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eis

Report of Council & its Committees 2020-2021



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2020-2021

1. Council

- 1.1 This document represents the official report of Council (and its Committees) to the Annual General Meeting of the Institute. Additional information on any part of this report can be obtained, on request, from the relevant department at EIS Headquarters.
- 1.2 This formal report on Council and its five Committees (Executive, Education, Employment Relations, Equality and Salaries) is set out in the following sections. Delegates can ask questions of Committee Conveners when they present their reports to the Annual General Meeting (Standing Orders 2(iii)). The Vice-President, Heather Hughes, will present the report and answer previously submitted written questions on the work of the Executive Committee, its Sub-Committees (Emergency, Finance and Strategy) on those areas of activity that have been the direct responsibility of Council.
- 1.3 During the year, Council has met five times. Council has scrutinised the work of its Committees and has directly considered and dealt extensively with the Institute's response to the Covid-19 Pandemic. Council also initiates workstreams directly through motions and reports/papers which lie outwith the formal committee structure. It is normally the case that any "stand-alone" decisions of Council are passed to the appropriate Committee for processing. The 2020-21 Council has approved motions dealing with the following aspects of Institute policy: Administration Fees, Levies, Clawback on Schools PEF Funding; Class Sizes in the Senior Phase; 2021 Exam Diet; Protection of Pupils and Staff in Schools – Covid 19; People Before Profit Emergency Programme; Covid-19: Campaign for Fortnightly Testing; Residential Outdoor Experience: National Fund; Treaty on the Prohibition of Nuclear Weapons; Covid-19 Elimination Strategies in Australia and New Zealand; Zero Covid; Zero Covid - Attitude of other Trade Unions in Scotland and the UK and, Patent Free Coronavirus Vaccination Production; Recognition of Long Covid and carbon offset for air travel.
- 1.4 Council approved nine motions for submission to the AGM 2021.

2. Executive Committee

- 2.1 The Executive Committee has overall responsibility for Organisation, Finance, Political & External Affairs, Further & Higher Education, and has a general strategic role with regard to the processing and decision making of the four other Council Committees (Rule XIII (a) applies). Since the 2020 Annual General Meeting, the Executive Committee has met ten times (of which four meetings were Special Executive Committee meetings) and its Ad Hoc Group met four times. The Finance Sub-Committee of the Executive Committee has also met on six occasions. The Emergency Sub-Committee of the Executive Committee met six times. The Strategy Sub-Committee has met three times and has concentrated on the Institute's response to the Covid Pandemic.

Organisation

- 2.2 The functions of the Executive Committee include the coordination of Institute activities at national & local level and the maintenance of the strategic direction of the Institute as established by the Council.
- 2.3 The 2020 AGM was not a policy-making AGM. No motions were therefore considered nor carried by the 2020 AGM. This had an impact on the work of the Executive Committee.
- 2.4 The 2020-21 Executive Committee's primary focus was leading the Institute's response to the Covid-19 Pandemic, and it was its largest workstream of the year.
- 2.5 The Executive Committee was kept informed of local collective grievances against two Local Authorities that Local Associations believed had not carried out meaningful consultations on school re-openings for August 2020. The collective grievances were successfully resolved.
- 2.6 A paper on 'Safety Strikes' was noted and a protocol adopted around initiating, prosecuting and escalating collective grievance and disputes on Covid-related Health and Safety issues – with a rapid EIS decision-making mechanism to enable statutory ballots to be turned around quickly on a 5-week timetable to carry out a "safety strike" as required.
- 2.7 A paper to support 'Local Safety Disputes' lodged by Local Associations was noted, and policy developed on the use of Section 44 to protect members against Covid-19 related risks.
- 2.8 Covid related policy was recommended and subsequently approved by Council, including: *"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. [And to] Agree in principle to move to*

statutory ballots, on a disaggregated basis, where consultative ballots demonstrate sufficient support to overcome Trade Union Act barriers.

- 2.9 Further decisions and recommendations for Council's approval were made to establish policy and priorities for the Institute's response to the Covid-19 Pandemic. The nature of the challenges and issues faced by members shifted and evolved with events – eg safe school reopening in August 2020, the second wave of infections in late 2020, remote then blended learning in early 2021 and the full pupil return after Easter 2021. The Executive Committee adopted a holistic strategy with the purpose of protecting members' health & wellbeing i.e. to 'Protect Education'. This led to targeted national campaigns and associated local campaigns under a general campaign 'Protect Education'.
- 2.10 Campaigning was developed, implemented and coordinated on many different issues in order to safeguard members and to protect education. These campaign areas included; face masks, medical-grade facemasks, ventilation, previously shielding staff who were now required to work, vulnerable staff with underlying health conditions, improved testing, GTCS guidance on student placements, stronger guidance and support for ASN pupils and staff, including those in ASN settings; workload (inc SQA generated), confirming that in guidance for Early Years and Early Primary physical distancing between staff and children is maintained and physical contact minimised and campaigning for vaccine prioritisation for teachers within the second rollout.
- 2.11 Raising the issue of teacher numbers and the campaign to increase teacher numbers during the Pandemic and the Education Recovery to follow was another area the Committee worked on. This increase in teacher numbers is to be facilitated by ending the use of zero-hours contracts, employing more NQTs & RQTs and creating supply pools of teaching staff on full-time open-ended contracts. This campaigning was linked to the EIS aims to reduce both class sizes and weekly contact hours.
- 2.12 The Executive Committee also made a recommendation that was later approved by Council as a policy to push Local Authorities and the Scottish Government to move to remote/blended learning at Covid Level 4.
- 2.13 A legal opinion was obtained on the ability of Local Authorities to unilaterally implement blended or remote learning within their schools in order to safeguard staff health and welfare. A letter was subsequently sent to the Scottish Government on the implications on employers' duty of care by the use of emergency legislation to direct Councils in areas infringing on health and safety matters.

