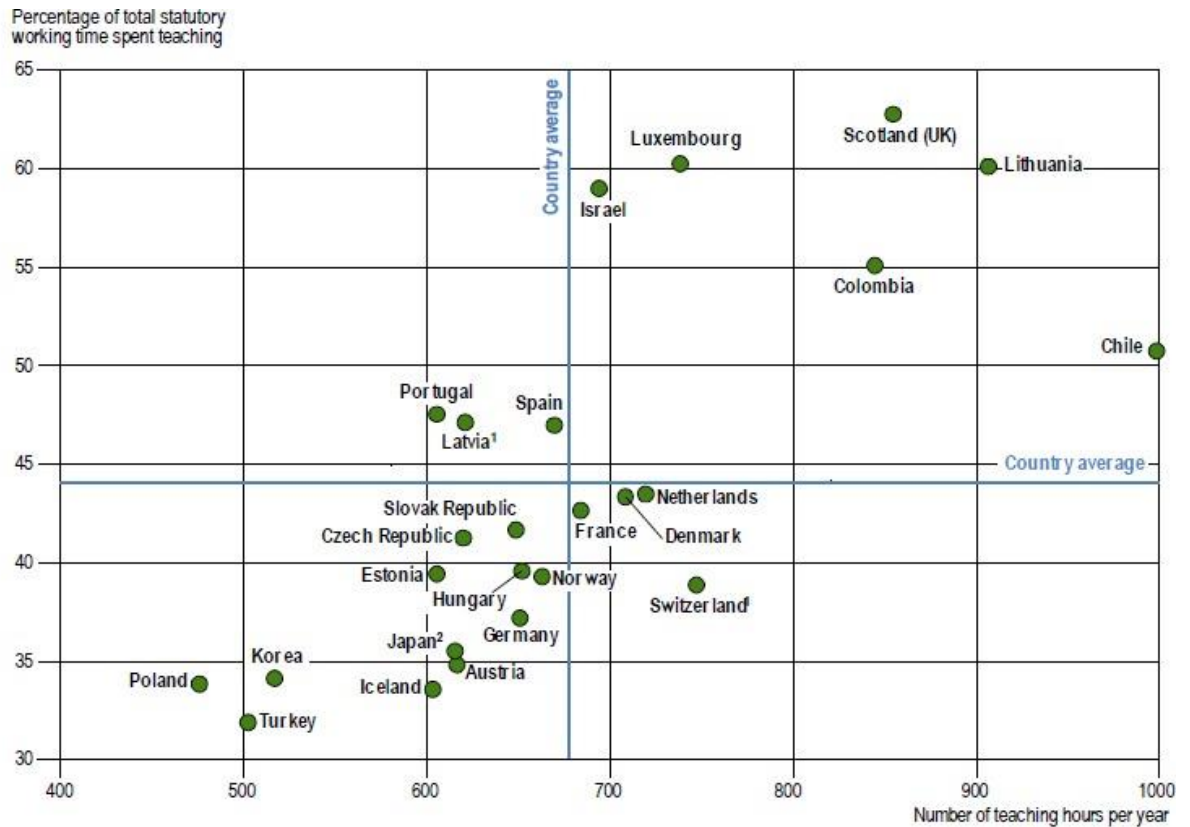
2. The EIS understands that the expected £35Bn Scottish Government budget for 2020-22 will receive an additional £8.2bn¹ as a result of additional funding (consequentials) from the UK Government arising from the increased public spending in response to the pandemic.
3. The Education Sector has received £100m for Councils (including £50m to recruit additional teachers), £75m to support university research and £15m to colleges and universities to support estates and digital inclusion. The Scottish Government has recently announced that it has £300m unallocated funding from the “consequentials” for 2020-21 – which it has described as a “contingency”.

The EIS believes the additional funding for Education, approximating simply to the pro-rata consequential, has been inadequate to the needs within the sector, despite the Government’s repeated citation of education as a priority.

The 2021-22 Budget

4. The Covid pandemic has shown in sharp relief some of the faultlines in society and their impacts on young people and their education. The effect of poverty on attainment is well understood, and the education system has been seeking to close the poverty attainment gap in recent years with additional resources. The pandemic has shown the impact of poverty goes far deeper and is more systemic than previously thought, and that fundamental improvements need to be considered and resourced as part of the education led recovery process.
5. Scottish class sizes remain high and are on average above that of EU comparators.
6. Scotland’s Pupil to Teacher ratios are 15.9 for the primary sector and 12.4 for the secondary sector. These compare with EU23 figures of 13 for the primary sector and 11 for the secondary sector, although it should be noted that PtT ratios do not represent actual class sizes, which are much higher.

7. In terms of contact hours, OECD studies show that Scottish teachers have the fifth-highest teaching hours per year across the OECD and the highest percentage of total statutory working time spent teaching, as the OECD graphic below shows:



Note: For better interpretation, please refer to the notes on the nature of the data in Table D4.1.

1. Reference year of actual teaching time data differs from 2019. Refer to the source table for details.

2. Average planned teaching time in each school at the beginning of the school year.

Source: OECD (2020), Tables D4.1 and D4.2. See Source section for more information and Annex 3 for notes (<https://doi.org/10.1787/69096873-en>).

8. The Scottish school system is thus an outlier in terms of contact hours and class sizes; additional and sustained investment is required to address these issues to bring Scotland closer to the OECD and EU23 averages.
9. There is a need for more teachers, especially in a post Covid period; this is the only way to facilitate smaller class sizes and teaching loads closer to international norms. There is an expectation that the number of pupils in primary schools may fall in future years ; if primary teacher numbers are simply sustained at current levels then this may assist in moving Scotland to the international norm. Pupil numbers are growing faster than teacher numbers in the secondary sector and the Pupil to Teacher Ratio has recently increased slightly in the secondary sector in Scotland.

10. The EIS is campaigning to bring Scottish class sizes and teaching time nearer to the international norm in our 20/20 campaign – a contractual maximum of 20 teaching hours per week with a class size limit of 20. These improvements will raise pupil attainment, improve ASN support, contribute significantly to closing the poverty-related attainment gap and help address chronic workload issues in the sector.
11. Staff retention remains an issue; driven by workload, pay and career progression issues and likely to be exacerbated by Covid induced burn-out. The reduction in Principal Teacher posts means that most teachers do not progress beyond the main scale. The pay rate, therefore, needs to remain competitive for graduates across their entire working lives – at the moment teaching is only competitive with other graduate professions for the first 6-10 years. Whilst the last teacher pay settlement was welcomed by the profession – after a vigorous campaign – the value of teachers pay has still dropped since 2009. The ongoing restoration of teachers’ pay is thus an aim for the profession.
12. To complement an increase in the number of classes and teachers as per the aim of the EIS 20/20 campaign, Scotland also needs a larger school estate. Whilst we would expect this to be an incremental and long-term spending commitment – the longer the delay in starting this programme the larger the problem will become.
13. The issue of providing sufficient support and attention to pupils with additional support needs was ranked 3rd by EIS members in a recent survey. An EIS member survey report² published in 2019 identified “dealing with the additional support needs of pupils” as the third greatest source of stress in the past 12 months. In 2019, a separate EIS survey³ asked members “How far do you agree with the following statement: ‘The provision for children/young people with ASN is adequate in my school.’” Of the 20,000 members that responded to the survey, only 15% agreed that ASN provision was adequate.
14. The number of pupils with recognised additional needs (in mainstream schools⁴) has risen significantly in recent years:

Table 1

	2009	2012	2017	2019
Total No of ASN Pupils	37,504	111,058	176,837	208,765
<i>Primary</i>	<i>19,881</i>	<i>62,572</i>	<i>94,125</i>	<i>107,635</i>
<i>Secondary</i>	<i>17,623</i>	<i>48,486</i>	<i>82,712</i>	<i>101,130</i>

15. During the same period, the number of ASN and Learning Support Teachers dropped.

² <https://www.eis.org.uk/Content/images/Campaigns/TimeToTackle/MembershipSurvey.pdf>

³ <https://www.eis.org.uk/Content/images/Research/Membership%20Survey%20-%20presentation.pdf>

⁴ <https://www.gov.scot/publications/pupil-census-supplementary-statistics/>

16. Despite the huge increase in the number of pupils with additional needs, ASN budgets have remained largely static. The EIS believes that significant investment is required to facilitate more ASN teachers, ASN support staff, educational psychologists and other specialist services.
17. The increase in the number of pupils with additional support needs has not led to an increase in pupils within Special Schools. The vast majority of pupils with additional support needs are taught by classroom teachers – in what are large classes by OECD and EU standards. Large class size is an issue that exacerbates the reported drop in ASN support. External support, resources and ASN support staff make a huge difference to not only the pupil with additional learning needs but to the learning experience of the whole class. It is generally accepted that pupils with additional support needs benefit educationally from being taught in smaller classes. It is also worth noting the high correlation of incidence of additional support need with incidence of poverty; and that young people from disadvantaged backgrounds also particularly benefit from being taught in smaller classes.
18. Colleges and universities have been impacted by Brexit as well as the pandemic. The Scottish Government has indicated that it seeks a knowledge-based economy in the future and that colleges and universities are at the heart of this plan. The role of colleges to support individuals to retrain and re-skill for new work is rightly important, although the EIS believes that the Government must be careful to ensure that universities' and colleges' primary role is to support individuals' learning needs rather than the needs of business or employers.
19. The SFC⁵ Financial Sustainability of Colleges and Universities in Scotland – Review Report states that:
“Overall, the college sector’s reported future financial position over the next three years is challenging across all indicators of sustainability and it is anticipated that the impact of COVID-19 will be felt most severely in 2020-21.”
20. Furthermore, *“The route to financial sustainability for many colleges is a reduction in staff costs, including staff restructuring.”*
21. The SFC, an agency of the Scottish Government, also gives the following good practice to colleges; *“Reviewing curriculum delivery and the introduction of different roles to support the delivery of learning and teaching.”*
22. The EIS fundamentally rejects this austerity model of economics where colleges are expected to do more with less – with redundancies being the route to sustainability. Colleges are facing sustainability issues because the Scottish Government is asking them to do too much for too little funding. Staff costs may have risen in recent years, but staff pay has not kept up with inflation over the last ten years. The EIS believes that the Government needs to properly fund colleges and not rely on staff redundancies or support staff taking on teaching duties.

⁵ http://www.sfc.ac.uk/web/FILES/corporatepublications_sfccp052020/Financial_Sustainability_Analysis_report.pdf

23. The university sector also faces severe funding challenges – both in terms of funding to support teaching and to support research. The SFC Review states: *“Some universities were already experiencing financial challenges (potential increased employer pension contributions, estates costs and UK’s exit from the EU), resulting in a weak operating position before they entered the COVID-19 crisis. For those universities, the financial challenges have been compounded.”*
24. Furthermore, *“The university sector’s future financial position is challenging across all indicators of sustainability, and for 2020-21 in particular. While forecasts for 2019-20 and 2020-21 have improved on the returns provided at the end of April, a substantial deficit is still projected for 2020-21.”*
25. University teaching faces a similar problem to FE teaching, in that the Scottish Government’s funding for teaching does not cover the cost of teaching⁶ leading to financial challenges for some institutions. International student fees can make up this deficit in some universities, but not others.
26. The 2021-22 Scottish Government Budgets must provide universities and colleges with the appropriate level of funding that covers their teaching costs. Universities and colleges are not fundamentally financially unsustainable – they simply need to be funded properly.

Conclusion

The EIS firmly supports an Education led recovery from the significant impact of Covid 19 but believes this aim will founder unless significant additional investment is committed to by the Scottish Government, across all sectors of the education service.

⁶ SFC estimate that public funding of university teaching in 2018-19 was £157 million per year below the full cost of provision – as set out in the Universities Scotland submission to this Committee.

“Zero Covid” Policy Analysis

Briefing Paper – April 2021

Introduction

1. EIS Council carried the following motion on 5th March 2021:
2. “That this Council resolve to investigate and report on arguments for and against 'Zero COVID' with a view to developing EIS policy on this strategy; the report to be produced for the May 2021 meeting of Council.”
3. The Zero Covid website defines its strategy as meaning:

Eliminating the spread of infection between people in the UK and putting in place measures to prevent or quickly staunch any further imported cases. Today that means four key steps:

 - A full UK-wide lockdown until new cases in the community have been reduced close to zero.
 - An effective find, test, trace, isolate and support (FTTIS) system, run locally in the public sector, to quickly squash any further outbreaks.
 - Covid screening, and where necessary quarantine, at all ports of entry to the UK.
 - Guarantee the livelihood of everyone who loses money because of the pandemic.
4. Potentially, the key area of debate for Executive here would be around the first bullet point, which might suggest that even the current moving out of what for Scotland has been a 3 month plus period of lockdown, although many areas were at Level 4 for lengthy periods before this, is itself premature.
5. This paper will explore the two main policy theories implemented to tackle the spread, and effect of Covid-19: Mitigation and Suppression Strategy, and Elimination (Zero Covid) Strategy. As well as drawing examples of how these policies have been implemented in some countries, where possible, this paper will examine the successes that have been linked to each policy, as well as exploring the ongoing challenges that Covid-19 prevalence presents.
6. Elements of the two strategies are not mutually exclusive and the rhetoric of political debate can further blur distinctions.

Mitigation and Suppression Strategy

7. Before Covid-19 emerged, most of the world’s pandemic response plans were predicated on flu, because flu has caused most pandemics in history. Flu spreads rapidly through a population, because an infected person can infect others before they develop symptoms, and because the disease has a short serial interval (the time between successive cases) of three days. For these reasons, the consensus is that flu cannot be eliminated; it has to be managed.¹

¹ The Guardian, “How elimination versus suppression became Covid's cold war” (Laura Spinney 3rd March 2021) <https://www.theguardian.com/commentisfree/2021/mar/03/covid-19-elimination-versus-suppression>

8. In the first few months of the Covid-19 pandemic, many countries across the world followed the containment advice that had been drawn up to manage potential flu outbreaks. On 23rd March 2020 the UK, Prime Minister Boris Johnston announced measures to help limit the impact of COVID-19, including new regulations on behaviour, police powers to support public health, budgetary measures to support businesses and workers during their economic inactivity, the almost-complete closure of schools, and the major expansion of healthcare capacity via investment in technology, discharge to care homes, and a consolidation of national, private, and new health service capacity.
9. Devolved governments, responsible for public health in Northern Ireland, Scotland, and Wales, introduced very similar measures as part of a coordinated approach. Overall, COVID-19 prompted almost-unprecedented policy change, towards state intervention, “at a speed and magnitude that seemed unimaginable before 2020”.²
10. Dr Cairney explains that many criticisms have been levied against the UK Government for its handling of the Covid-19 pandemic. “Criticisms include that UK ministers did not take COVID-19 seriously enough in relation to existing evidence (when its devastating effect was apparent in China in January and Italy from February); act as quickly as other countries to test for infection to limit its spread and/ or introduce swift measures to close schools, businesses, and major social events, and regulate social behaviour; or introduce strict enough measures to stop people coming into contact with each other at events and in public transport.”
11. “Some suggest that the UK government was responding to the ‘wrong pandemic’, assuming that COVID-19 could be treated like influenza. Subsequent criticisms highlight problems in securing personal protective equipment (PPE), testing capacity, and an effective test-trace-and-isolate system, contributing to a ‘story of systematic failure’.
12. “Some critics blame UK ministers for pursuing a ‘mitigation’ strategy, allegedly based on reducing the rate of infection and impact of COVID-19 until the population developed ‘herd immunity’, rather than an elimination strategy to minimise its spread until a vaccine could be developed. Some criticise the over-reliance on models which underestimated the R [number] and ‘doubling time’ of cases and contributed to a 2-week delay of lockdown. Many describe this approach and delay, compounded by insufficient PPE in hospitals and fatal errors in the treatment of care homes, as the biggest contributor to the UK’s high number of excess deaths.”³

Herd Immunity

13. When Covid-19 first moved out of Asia and into the wider world, much of its characteristics still unknown, most of Europe, indeed most of the world implemented a mitigation and suppression strategy. ‘Herd Immunity’ was cited as a key objective of the UK mitigation and suppression strategy in the early stages of the pandemic. Prime Minister Boris Johnston

² Dr Paul Cairney, “The UK government’s COVID-19 policy: assessing evidence-informed policy analysis in real time” British Politics (2021) 16:90–116 (Springer Nature Limited, 1st November 2020) [The UK government’s COVID-19 policy: assessing evidence-informed policy analysis in real time \(springer.com\)](https://www.springer.com)

³ Dr Paul Cairney, “The UK government’s COVID-19 policy: assessing evidence-informed policy analysis in real time” British Politics (2021) 16:90–116 (Springer Nature Limited, 1st November 2020) [The UK government’s COVID-19 policy: assessing evidence-informed policy analysis in real time \(springer.com\)](https://www.springer.com)

cited herd immunity as a reason not to move to lockdown as soon as the first cases, or first deaths were recorded⁴.

14. When a high percentage of the population is vaccinated, it is difficult for infectious diseases to spread, because there are not many people who can be infected. For example, if someone with measles is surrounded by people who are vaccinated against measles, the disease cannot easily be passed on to anyone, and it will quickly disappear again.
15. Oxford University explains herd immunity as:
“Herd immunity only works if most people in the population are vaccinated (for example, 19 out of every 20 people need to be vaccinated against measles to protect people who are not vaccinated). If people are not vaccinated, herd immunity is not guaranteed to protect them.”
“Unlike vaccination, herd immunity does not give a high level of individual protection, and so it is not a good alternative to getting vaccinated.”⁵
16. The initial reliance on herd immunity, without a matching vaccination programme, led to a rapid growth in infection levels which threatened to overrun NHS services and led to a policy reversal which saw the introduction of strict lockdown measures.

Vaccinations

17. Vaccinations are a critical element in tackling the Covid virus. The UK was the first country in the world to administer Covid-19 vaccines to their citizens. Whilst the United Kingdom has face criticism over its slow initial response to Covid-19, it has excelled in rolling out its vaccination programme. The UK has the 4th highest number of Covid-19 vaccine doses administered per 100,000 of the population, and the 4th highest total number of vaccines administered, with 37.39 million recorded as of the 7th April 2021, as shown in tables 1 and 2.
18. In a study published in the Lancet on 19th February (that hasn't yet been peer reviewed) health officials in Scotland have reported that vaccination with either the Pfizer-BioNTech or AstraZeneca jab was helping to lower hospitalization rates due to COVID-19 in the country. Those results were especially encouraging, they said, because they showed that even a single dose of either vaccine was 85% to 94% effective in reducing COVID-19 hospitalization within a little more than a month after the first shot (the recommended dose is two shots of either vaccine).⁶
19. Israel may lead the way in providing hints of where the pandemic is headed. With a unique nationally coordinated system for vaccinating people, and a tight connection between who gets the jab and their health records, the country is a scientist's ideal study group. In a study published by the New England Journal of Medicine⁷, researchers included data from nearly 600,000 vaccinated people, and compared them to a similarly sized group of people who

⁴ Business Insider, “Boris Johnson told Italy's prime minister the UK had been aiming for coronavirus herd immunity, new documentary reveals” (3rd June 2020) <https://www.businessinsider.com/boris-johnson-told-italian-pm-conte-coronavirus-herd-immunity-plan-2020-6?r=US&IR=T>

⁵ Oxford University, “Vaccine Knowledge Project: Herd immunity (Herd protection)” (29th August 2019) <https://vk.ovg.ox.ac.uk/vk/herd-immunity>

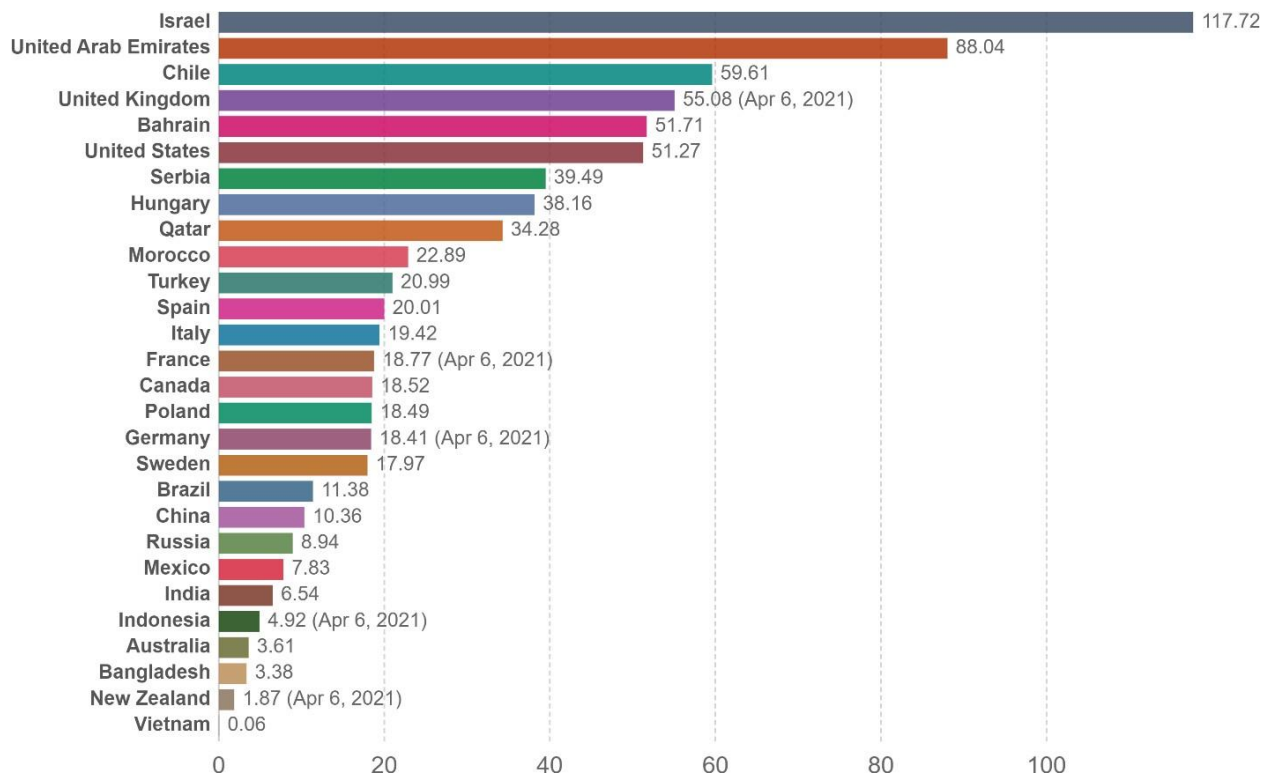
⁶ Eleftheria Vasileiou et.al. “Effectiveness of First Dose of COVID-19 Vaccines Against Hospital Admissions in Scotland: National Prospective Cohort Study of 5.4 Million People”. (The Lancet 19th February 2021) https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3789264

⁷ Noa Dagan, M.D et.al., “BNT162b2 mRNA Covid-19 Vaccine in a Nationwide Mass Vaccination Setting” DOI: 10.1056/NEJMoa2101765 (New England Journal of Medicine 24th February 2021) <https://www.nejm.org/doi/full/10.1056/NEJMoa2101765>

hadn't gotten the vaccine. After two doses, the vaccine, it turned out, was 92% effective in preventing infection and, among those who did get infected, 92% effective in protecting against COVID-19 symptoms, 92% effective in protecting against severe disease, and 87% effective in protecting people from needing hospitalization for COVID-19.

- The results mirror those found by Pfizer and BioNTech in their late-stage study of 44,000 people, which also showed the vaccine could dramatically reduce the risk of COVID-19 illness, especially severe disease.⁸

Table 1: COVID-19 vaccine doses administered per 100 people, Apr 7, 2021^{9,10}



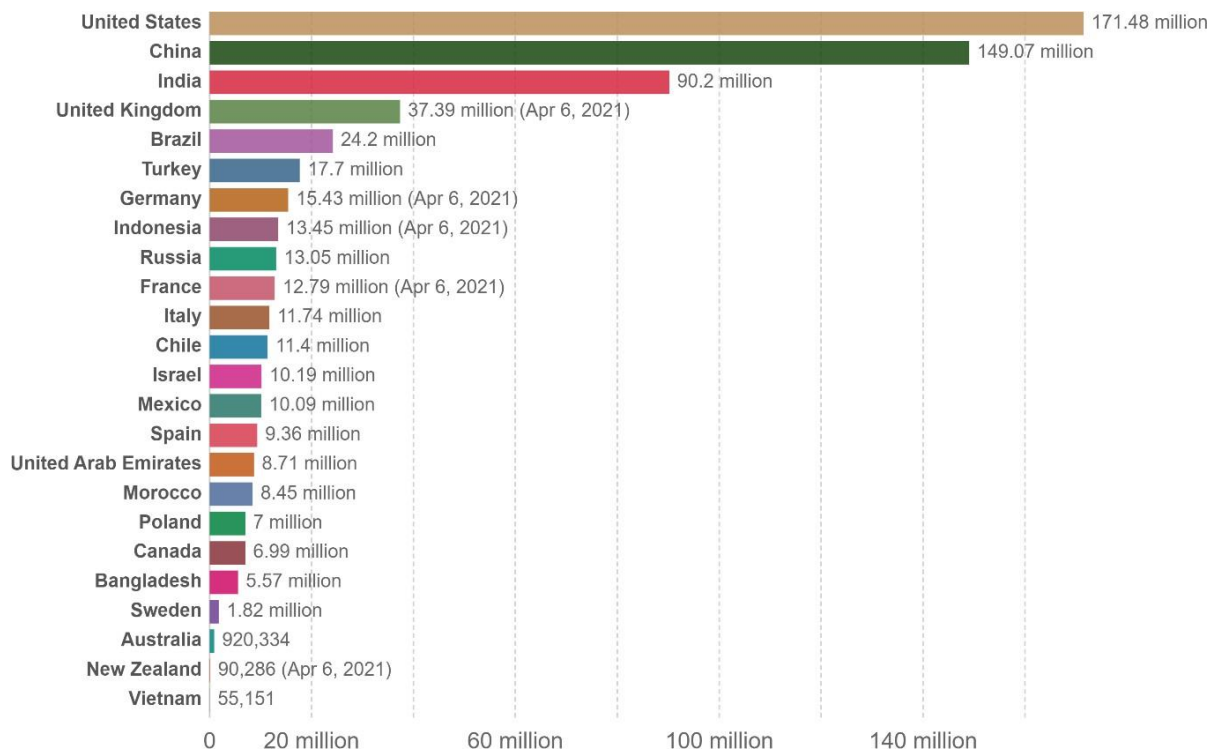
⁸ Time, "COVID-19 Vaccines Work. Here's the Real-World Proof" (Alice Park, 24th February 2021)

<https://time.com/5942076/proof-covid-19-vaccines-work/>

⁹ Total number of vaccination doses administered. This is counted as a single dose, and may not equal the total number of people vaccinated, depending on the specific dose regime (e.g. people receive multiple doses).

¹⁰ Our World in Data, "Coronavirus (COVID-19) Vaccinations" Research and data: Hannah Ritchie, Esteban Ortiz-Ospina, Diana Beltekian, Edouard Mathieu, Joe Hasell, Bobbie Macdonald, Charlie Giattino, Cameron Appel and Max Roser (7th April 2021) <https://ourworldindata.org/grapher/covid-vaccination-doses-per-capita?time=latest>

Table 2: COVID-19 cumulative vaccine doses administered, Apr 7, 2021¹¹¹²



Herd Immunity and Transmission Rates

21. A study of all healthcare workers employed by the NHS in Scotland and their households (which has not yet been peer-reviewed), shows that the rate of infection with Covid-19 for people that live with healthcare workers is at least 30% lower when the worker has been vaccinated mostly with a single dose. Since household members of healthcare workers can also be infected via other people (not just via the healthcare worker they live with), this 30% relative risk reduction is an underestimate of the ‘true’ effect of vaccination on transmission.¹³
22. Research led by Public Health Scotland and the University of Glasgow (with contributions from researchers at the London School of Hygiene and Tropical Medicine, Glasgow Caledonian University, the University of Edinburgh, and the University of Strathclyde) involved over 300,000 people in total and ran between 8 December 2020 and 3 March 2021. The study, using record linkage, compared cases of Covid-19 and hospitalisations due

¹¹ Total number of vaccination doses administered. This is counted as a single dose, and may not equal the total number of people vaccinated, depending on the specific dose regime (e.g. people receive multiple doses).

¹² Our World in Data, “Coronavirus (COVID-19) Vaccinations” Research and data: Hannah Ritchie, Esteban Ortiz-Ospina, Diana Beltekian, Edouard Mathieu, Joe Hasell, Bobbie Macdonald, Charlie Giattino, Cameron Appel and Max Roser (7th April 2021) <https://ourworldindata.org/grapher/cumulative-covid-vaccinations?time=latest>

¹³ Public Health Scotland, “COVID-19 vaccine linked to a reduction in transmission” (12th March 2021) <https://www.publichealthscotland.scot/news/2021/march/covid-19-vaccine-linked-to-a-reduction-in-transmission/>

to Covid-19 in household members of both vaccinated, and unvaccinated health care workers.

23. This research concluded where healthcare workers had received a second dose of the vaccine at least 14 days before, their household members had a rate of Covid-19 which was at least 54% lower than household members where healthcare workers had not been vaccinated.¹⁴
24. The vaccination programme is still underway in the UK and across the globe. The United Kingdom and many parts of Europe are still currently in lockdown, and therefore the true impact of the vaccination roll out is still unknown.
25. It is also unclear how long the Covid-19 vaccines will provide protection for. The UK Government has already announced a third jab rollout may be needed in the Autumn following new fears over the Brazilian and South African variants of the virus.¹⁵

The Impact of National Lockdown

26. The mitigation and suppression policy model relies on the continued use of lockdowns in order to suppress the virus, especially when the R-number begins to rise above 1, or hospital admissions put significant pressure on NHS services and critical care.
27. The first six weeks of the pandemic and lockdown had a major impact on the UK population's mental health and wellbeing, according to research published by the University of Glasgow.¹⁶ The study, which is published in the British Journal of Psychiatry¹⁷, found young people, women, individuals from more socially disadvantaged backgrounds and those with pre-existing mental health problems reported the worst mental health outcomes in the initial phase of the national lockdown. The researchers concluded:
28. "The mental health and well-being of the UK adult population appears to have been affected in the initial phase of the COVID-19 pandemic. The increasing rates of suicidal thoughts across waves, especially among young adults, are concerning."¹⁸
29. Alongside the mental health impacts, there has been significant disruption to education, health care services, businesses, community cohesion and international travel. Many human rights organisations have raised concerns around the human rights impact of lockdown and the UK Government's response to Covid-19.
30. The true impacts of these measures have not yet been measured but are of considerable concern. The delay of cancer diagnosis and other medical interventions as well as the economic impacts of repeated lockdowns will undoubtedly add to the Covid-19 related fatalities in the UK.

¹⁴ Ibid.

¹⁵ ITV, "Matt Hancock says there could be 'a third jab' as holidays still unlikely" (29th March 2021) <https://www.itv.com/thismorning/articles/matt-hancock-third-vaccine-travel-holiday-ban>

¹⁶ University of Glasgow, "New Study Reveals the Mental Health Impact of Initial Lockdown Period" (21st October 2020) https://www.gla.ac.uk/news/coronavirus/headline_758432_en.html

¹⁷ O'Connor, R., Wetherall, K., Cleare, S., McClelland, H., Melson, A., Niedzwiedz, C., . . . Robb, K. (2020). Mental health and well-being during the COVID-19 pandemic: Longitudinal analyses of adults in the UK COVID-19 Mental Health & Wellbeing study. *The British Journal of Psychiatry*, 1-8. doi:10.1192/bjp.2020.212 <https://www.cambridge.org/core/journals/the-british-journal-of-psychiatry/article/mental-health-and-wellbeing-during-the-covid19-pandemic-longitudinal-analyses-of-adults-in-the-uk-covid19-mental-health-wellbeing-study/F7321CBF45C749C788256CFE6964B00C>

¹⁸ Ibid.

31. The impact of the second set of National Lockdowns has yet to be fully assessed but it would seem clear that many of the problems associated with extended lockdowns have deepened further, with those from the most vulnerable backgrounds faring worst, and significant concerns growing around the impact of social isolation on the mental well-being of a range of demographic groups. From an EIS perspective there are twin concerns – the impact on teachers of coping with remote learning platforms and the recognised impact of children of being absent from in-school provision.
32. Reflecting on the policy decisions that the UK Government made in relation to the threat of Covid-19, Dr Cairney states:
33. “Much analysis of its competence relates to its focus on intervening in late March to protect healthcare capacity during a peak of infection, rather than taking a quicker and more precautionary approach. This judgement relates partly to forecasting errors, but also its definition of the policy problem. Note that SAGE evidence and advice played an important role in UK ministerial deliberation and action. From their perspective, many elements of the response should only be judged while reflecting on its long-term consequences. This evaluation is of a different order to specific deficiencies in preparation (such as shortages in PPE), immediate action (such as to discharge people from hospitals to care homes without testing them for COVID-19), and implementation (such as an imperfect test-trace-and-isolate system).”¹⁹
34. From the evidence collected so far, it is simply too early to tell whether the UK response to the Covid-19 pandemic has been the right one. Indeed, many scientists have suggested that we may not have this evidence for another decade. However, we can look at the immediate effects of Government management. Continual lockdowns have impacted society, and may have already caused fatal harm to individuals, further compounding the threat that Covid-19 poses in the UK.

Elimination Strategy (Zero-Covid Strategy)

35. In countries that have achieved a low incidence of COVID-19 infection, such as Australia and New Zealand, disease elimination has been proposed. Yet we do not have a definition of elimination for COVID-19. Both these countries implemented early, widespread, and strict disease mitigation strategies. With low cumulative incidence, most of the population in these countries remain susceptible to Covid-19.
36. The concepts of disease elimination and eradication mostly relate to immunisation programme outcomes. Disease eradication is the global reduction of infection to zero cases, whereas disease elimination is the absence of sustained endemic community transmission in a country or other geographical region.²⁰ Research suggests that with ongoing global Covid-19 transmission, reduction to zero cases in a defined region is only possible with stringent travel restrictions.²¹ For COVID-19, modelling estimates suggested that sustained restrictions that reduced travel by 90% to and from Wuhan, China, early in the spread of SARS-CoV-2, only modestly affected the epidemic trajectory to other regions of China.

¹⁹ Dr Paul Cairney, “The UK government’s COVID-19 policy: assessing evidence-informed policy analysis in real time” *British Politics* (2021) 16:90–116 (Springer Nature Limited, 1st November 2020) [The UK government’s COVID-19 policy: assessing evidence-informed policy analysis in real time \(springer.com\)](https://www.springer.com/journal/11243/issue/11243-2021-16)

²⁰ Anita E. Haywood and C Raina Macintyre, “Elimination of COVID-19: what would it look like and is it possible?” *The Lancet* VOLUME 20, ISSUE 9, P1005-1007 (1st September 2020) [https://www.thelancet.com/journals/laninf/article/PIIS1473-3099\(20\)30633-2/fulltext](https://www.thelancet.com/journals/laninf/article/PIIS1473-3099(20)30633-2/fulltext)

²¹ Ibid.

However, in Australia, travel bans were highly effective in controlling the spread of SARS-CoV-2 into Australia and averted a much larger epidemic.²²

37. Elimination of any infectious disease is an ambitious strategy, requiring substantial resources to achieve. The WHO criteria for elimination of measles are evidence of low incidence, high quality surveillance with rapid outbreak response, and high population immunity.²³ Researchers Heyward and Macintyre state that:
38. “Without a vaccine, the criteria of low incidence and high population immunity are mutually exclusive propositions. The basic reproduction number (R0) for COVID-19 probably lies between 2 and 3; therefore, more than 60% population immunity is required to induce herd immunity. Less than 5% of the population are estimated to have been infected in high burdened countries, such as Italy, excluding any consideration of plans to allow unmitigated transmission of COVID-19. Only vaccination can purposefully achieve a sustained and sufficiently high population immunity to eliminate epidemic respiratory infections such as COVID-19. Until then, NPIs flatten the epidemic curve and can lengthen the interepidemic period.”²⁴

Elimination Strategy in New Zealand

39. New Zealand moved into lockdown on 25th March 2020. Prime Minister Jacinda Ardern had introduced the country to the now well-known alert level system only a few days earlier. Like many citizens across the world, New Zealanders were told to stay home. Thousands of non-essential businesses were told to set employees up to work from home or close their doors.²⁵
40. A few days later the New Zealand Government published their elimination strategy. Below are the key points outlined within their strategic aims:

Aotearoa/New Zealand is implementing a strategy of elimination for COVID-19. The aims of this strategy are:

- to eliminate transmission chains in Aotearoa/New Zealand
- to prevent the emergence of new transmission chains originating from cases that arrive from outside the country.

Successful achievement of these aims requires multiple and comprehensive control measures, implemented at high intensity. The control measures support four main strategy objectives:

- to identify and stop each transmission chain.
- to prevent undetected transmission

²² Ibid.

²³ WHO, “Framework for verifying elimination of measles and rubella. Wkly Epidemiol Rec. 2013; 88: 89-99 https://apps.who.int/iris/bitstream/handle/10665/242035/WER8809_89-98.PDF

²⁴ Anita E. Haywood and C Raina Macintyre, “Elimination of COVID-19: what would it look like and is it possible?” The Lancet VOLUME 20, ISSUE 9, P1005-1007 (1st September 2020) [https://www.thelancet.com/journals/laninf/article/PIIS1473-3099\(20\)30633-2/fulltext](https://www.thelancet.com/journals/laninf/article/PIIS1473-3099(20)30633-2/fulltext)

²⁵ New Zealand Herald, “Covid 19 coronavirus: One year on from New Zealand's unprecedented move into full lockdown” (24th March 2021) <https://www.nzherald.co.nz/nz/covid-19-coronavirus-one-year-on-from-new-zealands-unprecedented-move-into-full-lockdown/LMCXYZXAHXSP44IGBWN6P24HKQ/>

- to prevent seeding of new clusters into Aotearoa/New Zealand, using border control measures
- to prioritise equity.

“An elimination strategy has strong potential to:

- avoid COVID-19-specific health inequities for Māori and Pacific peoples and those living in socioeconomic deprivation.
- prevent high rates of COVID-19-related permanent disability and death.
- allow earlier de-escalation of control measures and quicker resumption of normal activities including return to work and provision of comprehensive primary, secondary and preventative health care.
- extract maximum benefit from necessary control measures.”²⁶

41. On the 25th March 2020 when New Zealand announced their national lockdown, they had 102 confirmed cases at the time — 36 new cases had been announced that day and transmission had been identified in the community.²⁷ The UK entered lockdown on the 23rd March 2020, just a few days beforehand with daily cases at over 2,000 and a death toll of 364.²⁸
42. Over the last year, New Zealand, along with Australia have both managed to achieve zero covid cases. That position has now been maintained although there have been further outbreaks and localised lockdowns. These two nations who have a longstanding political alliance have just recently opened up a travel corridor, enabling quarantine-free travel between both nations.²⁹

Success of Elimination Strategies

43. Research published by the Institut économique Molinari compares the G10 countries to three OECD countries that have implemented an elimination strategy (Australia and New Zealand) and South Korea who adopted a similar strategy. The data collected in this research shows the benefits of the elimination strategy and contradicts the idea, widespread in the UK, that it was necessary to choose between protecting the economy and protecting public health on the grounds that these two goals were in conflict. At this stage, experience shows the elimination strategy (Zero Covid) to be more effective in both health and economic terms than the mitigation strategy applied in many countries.³⁰

²⁶ New Zealand Government, Ministry of Health, “Aotearoa/New Zealand’s COVID-19 elimination strategy: an overview” (7th April 2020) <https://www.health.govt.nz/system/files/documents/pages/aotearoa-new-zealands-covid-19-elimination-strategy-an-overview17may.pdf>

²⁷ New Zealand Herald, “Covid 19 coronavirus: One year on from New Zealand's unprecedented move into full lockdown” (24th March 2021) <https://www.nzherald.co.nz/nz/covid-19-coronavirus-one-year-on-from-new-zealands-unprecedented-move-into-full-lockdown/LMCXYZXAHXSP44IGBWN6P24HKQ/>

²⁸ BBC News, “Covid: UK marks one year since the first lockdown” 23rd March 2021 <https://www.bbc.co.uk/news/uk-56491532>

²⁹ Forbes, “Covid-19 Travel Bubble Formed Between New Zealand And Australia” (6th April 2021) <https://www.forbes.com/sites/robertglatter/2021/04/06/covid-19-travel-bubble-formed-between-new-zealand-and-australia/?sh=78fce48f501f>

³⁰ Cecile Philippe and Nicholas Marques, “The Zero Covid strategy protects people and economies more effectively”

44. This research is helpful when evaluating the progress that has already been made by countries that adopted elimination strategies rather than mitigation strategies from the outset of the virus. What is less known is how countries that had previously adopted mitigation strategies could switch to a zero Covid model.
45. One consideration to be noted is the role of vaccines within the elimination model. As both New Zealand and Australia implemented policies to contain the spread, they have not yet vaccinated the most vulnerable within their society. New Zealand for example has prioritised vaccinating their border control staff, before rolling out vaccines for the over 65s in Auckland.³¹
46. A recent survey of New Zealanders found that only 51% said they would accept the vaccine. 18% said it was unlikely and 24% were unsure. In the UK over 60% of adults have already received their first dose of the vaccine.³²
47. Whilst the success of the elimination strategy is clear in the short term - reduced mortality rates, improved economic performance and fewer damaging lockdowns (that have been shorter in duration) - what is less clear is the longer-term benefits. Prime Minister Jacinda Ardern has revealed New Zealand will need to have a certain level of Covid-19 herd immunity before border restrictions are significantly altered.³³ As there have been significantly fewer infections within New Zealand when compared to countries like the UK, that means that all herd immunity will have to be achieved through vaccination. This means that the New Zealand policy aim, much like the UK's, relies heavily on achieving as close to 100% vaccination as possible.

Elimination Strategy In the UK

48. Scotland's first minister, Nicola Sturgeon, told a press briefing on 28th July that she had suggested that all four UK nations align "around a strategy that is effectively about trying to eliminate the virus."³⁴
49. "If we could all align around an approach that is very explicitly about driving this virus down to the lowest possible level and allow our policy decisions to flow from that, then I think that would be a good step forward, as opposed to having an approach that allows the virus to hover around at a certain level and then hope it doesn't overwhelm you," she said.
50. The zero-Covid strategy means eliminating all cases of coronavirus from a country or region. It differs from eradication, which means wiping out a disease on a global level. The Independent Sage group of scientists, which scrutinises the Government's response to the

³¹ The Guardian, "New Zealand Covid vaccine rollout: hard-hit south Auckland to be prioritised" (10th March 2021) <https://www.theguardian.com/world/2021/mar/10/new-zealand-covid-vaccine-rollout-hard-hit-south-auckland-to-be-prioritised>

³² ITV, "Covid vaccine tracker: How many people have been vaccinated in the UK and when will I get it?" <https://www.itv.com/news/2021-01-06/latest-vaccine-news-follow-the-uk-rollout-of-the-coronavirus-jab-with-our-daily-tracker>

³³ New Zealand Herald, "PM Jacinda Ardern: NZ needs certain level of herd immunity before border restrictions eased" <https://www.nzherald.co.nz/nz/politics/pm-jacinda-ardern-nz-needs-certain-level-of-herd-immunity-before-border-restrictions-eased/VONTIWIP5OU5UC2DJFAKXETVAI/>

³⁴ BMJ, "Covid-19: Should the UK be aiming for elimination?" BMJ 2020;370:m3071 (published 3rd August 2020) https://www.bmj.com/content/370/bmj.m3071?ijkey=d57d5ef260d0d7aa87d539e86f5218bfd6c3c589&keytype2=tf_ipsecsha

virus, believes ministers' prime objective should be achieving zero-Covid in Britain and Ireland.

51. In a report published in early July 2020³⁵, the group said the main parts of the strategy should be to fully develop a community-based test and trace system, restrict the loosening of lockdown in any part of the UK to control the outbreak and limit international travel. Highlighting that each part of the UK was in a unique position in relation to the virus, the scientists said the devolved governments needed to work together. Key points from this report included:
52. The prospect of many thousands of further deaths from COVID-19 over the next nine months is unacceptable.
53. The UK government must propose and share with the public a strategic plan on how the pandemic is going to be managed in the next 12 months and of how the various measures against the pandemic fit together in an integrated plan. Independent SAGE believes that this strategy should have as its prime objective the achievement of a Zero COVID Britain and Ireland
54. It will require the government in Whitehall to replace their failing NHS Test and Trace System with a fully-fledged and locally controlled system of Find, Test, Trace, Isolate, Support (FTTIS) The Republic of Ireland, Scotland and Northern Ireland already have very few deaths and very small numbers of new positive cases. They have the virus under control and are well placed to achieve elimination of the virus.
55. England and Wales will need to make the necessary efforts as soon as possible to achieve the same position.
56. Achieving elimination would allow all social distancing measures to be lifted, schools to be fully open, the hospitality and entertainment industries to reopen fully, revitalisation of the economy and a sense of much needed normality for the population.
57. Andrew Lee, from the School of Health and Related Research at University of Sheffield also advocates for an elimination strategy in the UK. Writing in the British Medical Journal in September 2020 he argued:

*Even if elimination is not achieved, the measures taken will drive infection numbers down to levels that make it more easily contained. The risk of community spread then becomes low, and normality can be restored for schools, businesses, and social life. Moreover, elimination measures are similar to suppression measures except that they are applied with greater force and rigour. These measures may also have the co-benefit of reducing other infections.*³⁶

58. Simon Thornley, an epidemiologist at University of Auckland, New Zealand argues that whilst elimination is a desirable aim, it is not possible to achieve with Covid-19. Writing in the British Medical Journal in September 2020 he argued:

For measles, the World Health Organization defines regional elimination as no community transmission for more than 36 months, in the presence of good surveillance. Genotyping evidence is also recommended to assess the interruption of endemic spread. After

³⁵ Independent Sage, "A Better Way To Go: towards to a Zero COVID UK" (published 7th July 2020)

<https://www.independentsage.org/wp-content/uploads/2020/07/20200717-A-Better-Way-To-Go.pdf>

³⁶ The British Medical Journal, "Should countries aim for elimination in the covid-19 pandemic?" BMJ 2020;370:m3410 (9th September 2020)

<https://www.bmj.com/content/370/bmj.m3410?ijkey=daecdc763abb7a1b2ca93b2febdf2bbd1dc9e46f&keyty pe2=tf ipsecsha>

elimination is thought to have been achieved, the molecular information from new cases should be compared to ensure that these are different genotypes. To date, the only globally eradicated human disease is smallpox, which took 30 years to achieve and was dependent on an effective vaccine.

Such a definition sets a very high bar, borne out by previous programmes. It also means that what New Zealand had achieved with no locally acquired cases in three months, although impressive, is far from the generally accepted definition of elimination.

59. Both men were presenting their viewpoint on an elimination approach, before the first vaccine had been developed.

Sustained Suppression Strategy

60. As can be seen from the above there are significant common elements to the differing camps around how to tackle the Covid virus, although retrospective analysis sharpens the differences especially around pace and emphasis of specific areas, for example the use border controls.
61. Moving forward, the vaccination process is clearly critical and shapes the strategy considerations for all.
62. The Independent Scientific Advisory Group for Emergencies (Independent SAGE), in a report published in February 2021 (“A ‘Sustainable Suppression’ Strategy for Keeping Society Open”) advocated what it referred to as a “sustained suppression strategy”³⁷.
63. The sustained suppression strategy rests on five key policy pillars:
- Vaccination for the entire population (including children once approved) in the expectation of regular boosters in the future as required.
 - Widespread testing (including, where appropriate, testing of asymptomatic cases) as part of a test, trace and isolate system rooted in local communities and organized through local public health bodies.
 - A comprehensive resource package which enables people from all sections of the community to self-isolate.
 - Accreditation as “COVID secure space” of all public spaces (schools, hospitality, workplaces etc.) through a robust system of guidance, support, regulation and inspection to ensure that they meet COVID safety standards (spatial distancing, ventilation, enhanced hygiene etc.).
 - Strict control of borders and limits on international travel.³⁸
64. In its paper it stated,

³⁷ Nature Magazine, “Sustained suppression” Nat Biomed Eng 4, 479–480 (13th May 2020) <https://doi.org/10.1038/s41551-020-0567-0>

³⁸ The Independent Scientific Advisory Group for Emergencies (SAGE), “A ‘Sustainable Suppression’ Strategy for Keeping Society Open” (inde_SAGE 19th February 2021) <https://www.independentsage.org/a-sustainable-suppression-strategy-for-keeping-society-open/>

It is important to stress, therefore, that our strategy is not a “lockdown” strategy. To the contrary, further lockdowns only become necessary where there is a failure to implement sustainable suppression measures that we describe below.

There are two main elements to our approach. The first concerns the short-term ‘lockdown’ measures necessary to bring infections down to levels where the strongest restrictions are no longer necessary... The second element concerns the measures necessary to keep infections at a sufficiently low level to allow for local outbreaks to be handled without the need to impose general lockdowns. While vaccination is a key measure – and makes suppression considerably easier - it is certainly insufficient on its own until the entire population is vaccinated and may remain insufficient even then (due to uncertainties about the level of protection and longevity that it affords, especially given the emergence of new variants).³⁹

65. Interestingly, an article in the Lancet, November 9th, 2020, co-authored by a number of key scientists including Christina Pagel, Zoe Hyde and Deepti Gurdasanni, is supportive of a UK sustainable strategy and had this to say around Education:

We need to ensure continued and undisrupted education for children of all ages.

For this, we need to control community transmission and transmission in educational settings. Schools need clear guidance and support packages, including better ventilation and air filtration, particularly through winter. We recommend use of face coverings for staff and secondary school children (with exemptions) and encourage mask use among primary school children. Empty facilities could be repurposed to allow face-to-face education with smaller class sizes to minimise transmission. Additional teachers could be recruited, or as SAGE has suggested, a blended teaching system adopted (50% students attend, 50% are taught online in a given week), as has been implemented in Ontario, Canada. For the latter, children must be provided with access to laptops or tablets and broadband internet. If school closures become necessary to control transmission, schools must be supported to move to online teaching to ensure all children can continue their education, and families must be provided with practical and financial support.

66. This clearly echoes the EIS call for consideration of blended learning approaches at Level 4.

Conclusions

67. A key issue for the Executive to consider is the need to reflect the mood of members in our public stances on Covid 19. Clearly there is not always a unanimous position on matters, as some of the feedback on vaccination prioritisation indicated, but more broadly there has been widespread support from members around the Institute’s advocacy on health and safety matters and the challenges associated with lockdown and remote teaching.
68. National polls have underlined member support for maintaining school opening where safely possible to do so and there is a clear recognition and concern around the significant challenges being faced by children and young people.
69. Whilst the current demands around “vaccination, ventilation and face coverings” remain pertinent, the reopening of schools as part of the move out of lockdown has been accepted by members, notwithstanding ongoing safety concerns.

³⁹ Ibid.

70. From the evidence above, retrospectively it is clear that countries that implemented an elimination Covid approach fared better in the short-term when compared to other countries that implemented a mitigation and suppression policy. Mortality rates were significantly lower, and the impact to the economy has been considerably less damaging.
71. As referenced in the opening section of this paper, however, the Zero Covid campaign advocates strongly for a continued Lockdown Strategy as part of its platform, to almost zero cases, which may be a challenge for many members.
72. The sustained suppression strategy advocated by Independent Sage, key elements of which coincide with an elimination objective, would seem to offer a policy framework which is inclusive of the EIS objectives and which takes account of many of the equality impacts of lockdowns.
73. Executive is invited to consider the issues raised in this paper and determine how it wishes to dispose of the Council resolution.

Covid-19 Elimination Strategies Used in New Zealand and Australia

1. The EIS Council adopted the following resolution in January 2021:
"That this Council asks the Executive Committee to;
 - (a) seek information from teacher trade unions in Australia and New Zealand about the Covid-19 elimination strategies adopted in these two countries and about the impact of these strategies on the delivery of education in these countries, and*
 - (b) publicise within the SEJ any information gained about any advantages and any disadvantages, arising from these elimination strategies, for learners and education workers in the two countries."*
2. All Education International affiliates were contacted with a request for information to fulfil the Council resolution. Both the Post Primary Teachers Association (PPTA) and the Australian Education Union (AEU) responded from New Zealand and Australia respectively. The Ex-President and Assistant Secretary (Organisation) spoke with the AEU. Additional background information was also obtained from the internet.

New Zealand

3. The PPTA described the New Zealand Government's response to the Pandemic as 'Go Hard – Go Early':
That said, with NZ's 'Go Hard - Go Early' approach including a 5-week level 4 lock down as soon as community spread was detected it meant students and teachers were learning and working from home for much less time overall than would have otherwise been the case.
4. The PPTA described the effect of the Covid Alert levels on schools as:
In NZ we have four levels, at level 3, 95% of secondary school students are at home and level 4 is a full lockdown so the figure is 100%. Levels one and two are more relaxed with near-normal attendance rates except in South Auckland where there is a large Pacific population who are incredibly fearful of covid and return-to-school rates are slower.
5. New Zealand's society and schools were moved from Alert Level 4 to Level 3 on April 28, 2020, and then to Alert Level 2 on May 13, 2020¹.
6. The IMF² has described New Zealand's initial reaction as:
The first confirmed COVID-19 case in New Zealand was reported on February 28, 2020. On March 25, 2020, New Zealand moved to Alert Level 4 restrictions after

¹ <https://www.imf.org/en/Topics/imf-and-covid19/Policy-Responses-to-COVID-19#N>

² Ibid

domestic transmission of the virus was found. The authorities declared a state of emergency and implemented strong containment measures, including the closure of all non-essential businesses, cancellation of all events and gatherings, and closure of schools. This followed the closure of all borders to non-residents on March 19, 2020, with returning residents required to enter into two weeks of supervised quarantine since April 10, 2020.

7. In mid-March 2020, the New Zealand Government³ committed to an “elimination strategy”. The NZ Government defined the aims of this policy as:
Aotearoa/New Zealand is implementing a strategy of elimination for COVID-19. The aims of this strategy are:
 - *to eliminate transmission chains in Aotearoa/New Zealand*
 - *to prevent the emergence of new transmission chains originating from cases that arrive from outside the country*
8. New Zealand Government’s elimination strategy also states:
Elimination does not mean eradicating the virus permanently from New Zealand; rather it is being confident we have eliminated chains of transmission in our community for at least 28 days and can effectively contain any future imported cases from overseas.
9. This elimination⁴ strategy, therefore, seeks to eliminate domestic transmission in New Zealand, and then contain any new cases that come from outwith the country using strong border and quarantine controls.
10. New Zealand operates a limited immigration policy at the moment, focussing on allowing its citizens to return to the county, with arrivals requiring a two-week stay in a quarantine hotel that has CCTV. They are not allowed to leave their rooms for the period. Despite these measures, some Covid cases (from these incoming travellers) have arisen in the community.
11. The national lockdown in New Zealand on 25 March 2021 was highly restrictive and, together with tight border controls, were aimed at disease elimination. This resulted in New Zealand effectively eliminating Covid in the community in mid-2020. As a Lancet⁵ paper published in October 2020 stated:
In conclusion, our study indicates that early and intense implementation of national COVID-19 suppression strategies have effectively altered the course of New Zealand’s epidemic and limited the burden of disease and inequities in this high-income democratic setting, initially achieving COVID-19 elimination.
12. Figure 1, Number of cases in New Zealand as published by John Hopkins University⁶.

³ New Zealand’s elimination strategy for the COVID-19 pandemic and what is required to make it work;
<https://www.nzma.org.nz/journal-articles/new-zealands-elimination-strategy-for-the-covid-19-pandemic-and-what-is-required-to-make-it-work>

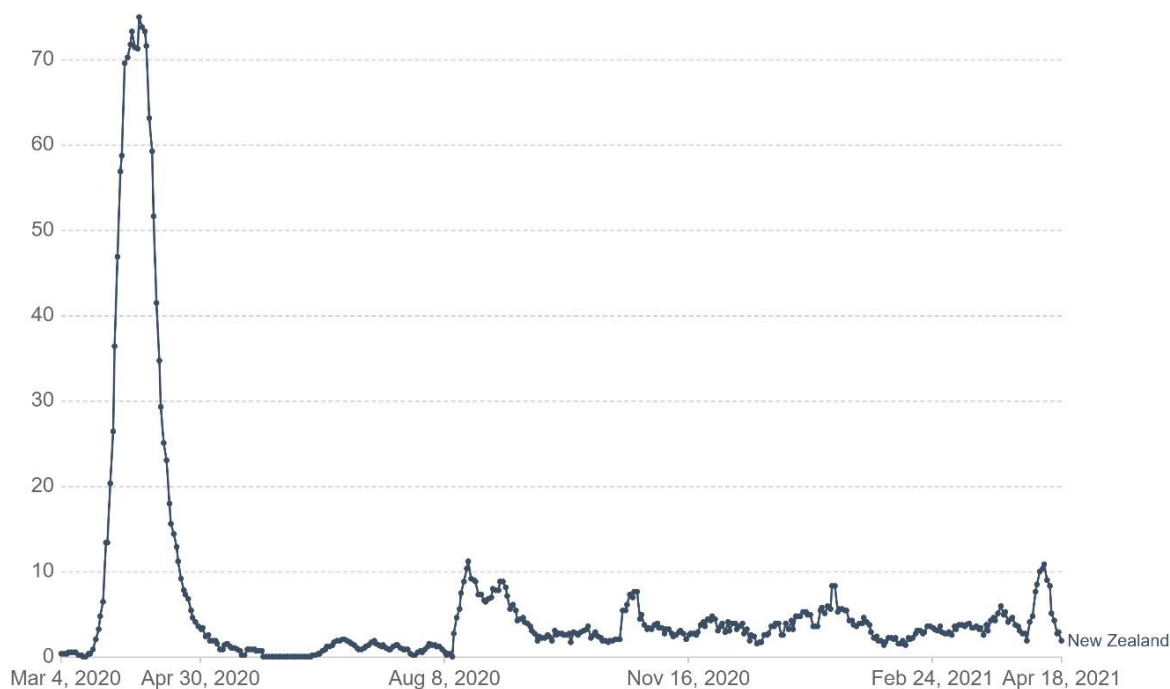
⁴ The aim of the elimination strategy is to stop community transmission of COVID-19 in New Zealand. This includes preventing onward transmission from cases that might arrive in New Zealand from overseas.

⁵ COVID-19 in New Zealand and the impact of the national response: a descriptive epidemiological study;
[https://www.thelancet.com/journals/lanpub/article/PIIS2468-2667\(20\)30225-5/fulltext](https://www.thelancet.com/journals/lanpub/article/PIIS2468-2667(20)30225-5/fulltext)

⁶ John Hopkins University Data obtained at; <https://ourworldindata.org/coronavirus/country/new-zealand>

Daily new confirmed COVID-19 cases

Shown is the rolling 7-day average. The number of confirmed cases is lower than the number of actual cases; the main reason for that is limited testing.



Source: Johns Hopkins University CSSE COVID-19 Data

CC BY

13. Since mid-2020, however, a number of Covid cases rose due to incoming travellers not being safely contained by the quarantine system for travellers. As Figure 1 shows, the daily new cases ranged between 0 and 11 a day – i.e. are very low. These infections did not lead to a second lockdown, but led to three local Alert Level 3 lockdowns in Auckland. The PPTA stated:
Auckland is different again, having three further level 3 lockdowns (one in 2020 and two in 2021) when further cases were detected in the community (about one week each).
14. The New Zealand Government seems to have the decision-making powers to directly control the pandemic response, which is different to Australia which has decentralised pandemic response to State level in Australia. The PPTA has suggested that this structure was an advantage in New Zealand:
Unlike Australia, NZ has no federal and state level management of covid. We are a single state (federal only with no upper house either), and I would argue this makes a national covid elimination strategy easier to deliver on.
15. The New Zealand Medical Journal⁷ has published a good description of an NZ elimination and how it differs from a 'flatten the curve' strategy (i.e. mitigation or suppression):

⁷ New Zealand's elimination strategy for the COVID-19 pandemic and what is required to make it work;
<https://www.nzma.org.nz/journal-articles/new-zealands-elimination-strategy-for-the-covid-19-pandemic-and-what-is-required-to-make-it-work>

This elimination strategy is a major departure from pandemic influenza mitigation. With the mitigation strategy, the response is increased as the pandemic progresses and more demanding interventions such as school closures are introduced later to 'flatten the curve.' Elimination partly reverses the order by introducing strong measures at the start in an effort to prevent introduction and local transmission of an exotic pathogen such as COVID-19. This approach has a strong focus on border control, which is obviously easier to apply for island states. It also emphasises case isolation and quarantine of contacts to 'stamp out' chains of transmission. If these measures fail and there is evidence of community transmission, it then requires a major response (physical distancing, travel restrictions and potentially mass quarantines or 'lockdowns') to extinguish chains of transmission.

The elimination strategy has benefits over mitigation: if started early it will result in fewer cases of illness and death. If successful it also offers a clear exit path with a careful return to regular activities with resulting social and economic benefits for New Zealand. The elimination strategy can also support Pacific Island neighbours to remain free of this virus once they relax current border controls.

16. Except for Auckland, schools were only closed for a short period between March and early May 2020. The PPTA has suggested that this short lockdown period was due to the Government's "Go Hard - Go Early" approach: ...meant students and teachers were learning and working from home for much less time overall than would have otherwise been the case."
17. The PPTA has stated that secondary pupil end-of-school attainment has not been adversely affected and, indeed, has risen:
In the secondary space where PPTA works, NCEA (our national qualification) had higher achievement rates in 2020 than in previous years.
18. In terms of the education issues and problems raised in New Zealand, The PPTA has identified the following two:
 - i. *The digital divide, higher socio-economic homes have access to more devices and higher quality internet, more home office space, parents in professional occupations so more easily able to work from home.*
 - ii. *A rural divide, farming communities have capped and slower data plans in NZ creating a different barrier to the socio-economic divide found in urban areas.*
19. New Zealand has a sophisticated find, track and trace system to support maximum suppression with the aim of elimination of Covid transmission chains in the community. This system also analyses the lessons from each outbreak/cluster down to a granular level using the scientific and epidemiologic methods, including DNA analysis.
20. The New Zealand Government's Strategy Paper⁸ states that it will seek to "Identify and stop each transmission chain." Two case-study papers that report on two local

⁸ https://www.health.govt.nz/system/files/documents/pages/aotearoa-new_zealands_covid-19_elimination_strategy-an_overview17may.pdf

transmission chains are of particular interest and illustrate the challenges faced to maintain the elimination of Covid-19 in the country that had already eliminated Covid and applied a highly restrictive travel regime.

21. A case-study paper, 'Transmission of Severe Acute Respiratory Syndrome Coronavirus 2 during Border Quarantine and Air Travel, New Zealand (Aotearoa)⁹', investigates a family that had tested Covid-19 negative pre-flight and again after arrival, then left quarantine after two weeks only to subsequently become ill with Covid-19. The family had then transmitted Covid-19 within a subsequent domestic flight and within the household which they later stayed. Using supported by closed-circuit television observations, genomic sequence analyses, and epidemiologic investigations the Case Study concluded that:

Nevertheless, footage showed that during routine testing on day 12, which took place within the doorway of the hotel rooms, there was a 50-second window between closing the door to the room of case-patient C and opening the door to the room of case-patients D and E. Therefore, we hypothesized that suspended aerosol particles were the probable mode of transmission in this instance, and that the enclosed and unventilated space in the hotel corridor probably facilitated this event.

Major aspects included a probable case of transmission without direct person-to-person contact by aerosol within MIQ [quarantine hotel]; transmission in-flight, as well as within households; and use of genomic sequence analysis to confirm probable direction of transmission between cases. These findings reinforce the need for rigorous border control processes for countries pursuing COVID-19 elimination, as well as real-time integration of genomic and epidemiologic data to inform outbreak investigations.

22. Another Case Study¹⁰, Transmission of SARS-CoV 2 During Long-Haul Flight, also reinforces the fact that Covid-19 (i.e. SARS-CoV-2) transmission also reinforces the fact that Covid-19 transmission occurs within plane travel:

Combined, these data present a likely scenario of at least four onward transmission events of SARS-CoV-2 during a long-haul flight from Dubai, UAE to Auckland, New Zealand. These transmission events occurred despite reported use of masks and gloves in-flight.

Similar reports of SARS-CoV-2 being transmitted in-flight have recently come to light. Those reports, along with the findings reported here, demonstrate the potential for SARS-CoV-2 to spread on long-haul flights

23. This case study¹¹ concluded: *While not definitive, these findings underscore the importance of considering all international arrivals into New Zealand as potentially*

⁹ Transmission of Severe Acute Respiratory Syndrome Coronavirus 2 during Border Quarantine and Air Travel, New Zealand (Aotearoa); https://wwwnc.cdc.gov/eid/article/27/5/21-0514_article

¹⁰ Transmission of SARS-CoV 2 During Long-Haul Flight ; https://wwwnc.cdc.gov/eid/article/26/11/20-3299_article

¹¹ Ibid

infected with SARS-CoV-2 even if pre-departure tests have been undertaken, social distancing and spacing have been followed and personal protective equipment has been used in flight.

24. The small number of Covid-19 cases recently found in New Zealand allows its authorities to carefully investigate each cluster and learn from each cluster. It is questionable whether a country with significantly higher community Covid rates could do so.
25. The New Zealand Government elimination strategy¹² is designed to buy time until a treatment or vaccine is utilised:
It is accepted that this approach will be needed in the long term ie, for many months or longer, depending on the emerging epidemiology and evidence around the disease and its management and progress with developing safe and effective treatments and/or vaccines.
26. Whilst New Zealand is sometimes quoted to have “eliminated”¹³ Covid-19 for a short period of time in mid 2020, it now has a low number of small, localised clusters of Covid with limited community transmission. It is interesting to note that it has done this without the use of a vaccine. There are reports that New Zealand is finding it difficult to obtain large amounts of the vaccine. Furthermore, it has prioritised vaccination to support its elimination strategy – eg by vaccinating Border Security staff and those that deal with incoming travellers as opposed to those that are aged or vulnerable to Covid.

Australia

27. The Ex-President and Assistant Secretary (Organisation) met online with Susan Hopgood (AEU Federal Secretary) and Meredith Peace (AEU Victoria Branch President) on Tuesday 13th April.
28. The Australian Covid response is divided between the Federal Government (which provides funding) and State Governments that have the responsibility for pandemic responses. Both are democratically elected Governments and there have been some tensions, but on the whole, both levels of Government seem to have worked well together in a non-partisan manner.
29. The Australian Government has not followed an elimination strategy like New Zealand, it has followed a maximum suppression model¹⁴:

The Australian Government’s health response to the COVID-19 outbreak aims to:

- *minimise the number of people becoming infected or sick with COVID-19*

¹² <https://www.health.govt.nz/our-work/diseases-and-conditions/covid-19-novel-coronavirus/covid-19-response-planning/covid-19-elimination-strategy-aotearoa-new-zealand>

¹³ “Elimination” should not be conflated with “eradication”. The “Elimination of COVID-19: what would it look like and is it possible?” paper [https://www.thelancet.com/journals/laninf/article/PIIS1473-3099\(20\)30633-2/fulltext#back-bib6](https://www.thelancet.com/journals/laninf/article/PIIS1473-3099(20)30633-2/fulltext#back-bib6) states, “Disease elimination is the absence of sustained endemic community transmission in a country or other geographical region.”

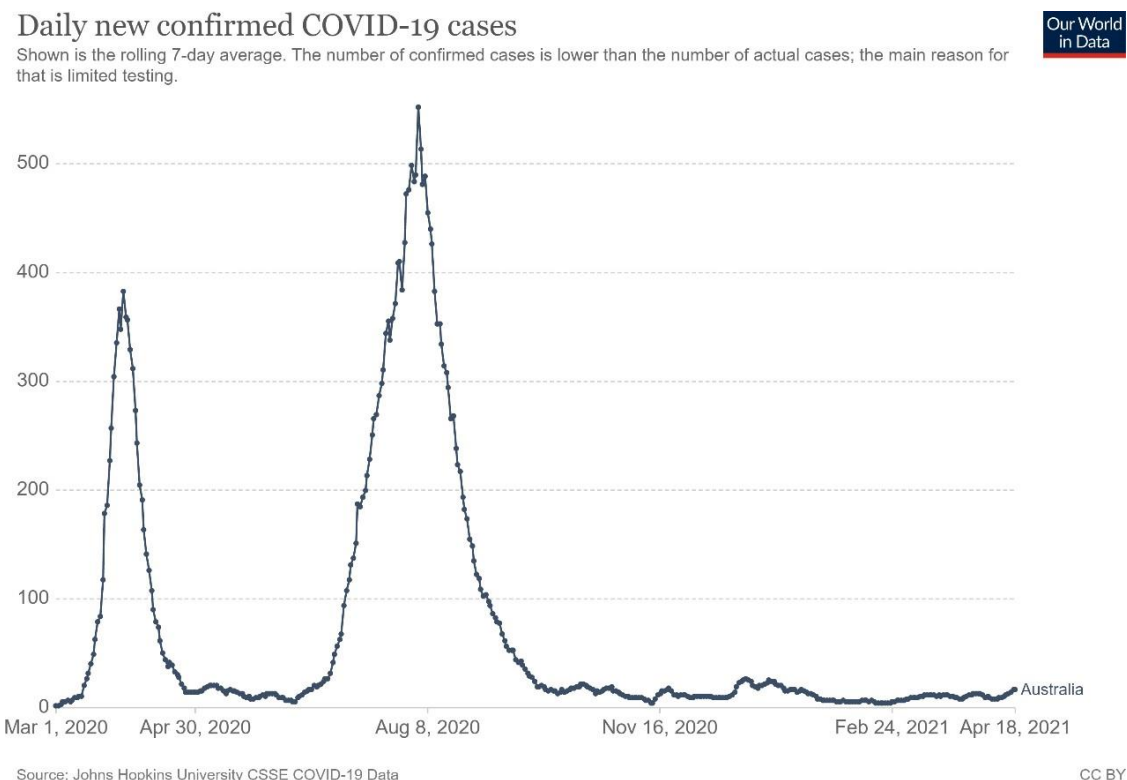
¹⁴ <https://www.health.gov.au/news/health-alerts/novel-coronavirus-2019-ncov-health-alert/government-response-to-the-covid-19-outbreak#our-aims>

- *minimise how sick people become and the mortality rate*
- *manage the demand on our health systems*
- *help you to manage your own risk and the risk to your family and community*
- *support work towards a vaccine*
- *make a COVID-19 vaccines available to Australians for free.*

30. When the Victoria State Government implemented measures that went beyond Federally agreed measures, it denied that it was implementing an elimination strategy¹⁵.

31. Australia had one “national” lockdown although there was a second wave of infections. The second wave was largely dealt with localised lockdowns determined at State level.

32. The data below is from the John Hopkins University Coronavirus Resource Center accessed through <https://ourworldindata.org/coronavirus/country/australia>



33. The Australian Government (Federal and State levels) acted quickly after the emergence of Covid 19 and closed its international borders and imposed a home isolation programme for returning citizens. Australia quickly moved to a mandatory hotel quarantine system in which hotel rooms were often guarded by police or military. The number of travellers coming into Australia is currently capped by a specific number of quarantine hotel spaces available.

¹⁵ Meeting with AEU

34. There were also local travel restrictions within states, between states and territories that temporarily shut their borders down. Permits were required for intra-state travel. Hefty fines were imposed on citizens that breached Covid-19 restrictions.
35. Other restrictions limiting households meeting and closing non-essential business were also enacted. Dr Anthony Fauci, the director of the US National Institute of Allergy and Infectious Diseases, told the Centre for Strategic & International Studies¹⁶ event:
"If you look at the monitoring of how well we locked down, we never really locked down completely... We had a terrible economic impact but we never really locked down as well or as completely as Australia did."
"I think a combination of the other things Australia did correctly really led to the fact they've done really quite well when you compare them to other countries in the world."
36. Schools did not immediately close during the national lockdown, and some stayed open throughout, albeit with reduced student physical attendance at the epidemic peak¹⁷. The Federal Government wanted to keep schools open whilst the State Governments wanted to close schools¹⁸. There were early tensions between State Governments and the Federal Government. The AEU suggested that the States appeared to rise to the challenge more effectively.
37. The Austrian Government (at the state level) developed Find, Track and Trace systems to identify and isolate Covid sufferers. The AEU has suggested that the system got better with time and is now considered very effective and works on a case-by-case basis. It now effectively identifies secondary as well as primary contacts. Furthermore, there is easy and fast access for testing for anyone who wishes to be tested.
38. When the number of cases became too high for the Tracing system to cope, Australia entered into a second lockdown (July-November 2020).
39. Schools and other aspects of school education are administered by State Governments. Schools were generally closed during national lockdown, although the timing and scope were determined at the State level as set out in para 36. Schools in rural areas were closed for a shorter period than in urban (metropolitan) areas.
40. Outwith lockdowns (national, State or local) schools were closed and disinfected if there was one confirmed Covid case in a school. This is a low threshold compared to Scotland and was despite the fact that some Australian studies found low Covid transmission within schools¹⁹.

¹⁶ <https://www.afr.com/politics/federal/when-australia-shuts-down-it-shuts-down-fauci-praises-australia-20210310-p579dg>

¹⁷ Transmission of SARS-CoV-2 in Australian educational settings: a prospective cohort study;
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7398658/>

¹⁸ <https://www.nytimes.com/2020/08/04/world/australia/coronavirus-melbourne-lockdown.html>

¹⁹ Transmission of SARS-CoV-2 in Australian educational settings: a prospective cohort study;
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7398658/>

41. Schools re-opened at the same time as other parts of society at the end of the national and local lockdowns. Teachers did not feel that they were being asked to go back to work whilst the rest of society was in lockdown.
42. Workload was an issue for teachers during the pandemic. In general, the AEU felt that schools were more flexible in how they carried out remote teaching during the second lockdown and that it was recognised that the school day could not be replicated online. Primary pupils were encouraged to have non-screen days and to play.
43. The AEU felt that the standing and reputation of teachers rose during the lockdowns as parents and carers better understood the 'breadth and complexity of teaching work. In the State of Victoria, this has led to negotiations for improved contracts for teachers.
44. Each Australian state administers its examination and accreditation system for school leavers. These systems have not been substantially changed for 2020 or 2021. A system of seeking individual pupil dispensation has been used to reflect personal circumstances and a school may also submit a school dispensation for a cohort of pupils – eg if local outbreaks have interfered with learning.
45. In general, AEU was happy with how education and accreditation were administered. It stated that there was no scandal or issue around last year's exam accreditation.
46. The AEU stated that it and other stakeholders had concerns around the "Digital Divide" for pupils. The AEU had pressed the Government to carry out a 'Digital Equity Audit'.
47. The AEU had also carried out a Digital Divide investigation and published a detailed report with the EIS. This seems an impressive and comprehensive document with data drilled to the local community level.
48. Notwithstanding a great deal of success in establishing an extremely low number of Covid cases in the community, including elimination in many areas, Australia has had some local lockdowns in addition to the national lockdowns in 2020. For example, Melbourne in Victoria had a five-day lockdown in February 2021. Fast acting "firebreak" lockdowns are a feature of the Australian Covid response. As determined at State level.
49. AEU stated that it understood that recent Covid cases are believed to have leached out from these quarantine hotels into the community²⁰. These transmission chains were investigated and found, in part, to be caused by transmission within the quarantine hotels and, also, to be due to quarantine hotel workers (having multiple jobs in order to attain a reasonable standard of living) transmitting the virus. This sparked a national discussion on the "casualisation" of work. As a result, a new

²⁰ <https://www.theguardian.com/australia-news/2021/apr/18/family-of-three-contrast-covid-from-infected-neighbours-in-hotel-quarantine-in-sydney>

Industrial Relations Bill was passed at the Federal level, although the AEU believes it will make matters worse.

50. The AEU believed that New Zealand's Covid strategy was "pretty similar" to Australia's but that New Zealand's lockdown restrictions were even tighter. The following example was cited; during lockdowns, restaurants were able to sell takeaway food in Australia but not in New Zealand.
51. Australia had brought down Covid-19 community infections to a very low level and, now, new cases seem to be cases brought in by international travellers. Australia has also done this without a vaccination or treatment programme.
52. The Australian vaccination programme has been slow as it has not been able to obtain sufficient quantities of vaccine.
53. The AEU noted that there is a Australia-New Zealand travel bubble that currently allows travel without quarantine restrictions between the two countries.

Recommendations

1. That the Committee note this report.
2. That the SEJ incorporate key issues from this report in its ongoing coverage of Covid related matters.

Attitudes of Trades Union to Covid Elimination Strategies

1. In March, 2021, the EIS Council adopted the following resolution:

"That this Council resolve to investigate and report on the attitude of a variety of trade unions in Scotland and across the UK to 'Zero COVID' and to grant powers to the General Secretary and Office Bearers to decide on which unions to communicate with so that the report can be produced for the May 2021 meeting of Council."

2. Whilst there would seem to be many definitions of a "Zero Covid" strategy – all seem to be based on eliminating Covid with the use of strict lockdowns, travel & border restrictions, effective track & trace mechanisms, vaccination, PPE and state financial support for workers & employers.
3. The STUC, TUC, Unison, Unite, SSTA, NEU and UCU were asked for their position to a 'Zero Covid' position.
4. The TUC, Unison, NEU and SSTA unions stated that they did not have a position on 'Zero Covid'.
5. The UCU responded that its Congress carried a motion on 'Zero Covid' and shared the motion. The 'Zero Covid' element is copied below:

Congress believes that it is urgent to move towards a zero Covid strategy, which adjusts to circumstances but contains the following key elements:

- a. test, track, trace, isolate and support run by public health services.*
 - b. proper funding for isolation (use of hotels etc) & full financial support for those who need to isolate or are sick.*
 - c. protection of jobs/pay of all workers including casualised*
 - d. testing and supported isolation at all ports of entry*
 - e. a proper lockdown until R is close to zero with resources directed towards ensuring online learning and support for wellbeing and mental health*
 - f. full H&S measures in vital workplaces.*
6. The lack of definition around the term 'lockdown' and its acceptance of a low R number suggest that this is more of a maximum suppression strategy than a Covid elimination or eradication strategy.
 7. The STUC Congress carried a 'Zero Covid' motion in April 2021. Its key section is copied below:

"Congress calls on the Scottish Government to introduce legislation that would compel employers to stop non-essential work, while protecting the income of workers as part of a Zero COVID strategy."

8. This motion focuses on protecting non-essential worker's pay as part of a 'Zero Covid strategy' but that strategy is not set out, nor are any other 'Zero Covid' measures called for. This motion therefore seems to focus on minimising workers'

risks to Covid whilst protecting their pay – a part of a 'Zero Covid' strategy as opposed to calling for the implementation of a whole 'Zero Covid' strategy.

Recommendation

That the Executive Committee note this report.

**Memorandum of Comments
on the
European Commission White Paper
On
'Artificial Intelligence – a European Approach to Excellence and Trust'**

The Educational Institute of Scotland ('EIS'), Scotland's largest education trade union, welcomes the opportunity to comment on the European Commission White Paper on 'Artificial Intelligence – a European Approach to Excellence and Trust'.

Introduction

The Institute welcomes the acknowledgement given by the European Commission that the development and promotion of Artificial Intelligence ('AI') should be set in a regulatory framework which gives due regard to the risks associated with AI.

It is important to set the conversation around the development of AI in the appropriate context. The consultation paper starts from a position of acceptance of the need to ensure that Europe becomes a global leader in the 'data economy' and to create incentives to accelerate the adoption of solutions across society based on AI. The concern is that in focusing on the race to become world leaders in this area, other areas of significant policy development may not be prioritised and the checks and safeguards to ensure compliance with fundamental human rights are overlooked.

Whilst the EIS notes the drive to promote Europe's innovation capacity in the area of AI, it is essential that this is considered in the context of digital ethics and underpinned by a framework which builds trust across the EU. We welcome the reassurance given in the consultation document that 'AI should work for people and be a force for good in society'.

The Regulatory Framework

The regulatory framework and any legislation arising from the proposals should, therefore, be carefully considered to ensure that they:

- protect all human rights (right to privacy, freedom of expression, right to a family life, freedom of association, prohibition of discrimination, etc);
- adopt a transparent, human-centred and ethical approach;
- promote accountability and professional responsibility; and

- acknowledge that where AI has an impact on human lives, it should be considered 'high risk' and therefore, subject to additional oversight and scrutiny.

The White Paper references spending on AI in Europe in 2016 (Euros 3.2 billion) and compares the spend in North America (Euros 12.1 billion) and Asia (Euros 6.5 billion). The conclusion reached from an analysis of these figures is that Europe needs to increase investment levels significantly in AI and create greater synergy across Europe to maximise the opportunities for collaboration. It proposes the creation of a 'lighthouse centre of research' to attract expertise from around the world and from Universities to pioneer work in this area.

Whilst there may be good reason to increase spending and research activity in this area, this decision should be informed by clear and agreed policy objectives of what the additional funding would be invested in, the intended outcomes and the perceived benefits to society. It would be essential to ensure that any intended benefits apply equitably across society and minimise anticipated risks on vulnerable groups.

Often more vulnerable groups and diverse interests and perspectives are not included in the design and development of technology and this creates a situation in which previous human biases or prejudice are translated into bias within the data, upon which AI will rely. The prioritisation of resources and all processes around research, design and development of AI should, therefore, be reflective of the needs and interests of a wide range of groups, including the most vulnerable in society. Any developments in industry and the professions should also be underpinned with meaningful dialogue with the key stakeholders in each sector, to ensure that sufficient account is taken of professional agency.

The Legal Test

The White Paper identifies the issues with the current regulatory framework and areas in which the current legislation may not be sufficient to provide protection for citizens or indeed, offer sufficient legal certainty for companies. It proposes an extension to the framework and whilst this is welcome, the legal test appears to be narrowly framed and restrictive in its nature. It suggests a risk-based approach, only extending the more extensive legal framework for AI applications which are considered 'high risk'. The definition of 'high risk' is based on a cumulative test; the AI application must apply in a sector which involves significant risks AND must be used in such a manner that significant risks are likely to arise.

It is not difficult to envisage situations in which high risks could arise from AI in a sector which is not otherwise considered to be high risk. The EIS would question why these situations should not be covered by the new more testing legal framework. The Commission is seeking to balance the increased legal protection whilst not creating a disproportionate burden on businesses.

However, surely the public interest should be the determining factor. On this basis, we would suggest that the test is drafted either on an alternative, rather than a cumulative basis, or simply to reflect that where there is an impact on human lives, the AI application should be considered 'high risk'. We would suggest that this would be more likely to promote the adoption of an ethical,

transparent and trustworthy approach to the development and promotion of AI across the EU.

The adoption of this wider definition of 'high risk' has increased significance if the proposals to pursue greater partnership working in AI between the private and public sectors are adopted. It is not difficult to envisage a situation in which wider public protection issues may come into conflict with the business interests of the private firm. We would question how such situations would be resolved in practice and emphasise the importance of a clear regulatory framework to provide guidance in such cases.

The EIS is concerned to note the reference in the White Paper to a perceived benefit of this technology in the public sector being 'cost reduction'. We would welcome greater clarity around what is intended by this reference and confirmation that developments in AI are not being driven by an underlying objective to cut jobs.

AI and Education

The consultation document recommends that there should be a strong focus on developing skills through education and training to address 'competence shortages' and concludes that there should be an increased awareness of AI at all levels of education to prepare citizens for making informed decisions about all matters involving AI. Whilst it could be accepted that education about AI in the broadest sense should form part of the curriculum, the use of AI in educational settings is a separate matter which requires detailed consideration.

The paper has been drafted from a high-level perspective and considers the generic use of AI across the professions and industries. Before any steps are taken in each distinct field or industry, there ought to be detailed and specific conversations with the professional bodies involved to ensure that the myriad of concerns have been addressed and that, in education, teacher agency and teacher voice are central to any proposals being taken forward.

The ETUCE response quite properly identifies concerns about the use of AI in educational settings, particularly in relation to its impact on the quality of educational provision and its use with ASN pupils. The EIS endorses the comments made in that response and believes that any technology introduced in an educational context must be for the sole purpose of supporting the delivery of quality teaching and learning. Teachers are trained professionals who teach, support and guide their pupils, tailoring the curriculum to the pupil's individual social, emotional and cognitive needs. Technology is simply one medium employed by teachers to deliver a quality educational provision and it must be regarded in that light. The central role of teachers must be fully acknowledged.

This has been evident through the use of digital technologies in the current Covid-19 health pandemic. Whilst technology has played, and will continue to play, an important role in teaching and learning as many countries move to a blended approach of curriculum delivery, the experience of recent months has highlighted the fundamental importance of the teacher/pupil relationship and the need for face to face provision and direct engagement.

The inequality of access to digital technologies for both teachers and pupils has also become increasingly evident in recent months. The impact of digital poverty on the overall poverty-related attainment gap has been central to consideration of how to reach the most vulnerable learners during the pandemic. This example highlights the importance of ensuring that diversity of needs and a sound commitment to ensuring equality feature as central components of any consideration to extending or developing the use of AI in the educational context.

The consultation document makes it clear that it envisages the increased use and development of AI in all areas of society. As such, it is essential that pupils are not only educated in the perceived benefits of AI but are able to assess any risks and the impact of those risks on their privacy and wider professional considerations. Teachers must, therefore, be given sufficient training in AI, as an integral aspect of Initial Teacher Education and continuing professional development. This will also be increasingly important to facilitate meaningful engagement with the profession as AI develops and ensure that teacher voice and agency inform proposals, moving forward.

It is axiomatic that the use of AI in education will result in a large amount of data being collected and analysed by AI systems. It is essential that in such circumstances there is full transparency in the introduction of such systems, with a clear indication being given as to the uses of the data. This must be done in consultation with the relevant professional associations to ensure that the necessary safeguards are implemented. These safeguards should be based on principles of non-discrimination and equal treatment and ensure that the privacy of students and educational personnel is protected. Provision should also be made to prevent the harvesting of pupil data for commercial purposes by private companies.

(June 2020)

EIS Guidance for members in Early Learning and Child Care Settings on Education Recovery: Curriculum and Pedagogy

(Updated April 2021)

Background

The reopening of Early Learning and Childcare ('ELC') settings after the initial period of closure last year was welcomed by children, parents/carers, teachers, Early Years practitioners and support staff, albeit with some concerns, across Scotland. They missed the structure, certainty and social interaction which ELC provides.

The gaps in provision during periods of lockdown and the absence of opportunities for children to interact and explore a range of learning experiences through play, will have had a detrimental impact on the physical, social and emotional development of our youngest learners. In addition, for these children, the absence of engagement with grandparents and extended families will have taken its toll.

Since the start of the 2020-21 session, and with the continued prevalence of the virus within society and the emergence of new variants, we have all had to adapt to the changing circumstances in which we live and in Education and ELC, to consider alternative forms of provision, including moves to the provision of blended and remote learning.

Whilst Early Years teachers and practitioners have undoubtedly been focused on fostering nurturing and attached relationships within their settings and considering ways to address the social and emotional impact of the pandemic and periods of closure, **there must also be a realisation that the remainder of session 2020-21 cannot be 'business as usual'**.

ELC settings may have reopened for a second time in the course of a year but COVID-19 has not disappeared; the risks of the virus persist; and the wellbeing impact which it has had, both on children and their families and on staff, remains. For reasons of health and safety, in the interests of wellbeing, and in order to address the key priorities for recovery, the Scottish Government [Guidance](#), 'Coronavirus (COVID-19): early learning and childcare (ELC) services' makes it clear that 'ELC settings must therefore place a very high priority on reinforcing the mitigations set out in this guidance' and emphasises that 'every possible step should be taken to ensure the safety and wellbeing of children and staff'.

Scottish Government Guidance Application and Terminology

The Scottish Government Guidance, [Coronavirus \(COVID-19\): early learning and childcare \(ELC\) services](#), is referred to throughout this document. In considering its application in practice, it is important to have an understanding of the scope of the guidance and the meaning behind key phrases used.

The Scottish Government Guidance applies to all providers of registered day care of children's services who provide care to children under primary school age including nurseries, playgroups, family centres and creches. This includes providers in the local authority, private and third sectors. It also applies to fully outdoor services for children aged 5 and under.

Although non-statutory in nature, it begins by highlighting the primacy of health and safety considerations and emphasises that providers should exercise their judgement when implementing the guidance, to ensure the safety and wellbeing of children, young people and staff, taking into account local circumstances.

The Guidance differentiates between situations in which there is an expectation that a particular action **will** be taken by the provider or ELC setting and other situations in which action **may be advisory** and can reflect local circumstances.

The Guidance reflects this distinction by the terminology used and explains:

'Where this guidance states that providers:

- "must" do something, **there is an expectation that it is done**
- "should" do something, **this is strongly advised**
- "may" or "may wish" to do something, this is optional'

This difference in the language used should be borne in mind when considering the recommendations contained in the Scottish Government Guidance referred to throughout this EIS guidance.

Reference is also made in this EIS guidance to protective measures associated with areas which are subject to level 0-4 restrictions. These references are to the five levels of protection set out in the [Scottish Government's Strategic Framework](#) and the associated protective measures, outlined in the Scottish Government guidance, [Coronavirus \(COVID-19\): early learning and childcare \(ELC\) services](#).

Scope of Provision in the ELC Context

The Scottish Government Guidance, '[Coronavirus \(COVID-19\): Early learning and childcare services](#)' sets out the scope of the return to ELC settings after the second period of lockdown, stating that 'ELC settings can re-open to all children from 22 February'.

However, the guidance makes it clear that health and safety considerations and public health measures underpin the re-opening and indeed, ongoing provision, highlighting that ELC settings must 'place the highest priority on reviewing risk assessments and ensuring that all mitigations are in place and implemented.'

Part of this process is in assessing capacity and the number of children who can **safely** access the setting if mitigations, such as the 2m physical distancing requirements between adults in the setting, are to be effectively implemented.

As part of the ongoing review of risk assessments and prior to offers of placements being made, consideration should therefore be given to the physical layout of the setting, staffing approaches and the number of children that can be **safely** accommodated at any one time, to maximise the effectiveness of room ventilation and ensure that public health requirements can be met. These considerations should be carefully documented through the risk assessment process.

Flowing from this assessment of capacity, the numbers of children in settings may require to be lower than the normal Care Inspectorate registered capacity of the setting, based on floor space requirements. **The scope of provision may, therefore, be limited to ensure compliance with these important health and safety requirements.**

Where the capacity in the setting is reduced and it has been agreed that staff are not required to attend in terms of the adult:child ratios, staff should continue to work from home.

Consideration of capacity should form part of the ongoing review of risk assessment processes.

COVID-secure ELC Settings

Wellbeing and Equity

All children and adults – parents, teachers and support staff – will have been affected in some way by the pandemic. Confinement, restricted social interaction, illness, bereavement, unemployment, poverty and food insecurity, financial worries, media reporting of the virus, will all have made their mark to varying degrees on individuals, families and communities.

Whilst some may have managed some recovery, others will still be suffering the harsh consequences of Coronavirus on their physical, mental and emotional health, family life, finances and employment status.

The EIS has been clear that periods of lockdown and with them, the closure of schools and ELC settings, have wreaked the most damage upon children and families who are most disadvantaged by societal inequality. With this in mind, we are of the firm view that the needs of those children and young people whose circumstances at home have rendered their families less able to support them with remote learning at that time, and potentially during further periods of closure, must be prioritised.

As we work towards education recovery, we cannot forget our youngest learners and must invest in early intervention measures as we seek to develop the holistic needs of these children and address the gaps resulting not only from the impact of the pandemic but also from poverty and socio-economic disadvantage.

It has been well documented, also, that COVID-19 has had a disproportionately high impact on people from BAME backgrounds to varying extents in different parts of the UK, both in terms of likelihood of infection and death rates. ELC settings should be sensitive to the possibility that children and staff from BAME backgrounds and their families have been affected by COVID-related illness and bereavement and/or may be experiencing higher levels of anxiety related to infection risk.

Education Recovery

The EIS has been influential in setting the national priorities for education recovery through its contributions to the CERG and associated working groups. Consequently, in its Coronavirus (COVID-19): early learning and childcare (ELC) services, the Scottish Government makes it clear that in re-engaging children in Early Years education, the same pedagogical approach – child-centred, play based learning – should continue to apply.

It highlights the importance of

- supporting children 'to form a secure and emotionally resilient attachment base' to help them as they grow and develop;
- creating an environment in which children will flourish through 'nurturing and attached relationships' in the ELC setting;
- maintaining a focus on play and interaction with their peers, to 'meet [the] physical, social, emotional and cultural needs' of every child; and
- in line with the GIRFEC agenda, treating their health and wellbeing as a 'top priority' in all decisions and actions around the delivery of ELC.

Taking care of our physical and mental health is crucial at this time, when there are many social, emotional, health and practical challenges facing all of us: children, parents and teachers. The EIS view is echoed by Education Scotland in [advice](#) published in January 2021 which highlights that health and wellbeing remains a key element of the recovery curriculum and the importance of this is clearly stated: 'We need to be mindful of the impact of COVID-19 on our children and young people, many of whom may have suffered loss and trauma as a result. For all learners, a key focus...needs to be health and wellbeing.'

It goes on to state, 'From the outset of the pandemic, schools and settings adapted their learning and teaching to ensure a strong focus on children's mental health and wellbeing, and engagement. This continues to apply.'

Equally, teachers and early years practitioners should be mindful of their own health and wellbeing and the need for an appropriate balance of priorities in this regard.

Health, safety and wellbeing and the principle of equity must, therefore, be of paramount importance in the remainder of session 2020-21 and as we move towards education recovery.

In delivering this and in line with the principles outlined in 'Realising the Ambition: Being Me', children and their needs will continue to be at the centre of planning processes.

The Scottish Government Guidance, 'Coronavirus (COVID-19): Reducing the Risks in Schools' acknowledges this, stating,

'2021/22 will also be a recovery year, and there will a continued emphasis on issues such as: supporting student and staff health and wellbeing; transitions at all levels; the impact of tragedy in communities; identifying gaps in learning; and a renewed focus on closing the poverty related attainment gap. In particular, there should be a focus on what can be done to remedy any impact that there has been around the widening inequalities of outcome experienced by children and young people'.

This has significant implications for the curriculum and pedagogy not only in the remainder of this academic session but in the years to come.

Planning for Learning

As under normal circumstances, the EIS is clear that teachers' planning for learning in school is a tool to aid them in their preparation of learning and teaching, and to support professional dialogue among colleagues with regards to this. The same is true in Early Years. Planning documentation should be designed and handled with this key priority in mind.

Primarily for teachers' own use, any associated planning template should be bureaucracy-light, and should neither be a generator of unnecessary workload nor an accountability tool. Neither Early Years teachers nor colleagues who have management responsibilities have time to dedicate to onerous planning regimes at a time when the priority in Early Years settings as well as in schools must be the wellbeing of children and staff alike.

In the event that planning processes or associated paperwork, particularly relating to forward planning, are found by members to be overly bureaucratic and generators of unnecessary workload, this should be raised with the management of the ELC setting in the first instance. In doing so, members may find it useful to refer to Education Scotland [advice](#) and Deputy First Minister's [statement](#) regarding excessive bureaucracy. If necessary, the EIS School Rep and/ or Local Association

Secretary can assist in helping the setting to reach a collegiate and bureaucracy-light solution.