- 2.14 The importance of a dynamic and active social media campaign to support elements of the holistic campaign to 'Protect Education' were stressed by the Committee. This work included the 'Not at all costs' and Megaphone petition of the First Minister regarding vaccine prioritisation for school staff.
- 2.15 The Executive Committee commissioned and oversaw two members' surveys on members' attitudes to Covid-19 Pandemic related matters. A Reps survey was also carried out at the start of the new school year, a LA Secretaries survey later in 2020 and a Supply Teacher survey in early 2021.
- 2.16 The Executive Committee has the ongoing responsibility for the Time to Tackle Workload campaign that was adopted by the 2019 AGM and its two parallel workstreams – Teacher Empowerment and 20/20 campaign; however, this campaign was largely 'parked' in order focus on campaigning on the issues and challenges created by the Pandemic although, the Executive Committee ensured that the TTTW campaign was prominent within the EIS Scottish Parliamentary Election manifesto.
- 2.17 A consideration of 'Zero Covid' Strategies was undertaken by the Executive Committee, and a report on the Covid elimination/suppression strategies used by Australia and New Zealand was discussed. It was agreed to support a "sustainable suppression strategy" for handling the Covid pandemic as proposed by the Independent SAGE Group.
- 2.18 The Strategy Sub-Committee was given the role to plan certain elements of the Covid-19 response and campaign strategy. The Strategy Sub-Committee met three times in 2020-21.
- 2.19 The 2019-20 Executive Committee had agreed to form an Ad Hoc Group to deal with Covid-19 related matters in between Executive Committee meetings. The group, consisting of Office-Bearers, Committee Conveners and Officials, has powers to deal with urgent matters relating to the 'Recovery Phase'. The Group met four times during 2020-21.
- 2.20 Regular Local Association Secretaries briefings on Covid-19 Pandemic related matters were approved. There were 17 Local Association Secretaries briefings between August 2020 and April 2021. Meeting notes were shared with LA Secretaries and staff that were unable to be present at a briefing. Furthermore, the Executive Committee oversaw the production of a campaign toolkit for LAs for Covid-19 related campaigning.
- 2.21 A bid for around £23,000 was approved from the Scottish Government's Union Modernisation Fund that is administered by the STUC in order to strengthen nursery teacher networks and to support the Institute's response to the Covid-19 Pandemic (especially digital support).

- 2.22 An extra Organiser is currently seconded for six months to carry out this 6-month fixed term post.
- 2.23 The Executive Committee also considered and noted reports from the General Secretary on CERG and EIS nominees on the CERG sub-groups.
- 2.24 EIS membership and the number of EIS representatives in schools were monitored at every meeting.
- 2.25 The Carbon Footprint Report was noted, and a payment agreed to offset its carbon footprint and ways to reduce its carbon footprint.
- 2.26 The Executive Committee dealt with the few outstanding AGM resolutions. A 'Further Report on Teacher Shortages' arising from a 2018 AGM resolution was considered and noted.
- 2.27 The 'Report on Wellbeing & Mental Health' arising from an AGM 2019 resolution that recommended to Local Associations/SGA Branches to seek regular Health & Wellbeing surveys across establishments for employers to proactively find ways to mitigate the effects of workplace stress, was also noted.
- 2.28 The 'Report on Writing Dyslexic Friendly Communications', and the 'Report on PFI/PPP' both arising from the 2019 AGM were also noted.
- 2.29 The 'Report on School Librarian Occupational Network' that recommended that LAs encourage engagement with our chartered librarian members and form informal networks of chartered librarians if possible was noted.
- 2.30 The Executive Committee also processed motions carried by Council. A paper on "The use of age inappropriate video games to the mental health and wellbeing of primary aged pupils" was noted.
- 2.31 Letters were sent to the Prime Minister, Leaders of the Oppositions and to Scotland's MP's that outlined that the EIS affirms the right of unaccompanied child refugees to be reunited with family members living in the UK, and calling on the UK Government to do so too.
- 2.32 A report on the Institute's Peace Education policy was noted and it was agreed to form a Working Group to update and refresh the policy. This work is ongoing.
- 2.33 Changes to the Model LA Constitution were made that was subsequently approved by Council.
- 2.34 The Executive Committee agreed and approved the production of a punchy style Scottish Parliamentary Manifesto: For an Education Led Recovery. A national Hustings was also arranged with representatives from the largest five political parties.