This approach should also be borne in mind when consideration is given to the completion of documentation required for the Care Inspectorate.

Collegiate Activities

As under normal circumstances and as has been the case since the start of the pandemic, it is important that colleagues are able to work together to reach solutions to the many challenges that maintaining safety and providing opportunities for quality learning and teaching in the context of COVID-19 present.

Whilst collegiate activities that reflect the key Education Recovery priorities continue in accordance with Working Time Agreements, this should be in adherence to the current public health advice around physical distancing and hygiene, and with teachers and early years practitioners wearing face coverings when working on collegiate activities in shared spaces with other members of staff. Where it is not possible to comfortably maintain physical distancing for collegiate activities, particularly in light of the increased transmissibility of the new variant of the virus, these should be done using virtual means.

Setting Priorities

The wellbeing of children, teachers and families is to be at the forefront of all decision-making during this initial period of education recovery.

Teachers and ELC settings should not expect to, nor feel under pressure to provide opportunities for learning in the remainder of session 2020-21 in the same ways as it would any other. Streamlining of priorities is encouraged while children, teachers, early years practitioners and support staff continue to respond to the challenges of the pandemic.

In supporting our youngest learners, we need to consider the impact of the adverse and traumatic experiences which many will have faced through the pandemic.

Education Scotland, in 'Being Me through Adversity and Trauma: Realising the Ambition in Practice 2', has highlighted the importance of this focus:

'Children in their early years returning to ELC or school are likely to need additional social and emotional support. Secure, nurturing spaces and trauma informed practitioners will be critical in supporting this transition'.

Now more than ever the importance of a strong collegiate approach is central to supporting the children in our Early Years settings, as well as the health and wellbeing of colleagues.

As we work towards education recovery, the EIS recommends that time is set aside to facilitate meaningful discussions around pedagogy with others in the setting and to agree as a collective how these central priorities around health and wellbeing can best be delivered. This may involve consideration of layout to facilitate the safe flow of play for smaller groups of children and of how collegiate planning and professional dialogue can take place, with appropriate physical distancing between adults, to ensure that learning opportunities are responsive to children's interests and needs. It is important that these conversations are ongoing to ensure that settings are continuing to review their circumstances and the challenges which the pandemic presents.

In moving forward, with a clear rationale and shared understanding of the value of play, a focus can be placed on the holistic needs of children within the setting.

Although it is clear from this that the same approach to teaching and learning will continue in early years, we must recognise that, in delivering this safely, important health and safety measures require to be adopted and reviewed in the weeks and months to come.

Planning and Risk Assessment in Early Years

Essential health and safety procedures and standards required to minimise the risk of infection in ELC settings have meant that much will be different and will remain so for the foreseeable future, in terms of how settings operate and in terms of the physical environment.

This has implications for how things are done from now on. From how children move around settings, to how play-based learning opportunities are planned, to how hygiene and cleaning is arranged – and this is necessary as settings endeavour to keep children and staff safe in a COVID-secure setting.

The Scottish Government Guidance, Coronavirus (COVID-19): early learning and childcare (ELC) services, provides that 'every possible step should be taken to ensure the safety and wellbeing of children and staff', with settings placing 'very high priority on reinforcing the mitigations set out in [the] guidance'.

It makes it clear that risk assessments should be conducted following any period of closure to assess whether the risks presented by the re-opening can be managed safely and to identify the appropriate mitigations measures which must be adopted to manage these risks effectively.

Risk assessments should be reviewed on a regular basis or when circumstances change and all identified risk mitigation measures should be in place and strictly adhered to.

EIS representatives should be consulted and involved in the risk assessment process, which should continue to have the health and safety of staff and children as their primary focus.

Risk assessments should make specific provision to ensure that:

- Capacity and cohort sizes are limited to a level which enables the safe implementation of mitigation measures, including the 2m physical distancing requirements between adults and the provision of adequate ventilation
- Adults in the ELC setting can adhere to the 2m physical distancing from other adults requirements, at all times, including during lunch and break times as well as during transition periods
- Arrangements are in place to enable strict adherence to 2m physical distancing between adults, including parents at drop-off and collection times
- In circumstances where the 2m physical distancing requirement between adults cannot be adhered to, face coverings will be worn
- There is adequate ventilation in the setting, with risk assessments being updated to take account of seasonal changes and their impact on ventilation and heating
- Enhanced hygiene and cleaning practices are in place
- Commonly touched objects and surfaces are cleaned on a regular basis (at least twice daily)
- Toys and equipment are cleaned when groups of children change, between sessions and at the end of the day or start of the morning session
- Where staff are required to come into close contact with pupils in order to provide intimate care and personal support, provision is made for the use of PPE by the member of staff
- A supportive approach to the use of face coverings is adopted, e.g. in circumstances where staff are working directly with children, they will be supported to wear face coverings, if they choose to do so
- Groupings of children remain consistent
- Staff can work in consistent groups
- Arrangements are in place to ensure that all mitigations are adhered to at lunch, break and transition times

Mitigation Measure – Specific Considerations in ELC Settings

- **Limiting children's contacts and group sizes** – a key part of managing risk in ELC is to reduce the number of interactions which children and staff have. Contacts must be limited by managing children within consistent groupings. Whilst the size of groups will depend on a number of factors (including the age, the overall number of children in the setting and the layout), government advice is clear that '**the general approach should be to minimise the size of groupings where possible**', with large indoor groupings being avoided. Although groups of between 25-33 are permitted by the guidance, the advice notes that this may result in more staff and children being required to self-isolate in the event of anyone within the group testing positive. In addition to reducing the potential for transmission

of the virus and enhancing the effectiveness of ventilation systems, limiting group sizes to smaller numbers has the added pedagogical benefit of enabling greater individual support to be provided to the children in those groups. The EIS supports this approach.

- **Limiting staff contact with each other** – the guidance recommends that ELC settings should try to maintain consistency within groups of staff who are working in close proximity to each other. The EIS would recommend that a collegiate approach is taken to informing decisions on staff groupings.
- **Face coverings** – Although the guidance does not make provision for the wearing of face coverings when staff are working directly with children, it does highlight that **staff who wish to wear a face covering in these circumstances, should be supported to do so.**

The EIS is clear that any teacher or early years practitioner wishing to wear a face covering, should feel free to do so and will continue to campaign for medical grade face coverings to be made available as an additional mitigation to all staff.

It is recognised that particular consideration may require to be given to the impact of wearing a face covering on very young children and for children with additional support needs. The EIS believes that transparent face coverings, where considered appropriate, should be supplied by the ELC setting to support learning and the health and wellbeing of the children involved.

There may also be situations in which staff with a disability, such as a hearing impairment, will require other adults, with whom they are working, to use transparent face coverings. The EIS would recommend that in these circumstances, appropriate adjustments are made and transparent face coverings are supplied to staff to support communication.

ELC settings should provide clear guidance for staff on how to put on, remove, store and dispose of face coverings to avoid inadvertently increasing the risk of transmission in the setting.

- **Peripatetic Staff** – The Scottish Government guidance provides that peripatetic staff should only attend settings in person 'where it is demonstrably in support of the health and wellbeing of young children'. Careful consideration should, therefore, be given to whether attendance on this basis is necessary or whether alternative methods of engagement, such as remote provision, would suffice. If, after collegiate discussion, the attendance is considered necessary, then the time spent in the ELC setting should be kept to a minimum. Where possible, the EIS would suggest that efforts are made to consolidate the attendance of peripatetic staff in one location.

- **Staff employed in more than one childcare setting** – where staff are employed by a single employer, they should only work in more than one setting if this is absolutely necessary. Where staff are employed by more than one childcare provider, risk assessments should be carried out to minimise the risk of transmission between settings and careful attention paid to any evidence suggesting bridges of transmission. Staff should not work across two settings, if there is an outbreak in one.
- **Blended placements** – government advice is that parents and carers should be 'encouraged and supported to limit the number of settings their child attends, ideally attending one setting only'. Existing blended placements can, however, continue if through the process of a joint risk assessment, it is deemed safe to do so and necessary in the interests of the child. Appropriate mitigation measures should also be adopted to ensure that the risks identified can be managed safely in both settings.
- **Visitors** – Adult visitors should be strictly limited to those who are necessary to support children or are required to complete necessary construction and maintenance.

Further advice on the completion of risk assessments can be accessed on the EIS Website General Risk Assessment [Guidance](#) and EIS Additional [Advice](#) on managing the risks of COVID-19 for Early Years Teachers.

Although the advice sets out a number of considerations to be taken into account in the risk assessment process, the list is not exhaustive and care should be taken to ensure that any specific issues relevant to the individual setting are also included in the risk assessment process.

Members are encouraged to review the risk assessments, which underpin the practical arrangements in place in their setting, on a regular basis and ensure that any changes both in the environment and in staffing arrangements are reflected in the mitigation measures in place.

Risk assessments should be kept under regular review and should also reflect and be adapted to respond to local issues, such as local increases in cases of COVID-19, local outbreaks or a change to the protection level of the area in which the ELC setting is situated.

If a teacher is concerned about the mitigation measures which have been identified and has concerns about their safety or the safety of anyone else in the setting, they should raise this with the management team and seek advice and support from their EIS school representative or Local Association Secretary thereafter as necessary.

Dedicated time should be set aside for staff training on the risk mitigation measures being implemented in the setting and consideration given to any additional local training which staff feel would be helpful in increasing confidence in the safe provision of ELC.

The Scottish Government has produced an [animation](#) to raise awareness of some of the key mitigation measures which are highlighted in its guidance. The animation is designed to be used as part of training sessions and as a stimulus for further discussion within the staff group.

The EIS is maintaining a close watching brief on emerging data, particularly about the impact of the new variant of the virus on transmission amongst children and young people. With this in mind, we will continue to keep our guidance under review and updated as evidence emerges.

Practical Activities and Subjects

In addition to the mitigation measures outlined above, additional mitigations may be required for the safe delivery of practical aspects of the curriculum in ELC settings. Education Scotland has produced advice in relation to some of the practical subjects and this can be accessed [here](#). This advice should inform the risk assessment process for the subject areas involved.

Some subjects require specific consideration:

- **Physical Education** – the updated [Guidelines](#) outline key indicative dates (dependent on the suppression of the virus and the continued rollout of the vaccine) relevant to P.E. within ELC settings:
 - **From 5th April 2021** – Children can participate in **contact and non-contact physical activities outdoors**. P.E. will **not** be permitted indoors at this time in ELC settings.
 - **From 26th April 2021** – Children can participate in **individual non-contact activities indoors** and **in contact and non-contact physical activities outdoors**.
 - **From 17th May 2021** – Children can participate in **group non-contact activities indoors** and **in contact and non-contact physical activities outdoors**.

The guidance outlines some practical considerations which should be considered as part of the risk assessment process and provides some advice on aspects of implementation. This includes advice on minimising contact between individuals and groups; the importance of maintaining the strict 2 metre physical distancing requirements between adults; the

use and cleaning of equipment; appropriate hygiene measures; greater emphasis on ventilation and the importance of reviewing procedures adopted.

- **Music** – [Advice](#) from the Advisory Sub-Group on Education and Children’s Issues shows that there are increased transmission risks associated with music and drama activities. The Scottish Government Guidance, Coronavirus (COVID-19): early learning and childcare (ELC) services makes it clear that providers should consider carefully this advice and the advice from Education Scotland on these activities.

Education Scotland’s updated [Guidelines](#) on Music, whilst acknowledging the importance of music in promoting the health and wellbeing of children, continues to adopt a precautionary approach to music in schools, and by implication, early years settings.

The guidance highlights the sliding scale of risk associated with different musical activities and provides a grid, outlining low and high risk activities. Only where there is a combination of low-risk factors can an activity go ahead.

Singing has been categorised as ‘high risk’ and so, would not fall within this category. Education Scotland’s advice provides that ‘young people should not engage in singing’ as this poses a higher risk of transmission. The Advisory Sub-Group referred to above also concluded that singing should **not** happen indoors as an organised, large group activity.

The guidance recognises that children sing naturally in the course of activities and play and should not be discouraged from doing so. It also acknowledges that singing may be used to comfort a child. In these situations, it would be envisaged that the singing would be at a low volume, with lower respiratory exertion as there would be no need for staff or a child in such circumstances to project their voice.

- **Dance** - the updated [Guidelines](#) outline key indicative dates (dependent on the suppression of the virus and the continued rollout of the vaccine) relevant to the Dance within ELC settings:
 - **From 5th April 2021** – Children can participate in **contact and non-contact physical activities outdoors**. Dance will **not** be permitted indoors at this time in ELC settings.

- **From 26th April 2021** – Children can participate in **individual non-contact activities indoors** and **in contact and non-contact physical activities outdoors**.
- **From 17th May 2021** – Children can participate in **group non-contact activities indoors** and **in contact and non-contact physical activities outdoors**.

The guidance outlines some practical considerations which should be considered as part of the risk assessment process and provides some advice on aspects of implementation. This includes advice on minimising contact between individuals and groups; the importance of maintaining the strict 2 metre physical distancing requirements between adults; the use and cleaning of equipment; appropriate hygiene measures; greater emphasis on ventilation and the importance of reviewing procedures adopted.

Transitions

The importance of planning and supporting children through transition periods is well recognised in early years education. Teachers and early years practitioners play a vital role in sensitively supporting children as they encounter new arrangements in ELC settings.

Any arrangements for transition and settling-in periods should be the subject of risk assessment with appropriate risk mitigation measures being adopted. Consideration should be given to greater use of outdoor space to facilitate this process and the use of virtual tours for parents to enable them to support their child prior to attending for the first time.

Education Scotland have developed two resources to support transitions during COVID restrictions: [Transitions in 2020](#) and Wakelet on [Supporting young children at points of transition](#).

Additional Support for Learning

For children with additional support needs, who are starting/recently started nursery for the first time or who are re-engaging with a setting following a period of absence, consideration should be given to an enhanced transitions and to the allocation of appropriate support to facilitate this process.

Arrangements for providing this should be carefully considered in light of public health measures, with risk assessments being initiated or updated as necessary and appropriate mitigations put in place to protect children with additional needs and any adults who will be supporting them.

Consideration should be given, where appropriate, to the use of social stories, appropriate visuals and videos shared with children in advance to explain what will be new and to explain what the nursery day will be like.

GIRFEC

The strong emphasis on wellbeing in the Early Years curriculum means that there is likely to be much GIRFEC-related activity in ELC settings, some of which may involve multi-agency teams.

All associated arrangements should be made with public health imperatives in mind, both regarding meetings and conversations with parents/carers and meetings with other professionals such as Health Visitors, Educational Psychologists and Social Workers.

The Scottish Government Guidance is clear that 'adult visitors to settings should be strictly limited only to those that are necessary to support children or the construction, maintenance and running of the setting'.

It provides that 'visits to the setting should be avoided unless necessary, and this should be with the permission of the manager, head teacher or local authority'.

The guidance outlines that 'telephone calls, online meetings and 'virtual' visits should be the norm for regular and other meetings with specialists and parents'. It acknowledges that there are some essential services which are central to the delivery of children's care or educational plans which necessitate, inter alia, visiting professionals attending schools.

In these circumstances, collegiate dialogue and partnership working will assist in determining when attendance is 'necessary' and when support could otherwise be provided remotely.

Where attendance is considered 'necessary', then movement across locations should be minimised and a robust risk assessment undertaken (and reviewed on a continuous basis) to identify appropriate mitigation measures. Risk assessments should be jointly prepared between the ELC setting, the relevant partner service and the trade unions involved.

2m distancing should be maintained between staff and other adults attending the setting for such meetings. This applies irrespective of whether an individual has been vaccinated. Vaccination does not change the need to continue to comply with all current COVID-19 mitigation measures.

Face coverings should also be worn by parents and all visitors to ELC settings, at all times.

Workload

The EIS is clear that priorities at this time should be streamlined to ensure that there is no additional strain on weekly working time within the parameters of the 35-hour working week.

In accordance with the Scottish Government Guidance on Education Recovery, priorities should be centred around the wellbeing of teachers and Early Years practitioners, as well as of children and young people, and be agreed on a collegiate basis. Teachers and Early Years practitioners should be mindful of their own health and wellbeing and the need for an appropriate balance of priorities in this regard.

If a teacher or Early Years practitioner has a concern about workload, this should be raised with the management of the setting in the first instance. If necessary, the EIS Rep and/or Local Association Secretary can assist in helping the setting to reach a collegiate and bureaucracy-light solution.

Early Years Practice

In delivering the Early Years curriculum, the same child centred play based approach, described above, may be a central feature of the pedagogy adopted in the initial stages of Primary education.

The Scottish Government guidance makes it clear that

‘For the early stage (P1-P2), schools may consider making use of ELC models of managing children’s interactions and other mitigations, where appropriate, particularly when adopting a play based approach.’

Where this approach is being adopted, then the EIS is clear that the additional risk mitigation measures, identified through thorough risk assessment processes, must be put in place to ensure the health and wellbeing of staff, as well as pupils.

The EIS additional advice for Early Years members on the control of Covid-19 within the workplace, which is referred to above, will apply.

If a teacher in Early Years within the school setting is concerned about the mitigation measures which have been identified and has concerns about their safety or the safety of anyone else in the school, they should raise this with the management team and seek advice and support from their EIS school representative or Local Association Secretary thereafter as necessary.

EIS Guidance for Primary Members on Education Recovery: Curriculum and Pedagogy (Updated April 2021)

Background

The reopening of schools and the return to classrooms after the initial period of school closure last year was welcomed by thousands of children and young people and teachers, albeit with some concerns, across Scotland. They missed the structure, certainty and social interaction which school provides.

However, since the start of the 2020-21 school session, and with the continued prevalence of the virus within society and the emergence of a new variant, we have all had to adapt to the changing circumstances in which we live and in Education, to consider alternative forms of education provision, including moves to blended and remote learning.

What is clear is that session 2020-21 has not been and should not be business as usual. The risks of the virus persist, and with the increased transmissibility of new strains, are arguably heightened.

The wellbeing impact of the last year, both on pupils and staff, cannot be forgotten. For reasons of health and safety, in the interests of wellbeing, and in order to address the key priorities for recovery, school life, and the delivery of education through contingency models, should look very different from it would under 'normal' circumstances.

Scottish Government Guidance: Application and Terminology

The Scottish Government Guidance, [Coronavirus \(COVID-19\): Reducing the Risks in Schools](#), is referred to throughout this document. In considering its application in practice, it is important to have an understanding of the scope of the guidance and the meaning behind key phrases used.

The Scottish Government Guidance applies to all local authorities and schools under their management. It also provides that it should be used by grant-aided schools and independent schools to support their recovery efforts.

Although non-statutory in nature, it begins by highlighting the primacy of health and safety considerations and provides that Local Authorities and schools should exercise their judgement when implementing the guidance, to ensure the safety and wellbeing of children, young people and staff, taking into account local circumstances.

The Guidance differentiates between situations in which there is an expectation that a particular action **will** be taken by the Local Authority or school and other situations in which action **may be advisory** and can reflect local circumstances.

The Guidance reflects this distinction by the terminology used and explains:

‘Where this guidance states that local authorities and schools:

- “should” do something, **there is a clear expectation, agreed by all key partners, that it should be done.**
- “may” or “may wish” to do something, the relevant sections have been included as examples of relevant practice that can be considered if appropriate. Local variations are likely.’

This difference in the language used should be borne in mind when considering the recommendations contained in the Scottish Government Guidance referred to throughout this EIS guidance.

Reference is also made in this EIS guidance to protective measures associated with areas which are subject to level 0-4 restrictions. These references are to the five levels of protection set out in the Scottish Government guidance, ‘[Coronavirus \(COVID-19\) protection levels: what you can do](#)’ and the associated protective measures, outlined in the Scottish Government guidance, Coronavirus (COVID-19): Reducing the Risks in Schools.

COVID-secure Schools

Essential health and safety procedures and standards required to minimise the risk of infection in schools have meant that much will be different and will remain so for the foreseeable future, in terms of how schools operate and in terms of the physical environment.

This has implications for how things are done from now on. From how pupils move around the school, to how lessons are taught and learning takes place, to how hygiene and cleaning is arranged- many aspects of school life will look different as schools endeavour to keep safe their pupils and staff and the school environment COVID-secure.

Enhanced Personal Hygiene

In addition to the EIS Advice to School Reps and Members re [Revised Risk Assessments](#), consideration should be given to Enhanced Hand Hygiene protocols.

To mitigate against transmission of the virus, we would recommend that a hygiene protocol should be in place, providing for an enhanced hand hygiene regime for adults and children.

This should include arrangements for handwashing (for 20 seconds) with hot water and soap when entering or leaving the school building, before and after eating, after toileting, at regular intervals throughout the day and when moving between different areas of the setting.

Where appropriate, arrangements should be made to supervise the children when washing and drying their hands. In circumstances where a member of staff is required to provide assistance to a child when washing or drying their hands, consideration should be given to any additional risk mitigation measures which will be necessary. Face coverings (or where identified in a risk assessment, PPE and other protective barrier measures) should be used by the member of staff in these circumstances.

We would also recommend that tissues are provided within the setting to encourage good respiratory and cough hygiene practices when children are coughing or sneezing. Lidded foot pedal bins with double bagging should be provided to ensure the safe disposal of used tissues. A good pedagogical approach would be to talk with the children and young people about why these enhanced personal hygiene practices are necessary in the context of infection risk.

Wellbeing and Equity

All children, young people and adults – parents, teachers and support staff-will have been affected in some way by the pandemic. Confinement, restricted social interaction, illness, bereavement, unemployment, poverty and food insecurity, financial worries, media reporting of the virus, including information about the increased transmissibility of the new variant, will all have made their mark to varying degrees on individuals, families and communities.

Whilst some may have managed some recovery, others will still be suffering the harsh consequences of Coronavirus on their physical and emotional health, family life, finances and employment status.

The EIS has been clear that periods of school closure and lockdown have wreaked the most damage upon children and families who are most disadvantaged by societal inequality, this having been well documented by researchers, press and media. With this in mind, we are of the firm view that the needs of those children and young people whose circumstances at home rendered their families less able to support them with remote learning at that time, and potentially during further periods of school closure, must be prioritised.

Any additional resources, including staffing where available, should be channelled towards helping those children and young people in particular to address the impact of any interruption in learning caused by the pandemic.

It has been well documented, also, that COVID-19 has had a disproportionately high impact on people from BAME backgrounds to varying extents in different parts of the UK, both in terms of likelihood of infection and death rates. Schools should be sensitive to the possibility that children and young people from BAME backgrounds and their families have been affected by COVID-related illness and bereavement and/or may be experiencing higher levels of anxiety related to infection risk.

Education Recovery

The EIS has been influential in setting the national priorities for education recovery through its contributions to the CERG and associated working groups. Consequently, in its Coronavirus (COVID-19): [Curriculum for Excellence in the Recovery Phase guidance](#), the Scottish Government and the stakeholders who are part of the national Education Recovery Group advised that schools should:

- 'prioritise the physical, mental and emotional wellbeing of children and young people, practitioners and families;
- recognise that 'children and young people from disadvantaged backgrounds may have faced multiple barriers to learning over the period of the school closures';
- 'applying the principle of equity, consider how to provide additional and appropriate support where it is most needed in order to maximise engagement with learning and continue the work to close the poverty related attainment gap'.

Taking care of our physical and mental health is crucial at this time, when there are many social, emotional, health and practical challenges facing all of us: children, parents and teachers. The EIS view is echoed by Education Scotland in [advice](#) published in January 2021 which highlights that health and wellbeing remains a key element of the recovery curriculum for young people and the importance of this is clearly stated: 'We need to be mindful of the impact of COVID-19 on our children and young people, many of whom may have suffered loss and trauma as a result. For all learners, a key focus...needs to be health and wellbeing.'

It goes on to state, 'From the outset of the pandemic, schools and settings adapted their learning and teaching to ensure a strong focus on children's mental health and wellbeing, and engagement. This continues to apply.'

Equally, teachers should be mindful of their own health and wellbeing and the need for an appropriate balance of priorities in this regard.

Health, safety and wellbeing, and the principle of equity, therefore, must be of paramount importance in session 2020-21 and as we move towards education recovery.

The Scottish Government guidance acknowledges this, stating,

'2021/22 will also be a recovery year, and there will be a continued emphasis on issues such as: supporting student and staff health and wellbeing; transitions at all levels; the impact of tragedy in communities; identifying gaps in learning; and a renewed focus on closing the poverty related attainment gap. In particular, there should be a focus on what can be done to remedy any impact that there has been around the widening inequalities of outcome experienced by children and young people'.

This has significant implications for the curriculum and pedagogy - what and how teachers teach and children and young people learn not only in this academic session but in the years to come.

Planning for Learning

As under normal circumstances, the EIS is clear that teachers' planning for learning is a tool to aid them in their preparation of learning and teaching, and to support professional dialogue among colleagues with regards to this. Planning documentation should be designed and handled with this key priority in mind.

Primarily for teachers' own use, any associated planning template should be bureaucracy-light, and should neither be a generator of unnecessary workload nor an accountability tool. Neither class teachers nor colleagues who have management responsibilities have time to dedicate to onerous planning regimes at a time when the priority in schools must be the wellbeing of pupils and staff alike.

In the event that planning processes or associated paperwork, particularly relating to forward planning, are found by members to be overly bureaucratic and generators of unnecessary workload, this should be raised with the management of the school setting in the first instance. In doing so, members may find it useful to refer to Education Scotland [advice](#) and Deputy First Minister's [statement](#) regarding excessive bureaucracy. If necessary, the EIS School Rep and/ or Local Association Secretary can assist in helping the setting to reach a collegiate and bureaucracy-light solution.

Collegiate Activities

As under normal circumstances and as has been the case since the start of the pandemic, it is important that colleagues are able to work together to reach solutions to the many challenges that maintaining safety and providing opportunities for quality learning and teaching in the context of COVID-19 present.

Whilst collegiate activities that reflect the key Education Recovery priorities continue in accordance with school Working Time Agreements, this should be in adherence to the current public health advice around physical distancing and hygiene, and with teachers wearing face coverings when working in shared spaces with others. Where it is not possible to comfortably maintain physical distancing for collegiate activities, particularly in light of the increased transmissibility of the new strain of the virus, these should be done using virtual means.

Setting Priorities

The wellbeing of pupils, teachers and families is to be at the forefront of all school-based decision-making as we work towards education recovery.

The Scottish Government guidance on education recovery advises that schools should set out:

'...a clear statement of intent to prioritise the physical, mental and emotional wellbeing of children and young people, practitioners and families. Recognition that good health and wellbeing is fundamental to ensuring that children and young people can engage effectively in their learning.'

Communication to staff and parents should have this emphasis and it should be reflected in all school-based planning and decision-making in which teachers should be fully involved. The Empowered Schools agenda, with collegiate working at its heart, remains live.

Schools should not expect to nor feel under pressure to provide opportunities for learning in session 2020-21 as it would any other. Streamlining of priorities is encouraged while children, young people, teachers and support staff continue to respond to the challenges of the pandemic.

The Scottish Government guidance goes on to state that:

'...focusing on learning across literacy, numeracy and health and wellbeing will be the initial priority with increasing learning experiences across all four contexts of learning. Cross curricular linked themes can help learners' experiences and activities across the BGE and senior phase.'

It recommends that time is specifically earmarked for

'...maximising opportunities for communications and dialogue with children, young people and their families and continuing to build relationships and resilience. Benefits of play and outdoor learning will be factored into learning plans - including opportunities for learners to be physically active, to enjoy and learn about their natural environment, and to relax.'

With this in mind, teachers should plan to provide time for talking, socialisation, building resilience, play and outdoor learning, for all pupils.

Planning at school level should also take account of the need to ensure regular contact for children and young people with a key adult within the school who knows them well. The Education Recovery Guidance recommends that this should be:

'to talk about their wellbeing; to share experiences during lockdown, including successes and challenges; to offer compassion and individual support as required; and to support engagement with learning'.

Consideration of how this priority can be delivered will be required. Additional staffing, should it be available, would be one way of approaching this, by enabling smaller classes and the provision of more one-to-one support by class teachers and/or assigning new staff to this specific role.

Opportunities for children and young people to share and discuss their feelings could also be built into the school day, through talking and listening activities such as, check-in, circle time, bubble time or talk time. Where these activities require one-to-one interaction with pupils, they should be conducted in an area in which physical distancing can be applied.

Schools may also wish to consider how access to school counsellors and their partnerships with third sector organisations might assist them in addressing this aspect of children's wellbeing needs in the coming months.

The [Refreshed Narrative for Curriculum for Excellence](#) is a practical tool that may be useful in supporting teachers' planning of learning during the Recovery Phase.

Breaktimes and Lunchtimes

Whilst schools may have made adjustments to school start and finish times in the interests of maintaining physical distancing, it is important that pupil and staff break-times and lunchtimes are at least preserved and possibly even lengthened to enable opportunity for children and staff to reconnect with peers and colleagues, albeit with restrictions related to distancing, etc. in place; and to allow extra time to help manage physical distancing in relation to toilets, cafeteria, staff kitchen and water-cooler access. This is particularly important with the increased risk of transmission from the new strain of the virus.

Tackling Inequality, Promoting Equity

The EIS advises that in planning for all learning activities, teachers should also take account of any information that the school has been able to gather on the equity impact of school closure and lockdown, and the implications of this for learning activities, resources to be allocated and the organisation of any additional support to the pupils who have been most disadvantaged since the pandemic struck.

This priority is reflected in the Education Recovery Guidance in which schools and teachers are encouraged to recognise that:

'...children and young people from disadvantaged backgrounds may have faced multiple barriers to learning over the period of the school closures. Applying the principle of equity, consider how to provide additional and appropriate support where it is most needed in order to maximise engagement with learning and continue the work to close the poverty related attainment gap.'

Whole-school recovery planning and teachers' individual planning should feature provision for children which takes account of the poverty-impact of COVID-19.

COVID-secure Classrooms Layout and Seating for Teachers

The Scottish Government advises that a 2m distance should be maintained between adults and children whilst indicating that this may be less achievable when working with younger Primary school children or those of any age group with complex additional support needs.

The EIS is clear that 2m social distancing between teachers and pupils should be observed in all situations. This applies irrespective of whether an individual has been vaccinated. Vaccination does not change the need to continue to comply with all current COVID-19 mitigation measures. This is particularly important in light of the increased transmissibility of the new strain of the COVID-19 virus. A minimum 2m distance is advised between teachers and pupils at all times unless a risk assessment has identified other appropriate mitigations that can be safely applied in circumstances where 2m distancing is not possible.

With this in mind, teachers should have a designated space within the classroom, that is 2m apart from all pupils, from where they teach their classes. Pupils should be clearly instructed not to enter this space and other means of seeking the teacher's attention/ help identified. Younger children and those young people who have greater difficulty remembering/ following instructions will require repetition and possibly further visual reinforcement of this rule. Neither should teachers go into the space where pupils are seated or standing at learning stations. If teachers do need to step into the area where pupils are situated, face coverings (or where identified in a risk assessment, PPE and other protective barrier measures) should be worn at all times.

It may be helpful to tape out the teacher's zone(s) on the floor so that pupils can see the space marked out rather than be required to estimate 2m. A good pedagogical approach would be to talk with the children and young people about why this and the wearing of face coverings in some circumstances is necessary in the context of infection risk and the increased transmissibility of the new variant of the virus.

Teachers should maintain 2m social distancing from other adults in the classroom. In exceptional circumstances when the 2m distancing cannot be maintained, a risk assessment should be conducted to determine whether, and if so, what other appropriate mitigations, can be safely applied. Face coverings should form part of the mitigation measures and be worn in such circumstances.

The Scottish Government guidance is also clear that anyone (whether a child, young person or adult), wishing to wear a face covering in any part of the school, should be permitted to do so.

It also highlights that during April and May 2021 children and young people observing Ramadan should be treated with sensitivity and discretion in relation to the wearing of face coverings. In addition to fasting, young people observing Ramadan during the school day will not drink liquids so may find the wearing of face coverings more challenging.

Particular consideration should be given to the impact of wearing a face covering on very young children and for children and young people with additional support needs. The EIS believes that transparent face coverings, where considered appropriate, should be supplied by the school or local authority to support learning and teaching and the health and wellbeing of children and young people.

There may also be situations in which staff with a disability, such as a hearing impairment, will require other adults, with whom they are working, to use transparent face coverings. The EIS would recommend that in these circumstances, appropriate adjustments are made and transparent face coverings are supplied to staff to support communication.

Schools should provide clear guidance for staff on how to put on, remove, store and dispose of face coverings to avoid inadvertently increasing the risk of transmission in the setting.

Layout and Seating for Learners

Prior to COVID-19, many classrooms were set up to enable collaboration among learners, with seating either in groups or pairs to encourage this. The current Scottish Government advice is that there is no need to alter this in the Primary school context where, according to the scientific advice, 'there is no requirement for physical distancing between children'. Consideration, however, should be given to ensuring that children are seated side by side, facing forwards, rather than sitting face-to-face.

Aside from the physical positioning of desks, chairs and learning stations in the classrooms, in the interests of creating a calm classroom environment and promoting positive behaviour, teachers should give consideration to where children and young people sit in relation to one another, and in relation to the designated teaching space/zone, within the classroom. Some children benefit from being seated close to/away from particular peers; others benefit from being closer to the teacher, particularly if they have visual or hearing impairment, or if they require regular reassurance from the teacher.

Given the need to ensure appropriate ventilation in classrooms, seating plans could, where appropriate, be designed to accommodate individual temperature preferences of children, young people and staff.

With evidence about the increased transmissibility of the new variant of the virus, the EIS is maintaining a close watching brief on emerging data and will be continuing to review the resulting pedagogical (as well as health and safety) implications. With this in mind, the advice that we provide relating to physical distancing and in relation to other mitigation measures may be subject to change as further evidence emerges.

Equipment and Resources

School risk assessments will have determined the extent to which pupils will share resources and equipment, or have sets of resources for their sole use, and any mitigation measures required such as cleaning or quarantining for the recommended 72 hours of resources and equipment.

The updated Scottish Government guidance indicates that there are two potential approaches to mitigating risks from surface contamination of jotters, textbooks and library books:

- quarantining the resource for 72 hours; or
- careful hand washing with soap and warm water or the use of alcohol-based hand sanitiser before and after handling the resource.

The guidance recommends that school risk assessments are updated to consider which of these approaches is the most appropriate for the circumstances of the individual setting. EIS school representatives should be consulted and involved in the updating of these risk assessments, which should continue to have the health and safety of staff, children and young people as their primary focus. EIS school representatives should also facilitate branch consultation prior to implementation of any new mitigation measures, resulting from the review process.

In some situations where resources require to be shared, pupils should be able to clean those that they have touched after use. Teachers should demonstrate from their teaching spaces/ zones, how this should be done.

With restrictions upon access to the wider classroom space, teachers will wish to encourage pupils to take responsibility for organising any resources that they will use- getting these out and putting them away after use. Such approaches are in common use in many schools and will be familiar to teachers and pupils alike.

Where children and young people need to move about within the classroom to access a shared resource, this should be organised to minimise congregation around the point of access to the shared resource.

Given the need to prioritise health and safety, teachers should give extra-careful consideration to which equipment and resources will be used in their lessons, as they plan for learning. Only those which are essential for the lesson should be used for the time-being, and where disposable materials can be used, this should be considered.

In the early stages of primary where a play based approach is being adopted, careful consideration should be given to the toys and equipment in use. Resources should be used which are easy to clean and cleaning arrangements in place to ensure that they are cleaned on a daily basis or if in a communal play area, when groups of children change. This will be particularly important as a result of the increased transmissibility of the new variant of the virus. Timetabling for access to communal play areas will have to reflect the cleaning schedule in place.

Resources such as sand and water and playdoh should only be used by consistent groupings of children and should form part of relevant risk assessments. Risk assessments should be reviewed and updated to take account of the new variant.

Children should be discouraged from bringing transitional objects from home to school and from sharing their personal belongings. However, where this is deemed necessary to support transition from nursery to primary one or even to support transition between stages, careful consideration needs to be given to how this can be managed safely. Where these arrangements are being considered, it may be helpful to involve the children in the planning so that they develop their understanding of the importance of the risk mitigation measures being adopted and why these special objects cannot be shared with peers in the current context.

The Scottish Government guidance makes it clear that

'For the early stage (P1-P2), schools may consider making use of the ELC models of managing children's interactions and other mitigations, where appropriate, particularly when adopting a play based approach.'

Further information on the considerations around risk assessments when a play based approach is being adopted can be found in the [Scottish Government guidance](#) for Early Years settings and in the EIS Additional [Advice](#) on managing the risks of Covid-19 for Early Years Teachers.

Making Use of Technology

Some of the practical difficulties posed by physical distancing, hygiene and quarantining requirements might be overcome through the use of technology, though it is understood that the extent to which schools can rely upon this will depend on both the availability of hardware and internet connectivity.

Where provision allows suitable ICT access for pupils, there are a range of digital platforms that might be useful and with which pupils and teachers are becoming increasingly familiar during periods of school closure - GLOW, Microsoft Teams and Zoom are some of those that are being used by schools across Scotland in line with local authority and school protocols.

Where schools and teachers are using such options, this should be within existing protocols, and should take account of the fact that some children and young people have less experience of using digital platforms than others, many having been unable to participate in this type of learning experience during lockdown because of home circumstances. It should also be borne in mind that teachers have varying degrees of confidence in using this kind of technology and many are likely to require professional learning in this area.

Some schools/ teachers already encourage the use of smartphones by pupils within clear protocols, to aid learning. Such an approach might be helpful in enabling pupil research, peer collaboration and communication with the teacher through class WhatsApp groups and such like. Once again, where such approaches are being considered, thought should be given to equity and the need to ensure that all pupils have full access to the learning activities that are being planned. No child or young person should be unable to participate as a result of not having a smartphone or sufficient mobile phone data. Where either of these is the case, sensitivity and an alternative approach that avoids stigma will be required either for the whole class or for individual children and young people who are at risk of missing out.

Further information about the use of technology in the context of remote learning during periods of school closure can be found below in the section below on **Blended and Remote Learning and Teaching**.

Interacting with Pupils

All interactions between pupils and teachers should be conducted with the appropriate guidance on health, safety, wellbeing and equity, and risk assessment mitigations, in mind. This should be the case in terms of how:

- pupils are welcomed into the classroom and dismissed at the end of the school day
- teachers settle children in the classroom environment
- instructions, explanations and practical demonstrations are given
- additional support is provided
- learning is assessed
- discipline matters are handled.

Welcoming children and dismissing them at the end of the school day

Traditionally, Primary school children are welcomed at the beginning of each school day by their class teacher, bringing their line into the school building. Similarly, at the end of the school day, those children, who are not travelling on school transport, are dismissed by the class teacher into the care of a parent/carer.

Changes to these arrangements may already have been made in light of the requirement to physically distance and they should be the subject of ongoing review in terms of managing the risk of transmission of the virus, particularly in light of new variants. Arrangements should be put in place for parents/carers to drop off and collect children and young people which ensure that large gatherings of people are avoided and that physical distancing between adults and children of different groupings can be maintained. The Scottish Government guidance is also clear that parents/carers who are dropping off or collecting children and young people from school should wear face coverings and should 'avoid contacts with other parents, children and young people at school gates, on the way to school and after school'.

Particular regard will also require to be given to safety arrangements around the dismissal of the youngest children in primary schools and sufficient time built into arrangements made, to ensure that this can be done in a calm environment. Clear communication of the rationale behind these altered drop off and collection arrangements will help to reinforce the importance of reducing the potential for community transmission and will help to manage the expectations of parents/carers.

Where pupils are travelling by dedicated school transport, taxis or private hire vehicles, consideration should be given to where the children and young people will go when they arrive at school. Arrangements should be adopted to manage safety and ensure supervision, where appropriate.

Safety arrangements should include a process for children and young people to wash their hands immediately on arrival to the school building, to dispose of temporary face coverings worn during travel to school in a covered bin or to place reusable face coverings in a plastic bag which they can take home. Children and young people should then wash their hands again.

Children in infant classes, as well as children with additional support needs, may require assistance in the safe removal of face coverings, of outdoor clothing and footwear on arrival at school and in preparing to go outside at breaks and the end of the school day. In light of the requirement to physically distance, consideration should be given to how this support can be provided. This might involve the assistance of peers or where appropriate, of older siblings within the same setting. Alternatively, consideration could be given to whether it is necessary to change footwear in the current circumstances. Where teachers and/or support staff are required to provide direct support and where physical distancing cannot be maintained, face coverings should be worn and consideration should be given to the use of additional risk mitigation measures, such as appropriate PPE (where deemed necessary following a risk assessment).

For children who attend multiple education settings, bespoke arrangements should be developed around safe travel arrangements, groupings within the class context and the adoption of appropriate risk mitigation measures. In light of the increased transmissibility of the virus, the EIS would recommend that movement between educational settings should be kept to a minimum and any existing risk assessments for such arrangements reviewed.

Settling classes

In addition to the arrangements for welcoming pupils, the school's arrangements for managing the movement of pupils around the school should be the subject of ongoing review in terms of managing the risk of transmission of the virus. Changes may already have been made and arrangements may require to be further altered to ensure that physical distancing can be adhered to, particularly in light of the increased transmissibility of the new variant of the virus.

For example, in circumstances in which a class of children may ordinarily have moved to another classroom to receive specialist input from another teacher, consideration may be given to restricting the movement of the children and instead, moving the specialist teacher to that class. Where this is the case, consideration will require to be given to how teaching resources will be safely transported and to how teaching zones, including teachers' desks, chairs, computers etc will be cleaned after each use.

At all times when adults are moving around Primary schools in corridors, office and admin areas, canteens (except when dining) and other confined communal areas, face coverings should be worn.

Whatever the arrangement, teachers should give consideration to how they will greet their pupils, in the interests of promoting positive relationships and behaviour at this time and throughout the Recovery Period as children and young people adjust to being in school in these circumstances and as many will be overcoming COVID-related trauma.

It might be that a quick, friendly check-in with each pupil would help here; or a ready wellbeing reckoner using hands-up or thumbs up/thumbs down so that children get the chance to express how they're feeling. The use of erasable whiteboards for this and other purposes could be useful- each pupil supplied with their own, plus markers and wipes. Through means such as these teachers are able to gain quick insight into how pupils are feeling and who might require some extra encouragement or support in the course of the school day.

Gesture, eye contact and where possible facial expression in addition to spoken words of encouragement, or digital messaging if classes are suitably equipped, will be key ways of providing this additional encouragement to individual pupils whilst maintaining physical distance. The role of learning assistants/ support assistants will be important here, also.

Giving instructions, explanations and demonstrations

For the period that teachers are restricted in their ability to move among pupils in their classes, traditional methods of giving instructions will continue to be essential:

- verbally giving instructions and repeating them patiently, whether for the whole class or for individuals until all pupils have understood and followed them;
- writing instructions/ placing symbols on the board or other signposting area to reinforce instructions or make them accessible to pupils with hearing difficulties.

Teachers may also wish to encourage pupils to help their peers to follow the teachers' instructions.

The same advice applies to explanations of concepts and demonstration of skills. Teachers will be required often to deliver these from their designated teaching spaces/ zones. Where appropriate, the use of visual aids such as props, and images and diagrams projected onto screens might be helpful. Teachers could also consider using audio-video material to help deliver and reinforce explanations under these circumstances.

As far as possible, teachers should avoid reverting to traditional 'chalk and talk' methodology, encouraging active listening and participation among pupils and students through dynamic whole class group work.

Explanations and demonstrations can be peppered with questions as a means of keeping pupils engaged. Questions should be varied in type with higher order, open questions included and posed to pupils on a differentiated basis.

Pupils should also be encouraged to ask questions and could be asked to explain concepts in their own words either to the class or to those sitting close by them following the teacher's exposition. The use of erasable whiteboards and tablets could be helpful in enabling pupils to feed back to the teacher through visual and digital means as explanations and demonstrations are underway.

Use of voice

As far as possible, children and young people should be encouraged not to raise their voices when in the classroom or indoor space in order that the teacher or anyone else who is speaking to the class is audible without having to raise their voice. This is to minimise the number of airborne particles and droplets within the space. Using 'partner' or controlled 'classroom' voices will also help in creating and maintaining a calm atmosphere in the room.

Pace

As children and young people acclimatise to a different version of school life and new routines, it is likely that simple steps may take longer to be followed. Teachers should be comfortable with this and should not feel pressure to rush their pupils through activities. Learners should be given sufficient thinking time in which to formulate answers to oral questions or approaches to problem-solving. In the interests of wellbeing, in some cases, the usual pace of classroom activity will require to be slower.

Teachers should be confident in applying their judgement in relation to determining the pace of all classroom activities, taking account of current priorities around health, safety and wellbeing, and the needs of individual and groups of pupils within that context.

Practical Activities and Subjects

The Scottish Government guidance makes clear that practical 'hands on' learning activities, experiments and investigations may not be able to occur on the basis that they would normally and that teachers may have to adapt some aspects of their approach to these activities in the interests of safety.

Many such activities are likely to take longer, from planning to take account of any obstacles, setting up equipment, delivery and clearing up and cleaning equipment after use.

The Scottish Government guidance makes it clear that teachers in the primary setting can plan for children to work together on practical activities.

- Science and Technologies

SSERC has produced [guidance](#) on carrying out practical work in Sciences and Technologies for Early, Primary and Secondary levels, including links to resources.

- Physical Education ('PE')

Education Scotland has produced updated [guidance](#) on safe practice in PE.

It outlines key indicative dates (dependent on the suppression of the virus and the continued rollout of the vaccine) relevant to the delivery of P.E. within the Primary context:

- **From 5th April 2021** – Children can participate in contact and non-contact physical activities **outdoors**. P.E. will **not** be permitted indoors at this time in Primary schools.
- **From 26th April 2021** – Children can participate in **individual non-contact activities indoors** and **in contact and non-contact physical activities outdoors**.
- **From 17th May 2021** – Children can participate in **group non-contact activities indoors** and **in contact and non-contact physical activities outdoors**.

The guidance outlines some practical considerations which should be considered as part of the risk assessment process and provides some advice on aspects of implementation. This includes advice on minimising contact between individuals and groups; the importance of maintaining the strict 2 metre physical distancing requirements between adults and between adults and pupils; the use of changing rooms; the wearing of face coverings by staff; the storage of clothing when changing rooms are not used; the use and cleaning of equipment; appropriate hygiene measures; greater emphasis on ventilation and the importance of reviewing procedures adopted. Specific consideration should be given to how the risk of transmission can be managed safely in changing rooms, with a key focus on enhanced cleaning of surfaces after use and ventilation.

Risk assessments should be kept under regular review and should also reflect and be adapted to respond to local issues, such as local increases in cases of Covid-19, local outbreaks or a change to the protection level of the area in which the school is situated.

The guidance will remain under review by Education Scotland.

- Home Economics

Education Scotland has produced updated guidance on safe practice in relation to the delivery of Home Economics.

Central to the guidance are considerations around the health and safety of children and young people and school staff, with a risk-based approach being adopted.

Before Primary teachers plan to work with food, a detailed risk assessment should be conducted to ensure that full consideration can be given to the level of risk involved, a determination made as to whether the planned activity can take place, taking cognisance of the local setting, and if it can, what risk mitigation measures should be adopted.

In light of new variants of the virus, the EIS would recommend that these risk assessments are reviewed and updated regularly to take account of the current context.

The importance of adhering to the two metre physical distancing rules between adults and between adults and pupils is emphasised in the guidance.

The guidance also provides that greater emphasis should be placed on ventilation and practical advice is provided in relation to arrangements for the purchase, storage and handling of food items; and the need for enhanced hygiene measures for equipment and resources.

Where teacher demonstrations are necessary, the guidance suggests that this could be done from behind a Perspex screen, or alternatively, through the use of technology, such as data projectors, digital cameras or visualisers.

Additional consideration should also be given to the planning of practical activities for children and young people who require additional support. Where there is a need for staff to be in close proximity to the child or young person to provide support, a risk assessment should be conducted, reviewed on a regular basis and appropriate risk mitigation measures put in place. Face coverings should form part of the mitigation measures and be worn in such

circumstances. Measures may also extend to the use of PPE where deemed necessary and enhanced hygiene arrangements before and after contact.

Education Scotland's Guidance refers to the 'costs of food provision within schools'. The EIS is clear that no child or young person should be charged to have access to the curriculum at any time. This principle is even more pertinent when many families will be facing additional challenges from the financial impact of the pandemic. To ensure equity of provision, it is essential that no financial barriers are placed in the way of a child or young person's participation in this, or any other, area of the Curriculum.

- Expressive Arts

Education Scotland has produced subject specific guidance in relation to teaching in the Expressive Arts. The guidance will be kept under review, as scientific and medical advice in these areas emerges. The EIS will also continue to make representations through the CERG and liaise with members as developments arise.

(a) Music

Education Scotland's updated [guidance](#) on Music whilst acknowledging the importance of music education in terms of developing skills and promoting health and wellbeing, continues to adopt a precautionary approach to the teaching of music in schools. Health and safety considerations of children, young people and staff are paramount and bespoke risk assessments should be completed and kept under regular review, as circumstances develop and advice is updated.

The guidance highlights the sliding scale of risk associated with different musical activities and provides a grid, outlining low and high risk activities. Only where there is a combination of low-risk factors in place, determined on the basis of a robust risk assessment, can an activity go ahead. It makes it clear that large group music activities, such as choirs, orchestras and ensemble performances, should not be re-introduced at this point.

The advice highlights the importance of well-ventilated rooms when music is being taught and the key role which cleaning and hygiene practices will have in reducing the risks identified. Consideration may require to be given to the use of additional alternative spaces within the school, such as, assembly halls, games halls or other general purpose areas, to ensure

compliance with ventilation requirements. To reduce pupil movement around the school, instrumental timetables should also be reviewed. The guidelines also provide that all staff and learners should wear a face covering at all times during lessons.

Additional Guidance on Managing the Risks of Covid-19 has been produced by the EIS for Instrumental Music Teachers. Aspects of this guidance in relation to the cleaning of instruments, in particular, may be helpful when conducting risk assessments for the delivery of music education activities in the primary context.

Singing and the playing of wind and brass instruments has been categorised as 'high risk'. The Scottish Government Guidance, 'Preparing for the Start of the New School Term in August 2020' highlighted that

'scientific and medical advice around how activities such as singing, talking at volume e.g. in theatre performance, or playing wind/brass musical instruments can be managed safely is still being developed.'

It went on to state that

'These activities should be avoided during the initial return to schools.'

This position has **not** altered in the primary context and the Education Scotland updated guidance has re-stated this advice:

'Meantime, it is our advice that young people should not engage in singing, or playing wind and brass instruments with other people, given these activities pose a potentially higher risk of transmission'.

Learning can continue in these areas with alternative approaches **out with school** being adopted. A focus could be placed on theory or composition and the use of digital technology could be useful in enabling learning to continue in these areas, with pupils recording themselves performing at home and sending those recordings to teachers, where appropriate. In adopting these alternative approaches, consideration should be given to ensuring equity of access to digital technology for those pupils involved.

Risk assessments should be kept under regular review and should also reflect and be adapted to respond to local issues, such as local increases in cases of Covid-19, local outbreaks or a change to the protection level of the area in which the school is situated.

The guidance will remain under review by Education Scotland.

(b) Drama

Education Scotland's updated Guidance on Learning and Teaching in Drama adopts a similar cautionary approach as that outlined above in the advice on the teaching of Music.

Whilst awaiting the publication of scientific advice in this area, Education Scotland advice is that

'young people should only engage in drama, when robust risk assessments are completed and appropriate mitigations put in place. Alternative approaches may be required to provide lessons safely.'

The guidance provides a list of suggested activities which can be considered and makes it clear that they should be underpinned by bespoke risk assessments.

Following a robust risk assessment, Drama activities can only take place if there is a combination of low-risk factors, with appropriate mitigation measures identified to address the risk involved. A grid has been produced to identify the types of activities which would be categorised as low- or high-risk.

The guidance makes it clear that large group activities and those where no physical distancing can take place between adults or between adults and pupils should not be re-introduced at this time.

It goes on to highlight the importance of children and young people working individually where possible and where this is not possible, in pairs or small groups of no more than five pupils (where this has been considered safe through the risk assessment process). Strenuous movement work should not be undertaken within the Drama curriculum at this time.

Particular consideration should be given to the use of well-ventilated rooms or outdoor spaces when planning such activities and time built in to ensure that appropriate cleaning and hygiene measures can be adopted.

Technology and digital platforms, where appropriate, may facilitate the delivery of teaching and learning in Drama. Blended learning could also be used to encourage children and young people to undertake research-based tasks and preparatory work at home.

The Education Scotland guidance relates to teaching and learning in the classroom and makes it clear that school productions should not take place at this time.

(c) Dance

Education Scotland has produced updated '[Dance Guidelines](#)'.

The guidelines outline key indicative dates (dependent on the suppression of the virus and the continued rollout of the vaccine) relevant to the delivery of Dance within the Primary context:

- **From 5th April 2021** – children can participate in **contact and non-contact physical activities outdoors**. Dance will **not** be permitted indoors at this time in Primary schools.
- **From 26th April 2021** – Children can participate in **individual non-contact activities indoors** and **in contact and non-contact physical activities outdoors**.
- **From 17th May 2021** – Children can participate in **group non-contact activities indoors** and **in contact and non-contact physical activities outdoors**.

The guidance outlines some practical considerations which should be considered as part of the risk assessment process and provides some advice on aspects of implementation. This includes advice on minimising contact between individuals and groups; the importance of maintaining the strict 2 metre physical distancing requirements between adults and between adults and pupils; the use of changing rooms; the wearing of face coverings by staff; the storage of clothing when changing rooms are not used; the use and cleaning of equipment; appropriate hygiene measures; greater emphasis on ventilation and the importance of reviewing procedures adopted. Specific consideration should be given to how the risk of transmission can be managed safely in changing rooms, with a key focus on enhanced cleaning of surfaces after use and ventilation.

In planning lessons, efforts should be made to ensure that learners are facing either the same direction or away from each other, to minimise the risk of transmission. Teacher demonstrations and explanations should be delivered from an assigned area to allow for 2 metre physical distancing from pupils.

Risk assessments should be kept under regular review and should also reflect and be adapted to respond to local issues, such as local increases in cases of Covid-19, local outbreaks or a change to the protection level of the area in which the school is situated.

The guidance will remain under review by Education Scotland.

(d) Art and Design

Education Scotland updated Guidance on 'Learning and Teaching in Art and Design and Photography' adopts a similar precautionary, risk based approach as has been highlighted above in the some of the other guidance for the Expressive Arts.

Health and safety considerations for children, young people and staff are paramount and are central to decisions around the resumption of activities in this area of the curriculum.

Risk assessments should be conducted to identify and assess the level of risk which the activity presents and to consider whether this can be managed safely with the implementation of appropriate risk mitigation measures.

A greater emphasis should be placed on ventilation and particular consideration should be given to the processes around the relevant activity, with additional time allocated as part of the planning process for set-up and clean-up time.

The guidance outlines the importance of safety, stating:

'As an overriding principle, activities which involve contact with shared equipment should be kept to a minimum.'

Where equipment or resources are to be shared as part of an activity, they should be sanitised carefully before and between use by each pupil. The guidance makes it clear that:

'close attention must be paid to good hygiene, cleaning of surfaces and physical distancing between adults and between adults and children and young people.'

Where possible, and to minimise risk, consideration should be given to whether the activity can take place outdoors.

During lessons, children and young people should be encouraged to clean their own equipment. Instructions on how this should be done should form part of the teaching of classroom routines. Additional consideration should also be given to access to sinks and to controlling the numbers of pupils present at the sinks at any one time. Where sinks are shared with other classes, access should be timetabled to avoid cross-contamination and sinks and taps cleaned before and between use.

The guidance provides a number of suggestions for the delivery of Art whilst maintaining the 2m physical distancing rule. It suggests the use of visualisers, the use of blended learning approaches where initial sketches and developmental work can be conducted at home, and the use of online platforms.

Additional consideration should also be given to the planning of Art activities for children and young people requiring additional support for learning.

Peripatetic Staff

The Scottish Government makes it clear that 'movement between schools (e.g. of temporary/supply/peripatetic staff etc.) should be kept to a minimum'. It goes on to provide that 'as far as possible, attendance should be consolidated within one setting'. (paragraph 105).

The EIS would, therefore, recommend that careful consideration is given to the use of peripatetic staff at this time. The question should be asked whether their attendance is essential at this time and whether the service that such staff provide could be delivered remotely.

If, after collegiate discussion, the attendance of peripatetic staff in schoolbuildings is considered necessary, then 'movement between schools ... should be kept to a minimum' and efforts should be made to consolidate their attendance in one location.

Visiting Professionals

The Scottish Government Guidance is clear that 'adult visitors to schools should be strictly limited only to those that are necessary to support children and young people'. It acknowledges that there are some essential services which are central to the delivery of young people's care or educational plans which necessitate visiting professionals attending schools.

In these circumstances, collegiate dialogue and partnership working will assist in determining when attendance is 'necessary' and when support could otherwise be provided remotely.

Where attendance is considered 'necessary', then movement across locations should be minimised and a robust risk assessment undertaken (and reviewed on a continuous basis) to identify appropriate mitigation measures. Risk assessments should be jointly prepared between the school, the relevant partnerservice and the trade unions involved.

Outdoor Learning

In the interests of risk mitigation and wellbeing, schools may wish to consider the increased use of outdoor space, as advised by the Scottish Government guidance.

Suitable facilities may include school playgrounds, local greenspaces and/or community areas, where appropriate and within the parameters of current restrictions. Risk assessments should include any activity that will take place outdoors. Any use of outdoor spaces should involve coordination of activities to ensure there is sufficient space for all pupils at any one time.

On days when the weather allows, teachers may wish to take their classes outside to work on activities that would normally be done indoors but which could easily be transferred outside. Alternatively, lessons could be planned that use the outdoors as a stimulus and basis for the learning. Such learning activities may be less dependent on fine weather as long as children and young people- and teachers- have the necessary clothing.

For any outdoor learning that requires it, an appropriate cleaning regime should be introduced along with appropriate bins for disposal of any rubbish and hand washing stations/sanitiser to ensure hygiene. If outdoor equipment is being used, the Guidance makes clear that schools should ensure that multiple groups do not use it simultaneously, as well as considering appropriate cleaning between groups of children using it.

In planning for outdoor learning, consideration should be given to the needs of children and young people who may require additional support to ensure that they are not disadvantaged.

Education Scotland has produced a [summary of outdoor learning resources](#), relevant policies and related professional learning which may be helpful in planning activities.

[The Outdoor Learning Directory](#) also provides links to a variety of resources that can be filtered by subject area and curriculum level. Support and guidance on risk assessment can be found on the [Going Out There framework](#) .

The Scottish Advisory Panel for Outdoor Education ('SAPOE') has launched an online resource, 'Teaching Learning Outdoors'. The course is designed to support the development of teachers' knowledge, skills and confidence in taking learning outwith the classroom. The TLO course can be accessed [here](#) and more information is available on the SAPOE [website](#) .

Teaching about Coronavirus

It is always important for learners to understand the context in which they live and learn.

Teachers should give consideration to the opportunities that there may be for children to learn about the behaviour of the COVID-19 virus, transmission of the infection, and about the measures that are in place to reduce transmission, such as social distancing, cough and hand hygiene, and the wearing of face coverings and handling and disposing of them correctly.

Learning around these areas could feature in Science and Health and Wellbeing activities; parallels could be drawn with other global pandemics and their impact in History; and the subject matter could be approached creatively through Writing, Music and Art activities.

Differentiation

As under normal circumstances, teachers should consider how learning activities will be tailored to be inclusive of all learners and differentiated accordingly by stimulus; or by the level of support given in terms of scaffolding of learning, additional instruction, peer support or learning support; or by outcome.

Providing Support in the Classroom

In the current conditions, teachers will require to consider how follow-up support to their whole-class/ whole-group explanations and demonstrations can be provided.

Teachers can, of course, repeat explanations verbally, as appropriate. Where children and young people have access in school to digital hardware such as

tablets and PCs, they could be directed to further audio-visual material for the purposes of revisiting or reinforcing concepts.

Where pupils have specific additional support needs, appropriate supports will require to be in place taking account of the child's individual needs and in accordance with the outcomes of all relevant risk assessments.

Where adults- either teachers or support staff- are unable to maintain 2m distance from pupils who require additional support with their learning, then face coverings should be worn at all times. Risk assessments should be conducted and reviewed regularly to identify whether any additional risk mitigation measures are needed.

Where children and young people with more complex additional support needs require staff to be in close physical contact, for example in the provision of personal care, the wearing of PPE may be required.

Additional Support for Learning

Children and young people with identified additional support needs will require continued support with their learning. Arrangements for providing this should be carefully considered in light of public health measures, with risk assessments being updated as necessary and appropriate mitigations put in place to protect children with additional needs and any adults who will be supporting them.

Where necessary, in seeking to prioritise need and the allocation of resources, including staffing, consideration should be given to the extent to which individual children and young people are impacted by school closure and lockdown and any associated gaps in their learning. Given the high correlation of poverty and incidence of additional support needs, the equity principle will be important here.

Where class teachers are working with learning/support assistants or ASN/SfL Teachers, consideration should be given to how they will maintain 2m distance from one another at all times and how physical distancing or other mitigations will be maintained to enable young people to receive the support that they need.

In some circumstances, the use of ICT may be of benefit to young people with additional support needs as an alternative or partial alternative to one-to-one support.

Peer Learning and Collaboration

Pupils can also be encouraged to support their peers with their learning in the Primary context in the usual ways through paired and group work. Messaging

apps on tablets, PCs and smartphones where such use is permitted, could aid this process.

Assessment and Feedback

The usual close working between teachers and pupils where teachers sit with or stand beside pupils to coach them in their learning, assess their progress and provide feedback, cannot occur as it usually would at this time.

This requires to be considered in planning how assessment will be built into sequences of learning and alternative methods of assessment and providing feedback identified where physical distance cannot be maintained between teacher and pupil.

With this in mind, teachers should think about using verbal means where possible in order to gauge how learners are progressing- for example, asking for oral rather than written explanations from pupils, or by encouraging pupils to read out shorter pieces of their writing to the teacher, and verbal feedback as appropriate provided to the pupil rather than written feedback in jotters.

Where written work is essential, consideration could be given to this being produced and sent to the teacher digitally as occurred during the period of school closure and lockdown. This would require schools to be adequately equipped with digital hardware and internet connectivity.

Pupils could also submit jotter work for teachers to assess, following adoption of the appropriate risk mitigation measure identified for this purpose in the school risk assessment. Where it is assessed that there should be a period of quarantine, 72 hours is the recommended timespan for isolation of jotters. On returning jotters to pupils, the appropriate risk mitigation measure identified in the school risk assessment should also be adopted. Where this is a period of quarantine, 72 hours would be the quarantine time required after the teacher has touched the jotters or other written scripts. This is a less practical approach if feedback is required relatively quickly. Digital or verbal means would be better in this case. Any contact with pupils' jotters or other hard-copy assessment evidence should be preceded and followed by thorough hand-washing.

Self and Peer Assessment

As per good formative assessment practice, learners should also be taught and supported to self-assess their work using the agreed success criteria. Such an approach deepens learning by encouraging metacognition, gives learners greater ownership of their learning and promotes independence.

This could be done at key stages throughout the learning activity, with opportunities provided to tell/show the teacher their progress using erasable whiteboards or other visual signal. Coloured card or paper could be used to traffic-light learner's progress through a learning activity as judged through self-assessment.

The same principles of formative assessment apply to peer learning. Pupils can also be encouraged to look at one another's work and provide feedback either orally, in writing or using symbols, based on the success criteria for the activity. The use of technology could enable this in some circumstances; in others, pupils could read parts of their writing to peers and verbal feedback could be provided; in others pupils might read the work without touching the page and provide verbal feedback.

This approach benefits both the peer assessor who learns more deeply in the process, and the learner whose work is being evaluated who will often find advice and explanations from peers very helpful in enhancing their understanding of ideas, concepts and skills development and application. The value of helping one another is also critical to promoting positive relationships and behaviour and to fostering a sense of community in the classroom and the wider school on the basis that education is a social, collective endeavour.

Responding to Interruption to Learning

Schools and teachers continue to monitor children and young people's progress with learning and the impact of any interruption caused by the pandemic. Literacy and Numeracy, in addition to Health and Wellbeing, continue to be prioritised.

This, together with the principle of equity should be borne in mind when decisions are being made about how resources, including any additional resources such as staffing, are to be allocated and deployed.

Teachers may wish to make use of a range of learning resources prepared by Education Scotland- originally for the purposes of [Blended Learning](#)- to help address the impact of any interruption in learning caused by the pandemic. These resources could be used either in class or at home as appropriate. Further information about these resources and [additional resources](#) produced by the EIS Education Department, including a webinar on blended and remote learning, can be found on our website.

Education Scotland have also compiled a list of helpful resources for remote learning to support learners with complex additional support needs which can be accessed [here](#).

The EIS is of the clear view that ACER's 'Scottish Formative Online Assessments' should not be used as the means to assess the impact of school closure on pupils at this time. Neither can SNSAs perform this function singularly. Where schools are considering the use of SNSAs for this purpose, this should be the subject of collegiate discussion in light of the wellbeing imperatives as laid out clearly within the current Scottish Government and Education Scotland guidance.

Promoting Positive Behaviour and Relationships, and Managing Discipline

Schools should have reviewed their policies in relation to promoting positive relationships and behaviour, and managing discipline in the context of aiming to make the school environment COVID-secure.

Practices which would have commonly occurred pre-COVID such as close one-to-one Behaviour Support coaching or the use of 'On Target' or 'Behaviour Cards' which pupils take home for daily parental checking and signature, and regular signing by class teachers, PTs/DHTs/HTs, will require rethinking and other methods of supporting young people to achieve positive behaviour and good relationship with peers and staff, identified.

One-to-one interactions with pupils will need to be conducted at a safe 2m distance. Consideration will require to be given to how and where class teachers, PTs/DHTs/ HTs and Pupil Support staff can manage this. Larger, less confined spaces such as corridors, empty classrooms, larger offices could be used.

In using techniques such as 'Behaviour Cards', teachers would still be able to discuss targets and progress with young people. It may be possible in some cases for children to be instructed to fill in cards themselves having been directed by the teacher as to the content and under physically distanced supervision. Other possibilities might be the use of SEEMIS or other digital platform to track the behaviour of pupils who require additional support throughout the day, with a view to this being texted or emailed to parents daily. Phone calls by PTs/ Pupil Support/SMT would be another possibility.

Given the Scottish Government guidance that the number of interactions for children and young people per day should be kept to a minimum, and that play and socialisation are critical to recovery, and in light of the difficulties around travel as a result of the current public health restrictions, detention either during the school day should be very carefully considered and where alternative sanctions are possible, these should be considered.

GIRFEC, Guidance and Pastoral Care

The strong emphasis on wellbeing means that there is likely to be much GIRFEC-related activity in schools and with multi-agency teams.

All associated arrangements should be made with public health imperatives in mind, both regarding one-to-one meetings and conversations with children and young people, and meetings with other professionals such as Educational Psychologists and Social Workers. 2m distancing should be maintained between pupils and teachers who are providing them pastoral support. If for any reason this is not possible, face coverings should be worn where they are not being worn already.

Where physical distancing cannot be comfortably maintained for larger meetings and in the interests of minimising the number of visitors to school buildings, virtual meetings should be considered.

Face coverings should be worn by parents and all visitors to school settings, at all times.

Homework and Out of School Learning

The key priorities of the Recovery Curriculum – wellbeing, equity, and health and safety, should be borne in mind in relation to decisions around homework-whether it should be given at all; and if it is to be given, what and how much.

Some questions to consider:

- Should homework be a priority at this time?
- How well will it benefit children’s wellbeing and learning at this time?
- Are families in a good position to support children with homework at this time?
- How will children from disadvantaged backgrounds be able to engage with the homework activities? Can they participate equally to their more affluent peers?
- How will resources be provided and collected in safely?
- How will feedback on homework be provided safely and meaningfully?
- Will the setting, collection and provision of feedback on homework take up valuable class time?
- Are there activities which can be encouraged which require little resource and upon which class lessons are not dependent?

Teachers are advised to discuss such questions with their colleagues, ideally in arriving at a whole-school, collegiate decision about an approach to homework during the recovery period that sensibly and fully takes account of the current context and priorities.

Blended and Remote Learning and Teaching

In the context of the COVID-19 pandemic, schools are having to adapt to a variety of circumstances using a range of approaches to deliver learning and teaching. This will include situations in which children and young people and/or teachers may be self-isolating or shielding; where teachers with particular health vulnerabilities are working from home; or where schools require to move to a blended or remote learning model.

The EIS is clear that learning and teaching occur most effectively when teachers and pupils work together face to face in classrooms. This is acknowledged in Education Scotland's advice on [remote learning](#) which states that 'remoteteaching will not replicate face to face in school teaching – in style, approach or hours of delivery'.

Teachers may wish to provide access to online learning as an addition to classroom-based learning and teaching but only in exceptional circumstances should online modes of learning be considered as a substitute for face to face learning and teaching.

The Education Scotland advice is clear and the EIS agrees that 'Whilst remote learning is not a substitute for full time classroom-based learning and teaching, effective remote learning can mitigate some of the adverse impact of a reduction in face-to-face learning' in a variety of ways.

Maintaining Professional Boundaries

To accommodate these circumstances, teachers might be asked to deliver lessons from home, either pre-recorded or on a 'live' basis. Where this is the arrangement, teachers may use their own computer devices and smartphones for online communication with pupils as part of the school's agreed approach to continuing education delivery and through agreed official channels only- i.e. work email addresses, GLOW or other local authority-endorsed digital platforms. It should also be understood that teachers are not compelled to use their own digital devices, should they not wish to do so. In these circumstances, the onus is on the local authority to provide any devices as necessary to support remote teaching.

Employers' policies, guidance and protocols relating to online learning should be shared with teachers and strictly adhered to; and the EIS Social Media Policy and the GTCS Professional Guidance on Electronic Communication and Social Media should be borne in mind.

Members are advised, however, to be mindful of safeguarding private personal details. Teachers should not share, or be asked to share, personal phone numbers, email addresses, or social media IDs with pupils or their parents.

Where it has been agreed that live-streaming of lessons will feature as one part of a school's approach to the delivery of remote learning, this should proceed only where secure platforms, such as GLOW, can be used and according to agreed protocols, including those in relation to the roles and responsibilities of parents in supporting their children with remote learning generally and specifically to access any live lessons.

Where lessons are being streamed or video recorded for sharing as saved digital files with pupils, teachers should take all appropriate measures to protect their personal privacy and safeguard their professionalism, for example, by ensuring neutral backgrounds and appropriate dress.

Teachers should not engage in any phone or video-calling with parents unless this has been arranged through the school in accordance with LNCT agreements, and with the knowledge and/or participation of the appropriate line manager and the consent of the teacher involved. In the event of a parent seeking to engage a teacher in discussion about their child's learning in the course of planned online engagement with the child, they should be directed to the school office/website where all relevant contact details can be provided/should be clearly available.

Teachers should not feel pressure to respond to any parent/carer comments, requests or complaints made through online channels which have been set up for the purposes of maintaining learning at home amidst the current public health crisis.

Teachers should be aware that nothing that is shared online is private.

Any school which is delivering learning online must have protocols in place to protect staff and safeguard pupils. No teacher should be expected to carry out any online teaching with which they feel uncomfortable, or in the absence of agreed protocols. Such protocols should include measures for handling incidence of pupil behaviour which is disrespectful of others, including the teacher, or is disruptive of learning; and for responding to incidences of inappropriate parental intervention.

Teachers should not routinely be in phone contact with young people who are learning at home, for the purpose of checking progress with learning activities. To support the emotional wellbeing and learning needs of young people who are particularly vulnerable, a degree of regulated contact, maintained by staff who are experienced in pastoral care, and within clear protocols which safeguard both pupils and teachers, would be appropriate.

Where phone contact is judged necessary on the basis of an evaluation of pupil need and subsequent identification of pupils for whom wellbeing considerations are significant, this should be done by staff who are well experienced in making phone contact with home in relation to pastoral care matters.

In the Primary setting, any phone calls to pupils deemed necessary should be made by Primary PTs and DHTs. Main Grade teachers should not normally be involved in making such phone calls directly to pupils and parents at home. If asked to do so by the school, this should be in accordance with agreed protocols.

Further information in relation to Maintaining Professional Boundaries, both online and during phone calls can be found in the [EIS Working at Home Advice](#).

Teachers' Use of ICT

As far as possible where digital technology is being used to support learning and teaching at home, this should be familiar both to teachers and pupils. Teachers cannot be expected to be adept at using digital learning platforms without the requisite training, nor can they support such learning without access to the necessary devices.

Education Scotland has been providing some training on the use of GLOW for the purposes of remote learning. Where schools/ local authorities use other digital platforms for the delivery of teaching and learning, the associated learning should be made available. Where teachers are unable to access this learning, alternative activities should be agreed. These might include a different means of supporting contingency education delivery at this time; or carrying out manageable curriculum development work; or engaging in additional professional learning.

Where teachers have concerns about the use of particular software, for example, in relation to the capacity of companies to access and harvest personal data,

these should be raised with the SMT with a view to alternative possibilities being explored.

The classroom environment for many has extended into a virtual space which can be accessed by multiple users. Whilst it may be appropriate in some circumstances for colleagues to work together on providing remote learning for pupils, the use of digital platforms for the purposes of quality assurance of learning and teaching in the context of any contingency arrangements, is not appropriate and should be resisted.

Whilst it is understood that senior managers have a responsibility to quality assure learning provision, this should be done on the basis of collegiate, professional dialogue with teachers. All staff should be involved in collegiate discussion about what the school's remote learning offer will be and opportunities for professional dialogue among colleagues, including senior managers, should be created ongoingly throughout the period of remote learning and teaching. It is not acceptable for quality assurance processes to be in the form of observation of live virtual lessons.

Learning and Teaching in the Blended or Remote Context

The principles of Empowering Teachers and Teacher Agency should apply to remote working and digital learning contexts in all aspects of learning and teaching.

As would be expected when working in the normal environment of school, teachers should be involved in all decisions about the curriculum – in this case, the activities that children and young people will be offered while learning at home. What is provided by teachers should be by agreement following a collegiate, professional dialogue with the senior management of the school or line manager as appropriate. Collegiality rather than instruction and prescription is key.

As in the classroom context, teachers know the children that they teach well and are therefore best placed to decide upon the nature, volume and frequency of the learning activities provided.

An appropriate range of learning activities should be considered, particularly in light of the fact that many children and families still do not have sufficient access to digital devices or internet access. Education Scotland has advised that 'Remote learning can be delivered in a variety of ways. It may include reading, doing, creating and inventing, playing, problem solving, observing and investigating with some of the best learning examples not requiring technology at all, although in the current context, digital and online approaches will be commonly used.'

It should be borne in mind that in addition to the issues related to digital inequity, many children may struggle simply to have a quiet space to study / work.

Learning activities should suit the age range and capabilities of the children and expected outcomes should be flexible. A good strategy is to set learning activities that enable differentiation by outcome, that all pupils in a class, including those with additional support needs, can complete with some degree of success, with extra and more stretching activities for progression.

It can be beneficial to provide a list of possible activities that cover different areas of the curriculum and which allow learners to choose the activities that particularly interest them and with which their parents might be better placed to help.

Offering a variety of learning activities, covering a range of subject areas and involving different skills, is recommended. Creative activities involving music and dance, art, writing stories, songs and poetry, and making things are likely to motivate and be a welcome distraction for learners, particularly in the current worrying climate.

Work that can be done by pupils in bite-sized chunks is more likely to be completed than longer tasks. If there are projects, suggest how these could be broken down.

Learning activities should be centred on ground previously covered in class, and as far as possible which learners can make progress with independently. Overly complex tasks including those that seek to introduce new learning should be avoided in these circumstances, especially where young people have additional support needs.

Many parents are also trying to work from home, and some parents might struggle to assist with schoolwork for a number of reasons besides. Expectations of young people and their parents need to be realistic and fair, as would also be advised when in normal circumstances, approaches to homework are being considered.

Given that there has been a commitment made to continue to provide education on a contingency basis during any period of school closure, and given the inequalities that already exist arising from socio-economic factors, local authorities and schools should be live to this and continue to take account of and address socio-economic disadvantage and digital inequality in terms of the remote learning that they offer.

Provision of feedback on pupils' learning at home should be concise, focused, bureaucracy-light and given through the agreed channels. Feedback should be given in line with good formative assessment practice with a view to ensuring that any feedback provided is meaningful for children and young people. With this in mind, teachers should also be free to use their professional judgement in determining the amount, nature and frequency of feedback that they give their pupils. It should also be borne in mind that good formative assessment practice involves a balance of teacher, self and peer assessment.

Workload in the Blended or Remote Context

Workload control measures are still operable in the context of working at home, whatever the reason teachers might be doing this. Management of teachers' working time should be within the parameters of the 35-hour working week, and collegiate discussion and agreement around the use of collegiate time in the current circumstances. A common-sense approach should prevail and should take account of the very challenging conditions in which all are working.

In accordance with the Scottish Government Guidance on Education Recovery, priorities should be centred around the wellbeing of teachers, as well as of children and young people, and be agreed on a collegiate basis. Teachers should be mindful of their own health and wellbeing and the need for an appropriate balance of priorities in this regard.

Adjustments to the balance of normal pupil-contact time are recommended for digital learning contexts - neither children nor teachers should be engaged for the duration of the normal pupil day in screen-based learning and teaching. This would be an excessive and unhealthy demand to place upon pupils, is pedagogically unsound and is not conducive to maintaining good health and wellbeing among teachers working in relatively restricted conditions at home and without the usual supports from colleagues and senior management being in place.

This view is shared by Education Scotland in their [advice](#), referred to above, which states that 'Learners should not engage in online learning for the entirety of the school day. Learning may include activities such as research tasks, project work, practical opportunities, discussions and other activities that can be carried out away from a digital device'.

Teachers who are attending school for the provision of education to children and young people should not also be asked to provide online learning experiences for their own classes on days when they are rostered for this provision.

The main priority of teachers, as when working in school, should be learning and teaching. When working at home, time spent on work-related activities of a bureaucratic nature that contribute little or nothing to the quality of learning and teaching, should be minimal to zero.

If a teacher, when working at home, has a concern about workload, this should be raised with the management of the school setting in the first instance. If necessary, the EIS School Rep and/ or Local Association Secretary can assist in helping the setting to reach a collegiate and bureaucracy-light solution.

The EIS has developed a range of resources, including a webinar delivered in partnership with Education Scotland, to support members in the delivery of remote and blended teaching. Resources to assist teachers preparing online learning can be accessed [here](#) and on the Education Scotland website.

Resources to support members' health and wellbeing whilst working at home can also be accessed [here](#).

Further EIS advice on Blended and Remote Learning and Teaching during the COVID-19 Pandemic can be accessed [here](#).

Reporting to Parents/Carers

Parental involvement and engagement play a crucial role in a child's education. There is a strong body of evidence that active and supportive parental involvement in schools is crucial in delivering the best opportunities for all pupils and is one way of seeking to address the poverty related attainment gap. In the context of the Recovery Curriculum, parental engagement continues to play an important role and is likely to have a pivotal impact on the successful re-engagement of the child or young person with education.

However, to facilitate this engagement and ensure that a collaborative approach is adopted, sufficient time and resources must be allocated to this activity, to avoid any further negative impact on the workload of teachers who, over the course of this academic session, are already working beyond capacity.

Important health and safety considerations should also be factored into any decisions about how best to communicate with parents on a child or young person's progress.

In considering arrangements to be adopted for reporting to parents, it is advised that collegiate discussion involving all teaching staff should take place to consider and reach an agreement on how best to proceed locally. Approaches adopted should reflect a joint commitment to reduce bureaucracy and teachers' workload.

(a) Parental Consultation

Agreed arrangements relating to parental consultation should align with the advice contained in the Scottish Government 'Coronavirus (COVID-19): guidance on reducing the risks in schools'.

Paragraph 100 of the guidance states that

'Adult visitors to schools should be strictly limited only to those that are necessary to support children and young people or the running of the school and arrangements should be communicated clearly to staff and the wider school community.'

In the context of the current public health restrictions, the EIS is clear that face-to-face parental consultations do not meet this criterion and they should not, therefore, be taking place in schools. Alternative means of communicating and reporting to parents should be adopted.

Class teachers should not be expected to report on progress to parents through phone calls or online meetings.

In the exceptional circumstances where it is felt that a class teacher does need to speak to a parent about a child or young person, this would be for a specific purpose and not for general reporting. This should only take place where it has been arranged through the school and with the knowledge and/or participation of the appropriate line manager.

In the current context, schools should consider innovative and creative ways to report on the progress of children and young people. This might be planned across a longer period of time, rather than a traditional written report sent home on a specific date.

If the time taken to report on the progress of children and young people is increased as a result of newly agreed arrangements, this should be factored into the Working Time Agreement and sufficient time allocated to avoid additional strain on weekly working time within the parameters of the 35-hour week.

(b) Report Writing

As we approach the final term of this academic session, consideration will turn to end of year reports. Given the significant workload pressures which teachers are currently experiencing, and in the context of the empowered schools agenda, it is advised that collegiate discussion involving all teaching staff who would normally be involved in writing such reports, takes place to consider and come to an agreement on how best to proceed.

The following points may be helpful in informing such discussions.

Purpose/rationale of report writing

As a starting point for discussion, it is worth exploring the rationale for writing reports. Are written reports necessary? Is there a legitimate purpose in seeking to write and distribute such reports while multiple other priorities, arising from the consequences of the pandemic, are being addressed?

Where schools have provided alternative opportunities for teachers to consult with parents/carers, consideration should be given to whether there would be any additional benefit to issuing written reports. It may be that reports written would cover much of the same ground.

When there are many other priorities being addressed by teachers currently, such as seeking to address the health and wellbeing needs of pupils on their return to school, it could be difficult to justify diverting significant swathes of teacher time to report writing if little new ground will be covered.

Where there has not been recent reporting activity, it might be that there is a stronger case for writing reports.

Where it is agreed that writing final reports will serve good purpose at this time, discussion and agreement should take place regarding the revised format and level of detail that can, in the circumstances, be included, such that the reports are meaningful for parents and learners. The final report should not seek to cover all of the elements of the usual full report and could be written providing an holistic view of the child's progress, with a focus on Health and Wellbeing which is central to the Recovery Curriculum.

Any decision reached in relation to the provision and format of such reports should take account of and be balanced against other current working time priorities.

Practical Considerations: managing collaboration among job-share and part-time teachers

Where classes and associated reporting responsibilities are shared between/among teachers, there could be significant challenges at present in enabling the requisite professional collaboration on report-writing.

Where it is agreed that final reports are to be written for pupils, consideration should be given to how collaboration will be facilitated safely.

Practical Considerations: access to technology

In addition to time, such collaboration in the current circumstances demands availability and reliability of the requisite technology, internet access and software. Not all teachers have this, with some having to share these resources.

This is a barrier which would need to be overcome by the school/local authority to enable the safe completion of electronic reports by their teaching staff.

Practical Considerations: distribution of reports

Should there be an agreement that final reports are to be written, consideration should also be given to how they will be distributed to parents in light of the risk of infection being carried by paper. How will this be overcome and how will any electronic solution take account of the fact that not all parents will be able to access emailed reports?

Working Time

Given the very challenging contexts in which teachers are working currently, there is likely to be additional strain on weekly working time within the parameters of the 35-hour week. Clearly, if report writing is to be prioritised, it may not be possible for teachers to undertake other activities.

Should any member believe that unrealistic or unsafe arrangements are being put in place around parental reporting (both in relation to parental consultations and report writing), they should raise the matter in the first instance with the School Rep and/or the Local Association Secretary as appropriate.

Assemblies

The Scottish Government advice is that large group gatherings, including assemblies, should not take place at this time.

Where schools wish to focus on particular themes on a whole-school basis or with key ages and stages, this should be done on a class by class basis. In the interests of minimising unnecessary movement around the school, any themed activity that might have featured in an assembly should take place within the classrooms that class groups would otherwise be in at that time.

Extra-curricular Activities

Risk assessments and consideration of the priority principles of equity, wellbeing and focus on Literacy and Numeracy, should occur in deciding whether to resume or set up lunchtime or after-school activities for pupils.

Where such extra-curricular activities have been resumed or established, Scottish Government guidance states that they should be paused as part of the enhanced and targeted protective measures to be applied by schools within a local area which is subject to level 4 restrictions.

School Trips

The Scottish Government has published updated advice on [School Trips for the summer term 2021](#). The guidance is conditional on the continued suppression of the virus. **The dates given are indicative and will only be confirmed following a further review of data in the week commencing 3rd May 2021.**

- **Non-residential Trips**

From 10th May 2021, day visits (which go beyond a local excursion and do not include an overnight stay) **can recommence**. Appropriate risk assessments should be conducted, taking full account of the COVID protocols applying at the destination. All identified risk mitigation measures should also be in place and travel arrangements should comply with the advice given in the Scottish Government's Coronavirus (COVID-19): guidance on reducing the risks in schools.

- **Residential Visits**

The Guidance makes it clear that educational visits which '**necessitate an overnight stay but where the residential aspect is not central to the learning experience are not advised in the summer term**'.

Through collegiate dialogue, careful consideration should be given to whether a residential trip is necessary at this time or whether the educational objective can be fulfilled by some other means.

Where it is agreed that the residential element of the excursion is key to teaching and learning, then robust risk assessments must be conducted between the school and the residential visit provider to ensure that all relevant mitigation measures are in place to keep children, young people and staff safe.

From 10th May 2021, residential outdoor expeditions can recommence on the following conditions:

- robust risk assessments have been conducted with appropriate mitigation measures in place;
- **the maximum size of the group (including the expedition leader) is 9;**
- travel arrangements comply with the advice given in the Scottish Government's Coronavirus (COVID-19): guidance on reducing the risks in schools;
- the relevant school COVID-19 protocols are maintained during the expedition;
- there is no interaction with others outside the expedition group;
- individuals sleep in single person tents outdoors; and
- there are washing and toilet facilities for single person use at any one time.

From 31 May 2021, school residential trips to outdoor education centres can recommence subject to the following conditions:

- the virus prevalence is equivalent to the new COVID-19 Protection Levels 0, 1 and 2 **both** at the school and the destination;
- only one school will be staying at the outdoor education centre (except where the school and destination are both at Protection Level 0, in which case there can be a maximum of two schools in attendance);
- travel arrangements comply with the advice given in the Scottish Government's Coronavirus (COVID-19): guidance on reducing the risks in schools;
- relevant school COVID-19 protocols are maintained during the visit;
- individuals sleep in either single rooms indoors or single person tents outdoors;
- washing and toilet facilities should be reserved for single person use at any one time;
- enhanced cleaning arrangements should be in place between visits; and
- robust risk assessments have been conducted with all appropriate mitigation measures in place.

In the Primary context, the age and stage of the children, including any additional support needs, should also be considered and factored into the assessment of risk. Careful consideration should be given to whether the conditions outlined above for residential outdoor expeditions and for residential visits to outdoor education centres can be met and whether the mitigation measures identified are sufficient to keep children, young people and staff safe in such circumstances.

International educational visits

The Foreign and Commonwealth Office makes it clear that under current UK COVID-19 restrictions, travel, including internationally, is prohibited, unless you have a legally permitted reason to do so.

The Scottish Government continues to advise against schools undertaking international visits at this time.

EIS Guidance for Secondary Members on Education Recovery: Curriculum and Pedagogy (Updated April 2021)

Background

The reopening of schools and the return to classrooms after the initial period of school closure last year was welcomed by thousands of young people and teachers, albeit with some concerns, across Scotland. They missed the structure, certainty and social interaction which school provides.

However, since the start of the 2020-21 school session, and with the continued prevalence of the virus within society and the emergence of new variants, we have all had to adapt to the changing circumstances in which we live and in Education, to consider alternative forms of education provision, including moves to blended and remote learning.

What is clear is that session 2020-21 has not been and should not be business as usual. The risks of the virus persist, and with the increased transmissibility of new strains, are arguably heightened.

The wellbeing impact of the last year, both on pupils and staff, cannot be forgotten. For reasons of health and safety, in the interests of wellbeing, and in order to address the key priorities for recovery, school life, and the delivery of education through other contingency models, should look very different from it would under 'normal' circumstances.

Scottish Government Guidance: Application and Terminology

The Scottish Government [Guidance, Coronavirus \(COVID-19\): Reducing the Risks in Schools](#) is referred to throughout this document. In considering its application in practice, it is important to have an understanding of the scope of the guidance and the meaning behind key phrases used.

The Scottish Government Guidance applies to all local authorities and schools under their management. It also provides that it should be used by grant-aided schools and independent schools to support their recovery efforts.

Although non-statutory in nature, it begins by highlighting the primacy of health and safety considerations and provides that Local Authorities and schools should exercise their judgement when implementing the guidance, to ensure the safety and wellbeing of children, young people and staff, taking into account local circumstances.

The Guidance differentiates between situations in which there is an expectation that a particular action **will** be taken by the Local Authority or school and other situations in which action **may be advisory** and can reflect local circumstances.

The Guidance reflects this distinction by the terminology used and explains:

‘Where this guidance states that local authorities and schools:

- “should” do something, **there is a clear expectation, agreed by all key partners, that it should be done.**
- “may” or “may wish” to do something, the relevant sections have been included as examples of relevant practice that can be considered if appropriate. Local variations are likely.’

This difference in the language used should be borne in mind when considering the recommendations contained in the Scottish Government Guidance referred to throughout this EIS guidance.

Reference is made in this EIS guidance to protective measures associated with areas which are subject to level 0-4 restrictions. These references are to the five levels of protection set out in the Scottish Government guidance, [‘Coronavirus \(COVID-19\) protection levels: what you can do’](#) and the associated protective measures, outlined in the Scottish Government guidance, Coronavirus (COVID-19): Reducing the Risks in Schools.

COVID-secure Schools

Essential health and safety procedures and standards required to minimise the risk of infection in schools have meant that much will be different and will remain so for the foreseeable future, in terms of how schools operate and in terms of the physical environment.

This has implications for how things are done from now on. From how pupils move around the school, to how lessons are taught and learning takes place, to how hygiene and cleaning is arranged - many aspects of school life will look different as schools endeavour to keep safe their pupils and staff and the school environment COVID-secure.

Enhanced Personal Hygiene

In addition to the EIS Advice to School Reps and Members re [Revised Risk Assessments](#), consideration should be given to Enhanced Hand Hygiene protocols.

To mitigate against transmission of the virus, we would recommend that a hygiene protocol should be in place, providing for an enhanced hand hygiene regime for adults and young people.

This should include arrangements for handwashing (for 20 seconds) with hot water and soap when entering or leaving the school building, before and after eating, after toileting, at regular intervals throughout the day and when moving between different areas of the setting.

In some situations, children or young people with additional support needs may require assistance when washing or drying their hands. In these circumstances, consideration should be given to any additional risk mitigation measures which may be necessary. Face coverings (or where identified in a risk assessment, PPE and other protective barrier measures) should be used by the member of staff in circumstances where support is being given.

We would also recommend that tissues are provided within the setting to encourage good respiratory and cough hygiene practices when children and young people are coughing or sneezing. Lidded foot pedal bins with double bagging should be provided to ensure the safe disposal of used tissues. A good pedagogical approach would be to talk with the children and young people about why these enhanced personal hygiene practices are necessary in the context of infection risk.

Wellbeing and Equity

All children, young people and adults - parents, teachers and support staff- will have been affected in some way by the pandemic. Confinement, restricted social interaction, illness, bereavement, unemployment, poverty and food insecurity, financial worries, media reporting of the virus, including information about the increased transmissibility of new variants, will all have made their mark to varying degrees on individuals, families and communities.

Whilst some may have managed some recovery, others will still be suffering the harsh consequences of Coronavirus on their physical and emotional health, family life, finances and employment status.

The EIS has been clear that periods of school closure and lockdown have wreaked the most damage upon young people and their families who are most disadvantaged by societal inequality, this having been well documented by researchers, press and media. With this in mind, we are of the firm view that the needs of those young people whose circumstances at home rendered their families less able to support them with remote learning at that time, and potentially during further periods of school closure, must be prioritised.

Any additional resources, including staffing where available, should be channelled towards helping those young people in particular to address the impact of any interruption in learning caused by the pandemic.

It has been well documented, also, that COVID-19 has had a disproportionately high impact on people from BAME backgrounds to varying extents in different parts of the UK, both in terms of likelihood of infection and death rates. Schools should be sensitive to the possibility that young people from BAME backgrounds and their families have been affected by COVID-related illness and bereavement and/or may be experiencing higher levels of anxiety related to infection risk.

Education Recovery

The EIS has been influential in setting the national priorities for education recovery through its contributions to the CERG and associated working groups. Consequently, in its Coronavirus (COVID-19): [Curriculum for Excellence in the Recovery Phase guidance](#), the Scottish Government and the stakeholders who are part of the national Education Recovery Group advised that schools should:

- 'prioritise the physical, mental and emotional wellbeing of children and young people, practitioners and families;
- recognise that 'children and young people from disadvantaged backgrounds may have faced multiple barriers to learning over the period of the school closures';
- 'applying the principle of equity, consider how to provide additional and appropriate support where it is most needed in order to maximise engagement with learning and continue the work to close the poverty related attainment gap'.

Taking care of our physical and mental health is crucial at this time, when there are many social, emotional, health and practical challenges facing all of us: children, parents and teachers. The EIS view is echoed by Education Scotland in [advice](#) published in January 2021 which highlights that health and wellbeing remains a key element of the recovery curriculum for young people and the importance of this is clearly stated: 'We need to be mindful of the impact of COVID-19 on our children and young people, many of whom may have suffered loss and trauma as a result. For all learners a key focus ...needs to be health and wellbeing.'

It goes on to state, 'From the outset of the pandemic, schools and settings adapted their learning and teaching to ensure a strong focus on children's mental health and well-being, and engagement. This continues to apply.'

Equally, teachers should be mindful of their own health and wellbeing and the need for an appropriate balance of priorities in this regard.

Health, safety and wellbeing, and the principle of equity, therefore, must be of paramount importance in session 2020-21 and as we move towards education recovery.

The Scottish Government guidance acknowledges this, stating,

'2021/22 will also be a recovery year, and there will be a continued emphasis on issues such as: supporting student and staff health and wellbeing; transitions at all levels; the impact of tragedy in communities; identifying gaps in learning; and a renewed focus on closing the poverty related attainment gap. In particular, there should be a focus on what can be done to remedy any impact that there has been around the widening inequalities of outcome experienced by children and young people'.

This has significant implications for the curriculum and pedagogy- what and how teachers teach and young people learn not only in this academic session but in the years to come.

Planning for Learning

As under normal circumstances, the EIS is clear that teachers' planning for learning is a tool to aid them in their preparation of learning and teaching, and to support professional dialogue among colleagues with regards to this. Planning documentation should be designed and handled with this key priority in mind.