- 2.35 Three submissions were to the Scottish Parliament's Education and Skills Committee: Draft Budget 2021-22, a general education submission before the appearance of the DFM and a submission on a petition regarding learning difficulties.
- 2.36 The format of the 175th AGM in June 2021 was considered and it was agreed for it to be a policy-making AGM with all delegates being able to speak from the floor.
- 2.37 An EIS staff Health & Wellbeing Survey was noted.
- 2.38 A Memo and Briefing Papers re Findings from '1000 Women's Voices: Recording Women's Experiences and Resilience During Covid-19 Survey' were considered and it was agreed to; integrate the findings within the mainstream union agenda, seek mitigation of the mental health impact of the increased burden of unpaid work during this time and to raise awareness, campaign and organise for work that works for women.
- 2.39 It was agreed to set-up a Working Group to take forward the Institute's position on Climate Change in preparation for the COP26 Summit,

Other Executive Committee Business

- 2.40 The EIS continues to be affiliated to the following organisations: Action for Southern Africa (ACTSA); Amnesty International; Campaign for Trade Union Freedom; Children in Scotland; Engender; Heads of Instrumental Teaching Scotland; Jubilee Scotland; Justice for Columbia; Labour Research Department (LRD); Scottish CND; Scottish Council on Deafness; Scottish Cuba Solidarity Campaign; Scottish Friends of Palestine; Scottish Pensioner's Forum; Scottish Venezuela Solidarity Campaign; Stop the War Coalition; The Big Issue; The Disability Alliance (Rights UK); The Equality Network; International Brigade Memorial Trust; The Jimmy Reid Foundation; The Scottish Joint Committee on Religious and Moral Education (SJCRME); The Scottish Refugee Council; The Shrewsbury 24 Campaign, Stand Up to Racism, Unite Against Fascism Scotland, Unite the Resistance; WASPI and the Workers' Educational Association (WEA Scotland).
- 2.41 The Executive Committee agreed to no longer affiliate with the Public Service Pensioners' Council (PSPC)
- 2.42 In addition, the Institute continues to have representatives on the governing/policy-making bodies of the following organisations; Highlands and Islands Educational Trust, Scottish Council on

Deafness, Scottish Accident Prevention Council, Scottish Outdoor Education Centres and WEA Scotland.

- 2.43 A report on 'Local Authority Education Budgets 2020-21' was noted.
- 2.44 As part of the Institute's ongoing public policy work (including anti-austerity) the Institute has continued to cooperate closely with colleagues in other public sector unions through both the STUC and the TUC.

Finance

- 2.45 The Annual Accounts of the Institute for 2019/20 were reported to Council in March 2021. These are issued to delegates to the AGM as a separate document and will be presented to the AGM during the private session.
- 2.46 For 2020, the Accounts of the Institute have been presented in a significantly different format from those of prior years. The changes were made in order to better comply with the disclosure requirements of United Kingdom Accounting Standards and to reflect best practice across the trade union movement. The key change is that the headline figures on pages 1 – 5 are now consolidated to include all of the discreet funds of the Institute and also include the transactions, assets and liabilities of the Local Associations. An analysis of the consolidated assets and liabilities by the fund is provide within Note 27.
- 2.47 The 2020 Accounts contain a restatement of prior year figures relating to a change in accounting policy in respect of deferred taxation. UK Accounting Standards require that tax liabilities are recognised within financial statements with regard to unrealised gains on investments and property, notwithstanding the fact that no tax is payable until such assets are sold.
- 2.48 As in prior years, due to the distortions caused by accounting adjustments in relation to the recording of pension costs (which are required under FRS102), a separate statement of General Fund Income & Expenditure has been produced which excludes these adjustments and reinstates the actual pension costs incurred in the year. This statement is included with the Accounts issued to delegates (Page 32) and facilitates comparison to planned expenditure. The comments in the following paragraphs regarding the General Fund relate to this statement.
- 2.49 The General Fund recorded an operating surplus of £1,344,000 in comparison to a planned surplus of £244,000 and a surplus of £365,000 recorded in 2019. The main reasons for the level of surplus reported this year were:
- increases of approximately £542,000 (8.3%) in membership subscription income;

- the receipt of a special dividend from EIS Financial Services prior to the Institute's sale of its shares in that company, which more than offset the COVID related reduction in dividends receivable from listed investment portfolios;
 - cost savings generated from the cancellation of the 2020 AGM and the moving of many other events and meetings online; and
 - a significant reduction in the net cost of legal fees incurred for members (see below).
- 2.50 Staffing costs increased by £301,000 from 2019 largely due to agreed salary increases and the accounting requirement for the Institute to make an accrual for the cost of holidays not taken by staff but carried forward into the 2020/21 financial year.
- 2.51 Legal costs for members continue to be the largest single item of expenditure after staffing. In the year to 31 August 2020, these amounted to £559,000 (2019 £892,000) thereby absorbing 8% of subscription income. This compares to 24% in the year ended 31 August 2018 and 14% in the year ended 31 August 2019. The reasons for the decrease include the impact of employing two in house legal officers but also the exceptional level of legal costs successfully recovered in respect of long-running cases which concluded during the year.
- 2.52 The overall General Fund surplus for the year was £2,754,000. Non-operating items contributing to this surplus include the gain on sale of the Institute's share in EIS Financial Services of £1,935,000 and unrealised gains on the carrying value of listed investments and heritable property totalling £1,528,000. Against this, there was a charge reflecting adverse movements in the assessment of the Institute's pension liabilities of £1,897,000 and a small increase in deferred taxation.
- 2.53 It should be noted that the overall General Fund Surplus of £2,754,000 is identical in both the audited accounts and the supplementary statement.
- 2.54 The Professional Fund (including the Strike Hardship Fund), recorded an operating deficit of £151,000 in 2020 (2019 deficit of £165,000). In the year to 31 August 2020, the Professional Fund made a contribution of £50,000 to the General Fund during the year towards the costs of the Workload Campaign and settled legal costs incurred in relation to cases where issues with relevance to the membership as a whole were being contested. In common with the General Fund, the Professional Fund suffered a decrease in its investment income but was bolstered by an increase in the market value of investments, which in 2020 amounted to £2,914,000 (2019 £329,000). The overall Fund value rose by £2,175,000 to £19,292,000 at 31 August 2020.

- 2.55 The Political Fund for 2020 was in surplus by £117,000 (2019 £139,000), the decrease being largely due to a decrease in the level of investment income.
- 2.56 Overall, the financial statements indicate that the Institute remains in sound financial health with its Consolidated Balance Sheet showing Funds of almost £49 million (2019 £44 million).
- 2.57 The Executive Committee, through its Finance Sub-Committee, oversees the Planned Expenditure process which has been instrumental in securing sound financial outcomes for the Institute. This process is a key function in the face of continued pressure on spending alongside the objective of offering teachers the most competitive subscription levels across all teachers' unions. Planned Expenditure is a vital responsibility of the Committee as it enables detailed scrutiny of the financial implications of all the Institute's activities to be undertaken. The Executive Committee also uses the Planned Expenditure process to recommend to Council the membership subscriptions to be applied for the forthcoming year.

Staffing and Administration

- 2.58 The senior staffing of the Institute consists of the General Secretary supported by four posts at Assistant Secretary level. These are the Accountant, and three Assistant Secretaries covering the areas of Education & Equalities, Employment Relations, and Organisation (incorporating Further and Higher Education). There are seven Officers (including 2 Legal Officers) operating from HQ. This national office establishment is complemented by the Area Officer network which has seven Officers in three locations across the country, offering by far the largest full-time support network of any teacher union in Scotland.
- 2.59 This year has been relatively quiet in terms of staffing changes but notwithstanding this, some important appointments have been made. Firstly, it was agreed that the role of National Officer for Further and Higher Education should be split into two roles. Deborah Shepherd, the incumbent National Officer was appointed to the Higher Education National Officer role, also taking back elements of HE casework previously handled by Area Officers and Stuart Brown, previously a National Officer within the Employment Relations department was appointed to the Further Education National Officer role in January 2021.
- 2.60 Secondly, the Institute has in, April 2021, appointed Amy Moran as an additional member of the Organiser team. Amy had joined the Institute (and the Organiser team) in August 2020 as maternity cover for Eilidh Gittus (formerly Porrelli) and was appointed to the permanent role following an open recruitment process.

- 2.61 With both Laura Clark and Sonia Kerr taking maternity leave, from their roles as Legal Officers, Claire Nisbet has joined the Institute on secondment from Dentons until July 2021.
- 2.62 Finally, with the current phase of the PACT Anti-poverty Professional Learning Project reaching completion, Sandra Scott's secondment from the City of Edinburgh Council ended on 31 March 2021, with her returning to her previous substantive post. Kait Laughlin has agreed to a further short term contract extension and will now leave her post on 30 June 2021.

Industrial Relations

- 2.63 The Emergency Sub-Committee met six times in 2020-21. These meetings dealt with requests from Forth Valley College, West Lothian College and Argyll College for statutory ballots and industrial action. These requests were approved, and industrial action is currently in place at Forth Valley College and West Lothian College.
- 2.64 The Executive Committee authorised a request for statutory ballots for strike and ASOS for the college sector in pursuit of the national dispute on the replacement of lecturers by instructors. Industrial action (strikes) is currently in place across the sector.

Political & External Affairs

- 2.65 EIS Office-Bearers and Officials met with representatives of all parliamentary political parties during the year, including their education teams. Regular meetings were also held with the Deputy First Minister as the Cabinet Secretary for Education and Lifelong Learning, as well as civil servants on a range of issues.
- 2.66 An EIS fringe meeting was hosted at the online SNP Autumn Conference.
- 2.67 The Executive Committee agreed to respond to the SCND advising it that the EIS is happy to be a supporter of the UN Treaty on the Prohibition of Nuclear Weapons (TPNW).
- 2.68 The Institute continues to set aside the equivalent of 1% of membership subscription income to form an International Aid Fund which can be devoted to either development cooperation projects suggested by Education International or to be in a position to respond to international emergencies if required. The Executive Committee also approved the following donations: Croatian Teachers' Union, Earthquake in Croatia - Solidarity Action £1000; Solidarity with Lebanese teachers' unions - EI appeal for Lebanon, 5,000 Euros.

- 2.69 The Executive Committee also approved the following donations: Stand Up to Racism, £500; PCS Members Taking Action at the DVLA, £1,000; Scottish Hazards Trade Union Funding Appeal, £1000; to sponsor the Scottish Instrumental Music Teaching Network – Online Conference, £200 and to provide a one-off donation of £10,000 to the Scottish Jewish Heritage Centre.
- 2.70 The Institute also agreed to sponsor annual lectures given by Connect and the Jimmy Reid Foundation.

Relations with Other Trade Unions

- 2.71 The EIS continues to enjoy generally good working relations with other trade unions, particularly in Britain and Ireland. The principal forum for inter-union relations involves the British Irish Group of Teacher Unions (BIGTU) which meets bi-annually to discuss issues of common interest and to promote cooperation amongst trade unions more generally. This is particularly important in the context of Education International (EI) and the European Trade Union Committee for Education (ETUCE).
- 2.72 The General Secretary was elected as ETUCE President.
- 2.73 Representatives from the EIS attended the online Conferences of the following kindred organisations during the year: NEU, NASUWT and INTO (Irish National Teachers' Organisation).
- 2.74 The EIS continues to play an active role within the STUC. EIS representatives have also attended STUC Women's, and LGBT+ Committees.
- 2.75 This year the EIS has been represented on the STUC General Council by Larry Flanagan, Nicola Fisher and Susan Quinn.