Primarily for teachers' own use, any associated planning template should be bureaucracy-light, and should neither be a generator of unnecessary workload nor an accountability tool. Neither class teachers nor colleagues who have management responsibilities have time to dedicate to onerous

planning regimes at a time when the priority in schools must be the wellbeing of pupils and staff alike.

In the event that planning processes or associated paperwork, particularly relating to forward planning, are found by members to be overly bureaucratic and generators of unnecessary workload, this should be raised with the management of the school setting in the first instance. In doing so, members may find it useful to refer to Education Scotland [advice](#) and Deputy First Minister's [statement](#) regarding excessive bureaucracy. If necessary, the EIS School Rep and/ or Local Association Secretary can assist in helping the setting to reach a collegiate and bureaucracy-light solution.

Collegiate Activities

As under normal circumstances and as has been the case since the start of the pandemic, it is important that colleagues are able to work together to reach solutions to the many challenges that maintaining safety and providing opportunities for quality learning and teaching in the context of COVID-19 present.

Whilst collegiate activities that reflect the key Education Recovery priorities continue in accordance with school Working Time Agreements, this should be in adherence to the current public health advice around physical distancing and hygiene, and with teachers wearing face coverings when working in shared spaces with others. Where it is not possible to comfortably maintain physical distancing for collegiate activities, particularly in light of the increased transmissibility of the new strain of the virus, these should be done using virtual means.

Setting Priorities

The wellbeing of pupils, teachers and families is to be at the forefront of all school-based decision-making as we work towards education recovery.

The Scottish Government guidance on education recovery advises that schools should set out:

'...a clear statement of intent to prioritise the physical, mental and emotional wellbeing of children and young people, practitioners and families. Recognition that good health and wellbeing is fundamental to ensuring that children and young people can engage effectively in their learning.'

Communication to staff and parents should have this emphasis and it should be reflected in all school-based planning and decision-making in which teachers should be fully involved. The Empowered Schools agenda, with collegiate working at its heart, remains live.

Schools should not expect to nor feel under pressure to provide the same opportunities for learning in session 2020-21 as it would any other. Streamlining of priorities is encouraged while young people, teachers and support staff continue to respond to the challenges of the pandemic.

The Scottish Government guidance goes on to state that:

'...focusing on learning across literacy, numeracy and health and wellbeing will be the initial priority with increasing learning experiences across all four contexts of learning. Cross curricular linked themes can help learners' experiences and activities across the BGE and senior phase.'

It recommends that time is specifically earmarked for

'...maximising opportunities for communications and dialogue with children, young people and their families and continuing to build relationships and resilience. Benefits of play and outdoor learning will be factored into learning plans - including opportunities for learners to be physically active, to enjoy and learn about their natural environment, and to relax.'

With this in mind, teachers should plan to provide time for talking, socialisation, building resilience, play and outdoor learning, for all pupils. In Secondary schools, there should be an overview of the balance of these elements across the range of subjects that pupils study, with opportunities identified for relevant inter-disciplinary activities as appropriate.

Planning at school level should also take account of the need to ensure regular contact for young people with a key adult within the school who knows them well. The Education Recovery Guidance recommends that this should be:

'to talk about their wellbeing; to share experiences during lockdown, including successes and challenges; to offer compassion and individual support as required; and to support engagement with learning'.

Structures are in place to enable this within the Secondary context through Registration, Guidance and Pupil Support. Additional staffing, should it be available, would be one way of seeking to enhance wellbeing support by enabling smaller classes, which would also enable physical distancing, and the provision of more one-to-one support by class teachers and/or assigning new staff to this specific role. Schools may also wish to consider how access to school counsellors and their partnerships with third sector organisations might assist them in addressing this aspect of young people's wellbeing needs in the coming months.

The [Refreshed Narrative for Curriculum for Excellence](#) is a practical tool that may be useful in supporting teachers' planning of learning during the Recovery Phase.

Breaktimes and Lunchtimes

Whilst schools may have made adjustments to school start and finish times in the interests of maintaining physical distancing, it is important that pupil and staff break-times and lunchtimes are at least preserved and possibly even lengthened to enable opportunity for young people and staff to reconnect with peers and colleagues, albeit with restrictions related to distancing, etc. in place; and to allow extra time to help manage physical distancing in relation to toilets, cafeteria, staff kitchen and water-cooler access. This is particularly important with the increased risk of transmission from the new strain of the virus.

Tackling Inequality, Promoting Equity

The EIS advises that in planning for all learning activities, teachers should also take account of any information that the school has been able to gather on the equity impact of school closure and lockdown, and the implications of this for learning activities, resources to be allocated and the organisation of any additional support to the pupils who have been most disadvantaged since the pandemic struck.

This priority is reflected in the Education Recovery Guidance in which schools and teachers are encouraged to recognise that:

'...children and young people from disadvantaged backgrounds may have faced multiple barriers to learning over the period of the school closures. Applying the principle of equity, consider how to provide additional and appropriate support where it is most needed in order to maximise engagement with learning and continue the work to close the poverty related attainment gap.'

Whole-school recovery planning and teachers' individual planning should feature provision for young people which takes account of the poverty-impact of COVID-19.

COVID-secure Classrooms

Layout and Seating for Teachers

The Scottish Government advises that a 2m distance should be strictly maintained between adults and young people in Secondary, though it is recognised that this may be more difficult where young people have more complex additional support needs.

The EIS is clear that 2m social distancing between teachers and pupils should be observed in all situations. This applies irrespective of whether an individual has been vaccinated. Vaccination does not change the need to continue to comply with all current COVID-19 mitigation measures. This is particularly important in light of the increased transmissibility of the new strain of the COVID-19 virus. A minimum 2m distance is advised between teachers and pupils at all times unless a risk assessment has identified other appropriate mitigations that can be safely applied in circumstances where 2m distancing is not possible.

With this in mind, teachers should have a designated space within the classroom, that is 2m apart from all pupils, from where they teach their classes. Pupils should be clearly instructed not to enter this space and other means of seeking the teacher's attention/ help identified. Young people who have greater difficulty remembering/ following instructions will require repetition and possibly further visual reinforcement of this rule. Neither should teachers go into the space where pupils are seated or standing at learning stations. If teachers do need to step into the area where pupils are situated, it is essential that face coverings (or where identified in a risk assessment, PPE and other protective barrier measures) are worn.

This is in line with the strengthened Scottish Government guidance which provides that face coverings should now be worn at all times in Secondary schools by staff and young people (including pupils in S1-S3) in classrooms, in communal areas and when moving around the school.

It may be helpful to tape out the teacher's zone(s) on the floor so that pupils can see the space marked out rather than be required to estimate 2m. A good pedagogical approach would be to talk with the young people about why this and the wearing of face coverings is necessary in the context of infection risk and the increased transmissibility of the new variant of the virus.

Teachers should maintain 2m social distancing from other adults in the classroom. In exceptional circumstances when the 2m distancing cannot be maintained, a risk assessment should be conducted to determine whether, and if so, what other appropriate mitigations, can be safely applied. Face coverings should form part of the mitigation measures and be worn in such circumstances.

Particular consideration should be given to the impact of wearing a face covering on young people with additional support needs. The EIS believes that transparent face coverings, where considered appropriate, should be supplied by the school or local authority to support learning and teaching and the health and wellbeing of young people.

There may also be situations in which staff with a disability, such as a hearing impairment, will require other adults, with whom they are working, to use transparent face coverings. The EIS would recommend that in these circumstances, appropriate adjustments are made and transparent face coverings are supplied to staff to support communication.

The Scottish Government Guidance also highlights that during April and May 2021, children and young people observing Ramadan should be treated with sensitivity and discretion in relation to the wearing of face coverings. In addition to fasting, young people observing Ramadan during the school day will not drink liquids and so, may find the wearing of face coverings more challenging.

Schools should provide clear guidance for staff on how to put on, remove, store and dispose of face coverings to avoid inadvertently increasing the risk of transmission in the setting.

Layout and Seating for Learners

Prior to COVID-19, many classrooms were set up to enable collaboration among learners, with seating either in groups or pairs to encourage this. In the Secondary context, the Scottish Government advises that physical distancing between learners, whilst not required from 12th April 2021, is encouraged. Guidance emphasises that where it cannot be adhered to, the additional mitigations, such as effective ventilation, must be strictly implemented.

Mitigations suggested for schools to consider include:

- Altering class sizes to intensify support for young people and create more space.
- Adjusting class space if required, and where possible, to maintain spacing between desks or between individual young people
- Seating young people side by side and facing forwards, rather than face to face
- Encouraging young people not to crowd together or touch their peers is recommended
- Avoiding situations that require young people to sit or stand in direct physical contact with others

Aside from the physical positioning of desks, chairs and learning stations in the classrooms, in the interests of creating a calm classroom environment and promoting positive behaviour, teachers should give consideration to where young people sit in relation to one another, and in relation to the designated teaching space/zone, within the classroom. Some young people benefit from being seated close to/away from particular peers; others benefit from being closer to the teacher, particularly if they have visual or hearing impairment, or if they require regular reassurance from the teacher.

Given the need to ensure appropriate ventilation in classrooms, seating plans could, where appropriate, be designed to accommodate individual temperature preferences of young people and staff.

With evidence about the increased transmissibility of the new variant of the virus, the EIS is maintaining a close watching brief on emerging data and will be continuing

to review the resulting pedagogical (as well as health and safety) implications. With this in mind, the advice that we provide relating to physical distancing and in relation to other mitigation measures may be subject to change as evidence emerges.

Equipment and Resources

School risk assessments will have determined the extent to which pupils will share resources and equipment, or have sets of resources for their sole use, and any mitigation measures required such as cleaning or quarantining for the recommended 72 hours of resources and equipment.

The updated Scottish Government guidance indicates that there are two potential approaches to mitigating risks from surface contamination of jotters, textbooks and library books:

- quarantining the resource for 72 hours; or
- careful hand washing with soap and warm water or the use of alcohol-based hand sanitiser before and after handling the resource.

The guidance recommends that school risk assessments are updated to consider which of these approaches is the most appropriate for the circumstances of the individual setting. EIS school representatives should be consulted and involved in the updating of these risk assessments, which should continue to have the health and safety of staff and young people as their primary focus. EIS school representatives should also facilitate branch consultation prior to implementation of any new mitigation measures, resulting from the review process.

In some situations where resources require to be shared, pupils should be able to clean those that they have touched after use. Teachers should demonstrate from their teaching spaces/ zones, how this should be done.

With restrictions upon access to the wider classroom space, teachers will wish to encourage pupils to take responsibility for organising any resources that they will use- getting these out and putting them away after use. Such approaches are in common use in many schools and will be familiar to teachers and pupils alike.

Where young people need to move about within the classroom to access a shared resource, this should be organised to minimise congregation around the point of access to the shared resource, particularly in the Secondary context in light of the advice that distancing should be maintained here, where possible.

Given the need to prioritise health and safety, teachers should give extra- careful consideration to which equipment and resources will be used in their lessons, as they plan for learning. Only those which are essential for the lesson should be used for the time-being, and where disposable materials can be used, this should be considered.

Making Use of Technology

Some of the practical difficulties posed by physical distancing, hygiene and quarantining requirements might be overcome through the use of technology, though it is understood that the extent to which schools can rely upon this will depend on both the availability of hardware and internet connectivity.

Where provision allows suitable ICT access for pupils, there are a range of digital platforms that might be useful and with which pupils and teachers are becoming increasingly familiar during periods of school closure - GLOW, Microsoft Teams and Zoom are some of those that are being used by schools across Scotland in line with local authority and school protocols.

Where schools and teachers are using such options, this should be within existing protocols, and should take account of the fact that some young people have less experience of using digital platforms than others, many having been unable to participate in this type of learning experience during lockdown because of home circumstances. It should also be borne in mind that teachers have varying degrees of confidence in using this kind of technology and many are likely to require professional learning in this area.

Some schools/ teachers already encourage the use of smartphones by pupils within clear protocols, to aid learning. Such an approach might be helpful in enabling pupil research, peer collaboration and communication with the teacher through class WhatsApp groups and such like. Once again, where such approaches are being considered, thought should be given to equity and the need to ensure that all pupils have full access to the learning activities that are being planned. No child or young person should be unable to participate as a result of not having a smartphone or sufficient mobile phone data. Where either of these is the case, sensitivity and an alternative approach that avoids stigma will be required either for the whole class or for individual young people who are at risk of missing out.

Further information about the use of technology in the context of remote learning during periods of school closure can be found below in the section below on **Blended and Remote Learning and Teaching**.

Interacting with Pupils

All interactions between pupils and teachers should be conducted with the appropriate guidance on health, safety, wellbeing and equity, and risk assessment mitigations, in mind. This should be the case in terms of how:

- pupils are welcomed into the classroom
- instructions, explanations and practical demonstrations are given
- additional support is provided
- learning is assessed
- discipline matters are handled.

Settling classes

The previous practice of many class teachers being at their classroom doors at the beginning of classes to welcome pupils in and to help settle them may need to be reconsidered in light of the requirement to physically distance. The school's arrangements for managing movement of pupils around the school should be the subject of ongoing review in terms of managing the risk of transmission of the virus. Changes may already have been made and arrangements may require to be further altered to ensure that physical distancing can be adhered to, particularly in light of the increased transmissibility of the new variant of the virus.

For example, in the Secondary context, in many circumstances, groups of young people within the BGE will remain together in the same groups within the same classroom or other teaching spaces, with teachers moving around the school. Where this is the case, consideration will require to be given to how teaching resources will be safely transported and to how teaching zones, including teachers' desks, chairs, computers, etc. will be cleaned after each use.

At all times when adults and young people are moving around Secondary schools, in corridors, office and admin spaces, canteens (except when dining) and other confined communal areas, face coverings should be worn.

Whatever the arrangement, teachers should give consideration to how they will greet their pupils, in the interests of promoting positive relationships and behaviour at this time and throughout the Recovery Period as young people adjust to being in school in these circumstances and as many will be overcoming COVID-related trauma.

It might be that a quick, friendly check-in with each pupil would help here; or a ready wellbeing reckoner using hands-up or thumbs up/thumbs down so that young people get the chance to express how they're feeling. The use of erasable whiteboards for this and other purposes could be useful- each pupil supplied with their own, plus markers and wipes. Through means such as these teachers are able to gain quick insight into how pupils are feeling and who might require some extra encouragement or support in the course of the lesson.

Gesture, eye contact and where possible facial expression in addition to spoken words of encouragement, or digital messaging if classes are suitably equipped, will be key ways of providing this additional encouragement to individual pupils whilst maintaining physical distance. The role of learning assistants/ support assistants will be important here, also.

Giving instructions, explanations and demonstrations

For the period that teachers are restricted in their ability to move among pupils in their classes, traditional methods of giving instructions will continue to be essential:

- verbally giving instructions and repeating them patiently, whether for the whole class or for individuals until all pupils have understood and followed them;
- writing instructions/ placing symbols on the board or other signposting area to reinforce instructions or make them accessible to pupils with hearing difficulties.

Teachers may also wish to encourage pupils to help their peers to follow the teachers' instructions.

The same advice applies to explanations of concepts and demonstration of skills. Teachers will be required often to deliver these from their designated teaching spaces/ zones. Where appropriate, the use of visual aids such as props, and images and diagrams projected onto screens might be helpful. Teachers could also consider using audio-video material to help deliver and reinforce explanations under these circumstances.

As far as possible, teachers should avoid reverting to traditional 'chalk and talk' methodology, encouraging active listening and participation among pupils and students through dynamic whole class group work.

Explanations and demonstrations can be peppered with questions as a means of keeping pupils engaged. Questions should be varied in type with higher order, open questions included and posed to pupils on a differentiated basis.

Pupils should also be encouraged to ask questions and could be asked to explain concepts in their own words either to the class or to those sitting close by them following the teacher's exposition. The use of erasable whiteboards and tablets could be helpful in enabling pupils to feed back to the teacher through visual and digital means as explanations and demonstrations are underway.

Use of voice

As far as possible, young people should be encouraged not to raise their voices when in the classroom or indoor space in order that the teacher or anyone else who is speaking to the class is audible without having to raise their voice. This is to minimise the number of airborne particles and droplets within the space. Using 'partner' or controlled 'classroom' voices will also help in creating and maintaining a calm atmosphere in the room.

Pace

As young people acclimatise to a different version of school life and new routines, it is likely that simple steps may take longer to be followed. Teachers should be comfortable with this and should not feel pressure to rush their pupils through activities. Learners should be given sufficient thinking time in which to formulate answers to oral questions or approaches to problem-solving. In the interests of wellbeing, in some cases, the usual pace of classroom activity will require to be slower.

Teachers should be confident in applying their judgement in relation to determining the pace of all classroom activities, taking account of current priorities around health, safety and wellbeing, and the needs of individual and groups of pupils within that context.

Practical Activities and Subjects

The Scottish Government guidance makes clear that practical 'hands on' learning activities, experiments and investigations may not be able to occur on the basis that they would normally and that teachers may have to adapt some aspects of their approach to these activities in the interests of safety.

Many such activities are likely to take longer, from planning to take account of any obstacles, setting up equipment, delivery and clearing up and cleaning equipment after use.

In the Secondary context where physical distancing is encouraged among pupils, especially senior pupils, consideration should be given to which practical activities are possible and to how these might be managed safely, particularly in the context of the new strain of the virus, while still enabling effective learning to occur.

- Science and Technology

SSERC has produced [guidance](#) on carrying out practical work in Sciences and Technologies for Secondary level, including links to resources.

- Physical Education ('PE')

Education Scotland has produced updated [guidance](#) on safe practice in PE.

It outlines key indicative dates (dependent on the suppression of the virus and the continued rollout of the vaccine) relevant to the delivery of P.E. within the Secondary context:

- **From 5th April 2021** – young people can participate in contact and non-contact physical activities **outdoors**. P.E. will **not** be permitted indoors at this time, subject to one limited exception.

This exception is for the sole purpose of assessment as part of the certification process in the senior phase. In exceptional circumstances, where, for example, snow precludes the activity taking place outdoors, Physical Education for the sole purpose of assessment of senior phase pupils undertaking national qualifications could be allowed indoors. However, given 'the increased risk of transmission among young people during physical exertion indoors', careful consideration should be given to whether this is necessary. It should only take place following a robust risk assessment and with all appropriate mitigation measures in place.

- **From 26th April 2021** – Young people can participate in **individual non-contact activities indoors** and **in contact and non-contact physical activities outdoors**.
- **From 17th May 2021** - Young people can participate in **group non-contact activities indoors** and **in contact and non-contact physical activities outdoors**.

Where 2 metre distancing cannot be maintained between secondary aged pupils, provision should be made to ensure that the other mitigations, such as ventilation and the use of outdoor learning, are strengthened.

The guidance outlines some practical considerations which should be considered as part of the risk assessment process and provides some advice on aspects of implementation. This includes advice on minimising contact between individuals and groups; the importance of maintaining the strict 2 metre physical distancing requirements between adults and between adults and pupils; the use of changing rooms; the wearing of face coverings by staff and by all young people; the use and cleaning of equipment; appropriate hygiene measures; greater emphasis on ventilation and the importance of reviewing procedures adopted. Specific consideration should be given to how the risk of transmission can be managed safely in changing rooms, with a key focus on enhanced cleaning of surfaces after use and ventilation.

Risk assessments should be kept under regular review and should also reflect and be adapted to respond to local issues, such as increases in cases of COVID-19, local outbreaks or a change to the protection level of the area in which the school is situated.

The guidance will remain under review by Education Scotland.

□ Home Economics

Education Scotland has produced updated [guidance](#) on safe practice in relation to the delivery of Home Economics.

Central to the guidance are considerations around the health and safety of young people and school staff, with a risk-based approach being adopted.

The importance of strictly adhering to the two metre physical distancing rules between adults, and between adults and young people, is emphasised. It also provides that face coverings should be worn by staff and all young people in Secondary schools at all times and that greater emphasis should be placed on ventilation.

Practical advice is provided in relation to the storage of pupils' outdoor coats, school bags and personal belongings; arrangements for the purchase, storage and handling of food items; and the need for enhanced hygiene measures for equipment and resources.

It recommends that consideration is given to the safe collection by young people of food which is being taken home at the end of the day, with a focus placed on minimising the movement of young people in corridors as part of this process.

Where teacher demonstrations are necessary, the guidance suggests that this could be done from behind a Perspex screen or alternatively, through the use of technology, such as data projectors, digital cameras or visualisers.

Additional consideration should also be given to the planning of practical activities for young people who require additional support. Where there is a need for staff to be in close proximity to the young person to provide support, a risk assessment should be conducted, reviewed on a regular basis and appropriate risk mitigation measures put in place. Face coverings should be worn by staff and pupils in classrooms. However, measures may also extend to the use of PPE where deemed necessary. Enhanced hygiene arrangements before and after contact should also be adopted.

Education Scotland's Guidelines refer to the 'costs of food provision within schools'. The EIS is clear that no young person should be charged to have access to the curriculum at any time. This principle is even more pertinent during this period of Education Recovery when many families will be facing additional challenges from the financial impact of the pandemic. To ensure equity of provision, it is essential that no financial barriers are placed in the way of a young person's participation in this, or any other, area of the Curriculum.

□ Expressive Arts

Education Scotland has produced subject specific guidance in relation to teaching in the Expressive Arts. The guidance will be kept under review, as scientific and medical advice in these areas emerges. The EIS will also continue to make representations through the CERG and liaise with members as developments arise.

(a) Music

Education Scotland's updated guidelines on [Music](#) whilst acknowledging the importance of music education in terms of developing skills and promoting health and wellbeing, continues to adopt a precautionary approach to the teaching of music in schools. Health and safety considerations of children, young people and staff are paramount and bespoke risk assessments should be completed and kept under regular review, as circumstances develop and advice is updated.

The guidance highlights the sliding scale of risk associated with different musical activities and provides a grid, outlining low and high-risk activities. Only where there is a combination of low-risk factors in place, determined on the basis of a robust risk assessment, should an activity go ahead. It makes it clear that large group music activities, such as choirs, orchestras and ensemble performances, should not be re-introduced at this point.

The advice highlights the importance of well-ventilated rooms when music is being taught and the key role which cleaning and hygiene practices will have in reducing the risks identified. Consideration may require to be given to the use of alternative spaces within the school, such as assembly halls, games halls or other general purpose areas, to ensure compliance with ventilation requirements. To reduce pupil movement around the school, instrumental timetables should also be reviewed.

In line with the general guidance for Secondary schools, all staff and pupils should wear a face covering at all times.

Additional [Guidance](#) on Managing the Risks of Covid-19 has been produced by the EIS for Instrumental Music Teachers. Aspects of this guidance in relation to the cleaning of instruments, in particular, may be helpful when conducting risk assessments for the delivery of music education activities.

Singing and the playing of wind and brass instruments has been categorised as 'high risk'. The Scottish Government Guidance, 'Preparing for the Start of the New School Term in August 2020' highlighted that

'scientific and medical advice around how activities such as singing, talking at volume e.g. in theatre performance, or playing wind/brass musical instruments can be managed safely is still being developed.'

It went on to state that

'These activities should be avoided during the initial return to schools.'

This general position has **not** altered and the Education Scotland updated guidance has re-stated this advice:

'Meantime, it is our advice that young people should not engage in singing, or playing wind and brass instruments with other people, given these activities pose a potentially higher risk of transmission'.

Learning can continue in these areas with alternative approaches **out with school** being adopted. A focus could be placed on theory or composition and the use of digital technology could be useful in enabling learning to continue in these areas, with pupils recording themselves performing at home and sending those recordings to teachers, where appropriate. In adopting these alternative approaches, consideration should be given to ensuring equity of access to digital technology for those pupils involved.

Following the provision of further scientific and clinical advice to the Scottish Government, Education Scotland's updated Guidelines now provide a limited exception to the general rule against the teaching of brass and wind instruments and voice in Secondary schools.

The Guidelines provide that **one-to-one** lessons and practice sessions can go ahead for pupils in the senior phase, preparing for assessments in brass, wind, piping and singing. They also state that 'the recording of brass, wind, piping and singing by *individual* learners for assessment purposes can take place in school with a teacher present' (emphasis added).

However, one-to-one lessons, practice sessions and recording can only go ahead after:

- The completion of a 'very robust local risk assessment';
- The implementation of identified risk mitigation measures; and
- With the agreement of senior school leaders.

The guidance makes it clear that these sessions should be kept to a minimum, both in terms of their frequency and duration. In determining the frequency of lessons, due regard must be given in the risk assessment to the level of interaction which the Instrumental Music Teacher ('IMT')/Music Teacher will have with different pupils and care taken to ensure that this is kept to a minimum.

We would recommend that careful consideration is given to whether this exceptional mode of delivery is necessary, having due regard to the risk assessment conducted and the individual circumstances of the pupil and the IMT/Music Teacher involved.

Where it is considered necessary, the guidance outlines the following minimum mitigation measures which require to be in place prior to these activities being re-introduced:

- the activity should take place in a large, well-ventilated room;
- there should be a clearly defined space of at least 2 metres between the learner and the IMT involved;
- where possible (and we would recommend in all cases), a clear screen should be positioned between the pupil and the IMT;
- the IMT should wear a mask at all times;
- the pupil should wear a mask, whenever they are not performing;
- arrangements should be in place to ensure that the room is sanitised **carefully** at the end of each performance;
- there should be a sufficient delay between pupils, using the room, to allow aerosol particles to dissipate.

In considering these risk assessments, it will be important to ensure that appropriate arrangements are put in place in terms of cleaning between and after use of a room. It should be clear who will be responsible for cleaning and provision should be made to ensure that they have access to PPE in doing so.

Risk assessments should also reflect and be adapted to respond to local issues, such as local increases in cases of COVID-19, local outbreaks or a change to the protection level of the area in which the school is situated.

If an IMT/Music Teacher is concerned about the mitigation measures which have been identified and has concerns about their safety or the safety of anyone else in the setting, they should raise this with the management team and seek advice and support from their EIS school representative or Local Association Secretary thereafter as necessary.

Whilst the guidance now provides for the recording of performances in school, recordings can also take place outwith school, with evidence being gathered remotely through the creation of virtual portfolios.

(b) Drama

Education Scotland's updated [Guidance](#) on Learning and Teaching in Drama adopts a similar cautionary approach as that outlined above in the advice on the teaching of Music.

Whilst awaiting the publication of scientific advice in this area, Education Scotland advice continues to be that

'young people should only engage in drama, when robust risk assessments are completed and appropriate mitigations put in place. Alternative approaches may be required to provide lessons safely.'

The guidance provides a list of suggested activities which can be considered and makes it clear that they should be underpinned by bespoke risk assessments.

Following a robust risk assessment, Drama activities can only take place if there is a combination of low-risk factors, with appropriate mitigation measures identified to address the risk involved. A grid has been produced to identify the types of activities which would be categorised as low- or high-risk.

The guidance makes it clear that large group activities and those where no physical distancing can take place between adults or between adults and pupils should not be re-introduced at this time.

It goes on to highlight the importance of young people working individually where possible and where this is not possible, in pairs or small groups of no more than five pupils (where this has been considered safe through the risk assessment process). Strenuous movement work should not be undertaken within the Drama curriculum at this time.

Particular consideration should be given to the use of well-ventilated rooms or outdoor spaces when planning such activities and time built in to ensure that appropriate cleaning and hygiene measures can be adopted. In line with the general guidance for Secondary schools, face coverings should be worn by staff and young people.

Technology and digital platforms, where appropriate, may facilitate the delivery of teaching and learning in Drama. Blended learning could also be used to encourage young people to undertake research-based tasks and preparatory work at home.

Education Scotland make the following pedagogical suggestions in delivering lessons in Drama at this time. They recommend:

- the use of monologue as a device for teaching characterisation, voice and facial expression;
- the selection and use of texts which limit the number of characters on stage at one time;
- group work/scenes which avoid physical contact between pupils;
- the avoidance of strenuous movement in drama activities and of the use of improvisation which might require a pupil to shout;
- the use of carefully planned voice based activity, avoiding the exploration of volume and vocal projection in class; and
- a balance of theory based (including research tasks) and practical work. Teachers may wish to consider an inter-disciplinary approach to teaching Drama and could use the current context as a stimulus for learning.

The guidance highlights that consideration may also require to be given to the use of recordings where a young person has chosen to undertake an SQA qualification in Drama, with evidence being gathered in the interim through the creation of virtual portfolios and observational checklists.

The Education Scotland guidance relates to teaching and learning in the classroom and makes it clear that school productions should not take place at this time.

(c) Dance

Education Scotland has produced updated '[Dance Guidelines](#)'.

The guidelines outline key indicative dates (dependent on the suppression of the virus and the continued rollout of the vaccine) relevant to the delivery of Dance within the Secondary context:

- **From 5th April 2021** – young people can participate in contact and non-contact physical activities **outdoors**. Dance will **not** be permitted indoors at this time, subject to one limited exception.

This exception is for the sole purpose of assessment as part of the certification process in the senior phase. In exceptional circumstances, where, for example, snow precludes the activity taking place outdoors, Dance for the sole purpose of assessment of senior phase pupils undertaking national qualifications could be allowed indoors. However, given 'the increased risk of transmission among young people during physical exertion indoors', careful consideration should be given to whether this is necessary. It should only take place following a robust risk assessment and with all appropriate mitigation measures in place.

- **From 26th April 2021** – Young people can participate in **individual non-contact activities indoors** and **in contact and non-contact physical activities outdoors**.

- **From 17th May 2021** - Young people can participate in **group non-contact activities indoors** and **in contact and non-contact physical activities outdoors**.

Where 2 metre distancing cannot be maintained between secondary aged pupils, provision should be made to ensure that the other mitigations, such as ventilation and the use of outdoor learning, are strengthened.

The guidance outlines some practical considerations which should be considered as part of the risk assessment process and provides some advice on aspects of implementation. This includes advice on minimising contact between individuals and groups; the importance of maintaining the strict 2 metre physical distancing requirements between adults and between adults and pupils; the use of changing rooms; the wearing of face coverings by staff and by all young people; the use and cleaning of equipment; appropriate hygiene measures; greater emphasis on ventilation and the importance of reviewing procedures adopted. Specific consideration should be given to how the risk of transmission can be managed safely in changing rooms, with a key focus on enhanced cleaning of surfaces after use and ventilation.

In planning lessons, efforts should be made to ensure that learners are facing either the same direction or away from each other, to minimise the risk of transmission. Teacher demonstrations and explanations should be delivered from an assigned area to allow for 2m physical distancing from pupils.

The guidance highlights that consideration may also require to be given to the use of recordings where a young person has chosen to undertake an SQA qualification in Dance, with evidence being gathered in the interim through the creation of virtual portfolios.

Risk assessments should be kept under regular review and should also reflect and be adapted to respond to local issues, such as local increases in cases of Covid-19, local outbreaks or a change to the protection level of the area in which the school is situated.

The guidance will remain under review by Education Scotland.

(d) Art and Design

Education Scotland [Guidance](#) on 'Learning and Teaching in Art and Design and Photography' adopts a similar precautionary, risk based approach as has been highlighted above in the other guidance for the Expressive Arts.

Health and safety considerations for children, young people and staff are paramount and are central to decisions around the resumption of activities in this area of the curriculum.

Risk assessments should be conducted to identify and assess the level of risk which the activity presents and to consider whether this can be managed safely with the implementation of appropriate risk mitigation measures.

Particular consideration should be given to the processes around the relevant activity and additional time allocated as part of the planning process to set-up and clean-up time.

The guidance outlines the importance of safety, stating:

'As an overriding principle, activities which involve contact with shared equipment should be kept to a minimum.'

Where equipment or resources are to be shared as part of an activity, they should be sanitised carefully before and between use by each pupil. The guidance makes it clear that:

'close attention must be paid to good hygiene, cleaning of surfaces and physical distancing between adults and between adults and children and young people.'

Where possible, and to minimise risk, consideration should be given to whether the activity can take place outdoors.

During lessons, young people should be encouraged to clean their own equipment. Instructions on how this should be done should form part of the teaching of classroom routines. Additional consideration should also be given to access to sinks and to controlling the numbers of pupils present at the sinks at any one time. Where sinks are shared with other classes, access should be timetabled to avoid cross-contamination and sinks and taps cleaned before and between use.

In relation to photography equipment, the guidance states that this should be issued on an individual basis. It goes on to provide that where this is not possible, young people may use their own devices to capture images. However, careful consideration requires to be given to equity of access. No young person should be disadvantaged or prevented from undertaking a qualification in Photography, solely as a consequence of having no access

to their own photography equipment.

The guidance provides a number of suggestions for the delivery of teaching in Art whilst maintaining the 2m physical distancing rule. It suggests the use of visualisers, the use of blended learning approaches where initial sketches and developmental work can be conducted at home and the use of online platforms. It also recommends a focus on the fundamentals of drawing, with opportunities for observational drawing or research projects to develop an understanding of aspects of art history.

The guidance highlights the importance of planning lessons which enable young people to maintain physical distancing from each other, where possible, to minimise risk.

Where 2 metre distancing cannot be maintained between secondary aged pupils, provision should be made to ensure that the other mitigations, such as ventilation and the use of outdoor learning, are strengthened.

It highlights that additional consideration should also be given to the planning of art activities for children and young people requiring additional support for learning.

The guidance recommends that consideration should also be given to photographing the work of young people through the developmental stages of individual pieces of work, where they have chosen to undertake an SQA qualification in Art and Design or Photography, with evidence being gathered through the creation of virtual portfolios.

Peripatetic Staff

The Scottish Government makes it clear that 'movement between schools (e.g. of temporary/supply/peripatetic staff etc.) should be kept to a minimum'. It goes on to provide that 'as far as possible, attendance should be consolidated within one setting'. (paragraph 105).

The EIS would, therefore, recommend that careful consideration is given to the use of peripatetic staff at this time. The question should be asked whether their attendance is essential at this time and whether the service that such staff provide could be delivered remotely.

If, after collegiate discussion, the attendance of peripatetic staff in school buildings is considered necessary, then 'movement between schools ... should be kept to a minimum' and efforts should be made to consolidate their attendance in one location.

Visiting Professionals

The Scottish Government Guidance is clear that 'adult visitors to schools should be strictly limited only to those that are necessary to support children and young people'. It acknowledges that there are some essential services which are central to the delivery of young people's care or educational plans which necessitate visiting professionals attending schools.

In these circumstances, collegiate dialogue and partnership working will assist in determining when attendance is 'necessary' and when support could otherwise be provided remotely.

Where attendance is considered 'necessary', then movement across locations should be minimised and a robust risk assessment undertaken (and reviewed on a continuous basis) to identify appropriate mitigation measures. Risk assessments should be jointly prepared between the school, the relevant partner service and the trade unions involved.

Outdoor Learning

In the interests of risk mitigation and wellbeing, schools may wish to consider the increased use of outdoor space, as advised by the Scottish Government guidance.

Suitable facilities may include school playgrounds, local greenspaces and/or community areas, where appropriate and within the parameters of current restrictions. Risk assessments should include any activity that will take place outdoors. Any use of outdoor spaces should involve coordination of activities to ensure there is sufficient space for all pupils at any one time.

On days when the weather allows, teachers may wish to take their classes outside to work on activities that would normally be done indoors but which could easily be transferred outside. Alternatively., lessons could be planned that use the outdoors as a stimulus and basis for the learning. Such learning activities may be less dependent on fine weather as long as young people- and teachers- have the necessary clothing.

For any outdoor learning that requires it, an appropriate cleaning regime should be introduced along with appropriate bins for disposal of any rubbish and hand

washing stations/sanitiser to ensure hygiene. If outdoor equipment is being used, the Guidance makes clear that schools should ensure that multiple groups do not use it simultaneously, as well as considering appropriate cleaning between groups of young people using it.

In planning for outdoor learning, consideration should be given to the needs of young people who may require additional support to ensure that they are not disadvantaged.

Education Scotland has [produced a summary of outdoor learning resources](#), relevant policies and related professional learning which may be helpful in planning activities.

[The Outdoor Learning Directory](#) also provides links to a variety of resources that can be filtered by subject area and curriculum level. Support and guidance on risk assessment can be found on the [Going Out There framework](#) .

The Scottish Advisory Panel for Outdoor Education ('SAPOE') has launched an online resource, 'Teaching Learning Outdoors'. The course is designed to support the development of teachers' knowledge, skills and confidence in taking learning outwith the classroom. The TLO course can be accessed [here](#) and more information is available on the SAPOE [website](#)

Teaching about Coronavirus

It is always important for learners to understand the context in which they live and learn.

Teachers should give consideration to the opportunities that there may be for young people to learn about the behaviour of the COVID-19 virus, transmission of the infection, and about the measures that are in place to reduce transmission, such as social distancing, cough and hand hygiene, and the wearing of face coverings and handling and disposing of them correctly.

Learning around these areas could feature in Science and Health and Wellbeing activities; parallels could be drawn with other global pandemics and their impact in History; and the subject matter could be approached creatively through Writing, Music and Art activities.

Differentiation

As under normal circumstances, teachers should consider how learning activities will be tailored to be inclusive of all learners and differentiated accordingly by stimulus; or by the level of support given in terms of scaffolding of learning, additional instruction, peer support or learning support; or by outcome.

Providing Support in the Classroom

In the current conditions, teachers will require to consider how follow-up support to their whole-class/ whole-group explanations and demonstrations can be provided.

Teachers can, of course, repeat explanations verbally, as appropriate.

Where young people have access in school to digital hardware such as tablets and PCs, they could be directed to further audio-visual material for the purposes of revisiting or reinforcing concepts.

Where pupils have specific additional support needs, appropriate supports will require to be in place taking account of the child's individual needs and in accordance with the outcomes of all relevant risk assessments.

Where adults- either teachers or support staff- are unable to maintain 2m distance from pupils who require additional support with their learning, then face coverings should be worn at all times. Risk assessments should be conducted and reviewed regularly to identify whether any additional risk mitigation measures are needed.

Where young people with more complex additional support needs require staff to be in close physical contact, for example in the provision of personal care, the wearing of PPE may be required.

Additional Support for Learning

Young people with identified additional support needs will require continued support with their learning. Arrangements for providing this should be carefully considered in light of public health measures, with risk assessments being updated as necessary and appropriate mitigations put in place to protect young people with additional needs and any adults who will be supporting them.

Where necessary, in seeking to prioritise need and the allocation of resources, including staffing, consideration should be given to the extent to which individual young people are impacted by school closure and lockdown and any associated gaps in their learning. Given the high correlation of poverty and incidence of additional support needs, the equity principle will be important here.

Where class teachers are working with learning/support assistants or ASN/SfL Teachers, consideration should be given to how they will maintain 2m distance

from one another at all times and how physical distancing or other mitigations will be maintained to enable young people to receive the support that they need.

In some circumstances, the use of ICT may be of benefit to young people with additional support needs as an alternative or partial alternative to one-to-one support.

Peer Learning and Collaboration

Pupils will be less able to support their peers with their learning in the usual ways through paired and group work as result of physical distancing arrangements in the Secondary context. Messaging apps on tablets, PCs and smartphones where such use is permitted, could aid this process.

Assessment and Feedback

The usual close working between teachers and pupils where teachers sit with or stand beside pupils to coach them in their learning, assess their progress and provide feedback, cannot occur as it usually would at this time.

This requires to be considered in planning how assessment will be built into sequences of learning and alternative methods of assessment and providing feedback identified where physical distance cannot be maintained between teacher and pupil.

With this in mind, teachers should think about using verbal means where possible in order to gauge how learners are progressing- for example, asking for oral rather than written explanations from pupils, or by encouraging pupils to read out shorter pieces of their writing to the teacher, and verbal feedback as appropriate provided to the pupil rather than written feedback in jotters.

Where written work is essential, consideration could be given to this being produced and sent to the teacher digitally as occurred during the period of school closure and lockdown. This would require schools to be adequately equipped with digital hardware and internet connectivity.

Pupils could also submit jotter work for teachers to assess, following adoption of the appropriate risk mitigation measure identified for this purpose in the school risk assessment. Where it is assessed that there should be a period of quarantine, 72 hours is the recommended timespan for isolation of jotters. On returning jotters to pupils, the appropriate risk mitigation measure identified in the school risk assessment should also be adopted. Where this is a period of quarantine, 72 hours would be the quarantine time required after the teacher

has touched the jotters or other written scripts. This is a less practical approach if feedback is required relatively quickly. Digital or verbal means would be better in this case. Any contact with pupils' jotters or other hard-copy assessment evidence should be preceded and followed by thorough hand-washing.

Self and Peer Assessment

As per good formative assessment practice, learners should also be taught and supported to self-assess their work using the agreed success criteria. Such an approach deepens learning by encouraging metacognition, gives learners greater ownership of their learning and promotes independence.

This could be done at key stages throughout the learning activity, with opportunities provided to tell/ show the teacher their progress using erasable whiteboards or other visual signal. Coloured card or paper could be used to traffic-light learner's progress through a learning activity as judged through self-assessment.

The same principles of formative assessment apply to peer learning. Where physical distancing guidance allows and where any necessary risk mitigation measures have been adopted, pupils can also be encouraged to look at one another's work and provide feedback either orally, in writing or using symbols, based on the success criteria for the activity. The use of technology could enable this in some circumstances; in others, pupils could read parts of their writing to peers and verbal feedback could be provided; in others, pupils might read the work without touching the page and provide verbal feedback.

This approach benefits both the peer assessor who learns more deeply in the process, and the learner whose work is being evaluated who will often find advice and explanations from peers very helpful in enhancing their understanding of ideas, concepts and skills development and application. The value of helping one another is also critical to promoting positive relationships and behaviour and to fostering a sense of community in the classroom and the wider school on the basis that education is a social, collective endeavour.

Responding to Interruption to Learning

Schools and teachers continue to monitor young people's progress with learning and the impact of any interruption caused by the pandemic. Literacy and Numeracy in addition to Health and Wellbeing, continue to be prioritised.

This, together with the principle of equity should be borne in mind when decisions are being made about how resources, including any additional resources such as staffing, are to be allocated and deployed.

Teachers may wish to make use of a range of learning resources prepared by Education Scotland- originally for the purposes of [Blended Learning](#)- to help address the impact of any interruption in learning caused by the pandemic. These resources could be used either in class or at home as appropriate. For the Secondary context, the [Esgoil resource](#) might also be useful in providing opportunities to reinforce learning on a subject-specific basis. Further information about these resources and additional resources produced by the EIS Education Department, including a webinar on blended and remote learning, can be found on our [website](#).

Education Scotland have also compiled a list of helpful resources for remote learning to support learners with complex additional support needs which can be accessed [here](#).

The EIS is of the clear view that ACER's 'Scottish Formative Online Assessments' should not be used as the means to assess the impact of school closure on pupils at this time. Neither can SNSAs perform this function singularly. Where schools are considering the use of SNSAs for this purpose, this should be the subject of collegiate discussion in light of the wellbeing imperatives as laid out clearly within the current Scottish Government and Education Scotland guidance.

Promoting Positive Behaviour and Relationships, and Managing Discipline

Schools should have reviewed their policies in relation to promoting positive relationships and behaviour, and managing discipline in the context of aiming to make the school environment COVID-secure.

Practices which would have commonly occurred pre-COVID such as close one-to-one Behaviour Support coaching or the use of 'On Target' or 'Behaviour Cards' which pupils take home for daily parental checking and signature, and regular signing by class teachers, PTs/DHTs/HTs, will require rethinking and other methods of supporting young people to achieve positive behaviour and good relationship with peers and staff, identified.

One-to-one interactions with pupils will need to be conducted at a safe 2m distance. Consideration will require to be given to how and where class teachers, PTs/DHTs/ HTs and Pupil Support staff can manage this. Larger, less confined spaces such as corridors, empty classrooms, larger offices could be used.

In using techniques such as 'Behaviour Cards', teachers would still be able to discuss targets and progress with young people. It may be possible in some cases for young people to be instructed to fill in cards themselves having been directed by the teacher as to the content and under physically distanced supervision. Other possibilities might be the use of SEEMIS or other digital platform to track the behaviour of pupils who require additional support throughout the day, with a view to this being texted or emailed to parents daily. Phone calls by PTs/ Pupil Support/SMT would be another possibility.

Given the Scottish Government guidance that the number of interactions for young people per day should be kept to a minimum, and that play and socialisation are critical to recovery, and in light of the difficulties around travel as a result of the current public health restrictions, detention either during or after the school day should be very carefully considered and where alternative sanctions are possible, these should be considered.

GIRFEC, Guidance and Pastoral Care

The strong emphasis on wellbeing means that there is likely to be much GIRFEC-related activity in schools and with multi-agency teams.

All associated arrangements should be made with public health imperatives in mind, both regarding one-to-one meetings and conversations with young people, and meetings with other professionals such as Educational Psychologists and Social Workers.

2m distancing should be maintained between pupils and teachers who are providing them pastoral support and face coverings worn.

Where physical distancing cannot be comfortably maintained for larger meetings and in the interests of minimising the number of visitors to school buildings, virtual meetings should be considered.

Face coverings should be worn by parents and all visitors to school settings, at all times.

Homework and Out of School Learning

The key priorities of the Recovery Curriculum – wellbeing, equity, and health and safety, should be borne in mind in relation to decisions around homework-whether it should be given at all; and if it is to be given, what and how much.

Some questions to consider:

- Should homework be a priority at this time?
- How well will it benefit young people's wellbeing and learning at this time?
- Are families in a good position to support young people with homework at this time?
- How will young people from disadvantaged backgrounds be able to engage with the homework activities? Can they participate equally to their more affluent peers?
- How will resources be provided and collected in safely?
- How will feedback on homework be provided safely and meaningfully?
- Will the setting, collection and provision of feedback on homework take up valuable class time?
- Are there activities which can be encouraged which require little resource and upon which class lessons are not dependent?

Teachers are advised to discuss such questions with their colleagues, ideally in arriving at a whole-school, collegiate decision about an approach to homework during the recovery period that sensibly and fully takes account of the current context and priorities.

Blended and Remote Learning and Teaching

In the context of the COVID-19 pandemic, schools are having to adapt to a variety of circumstances using a range of approaches to deliver learning and teaching. This will include situations in which young people and/or teachers may be self-isolating or shielding; where teachers with particular health vulnerabilities are working from home; or where schools require to move to a blended or remote learning model.

The EIS is clear that learning and teaching occur most effectively when teachers and pupils work together face to face in classrooms. This is acknowledged in Education Scotland's [advice on remote learning](#) which states that 'remote learning will not replicate face to face in school teaching – in style, approach or hours of delivery'.

Teachers may wish to provide access to online learning as an addition to classroom-based learning and teaching but only in exceptional circumstances should online modes of learning be considered as a substitute for face to face learning and teaching.

The Education Scotland advice is clear and the EIS agrees that 'Whilst remote learning is not a substitute for full time classroom-based learning and teaching, effective remote learning can mitigate some of the adverse impact of a reduction in face-to-face learning' in a variety of ways.

Maintaining Professional Boundaries

To accommodate these circumstances, teachers might be asked to deliver lessons from home, either pre-recorded or on a 'live' basis. Where this is the arrangement, teachers may use their own computer devices and smartphones for online communication with pupils as part of the school's agreed approach to continuing education delivery and through agreed official channels only- i.e. work email addresses, GLOW or other local authority-endorsed digital platforms. It should also be understood that teachers are not compelled to use their own digital devices, should they not wish to do so. In these circumstances, the onus is on the local authority to provide any devices as necessary to support remote teaching.

Employers' policies, guidance and protocols relating to online learning should be shared with teachers and strictly adhered to; and the EIS Social Media [Policy](#) and the GTCS Professional [Guidance](#) on Electronic Communication and Social Media should be borne in mind.

Members are advised, however, to be mindful of safeguarding private personal details. Teachers should not share, or be asked to share, personal phone numbers, email addresses, or social media IDs with pupils or their parents.

Where it has been agreed that live-streaming of lessons will feature as one part of a school's approach to the delivery of remote learning, this should proceed only where secure platforms, such as GLOW, can be used and according to agreed protocols, including those in relation to the roles and responsibilities of parents in supporting their children with remote learning generally and specifically to access any live lessons.

Where lessons are being streamed or video recorded for sharing as saved digital files with pupils, teachers should take all appropriate measures to protect their personal privacy and safeguard their professionalism, for example, by ensuring neutral backgrounds and appropriate dress.

Teachers should not engage in any phone or video-calling with parents unless this has been arranged through the school in accordance with LNCT agreements, and with the knowledge and/or participation of the appropriate line manager and the consent of the teacher involved. In the event of a parent seeking to engage a teacher in discussion about their child's learning in the course of planned online engagement with the child, they should be directed to the school office/website where all relevant contact details can be provided/should be clearly available.

Teachers should not feel pressure to respond to any parent/carer comments, requests or complaints made through online channels which have been set up for the purposes of maintaining learning at home amidst the current public health crisis.

Teachers should be aware that nothing that is shared online is private.

Any school which is delivering learning online must have protocols in place to protect staff and safeguard pupils. No teacher should be expected to carry out any online teaching with which they feel uncomfortable, or in the absence of agreed protocols. Such protocols should include measures for handling incidence of pupil behaviour which is disrespectful of others, including the teacher, or is disruptive of learning; and for responding to incidences of inappropriate parental intervention.

Teachers should not routinely be in phone contact with young people who are learning at home, for the purpose of checking progress with learning activities. To support the emotional wellbeing and learning needs of young people who are particularly vulnerable, a degree of regulated contact, maintained by staff who are experienced in pastoral care, and within clear protocols which safeguard both pupils and teachers, would be appropriate.

Where phone contact is judged necessary on the basis of an evaluation of pupil need and subsequent identification of pupils for whom wellbeing considerations are significant, this should be done by staff who are well experienced in making phone contact with home in relation to pastoral care matters.

In the Secondary setting, any phone calls to pupils deemed necessary should be made by the Depute Head who has responsibility for Pastoral care and/or Guidance/Pastoral Care Teachers. Main Grade teachers should not normally be involved in making such phone calls directly to pupils and parents at home. If asked to do so by the school, this should be in accordance with agreed protocols.

Further information in relation to Maintaining Professional Boundaries, both online and during phone calls can be found in the EIS [Working at Home Advice](#).

Teachers' Use of ICT

As far as possible where digital technology is being used to support learning and teaching at home, this should be familiar both to teachers and pupils. Teachers cannot be expected to be adept at using digital learning platforms without the requisite training, nor can they support such learning without access to the necessary devices.

Where schools/ local authorities use digital platforms for the delivery of teaching and learning, the associated learning should be made available. Where teachers are unable to access this learning, alternative activities should be agreed. These might include a different means of supporting contingency education delivery at this time; or carrying out manageable curriculum development work; or engaging in additional professional learning.

Where teachers have concerns about the use of particular software, for example, in relation to the capacity of companies to access and harvest personal data, these should be raised with the SMT with a view to alternative possibilities being explored.

The classroom environment for many has extended into a virtual space which can be accessed by multiple users. Whilst it may be appropriate in some circumstances for colleagues to work together on providing remote learning for pupils, the use of digital platforms for the purposes of quality assurance of learning and teaching in the context of any contingency arrangements, is not appropriate and should be resisted.

Whilst it is understood that senior managers have a responsibility to quality assure learning provision, this should be done on the basis of collegiate, professional dialogue with teachers. All staff should be involved in collegiate discussion about what the school's remote learning offer will be and opportunities for professional dialogue among colleagues, including senior managers, should be created ongoingly throughout the period of remotelearning and teaching. It is not acceptable for quality assurance processes to be in the form of observation of live virtual lessons.

Learning and Teaching in the Blended or Remote Context

The principles of Empowering Teachers and Teacher Agency should apply to remote working and digital learning contexts in all aspects of learning and teaching.

As would be expected when working in the normal environment of school, teachers should be involved in all decisions about the curriculum - in this case, the activities that children and young people will be offered while learning at home. What is provided by teachers should be by agreement following a collegiate, professional dialogue with the senior management of the school or line manager as appropriate. Collegiality rather than instruction and prescription is key.

As in the classroom context, teachers know the children that they teach well and are therefore best placed to decide upon the nature, volume and frequency of the learning activities provided.

An appropriate range of learning activities should be considered, particularly in light of the fact that many children and families still do not have sufficient access to digital devices or internet access. Education Scotland has advised that 'Remote learning can be delivered in a variety of ways. It may include reading, doing, creating and inventing, playing, problem solving, observing and investigating with some of the best learning examples not requiring technology at all, although in the current context, digital and online approaches will be commonly used.'

It should be borne in mind that in addition to the issues related to digital inequity, many children may struggle simply to have a quiet space to study / work.

Learning activities should suit the age range and capabilities of the children and expected outcomes should be flexible. A good strategy is to set learning activities that enable differentiation by outcome, that all pupils in a class, including those with additional support needs, can complete with some degree of success, with extra and more stretching activities for progression.

It can be beneficial to provide a list of possible activities that cover different areas of the curriculum/course and which allow learners to choose the activities that particularly interest them and with which their parents might be better placed to help.

Offering a variety of learning activities, covering a range of subject areas and involving different skills, is recommended. Creative activities involving music and dance, art, writing stories, songs and poetry, and making things are likely to motivate and be a welcome distraction for learners, particularly in the current worrying climate.

Work that can be done by pupils in bite-sized chunks is more likely to be completed than longer tasks. If there are projects, suggest how these could be broken down.

Learning activities should be centred on ground previously covered in class, and as far as possible which learners can make progress with independently. Overly complex tasks including those that seek to introduce new learning should be avoided in these circumstances, especially where young people have additional support needs.

Many parents are also trying to work from home, and some parents might struggle to assist with schoolwork for a number of reasons besides. Expectations of young people and their parents need to be realistic and fair, as would also be advised when in normal circumstances, approaches to homework are being considered.

Given that there has been a commitment made to continue to provide education on a contingency basis during any period of school closure, and given the inequalities that already exist arising from socio-economic factors, local authorities and schools should be live to this and continue to take account of and address socio-economic

disadvantage and digital inequality in terms of the remote learning that they offer. Provision of feedback on pupils' learning at home should be concise, focused, bureaucracy-light and given through the agreed channels. Feedback should be given in line with good formative assessment practice with a view to ensuring that any feedback provided is meaningful for young people. With this in mind, teachers should also be free to use their professional judgement in determining the amount, nature and frequency of feedback that they give their pupils. It should also be borne in mind that good formative assessment practice involves a balance of teacher, self and peer assessment.

Workload in the Blended or Remote Context

Workload control measures are still operable in the context of working at home, whatever the reason teachers might be doing this. Management of teachers' working time should be within the parameters of the 35-hour working week, and collegiate discussion and agreement around the use of collegiate time in the current circumstances. A common-sense approach should prevail and should take account of the very challenging conditions in which all are working.

In accordance with the Scottish Government Guidance on Education Recovery, priorities should be centred around the wellbeing of teachers, as well as of children and young people, and be agreed on a collegiate basis. Teachers should be mindful of their own health and wellbeing and the need for an appropriate balance of priorities in this regard.

Adjustments to the balance of normal pupil-contact time are recommended for digital learning contexts - neither children nor teachers should be engaged for the duration of the normal pupil day in screen-based learning and teaching. This would be an excessive and unhealthy demand to place upon pupils, is pedagogically unsound and is not conducive to maintaining good health and wellbeing among teachers working in relatively restricted conditions at home and without the usual supports from colleagues and senior management being in place.

This view is shared by Education Scotland in their [advice](#), referred to above, which states that 'Learners should not engage in online learning for the entirety of the school day. Learning may include activities such as research tasks, project work, practical opportunities, discussions and other activities that can be carried out away from a digital device'.

Teachers who are attending school for the provision of education to children and young people should not also be asked to provide online learning experiences for their own classes on days when they are rostered for this provision.

The main priority of teachers, as when working in school, should be learning and teaching. When working at home, time spent on work-related activities of a bureaucratic nature that contribute little or nothing to the quality of learning and teaching, should be minimal to zero.

If a teacher, when working at home, has a concern about workload, this should be raised with the management of the school setting in the first instance. If necessary, the EIS School Rep and/ or Local Association Secretary can assist in helping the setting to reach a collegiate and bureaucracy-light solution.

The EIS has developed a range of resources, including a webinar delivered in partnership with Education Scotland, to support members in the delivery of remote and blended teaching. Resources to assist teachers preparing online learning can be accessed [here](#) and on the Education Scotland [website](#).

Resources to support members' health and wellbeing whilst working at home can also be accessed [here](#).

Further EIS advice on Blended and Remote Learning and Teaching during the COVID-19 Pandemic can be accessed [here](#), in addition to advice for members when [Working at Home](#).

School/College Partnerships

As part of the school/college partnership, young people in the senior phase may undertake some of their learning at college during the school week to develop practical, vocational and academic skills, subject to current restrictions.

Colleges can now include within the group of students attending in-person teaching, those senior phase school pupils who are studying at college and who **require** to complete essential practical work as part of their course. Pupils should only be on campus for the duration of the completion of the practical work and the presumption should continue to be remote delivery of teaching and learning where this is possible.

The updated Scottish Government [Guidance in relation to colleges](#) will apply to senior phase learners when they are attending college. All public health measures identified in that guidance must be strictly observed, including in circumstances where school pupils are being taught separately from the wider college population.

Prior to any arrangements being put in place, bespoke risk assessments must be conducted. Schools and colleges should work together to consider whether remote or blended learning arrangements can, in the first instance, be put in place for school pupils, to limit the time necessary for them to be on a college campus. In making this assessment, a collegiate approach should be adopted and the views of the college lecturers, as well as relevant school staff, taken into account.

As part of the school/college partnership, college lecturers can also be invited into schools to deliver lessons to school pupils, provided lessons are delivered with a GTCS registered teacher present.

In the context of the pandemic, any such arrangements should be reviewed to determine whether they align with the advice contained in the Scottish Government guidance, 'Coronavirus (COVID-19): Reducing the Risks in Schools' and current restrictions in place.

Paragraph 100 of the guidance states that

'Adult visitors to schools should be strictly limited only to those that are necessary to support children and young people or the running of the school and arrangements should be communicated clearly to staff and the wider school community.'

Paragraph 221 goes on to provide:

'schools and colleges should work together to consider first whether remote or blended learning arrangements can be put in place for school pupils.'

Consideration should, therefore, be given to whether the delivery of these lessons by college lecturers in schools is 'necessary to support children and young people' and whether alternative methods of delivery could be adopted. In making this assessment, a collegiate approach should be adopted and the views of the college lecturers, as well as relevant school staff, taken into account. For example, the use of technology may be helpful in the provision of online lessons.

Where it is felt that the attendance of the college lecturer in school is necessary, then a bespoke risk assessment should be conducted to determine whether the risk can be managed safely and if so, to identify the appropriate mitigation measures which should be put in place. The risk assessment, and any review of the risk assessment, should be conducted in consultation with the teachers and lecturers involved, with trade union support as necessary and take full account of the current public health restrictions in place.

In addition to any bespoke risk mitigation measures identified through the risk assessment process, arrangements should be made to ensure that the 2m physical distancing provisions between the teacher, lecturer and any other adults in the classroom, and between the adults and young people, can be applied.

Face coverings should be worn by all visitors to school premises.

Risk assessments in relation to all aspects of school/college partnerships should be kept under regular review and should also reflect and be adapted to respond to local issues, such as local increases in cases of COVID-19, local outbreaks or a change to the protection level of the area in which the school and college is situated or where a move to lock-down has been invoked.

Reporting to Parents/Carers

Parental involvement and engagement play a crucial role in a young person's education. There is a strong body of evidence that active and supportive parental involvement in schools is crucial in delivering the best opportunities for all pupils and is one way of seeking to address the poverty related attainment gap. In the context of the Recovery Curriculum, parental engagement continues to play an important role and is likely to have a pivotal impact on the successful re-engagement of the child or young person with education.

However, to facilitate this engagement and ensure that a collaborative approach is adopted, sufficient time and resources must be allocated to this activity, to avoid any further negative impact on the workload of teachers who, over the course of this academic session, are already working beyond capacity.

Important health and safety considerations should also be factored into any decisions about how best to communicate with parents on a young person's progress.

In considering arrangements to be adopted for reporting to parents, it is advised that collegiate discussion involving all teaching staff should take place to consider and reach an agreement on how best to proceed locally. Approaches adopted should reflect a joint commitment to reduce bureaucracy and teachers' workload.

(a) Parental Consultation

Agreed arrangements relating to parental consultation should align with the advice contained in the Scottish Government 'Coronavirus (COVID-19): guidance on reducing the risks in schools'.

Paragraph 100 of the guidance states that

'Adult visitors to schools should be strictly limited only to those that are necessary to support children and young people or the running of the school and arrangements should be communicated clearly to staff and the wider school community.'

In the context of the current public health restrictions, the EIS is clear that face-to-face parental consultations do not meet this criterion and they should not, therefore, be taking place in schools. Alternative means of communicating and reporting to parents could be adopted.

Class teachers should not be expected to report on progress to parents through phone calls or online meetings.

In the exceptional circumstances where it is felt that a class teacher does need to speak to a parent about a child or young person, this would be for a specific purpose and not for general reporting. This should only take place where it has been arranged through the school and with the knowledge and/or participation of the appropriate line manager.

In the current context, schools should consider innovative and creative ways to report on the progress of children and young people. This might be planned across a longer period of time, rather than a traditional written report sent home on a specific date.

If the time taken to report on the progress of children and young people is increased as a result of newly agreed arrangements, this should be factored into the Working Time Agreement and sufficient time allocated to avoid additional strain on weekly working time within the parameters of the 35-hour week.

(b) Report Writing

As we approach the final term of this academic session, consideration will turn to end of year reports. Given the significant workload pressures which teachers are currently experiencing, and in the context of the empowered schools agenda, it is advised that collegiate discussion involving all teaching staff who would normally be involved in writing such reports, takes place to consider and come to an agreement on how best to proceed.

The following points may be helpful in informing such discussions.

Purpose/rationale of report writing

As a starting point for discussion, it is worth exploring the rationale for writing reports. Are written reports necessary? Is there a legitimate purpose in seeking to write and distribute such reports while multiple other priorities, arising from the consequences of the pandemic, are being addressed?

Where schools have provided alternative opportunities for teachers to consult with parents/carers, consideration should be given to whether there would be any additional benefit to issuing written reports. It may be that reports written would cover much of the same ground.

When there are many other priorities being addressed by teachers currently, such as seeking to address the health and wellbeing needs of pupils on their return to school, it could be difficult to justify diverting significant swathes of teacher time to report writing if little new ground will be covered.

Where there has not been recent reporting activity, it might be agreed that there is a stronger case for writing reports.

Where it is agreed that writing final reports will serve good purpose at this time, discussion and agreement should take place regarding the revised format and level of detail that can, in the circumstances, be included, such that the reports are meaningful for parents and

learners. The final report should not seek to cover all of the elements of the usual full report and could be written providing an holistic view of the child's progress, with a focus on Health and Wellbeing which is central to the Recovery Curriculum.

Any decision reached in relation to the provision and format of such reports should take account of and be balanced against other current working time priorities.

Practical Considerations: managing collaboration among job- share and part-time teachers

Where classes and associated reporting responsibilities are shared between/among teachers, there could be significant challenges at present in enabling the requisite professional collaboration on report- writing.

Where it is agreed that final reports are to be written for pupils, consideration should be given to how collaboration will be facilitated safely.

Practical Considerations: access to technology

In addition to time, such collaboration in the current circumstances demands availability and reliability of the requisite technology, internet access and software. Not all teachers have this, with some having to share these resources.

This is a barrier which would need to be overcome by the school/local authority to enable the safe completion of electronic reports by their teaching staff.

Practical Considerations: distribution of reports

Should there be an agreement that final reports are to be written, consideration should also be given to how they will be distributed to parents in light of the risk of infection being carried by paper. How will this be overcome and how will any electronic solution take account of the fact that not all parents will be able to access emailed reports?

Working Time

Given the very challenging contexts in which teachers are working currently, there is likely to be additional strain on weekly working time within the parameters of the 35-hour week. Clearly, if report writing is to be prioritised, it may not be possible for teachers to undertake other activities.

Should any member believe that unrealistic or unsafe arrangements are being put in place around parental reporting (both in relation to parental consultations and report writing), they should raise the matter in the first instance with the School Rep and/or the Local Association Secretary as appropriate.

Assemblies

The Scottish Government advice is that large group gatherings, including assemblies, should not take place at this time.

Where schools wish to focus on particular themes on a whole-school basis or with key ages and stages, this should be done on a class by class basis. In the interests of minimising unnecessary movement around the school, any themed activity that might have featured in an assembly should take place within the classroomsthat class groups would otherwise be in at that time.

Extra-curricular Activities

Risk assessments and consideration of the priority principles of equity, wellbeing and focus on Literacy and Numeracy, should occur in deciding whether to resume or set up lunchtime or after-school activities for pupils.

Where such extra-curricular activities have been resumed or established, Scottish Government guidance states that they should be paused as part of the enhanced and targeted protective measures to be applied by schools within a local area which is subject to level 4 restrictions.

School Trips

The Scottish Government has published updated advice on [School Trips for the summer term 2021](#). The guidance is conditional on the continued suppression of the virus. **The dates given are indicative and will only be confirmed following a further review of data in the week commencing 3rd May 2021.**

- **Non-residential Trips**

From 10th May 2021, day visits (which go beyond a local excursion and do not include an overnight stay) **can recommence**. Appropriate risk assessments should be conducted, taking full account of the COVID protocols applying at the destination. All identified risk mitigation measures should also be in place and travel arrangements should comply with the advice given in the Scottish Government's Coronavirus (COVID-19): guidance on reducing the risks in schools.

- **Residential Visits**

The Guidance makes it clear that educational visits which '**necessitate an overnight stay but where the residential aspect is not central to the learning experience are not advised in the summer term**'.

Through collegiate dialogue, careful consideration should be given to whether a residential trip is necessary at this time or whether the educational objective can be fulfilled by some other means.

Where it is agreed that the residential element of the excursion is key to teaching and learning, then robust risk assessments must be conducted between the school and the residential visit provider to ensure that all relevant mitigation measures are in place to keep young people and staff safe.

From 10th May 2021, residential outdoor expeditions can recommence on the following conditions:

- robust risk assessments have been conducted with appropriate mitigation measures in place;
- **the maximum size of the group (including the expedition leader) is 9;**
- travel arrangements comply with the advice given in the Scottish Government's Coronavirus (COVID-19): guidance on reducing the risks in schools;
- the relevant school COVID-19 protocols are maintained during the expedition;
- there is no interaction with others outside the expedition group;
- individuals sleep in single person tents outdoors; and
- there are washing and toilet facilities for single person use at any one time.

From 31 May 2021, school residential trips to outdoor education centres can recommence subject to the following conditions:

- the virus prevalence is equivalent to the new COVID-19 Protection Levels 0, 1 and 2 **both** at the school and the destination;
- only one school will be staying at the outdoor education centre (except where the school and destination are both at Protection Level 0, in which case there can be a maximum of two schools in attendance);
- travel arrangements comply with the advice given in the Scottish Government's Coronavirus (COVID-19): guidance on reducing the risks in schools;
- relevant school COVID-19 protocols are maintained during the visit;
- individuals sleep in either single rooms indoors or single person tents outdoors;
- washing and toilet facilities should be reserved for single person use at any one time;
- enhanced cleaning arrangements should be in place between visits; and
- robust risk assessments have been conducted with all appropriate mitigation measures in place.

The age and stage of the young people involved, including any additional support needs, should also be considered and factored into the assessment of risk. Careful consideration should be given to whether the conditions outlined above for residential outdoor expeditions and for residential visits to outdoor education centres can be met and whether the mitigation measures identified are sufficient to keep young people and staff safe in such circumstances.

International educational visits

The Foreign and Commonwealth Office makes it clear that under current UK COVID-19 restrictions, travel, including internationally, is prohibited unless you have a legally permitted reason to do so.

The Scottish Government continues to advise against schools undertaking international visits at this time.

EIS Guidance for Special Education (Primary) Members on Education Recovery: Curriculum and Pedagogy (Updated April 2021)

Background

The reopening of schools and the return to classrooms after the initial period of school closure last year was welcomed by thousands of children and young people and teachers, albeit with some concerns, across Scotland. They missed the structure, certainty and social interaction which school provides.

However, since the start of the 2020-21 school session, and with the continued prevalence of the virus within society and the emergence of new variants, we have all had to adapt to the changing circumstances in which we live and in Education, to consider alternative forms of education provision, including moves to blended and remote learning.

What is clear is that session 2020-21 has not been and should not be business as usual. The risks of the virus persist, and with the increased transmissibility of new strains, are arguably heightened.

The wellbeing impact of the last year, both on pupils and staff, cannot be forgotten. For reasons of health and safety, in the interests of wellbeing, and in order to address the key priorities for recovery, school life, and the delivery of education through contingency models, should look very different from it would under 'normal' circumstances.

Scottish Government Guidance: Application and Terminology

The Scottish Government Guidance, [Coronavirus \(COVID-19\): Reducing the Risks in Schools](#), is referred to throughout this document. In considering its application in practice, it is important to have an understanding of the scope of the guidance and the meaning behind key phrases used.

The Scottish Government Guidance applies to all local authorities and schools under their management. It also provides that it should be used by grant-aided schools and independent schools to support their recovery efforts.

Although non-statutory in nature, it begins by highlighting the primacy of health and safety considerations and provides that Local Authorities and schools should exercise their judgement when implementing the guidance, to ensure the safety and wellbeing of children, young people and staff, taking into account local circumstances.

The Guidance differentiates between situations in which there is an expectation that a particular action **will** be taken by the Local Authority or school and other situations in which action **may be advisory** and can reflect local circumstances.

The Guidance reflects this distinction by the terminology used and explains:

'Where this guidance states that local authorities and schools:

- "should" do something, **there is a clear expectation, agreed by all key partners, that it should be done.**
- "may" or "may wish" to do something, the relevant sections have been included as examples of relevant practice that can be considered if appropriate. Local variations are likely.'

This difference in the language used should be borne in mind when considering the recommendations contained in the Scottish Government Guidance referred to throughout this EIS guidance.

Reference is also made in this EIS guidance to protective measures associated with areas which are subject to level 0-4 restrictions. These references are to the five levels of protection set out in the Scottish Government guidance. '[Coronavirus \(COVID-19\) protection levels: what you can do](#)' and the associated protective measures, outlined in the Scottish Government guidance, Coronavirus (COVID-19): Reducing the Risks in Schools.

COVID-secure Schools

Essential health and safety procedures and standards required to minimise the risk of infection in schools have meant that much will be different and will remain so for the foreseeable future, in terms of how schools operate and in terms of the physical environment.

This has implications for how things are done from now on. From how pupils move around the school, to how lessons are taught and learning takes place, to how hygiene and cleaning is arranged - many aspects of school life will look different as schools endeavour to keep safe their pupils and staff and the school environment COVID-secure.

Enhanced Hand Hygiene

In addition to the EIS Advice to School Reps and Members re [Revised Risk Assessments](#), consideration should be given in the context of Special Education settings to Enhanced Hand Hygiene protocols.

To mitigate against transmission of the virus, we would recommend that a hygiene protocol should be in place, providing for an enhanced hand hygiene regime for adults and children in this setting.

This should include arrangements for handwashing (for 20 seconds) with hot water and soap on arrival at the setting, before and after eating, after toileting, at regular intervals throughout the day, when moving between different areas of the setting and prior to leaving the school building at the end of the school day.

Where appropriate, arrangements should be made to supervise the children when washing and drying their hands. In circumstances where a member of staff is

required to provide assistance to a child when washing or drying their hands, consideration should be given to any additional risk mitigation measures which will be necessary. Face coverings (or where identified in a risk assessment, PPE and other protective barrier measures) should be used by the member of staff in these circumstances.

We would also recommend that tissues are provided within the setting to encourage good respiratory and cough hygiene practices when children are coughing or sneezing. Lidded foot pedal bins with double bagging should be provided to ensure the safe disposal of used tissues. A good pedagogical approach would be to talk with the children and young people about why these enhanced personal hygiene practices are necessary in the context of infection risk.

Wellbeing and Equity

All children, young people and adults – parents, teachers and support staff-will have been affected in some way by the pandemic. Confinement, restricted social interaction, illness, bereavement, unemployment, poverty and food insecurity, financial worries, media reporting of the virus, including information about the increased transmissibility of the new variant, will all have made their mark to varying degrees on individuals, families and communities.

Whilst some may have managed some recovery, others will still be suffering the harsh consequences of Coronavirus on their physical, mental, and emotional health, family life, finances and employment status.

The EIS has been clear that periods of school closure and lockdown have wreaked the most damage upon children and families who are most disadvantaged by societal inequality, this having been well documented by researchers, press and media. With this in mind, we are of the firm view that the needs of those children and young people whose circumstances at home rendered their families less able to support them with remote learning at those times, and potentially during further periods of school closure, must be prioritised.

Any additional resources, including staffing where available, should be channelled towards helping those children and young people in particular to address the impact of any interruption in learning caused by the pandemic.

It has been well documented, also, that COVID-19 has had a disproportionately high impact on people from BAME backgrounds to varying extents in different parts of the UK, both in terms of likelihood of infection and death rates. Schools should be sensitive to the possibility that children and young people from BAME backgrounds and their families have been affected by COVID-related illness and bereavement and/or may be experiencing higher levels of anxiety related to infection risk.

Education Recovery

The EIS has been influential in setting the national priorities for education recovery through its contributions to the CERG and associated working groups.

Consequently, in its Coronavirus (COVID-19): [Curriculum for Excellence in the Recovery Phase guidance](#), the Scottish Government and the stakeholders who are part of the national Education Recovery Group advised that schools should:

- 'prioritise the physical, mental and emotional wellbeing of children and young people, practitioners and families;
- recognise that 'children and young people from disadvantaged backgrounds may have faced multiple barriers to learning over the period of the school closures';
- 'applying the principle of equity, consider how to provide additional and appropriate support where it is most needed in order to maximise engagement with learning and continue the work to close the poverty related attainment gap'.

Taking care of our physical and mental health is crucial at this time, when there are many social, emotional, health and practical challenges facing all of us: children, parents and teachers. The EIS view is echoed by Education Scotland in [advice](#) published in January 2021 which highlights that health and wellbeing remains a key element of the recovery curriculum for children and young people and the importance of this is clearly stated: 'We need to be mindful of the impact of COVID-19 on our children and young people, many of whom may have suffered loss and trauma as a result. For all learners, a key focus...needs to be health and wellbeing.'

It goes on to state, 'From the outset of the pandemic, schools and settings adapted their learning and teaching to ensure a strong focus on children's mental health and wellbeing, and engagement. This continues to apply.'

Equally, teachers should be mindful of their own health and wellbeing and the need for an appropriate balance of priorities in this regard.

Health, safety and wellbeing, and the principle of equity, therefore, must be of paramount importance in session 2020-21 and as we move towards education recovery.

The Scottish Government guidance acknowledges this, stating,

'2021/22 will also be a recovery year, and there will be a continued emphasis on issues such as: supporting student and staff health and wellbeing; transitions at all levels; the impact of tragedy in communities; identifying gaps in learning; and a renewed focus on closing the poverty related attainment gap. In particular, there should be a focus on what can be done to remedy any impact that there has been around widening inequalities of outcome experienced by children and young people.'

This has significant implications for the curriculum and pedagogy – what and how teachers teach and children and young people learn, not only in this academic sessions but in the years to come.

Planning for Learning

As under normal circumstances, the EIS is clear that teachers' planning for learning is a tool to aid them in their preparation of learning and teaching, and to support professional dialogue among colleagues with regards to this. Planning documentation should be designed and handled with this key priority in mind.

Primarily for teachers' own use, any associated planning template should be bureaucracy-light, and should neither be a generator of unnecessary workload nor an accountability tool. Neither class teachers nor colleagues who have management responsibilities have time to dedicate to onerous planning regimes at a time when the priority in schools must be the wellbeing of pupils and staff alike.

In the event that planning processes or associated paperwork, particularly relating to forward planning, are found by members to be overly bureaucratic and generators of unnecessary workload, this should be raised with the management of the school setting in the first instance. In doing so, members may find it useful to refer to Education Scotland [advice](#) and Deputy First Minister's [statement](#) regarding excessive bureaucracy. If necessary, the EIS School Rep and/ or Local Association Secretary can assist in helping the setting to reach a collegiate and bureaucracy-light solution.

Collegiate Activities

As under normal circumstances and as has been the case since the start of the pandemic, it is important that colleagues are able to work together to reach solutions to the many challenges that maintaining safety and providing opportunities for quality learning and teaching in the context of COVID-19 present.

Whilst collegiate activities that reflect the key Education Recovery priorities continue in accordance with school Working Time Agreements, this should be in adherence to the current public health advice around physical distancing and hygiene, and with teachers wearing face coverings when working in shared spaces with others. Where it is not possible to comfortably maintain physical distancing for collegiate activities, particularly in light of the increased transmissibility of the new strain of the virus, these should be done using virtual means.

Setting Priorities

The wellbeing of pupils, teachers and families is to be at the forefront of all school-based decision-making as we work towards education recovery.

The Scottish Government guidance on education recovery advises that schools should set out:

'...a clear statement of intent to prioritise the physical, mental and emotional wellbeing of children and young people, practitioners and families. Recognition that good health and wellbeing is fundamental to ensuring that children and young people can engage effectively in their learning.'

Communication to staff and parents should have this emphasis and it should be reflected in all school-based planning and decision-making in which teachers should be fully involved. The Empowered Schools agenda, with collegiate working at its heart, remains live.

Schools should not expect to nor feel under pressure to provide opportunities for learning in session 2020-21 as it would any other. Streamlining of priorities is encouraged while children, young people, teachers and support staff continue to respond to the challenges of the pandemic. This is even more important in the context of Special Education.

The Scottish Government [Guidance](#) on Support for Continuity in Learning highlights the challenge of re-integrating children and young people with additional support needs back into school and emphasises the importance of tailoring support to their individual needs.

It states:

'The emotional wellbeing of our most vulnerable children and young people as they re-connect with learning will require careful planning, including discussion with them and their parents and carers. Simply attending any formal provision will be a challenge for some.'

An important first step will, therefore, be the review of existing plans, including co-ordinated support plans, for individual pupils to ensure that planned approaches build upon and recognise any additional needs which have arisen as a result of the pandemic.

For some children and young people, with additional support needs, the return to the classroom will represent a significant transition to what has become their daily routine. The importance of bespoke risk assessments for these pupils cannot be overstated, both to ensure that appropriate supports are in place for the pupils involved and also to identify the necessary mitigation measures required for staff, who for various reasons may not be able to adhere to physical distancing guidelines. Face coverings (or where identified in a risk assessment, PPE and other protective barrier measures) should be worn by staff members in these circumstances.

For those who require specific communication supports, for example, the use of sign language, Makaton, storyboards and symbols, these should be used as they would normally. Consideration may be given to the use of social stories, the preparation of a storyboard, containing photographs of key locations, their teaching, support and transport arrangements, and information to explain how learning will be different at school. If a staff member is required to wear a face

covering in situations where 2m distancing cannot be maintained; or wishes to wear a face covering or following risk assessment, requires personal protective equipment (PPE), it will be important to highlight this as part of this process, in advance. Some children and young people, attending a Special Education setting, may need additional reassurance about the reasons why an adult is wearing a face covering and/or PPE. This should be factored into the planning process and kept under review as the term progresses.

Schools may also wish to consider how access to school counsellors and their partnerships with third sector organisations might assist them in supporting this transition and in addressing aspects of children's wellbeing needs in the coming months.

The [Refreshed Narrative for Curriculum for Excellence](#) is a practical tool that may be useful in supporting teachers' planning of learning during the Recovery Phase.

Breaktimes and Lunchtimes

Whilst schools may have made adjustments to school start and finish times in the interests of maintaining physical distancing, it is important that pupil and staff break-times and lunchtimes are at least preserved and possibly even lengthened to enable opportunities for children and staff to reconnect with peers and colleagues, albeit with restrictions related to distancing, etc. in place; and to allow extra time to help manage physical distancing in relation to toilets, cafeteria, staff kitchen and water-cooler access. This is particularly important with the increased risk of transmission from the new strain of the virus.

In the context of Special Education, having sufficient time set aside for these break periods will be even more important, both to ensure that there is dedicated time for relaxation away from the classroom and to ensure that practical support for the child or young person, for example, in eating lunch, can be given in a calm environment.

Some children and young people will require physical assistance from staff at these times, for example, to open lunch boxes and water bottles and in some cases, will require assistance with feeding routines. In these circumstances, where 2m physical distancing cannot be maintained, additional mitigation measures should be in place, following a bespoke risk assessment. Face coverings (or where identified in a risk assessment, PPE and other protective barrier measures) should be worn by staff members in these circumstances and consideration should also be given to enhanced hand hygiene protocols.

To minimise contact between groups of pupils, it will be essential that sufficient staffing arrangements are in place to support the children and supervise interaction at these times.

If a teacher is concerned about the mitigation measures which have been identified and has concerns about their safety or the safety of anyone else in the school setting, they should raise this with the school management team and seek advice and support from their EIS school representative or Local Association Secretary.

Tackling Inequality, Promoting Equity

The EIS advises that in planning for all learning activities, teachers should also take account of any information that the school has been able to gather on the equity impact of school closure and lockdown, and the implications of this for learning activities, resources to be allocated and the organisation of any additional support to the pupils who have been most disadvantaged since the pandemic struck.

This priority is reflected in the Education Recovery Guidance in which schools and teachers are encouraged to recognise that:

'...children and young people from disadvantaged backgrounds may have faced multiple barriers to learning over the period of the school closures. Applying the principle of equity, consider how to provide additional and appropriate support where it is most needed in order to maximise engagement with learning and continue the work to close the poverty related attainment gap.'

Whole-school recovery planning and teachers' individual planning should feature provision for children which takes account of the poverty-impact of COVID-19.

COVID-secure Classrooms in the context of Special Education (Primary) Layout and Seating for Teachers

The Scottish Government advises that a 2m distance should be maintained whenever possible between adults and children whilst indicating that this may be less achievable when working with younger Primary school children or those of any age group with complex additional support needs.

The EIS is clear that 2m social distancing between teachers and pupils should be observed in all situations. This applies irrespective of whether an individual has been vaccinated. Vaccination does not change the need to continue to comply with all current COVID-19 mitigation measures. This is particularly important in light of the increased transmissibility of the new strains of the COVID-19 virus. A minimum 2m distance is advised between teachers and pupils at all times unless a risk assessment has identified other appropriate mitigations that can be safely applied in circumstances where 2m distancing is not possible.

It is acknowledged that within the context of Special Education (Primary), the age and stage of the children in addition to their additional support needs, may make this challenging. There may be situations throughout the school day when teachers will require to provide one-to-one support in learning or may require to come into physical contact with the pupil, for example, to provide comfort and reassurance or to support physical needs. Where possible, this level of close interaction should be kept to a minimum and appropriate risk mitigation measures put in place. Face coverings (or where identified in a risk assessment, PPE and other protective barrier measures) should be worn by staff in these circumstances.

The Scottish Government guidance is clear that 'two metre physical distancing between adults...should be maintained'. In the Special Education setting, there

may be more than one adult in the classroom at any one time. In planning learning, careful consideration will require to be given to how this distance can be practically implemented whilst taking account of the needs of the children in the class.

There may be situations in which the needs of the child require more than one adult to support the child and physical distancing cannot be maintained. In these circumstances, an individual risk assessment should identify appropriate risk mitigation measures to protect both staff and pupils as well as considering how these interventions can be kept to a minimum. When the 2m distancing cannot be maintained, face coverings (or where identified in a risk assessment, PPE and other protective barrier measure) should form part of the mitigation measures and be worn by staff in such circumstances.

The Scottish Government guidance is also clear that anyone (whether a child, young person or adult), wishing to wear a face covering in any part of the school, should be permitted to do so.

A strongly collegiate approach, underpinned by thorough risk assessments, will be key to identifying a good pedagogical approach which supports the children, with often complex needs, whilst ensuring that key health and safety procedures are implemented.

Ongoing dialogue with children and engagement of parents/carers about the approaches being taken will be important to ensure that there is a collective understanding of measures to control the risk of infection. Particular consideration should be given to the impact of wearing a face covering on children and young people in Special Education settings. The EIS believes that transparent face coverings, where considered appropriate, should be supplied by the school or local authority to support learning and teaching and the health and wellbeing of children and young people.

There may also be situations in which staff with a disability, such as a hearing impairment, will require other adults, with whom they are working, to use transparent face coverings. The EIS would recommend that in these circumstances, appropriate adjustments are made and transparent face coverings are supplied to staff to support communication.

The Scottish Government Guidance also highlights that during April and May 2021 children and young people observing Ramadan should be treated with sensitivity and discretion in relation to the wearing of face coverings. In addition to fasting, young people observing Ramadan during the school day will not drink liquids so may find the wearing of face coverings more challenging.

Schools should provide clear guidance for staff on how to put on, remove, store and dispose of face coverings to avoid inadvertently increasing the risk of transmission in the setting.

If a teacher is concerned about the mitigation measures which have been identified and has concerns about their safety or the safety of any one else in the school setting, they should raise this with the school management team and seek advice and support from their EIS school representative or Local Association Secretary.

Layout and Seating for Learners

Prior to COVID-19, many classrooms were set up to enable collaboration among learners, with seating either in groups or pairs to encourage this. The Scottish Government advice is that there is no need to alter this in the Primary context where, according to the scientific advice, 'there is no requirement for physical distancing between children'. Consideration, however, should be given to ensuring that children are seated side by side, facing forwards, rather than sitting face-to-face.

Aside from the physical positioning of desks, chairs and learning stations in the classrooms, in the interests of creating a calm classroom environment and promoting positive behaviour, teachers should give consideration to where children and young people sit in relation to one another, and in relation to teachers and other staff, within the classroom. Some children benefit from being seated close to/away from particular peers; others benefit from being closer to the teacher, particularly if they have visual or hearing impairment, or if they require regular reassurance from the teacher.

Given the need to ensure appropriate ventilation in classrooms, seating plans could, where appropriate, be designed to accommodate individual temperature preferences of children, young people and staff.

Bespoke risk assessments for individual pupils should have due regard to any potential risks, arising from the needs of the child, to staff and other members of the class. For example, some learners may find it difficult to stay seated and may want to move around the classroom, with the potential of breaching the physical distancing provisions with members of staff. Other learner behaviours, such as shouting out or spitting, may result in an increased risk of airborne particles or droplet transmission in the class setting. In all cases, appropriate mitigation measures should be put in place and consideration given to the layout and seating arrangements which may help to mitigate against the transmission of the virus. Mitigation measures, including the allocation of staffing and resources, should be kept under review and adjusted where appropriate and necessary.

With evidence about the increased transmissibility of the new variant of the virus, the EIS is maintaining a close watching brief on emerging data and will be continuing to review the resulting pedagogical (as well as health and safety) implications. With this in mind, the advice that we provide relating to physical distancing and in relation to other mitigation measures may be subject to change as further evidence emerges.

Settings may also have decided, following risk assessment processes, to adopt the use of face coverings and PPE. In these circumstances, the findings from the risk assessment would take precedence and should be implemented.

Equipment and Resources

School risk assessments will have determined the extent to which pupils will share resources and equipment, or have sets of resources for their sole use, and any mitigation measures required such as cleaning or quarantining for the recommended 72 hours of resources and equipment.

The updated Scottish Government guidance indicates that there are two potential approaches to mitigating risks from surface contamination of jotters, textbooks and library books:

- quarantining the resource for 72 hours; or
- careful handwashing with soap and warm water or the use of alcohol-based hand sanitiser before and after handling the resource.

The guidance recommends that school risk assessments are updated to consider which of these approaches is the most appropriate for the circumstances of the individual setting. EIS school representatives should be consulted and involved in the updating of these risk assessments, which should continue to have the health and safety of staff, children and young people as their primary focus. EIS school representatives should also facilitate branch consultation prior to implementation of any new mitigation measures, resulting from the review process.

In some situations where resources require to be shared, pupils may be able to clean those that they have touched after use. Where this is appropriate, teachers should demonstrate how this should be done.

With restrictions upon access to the wider classroom space and where deemed appropriate, teachers will wish to encourage pupils to take responsibility for organising any resources that they will use - getting these out and putting them away after use.

Where children need to move about within the classroom to access a shared resource, this should be organised to minimise congregation around the point of access to the shared resource.

Given the need to prioritise health and safety, teachers should give extra-careful consideration to which equipment and resources will be used in their lessons, as they plan for learning. Only those which are essential for the lesson should be used for the time-being, and where disposable materials can be used, this should be considered.

Careful consideration should be given to the cleaning regime for specialist equipment being used in the setting to ensure safe use.

Where the setting has a sensory room, arrangements should be put in place to ensure that the room and any soft furnishings, such as throws, are cleaned at least daily and between use by different children.

Where a play based approach is being adopted, careful consideration should be given to the toys and equipment in use. Resources should be used which are easy to clean and cleaning arrangements in place to ensure that they are cleaned on a daily basis or if in a communal play area, when groups of children change. This will be particularly important as a result of the increased transmissibility of the new variant of the virus. Timetabling for access to communal play areas should also reflect the cleaning schedule in place.

Resources such as sand and water and playdoh should only be used by consistent groupings of children and should form part of relevant risk assessments. Risk assessments should be reviewed and updated to take account of the new variant.

Children at this time should be discouraged from bringing transitional objects from home to school and from sharing their personal belongings. However, where this is deemed necessary to support and comfort the child, careful consideration needs to be given to how this can be managed safely. Where these arrangements are being considered, it may be helpful to involve the children and parents/carers in the planning so that there is a common understanding of the importance of the risk mitigation measures being adopted and why these special objects cannot be shared with peers in the current circumstances.

The Scottish Government guidance makes it clear that

'For the early stage (P1 – P2), schools may consider making use of the ELC models of managing children's interactions and other mitigations, where appropriate, particularly when adopting a play based approach.'

Further information on the considerations around risk assessments when a play based approach is being adopted can be found in the Scottish Government [guidance](#) for Early Years settings and in the EIS Additional [Advice](#) on managing the risks of Covid-19 for Early Years Teachers.

Making Use of Technology

Some of the practical difficulties posed by physical distancing, hygiene and quarantining requirements might be overcome through the use of technology, though it is understood that the extent to which schools can rely upon this will depend on both the availability of hardware and internet connectivity.

Existing Child's Plans, including Co-ordinated Support Plans, may already identify appropriate technology which can be used to facilitate communication and learning. These existing plans should be reviewed and updated to ensure that this medium can be used to maximise support in learning.

Where provision allows suitable ICT access for pupils, there are a range of digital platforms that might be useful and with which pupils and teachers are becoming increasingly familiar during periods of school closure - GLOW, Microsoft Teams and Zoom are some of those that are being used by schools across Scotland in line with local authority and school protocols.

Where schools and teachers are using such options, this should be within existing protocols, and should take account of the fact that some children and young people have less experience of using digital platforms than others, many having been unable to participate in this type of learning experience during lockdown because of home circumstances. It should also be borne in mind that teachers have varying degrees of confidence in using this kind of technology and many are likely to require professional learning in this area.

Some schools/ teachers already encourage the use of smartphones by pupils within clear protocols, to aid learning. Such an approach might be helpful in enabling pupil research, peer collaboration and communication with the teacher through class WhatsApp groups and such like. Much will depend on the setting and on the circumstances of the children and young people involved. Once again, where such approaches are being considered, thought should be given to equity and the need to ensure that all pupils have full access to the learning activities that are being planned. No child or young person should be unable to participate as a result of not having a smartphone or sufficient mobile phone data. Where either of these is the case, sensitivity and an alternative approach that avoids stigma will be required either for the whole class or for individual children and young people who are at risk of missing out.

Further information about the use of technology in the context of remote learning during periods of school closure can be found below in the section on **Blended and Remote Learning and Teaching**.

Interacting with Pupils

All interactions between pupils and teachers should be conducted with the appropriate guidance on health, safety, wellbeing and equity, and risk assessment mitigations, in mind. This should be the case in terms of how:

- pupils are welcomed into the classroom and dismissed at the end of the school day
- pupils move within the school setting
- teachers settle children in the classroom environment
- instructions, explanations and practical demonstrations are given
- additional support is provided
- learning is assessed
- discipline matters are handled.

Welcoming children and dismissing them at the end of the school day

Schools may have had a variety of arrangements in place to welcome children and young people when they arrive at the beginning of the school day and to ensure that they are safely dismissed into the care of a parent/carer at the end of the day.

Traditionally, this may have involved parents/carers entering school buildings and teachers being present at classroom doors or in playground areas to greet pupils as they enter. Scottish Government guidance makes it clear that parents/carers should not now enter school buildings unless required to do so. In addition, requirements around the need to physically distance between teachers and pupils mean that these arrangements may already have been reviewed and should be the subject of ongoing review in terms of managing the risk of transmission of the virus, particularly in light of new variants.

Arrangements should be put in place for parents/carers to drop off and collect children and young people which ensure that large gatherings of people are avoided and that physical distancing between adults and children of different groupings can be maintained. The Scottish Government guidance is also clear that parents/carers who are dropping off or collecting children and young people from school should wear face coverings and should 'avoid contact with other parents, children and young people at school gates, on the way to school and afterschool'.

Provision should also be made to preserve the safety of children and young people at these key times, with sufficient time built into arrangements made, to ensure that this can be done in a calm environment. Clear communication of the rationale behind these altered drop off and collection arrangements will help to reinforce the importance of reducing the potential for community transmission and will help to manage the expectations of parents/carers.

Where pupils have bespoke travel arrangements, are travelling by dedicated school transport, taxis or private hire vehicles, consideration should be given to where the children and young people will go when they arrive at school. Arrangements should be adopted to manage safety and ensure appropriate supervision.

Safety arrangements should include a process for children and young people to wash their hands immediately on arrival to the school building, to dispose of temporary face coverings worn during travel to school in a covered bin or to place reusable face coverings in a plastic bag which they can take home. Children and young people should then wash their hands again.

Children may require assistance in washing their hands at these times and with the safe removal of face coverings, of outdoor clothing and footwear on arrival at school and in preparing to go outside at breaks and the end of the school day. In light of the requirement to physically distance, consideration should be given to how this support can be provided safely. Where teachers and/or support staff are required to provide direct support and where physical distancing cannot be maintained, consideration should be given to the adoption of appropriate risk mitigation measures, including PPE, where deemed necessary following a risk

assessment. Face coverings should be worn by staff members in these circumstances.

For children who attend multiple education settings, bespoke arrangements should be developed around safe travel arrangements, groupings within the class context and the adoption of appropriate risk mitigation measures. In light of the increased transmissibility of the virus, the EIS would recommend that movement between educational settings should be kept to a minimum and any existing risk assessments for such arrangements reviewed.

Movement of pupils in the school setting

In addition to the arrangements for welcoming pupils, the school's arrangements for managing the movement of pupils around the school should be the subject of ongoing review in terms of managing the risk of transmission of the virus. Changes may already have been made and arrangements may require to be further altered to ensure that physical distancing can be adhered to, particularly in light of the increased transmissibility of the new variant of the virus.

For example, in circumstances in which a group of children may ordinarily have moved to another classroom to receive specialist input from another teacher, consideration may be given to restricting the movement of the children and instead, moving the specialist teacher to that class. Where this is the case, consideration will require to be given to how teaching resources will be safely transported and to how teaching zones, including teachers' desks, chairs, computers etc will be cleaned after each use.

At all times when adults are moving around the setting in corridors, office and admin areas, canteens (except when dining) and other confined communal areas, face coverings should be worn.

Settling classes

Whatever the arrangement, teachers should give consideration to how they will greet their pupils, in the interests of promoting positive relationships and behaviour at this time and throughout the Recovery Period as children and young people get used to being back in school and as many will be overcoming COVID-related trauma.

It might be that a quick, friendly check-in with each pupil would help here; or a ready wellbeing reckoner using hands-up or thumbs up/thumbs down so that children get the chance to express how they're feeling. Through means such as these teachers are able to gain quick insight into how pupils are feeling and who might require some extra encouragement or support in the course of the school day.

Gesture, eye contact and where possible facial expression in addition to spoken words of encouragement, or digital messaging if classes are suitably equipped, will be key ways of providing this additional encouragement to individual pupils

whilst maintaining physical distance. The role of learning assistants/ support assistants will be important here, also.

It may be that some pupils will require physical comfort or reassurance. As has been indicated above, this level of close interaction should be kept to a minimum and appropriate risk mitigation measures put in place. Face coverings (or where identified in a risk assessment, PPE) should form part of the risk mitigation measures adopted in these circumstances.

It is also acknowledged that children in this setting may not readily express their feelings and that feelings of stress and anxiety may only be evident through their behaviours. Teachers will be mindful of this and in these circumstances, consideration should be given to the underlying cause of any distress, with appropriate interventions being put in place to support the child.

Giving instructions, explanations and demonstrations

For the period that teachers are restricted in their ability to move among pupils in their classes freely, traditional methods of giving instructions will continue to be essential:

- verbally giving instructions and repeating them patiently, whether for the whole class or for individuals until all pupils have understood and followed them;
- writing instructions/ placing symbols on the board or other signposting area to reinforce instructions or make them accessible to pupils with hearing difficulties.

Where appropriate, teachers may also wish to encourage pupils to help their peers to follow the teachers' instructions.

The same advice applies to explanations of concepts and demonstration of skills. Teachers will be required often to deliver these, being mindful of the physical distancing restrictions. Where appropriate, the use of visual aids such as props, and images and diagrams projected onto screens might be helpful. Teachers could also consider using audio-video material to help deliver and reinforce explanations under these circumstances.

As far as possible, teachers should avoid reverting to traditional 'chalk and talk' methodology, encouraging active listening and participation among pupils and students through dynamic whole class group work.

Explanations and demonstrations can be peppered with questions as a means of keeping pupils engaged. Questions should be varied in type with higher order, open questions included and posed to pupils on a differentiated basis.

Pupils should also be encouraged to ask questions and could be asked to explain concepts in their own words, where appropriate, either to the class or

to those sitting close by them following the teacher's exposition. Where appropriate, the use of erasable whiteboards and tablets could be helpful in enabling pupils to feed back to the teacher through visual and digital means as explanations and demonstrations are underway.

Whilst these strategies provide examples of some of the ways in which teachers can gauge engagement and understanding, teachers will be familiar with the children in their class and have a clear understanding of appropriate strategies which can be adopted to deliver the required level of support. Individual risk assessments will also be key in identifying appropriate measures which should be adopted.

In situations in which direct physical contact with the child is necessary, such as 'hand on hand' support to teach formal skills development or in fostering greater independence, appropriate risk mitigation measures should be in place to protect the child and the staff member. This should form part of a bespoke risk assessment. Face coverings (or where identified in a risk assessment, PPE) should be worn by staff in these circumstances.

Use of voice

As far as possible, children and young people should be encouraged not to raise their voices when in the classroom or indoor space in order that the teacher or anyone else who is speaking to the class is audible without having to raise their voice. This is to minimise the number of airborne particles and droplets within the space. Using 'partner' or controlled 'classroom' voices will also help in creating and maintaining a calm atmosphere in the room.

There may be situations in which the particular needs of the child will mean that this is difficult to achieve in practice. Consideration should be given, through the planning and risk assessment processes, as to the appropriate support and mitigation measures which can be put in place. It might be helpful in these circumstances to look at the number of children and adults in the class, the seating arrangements and size of the classroom in considering how physical distancing can be accommodated, as well as the ventilation within the room. With the increased transmissibility of new variants of the virus, it is essential that guidance on ventilation is followed stringently.

Pace

As children and young people acclimatise to a different version of school life and new routines, it is likely that simple steps may take longer to be followed. Teachers should be comfortable with this and should not feel pressure to rush their pupils through activities. Learners should be given sufficient thinking time in which to formulate answers to oral questions or approaches to problem-solving. In the interests of wellbeing, in some cases, the usual pace of classroom activity will require to be slower.

Teachers should be confident in applying their judgement in relation to determining the pace of all classroom activities, taking account of current priorities around health, safety and wellbeing, and the needs of individual and groups of pupils within that context.

Practical Activities and Subjects

The Scottish Government Guidance makes clear that practical 'hands on' learning activities, experiments and investigations may not be able to occur on the basis that they would normally and that teachers may have to adapt some aspects of their approach to these activities in the interests of safety.

Many such activities are likely to take longer, from planning to take account of any obstacles, setting up equipment, delivery and clearing up and cleaning equipment after use.

The Scottish Government Guidance makes it clear that children of Primary school age can continue to work together on practical activities. Teachers delivering Special Education in the primary context can, therefore, continue to plan on this basis, although the practicalities involved in conducting these activities may require to be risk assessed and additional risk mitigation measures adopted to reflect the nature of the activity being undertaken and the range of individual pupil needs.

- Science and Technologies

SSERC has produced [guidance](#) on carrying out practical work in Sciences and Technologies for Early, Primary and Secondary levels, including links to resources.

- Physical Education ('PE')

Education Scotland has produced updated [guidance](#) on safe practice in PE.

It outlines key indicative dates (dependent on the suppression of the virus and the continued rollout of the vaccine) relevant to the delivery of P.E. within the Primary context:

- **From 5th April 2021** – children can participate in **contact and non-contact physical activities outdoors**. P.E. will **not** be permitted indoors at this time in Special Education (Primary) settings.
- **From 26th April 2021** – children can participate in **individual non-contact activities indoors** and **in contact and non-contact physical activities outdoors**.

- **From 17th May 2021** – children can participate in **group non-contact activities indoors and in contact and non-contact physical activities outdoors.**

The guidance outlines some practical considerations which should be considered as part of the risk assessment process and provides some advice aspects of implementation. This includes advice on minimising contact between individuals and groups; the importance of maintaining the strict 2 metre physical distancing requirements between adults and between adults and pupils; the use of changing rooms; the wearing of face coverings by staff; the storage of clothing when changing rooms are not used; the use and cleaning of equipment; appropriate hygiene measures; greater emphasis on ventilation and the importance of reviewing procedures adopted. Specific consideration should be given to how the risk of transmission can be managed safely in changing rooms, with a key focus on enhanced cleaning of surfaces after use and ventilation.

In the context of Special Education, the individual needs of the children or young people involved would also require to be considered and factored into the assessment of risk. Appropriate risk mitigation measures should also be identified to address the risks presented and keep children, young people and staff safe.

Risk assessments should be kept under regular review and should also reflect and be adapted to respond to local issues, such as local increases in cases of COVID-19, local outbreaks or a change to the protection level of the area in which the school is situated.

The guidance will remain under review by Education Scotland.

- Home Economics

Education Scotland has produced updated [guidance](#) on safe practice in relation to the delivery of Home Economics.

Central to the guidance are considerations around the health and safety of children, young people and school staff, with a risk-based approach being adopted.

Before teachers in Special Education (Primary) settings plan to work with food, a detailed risk assessment should be conducted to ensure that full consideration can be given to the level of risk involved, a determination made as to whether the planned activity can take place, taking cognisance of the local setting, and if it can, what risk mitigation measures should be adopted. The individual needs of the children and young people involved should also be factored into this risk assessment process.

In light of the new variants of the virus, the EIS would recommend that risk assessments are reviewed and updated to take account of the current context.

The importance of adhering to the two metre physical distancing rules between adults and between adults and pupils is emphasised in the guidance.

The guidance also provides that greater emphasis should be placed on ventilation and practical advice is provided in relation to arrangements for the purchase, storage and handling of food items; and the need for enhanced hygiene measures for equipment and resources.

Where teacher demonstrations are necessary, the guidance suggests that this could be done from behind a Perspex screen, or alternatively through the use of technology, such as data projectors, digital cameras or visualisers.

In the context of Special Education, direct support may also be required to assist pupils with participation in these practical activities. Where direct support is needed and the staff member will be in close proximity to the child or young person, appropriate risk mitigation measures should be in place to protect the pupil and the staff member. This should form part of a bespoke risk assessment, which should be reviewed on a regular basis. Face coverings (or where identified in a risk assessment, PPE) should be worn by staff in these circumstances. Enhanced hygiene arrangements before and after contact should also be considered.

Reference is also made in the Guidelines to the 'costs of food provision within schools'. The EIS is clear that no child or young person should be charged to have access to the curriculum at any time. This principle is even more pertinent when many families will be facing additional challenges from the financial impact of the pandemic. To ensure equity of provision, it is essential that no financial barriers are placed in the way of a child or young person's participation in this, or any other, area of the Curriculum.

- Expressive Arts

Education Scotland has produced subject specific guidance in relation to teaching in the Expressive Arts. The guidance will be kept under review, as scientific and medical advice in these areas, emerges. The EIS will also continue to make representations through the CERG and liaise with members as developments arise.

(a) Music

Education Scotland's updated [guidance](#) on Music whilst acknowledging the importance of music education in terms of developing skills and promoting health and wellbeing, continues to adopt a precautionary approach to the

teaching of music in schools. Health and safety considerations of children, young people and staff are paramount and bespoke risk assessments should be completed and kept under regular review, as circumstances develop and advice is updated.

The guidance highlights the sliding scale of risk associated with different musical activities and provides a grid, outlining low and high risk activities. Only where there is a combination of low-risk factors in place can an activity go ahead. It makes it clear that large group activities, such as choirs, orchestras and ensemble performances, should not be re-introduced at this point.

The advice highlights the importance of well-ventilated rooms when music is being taught and the key role which cleaning and hygiene practices will have in reducing the risks identified. Consideration may require to be given to the use of additional alternative spaces within settings, such as, assembly halls, games halls or other general purpose areas, to ensure compliance with ventilation requirements. To reduce pupil movement around the school, instrumental timetables should also be reviewed. The guidelines also provide that all staff and learners should wear a face covering during lessons.

In the context of Special Education, the individual needs of the children or young people involved would also require to be considered and factored into the assessment of risk. Appropriate risk mitigation measures should also be identified to address the risks presented and keep children, young people and staff safe.

Additional Guidance on Managing the Risks of Covid-19 has been produced by the EIS for Instrumental Music Teachers. Aspects of this guidance in relation to the cleaning of instruments, in particular, may be helpful when conducting risk assessments for the delivery of music education activities in the Special Education (Primary) context.

Singing and the playing of wind and brass instruments has been categorised as 'high risk'. The Scottish Government Guidance, 'Preparing for the Start of the New School Term in August 2020' highlighted that

'scientific and medical advice around how activities such as singing, talking at volume e.g. in theatre performance, or playing wind/brass musical instruments can be managed safely is still being developed.'

It went on to state that

'These activities should be avoided during the initial return to schools.'

This position has **not** altered in the primary context and the Education Scotland updated guidance has re-stated this advice:

'Meantime, it is our advice that young people should not engage in singing, or playing wind and brass instruments with other people, given these activities pose a potentially higher risk of transmission'.

Learning can continue in these areas with alternative approaches **out with school** being adopted. Where appropriate, a focus could be placed on theory or composition and the use of digital technology could be useful in enabling learning to continue in these areas. In adopting these alternative approaches, consideration should be given to ensuring equity of access to digital technology for those pupils involved.

Risk assessments should be kept under regular review and should also reflect and be adapted to respond to local issues, such as local increases in cases of Covid-19, local outbreaks or a change to the protection level of the area in which the school is situated.

The guidance will remain under review by Education Scotland.

(b) Drama

Education Scotland's updated Guidance on Learning and Teaching in Drama adopts a similar cautionary approach as that outlined above in the advice on the teaching of Music.

Whilst awaiting the publication of scientific advice in this area, Education Scotland advice is that

'young people should only engage in Drama, when robust risk assessments are completed and appropriate mitigations put in place. Alternative approaches may be required to provide lessons safely.'

The guidance provides a list of suggested activities which can be considered and makes it clear that they should be underpinned by bespoke risk assessments.

Following a robust risk assessment, Drama activities can only take place if there is a combination of low-risk factors, with appropriate mitigation measures identified to address the risk involved. A grid has been produced to identify the types of activities which would be categorised as low- or high-risk.

In the context of Special Education, the individual needs of the children or young people involved would also require to be considered and factored into the assessment of risk. Appropriate risk mitigation measures should also be identified to address the risks presented and keep children, young people and staff safe.

The guidance makes it clear that large group activities and those where no physical distancing can take place between adults or between adults and pupils should not be re-introduced at this time.

It goes on to highlight the importance of children and young people working individually where possible and where this is not possible, in pairs or small groups of no more than five pupils (where this has been considered safe through the risk assessment process). Strenuous movement work should not be undertaken within the Drama curriculum at this time.

Particular consideration should be given to the use of well-ventilated rooms or outdoor spaces when planning such activities and time built in to ensure that appropriate cleaning and hygiene measures can be adopted.

Technology and digital platforms, where appropriate, may facilitate the delivery of teaching and learning in Drama. Blended learning could also be used to encourage children and young people, where appropriate, to undertake research-based tasks and preparatory work at home.

The Education Scotland guidance relates to teaching and learning in the classroom and makes it clear that school productions should not take place at this time.

(c) Dance

Education Scotland has produced updated '[Dance Guidelines](#)'.

The updated guidelines outline key indicative dates (dependent on the suppression of the virus and the continued rollout of the vaccine) relevant to the delivery of Dance within the Special Education (Primary) context:

- **From 5th April 2021** – children can participate in **contact and non-contact physical activities outdoors**. Dance will **not** be permitted indoors at this time in Special Education (Primary) settings.
- **From 26th April 2021** – children can participate in **individual non-contact activities indoors** and **in contact and non-contact physical activities outdoors**.

- **From 17th May 2021** – children can participate in **group non-contact activities indoors** and **in contact and non-contact physical activities outdoors**.

The guidance outlines some practical considerations which should be considered as part of the risk assessment process and provides some advice on aspects of implementation. This includes advice on minimising contact between individuals and groups; the importance of maintaining the strict 2 metre physical distancing requirements between adults and between adults and pupils; the use of changing rooms; the wearing of face coverings by staff; the storage of clothing when changing rooms are not used; the use and cleaning of equipment; appropriate hygiene measures; greater emphasis on ventilation and the importance of reviewing procedures adopted. Specific consideration should be given to how the risk of transmission can be managed safely in changing rooms, with a key focus on enhanced cleaning of surfaces after use and ventilation.

In the context of Special Education, the individual needs of the children or young people involved would also require to be considered and factored into the assessment of risk. Appropriate risk mitigation measures should also be identified to address the risks presented and keep children, young people and staff safe.

In planning lessons, efforts should be made to ensure that learners are facing either the same direction or away from each other, to minimise the risk of transmission. Teacher demonstrations and explanations should be delivered from an assigned area to allow for 2 metre physical distancing from pupils.

Risk assessments should be kept under regular review and should also reflect and be adapted to respond to local issues, such as local increases in cases of Covid-19, local outbreaks or a change to the protection level of the area in which the school is situated.

The guidance will remain under review by Education Scotland.

(d) Art and Design

Education Scotland updated Guidance on 'Learning and Teaching in Art and Design and Photography' adopts a similar precautionary, risk based approach as has been highlighted above in some of the other guidance for the Expressive Arts.

Health and safety considerations for children, young people and staff are paramount and are central to decisions around the resumption of activities in this area of the curriculum.

Risk assessments should be conducted to identify and assess the level of risk which the activity presents and to consider whether this can be managed safely with the implementation of appropriate risk mitigation measures.

A greater emphasis should be placed on ventilation and particular consideration should be given to the individual needs of the children and young people involved, the processes around the relevant activity and additional time allocated as part of the planning process to set-up and clean-up time.

The guidance outlines the importance of safety, stating:

'As an overriding principle, activities which involve contact with shared equipment should be kept to a minimum.'

Where equipment or resources are to be shared as part of an activity, they should be sanitised carefully before and between use by each pupil. The guidance makes it clear that:

'close attention must be paid to good hygiene, cleaning of surfaces and physical distancing between adults and between adults and children and young people.'

Where possible, and to minimise risk, consideration should be given to whether the activity can take place outdoors.

Where appropriate during lessons, children and young people should be encouraged to clean their own equipment. Instructions on how this should be done could form part of the teaching of classroom routines. Additional consideration should also be given to access to sinks and to controlling the numbers of pupils present at the sinks at any one time. Where sinks are shared with other classes, access should be timetabled to avoid cross-contamination and sinks and taps cleaned before and between use.

The guidance provides a number of suggestions for the delivery of teaching in Art whilst maintaining the 2m physical distancing rule. It suggests the use of visualisers, the use of blended learning approaches where initial sketches and developmental work can be conducted at home, and the use of online platforms.

The guidance acknowledges that additional consideration is required to the planning of Art activities for children and young people requiring additional support for learning. Teachers in this setting would use their own knowledge of the setting and the pupils in their class to determine what Art activities will best meet learners' needs in the context of the Recovery Curriculum.

Peripatetic Staff

The Scottish Government guidance makes it clear that 'movement between schools (e.g. of temporary/supply/peripatetic staff etc.) should be kept to a minimum'. It goes on to provide that 'as far as possible, attendance should be consolidated within one setting'. (paragraph 105)

The EIS would, therefore, recommend that careful consideration is given to the use of peripatetic staff at this time. The question should be asked whether their attendance is essential at this time and whether the service that such staff provide could be delivered remotely.

If, after collegiate discussion, the attendance of peripatetic staff in school buildings is considered necessary, then 'movement between schools...should be kept to a minimum' and efforts should be made to consolidate their attendance in one location.

Visiting Professionals

The Scottish Government Guidance is clear that 'adult visitors to schools should be strictly limited only to those that are necessary to support children and young people'. It acknowledges that there are some essential services which are central to the delivery of children's care or educational plans which necessitate visiting professionals attending schools.

In these circumstances, collegiate dialogue and partnership working will assist in determining when attendance is 'necessary' and when support could otherwise be provided remotely.

Where attendance is considered 'necessary', then movement across locations should be minimised and a robust risk assessment undertaken (and reviewed on a continuous basis) to identify appropriate mitigation measures. Risk assessments should be jointly prepared between the school, the relevant partner service and the trade unions involved.

Outdoor Learning

In the interests of risk mitigation and wellbeing, schools may wish to consider the increased use of outdoor space, as advised by the Scottish Government guidance.

Suitable facilities may include school playgrounds, local greenspaces and/or community areas, where appropriate and within the parameters of current restrictions. Risk assessments should include any activity that will take place outdoors. Any of use outdoor spaces should involve coordination of activities to ensure there is sufficient space for all pupils at any one time.

On days when the weather allows, teachers may wish to take their classes outside to work on activities that would normally be done indoors but which could easily be transferred outside. Alternatively, lessons could be planned that use the outdoors as a stimulus and basis for the learning. Such learning activities may be less dependent on fine weather as long as children and young people- and teachers- have the necessary clothing.

For any outdoor learning that requires it, an appropriate cleaning regime should be introduced along with appropriate bins for disposal of any rubbish and hand washing stations/sanitiser to ensure hygiene. If outdoor equipment is being used, the Guidance makes clear that schools should ensure that multiple groups do not use it simultaneously, as well as considering appropriate cleaning between groups of children using it.

In planning for outdoor learning, consideration should be given to the needs of children and young people to ensure that they are not disadvantaged.

Education Scotland has produced a [summary of outdoor learning resources](#), relevant policies and related professional learning which may be helpful in planning activities.

The Outdoor Learning Directory also provides links to a variety of [resources](#) that can be filtered by subject area and curriculum level. Support and guidance on risk assessment can be found on the [Going Out There](#) framework.

The Scottish Advisory Panel for Outdoor Education (SAPOE) has launched an online resource, 'Teaching Learning Outdoors'. The course is designed to support the development of teachers' knowledge, skills and confidence in taking learning outwith the classroom. The TLO course can be accessed [here](#) and more information is available on the SAPOE [website](#).

Teaching about Coronavirus

It is always important for learners to understand the context in which they live and learn.

Teachers should give consideration to the opportunities that there may be for children to learn about the behaviour of the COVID-19 virus, transmission of

the infection, and about the measures that are in place to reduce transmission, such as social distancing, cough and hand hygiene, and the wearing of face coverings, as well as safe handling and disposal procedures.

Learning around these areas could feature in Science and Health and Wellbeing activities; parallels could be drawn with other global pandemics and their impact in History; and the subject matter could be approached creatively through Writing, Music and Art activities.

Differentiation

As under normal circumstances, teachers should consider how learning activities will be tailored to be inclusive of all learners and differentiated accordingly by stimulus; or by the level of support given in terms of scaffolding of learning, additional instruction, peer support or learning support; or by outcome.

Providing Support in the Classroom

It is likely that many children and young people in this setting will require continued support with their learning in the classroom. Arrangements for providing this should be carefully considered in light of public health measures, with risk assessments being updated as necessary and appropriate mitigations put in place to protect children and any adults who will be supporting them.

Where necessary, in seeking to prioritise need and the allocation of resources, including staffing, consideration should be given to the extent to which individual children and young people were impacted by periods of school closure and lockdown, in addition to existing needs. Given the high correlation of poverty and incidence of additional support needs, the equity principle will be important here.

In the current conditions, teachers will require to consider how follow-up support to their whole-class/ whole-group explanations and demonstrations can be provided.

In planning for support in the classroom, due regard should be had to existing plans and the specific additional support needs identified for each child. Appropriate supports will require to be tailored to the child's individual needs and in accordance with the outcomes of all relevant risk assessments.

In some circumstances, the use of ICT may be of benefit to young people with additional support needs as an alternative or partial alternative to one-to-one support.

Where class teachers are working with learning/support assistants or other professionals, consideration should be given to how they will maintain 2m distance from one another at all times and how physical distancing or other

mitigations will be maintained to enable children and young people to receive the support that they need. Due regard should be given to the size of the room, the number of adults and pupils within the classroom setting as well as the level of ventilation within the room when considering how physical distancing can be accommodated.

Where adults- either teachers or support staff- are unable to maintain 2m distance from pupils who require additional support with their learning (whether as a result of the classroom being too small or because of the needs of the individual pupil), this issue should be raised with the school management team and an individual risk assessment conducted to identify appropriate risk mitigation measures to protect both staff and pupils. This risk assessment should also consider how to keep the level of close engagement to a minimum. Face coverings or PPE (where deemed necessary) should be worn by staff in these circumstances.

Where children with complex additional support needs require staff to be in close physical contact, for example in the provision of personal or intimate care, the wearing of PPE will be required.

The use of PPE by staff should be based on a clear assessment of risk and need for an individual or young person. Examples of when this may be required may be in the provision of personal care, when staff come into contact with blood or bodily fluids or are required to lift children and young people.

Existing risk assessments for children and young people, with complex needs, including those with emotional and behavioural needs, should be updated and reviewed on a regular basis in light of any changes to the provision, both in terms of the environment and of staffing arrangements.

Peer Learning and Collaboration

Where appropriate, pupils may also be encouraged to support their peers with their learning in the usual ways through paired and group work. Messaging apps on tablets, PCs and smartphones where such use is permitted, could aid this process.

Assessment and Feedback

The usual close working between teachers and pupils where teachers sit with or stand beside pupils to coach them in their learning, assess their progress and provide feedback, cannot occur as it usually would at this time.

This requires to be considered in planning how assessment will be built into sequences of learning and alternative methods of assessment and providing feedback identified where physical distance cannot be maintained between teacher and pupil.

With this in mind, teachers should think about using verbal means where possible in order to gauge how learners are progressing- for example, asking for oral rather than written explanations from pupils, or by encouraging pupils to read out shorter pieces of their writing to the teacher, and verbal feedback as appropriate provided to the pupil rather than written feedback in jotters.

Where written work is essential, consideration could be given to this being produced and sent to the teacher digitally as occurred during the period of school closure and lockdown. This would require schools to be adequately equipped with digital hardware and internet connectivity.

Pupils could also submit jotter work for teachers to assess, following adoption of the appropriate risk mitigation measure identified for this purpose in the school risk assessment. Where it is assessed that there should be a period of quarantine, 72 hours is the recommended timespan for isolation of jotters. On returning jotters to pupils, the appropriate risk mitigation measures identified in the school risk assessment should also be adopted. Where this is a period of quarantine, 72 hours would be the quarantine time required after the teacher has touched the jotters or other written scripts. This is a less practical approach if feedback is required relatively quickly. Digital or verbal means would be better in this case. Any contact with pupils' jotters or other hard-copy assessment evidence should be preceded and followed by thorough hand-washing.

Self and Peer Assessment

Where appropriate, and in line with good formative assessment practice, learners should also be taught and supported to self-assess their work using the agreed success criteria. Such an approach deepens learning by encouraging metacognition, gives learners greater ownership of their learning and promotes independence.

This could be done at key stages throughout the learning activity, with opportunities provided to tell/ show the teacher their progress using erasable whiteboards or other visual signal. Coloured card or paper could be used to traffic-light learner's progress through a learning activity as judged through self-assessment.

The same principles of formative assessment apply to peer learning. Pupils can also be encouraged to look at one another's work and provide feedback either orally, in writing or using symbols, based on the success criteria for the activity. The use of technology could enable this in some circumstances; in others, pupils could read parts of their writing to peers and verbal feedback could be provided; in others pupils might read the work without touching the page and provide verbal feedback.

This approach benefits both the peer assessor who learns more deeply in the process, and the learner whose work is being evaluated who will often find advice and explanations from peers very helpful in enhancing their understanding of ideas, concepts and skills development and application. The

value of helping one another is also critical to promoting positive relationships and behaviour and to fostering a sense of community in the classroom and the wider school on the basis that education is a social, collective endeavour.

Responding to Interruption to Learning

Schools and teachers continue to monitor children and young people's progress with learning and the impact of any interruption caused by the pandemic. Literacy and Numeracy, in addition to Health and Wellbeing, continue to be prioritised.

This, together with the principle of equity should be borne in mind when decisions are being made about how resources, including any additional resources such as staffing, are to be allocated and deployed.

Teachers may wish to make use of learning resources prepared by Education Scotland- originally for the purposes of [Blended Learning](#)- to help address the impact of any interruption in learning caused by the pandemic. These resources could be used either in class or at home, where appropriate. Further information about these resources and additional resources produced by the EIS Education Department, including a webinar on blended and remote learning, can be found on our [website](#).

Education Scotland have also compiled a list of helpful resources for remote learning to support learners with complex additional support needs which can be accessed [here](#).

The EIS is of the clear view that ACER's 'Scottish Formative Online Assessments' should not be used as the means to assess the impact of school closure on pupils at this time. Neither can SNSAs perform this function singularly. Where schools are considering the use of SNSAs for this purpose, this should be the subject of collegiate discussion in light of the wellbeing imperatives as laid out clearly within the current Scottish Government and Education Scotland guidance. This is particularly important in the context of Special Education settings.

Promoting Positive Behaviour and Relationships, and Managing Discipline

Schools should have reviewed their policies in relation to promoting positive relationships and behaviour, and managing discipline in the context of aiming to make the school environment COVID-secure.

Practices which would have commonly occurred pre-COVID such as close one-to-one Behaviour Support coaching or the use of 'On Target' or 'Behaviour Cards' which pupils take home for daily parental checking and signature, and regular signing by class teachers, PTs/DHTs/HTs, will require rethinking and

other methods of supporting young people to achieve positive behaviour and good relationship with peers and staff, identified.

One-to-one interactions with pupils should, where possible, be conducted at a safe 2m distance. Consideration will require to be given to how and where class teachers, PTs/DHTs/ HTs and Pupil Support staff can manage this. Larger, less confined spaces such as corridors, empty classrooms, larger offices could be used.

In managing behaviour within Special Education settings, it is appreciated that it might not always be possible to adhere to physical distancing requirements whilst managing discipline. The school behaviour policy and appropriate risk assessments should identify the strategies and mitigations to be adopted in circumstances where immediate intervention is required to manage behaviour. The health and safety of staff and pupils should remain a priority in these circumstances.

In using techniques such as 'Behaviour Cards', teachers would still be able to discuss targets and progress with young people. It may be possible in some cases for children to be instructed to fill in cards themselves having been directed by the teacher as to the content and under physically distanced supervision. Other possibilities might be the use of SEEMIS or other digital platform to track the behaviour of pupils who require additional support throughout the day, with a view to this being texted or emailed to parents daily. Phone calls by PTs/ Pupil Support/SMT would be another possibility.

Given the Scottish Government Guidance that the number of interactions for children and young people per day should be kept to a minimum, and that play and socialisation are critical to recovery, and in light of the difficulties around travel as a result of the current public health restrictions, detention either during the school day should be very carefully considered and where alternative sanctions are possible, these should be considered.

GIRFEC, Guidance and Pastoral Care

The strong emphasis on wellbeing means that for pupils attending Special Education settings, there is likely to be much GIRFEC-related activity involving school staff and multi-agency teams.

All associated arrangements should be made with public health imperatives in mind, both regarding one-to-one meetings and conversations with children and young people, and meetings with parents, and with professionals such as Educational Psychologists and Social Workers.

2m distancing should be maintained between pupils and teachers who are providing them pastoral support. If, for any reason this is not possible, face coverings or PPE (where deemed necessary) should be worn where they are not being worn already.

Where physical distancing cannot be comfortably maintained for larger meetings and in the interests of minimising the number of visitors to school buildings, virtual meetings should be considered.

Face coverings should be worn by parents and all visitors to school settings, at all times.

Homework and Out of School Learning

The key priorities of the Recovery Curriculum – wellbeing, equity, and health and safety, should be borne in mind in relation to decisions around homework- whether it should be given at all; and if it is to be given, what and how much.

Some questions to consider:

- Should homework be a priority at this time?
- How well will it benefit children’s wellbeing and learning at this time?
- Are families in a good position to support children with homework at this time?
- How will children from disadvantaged backgrounds be able to engage with the homework activities? Can they participate equally to their more affluent peers?
- How will resources be provided and collected in safely?
- How will feedback on homework be provided safely and meaningfully?
- Will the setting, collection and provision of feedback on homework take up valuable class time?
- Are there activities which can be encouraged which require little resource and upon which class lessons are not dependent?

Teachers are advised to discuss such questions with their colleagues, ideally in arriving at a whole-school, collegiate decision about an approach to homework during the recovery period that sensibly and fully takes account of the current context and priorities.

Blended and Remote Learning and Teaching

In the context of the COVID-19 pandemic, schools are having to adapt to a variety of circumstances using a range of approaches to deliver learning and teaching. This will include situations in which children and young people and/or teachers may be self-isolating or shielding; where teachers with particular health vulnerabilities are working from home; or where schools require to move to a blended or remote learning model.

The EIS is clear that learning and teaching occur most effectively when teachers and pupils work together face to face in classrooms. This is acknowledged in Education Scotland’s [advice](#) on remote learning which states that ‘remote learning

will not replicate face to face in school teaching – in style, approach or hours of delivery’.

Teachers may wish to provide access to online learning as an addition to classroom-based learning and teaching but only in exceptional circumstances should online modes of learning be considered as a substitute for face to face learning and teaching. This is particularly true in the context of Special Education provision.

The Education Scotland advice is clear and the EIS agrees that ‘Whilst remote learning is not a substitute for full time classroom-based learning and teaching, effective remote learning can mitigate some of the adverse impact of a reduction in face-to-face learning’ in a variety of ways.

Maintaining Professional Boundaries

To accommodate these circumstances, teachers might be asked to deliver lessons from home, either pre-recorded or on a ‘live’ basis. Where this is the arrangement, teachers may use their own computer devices and smartphones for online communication with pupils as part of the school’s agreed approach to continuing education delivery and through agreed official channels only- i.e. work email addresses, GLOW or other local authority-endorsed digital platforms. It should also be understood that teachers are not compelled to use their own digital devices, should they not wish to do so. In these circumstances, the onus is on the local authority to provide any devices as necessary to support remoteteaching.

Employers’ policies, guidance and protocols relating to online learning should be shared with teachers and strictly adhered to; and the EIS Social Media Policy and the GTCS Professional Guidance, ‘Engaging Online: a Guide for Teachers’ should be borne in mind.

Members are advised, however, to be mindful of safeguarding private personal details. Teachers should not share, or be asked to share, personal phone numbers, email addresses, or social media IDs with pupils or their parents.

Where it has been agreed that live-streaming of lessons will feature as one part of a school’s approach to the delivery of remote learning, this should proceed only where secure platforms, such as GLOW, can be used and according to agreed protocols, including those in relation to the roles and responsibilities of parents in supporting their children with remote learning generally and specifically to access any live lessons.

Where lessons are being streamed or video recorded for sharing as saved digital files with pupils, teachers should take all appropriate measures to protect their

personal privacy and safeguard their professionalism, for example, by ensuring neutral backgrounds and appropriate dress.

Teachers should not engage in any phone or video-calling with parents unless this has been arranged through the school in accordance with LNCT agreements, and with the knowledge and/or participation of the appropriate line manager and the consent of the teacher involved. In the event of a parent seeking to engage a teacher in discussion about their child's learning in the course of planned online engagement with the child, they should be directed to the school office/website where all relevant contact details can be provided/should be clearly available.

Teachers should not feel pressure to respond to any parent/carer comments, requests or complaints made through online channels which have been set up for the purposes of maintaining learning at home amidst the current public health crisis.

Teachers should be aware that nothing that is shared online is private.

Any school which is delivering learning online must have protocols in place to protect staff and safeguard pupils. No teacher should be expected to carry out any online teaching with which they feel uncomfortable, or in the absence of agreed protocols. Such protocols should include measures for handling incidences of pupil behaviour which is disrespectful of others, including the teacher, or is disruptive of learning; and for responding to incidences of inappropriate parental intervention.

Teachers should not routinely be in phone contact with young people who are learning at home, for the purpose of checking progress with learning activities. To support the emotional wellbeing and learning needs of young people who are particularly vulnerable, a degree of regulated contact, maintained by staff who are experienced in pastoral care, and within clear protocols which safeguard both pupils and teachers, would be appropriate.

Where phone contact is judged necessary on the basis of an evaluation of pupil need and subsequent identification of pupils for whom wellbeing considerations are significant, this should be done by staff who are well experienced in making phone contact with home in relation to pastoral care matters.

Pupils with additional support needs may find it challenging to move to a blended or remote model of learning and schools should give specific consideration as to how support will be provided in these circumstances. Individual child plans, including co-ordinated support plans, should be reviewed in these circumstances to ensure that planned approaches build upon and recognise appropriate strategies to support the child involved.

For those who require specific communication supports, these should be used to communicate the plans around the contingency model of education. Consideration may be given to the use of social stories, the preparation of a storyboard and information to explain how learning will be different.

Further information in relation to Maintaining Professional Boundaries, both online and during phone calls can be found in the EIS [Working at Home Advice](#).

Teachers' Use of ICT

As far as possible where digital technology is being used to support learning and teaching at home, this should be familiar both to teachers and pupils. Teachers cannot be expected to be adept at using digital learning platforms without the requisite training, nor can they support such learning without access to the necessary devices.

Where schools/ local authorities use other digital platforms for the delivery of teaching and learning, the associated learning should be made available. Where teachers are unable to access this learning, alternative means of supporting contingency education delivery should be agreed. These might include a different means of supporting contingency education delivery at this time; or carrying out manageable curriculum development work; or engaging in additional professional learning.

Where teachers have concerns about the use of particular software, for example, in relation to the capacity of companies to access and harvest personal data, these should be raised with the SMT with a view to alternative possibilities being explored.

The classroom environment for many has extended into a virtual space which can be accessed by multiple users. Whilst it may be appropriate in some circumstances for colleagues to work together on providing remote learning for pupils, the use of digital platforms for the purposes of quality assurance of learning and teaching in the context of any contingency arrangements, is not appropriate and should be resisted.

Whilst it is understood that senior managers have a responsibility to quality assure learning provision, this should be done on the basis of collegiate, professional dialogue with teachers. All staff should be involved in collegiate discussion about what the school's remote learning offer will be and opportunities for professional dialogue among colleagues, including senior managers, should be created ongoingly throughout the period of remote learning and teaching. It is not acceptable for quality assurance processes to be in the form of observation of live virtual lessons.

Learning and Teaching in the Blended or Remote Context

The principles of Empowering Teachers and Teacher Agency should apply to remote working and digital learning contexts in all aspects of learning and teaching.

As would be expected when working in the normal environment of school, teachers should be involved in all decisions about the curriculum – in this case, the activities that children and young people will be offered while learning at home. What is provided by teachers should be by agreement following a collegiate, professional dialogue with the senior management of the setting or line manager as appropriate. Collegiality rather than instruction and prescription is key.

As in the classroom context, teachers know the children that they teach well and are therefore best placed to decide upon the nature, volume and frequency of the learning activities provided.

An appropriate range of learning activities should be considered, particularly in light of the needs of the children in the setting and the fact that many children and families still do not have sufficient access to digital devices or internet access. Education Scotland has advised that 'Remote learning can be delivered in a variety of ways. It may include reading, doing, creating and inventing, playing, problem solving, observing and investigating with some of the best learning examples not requiring technology at all, although in the current context, digital and online approaches will be commonly used.'

It should be borne in mind that in addition to the issues related to digital inequity, many children may struggle simply to have a quiet space to study / work.

Learning activities should suit the age range and capabilities of the children and expected outcomes should be flexible. A good strategy is to set learning activities that enable differentiation by outcome, that all pupils in a class, taking account of the range of their additional support needs, can complete with some degree of success, with extra and more stretching activities for progression.

It can be beneficial to provide a list of possible activities that cover different areas of the curriculum and which allow learners to choose the activities that particularly interest them and with which their parents might be better placed to help.

Offering a variety of learning activities, covering a range of subject areas and involving different skills, is recommended. Creative activities involving music and dance, art, writing stories, songs and poetry, and making things are likely to motivate and be a welcome distraction for learners, particularly in the current worrying climate.

Work that can be done by pupils in bite-sized chunks is more likely to be completed than longer tasks. If there are projects, suggest how these could be broken down.

Learning activities should be centred on ground previously covered in class, and as far as possible which learners can make progress with independently. Overly complex tasks including those that seek to introduce new learning should be avoided in these circumstances, especially [as the children attending these settings](#) have additional support needs.

Many parents are also trying to work from home, and some parents might struggle to assist with schoolwork for a number of reasons besides. Expectations of children and young people and their parents need to be realistic and fair, as would also be advised when in normal circumstances, approaches to homework are being considered.

Given that there has been a commitment made to continue to provide education on a contingency basis during any period of school closure, and given the inequalities that already exist arising from socio-economic factors, local authorities and schools should be live to this and continue to take account of and address socio-economic disadvantage and digital inequality in terms of the remote learning that they offer.

Provision of feedback on pupils' learning at home should be concise, focused, bureaucracy-light and given through the agreed channels. Feedback should be given in line with good formative assessment practice with a view to ensuring that any feedback provided is meaningful for children and young people. With this in mind, teachers should also be free to use their professional judgement in determining the amount, nature and frequency of feedback that they give their pupils. It should also be borne in mind that good formative assessment practice involves a balance of teacher, self and peer assessment.

Workload in the Blended or Remote Context

Workload control measures are still operable in the context of working at home, whatever the reason teachers might be doing this. Management of teachers' working time should be within the parameters of the 35-hour working week, and collegiate discussion and agreement around the use of collegiate time in the current circumstances. A common-sense approach should prevail and should take account of the very challenging conditions in which all are working.

In accordance with the Scottish Government Guidance on Education Recovery, priorities should be centred around the wellbeing of teachers, as well as of children and young people, and be agreed on a collegiate basis. Teachers should be mindful of their own health and wellbeing and the need for an appropriate balance of priorities in this regard.

Adjustments to the balance of normal pupil-contact time are recommended for digital learning contexts - neither children nor teachers should be engaged for the duration of the normal pupil day in screen-based learning and teaching. This would be an excessive and unhealthy demand to place upon pupils, is pedagogically unsound and is not conducive to maintaining good health and wellbeing among teachers working in relatively restricted conditions at home and without the usual supports from colleagues and senior management being in place.

This view is shared by Education Scotland in their [advice](#), referred to above, which states that 'Learners should not engage in online learning for the entirety of the school day. Learning may include activities such as research tasks, project work, practical opportunities, discussions and other activities that can be carried out away from a digital device'.

Teachers who are attending school for the provision of education to children and young people should not also be asked to provide online learning experiences for their own classes on days when they are rostered for this provision.

The main priority of teachers, as when working in school, should be learning and teaching. When working at home, time spent on work-related activities of a bureaucratic nature that contribute little or nothing to the quality of learning and teaching, should be minimal to zero.

If a teacher, when working at home, has a concern about workload, this should be raised with the management of the school setting in the first instance. If necessary, the EIS School Rep and/ or Local Association Secretary can assist in helping the setting to reach a collegiate and bureaucracy-light solution.

The EIS has developed a range of resources, including a webinar delivered in partnership with Education Scotland, to support members in the delivery of remote and blended teaching. Resources to assist teachers preparing online learning can be accessed [here](#) and on the Education Scotland [website](#). A resource bank of learning activities and guidance for parents of children and young people with complex needs can also be found [here](#).

Resources to support members' health and wellbeing whilst working at home can also be accessed [here](#).

Further EIS [advice](#) on Blended and Remote Learning and Teaching during the COVID-19 Pandemic can be accessed [here, in addition to advice to members when Working at Home](#) .

Reporting to Parents/Carers

Parental involvement and engagement play a crucial role in a child's education. There is a strong body of evidence that active and supportive parental involvement in schools is crucial in delivering the best opportunities for all pupils and is one way of seeking to address the poverty related attainment gap. In the context of the Recovery Curriculum, parental engagement continues to play an important role and is likely to have a pivotal impact on the successful re-engagement of the child or young person with education.

However, to facilitate this engagement and ensure that a collaborative approach is adopted, sufficient time and resources must be allocated to this activity, to avoid any further negative impact on the workload of teachers who, over the course of this academic session, are already working beyond capacity.

Important health and safety considerations should also be factored into any decisions about how best to communicate with parents on a child or young person's progress.

In considering arrangements to be adopted for reporting to parents, it is advised that collegiate discussion involving all teaching staff should take place to consider and reach an agreement on how best to proceed locally. Approaches adopted should reflect a joint commitment to reduce bureaucracy and teachers' workload.

(a) Parental Consultation

Agreed arrangements relating to parental consultation should align with the advice contained in the Scottish Government 'Coronavirus (COVID-19): guidance on reducing the risks in schools'.

Paragraph 100 of the guidance states that

'Adult visitors to schools should be strictly limited only to those that are necessary to support children and young people or the running of the school and arrangements should be communicated clearly to staff and the wider school community.'

In the context of the current public health restrictions, the EIS is clear that face-to-face parental consultations do not meet this criterion and they should not, therefore, be taking place in schools. Alternative means of communicating and reporting to parents should be adopted.

Class teachers should not be expected to report on progress to parents through phone calls or online meetings.

In the exceptional circumstances where it is felt that a class teacher does need to speak to a parent about a child or young person, this would be for a specific purpose and not for general reporting. This should only take place where it has been arranged through the school and with the knowledge and/or participation of the appropriate line manager.

In the current context, schools should consider innovative and creative ways to report on the progress of children and young people. This might be planned across a longer period of time, rather than a traditional written report sent home on a specific date.

If the time taken to report on the progress of children and young people is increased as a result of newly agreed arrangements, this should be factored into the Working Time Agreement and sufficient time allocated to avoid additional strain on weekly working time within the parameters of the 35-hour week.

(b) Report Writing

As we approach the final term of this academic session, consideration will turn to end of year reports. Given the significant workload pressures which teachers are currently experiencing, and in the context of the empowered schools agenda, it is advised that collegiate discussion involving all teaching staff who would normally be involved in writing such interim reports, takes place to consider and come to an agreement on how best to proceed.

The following points may be helpful in informing such discussions.

Purpose/rationale of report writing

As a starting point for discussion, it is worth exploring the rationale for writing reports. Are written reports necessary? Is there a legitimate purpose in seeking to write and distribute such reports while multiple other priorities, arising from the consequences of the pandemic, are being addressed?

Where schools have provided alternative opportunities for teachers to consult with parents/carers, consideration should be given to whether there would be any additional benefit to issuing written reports. It may be that reports written would cover much of the same ground.

When there are many other priorities being addressed by teachers currently, such as seeking to address the health and wellbeing needs of pupils on their return to school, it could be difficult to justify diverting significant swathes of teacher time to report writing when little new ground will be covered.

Where there has not been recent reporting activity, it might be that there is a stronger case for writing reports.

Where it is agreed that writing final reports will serve good purpose at this time, discussion and agreement should take place regarding the revised format and level of detail that can, in the circumstances, be included, such that the reports are meaningful for parents and learners. The final report should not seek to cover all of the elements of the usual full report and

could be written providing an holistic view of the child's progress, with a focus on Health and Wellbeing which is central to the Recovery Curriculum.

Any decision reached in relation to the provision and format of such reports should take account of and be balanced against other current working time priorities.

Practical Considerations: managing collaboration among job-share and part-time teachers

Where classes and associated reporting responsibilities are shared between/among teachers, there could be significant challenges at present in enabling the requisite professional collaboration on report-writing.

Where it is agreed that final reports are to be written for pupils, consideration should be given to how collaboration will be facilitated safely.

Practical Considerations: access to technology

In addition to time, such collaboration in the current circumstances demands availability and reliability of the requisite technology, internet access and software. Not all teachers have this, with some having to share these resources.

This is a barrier which would need to be overcome by the school/local authority to enable the safe completion of electronic reports by their teaching staff.

Practical Considerations: distribution of reports

Should there be an agreement that final reports are to be written, consideration should also be given to how they will be distributed to parents in light of the risk of infection being carried by paper. How will this be overcome and how will any electronic solution take account of the fact that not all parents will be able to access emailed reports?

Working Time

Given the very challenging contexts in which teachers are working currently, there is likely to be additional strain on weekly working time within the parameters of the 35-hour week. Clearly, if report writing is to be prioritised, it may not be possible for teachers to undertake other activities.

Should any member believe that unrealistic or unsafe arrangements are being put in place around parental reporting (both in relation to parental consultations and report writing), they should raise the matter in the first instance with the School Rep and/or the Local Association Secretary as appropriate.

Assemblies

The Scottish Government advice is that large group gatherings, including assemblies, should not take place at this time.

Where schools wish to focus on particular themes on a whole-school basis or with key ages and stages, this should be done on a class by class basis. In the interests of minimising unnecessary movement around the school, any themed activity that might have featured in an assembly should take place within the classrooms that class groups would otherwise be in at that time.

Extra-curricular activities

Risk assessments and consideration of the priority principles of equity, wellbeing and focus on Literacy and Numeracy, should occur in deciding whether to resume or set up lunchtime or after-school activities for pupils.

Where such extra-curricular activities have been resumed or established, Scottish Government guidance states that they should be paused as part of the enhanced and targeted protective measures to be applied by schools within a local area which is subject to level 4 restrictions.

School Trips

The Scottish Government has published updated advice on School Trips for the summer term 2021. The guidance is conditional on the continued suppression of the virus. **The dates given are indicative and will only be confirmed following a further review of data in the week commencing 3rd May 2021.**

- **Non-residential Trips**

From 10th May 2021, day visits (which go beyond a local excursion and do not include an overnight stay) **can recommence**. Appropriate risk assessments should be conducted, taking full account of the COVID protocols applying at the destination. All identified risk mitigation measures should also be in place and travel arrangements should comply with the advice given in the Scottish Government's Coronavirus (COVID-19): guidance on reducing the risks in schools.

- **Residential Visits**

The Guidance makes it clear that educational visits which '**necessitate an overnight stay but where the residential aspect is not central to the learning experience are not advised in the summer term**'.

Through collegiate dialogue, careful consideration should be given to whether a residential trip is necessary at this time or whether the educational objective can be fulfilled by some other means.

Where it is agreed that the residential element of the excursion is key to teaching and learning, then robust risk assessments must be conducted between the school and the residential visit provider to ensure that all relevant mitigation measures are in place to keep children, young people and staff safe.

From 10th May 2021, residential outdoor expeditions can recommence on the following conditions:

- robust risk assessments have been conducted with appropriate mitigation measures in place;
- **the maximum size of the group (including the expedition leader) is 9;**
- travel arrangements comply with the advice given in the Scottish Government's Coronavirus (COVID-19): guidance on reducing the risks in schools;
- the relevant school COVID-19 protocols are maintained during the expedition;
- there is no interaction with others outside the expedition group;
- individuals sleep in single person tents outdoors; and
- there are washing and toilet facilities for single person use at any one time.

From 31 May 2021, school residential trips to outdoor education centres can recommence subject to the following conditions:

- the virus prevalence is equivalent to the new COVID-19 Protection Levels 0, 1 and 2 **both** at the school and the destination;
- only one school will be staying at the outdoor education centre (except where the school and destination are both at Protection Level 0, in which case there can be a maximum of two schools in attendance);
- travel arrangements comply with the advice given in the Scottish Government's Coronavirus (COVID-19): guidance on reducing the risks in schools;
- relevant school COVID-19 protocols are maintained during the visit;
- individuals sleep in either single rooms indoors or single person tents outdoors;
- washing and toilet facilities should be reserved for single person use at any one time;
- enhanced cleaning arrangements should be in place between visits; and
- robust risk assessments have been conducted with all appropriate mitigation measures in place.

In the context of Special Education (Primary), the individual needs of the children should also be considered and factored into the assessment of risk. Careful consideration should be given to whether the conditions outlined above for residential outdoor expeditions and for residential visits to outdoor education centres can be met and whether the mitigation measures identified are sufficient to keep children, young people and staff safe in such circumstances.

International educational visits

The Foreign and Commonwealth Office makes it clear that under current UK COVID-19 restrictions, travel, including internationally, is prohibited, unless you have a legally permitted reason to do so.

The Scottish Government continues to advise against schools undertaking international visits at this time.

EIS Guidance for Special Education (Secondary) Members on Education Recovery: Curriculum and Pedagogy (Updated April 2021)

Background

The reopening of schools and the return to classrooms after the initial period of school closure last year was welcomed by thousands of children and young people and teachers, albeit with some concerns, across Scotland. They missed the structure, certainty and social interaction which school provides.

However, since the start of the 2020-21 school session, and with the continued prevalence of the virus within society and the emergence of new variants, we have all had to adapt to the changing circumstances in which we live and in Education, to consider alternative forms of education provision, including moves to blended and remote learning.

What is clear is that session 2020-21 has not been and should not be business as usual. The risks of the virus persist, and the with increased transmissibility of new strains, are arguably heightened.

The wellbeing impact of the last year, both on pupils and staff, cannot be forgotten. For reasons of health and safety, in the interests of wellbeing, and in order to address the key priorities for recovery, school life, and the delivery of education through other contingency models, should look very different from it would under 'normal' circumstances.

Scottish Government Guidance: Application and Terminology

The [Scottish Government Guidance, Coronavirus \(COVID-19\): Reducing the Risks in Schools](#), is referred to throughout this document. In considering its application in practice, it is important to have an understanding of the scope of the guidance and the meaning behind key phrases used.

The Scottish Government Guidance applies to all local authorities and schools under their management. It also provides that it should be used by grant-aided schools and independent schools to support their recovery efforts.

Although non-statutory in nature, it begins by highlighting the primacy of health and safety considerations and provides that Local Authorities and schools should exercise their judgement when implementing the guidance, to ensure the safety and wellbeing of children, young people and staff, taking into account local circumstances.

The Guidance differentiates between situations in which there is an expectation that a particular action **will** be taken by the Local Authority or school and other situations in which action **may be advisory** and can reflect local circumstances.

The Guidance reflects this distinction by the terminology used and explains:

'Where this guidance states that local authorities and schools:

- "should" do something, **there is a clear expectation, agreed by all key partners, that it should be done.**
- "may" or "may wish" to do something, the relevant sections have been included as examples of relevant practice that can be considered if appropriate. Local variations are likely.'

This difference in the language used should be borne in mind when considering the recommendations contained in the Scottish Government Guidance referred to throughout this EIS guidance.

Reference is also made in this EIS guidance to protective measures associated with areas which are subject to level 0-4 restrictions. These references are to the five levels of protection set out in the [Scottish Government's guidance, Coronavirus \(COVID-19\) protection levels: what you can do](#) and the associated protective measures, outlined in the Scottish Government guidance, Coronavirus (COVID-19): Reducing the Risks in Schools.

COVID-secure Schools

Essential health and safety procedures and standards required to minimise the risk of infection in schools have meant that much will be different and will remain so for the foreseeable future, in terms of how schools operate and in terms of the physical environment.

This has implications for how things are done from now on. From how pupils move around the school, to how lessons are taught and learning takes place, to how hygiene and cleaning is arranged - many aspects of school life will look different as schools endeavour to keep safe their pupils and staff and the school environment COVID-secure.

Enhanced Personal Hygiene

In addition to the [EIS Advice](#) to School Reps and Members re Revised Risk Assessments, consideration should be given in the context of Special Education settings to Enhanced Hand Hygiene protocols.

To mitigate against transmission of the virus, we would recommend that a hygiene protocol should be in place, providing for an enhanced hand hygiene regime for adults and children in this setting.

This should include arrangements for handwashing (for 20 seconds) with hot water and soap on arrival at the setting, before and after eating, after toileting, at regular intervals throughout the day and when moving between different areas of the setting and prior to leaving the school building at the end of the day.

Where appropriate, arrangements should be made to supervise the children when washing and drying their hands. In circumstances where a member of staff is required to provide assistance to a child when washing or drying their hands, consideration should be given to any additional risk mitigation measures which will be necessary. Face coverings (or where identified in a risk assessment, PPE and other protective barrier measures) should be worn by staff in these circumstances.

We would also recommend that tissues are provided within the setting to encourage good respiratory and cough hygiene practices when children and young people are coughing or sneezing. Lidded foot pedal bins with double bagging should be provided to ensure the safe disposal of used tissues. A good pedagogical approach would be to talk with the young people about why these enhanced personal hygiene practices are necessary in the context of infection risk.

Wellbeing and Equity

All children, young people and adults – parents, teachers and support staff-will have been affected in some way by the pandemic. Confinement, restricted social interaction, illness, bereavement, unemployment, poverty and food insecurity, financial worries, media reporting of the virus, will all have made their mark to varying degrees on individuals, families and communities.

Whilst some may have managed some recovery, others will still be suffering the harsh consequences of Coronavirus on their physical, mental, and emotional health, family life, finances and employment status.

The EIS has been clear that periods of school closure and lockdown have wreaked the most damage upon young people and families who are most disadvantaged by societal inequality, this having been well documented by researchers, press and media. With this in mind, we are of the firm view that the needs of those young people whose circumstances at home rendered their families less able to support them with remote learning at that time, and potentially during further periods of school closure, must be prioritised.

Any additional resources, including staffing where available, should be channelled towards helping those children and young people in particular to address the impact of any interruption in learning, caused by the pandemic.

It has been well documented, also, that COVID-19 has had a disproportionately high impact on people from BAME backgrounds to varying extents in different parts of the UK, both in terms of likelihood of infection and death rates. Schools should be sensitive to the possibility that children and young people from BAME backgrounds and their families have been affected by COVID-related illness and bereavement and/or may be experiencing higher levels of anxiety related to infection risk.

Education Recovery

The EIS has been influential in setting the national priorities for education recovery through its contributions to the CERG and associated working groups. Consequently, in its Coronavirus (COVID-19): Curriculum for Excellence in the Recovery Phase [guidance](#), the Scottish Government and the stakeholders who are part of the national Education Recovery Group advised that schools should:

- 'prioritise the physical, mental and emotional wellbeing of children and young people, practitioners and families;
- recognise that 'children and young people from disadvantaged backgrounds may have faced multiple barriers to learning over the period of the school closures';
- 'applying the principle of equity, consider how to provide additional and appropriate support where it is most needed in order to maximise engagement with learning and continue the work to close the poverty related attainment gap'.

Taking care of our physical and mental health is crucial at this time, when there are many social, emotional, health and practical challenges facing all of us: children, young people, parents and teachers. The EIS view is echoed by Education Scotland in advice published in January 2021 (embed link to ES remotedelearning guidance – COVID-19 Education Recovery Group (CERG)) which highlights that health and wellbeing remains a key element of the recovery curriculum for young people. The importance of this is clearly stated: 'We need to be mindful of the impact of COVID-19 on our children and young people, many of whom may have suffered loss and trauma as a result. For all learners a key focus...needs to be health and wellbeing.'

It goes on to state, 'From the outset of the pandemic, schools and settings adapted their learning and teaching to ensure a strong focus on children's mental health and well-being, and engagement. This continues to apply.'

Equally, teachers should be mindful of their own health and wellbeing and the need for an appropriate balance of priorities in this regard.

Health, safety and wellbeing, and the principle of equity, therefore, must be of paramount importance in session 2020-21 and as we move towards education recovery.

The Scottish Government guidance acknowledges this, stating,

'2021/22 will also be a recovery year, and there will be a continued emphasis on issues such as: supporting student and staff health and wellbeing; transitions at all levels; the impact of tragedy in communities; identifying gaps in learning; and a renewed focus on closing the poverty related attainment gap. In particular, there should be a focus on what can be done to remedy any impact that there has been around the widening inequalities of outcome experienced by children and young people'.

This has significant implications for the curriculum and pedagogy - what and how teachers teach and children and young people learn, not only in this academic session but in the years to come.

Planning for Learning

As under normal circumstances, the EIS is clear that teachers' planning for learning is a tool to aid them in their preparation of learning and teaching, and to support professional dialogue among colleagues with regards to this. Planning documentation should be designed and handled with this key priority in mind.

Primarily for teachers' own use, any associated planning template should be bureaucracy-light, and should neither be a generator of unnecessary workload nor an accountability tool. Neither class teachers nor colleagues who have management responsibilities have time to dedicate to onerous planning regimes at a time when the priority in schools must be the wellbeing of pupils and staff alike.

In the event that planning processes or associated paperwork, particularly relating to forward planning, are found by members to be overly bureaucratic and generators of unnecessary workload, this should be raised with the management of the school setting in the first instance. In doing so, members may find it useful to refer to Education Scotland [advice](#) and Deputy First Minister's [statement](#) regarding excessive bureaucracy. If necessary, the EIS School Rep and/ or Local Association Secretary can assist in helping the setting to reach a collegiate and bureaucracy-light solution.

Collegiate Activities

As under normal circumstances and as was the case since the start of the pandemic, it is important that colleagues are able to work together to reach solutions to the many challenges that maintaining safety and providing opportunities for quality learning and teaching in the context of COVID-19 present.

Whilst collegiate activities that reflect the key Education Recovery priorities continue in accordance with school Working Time Agreements, this should be in adherence to the current public health advice around physical distancing and hygiene, and with teachers wearing face coverings when working in shared spaces with others. Where it is not possible to comfortably maintain physical distancing for collegiate activities, particularly in light of the increased transmissibility of the new strain of the virus, these should be done using virtual means.

Setting Priorities

The wellbeing of pupils, teachers and families is to be at the forefront of all school-based decision-making as we work towards education recovery.

The Scottish Government guidance on education recovery advises that schools should set out:

'...a clear statement of intent to prioritise the physical, mental and emotional wellbeing of children and young people, practitioners and families. Recognition that good health and wellbeing is fundamental to ensuring that children and young people can engage effectively in their learning.'

Communication to staff and parents should have this emphasis and it should be reflected in all school-based planning and decision-making in which teachers should be fully involved. The Empowered Schools agenda, with collegiate working at its heart, remains live.

Schools should not expect to nor feel under pressure to provide the same opportunities for learning in session 2020-21 as it would any other. Streamlining of priorities is encouraged while children, young people, teachers and support staff continue to respond to the challenges of the pandemic. This is especially important in the context of Special Education.

The Scottish Government [guidance](#) on Support for Continuity in Learning also highlights the importance of re-integrating children and young people with additional support needs back into school and emphasises the importance of tailoring support to their individual needs.

It states:

'The emotional wellbeing of our most vulnerable children and young people as they re-connect with learning will require careful planning, including discussion with them and their parents and carers. Simply attending any formal provision will be a challenge for some.'

An important first step will, therefore, be the review of existing plans, including co-ordinated support plans, for individual pupils to ensure that planned approaches build upon and recognise any additional needs which have arisen as a result of the pandemic.

For some children and young people, with additional support needs, the return to the classroom will represent a significant transition to what has become their daily routine. The importance of bespoke risk assessments for these pupils cannot be overstated, both to ensure that appropriate supports are in place for the pupils involved and also to identify the necessary mitigation measures required for staff, who for various reasons may not be able to adhere to physical distancing guidelines. Face coverings (or where identified in a risk assessment, PPE and other protective barrier measures) should be worn by staff members in these circumstances.

For those who require specific communication supports, for example, the use of sign language, Makaton, storyboards and symbols, these should be used as they would normally. Consideration may be given to the use of social stories, the preparation of a storyboard, containing photographs of key locations, their teaching, support and transport arrangements, and information to explain how learning will be different at school.

With the requirement for all staff and pupils in the Secondary context to wear a face covering at all times (unless exempt), it will be important to highlight this as part of this process, in advance. Some children and young people, attending a

Special Education setting, may need additional reassurance about the reasons why an adult is wearing a face covering and/or PPE. This should be factored into the planning process and kept under review as the term progresses.

Schools may also wish to consider how access to school counsellors and their partnerships with third sector organisations might assist them in supporting this transition and in addressing aspects of children's wellbeing needs in the coming months.

The [Refreshed Narrative for Curriculum for Excellence](#) is a practical tool that may be useful in supporting teachers' planning of learning during the Recovery Phase.

Breaktimes and Lunchtimes

Whilst schools may have made adjustments to school start and finish times in the interests of maintaining physical distancing, it is important that pupil and staff break-times and lunchtimes are at least preserved and possibly even lengthened to enable opportunities for children and staff to reconnect with peers and colleagues, albeit with restrictions related to distancing, etc. in place; and to allow extra time to help manage physical distancing in relation to toilets, cafeteria, staff kitchen and water-cooler access. This is particularly important with the increased risk of transmission from the new strain of the virus.

In the context of Special Education, having sufficient time set aside for these break periods will be even more important, both to ensure that there is dedicated time for relaxation away from the classroom and to ensure that practical support for the young person, for example, in eating lunch, can be given in a calm environment.

Some children and young people will require physical assistance from staff at these times, for example, to open lunch boxes and water bottles and in some cases, will require assistance with feeding routines. In these circumstances, where 2m physical distancing cannot be maintained, additional mitigation measures should be in place, following a bespoke risk assessment. In line with the requirements for Secondary schools, face coverings should be worn by staff members in these circumstances and consideration should also be given to enhanced hand hygiene protocols.

To minimise contact between groups of pupils, it will be essential that sufficient staffing arrangements are in place to support the children and young people and supervise interaction at these times.

If a teacher is concerned about the mitigation measures which have been identified and has concerns about their safety or the safety of anyone else in the school setting, they should raise this with the school management team and seek advice and support from their EIS school representative or Local Association Secretary.

Tackling Inequality, Promoting Equity

The EIS advises that in planning for all learning activities, teachers should also take account of any information that the school has been able to gather on the equity impact of school closure and lockdown, and the implications of this for

learning activities, resources to be allocated and the organisation of any additional support to the pupils who have been most disadvantaged since the pandemic struck.

This priority is reflected in the Education Recovery Guidance in which schools and teachers are encouraged to recognise that:

'...children and young people from disadvantaged backgrounds may have faced multiple barriers to learning over the period of the school closures. Applying the principle of equity, consider how to provide additional and appropriate support where it is most needed in order to maximise engagement with learning and continue the work to close the poverty related attainment gap.'

Whole-school recovery planning and teachers' individual planning should feature provision for children which takes account of the poverty-impact of COVID-19.

COVID-secure Classrooms in the context of Special Education (Secondary)

Layout and Seating for Teachers

The Scottish Government advises that a 2m distance should be strictly maintained whenever possible between adults and young people in Secondary, though it is recognised that this may be more difficult where young people have more complex additional support needs.

The EIS is clear that 2m social distancing between teachers and pupils should be observed in all situations. This applies irrespective of whether an individual has been vaccinated. Vaccination does not change the need to continue to comply with all current COVID-19 mitigation measures. This is particularly important in light of the increased transmissibility of the new strain of the COVID-19 virus. A minimum 2 metre distance is advised between teachers and pupils at all times unless a risk assessment has identified other appropriate mitigations that can be safely applied in circumstances where 2m distancing is not possible.

It is acknowledged that within the context of Special Education (Secondary), the age and stage of the young people in addition to their additional support needs, may make this challenging. There may be situations throughout the school day when teachers will require to provide one-to-one support in learning or may require to come into physical contact with the pupil, for example, to provide comfort and reassurance or to support physical needs. Where possible, this level of close interaction should be kept to a minimum and appropriate risk mitigation measures put in place. Face coverings should be worn in line with the strengthened Scottish Government guidance which provides that face coverings should be worn at all times in Secondary settings by staff and young people. However, consideration should also be given as part of the risk assessment process, to whether PPE and other protective barrier measures are also required.

The Scottish Government guidance is clear that 'two metre physical distancing between adults...should be maintained'. In the Special Education setting, there may be more than one adult in the classroom at any one time. In planning learning, careful consideration will require to be given to how this distance can be practically implemented whilst taking account of the needs of the young people in the class.

There may be situations in which the needs of the young person require more than one adult to support them and physical distancing cannot be maintained. In these circumstances, an individual risk assessment should identify appropriate risk mitigation measures to protect both staff and pupils as well as considering how these interventions can be kept to a minimum throughout the school day. When the 2m distancing cannot be maintained, face coverings should form part of the mitigation measures and be worn by staff in such circumstances.

A strongly collegiate approach, underpinned by thorough risk assessments, will be key to identifying a good pedagogical approach which supports the child and young person, with often complex needs, whilst ensuring that key health and safety procedures are implemented.

Ongoing dialogue with young people and engagement of parents/carers about the approaches being taken will be important to ensure that there is a collective understanding of measures to control the risk of infection. Particular consideration should be given to the impact of wearing a face covering on young people in Special Education settings. The EIS believes that transparent face coverings, where considered appropriate, should be supplied by the school or local authority to support learning and teaching and the health and wellbeing of children and young people.

There may also be situations in which staff with a disability, such as a hearing impairment, will require other adults, with whom they are working, to use transparent face coverings. The EIS would recommend that in these circumstances, appropriate adjustments are made and transparent face coverings are supplied to staff to support communication.

The Scottish Government Guidance also highlights that during April and May, 2021 children and young people observing Ramadan should be treated with sensitivity and discretion in relation to the wearing of face coverings. In addition to fasting, young people observing Ramandan during the school day will not drink liquids and so, may find the wearing of face coverings more challenging.

Schools should provide clear guidance for staff on how to put on, remove, store and dispose of face coverings to avoid inadvertently increasing the risk of transmission in the setting.

If a teacher is concerned about the mitigation measures which have been identified and has concerns about their safety or the safety of any one else in the school setting, they should raise this with the school management team and seek advice and support from their EIS school representative or Local Association Secretary.

Layout and Seating for Learners

Prior to COVID-19, many classrooms were set up to enable collaboration among learners, with seating either in groups or pairs to encourage this. In the Secondary context, the Scottish Government advises that physical distancing between learners, whilst not required from 12th April 2021, is encouraged. Guidance emphasises that where it cannot be adhered to, the additional mitigations, such as effective ventilation, must be strictly implemented.

Mitigations suggested for schools to consider include:

- Altering class sizes to intensify support for young people and create more space.
- Adjusting class space if required, and where possible, to maintain spacing between desks or between individual young people
- Seating young people side by side and facing forwards, rather than face to face
- Encouraging young people not to crowd together or touch their peers is recommended.
- Avoiding situations that require young people to sit or stand in direct physical contact with others.

In Secondary Special Education settings, young people may find it difficult to adhere to physical distancing requirements, and consideration will require to be given in the planning and risk assessment process to the adoption of risk mitigation measures.

Aside from the physical positioning of desks, chairs and learning stations in the classrooms, in the interests of creating a calm classroom environment and promoting positive behaviour, teachers should give consideration to where young people sit in relation to one another, and in relation to teacher and other staff, within the classroom. Some young people benefit from being seated close to/away from particular peers; others benefit from being closer to the teacher, particularly if they have visual or hearing impairment, or if they require regular reassurance from the teacher.

Given the need to ensure appropriate ventilation in classrooms, seating plans could, where appropriate, be designed to accommodate individual temperature preferences of young people and staff.

Bespoke risk assessments for individual pupils should have due regard to any potential risks, arising from the needs of the young person, to staff and other members of the class. For example, some learners may find it difficult to stay seated and may want to move around the classroom, with the potential of breaching the physical distancing provisions. Other learner behaviours, such as shouting out and spitting, may result in an increased risk of airborne particles or droplet transmission in the class setting. In all cases, appropriate mitigation measures should be put in place and consideration given to the layout and seating

arrangements which may help to mitigate against the transmission of the virus. Mitigation measures, including the allocation of staffing and resources, should be kept under review and adjusted where appropriate and necessary.

With evidence about the increased transmissibility of the new variant of the virus, the EIS is maintaining a close watching brief on emerging data and will be continuing to review the resulting pedagogical (as well as health and safety) implications. With this in mind, the advice that we provide relating to physical distancing and in relation to other mitigation measures may be subject to change as evidence emerges.

Settings may also have decided, following risk assessment processes, to adopt the use of face coverings and PPE. In these circumstances, the findings from the risk assessment would take precedence and should be implemented.

Equipment and Resources

School risk assessments will have determined the extent to which pupils will share resources and equipment, or have sets of resources for their sole use, and any mitigation measures required such as cleaning or quarantining for the recommended 72 hours of resources and equipment.

The updated Scottish Government guidance indicates that there are two potential approaches to mitigating risks from surface contamination of jotters, textbooks and library books:

- quarantining the resource for 72 hours; or
- careful handwashing with soap and warm water or the use of alcohol-based hand sanitiser before and after handling the resource.

The guidance recommends that school risk assessments are updated to consider which of these approaches is the most appropriate for the circumstances of the individual setting. EIS school representatives should be consulted and involved in the updating of these risk assessments, which should continue to have the health and safety of staff, children and young people as their primary focus. EIS school representatives should also facilitate branch consultation prior to implementation of any new mitigation measures, resulting from the review process.

In some situations where resources require to be shared, pupils may be able to clean those that they have touched after use. Where this is appropriate, teachers should demonstrate how this should be done.

With restrictions upon access to the wider classroom space and where deemed appropriate, teachers will wish to encourage pupils to take responsibility for organising any resources that they will use- getting these out and putting them away after use.

Where young people need to move about within the classroom to access a shared resource, this should be organised to minimise congregation around the point of

access to the shared resource, particularly in the Secondary context in light of the advice that distancing should be maintained here where possible.

Given the need to prioritise health and safety, teachers should give extra-careful consideration to which equipment and resources will be used in their lessons, as they plan for learning. Only those which are essential for the lesson should be used for the time-being, and where disposable materials can be used, this should be considered.

Careful consideration should be given to the cleaning regime for specialist equipment being used in the setting to ensure safe use.

Where the setting has a sensory room, arrangements should be put in place to ensure that the room and any soft furnishings, such as throws, are cleaned at least daily and between use by different young people.

Where a play based approach is being adopted, careful consideration should be given to the toys and equipment in use. Resources should be used which are easy to clean and cleaning arrangements in place to ensure that they are cleaned on a daily basis or if in a communal play area, when groups of young people change. This will be particularly important as a result of the increased transmissibility of the new variant of the virus. Timetabling for access to communal play areas should also reflect the cleaning schedule in place.

Resources such as sand and water and playdoh should only be used by consistent groupings of young people and should form part of relevant risk assessments. Risk assessments should be reviewed and updated to take account of the new variant.

Young people at this time should be discouraged from bringing transitional objects from home to school and from sharing their personal belongings. However, where this is deemed necessary to support and comfort the young person, careful consideration needs to be given to how this can be managed safely. Where these arrangements are being considered, it may be helpful to involve the young people and parents/carers in the planning so that there is a common understanding of the importance of the risk mitigation measures being adopted and why these special objects cannot be shared with peers in the current circumstances.

The Scottish Government guidance makes it clear that

'...schools may consider making use of the ELC models of managing children's interactions and appropriate mitigations, where appropriate, particularly when adopting a play based approach.'

Further information on the considerations around risk assessments when a play based approach is being adopted can be found in the Scottish Government [guidance](#) for Early Years settings and in the EIS Additional Advice on managing the risks of Covid-19 for [Early Years Teachers](#).

Making Use of Technology

Some of the practical difficulties posed by physical distancing, hygiene and quarantining requirements might be overcome through the use of technology, though it is understood that the extent to which schools can rely upon this will depend on both the availability of hardware and internet connectivity.

Existing Child's Plans, including Co-ordinated Support Plans, may already identify appropriate technology which can be used to facilitate communication and learning. These existing plans should be reviewed and updated to ensure that this medium can be used to maximise support in learning.

Where provision allows suitable ICT access for pupils, there are a range of digital platforms that might be useful and with which pupils and teachers are becoming increasingly familiar during periods of school closure- GLOW, Microsoft Teams and Zoom were some of those that are being used by schools across Scotland in line with local authority and school protocols.

Where schools and teachers are using such options, this should be within existing protocols, and should take account of the fact that some young people have less experience of using digital platforms than others, many having been unable to participate in this type of learning experience during lockdown because of home circumstances. It should also be borne in mind that teachers have varying degrees of confidence in using this kind of technology and many are likely to require professional learning in this area.

Some schools/ teachers already encourage the use of smartphones by pupils within clear protocols, to aid learning. Such an approach might be helpful in enabling pupil research, peer collaboration and communication with the teacher through class WhatsApp groups and such like. Much will depend on the setting and on the circumstances of the children and young people involved. Once again, where such approaches are being considered, thought should be given to equity and the need to ensure that all pupils have full access to the learning activities that are being planned. No child or young person should be unable to participate as a result of not having a smartphone or sufficient mobile phone data. Where either of these is the case, sensitivity and an alternative approach that avoids stigma will be required either for the whole class or for individual children and young people who are at risk of missing out.

Further information about the use of technology in the context of remote learning during periods of school closure can be found below in the section on **Blended and Remote Learning and Teaching**.

Interacting with Pupils

All interactions between pupils and teachers should be conducted with the appropriate guidance on health, safety, wellbeing and equity, and risk assessment mitigations, in mind. This should be the case in terms of how:

- pupils are welcomed into the classroom and dismissed at the end of the school day
- pupils move within the school setting
- teachers settle children in the classroom environment
- instructions, explanations and practical demonstrations are given
- additional support is provided
- learning is assessed
- discipline matters are handled.

Welcoming children and dismissing them at the end of the school day

Schools may have had a variety of arrangements in place to welcome young people when they arrive at the beginning of the school day and to ensure that they are safely dismissed into the care of a parent/carer at the end of the day.

Traditionally, this may have involved parents/carers entering school buildings and teachers being present at classroom doors or in playground areas to greet pupils as they enter. Scottish Government guidance makes it clear that parents/carers should not now enter school buildings unless required to do so. In addition, requirements around the need to physically distance between teachers and pupils mean that these arrangements may already have been reviewed and should be the subject of ongoing review in terms of managing the risks of transmission of the virus, particularly in light of new variants.

Arrangements should be put in place for parents/carers to drop off and collect young people which ensure that large gatherings of people are avoided and that physical distancing between adults and children of different groupings can be maintained. The Scottish Government guidance is also clear that parents/carers who are dropping off or collecting young people from school should wear face coverings and should 'avoid contact with other parents, children and young people at school gates, on the way to school and after school'.

Provision should also be made to preserve the safety of young people at these key times, with sufficient time built into arrangements made, to ensure that this can be done in a calm environment. Clear communication of the rationale behind these altered drop off and collection arrangements will help to reinforce the importance of reducing the potential for community transmission and will help to manage expectations of parents/carers.

Where pupils have bespoke travel arrangements, are travelling by dedicated school transport, taxis or private hire vehicles, consideration should be given to where the young people will go when they arrive at school. Arrangements should be adopted to manage safety and ensure appropriate supervision.

Safety arrangements should include a process for young people to wash their hands immediately on arrival to the school building, to dispose of temporary face coverings worn during travel to school in a covered bin or to place reusable face coverings in a plastic bag which they can take home. Young people should then wash their hands again.

Young people may require assistance in washing their hands at these times and with the safe removal of face coverings, of outdoor clothing and footwear on arrival at school and in preparing to go outside at breaks and the end of the school day. In light of the requirement to physically distance, consideration should be given to how this support can be provided safely. Where teachers and/or support staff are required to provide direct support and where physical distancing cannot be maintained, consideration should be given to the adoption of appropriate risk mitigation measures, including PPE, where deemed necessary following a risk assessment.

For young people who attend multiple education settings, bespoke arrangements should be developed around safe travel arrangements, groupings within the class context and the adoption of appropriate risk mitigation measures. In light of the increased transmissibility of the virus, the EIS would recommend that movement between educational settings should be kept to a minimum and any existing risk assessments for such arrangements reviewed.

Movement of pupils in the school setting

In addition to the arrangements for welcoming pupils, the school's arrangements for managing the movement of pupils around the school should be the subject of ongoing review in terms of managing the risk of transmission of the virus. Changes may already have been made and arrangements may require to be further altered to ensure that physical distancing can be adhered to, particularly in light of the increased transmissibility of the new variant of the virus.

For example, in circumstances in which a group of young people may ordinarily have moved to another classroom to receive specialist input from another teacher or where groups of young people within Secondary move to different teaching spaces for different subjects, consideration may be given to restricting the movement of the children and instead, moving the teacher to that class. Where this is the case, consideration will require to be given to how teaching resources will be safely transported and to how teaching zones, including teachers' desks, chairs, computers etc will be cleaned after each use.

At all times when adults and young people are moving around the setting in corridors, office and admin areas, canteens (except when dining) and other confined communal areas, face coverings should be worn.

Settling classes

Whatever the arrangement, teachers should give consideration to how they will greet their pupils, in the interests of promoting positive relationships and behaviour during the Recovery Period as young people adjust to being back in school and as many will be overcoming COVID-related trauma.

It might be that a quick, friendly check-in with each pupil would help here; or a ready wellbeing reckoner using hands-up or thumbs up/thumbs down so that children get the chance to express how they're feeling. The use of erasable whiteboards for this and other purposes could be useful- each pupil supplied with

their own, plus markers and wipes. Through means such as these teachers are able to gain quick insight into how pupils are feeling and who might require some extra encouragement or support in the course of the lesson/ school day.

Gesture, eye contact and where possible facial expression in addition to spoken words of encouragement, or digital messaging if classes are suitably equipped, will be key ways of providing this additional encouragement to individual pupils whilst maintaining physical distance. The role of learning assistants/ support assistants will be important here, also.

It may be that some pupils will require physical comfort or reassurance. As has been indicated above, this level of close interaction should be kept to a minimum and appropriate risk mitigation measures put in place. Face coverings (or where identified in a risk assessment, PPE) should form part of the risk mitigation measures adopted in these circumstances.

It is acknowledged that young people in this setting may not readily express their feelings and that feelings of stress and anxiety may only be evident through their behaviours. Teachers will be mindful of this and in these circumstances, consideration should be given to the underlying cause of the trauma, with appropriate interventions being put in place to support the young person.

Giving instructions, explanations and demonstrations

For the period that teachers are restricted in their ability to move among pupils in their classes freely, traditional methods of giving instructions will continue to be essential:

- verbally giving instructions and repeating them patiently, whether for the whole class or for individuals until all pupils have understood and followed them;
- writing instructions/ placing symbols on the board or other signposting area to reinforce instructions or make them accessible to pupils with hearing difficulties.

Where appropriate, teachers may also wish to encourage pupils to help their peers to follow the teachers' instructions.

The same advice applies to explanations of concepts and demonstration of skills. Teachers will be required often to deliver these, being mindful of physical distancing restrictions. Where appropriate, the use of visual aids such as props, and images and diagrams projected onto screens might be helpful. Teachers could also consider using audio-video material to help deliver and reinforce explanations under these circumstances.

As far as possible, teachers should avoid reverting to traditional 'chalk and talk' methodology, encouraging active listening and participation among pupils and students through dynamic whole class group work.

Explanations and demonstrations can be peppered with questions as a means of keeping pupils engaged. Questions should be varied in type with higher order, open questions included and posed to pupils on a differentiated basis.

Pupils should also be encouraged to ask questions and could be asked to explain concepts in their own words, where appropriate, either to the class or to those sitting close by them following the teacher's exposition. Where appropriate, the use of erasable whiteboards and tablets could be helpful in enabling pupils to feed back to the teacher through visual and digital means as explanations and demonstrations are underway.

Whilst these strategies provide examples of some of the ways in which teachers can gauge engagement and understanding, teachers will be familiar with the young people in their class and have a clear understanding of appropriate strategies which can be adopted to deliver the required level of support. Individual risk assessments will also be key in identifying appropriate measures which should be adopted.

In situations in which direct physical contact with the young person is necessary, such as 'hand on hand' support to teach formal skills development or in fostering greater independence, appropriate risk mitigation measures should be in place to protect the young person and the staff member. This should form part of a bespoke risk assessment. Face coverings (or where identified in a risk assessment, PPE) should be worn by staff in these circumstances.

Use of voice

As far as possible, young people should be encouraged not to raise their voices when in the classroom or indoor space in order that the teacher or anyone else who is speaking to the class is audible without having to raise their voice. This is to minimise the number of airborne particles and droplets within the space. Using 'partner' or controlled 'classroom' voices will also help in creating and maintaining a calm atmosphere in the room.

There may be situations in which the particular needs of the young person will mean that this is difficult to achieve in practice. Consideration should be given, through the planning and risk assessment processes, as to the appropriate support and mitigation measures which can be put in place. It might be helpful in these circumstances to look at the number of young people and adults in the class, the seating arrangements and size of the classroom in considering how physical distancing can be accommodated, as well as the ventilation within the room. With the increased transmissibility of new variants of the virus, it is essential that guidance on ventilation is followed stringently.

Pace

As young people acclimatise to a different version of school life and new routines, it is likely that simple steps may take longer to be followed. Teachers should be comfortable with this and should not feel pressure to rush their pupils

through activities. Learners should be given sufficient thinking time in which to formulate answers to oral questions or approaches to problem-solving. In the interests of wellbeing, in some cases, the usual pace of classroom activity will require to be slower.

Teachers should be confident in applying their judgement in relation to determining the pace of all classroom activities, taking account of current priorities around health, safety and wellbeing, and the needs of individual and groups of pupils within that context.

Practical Activities and Subjects

The Scottish Government Guidance makes clear that practical 'hands on' learning activities, experiments and investigations may not be able to occur on the basis that they would normally and that teachers may have to adapt some aspects of their approach to these activities in the interests of safety.

Many such activities are likely to take longer, from planning to take account of any obstacles, setting up equipment, delivery and clearing up and cleaning equipment after use.

In the Secondary context where physical distancing is encouraged among pupils, where possible, consideration should be given to which practical activities are possible and to how these might be managed safely while still enabling effective learning to occur. Risk assessments, focusing on the nature of the proposed activity as well as individual pupil needs, will be central to determining which activities can be safely delivered.

- Science and Technologies

SSERC has produced [guidance](#) on carrying out practical work in Sciences and Technologies for Early Years, Primary and Secondary levels, including links to resources.

- Physical Education ('PE')

Education Scotland has produced updated [guidance](#) on safe practice in PE.

It outlines key indicative dates (dependent on the suppression of the virus and the continued rollout of the vaccine) relevant to the delivery of P.E. within the Secondary context:

- **From 5th April 2021** – young people can participate in contact and non-contact physical activities **outdoors**. P.E. will **not** be permitted indoors at this time, subject to one limited exception.

This exception is for the sole purpose of assessment as part of

the certification process in the senior phase. In exceptional circumstances, where, for example, snow precludes the activity taking place outdoors, Physical Education for the sole purpose of assessment of senior phase pupils undertaking national qualifications could be allowed indoors. However, given 'the increased risk of transmission among young people during physical exertion indoors', careful consideration should be given to whether this is necessary. It should only take place following a robust risk assessment and with all appropriate mitigation measures in place.

- **From 26th April 2021** – Young people can participate in **individual non-contact activities indoors** and **in contact and non-contact physical activities outdoors**.
- **From 17th May 2021** - Young people can participate in **group non-contact activities indoors** and **in contact and non-contact physical activities outdoors**.

Where 2 metre distancing cannot be maintained between secondary aged pupils, provision should be made to ensure that the other mitigations, such as ventilation and the use of outdoor learning, are strengthened.

The guidance outlines some practical considerations which should be considered as part of the risk assessment process and provides some advice on aspects of implementation. This includes advice on minimising contact between individuals and groups; the importance of maintaining the strict 2 metre physical distancing requirements between adults and between adults and pupils; the use of changing rooms; the wearing of face coverings by staff and by all young people; the use and cleaning of equipment; appropriate hygiene measures; greater emphasis on ventilation and the importance of reviewing procedures adopted. Specific consideration should be given to how the risk of transmission can be managed safely in changing rooms, with a key focus on enhanced cleaning of surfaces after use and ventilation.

In the context of Special Education, the individual needs of the young people involved would also require to be considered and factored into the assessment of risk. Appropriate risk mitigation measures should also be identified to address the risks presented and keep young people and staff safe.

Risk assessments should be kept under regular review and should also reflect and be adapted to respond to local issues,

such as increases in cases of COVID-19, local outbreaks or a change to the protection level of the area in which the school is situated.

The guidance will remain under review by Education Scotland.

- Home Economics

Education Scotland has produced updated [guidance](#) on safe practice in relation to the delivery of Home Economics.

Central to the guidance are considerations around the health and safety of young people and school staff, with a risk-based approach being adopted.

The importance of strictly adhering to the two metre physical distancing rules between adults, and between adults and young people, is emphasised. It also provides that face coverings should be worn by staff and all young people in Secondary schools at all times and that greater emphasis should be placed on ventilation.

Practical advice is provided in relation to the storage of pupils' outdoor coats, school bags and personal belongings; arrangements for the purchase, storage and handling of food items; and the need for enhanced hygiene measures for equipment and resources.

It recommends that consideration is given to the safe collection by young people of food which is being taken home at the end of the day, with a focus placed on minimising the movement of young people in corridors as part of this process.

Where teacher demonstrations are necessary, the guidance suggests that this could be done from behind a Perspex screen or alternatively and where appropriate, through the use of technology, such as data projectors, digital cameras or visualisers.

Additional consideration should also be given to the planning of practical activities for young people who require additional support. A detailed risk assessment should be conducted to ensure that full consideration can be given to the level of risk involved, a determination made as to whether the planned activity can take place, taking cognisance of the local setting, and if it can, what risk mitigation measures should be adopted. The individual needs of the young people involved should also be factored into the risk assessment process.

Where there is a need for staff to be in close proximity to the young person to provide support, the risk assessment should identify the appropriate risk mitigation measures which require to be put in place. Face coverings should be worn by staff and pupils in classrooms. However, measures may also extend to the use of PPE where deemed necessary. Enhanced hygiene arrangements before and after contact should also be adopted.

Education Scotland's Guidelines refer to the 'costs of food provision within schools'. The EIS is clear that no young person should be charged to have access to the curriculum at any time. This principle is even more pertinent during this period of Education Recovery when many families will be facing additional challenges from the financial impact of the pandemic. To ensure equity of provision, it is essential that no financial barriers are placed in the way of a young person's participation in this, or any other, area of the Curriculum.

- Expressive Arts

Education Scotland has produced subject specific guidance in relation to teaching in the Expressive Arts. The guidance will be kept under review, as scientific and medical advice in these areas emerges. The EIS will also continue to make representations through the CERG and liaise with members as developments arise.

(a) Music

Education Scotland's updated guidelines on [Music](#), whilst acknowledging the importance of music education in terms of developing skills and promoting health and wellbeing, continues to adopt a precautionary approach to the teaching of music in schools. Health and safety considerations of children, young people and staff are paramount and bespoke risk assessments should be completed and kept under regular review, as circumstances develop and advice is updated.

The guidance highlights the sliding scale of risk associated with different musical activities and provides a grid, outlining low and high-risk activities. Only where there is a combination of low-risk factors in place, determined on the basis of a robust risk assessment, should an activity go ahead. It makes it clear that large group music activities, such as choirs, orchestras and ensemble performances, should not be re-introduced at this point.

The advice highlights the importance of well-ventilated rooms when music is being taught and the key role which cleaning and hygiene practices will have in reducing the risks identified. Consideration may require to be given to the use of alternative spaces within the school, such as assembly halls, games halls or other general purpose areas, to ensure compliance with ventilation requirements. To reduce pupil movement around the school, instrumental timetables should also be reviewed.

In line with the general guidance for Secondary schools, all staff and pupils should wear a face covering at all times.

In the context of Special Education, the individual needs of the young person involved would also require to be considered and factored into the assessment of risk. Appropriate risk mitigation measures should also be identified to address the risks presented and keep young people and staff safe.

Additional Guidance on Managing the Risks of Covid-19 has been produced by the EIS for Instrumental Music. Aspects of this guidance in relation to the cleaning of instruments, in particular, may be helpful when conducting risk assessments for the delivery of music education activities in the Special Education (Secondary) context.

Singing and the playing of wind and brass instruments has been categorised as 'high risk'. The Scottish Government Guidance, 'Preparing for the Start of the New School Term in August 2020' highlighted that

'scientific and medical advice around how activities such as singing, talking at volume e.g. in theatre performance, or playing wind/brass musical instruments can be managed safely is still being developed.'

It went on to state that

'These activities should be avoided during the initial return to schools.'

This general position has **not** altered and the Education Scotland updated guidance has re-stated this advice:

'Meantime, it is our advice that young people should not engage in singing, or playing wind and brass instruments with other people, given these activities pose a potentially higher risk of transmission'.

Learning can continue in these areas with alternative approaches **out with school** being adopted. Where appropriate, a focus could be placed on theory or composition and the use of digital technology could be useful in enabling learning to continue in these areas. Pupils could record themselves performing at home and send those recordings to teachers, if considered appropriate. In adopting these alternative approaches, consideration should be given to ensuring equity of access to digital technology for those pupils involved.

Following the provision of further scientific and clinical advice to the Scottish Government, Education Scotland's updated Guidelines now provide an exception to the general rule against the teaching of brass and wind instruments and voice in Secondary schools.

The Guidelines provide that **one-to-one** lessons and practice sessions can go ahead for pupils in the senior phase, preparing for assessments in brass, wind, piping and singing. They also state that 'the recording of brass, wind, piping and singing by *individual* learners for assessment purposes can take place in school with a teacher present' (emphasis added).

However, one-to-one lessons, practice sessions and recording can only go ahead after:

- The completion of a 'very robust local risk assessment';
- The implementation of identified risk mitigation measures; and
- With the agreement of senior school leaders.

The guidance makes it clear that these sessions should be kept to a minimum, both in terms of their frequency and duration. In determining the frequency of lessons, due regard must be given to the risk assessment to the level of interaction which the Instrumental Music Teacher ('IMT')/Music Teacher will have with different pupils and care taken to ensure that this is kept to a minimum.

We would recommend that careful consideration is given to whether this exceptional mode of delivery is necessary, having due regard to the risk assessment conducted and the individual circumstances of the pupil and the IMT/Music Teacher involved.

Where it is considered necessary, the guidance outlines the following minimum mitigation measures which require to be in place prior to these activities being re-introduced:

- the activity should take place in a large, well-ventilated room;
- there should be a clearly defined space of at least 2 metres between the learner and the IMT involved;
- where possible (and we would recommend in all cases), a clear screen should be positioned between the pupil and the IMT;
- the IMT should wear a mask at all times;
- the pupil should wear a mask, whenever they are not performing;
- arrangements should be in place to ensure that the room is sanitised **carefully** at the end of each performance;
- there should be a sufficient delay between pupils, using the room, to allow aerosol particles to dissipate.

In considering these risk assessments, it will be important to ensure that appropriate arrangements are put in place in terms of cleaning between and after use of a room. It should be clear who will be responsible for cleaning and provision should be made to ensure that they have access to PPE in doing so.

Risk assessments should also reflect and be adapted to respond to local issues, such as local increases in cases of COVID-19, local outbreaks or a change to the protection level of the area in which the school is situated.

If an IMT/Music Teacher is concerned about the mitigation measures which have been identified and has concerns about their safety or the safety of anyone else in the setting, they should raise this with the management team and seek advice and support from their EIS school representative or Local Association Secretary thereafter as necessary.

Whilst the guidance now provides for the recording of performances in school, recordings can also take place outwith school, with evidence being gathered remotely through the creation of virtual portfolios.

(b) Drama

Education Scotland's updated [Guidance](#) on Learning and Teaching in Drama adopts a similar cautionary approach as that outlined above in the advice on the teaching of Music.

Whilst awaiting the publication of scientific advice in this area, Education Scotland advice continues to be that

'young people may engage in drama, with robust risk assessments and appropriate mitigations in place. Alternative approaches may be required to provide lessons safely.'

The guidance provides a list of suggested activities which can be considered and makes it clear that they should be underpinned by bespoke risk assessments.

Following a robust risk assessment, Drama activities can only take place if there is a combination of low-risk factors, with appropriate mitigation measures identified to address the risk involved. A grid has been produced to identify the types of activities which would be categorised as low- or high-risk.

In the context of Special Education, the individual needs of the young people involved would also require to be considered and factored into the assessment of risk. Appropriate risk mitigation measures should also be identified to address the risks presented and keep young people and staff safe.

The guidance makes it clear that large group activities and those where no physical distancing can take place between adults or between adults and pupils should not be re-introduced at this time.

It goes on to highlight the importance of young people working individually where possible and where this is not possible, in pairs or small groups of no more than five pupils (where this has been considered safe through the risk assessment process). Strenuous movement work should not be undertaken within the Drama curriculum at this time.

Particular consideration should be given to the use of well-ventilated rooms or outdoor spaces when planning such activities and time built in

to ensure that appropriate cleaning and hygiene measures can be adopted. In line with the general guidance for Secondary settings, face coverings should be worn by staff and young people.

Technology and digital platforms, where appropriate, may facilitate the delivery of teaching and learning in Drama. Blended learning could also be used to encourage young people, where appropriate, to undertake research-based tasks and preparatory work at home.

Education Scotland make the following pedagogical suggestions in delivering lessons in Drama at this time. They recommend:

- the use of monologue as a device for teaching characterisation, voice and facial expression;
- the selection and use of texts which limit the number of characters on stage at one time;
- group work/scenes which avoid physical contact between pupils;
- the avoidance of strenuous movement in drama activities and of the use of improvisation which might require a pupil to shout;
- the use of carefully planned voice based activity, avoiding the exploration of volume and vocal projection in class; and
- a balance of theory based (including research tasks) and practical work.