STUC Congress 2020 & 2021

- 2.76 The STUC Congress for 2020 was postponed due to Covid-19 and a limited Congress held in Autumn 2020. The EIS sent a full delegation.
- 2.77 The STUC Congress for 2021 was held online. The EIS submitted three motions at Congress on i) Education Recovery, ii) Covid, poverty and its disproportionate impact on women, and iii) Covid, poverty in relation to children and educational attainment. The EIS sent a full delegation.

TUC Congress 2020

- 2.78 A limited TUC Congress was online in September 2020. The EIS sent a full delegation. The following topics for Motions had been submitted to the TUC Congress 2020 are; Resourcing of ASN; and Tackling Racist Ideologies.

International

- 2.79 The EIS continues to be active in international affairs with several Office-Bearers and Officials attending a range of EI/ETUCE events during the last year.
- 2.80 The Executive also noted a report from the Fifth Atlantic Rim Collaboratory Summit, which was hosted online.
- 2.81 The letter sent on behalf of the British and Irish Trade Unions expressing concern at the Human Rights crisis taking place in Colombia was endorsed.

Further Education (FELA)

- 2.82 EIS-FELA is a self-governing association of the EIS, organising solely in the Further Education sector in Scotland. As a self-governing association, EIS-FELA has its own constitution, an annual conference, an executive committee and two office bearers and remains an active part of the EIS, with delegates on Council and at AGM.
- 2.83 EIS-FELA membership remains strong with just under five thousand members.
- 2.84 EIS-FELA Executive Committee has met ten times in this cycle, two of these being a Special Executive and all meetings being held virtually due to the COVID 19 pandemic.
- 2.85 During the year the Executive Committee was involved in many decisions covering the following issues:

The President, Vice-President and other officials have virtually visited many Branches, increasing visibility and direct engagement with members, discussing the ongoing instructor assessor dispute, and the implementation of national terms and conditions of employment, arising from NJNC Agreements, supporting new branches and continuing to strengthen the voice of EIS-FELA in the Highlands and Islands.

- The Executive Committee tasked the National Negotiators to consider the motions that would have gone to the cancelled EIS-FELA Conference 2020, to assess whether they would have been likely to be endorsed by conference, before bringing these motions to a later Executive Committee.
- The National Negotiators now meet regularly in order to further NJNC negotiation matters.
- National Joint Negotiation Committee for College Staff (NJNC)
 - 2020/21 pay claim and award

- Instructor assessor national dispute
- Forth Valley College dispute
- Fife College dispute
- West Lothian College dispute
- Facilities time
- COVID 19
 - Facilitation and consideration of the results of a members' survey related to Covid 19
 - Responding to Scottish Government guidance regarding COVID 19
 - Engagement with Ministerial task force on COVID 19 response
 - Engagement with SQA regarding the impact of COVID 19
- GTCS College Lecturer Registration Working Group
- Shetland College merger
- Successfully fighting off redundancies at Inverness college
- College outcome agreement funding allocations for AY 2020-21
- FOI on Arm's Length Funds
- Response to the SFC Review of Coherent Provision and Sustainability in F&HE
- Establishment of an EIS-FELA ASN network
- Establishment of a Health and Safety representatives network
- The EIS FELA Office Bearers and NJNC negotiators met with the Minister for F&HE Mr Lochhead and the Executive has been in correspondence with the Scottish Government on a number of matters.
- EIS-FELA delivered a number of webinars for members and activists during the year.

2.86 The EIS FELA Annual Conference 2021 was held online as a policy-making conference with speakers from the floor.

Salaries and Conditions of Service Sub-Committee

2.87 The Salaries and Conditions of Service Sub-Committee has met four times in the last year. The Sub-Committee developed a number of positions on NJNC matters that were recommended to and adopted by the Executive Committee.

2.88 Last year the Sub-Committee also considered:

- Instructor / Assessor National Dispute
- Facilities time

Education and Equalities Sub-Committee

2.89 The Education and Equalities Sub-Committee has met three times in the last year.

2.90 Last year the sub-committee considered:

- The Scottish Government Response to the recommendation made by the Enterprise and Skills Strategic Board to address rising unemployment
- The Scottish Government Response to the Higgins Report
- Guidance on blended learning
- Professional learning/learning reps
- A STUC Motion regarding Women and Precarious Work in Higher Education
- Scottish Government Response to the recommendation made by the Enterprise and Skills Strategic Board to address rising unemployment
- Scottish Government Response to the Higgins Report

EIS-FELA Surveys & Submissions

- 2.91 All EIS-FELA members were surveyed this year regarding the impact of COVID 19 in the workplace. This informed our policy position. A number of EIS submissions made to Parliament's Education & Skills Committee included a Further Education section putting forward Association's views.

Industrial Relations

- 2.92 Three local disputes are ongoing in Forth Valley, West Lothian and Fife Colleges concerning the replacement of lecturer posts or lecturing work with instructor type roles. Alongside these, a national dispute was lodged regarding the same principle. A dispute is also underway at Argyll College over threatened redundancies.
- 2.93 In Forth Valley College, members were balloted and took action short of strike (ASOS) that did not resolve the dispute. Following a successful statutory ballot for strike action, the FVC branch has been engaged in strike action.
- 2.94 A national ballot for strike action returned a 92% vote in favour of strike action, on a 62% turnout. An agreement that would have resolved the dispute was reached at NJNC, pending ratification, on 12th March 2021. Although the FELA executive ratified the agreement, the Employers' Association failed to follow suit. In order to allow for ratification of the agreement, the first day of national strike action was cancelled. However, following the failure to ratify on the employers' side, a programme of strike action is currently underway and a statutory ballot for action short of strike (ASOS) is being processed.

Higher Education (EIS-ULA)

- 2.95 The EIS-ULA Executive Committee met seven times virtually in 2020-2021. The 2020 Conference was cancelled due to the

pandemic, however, there was a meeting held on June 16th 2020 in lieu of the Annual Conference without motions being considered, so the 2021 conference was the first full ULA conference held since 2019.

New JNCHES

- 2.96 During 2020/21 discussions have been ongoing with UCEA in relation to the pay claim, and a formal dispute lodged. A pay freeze and weak proposals on future working groups to address some other parts of the heads of claim was all that could be achieved. This dispute remains unresolved. At the time of writing, the EIS-ULA and other Higher Education trade unions are in talks over a claim submitted for the 2021-22 round. Any early offer of 1.1% or £400 has been made, but this has been rejected (and remains confidential at this time while negotiations continue). The pay claim is designed as a "keep up and catch up" claim to address the real terms pay cuts which the sector has endured over the past ten years and to reflect the level of dissatisfaction evident from members in the 2019/20 and 2020/21 pay rounds. The formation of a Scottish New JNCHES Sub-Committee continues to feature as a central element of the claim, but it is not likely that the employers will agree to this, as they have made clear in the last few pay rounds.

COVID 19

- 2.97 There has been a huge change in priorities for EIS-ULA in the last year, with the pandemic taking up much of the agenda. The EIS-ULA have been represented at the Covid-19 Further and Higher Education Ministerial Leadership Group. Numerous meetings have been attended and contributions made on safety guidance for campuses, libraries, labs and accommodation, student testing, risk assessment, mental health and sector finance. Initial predictions on sector finances were dire, and while they have not been anywhere near as bad as the worst case scenario predictions, there are significant financial pressures on institutions. EIS-ULA have worked tirelessly, locally and nationally, to defend jobs and deal with cost mitigation efforts in the sector, including raising the issues of financial security with the government and funding council. We have also been working on workload and mental health issues created by the pandemic and further work will continue with a wellbeing survey of members in the coming weeks, which will aim to identify key areas that will inform our work going forward. EIS-ULA has also been actively involved in raising concerns regarding the latest reopening plans from Government. Our aim is to have members and students on site only when we are confident it is safe for that to happen.

Membership

- 2.98 A small increase in ULA membership happened in 2020, and it is planned to launch significant recruitment activity this year.

ULA Finances

- 2.99 The Executive Committee has had limited costs this year in large part due to the lack of physical meetings due to the pandemic. To acknowledge the splitting of the post of National Officer F&HE into separate National Officer (Further Education) and National Officer (Higher Education) posts, £50,000 was transferred from ULA reserves to the main EIS body.

Miscellaneous

- 2.100 The EIS-ULA has also considered and contributed to other matters during the year as follows:
- i. The Scottish Funding Council ('SFC') Consultation, 'SFC Review of FE/HE Coherent Provision and Sustainability'
 - ii. The Finances of Scottish Universities – Audit Scotland Report
 - iii. The EIS Response to the Education and Skills Committee of the Scottish Parliament in relation to budget proposals 3
 - iv. The SFC Announcement Outcome Agreement Funding for Universities – Indicative Allocations for AY 2020-21
 - v. The Inquiry on the Research Excellence Framework, the report by the House of Commons, Science and Technology Committee in relation to the Concordat to Support Research Integrity
 - vi. A Freedom of Information Request on International Operations
 - vii. Regular Newsletters have been issued to all EIS-ULA members giving up to date advice and information on all current matters, including the pay campaign. A stepping up of communication with members is planned for the coming year
 - viii. A mapping exercise of all branches has commenced
 - ix. Development of a new organising strategy for ULA is under way, to take into account the new available level of staffing resource.

Engagement with other HE Stakeholders

- 2.101 There was on-going engagement with UCU, Unite, Unison, GMB, NUS Scotland, STUC, SFC, UCEA and Universities Scotland.
- 2.102 The Executive Committee was pleased to note that work continued through the Universities Scotland/STUC Forum. The meetings of this

group have been well attended by both lay and full-time official representation from the trade unions and NUS Scotland and representatives from Universities Scotland, including principals from the ancients, small specialist institutions, chartered and post-92 bodies. However, this group has met infrequently throughout 2020/21.

Member Support and Casework

- 2.103 The EIS-ULA has continued to provide specialist support, representation and legal advice through Branch Officials, full time officials and the provision of legal advice to members across a large number of HEIs, including those that do not recognise the EIS for local collective bargaining. There has been significant engagement at the University of the West of Scotland, SRUC and Napier University, to ensure that members' jobs are protected from the threat of compulsory redundancy and organisational change. Casework has returned to the remit of the National Officer (Higher Education).