Teachers may wish to consider an inter-disciplinary approach to teaching Drama and could use the current context as a stimulus for learning. Teachers working with their own pupils and their own colleagues in Special Education settings will use their judgment in considering the suggestions outlined in the guidance and in determining the appropriate pedagogical approach which best suits their learners' needs.

The guidance highlights that consideration may also require to be given to the use of recordings where a young person has chosen to undertake an SQA qualification in Drama, with evidence being gathered in the interim through the creation of virtual portfolios and observational checklists.

Further subject-specific information about the final course assessment for session 2020/21 for [N5 Drama qualifications](#) was published on 11th December 2020.

The Education Scotland guidance relates to teaching and learning in the classroom and makes it clear that school productions should not take place at this time.

(c) Dance

Education Scotland has produced updated '[Dance Guidelines](#)'.

The guidelines outline key indicative dates (dependant on the

suppression of the virus and the continued rollout of the vaccine) relevant to the delivery of Dance within the Secondary context:

- **From 5th April 2021** – young people can participate in contact and non-contact physical activities **outdoors**. Dance will **not** be permitted indoors at this time, subject to one limited exception.

This exception is for the sole purpose of assessment as part of the certification process in the senior phase. In exceptional circumstances, where, for example, snow precludes the activity taking place outdoors, Dance for the sole purpose of assessment of senior phase pupils undertaking national qualifications could be allowed indoors. However, given 'the increased risk of transmission among young people during physical exertion indoors', careful consideration should be given to whether this is necessary. It should only take place following a robust risk assessment and with all appropriate mitigation measures in place.

- **From 26th April 2021** – Young people can participate in **individual non-contact activities indoors** and **in contact and non-contact physical activities outdoors**.
- **From 17th May 2021** - Young people can participate in **group non-contact activities indoors** and **in contact and non-contact physical activities outdoors**.

Where 2 metre distancing cannot be maintained between secondary aged pupils, provision should be made to ensure that the other mitigations, such as ventilation and the use of outdoor learning, are strengthened.

The guidance outlines some practical considerations which should be considered as part of the risk assessment process and provides some advice on aspects of implementation. This includes advice on minimising contact between individuals and groups; the importance of maintaining the strict 2 metre physical distancing requirements between adults and between adults and pupils; the use of changing rooms; the wearing of face coverings by staff and by all young people; the use and cleaning of equipment; appropriate hygiene measures; greater emphasis on ventilation and the importance of reviewing procedures adopted. Specific consideration should be given to how the risk of transmission can be managed safely in changing rooms, with a key focus on enhanced cleaning of surfaces after use and ventilation.

In the context of Special Education, the individual needs of the young people involved would also require to be considered and factored into the assessment of risk. Appropriate risk mitigation measures should also be identified to address the risks presented and keep young people and staff safe.

In planning lessons, efforts should be made to ensure that learners are facing either the same direction or away from each other, to minimise the risk of transmission.

Teacher demonstrations and explanations should be delivered from an assigned area to allow for 2m physical distancing from pupils.

The guidance highlights that consideration may also require to be given to the use of recordings where a young person has chosen to undertake an SQA qualification in Dance, with evidence being gathered in the interim through the creation of virtual portfolios.

Risk assessments should be kept under regular review and should also reflect and be adapted to respond to local issues, such as local increases in cases of Covid-19, local outbreaks or a change to the protection level of the area in which the school is situated.

The guidance will remain under review by Education Scotland.

(d) Art and Design

Education Scotland updated [Guidance](#) on 'Learning and Teaching in Art and Design and Photography' adopts a similar precautionary, risk based approach as has been highlighted above in the other guidance for the Expressive Arts.

Health and safety considerations for children, young people and staff are paramount and are central to decisions around the resumption of activities in this area of the curriculum.

Risk assessments should be conducted to identify and assess the level of risk which the activity presents and to consider whether this can be managed safely with the implementation of appropriate risk mitigation measures.

Particular consideration should be given to the individual needs of the young people involved, the processes around the relevant activity and additional time allocated as part of the planning process to set-up and clean-up time.

The guidance outlines the importance of safety, stating:

'As an overriding principle, activities which involve contact with shared equipment should be kept to a minimum.'

Where equipment or resources are to be shared as part of an activity, they should be sanitised carefully before and between use by each pupil. The guidance makes it clear that:

'close attention must be paid to good hygiene, cleaning of surfaces and physical distancing between adults and between adults and children and young people.'

Where possible, and to minimise risk, consideration should be given to whether the activity can take place outdoors.

Where appropriate during lessons, young people should be encouraged to clean their own equipment. Instructions on how this should be done should form part of the teaching of classroom routines. Additional consideration should also be given to access to sinks and to controlling the numbers of pupils present at the sinks at any one time. Where sinks are shared with other classes, access should be timetabled to avoid cross-contamination and sinks and taps cleaned before and between use.

In relation to photography equipment, the guidance states that this should be issued on an individual basis. It goes on to provide that where this is not possible, young people may use their own devices to capture images. However, careful consideration requires to be given to equity of access. No young person should be disadvantaged or prevented from undertaking a qualification in Photography, solely as a consequence of having no access to their own photography equipment.

The guidance provides a number of suggestions for the delivery of teaching in Art whilst maintaining the 2m physical distancing rule. It suggests the use of visualisers, the use of blended learning approaches where initial sketches and developmental work can be conducted at home and the use of online platforms. It also recommends a focus on the fundamentals of drawing, with opportunities for observational drawing or research projects to develop an understanding of aspects of art history.

The guidance highlights the importance of planning lessons which enable young people to maintain physical distancing from each other, where possible, to minimise risk.

Where 2 metre distancing cannot be maintained between secondary aged pupils, provision should be made to ensure that the other mitigations, such as ventilation and the use of outdoor learning, are strengthened.

The guidance acknowledges that additional consideration is required to the planning of Art activities for young people requiring additional support for learning. Teachers in this setting would use their own knowledge of the setting and the pupils in their class to determine what Art activities will best meet learners' needs and can be safely delivered in the context of the Recovery Curriculum.

The guidance recommends that consideration should also be given to photographing the work of young people through the developmental stages of individual pieces of work, where they have chosen to undertake an SQA qualification in Art and Design or Photography, with evidence being gathered through the creation of virtual portfolios.

Peripatetic Staff

The Scottish Government makes it clear that 'movement between schools (e.g. of temporary/supply/peripatetic staff etc.) should be kept to a minimum'. It goes on to provide that 'as far as possible, attendance should be consolidated within one setting'. (paragraph 105).

The EIS would, therefore, recommend that careful consideration is given to the use of peripatetic staff at this time. The question should be asked whether their attendance is essential at this time and whether the service that such staff provide could be delivered remotely.

If, after collegiate discussion, the attendance of peripatetic staff in school buildings is considered necessary, then 'movement between schools ... should be kept to a minimum' and efforts should be made to consolidate their attendance in one location.

Visiting Professionals

The Scottish Government Guidance is clear that 'adult visitors to schools should be strictly limited only to those that are necessary to support children and young people'. It acknowledges that there are some essential services which are central to the delivery of young people's care or educational plans which necessitate visiting professionals attending schools.

In these circumstances, collegiate dialogue and partnership working will assist in determining when attendance is 'necessary' and when support could otherwise be provided remotely.

Where attendance is considered 'necessary', then movement across locations should be minimised and a robust risk assessment undertaken (and reviewed on a continuous basis) to identify appropriate mitigation measures. Risk assessments should be jointly prepared between the school, the relevant partner service and the trade unions involved.

Outdoor Learning

In the interests of risk mitigation and wellbeing, schools may wish to consider the increased use of outdoor space, as advised by the Scottish Government guidance.

Suitable facilities may include school playgrounds, local greenspaces and/or community areas, where appropriate and within the parameters of current restrictions. Risk assessments should include any activity that will take place outdoors. Any use of outdoor spaces should involve coordination of activities to ensure there is sufficient space for all pupils at any one time.

On days when the weather allows, teachers may wish to take their classes outside to work on activities that would normally be done indoors but which could easily be transferred outside. Alternatively, lessons could be planned that use the outdoors as a stimulus and basis for the learning. Such learning activities may be less dependent on fine weather as long as children and young people - and teachers - have the necessary clothing.

For any outdoor learning that requires it, an appropriate cleaning regime should be introduced along with appropriate bins for disposal of any rubbish and hand washing stations/sanitiser to ensure hygiene. If outdoor equipment is being used, the Guidance makes clear that schools should ensure that multiple groups do not use it simultaneously, as well as considering appropriate cleaning between groups of young people using it.

In planning for outdoor learning, consideration should be given to the needs of children and young people with complex additional support needs to ensure that they are not disadvantaged.

Education Scotland has produced a [summary of outdoor learning resources](#), relevant policies and related professional learning which may be helpful in planning activities.

The Outdoor Learning Directory also provides links to a variety of [resources](#) that can be filtered by subject area and curriculum level (add link). Support and guidance on risk assessment can be found on the [Going Out There](#) framework.

The Scottish Advisory Panel for Outdoor Education ('SAPOE') has launched an online resource, 'Teaching Learning Outdoors'. The course is designed to support the development of teachers' knowledge, skills and confidence in taking learning outwith the classroom. The TLO course can be accessed [here](#) and more information is available on the SAPOE [website](#)

Teaching about Coronavirus

It is always important for learners to understand the context in which they live and learn.

Teachers should give consideration to the opportunities that there may be for children to learn about the behaviour of the COVID-19 virus, transmission of the infection, and about the measures that are in place to reduce transmission, such as social distancing, cough and hand hygiene, and the wearing of face coverings as well as how to handle and dispose of them correctly.

Learning around these areas could feature in Science and Health and Wellbeing activities; parallels could be drawn with other global pandemics and their impact in History; and the subject matter could be approached creatively through Writing, Music and Art activities.

Differentiation

As under normal circumstances, teachers should consider how learning activities will be tailored to be inclusive of all learners and differentiated accordingly by stimulus; or by the level of support given in terms of scaffolding of learning, additional instruction, peer support or learning support; or by outcome.

Providing Support in the Classroom

It is likely that many young people in this setting will require continued support with their learning. Arrangements for providing this should be carefully considered in light of public health measures, with risk assessments being updated as necessary and appropriate mitigations put in place to protect young people and any adults who will be supporting them.

Where necessary, in seeking to prioritise need and the allocation of resources, including staffing, consideration should be given to the extent to which individual young people were impacted by periods of school closure and lockdown, in addition to existing needs. Given the high correlation of poverty and incidence of additional support needs, the equity principle will be important here.

In the current conditions, teachers will require to consider how follow-up support to their whole-class/ whole-group explanations and demonstrations can be provided.

In planning for support in the classroom, due regard should be had to existing plans and the specific additional support needs identified for each young person. Appropriate supports will require to be tailored to the young person's individual needs and in accordance with the outcomes of all relevant risk assessments.

In some circumstances, the use of ICT may be of benefit to young people with additional support needs as an alternative or partial alternative to one-to-one support.

Where class teachers are working with learning/support assistants or other professionals, consideration should be given to how they will maintain 2m distance from one another at all times and how physical distancing or other mitigations will be maintained to enable young people to receive the support that they need. Due regard should be given to the size of the room, the number of adults and pupils within the classroom setting as well as the level of ventilation within the room when considering how physical distancing can be accommodated.

Where adults- either teachers or support staff- are unable to maintain 2m distance from pupils who require additional support with their learning (whether as a result of the classroom being too small or because of the needs of the individual pupil), this issue should be raised with the school management team and an individual risk assessment conducted to identify appropriate risk mitigation measures to protect both staff and pupils. This risk assessment should also consider how to keep the level of close engagement to a minimum. Face coverings or PPE (where deemed necessary) should be worn by staff in these circumstances.

Where children with complex additional support needs require staff to be in close physical contact, for example in the provision of personal or intimate care, the wearing of PPE will be required.

The use of PPE by staff should be based on a clear assessment of risk and need for an individual or young person. Examples of when this may be required may be in the provision of personal care, when staff come into contact with blood or bodily fluids or are required to lift children and young people.

Existing risk assessments for children and young people, with complex needs, including those with emotional and behavioural needs, should be updated and reviewed on a regular basis in light of any changes to the provision, both in terms of the environment and of staffing arrangements.

Peer Learning and Collaboration

Pupils will be less able to support their peers with their learning through paired and group work (where this was appropriate previously) as a result of physical distancing arrangements in the Secondary context. Messaging apps on tablets, PCs and smartphones where such use is permitted, could aid this process.

Assessment and Feedback

The usual close working between teachers and pupils where teachers sit with or stand beside pupils to coach them in their learning, assess their progress and provide feedback, cannot occur as it usually would at this time.

This requires to be considered in planning how assessment will be built into sequences of learning and alternative methods of assessment and providing

feedback identified where physical distance cannot be maintained between teacher and pupil.

With this in mind, teachers should think about using verbal means where possible in order to gauge how learners are progressing- for example, asking for oral rather than written explanations from pupils, or by encouraging pupils to read out shorter pieces of their writing to the teacher, and verbal feedback as appropriate provided to the pupil rather than written feedback in jotters.

Where written work is essential, consideration could be given to this being produced and sent to the teacher digitally as occurred during the period of school closure and lockdown. This would require schools to be adequately equipped with digital hardware and internet connectivity.

Pupils could also submit jotter work for teachers to assess, following adoption of the appropriate risk mitigation measure identified for this purpose in the school risk assessment. Where it is assessed that there should be a period of quarantine, 72 hours is the recommended timespan for isolation of jotters or other written scripts. On returning jotters to pupils, the appropriate risk mitigation measures identified in the school risk assessment should also be adopted. Where this is a period of quarantine, 72 hours would be the quarantine time required after the teacher has touched the jotters or other written scripts. This is a less practical approach if feedback is required relatively quickly. Digital or verbal means would be better in this case. Any contact with pupils' jotters or other hard-copy assessment evidence should be preceded and followed by thorough hand-washing.

Self and Peer Assessment

Where appropriate, and in line with good formative assessment practice, learners should also be taught and supported to self-assess their work using the agreed success criteria. Such an approach deepens learning by encouraging metacognition, gives learners greater ownership of their learning and promotes independence.

This could be done at key stages throughout the learning activity, with opportunities provided to tell/ show the teacher their progress using erasable whiteboards or other visual signal. Coloured card or paper could be used to traffic-light learner's progress through a learning activity as judged through self-assessment.

The same principles of formative assessment apply to peer learning. Where physical distancing guidance allows, pupils can also be encouraged to look at one another's work and provide feedback either orally, in writing or using symbols, based on the success criteria for the activity. The use of technology could enable this in some circumstances; in others, pupils could read parts of their writing to peers and verbal feedback could be provided; in others pupils might read the work without touching the page and provide verbal feedback.

This approach benefits both the peer assessor who learns more deeply in the process, and the learner whose work is being evaluated who will often find advice and explanations from peers very helpful in enhancing their understanding of ideas, concepts and skills development and application. The value of helping one another is also critical to promoting positive relationships and behaviour and to fostering a sense of community in the classroom and the wider school on the basis that education is a social, collective endeavour.

Responding to Interruption in Learning

Schools and teachers continue to monitor young people's progress with learning and the impact of any interruption caused by the pandemic. Literacy and Numeracy in addition to Health and Wellbeing, continue to be prioritised.

This, together with the principle of equity should be borne in mind when decisions are being made about how resources, including any additional resources such as staffing, are to be allocated and deployed.

Teachers may wish to make use of [learning resources](#) prepared by Education Scotland- originally for the purposes of Blended Learning- to help address the impact of any interruption in learning caused by the pandemic. These resources could be used either in class or at home as appropriate. For the Secondary context, the Esgoil [resource](#) might also be useful in providing opportunities to reinforce learning on a subject-specific basis. Further information about these resources and additional resources produced by the EIS Education Department, including a webinar on blended and remote learning, can be found on our [website](#).

Education Scotland have also compiled a list of helpful resources for remote learning to support learners with complex additional support needs which can be accessed [here](#).

The EIS is of the clear view that ACER's 'Scottish Formative Online Assessments' should not be used as the means to assess the impact of school closure on pupils at this time. Neither can SNSAs perform this function singularly. Where schools are considering the use of SNSAs for this purpose, this should be the subject of collegiate discussion in light of the wellbeing imperatives as laid out clearly within the current Scottish Government and Education Scotland guidance. This is particularly important in the context of Special Education settings.

Promoting Positive Behaviour and Relationships, and Managing Discipline

Schools should have reviewed their policies in relation to promoting positive relationships and behaviour, and managing discipline in the context of aiming to make the school environment COVID-secure.

Practices which would have commonly occurred pre-COVID such as close one-to-one Behaviour Support coaching or the use of 'On Target' or 'Behaviour Cards' which pupils take home for daily parental checking and signature, and regular signing by class teachers, PTs/DHTs/HTs, will require rethinking and other methods of supporting young people to achieve positive behaviour and good relationship with peers and staff, identified.

One-to-one interactions with pupils should, where possible, be conducted at a safe 2m distance. Consideration will require to be given to how and where class teachers, PTs/DHTs/ HTs and Pupil Support staff can manage this. Larger, less confined spaces such as corridors, empty classrooms, larger offices could be used.

In managing behaviour within Special Education settings, it is appreciated that it might not always be possible to adhere to physical distancing requirements whilst managing discipline. The school's behaviour policy and appropriate risk assessments should identify the strategies and mitigations to be adopted in circumstances where immediate intervention is required to manage behaviour. The health and safety of staff and pupils should remain a priority in these circumstances.

In using techniques such as 'Behaviour Cards', teachers would still be able to discuss targets and progress with young people. It may be possible in some cases for young people to be instructed to fill in cards themselves having been directed by the teacher as to the content and under physically distanced supervision. Other possibilities might be the use of SEEMIS or other digital platform to track the behaviour of pupils who require additional support throughout the day, with a view to this being texted or emailed to parents daily. Phone calls by PTs/ Pupil Support/SMT would be another possibility.

Given the Scottish Government Guidance that the number of interactions for children and young people per day should be kept to a minimum, and that play and socialisation are critical to recovery, and in light of the difficulties around travel as a result of the current public health restrictions, detention either during or after the school day should be very carefully considered and where alternative sanctions are possible, these should be considered.

GIRFEC, Guidance and Pastoral Care

The strong emphasis on wellbeing means that for pupils attending Special Education settings, there is likely to be much GIRFEC-related activity involving school staff and multi-agency teams.

All associated arrangements should be made with public health imperatives in mind, both regarding one-to-one meetings and conversations with children and young people, and meetings with parents, and with professionals such as Educational Psychologists and Social Workers.

2m distancing should be maintained between pupils and teachers who are providing them pastoral support and face coverings worn.

Where physical distancing cannot be comfortably maintained for larger meetings and in the interests of minimising the number of visitors to school buildings, virtual meetings should be considered.

Face coverings should be worn by parents and all visitors to school settings, at all times.

Homework and Out of School Learning

The key priorities of the Recovery Curriculum – wellbeing, equity, and health and safety, should be borne in mind in relation to decisions around homework-whether it should be given at all; and if it is to be given, what and how much.

Some questions to consider:

- Should homework be a priority at this time?
- How well will it benefit a young person’s wellbeing and learning at this time?
- Are families in a good position to support young people with homework at this time?
- How will young people from disadvantaged backgrounds be able to engage with the homework activities? Can they participate equally to their more affluent peers?
- How will resources be provided and collected in safely?
- How will feedback on homework be provided safely and meaningfully?
- Will the setting, collection and provision of feedback on homework take up valuable class time?
- Are there activities which can be encouraged which require little resource and upon which class lessons are not dependent?

Teachers are advised to discuss such questions with their colleagues, ideally in arriving at a whole-school, collegiate decision about an approach to homework during the recovery period that sensibly and fully takes account of the current context and priorities.

Blended and Remote Learning and Teaching

In the context of the COVID-19 pandemic, schools are having to adapt to a variety of circumstances using a range of approaches to deliver learning and teaching. This will include situations in which young people and/or teachers may be self-isolating or shielding; where teachers with particular health vulnerabilities are working from home; or where schools require to move to a blended or remote learning model.

The EIS is clear that learning and teaching occur most effectively when teachers and pupils work together face to face in classrooms. This is acknowledged in Education Scotland’s advice on [remote learning](#) which states that ‘remote

learning will not replicate face to face in school teaching – in style, approach or hours of delivery’.

Teachers may wish to provide access to online learning as an addition to classroom-based learning and teaching but only in exceptional circumstances should online modes of learning be considered as a substitute for face to face learning and teaching. This is particularly true in the context of Special Education provision.

The Education Scotland advice is clear and the EIS agrees that ‘Whilst remote learning is not a substitute for full time classroom-based learning and teaching, effective remote learning can mitigate some of the adverse impact of a reduction in face-to-face learning’ in a variety of ways.

Maintaining Professional Boundaries

To accommodate these circumstances, teachers might be asked to deliver lessons from home, either pre-recorded or on a ‘live’ basis. Where this is the arrangement, teachers may use their own computer devices and smartphones for online communication with pupils as part of the school’s agreed approach to continuing education delivery and through agreed official channels only- i.e. work email addresses, GLOW or other local authority-endorsed digital platforms. It should also be understood that teachers are not compelled to use their own digital devices, should they not wish to do so. In these circumstances, the onus is on the local authority to provide any devices as necessary to support remote teaching.

Employers’ policies, guidance and protocols relating to online learning should be shared with teachers and strictly adhered to; and the EIS Social Media [Policy](#) and the [GTCS Professional Guidance](#), ‘Engaging Online: a Guide for Teachers’ should be borne in mind.

Members are advised, however, to be mindful of safeguarding private personal details. Teachers should not share, or be asked to share, personal phone numbers, email addresses, or social media IDs with pupils or their parents.

Where it has been agreed that live-streaming of lessons will feature as one part of a school’s approach to the delivery of remote learning, this should proceed only where secure platforms, such as GLOW, can be used and according to agreed protocols, including those in relation to the roles and responsibilities of parents in supporting their children with remote learning generally and specifically to access any live lessons.

Where lessons are being streamed or video recorded for sharing as saved digital files with pupils, teachers should take all appropriate measures to protect their personal privacy and safeguard their professionalism, for example, by ensuring neutral backgrounds and appropriate dress.

Teachers should not engage in any phone or video-calling with parents unless this has been arranged through the school in accordance with LNCT agreements, and with the knowledge and/or participation of the appropriate line manager and the consent of the teacher involved. In the event of a parent seeking to engage a teacher in discussion about their child's learning in the course of planned online engagement with the young person, they should be directed to the school office/website where all relevant contact details can be provided/should be clearly available.

Teachers should not feel pressure to respond to any parent/carer comments, requests or complaints made through online channels which have been set up for the purposes of maintaining learning at home amidst the current public health crisis.

Teachers should be aware that nothing that is shared online is private.

Any school which is delivering learning online must have protocols in place to protect staff and safeguard pupils. No teacher should be expected to carry out any online teaching with which they feel uncomfortable, or in the absence of agreed protocols. Such protocols should include measures for handling incidence of pupil behaviour which is disrespectful of others, including the teacher, or is disruptive of learning; and for responding to incidences of inappropriate parental intervention.

Teachers should not routinely be in phone contact with young people who are learning at home, for the purpose of checking progress with learning activities. To support the emotional wellbeing and learning needs of young people who are particularly vulnerable, a degree of regulated contact, maintained by staff who are experienced in pastoral care, and within clear protocols which safeguard both pupils and teachers, would be appropriate.

Where phone contact is judged necessary on the basis of an evaluation of pupil need and subsequent identification of pupils for whom wellbeing considerations are significant, this should be done by staff who are well experienced in making phone contact with home in relation to pastoral care matters.

Pupils with additional support needs may find it challenging to move to a blended or remote model of learning and schools should give specific consideration as to how support will be provided in these circumstances.

Individual child plans, including co-ordinated support plans, should be reviewed in these circumstances to ensure that planned approaches build upon and recognise appropriate strategies to support the young person involved.

For those who require specific communication supports, these should be used to communicate the plans around the contingency model of education. Consideration may be given to the use of social stories, the preparation of a storyboard and information to explain how learning will be different.

Further information in relation to Maintaining Professional Boundaries, both online and during phone calls can be found in the EIS [Working at Home Advice](#).

Teachers' Use of ICT

As far as possible where digital technology is being used to support learning and teaching at home, this should be familiar both to teachers and pupils. Teachers cannot be expected to be adept at using digital learning platforms without the requisite training, nor can they support such learning without access to the necessary devices.

Where schools/ local authorities use other digital platforms for the delivery of teaching and learning, the associated learning should be made available. Where teachers are unable to access this learning, alternative activities should be agreed. These might include a different means of supporting contingency education delivery at this time; or carrying out manageable curriculum development work; or engaging in additional professional learning.

Where teachers have concerns about the use of particular software, for example, in relation to the capacity of companies to access and harvest personal data, these should be raised with the SMT with a view to alternative possibilities being explored.

The classroom environment for many has extended into a virtual space which can be accessed by multiple users. Whilst it may be appropriate in some circumstances for colleagues to work together on providing remote learning for pupils, the use of digital platforms for the purposes of quality assurance of learning and teaching in the context of any contingency arrangements, is not appropriate and should be resisted.

Whilst it is understood that senior managers have a responsibility to quality assure learning provision, this should be done on the basis of collegiate, professional dialogue with teachers. All staff should be involved in collegiate discussion about what the school's remote learning offer will be and opportunities for professional dialogue among colleagues, including senior managers, should be created ongoingly throughout the period of remote learning and teaching. It is not acceptable for quality assurance processes to be in the form of observation of live virtual lessons.

Learning and Teaching in the Blended or Remote Context

The principles of Empowering Teachers and Teacher Agency should apply to remote working and digital learning contexts in all aspects of learning and teaching.

As would be expected when working in the normal environment of school, teachers should be involved in all decisions about the curriculum - in this case, the activities that children and young people will be offered while learning at home. What is provided by teachers should be by agreement following a collegiate, professional dialogue with the senior management of the school or line manager as appropriate. Collegiality rather than instruction and prescription is key.

As in the classroom context, teachers know the children that they teach well and are therefore best placed to decide upon the nature, volume and frequency of the learning activities provided.

An appropriate range of learning activities should be considered, particularly in light of the needs of the young people in the setting and the fact that many children and families still do not have sufficient access to digital devices or internet access. Education Scotland has advised that 'Remote learning can be delivered in a variety of ways. It may include reading, doing, creating and inventing, playing, problem solving, observing and investigating with some of the best learning examples not requiring technology at all, although in the current context, digital and online approaches will be commonly used.'

It should be borne in mind that in addition to the issues related to digital inequity, many children may struggle simply to have a quiet space to study / work.

Learning activities should suit the age range and capabilities of the children and expected outcomes should be flexible. A good strategy is to set learning activities that enable differentiation by outcome, that all pupils in a class, taking account of the range of their additional support needs, can complete with some degree of success, with extra and more stretching activities for progression.

It can be beneficial to provide a list of possible activities that cover different areas of the curriculum/course and which allow learners to choose the activities that particularly interest them and with which their parents might be better placed to help.

Offering a variety of learning activities, covering a range of subject areas and involving different skills, is recommended. Creative activities involving music and dance, art, writing stories, songs and poetry, and making things are likely to motivate and be a welcome distraction for learners, particularly in the current worrying climate.

Work that can be done by pupils in bite-sized chunks is more likely to be completed than longer tasks. If there are projects, suggest how these could be broken down.

Learning activities should be centred on ground previously covered in class, and as far as possible which learners can make progress with independently. Overly complex tasks including those that seek to introduce new learning should be avoided in these circumstances, especially as the young people attending these settings have additional support needs.

Many parents are also trying to work from home, and some parents might struggle to assist with schoolwork for a number of reasons besides. Expectations of young people and their parents need to be realistic and fair, as would also be advised when in normal circumstances, approaches to homework are being considered.

Given that there has been a commitment made to continue to provide education on a contingency basis during any period of school closure, and given the inequalities that already exist arising from socio-economic factors, local authorities and schools should be live to this and continue to take account of and address socio-economic disadvantage and digital inequality in terms of the remote learning that they offer.

Provision of feedback on pupils' learning at home should be concise, focused, bureaucracy-light and given through the agreed channels. Feedback should be given in line with good formative assessment practice with a view to ensuring that any feedback provided is meaningful for young people. With this in mind, teachers should also be free to use their professional judgement in determining the amount, nature and frequency of feedback that they give their pupils. It should also be borne in mind that good formative assessment practice involves a balance of teacher, self and peer assessment.

Workload in the Blended or Remote Context

Workload control measures are still operable in the context of working at home, whatever the reason teachers might be doing this. Management of teachers' working time should be within the parameters of the 35-hour working week, and collegiate discussion and agreement around the use of collegiate time in the current circumstances. A common-sense approach should prevail and should take account of the very challenging conditions in which all are working.

In accordance with the Scottish Government Guidance on Education Recovery, priorities should be centred around the wellbeing of teachers, as well as of children and young people, and be agreed on a collegiate basis. Teachers should be mindful of their own health and wellbeing and the need for an appropriate balance of priorities in this regard.

Adjustments to the balance of normal pupil-contact time are recommended for digital learning contexts - neither children nor teachers should be engaged for the duration of the normal pupil day in screen-based learning and teaching. This would be an excessive and unhealthy demand to place upon pupils, is pedagogically unsound and is not conducive to maintaining good

health and wellbeing among teachers working in relatively restricted conditions at home and without the usual supports from colleagues and senior management being in place.

This view is shared by Education Scotland in their [advice](#), referred to above, which states that 'Learners should not engage in online learning for the entirety of the school day. Learning may include activities such as research tasks, project work, practical opportunities, discussions and other activities that can be carried out away from a digital device'.

Teachers who are attending school for the provision of education to children and young people should not also be asked to provide online learning experiences for their own classes on days when they are rostered for this provision.

The main priority of teachers, as when working in school, should be learning and teaching. When working at home, time spent on work-related activities of a bureaucratic nature that contribute little or nothing to the quality of learning and teaching, should be minimal to zero.

If a teacher, when working at home, has a concern about workload, this should be raised with the management of the school setting in the first instance. If necessary, the EIS School Rep and/ or Local Association Secretary can assist in helping the setting to reach a collegiate and bureaucracy-light solution.

The EIS has developed a range of resources, including a webinar delivered in partnership with Education Scotland, to support members in the delivery of remote and blended teaching. Resources to assist teachers preparing online learning can be accessed [here](#) and on the Education Scotland website. A resource bank of learning activities and guidance for parents of young people with complex needs can also be found [here](#).

Resources to support members' health and wellbeing whilst working at home can also be accessed [here](#).

Further EIS advice on Blended and Remote Learning and Teaching during the COVID-19 Pandemic can be accessed [here](#), in addition to advice for members when [working at home](#).

School/College Partnerships

As part of the school/college partnership, young people in the senior phase may undertake some of their learning at college during the school week to develop practical, vocational and academic skills, subject to current restrictions.

Colleges can now include within the group of students attending in-person teaching, those senior phase school pupils who are studying at college and

who **require** to complete essential practical work as part of their course. Pupils should only be on campus for the duration of the completion of the practical work and the presumption should continue to be remote delivery of teaching and learning where this is possible.

The updated Scottish Government [Guidance in relation to colleges](#) will apply to senior phase learners when they are attending college. All public health measures identified in that guidance must be strictly observed, including in circumstances where school pupils are being taught separately from the wider college population.

Prior to any arrangements being put in place, bespoke risk assessments must be conducted. Schools and colleges should work together to consider whether remote or blended learning arrangements can, in the first instance, be put in place for school pupils, to limit the time necessary for them to be on a college campus. In making this assessment, a collegiate approach should be adopted and the views of the college lecturers, as well as relevant school staff, taken into account. The individual needs of the young person involved should be fully considered in making this assessment.

As part of the school/college partnership, college lecturers can also be invited into schools to deliver lessons to school pupils, provided lessons are delivered with a GTCS registered teacher present.

In the context of the pandemic, any such arrangements should be reviewed to determine whether they align with the advice contained in the Scottish Government guidance, 'Coronavirus (COVID-19): Reducing the Risks in Schools'.

Paragraph 100 of the guidance states that

'Adult visitors to schools should be strictly limited only to those that are necessary to support children and young people or the running of the school and arrangements should be communicated clearly to staff and the wider school community.'

Paragraph 221 goes on to provide:

'schools and colleges should work together to consider first whether remote or blended learning arrangements can be put in place for school pupils.'

Consideration should, therefore, be given to whether the delivery of these lessons by college lecturers in schools is 'necessary to support children and young people' and whether alternative methods of delivery could be adopted. In making this

assessment, a collegiate approach should be adopted and the views of the college lecturers, as well as relevant school staff, taken into account. For example, the use of technology may be helpful in the provision of online lessons. The individual needs of the young person involved should be fully considered in making this assessment.

Where it is felt that the attendance of the college lecturer in school is necessary, then a bespoke risk assessment should be conducted to determine whether the risk can be managed safely and if so, to identify the appropriate mitigation measures which should be put in place. The risk assessment, and any review of the risk assessment, should be conducted in consultation with the teachers and lecturers involved, with trade union support as necessary and take full account of the current public health restrictions in place.

In addition to any bespoke risk mitigation measures identified through the risk assessment process, arrangements should be made to ensure that the 2m physical distancing provisions between the teacher, lecturer and any other adults in the classroom, and between the adults and young people, can be applied.

Face coverings should be worn by all visitors to school premises.

Risk assessments in relation to all aspects of school/college partnerships should be kept under regular review and should also reflect and be adapted to respond to local issues, such as local increases in cases of COVID-19, local outbreaks or a change to the protection level of the area in which the school and college is situated or where a move to lock-down has been invoked.

Reporting to Parents/Carers

Parental involvement and engagement play a crucial role in a young person's education. There is a strong body of evidence that active and supportive parental involvement in schools is crucial in delivering the best opportunities for all pupils and is one way of seeking to address the poverty related attainment gap. In the context of the Recovery Curriculum, parental engagement continues to play an important role and is likely to have a pivotal impact on the successful re-engagement of the child or young person with education.

However, to facilitate this engagement and ensure that a collaborative approach is adopted, sufficient time and resources must be allocated to this activity, to avoid any further negative impact on the workload of teachers who, over the course of this academic session, are already working beyond capacity.

Important health and safety considerations should also be factored into any decisions about how best to communicate with parents on a young person's progress.

In considering arrangements to be adopted for reporting to parents, it is advised that collegiate discussion involving all teaching staff should take place to consider and reach an agreement on how best to proceed locally. Approaches adopted should reflect a joint commitment to reduce bureaucracy and teachers' workload.

(a) Parental Consultation

Agreed arrangements relating to parental consultation should align with the advice contained in the Scottish Government 'Coronavirus (COVID-19): guidance on reducing the risks in schools'.

Paragraph 100 of the guidance states that

'Adult visitors to schools should be strictly limited only to those that are necessary to support children and young people or the running of the school and arrangements should be communicated clearly to staff and the wider school community.'

In the context of the current public health restrictions, the EIS is clear that face-to-face parental consultations do not meet this criterion and they should not, therefore, be taking place in schools. Alternative means of communicating and reporting to parents could be adopted.

Class teachers should not be expected to report on progress to parents through phone calls or online meetings.

In the exceptional circumstances where it is felt that a class teacher does need to speak to a parent about a child or young person, this would be for a specific purpose and not for general reporting. This should only take place where it has been arranged through the school and with the knowledge and/or participation of the appropriate line manager.

In the current context, schools should consider innovative and creative ways to report on the progress of children and young people. This might be planned across a longer period of time, rather than a traditional written report sent home on a specific date.

If the time taken to report on the progress of young people is increased as a result of newly agreed arrangements, this should be factored into the Working Time Agreement and sufficient time allocated to avoid additional strain on weekly working time within the parameters of the 35-hour week.

(b) Report Writing

As we approach the final term of this academic session, consideration will turn to end of year reports. Given the significant workload pressures which teachers are currently experiencing, and in the context of the empowered schools agenda, it is advised that collegiate discussion involving all teaching staff who would normally be involved in writing such reports, takes place to consider and come to an agreement on how best to proceed.

The following points may be helpful in informing such discussions.

Purpose/rationale of report writing

As a starting point for discussion, it is worth exploring the rationale for writing reports. Are written reports necessary? Is there a legitimate purpose in seeking to write and distribute such reports while multiple other priorities, arising from the consequences of the pandemic, are being addressed?

Where schools have provided alternative opportunities for teachers to consult with parents/carers, consideration should be given to whether there would be any additional benefit to issuing written reports. It may be that reports written would cover much of the same ground.

When there are many other priorities being addressed by teachers currently, such as seeking to address the health and wellbeing needs of pupils on their return to school, it could be difficult to justify diverting significant swathes of teacher time to report writing when little new ground will be covered.

Where there has not been recent reporting activity, it might be agreed that there is a stronger case for writing reports.

Where it is agreed that writing reports will serve good purpose at this time, discussion and agreement should take place regarding the revised format and level of detail that can, in the circumstances, be included, such that the reports are meaningful for parents and learners. The final report should not seek to cover all of the elements of the usual full report and could be written providing an holistic view of the child's progress, with a focus on Health and Wellbeing which is central to the Recovery Curriculum.

Any decision reached in relation to the provision and format of such reports should take account of and be balanced against other current working time priorities.

Practical Considerations: managing collaboration among job- share and part-time teachers

Where classes and associated reporting responsibilities are shared between/among teachers, there could be significant challenges at present in enabling the requisite professional collaboration on report- writing.

Where it is agreed that final reports are to be written for pupils, consideration should be given to how collaboration will be facilitated safely.

Practical Considerations: access to technology

In addition to time, such collaboration in the current circumstances demands availability and reliability of the requisite technology, internet access and software. Not all teachers have this, with some having to share these resources.

This is a barrier which would need to be overcome by the school/local authority to enable the safe completion of electronic reports by their teaching staff.

Practical Considerations: distribution of reports

Should there be an agreement that final reports are to be written, consideration should also be given to how they will be distributed to parents in light of the risk of infection being carried by paper. How will this be overcome and how will any electronic solution take account of the fact that not all parents will be able to access emailed reports?

Working Time

Given the very challenging contexts in which teachers are working currently, there is likely to be additional strain on weekly working time within the parameters of the 35-hour week. Clearly, if report writing is to be prioritised, it may not be possible for teachers to undertake other activities.

Should any member believe that unrealistic or unsafe arrangements are being put in place around parental reporting (both in relation to parental consultations and report writing), they should raise the matter in the first instance with the School Rep and/or the Local Association Secretary as appropriate.

Assemblies

The Scottish Government advice is that large group gatherings, including assemblies, should not take place at this time.

Where schools wish to focus on particular themes on a whole-school basis or with key ages and stages, this should be done on a class by class basis. In the interests of minimising unnecessary movement around the school, any themed activity that might have featured in an assembly should take place within the classrooms that class groups would otherwise be in at that time.

Extra-curricular activities

Risk assessments and consideration of the priority principles of equity, wellbeing and focus on Literacy and Numeracy, should occur in deciding whether to resume or set up lunchtime or after-school activities for pupils.

Where such extra-curricular activities have been resumed or established, Scottish Government guidance states that they should be paused as part of the enhanced and targeted protective measures to be applied by schools within a local area which is subject to level 4 restrictions.

School Trips

The Scottish Government has published updated advice on [School Trips](#) for the summer term 2021. The guidance is conditional on the continued suppression of the virus. **The dates given are indicative and will only be confirmed following a further review of data in the week commencing 3 May 2021.**

- **Non-residential Trips**

From 10th May 2021, day visits (which go beyond a local excursion and do not include an overnight stay) **can recommence**. Appropriate risk assessments should be conducted, taking full account of the COVID protocols applying at the destination. All identified risk mitigation measures should also be in place and travel arrangements should comply with the advice given in the Scottish Government's Coronavirus (COVID- 19): guidance on reducing the risks in schools.

- **Residential Visits**

The Guidance makes it clear that educational visits which '**necessitate an overnight stay but where the residential aspect is not central to the learning experience are not advised in the summer term**'.

Through collegiate dialogue, careful consideration should be given to whether a residential trip is necessary at this time or whether the educational objective can be fulfilled by some other means.

Where it is agreed that the residential element of the excursion is key to teaching and learning, then robust risk assessments must be conducted between the school and the residential visit provider to ensure that all relevant mitigation measures are in place to keep young people and staff safe.

From 10th May 2021, residential outdoor expeditions can recommence on the following conditions:

- robust risk assessments have been conducted with appropriate mitigation measures in place;
- **the maximum size of the group (including the expedition leader) is 9;**
- travel arrangements comply with the advice given in the Scottish Government's Coronavirus (COVID-19): guidance on reducing the risks in schools;
- the relevant school COVID-19 protocols are maintained during the expedition;
- there is no interaction with others outside the expedition group;
- individuals sleep in single person tents outdoors; and
- there are washing and toilet facilities for single person use at any one time.

From 31 May 2021, school residential trips to outdoor education centres can recommence subject to the following conditions:

- the virus prevalence is equivalent to the new COVID-19 Protection Levels 0, 1 and 2 **both** at the school and the destination;
- only one school will be staying at the outdoor education centre (except where the school and destination are both at Protection Level 0, in which case there can be a maximum of two schools in attendance);
- travel arrangements comply with the advice given in the Scottish Government's Coronavirus (COVID-19): guidance on reducing the risks in schools;
- relevant school COVID-19 protocols are maintained during the visit;
- individuals sleep in either single rooms indoors or single person tents outdoors;
- washing and toilet facilities should be reserved for single person use at any one time;
- enhanced cleaning arrangements should be in place between visits; and
- robust risk assessments have been conducted with all appropriate mitigation measures in place.

In the context of Special Education, the individual needs of the young person should also be fully considered and factored into the assessment of risk. Careful consideration should be given to whether the conditions outlined above for residential outdoor expeditions and for residential visits to outdoor education centres can be met and whether the mitigation measures identified are sufficient to keep young people and staff safe in such circumstances.

International educational visits

The Foreign and Commonwealth Office makes it clear that under the current UK COVID-19 restrictions, travel, including internationally, is prohibited unless you have a legally permitted reason to do so. The Scottish Government continues to advise against schools undertaking international visits at this time.

**EIS Response
to
Scottish Schools (Parental Involvement) Act 2006
Updated Statutory Guidance Consultation**

The Educational Institute of Scotland ('EIS'), Scotland's largest education trade union, representing teachers across all sectors and at all career stages, welcomes the opportunity to comment on the 'Scottish Schools (Parental Involvement) Act 2006 Updated Statutory Guidance Consultation' and to contribute to the review which aims to modernise and strengthen the existing guidance in the context of the Empowered School System.

Introduction

Given the changes which have occurred both in education and in equalities legislation and policy since the current statutory guidance was issued in 2007, the EIS welcomes this review and believes that there is an urgent need for updated guidance which reflects the current educational context, the good practice which has been developed in parental engagement and involvement in recent years and the importance of a culture of collaboration, collegiality and inclusion in improving outcomes for children and young people.

The EIS values parental involvement and engagement in children's education. There is a strong body of evidence that active and supportive parental involvement in schools is crucial in delivering the best opportunities for all pupils and is one way of seeking to address the poverty related attainment gap. As recently as March 2020, the OECD published a further report¹ highlighting the pivotal impact of parental engagement and its positive influence on child development.

However, legislation and guidance alone are not the panacea for effective parental involvement. Policy objectives must translate into practice. Any refreshed guidance must, therefore, be issued with a commitment that there will be the investment of sufficient time and resources to allow effective implementation of the policy at school level. We need to learn from the lessons in the Additional Support for Learning arena, where we have world-leading legislation but a crisis in delivery in schools due to staff and budget cuts, staff shortages, under-provision of relevant professional learning on ASN matters and inconsistent application of the law. Legislation and guidance to facilitate parental involvement and engagement will only have an impact if accompanied by good practice which is properly resourced and supported both centrally (e.g. by Quality Improvement Officers) and at school level.

The EIS is strongly supportive of democratic schools in which decision making is collegiate and a collaborative approach is adopted. However, to work more

¹'Early Learning and Child Well-being: A Study of 5 year olds in England, Estonia and the US'

collaboratively, and engage with diverse communities requires time and concerted efforts to identify the barriers to engagement experienced by different groups. We are aware of our members engaging in some very creative practice in engaging with parents with diverse needs (e.g. having English as an Additional Language, belonging to a migrant/refugee community, or living in poverty) but this requires resource and time. Effective practice must be underpinned by adequate resourcing if it is to be sustainable and scaled up avoiding negative impact on the workload of teachers who are already working at capacity.

Taking account of these factors, the Institute has set out its response to the consultation paper below in the context of the Empowered Schools System and the principles underpinning it. It looks forward to further involvement in the dialogue to revise and strengthen the guidance, and to working with key stakeholders in seeking to ensure that the final document highlights good practice and effective engagement.

Key Principles

Question 1 - Alongside the statutory guidance document, we have provided key principles which we think should underpin practice and approach. Do you agree that key principles should be provided within the final approved version of the guidance?

The EIS supports the inclusion of key principles in the guidance to underpin practice and approach. If the guidance is to be meaningful and effective in influencing practice, it is essential that there is clarity in the drafting and consensus around the principles upon which the guidance is based. It is noted that the proposed principles do not form part of the statutory guidance as they are not referenced in the legislation. However, their inclusion in the introductory section provides a framework to influence culture and approach in the application of the guidance by all stakeholders in Scottish education. This would appear to be a positive and sensible proposal.

Whilst supporting the inclusion of key principles, the EIS believes that this draft section requires further review. Four key principles are cited in the draft guidance: empowerment, partnership, openness and accessibility and flexibility. Brief definitions are then given in relation to each of the principles without referencing their relationship to wider educational policy and practice or a framework from which the principles have been derived.

To ensure that a cohesive and comprehensive approach is adopted and that the guidance is aligned with wider Scottish Government policy, the EIS would recommend that this section is framed in the context of the Empowered Schools System. An empowered system expects and creates conditions for all to work within a culture of collaboration and collegiality with teachers and multi-agency partners, and with parents and learners fully involved in all relevant decision-making. Inclusion of the 'Empowerment jigsaw'² in the introduction would provide a clear visual representation in setting out this policy approach – one which is

² <https://education.gov.scot/improvement/learning-resources/an-empowered-system>

endorsed by all major education stakeholders in Scotland and which places the learner at the centre of any action taken.

From this Empowered Schools System framework, the principles of partnership, collaboration, collegiality, respect, openness, flexibility and accessibility would flow. The guidance should be extended to include all these principles.

In defining the principles, it is important that the definitions given are comprehensive and clear. We are concerned that the current drafting in the section on openness and accessibility fails to acknowledge the competing statutory provisions or procedural demands which may mitigate against the sharing of information. Data protection legislation and statutory requirements in terms of child protection provide some examples of this. The draft guidance currently refers to 'parents and school staff sharing information with each other in an open, honest and accessible way'. No caveats are referenced. To ensure that there is a clear understanding that there may be some circumstances in which the sharing of information will be constrained, we would recommend that the guidance is amended in this regard.

Question 2 - We want the guidance to be clear - to be easy to understand and written in plain English. How clear did you find the guidance?

The EIS recognises the challenge in conveying what can often be complex or legalistic principles in statutory guidance and the balance in ensuring that there is accuracy in referencing statute whilst also highlighting what is perceived to be resultant good practice. The Institute believes that there is further work required in distinguishing between the terminology used in the Scottish Schools (Parental Involvement) Act 2006 ('the 2006 Act') in some situations and in explaining how this would apply in practice. It would also recommend that further consideration is given to setting out the guidance in plain English and in ensuring that it is accessible for the range of intended users. Further specific comment in relation to the drafting of the guidance has been included in the relevant sections for ease of reference.

The EIS acknowledges the efforts made in creating the 'Jargon Buster' boxes throughout the draft guidance. We would, however, question their effectiveness and added value to the document. In many cases, the definitions given simply restate the statutory definition or refer the reader to the section of the relevant Act. The definition of 'parent' in the Introduction, for example, is given as 'a guardian and any person who is liable to maintain or has parental responsibilities (within the meaning of section 1(3) of the Children (Scotland) 1995 in relation to, or has care of a child or young person'. Rather than explaining in plain English who would be covered by this term, the definition appears to be unduly legalistic.

In other cases, the definitions given are very wide and generic and may inadvertently lead to greater confusion. The definition of 'equality' on page 6 of the draft guidance, for example, fails to adequately capture the concept of the existing inequality in society and makes no reference to the protected characteristics enshrined in the Equality Act.

We would recommend that greater consideration is given to framing the text of the guidance in plain English, rather than extending the length and apparent complexity of the document by the insertion of the 'Jargon Buster' boxes.

Consideration should also be given to the degree of overlap and repetition of information in the different sections of the draft guidance. There may be merit in collating information which is applicable and relevant to all, in one part of the guidance. This would then avoid repetition and ensure that the individual sections are targeted and streamlined.

Section C of the document, which provides guidance for education authorities, refers on a number of occasions to other guidance or policy documents which are considered relevant. Instead of outlining or summarising the salient provisions of these documents and their importance to the draft guidance, weblinks have been inserted. This may act as a barrier for some users accessing the document and mitigate against full engagement. Greater consideration should be given to summarising the main points which are relevant, with perhaps a reference to a weblink for those who wish to read further.

Question 3 - We want the guidance to be comprehensive. In other words, we want it to explain all of the relevant legal duties and powers and to expand on what those duties and powers should mean in practice. Did you think that the guidance covered all of the information that should be covered?

The guidance makes reference to the range of legal duties and powers and in Annex A provides information on related legislation and policy documents. However, the EIS would suggest that in drafting comprehensive and impactful statutory guidance, it is not sufficient simply to refer to the key legal duties and powers, it is equally important to ensure that they are explained in a clear and meaningful manner. Whilst the draft guidance sets out the statutory provisions of the 2006 Act, the EIS believes that more could be done to ensure that the guidance is clear and engages the relevant stakeholders in a manner which is accessible to all.

The EIS believes that the guidance needs to go further than outlining the key legal duties and powers and should provide examples of good practice, exemplifying how the statutory duties and powers can operate in an Empowered School System to influence positive outcomes for children and young people.

The Institute would also recommend that consideration is given to the tone adopted in the drafting of the guidance. If the guidance and the principles underpinning it are designed to influence culture and practice, it must be written in a way which will promote collaborative engagement, partnership and foster relationships of trust. The directive approach adopted in aspects of the guidance does little to promote the empowered system.

Question 4 - An important task for the guidance is to explain what is meant by the terms parental involvement and parental engagement. Do you think that the guidance explains the terms parental involvement and parental engagement in an accurate way? Do you have any comments

about the way that we have defined the key terms parental involvement and engagement?

The EIS is not satisfied that the draft guidance adequately sets out the distinction between parental involvement and parental engagement. Section B outlines the rationale for parental involvement and engagement and their importance in improving attainment and positive outcomes for children and young people. However, the terms are only defined in an abstract context at the end of this section as part of the 'jargon buster box'. By introducing the distinction in terminology at this stage, the reader is compelled to re-read the section and ponder the difference. Paragraph 9 of the draft guidance blurs the distinction further by defining 'parental engagement' as part of parental involvement. The EIS would question whether this narrow and distinct definition of terminology is appropriate in this context.

The draft guidance correctly identifies that the 2006 Act refers to 'parental involvement' but then goes on to suggest that 'the provisions of the Act go beyond what would today describe as the 'involvement' of parents in their children's school'. The Institute would question the inclusion of this statement as the guidance offers an opportunity to re-position the understanding of 'parental involvement' in the context of good practice. If the guidance is set in the overarching framework of the Empowered Schools System, then for any involvement to be meaningful, it should be based on collaboration and engagement. Parental involvement and engagement would not then be regarded as distinct entities. Rather engagement would be seen as a necessary component of involvement.

Rather than focusing on the provision of narrow definitions, the guidance should be framed in a way which sets out the statutory duty to promote 'parental involvement' and then provides examples of how this can be achieved effectively in practice, acknowledging that parental engagement will form a central aspect of this process.

Detailed Comments on Each Section of the Guidance

Question 5 - Section A – Introduction

The EIS has provided detailed comments above in relation to the introduction contained in Section A and would refer to those comments for the purposes of this question.

Question 6 – Section B – Involving and Engaging Parents: what does it mean and why is it important?

The EIS has provided detailed comments above in relation to Section B – Involving and Engaging Parents: what does it mean and why is it important? and would refer to those comments for the purposes of this question.

Question 7 - Section C – Guidance for Education Authorities

The EIS has the following specific comments on the drafting of this section:

Strategy for Parental Involvement

Section C sets out the strategy for parental involvement in terms of section 2(1) of the 2006 Act. The Institute is concerned, however, that as currently drafted the draft guidance does not accurately reflect the terms of the statute.

Paragraph 1 of this section states that the Act 'requires' each education authority 'to prepare, have in place and regularly update a strategy document setting out their policies for parental involvement and engagement'. The Act only refers to 'parental involvement'. It could, therefore, be argued that in quoting the requirement from the Act, that the guidance goes beyond the terms of the statute and places what may be regarded as a more onerous duty on local authorities than the statute itself.

It may be more accurate to refer clearly to the statutory duty in terms of 'parental involvement' but to frame the guidance in terms of good practice in the context of parental engagement and collaboration.

The same objection could be made in relation to the first bullet point of paragraph 1 which requires authorities to state what they will do to support the 'engagement' of parents in their own child's learning and in the life of the school. The statutory reference is to 'involvement'.

The Act also sets out that in preparing the strategy document, the education authority must have due regard to how it will promote equal opportunities. The Institute is disappointed that no reference has been made to this in paragraph one of this section or indeed, to the importance of equalities legislation in the development of the strategy. Although reference is made to equality and the Equality Act 2010 in paragraph 12 of this section, it is cited as one of many topics which education authorities should consider when developing parental involvement strategies. The Institute would recommend that equality is given greater prominence and should run seamlessly as a central feature of strategy documents and indeed, of the statutory guidance as a whole.

Developing the Strategy

Whilst paragraph 2 of section C specifies the statutory list of consultees whose views must be considered in developing the strategy, the Institute would recommend that reference is included to the importance of the engagement with all stakeholders in terms of the Empowered Schools System. If the underlying principles of collaboration and collegiality are to be reflected in the process, then engagement with the teaching profession would be key.

Paragraph 3 acknowledges that in considering ways in which local authorities can support different methods of consultation, they should 'draw on the expertise of their staff who work closely with schools and local communities'. It is disappointing that this approach does not extend to consulting with staff who work **in** the schools and local communities, and who have considerable experience in different and innovative methods of parental engagement.

Similarly, paragraph 4 outlines the importance of seeking the views of early years providers and parents of children who attend early learning and children settings.

No reference is made in the section to seeking the views of teachers working in early years who have a wealth of experience of positive engagement strategies with parents and who could contribute effectively to this process.

If an empowered approach is to be adopted, the draft guidance should be amended to recommend inclusion of the teaching profession in the development of the strategy. Although not a statutory requirement, this approach appears to be adopted in the recommendation of best practice contained in paragraph 10 in relation to engagement with early learning and childcare providers.

Paragraph 5 provides that once published, the parental involvement and engagement strategy should be 'easily accessible'. The EIS would recommend that the guidance goes further to ensure that this is available in a range of formats and in a range of commonly spoken additional languages, which in the interests of greater accessibility for all. Reference to Equalities duties should pervade the guidance.

Topics for Education Authorities to consider when developing parental involvement strategies

- **Equality**

As outlined above, the EIS believes that equality should form a central plank of the formation of any parental involvement strategy and this should be clearly stated in the introduction of this section, which outlines the nature of the statutory duty.

Paragraph 12 of section C currently outlines the duties of the Equality Act 2010 and refers to the main equality legislation to which education authorities should have regard. This section has not been drafted in plain English and instead of explaining the impact of the law in practice, directs the reader to statutory definitions. This does not promote inclusivity and could conversely act as a barrier to engagement.

- **Involving all parents**

The EIS welcomes the recognition in this section that a 'one size fits all' approach will not suffice in relation to parental involvement and engagement. Our members have long been concerned about the range of factors, including poverty and related socio-economic factors, and minority ethnicity, which can result in inequitable distribution of parental engagement. There is a substantial gap between 'empowered' and 'disempowered' parents, this reflecting inequalities between more and less affluent adults, and the unequal status and treatment of Black, Asian and Minority Ethnic people, in our communities, workplaces and wider society. Given the Scottish Government commitment to achieving greater equity of

educational outcomes for children and young people, a concerted effort needs to be made to support schools to fully engage and involve parents who experience socio-economic disadvantage and racial inequalities that often militate against their connectedness with their children's school communities. The guidance provides an opportunity to highlight creative ways to promote engagement and remove barriers to participation. Acknowledging that this requires sufficient time and resource, the draft guidance should be amended to include examples of good practice in inclusion, implementing equalities duties and removing barriers to participation.

- **Families of children with additional support needs**

This section of the draft guidance outlines the statutory duties which education authorities have both in terms of the 2006 Act but also as a result of the Education (Additional Support for Learning) (Scotland) Act 2004. The draft guidance acknowledges that authorities should consider how they will support families of children with additional support needs when creating and reviewing their strategies for parental involvement and engagement. It fails to acknowledge, however, the well evidenced gap between theories of inclusion, the law on children's rights, and daily practice in our schools; a gap which stems from massive under provision of the sources of support children require.

There are not enough staff in the education system, and those who are there have too little time; within too large classes often many different additional support needs to struggle to meet; too little professional learning; and too few resources to meet the array of needs before them. These real issues with ASL provision must be addressed as a priority otherwise the draft guidance on parental engagement in this area will be meaningless. Education authorities may produce strategies for support but without the resources to deliver them, the strategies are redundant.

What is required if we are to turn this ambitious legislation and the draft guidance into practice is significant and sustained investment in ASL. In the publication, 'Additional Support for Learning in Scottish School Education: Exploring the gap between promise and practice', the EIS called all stakeholders in Scottish education to develop a collective response to these issues. We renew this call in this response. It's time for Scotland's children, and Scotland's teachers, to have a system where promise meets practice.

- **Families impacted by poverty**

Whilst the Institute welcomes the specific reference to the duty of education authorities to consider how their strategy supports families impacted by poverty, the guidance does little other than reference the statutory origin of this duty.

It fails to acknowledge the devastating impact which poverty can have on the educational achievements of children and young people, the importance of effective parental engagement in closing the poverty-related attainment gap, and in implementing early intervention and prevention strategies.

The EIS believes that this section of the guidance should be strengthened to highlight the importance of parental involvement and engagement for these families, and the strategies which can practically be adopted to achieve this.

- **Children with parents at other households and other parents/carers**

Paragraph 32 of this section outlines the importance of parental involvement in the child's planning processes, highlighting that authorities and schools must be sensitive to the needs and wishes of both parents, who may not always agree. The EIS believes that this section should reference the importance also of focusing on the best interests of the child and the policy approach adopted in 'Getting it Right for Every Child' ('GIRFEC').

School Improvement Plans

Paragraphs 37 and 38 of the draft guidance outline the duty of education authorities to produce school improvement plans on an annual basis. As currently drafted, paragraph 38 makes no reference to the involvement of teachers in the preparation of these plans. If the concept of the collegiate school underpinned by principles of empowerment is to frame the guidance, then this should be reflected in the drafting of this section and the importance of collaboration emphasised.

Paragraph 38 should also refer to the importance of ensuring that the summaries of the plans provided to parents are in a variety of accessible formats and drafted in plain English with translated versions provided as appropriate to parents whose main language is one other than English.

Promoting Parental Involvement

Paragraph 39 states that education authorities are required under the 2006 Act to promote 'engagement' of parents in their own child's education. As indicated

previously, this is not an accurate representation of the provisions of the Act which refers to 'involvement' and the guidance should reflect this.

This paragraph also indicates that there will be a variety of ways for an education authority to promote parental involvement and engagement. It would be helpful if the guidance were extended to include some examples of effective practice.

Engagement in children's education and schooling, and keeping parents informed

Paragraph 41 of the draft guidance outlines the different methods which schools may use in communicating with parents. Reference is made to the use of social media. Whilst this may be an approach which is adopted, this should only take place in the context of the professional advice and guidance such as that published by GTCS.

Paragraph 42 outlines the range of ways in which schools promote parental dialogue to discuss their child's progress and achievement. If these methods are to be adopted and effective in practice, they will require dedicated time, resources and support and must be considered in the context of School Working Time Agreements.

Paragraph 45 refers to the role of a 'named person' in schools in supporting children. Clarification would be welcome as to what is envisaged in this context given the previously taken policy decisions in relation to this role.

Parental Representation

- **Parent Forum**

Paragraphs 46 to 49 of section C acknowledge the range of communication approaches which can be adopted with members of the Parent Forum and recognises that to be effective, different approaches may be appropriate for different parents. Paragraph 48 reflects the fact that successful partnership working between parents and schools can often be built through less formal direct contact. The Institute agrees that this form of engagement is and should be developed through relationships built on principles of partnership, collaboration and mutual trust and respect. However, the guidance should also reflect that this approach requires time and resource if this is to be achieved effectively and Working Time Agreements must reflect this commitment; and care must be taken to ensure that no parents are excluded from this less formal 'networking' approach

We would also recommend that paragraph 48 is expanded to highlight the nature of the professional relationship between teachers and parents, and that whilst less formal approaches of communication can be effective, they must take place in the context of and be influenced by professional advice and guidance, particularly in relation to social media approaches.

Paragraph 49 makes reference to information on good practice in communicating with parents available from Education Scotland's Parentzone Scotland website and provides the link to this resource. If the guidance is to be comprehensive and accessible for users, it may be better to provide some examples of that good practice in this section. Having to navigate an additional website may serve as a barrier to effective engagement for some users.

- **Supporting transitions to primary school and contacting prospective Parent Forum members**

The Institute would recommend that this heading and section is altered to reflect the importance of all transitions in the learner's journey throughout education and not solely those transitions into primary school.

Effective parental engagement will be important in the transition to secondary school (as is reflected in paragraph 50) but also at other key stages for individual pupils. For some young people, for example, the transition to the senior phase may prove to be a challenging experience. Reference should also be made to the importance of communication with parents in situations where there is a dual placement or when a young person is transitioning to tertiary education. To ensure that appropriate support can be given to the learner at all transition stages, information sharing and parental support arrangements should be in place. Particular consideration should also be given to what is appropriate and how this will be managed in the context of senior phase pupils.

Given the importance of ensuring good transition arrangements for learners from one stage to another in education, the Institute is disappointed that the opportunity has not been taken in this part of the guidance to provide examples of good partnership working to aid this process. We would recommend that to build on the underlying principles of collaboration and the Empowered Schools System, this section is extended to provide examples of effective practice. This should also include practical advice on how this relationship can fruitfully be developed with parents who face barriers to participation in these aspects of their children's learning journey.

- **Guidance on preparing a scheme for the establishment of a Parent Council**

The draft guidance highlights the importance of allowing parents the opportunity to discuss arrangements for the establishment of a Parent Council. It then provides one way in which this can be facilitated, citing

the creation of a school working-group. For some parents, participation in such a formal group setting may, in itself, act as a barrier to participation. It may be helpful, therefore, to acknowledge this in the guidance and to suggest another alternative method of engagement which could address this challenge and creatively engage parents who have been less involved in this process in the past.

Section 6(3) of the 2006 Act requires the Education Authority to provide a copy of the scheme establishing the Parent Council (including its constitution) with all members of the Parent Forum. The guidance should make it clear that this communication should be available in a range of accessible formats and presented in plain English, with translations available as necessary, if this is to be meaningful for all parents in the Forum.

Key Points

Current statutory guidance provides a helpful summary of the key points at the end of Section C. This is in bullet point format and allows all users to obtain a high-level understanding of the duties placed on education authorities. No similar section is included in the current guidance. The Institute would recommend that further consideration is given to including a summary of the key points in the new guidance. It may be helpful to provide this at the beginning of the section, in the style of an executive summary.

Question 8 - Section D – Guidance for Parent Council

The EIS has the following specific comments on the drafting of Section D:

Introduction

The EIS welcomes the efforts which have been made in this section of the guidance to reference the Empowered Schools System and the importance of collaboration and collegiality in the operation of the Parent Council. There may be some merit in including at the introduction of this section the 'empowerment jigsaw' diagram to outline the importance of partnership working by all stakeholders. This then provides the framework and context in which the Parent Council can operate.

The Institute also welcomes the recognition in this section that consideration needs to be given to reaching all parents and creative approaches considered.

Representing the views of parents

Paragraphs 12 to 16 of this section consider the representative function of the Parent Council and outlines the range of educational matters in which Parent Councils will be involved. The Institute is concerned that as currently drafted, paragraph 15 does not fully represent the terms of the 2006 Act. Whilst a Parent Council can make representations to a variety of groups, including Her Majesty's Inspectors ('HMIE'), the draft guidance fails to highlight an important proviso to this right. Generally, the Parent Council can only take an issue to HMIE if they have first raised the concern with the education authority and the headteacher and have received a reply. In a collaborative and collegiate working environment, this approach should underpin engagement and would also provide greater coherence with the references to empowerment in paragraph 16 of the document. Although this caveat is referenced in the context of conflicting views and complaints in paragraph 17, in the interests of clarity, the Institute would recommend that it is also included in paragraph 15.

Key Points

Again, the key points section which has been helpfully included in current statutory guidance has not been included in the proposed draft guidance. The EIS would recommend that a key point section is inserted at the beginning of this section in the form of an executive summary.

Question 9 - Section E – Guidance for School Leaders and HM Inspectors of Education

The EIS has the following specific comments on the drafting of Section E:

Role of School Leaders

The EIS welcomes the references in this section to the Empowered Schools System. However, rather than using this to frame the section and provide context, in outlining the role of the headteacher, the document simply directs the reader to the weblink for the Headteachers' Charter. As has been indicated previously, this approach may act as a barrier to full engagement and understanding of the system. We would recommend that reference is made to the 'empowerment jigsaw' and the role of school leaders in such a system is outlined in plain English at the beginning of this section.

In adopting the collaborative approach outlined in this section, the guidance should acknowledge that if this is to be done effectively, it will require the commitment of time and resources and this should be reflected in the Working Time Agreements of teachers.

Role of Education Scotland and HM Inspectors of Education

The Institute would again suggest that this part of the guidance should begin by looking at the role of Education Scotland and HMIE in the context of the Empowered School System. Reference again could be made to the 'empowerment jigsaw' to set the context for parental involvement and engagement.

Reference is made to the toolkit produced by Education Scotland as highlighting effective ways in which schools and parents can work together to support learning. There may be some merit in including some examples of good practice in the guidance.

Question 10 – Annex A – Links to Wider Legislation and Policies

Whilst the Institute appreciates that in an effort to ensure that the guidance is comprehensive, Annex A has been included to provide reference to the wider legislative and policy framework, this does significantly lengthen the document and may increase the perceived complexity for some users.

The Institute has proposed that efforts are instead made to include this relevant information in the context of the Empowered Schools System framework and in the diagrammatic form both in the Introduction to the guidance and at the beginning of each section. For those who wish to undertake further reading or who require further information in relation to any aspect of the guidance, perhaps a central point of contact could be given.

Question 11 – the Guidance as a Whole

The EIS has provided the detailed commentary in relation to the principles, introduction and relevant sections of the draft guidance and would have no further generic commentary in relation to the guidance as a whole.

Question 12 - Are there any further topics or issues relating to the Scottish Schools (Parental Involvement) Act 2006 that you think should be added to the guidance?

Reference has been made in the response to the insertion of examples of effective practice which the Institute would suggest would be helpful in engaging all stakeholders and in fostering the collaborative approach which will be necessary moving forward.

Question 13 - The statutory guidance document will be a lengthy document and deals with technical matters. We think that it would be helpful to develop shorter summaries of key duties and powers with more practical advice. Do you think that additional summary guidance products would be helpful?

The EIS would recommend that greater consideration is given to the purpose and intended audience of each document. The EIS can see the merit in the provision of shorter summary documents, outlining key duties and providing practical support and advice on best practice. As indicated previously, however, executive summaries could also be incorporated into the sections of the statutory guidance to assist and facilitate understanding.

Question 14 – Overall do you think that the draft guidance is helpful? Do you have any further views you would like to provide?

As indicated in the introductory comments to this response, the EIS welcomes this review and believes that there is an urgent need for updated guidance which reflects the current educational context and the good practice which has been developed in parental engagement and involvement in recent years. However, to be meaningful and impactful, the guidance must be written and underpinned by the principles of the Empowered Schools System, clear and accessible to all and appropriately resourced to ensure effective delivery.

EIS submission to Mark Priestly led Rapid Review of the 2020 SQA Qualifications process

1. The EIS is Scotland's largest teaching union, with over 60,000 members across all sectors and all grades. We welcome the opportunity to submit a short position paper in relation to the Rapid Review of SQA procedures, following the cancellation of the 2020 Diet.
2. As well as both formal and informal consultation processes, the EIS was represented on the National Qualification Contingency Group, the Curriculum and Assessment Board, and the Covid Education Recovery Group, including the workstream looking at qualifications (although this focused mainly on the 2021 awarding diet). With regard to the NQ Contingency Group, however, it would need to be observed that this body tended to be convened after the SQA and/or Scottish Government had made decisions, rather than as part of a genuine consultation process. EIS FELA (Further Education Lecturers Association also engaged directly with the SQA in relation to college based awards.)
3. Following the introduction of lockdown and the subsequent cancellation of the 2020 diet, the EIS supported the decision to rely on teacher professional judgement, predicated on estimates based on classroom evidence, as the central tenet of an awarding process. We are strongly of the view that teachers approached this challenge with absolute integrity and professional commitment, exercising additional rigour around internal moderation and verification processes and utilising all available evidence.
4. The process was made more complicated, in our view, by the SQA's insistence on the sub-dividing of existing bandings and the creation of rank orderings. Whilst this latter process was once part of a more complex evidence-based appeals process, it had been dropped some years back and it is difficult to discern from the SQA's belatedly published methodology, exactly how it factored in to the algorithm. From the outset, the EIS expressed concern at the inability to place student performance equally within the rank ordering system and at the consequential 'downgrading' of some students' performance simply because their achievements were not able to be captured within the faulty model devised.
5. It was clear that SQA's thinking in this area was already being driven by an assumption that teacher estimates would have to be modified in some way, by some applied algorithm, in what the SQA perceived as a responsibility to uphold "standards". The EIS had no objection to looking at previous concordance between estimates and actual performance as a context for dialogue around estimate processes; indeed, some level of external moderation was potentially useful to public confidence in the outcomes. We did make it clear, however, that it would be disastrous for the awards if professional judgements were challenged or overturned on any significant scale. Repeated references to other UK awarding bodies left a distinct impression that this was an agreed synergy across the four

jurisdictions, with the SQA seemingly resistant to doing anything differently from Ofqual.

6. SQA communication to teachers of the rationale for this changed approach was poor – it focused largely on explanation of the laboriously construction process without explanation of the rationale and, like many SQA communications, seemed arrogant and remote. The EIS received significant negative feedback from members around this theme – essentially many believed that SQA was being obliged to accept teacher judgement but was less than comfortable with and indeed somewhat resentful of the prospect.
7. Once the actual estimate process was complete, the discussion moved more firmly on to professional judgements potentially being overturned by the applied algorithm, , and the potential consequences of such a scenario. The repeated failure on the part of the SQA to publish its intended processes served to fuel such concerns and was, in the view of the EIS, completely unnecessary, indeed reprehensible for a publicly funded body.
8. Both privately and publicly, the EIS warned that any significant overturning of estimated awards by dint of statistical adjustments would cause an outcry, lead to a tsunami of appeals as those estimates were based on evidence, and run a clear risk of undermining the whole basis of the awards.
9. We advocated, repeatedly, that where anomalies appeared to have happened that the SQA should engage in a professional dialogue with the Centres concerned to ascertain the potential explanations and, where possible, agree remedies.
10. The SQA apparently gave this serious consideration but assessed that the scale of the dialogue concerned was beyond its capacity.
11. As an alternative the EIS suggested dialogue with the 32 Directors of Education, who had been directly involved in overseeing moderation procedure and who knew their schools well. The SQA again rejected such an approach as not practicable in the circumstances.
12. The SQA seemed more concerned with its oft repeated assertion about being the custodian of standards, than working with the Education system.
13. A stronger commitment to genuine partnership working may well have headed off the subsequent debacle. It would certainly have eliminated the bulk of individual discrepancies which arose where pupils performed outwith the pattern of their peers but were downgraded as part of a collective process.
14. Evidence based appeals could have coped with a limited number of such anomalies, but the scale of adjustments made by the use of the algorithm would have resulted in an appeal system being overwhelmed.

15. What became apparent from EIS member feedback was the lack of consistency in the outcomes of the SQA's algorithmic calculation e.g. teachers having their professional judgements upheld completely at Higher but at National 5 seeing them overturned in large percentage.
16. We even had the absurd situation of 7% of award changes being upgrades from the estimates i.e. upgraded without any evidence to support such a change.
17. Before the DFM made his political statement of reverting wholly to teacher estimates, the EIS again suggested to the SQA it should take a Centre by Centre approach to resolving perceived discrepancies rather than requiring individual appeals. The DFM statement clearly overtook this.
18. Whilst it is entirely appropriate for the Scottish Government to take ultimate responsibility in this matter, the EIS view is that the SQA is not blameless. It should be a repository of expertise in assessment; it should, as a public body, be well aware of the need to ensure the avoidance of inequities; and it should, as the awarding body for Scotland, be more committed to partnership working with the teaching profession.
19. Ultimately, SQA's guiding principles were not met, particularly "Principle 3: Maintaining the integrity and credibility of our qualifications system, ensuring that standards are maintained over time, in the interests of learners." In trying to maintain "integrity and credibility" the SQA actions created a secretive and flawed moderation process with an algorithm that ultimately lost credibility (and was totally disregarded) as it was seen as being unfair to learners.
20. As a final observation, we note that the SQA has at times cited the number of teacher estimates, historically, which were "wrong". That does of course depend on how 'wrong' is defined. Estimates may differ from the grade awarded but perhaps longer term we need to decide what is a fairer system – awards based on classroom evidence or awards based on external examinations where 'quotas' are effectively operated (the basis of the algorithm essentially).
21. The SQA statistical modelling this year, based on teacher estimates, included adjusting those estimates based on a school's previous performance and then essentially establishing the numbers which could be allocated to particular grades without stretching, in its eyes, the credibility of the results. It decided on how many As were allowed and then any As below the cut-off point (using bandings and rank order) then dropped into the B pool and the same process was applied with the remainder dropping down to C and so on.
22. The result of the first control was to disadvantage pupils performing above their school mean. In the second control, grades displaced downward had

a cumulative effect of pushing more Cs into Ds and Ds into No Awards. Because of the impact of affluence / poverty on attainment, this disproportionately impacted on pupils at schools serving poorer catchment areas – which led to the outcry around fairness and the call to uphold teacher estimates – all of which were based on evidence e.g. getting a Grade C in the prelim, sitting past papers under timed conditions in class and a range of classwork.

23. The key point is that the second control is in place every year, although it is founded on exam results rather than estimates i.e. decisions are made on grade boundaries with a view to ensuring broadly similar cohorts of the different grades are achieved. It is a sophisticated operation and includes meticulous evaluation of how well the question paper worked (i.e. did questions achieve the expected differentiation of responses? etc.).
 24. However, the same golden rules around “credibility” and “integrity” are applied so nothing too out of the ordinary is allowed- grades allocation is relatively stable from one year to the next. A few years back when the Maths Higher paper was over loaded with complex questions which many students could not answer, the grade boundary for a C pass dropped down to the mid-30s .The notional grade boundaries are C 50-59; B60-69; A 70 plus.
 25. Every year pupils on the cusp of passes at a certain grade are potentially pushed into a lower category by the application of what are deemed to be acceptable quotas.
 26. Returning to the injustice aspect – if teachers have classroom evidence over the course of a year which indicates pupil ability and competence at a certain level, but a high stakes exam system routinely disregards that – is that equitable?
 27. In terms of the continued threat of disruption to schooling and indeed the 2021 diet, a more regulated approach around continuous assessment should be explored urgently. We are already well into to the teaching term and schools and teachers have had little communication from either the Scottish Government or the SQA on any contingency planning for 2021 awards.
 28. Clearly, there is a broad acceptance of the principle of teacher professional judgement, based on evidence, and significant investment should be made in building a fairer assessment system on this foundation.
 29. The EIS is happy to expand on any of these issues.
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Guidance Posts in Primary Schools Research Briefing – October 2020

Introduction

The following briefing paper has been written in response to the following 2019 AGM resolution:

“That this AGM call on EIS Council to investigate and report on the potential of developing a guidance post in primary schools.”

In order to investigate how guidance posts in primary schools may be developed the following paper explores the current policies and practices centred on pastoral care, implemented in both primary and secondary schools.

This paper also includes member feedback gathered from a focus group of EIS primary school teachers and a series of one to one interviews. During these sessions members shared their views on the merits of introducing such posts into the primary school sector, as well as how they might be structured in order to meet the needs of primary school children.

GIRFEC

The Scottish Government states that; “Getting it right for every child (GIRFEC) supports families by making sure children and young people can receive the right help, at the right time, from the right people. The aim is to help them to grow up feeling loved, safe and respected so that they can realise their full potential.”¹

Within GIRFEC there are eight indicators of wellbeing; Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible and Included (SHANARRI).

As figure 1 shows below, each of these wellbeing indicators is also linked to the four capacities of Curriculum for Excellence which seek to enable every child to become a; successful learner, confident individual, responsible citizen and an effective contributor.



Figure 1: SHANARRI wheel²

¹ Scottish Government, Getting it right for every child (GIRFEC) <https://www.gov.scot/policies/girfec/> accessed on 10/2/2020

² Scottish Government, GIRFEC wellbeing resources (SHANARRI) www.gov.scot/publications/shanarri/ accessed on 10/2/2020

The GIRFEC approach intertwines learning outcomes with health and wellbeing ensuring that pastoral care becomes part of every child's education.

Personal and Social Education

For the purposes of this report, it is important to distinguish between personal and social education, as a timetabled class and the health and wellbeing education that is to be delivered by all teaching staff through GIRFEC.

A recent Scottish Government review on Personal and Social Education states that learning in Health and Wellbeing/Personal and Social Education (HWB/PSE) is designed to ensure that children and young people develop the knowledge and understanding, skills, resilience, capabilities and attributes which they need for mental, emotional, social and physical wellbeing. Some areas of HWB are the responsibility of all staff in a school, and others have a specific focus, with links to other HWB organisers and other curriculum areas.³

HWB is also about the whole approach of the early learning and childcare setting, school, college or other setting. Children and young people should feel nurtured, safe, respected and included in the learning environment and all staff should be proactive in promoting positive relationships and behaviour in the classroom, playground, and wider learning community. Everyone within each early learning setting/school and its wider community, whatever their contact with children and young people may be, shares the responsibility for creating a positive ethos and climate of respect and trust; one in which everyone can make a positive contribution to the wellbeing of each individual within the school and the wider community.

HWB/PSE is a specific timetabled lesson which covers aspects of planning for choices and changes, substance misuse, relationships, sexual health and parenthood, in addition to aspects of physical activity, sport and health. There are six areas which provide a holistic view of HWB.

There are also health and wellbeing commitments laid out within Curriculum for Excellence. Guidance published by Education Scotland which states that learning and teaching:⁴

- engages children and young people and takes account of their views and experiences, particularly where decisions are to be made that may impact on life choices
- takes account of research and successful practice in supporting the learning and development of children and young people, particularly in sensitive areas such as substance misuse

³ Scottish Government, "Review of Personal and Social Education Preparing Scotland's Children and Young People for learning, work and life" January 2019

⁴ Education Scotland, Curriculum for Excellence, Health and wellbeing: principles and practice
<https://education.gov.scot/Documents/health-and-wellbeing-pp.pdf>

- uses a variety of approaches including active, cooperative and peer learning and effective use of technology
- encourages and capitalises on the potential to experience learning and new challenges in the outdoor environment
- encourages children and young people to act as positive role models for others within the educational community
- leads to a lasting commitment in children and young people to follow a healthy lifestyle by participation in experiences which are varied, relevant, realistic and enjoyable
- helps to foster health in families and communities through work with a range of professions, parents and carers, and children and young people, and enables them to understand the responsibilities of citizenship harnesses the experience and expertise of different professions, including developing enterprise and employability skills.

Pastoral Care in Primary Schools

Pastoral care is something that every teacher carries out throughout their working day. This can involve direct intervention when addressing a child's social, emotional or behavioural needs, or it can be a more holistic approach when monitoring a child's development over time.

The level of support that a child or young person needs to aid their health and wellbeing varies. Factors such as poverty, lack of family support, or trauma are known to have an adverse affect on a child's development⁵ and therefore many children and young people may require additional support at a certain stage in their school career.

Whilst supporting a child's mental health and wellbeing is a long established and accepted part of teaching, the EIS is concerned that the level of need in Scotland is rising. Almost one in four children in Scotland are living in poverty, with estimates suggesting that by 2030 this will increase to one in three.⁶

The results from a recent EIS survey showed that 85% of respondents believed there had been an increase in the number of children in their classroom showing signs of emotional distress and/or mental ill health; for example anxiety, stress, low mood, extremes of mood and aggression.⁷ There was also a strong response from members on the changes in social emotional or behavioural needs, with over 82% saying these had increased in the past 12 months.

Whilst the EIS supports pastoral care within all school settings, we have concerns that the number of children with complex social, emotional or behavioural needs

⁵ Scottish Public Health Network (ScotPHN), 'Polishing the Diamonds' Addressing Adverse Childhood Experiences in Scotland by Sarah Couper Phil Mackie (May 2016) https://www.scotphn.net/wp-content/uploads/2016/06/2016_05_26-ACE-Report-Final-AF.pdf

⁶ CPAG Scotland, Child Poverty in Scotland: The Facts, <https://cpag.org.uk/scotland/child-poverty/facts> accessed on 11/2/2020

⁷ EIS, Face Up to Child Poverty: How is poverty continuing to affect children and young people's education in Scotland? EIS Survey Results (2019)

is increasing, without an increase in resources to support the mainstreaming agenda.

Additional Support for Learning

Simply, there are not enough staff in the education system, and those who are there have too little time; often too many different additional support needs to meet within large classes; too little professional learning; and too few resources to meet the array of needs before them.

The EIS conducted a survey of over 10,000 members as part of its 'Value Education, Value Teachers' campaign which laid bare the extent of teachers' concerns regarding Additional Support for Learning. Over 78% of respondents disagreed that "provision for children and young people with additional support needs is adequate in my school".

When asked how far they agreed with the following statement: "The provision for children/ young people with additional support needs is adequate in my school", responses varied by sector but showed that members were uniformly concerned by ASL provision:

- 42% of all respondents strongly disagreed; with nearly half of primary respondents strongly disagreeing (47%), a view shared by just over a third of secondary teacher respondents (35%) and just over a quarter of special school teacher respondents (26%)
- 37% of primary and the same proportion of secondary teachers disagreed, with nearly a third of those working in social schools (30%) also disagreeing
- Only 2% in primary and in secondary strongly agreed, and notably, only 14% of those working in special schools strongly agreed.⁸

Despite the growing needs of children and young people across Scotland, underfunding of the mainstreaming agenda continues.

Guidance Posts in Secondary Schools

In most secondary schools, formal PSE/HWB lessons are taught by guidance/pupil support/pastoral care teachers; this allows them to see their young people on a regular basis and get to know them well. The Scottish Government undertook a review of Personal and Social Education, publishing their full report in 2019.⁹

In 2018 the Scottish Government published their findings on the effectiveness of pastoral guidance in secondary schools and found that:

⁸ Taken from: EIS, "Additional Support for Learning in Scottish school education: Exploring the gap between promise and practice" (May 2019)

<https://www.eis.org.uk/Content/images/education/ASN/ExploringTheGap.pdf>

⁹ Scottish Government, "Review of Personal and Social Education Preparing Scotland's Children and Young People for learning, work and life" (January 2019) <https://www.gov.scot/publications/schools-personal-and-social-education-review/>

- “Guidance/pupil support/pastoral care staff in secondary schools are responsible for the pastoral care of young people and have numbers in their caseload which varied from 74 to 280 in the schools visited. A few secondary schools are taking action to reduce the numbers in caseloads to ensure that guidance/pupil support/pastoral care staff have sufficient time to meet the needs of all young people, including those requiring targeted support. In secondary schools, a review of the role of guidance/pupil support/pastoral staff is required to ensure an appropriate balance of responsibilities across universal and targeted support.
- “The leadership role of guidance/pupil support/pastoral care teachers in delivering PSE in secondary schools builds relationships and enhances support for the wellbeing of all young people. As a result, most young people value their guidance/pupil support/pastoral care teachers.
- “Guidance/pupil support/pastoral care staff play an important role in supporting post-school transition together with staff and partners. Schools should give more emphasis to developing an understanding of future career options and skills for work at an earlier stage in line with the Career Education Standard 3 - 18.”¹⁰

In most secondary schools visited as part of this Scottish Government review, guidance/pupil support/pastoral care teachers were seen as approachable and highly regarded by young people who feel well supported. A few of the secondary schools included in the study noted, guidance/pupil support/pastoral care teachers stated that they feel under pressure and spend the majority of their time dealing with pupils who have additional needs. In a few secondary schools, young people stated that they do not get one-to-one meetings to discuss their wellbeing and progress, or that some guidance/pupil support/pastoral care teachers are “not always approachable.”¹¹

In 2001, the General Teaching Council for Scotland (GTCS) undertook a review of the potential to expand Guidance education into Primary schools. This review examined questionnaire responses from 57 schools and conducted face to face interviews with staff and pupils from 18 schools. As part of this review, issues identified included inadequate staffing in Primary schools, the increase in special educational needs as well as the demands placed on headteachers, especially those with class commitments.

Whilst the education and policy landscape has changed significantly in the 19 years since this review was conducted, there were some key recommendations that were put forward to policy makers which are still worth considering today:

- “The work which primary schools do in addressing the needs of the whole child should be recognised and celebrated; such work should be seen as

¹⁰ Education Scotland, “Thematic inspection of personal and social education/health and wellbeing in Scotland’s schools and early learning and childcare settings” (August 2018) https://education.gov.scot/Documents/EducationScotlandPSEReportAug2018_.pdf

¹¹ Scottish Government, “Review of Personal and Social Education Preparing Scotland’s Children and Young People for learning, work and life” (January 2019) <https://www.gov.scot/publications/schools-personal-and-social-education-review/>

integral to an ethos of achievement and publicly endorsed by policymakers, politicians and HMI.

- "Consideration should be given to drawing up a national policy for guidance.
- "Current staffing levels in primary schools should be reviewed nationally to enable unpromoted and promoted primary teachers to have sufficient time to undertake the tasks involved in 'guidance' (e.g. talking to pupils individually, providing on-going support in learning, monitoring achievement and liaising with parents and other agencies).
- "The workload of teaching headteachers, in particular, should be looked at with urgency, and additional teaching and support staff provided.
- "When reviews of initial teacher education courses are being carried out by GTC Scotland's Accreditation & Review Committee, the Scottish Executive and faculties of education in higher education institutions, the input given to Special Educational Needs (SEN), Social, Emotional and Behavioural Difficulties (SEBD) and guidance/pastoral care should be closely monitored in order to reflect more closely the balance of approved competences which concern guidance-related matters.
- "Given there is an imbalance in the way 'guidance' needs are addressed across Scotland, steps should be taken to achieve a more equitable system of support for primary pupils and teachers throughout the country by national funding, guidance and recommendations.
- "Full consideration needs to be given to the implications of inclusion, particularly in relation to funding, of pupils with special educational needs and those with social, emotional and behaviour difficulties in relation to the support provided in respect of staffing (i.e. additional teaching staff, educational psychologists, LS/SEN teaching staff and SEN auxiliaries), training and resources (this to include time for liaison with 50 The General Teaching Council for Scotland At the Heart of Education : Guidance in the Primary School parents, school support staff and outside agencies).
- "More funding should be provided to enable the wide range of needs of those who are in danger of being excluded, or have had to be excluded, to be met within the education system.
- "An audit of the levels of staffing within those other agencies which work in partnership with schools to support children should be carried out and any inadequate levels of provision addressed.
- "There should be a wide dissemination of information about models of good practice in relation to guidance within new community schools.
- "Appropriate recognition should be given to the range of special educational needs (e.g., physical, emotional, linguistic) now found within all classes by a meaningful reduction in class sizes at all stages, beginning with a reduction in the size of multi-composite classes.
- "An increased provision of courses in counselling skills, for all primary teachers, no matter their level of promotion should be made available."¹²

¹² GTCS, "Guidance At the Heart of Education: Guidance in the Primary School A Report by the Guidance Task Group - Primary Education" (March 2001) <https://core.ac.uk/reader/4151004>

Job Sizing of Guidance Posts in Primary Schools

One of the key areas that members raised during consultation was the difficulty in job sizing a potential Guidance post position within primary schools. The Scottish Negotiating Committee for Teachers (SNCT) handbook lays out the key duties required of teachers at each level (see Appendix A).

Under the SNCT agreement Headteachers have a duty to; “take overall responsibility for the management of health, safety and well-being” and Principal Teachers have a duty to; “where required, lead, implement and manage whole school policies including, where appropriate, guidance, pastoral care and behaviour support.”¹³ At present, much of the case work that falls under the remit of a Guidance or Pastoral Support teacher in a secondary school would fall to a Principal, Head or Depute Headteacher within the Primary sector.

In 2019 the EIS undertook a review of job sizing and the job sizing toolkit. Within this report there were concerns noted around the expanding duties of Primary school teachers and the job sizing of guidance and pastoral care teachers in Secondary. The report stated:

“Many of the remits currently undertaken within the primary sector were not envisaged when the job-sizing toolkit was devised in 2003. These include, but are not restricted to, the following examples: strategic planning; health and wellbeing; organising and delivering CAT sessions; developing pupil leadership; 1+2 in modern languages; and resilience programme implementation, including research projects.”

“The nature of the responsibilities associated with these [Guidance Posts/Pastoral Support Roles] posts has resulted in situations where the majority of these particular postholders have not scored well in three areas of the job-sizing toolkit. These are management of staff, curriculum management and teaching time.”

“The inclusion of teaching time in the toolkit was a recognition that the job of promoted teachers, in many cases, is not related to management tasks. Where promoted guidance staff/pastoral support staff have significant time allocations for guidance work, they are likely to score low on the “teaching time” factor.”

“In many schools, promoted guidance staff/pastoral support staff do not line manage other staff. Accordingly, they do not score on the factors of direct line management responsibility for teaching or other staff. In relation to curriculum management, guidance staff/pastoral support staff are largely confined to input into PSE course work. However, this does not score as a national qualification or on formal assessment policy responsibilities.”

“The key section of the toolkit for promoted guidance teachers/pastoral support staff relates to caseload. However, guidance staff/pastoral support staff do not gain credit for working with partners unless there was an additional whole school

¹³ Scottish Negotiating Committee for Teachers (SNCT), “Handbook – Part 2: Section 2 – Main Duties”
http://www.snct.org.uk/wiki/index.php?title=Part_2_Section_2

responsibility in this area, over and above the general responsibility of teachers in this area. The weighting that applied to caseload took account of this factor.”¹⁴

The issues within this report highlight the growing demand placed on teachers and the considerations that must be taken into account when job sizing a potential Guidance teacher post.

Member Feedback on Guidance Posts in Primary Schools

When carrying out a focus group of members, there was feedback from all participants that pastoral care was something that they all regarded as an important part of their job. There was also a strong feeling that educators now see nurture as an important part of a child’s learning. Some participants highlighted that even in their schools where there is a full-time nurture teacher, there was still a whole school approach to the supporting children’s mental health and wellbeing. Below are the questions that members were posed and a summary of responses that were gathered.

1. What would be the benefits of having a guidance post in primary schools?

Many respondents highlighted that a Guidance post in primary school would support the family, offer continual support to a child throughout their time in primary school as well as being a way of supporting child mental health. Members highlighted their concerns around adults ‘parachuting’ into critical situations rather than having one point of contact to continually monitor a child’s mental health.

All respondents highlighted the need for ‘an extra pair of hands’ as they had experienced disruption in the classroom but often struggled to find a staff member to assist. It was also highlighted that many of the outside agencies that schools refer pupils and families to, are also struggling with their caseloads and cutbacks.

During the focus group session participants also highlighted the ongoing issues around extending support and the continual changes including the most recent initiatives around health and wellbeing, literacy and languages.

2. What would the guidance posts need to look like to be successful in primary schools?

When asked about how a potential guidance post in primary schools should be constructed, members stated that this role must have protected duties. It was highlighted that many Head and Depute Headteachers carry out the responsibilities that might be expected of a guidance teacher, but with more and more of their time being directed through various initiatives, there is a lot of pressure put on individuals with large remits.

Many respondents also highlighted that such a post could not be used to provide teaching cover when there are shortages within the school. Some suggested that the role should operate in a similar way to secondary school guidance teachers, but also stressed that this type of role may not be appropriate for every school. It

¹⁴ EIS Salaries Committee, “Job-Sizing Review 2019/2020” 31st October 2019

was mentioned that in high schools, guidance teachers are often responsible for the exam timetabling which wouldn't be applicable to primary school roles. There was also concern raised by one member that some high schools had been getting rid of guidance posts in recent years. The group also stated that a teacher's role is to advance attainment and in order for a guidance teacher to be implemented within the primary school sector, there would be an expectation that they would also be spending some of their time teaching.

3. What are the current barriers to achieving guidance posts in primary schools?

Staffing and resources were highlighted by all consultees as key barriers to the expansion of guidance posts into primary schools. Members mentioned that nurture teachers are often pulled from their duties when there are shortages elsewhere in the school, and when a nurture teacher is pulled away from their role this often leads to disruption in the class.

There were concerns raised that often the senior management team spends time outwith the school. One respondent said they found the introduction of 'campus cops' in their school to be beneficial.

It was stressed that there would have to be appropriate funding in order for any additional posts to be successful. Respondents highlighted that PEF funding already shows that the funding available doesn't reach all children that could benefit.

It was also raised within discussions that quieter children are often overlooked and that the classroom teacher isn't always aware of a child's personal circumstances. Some members suggested that it might be better to introduce such posts in clusters rather than in every school as the case-loads for some schools may be very high, whereas for some smaller schools they may be very low. It was also suggested that family support would be beneficial to the primary sector, and that a new post could act as a liaison between the school and external services.

Training was also mentioned as being a barrier as many teachers struggle to have time to access CPD opportunities. Such a role may also require additional qualifications depending on the definition of their duties.

4. What would be the negative impacts of creating such a post?

Concerns were raised about where such a post would sit within the existing staff structures, and the job sizing impacts on Depute Headteachers and Headteachers in primary schools. It was highlighted that most Principal Teachers in primary schools are assigned a house in order to structure their workload, which is a different model from many secondary schools.

One negative impact that the group highlighted could be the impact of having a non-class committed post introduced within a school that still has a teaching Headteacher.

Most respondents agreed that the principle behind increasing capacity of support and pastoral care was valid, but that a guidance teacher post may not be the best way to achieve this.

5. Would these posts be a positive career pathway for those working in the primary school sector?

The group stated that within primary schools, most class teachers spend most of the school week with the same children which enables them to build strong family links, but this same relationship is not necessarily seen in guidance teachers in secondary schools who may have case loads of a couple of a hundred children. Many of those consulted said they considered much of the duties carried out by guidance teachers in secondary schools to be within their role already.

It was suggested that if this post were to be created it would have to be a promoted position in order for it to be attractive to help those wishing to develop their professional skills. In order for the post to be successful for children there must also be continuity of care, and it must not be seen as a route towards a headship. If such a role is detached from class teaching then it may also be difficult for teacher to transition back into class teacher role, as they may not be deemed to have recent experience.

International Comparisons

Drawing on international experiences is challenging as health and wellbeing outcomes within schools are not monitored internationally, and many different countries deliver pastoral care through vastly different systems.

One comparison that might be beneficial to highlight is the Finnish education model. Like Scotland it has moved away from an inflexible subject based curriculum to allow fluidity of subject areas in teaching. In recent years Finland also moved towards more integrated services across family support, child and adult care.¹⁵

In England an integrated approach was taken with the Sure Start programme. An Ofsted report in 2009 stated that; "Headteachers of primary schools reported that children from the centres were being better prepared to begin school. Children with special needs were benefiting from the closer working relationships of different services and valuable sessions were being offered to parents promoting good child-rearing practices."¹⁶

Whilst the Sure Start programme has also faced criticisms in terms of the level of support they offered each child, it was noted that parents strongly preferred a single site to access family support.¹⁷

¹⁵ The Guardian, "Finland is pioneering joined-up services, and reaping the rewards"

<https://www.theguardian.com/society/2015/sep/08/finland-pioneering-integrated-care-joined-up-services>

last accessed on 19/2/2020

¹⁶ The Teaching Times, "The Impact Of Integrated Services - Sure Start"

<https://www.teachingtimes.com/articles/integrated-services.htm> (July 2009)

¹⁷ Ibid.

Conclusions

Member feedback highlights that many teachers would like additional support to be available within the school to meet the increasing demands of supporting child mental health within education. Whilst many teachers feel strongly that nurture and pastoral care should remain a key role of teachers, there is limited capacity to support more critical cases.

Whilst there were strong feelings from members that additional support was needed, especially as many support assistants posts have been cut over the past 10 years, among those consulted there wasn't an agreement that the additional capacity should be created through the creation of a guidance teacher post. Further research is required to determine the level of need within Scottish Primary schools and which professionals would be best to deliver this service.

Since the research for this paper was undertaken, Scotland as all other countries globally, has experienced the impact of the COVID-19 pandemic, with many individuals, families and communities suffering significant wellbeing detriments in the process.

The EIS has made the case in discussions around Education Recovery for the recruitment of additional staff, some of whom should have a dedicated wellbeing/nurture role. This is to enable sufficient focus within schools upon young people's wellbeing and provision of support in terms of reconnecting with school life after the period of lockdown and school closure, and in the context of continuing worry and anxiety about the prevalence of the virus.

The Committee could request that forthcoming member surveys seek to explore the extent to which members consider that staffing in the Primary context in particular has enabled adequate focus on wellbeing and education recovery, as a means of gathering COVID-specific data in relation to this matter.

Appendix A SNCT Handbook – Section 2 “Duties”

Teachers / Chartered Teachers

2.8 Subject to the policies and practice of the school and the Council, the duties of teachers are to:

- (a) manage and organise classes through planning and preparing for teaching and learning.
- (b) assess, record and report on the work of pupils’ progress to inform a range of teaching and learning approaches
- (c) prepare pupils for examinations and where required, assist with their administration.
- (d) contribute towards good order and the wider needs of the school
- (e) develop the school curriculum
- (f) contribute to the school and council planning and improvement processes.
- (g) maintain and develop knowledge and skills and contribute to the professional development of colleagues including probationary and student teachers.

Short Term Supply Teachers

2.9 Subject to the policies and practice of the School and Council, the duties of short term supply teachers are to:

- (a) teach assigned classes;
- (b) correct work, as part of ongoing classwork;
- (c) maintain a record of work;
- (d) contribute towards good order in the school;

Principal Teachers

2.10 Subject to the policies and practice of the School and the Council, the duties of principal teachers are, in addition to any duties of a teacher that may apply, to:

- (a) lead, manage and support the work of colleagues providing strategic direction and guidance as necessary;
- (b) lead curriculum development and quality assurance;
- (c) contribute to the development of school policy in relation to the behaviour management of pupils;
- (d) review and support professional needs, and performance of colleagues through continuous professional development. ;
- (e) where required, lead, implement and manage whole school policies including, where appropriate, guidance, pastoral care and behaviour support.

Depute Headteachers

2.11 The role of a depute headteacher is to assist and, where necessary,

deputise for the headteacher in the conduct of school affairs. The duties of a depute headteacher are to support the Headteacher in the performance of his/her duties to:

- (a) provide and promote leadership, good management and strategic direction in areas of work of the school;
- (b) promote high expectations and standards through the provision of professional advice, reviewing professional needs and performance, and supporting continuous professional development of colleagues;
- (c) take responsibility for aspects of curriculum development, learning and teaching and meeting learners' needs;
- (d) take responsibility for aspects of improvement planning and quality assurance;
- (e) work in partnership with parents, other professionals, agencies and other schools;

Headteachers

2.12 The role of the Headteacher is to promote high quality learning and teaching to secure improved educational outcomes for the benefit of pupils and the community, under the direction of the local Council. Headteachers have a corporate responsibility to contribute to an agenda of ongoing improvement in their school and across their Council area. The duties of the headteacher are to:

- (a) provide leadership, good management and strategic direction to the school;
 - (b) promote high expectations and standards through the provision of professional advice, reviewing professional needs and performance, and supporting continuous professional development of colleagues;
 - (c) take responsibility for providing strategic leadership for curriculum development, learning and teaching and meeting learners' needs;
 - (d) take overall responsibility for improvement planning and quality assurance;
 - (e) act as adviser to the Parent Council and to participate in the selection and appointment of the staff of the school;
 - (f) work in partnership with parents, other professionals, agencies and other schools; and
 - (g) take overall responsibility for the management of health, safety and well-being.
-

EIS response to SQA's Technical consultation on proposed modifications to National 5, Higher and Advanced Higher course assessment for Session 2020-21

Question 3 - To what extent do you agree that it is appropriate that modifications to course assessment be considered in line with the following guiding principles?

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
The delivery and assessment of subjects that are constrained by current social distancing measures. For example, in practical and performance-based components	X				
Increased learning and teaching opportunities, where possible	X				
A more flexible approach to assessment for learners, whilst retaining the validity of the qualifications	X				

EIS answered questions on the following subjects:

Applications of Mathematics / Gnìomhachas Matamataigs

Biology

Chemistry

Computing Science

Design and Manufacture

English

Graphic Communication

Mathematics / Matamataigs

Media

Modern Languages (Cantonese, French, Gaelic (Learners), German, Italian, Mandarin (simplified), Mandarin (traditional) Spanish, Urdu)

Physics

APPLICATIONS OF MATHEMATICS / GNÌOMHACHAS MATAMATAIGS

National 5

To what extent do you agree or disagree with the proposed approach to course assessment for National 5 Applications of Mathematics in 2021?

Disagree

Do you have any comments on the proposed approach to course assessment for

National 5 Applications of Mathematics in 2021?

Since there is no reduction in content, students and staff are not being supported to recover the learning and teaching time lost to lockdown during June. Neither would these proposed changes enable complete coverage of courses in the event of further school closure on a local or national basis. The changes as proposed are somewhat inconsequential in terms of providing any real benefit to students and staff who are already under pressure of time and who are facing great uncertainty in terms of the academic year ahead.

Equality and Accessibility

Are there any potential equality or accessibility issues introduced by the approach proposed for Applications of Mathematics? What are they?

Shortened exams are likely to be of benefit to students with additional support needs and/or who experience socio-economic disadvantage at the time that they are sitting them. However, now and for the duration of the course, young people living in poverty and/or who have additional support needs, many of which arise from being disabled, and who have been disproportionately disadvantaged by COVID-19 impacts, will be further disadvantaged in seeking to prepare adequately for course assessment while under significant pressure of time.

BIOLOGY

National 5

To what extent do you agree or disagree with the proposed approach to course assessment for National 5 Biology in 2021?

Disagree

Do you have any comments on the proposed approach to course assessment for National 5 Biology in 2021?

Reducing the length of the exam, whilst welcome in its own right, does nothing to address matters related to shortage of time for learning and teaching. This proposed modification misses the point entirely.

Higher

To what extent do you agree or disagree with the proposed approach to course assessment for Higher Biology in 2021?

Disagree

Do you have any comments on the proposed approach to course assessment for Higher Biology in 2021?

Merely shortening the duration of the exam has no impact on the amount of teaching time required to prepare young people for it. The impact of the proposed change is merely marginal.

Advanced Higher

To what extent do you agree or disagree with the proposed approach to course assessment for Advanced Higher Biology in 2021?

Strongly Disagree

Do you have any comments on the proposed approach to course assessment for Advanced Higher Biology in 2021?

No change means that students and staff will be provided no support whatsoever by the SQA in meeting the challenges created by COVID-19.

Equality and Accessibility

Are there any potential equality or accessibility issues introduced by the approach proposed for Biology? What are they?

Shorter exams may have bring some benefits for students with additional support needs and/or who experience socio-economic deprivation at the time that they are sitting them. However, now and for the duration of the course, young people living in poverty and/or who have additional support needs, many of which arise from being disabled, and who have been disproportionately disadvantaged by COVID-19 impacts, will be further disadvantaged in seeking to prepare adequately for course assessment while under significant pressure of time.

CHEMISTRY

National 5

To what extent do you agree or disagree with the proposed approach to course assessment for National 5 Chemistry in 2021?

Disagree

Do you have any comments on the proposed approach to course assessment for National 5 Chemistry in 2021?

The concern is that the changes as proposed do not address the crucial issue of insufficiency of hours of learning and teaching time.

Higher

To what extent do you agree or disagree with the proposed approach to course assessment for Higher Chemistry in 2021?

Disagree

Do you have any comments on the proposed approach to course assessment for Higher Chemistry in 2021?

Once again, the changes as proposed do not address the crucial issue of insufficiency of hours of learning and teaching time and are of little benefit in helping teachers,

lecturers and students cope with the challenge of already shortened time for course coverage and of handling the uncertainties that there are around the potential for further lockdowns and in the case of Further Education, in making the transition to Blended Learning models.

Advanced Higher

To what extent do you agree or disagree with the proposed approach to course assessment for Advanced Higher Chemistry in 2021?

No response

Do you have any comments on the proposed approach to course assessment for Advanced Higher Chemistry in 2021?

No change means that students and staff will be provided no support whatsoever by the SQA in meeting the challenges created by COVID-19.

Equality and Accessibility

Are there any potential equality or accessibility issues introduced by the approach proposed for Chemistry? What are they?

Where exams are being shortened, this is likely to be of benefit to students with additional support needs and/or who experience socio-economic disadvantage at the time that the exams are being sat.

However, now and for the duration of the course, young people living in poverty and/or who have additional support needs, many of which arise from being disabled, and who have been disproportionately disadvantaged by COVID-19 impacts, will be further disadvantaged in seeking to prepare adequately for course assessment while under significant pressure of time.

COMPUTING SCIENCE

National 5

To what extent do you agree or disagree with the proposed approach to course assessment for National 5 Computing Science in 2021?

Strongly Disagree

Do you have any comments on the proposed approach to course assessment for National 5 Computing Science in 2021?

The approach suggested has been met with strong dissatisfaction. The justification of no change on the basis that Computing is a practical subject is perceived to be invalid- 50 marks are for the assignment; 110 marks are for the non-practical examination. Pupils have missed a considerable amount of learning and preparation for N5 during lockdown which does not seem to have been considered. It is likely that learning this year will be disrupted due to absence, potential local lockdowns, teacher absence and possibly a second wave, none of which has apparently been considered. At the very least, the SQA should consider bringing the date of the assignment forward and increasing flexibility on timings.

Higher

To what extent do you agree or disagree with the proposed approach to course assessment for Higher Computing Science in 2021?

Strongly Disagree

Do you have any comments on the proposed approach to course assessment for Higher Computing Science in 2021?

Similarly for Higher Computing, the approach suggested has been met with strong dissatisfaction. The justification of no change on the basis that Computing is a practical subject is perceived to be invalid- 50 marks are for the assignment; 110 marks are for the non-practical examination. Pupils have missed a considerable amount of learning and preparation for N5 during lockdown which does not seem to have been considered. It is likely that learning this year will be disrupted due to absence, potential local lockdowns, teacher absence and possibly a second wave, none of which has apparently been considered. At the very least, the SQA should consider bringing the date of the assignment forward and increasing flexibility on timings.

Advanced Higher

To what extent do you agree or disagree with the proposed approach to course assessment for Advanced Higher Computing Science in 2021?

Strongly Disagree

Do you have any comments on the proposed approach to course assessment for Advanced Higher Computing Science in 2021?

As stated above, the approach suggested has been met with strong dissatisfaction. The justification of no change on the basis that Computing is a practical subject is perceived to be invalid- 50 marks are for the assignment; 110 marks are for the non-practical examination. Pupils have missed a considerable amount of learning and preparation for N5 during lockdown which does not seem to have been considered. It is likely that learning this year will be disrupted due to absence, potential local lockdowns, teacher absence and possibly a second wave, none of which has apparently been considered. At the very least, the SQA should consider bringing the date of the assignment forward and increasing flexibility on timings.

Equality and Accessibility

Are there any potential equality or accessibility issues introduced by the approach proposed for Computing Science? What are they?

Making no changes to these courses is likely to disadvantage further the learners who have been most disadvantaged so far by the impact of COVID-19- that is, those facing socio-economic disadvantage and/ or who have additional support needs, which in many cases, arise from having disabilities. Those young people will find it even harder to prepare for course assessment than their peers with insufficient time to cover course content and to prepare for course assessment.

DESIGN AND MANUFACTURE

National 5

To what extent do you agree or disagree with the proposed approach to course assessment for National 5 Design and Manufacture in 2021?

Disagree

Do you have any comments on the proposed approach to course assessment for National 5 Design and Manufacture in 2021?

This proposal falls short of what is needed to maximise time for learning and teaching. Early release of the folio would assist in this by providing more time for its completion. Removal of the time conditions and move to open book would be more welcome adjustments.

Higher

To what extent do you agree or disagree with the proposed approach to course assessment for Higher Design and Manufacture in 2021?

Disagree

Do you have any comments on the proposed approach to course assessment for Higher Design and Manufacture in 2021?

In addition to the suggestions above, removal of modelling would also be a welcome adjustment.

Advanced Higher

To what extent do you agree or disagree with the proposed approach to course assessment for Advanced Higher Design and Manufacture in 2021?

Disagree

Do you have any comments on the proposed approach to course assessment for Advanced Higher Design and Manufacture in 2021?

As above.

Equality and Accessibility

Are there any potential equality or accessibility issues introduced by the approach proposed for Design and Manufacture? What are they?

Taking work home for completion has potential negative impacts on young people living in poverty and/or who have additional support needs. Both groups may have difficulty in completing work outwith the classroom environment where teachers and/or support assistants are on hand to provide support as necessary and appropriate within the assessment arrangements.

Furthermore, some young people do not have space to work at home on schoolwork, so it cannot be assumed that the suggested approach will be suitable for all students. Many will struggle to work at home on practical projects such as this.

ENGLISH

National 5

To what extent do you agree or disagree with the proposed approach to course assessment for National 5 English in 2021?

Disagree

Do you have any comments on the proposed approach to course assessment for National 5 English in 2021?

Removal of the Spoken Language component is welcomed. Whilst Talking is an essential element of English, there is a strongly held view among English Teachers that the Spoken Language element is an utterly worthless and administratively burdensome requirement.

The halving of the Folio requirement has met with some complaint. Some schools had arranged for students to work on the Folio through the lockdown and summer periods, with materials specifically produced to help with this. Other schools concentrated on other aspects of the curriculum, so an inequality will emerge if this proposal is adopted.

These proposals are being discussed well into the academic session, given that remote teaching for many began in June. It is already too late to implement any changes without introducing inequalities in provision.

Providing a choice of one rather than two writing pieces could be a time-saver but to achieve the optimum time reduction, all students would be required to do the same kind of writing, otherwise the teacher would have to teach both genres to different groups anyway. In some schools, classes are likely to do both types of writing to give students the chance to submit in the genre in which they perform most strongly.

Adjustments to the folio would have less benefit to the workload of teachers than of SQA markers.

A further issue with this approach is that it would reduce opportunities for students to demonstrate and gain credit for their writing skills, intensifying the emphasis within the course even more on Reading; and on the final exam, which will still contain two papers which are entirely Reading-based. Teaching Literature is time-intensive.

With this in mind, it seems more sensible to re-frame the Critical Reading element such that schools could be confident that 'teaching' two texts (not to say that's all students would read) would be sufficient preparation for the exam if there is to be one.

For example, the Scottish context part of the exam, takes up a great deal of time and simply does not encourage deep learning.

Higher

To what extent do you agree or disagree with the proposed approach to course assessment for Higher English in 2021?

Disagree

Do you have any comments on the proposed approach to course assessment for Higher English in 2021?

As above.

Advanced Higher

To what extent do you agree or disagree with the proposed approach to course assessment for Advanced Higher English in 2021?

Disagree

Do you have any comments on the proposed approach to course assessment for Advanced Higher English in 2021?

A proposal of no change does not take into account the significant challenge that students and teaching staff are facing currently.

Given the teaching time required for each of the components, would it be reasonable to suggest that – even temporarily – each of the four components were made to comprise 25% of the total mark?

Equality and Accessibility

Are there any potential equality or accessibility issues introduced by the approach proposed for English? What are they?

No response.

GRAPHIC COMMUNICATION

National 5

To what extent do you agree or disagree with the proposed approach to course assessment for National 5 Graphic Communication in 2021?

Strongly Disagree

Do you have any comments on the proposed approach to course assessment for National 5 Graphic Communication in 2021?

EIS members provided a number of comments regarding changes that they would wish to see, as follows:

Removal of the time conditions and move to open book.

Release of the folio early so it can be undertaken with plenty of time.

Changes in assignment marking to reflect the Coursework assessment specification to that which states all of drawing to be plus or minus 1 mm. This tolerance has been within the course since standard grade for all drawings. With the change of the assignment from the removal of the units and the coursework being externally marked, this tolerance has been removed from marking even though its clearly stated in the CAS. A clear changing of goal posts and only used when there are issues with SQA drawings. This has resulted in lower marks for centres for the assignment compared to previous years.

Changes to the marking of sketching as students are being negatively marked in comparison to before as the assignment demands all work being 100% correct across all work. It is unrealistic to expect pupils under the time constraints to produce work to this standard.

Reduction in the amount of sketching as this has seen an increase for such a small element of the course.

Proper quality assurance of assignments rather than teachers testing something to be done within a time limit and the expectation that pupils would be able to do the same. The expectation that C pupils would be able achieve realistically more than 50% within the time limit is farcical.

The subject is practical based, and the weighting of marks should also show this. The return of 66% for folio and 34% exam would also see teachers' estimates being closer to what the spread of marks was before removal of units.

Higher

To what extent do you agree or disagree with the proposed approach to course assessment for Higher Graphic Communication in 2021?

Strongly Disagree

Do you have any comments on the proposed approach to course assessment for Higher Graphic Communication in 2021?

In addition to the comments above for N5, the following suggestion is offered: Release of the folio early so it can be undertaken with plenty of time. February release with March/April pick up could cause issues if another lockdown and school closure is imposed.

Advanced Higher

To what extent do you agree or disagree with the proposed approach to course assessment for Advanced Higher Graphic Communication in 2021?

Strongly Disagree

Do you have any comments on the proposed approach to course assessment for Advanced Higher Graphic Communication in 2021?

This is still the first year for the new conditions and marking of this folio to be adhered to and undertaken.

There is no exemplification and the marking scheme has many grey areas without this exemplification.

Remove the time element of the folio.

Change the project to focus on both elements without the need for the brief or graphic specification. This is still causing issues for practitioners as there has been no clear guidance and with the generic ambiguous guidance documents it is unclear what is being asked for.

To make no changes to the course content and assessment to take account of COVID-19 impacts, while teachers are already struggling with lack of SQA support around assessment as it is, places huge additional pressure on staff and students.

Equality and Accessibility

Are there any potential equality or accessibility issues introduced by the approach proposed for Graphic Communication? What are they?

Making no changes to these courses is likely to disadvantage further the learners who have been most disadvantaged so far by the impact of COVID-19- that is, those facing socio-economic disadvantage and/ or who have additional support needs, which in many cases, arise from having disabilities. Those young people will find it even harder to prepare for course assessment than their peers with insufficient time to cover course content and to prepare for course assessment.

MATHEMATICS

National 5

To what extent do you agree or disagree with the proposed approach to course assessment for National 5 Mathematics in 2021?

Disagree

Do you have any comments on the proposed approach to course assessment for National 5 Mathematics in 2021?

The problem for session 2020/21 is not the final exam but the impact that Covid-19 has had, and will continue to have, on the time available for delivering the full course. The SQA states "There is no impact on the volume of learning and teaching required" but it is this volume that will cause difficulties.

Pupils are already behind due to the loss of face-to-face teaching time since the new timetable/course delivery was started in June. A high number of pupils found it extremely challenging to grasp the new topics being delivered remotely and this was

compounded by limited access to IT for many.

The teaching time lost in June cannot magically be recouped as the new term begins and this means it will be a struggle to deliver all the course material to the required depth before the next exam diet.

It cannot be guaranteed that further teaching time will not be lost if there is a local or national resurgence of the virus resulting in a return to online learning and teaching. I am concerned that teachers will be put in the position of having to choose which topics to give less teaching time to, or indeed miss out entirely, in the run up to the exam.

Many of young people struggle with anxiety and other mental or physical health conditions. I am concerned that the impact of the lock down restrictions on pupil confidence and general well- being are not yet fully understood and there is a risk that problems will be exacerbated by the pressure to complete the course at an increased pace.

There is agreement that the exam should return to the pre-2018 duration as there was no need to extend the length of the exam to begin with, although this alone will not “reduce the overall assessment burden on candidates” as the usual formative and prelim assessments will need to be undertaken throughout the session despite the increased pressures on completing the course on time.

In addition Mathematics, unlike all other subjects, has no coursework or assignment that contributes to the final result meaning pupils carry the burden of knowing their final result is dependent solely on their performance on that one exam day.

In the Further Education context, some N5 qualifications, including Maths, will be delivered online. Many learners in FE are already at a significant disadvantage, often studying for qualifications as adults after many years away from education and with a shorter teaching year. If further local lockdowns occur or schools are closed, many of these learners will themselves be home schooling children or sharing IT equipment with their children. Taking 10 minutes off an exam is inconsequential in supporting these learners.

Higher

To what extent do you agree or disagree with the proposed approach to course assessment for Higher Mathematics in 2021?

Disagree

Do you have any comments on the proposed approach to course assessment for Higher Mathematics in 2021?

As above.

Advanced Higher

To what extent do you agree or disagree with the proposed approach to course assessment for Advanced Higher Mathematics in 2021?

Strongly Disagree

Do you have any comments on the proposed approach to course assessment for Advanced Higher Mathematics in 2021?

Many of the points made above apply here, also.

Additionally, many schools do not timetable Advanced Higher to allow pupils the maximum time required for the course compared to pupils who are following the N5 and Higher courses.

SQA claims the course "encourages independent learning and has an emphasis on self-directed study" but in reality, the majority of candidates require more "at the board" teaching and discussion than at the lower levels and the lack of commercial resources hinder their 'self- directed study'.

2020 would have been the first sitting of the new style of AH exam with the introduction of a non- calculator paper and this means we are now into the second year of this new exam without a clear picture of how this will look. We would continue to question the need for a non-calculator paper at AH as the level of Mathematics being covered does not require further assessment of pupil arithmetic skills.

Equality and Accessibility

Are there any potential equality or accessibility issues introduced by the approach proposed for Mathematics? What are they?

Making few/ no changes to these courses is likely to disadvantage further the learners who have been most disadvantaged so far by the impact of COVID-19- that is, those facing socio-economic disadvantage and/ or who have additional support needs, which in many cases, arise from having disabilities. Those young people will find it even harder to prepare for course assessment than their peers with insufficient time to cover course content and to prepare for course assessment.

MEDIA

National 5

To what extent do you agree or disagree with the proposed approach to course assessment for National 5 Media in 2021?

Disagree

Do you have any comments on the proposed approach to course assessment for National 5 Media in 2021?

Whilst the very minor changes are welcomed, it would appear that little thought has gone into this decision. Teachers of Media had hoped that not only the content of the assignment would be adjusted but the timing and potential for teacher-led marking in schools and colleges.

Higher

To what extent do you agree or disagree with the proposed approach to course assessment for Higher Media in 2021?

Disagree

Do you have any comments on the proposed approach to course assessment for Higher Media in 2021?

As above. the proposed changes are not far-reaching enough to have sufficient positive impact on students or staff.

Equality and Accessibility

Are there any potential equality or accessibility issues introduced by the approach proposed for Media? What are they?

Making no significant changes to these courses is likely to disadvantage further the learners who have been most disadvantaged so far by the impact of COVID-19- that is, those facing socio- economic disadvantage and/ or who have additional support needs, which in many cases, arise from having disabilities. Those young people will find it even harder to prepare for course assessment than their peers with insufficient time to cover course content and to prepare for course assessment.

MODERN LANGUAGES (CANTONESE, FRENCH, GAELIC (LEARNERS), GERMAN, ITALIAN, MANDARIN (SIMPLIFIED), MANDARIN (TRADITIONAL) SPANISH, URDU)

National 5

To what extent do you agree or disagree with the proposed approach to course assessment for National 5 Modern Languages in 2021?

Neutral

Do you have any comments on the proposed approach to course assessment for National 5 Modern Languages in 2021?

N5 -The reduction of the overall burden of assessment through the removal of the Assignment Writing is welcome.

Beyond this academic year, we would encourage the SQA to give due consideration to how the overall burden of assessment could be reduced. For example by permanently discontinuing the Assignment Writing, or replacing the it with a translation task in the Reading exam, which would allow candidates to acquire a key skill for Higher level.

Higher

To what extent do you agree or disagree with the proposed approach to course assessment for Higher Modern Languages in 2021?

No response

Do you have any comments on the proposed approach to course assessment for

Higher Modern Languages in 2021?

H -The reduction of the overall burden of assessment through the removal of the Assignment Writing is welcome.

Beyond this academic year, we would encourage the SQA to give due consideration to how the burden of assessment for Higher candidates can be reduced. We would also ask the SQA to consult with practitioners on bringing back the Prepared Talk element of the Performance.

Advanced Higher

To what extent do you agree or disagree with the proposed approach to course assessment for Advanced Higher Modern Languages in 2021?

No response

Do you have any comments on the proposed approach to course assessment for Advanced Higher Modern Languages in 2021?

AH -It is disappointing that Advanced Higher candidates will not benefit from a reduction in the volume of assessment as compared to their counterparts at N5 and Higher. We would invite the SQA to reconsider how this could be achieved.

Equality and Accessibility

Are there any potential equality or accessibility issues introduced by the approach proposed for Modern Languages? What are they?

No response

PHYSICS

National 5

To what extent do you agree or disagree with the proposed approach to course assessment for National 5 Physics in 2021?

Disagree

Do you have any comments on the proposed approach to course assessment for National 5 Physics in 2021?

The changes as suggested make little to no sense to me.

Curriculum content has not been changed yet students and teachers have lost nearly a month of teaching in June.

The reduction in Exam length at N5 is welcome as this should never have been increased.

It would appear that few teachers have been consulted in the course of shaping these proposals.

Higher

To what extent do you agree or disagree with the proposed approach to course assessment for Higher Physics in 2021?

Disagree

Do you have any comments on the proposed approach to course assessment for Higher Physics in 2021?

Merely shortening the exam has zero impact in terms of assessment preparation.

Advanced Higher

To what extent do you agree or disagree with the proposed approach to course assessment for Advanced Higher Physics in 2021?

Disagree

Do you have any comments on the proposed approach to course assessment for Advanced Higher Physics in 2021?

No response

Equality and Accessibility

Are there any potential equality or accessibility issues introduced by the approach proposed for Physics? What are they?

Whilst shortening exams will have some benefit at the time of sitting for students with additional support needs, including disabilities and/ or who live in poverty, making such minimal changes to the course content and assessment now is likely to have disproportionately high negative impact on those same groups as they struggle to complete courses under significant pressure of time.

The Educational Institute of Scotland

Advice on Blended and Remote Learning and Teaching During the COVID-19 Pandemic

Introduction

- 1.1 The EIS is clear that learning and teaching occur most effectively when teachers and pupils work together face to face in classrooms. Teachers may wish to provide access to online learning as an addition to classroom-based learning and teaching but only in exceptional circumstances should online modes of learning be considered as a substitute for face to face learning and teaching.
- 1.2 This guidance has been developed to reflect the current context of teaching and learning in our schools and the fact that in responding to the COVID-19 pandemic, schools are having to adapt to a variety of circumstances and use a range of approaches to deliver teaching and learning. **The advice contained in this document is for the limited and sole purpose of responding to the challenges of teaching and learning in the COVID-context and should be applied in these exceptional circumstances only.**
- 1.3 The advice set out in this paper is consistent with the principles established in the Salaries Committee's paper on E-learning Initiatives, which flowed from the following resolution approved by the 2016 Annual General Meeting:
- 'This AGM instructs Council to investigate and report on the workload and contractual implications for teachers and lecturers of e-learning initiatives.'*
- 1.4 In the context of the COVID-19 pandemic, changes to the delivery of teaching and learning may have to be made for a variety of reasons:
- (i) pupils may be self-isolating or shielding
 - (ii) teachers may be self-isolating and able to work from home
 - (iii) teachers who are shielding or with particular vulnerabilities may be working from home
 - (iv) schools may require to move to a blended or remote learning model
- 1.5 To accommodate these circumstances, schools may wish to consider the delivery of online lessons, either pre-recorded or on a 'live' basis. This guidance is designed to assist Local Associations in negotiations about such provision at a local level, reflecting the contractual position as well as the health and wellbeing needs of teachers and pupils, at this challenging time.
- 1.6 It is recognised that pupils may also be absent from school for non-COVID-related reasons. In these circumstances, existing Local Authority policies, procedures and guidance to manage such absences and to support attendance would normally apply. The arrangements and protocols referred

to in this document would **not** normally pertain to these situations, unless arrangements and protocols have already been agreed and online teaching is being provided to another pupil in the same class who is self-isolating or shielding.

Guiding Principles

Agreement at LNCT

- 2.0 All arrangements and protocols for the delivery of online teaching in the circumstances outlined in Paragraph 1.4 above should be agreed at LNCT.
- 2.1 SNCT and LNCT conditions of service must be observed in all cases and any involvement in online teaching must be capable of being delivered in the 35-hour working week and within the Working Time Agreement of the host school of the teacher who is involved in delivering online teaching.
- 2.2 Extant individual statements of particulars and locally agreed job descriptions and remits should not be varied.
- 2.3 There is no explicit statement in teachers' contracts in relation to delivering online lessons and unlike the UK Government, the Scottish Government has not used its legal powers to instruct remote or online teaching. The EIS believes that teacher staffing of online teaching, whether delivered by teachers working from school or at home, should be voluntary.
- 2.4 The delivery of online teaching to individual pupils or to timetabled classes is class contact time and class size maxima as set out in the SNCT Handbook must be honoured in all cases.
- 2.5 The supervision of classes engaging in remote learning from within physical classrooms can only be undertaken by GTCS registered teachers. It is not acceptable for support staff or other colleagues who do not hold GTCS registration as teachers to supervise classes of students who are being taught remotely.**

Pupils self-isolating or shielding – access to remote teaching

- 3.0 Where a pupil is self-isolating and remote access to teaching is being considered, distinct arrangements and protocols should be agreed for this provision, reflecting the needs of the individual pupil in line with GIRFEC principles.
- 3.1 Whilst it is recognised that screen-based online learning may form part of the provision of teaching and learning for pupils who are self-isolating or shielding, it should **not** be the only pedagogical approach adopted. Consideration should also be given to a range of active and independent learning approaches, including research tasks, project work, and opportunities to participate in practical activities which can be carried out away from a digital device.

- 3.2 The EIS is clear that where teachers are providing online teaching in these circumstances, arrangements should be made to backfill that part of the post which is required for the delivery of online learning.
- 3.3 Class teachers who are fully class-contact committed should **not** be teaching in class for the duration of their class contact commitment *and* delivering **live-stream** or **recorded** lessons to pupils elsewhere.
- 3.4 Live streaming and recording of in-class lessons is not an acceptable practice, either pedagogically or in terms of conditions of service. A limited exception to this relates to the use of limited live streaming of student teacher "expositions" which are governed by specific parameters and protocols, and are primarily focussed on supporting the student teacher.
- 3.5 Consideration should be given to the allocation of additional teachers for the delivery of online teaching or where appropriate and agreed locally, to the use of the E-Sgoil National Study Support Offer.
- 3.6 It is recognised that if new members of staff are being recruited, then a Local Authority may have a requirement to appoint on the basis that part, or all, of the role will be to deliver online teaching during these exceptional times. LNCTs will have to agree the specific job description and remit for the duration of the pandemic with a view to the remit defaulting to face to face classroom teaching when normal education service delivery is resumed. The creation of any COVID-specific remits related to online learning should adhere as a minimum to the conditions and protocols related to Esgoil delivery, for example in relation to class size maxima.

Teachers working at home and delivering remote teaching

- 4.0 It is recognised that some teachers may be working from home, as a result of:
 - (i) a requirement to self-isolate; or
 - (ii) shielding or particular vulnerabilities; or
 - (iii) a move to blended or remote learning in their host school.
- 4.1 In these circumstances and subject to agreement at LNCT as outlined in the provisions above, the teachers involved may be asked to deliver online lessons, either pre-recorded or on a live basis.
- 4.2 Whilst teachers' contracts make no explicit statement in relation to delivering online lessons, the EIS has argued for the right of teachers who are shielding or who have particular vulnerabilities to work remotely. The delivery of online teaching is part of the range of mitigations which can be adopted in these circumstances.
- 4.3 LNCT agreements should ensure that all relevant circumstances are considered when determining if the delivery of online teaching is necessary and possible.

- 4.4 A truly collegiate approach should be adopted, and agreements reached which are reflective of the individual circumstances of the teacher involved.
- 4.5 LNCT agreements should make provision for the potential of the different home and personal circumstances of teachers working at home, some of which might render the delivery of live or pre-recorded lessons from home a significant challenge.
- 4.6 It should also be recognised that there will be variable circumstances across and within schools in terms of the need for teachers working from home to be involved in remote teaching. Teacher professional judgement will also play a part in determining whether or not it features within particular learning contexts. For example, where a post has been back-filled or absence covered to ensure that in-class lessons are being delivered by another teacher, there may be no need for a self-isolating or clinically vulnerable teacher who is working from home, to deliver any online lessons. However, there may be others situations, in which colleagues may agree that a key aspect of learning would be best delivered by the class teacher who is currently at home and the use of online teaching would facilitate this approach. The professional judgements of the self-isolating or clinically vulnerable teacher who is working from home and the in-class cover teacher would form a key part of the decision-making process.
- 4.7 If a teacher is concerned for any reason about being asked to deliver live or pre-recorded lessons from home, they should raise these concerns with the school management team and seek advice and support as necessary from their EIS school representative or Local Association Secretary.

Do's and Don'ts of Online Teaching

- 5.0 Where teachers are delivering online lessons in the context of COVID-19, either pre-recorded or on a live basis from home, teachers **SHOULD**:
- follow the agreed LNCT policies, protocols and guidance.
 - communicate only through agreed official channels, e.g. GLOW or other local authority-endorsed digital platforms;
 - ensure that any associated communication with parents is in accordance with agreed policies and protocols; and act in accordance with the [EIS Social Media Policy](#) and the [GTCS Professional Guide, 'Engaging Online: a guide for teachers'](#);
 - take all appropriate measures to protect their personal privacy and safeguard their professionalism, e.g. by ensuring neutral backgrounds and appropriate dress;
 - **be aware that nothing shared online is private.**
- 5.1 Where teachers are delivering online lessons, either pre-recorded or on a live basis, teachers **SHOULD NOT**:

- share, or be asked to share, personal phone numbers, email addresses or social media IDs with pupils or parents;
- live-stream lessons from their homes, unless they are using a secure platform, such as GLOW;
- engage in any phone or video-calling with parents unless this has been arranged through the school in accordance with LNCT agreements, and with the knowledge and/or participation of the appropriate line manager and the consent of the teacher involved;
- be compelled to use their own personal phones or other devices should they not wish to do so

Protocols to protect staff and safeguard pupils

- 6.0 Schools must have in place protocols to protect staff and safeguard pupils, prior to the delivery of any online lessons, either pre-recorded or on a live basis by teachers working from home.
- 6.1 No teacher should be expected to carry out any online teaching
- (i) with which they feel uncomfortable, or
 - (ii) in the absence of agreed protocols, including measures for handling incidences of pupil behaviour which is disrespectful of others, including the teacher, or is disruptive of learning.
- 6.2 The teacher delivering online teaching from home, is solely responsible for the delivery of education. The health and safety of pupils engaging in lessons remotely and the management of discipline is the responsibility of the school and not the teacher working from home.
- 6.3 Teachers should not routinely be in phone contact with children and young people who are learning at home as they self-isolate or in the context of a remote or blended learning model.

Use of, and Access to, ICT

- 7.0 Local Authorities should be responsible for the provision of all required hardware and software in relation to any recording or live streaming of lessons from home. The ability of Local Authorities to ensure the capability, reliability and security of digital infrastructure to enable the smooth delivery of online learning should feature in LNCT discussions relative to such provision.
- 7.1 As far as possible where digital technology is being used to support learning and teaching at home, this should be familiar both to teachers and to pupils.
- 7.2 Appropriate training on the use of the resources, technology and digital platforms used, shall be provided by the school or Local Authority to ensure that teachers are supported and confident in delivering this contingency model of education.

- 7.3 Appropriate professional learning opportunities should also be facilitated to ensure that teachers are supported pedagogically in delivering this contingency model of education.
- 7.4 Arrangements for the delivery of remote teaching should be underpinned by the principle of equity, and provision made to ensure that pupils impacted by poverty have access to appropriate resources to maximise engagement with learning and to address the poverty-related attainment gap.
- 7.5 Teachers delivering remote teaching should also be furnished with the appropriate resources as required from the school or Local Authority to facilitate the delivery of teaching in this manner.
- 7.6 Where teachers have concerns about the use of particular software, for example, in relation to the capacity of companies to access and harvest personal data, these should be raised with the school and/or Local Authority, with a view to alternative possibilities being explored.

Quality Assurance

- 8.0 Whilst it may be appropriate in some circumstances for colleagues to work together in a team-teaching capacity on providing remote learning for pupils, the use of digital platforms for the purposes of quality assurance of learning and teaching in the context of any contingency arrangements is **not appropriate and should be resisted.**

Workload

- 9.0 The EIS is clear that priorities at this time should be streamlined to ensure that there is no additional strain on weekly working time within the parameters of the 35-hour working week.
- 9.1 In accordance with the Scottish Government Guidance on Education Recovery, priorities should be centred around the well-being of teachers, as well as of children and young people, and be agreed on a collegiate basis.
- 9.2 If a teacher has a concern about workload, this should be raised with the management of the school setting in the first instance. If necessary, the EIS School Rep and/ or Local Association Secretary can assist in helping the setting to reach a collegiate and bureaucracy-light solution.

Further advice on curricular and pedagogical approaches within COVID-secure teaching environments and in the context of education recovery can be accessed [here](#).

November 2020

EIS Submission
to the Education and Skills Committee of the Scottish Parliament
in relation to
the Additional Support for Learning Review

The EIS, Scotland's largest education trade union, representing teachers across all sectors and at all career stages, welcomes the opportunity to provide evidence to the Education and Skills Committee of the Scottish Parliament in relation to the Additional Support for Learning ('ASL') Review.

Background

It was with some reluctance that the EIS supported the call for an independent review of ASL implementation in January 2019 - reluctance because we were of the view that a wealth of evidence already existed about the need for greater resourcing to deliver the ambitions of legislation in this area, including the presumption to mainstream the education of children with additional support needs. We were concerned that a review at that time would simply stall government action to address the issues that the EIS and others have been raising for some time. Disappointingly, having supported the call and engaged strongly in the process, our view is that the Recommendations fall short of identifying the resourcing barriers which are preventing an extensive array of educational policy, underpinned by comprehensive legislation, from being effectively implemented in practice.

Under-Investment and Resource Issues

The Recommendations are prefaced by a statement suggesting that what is needed is a 'feedback loop' that enables those with responsibility for implementation of the ASL legislations to receive feedback from the children and parents as a means of enhancing support to children with additional needs and thereby improving their outcomes.

It is strange that there is no reference in this preface to the fundamental relationship of resourcing to children's experiences of education and, of course, their outcomes, despite the fact that the EIS provided significant evidence to the Review around under-funding of ASL and lack of resources amidst a backdrop of rising levels of need.

The EIS has long cited the well-evidenced gap between theories of inclusion, the law and policy on children's rights, and the daily practice in our schools. This gap stems from the significant under resourcing of provision to allow well- intentioned policies to be implemented effectively in practice. Teachers across the country have raised serious concerns about the stretched nature of support for additional learning needs, both in terms of the ASN sector and for pupils with additional needs in mainstream settings. There are not enough staff in the Scottish education system to support these needs, and those who are there have too little time; often too many different additional support needs to meet within

large classes; too little dedicated time for professional learning in this area; and too few resources to meet the array of needs before them.

Rather than address these issues directly, the Review recommends that Audit Scotland (accountants and statisticians, not educationalists) should consider this crucial element of ASL implementation. The Institute believes that this is an opportunity missed to effect real and meaningful change. With more than 1 in 4 pupils identified as having additional needs, (those needs now are likely to have been compounded by the impact of COVID-19) we believe that the Review ought to have focused directly on the issues of underfunding and the key issue of the need for more support staff, more specialist teachers and greater dedicated resources.

Undervaluing

Worryingly, the Recommendations also appear to take conflicting views on the value of Pupil Support Assistants ('PSAs'), on the one hand implying that such staff should be better remunerated and provided with professional learning, and on the other implying that spending on PSAs does not provide best value for money.

In 2019, the EIS, in the publication, 'Additional Support for Learning in Scottish School Education: Exploring the Gap between Promise and Practice.' (embed link), highlighted that further attention should be given to the undervaluing of the roles of both ASL/ASN Teachers and ASL/ASN Assistants. It was highlighted at that time that this was in part linked to societal undervaluing of work which is predominantly carried out by women, and which is often (wrongly) perceived as something that 'anyone could do', with the skills involved not being fully understood or respected. It is disappointing, therefore, to see this approach apparently perpetuated in part in these Recommendations.

Failure to Acknowledge Challenges and Existing Good Practice

The Recommendations repeatedly highlight that there are issues with implementation, a principle which is accepted by all. However, rather than identify resource constraints as being key to this, the Report implies that attitudes and lack of understanding and/or will on the part of schools and teachers is the problem.

This approach takes little cognisance of the falling number of staff working in ASL. Teacher Census data demonstrates that the general trend over recent years has been a decline in the numbers of staff with specialist roles, e.g. Behaviour Support, ESL (English as a second language) or Learning Support. ASN teacher numbers have fallen by a staggering 19.5% in the last ten years. Data provided by the Scottish Government has shown that across Scotland, in 2010, there were 3,524¹ Full Time Equivalent Additional Support Needs (ASN) Teachers; by 2019 that figure was 2,836² – a decrease of 688 FTE ASN teachers.

¹ [Motions, Questions and Answers Search - Parliamentary Business : Scottish Parliament](#)

² [Motions, Questions and Answers Search - Parliamentary Business : Scottish Parliament](#)

This decline must be regarded in the context of increasing need. Statistics show the year on year increase in the number of children with additional support needs in primary and secondary schools in Scotland. In 2020, 226,838 children are recorded as having additional support needs; nearly a third of the pupils in our schools.³ And we know that the impact of the pandemic will only increase these numbers and the level of need in the years to come.

Despite these challenges, classroom teachers across Scotland and others who work with them, strive every day to ensure that children and young people enjoy and achieve at school, using a wide range of inclusive approaches.

The Recommendations fail to recognise the existing good practice ongoing in the Education system in relation to ASN provision, for example in taking an assets-based approach to Child Support Plans and joint working between schools, parents and other core agencies in the child planning process, instead implying a deficit model of provision across the board.

In order to deliver an education to all children that is inclusive and addresses learners' individual needs, the Institute had hoped that the Review would have recognised that schools must be sufficiently staffed and resourced in order to ensure that each child's needs are known to teachers. Each member of staff must have access to and protected time for professional learning, be afforded the time to plan how to meet the diverse needs of pupils and must be able to access the expertise of specialist colleagues when needed. Regard must also be taken of the fact that special schools and special units have a role to play in meeting the needs of pupils, where appropriate, and also require investment.

Wider Achievement

On a positive note, the Review Report recommends that the measurement frameworks which capture achievement, such as the National Improvement Framework ('NIF'), need to be more inclusive of children with additional support needs, capturing their progress which will often not be wither in full or in part, attainment-based.

The EIS welcomes this recommendation and has long advocated that evaluation of young people's progress should be much more inclusive in order to capture what progress in learning and achievement looks like for *all* children, including those with additional support needs.

Status of ASN Teaching

The EIS agrees the need for parity of career progression for teachers with ASN specialism though does not support the recommendation that there should be a first teaching qualification in ASN. We believe that this would too quickly narrow the career opportunities for student teachers who, on entry to ITE have, understandably, quite limited knowledge of teaching as a career and of additional support needs as a specialist field. Furthermore, we are of the view that specialism in ASN should stem from a firm foundation of knowledge, skills and experience in teaching more generally, acquired through completion of a

³ [Summary Statistics for Schools in Scotland 2020 - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/summary-statistics-for-schools-in-scotland-2020/pages/10.aspx)

teaching qualification and subsequent school experience. That said, we are of the view that greater focus on ASN within ITE is required for all student teachers. In terms of career pathways and progression, the EIS called for ASN specialism to be considered within the Career Pathways Review, the findings of which are now being deliberated by the SNCT. We see ASN teaching as an essential and valuable specialism which should be recognised within Scotland's career pathways for teachers.

Conclusion

The EIS had hoped that the ASL Review would provide the opportunity, which it has long sought, for all key actors in the Scottish education system to come together to develop a collective response to the barriers to effective implementation of the ambitious legislation and policy in ASL which we have in Scotland.

We hoped that the issues highlighted in 'Additional Support for Learning in Scottish School Education: Exploring the Gap between Promise and Practice.' (embed link) could be addressed and measures put in place to stop the detrimental impact which the climate of under-investment in ASL is having on the educational experience for many pupils; the wellbeing of children and young people; and the wellbeing of the teaching workforce.

Regrettably, this has been an opportunity missed and we would urge the Committee to reflect on the fact that it is not the refined guidance and focus contained in the Recommendations of the Report which schools require to meet the need of pupils; it is additional investment.

As we highlighted back in 2019, "Inclusion on the cheap" is not acceptable. Scotland's children and young people, and their teachers, deserve better.'

EIS Guidance on the Return to Early Years Settings (February 2021)

What is this guidance for?

- 1.1 Following the Scottish Government's announcement on 16th February that Early Learning and Childcare (ELC) settings can open to all children from the week commencing 22nd February, teachers and early years practitioners across the country are preparing for another change in the delivery of early years education and considering how they can best meet the needs of our youngest learners, as they return from a period of remote learning.
- 1.2 Whilst Early Years teachers and practitioners will undoubtedly be focused on re-engaging with children and considering ways to address the social and emotional impact of the period of closure and the pandemic, it must be acknowledged that **re-opening does not equate to 'business as usual'**.
- 1.3 This guidance has been produced to provide EIS members in ELC settings with practical advice on re-opening, the mitigations which need to be in place to keep staff and children safe and on the practicalities of streamlining priorities to ensure that there is no additional strain on weekly working time within the parameters of the 35-hour working week.
- 1.4 This guidance should be read in conjunction with the [EIS Guidance for Early Learning and Child Care Settings on Education Recovery: Curriculum and Pedagogy](#).

Scope of Provision in the ELC Context

- 2.1 The Scottish Government Guidance, '[Coronavirus \(COVID-19\): Early learning and childcare services](#)' sets out the scope of the return to ELC settings, stating that 'ELC settings can re-open to all children from 22 February'.
- 2.2 However, the guidance makes it clear that health and safety considerations and public health measure will underpin the re-opening, highlighting that ELC settings must 'place the highest priority on reviewing risk assessments and ensuring that all mitigations are in place and implemented.'
- 2.3 Part of this process will be in assessing capacity and the number of children who can **safely** access the setting if mitigations, such as the 2m physical distancing requirements between adults in the setting, are to be effectively implemented.
- 2.4 Prior to settings re-opening and offers of placements being made, consideration should therefore be given to the physical layout of the setting, staffing approaches and the number of children that can be **safely**

accommodated at any one time, to maximise the effectiveness of room ventilation and ensure that public health requirements can be met. These considerations should be carefully documented through the risk assessment process.

- 2.5 Flowing from this assessment of capacity, the numbers of children in settings may require to be lower than the normal Care Inspectorate registered capacity of the setting, based on floor space requirements. **The scope of provision may, therefore, be limited to ensure compliance with these important health and safety requirements.**
- 2.6 Where the capacity in the setting is reduced and it has been agreed that staff are not required to attend in terms of the adult:child ratios, staff should continue to work from home.

Mitigations

- 3.1 The Scottish Government guidance, referred to above, provides that 'every possible step should be taken to ensure the safety and wellbeing of children and staff' in preparing for the safe return to ELC. ELC settings must therefore 'place very high priority on reinforcing the mitigations set out in [the] guidance'.
- 3.2 Risk assessments should be conducted prior to settings re-opening to assess whether the risks presented by the re-opening can be managed safely and to identify the appropriate mitigation measures which must be adopted to manage these risks effectively.
- 3.3 On re-opening, it is essential that all appropriate risk mitigation measures are in place and being strictly adhered to.
- 3.4 EIS representatives should be consulted and involved in the risk assessment process, which should continue to have the health and safety of staff and children as their primary focus.
- 3.5 Risk assessments should make specific provision to ensure that:
 - Capacity and cohort sizes are limited to a level which enables the safe implementation of mitigation measures, including the 2m physical distancing requirements between adults and the provision of adequate ventilation
 - Adults in the ELC setting can adhere to the 2m physical distancing requirements from other adults, at all times, including during lunch and break times as well as during transition periods
 - Arrangements are in place to enable strict adherence to 2m physical distancing between adults, including parents at drop-off and collection times
 - In circumstances where the 2m physical distancing requirement between adults cannot be adhered to, face coverings will be worn
 - There is adequate ventilation in the setting, with risk assessments being updated to take account of seasonal changes and their impact on ventilation and heating

- Enhanced hygiene and cleaning practices are in place
- Commonly touched objects and surfaces are cleaned on a regular basis (at least twice daily)
- Toys and equipment are cleaned when groups of children change, between sessions and at the end of the day or start of the morning session
- Where staff are required to come into close contact with pupils in order to provide intimate care and personal support, provision is made for the use of PPE by the member of staff
- Provision is made for the supportive use of face coverings, e.g.in circumstances where staff are working directly with children, they will be supported to wear face coverings, if they choose to do so
- Groupings of children remain consistent
- Provision has been made to ensure that staff can work in consistent groups
- Arrangements are in place to ensure that all mitigations are adhered to at lunch, break and transition times

3.6 Some mitigation measures require further specific consideration:

- **Limiting children's contacts and group sizes** – a key part of managing risk in ELC is to reduce the number of interactions which children and staff have. Contacts must be limited by managing children within consistent groupings. Whilst the size of groups will depend on a number of factors (including the age, the overall number of children in the setting and the layout), government advice is clear that **'the general approach should be to minimise the size of groupings where possible'**, with large indoor groupings being avoided. Although groups of between 25-33 are permitted by the guidance, the advice notes that this may result in more staff and children being required to self-isolate in the event of anyone within the group testing positive. In addition to reducing the potential for transmission of the virus and enhancing the effectiveness of ventilation systems, limiting group sizes to smaller numbers has the added pedagogical benefit of enabling greater individual support to be provided to the children in those groups. The EIS supports this approach.
- **Limiting staff contact with each other** – the guidance recommends that ELC settings should try to maintain consistency within groups of staff who are working in close proximity to each other. The EIS would recommend that a collegiate approach is taken to informing decisions on staff groupings.
- **Face coverings** – Although the guidance does not make provision for the wearing of face coverings when staff are working directly with children, it does highlight that **staff who wish to wear a face covering in these circumstances, should be supported to do so**. The EIS is clear that any teacher wishing to wear a face covering, should feel free to do so and is campaigning for medical grade face coverings to be made available as an additional mitigation to all staff.
- **Peripatetic Staff** – The Scottish Government guidance provides that peripatetic staff should only attend settings in person 'where it is

demonstrably in support of the health and wellbeing of young children'. Consideration should, therefore, be given to whether attendance on this basis is necessary or whether alternative methods of engagement, such as remote provision, would suffice. If, after collegiate discussion, the attendance is considered necessary, then the time spent in the ELC setting should be kept to a minimum. Where possible, the EIS would suggest that efforts are made to consolidate the attendance of peripatetic staff in one location.

- **Staff employed in more than one childcare setting** – where staff are employed by a single employer, they should only work in more than one setting if this is absolutely necessary. Where staff are employed by more than one childcare provider, risk assessments should be carried out to minimise the risk of transmission between settings and careful attention paid to any evidence suggesting bridges of transmission. Staff should not work across two settings, if there is an outbreak in one.
 - **Blended placements** – government advice is that parents and carers should be 'encouraged and supported to limit the number of settings their child attends, ideally attending one setting only'. Existing blended placements can, however, continue if through the process of a joint risk assessment, it is deemed safe to do so and necessary in the interests of the child. Appropriate mitigation measures should also be adopted to ensure that the risks identified can be managed safely in both settings.
 - **Visitors** – Adult visitors should be strictly limited to those who are necessary to support children or are required to complete necessary construction and maintenance.
- 3.7 Members are encouraged to review the risk assessments which underpin the practical arrangements in place in their setting, on a regular basis and ensure that any changes both in the environment and in staffing arrangements are reflected in the mitigation measures in place.
- 3.8 In addition to the mitigations outlined above, additional mitigations may be required for the safe delivery of practical aspects of the curriculum in ELC settings. Education Scotland has produced advice in relation to some of the practical subjects and this can be accessed [here](#). This advice should inform the risk assessment process for the subject areas involved.
- 3.9 Some subjects require specific consideration:
- **Physical Education and Dance** – Children returning to ELC settings from 22nd February can only participate in physical activities in PE and in Dance **outdoors**. Where children are using changing rooms, specific consideration should be given to how the risk of transmission can be managed safely and provision made for enhanced cleaning of surfaces after use.
 - **Music** – Education Scotland Guidelines on Music continue to provide that singing should not happen indoors as an organised, large group activity in

ELC settings. The guidance recognises that children sing naturally in the course of activities and play and should not be discouraged from doing so. It also acknowledges that singing may be used to comfort a child. In these situations, it would be envisaged that the singing would be at a low volume, with lower respiratory exertion as there would be no need for staff or a child in such circumstances to project their voice.

More detailed advice in relation to these practical subjects can be found in the Education Scotland guidance on practical subjects referred to above and in the [EIS Guidance for Early Learning and Childcare Settings on Education Recovery: Curriculum and Pedagogy](#).

- 3.10 If any Early Years teacher or practitioner is concerned about the mitigation measures which have been identified and has concerns about their safety or the safety of anyone else in the setting, they should raise this with the school management team and seek and advice and support from their EIS representative or Local Association Secretary thereafter as necessary.
- 3.11 Further advice on the completion of risk assessments can be accessed on the EIS Website [General Risk Assessment Guidance](#) and [Risk Assessment Guidance for Early Years](#).
- 3.12 Dedicated time should be set aside for staff training on the risk mitigations measures being implemented in the setting and consideration given to any additional local training which staff feel would be helpful in increasing confidence in the safe return and delivery of ELC provision.
- 3.13 The EIS is maintaining a close watching brief on emerging data, particularly about the impact of the new variant of the virus on transmission amongst children and young people. With this in mind, we will continue to keep our guidance under review and updated as evidence emerges.

Workload

- 4.0 The EIS is clear that priorities at this time should continue to be streamlined to ensure that there is no additional strain on weekly working time within the parameters of the 35-hour working week.
- 4.1 In accordance with the Scottish Government Guidance on Education Recovery, priorities should be centred around the wellbeing of teachers and Early Years practitioners, as well as of children and young people, and be agreed on a collegiate basis. Teachers and Early Years practitioners should be mindful of their own health and wellbeing and the need for an appropriate balance of priorities in this regard.
- 4.2 If a teacher or Early Years practitioner has a concern about workload, this should be raised with the management of the setting in the first instance. If necessary, the EIS Rep and/or Local Association Secretary can assist in helping the setting to reach a collegiate and bureaucracy-light solution.

Collegiate Activities

5.0 Whilst collegiate activities that reflect the key Education Recovery priorities continue in accordance with Working Time Agreements, this should be in adherence to the current public health advice. Having regard to the increased transmissibility of the new strain of the virus and with a view to minimising the number of staff attending school buildings and ELC settings, the EIS is of the firm view that collegiate activities should be undertaken using virtual means.

Communication

- 6.0 The safety of staff and children will be dependent on the strict application of mitigation measures identified in the guidance and through the risk assessment process. It is essential that parents and where appropriate, children are clearly advised of the mitigations which will be in place and the importance of adhering to them, particularly in relation to the requirements to physically distance and to wear face coverings.
- 6.1 A good pedagogical approach is also to involve children in age-appropriate conversations about the reasons why the mitigation measures are necessary to reduce the risk of infection and keep everyone safe. This will help to reduce anxiety and develop understanding about the importance of adhering to the mitigations in place.
- 6.2 In seeking to reinforce the importance of reducing the potential for community transmission, communications to parents should also explain the rationale for arrangements, such as staggered start and finish times, and highlight the importance of avoiding contact with other households at school gates.

Further advice on curricular and pedagogical approaches within COVID-secure teaching environments and in the context of education recovery can be accessed [here](#).

Further guidance to members working at home during a period of school closure can be accessed [here](#).

EIS Guidance on the Return of all Primary Pupils (March 2021)

What is this guidance for?

- 1.0 Following the Scottish Government's announcement on 2nd March that all Primary children can return to school from the week commencing 15th March, teachers across the country are preparing for another change in the delivery of teaching and learning and adjusting their practice in responding to the challenges presented by the COVID-19 pandemic.
- 1.1 This guidance has been produced to provide EIS members in Primary Education with practical advice on the return to 'in-school' delivery; the importance of ensuring that workload is carefully managed; and the practicalities of streamlining priorities to ensure that there is no further strain on weekly working time within the parameters of the 35-hour working week.
- 1.2 This guidance should be read in conjunction with the [EIS Guidance](#) for Primary Members on Education Recovery: Curriculum and Pedagogy. Where there are points of divergence, the terms of this guidance should take precedence.

Scope of 'In-School' Provision in the Primary Context

- 2.0 The Scottish Government Guidance, '[Coronavirus \(COVID-19\): guidance on schools reopening](#)' sets out the Scottish Government's expectation that 'all children in Primary schools will return to school full time' from the week commencing 15th March 2021.

Advice on the Delivery of Practical Subjects

- 3.0 On the return to 'in-school' teaching and learning for children in Primary settings, practical 'hands on' learning activities, experiments and investigations may not be able to occur on the same basis that they would have previously, and Primary teachers may have to adapt some aspects of their approach to these activities in the interests of safety.
- 3.1 When it has been deemed safe through the risk assessment process to deliver practical aspects of the curriculum, additional time should be factored into planning, the setting up of resources, delivery (taking full account of the mitigations, such as physical distancing, which should be in place) and for the clearing up and cleaning of equipment.
- 3.2 In planning the delivery of teaching and learning in practical subjects in school, with arrangements such that 2m distancing will be maintained between pupils and staff and between staff members, consideration should be given to whether the activity should take place indoors or outdoors; the

size of the teaching spaces; and how class sizes can be kept to a minimum within those spaces.

- 3.3 Given the need to prioritise health and safety, teachers should give extra-careful consideration to which equipment and resources will be used in the practical activity.
- 3.4 Education Scotland has produced advice in relation to some of the practical subjects and this can be accessed [here](#). This advice should assist when planning teaching and learning in these areas.
- 3.5 Some subjects require specific consideration:
 - **Physical Education and Dance** Children can only participate in physical activities in PE and in Dance **outdoors**. Where children are using changing rooms, specific consideration should be given to how the risk of transmission can be managed safely and provision made for enhanced cleaning of surfaces after use.
 - **Drama** – Following a robust risk assessment, Drama activities can only take place if there is a combination of low-risk factors, with appropriate mitigation measures identified to address the risk involved. Large group activities and those where no physical distancing can take place between adults or between adults and pupils should not be re-introduced at this time. Children should work individually where possible and where this is not possible, in pairs or small groups of no more than five pupils (where this has been considered safe through the risk assessment process). Strenuous movement work should be avoided and Drama activities should take place in well-ventilated rooms or outdoor spaces.
 - **Music** – following a robust risk assessment, with provision being made for adequate ventilation, practical in-school lessons and activities in Music (other than in wind, brass and voice) can only go ahead if there is a combination of low risk factors and appropriate mitigation measures have been implemented to address the risk involved. The delivery of in-school practical tuition in voice, wind and brass instruments **cannot** take place in Primary schools at this time. Learning in these areas can continue through remote delivery.

More detailed advice in relation to teaching in these practical subjects can be found in the Education Scotland guidance on practical subjects referred to above and in the [EIS Guidance](#) for Primary Members on Education Recovery: Curriculum and Pedagogy.

- 3.6 The EIS is maintaining a close watching brief on emerging data, particularly about the impact of the new variant of the virus on transmission amongst children and young people. With this in mind, we will continue to keep our guidance under review and updated as evidence emerges.

Workload

4.0 The EIS is clear that workload needs to be controlled and priorities at this time should continue to be streamlined to ensure that there is no further strain on weekly working time within the parameters of the 35-hour working week.

- 4.1 In accordance with the Scottish Government Guidance on Education Recovery, priorities should be centred around the wellbeing of teachers, as well as of children and young people, and be agreed on a collegiate basis. Teachers should be mindful of their own health and wellbeing and the need for an appropriate balance of priorities in this regard.
- 4.2 If a teacher has a concern about workload, this should be raised with the management of the school setting in the first instance. If necessary, the EIS School Rep and/ or Local Association Secretary can assist in helping the setting to reach a collegiate and bureaucracy-light solution.

Collegiate Activities

5.0 Whilst collegiate activities that reflect the key Education Recovery priorities continue in accordance with school Working Time Agreements, this should be in adherence to the current public health advice. Having regard to the increased transmissibility of the new strain of the virus and with a view to minimising the number of staff attending school buildings, the EIS is of the strong view that collegiate activities should be undertaken using virtual means.

Peripatetic Staff

- 6.0 The Scottish Government 'Coronavirus (COVID-19): guidance on reducing the risks in schools' makes it clear that 'movement between schools (e.g. of temporary/supply/peripatetic staff etc.) should be kept to a minimum' (paragraph 94).
- 6.1 Given that lockdown conditions remain in place, the EIS would recommend that careful consideration is given to the use of peripatetic staff at this time. The question should be asked whether their attendance is *essential* within this phase of school reopening and whether the service that such staff provide could be delivered remotely.
- 6.2 If, after collegiate discussion, the attendance of peripatetic staff in school buildings is considered necessary, then 'movement between schools ... should be kept to a minimum'¹. In ensuring the strict application of this government advice, efforts should be made to consolidate their attendance in onelocation.

¹[1\(Coronavirus \(COVID-19\): guidance on reducing the risks in schools - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/coronavirus-guidance-reducing-risks-schools/pages/94.aspx)

Communication

- 7.0 The safety of staff and children will be dependent on the strict application of mitigation measures identified in the guidance and through the risk assessment process. It is essential that parents and pupils are clearly advised of the mitigations which will be in place and the importance of adhering to them, particularly in relation to the requirements in relation to physically distancing and the wearing of face coverings.
- 7.1 A good pedagogical approach is to involve pupils in conversations about why the mitigation measures are necessary to reduce the risk of infection and keep everyone safe. This will help to reduce anxiety and develop understanding about the importance of adhering to the mitigations in place.
- 7.2 In seeking to reinforce the importance of reducing the potential for community transmission, communications to parents should also explain the rationale for arrangements, such as staggered start and finish times, and highlight the importance of avoiding contact with other households at school gates.

Further advice on curricular and pedagogical approaches within COVID-secure teaching environments and in the context of education recovery can be accessed [here](#).

Further guidance to members on remote and blending learning can be accessed [here](#).

EIS Guidance on the Phased Re-Opening of Schools – Phase 2 (March 2021)

What is this guidance for?

- 1.1 Following the Scottish Government's announcement on 2nd March concerning the part-time return to school of all secondary pupils from the week commencing 15th March, teachers across the country are now preparing for another change in the delivery of teaching and learning and considering how best to meet learners' needs, in responding to the COVID-19 pandemic, whilst balancing the workload challenges which these arrangements present.
- 1.2 This guidance has been produced to provide EIS members with practical advice on the return to 'in-school' delivery and how this can be balanced in the Secondary context with the ongoing provision of remote learning for those learners, not physically attending school.
- 1.3 We have focused on the importance of clarity in the purpose of the 'in-school' delivery; the importance of ensuring that workload is carefully managed; and the practicalities of streamlining priorities to ensure that there is no further strain on weekly working time within the parameters of the 35-hour working week.
- 1.4 This guidance should be read in conjunction with the [EIS Secondary Curriculum and Pedagogy Guidance](#) and [Guidance on Blended and Remote Learning and Teaching](#). Where there are points of divergence, the terms of this guidance should take precedence.

The Phased Return to In-School Provision in Secondary Schools

- 3.1 The Scottish Government Guidance, '[Arrangements for the phased reopening of schools in March 2021](#)' makes it clear that 'all secondary school pupils will return to spend some time in school from 15th March until the Easter break'.
- 3.2 This means that over this period, a blended model of educational provision will be in place, with a combination of in-school learning and remote delivery for all learners in S1-S6.
- 3.3 In ensuring compliance with the 2m physical distance requirement between learners, between adults and between learners and adults, numbers in the setting at any one time will be significantly restricted and schools will have to determine which learners should return within particular groupings and when.
- 3.4 The EIS is clear that these decisions should be taken on the basis of collegiate dialogue and the rationale for the decision clearly stated so that there is a common understanding of the purpose of the learners' attendance and to ensure that time spent in-school can be used effectively.
- 3.5 The Scottish Government Guidance and Education Scotland's Guidance, '[Phase 2 of the return to in-person learning – guidance for preparing in-school](#)

[and remote learning for S1-S6](#) set out considerations and principles which schools should adopt as part of this decision making process:

- **Senior Phase Students**

- **The return of senior phase learners who are completing National Qualifications must have priority for 'in-school' provision** to ensure that the Alternative Certification Model can be delivered.
- As in Phase 1, the learning and teaching of **critical practical work** in relation to **qualifications** in 2021 that **can only be carried out in school**, should continue.
- The focus in the senior phase at this time should be on learning and teaching, to ensure that the essential elements of courses have been covered and learners have a secure foundation upon which to proceed. The Education Scotland guidance makes this clear, highlighting that 'formal assessment [will take] place in the later stages of the 2020/21 academic session.'

- **Children of Key Workers and Vulnerable Young People**

- In-school teaching and learning will also continue at this time for the children of key workers and for vulnerable young people in S1-S6.

- **Broad General Education ('BGE') – Young People in S1-S3**

- The Scottish Government guidance outlines the clear expectation that 'all young people in secondary schools will receive **some** in-school education each week from 15th March **whenever possible**'. (emphasis added)
- The purpose of this 'in-school' provision is to 'allow pupils to engage with their teachers and start seeing friends again', the clear focus being on pupil wellbeing.
- Careful planning will be required to ensure that schools are identifying and prioritising groups of learners who would benefit most from in-school support at this time, as well as ensuring that the time spent in school is focused on meeting wellbeing needs.
- **With this in mind, the EIS would not expect to see a return to normal timetabled teaching for pupils in the BGE.** Both Scottish Government and Education Scotland Guidance highlight the benefits of outdoor learning in helping learners to re-engage in school life and in preparing them for a fulltime return to in-school education.

- Education Scotland advice recommends that schools consider 'a complementary wellbeing and outdoor learning package' to support the return to in-school learning and the promotion of pupils' health and wellbeing.
- Consideration could be given to partnering with Active Schools Co-ordinators and other partner agencies to support the delivery of these outdoor learning opportunities.
- [The Outdoor Learning Directory](#) provides links to a variety of resources that can be filtered by subject area and curriculum level. Support and guidance on risk assessment can be found on the [Going Out There Framework](#) .

Advice on the Delivery of Practical Subjects

- 4.0 When making decisions, through collegiate dialogue, about which components of a course will be delivered 'in-school', it should be acknowledged that practical 'hands on' learning activities, experiments and investigations may not be able to occur on the same basis as they would have previously, and secondary teachers may have to adapt some aspects of their approach to these activities in the interests of safety.
- 4.1 When it has been deemed safe through the risk assessment process to deliver practical aspects of the curriculum in school, additional time should be factored into planning, the setting up of resources, delivery (taking full account of the mitigations, such as physical distancing, which should be in place) and for the clearing up and cleaning of equipment.
- 4.2 In planning the delivery of practical sessions in school, with arrangements such that 2m distancing will be maintained between all pupils and between pupils and staff and between staff members, consideration should be given to whether the activity should take place indoors or outdoors; the size of teaching spaces; and to how class sizes can be kept to a minimum within those spaces.
- 4.2 Teachers should give extra-careful consideration to which equipment and resources will be used in the practical activity, given the need to prioritise health and safety.
- 4.3 Education Scotland has produced advice in relation to some of the practical subjects and this can be accessed [here](#). This advice should assist when planning teaching and learning in these areas.
- 4.4 Some subjects require specific consideration:
- **Physical Education and Dance** - the practical elements of these courses can *only* take place outdoors (subject to one limited exception which is outlined below) and the 2m physical distancing between learners, between staff and between learners and staff must be maintained. Face coverings should be worn **at all times** by staff and pupils. Specific consideration should be given to how the risk of transmission can be managed safely in

changing rooms, with strict physical distancing requirements in place and enhanced cleaning of surfaces after use.

The Education Scotland guidance on Physical Education and Dance was updated on 8th March to make one limited exception to the prohibition of indoor practical activities in these subjects and this is for the sole purpose of assessment as part of the certification process in the senior phase.

In exceptional circumstances, where, for example, snow precludes the activity taking place outdoors, physical education and dance **for the sole purpose of assessment of senior phase pupils undertaking national qualifications** could be allowed indoors. However, given 'the increased risk of transmission among young people during physical exertion indoors'¹, careful consideration should be given to whether this is necessary. It should only take place following a robust risk assessment and with all appropriate mitigations measures in place.

- **Drama** – Following a robust risk assessment, Drama activities can only take place if there is a combination of low-risk factors, with appropriate mitigation measures identified to address the risk involved. Consideration should be given to the use of well-ventilated rooms or outdoor spaces when planning such activities. Strenuous movement should be avoided and voice-based activity should avoid the exploration of volume and vocal projection in class. Young people should work individually, wherever possible. Where this is not possible, learners should work in pairs or small groups (not exceeding five) and should remain at least two metres apart at all times. Face coverings require to be worn.
- **Music** – practical in-school lessons and activities in Music should only go ahead where absolutely necessary and on a one-to-one basis. Education Scotland Guidelines make it clear that 'very robust local risk assessments' should be conducted and risk mitigation measures implemented prior to the delivery of practical lessons. Practical sessions involving voice, wind and brass instruments should only take place in large, well-ventilated rooms, with *at least* 2 metres between the senior phase learner and the Instrumental Music Teacher ('IMT')/Class Teacher or alternatively, outdoors. A clear screen should be positioned between the senior phase learner and the IMT/Class Teacher. Face coverings should be worn by IMTs and learners at all times (and for brass, wind and voice, when learners are not performing). The room should be sanitised carefully at the end of each performance, with sufficient time delay between learners to allow aerosol particles to dissipate.

More detailed advice in relation to teaching in these practical subjects can be found in the Education Scotland guidance on practical subjects referred to above and in

¹ Education Scotland Dance ([COVID-19: Return to educational establishments](#)) and Physical Education Guidelines ([COVID-19: Return to educational establishments](#))

the [EIS Guidance](#) for Secondary Members on Education Recovery: Curriculum and Pedagogy.

4.5 The EIS is maintaining a close watching brief on emerging data, particularly about the impact of the new variant of the virus on transmission amongst children and young people. With this in mind, we will continue to keep our guidance under review and updated as evidence emerges.

Workload

5.0 In seeking to meet the Scottish Government's expectation for the part-time return to school for all secondary pupils, secondary teachers will be faced with particular workload challenges. This is referenced in the Scottish Government Guidance which acknowledges that 'it will be necessary to manage teacher and school leadership workloads.'

5.1 **The EIS is clear that workload needs to be controlled**, with each school devising its arrangements accordingly, in full consultation with teacher trade unions.

5.2 **Teachers, who are delivering 'in-school' teaching, should not also be asked to provide online or remote teaching or learning experiences on days when they are rostered for this provision. For the hours that teachers are class committed within a working week, they cannot also be engaged in remote provision.**

5.3 **Where teaching is being provided across both modes of delivery by staff at different times in the working day/week, there must be sufficient time allocated for preparation and marking for both, within the parameters of the 35-hour week.**

5.4 Live streaming and recording of in-class lessons is not an acceptable practice, either pedagogically or in terms of conditions of service. A limited exception to this relates to the use of limited live streaming of student teacher "expositions" which are governed by specific parameters and protocols and are primarily focussed on supporting the student teacher.

5.5 Additional staffing is likely to be required to ensure that remote learning and teaching for students in the BGE and the senior phase can continue on this part-time basis while in-person pupil attendance is being increased. The Scottish Government has recently provided funding to local authorities specifically for the purpose of enhancing the staffing complement to assist the phases of school reopening.

5.6 Now, more than ever, priorities should continue to be streamlined to ensure that there is no further strain on weekly working time within the parameters of the 35-hour working week.

5.7 The requirement for 2m distancing between secondary pupils will require **class sizes to be kept to a minimum**. In addition to the health and safety benefits of ensuring that 2m distancing can be maintained and maximising

the effectiveness of room ventilation, this measure has the potential to help control teacher workload and is a good pedagogical approach which maximises the support available to learners.

- 5.8 In accordance with the Scottish Government Guidance on Education Recovery, priorities should be centred around the wellbeing of teachers, as well as of children and young people, and be agreed on a collegiate basis. Teachers should be mindful of their own health and wellbeing and the need for an appropriate balance of priorities in this regard.
- 5.9 If a teacher has a concern about workload, this should be raised with the management of the school setting in the first instance. If necessary, the EIS School Rep and/ or Local Association Secretary can assist in helping the setting to reach a collegiate and appropriate solution.
- 5.10 Additional online resource to support remote teaching and learning can be accessed on the Education Scotland website [here](#).

Peripatetic Staff

- 6.0 The Scottish Government Guidance makes it clear that 'attendance in secondary schools will include teaching and non-teaching staff who...are required to attend in person to give effect to these revised school reopening arrangements'.
- 6.1 Given that lockdown conditions remain in place, the EIS would recommend that careful consideration is given to the use of peripatetic staff in this context. The question should be asked whether their attendance is necessary for the specific purposes of 'in-school' provision and whether the service that such staff provide could be delivered remotely.
- 6.2 If, after collegiate discussion, the attendance of peripatetic staff within school buildings is considered necessary, then 'movement between schools ... should be kept to a minimum'². In ensuring the strict application of this government advice, efforts should be made to consolidate their attendance in one location.

Communication

- 7.0 The safety of staff and pupils will be dependent on the strict application of mitigation measures identified in the guidance and through the risk assessment process. It is essential that parents and learners are clearly advised of the mitigations which will be in place and the importance of adhering to them, particularly in relation to the requirements to physically distance and to wear face coverings.
- 7.1 A good pedagogical approach is to involve learners in conversations prior to the 'in-school provision' about the specific purpose of their attendance at school, the mitigation measures which will be adopted and the importance of adhering to them. This will help to reduce anxiety, manage expectations of

²([Coronavirus \(COVID-19\): guidance on reducing the risks in schools - gov.scot](#) (www.gov.scot))

learner engagement and behaviour and ensure that the time spent in school will be focused primarily on health and wellbeing for pupils within the BGE and on teaching and learning for pupils in the senior phase.

School/College Partnerships

- 8.0 The Scottish Government Guidance makes specific provision in relation to the return of senior phase school learners to colleges.
- 8.1 Senior phase school learners, studying SCQF level 6 Foundation Apprenticeships in Engineering and Scientific Technologies can commence a limited return to college campuses for essential practical coursework.
- 8.2 From 15th March, colleges can include within the current 5% limit on numbers attending in-person teaching, those senior phase school pupils who are studying at college and who require to complete essential practical work as part of their course. Pupils should only be on campus for the duration of the completion of the practical work and the presumption should continue to be remote delivery of teaching and learning where this is possible.
- 8.3 The Scottish Government [Guidance](#) in relation to colleges will apply to senior phase learners when they are attending college.

Further advice on curricular and pedagogical approaches within COVID-secure teaching environments and in the context of education recovery can be accessed [here](#).

Further guidance to members working at home during a period of school closure can be accessed [here](#) .

Further guidance on Blended and Remote Learning and Teaching can be accessed [here](#).

EIS Submission to the Education and Skills Committee on the Roles of ADES, Education Scotland and the SQA in Supporting Education Delivery, Learning and Assessment During the Covid 19 Pandemic

The Educational Institute of Scotland (EIS), Scotland's largest teacher trade union, representing members in all sectors and across all career levels, welcomes the opportunity to provide a written submission ahead of the appearance of representatives of the Association of Directors of Education (ADES), Education Scotland (ES) and the Scottish Qualifications Authority (SQA) on Wednesday 3rd March.

In preparing this submission, the EIS consulted Local Association Secretaries, in addition to Secondary members of EIS Council and Subject Specialist Networks.

Support for Education Provision in Schools ADES/Local Authorities

Regarding the role of local authorities in supporting education provision, this school session thus far, the feedback from our networks was variable. Within and across local authorities it was reported that there have been different amounts and types of support provided to schools, with resultant disparity in terms of positive impacts felt or observed by schools and teachers. The key areas around which Local Associations in particular provided comment were as follows:

Supporting Recovery and Covid Secure Pedagogy

Cited among the supports provided by local authorities between August and now were, in one locale, directorate teams and QIOs keeping in weekly touch with headteachers as they endeavoured to manage school reopening and then the maintenance of Covid-secure pedagogy. The same local authority had also been proactive in providing good quality risk assessment templates and updating these as required.

In another area, it was reported that the local authority had offered good support around education recovery on the reopening of schools in August, encouraging an emphasis on the wellbeing of pupils and discouragement of formal assessment. This was relatively short-lived, however, with the same authority driving a 'business as usual' approach from October onwards- tracking and monitoring, formal assessments, and local moderation activities, at a time when teachers continued in their endeavour to find creative ways of teaching and assessing while grappling with the restrictions of health and safety mitigations. The same local authority is now advocating the use of SNSAs for P1 on their return to school from 22nd February.

The 'business as usual' mantra was referenced as being prevalent across another local authority, also, grossly failing to take account of the extremis of the Covid context. This has been a familiar complaint from Local Associations to the EIS national body since school reopening in August.

Only one Local Association referenced additional staff having been employed, mostly to cover absence, so little additionality to the core staffing complement had been achieved.

Supporting Remote Learning

Whilst a small number of local authorities had made available good quality online learning and teaching resources and opportunities for good practice sharing within local digital hubs, others had provided nothing additional to the national e-learning offer, which was felt by some Local Associations to have been a shortcoming, especially given the gaps in provision that they had found within the national e-learning offer for Primary education.

Other means by which local authorities have sought to support remote provision is by offering teachers professional learning around the use of digital platforms, and technical support where difficulties were encountered in using devices and digital media. One Local Association reported strong collegiate working with the local authority in producing guidance on remote learning, including live teaching.

Digital Provision

Highlighted among the responses we received was that some local authorities' digital infrastructure requires to be updated, its current condition hindering the effective delivery of remote learning and teaching. Teachers expressed concern about the associated equity issues around some learners in some parts of the country benefitting well from the remote learning being offered via several digital platforms while others in some parts of the country do not, and where teachers have additional challenges to face in meeting the needs of their learners compared to colleagues in other locales.

It was reported that a few local authorities had made progress in addressing digital exclusion, most commonly by providing senior phase pupils with devices, and in some cases internet connectivity, to enable their access to their schools' online learning provision. One Local Association indicated that whilst the local authority had ordered devices, there had been problems with supply, which meant that the young people in the authority were still without devices at this stage. Another Local Association indicated that the initiative had been funded by PEF money by the agreement of Headteachers in the authority, rather than being paid for with additional local authority spending.

Education Scotland

On the whole, EIS Local Associations did not have much to report in terms of the visibility of Education Scotland in providing support to schools within their locales.

One Local Association indicated a supportive presence of Education Scotland both in relation to local authority and RIC activity.

In the main, feedback was that other than written guidance having been provided by Education Scotland, which was met with mixed response in terms of

perceptions of its utility, and online resources curated by them, there was general expression of a lack of awareness of anything in the way of on the ground particular support being offered by ES in local areas.

One Local Association articulated some frustration that what has been provided by Education Scotland falls short of what was promised earlier in the pandemic in terms of supporting remote/blended learning. The reality is that the biggest weight of responsibility in designing online learning has fallen to schools and teachers.

Challenges Remaining and Support Required

Teachers cited a number of challenges that they have faced and continue to face in providing learning and teaching during the pandemic.

The most commonly signalled challenge was in relation to the significant workload demands around delivering a remote learning provision, with teachers stressing the much greater time demands in terms of preparing for lessons and providing feedback to learners remotely.

For many, this reality is coupled, again, with a 'business as usual' expectation that most other priorities remain to be overtaken- tracking, monitoring, report writing, parents' evenings, etc. There is also additional bureaucracy associated with the greater focus this session on tracking and monitoring levels of pupil engagement with the online learning provision. Many teachers have struggled with this additional workload burden and report that it has had a detrimental impact on their mental health and on their general wellbeing.

Another challenge highlighted is in relation to the expectation that teachers can be responsible for providing in-school and remote learning at the same time, which in the EIS view, is wholly unreasonable in terms of the associated workload, in addition to being pedagogically unsound.

With regards to these challenges, there is a role for local authorities in ensuring that priorities are sufficiently streamlined with all non-essential activities being deprioritised in support of the remote learning and phased return to school provision; and in ensuring that sufficient numbers of additional staff, with the requisite sectoral and subject specialisms, are employed to enable the proper delivery of face to face and remote learning by different members of staff. Employment of additional staff would also facilitate the adoption of a blended learning approach would enable the safe return of pupils to classrooms and face to face learning in a way that would place less workload strain upon teachers.

Some teachers reported being under-skilled in using technology to enable their delivery of remote learning, indicating the need for the provision of CLPL by the local authority/Education Scotland in this regard.

In one area, digital exclusion of both pupils and staff remains a difficulty that requires to be overcome by local authority provision of devices and internet connectivity.

One matter which was frequently raised as a concern was the lack of engagement with remote learning by some young people, particularly those who would normally receive greater support with their learning in school. This coupled with the fact that a significant number of pupils had their in-school learning disrupted between August and December points to a need for increased levels of Additional Support Needs provision throughout the period that young people are returning to face to face learning and on into the period of Recovery. In the meantime, teachers are keen to have advice on how to engage learners for whom the remote learning experience is more difficult to access. There is a role for Education Scotland here.

Teachers also expressed concern about the mental health of senior students in particular as a result of the prolonged uncertainties in relation to course content and assessment. Local authorities, ES and SQA each need to consider their roles in responding to these concerns about young people's wellbeing and in minimising any further negative impacts.

Many teachers are concerned about the impact of the reduction in face to face teaching time and are urging the need for maximisation of time for learning and teaching as pupils return to the classroom. Again, there is a role for local authorities in ensuring enhanced staffing levels and that lesser priorities are set aside to enable this; and for the SQA to play its part in cutting out non-essential assessment and quality assurance activity in order that no time that should be devoted to learning and teaching is lost to needless bureaucracy.

In all areas of the curriculum that contain a practical element, there have been difficulties posed by the current public health restrictions. Teachers are anxious about the fact that they have simply been unable to cover significant aspects of learning in these subjects-Drama, Music, Practical Woodwork, Metalwork and PE, for example- and worry about the implications, particularly for senior phase learners who are undertaking qualifications.

Support for Assessment

Responses from Local Associations, EIS Council members and Subject Specialist Networks largely focused on the role of the SQA in relation to senior phase assessment within practical and non-practical subjects. Responses covered the challenges around assessment and quality assurance processes, and the support that is required to overcome these.

The feeling conveyed by the majority of Secondary teachers who contributed to our consultation was deep anxiety about the timescales remaining for assessment to be undertaken by senior phase students. As each day passes with the majority of senior phase pupils not able to be in school for the majority of the time, there is less time to prepare students adequately for the assessments upon which teachers will base their judgements of provisional results. There are several risks associated with this:

- 1) Young people will sit assessments before they are sufficiently prepared and their performance will be compromised

2) Young people will, a short time after their return to school, be sitting multiple assessments across multiple subjects all within the same tight timeframe

3) The pressure on teachers to deliver, mark and quality assure this volume of assessment in such a short timeframe will make the alternative certification model undeliverable.

These risks are particularly critical for practical-based subjects, some of which are not able to deliver the full course content and associated SQA assessment requirements, as a result of public health restrictions.

There is a role for SQA, ADES and ES in addressing these challenges and risks.

As mentioned previously, local authorities are required to ensure that all other non-essential priorities are set aside and that additional staff are employed to ensure the deliverability and effectiveness of the quality assurance process.

Anticipating the likelihood of further disruption to education and the strain that this would place on timescales and upon teacher and student workload, the EIS had initially suggested that items of assessment undertaken by young people in school could be sent to the SQA for external marking. SQA was resistant to this from the outset and has remained so throughout discussions around the alternative certification model. Teachers continue to cite this as something that would support them in at this time.

Short of taking responsibility for external marking, SQA is required to pare back assessment and evidence sampling requirements such that teachers and schools are able to devote the requisite time to learning, teaching and sound assessment in the classroom, and to meaningful engagement with the quality assurance process both locally and nationally.

Teachers have been deeply frustrated by the quality of support from the SQA throughout this session. They have complained repeatedly about SQA inertia in terms of supplying guidance around course content and assessment; and about a lack of completeness to some of the guidance that has been produced late in the day. For example, whilst SQA has provided some question papers which many schools intend to use for key pieces of assessment, there have been no cut-off scores indicated by the SQA within the marking schemes. Teachers are also seeking greater clarity on what constitutes acceptable assessment practice within the terms of the alternative certification model.

The EIS view is that schools, in the interest of pupils, should be afforded maximum flexibility in utilising assessment evidence to arrive at their judgements of candidates' provisional results. For example, for Advanced Higher Modern Languages, the SQA has decided that the Speaking element will no longer count towards the final grade, though many schools have spent significant time already in developing skills in this area. The reinstatement of Speaking as a component of course assessment would be a time-saver in terms of learning, teaching and assessment of AH Modern Languages.

In light of the duration of the current remote learning phase and subsequent pressure on in-person teaching and learning time, teachers are anxious to have new updates from the SQA around minimum course coverage and on the detail of the SQA national sampling exercise.

Teachers have also expressed concern about learners who are undertaking National 4 qualifications this session. Whilst in some N4 courses the Added Value Unit as a mandatory element was removed earlier in the session, it has remained in others. Teachers are concerned that pupils have been unable to work effectively on the AVU Unit in the remote learning context and will have insufficient time to complete it when they return to school. The EIS raised this as an issue with the SQA some weeks ago; SQA indicated that the issue was being considered internally. The EIS understands that a decision has been taken to remove the mandatory aspect of the AV Unit but this has not been communicated to teachers or learners. Once again, anxiety for both has unnecessarily been prolonged by SQA's sluggish response.

The lack of timely and complete information and support materials from the SQA has been a constant challenge and source of significant stress for teachers this session. That said, in part, the timing of the actions of the SQA has been bound together with that of the Scottish Government which has also taken too long to deliberate over critical decisions around the cancellation of exams and details of the alternative certification model.

Some teachers are also anxious about the practicalities of administering assessments to senior phase students at the same time as enabling the requisite physical distancing between young people and between young people and staff. This has implications for space, the number of adults required to supervise assessment and the security of the assessment material if assessments cannot be scheduled to take place for all candidates within a course simultaneously. Pupil absence on days when key assessment is taking place is another issue that teachers will be required to manage. There is a role for local authorities in supporting schools to manage these practicalities and for the SQA in providing additional assessment material.

The current public health restrictions have significant implications for assessment within practical subjects such as PE and Drama. Teachers and students of these subjects are crying out for clarity as to how assessment will be modified by the SQA to enable course completion. It is simply not possible for schools to meet the assessment requirements as they currently sit, at odds with the advice issued by Education Scotland on teaching practical subjects.

There is also a role for local authorities in ensuring that the recently issued Education Scotland guidance on prioritising the return of senior phase learners is followed such that students are only in school buildings to complete essential practical tasks which cannot be done at home. Teachers have reported some disparities in terms of how the guidance is being interpreted within and across local authorities, potentially resulting in inequity for students of subjects which are not strongly practical-based, for example, Modern Languages, due to some in some areas being encouraged to come into school whilst others in other

areas, rightly, are not. Teachers have suggested that reinforcement of the ES messaging regarding this is necessary to ensure greater equity of experience for students.

Support for Quality Assurance

Finally, our consultation with our networks on this theme elicited a number of responses around quality assurance as a major component of the alternative certification model. Three main concerns were recurring within the feedback:

- 1) Insufficiency of Understanding Standards material provided by the SQA;
- 2) Lack of clarity around how local and national quality assurance processes will work;
- 3) How time will be created to enable teachers to participate in the three layers of quality assurance within the alternative certification model- centre-based, local authority- based and national.

In terms of the support required, teachers are seeking more Understanding Standards material, including further exemplification of standards, and webinars from the SQA. Some teachers have indicated that it would be particularly helpful to have more 'Markers' Meeting' type activity and sessions in each subject area that focus on the use of assessment approaches that are similar to those suggested for each subject and level by the SQA.

There is a role for both local authorities and for SQA in providing absolute clarity around how quality assurance processes will work in practice on the local and national levels, respectively.

There is a critical role in this for local authorities. Firstly, as mentioned previously within this submission, they need to employ additional staff to support the efforts to deliver the alternative certification model, at the same time as ensuring that they do all that they possibly can to prevent teachers' time being taken up by lesser priorities otherwise the alternative certification model will simply be undeliverable within the current already very compressed timescales.

Teachers need time to set up networks for local moderation where they do not already exist (this is particularly critical for single-teacher departments) and to engage meaningfully with colleagues in other schools around discussion of standards.

Clarity around the timing of the two additional in-service days that have been granted for assessment support would also be welcome at this time to enable proper planning of quality assurance approaches. The EIS would wish maximum flexibility for schools in determining the timing of the in-service days in order to maximise their utility to the process and to avoid scenarios whereby the assessment of students is driven by dates that have been fixed nationally or local authority-wide.

In supporting local quality assurance activity, local authorities are also required to ensure that this is done safely- virtually where it can be and where it cannot, with all mitigations that require to be observed fully in place.

SQA, also, must resist the temptation to offload more tasks associated with the alternative certification model onto schools and teachers, in order to lighten the burden for SQA as an organisation. For example, submission of candidate evidence to the SQA for sampling purposes should be by whatever means is most practical and efficient for schools, not which would best suit the SQA.

Education Scotland also has a role to play in the quality assurance process. It requires to be more visible than it has been in local areas throughout the pandemic so far and should ensure that it actively supports schools and local authorities in carrying out the requisite quality assurance, for example, deploying the expertise of its Quality Assurance and Moderation Support Officers to support this effort.

As can be seen from the detail of this submission, the challenges that Secondary teachers delivering NQs are facing currently are many and deep; and the support that they require in meeting these challenges, from ADES, SQA and Education Scotland, (and Scottish Government) is extensive.

A way of alleviating the extreme pressure on the whole system at this time would be to cancel certification for S4 students who are not leaving school at the end of S4 (more than 90%). Certification is not required for their onward progression into S5 and, in many cases, attainment in S5/6 supersedes that obtained in S4. At the very least, local quality assurance for this cohort could be scaled back and plans for SQA sampling scrapped. Certification of the vast majority of S4 candidates in August is an unnecessary expense in terms of time and resources given the current severe constraints.

The Role of the SQA in the Delivery of Qualifications within Further Education

Across Scotland, colleges provide a whole range of courses for FE students from non-award bearing courses to degree-level qualifications. A wide range of courses is delivered, including academic and vocational courses.

The majority of college courses are delivered in units, and accreditation is carried out by the SQA – these courses include: Skills for Work, National Progression Awards, National Certificates, Higher National Certificates/Diplomas (including Graded Units), Advanced Certificates/Diplomas and Professional Development Awards. The SQA thus accredits around 800 group awards – which means that it sets the unit and course aims, the assessment criteria and method.

The amount of learning in 2020-21 was reduced by the lockdown and assessment and accreditation was amended to allow the successful completion of most courses. Many lecturers found how the SQA did this to be stressful and workload intensive. The SQA did not seek to systematically work with the EIS in 2019-20 regarding assessment concerns – with contact being driven by the EIS.

When the colleges reopened in August 2020, students were required to be physically distanced from each other and staff. This led to less teaching time in colleges and continued reliance on remote learning to complement face-to-face college provision. At the start of the 202-21 academic year, the SQA stated to colleges that its usual assessment/accreditation method would be applied but

sought to alleviate the assessment concerns of practitioners and learners by: the introduction of a combined assessment toolkit to assist practitioners to reduce assessment load; subject-specific guidance on adaptations to assessment; and removed the requirement to complete the assessment for Graded Units with HNC/D and ACD. These measures were found insufficient in December 2020.

In early 2021, the SQA announced an alternative assessment approach that will allow Awards to be certificated based on course aims and key critical competencies/evidence identified in the units of the award. This will require an holistic approach using professional judgement confirming that the candidate has demonstrated overall competency in all the identified alternative requirements.

This alternative assessment model is being rolled out now – with general guidance having been recently published and subject-specific guidance being developed and published.

The SQA formed an HNVQ21 Steering Group and HNVQ21 Working Group in January 2021 to oversee the implementation of the alternative assessment approach. Both groups have wide stakeholder membership that includes the EIS. The EIS welcomes the formation of these groups and believes they are the best way to lead these workstreams.

The alternative assessment approach is still being developed and rolled out for courses that that end in less than four months. This is a matter of concern to the EIS. The EIS believes that a more realistic alternative assessment approach should have been introduced in August 2020. The EIS had previously advised the SQA that its mitigations were insufficient.