3. Education Committee

Introduction

- 3.1 The Education Committee is responsible for the development of the education policies of the EIS and the pursuit of these policies in educational establishments in Scotland. The Committee is also responsible for the formulation of EIS responses to educational initiatives from government, local authorities and other stakeholders in Scottish education. The CPD Sub-Committee is responsible for the development of policy on the EIS learning agenda, including professional learning for members, and also the development of and support to, the EIS Learning Representatives Network.
- 3.2 There have been 5 meetings of the Committee since the last AGM- the first meeting cancelled as a consequence of COVID 19.
- 3.3 In light of C-19, restricted processes had taken place for 2020 AGM resulting in no resolutions for the current session. Existing Resolutions carried over from 2019 were progressed where possible and have been included in AGM papers. Alongside this work, the Committee responds to the many developments in education that arise in the course of the year. For example, at the time of writing, the Committee had responded in writing to the Scottish Parliament's Education and Skills Committee in relation to the Additional Support for Learning Review and on the Roles of ADES, Education Scotland and the SQA in Supporting Education Delivery, Learning and Assessment During the Covid 19 Pandemic. The Committee engages also with education matters at European level, responding, for example, to the European Commission White Paper on 'Artificial Intelligence – a European Approach to Excellence and Trust' and the ETUCE questionnaire on Inclusive Education.

C-19 recovery

Guidance

- 3.4 In direct response to the C-19 education recovery the Education Department developed and has kept updated a suite of guidance to support members. The Department developed and published online initial guidance on curriculum and pedagogy in schools, taking account of health and safety imperatives and the principles of Recovery as agreed by the COVID-19 Education Recovery Group. The suite of Guidance documents incorporating Early Years, Primary, Secondary, Special Primary and Special Secondary, was continually updated to keep abreast of Scottish Government changes to its guidance. Bespoke Risk Assessment Guidance was also created to reflect the distinct nature of provision in Early Years settings and for Instrumental Music Teachers.
- 3.5 As developments unfolded further Advice on Blended and Remote Learning and Teaching during the COVID-19 Pandemic, setting out

the principles to be considered when moving to these contingency models of teaching and learning, was published, including advice on the 'do's and don'ts' of online teaching in the COVID context.

- 3.6 Teaching resources to support teachers in delivering these alternative models of educational provision were also compiled. The resources were divided into Primary and Secondary contexts with scope for adaptation by teachers to suit the needs of their learners.
- 3.7 Dedicated Working at Home Guidance was developed and refreshed throughout the year, intended to support teachers in prioritising their own health and wellbeing whilst responding to significant workload challenges.
- 3.8 As we emerged from the second period of lockdown, guidance was produced to provide EIS members with practical advice on the return to 'in-school' delivery and how this could be balanced in Early Years, Primary and Secondary contexts with the ongoing provision of remote learning for those learners, not physically attending school or other settings.
- 3.9 In addition to promotion through the usual EIS channels, the guidance has been publicised by GTCS, Education Scotland, Scottish Union Learning and through the Workforce Support Education Recovery Working Group.

Webinars

- 3.10 The Department planned a series of webinars aimed at maximising member engagement during the COVID period. These focused on the transition from in-school to at-home to blended learning and balancing the implications of health and safety imperatives and the principles of the recovery curriculum within pedagogical approaches.
- 3.11 The webinars focused on practical ways to support member health and wellbeing during the pandemic, with advice on how to respond collectively to concerns about increasing workload.

National E-learning Board

- 3.12 An invitation to participate in the work of the National E-learning Board was received. The e-learning national offer would give consideration to how stakeholders in Scotland could work together to deliver a fair and equitable education provision to all learners; acknowledging that e-learning would be a key element in 'the new normal' for Scottish Education and recognising that collaboration and partnership were key mechanisms for ensuring the appropriate resourcing and accessing of this offer. Representation on the Board was provided by EIS Learning Rep, Mairi Green, who is also a teacher and digital learning co-ordinator in West Lothian.

Curriculum for Excellence

- 3.13 The work of the Committee since the last AGM has focused on issues related to the curriculum, for example, national qualifications and alternative certification and developments around Scottish National Standardised Assessments.
- 3.14 Advice was re-issued to Local Association Secretaries around SNSAs. Communication with the Scottish Government has been ongoing. Discussions continue on SNSAs, their place within wider assessment policies and the need to continue to challenge at local level where SNSAs and other forms of standardised assessment are being used inappropriately.
- 3.15 The EIS was invited to participate in the Practitioner Forum set up to inform the OECD Review of CfE. Throughout the session, Education committee member, Andy Harvey, has represented the EIS on the Forum; the General secretary and Assistant Secretary Bradley each provided additional evidence to the Review; and an extensive dossier of EIS documentation was provided to the OECD review team via our representative on the Practitioner Forum.
- 3.16 The Committee continued engagement with the Group set up to oversee the implementation of 1+2 Languages policy, continuing to make the case for appropriate PL opportunities and other supporting resources, particularly in the light of the withdrawal from Erasmus +. It highlighted the importance of the OECD Review in the development of 1+2 languages in the curriculum, given the current focus on attainment and argued for the development of the Lead Teacher Pathway as a potential route to provide time and support for training to be developed at school, local authority and national levels.
- 3.17 EIS representation was provided by Sonia Kordiak on the Learning for Sustainability Network. The EIS will continue to support this agenda and to challenge the Scottish Government with regards to providing the resources and personnel needed to support this important area of work.
- 3.18 Over the course of the year, the National Taskforce for Human Rights Leadership engaged with stakeholders, including the EIS, to produce a report on the creation of a new statutory human rights framework for Scotland. The Education Committee was represented on the National Taskforce for Civil Society Reference Group and fed into the discussion which helped to inform and shape the final report, which was submitted to the Scottish Government in March 2021.