The EIS believes that SQA support to lecturers during the whole pandemic has been poor and behind the curve. The EIS believes the SQA should reduce assessment loads faster and more deeply. Also, the EIS has asked the SQA to provide a bank of prior-verified assessments authored by lecturers across Scotland to be made available to all colleges via their secure administrative download site to assist with sharing of assessment resources and avoid unnecessary repetition of lecturer work. Little or no progress seems to have been made in this regard.

For further information, please contact Andrea Bradley, EIS Assistant Secretary (abradley@eis.org.uk)

EIS reply to European Commission's Public Consultation on Micro-credentials – broadening learning opportunities for lifelong learning and employability

The EIS supports the common position taken by ETUC and ETUCE on micro-credentials in VET and tertiary education in July 2020. Furthermore, the EIS provides the following feedback on the Roadmap in the interest of safeguarding national requirements regarding qualifications to support the teaching profession, and the autonomy of educational institutions, including in regions beyond the EU and European Education Area.

The EIS believes that career-long professional learning for teachers and lecturers is an entitlement, and that it plays a central role in teacher and lecturer professionalism. We therefore believe that courses leading to micro-credentials can be considered as continuous professional development for teaching professionals only where they meet appropriate standards for quality, relevance, and where they are complementary to full qualifications. On this basis we agree with the ETUCE position that micro-credentials should not replace any aspect of initial education of teachers, and that ongoing dialogue with the education trade unions is essential to ensure that the quality assurance of micro-credentials is appropriate to meet the career-long professional learning needs of teachers and lecturers.

The EIS is committed to innovation in pedagogy which is teacher-led and advanced on the basis of teachers' and lecturers' own professional development. This includes a commitment to the professional autonomy of teachers and lecturers, and their professional identity as leaders of learning. We disagree with the speculation in the Roadmap that increased availability and take-up of micro-credentials will in itself serve pedagogical innovation. We therefore agree with the ETUCE position that micro-credentials should not be seen as tools of innovation within teaching and pedagogy.

The EIS remains committed to lecturer professionalism, including for lecturers involved in the delivery of micro-credentials in VET and tertiary education. The move to provide skills-based solutions to labour market demands, including green and digital transitions and COVID-19 recovery, cannot serve as cover for casualisation or de-skilling of the workforce in VET and tertiary education. On this basis we disagree that provision of micro-credentials can increase the efficiency of the higher education, and vocational education and training systems. High quality, innovative and learner-centred learning and teaching can only be achieved through the work of professional and skilled teachers and lecturers, supported by appropriate public funding of VET and tertiary education which ensures autonomy for educational institutions and teaching professionals.

We echo the concern raised by ETUCE that the increasing policy focus on micro-credentials will risk public funding for universities and colleges being distributed, in particular, to for-profit private providers of micro-credential courses. The EIS continues to resist privatisation of VET and tertiary education provision in Scotland on the basis that private providers cannot provide the transparency, accountability and security for learners and teaching professionals which are essential to

ensuring the current and future educational needs of communities are met. We therefore echo the ETUCE position that the European Commission's Roadmap should also highlight that the EU policy on micro-credentials will not risk public funding to public providers of VET and tertiary education.

EIS Response to the SQA Appeals Consultation

Question 1: To allow learners to decide whether to submit an appeal, and to respect learners' rights, there is a need for centres to explain, in detail, the reasons for their judgement. How can this best be done?

Consistent with good policy and practice in relation to assessment, teachers and lecturers within centres explain the reasons for assessment judgements to learners in naturally occurring teacher-student dialogue which is integral to the learning, teaching and assessment process.

This dialogue aims to support young people with their learning and onward progression, and would occur whether there was an appeals process or not.

In addition to explanations of why they have acquired certain marks for key pieces of assessment that they have undertaken, from conversations with their teachers/lecturers, students will also have some insight into the local and national moderation activity that has quality assured the centre's judgements. Ineffect, at the point at which Provisional Results are being submitted by centres, under normal circumstances, students will be aware of the results being entered for them and the reasons why their results are as they are.

It would be more appropriate for any dialogue between teachers/ lecturers and students about a potential appeal to be focused on the student's reason for wishing to appeal their Provisional Result and clarification of the extent to which any SQA appeals process might be able to respond to the stated reasons for appeal.

Whilst teachers and lecturers can advise of their professional judgement regarding the appropriateness of an appeal in light of the SQA criteria, ultimately, if a young person's right to a direct appeal is to be upheld, in keeping with the spirit of UNCRC adoption and taking account of the recommendation from the Priestley Review that candidates should have a direct right to appeal their final results, then the final decision about whether or not to pursue an appeal to the SQA regarding a centre-based assessment decision, would rest with the young person her/ himself.

Question 2. Is it appropriate that the result of the initial appeal is determined by the learner's school or college? Yes No

Please explain the reasons for your answer.

Absolutely not.

Other than advising young people in relation to the nature of the appeals process and the extent to which this would be a suitable route to pursue any dissatisfaction that they might have with their results, schools and colleges, and especially schools since they have no prior experience of managing internal appeals either for their own students or for those from other schools, should not be involved in determining the outcome of any appeal by a candidate.

Appeals should be lodged with the SQA as the body which has responsibility for the qualifications and which issues the final results to candidates.

In principle, it is not appropriate for centres to handle appeals against their own decisions using the same evidence upon which the assessment judgement was based. In the school sector, in particular, such a model would risk strong parental lobbying of schools and teachers to uphold appeals, which in turn would pose a risk to the credibility of the qualifications and the appeals process; and/or might risk the pursuit of legal recourse by candidates and/or their parents/carers.

Furthermore, conferring direct capacity to appeal on pupils and requiring entirely local appeals procedures would mean that teachers and lecturers are potentially brought into direct conflict with students, who they may then have to teach in subsequent years. This would expose individual teachers and lecturers to potential professional difficulties and is also likely to present some difficulty for young people in terms of their relationships with their teachers and lecturers. None of this would be in the best interests of learning and teaching.

In practical terms, the workload of teachers and lecturers has magnified considerably during this academic year and will continue to be under significant strain during the months of ACM delivery and beyond, with many teachers and lecturers already suffering associated health impacts or at risk of burnout. Dealing with internal appeals would add further to the already excessive workload pressures.

There is the risk, also, that if schools and colleges have to factor in time to deal with appeals, this will require internal deadlines which further reduce learning and teaching opportunities.

For these reasons, **the EIS will resist in the strongest of terms, any move to shift the responsibility for handling appeals from the SQA to schools and colleges.**

It is completely inappropriate, somewhat high-handed and professionally insulting that the SQA would publish a consultation presenting three options, two of which involve centre-based appeals when the teaching profession has not given its permission for such possibilities even to be explored.

In fact, the representatives of the profession on the NQ21 Working and Steering Groups, including the EIS, have expressly and repeatedly refused to endorse any model of centre-based appeals.

The EIS would therefore not have expected to see two thirds of the options presented within the consultation featuring this kind of model, and is also disappointed and somewhat frustrated to see that the third option presented is also a distorted version of what has been discussed as the preferred way forward within the NQ21 Working and Steering Groups.

Worse still, is that the preamble to the consultation references the NQ21 Group, giving the impression to readers of the consultation and potential respondees, that the document has been co-created when, in fact, the consultation has been

designed and published entirely unilaterally by the SQA with no involvement of NQ Group members whatsoever.

The reference to the NQ21 Group within the consultation preamble risks misleading those who have not been party to the NQ21 Group's deliberations and the resolute rejection of centre-based appeals by most of its members other than the SQA itself.

Question 3. If the result of the initial appeal is determined by the learner's school or college, is there a need for some learners to be able to further appeal to SQA? Yes No

If so, under which circumstances?

As stated in response to the previous question, the EIS will resist in the strongest of terms any move to shift the responsibility for any appeals process from the SQA as the certificating body, to schools and colleges.

Question 4: Do you agree that an appeal outcome should be the grade that the evidence shows ought to be awarded? This means that an appeal could result in a grade remaining the same, being upgraded or downgraded.

Any SQA appeals process should mirror the basis on which Provisional Results have been determined- that is on evidence of demonstrated attainment.

Question 5: In the absence of fees and with limited capacity in the education system to support appeals, how can SQA ensure that appeals are only made when learners genuinely believe that they have been treated unfairly?

The SQA cannot ensure this; nor can schools or colleges. The application of fees would not ensure it either.

SQA must ensure that its communications around the appeals process are clear and accessible for learners, parents and carers. Communication should also be clear and manageable enough to assist centres in their limited role in advising young people about the appeals process and, should an appeal be progressed by the SQA, in providing candidate and quality assurance evidence to the SQA as appropriate thereafter.

If young people, parents and carers have a clear understanding of the process, and the grounds for appeal are understood clearly by teachers and lecturers, then the likelihood of appeals being made on grounds beyond those laid out within the rules of the process, will be less.

Question 6: Are the proposed grounds for appeal reasonable? Are there any others that should be included?

Yes- these are reasonable grounds for appeal.

Additionally, there might be legitimate grounds for appeal if a candidate believes that their Provisional Result was based on evidence that demonstrated a lower standard of attainment than would have been the case had other pieces of existing key evidence been used.

Other grounds for appeal could be in relation to a centre's over-reliance on historical trends data in determining a cohort's provisional grades. Whilst centres might refer to results data from previous years' cohorts, this should not influence the assessment judgements of the current cohort whose results should be based on the assessment evidence that **they** produce. A candidate would be right to feel aggrieved if her/his Provisional Grade were to be determined by anything other than the marks that **they** achieved in the assessments that **they** undertook.

Question 7: What might be required to help learners understand what will and will not be considered under the grounds of a lack of fairness in assessment?

Very clear and accessible communication from SQA, in a range of formats- paper, audio and audio visual- and publicised through a range of channels such as email, text message, social, print and broadcast media- will be required by way of clarification of the grounds for appeal.

Consideration should be given also to the provision of relevant information to parents and carers, this in a variety of languages.

Schools and colleges are likely to have a supporting role in providing further clarification to any young person who indicates a wish to appeal, therefore clear messaging to centres that can be reinforced in conversations with learners will also be required.

Question 8: What positive and negative impacts can you identify in relation to appeals processes on the needs set out in the public sector equality duty? How could the positive impacts be maximised, and the negative impacts be mitigated?

There is a risk that the SQA appeals process will be disproportionately used by candidates from more affluent backgrounds whose parents/ carers and in many cases, tutors, will be influential in young people's decisions as to whether to appeal or not, and in determining the grounds for any appeal. The concomitant risk is that those who experience disadvantage as a result of socio-economic background will be less likely to access their right to use the service.

There is also a risk that any SQA appeals service would be less used by candidates who are disabled or who have certain other types of additional support need of the kind where there has tended to be a less strong parental lobby.

There is a risk that candidates who have English as an additional language and/or whose parents/carers have English as an additional language will be less likely to utilise an SQA appeals service.

If designed in the spirit of the Equality Act and the Public Sector Equality Duty, an SQA appeals process could provide a means of recourse to candidates who may be more vulnerable to experiencing disadvantage as a result of their protected characteristics, for example, race and ethnicity, and disability.

To maximise potential positive impacts, SQA communications relating to the service would need to be fully inclusive and designed to be accessible to a range of audiences, including those with certain protected characteristics.

Advice to centres should also be clear and accessible in order that teachers/lecturers can provide any additional clarification to students who may wish to appeal, as necessary.

Schools and colleges will have their own approaches to enabling equality of opportunity.

It would be advisable for SQA to monitor the use of any appeals system by asking users to provide relevant equality data as part of their submission of evidence.

Question 9: How should the consideration of appeals be prioritised?

Depending on the volume of appeals received and the education system's capacity to handle them, SQA may need to apply criteria to prioritise requests. The standard approach to prioritisation is based on immediate progression to employment, apprenticeships, college or university entry. Are there other factors to consider?

Priority should be given to appeals from candidates who require the outcome to facilitate their imminent onward progression to employment, college or university.

Teacher and lecturer professional judgement, together with dialogue with learners and parents/carers as appropriate, should be sufficient in determining the immediate next steps in terms of centre-based progression while any appeal outcome is pending.

Statutory Play-Based Kindergarten Stage Education EIS Briefing

October 2020

Introduction

The 2017 and 2019 AGMs passed resolutions focused on the raising of the school starting age and introduction of a kindergarten stage 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."

"That this AGM instruct Council to campaign to establish a statutory play-based kindergarten stage that promotes the role of GTCS registered teachers as part of core staffing for Scottish schools."

When reporting on this AGM resolution, a series of activities, events and briefings were drawn up to inform the Education Committee on the most recent evidence in relation to the introduction of a kindergarten stage education in Scotland.

A comprehensive paper was presented to the Committee outlining the effect of increasing in the statutory age for starting primary school to age 7¹. The Committee gave consideration to the 2019 AGM Resolution in the context of the report written in response to the 2017 Resolution. It was agreed to undertake further modest research as recommended within the report, specifically in relation to the school start ages internationally and the perceived impacts of these, and into the qualifications and experience of the workforce internationally, as a means of informing future campaigning.

Within the April 2019 paper there is a table outlining the school start age of European countries, as referenced in the table below.

Age of children starting school in European countries²

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

¹ EIS "The effect of an increase in the statutory age for starting primary school to age 7" Education Committee briefing paper April 2019

² National Foundation for Educational Research: <https://www.nfer.ac.uk/media/1318/44414.pdf>

Seven	Bulgaria, Estonia, Finland, Latvia, Lithuania, Poland, Serbia, Sweden
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As shown above the vast majority of European countries have a school start age of 6 years old. This briefing will examine the school systems of Northern Ireland, the Netherlands, France, Finland and Sweden in order to better understand the school systems that are in place for school start ages of four, six and seven.

Within this paper there is also reference to the wellbeing of children who start school at different ages, and how high quality play-based learning supports a later school start system. This paper should be read alongside the April 2019 paper, for a comprehensive overview of EIS policy on school start ages and kindergarten stage education.

Play-based early learning

The definition of 'play' and its relationship with the curriculum, the role of adults and the children themselves varies considerably. Adult-guided activities may involve a 'playful' element. Child-initiated activities are structured by their environment and experiences and may involve adult interaction. Play can perhaps be broadly defined as an enjoyable activity that is pursued for pleasure or its own sake. It is likely to be intrinsically motivated. It can be contrasted with activities that have explicitly defined learning outcomes, or games, which are likely to have clearer rules or a competitive element.

Play-based activities might be solitary or social, and involve a combination of cognitive and physical elements. Games, of course, may be chosen as play. Activities might be adult-guided, for example through the suggestion of a scenario for pretend play. In other cases, activities will be largely child-initiated ("free-play"), with adult involvement focused on the provision of props, or the design and management of the learning environment.

Some examples of play-based learning may overlap with self-regulation approaches or social and emotional learning strategies. For children with social, emotional or behavioural needs, some play-based interventions have been developed for use across school ages. These programmes explicitly aim to improve social and cognitive skills by teaching children how to play.³

Whilst there isn't clear agreement across countries or educational models on what exactly constitutes play-based learning, they are generally divided into five broad types based upon the developmental purposes which each serve. These 5 types are commonly referred to as:

- physical play
- play with objects
- symbolic play

³ Education Endowment Foundation, "Play-based Learning"
<https://educationendowmentfoundation.org.uk/pdf/generate/?u=https://educationendowmentfoundation.org.uk/pdf/toolkit/?id=302&t=Teaching%20and%20Learning%20Toolkit&e=302&s=>

- pretence/socio-dramatic play
- games with rules.

Although each type of play has a main developmental function or focus, arguably all of them support aspects of physical, intellectual and social-emotional growth. Analysis from the evidence of play-based education suggests a balance of experience of each of these types of play is likely to be most beneficial to children's development.⁴

Scotland/UK – School Starting Age 5

Several recent UK studies have addressed the questions about the impact of age and length of schooling on children's academic attainment and progress at school. It is now well known that children who are younger in the year group (the summer-born children) perform less well than their older classmates.⁵

One of the suggested causes of age-related differences in achievement is that, due to age-related school entry policies, summer-borns may start school later and therefore experience less time at school than autumn-borns.⁶

Research published by the UK Local Government Association suggests that children gain a social and academic advantage by being the oldest in the class, at least in the first three years at school. Whilst other research studies have suggested that, in the longer term, 'held back' children have been seen to have more complex behavioural needs, requiring them to make use of special education services more often than their classmates. Researcher Lilian Katz suggests that this may partly be explained by some held back children having special needs that are initially misdiagnosed as immaturity, and that these children would be better served by direct intervention rather than by delayed entry to school.⁷

This Local Government Association Research found:

- There is a lack of conclusive evidence concerning the benefits of starting school at different ages.
- 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.
- 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 long-term impact of different early childhood curricula would seem to be an important topic for further research.⁸

⁴ Dr David Whitebread, "The Importance of Play" (Toy Industries Europe 2012)

<http://www.csap.cam.ac.uk/media/uploads/files/1/david-whitebread--importance-of-play-report.pdf>

⁵ Caroline Sharp, "School Starting Age: European Policy and Recent Research" (NFER/LGA 2002)

<https://www.ericdigests.org/2001-3/young.htm>

⁶ Ibid.

⁷ Lilian G. Kratz, "Academic Redshirting and Young Children" (ERIC Digest 2000)

<https://www.ericdigests.org/2001-3/young.htm>

⁸ Caroline Sharp, "School Starting Age: European Policy and Recent Research" (NFER/LGA 2002)

<https://www.ericdigests.org/2001-3/young.htm>

This report examines the education system of 5 European countries (Northern Ireland, The Netherlands, France, Finland and Sweden) in order to determine what factors contribute to successful early education.

Northern Ireland – School Starting Age 4

Northern Ireland is the only country which legally obliges children aged four years to attend primary school. In most of Europe it's aged six.⁹ In 2013, a campaign was run to raise the school starting age from 4 to 5 years old. Whilst this change wasn't taken up, it did prompt a move towards a more flexible approach to allowing parents to defer entry for the youngest pupils in a school roll. In Scotland, where a flexible approach is taken towards the school starting age, between 7% and 12.5% of children have their places deferred beyond the normal enrolment age.¹⁰

In the first two years of primary school, children experience the same sort of learning and activities they were used to in their early years – this is called the Foundation Stage. The next two years are called Key Stage 1 (P3 and P4) and the next three years are known as Key Stage 2 (P5, P6 and P7). On completion of seven years of primary education, children transfer to post primary schools at the age of 11.¹¹

The Foundation Stage within Northern Irish education has 11 key curriculum areas including: "Thinking Skills and Personal Capabilities", "Using ICT", "Religious Education", "Language and Literacy" as well as "Mathematics and Numeracy"¹². Within each of the 11 curriculum areas, there is an emphasis on play-based learning and teacher assessment.

Across Years 1 and 2, teachers assess pupil progress in the statutory curriculum (the Cross-Curricular Skills, the Areas of Learning and the Thinking Skills and Personal Capabilities) and report this progress to parents. Ongoing assessment is based mainly on teacher observation that informs the learning programme for each child. Observations are a natural and essential part of good practice for teachers and classroom assistants. The Foundation Stage classroom is expected to reflect a culture of open communication, positive relationships and risk taking.¹³

Similar to the rest of the UK, Northern Ireland operates a pre-school programme focusing on enabling children to learn at their own pace, to have a breadth of learning experiences and gain a positive image of themselves as resilient learners able to cope with uncertainty, and to learn through trial and error from the age of 3. This learning is offered to children in the year preceding their entry into

⁹ Belfast Telegraph "P1 school starting age for some Northern Ireland children may be deferred for year" (1st May 2013) <https://www.belfasttelegraph.co.uk/news/northern-ireland/p1-school-starting-age-for-some-northern-ireland-children-may-be-deferred-for-year-29230231.html>

¹⁰ Ibid.

¹¹ Education Authority <https://www.eani.org.uk/parents/types-of-school/school-type/primary-4-11-years> (last accessed on 18/3/2020)

¹² Council for the Curriculum, Examinations and Assessment, <https://ccea.org.uk/foundation-stage/curriculum>

¹³ Council for the Curriculum, Examinations and Assessment, <https://ccea.org.uk/foundation-stage/assessment-and-reporting>

mandatory schooling. Learning may also take place in other settings such as childcare, parent and toddler groups and/or programmes for two-year-olds.¹⁴

Nursery schools and classes are required to employ a qualified teacher for each class. Other providers (for example the voluntary and private sector) are required to arrange support from a qualified teacher or other suitably qualified early years specialist to raise standards and help prepare children for school.¹⁵

The Netherlands – School Starting Age 6

In the Netherlands, there is a distinction between “openbare” and “bijzondere” schools. The openbare schools are both funded and run by an independent foundation that was originally set up by the government and they are non-denominational. About two thirds of the population attend bijzondere (special) schools, which have their own board and often follow particular religious or pedagogic principles. Usually the religious schools are fairly moderate in terms of religion and are open to non-religious children, and those who have a different religion. However, this varies across schools.¹⁶

Most primary schools combine groups 1 and 2 (ages 4 and 5) in the same class, the so-called “*kleuterklas*”, which is comparable to kindergarten. Here they focus on learning through play, social skills, gross and fine motor skills, structure, independence, and gradual preparation for reading and writing. Formal reading and writing start in group 3, at age 6.

The national average number of students in a government-funded school class is 23 to 24. In many bigger cities you will find more children per class yet most schools have a maximum of 28 to 30. Smaller class sizes is one of the reasons cited for parents choosing the small number of private schools operating in the Netherlands.

France – School Starting Age 6

Pre-elementary education, which is the responsibility of the Ministry of National Education, is carried out in “nursery school”. Children are welcomed there from 3 years old and up to 6 years old. Children from 2 years old can also be admitted, subject to availability. Children are mainly educated in nursery school. However, parents can also opt for kindergartens or home schooling, under the supervision of state officials. Almost 100 percent of all children over 3 years of age and about 35 percent of 2-year-olds attend early learning schooling (ecoles maternelles). These free public institutions (12% are private) are organised like elementary schools: similar hours (8:30-11:30 am; 1:30-4:30 pm) and holidays, similar

¹⁴ Council for Curriculum, Examination and Assessment, “Curricular Guidance for Pre-School Education” <https://ccea.org.uk/downloads/docs/ccea-asset/Curriculum/Curricular%20Guidance%20for%20Pre-School%20Education.pdf>

¹⁵ Department of Education, “Qualifications for early years specialists” <https://www.education-ni.gov.uk/articles/qualifications-early-years-specialists>

¹⁶ Expatica “A guide to the Dutch education system” <https://www.expatica.com/nl/education/children-education/dutch-education-system-100816/#Primary>

separation into groups of about twenty-five children by age, and located in the same group of buildings.¹⁷

The current curriculum for children aged 3 to 6 is defined in terms of competencies within several domains of activities that children should have acquired by the end of the école maternelle. In this curriculum, values are reaffirmed with the challenge of offering equal opportunities from the very beginning of school, linked with an objective of excellence for all.¹⁸

While children are not obliged to attend pre-school, many enter state education at the age of 3. The curriculum aims to prepare children for primary school, and includes reading, writing, numeracy and sometimes even a foreign language.¹⁹

This curriculum, focused on learning, does not give much space for play. The only reference is to a limited amount of playtime in the courtyard (thirty minutes), in the morning and in the afternoon.

Mastering the French language became an absolute priority in the new curriculum published in 2002, under the title *What Do We Learn in the Ecole Maternelle?* Thus language, “at the heart of learning,” is now the first domain. A first contact with a second language (foreign or regional language) is encouraged for 5-year-olds.²⁰

Compulsory schooling begins at age 6. Education guidelines are set at a national level with care and education delivery to be overseen by local authorities, similar to the Scottish education system.

Finland – School Starting Age 7

Many terms are used interchangeably for early childhood development, early education and care (ECEC) in Finland, such as: day-care, nursery school and kindergarten.

Much of the early childhood education and care in Finland centres around play, free discovery, collaboration, interaction, own initiative, concentration, and learning to take responsibility. ECEC in Finland emphasizes the so-called soft skills of balanced growth and taking others into account, over assessment, or curriculum-driven learning.²¹

An early years’ teacher in Finland must hold a degree from a university or a university of applied sciences, and all other care-givers and instructors at a day-care centre must have at least an upper secondary level qualification in social welfare and healthcare. Family day-care givers, who provide care in a domestic setting, must have a vocational qualification in family day-care.²²

¹⁷ Early childhood education – France <https://schoolbag.info/pedagogy/early/319.html>

¹⁸ Ibid.

¹⁹ Expatica “A guide to the French education system” <https://www.expatica.com/fr/education/children-education/french-education-system-101147/>

²⁰ Early childhood education – France <https://schoolbag.info/pedagogy/early/319.html>

²¹ Education Finland “Early childhood education and care” <https://www.educationfinland.fi/what-we-offer/early-childhood-education-and-care>

²² Ibid.

All pre-primary schools and day-care centres in Finland have an action plan in place, based on the national core curriculum on ECEC. Furthermore, an individual early childhood education and care plan is drawn up for each child, in collaboration with the child's parents, and it is reviewed at regular intervals. Strong emphasis is also placed on the informal sharing of the child's daily activities with the parents. The relationship between parents and the carer or educator is seen as essential to support the child's well-being.²³

Day care was recently moved from the responsibility of the Social Affairs and Health Ministry to the Ministry of Education, in order to improve primary school outcomes. In 2014 there was a strong shift towards early intervention, with the reform of day care and the alignment with social care becoming more prevalent in the early stages of education.²⁴

Sweden – School Starting Age 7

In Sweden, förskola (preschool) is provided by municipalities for children ages one to five. The amount of municipal subsidy for preschool depends on the child's age and whether the parents work, study, are unemployed or on parental leave for other children.

Swedish preschool emphasises the importance of play in a child's development, with a curriculum aiming to ensure children's individual needs and interests. Gender-aware education is increasingly common, striving to provide children with the same opportunities in life regardless of gender.²⁵

As of 1st of December 2013, professional certification is required for school and pre-school teachers on permanent contracts. The decision, a milestone in Swedish education policy, aims to raise the status of the teaching profession, support professional development and thus increase quality in education.²⁶

Swedish children start compulsory schooling at the age of seven. However, 98 percent of all six-year-olds attend the voluntary preschool class, which is typically a half-day service. Children in the 1-5 age group are found in the preschools (until recently named "day-care centers") or in the family day-care homes. Infants younger than one year of age are cared for in the homes by their mothers or fathers, who use their right to stay home with pay to take care of their babies from birth to thirteen months, hereby removing the pressure on municipalities to provide public ECEC outside the homes for these children. School-age childcare is provided for 6-12-year-old children in leisure-time centers or family day-care homes.²⁷

Preschools offer full time care and education for 1-5-year-olds whose parents work or study, or if the child is judged to be in need of special support. Most preschools are located in the neighborhoods where the children live. They are open weekdays

²³ Ibid.

²⁴ Eye on Early Education, "Finland's Approach to Child Care and Preschool Programs" <https://eyeonearlyeducation.com/2014/03/19/finlands-approach-to-child-care-and-preschool-programs/>

²⁵ Sweden.Se "Education in Sweden" <https://sweden.se/society/education-in-sweden/>

²⁶ Ibid.

²⁷ Early Childhood Education – Sweden <https://schoolbag.info/pedagogy/early/323.html>

throughout the year, with hours adjusted to meet the needs of working parents. As of 1998, preschools have their own state-established national curriculum.

In family day-care homes, the municipal family day-care mother takes care of children in her own home. The curriculum of the preschool does not apply to family day-care homes, but should serve as a guide

Leisure-time centers for the 6-9-year-olds is the type of childcare that has increased the most during the past ten years. Children enrolled spend those parts of the day when they are not in preschool class or primary school in the leisure-time center, which is often located in the primary school building. They might also attend during school holidays.

Preschool teachers complete a three-year university-level educational program that combines fieldwork and theoretical work. Courses focus on child development, family sociology, and teaching methods. Courses in research methods and evaluation skills are also part of this program. All higher education is free of charge to Swedish and EU students.

Child minders receive their education in Swedish secondary schools. This three year program provides students with basic skills in child minding and developmental psychology.

Family day care providers are not required by the state to obtain any training, although it is recommended that they complete the child minder training course. Many municipalities, however, have instituted special training of about hundred hours, as an introduction to the family day care occupation.

The education and training of the leisure-time pedagogues, working with children in school-age childcare, are rather similar to that of the preschool teachers— often the two groups of students take courses together at universities and university colleges.

International Comparisons

From these comparisons it is clear that a later start date does not automatically correlate to a later introduction to education. Sweden for example does not require statutory education until the age of 7, yet there is a strong early learning and childcare sector in place for most children from the age of 1. Similar to Finland, Sweden's early years settings are run by highly qualified staff with a curriculum and set hours in place to support the transition to formal education.

Another notable policy feature within the early years education sector is the use of formal assessments. Northern Ireland for example implements mandatory education from the age of 4, yet children are not externally assessed until the age of 7. This is an important distinction from Scottish education, whereby children do not normally start school until the age of 5, a year later than their Northern Irish counterparts, but start completing standardised tests from their first year of primary school.

As mentioned earlier within this report it is important that all five aspects of play-based learning are implemented within the early years. It was not possible to

accurately note which models of play-based learning have been implemented across each of the countries listed within this report as this is likely to vary across regions, schools and even early years settings. However, it is important to note that many of the countries listed within this report have strong pedagogical approaches, and qualifications benchmarks applicable within their early years settings. Finland for example, also incorporates social studies and service integration into the required qualifications of their early years teachers.

Similarly, many of the kindergarten style education systems also include state regulated wraparound care. This varies across countries, and often sits between childcare and early education to support child development within the early years. One notable example is again Sweden, which operates leisure-time centres for children aged 6-9, sited within school buildings and often during the school holidays. These centres are run by pedagogues, with a similar level of education to pre-school teachers.

Many of these pre-school and wraparound care settings highlighted in this report reinforce the social, cognitive and play-based education that has been proven to support child development. When comparing across countries with kindergarten stage education, it is important to note that whilst many countries have a later starting school age of 6 or even 7, many children in these countries are enrolled into early education programmes from a younger age than their Scottish counterparts. And whilst their state mandated education often does not start until later, many children are in education settings, led by a teacher and following a national curriculum for many years before they formally start school.

Campaigning

Within the educational arena, a number of EU educational systems have followed an 'earlier is better' agenda, which is not supported by existing research evidence and which severely constrains playful opportunities even within the very early school years.

In general, while the health benefits of physical play are generally well understood, both within and beyond educational settings, the emotional and cognitive benefits of all five types of play are not nearly so well recognised, either by parents and the general community, or by educational and other policy makers. Given the crucial significance of playful activities for children's emotional well-being, their language development and their development of metacognitive and self-regulatory abilities (underpinning academic achievement, creativity and problem-solving), this enhanced understanding is vitally important.²⁸

There are several campaigns running in the UK and in Scotland which make the case for a later start to formal education. Whilst the EIS has been supportive of many of these initiatives, it is important for the Committee to decide which model of early years education they wish to explore. For example, many of the recent

²⁸ Dr David Whitebread, "The Importance of Play" (Toy Industries Europe 2012)
<http://www.csap.cam.ac.uk/media/uploads/files/1/david-whitebread---importance-of-play-report.pdf>

changes to the Finnish early education sector have been brought in primarily to tackle disadvantage within the education system. This differs from the French model which also starts schooling from a later age than Scotland, yet uses a more formal, less play-based approach to schooling from the age of 3.

Recommendations

The Committee is asked to note this report. The findings within this briefing indicate that there is no defined model of kindergarten stage education as this differs in implementation across schools and countries. As many of the countries listed within this report do have state supplied pre-school education for children at the age of 5, the Committee may wish to discuss how the current first year of education in Scotland could be modified to support a kindergarten model.

Many of the countries referenced within this report offer a pre-school education within the same school building and often following a similar timetable. Whilst these sessions are often teacher led, the curriculum is play-based without formal assessment, with the exception of France.

Reforming the early years sector by pushing the school starting age back to 6 years would require considerable public investment, staff training and capacity building. This may be a long-term vision of the EIS to fully embed a kindergarten model into Scottish education.

In the short term, the Committee may wish to consider campaigning for:

- greater flexibility in school starting age, as appropriate for each child;
- universal reform of pedagogical approaches in Primary 1;
- minimum guaranteed access to a qualified teacher for all children within early years;
- sufficient focus within ITE for Primary teachers on early years, play-based education, and;
- upskilling of other staff within the context of wraparound care provision.

EIS Guidance to Members Working at Home During School Closure 12th January 2021

With schools closed until at least 1st February 2021, in the interests of controlling the pandemic, teachers across the country are again engaged in delivering remote learning opportunities for pupils. The following guidelines are intended to support this process, striking a balance between what is desirable, achievable and sustainable in the current context.

Managing Expectations

1. Whilst there is a shared commitment to ensure a continuity of education provision during the period of school closure, it should be understood that the contingency measures being put in place, whilst offering valuable learning experiences for young people, cannot and should not seek to replicate normal education delivery.
2. With the majority of pupils learning at home, and with teachers supporting young people in a range of ways, a balance of approaches to learning will be needed, that take account of the age and stage of learners, and the home circumstances and health and wellbeing needs of all. Local Authorities, all school staff, pupils and their parents should understand that while all efforts are being made to maintain young people's learning while they are at home, it is unrealistic to expect the equivalent of normal service within the current circumstances.
3. Education Scotland's recently published advice on [remote learning](#) clearly states that 'remote learning will not replicate face to face in school teaching – in style, approach or hours of delivery'. The guidance is clear and the EIS agrees that 'Whilst remote learning is not a substitute for full time classroom-based learning and teaching, effective remote learning can mitigate some of the adverse impact of a reduction in face-to-face learning' in a variety of ways.'
4. Focussing on what can be delivered effectively in the context of remote learning and teaching is likely to be a more productive approach than over-stretched ambitions. A collegiate approach to determining what will be offered to pupils while they are learning at home is advised. Colleagues will feel better supported to and more confident in, providing a range of remote learning experiences in circumstances where professional dialogue has already taken place among colleagues, including senior managers, and where this is ongoing as required,

Looking After Your Health and Wellbeing

5. Taking care of our physical and mental health is crucial at this time, when there are many social, emotional, health and practical challenges facing all of us: children, parents and teachers. The EIS view is echoed by Education Scotland in advice which highlights that health and wellbeing remains a key element of the recovery curriculum for young people and the importance of this is clearly stated: 'We need to be

mindful of the impact of COVID-19 on our children and young people, many of whom may have suffered loss and trauma as a result. For all learners a key focus during this period of remote learning needs to be health and wellbeing. It will be essential that remote learning approaches reflect this.' Equally, teachers should be mindful of their own health and wellbeing and the need for an appropriate balance of priorities in this regard.

6. Teachers, therefore, are advised to ensure that a healthy work-life balance is achieved and maintained during this period of homeworking. Most teachers already work significantly in excess of 35 hours per week. As was the case during the first period of school closure, there is a real risk that this will be exacerbated in the absence of physical boundaries between home and school. Take steps to prevent this happening.
7. The working day should be punctuated by regular breaks during which some physical activity and time spent outdoors, within the limits of current national guidance on social distancing, is recommended. Learners should be encouraged to do the same.
8. Where home circumstances allow, teachers should seek to create an in-house work-zone that is separated in some way from the other areas of the home where family and domestic life occurs. (Where it is not possible to work in an entirely separate space, this will have a bearing on what teachers can provide in the way of remote learning opportunities for young people. For example, video lessons may present particular difficulty. Any such issues should be raised with the appropriate line manager. Further information on this can also be accessed in our [Advice](#) on Blended and Remote Learning and Teaching during the COVID-19 Pandemic.
9. Whilst it can be tempting to keep working beyond the hours usually allocated for a particular day, especially in light of other activities beyond the home being severely restricted, teachers should avoid doing so. It is important to ensure that a healthy amount of time is spent on rest and relaxation, with others in the home, and with friends and family beyond your household, within the parameters of current restrictions and/or by digital means.
10. Social isolation arising from the current social distancing context is likely to be felt by many teachers during this period of school closure. Employers retain a duty of care towards staff at this time. To help counteract the mental and emotional health impact of isolation, teachers are advised to stay in touch with colleagues and line managers during the working week, for example, through virtual coffee and lunch-breaks; and virtual informal departmental and/or stage partner meetings as appropriate. It may also be helpful for such virtual meetings to occur on a more formal basis for the distinct purpose of collegiate professional dialogue in relation to the provision of remote learning; however, such meetings should be scheduled on the basis of agreement among all staff involved.

Homeworking and Equality

11. Employers should be live to the equality impact of homeworking arrangements in light of the particular difficulties that will be faced by teachers with caring responsibilities, the majority of whom are likely to be women; those who are disabled; and those who live with an abusive partner or family member.
12. Employers have a duty under the Equality Act 2010 to make reasonable adjustments to remove disadvantages disabled workers may face, including ensuring accessibility for virtual staff meetings. Existing and new requirements for reasonable adjustments should be addressed as a matter of priority so as not to unfairly disadvantage disabled teachers. This includes those with disabilities related to mental health, who may require further or altered reasonable adjustments that take account of the new arrangements for learning and teaching at home.

(TUC guidance on reasonable adjustments during covid19 <https://www.tuc.org.uk/resource/covid-19-and-reasonable-adjustments-guide-reps>)

13. Additionally, teachers may have variable access to and experience in using ICT devices and associated software. Teachers should advise the school of any support and professional learning needs that they may have in this regard, as well as any specific access requirements they have, with a view to appropriate provision being made or alternative arrangements for homeworking put in place.
14. Where local authorities have yet to carry out Equality Impact Assessments on the impact of homeworking on people who share a protected characteristic that is covered by the Equality Act 2010, teachers should advise the school of any difficulties that they may be experiencing in relation to childcare at home and/or caring responsibilities for elderly or vulnerable relatives/friends; and/or any disability; and/or in managing individual tasks and/or general workload; in living and working in the home environment in the context of an abusive relationship, with a view to the necessary adjustments and accommodations being made.
15. The equality impact of learning at home for children and young people should also be a consideration to minimise disadvantage to those living in poverty; and/or with a disability or other additional support need; and/or who have English as an additional language; and/or who are Looked After or young carers.

Managing Workload

16. Workload control measures are still operable in the context of working at home. Management of teachers' working time should be within the parameters of the 35-hour working week, and collegiate discussion and agreement around the use of collegiate time in the current circumstances. A common-sense approach should prevail and should take account of the very challenging conditions in which all are working.
17. Adjustments to the balance of normal pupil-contact time are recommended for digital learning contexts- neither children nor teachers should be engaged for the duration of the normal pupil day in screen-based learning and teaching. This would be an excessive and unhealthy demand to place upon pupils, is pedagogically unsound and is not conducive to maintaining good health and wellbeing among teachers working in relatively restricted conditions at home and without the usual supports from colleagues and senior management being in place.
18. This view is shared by Education Scotland. Their advice is that 'Learners should not engage in online learning for the entirety of the school day. Learning may include activities such as research tasks, project work, practical opportunities, discussions and other activities that can be carried out away from a digital device.'
19. Teachers who are attending school for the provision of education to the children of Key Workers and vulnerable children should not also be asked to provide online learning experiences for their own classes on days when they are rostered for this provision.
20. Teachers, as trusted professionals working to the school's agreed priorities and on their own CPD, can manage workload, adjusting priorities as necessary in the context of homeworking, as they would under normal circumstances when working in school or when working in a place of their choosing when not class-committed.
21. The principles of collegiate working should continue to apply, with teachers involved in all decision-making which impacts on remote learning and teaching. Although an EIS survey conducted towards the end of 2019 indicated that most teachers had yet to engage with the Empowering Schools Agenda, the current situation should allow for one of the key principles of that approach – increased professional autonomy – to be enacted. The concomitant of that is professional trust.
22. There is absolutely no requirement for teachers to submit daily or weekly records of work, or weekly forward plans. Such activity is a generator of unnecessary bureaucracy and workload. The principles of professional trust and professional dialogue should continue to apply in the context of remote working. As in normal circumstances, forward plans are professional tools for teachers' own use and to provide a basis for professional dialogue. A weekly or fortnightly online or phone discussion / catch up with a line manager colleague (i.e. a collegiate

professional dialogue) would be a useful approach to adopt to ensure a level of coordination and continuity in learning.

23. The main priority of teachers, as when working in school, should be learning and teaching. When working at home, time spent on work-related activities of a bureaucratic nature that contribute little or nothing to the quality of learning and teaching, should be minimal to zero.

Maintaining Professional Boundaries: Online

24. Whilst teachers may use their own computer devices and smartphones if they wish to, online communication with pupils as part of the school's agreed approach to continuing education delivery should be through agreed official channels only- i.e. work email addresses, GLOW or other local authority-endorsed digital platforms. It should also be understood that teachers are not compelled to use their own digital devices should they not wish to do so. In these circumstances, the onus is on the local authority to provide any devices as necessary to support remote teaching.
25. Employers' policies, guidance and protocols relating to online learning should be shared with teachers and strictly adhered to; and the EIS Social Media Policy ([Communication Technologies \(eis.org.uk\)](https://www.eis.org.uk/communication-technologies)) and the GTCS Professional Guide, 'Engaging Online – a guide for teachers' (embed link) should be borne in mind.
26. Where it has been agreed that live-streaming of lessons will feature as one part of a school's approach to the delivery of remote learning, this should proceed only where secure platforms such as GLOW can be used and according to agreed protocols, including those in relation to the roles and responsibilities of parents in supporting their children with remote learning generally, and specifically to access any live lessons.
27. Where lessons are being streamed or video recorded for sharing as saved digital files with pupils, teachers should take all appropriate measures to protect their personal privacy and safeguard their professionalism, for example, by ensuring neutral backgrounds and appropriate dress.
28. Teachers should not share, nor be asked to share personal email addresses or social media IDs with pupils or their parents.
29. Any school which is delivering learning online must have protocols in place to protect staff and safeguard pupils. No teacher should be expected to carry out any online teaching with which they feel uncomfortable, or in the absence of agreed protocols. Such protocols should include measures for handling incidence of pupil behaviour which is disrespectful of others, including the teacher, or is disruptive of learning; and for responding to incidences of inappropriate parental intervention

30. Teachers should be aware that nothing that is shared online is private.
31. Further advice in relation to the Do's and Don'ts of Online Teaching can be found in the EIS Advice on Blended and Remote Learning and Teaching during the COVID-19 Pandemic (embed link).

Maintaining Professional Boundaries: Phone Calls

32. Teachers should not be routinely in phone contact with young people who are learning at home, for the purposes of checking progress with learning activities.
33. To support the emotional wellbeing and learning needs of young people who are particularly vulnerable, a degree of regulated contact, maintained by staff who are experienced in pastoral care, and within clear protocols which safeguard both pupils and teachers, would be appropriate.
34. Where phone contact is judged necessary on the basis of an evaluation of pupil need, and subsequent identification of pupils for whom wellbeing considerations are significant, this should be done by staff who are well experienced in making phone contact with home in relation to pastoral care matters.
35. In a Primary setting, this should be the Head Teacher or a designated promoted member of staff. In the Secondary setting, any phone calls to pupils deemed necessary should be made by the Depute Head who has responsibility for Pastoral Care and/or Guidance/Pastoral Care Teachers. Main Grade Teachers should not normally be involved in making such phone calls directly to pupils and parents at home. If asked to do so by the school, this should be in accordance with agreed protocols.
36. All such telephone contact with the most vulnerable pupils learning at home should occur during working hours and should be arranged in the context of liaison as appropriate with colleagues from Social Work and Health in the interests of avoiding duplication of effort and/or over-intrusion into home and family environments.
37. Where staff who have Pastoral Care on their remits are asked to make such calls from home, they should be provided mobile phones for this specific purpose. Teachers should not be asked to use their own mobile devices to carry out such pastoral care duties and should not share, nor be asked to share, their personal phone numbers with pupils or parents/carers.
38. Where any teacher has a concern, about any aspect of a phone conversation with a pupil, other than those related to Child Protection for which separate procedures apply, this should be reported to the appropriate line manager.

39. Further advice in relation to the Do's and Don'ts of Online Teaching can be found in the EIS Advice on Blended and Remote Learning and Teaching during the COVID-19 Pandemic (embed link).

Online and Telephone Communication and Parents/Carers

40. In the event of a parent/carer seeking to engage a teacher in discussion about their child's learning, they should be directed to the school website where all relevant contact details should be clearly available. Teachers should not feel pressure to respond to any parent/carer comments, requests or complaints made through online channels which have been set up for the purposes of maintaining learning at home amidst the current public health crisis.
41. Teachers should not engage in any phone or video-calling with parents unless this has been arranged through the school, and with the knowledge and/or participation of the appropriate line manager. As referenced elsewhere in this guidance, phone calls to children and young people at home should only be arranged as necessary to address specific wellbeing or learning needs, and should be handled by promoted staff who have Pastoral Care within their remits, and within agreed protocols.

Teachers' Use of ICT

42. As far as possible where digital technology is being used to support learning and teaching at home, this should be familiar and accessible both to teachers and pupils. Teachers cannot be expected to be adept at using digital learning platforms without the requisite training, nor can they support such learning without access to the necessary devices.
43. Where schools/ local authorities use digital platforms for the delivery of teaching and learning, the associated training should be made available. Where teachers are unable to access this learning, alternative activities should be agreed. These might include a different means of supporting contingency education delivery at this time; or carrying out manageable curriculum development work; or engaging in additional professional learning.
44. Where teachers have concerns about the use of particular software, for example, in relation to the capacity of companies to access and harvest personal data, these should be raised with the SMT with a view to alternative possibilities being explored.
45. The classroom environment has extended for many into a virtual space which can be accessed by multiple users. Whilst it may be appropriate in some circumstances for colleagues to work together on providing remote learning, the use of digital platforms for the purposes of quality assurance of learning and teaching in the context of these contingency arrangements, is not appropriate and should be resisted.
46. Whilst it is understood that senior managers have a responsibility to quality assure learning provision, this should be done on the basis of

collegiate, professional dialogue with teachers. All staff should be involved in collegiate discussion about what the school's remote learning offer will be and opportunities for professional dialogue among colleagues, including senior managers, should be created ongoingly throughout the period of remote learning and teaching. It is not acceptable for quality assurance processes to be in the form of observation of live virtual lessons.

47. Where teachers have no internet access at home or poor connectivity, this should be raised with the school management team, with a view to the local authority exploring the possibility of providing/enhancing internet access for teachers in that situation, for example, through the provision of mobile hotspots. In the event of the local authority being unable to enable internet access for teachers who are experiencing difficulty, there should be no additional expectation that these teachers will attend school settings more regularly than their colleagues. Any alternative to the provision of online learning by teachers should be agreed through a collegiate approach.

Learning and Teaching

48. The principles of Empowering Teachers and Teacher Agency should apply to remote working and digital learning contexts in all aspects of learning and teaching.
49. As would be expected when working in the normal environment of school, teachers should be involved in all decisions about the curriculum- in this case, the activities that children and young people will be offered while learning at home. What is provided by teachers should be by agreement following a collegiate, professional dialogue with the senior management of the school or line manager as appropriate. Collegiality rather than instruction and prescription is key.
50. As in the classroom context, teachers know the children that they teach well and are therefore best placed to decide upon the nature, volume and frequency of the learning activities provided.
51. An appropriate range of learning activities should be considered, particularly in light of the fact that many children and families still do not have sufficient access to digital devices or internet access. Education Scotland has advised that 'Remote learning can be delivered in a variety of ways. It may include reading, doing, creating and inventing, playing, problem solving, observing and investigating with some of the best learning examples not requiring technology at all, although in the current context, digital and online approaches will be commonly used.'
52. It should be borne in mind that in addition to the issues related to digital inequity, many children may struggle simply to have a quiet space to study / work.

53. Learning activities should suit the age range and capabilities of the children and expected outcomes should be flexible. A good strategy is to set learning activities that enable differentiation by outcome, that all pupils in a class, including those with additional support needs, can complete with some degree of success, with extra and more stretching activities for progression.
54. It can be beneficial to provide a list of possible activities that cover different areas of the curriculum/course and which allow learners to choose the activities that particularly interest them and with which their parents might be better placed to help.
55. Offering a variety of learning activities, covering a range of subject areas and involving different skills, is recommended. Creative activities involving music and dance, art, writing stories, songs and poetry, and making things are likely to motivate and be a welcome distraction for learners, particularly in the current worrying climate.
56. Work that can be done by pupils in bite-sized chunks is more likely to be completed than longer tasks. If there are projects, suggest how these could be broken down.
57. Learning activities should be centred on ground previously covered in class, and as far as possible which learners can make progress with independently. Overly complex tasks including those that seek to introduce new learning should be avoided in these circumstances, especially where young people have additional support needs.
58. Many parents are also trying to work from home, and some parents might struggle to assist with schoolwork for a number of reasons besides. Expectations of young people and their parents need to be realistic and fair, as would also be advised when in normal circumstances, approaches to homework are being considered.
59. Given that there has been a commitment made to continue to provide education on a contingency basis during this period of school closure, and given the inequalities that already exist arising from socio-economic factors, local authorities and schools should be live to this and continue to take account of and address socio-economic disadvantage and digital inequality in terms of the remote learning that they offer.
60. Provision of feedback on pupils' learning at home should be concise, focused, bureaucracy-light and given through the agreed channels. Feedback should be given in line with good formative assessment practice with a view to ensuring that any feedback provided is meaningful for young people. With this in mind, teachers should also be free to use their professional judgement in determining the amount, nature and frequency of feedback that they give their pupils. It should also be borne in mind that good formative assessment practice involves a balance of teacher, self and peer assessment.

Further Advice and Resources

61. Should any member be concerned that the principles outlined here are not being sufficiently applied, they should raise the matter in the first instance where possible with their line manager, and with the School Rep and/or the Local Association Secretary thereafter as necessary.

The EIS has developed an online Working at Home resource (embed link - [Working at Home \(eis.org.uk\)](https://eis.org.uk/working-at-home)) which will provide further ideas and guidance on working for an extended period at home. In addition, we have compiled some learning and teaching resources which might be helpful when delivering learning and teaching remotely (embed link - [Teaching Resources \(eis.org.uk\)](https://eis.org.uk/teaching-resources))

Delivering the Alternative Certification Model (ACM) – Secondary

A challenging term ahead

As well as the continuation of learning and teaching and priority being given to these, this term sees the commencement of Stage 2 of the National Qualifications Alternative Certification Model in which schools will gather assessment evidence on which to base professional judgements of pupils' Provisional Results.

Doubtless, it will be a challenging twelve weeks as teachers and students strive to cover key aspects of courses and overtake the requisite assessment as advised by the SQA for each course. The recent period of school closure has made the delivery of the ACM for N5, Higher and Advanced Higher courses all the more demanding, but with firm reluctance on the part of the Scottish Government to delay certification, there is little alternative other than for teachers to try to do what they always do for our young people even in the most testing of circumstances- that is their best.

Support for teachers and schools

That said, teachers will not be acting alone to deliver the ACM and the health and wellbeing of teachers must be a priority. The alternative certification model was designed on the premise that all key actors within the system would be working together and in support of the schools and teachers who are working directly with the young people for whom we are seeking to mitigate the disruption caused by the pandemic in terms of qualifications. For example, SQA has cancelled Round 2 verifications on our request, and similarly, mandatory Added Value Units have been removed from all N4 courses. At local level, teachers should expect the full support of senior colleagues in school and they in turn of the local authority, as the endeavour to deliver evidence-based certification for young people is underway.

Prioritising workload

To be clear- this is the top priority for Secondary schools this term. The EIS has been clear with stakeholders, and has secured their agreement, that other priorities which do not contribute to the safe delivery of the ACM require to be stood down or additional resource provided to enable their fulfilment.

Secondary teachers cannot and should not be asked to deliver what is required by way of marking, moderation and the associated record-keeping for the ACM, **and** everything else that they otherwise might have been doing within a normal academic year.

As with all workload, the work associated with the ACM must be deliverable within the parameters of the 35-hour working week. This may require some adjustment of Working Time Agreements and/or class contact time relief, depending on the roles of individuals in delivering NQ learning and teaching and the ACM. The EIS successfully lobbied for additional inset time to be made available- it is essential that the two days granted are used solely for work

associated with the ACM. The EIS nationally will monitor the situation regarding ACM-related workload.

£400 payment

Recent media focus on the £400 payment that will be made to Secondary teachers in token recognition of their role in delivering the ACM in lieu of exams has perhaps led to some misunderstanding that by accepting this payment, teachers' contractual terms and conditions relating to working time will be altered. This is not the case. The normal mechanisms for the control of workload remain in place.

In the event of members' concern around unmanageable workload demands, a workload audit should be carried out with tasks itemised and the estimated/actual amount of time required for each task calculated. Where in any week, the number of hours of class contact time plus time for preparation and marking plus collective activity time exceeds 35, then the matter should be raised with the appropriate line manager. School Reps are encouraged to support this process and may be called upon in the event that a satisfactory resolution cannot immediately be found. Where School Reps are unable to achieve a satisfactory resolution working with the senior management of the school, the matter should be raised with the Local Association Secretary.

Early timetable change

On the advice of the EIS and SLS, the SQA extended the deadline for submission of Provisional Results in order to maximise time for learning, teaching and sound assessment of NQ students in the summer term in order that they have the best chance to succeed in spite of the difficult circumstances of this academic year. With both this and teacher workload and wellbeing in mind, it is not at all appropriate for schools to be considering an early timetable change as though this were a normal year. The current S4, S5 and S6 students will be working on their courses until the end of June, so there will be no scope to move new cohorts into existing timetable slots. The slots will not be vacant as they might have been in a normal year. Furthermore, the associated data entry is likely to pose a risk to the accuracy of SQA data systems which will still be managing data for the current NQ cohorts.

The rationale given for changing timetable might reference P7-S1 transition activities. The EIS is clear that this can be managed separately and proportionately given the wider context in which Secondary schools are currently working and the urgent need to prioritise the secure delivery of the ACM.

Justification for early change of timetable is also likely to include the pressure of time for course coverage. Whilst it is correct that adherence to patterns of annual presentation result in significant time pressure for teachers and students, this is a challenge that cannot be addressed this term. Rather, it will require to be addressed next session where schools are maintaining 2+2+2 models; longer term, the EIS would wish to see a move to two-year qualifications as per the original design intentions of CfE senior phase, which would eliminate this time

pressure entirely and give more time and space for depth and enjoyment of learning...and teaching.

Key EIS assessment principles

Professional judgement

In terms of the assessment component of the ACM, the EIS has sought to ensure adherence to several key principles- firstly, that teacher professional judgement supported by collaboration among colleagues, is central to the process. As well as enhancing the strength of such judgements, collaboration around moderation of assessment provides teachers with a degree of protection from pressure from students and parents/carers in relation to candidate results.

Evidence-based judgements

The EIS has also supported the premise that professional judgements should be based on evidence of demonstrated attainment. Again, this offers a protection to teachers making judgements and reflects the views of young people who were aggrieved last session at the use of the SQA algorithm which did not take into account the assessment evidence that they themselves had produced, in determining their grades. The fairness principle is also at play here.

Scheduling of assessments

In terms of how candidate evidence is generated, the EIS has been consistently of the view that schools should not be running their own high stakes exam diets in lieu of the SQA diet. The ACM has afforded flexibility to schools in designing their approaches to assessment in the interests of maximising time for learning and teaching, and in the interests of safety, the wellbeing of students, minimising inequity and managing teacher workload. The scheduling of exam diets, particularly in the early stages of the new term, in the EIS view, will swallow up time that would be better spent on learning, teaching and formative assessment, is detrimental to the wellbeing of young people and is likely to be particularly disadvantageous to the young people who have been disproportionately impacted by Covid and school closure- that is the poorest young people in our schools.

There is no need for such assessments to take place at this time- the SQA does not require full assessment evidence now for its national sampling exercise which will form part of Stage 2 of the ACM (final details of the sampling approach will be published on 28th April) and the Provisional Results being submitted in June can be based on a series of key pieces of assessment for each course, which have been undertaken in a staggered way...and at a point in time when candidates are more prepared than immediately after the Easter break after a prolonged period of school closure, to undertake them.

SQA national sampling

The SQA retains its plans to sample candidate evidence from all schools as a means of providing further support in relation to understanding standards. On a proportionate basis, broadly speaking, schools will be requested to provide

locally quality assured evidence for a small number of courses per school at one level only, for five candidates. The evidence can be partial or incomplete. The purpose of the exercise is to provide guidance in relation to the accuracy of assessment judgements in relation to the national standard, not to assess candidate performance. Where schools do not have evidence for the subject requested, they can contact the SQA requesting that such support for another course level or course. Where possible, the SQA will seek to accommodate in to try to ensure that support is being provided to centres on an equitable basis- that is that all centres have the opportunity to engage with this SQA service.

Local quality assurance

Several LNCTs have agreed approaches to local quality assurance and how resources will be channelled towards this. School Reps should be aware of the outcomes of relevant LNCT discussions or should contact the Local Association Secretary for updates as necessary.

Action for School Reps

Hold a Branch meeting to discuss the terms of this advice and enable members to raise any issues.

Arrange a meeting with the HT to discuss the school's approach to assessment this term. Aim to secure agreement around:

- sound assessment practice in the interests of fairness to all students, wellbeing and equity for those most disadvantaged by school closure;
- the setting aside of other non-essential priorities in the interests of workload control;
- additional staffing/ class cover to support the delivery of the ACM;
- renewed commitment to collegiate working and prioritisation of teacher wellbeing;
- arrangements for timetable change **post** summer.

Ongoingly encourage strongly collegiate working throughout what will be a challenging term and remind members of the importance of balancing priorities in relation to the ACM with their own wellbeing needs.

Seek advice from the Local Association Secretary as necessary.

Delivering the Alternative Certification Model (ACM) - Further Education A challenging term ahead

As well as the continuation of learning and teaching and priority being given to these, this term sees the commencement of Stage 2 of the National Qualifications Alternative Certification Model in which colleges will gather assessment evidence on which to base professional judgements of students' Provisional Results.

Doubtless, it will be a challenging ten weeks as lecturers and students strive to cover key aspects of courses and overtake the requisite assessment as advised by the SQA for each course. The recent period of college closure has made the delivery of the ACM for N5, Higher and Advanced Higher courses all the more demanding, but with firm reluctance on the part of the Scottish Government to delay certification, there is little alternative other than for teachers and lecturers to try to do what they always do for our young people even in the most testing of circumstances- that is their best.

Support for lecturers and students

That said, teachers and lecturers will not be acting alone to deliver the ACM and their health and wellbeing must be a priority. The ACM was designed on the premise that all key actors within the system would be working together and in support of the colleges and lecturers who are working directly with the young people for whom we are seeking to mitigate the disruption caused by the pandemic in terms of qualifications. For example, SQA has cancelled Round 2 verifications on our request, and similarly, mandatory Added Value Units have been removed from all N4 courses. At local level, lecturers should expect the full support of senior colleagues in college, as the endeavour to deliver evidence-based certification for young people is underway.

Prioritising workload

To be clear- this is a key priority this term for college departments which are delivering NQs. The EIS has been clear with stakeholders, and has secured their agreement, that other priorities which do not contribute to the safe delivery of the ACM require to be stood down or additional resource provided to enable their fulfilment.

Lecturers cannot and should not be asked to deliver what is required by way of marking, moderation and the associated record-keeping for the ACM, **and** everything else that they otherwise might have been doing within a normal academic year.

As with all workload, the work associated with the ACM must be deliverable within the parameters of the 35-hour working week. This may require a reduction in class contact time to allow more dedicated time for assessment and moderation, depending on the roles of individuals in delivering NQ learning and teaching and the ACM. The EIS nationally will monitor the situation regarding ACM-related workload.

£400 payment

Recent media focus on the £400 payment that will be made to lecturers and Secondary teachers in token recognition of their role in delivering the ACM in lieu of exams, has perhaps led to some misunderstanding that by accepting this payment, teachers' and lecturers' contractual terms and conditions relating to working time will be altered. This is not the case. The normal mechanisms for the control of workload and the provisions of the National Working Practices Agreement ('NWPA'), particularly in relation to the maximum limits of class contact, remain in place.

In the event of members' concern around unmanageable workload demands, a workload audit should be carried out with tasks itemised and the estimated/actual amount of time required for each task calculated. Where in any week, the number of hours of class contact time plus time for preparation and marking plus collective and course team activity time exceeds 35, then the matter should be raised with the appropriate line manager. Branch Reps are encouraged to support this process and may be called upon in the event that a satisfactory resolution cannot immediately be found. Where Branch Reps are unable to achieve a satisfactory resolution working with the senior management of the college, the matter should be raised with the Area Officer for that college.

Key EIS assessment principles

Professional judgement

In terms of the assessment component of the ACM, the EIS has sought to ensure adherence to several key principles- firstly, that lecturer professional judgement supported by collaboration among colleagues, is central to the process. As well as enhancing the strength of such judgements, collaboration around moderation of assessment provides lecturers with a degree of protection from pressure from students (and in some cases, from parents/carers) in relation to candidate results.

Evidence-based judgements

The EIS has also supported the premise that professional judgements should be based on evidence of demonstrated attainment. Again, this offers a protection to teachers and lecturers making judgements and reflects the views of young people who were aggrieved last session at the use of the SQA algorithm which did not take into account the assessment evidence that they themselves had produced, in determining their grades. The fairness principle is also at play here.

Scheduling of assessments

In terms of how candidate evidence is generated, the EIS has been consistently of the view that centres should not be running their own high stakes exam diets in lieu of the SQA diet. The ACM has afforded flexibility in designing their approaches to assessment in the interests of maximising time for learning and teaching, and in the interests of safety, the wellbeing of students, minimising inequity and managing teacher and lecturer workload. The scheduling of exam diets, particularly in the early stages of the new term, in the EIS view, will

swallow up time that would be better spent on learning, teaching and formative assessment, is detrimental to the wellbeing of young people and is likely to be particularly disadvantageous to the young people who have been disproportionately impacted by Covid and school and college closure- that is the poorest young people in our colleges.

There is no need for such assessments to take place at this time- the SQA does not require full assessment evidence now for its national sampling exercise which will form part of Stage 2 of the ACM (final details of the sampling approach will be published on 28th April) and the Provisional Results being submitted in June can be based on a series of key pieces of assessment for each course, which have been undertaken in a staggered way...and at a point in time when candidates are more prepared than immediately after the Easter break after a prolonged period of college closure, to undertake them.

SQA national sampling

The SQA retains its plans to sample candidate evidence from all schools and colleges as a means of providing further support in relation to understanding standards. On a proportionate basis, broadly speaking, centres will be requested to provide one or two pieces of locally quality assured evidence for a small number of courses per centre at one level only, for five candidates. The evidence can be partial or incomplete. The purpose of the exercise is to provide guidance in relation to the accuracy of assessment judgements in relation to the national standard, not to assess candidate performance. Where centres do not have evidence for the subject requested, they can contact the SQA requesting such support for another course level or course. Where possible, the SQA will seek to accommodate in order to try to ensure that support is being provided to centres on an equitable basis- that is that all centres have the opportunity to engage with this SQA service.

Local quality assurance

EIS-FELA Branches are encouraged to seek agreement through their Local Joint Negotiating Committees ('LJNCs') on approaches to local quality assurance and how resources will be channelled towards this. Branch Reps should be aware of the outcomes of relevant LJNC discussions or should contact the Branch Secretary for updates as necessary.

Action for Branch Reps

Hold a Branch meeting to discuss the terms of this advice and enable members to raise any issues.

Arrange a meeting with the College management to discuss the college's approach to assessment this term. Aim to secure agreement around:

- sound assessment practice in the interests of fairness to all students, wellbeing and equity for those most disadvantaged by school and college closure;
- the setting aside of other non-essential priorities in the interests of workload control;

- additional staffing/ class cover to support the delivery of the ACM;
- renewed commitment to collegiate working and prioritisation of lecturer wellbeing.

Ongoingly encourage strongly collegiate working throughout what will be a challenging term and remind members of the importance of balancing priorities in relation to the ACM with their own wellbeing needs.

Seek advice from the relevant Area Officer as necessary.

EIS response to Call for Views on Race Equality, Employment and Skills

Q1. How should employers, schools, colleges and universities work together to help people from minority ethnic communities move into work?

The EIS represents nearly 8 out of 10 education professionals in Scotland. Our response to this call for views relates to our more than 60,000 members across schools, colleges and universities.

Based on the 2011 census, BAME groups are vastly underrepresented in the Scottish education workforce – at that time, less than 2% of teachers were from BAME backgrounds. However, as the diversity of the Scottish population is likely to have improved since then, we are concerned that this lack of representation has only worsened. BAME young people can go through their entire schooling without seeing a BAME educator and are even less likely to see a BAME person in a leadership position. We know that the barriers to future employment are more significant when representation is already lacking within particular workplace settings.

The Scottish Government should continue the important work to diversify the teaching profession, ensuring that funding is available for Local Authorities for models of targeted recruitment, mentoring and campaigns, to facilitate this on a local level.

Understanding and addressing barriers

It is important that employers, schools, colleges, and universities take steps to better understand the barriers facing BAME communities in their move into work. Improvement plans must be supported by a solid evidence base, and transparently monitored. Their processes should promptly deal with issues related to discrimination – such as unconscious bias in recruitment- and proactively promote and value equality, diversity, and inclusion.

A major challenge to recruiting a more diverse workforce is that, even with targeted recruitment, when BAME people are in work they report experiencing further discrimination in terms of access to promotion and other opportunities.

When surveyed in 2018, 43% of EIS BAME respondents said they had been overlooked for promotion. If there are no achievable progression opportunities, the workplace will appear less attractive to potential BAME staff. Many teachers may also leave the profession due to the lack of opportunities for progression for them, as a consequence of racism not being taken seriously.

I have applied for several promoted post and have come to a point where I have made a decision I will not do that anymore , I will be leaving the education field after 27 years with 7 of these spent in Scotland .

- EIS BAME member

Research on unconscious bias shows that managers are more likely to hire people who 'look like them' to work alongside them. It is important to have safeguards in place to prevent this, and support managers to confront unconscious bias, through training, consultation, monitoring, etc. BAME staff members should be trained to sit on interview panels, and questions should include issues about equality, race and discrimination.

Further solutions to problems around under-representation of minority ethnic people within the workforce may include positive action such as prioritised recruitment, targeting and promoting posts to BAME staff. Dedicated placements can give access to experience and confidence building to counteract the disadvantage within the job-market. Some of our BAME members also report only getting supply teaching jobs although they are highly qualified for permanent posts. BAME staff should be supported to develop their skills and to seek career development and promotion.

Support for learners and families

Additionally, BAME youth will currently not see themselves represented in the curriculum content or author/creative sources, and this needs to be addressed urgently. The EIS has been calling for antiracist education resources for schools for some time now and strongly support fresh calls being made by other organisations now for anti-racist education across all curriculum areas. Teachers should be encouraged and supported to diversify the curriculum to include areas of content that reflect the experiences of BAME people in our society, using resources and materials that have been written and created by people with lived experience and/or which feature this strongly.

BAME learners should be able to see themselves represented in the curriculum and education workforce. They should be confident that the education establishment that they attend is a place where racism is unacceptable, and that is inclusive to BAME people.

BAME families should also be supported in inclusive ways, to navigate the education system and understand the employment opportunities available for their children. This may include translation support but should always include a commitment to ensuring they feel welcome and listened to and adjustments made to make this happen.

Q2. How should employers encourage more people from minority ethnic communities to apply to work with them?

See above.

In addition, successful pilots, such as the recent West Partnership project on diversification, demonstrated the benefit of application support and targeted outreach in diversifying recruitment. This should be maintained and expanded to other local authorities, and should also be piloted with internship opportunities, placements and guaranteed further support for BAME candidates.

Overall, recruitment processes from advert writing to induction, should be more transparent and controlled for unconscious bias. Recruitment panels should include BAME teachers and equality training for those recruiting should be sensitive to cultural differences.

Job adverts should clearly recognise and exemplify diversity across all protected characteristics and clearly show that the workplace is seeking diversity, without being tokenistic.

More broadly, employers should encourage more diversity in society, be visible about safeguarding against racism, and commit to representation of BAME people in all sectors and at all career levels.

When publicising core values of diversity and valuing minority cultures, employers should follow up to show how this translates into the every day. This should include reporting and complaints procedures for racial discrimination, support for underrepresented groups and transparency in relation to areas for improvement in terms of racial equality in the workplace.

Q3. What support should employers give to keep people from minority ethnic communities in their organisation? For example, women returning to work.

Workplaces should take an intersectional approach in recognising the multifaceted identities and experiences of minority ethnic staff, as for example BAME women, LGBT BAME groups, disabled BAME groups, etc. It is important to take a proactive and inclusive approach to equality in the workplace, and not make assumptions around the homogeneity of BAME staff's experiences or needs.

Generally, there should be support for and understanding of cultural differences and religious beliefs as a starting point, regardless of whether there are any BAME staff in the workplace. Workplaces should recognise different holidays and festivals as important events and celebrate ones that are particularly relevant.

Flexible working, around family commitments, religious observance, ability to work from home. These things should now be in place for all workers as we have seen this is possible for many organisations through the global pandemic.

- from EIS BAME Member, 2020

Employers should offer flexible working as a supportive measure for women returning to work and encourage parental policies that are inclusive of all family compositions. Flexibility and beneficial parental leave reduce gender inequality, of which BAME women experience disproportionate levels.

For some BAME women, returning to work may come with added family pressures that may expect women to be primary caregivers. Offer parental leave generously, allowing for flexibility in transitioning back to work and generally taking a sensitive and tailored approach, are ways in which employers can respond to the needs of female BAME staff. Childcare support packages should be a given, and individually adapted to suit the needs of the new parent.

Q4. How do employers deal with racism and discrimination at work? For example, does everyone know their responsibilities?

A most important factor in retaining BAME staff, in particular will be for employers to ensure that the workplace is safe for and inclusive of minority ethnic staff.

Indirect or casual racism needs to be addressed as its effects are just as serious as direct racist harassment. In practice there are many subtle behaviours and attitudes that cause distress and isolate BAME staff.

For example, describing new staff by their 'race' or skin colour. Or constantly pointing out ways in which the new staff is different from the community. For example: 'We don't use that word here' or 'That's not the way we do things here' or 'Parents will ask 'What are you teaching OUR kids?'

- EIS BAME member, 2020

Equality training needs to be a regular part of CPD and followed up.

Addressing reports of racist incidents

BAME teachers talk about being made to feel like they are overreacting or 'playing the race card' if they raise issues. Many are unsure of their legitimacy in raising issues of racism for fear of being singled out; others have experiences of being 'ganged up on' by colleagues who make racist comments. In some circumstances anonymous reporting structures might be better, as fear of confrontation can prevent individuals from raising issues and bringing serious matters to the attention of senior staff. In any event, racist incidents should be dealt with seriously, and not treated simply as interpersonal disputes or disagreements.

To feel safe at work, BAME teachers need to see that when they report racist comments from pupils, parents or colleagues, this is followed up with appropriate action. EIS members from BAME backgrounds have repeatedly articulated feeling that anti-racist policies exist on paper, yet they do not see them adhered to in practice.

There should be clear, accessible, and meaningful processes to report racist incidents in the workplace, so that those reporting can trust that appropriate action will be taken, and they will not be victimised. Some members suggested a

separate agency for dealing with complaints of racism, whilst others reiterated that they needed to see clear evidence of complaints being dealt with.

When incidents of racism occur, the main focus should be on supporting the victim and ensuring it does not happen again. These matters should be taken seriously, and the employer should ensure all supervising staff have received sufficient training to be confident in handling this appropriately.

Under the Equality Act, if a person hears another person make a racist comment, even if the comment is not directed at them and they are not BAME, they can claim indirect discrimination yet this legal provision is little known by employees and even less used. Indirect discrimination needs to be taken more seriously as it creates a discriminatory environment. There needs to be a no-tolerance approach, regardless of the proportion of staff who are BAME. Racism is unacceptable, no matter who is in the room.

Q5. What training and development opportunities should employers have to encourage a diverse workforce?

Employers should invest in awareness raising across the whole system, increasing sensitivity to and understanding of racism, and the ways it may manifest and impacts upon BAME people including everyday racism, microaggressions and the mental health impact.

New staff, during induction and probationary period, should be shown that there is zero-tolerance for racism and discrimination, and supported to uphold an inclusive working and teaching environment. Equality training with a strong focus on racial equality should be made available to all staff from point of induction, with time afforded for engagement in it. Trade unions are on-hand to support work in this area.

Furthermore, staff in formal leadership and management roles should be supported by employers to become skilled in supporting the wellbeing of BAME staff, who should not have to educate their senior colleagues on their lived experience of racism in order to be believed and supported when reporting discrimination.

There also needs to be a greater understanding of the needs of BAME families and the support they require to fully integrate into the school community. Professional learning on global citizenship for staff that covers such issues, as well understanding conflict and its economic and psychological impact will also be useful.

Training and development should cover:

- Zero tolerance approaches, how to be an active anti-racist
- Creating anti-racist action plans
- Racism in Scotland today – what it looks like from systemic discrimination to micro-aggressions

- Awareness-raising, training and process development on confronting unconscious bias
 - Awareness-raising about various cultures and languages
 - Increased knowledge of BAME people's contributions to the relevant field of employment
 - The value of inclusion and diversity
 - Anti-racist training at a leadership level
 - Support for BAME people to navigate the bureaucracy, and interview process
-

Response from the Educational Institute of Scotland

Scottish Parliament Equality and Human Rights Committee Call for Views on Equality Impacts of Covid-19

2020

How have groups of people been affected by the virus?

Thank you for the opportunity to provide our view on the Equality Impacts of Covid-19.

The Educational Institute of Scotland (EIS) is Scotland's largest and longest-established teaching union, representing over 60,000 members - 80% of all teachers and lecturers in Scotland - working across sectors and at all levels of education.

The EIS has a strong commitment to equality. We continue to offer training for members, produce useful guidance on a range of equality issues and maintain a strong network of trained Equality representatives. The Equality work of the EIS is guided by our member-led Equality Committee.

During the Covid-19 pandemic, the EIS has supported members through providing relevant guidance on, for example, domestic abuse, mental health and wellbeing, bespoke risk assessments for BME members, and employment advice and support on safe return to workplaces.

Our response to this Call for Views is informed by the voices of EIS members, and the Trade Union Representatives and Officials who support them.

The Covid19 pandemic has exposed and exacerbated many of the inequalities that remain within Scottish society, from race to gender to disability and to socio-economic status. Groups already disadvantaged in their working lives, will face additional challenges at this time. For EIS members, adjusting to new models of teaching during school closure, whilst balancing caring responsibilities and priorities relating to their own health and safety, has been an unequally distributed strain.

It has been well documented by feminist organisations such as Engender, that women bear the brunt of the emotional and caring work during the pandemic. In planning are turn to work, balancing childcare and juggling responsibilities in the home with returning to a new normal for work (whether from home or in classrooms), will be stressful and worrying for many parents.

For teachers who are Black and Minority Ethnic, the reporting on higher risk facing some BME groups have resulted in additional anxieties about returning to work. In response, the EIS has advised that all BME members should request an individual risk assessment before returning to the classroom. The mental health

impact of belonging to a group that is at higher risk of contracting and dying from the virus, may be significant, and requires additional support. This pertains to all high-risk groups, including older aged members, those who have been shielding, and some disabled members who may also be feeling anxious and worried about putting themselves at further risk when returning to the workplace. Measures should be tailored to consider the demographic profile of different sectors, i.e. for Further Education, which has an older workforce.

This pandemic has also illustrated the poor working conditions and pressures facing many frontline workers, be they staff in care services, supermarkets, transport, or education.

Which groups have been disproportionately affected by the virus and the response to it?

77% of the EIS membership is female. Many of our members made significant contribution to the provision of learning hubs for vulnerable children, including Looked After Children, and children of keyworkers during the period of lockdown and school closure. Frontline workers during the pandemic are predominantly **women** – often occupying roles that are undervalued, and underpaid; this crisis will therefore take a significant toll on women.

Now that schools have reopened, the burden of risk of exposure is also affecting women to a greater extent than men, despite men being more likely to become seriously ill. Phase 3 will also see the reopening of College and University campuses, adding an increased burden of risk in this sector also. In Nursery education, women are also overwhelmingly represented within the staffing; 81% of teachers in Primary are female; 64% in Secondary. In both the Nursery and Primary contexts, the requirement to uphold social distancing may prove unachievable, and is actively discouraged by government guidance, in the interests of maintaining a nurturing approach, for Early Years and Early Primary, consequently putting one gender at higher risk from COVID-19.

The EIS 2020 Time to Tackle Workload campaign, addresses the unrealistic and harmful workload demands placed on teachers. During lockdown, our members have reported that workload is now even heavier. Already women under 'normal' circumstances carry out 2.6 times as much unpaid caregiving and domestic work as their male partners and while at home during periods of lockdown it is likely this will be exacerbated.

Lone **parents**, over 90% of whom are women, will be more harshly affected by lockdown pressures but all parents with young children will struggle to manage work and childcare. The recent EIS Member Survey indicated that almost 30% of members are having childcare issues during lockdown.

For some, home is not a safe place to be. For people experiencing **domestic abuse**, access to support systems will have diminished during lockdown, and measures for keeping safe will have been more difficult to access. The majority of

those suffering domestic abuse from a partner or ex-partner, are women, and any children associated are victims in their own right.

In terms of the impacts on Further and Higher education, where the threat of redundancy is very real for many lecturers as a result of the impact of the pandemic on college and university funding and finances, those in precarious and part-time work, the majority of whom are women, are facing great uncertainty and anxiety about their future employment. Given expected increases in unemployment, the need for Further and Higher education provision will be greater, and so additional staff should be being recruited rather than some facing redundancy. Additionally, the possible continuation of online learning (either blended or exclusively online) in Further and Higher education provision will have a number of equality impacts – for disability, but also stress and anxiety around managing home-working and home-life (in particular for those living in multi-generational households and those with caring responsibilities, the majority of whom are women).

Those from South Asian, Black Caribbean and Black African backgrounds are reportedly at much higher risk of requiring critical care after contracting the virus – this is a group that is already marginalised and underrepresented both in the teaching profession and in Scottish society today. This disproportionality with regards to health inequality related to ethnicity shows the unacceptable reality of **race** inequality in the UK which must be addressed urgently.

Isolation due to lockdown also affects groups differently. Those at higher risk of isolation generally (people with **disabilities, mental health** problems, **older people, LGBT people**) will have been even more adversely affected by lockdown. Furthermore, those who are on the shielding list will have experienced stress related both to isolation and fear of contracting the virus. Specific efforts should be put in place to avoid leaving behind those suffering disproportionately from loneliness and isolation, and further pressuring vulnerable individuals into risking their health.

In **rural areas**, internet connectivity will be an added challenge, compared to urban areas, and access to education and social participation will be affected.

For those with **learning difficulties** and older people, adjusting to new working environments, care environments and adapting quickly to new information, is challenging. Communication both around public health, and from employers, should be autism-friendly and other relevant adjustments made.

For people living in **poverty**, the pandemic will have intensified their situation limiting their ability to participate in work and education remotely, due to issues of overcrowding and inadequate access to food and household essentials. In the return to 'normal' in what has now been confirmed will be a deep recession, protections for those living in poverty must be urgently addressed and improved, so as not to further increase the gap in opportunity and health between rich and poor.

There are also **intersecting issues** present. For example, BAME groups are also more likely to be economically affected by lockdown, as they are overrepresented

in self-employment and zero-hour contracts – and those on casualised contracts are more likely to experience redundancies, from an EIS perspective specifically, as in the Higher Education sector in particular, where swinging cuts are coming. Disabled people and LGBT people are also more likely to experience domestic abuse. Interventions should take an intersectional and rights-based approach to ensure that nobody is left behind.

Have there been specific equality or human rights impacts on groups of people as a response to the virus?

Yes, see above. The responses to the virus and lockdown have exacerbated existing social inequalities.

What do the Scottish Government and public authorities (e.g. local authorities, health boards etc.) need to change or improve: as a matter of urgency? in the medium to long term?

Adjustments and flexibility in work

From the perspective of teachers, there must be continued support in adjusting to home-teaching and on-screen delivery/meetings in any future delivery of remote learning either nationally or locally. With sudden changes and turnaround times in response to the pandemic, teachers and lecturers with different communication needs, such as those with learning difficulties or autism, will likely have experienced significant challenges. Local authorities, Colleges and Universities as employers of teachers and lecturers, should ensure all processes are inclusive and adaptable to staff with specific communication needs due to their learning difficulty or autism. This is particularly the case for colleges and universities where classes have not returned to a full face to face delivery model and where employers are promoting an “agile” work pattern with frequent, potentially short notice changes to delivery.

Beyond Education, in the return to the ‘new normal’, with public health restrictions still in place, flexible working should be the norm – and employers must ensure this is an added benefit for staff’s wellbeing. It is important that flexible working and home-working guidance is based on trust and should not involve overly restrictive policing of work on the basis that it should be done in the exact same fashion as it is in the office. Working from home, whether occasionally, on set days, with set tasks or as a permanent location, must always be adapted to the staff member’s home situation and suitable to their needs, taking account of their professional judgement in how best to deliver education.

Care should be taken to avoid an increase in work pressures derived from wrongfully expecting those working from home to be more productive or organised in the same way as face to face delivery. For example, time in front of a computer

screen is far more stressful for the majority of teachers, lecturers, pupils and students, than time in a physical classroom.

Workload should be carefully monitored and reviewed. It is more important than ever that employers consider the cumulative impact of juggling priorities of home life and working from home. Well-meaning flexible working hours could, if not considered appropriately in the context of full or partial lockdowns, result in full-time hours being put in after full-time caring duties are completed, creating enormous strain on health and wellbeing.

The home working space should be recognised as a place of work, with all the same entitlements as the office, classroom or lecture-hall. The employer should ensure that the staff member is well connected to the team, line manager for support, and Trade Union representative.

For pregnant workers, safety measures must be paramount, and flexibility offered similarly to those who are already parents who may be juggling childcare, and to carers.

Keeping equality on the agenda

Addressing racism

Existing evidence on health inequalities among minority ethnic groups strongly suggests that the stress of living with racism has an adverse effect on health and raises the risk of disease. A leaked Public Health England [report](#) points to racism as a root cause as to why some BAME groups are at higher risk of Covid19. Black Lives Matter protests across the world has mobilised many people to recognising that racism is a significant risk to BAME communities. To address the disproportionate risk to BAME groups when it comes to their health, employment and socio-economic opportunities, anti-racism must be at the forefront of efforts to building back society after Covid19.

For this to happen within the education profession, anti-racist education should be mainstreamed across the entire curriculum and become part of regular CPD for teachers, lecturers and managers. Racial literacy and awareness-raising should be prioritised across all places of work, together with efforts to diversify spaces that lack representation.

LGBT rights and inclusive education

Before the pandemic struck, Scotland was proudly on its way to becoming the first country to deliver on LGBT inclusive education. Now, we must ensure that LGBT inclusion is part of the agenda in developing the curriculum for a return to school in August. The Scottish Government and Local Authorities should ensure their commitment to integrating an inclusive curriculum does not wait, and that teachers/lecturers are given the right tools to confidently do so.

Many LGBT+ young people will have faced additional isolation during lockdown if they were not 'out' to family members or faced a hostile home environment, and may need additional support on return to school, college or university. Schools, Colleges and Universities should consider ways to provide this support at a time when normal clubs and societies have suspended their activities.

During the pandemic, many trans people who were scheduled for gender-confirming processes will have seen these cancelled and delayed adding to already lengthy waiting lists for children and young people for gender clinics in Scotland.. We know that this will have had a significant negative mental health impact, during what is an incredibly challenging time. We therefore must ensure that the Scottish Government delivers on GRA reform to uphold their commitment to those whose rights have yet to be fully realised.

ASN and post-16 education

A recent paper to EIS Further Education Committee found pupils and students with additional support needs are being disproportionately affected by both Covid-19 and the response to it, this exacerbating the existing educational inequalities that exist for this group. Students with additional support needs are more likely to be in the shielding category, and lack of face-to-face learning may further adversely impact their mental health, as well as accessibility issues with using online platforms – exhaustion, issues focusing, etc. Professional learning should be made available for teachers and lecturers in how to provide innovative teaching online, without adding to the mounting pressure on teachers and lecturers. Additional resource should be made available in pursuit of achieving equitable access to education for pupils with additional support needs in the context of COVID-secure delivery of education.

Equity in education

In recognition of the fact that the impact of poverty on educational achievement and attainment has been exacerbated by the pandemic, the EIS has called for equity audits to be done, to identify where additional resources and adjustments are required in order to reverse and mitigate the harms wreaked by Covid19 and school closures upon socio-economically disadvantaged pupils.

Rural poverty and inequity in terms of connectivity will have had an impact on attainment. In many rural areas, connectivity is poor, meaning a post-code lottery in terms of access to education that is being delivered remotely. EIS Members are noting higher levels of disengagement among children and young people from poorer backgrounds, and steps must be taken to ensure the most vulnerable are reintegrated into education.

Many families will not be able to afford electronic devices to accommodate online learning, or the cost of electricity, broadband, data, etc. which hinders their children's access to education.

From a recent EIS FELA student survey, it was clear that Learners from SIMD 1 and 2 backgrounds were more likely to have caring responsibilities and less likely to have exclusive use of a digital device to access their studies at home. This situation will be exacerbated in 2020/21 session as learners in Colleges and Universities start the academic year with blended or entirely online programmes. This is likely to particularly impact on learners who most need support – those with few or no academic qualifications, care experienced learners and those from the poorest backgrounds. It is deeply concerning that as unemployment and particularly youth unemployment rises sharply, those most in need will be the least able to access college provision.

The EIS welcomes the Scottish Government decision to make £30 million available to address the inequity in access to digital education in schools, including £9 million to purchase devices. In addition, although we welcome the £10 million total that is made available to student resources and to help offset cost of equipment for FE and HE learners with need for extra support, and another £11 million brought forward early to address student hardship, we are concerned that this will not be enough to address growing demand. The EIS will continue to monitor how these funds are distributed locally to respond to the lived experience of those who are falling behind.

Inequity of access to online communication sources will also impact groups' ability to organise to advocate for their rights during and after Covid19. To further the rights of groups who are facing inequality to self-organise, steps should be taken to improve their participation, such as improving free WiFi connectivity and financial compensation towards electricity costs.

In the return to school, measures should also be taken to ensure that families in receipt of free school meals also have access to the necessary hygiene equipment to enable their full and safe participation in school. Face coverings must now be worn by young people and teachers in corridors and communal areas- the cost of these is likely to be an additional barrier/ burden for families living in poverty.

UNCRC (Incorporation) (Scotland) Bill

EIS policy consultation response

The Scottish Parliament is seeking views on the proposed Bill to incorporate the United Nations Convention of the Rights of the Child. This paper to the EIS Equality Committee provides an overview of the background to the Bill, and a draft response. We are seeking feedback on the draft response by end of **Wednesday 7th October**.

Background

The UK ratified the United Nations Conventions on the Rights of the Child already in 1991, showing a commitment to children's rights. On the 1st September 2020, The First Minister of Scotland announced the creation of a Bill to further incorporate the UNCRC into Scots Law, which intends to increase the accountability for its implementation.

Children's rights in Scotland are already protected under the Human Rights Act 1998 and the Children and Young People (Scotland) Act 2014, which currently **encourages** public bodies to consider and progress children's rights, and gives powers to the Children and Young People's Commissioner in Scotland to make investigations into violations of children's rights. **However, the Commissioner currently can only make recommendations but cannot order any action.**

In 2018, the Commissioner used this power to launch an investigation into the use of restraint and seclusion in Scottish schools. This report found inconsistent practice across local authorities, and a lack of data on the use of restraint in schools. The report highlights that restraint may be a violation of children's rights to respect for their bodily integrity under Article 8 of the European Convention of Human Rights, and that seclusion may constitute deprivation of liberty, which is a breach of children's rights under Article 5 of the ECHR.

The report found the guidance on restraint and seclusion significantly lacking, noting that staff are not supported in knowing when seclusion is lawful and in what circumstances it would constitute a deprivation of liberty.

The EIS is now represented on a Scottish Government Working Group to draft guidance on the use of restraint and seclusion.

What will change under the proposed Bill?

Generally speaking, nothing 'new' will become unlawful that is not already unlawful under Scots Law, but the Bill provides an accountability measure to be proactive around children's rights. The proposed Bill is a further and fuller

incorporation of children's rights within Scots Law, legally requiring public authorities to respect and protect children's rights in all aspects of their work. The Bill would not only incorporate the UNCRC across all Scottish Laws, but implement a range of other factors to make a difference to children's rights, most importantly in ensuring courts can enforce local authority compliance with UNCRC in budget decisions, and take action where children's rights have been breached. It means that no Scottish law can be incompliant with UNCRC, and if laws are judged to be, they can be changed.

The Bill moves away from the language of encouragement and advice and is clear that public authorities must not act in a way that is incompatible with the UNCRC requirements. It proposes to give additional powers to the Children and Young People's Commissioner in Scotland to take legal action if children's rights are breached.

The Bill seeks to ensure that children's rights are part of everyday life in Scotland; however we know that there currently is a significant inequality in the realisation of rights for some groups of children who share protected characteristics, for example children with disabilities and migrant children. Children living in poverty are also less likely to have their rights upheld. Appropriate resourcing must follow to ensure that disadvantaged children are not further excluded from fully realising their rights.

The Bill includes a proposal to make Scottish ministers publish a yearly report to show their work for children's rights, and review this. Listed local authorities will also have to publish reports every three years.

Draft consultation response

1. Will the Bill make it easier for children to access their rights?

The Educational Institute of Scotland (EIS) has long had policy supporting the embedding of the UNCRC within the Scottish legislative framework.

In countries where incorporation has already taken place, UNICEF found that "the very process of incorporation raises awareness of children's rights" in all aspects of public life and civil society. Indeed, the 20 years since UNCRC incorporation in Norway has illustrated that, rather than being used primarily as a tool for litigation, the vast benefit of incorporation has been to forward a "culture of respect for children's rights" (UNICEF, 2012).

The EIS welcomes a wider intention of addressing the accountability for the realisation of children's rights that should follow from incorporation, and hopes that this can be used as a tool to action much needed changes in terms of support provision within education to address existing barriers. EIS members are witness every day to the prevailing barriers to children's rights that can only be removed by increased resourcing, support and training. Where these are currently lacking,

teachers' rights to safe, respectful working environment are also frequently compromised.

The EIS views the Incorporation Bill as a potential useful tool in arguing for appropriate budget allocation to realise children's rights, which will in turn benefit teachers. Currently, teachers are significantly impacted by budget cuts, inappropriately high workloads, lack of available support services, lack of equipment and under-staffing. These factors in turn affect children's ability to realise their rights – especially for those children whose voices are already underrepresented, who are experiencing discrimination or living in poverty.

The UNCRC Incorporation Bill provides an opportunity for frank discussion about the significant investment required to ensure the rights of all in education. If the Bill is to be successful in making it easier for children to **access** their rights, alliances with teachers should be made and meaningful systemic change implemented, for the advancement of equality for all.

2. What do you think about the ability to take public authorities to court to enforce children's rights in Scotland?

In countries where the UNCRC is already incorporated, the use of it in litigation is almost only present in relation to justice and immigration. However, the ability to take public authorities to court is a welcome tool to support the advancement of children's rights, in that it allows for the scrutinising of specific spending decisions made by local authorities. And, to consider whether budgets could be better spent in the pursuit of children's right – for example by buying specific equipment to ensure the right to education for disabled students, increasing ASN resourcing, or developing other support services that will take the pressure off teachers to do this almost single-handedly. The ability to enforce through litigation gives added weight to the resourcing arguments that EIS members have been raising for years.

In this regard, the very possibility of litigation will be an important tool, in prompting proactive conversations and decision-making within local authorities. This strengthens the accountability to the UNCRC.

Clarity needs to be communicated with regards to this power, however, to ensure that teachers feel protected and supported to advance UNCRC within their local contexts. Guidance should be issued with regards to what constitutes a process for decision making that has children's rights at the centre. There is widespread misconception, for example, that children's right to be heard means that children **decide**. Clarity should be given that the UNCRC pertains to the process of communication and consultation, taking a holistic view of the child's best interest and balancing that of other children in the classroom.

3. What more could the Bill do to make children's rights stronger in Scotland?

In order to strengthen children's rights in Scotland, the Bill would need to take a holistic approach to addressing the barriers that currently exist.

Although undoubtedly the Bill will benefit all children, the Incorporation Bill does not go far enough in addressing the adverse impact of poverty on realising children's rights. As one in four children in Scotland now live in poverty, their rights under UNCRC are already compromised. At the launch of the EIS Child Poverty Survey, Assistant Secretary Andrea Bradley said, "To the EIS, it is an outrage that over a quarter of the country's school-aged young people whose families are struggling on low income, are prevented from benefiting, on an equal footing to the rest of their peers, from the many opportunities offered by the education system...Urgent and decisive action at all levels of government is essential to prevent further damage. Children's education and life chances cannot continue to be sacrificed in the name of austerity."

The EIS would like to see a radical shift accompanying the UNCRC incorporation, in addressing child poverty. Without this, the legislative framework will be limited in its promise to effect meaningful change to the lives of almost a quarter of Scotland's children.

The UNCRC framework for children's rights is already practised in schools through GIRFEC, but the lack of a clear accountability and resourcing may inhibit teachers' ability to uphold best practice. As GIRFEC will now be refreshed considering UNCRC incorporation – training and development for schools must be in place to ensure seamless implementation.

As the proposed Bill would solidify a child's right to be involved in all matters affecting them, it is important that appropriate resourcing in terms of time is allocated to facilitate meaningful collaboration, so as not to add unnecessary strain on already excessive teacher workloads.

The Bill could go further in mandating that local authorities put the appropriate measures in place to enable teachers to implement processes that are inclusive of every child and uphold children's rights. Rather than focusing on the consequences for breaches, the Bill could be explicit about the proactive efforts expected from local authorities and give guidance to ensure implementation is a supportive process.

4. if you work for an organisation or public authority, what resources do you need to help children and young people access their rights? Will you require additional resources or training to implement the Bill, for example to make or respond to challenges in court?

We are alert to the existing gap between the law on children's rights, and daily practice in our schools, stemming primarily from significant under-provision of

resources and general inaccessibility of sources of support for children, i.e. CAMHS waiting lists adding additional strain on schools.

Teachers are under significant pressure, and often inappropriately blamed for the failures of local government to implement adequate resources and support.

The EIS continues to raise concerns about the under-investment in and rising demand for ASN provision. With the proposed Bill there would need to be a further push for accessible and appropriate guidance on upholding children's rights, including training for teachers, as well as adequate resourcing to proactively meet demand and ensure a balance of rights is possible so that both pupils and teachers are protected.

Local authorities should not put undue pressure on teachers to implement changes relevant to UNCRC without appropriate additional resources being made available to enable this, and the Bill must assure that any process is supportive, guidance is clear, and awareness is widespread.

5. Are there any relevant equalities and human rights issues related to this Bill, or potential barriers to rights, that you think we should look at?

The Bill proposes that before publishing a report on the Scheme, the Scottish Ministers must consult with children. Care should be taken to meaningfully include the voices of underrepresented children and remove barriers to their participation. This includes care experienced children, children affected by domestic abuse, migrant children, children from working class backgrounds, including those living in poverty, disabled children, LGBT children, BAME children and girls.

All children currently face significant barriers to justice, knowing their rights and pursuing legal recourse however these groups face additional barriers due to systemic inequality. Incorporation is especially important for children from underrepresented groups, but more must be done overall to address the prevailing inequality for some groups.

Clear guidance must be given on cases where rights conflict, such as where a child's right to education conflicts with the safety and security of other children in the classroom. Teachers are already experts in GIRFEC and balancing individual rights with that of the rest of the class, however further guidance should be provided, i.e. on the appropriate use of sanctions.

The EIS welcomes the ability of the UNCRC to consider the particular rights of children who are care experienced, and those with ASN or disabilities furthering their independence and adapting environment. Furthermore, the EIS welcomes the added security for LGBT children in protecting their right to privacy, so that they are not 'outed'.

Further awareness needs to be raised with regards to the Bill, in particular demystifying the changes. For example, in terms of unlawful exclusions, although unlawful exclusions would constitute a breach of the UNCRC, these are already

unlawful. The UNCRC gives added weight to due process and considering alternative ways of educating a child so they can exercise their right to education without impacting other children's rights to education or teachers' rights to be safe at work.

The EIS welcomes the Scottish Government commitment to making £250,000 available for awareness raising in the three years of the implementation programme. It is important that this funding is distributed to benefit all groups of children, and adults who will be in contact with them, including teachers and parents. Furthermore, the EIS welcomes the £835,000 allocated to public services over two years and would like to see the same principles apply here to enable a collaborative approach to incorporation. We would like to see this funding commitment kept under review and appropriate responsiveness on the part of the Scottish Government should it be found that further funding is required.

6. What are your views on the provisions in the Bill that allow the courts to strike down legislation judged to be incompatible with the UNCRC?

This is an integral part to ensuring the mainstreaming of UNCRC in Scots Law.

7. What are your views on the Children's Rights Scheme and the requirement on public authorities to report?

The EIS welcomes the accountability measure through the introduction of the Children's Rights Scheme. We would like to see further consideration given to the frequency with which public authorities report on children's rights, how they involve teachers in this process, and the subsequent process for change. It will be essential to ensure changes are not implemented to the detriment of teacher workload and wellbeing. The furthering of children's rights in schools should be a collaborative and supportive process for teachers and pupils.

8. Is there anything else you want to tell us about the Bill?

No.

STUC Consultation on Developing Strategy to Tackle Islamophobia

Please assist us in developing the strategy to tackle islamophobia across the Scottish Trade Union Movement and across Scottish society.

Please let us know your thoughts about the following questions:

1. Have you ever experienced islamophobia in the Scottish Trade Union movement. You could have been on the receiving end, witnessing it happen, or be the instigator of it. Please let us know what happened including how you felt and what the response was?

The EIS has not previously sought members views on this.

2. Look at the 'factors to be aware of' listed on page 3. Do you agree with them? Is there anything missing?

In spring 2018 the EIS conducted a survey of Black and Minority Ethnic (BME) members on their experiences of racism and anti-Muslim prejudice (referred to in the survey as 'islamophobia') in education. The vast majority of respondents did not believe that their workplace's efforts to tackle islamophobia were effective (only 5% said they were).

Racism and islamophobia often go hand in hand, with those expressing anti-Muslim sentiments assuming that all BAME people are Muslim. Quotes from our BAME members highlight this;

"Have recently been called "black bastard". Also have had "Allah hu Akbar" shouted by pupils as they have walked past me."

The EIS BAME Survey 2018 highlighted some of the barriers prevailing for BAME staff; unequal opportunities, disrespectful and prejudicial treatment - including towards those wearing hijabs, poor recording of incidents, and racist attitudes being commonplace, both with learners and colleagues.

"Difficult to get a promotion. I mean how many hijabi or Asians do we see in HT, PT or DHT roles. I have been teaching 9 years and yet to meet one. Sad times."

"Comments from some staff about my Hijab and making assumptions about my rights being oppressed and where I would 'fit in' better"

Further comment on the STUC factors to be aware of, below.

Factors to be aware of

- **Islamophobia can affect the different groups of protected characteristics.**

It is unclear what this factor is referring to. This should perhaps be explained in some detail, for example – it is important to not make assumptions about who might be the victim of anti-Muslim prejudice, and some exemplification of how people with other protected characteristics might experience islamophobia differently, could be helpful, making direct reference to taking an intersectional approach.

- **Islamophobia can affect all the diverse communities that exist in Scotland i.e. Arab,**

South East Asian, African, Sunni, Shia, White Converts;

This factor could be amended to be more specific in line with the Equality Act 2010. You can be a victim of discrimination on the basis of religion – for example discrimination because someone *believes* you are Muslim, even if you are not. I.e. Many groups of people experience islamophobia in the UK, just because people assume that they are Muslim even when they are not. Racism and anti-Muslim prejudice are intrinsically linked.

- **The media includes social media and not just the traditional print and broadcast media.**

Not clear how this is a key factor in terms of understanding islamophobia?

- **It may not be in the interest of the powerful, who often tend to be white, middle aged and male, to challenge discrimination and make change happen;**

This point, albeit true, is not necessarily helpful in mobilising people to tackle islamophobia. Perhaps rephrasing to something that acknowledges power relations and systemic oppression, but that encourages action. I.e. islamophobia is part of larger racist systems of disadvantage that affects many people within our society, and this inequality largely goes unchecked. We all have a responsibility to reflect on our own power and how we may be benefiting from certain unfair privileges stemming, for example, from being white in a society that disfavors those who are not. Perhaps this is a good place to raise the importance of white allyship and the responsibility of everyone to tackle racism.

● **Change does not happen overnight – often it requires collective action, over a sustained period of time, and an appeal to hearts and minds.**

“Beyond reflection, we must put our efforts into sustained action.”

3. Look at the ‘action required’ listed on page 3. Do you agree with them? Is there anything missing?

Action required

● **Talk to people who have lived experience of islamophobia within and out with the Scottish Trade Union Movement;**

It is definitely important to build connections, and to understand the lived experience of those who have been victims of anti-Muslim prejudice. However, we should not make assumptions about who will have experienced islamophobia, nor should they be asked about this and have to repeat their story over and over. There are numerous sources that people can use to educate themselves on the reality of islamophobia, and take ownership over challenging it wherever it exists rather than expecting those who are the victims of it to explain it.

● **Promote existing tackling islamophobia toolkits and tailoring these for the Scottish Trade Union Movement;**

Include here also ensuring that these policies exist and are implemented within your institutions, and are informed by people who have lived experience of islamophobia.

- **Use education resources such as Unions into Schools and recruit champions to educate young people about islamophobia and how to tackle it;**

Education resources are an incredibly important tool to tackle islamophobia, however we should not just aim to educate young people. Within the TU movement, we should educate union members and leaders to recognise and tackle anti-Muslim prejudice.

- **Recruit more Muslims into trade unions and encourage their greater participation in trade union structures and the wider Scottish Trade Union Movement;**

Monitor and understand the barriers that cause under representation and work actively to address them. It is crucial that we not only encourage participation but work to ensure the space is safe to participate in, that inclusion is not tokenistic and that space is made for change.

- **Identify Muslims already active in the Scottish Trade Union Movement and showcase their experience, talent and activism through creating case studies;**

Yes, it is important to show the value and perspective of underrepresented groups, and not just focus on the barriers they face. However, rather than attempting to 'identify' Muslims, this perhaps can be reworded to "recognise the contribution of Muslim activists". This can be done through establishing dedicated BAME networks, featuring Muslim voices in written articles, panel talks etc. Ensure that action follows and that this is not tokenistic, or a one-off.

- **Challenge State and Media bias and behaviours which are deemed to demonstrate Islamophobia;**

Agree, also adding employers.

- **And enforce policies and regulate guidelines that been developed and published in an effort to tackle islamophobia in the Scottish Trade Union Movement and across Scottish Society.**

This point could be moved up as it is linked to point 2. Perhaps here adding something around the importance of promoting accurate data collection around member and TU involvement of people from minority ethnic backgrounds.

4. Do you have any other comments? Please email your responses to jmcintosh@stuc.org

It would be helpful if the concept of intersectionality was recognised and reflected in the strategy, acknowledging the interconnected nature of people's identities and how for example someone who is Muslim, and a woman, would experience islamophobia differently to a Muslim man.

Another suggestion is to more clearly divide the strategy into two strands; one responding directly to tackling islamophobia within the trade union movement, and another responding to islamophobia in wider society. Although they are connected, strategies to address these will look differently and require different data. A more targeted approach could be more effectively operationalised and actioned.

EIS response to STUC Survey

The impact of Covid-19 on Scotland's BAME Workers and Communities

The EIS is providing a response to STUC survey questions on the impact of Covid-19 on BAME workers. The evidence and information below are in relation to questions 1 and 2.

1. What evidence do you have that the **Scottish Government's Fair Work Agenda** is having an impact (positive and/or negative) for Scotland's Black and Minority Ethnic Workers?

The EIS has not specifically surveyed BAME members on the impact of the Fair Work Agenda, nor gathered evidence in this regard. Below is a collection of evidence from recent meetings where Fair Work has been discussed in relation to anti-racism and BAME workers.

At a recent EIS Equality Rep Network meeting, participants benefited from a presentation by Khadija Mohammed on the relationship between Fair Work and anti-racism. Feedback from the discussions that ensued, included information about what can be done to improve access to Fair Work for BAME workers:

- White teachers can feel uncomfortable talking about race. Reading/research is good practice for creating a safe, comfortable environment for conversations to take place.
- It would be helpful if Equality Reps could shadow live cases to build their experience and confidence, and establish a familiarity with colleagues in other schools in their LA.
- There is a need for improved reporting processes, and greater accountability for managers (in following up reports of racist behaviour and forwarding them on to Councils). Statistics regarding incidents of racism currently lack accuracy. Senior leaders recording such incidents need training in how to acknowledge and address them properly.
- Not enough Councils have an equality policy. Schools should have a 'racial equality statement': a statement of intent of how race equality will be addressed in the school.
- Statutory facility time for Equality Reps is needed – for research, CPD and to work on cases.

The discussions at a recent EIS National BAME Network echoed the above, adding that racism is prevalent in the workplace, and that their senior leaders lack the confidence and experience to address it. The EIS surveyed BAME members in

2018, and found a lack of progression opportunities, demoralising management approaches, and isolation were common aspects to BAME teachers' working lives.

To realise the ambitions of the Fair Work agenda, adequate resourcing and dedicated projects must be implemented to address the underrepresentation of BAME people in the profession, and the barriers BAME workers face in relation to feeling secure, being respected, fulfilled, having an effective voice, and meaningful opportunities in their working life.

2. What evidence do you have about the impact (positive and/or negative) that current **(GENERAL) Covid-19 guidelines** issued by the Scottish Government are having for Scotland's Black and Minority Ethnic Workers?

The Covid-19 guidelines are viewed by the EIS to insufficiently address the risk posed by returning to school environments on the basis of full-time education for all pupils, and we continue to raise concern in relation to inadequate follow-through on risk assessments, cleaning, and social distancing. The EIS believes that a reduction in class size to allow physical distancing between pupils, and between staff and between staff and pupils, is the only way to limit the risk – by which BAME staff are disproportionately affected.

The EIS has developed bespoke risk assessment guidance and template for BAME workers and recommended that all BAME request an individual assessment.

- EIS Guidance for Black Asian and Minority Ethnic Members on the Re-opening of Schools - <https://www.eis.org.uk/Content/images/corona/BAME%20Members%20Guidance%20Covid.pdf>
- Strategies for mitigating risk - <https://www.eis.org.uk/Content/images/corona/BAME%20risk%20assessment%20FINAL%20Mon.pdf>

In relation to the Covid-19 lockdown impact, here are also **intersecting issues** present. For example, BAME groups are more likely to be economically affected by lockdown, as they are overrepresented in self-employment and zero-hour contracts – and those on casualised contracts are more likely to experience redundancies- from an EIS perspective specifically, as in the Higher Education sector in particular, where swinging cuts are coming.

Existing evidence on health inequalities among minority ethnic groups strongly suggests that the stress of living with racism has an adverse effect on health and raises the risk of disease. A leaked Public Health England [report](#) points to racism as a root cause as to why some BAME groups are at higher risk of Covid19. Black Lives Matter protests across the world have mobilised many people to recognising that racism is a significant risk to BAME communities.

Our BAME members have expressed significant anxiety with regards to the return to school, in addition to the adverse mental health impact of knowing you belong to a group that is high risk, and in the context of heightened conversations around police brutality against BAME people. The EIS notes that at this time, the wellbeing of BAME staff will likely be affected by these coinciding issues. EIS members present at a recent National EIS BAME Network meeting had a discussion about their wellbeing and return to school. Feedback included:

- There has been widespread apprehension about returning to school.
- Concerns were shared about the risk assessment process being inadequate, processes not being completed or left to staff to pursue. It was noted that there was limited information regarding the options to mitigate risk, and that it was left to staff to suggest and adapt.
- Despite some mitigations of risk, members were still worried about bringing Covid19 home, as risk cannot be eliminated entirely.
- Not all mitigations have been put in place with one member saying they had to fight for their right to extra protection and felt demoralised.

To address the disproportionate risk to BAME groups when it comes to their health, employment and socio-economic opportunities, anti-racism must be at the forefront of efforts to building back society whilst we continue to cope with the pandemic.

The Gendered Impact of Covid-19 on the Teaching Workforce

Background

The October Equality Committee discussed the elements of the Covid-19 Strategy paper approved by Council and assigned to Strategy Sub for consideration, as requested by Strategy Sub.

Extract from Strategy Sub committee Minute:

Highlight and campaign on the gendered nature of many of the issues facing the teaching workforce, currently – It was agreed to ask the Equality Committee to identify the gendered nature of many of the issues currently facing the teaching workforce, and the actions or aims required to address these issues. It was agreed that Strategy Sub would then develop and implement a campaign to address these issues. It was agreed that ongoing work on issues in respect of pregnant staff members would be undertaken as a separate workstream.

Discussion

All teachers have been significantly affected by the pandemic and disruption to their work and home life. But for 77% of the EIS membership who are women, their experiences will also have been shaped by both pre-existing and added dimensions of a gendered nature. Certain groups of EIS members are facing added pressures and risk due to the pupils they work with, for example ASN teachers, and members in nursery.

Overall, women are over-represented on the frontline of the pandemic, and at higher risk of contracting the virus. Women are also more likely to be reliant on public transport, where they may be exposed to increased risk. Although men are more likely to die from Covid-19, the prevalence of illness for women means the pandemic itself has a significantly gendered public health impact.

For groups of women who already were more likely to face barriers in accessing support, such as women living in poverty, LGBT women, disabled women and BAME women, lockdown will in some cases have made support even more inaccessible. Furthermore, women who are clinically vulnerable due to their own health, age or who are isolating due to, for example, being pregnant will also see their health impacted differently by lockdown measures.

Those reliant on ongoing care provision or support will have seen this significantly reduced or altered – more likely resulting in unpaid care work being taken on by women family members. Adding to that, over 90% of lone parents are women, meaning the uncertainty around a safe return to school for parents will have exacerbated child-care inequality, whilst those on maternity leave will have had limited access to external support from friends, family and parenting groups.

In terms of home-life during Covid-19, it has been well documented and highlighted by Scottish feminist organisations such as Engender and Close the Gap, that women already bear the brunt of house, emotional and caring work (2.6 times that of men) – all of which have been heightened, disrupted and complicated in the pandemic. Before Covid-19, women were already twice as likely to give up work to carry out unpaid care, contributing to an increase in the gender pay gap.

Women are already more likely to be in precarious employment, and on supply contracts. This precarity comes with added risk for women, which is now urgently present within higher education due to the threat of redundancies. The challenges added by the current situation will likely increase the existing underrepresentation within the profession of women in promoted posts, and permanent positions.

Organisations working to end gender-based violence have also raised alarm that women who experience abuse are at greater risk during lockdown, due to isolation and lack of available support, with potential additional risks and barriers facing victims who are disabled, LGBT or BAME. During the pandemic, sexual harassment and bullying will simply have moved online, increasing the potential for this to go unnoticed and unreported.

When it comes to intersecting inequalities, for some disabled women and BAME women, their experience of these gendered issues will also be impacted by them being at heightened risk due to Covid19, and lockdown restrictions. BAME households are also more likely to be economically affected during lockdown, and to be living in multi-generational homes with associated caring responsibilities.

It is crucial to also recognise the mental health impact of the current pandemic, and, given that a disproportionate number of women are reported as experiencing mental health difficulty, the risk of Covid-19 coupled with added pressure on women during lockdown may compound this.

On a global level, the pandemic is expected to push gender equality backwards on all fronts, add to the pay gap and due to its education disruption - contribute to a further 500,000 girls being victims of child marriage this year alone.

Suggested actions

The gender inequality present within the current context requires deliberate considerations by trade unions. To counteract the adverse impact on women, policies must be put in place to address detrimental working arrangements, proactively promote flexible working, assure adequate protective equipment and resourcing, and ensure new policies are gender competent.

Suggested actions to report back to EIS Strategy Sub Committee for campaign purposes may include:

- Conducting a survey with EIS membership who are women, about their experiences during the pandemic to inform national and local campaigning

in relation to safety, workload and wellbeing. Survey to include questions aimed at student members and probationers, as well as pregnant staff.

- Using survey data to develop a briefing to LA Secretaries to aid local negotiations around the issues which have clear gender dimensions to them.
 - Developing creative campaigning materials, for example an animated film highlighting the daily experiences for women during Covid-19 and the associated risks, or video recordings of a variety of areas/schools to document history as it happens. Possibly linking in with other Unions in documenting history this way.
 - Featuring women's particular experiences in all communications, including a specific element on women's perspectives, in any potential campaign aimed at Ministers.
 - SEJ feature.
 - Utilising International Women's Day as a platform.
-

One Thousand Women's Voices: Recording EIS Member's Experience and Resilience During Covid-19

Briefing for EIS Trade Union Reps and LA Secretaries

Background

The impact of the Covid-19 crisis continues to detriment women's lives and equality. Women are disproportionately represented on the frontline of the pandemic, are at higher risk of gender-based violence and domestic abuse, as well as bearing the burden of an increase in unpaid and caring work.

In October 2020, the EIS Strategy Sub-Committee issued a Memorandum requesting the Equality Committee to identify the gendered nature of many of the issues arising from Covid-19 that currently face the teaching workforce, and the actions or aims required to address these issues – in order to shape national and local campaigning. The Equality Committee subsequently conducted a research project into women's experiences during this time.

The women who recorded their experiences in an online EIS questionnaire about their health, homelife, paid and unpaid work show that more needs to be done to recognise their experiences and contributions.

As trade unionists representing members of a profession where the majority are women, we must ensure that our efforts reflect women's working lives and experiences – and these are greatly shaped by gender inequality.

The EIS' findings from the One Thousand Women's Voices, questionnaire speak loud and clear - and the opportunities for change are there, if we are willing to grab them. This briefing will provide insight into the findings from a sample of one thousand EIS women members and give suggestions for possible trade union activity.

"(The most challenging for me at this time has been) the juggling of all my duties. When you are at work you are a teacher and that is your duty for the hours you are there. At home you are on Teams all day whilst trying to plan the next learning pack, answering emails from school, participating in online courses to up-level your skills to allow for remote learning, answering your telephone, dealing with queries from school, teaching your own children, working in the school hub all on top of caring, cooking and cleaning responsibilities."

Members' experiences

The burden of juggling paid and unpaid work

Across Europe, in pre-pandemic times, women worked 13 hours more a week unpaid, and 7 hours less a week paid work compared to men. During lockdown, this has intensified, meaning many are struggling to juggle home and work-life.

Research from the European Foundation for the Improvement of Living and Working Conditions finds that the motherhood penalty remains significant. Across the EU, the gap between men and women without children is 1%, but when there are two children under 6 this raises to 25%, and 37% when there are three children.

Recent research from the Institute for Fiscal Studies on how parents are balancing work and family during the pandemic show that mothers were interrupted over 50% more than fathers. During the same time, the number of mothers in paid employment has reduced by 5%.

Of course, it is not only women who have children who experience disproportionate burden with regards to unpaid caring work or domestic work, but it is important to consider mothers specifically.

One Thousand EIS Women found that:

"It is a very stressful situation as I am trying to do everything! Work, clean, make meals, try to home school and care for 2 young children who are very demanding. At one point my 4-year-old was hanging around my neck while I was trying to teach a live stream lesson to my class."

"Lone parent to two young children with no family or friend support. My 6-year-old has mental health issues and I also have an adult autistic daughter who is staying with me due to lack of individualized support because of the pandemic. It's a nightmare situation and I feel totally overwhelmed and exhausted."

"I am doing far more hours than I am contracted to keep on top of the workload associated with the extra demands of home learning. I am also having to work evenings and weekends around childcare commitments. Meetings etc are sometimes held on my non-contracted days, but I feel I must attend in order to stay informed."

"(Workload has) easily tripled and became stretched across the working week with no home life balance up to late evenings. At times I was getting up at 3am to begin work for school as there was so much development for online learning, it was the only way I could manage it with primary age children of my own."

- 68% of respondents said the amount of housework they do has changed during lockdown.
- 20% have main or sole responsibility for childcare, and a third currently have nobody to help. 65% of those who already had caring responsibilities have seen these increase.
- Many, including the over 30% who are part-time, reported more “unofficial” work hours and a burden of flexibility placed on the employee to work around domestic and caring responsibilities.
- **58.5% of respondents said their ability to carry out paid employment has been adversely affected.**

Risks at home at work

Many members will be worried about contracting Covid-19, and both their own, and others’ safety when being asked to go into work. In addition to fears around Covid-19 and anxieties about the future, 29 women answered that they felt unsafe at home or in their personal relationships. The cause of this varied, however it is well known at this time that isolation due to lockdown can intensify domestic abuse and many women are left without support. Regardless of whether members are working from home or not, domestic abuse is a workplace issue that impacts women’s equal participation in work.

In terms of increased risks associated with contracting Covid-19, One thousand EIS Women found that:

- 8.5% of the overall respondents are dependent on public transport to get to their workplace, and 21 people rely on this to provide care for others.
- One in four respondents have an underlying health condition, and less than five percent were previously shielding.

“I am finding it more difficult to be in school now that I am pregnant. I have been asked to support pupils in our hub. I work in an ASN school and social distancing is difficult. No one seems to be able to tell me if I’m safe in school”

“The stress and worry of the possibilities of infection and fact that it would almost certainly kill my husband has been overwhelming at times. The guilt of working and putting us in danger is highly distressing; ironically not working leaves me upset and guilty as I feel I’m letting my students & colleagues down. I’m also scared of catching Covid and dying- a likely scenario. But I have to get up every day & care for my very ill husband. There is no day off from that- ever, Covid or not.”

The impact on mental health

There is no doubt that the additional pressures at this time have, and continue to have, an adverse impact on women's mental health and wellbeing. The relentlessness of juggling multiple responsibilities leave women with little to no time to reset and recover, coupled with fears around Covid-19 and the unpredictability of quickly shifting expectations for education delivery.

The research from One Thousand EIS Women found that:

"My eyes feel raw from crying so much. I feel like I am drowning."

"I am stressed constantly; I have suffered from lack of sleep and an underlying feeling of anxiousness at all times. Trying to ensure my children are still happy and educated has overtaken any time for concentrating on my own wellbeing."

"I have no time to myself and find myself more prone to tears, worry and the feeling of helplessness. It is all very stressful."

"I am more snappy with the children because I am more stressed than usual. I feel very guilty about that but it's hard not to get stressed when so much demand is put on you, all day every day."

"At one point, I wanted to end everything. This pandemic was the worst time of my life."

- 25.5% had experienced illness of someone they care for, and 21% had been physically ill themselves.
- **93.5% of respondents said they have experienced increased stress, anxiety, low mood or depression,** and 19% had experienced bereavement.
- 71.5% had not accessed health or emotional support.
- Around one in ten members live alone, facing further isolation.

Differences with groups who share a protected characteristic

Ethnicity data was gathered for over 500 participants. 5% as Asian, and 2% as Mixed or Multiple Ethnic groups and less than 1% as African, Caribbean or Black, or Arab. Due to the differences in sample size, it is difficult to draw conclusions regarding most relatively small differences between the groups, however a few relevant differences exist.

- Compared to the white respondents, BAME members were more likely to work in school, be in peripatetic roles, and there were more BAME responses from higher education, and less from further education.

- BAME members were significantly less likely to say that their ability to carry out paid employment has been affected by the pandemic and reported fewer changes to their paid work hours.
- BAME members were more likely to say they felt unsafe at home and in personal relationships, but the sample is very small.
- In terms of mental health issues, BAME members were only slightly less likely to report experiencing increased stress, anxiety, low mood and depression, but overall reported experiencing less illness of others they care for, compared to white members. **At the same time BAME members were significantly less likely to have accessed health or emotional support for their health and wellbeing.**
- One BAME Members said that:

"(The most challenging for me at this time has been) being a member of the BAME community and knowing the research findings of increased impact of COVID19 on BAME members. And having to try and get my employer to take this into consideration around my work practices and make reasonable adjustments."

11.5% of the One Thousand Women Voices identified as being Deaf or having a disability, 10 people identified as autistic, but all of these members also identified as disabled so we will refer to this group as "Disabled" for the purpose of this briefing.

- Disabled members were 9% less likely to work in school, and 9% more likely to work in further education compared to non-disabled members.
- Compared to non-disabled members, those who identify as Deaf or living with a disability or Autism were significantly more likely to have an underlying health condition with 70% (compared to 19.5% for non-disabled workers), 18 % were previously shielding (compared to 2.4% of non-disabled).
- A higher number of Disabled members identified as LGBT (9%).
- Disabled members were more likely to report that their ability to carry out paid employment had been affected at this time and were 10% less likely to have someone who helps or shares their caring responsibilities.
- Notably, Disabled members were almost twice as likely to have been physically ill during this time, and to experience illness of someone they care for – with near 70% reporting their access to existing support for their health and wellbeing affected by the current situation. Many Disabled members commented that they felt isolated.
- One Disabled members said that:

"(My employer has offered) additional well-being days but unable to take them due to increased workload created by Covid".

Women's equality on the trade union agenda

Women's inequality impacts women's ability to participate equitably in employment, access opportunities including leadership progression, and have a healthy work/life balance. Women's inequality is a workplace issue and should be of utmost concern to trade unions, especially to those representing professions where women are the majority.

Under the Public Sector Equality Duty, education employers must take steps to minimise any disadvantage suffered by people due to their protected characteristic, and, take steps to meet the needs of people from protected groups even when these differ from other groups. It is clear that women are differentially affected by workplace policies, or lack thereof, and linking this to the Equality Duty can be useful for Reps.

The One Thousand Women's Voices questionnaire asked members what more EIS could do to support women members during this time. One member said they wanted EIS to raise "*more awareness of the juggling women with families have to do during lockdown and petitioning workplaces to support them with these responsibilities*".

Furthermore, it is clear that women with intersecting characteristics such as being disabled or BAME, face additional or different challenges. These must be taken into account when addressing women's issues that will benefit *all* women.

Many respondents suggest more support and specific advice for lone parents and pregnant women is required, in addition to championing flexible working and LA policies that are women friendly such as around parenting, single parents, menopause, pregnancy and caring responsibilities. Some expressed frustration that a commitment exists on paper but is not followed up with proactive and practical implementation.

"I recently received an email from the council stating that they will be understanding parents need flexibility. What does "a degree of flexibility" mean? What does it look like? Give actual examples. Plural. And remember the single parent. Drowning in tasks. Constantly. No time for anything but childcare, work and housework."

Using risk assessments effectively

Many members will be fearful or worried about going into school, especially if they have increased risk factors. Very few members in our research mentioned risk assessments being used. Both in a meeting with the EIS BAME Members' Network, and the first meeting of the EIS Disabled Members' Network, members raised that often, risk assessments were not proactively or meaningfully implemented, with many stating they felt stuck in an uphill battle advocating for themselves.

"Management within the school have tried to be supportive and make reasonable adjustments but tell me they are hampered by a ruling from HR which amounts to a blanket ban on working from home making up even part of the mitigations and a personal risk assessment. A mixture of home, lone and socially distanced working was advised by doctor and OH report, but I am told this will not appear in my risk assessment under any circumstances."

- Bespoke risk assessments are available, but these must be proactively encouraged, rather than left up to the individual.
- Risk assessments should be fit for purpose for the individual members, rather than a one-size fits all.
- Mental health and wellbeing, as well as home situation and unpaid work responsibilities must be included when evaluating risk.

Flexible working

Trade Unionists cannot alone solve gender inequality, but we can do our part to ensure our activity is responsive to women's lives and prioritise interventions that will improve women's ability to participate more equitably in work.

There can be no doubt that since the pandemic, women have disproportionately struggled to balance work and homelife.

Flexibility in working arrangements, temporary reduction in hours, shifting work responsibilities or location are all measures that can be used effectively to ensure women do not lose out – and we can more equitably realise Fair Work for all members regardless of their gender.

For some members, the move to working from home has been a positive one, resulting in less commuting and more time with loved ones. How members have adjusted during the pandemic shows that flexibility in working is entirely possible, and can produce benefits if we learn from where this has worked.

"I have a high work ethic. I care deeply for my students. I also have my home life. It was impossible to combine all, and do each justice. My line manager has accused me in the past of playing the mum card, so I couldn't go to him. I've never felt as vulnerable as a woman and mother in my professional life as this. There was just no solution to the pressure."

- Employees have a legal right to request flexible working.
- Flexible working is beneficial for both the employer and employee.
- Flexible working offers should be adaptable to what works for the member and the workplace, not suggested as rigid alternative models.

Mental health

Reps can work to encourage a supportive culture for openness and care around mental health, recognising that so many are affected at this time. Beyond an individual issue, mental health is a political concern, and as a profession, teachers and lecturers have been adversely affected. In order to support members struggling with physical and mental health, temporary flexible working contracts can be implemented to aid workers' recovery, but beyond this – good mental health means reasonable workloads, clear expectations, adequate training and good communication.

- Stress risk assessments and wellbeing processes can be used effectively to work with schools to support members with mental health issues.
- Awareness campaigns around mental health impact can help shift culture.
- Flexible working can help those struggling, to recover.

Parental leave

The motherhood penalty starkly demonstrates why parental leave is an essential entitlement in order to close the pay gap and ensure women's equal participation in work. Until having a child does not involve detriment to women's equality, we will not achieve Fair Work for all.

Employers should take steps to mitigate against the motherhood penalty, by:

- Offering the same leave entitlement to all new parents regardless of gender, and,
- Ensuring leave entitlement is sufficient enough so that parents don't lose out on pay – and have to choose between caring for their child and working.
- Entitlements for all parents should include flexible working as default where beneficial, including phased hours, flexible hours, childcare assistance, breastfeeding leave, etc.
- Entitlements should be from day one, and supportively offered.

Conclusion

Everyone is under pressure during this time, but gender inequality means women are carrying a disproportionate burden. The gendered nature of the issues currently facing the teaching workforce clearly shows the detriment to women's equality, work and wellbeing. Prioritising issues that affect women simply means prioritising issues that affect the majority of the profession and ensuring our efforts are relevant.

In order for trade unions to be effective, these considerations must be taken into account in the mainstream union agenda, but also through dedicated projects to campaign and raise awareness in our pursuit to demand better for women with regards to flexible working, healthy work/life balance, adjustments for working

parents, carers and those most at risk during Covid-19 and lockdown, as well as mental health support for all.

If you yourself are affected by the issues discussed in this briefing, please know you are not alone. You can reach out to the EIS locally if you are a Rep and nationally if an LA Secretary, or contact one of the following helplines for support:

- Breathing space Scotland - <https://breathingspace.scot/>
- National Assistance Helpline by Ready Scotland - <https://ready.scot/>
- Rape Crisis Scotland - <https://www.rapecrisisscotland.org.uk/>
- Samaritans Scotland - <https://www.samaritans.org/scotland/samaritans-in-scotland/>
- Scottish Domestic Abuse and Forced Marriage Helpline - <https://sdafmh.org.uk/>
- Scottish Women's Rights Centre - <https://www.scottishwomensrightscentre.org.uk/>
- Maternal Health Scotland - <https://maternalmentalhealthscotland.org.uk/>
- Scottish Women's Aid - <https://womensaid.scot/>
- SAMH for Scottish Mental Health- <https://www.samh.org.uk/>

Key messages

- Women are disproportionately burdened by unpaid care and domestic work, which has increased during this time, impacting women's ability to juggle paid work - and in turn exacerbating gender inequality.
- The impact of this is that an alarmingly high number of EIS women members are experiencing high stress, anxiety, and depression due to the pressures of work and homelife at this time - and lacking consideration of this from the employer.
- As a union, we should ensure that consideration of issues that contribute to women's inequality (unpaid care and domestic workload) are included as part of union activity at all levels and that our negotiation efforts include steps to minimise the differential impact on women. Steps can include flexible working, adjusted work, additional parental leave, stress and wellbeing risk assessments etc.

Appendix

One Thousand Women's Voices

Mental Health Briefing

The general findings from the One Thousand Women's Voices project show that near all respondents have been adversely affected in terms of their mental health. There is no doubt that the additional pressures at this time have, and continue to have, an adverse impact on women's mental health and wellbeing due to the relentlessness of juggling multiple responsibilities.

More serious mental health concerns have not been included explicitly in the general briefing, as we know that when these narratives are shared, it contributes to increasing the risk of suicide for those struggling the most.

This short briefing will detail some of the stories from One Thousand Women's Voices, which underline the urgent need to address mental health for members on a larger scale than tackled through individual cases.

It is worth noting that the vast majority of the issues raised regarding serious mental health concern were due to workload, and juggling care/domestic and paid work.

The One Thousand Women's Voices questionnaire is confidential, and we have no recourse to contact respondents, nevertheless those members who we identify as at risk due to their responses regarding their mental health. Some members did opt-in to provide their email and they will be contacted separately. Helplines have been shared on social media, and included in LA Sec and Reps briefing.

Summary about mental health impact from general briefing paper

- 25.5% had experienced illness of someone they care for, and 21% had been physically ill themselves (twice as high for Disabled respondents).
- **93.5% of respondents said they have experienced increased stress, anxiety, low mood or depression**, and 19% had experienced bereavement.
- 71.5% had not accessed health or emotional support (higher for BAME respondents).
- Around one in ten members live alone, facing further isolation.

Research Validity

The research method was based on self-selection and there are limitations to this method - mitigated by sample size, presentation, and comparing to wider trends in the population.

The project was initially 'marketed' as a questionnaire to record women's experiences of health, homelife, paid and unpaid work during this time. It did not explicitly talk about mental health/stress, etc. in advertising so there is no reason to believe it would attract a group of more depressed or stressed people would see it as being more 'for them'. The questionnaire was opened late December and steadily received responses until March 5th and there were no significant variations in mental health data at different points in time – it remained around 94% at three separate points of data extraction.

That said, people who are more *stressed*, could imaginably be more likely to look for an outlet to share their feelings, but this is less likely to be the case regarding anxiety or depression. Overall, we do not believe that how the questionnaire was presented would itself invite sharing of particularly negative experiences. There were also people who said they had really benefited from and enjoyed this time, so there was a clear possibility for these experiences to also be recorded.

A limitation of our findings is that we have no control groups - the same questions have not been posed to men, or those in other professions. We have no way of knowing whether the almost 94% would be applicable to other populations than the one we researched – clearly the findings in relation to mental health very significant for this group of members.

Mind UK did research in June 2020 that found 60% of adults said their mental health got worse during lockdown (sample included 75% women). Mental Health UK found that in June 2020 more women (57%) than men (49%) reported feeling anxious lonely and hopeless due to the pandemic. At the end of December, Mental Health UK's survey found 63% of women were feeling more anxious and worried as a result of the pandemic (compared to half of UK adults generally).

Given the evidence of around 60% for women generally, and the assertion that for women in frontline roles this figure will be much higher, it is our view that the findings of the 1000 Women's Voices questionnaire do add up. In terms of sample size, 1127 is a significant number given our membership, and we had a good geographical spread.

Burnout signs

We know that burnout can cause compassion fatigue and make people lash out at those closest to them. People suffering from burnout may not act like themselves. While stress is characterised by hyper-activity, overwhelm and constant high emotions, burnout is typically characterised by a bluntness to emotions, hopelessness, and a sense of having 'given up' coupled with immense guilt and doubt regarding ones' own professionalism and ability to continue. Burnout can result in long-term physical and mental health problems, and can contribute to performance issues at work, or related behaviours becoming cause for disciplinary. A selection of quotes that suggest burnout, are provided below:

"I am stressed constantly; I have suffered from lack of sleep and an underlying feeling of anxiousness at all times. Trying to ensure my children

are still happy and educated has overtaken any time for concentrating on my own wellbeing."

"My existing health condition has deteriorated, I am crying most nights from exhaustion and feelings of being overwhelmed. I am acutely aware it is just me. Everyone relies on me to earn the money and keep the family going. God forbid I got ill!"

"I am more snappy with the children because I am more stressed than usual. I feel very guilty about that but it's hard not to get stressed when so much demand is put on you, all day every day."

"I have definitely suffered...my anxieties are being passed onto others around me as well as my low mood and anger."

"I have been increasingly low as I cannot fulfil the demands of me and it makes me feel incapable. I have been more stressed and have been exhibiting physical signs such as dry itching scalp, poor sleep, fatigue."

"I get quite upset. I'm not able to support as well as I used to. I often don't have answers or the help."

"I feel drained physically and emotionally a lot of the time. I find I lack energy and have less patience."

"I have experienced increase levels of stress. anxiety, low mood and insomnia, because of the increased demands and lack of support available."

"Feel a little overwhelmed at times with additional demands on me, and less time for me to relax, and lack of emotional understanding or support for me. Also more physically exhausted by assisting others and offering emotional support to friends and family and this is affecting my sleep detrimentally so feel less well the next morning."

Depression

Depression is understood to affect around one in ten people at some point in their lives. Depression impacts people in different ways but is generally known as a low mood disorder affecting people's ability to do have energy to do everyday things, and take enjoyment from them. Long-term crises can impact people's resilience to depression, especially those with a history of mental health issues. Below are a selection of quotes that suggest depression:

"My eyes feel raw from crying so much. I feel like I am drowning."

"I have no time to myself and find myself more prone to tears, worry and the feeling of helplessness. It is all very stressful."

"Exhaustion, anxiety, depression, feeling like there is no escape, feeling like I'm doing everything badly."

"The anxiety and depression that I was already living with has increased, making my general mood lower and my stress levels higher."

"Low mood, anxiety, depression, isolated."

"Recently I have been very lacking in motivation to get going in the morning. After allowing myself to take time resting and sleeping I feel I am managing to overcome this feeling of malaise."

"Struggling to cope"

"I have had to cut out things which were important for my mental health - e.g. daily runs - in order to try and facilitate childcare and work."

"I just feel very alone, isolated and resigned to this is it"

Suicidal ideation

Samaritans report that it is too soon to tell definitely whether suicide rates have increased during the pandemic but that it is clear that during lockdown many would be at higher risk of suicide, due to restrictions and isolation.

In general, we know that middle-aged men in the UK experience higher rates of death by suicide than any other groups, although gender-disaggregated data from some sources show that women are more likely to *attempt* suicide. Samaritan's research during the first lockdown found that 10% of people experienced suicidal thoughts by Mid-May 2020, and women, young people, and those from socially disadvantaged background had worse outcomes across all psychological measures.

Suicidal ideation refers to thoughts and ideas related to a person's own life ending, for example that life is not worth living, but can also include more concrete plans to commit suicide. The One Thousand Women's Voices project recorded narratives from several members which suggest suicidal ideation, at some point during the pandemic.

"Exhaustion. Frustration. A sense of relentlessness, working 730-930am for paid work, 930-230pm teaching/caring for my own two children, commencing work 3-6pm whilst also cooking and then preparing in the evening again. My husband's comment in June 2020 when he stated, 'my life hasn't changed at all during the pandemic. I go to work like a usually do, my dinner is ready when I get home and I put the boys to bed.' This resulted in a six-week marital separation as my world and health had been turned upside down to a point where I wasn't sure life was worth living."

"At one point, I wanted to end everything. This pandemic was the worst time of my life."

"I really do want to be there for people when they're struggling, but sometimes I fantasise about walking into the sea."

"People's mental health is really struggling. People cannot stay apart from friends and family any longer. It is soul destroying. Suicides are through the roof and I can completely understand why. People are at breaking point."

"My depression has become more acute and I worry constantly that my son will commit suicide."

Conclusion

The overall findings about mental health show the concerning impact on women members who recorded their stories as part of One Thousand Women's Voices.

Mental Health UK states that because they make up the majority of frontline and care workers, as well as carrying the burden of unpaid and caring work, women are already at greater risk of developing a mental health problem even before the pandemic. At the end of December 2020, Mental Health UK's survey found 63% of women were feeling more anxious and worried because of the pandemic (compared to half of UK adults generally). It is unsurprising therefore, that a sample of women in education would show an even higher rate of mental health concerns.

Poor mental health is intrinsically linked to, and a symptom of, wider societal issues and structures – but this is rarely talked about. The burden of prevention and recovery should not be placed on the individual as this diminishes the ability of workers to organise and change the conditions that contribute to harm in the first place.

It is clear from our findings that contributing factors to women's poor mental health include both paid and unpaid workload and the types of work that demands more emotional involvement (caring work) - and this must be recognised by the employer both as a health and safety issue, and as a gender equality issue.

Recommendations for EIS Action

Actions may include:

- National awareness raising, signposting and facilitating space for discussion about good practice in workplace mental health initiatives.
- Locally monitoring stress and wellbeing, through staff surveys.
- Ensuring all workers are familiar with procedures for raising concerns regarding their mental health, and what options are available to them.
- Ensuring a preventative approach to improve mental health; demands for reduced workload, flexible working for all, additional leave entitlement for parents and those with caring responsibilities.

- Proactively promoting a culture of openness about mental health and shifting the causal story away from individual blame or lack of coping skills.
-

Mobilising for Anti-racism at Work

Anti-racist Leadership Learning Resource for EIS Equality Reps, Trade Union Reps, Local Association Secretaries and Branch Secretaries

EIS

In partnership with SAMEE

Funded by the Scottish Union Learning Leadership and Equality Programme Fund

Generously Given

they had said like it was a given.
Generously given. Holding space
they said but that space so easily dissolves
like sugar boiled. Our hurts flood
through the air vents- rises up
from shelves lined with good intent
and anthologies entitled- hear me.

Patchy. Patches worn like the way my skin
is browner there. Lighter there- like sun dapples
negligible in whispers. Looks given to us like apology
hiding the eyebrow raising eye rolling as they let us in
to spaces, into rooms that once stored boxes.
And she finds me there. Declares herself an ally
like I am to congratulate her. Mistakes me taking

the knee as worship- as gratitude. Not defiance not power.
Offers me her voice and replaces mine.
Gives me helping hand and I think to bite it
but I am full. Full of it. They are screaming it's satire
from the front pages- his face pink. Hair cut like Trump.
As if I wouldn't recognise the handshake secret there.

Dog whistle? Remember half of me is trained to hear it.

It is a safe space they had said- like it was a given.

Generously given. Like it was safe to be
all of your choices. The good of you.

The bad of you. The ugly- like all of you
would be free here. That we would
judge you as we judge ourselves.

Hannah Lavery

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1. Introduction

Unions, rights, and race equality

Unions work to advance our rights to fairness, dignity, and respect within our workplaces, and challenge the power structures in society which foster divisions between us. We know that when we stand together, we are stronger.

Structural inequalities that prevail in our society mean that our members' rights are impacted differently by workplace policies, financial cuts, and the bargaining strategies we choose to employ. No one person should be solely responsible for driving the equality agenda, as we all have a role to play. To be effective trade union activists, we must organise for all, and coordinate our efforts alongside wider societal struggles for equality.

Reflection

In considering your role within the Union and the trade union movement, as a starting point, you may want to:

- Consider your own beliefs and knowledge base - challenge yourself and your own ideas.
- Listen to those who have experienced racism - how can you find out what the issues are?
- Critically review your workplace policies, and EIS policies - what is the current state of play?
- Engage in anti-racist CPD opportunities - what might you want to learn more about?

EIS Reps mobilising for race equality

The Educational Institute of Scotland (EIS) has a strong commitment to race equality, and a long-standing track record of tackling discrimination and harassment within the workplace and within education. The EIS continues to be a committed advocate of anti-racist education, and in this pursuit, this learning resource is intended to give guidance to Equality Reps, School Reps, Local Association Secretaries, and Branch Secretaries, who want to mobilise for anti-racism at work.

As trade union leaders, you can work to facilitate and mobilise workers to organise for anti-racism. Organising around anti-racist issues can be a key way to engage members in matters they care about, and can demonstrate the relevance of union activity to social justice issues.

This guide is intended as a practical tool to support your skills development to address racism within your role, and to enable you to begin engaging with members around race equality, as well as supporting you to understand and challenge racism beyond the workplace too.

There are several terms used within this guide that may be new to you. A glossary is provided in Appendix A where these will be explained in some detail. Other Appendices include practical templates or resources to help you in your mobilisation for anti-racism at work.

The EIS recognises that some of the terms used within this document, such as 'BAME', are contested terms. This document is a 'live' document and will be updated as required. If you have any feedback or suggestions, please contact Selma Augestad, National Officer, Equality, EIS Education and Equality Department on saugestad@eis.org.uk.

2. Growing your anti-racist awareness

To be effective in our activism, we must be able to make the case for why race equality is important. At a time when we are witnessing a roll-back on rights, and the far-right are growing across the world, it is important to make our argument clear. This section will give a foundation for making the case for the importance of anti-racism.

What is racism?

A social construct

'Race' is a social construct, the existence of which carries grave effects. Racial classification was developed as part of genetic or biological studies popularised during the rise of colonialism and imperialism, effectively seeking to justify the discriminatory treatment of people who were not white, who were assessed as inferior based on their 'race'.

"Racism - the assignment of people to an inferior category and the determination of their social, economic, civic, and human standing on that basis" - Tommy J. Curry, 2017

The consequences of our history of white supremacy is very real today, in all parts of the world. Globally, from beauty standards to promotions, white people are viewed as the default, and people who are not white are racialised - and as a group face, higher levels of barriers and discrimination due to their 'race'.

Although race is a social construct with no scientific basis, simply ignoring race, will not address this inequality of racism. Racism is very real as a force in our society. We need to acknowledge racism in order to be able to challenge it. People who have been oppressed because of racism have always resisted discrimination and organised for their own liberation as Black, Indigenous and People of Colour, or Black Panthers, or Black Lives Matter. Therefore, not 'seeing' someone's race is ignoring a large part of their identity, and how they are positioned within society. If we do not 'see' race, we cannot effectively tackle racism.

What racism looks like

Racism can manifest itself in many ways. It is often most easily recognised at a personal level through a display of prejudice, ignorance and stereotyping. More difficult to see but very damaging is 'systemic' or institutional racism, and 'everyday racism' for example microaggressions - commonplace insidious communications that invalidate, insult or attack someone, such as a judgmental look, asking a BAME person where they are 'really' from, etc. Below are some definitions of different strands of racism:

- Institutional racism: racism embedded within the everyday practices of a society or an institution. When organisations or institutions, like schools, indirectly or directly discriminate against certain groups of people, due to the way they are organised, for example in their policies and procedures.
- Individual racism: often subtle and covert acts of discrimination due to held beliefs (i.e. micro-aggressions due to prejudice or bias)

Importantly - Regardless of intent, whether something is racist or not depends on the impact of actions on those who experience them. For example, a person may not intend to be cruel when they make a prejudiced stereotype of an Asian person the butt of their joke, but it has the impact of 'othering' and excluding their Asian colleagues. Therefore, it is racist.

- Internalised racism: when members of stigmatised groups are bombarded with negative messages about their own abilities or worth, they may begin to internalise those negative messages. This may mean they will refuse to acknowledge any discrimination they have faced, or that they believe it is their fault. It holds people back in their personal and professional development.

These everyday systems and communications effectively operate to exclude and disadvantage Black Asian and Minority Ethnic (BAME) people. It is therefore important that beyond challenging racist incidents where they occur, we take a proactive approach to race equality.

Intersectionality

Racism does not work alone. Applying an intersectional lens to understanding discrimination helps us understand the relationship between race and other characteristics, such as gender, that may produce different privileges and disprivileges for a person. For example, a Black woman and an Asian woman may experience racism differently, and a white woman's experience of sexism will again be different from that of BAME women because of their white privilege.

That does not mean that everyone who is a woman or a BAME person will identify as being the victim of discrimination, and we should be careful not to make assumptions about anyone's experience based on their identity.

Summary

In summary, racist behaviour is not simply 'bullying', as even individually targeted behaviours are part of a wider system of inequality. Even insidious or subtle forms of racism, such as stereotypes in the media, reproduce these systems of inequality and help to maintain the status quo.

Racism in Scotland

Debunking the myth

Anti-racist campaigners have long taken issue with the commonly-held conception that racism isn't a problem in Scotland.

The Black Lives Matter movement in its re-emergence in 2020 demonstrated exactly the ways in which racism is alive and well here, highlighting Scotland's BAME people's experiences of racism and violence. The death of Sheku Bayoh at the hands of the police, and the legacy of slavery and the extent to which Scotland greatly profited are clear evidence of racism in Scotland present and past.

During abolition, Scottish plantation owners were paid enormous bail-outs for their loss of income as enslaved people were unbonded. UK tax-payers were still contributing to paying off these debts until 2015, whilst main streets of Scottish cities remain dedicated to the very men responsible for delaying abolition - such as Henry Dundas.

More recently, the Scottish Parliament Equality and Human Rights Committee's Report into Race Equality, Employment and Skills, found that 86% of BAME women experienced racism working in the public sector, and that the employment gap for BAME people has increased by 2% between 2017 and 2019.

Data gathered by Show Racism the Red Card, reported in May 2017, highlighted that 37% of young people in the classes they were working with had experienced racism. Intercultural Youth Scotland's In-sight Report, 2020, described how over half of pupils responding to their survey disagreed with the statement "Teachers at my school were knowledgeable about the processes they were required to follow if a racist incident happened at school".

"I got no compassion, the teacher just said, 'What do you want me to do about it?'" Pupil quotes in In-Sight Report, Intercultural Youth Scotland, 2020

It is clear that racism is widely underreported, and the consequences are grave if it goes unchecked.

Barriers to Fair Work

The STUC, Scottish Government and employers have worked together in recent years to agree the Fair Work Framework which is underpinned by a set of principles that should apply in all workplace contexts. Racism is a significant barrier to the realisation of Fair Work for BAME people, impacting their access to **opportunity, safety, fulfilment, respect and to have their voices heard**.

EIS members' lack of access to fair work

A 2018 survey of EIS BAME Members demonstrated prevailing inequalities in relation to progression, belonging, safety at work and representation. In all respects, the principles of Fair Work were being breached.

The survey data highlighted that racism in the teaching profession is evident in:

- unfair treatment in recruitment practices and access to promoted posts (institutional racism)
- bullying and undermining workplace behaviour and culture (interpersonal racism)
- BAME teachers leaving the workforce or reporting struggling with their professional identity as a result of the workplace culture (internalised racism)

The impact of this includes:

- Weakened professional relationships and opportunity for possible friendships with colleagues
- Reduced professional growth and development for BME educators due to a lack of new educational and professional experiences that broaden their horizons
- Racial trauma - people who are often marginalised because of their ethnicity experience racial trauma. "*Racial oppression is a traumatic form of interpersonal violence which can lacerate the spirit, scar the soul, and puncture the psyche*" (Hardy, 2013, p.25).

Professional isolation

Professional isolation occurs when BAME teachers' feel a poor sense of belonging, and their distinctive skills and abilities are undervalued, ideas are usurped by colleagues, or there is a lack of confidants to discuss experiences and challenges with.

Unfortunately, the focus of many interventions often does not support individuals in overcoming the barriers that prevent them from being themselves in the workplace, but rather how they can change to fit in. BAME educators may describe "...being present and yet not visible, being visible and yet not present (Macedo, 2001).

Under-representation

BAME young people can go through their entire schooling without seeing a BME educator and are even less likely to see a BME person in a leadership position.

White teachers can go through their entire professional career without working with or even seeing a BAME educator.

BAME teachers and lecturers are vastly underrepresented within the profession. According to the 2011 Census, although 4% of the Scottish population identified as Black or Minority Ethnic, only 1.4% of the teaching workforce were BAME. Since then, Scotland's diversity has increased, but the picture for the profession remains much the same. When it comes to promoted posts, the underrepresentation is even more stark.

"Difficult to get a promotion. I mean how many hijabi or Asians do we see in HT, PT or DHT roles. I have been teaching 9 years and yet to meet one. Sad times." EIS Member Survey 2018

Where there is under-representation, it can be easy to close one's eyes to the anti-racist agenda. But, we all have a responsibility to pursue equality, no matter who is in the room. Perhaps also by asking the question - who is missing, and why?

Policy and legislative framework

The Equality Act 2010

The Equality Act 2010 replaces the Race Relations Act 1976, which was amended by the Race Relations (Amendment) Act 2000. Within the Act, race is termed as a 'protected characteristic'. For the purpose of the Act, 'race' includes colour, nationality and ethnic or national origins. A racial group can be made up of two or more different racial groups, i.e., Black Asian.

There are four types of behaviour that are prohibited by the Equality Act 2010. The explanations below illustrate how they may relate to race.

Direct discrimination

Direct discrimination involves treating a person less favourably than others are or would be treated, in the same or similar circumstances, because of their race. Direct race discrimination claims can be brought by people who have been treated less favourably because of their own race, or because they are wrongly perceived to be of a particular racial group.

Indirect discrimination

Indirect racial discrimination can occur when there is a condition, rule, policy or even a practice in your workplace that applies to everyone, but in reality, disadvantages people that belong to a particular racial group. Indirect discrimination can be defended if the person or organisation can show that it was a proportionate means of achieving a legitimate aim. A 'legitimate aim' might, for example, ensure a service is delivered, whilst being 'proportionate' really means being fair and reasonable.

Victimisation

Victimisation occurs if a person is treated less favourably because they have made or supported a complaint under the Equality Act 2010, or because they are suspected of doing so. An example of victimisation would be an employer providing a bad reference for an ex-employee because they have complained of discrimination.

It should also be noted that the protection does not apply if a false allegation of discrimination or harassment was maliciously made or supported against an employer.

Harassment

Harassment is when there is conduct in the workplace that is related to 'race' as defined in the Act, that has the purpose of violating that person's dignity, or of creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

It is not necessary for the conduct to be related to the victim's race; it could be related to the race of someone that they associate with or a misperception of the perpetrator that they belong to a certain racial group.

It is also not necessary for comments to be specifically targeted at the complainant. For example, a white teacher overhears frequent racist 'banter' from colleagues, and this creates an offensive working environment for them.

Public Sector Equality Duty

Education providers have a statutory duty to give due regard to eliminating discrimination and promoting equality of opportunity for both staff and pupils. All policies and procedures must ensure fair and equal treatment, and processes

should advance the opportunity of all, equally. Education providers also need to facilitate good relations between people who share a Protected Characteristic and people who do not - for example between different groups of staff from different ethnic backgrounds.

Employers are liable for acts of harassment by their employees if they have failed to take all reasonable steps to prevent it happening, for example, by failing to put in place adequate policies and provide training to staff that makes clear that such behaviour will not be tolerated.

Your workplace will have its own set of guidelines, policies and practices. Many local authorities now have equality statements or values statements within their policy. As part of your learning about anti-racism, it may be useful to consider your workplace policies, especially dignity at work and anti-harassment policies, in light of what you know about racism and the experience of BAME teachers and pupils.

Reflection

- Do these policies reflect you, and the challenges you are likely to face?
- How do these policies include BAME people?
- Do the policies make explicit reference to anti-racism?

Later on, when developing an anti-racist action plan, you may want to go back to these policies and consider how effective they are in practice.

Towards race equality

Perspectives on success

There are many views on what the goal of race equality looks like. For some, doing away with race all together, meaning that race no longer is a social construct which has any impact on people's lives, is the ideal. For others, their identity is strongly tied up with their race, and they do not want to lose their history or roots in struggling for equality. Rather, the goal would be that racial identity no longer is a marker of differential access to opportunity, or discrimination, but remains a cultural signifier.

Equality should not mean treating everyone the same, as we then would ignore the lived experience of discrimination and inequality. Some prefer the term 'equity', as it encompasses giving people the resources and opportunities, they need given their circumstances and history.

Many BAME colleagues who strive every day to advance racial equality in their personal and professional communities are left demoralised and frustrated by tokenistic equality, diversity and inclusion roles.

It is important to recognise the reality of racism, to work to dismantle the ways in which power is unequally distributed, and to fight against discrimination and undervaluing of BAME people. As trade unionists, we can pursue race equality by

ensuring we organise for equality and Fair Work for all, and that our efforts are sustained and not tokenistic.

Anti-racist leadership

The role of union reps lends itself well to undertaking anti-racist work, in that reps can:

- Provide advice and support to members
- Organise under-represented members
- Raise awareness of discrimination and equality issues in the workplace
- Conduct equality audits, equality impact assessments and investigate equality issues
- Support the development of best practice policy and procedures
- Monitor progress towards equality

As a trade union Rep or Equality Rep you are in a useful position to facilitate anti-racist action in your workplace. Local Association and Branch Secretaries can work to directly include these issues in the negotiating agenda. To take a lead role in anti-racist action, you may want to begin by reflecting on your own racial identity and your privilege.

White Privilege

In the dominant position, whites are almost always racially comfortable and thus have developed unchallenged expectations to remain so. Whites have not had to build tolerance for racial discomfort and thus when racial discomfort arises, whites typically respond as if something is "wrong," and blame the person or event that triggered the discomfort (usually a person of colour)." Robin DiAngelo, 2018

We must recognise that white people cannot know what it is like to experience racism as this is intrinsically tied to historical oppression, and systemic inequality. White privilege means you and others like you are not systemically and have not been historically discriminated against on the basis of your race – but this does not mean that you have never struggled or faced inequality, just that your race is not the reason for this.

If thinking about yourself as white makes you uncomfortable, you may want to reflect on feelings of white fragility, anger, fear, guilt, apathy, and the privilege of being able to ignore the issue of racism. Your BAME colleagues and pupils/students do not have the same privilege of choosing to 'switch off' from the issue.

Reflection

- Do you have feelings or thoughts that block you from taking action on anti-racism?
- What can you do about these uncomfortable feelings, and how can you move through them?

- You may want to consult books that include advice for white people to reckon with these feelings, e.g: *Why I Am No Longer Talking to White People About Race*, by Reni Eddo-Lodge, or *Me and White Supremacy*, by Layla F. Saad.

Who leads?

Inclusive activism

There is power in the Union to tackle discrimination, harassment and victimisation both through the organising agenda and through individual member support. We should also work to create an inclusive culture from the outset, rather than waiting until there is a racist incident to prompt anti-racist action. As a Rep, you can consider BAME perspectives in your negotiations, and organising of members - how inclusive is your Rep practice to BAME members?

The role of lived experience and white allies

Anti-racist activity should centre on the voices and experiences of those who are marginalised, and the direction of travel for our agenda should be led by their lived experience, and what they say they need.

It is important, however, that not one sole person becomes the voice of everyone from their racial group. Racial groups are not homogenous so it is important that a range of voices are sought and heard in order that representation is truly inclusive.

Also, the actual doing of the anti-racism work should not be a burden placed solely on those who experience inequality. White people are in a privileged position to sustain anti-racist action and drive change, without experiencing racism. They can act as important allies in the struggle against workplace and wider societal racism.

At the same time, it is likely that, if you are white, associating with anti-racist issues can mean you become treated unfavourably as a result - you are rocking the status quo! Although it can be very uncomfortable, the opposite- not taking responsibility for racism, would mean contributing to enable the status quo. No one person is solely responsible for anti-racism, but we all must take some responsibility.

"Allies are individuals who belong to dominant social groups and, through their support of nondominant groups, actively work toward the eradication of prejudicial practices they witness in both their personal and professional lives. " Sue, 2019

Advice for BAME Reps

If you are Black, Asian or Minority Ethnic, you may want to reflect on the impact racism has on your life, and consider how you can access support in your anti-racist efforts to take care of your mental health and wellbeing. If racism is an issue that affects you personally, driving the agenda can be even more weighty, and in taking the lead, you may want to look to others who can help share the burden. Please take the opportunity to reach out to allies in your workplace, the Union or SAMEE for further support.

Furthermore, although knowing from your own lived experience is an incredibly important source of knowledge, BAME people are not necessarily experts on anti-racism. Review gaps in your own knowledge and where you might access learning.

Making the case

A key role for Equality Reps, trade union Reps, Local Association Secretaries and Branch Secretaries will be to support local anti-racist action by enabling spaces for discussion and reflection on action that can be taken locally.

Key points to consider:

- The term 'BAME' is contested, but commonly used in policy. Remember that not all people who fall under this group would like to be identified as such. The usefulness of the term is to denote a shared experience of being minoritised in a white majority society – although the fact is that African, Asian and all other people who are not white are a global majority. Other terms used may be 'minority ethnic', 'Black', or 'people of colour'. If you are talking specifically about one group of people, for example if you are talking about an experience affecting Chinese people, say that.
- BAME people are individuals with individual unique identities which include their gender, sexuality, class, etc. It is important not to treat BAME people as a homogenous group.
- Although anti-racist work must have the lived experience of BAME people at the centre and be led by what would be most impactful for them, we should not place the burden of representation for anti-racism solely on those with lived experience of racism. We all have a responsibility to educate ourselves, reflect on and address racism.

Challenging false narratives

In pursuing these conversations about anti-racism, you may come across some barriers, such as people believing that racism isn't an issue. Reflect on the statements below and the prompt bullet points to construct your counter

arguments. For further evidence you may want to consult the Diversity in Teaching Profession Report, 2018 and Intercultural Youth Scotland’s In-Sight Report, 2019.

False narrative	Setting the record straight
<p>“Racism just doesn’t happen here in Scotland, it’s not a problem here”</p>	<p>Scotland has a history of colonialism and involvement in the slave trade.</p> <p>Evidence shows that there is prevailing underrepresentation in the teaching profession and in promoted posts.</p> <p>Research with BAME pupils report racism in schools.</p> <p>Research with EIS BAME members show widespread issues of racism in the profession.</p>
<p>“We don’t have much diversity, so anti-racism isn’t a priority”</p>	<p>Racist attitudes are taught through media, and mainstream culture regardless of the makeup of your school.</p> <p>Schools should prepare children for the real world.</p> <p>Do not wait until there is a BAME child experiencing racism in the school to educate on race equality.</p>
<p>“The real barriers are against white working class pupils, and the anti-racism agenda takes away from that”</p>	<p>There is room in the agenda for multiple issues.</p> <p>Intersectionality is a helpful lens to understand multiple intersections of inequality – BAME people can be working class too.</p> <p>The race pay gap is a class issue.</p> <p>There are comparably higher rates of BAME poverty in Scotland.</p>
<p>“We treat everyone the same, regardless of their race or background”</p>	<p>Colour-blindness is erasure of BAME people’s lived experiences of racism.</p>

	<p>There is privilege in “not seeing” race if you do not experience racism.</p> <p>Racism exists in our society, so our actions need to be actively anti-racist otherwise we are just perpetuating the status quo and closing our eyes to the issues.</p>
<p>“All lives matter”</p>	<p>Of course, all lives should matter, but recognising the reality for certain groups who face barriers and discrimination due to their race, and driving their equality, is crucial to ensure all lives actually matter equally.</p> <p>Dismissing Black Lives Matter undermines the experience of BAME people.</p> <p>Dismissing racism is not the way towards equality, for any group.</p> <p>Recognise the historical and ongoing inequality of BAME people on the basis of race.</p>
<p>“I am BAME and I have never experienced racism, so it isn’t an issue for me”</p>	<p>It is great that you don’t feel affected by racism, but BAME people as a group still face discrimination.</p> <p>Internalised racism sometimes results in BAME people not wanting to acknowledge the impact of racism, as this would feel too traumatic or put them on the spot/make them feel singled out.</p> <p>Everyday racism is so frequent and insidious, often perceived as normal, which can mean BAME peoples minimise their own experiences.</p> <p>Structural inequality exists for BAME people, and history of racism is not invalidated by one person’s experience.</p>

<p>“Having BAME specific recruitment strategies is discriminatory against white applicants”</p>	<p>Under the Equality Act 2010, employers are permitted to take positive action to address, for example, the underrepresentation of BAME groups.</p> <p>Actions to promote race equality, will, until people have equal opportunity and privilege, involve tailoring interventions specific to groups in order to address imbalances.</p>
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3. Dealing with racism at work

Many of our BAME members report experiencing racism, most notably from pupils and parents, but also from colleagues. The detrimental effects of living with racism as a minoritised group are well evidenced, including with regards to mental health, this in turn impacting confidence, participation, and wellbeing.

The EIS BAME member survey from 2018 shows a stark picture of the reality of racism for BAME teachers/lecturers. 71% of BAME respondents had experienced racism in their capacity as a teacher or lecturer, whilst 43% had experienced discrimination in seeking a promoted post.

“As someone from an ethnic minority, you have to always work harder and longer than others. Becoming a manager or having a managerial role is kind of considered that it is not something that is for you although it is never discussed. You are simply counted out...” EIS BAME Member survey, 2018

Responding collectively

When one group of workers have their rights undermined, it hurts us all. As trade unionists, we must organise in solidarity to ensure all workers’ rights are protected. This includes working proactively towards a culture that is inclusive, but also dealing appropriately when colleagues disclose racist incidents, or we witness this.

Remember: Anyone can raise that racist comments or behaviour create an offensive working environment for them, regardless of whether it is directed at them. This could be a claim for harassment under the 2010 Equality Act. To proactively challenge racism, we should not wait until there is a BAME person present to address racist behaviour.

Being approachable

Some BAME Members are hesitant to seek the support of the Union when they experience racism, as they are concerned about not being believed, or understood.

It is therefore important that you proactively communicate an environment where members will feel comfortable to approach you with their issues.

"I have experienced racism from pupils and from my colleagues - this really upsets me. I have tried to approach my HT and my union Rep but they dismiss this by telling me that I am being sensitive and it is my perspective that needs to be reconsidered... they actually don't know how to deal with this and so make it out as if it is my problem to solve..." ('Raj' quoted in Mohammed, 2021).

Commitment to act

To feel safe at work, BAME teachers need to see that when they report racist comments from pupils, parents or colleagues, either to the Rep or to the Senior Management of their establishment, that this is followed up with appropriate action that does not cause further upset for them. EIS members from BAME backgrounds have repeatedly articulated feeling that anti-racist policies and protocols exist on paper, yet they do not see them adhered to in practice.

In your EIS role, regardless of whether an individual member wants to take their issue forward, if you are concerned about racism at work you can enquire as to how policies (dignity at work, equality statement, anti-harassment policy, etc.) are working, and raise the issue with the employer.

Advice for reps on responding to racist behaviours

As demonstrated earlier in this guidance, racism operates on many layers, but some are more readily visible than others. If someone says or does something racist, it is important to challenge this behaviour.

First of all, if a remark is directed at a BAME person it is important to put their wellbeing first, and not to make matters worse for them by putting them on the spot. Checking in after the event can also be useful, but make sure that you also address the perpetrator directly and show solidarity in the moment - not just behind closed doors as silence in the moment can be read as agreement.

Recognising and challenging racist behaviour

It can sometimes be difficult to identify whether something was racist or not. When thinking about this, it is important to consider the potential impact on the person or what impact it would have had, rather than the intent of the people who are enacting these behaviours.

Racist behaviour may include:

- Differential treatment; treating someone worse, more harshly or with greater scrutiny, than their white peers.
- Gossiping, spreading rumours, or making comments about people based on their race, religion, or nationality.

- Making assumptions, stereotyping, or typecasting people based on their race, religion or nationality.
- Mocking accents, or jokes based on race, religion, or nationality.
- Excluding, silencing, or ignoring someone.
- Harassing, threatening, or demeaning someone.

Demonstrate your disapproval when a colleague or young person uses racist tropes in conversation. Regardless of who is in the room, racist behaviours perpetuate inequality. Although it can feel less uncomfortable challenging racist behaviour after the fact, in a one-to-one conversation, it is important to clearly signal and demonstrate to others that the *behaviour* is not being tolerated.

Most white people will feel uncomfortable with the idea that they are racist and may get defensive when challenged on what they say. If you make your challenge “that is racist, because...” rather than “you are racist, because” it may help for a more constructive conversation. Remember also that you can’t win over everyone.

In the middle of the situation, you might not have the reaction time or space to explain in detail why the behaviour is unacceptable, however you should still clearly state that it is unacceptable.

The following is taken from Show Racism the Red Card’s adaption of Patti DeRosa’s Cross-cultural Consultation guide:

- Make clear that you will not tolerate racist language or behaviour.
- Expect tension and conflict as part of the process.
- Challenge the behaviour rather than the person. Be aware of your own limitations, your attitudes and knowledge.
- Actively listen to learn from others’ experience.
- Establish standards of responsibility and behaviour - hold yourself and others accountable.

Advice for reps on supporting members who experience racism

As a trade union Representative, members may seek your advice on how to deal with racism and it is important to have a racially literate response.

BAME teachers who experience discrimination in the workplace discuss the lack of support they receive from their union reps. They not only have to relive the trauma by describing the incident but then are also asked for evidence. Given that the racial harassment they experience is covert and subtle it is difficult to gather ‘hard’ evidence - consideration must be given to the hurt this causes the victim - sustained microaggressions can lead to racial trauma. (Mohammed, 2021).

It is very important to understand that your BAME colleague’s perceptions of the incident should not be questioned or there be any suggestion that they are being overly sensitive. This is known as gaslighting which serves to cause confusion, anxiety and leads to mistrust and to BAME colleagues beginning to question/doubt

themselves. All of this has the effect of allowing racism to go unchallenged. Where BAME colleagues report discrimination, Reps should be confident in calling it what it is – racism- and documenting it accordingly.

Advice for reps on evidence gathering:

- Firstly, ensure that you understand the impact of everyday racism and be honest about any gaps in knowledge - it is ok to go away and get the information required.
- When your BAME colleague describe their experiences, make sure to listen carefully and sensitively.
- It is important to be aware of the impact of racism through microaggressions, especially on health and wellbeing - can you recognise the subtle and covert nature? Include these behaviours and the impact they have, as evidence in your notes.
- You may also want to consider whether report and support mechanisms are fit for purpose. Ensure that the member is well informed about the options available to them, i.e., informally raising with line manager, raising a formal grievance, discussing the matter in a professional network, etc. Inform the member of the possible actions.
- If you are concerned about the prevalence or racist incidents at your workplace, you can compare notes to other cases to identify any patterns, and to build a possible case. You may at this point consider the merit of a collective grievance.
- You should always keep confidentiality and ensure your actions following evidence gathering are guided by what the member decides they would like to pursue.
- Contact EIS colleagues for further advice if required. This may include seeking advice from the Local Association, Area Officer or the national Education and Equality Department.
- As the case develops, or is concluded, take time to check in with the member afterwards to see how they are doing.

Below are some case studies that might be useful in helping you think through, seek advice, and plan your response on the issues.

Case Study 1 - Professional Isolation

"I am frustrated ... I am really upset as my colleagues organise social events, which I don't feel comfortable with. I am not being difficult, I have been to the pub several times but the last time I went along, I experienced racial abuse... my colleagues know what happened but still want to go there. I am being excluded and when I raised this point, I found myself completely isolated...senior staff members walk past me ...whispers in the corridor... I have been told that I am being difficult?" (Lubna)

How would you advise Lubna if she approached you in your union capacity?
Possible solutions:

- Make sure you listen carefully and ensure that Lubna feels that she is being heard.
- It is important to not make assumptions - racial groups are not homogenous.
- Find out relevant information.
- The steps you plan to take to address this must be in consultation with Lubna, you can provide information and further support to her.
- Work collaboratively with colleagues to ensure a positive outcome.
- Remember to check in and monitor the impact on Lubna afterwards.

Case Study 2 - Experiencing racist harassment in the workplace

'I notice young people pulling their eyes to the sides and talking gibberish as soon as I walk into the classroom' (Li Jie)

How would you support Li Jie and address this racist incident? Possible solutions:

- The example is a racist incident, make sure it is recorded as such following your workplace policies and procedures.
- It is important to build the trust of Li Jie, so provide unequivocal support provided to him - do not dismiss the behaviours as juvenile antics – but acknowledge that this is inappropriate racist behaviour.
- With Li Jie's agreement, you may want to ensure this is addressed as a whole school issue - how will the Senior Leaders in the school ensure that Li Jie, and other BAME colleagues, are protected from racist behaviour in the future?
- Changing this behaviour may require anti-racist training for staff to develop their own understanding of race and racism, for them to feel confident to navigate critical conversations about race with young people. You may want to consider adding this to the bargaining agenda.

Case Study 3 - Micro Aggressions

'When you make a suggestion or a proposal it is completely dismissed and yet, when a white colleague makes a similar suggestion it is commended.' (Amjad)

How will you support Amjad to address this issue? Possible solutions:

- You should ensure meetings are minuted so discussions are well documented.
- It is important that you take the opportunity to meet with Amjad and discuss ways in which he can also be involved in the proposed activity to address this issue.
- You may want to organise and facilitate a meeting between Amjad and his colleague to discuss what this involvement will look like.
- Work with the employer to provide guidelines to promote a more inclusive meeting space - where all voices are acknowledged and valued.
- Discuss the need for anti-racism training for staff, that includes coverage of bias.

Case Study 4 - Lack of access to promoted posts

'I have no control over my career progression ...it's like hitting a brick wall each time – I am slowly stepping back...I know teachers who have left as they have become demoralised as their self-esteem is impacted...how many more courses do I need to complete?' (Priti)

How would you support Priti? Possible solutions:

- You should listen carefully and offer your support to Priti.
- Consider gathering information from members and the employer regarding progression routes to identify any issues.
- If Priti agrees, you could request and review panel feedback from any applications she has submitted to promoted posts.
- If grounds are found for discriminatory treatment you should offer to support Priti in a grievance process, or submit a collective grievance, seeking advice from EIS colleagues as appropriate, to do this.

Case Study 5 - BAME colleagues who are reluctant to 'claim' racism for fear of personal/professional implications

As a Rep you observe a colleague being racially bullied/harassed. You take the opportunity to speak with them with a view to taking this forward, but the colleague dismisses the incident.

What would you do? Possible solutions:

- This may constitute harassment under the Equality Act 2010, which could create an offensive working environment for you – you may therefore want to raise this with the employer separately to the colleague.
- You can also raise issues regarding the offensive working environment as part of your bargaining agenda and make recommendations, such as the provision of anti-racist training for all staff.
- You should always ensure your colleague is aware of the steps you are taking and how you are protecting their confidentiality and trust.

In cases where an EIS member is being racist towards another BAME member and the issue becomes a disciplinary or grievance matter, you should escalate this matter to your Local Association to ensure that both can be properly represented without a conflict of interest. The Local Association may seek the involvement of a Rep from another school/college, to represent the perpetrator of racism. It is important to note however, that regardless of what party is represented, the Union should ensure that outcomes include appropriate action to prevent the racist behaviour recurring in the future.

Monitoring Racist Incidents

Finally, racist incidents must be monitored. In your trade union role, you should keep a note of all incidents that you can use later when making your case on the bargaining agenda. Systems for recording racism both against pupils and staff need to include clear processes that are well communicated to and understood by staff. The vast majority of racism goes unreported, and you may want to consider what barriers to reporting are present in your workplace. Also, unfortunately, the way that racism is currently reported may not lend itself well to facilitating change as a response.

As a Rep, consider the following:

- Investigate and review the process for reporting for staff, and raise the issue as a discussion point, if the current process is not fit for purpose.
- Clear guidance should be provided to staff on how to deal with complaints of discrimination and bias, and complainants should know in advance how their reporting will be dealt with to minimise any anxiety.
- If you find that your workplace has insufficient or inappropriate processes for recording racist incidents, this may be an issue you want to organise members around. It might be useful to collaborate with another workplace to share policies and review these.
- If there is not follow up action or monitoring of trends in reporting, you should raise this as a discussion point.

4. Organising for anti-racism at work

"Not everything that is faced can be changed, but nothing can be changed until it is faced." James Baldwin

Racism undermines workplace solidarity and breaks up the unity of workers. With collective action from the branch, equality matters can be bridged with industrial issues - for example looking at race and equal pay or equal access to progression. Combining efforts and communicating the broader picture can be an important tool in winning the argument and facilitating member activity for race equality. However, it is important to note that amidst wider equality agendas, anti-racism risks getting lost. It is crucial that Reps ensure explicit consideration and action is taken on anti-racism.

Facilitating anti-racist member activism

"Activism is my rent for living on the planet." Alice Walker

Although union representatives can make a great difference in ensuring there are good reporting mechanisms for use where racism occurs, we should not have to wait until a racist incident happens to organise for equality.

Beyond racist incidents, there are systemic barriers that contribute to the underrepresentation of BAME teachers within the teaching profession, including in relation to their progression. These are important to address, but we cannot do so before we know the scale of the problem and can evidence this to school/college management.

Enabling discussion

As a Rep who wants to take anti-racism forward, a good start would be to enable space for members to engage with anti-racism and the issues that exist. In order to put anti-racism on the organising agenda for the members you represent, you have to facilitate continued conversations to build up interest in the issue and motivation to act collectively to bring about change. Often, 'race' gets lost within a diversity and inclusion agenda, or side-lined to be dealt with in isolation. It is important to consider anti-racism in all aspects of our work, as sustained dialogue is key.

To mobilise the wider membership, you may want to hold discussions, film showings, themed events, etc. or, start by having individual conversations with members to win people over on the issues, using these opportunities for dialogue to gather more information about what the issues are and following up with more research as necessary. If there are members with lived experience of racism in your workplace, you can reflect on how you facilitate the self-organising of those groups and draw on their experience to inform the agenda. Race equality action plans should have lived experience at the centre, and their content should be identified by BAME staff - if not, input should be sought from expert external organisations or community groups. A template action plan with suggested actions can be found in Appendix B.

When it comes to integrating efforts, senior leadership will need to buy into the process. Local Association Secretaries can negotiate input on a Local Association level, perhaps involving a programme of training.

Building local anti-racist networks

Once you have some momentum within your workplace, and members are engaged with the issues with some knowledge, you can begin formalising your efforts through a local anti-racist network. It will be important that the network has representation from across groups, and you may also want to include learners in parts of the activities and discussions. The purpose of these networks will be to keep the momentum, identify issues, and drive change collectively - whilst also being an accountability measure in monitoring progress on agreed actions. You may want to negotiate for an anti-racist network in your workplace.

Leading conversations on race

Anti-racist networks bring together a range of people with different experiences and perspectives. Having conversations about racism can evoke strong emotions. As a potential facilitator and driver for these important conversations, it is crucial that you come prepared to productively engage people and manage the discussion in a way that can enable meaningful change. Support colleagues to understand terminology that might be unfamiliar or feel threatening, such as 'white privilege', but be careful not to compromise on language - call racism what it is.

If you are facilitating a group discussion about anti-racism in your workplace, here are some suggested ground rules you may want to start off with as a suggestion. Ground rules work best when people engage with them, so you may want to spend a bit of time asking for additions - what would make people feel comfortable in the discussions?

Taking up space: remind everyone to be mindful of how they take up space in discussion, and allow people to more equally contribute.

Respect for others: we do not all have to agree, but we aim to grow our understanding of one another's opinions.

Own your own: recognise your own limitations and preconceptions, differentiate what is fact and what is opinion.

We all have something to learn and something to teach: nobody in the room has the whole picture or complete expertise.

Open and non-judgemental: encourage the asking of what might seem to be silly questions, and affirm confidentiality.

Remember to always ensure that the purpose of the meetings is clear, that they are accessible and inclusive, and that notes are taken towards ensuring an accurate minute, including accountability for actions as outcomes of the meetings.

To keep the momentum going, you could propose a range of activities to the network, such as:

- Developing an anti-racist school campaign involving learners, parents, and staff.
- Putting on a play, performance or film-screening that explores relevant themes.
- Hosting an expert speaker or inviting a BAME led community group to speak.

Negotiating for Race Equality in the workplace

Useful legal and policy frameworks

When bringing race equality to the negotiating table, it is important to remember that the workplace is bound by the Equality Act 2010, and the Public Sector

Equality Duty and therefore must consider race equality in all policies and practice. Furthermore, your education leadership should be pursuing, on behalf of the employer, the realisation of Fair Work for all staff. As a reminder, this involves their access to opportunity, safety, fulfilment, respect and to have their voices heard. You could devise your strategy around the Fair Work framework.

Building Union strength

So, you have reflected on your own position, and members are engaged in discussing anti-racist activity. Part of driving change will now depend on how you bring these perspectives into workplace negotiations. It will be important that you find trade union representative allies to support your efforts in this regard. If you are an Equality Rep, you may want to link up with your Local Association Secretary to draft a strategy based on members' concerns and interests. A template anti-racist action plan is provided in Appendix C.

If you have diverse representation in your workplace, your role will be to facilitate the self-organising of BAME members to identify the issues they want to take action on, with white members prepared to take anti-racist action. If your workplace does not have diverse representation, you should still ensure that you involve knowledge about the lived experience of BAME members in your anti-racist planning. This can be done by, for example, seeking out local BAME community groups, contacting national expert organisations such as the Scottish Association of Minority Ethnic Educators, or Intercultural Youth Scotland, and reaching out to the national EIS BAME Network for support.

See Appendix X for ideas for the types of issues you could include in collective bargaining.

Finally...

We hope that you will have found this guide useful in your work towards race equality, and we are interested in your stories of how local action has been implemented. Please contact the Education and Equality Department with any case studies, feedback or suggestions you may have. This is a live document and will be updated as required.

You can email Selma Augestad, National Officer, Equality on saugestad@eis.org.uk.

5. Further information

Publications

The EIS has published a range of resources to support anti-racism, including the following guidance:

- Briefing: Anti-Racist Education
- Guidance: Challenging Anti-Muslim Prejudice
- Briefing: Holocaust Education

The EIS also signposts to a range of resources on the website. Visit: <https://equality.eis.org.uk/anti-racism>.

In Sight Report – Intercultural Youth Scotland
<https://interculturalyouthscotland.org/in-sight-report>

Teaching in a Diverse Scotland Report – Scottish Government
<https://www.gov.scot/publications/teaching-diverse-scotland-increasing-retaining-minority-ethnic-teachers-scotlands-schools/>

The Equality and Human Rights Commission has published a number of Codes of Practice and guidance to assist public bodies to carry out their duties under the Act. EHRC's 'Guidance for education providers: Schools' is of particular relevance. <https://www.equalityhumanrights.com/en>

External organisations who can support

It is crucial that actions are informed by lived experience and anti-racist expertise. Where this does not exist within your locality, you may want to seek external support.

- Local community groups
- Scottish Association of Minority Ethnic Educators (SAMEE) - <https://www.samee.org.uk/>
- Intercultural Youth Scotland <https://interculturalyouthscotland.org/>

Useful Websites

- EIS – www.eis.org.uk
- Equality and Human Rights Commission - www.equalityhumanrights.com/scotland/
- The Scottish Refugee Council – www.scottishrefugeecouncil.org.uk
- Scottish Association of Minority Ethnic Educators (SAMEE) - www.samee.org.uk
- The Scottish Government – www.gov.scot

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6. Appendices

Appendix A Anti-racist Glossary

Ally – someone who is willing to act with and for others. Allies are from the dominant social group

Anti-racism - the work of pro-actively working to dismantle and oppose racism in all its forms

BAME - an acronym for 'Black, Asian and Minority Ethnic'. It is important to be mindful in the use of this acronym, to not unnecessarily group together all minoritised people, unless you are talking about a shared experience or positionality of all minoritised people.

Bias - perceptions, unconscious or conscious, that result in automatic associations, assumptions or use of stereotypes about groups or individuals, which can result in their true personality, their talent and skills being overlooked and undervalued.

BIPOC - an acronym for 'Black, Indigenous and People of Colour'. It is important to be mindful in the use of this acronym, to not unnecessarily group together all minoritised people, unless you are talking about a shared experience or positionality of all minoritised people.

BME - an acronym, widely used in Scottish policy, for 'Black and Minority Ethnic'. It is important to be mindful in the use of this acronym, to not unnecessarily group together all minoritised people, unless you are talking about a shared experience or positionality of all minoritised people.

Bigotry - unreasonable and prejudicial belief and opinion against someone solely on the basis of their membership of a particular group.

Black Lives Matter - US based but now world-wide movement for anti-racism and protest against police brutality, disproportionate risk of violence against Black people, and racial injustice.

Burden of representation - pressure on a person from a minoritised group to always act as a representative or spokesperson for their whole group- i.e., for a BME person to always and only be expected to speak about anti-racism.

Cultural appropriation - the use of minoritised groups' cultural elements for own use or profit by those belonging to a majority group, without proper understanding or respect for their cultural significance.

Cultural assimilation - the process of a minoritised group adopting or being expected to adopt the majority group's culture, norms and behaviours to become more similar to them at the expense of their own culture.

Colour blindness - the idea that not 'seeing' someone's race is actually unhelpful, and is erasing of the experiences of racism that BME people experience.

Colorism - discrimination or prejudice against people with darker skin tones, favouring those with lighter skin tones.

Decolonisation - resistance or deconstructing of systems and power in society that is organised as a result of a colonialism. For example, centering the perspectives and lives of BME people in history books, rather than focusing solely on the perspective of the white 'ruling elite'.

Diversity - includes all the ways in which people differ, commonly used to describe a variety of perspectives from people with different backgrounds in terms of race, gender, ability, age, religion, sexual orientation and socio-economic status.

Ethnicity - a social construct of categories people are divided into on the basis of, for example, their culture, ancestors' geographical location, nationality, current location of residence, race, language.

Everyday racism - the insidious everyday under the radar behaviours and systems that effectively work to maintain a racist status quo.

Inclusion - the meaningful 'bringing in' and involvement of historically excluded or underrepresented groups into majority groups, decision making or activity - in a way that honours their perspective and needs. Not to be confused with assimilation.

Individual racism - often subtle and covert acts of discrimination due to held beliefs (i.e., micro-aggressions due to prejudice or bias).

Internalised racism - when members of stigmatised groups are bombarded with negative messages about their own abilities or worth, they may begin to internalise those negative messages. This may mean they will refuse to acknowledge any discrimination they have faced, or that they believe it is their fault. It holds people back in their personal and professional development.

Intersectionality - a lens for understanding discrimination and disempowerment, developed by scholar Kimberlé Crenshaw. Intersectionality refers to the ways in which, for example, racism interacts with and is exacerbated by sexism and therefore racist discrimination is experienced differently by BME women and BME men. Failing to acknowledge these particular intersections of inequality mean that, for example anti-racist efforts, will miss out a number of people, as their experiences differ.

Institutional racism - racism embedded within the everyday practices of a society or an institution. When organisations or institutions, like schools, indirectly or directly discriminate against certain groups of people, due to the way they are organised, for example in their policies and procedures.

Marginalisation - the process in which a group or person is pushed to the margin of society or of an organisation or profession, and given less power, their perspective and experience treated as less significant.

Microaggression - everyday experiences of behaviours, whether intentional or not, that communicate hostile or negative messages to a person solely based on their identity, i.e., racial group.

Minoritisation - refers to the process in which one group becomes viewed as a minority other in terms of their identity, culture or practice. For example, although people who are not white are a global majority, they are sometimes unhelpfully referred to as "ethnic minority" in Scotland.

Oppression - the systematic undermining of and inequality facing one social group, perpetuated largely by another social group that holds greater power in society. Oppression is involved in a process of socialisation and the systems that perpetuate oppression will not be readily apparent or obvious.

Othering - the social processes in which a person or a group of people come to be viewed and considered by others as intrinsically different to (usually) a majority group.

People of Colour - a collective term that encompasses all people who are not white. Most commonly used by anti-racist groups to organise among people who face racial inequity.

Power - Power is the ability to act or have influence over others, or to decide who will have access to resources and the capacity to exercise control over others. On

a structural and institutional level, power may manifest in relation to what groups have access to opportunities, get paid more, and benefit more greatly from the ways in which legal systems, or workplace policies and procedures are framed.

Prejudice - Prejudice is unjustified attitudes based on stereotypes of other people's characteristics, such as their race or gender.

Privilege - a right or exemption from liability or duty granted as a special benefit or advantage. Oppression is the result of the use of institutional privilege and power, wherein one person or group benefits at the expense of another.

Race - race is a socially constructed concept, with no biological basis. Racial classification was developed as part of genetic studies popularised during the rise of imperialism and colonialism, effectively seeking to justify the discriminatory treatment of people of colour who were assessed as inferior based on their 'race', including as justification for slavery. These historical roots of white supremacy ideology are visible in the ongoing systemic inequality of BME people, across the world, today.

Racialisation - a political and social process of ascribing racial identity onto a group which do not themselves identify as such.

Racism - refers to the systematic discrimination towards and subordination of a group based on their race, who overall have less power in society as a result. Activists sometimes describe racism as the combination of prejudice and power. Although white people can experience prejudicial behaviours due to being white, their position in society gives privilege because of whiteness and this prejudice is therefore different to *racism*, which involves the continuation of historical oppression of a racial group.

Stereotypes - Stereotypes are societally held beliefs about a group of people and their characteristics, often presented as generalised truths about a whole community or group of people based on their race, nationality or religion. For example, that men are better at sports than women, or that one racial group is better at maths than others.

Tokenism - efforts to be inclusive or address racism that are only symbolic or one-off, to give the appearance of taking action, whilst in reality changing very little in terms of systemic inequality.

White privilege - Refers to the unquestioned and unearned set of advantages, entitlements, benefits and choices bestowed on people solely because they are white.

White supremacy - the ideology that white people are superior to BME people, and the systemic, cultural, social and political processes that reinforce this ideology, whether explicit or not.

White Fragility - the stress and often defensive emotional reactions of white people when experiencing racial discomfort, for example being scared of being called a racist.

Xenophobia - prejudice and discrimination towards people considered to be outsiders of foreigners based on their nationality, migration status, or religion.

Appendix B Anti-Racist Action Plan template

This template provides examples, which you can amend depending on your local circumstances and BAME people in your workplace or community have identified as priorities.

	Key areas	Who can help?	Actions/improvements required	Progress
1	<p>What are the priority issues facing BAME people in your workplace, and local area?</p> <ul style="list-style-type: none"> • Include staff and pupils' perspectives where possible • Are there any patterns or trends in the information 	<p><i>I.e. third sector organisation, parent group, education leadership, EIS, representatives of community, wide engagement</i></p>	<p><i>Once the key priorities have been identified, consider how you might organise members around these, to identify what needs to change and the strategies you wish to employ</i></p> <p><i>Include these items in the action plan.</i></p>	

<p>2</p>	<p>Is there a race equality policy/statement?</p> <ul style="list-style-type: none"> • Does it adequately cover the issues identified? • Is it well understood by staff and pupils? • How is it implemented? 	<p><i>I.e. teachers with lived experience of racism, EIS Education and Equality Department, EIS BAME Network</i></p>	<p><i>Improvements may include:</i></p> <p><i>To ensure social events are not exclusionary</i></p> <p><i>Negotiate right to take leave during religious holidays</i></p>	
<p>3</p>	<p>How is racism being recorded, monitored, and reviewed?</p> <ul style="list-style-type: none"> • Is the process fit for purpose, supportive and well understood? • Are trends monitored and action taken as a result? 	<p><i>I.e. BAME members, community groups, EIS Education and Equality Department, EIS BAME Network</i></p>	<p><i>Interventions may include:</i></p> <p><i>Review of recording process, including BAME people to give feedback</i></p> <p><i>Training for staff on how to record appropriately</i></p>	

<p>4</p>	<p>What is the racial diversity within promoted posts and permanent posts?</p> <ul style="list-style-type: none"> - Does the recruitment process deal with implicit bias, prejudice and discrimination - Recruitment panels trained in equality issues? - BAME representation on the selection panel? - Reasons for rejection and selection recorded and monitored? 		<p><i>Interventions may include:</i></p> <p><i>Ensure posts are appropriately advertised and recruitment process in place</i></p> <p><i>Advertising should be accessible in its language and encourage underrepresented groups to apply</i></p> <p><i>Systems should be in place for encouraging under-represented groups to apply for promotion</i></p> <p><i>Monitor appraisal and progression marks between different groups - permanent posts</i></p> <p><i>Equality rep and/or BAME member informing and support writing of specs etc.</i></p> <p><i>Negotiate to conduct a workplace equality audit</i></p>	
<p>5</p>	<p>Is anti-racism training undertaken widely by education and</p>		<p><i>You could negotiate for:</i></p>	

	<p>trade union leadership?</p> <ul style="list-style-type: none"> • Is the training from an expert organisation? • Is the training regular and meaningfully engaged with? • Is there equal access to training? • Is it mandatory? 		<p><i>Regular and integrated anti-racist training for all</i></p> <p><i>Opportunities for under-represented groups,</i></p>	
<p>6</p>	<p>Are conversations about diversifying the curriculum leading to practical implementation?</p> <ul style="list-style-type: none"> • Does history lessons accurately reflect the lives and contributions of BAME people, and not a deficit model focused only on BAME people as victims of oppression? • Is teaching about racism, slavery and colonialism sensitive to 		<p><i>You could negotiate for:</i></p> <p><i>The creation of compulsory teaching resources</i></p> <p><i>Training and development opportunities for anti-racist curriculum</i></p>	

	<p>the experiences of BAME pupils in the classroom?</p> <ul style="list-style-type: none"> • Is racially diverse source materials and content widely acknowledged and used across the curriculum, not just in history? • Are teachers and lecturers supported to implement an anti-racist curriculum? 			
7	<p>How does the school enable staff and pupils to have conversations about racism, promote equality and address issues?</p> <p>How can pupils express their cultural identities?</p> <p>How does the school address inclusion for staff, and pupils?</p>		<p><i>You could organise around:</i></p> <ul style="list-style-type: none"> • <i>Reviewing of policies and procedures to ensure they reflect all perspectives</i> • <i>Bargaining for a strategy</i> • <i>Training on cultural competency</i> • <i>Campaigning for increased awareness of racism and equality issues</i> 	

Appendix C: Possible areas for the bargaining agenda

Recruitment, selection and retention

- Does the workforce reflect the population?
- Where are job vacancies advertised?
- What training is provided to recruitment panels?
- Are exit interview conducted with all staff and are equality issues flagged and addressed?

Training

- Is there a plan to regularly train staff and education leaders on race equality?
- Is there equal access to training and development opportunities?

Progression

- Do the progression processes deal with possible bias?
- Are progression processes fair, transparent and accessible?
- Are underrepresented groups supported and encouraged to apply?

Non-permanent positions

- Is the proportion of BAME staff higher in non-permanent positions?
- Why are these workers not given permanent contracts?
- Are the routes to permanent positions fair, transparent and accessible?

Pay gap

- Are BME staff on average paid less, for any reason?
- Is the reason to do with progression?
- Is there a strategy to tackle underrepresentation of BME people in higher paid roles?

Staff reviews, feedback and disciplinary

- Does the process for feedback to staff control for bias?
- Is there monitoring of staff outcomes from staff reviews/feedback in relation to race?
- Do BME staff get more harshly judged on their performance, than their white peers?
- Are BME staff disproportionately subjected to disciplinary action?
- Is disciplinary action used differently for different racial groups?