Curriculum and Assessment Board

- 3.19 The Curriculum and Assessment Board (CAB) handles matters related to assessment, national qualifications and the curriculum more generally. Through EIS representation on the Board by the Assistant Secretary, the Committee has continued to influence discussions, most specifically this session around education delivery in the context of Covid and future recovery, Senior Phase alternative certification, the implications of UNCRC adoption for the curriculum, and review of CfE Es and Os in light of equality matters. Through the CAB, the Committee has also engaged with the OECD Review.

Strategic Board for Teacher Education

- 3.20 The Convener continues to represent the EIS on the Strategic Board for Teacher Education (SBTE), which was established to take forward work in all areas of teacher education from ITE through to CLPL and Leadership and Management activity. The SBTE also advises the Scottish Education Council of which the General Secretary is a member, thus enabling the Committee to influence high level discussions pertaining to all aspects of Scottish education.
- 3.21 Key issues for the Board this session have been Student Placement Guidance; IT delivery and reduced number of placements in the Primary sector; extending PDGE course to 2-years' duration; PL packages on leadership, coaching and mentoring and teacher recruitment campaign.

National Improvement Framework

- 3.22 EIS representation on several key groups focused on the National Improvement Framework (NIF), continues. Key areas of focus include the achievement of CfE levels data and SNSAs.

Nursery Education

- 3.23 The Committee provided representation at meetings between ELC Policy Leads, wider stakeholders and Unions. In particular, it made extensive contributions to the work of the Critical Childcare and Early Learning and Childcare Sub-Group, focussing on the Scottish Government guidance on managing the risks of COVID-19 in ELC settings.
- 3.24 The Committee also continued its participation in the ELC Leadership Working Group, Paula McEwan has represented the EIS on the group, contributing to discussions around building leadership capacity within ELC and the implementation of ELC expansion in the context of the pandemic.
- 3.25 The Department planned a series of webinars to explore the unique role of teachers in Early Years and develop greater appreciation of

their distinct professional identity and agency. The webinars, led by early years practitioners, provided an opportunity for members to network and share good practice in a supportive and collegiate environment.

- 3.26 Work is ongoing to create a national occupational network for Nursery Teachers and, in future, graduate early years practitioners. It is envisaged that the Network will provide a formal mechanism to continue to develop the campaign for greater targeted investment in teaching and learning in this sector; and through the work of the Education Committee, influence Scottish Government policy in Early Years.

ASN

- 3.27 The ASN Network provides support to the Education Committee by providing reflection and comment on key matters related to ASN provision. The on-going work in this area predominantly relates to resourcing the implementation of the Education (Additional Support for Learning)(Scotland) Act 2004 and GIRFEC, and the implementation of the outcomes of the Morgan Review of ASL.
- 3.28 The Institute continues to be represented on various groups exploring ASN policy, including the Additional Support for Learning Implementation Group by the Assistant Secretary and the Co-ordinated Support Plan Short Life Working Group by the National Officer.
- 3.29 The Committee discussed the creation of the Scottish Government creation of standalone guidance for ASN Schools and units subsequently published in January 2021 and provided written and oral evidence to the Education and Skills Committee of the Scottish Parliament in relation to the Additional Support for Learning Review.

Education Scotland

- 3.30 Meetings were held throughout the year to discuss a wide variety of issues.
- 3.31 The meetings with Education Scotland covered a range of topics including the recovery curriculum and support for the recovery year; guidance on the safe delivery of practical subjects; the Equity audit; blended and remote learning; the OECD Review; Headteacher and workforce support; effective professional learning sessions; and the SQA Diet 2021.
- 3.32 As a member of the Learning Together National Network consideration was given to draft Virtual Work Place Guidelines with continued representation around this area being provided. Representation was further provided on a new Remote Learning Group reviewing the quality of remote learning currently being offered.

- 3.33 The Committee was represented by the Assistant Secretary on the joint Education Scotland/ Scottish Government Equity Audit Stakeholder Reference Group which informed the design and publication of the national Equity Audit of the first period of lockdown and school closure. The EIs had made early calls for equity audits to be conducted to assess the impact of Covid 19 and school closure on the most disadvantaged young people; a national audit was subsequently included within the Programme for Government.
- 3.34 The Committee continues to be represented by the Assistant Secretary on the SLF Management Board. With the cancellation of the 2020 SLF, there have been no meetings so far during the session though at the time of writing, a meeting is due to take place in later April to discuss the SLF 2021.
- 3.35 Further consideration was given to the Education Scotland Programme endorsement scheme and an application for programme Endorsement of the EIS Action Research Grants scheme submitted.

SQA

- 3.36 The Convener and Vice Convener of the Education Committee, Office Bearers and certain Office Bearers met with representatives of the SQA as per the usual programme of bi annual meetings, and raised numerous issues and concerns. These included National Qualifications 2020; National Qualifications 2021 - National 5, Higher and Advanced Higher; FE Assessment Alterations; SQA Transparency and Accountability; Contingencies and Alternative Certification; Practical Subjects and Appeals.
- 3.37 In light of developments arising from COVID-19, matters raised recently included National Qualification Estimates for this session, the Awarding Programme for 2020, looking ahead to Diet 2021 and contingency College Provision.

NQ2021 Steering Group and Working Groups

- 3.38 The EIS was invited to participate in the NQ2021 Steering Group and Working Group set up to guide the national response to Covid disruption of the SQA 2021 Diet. The General Secretary represents the EIS on the Steering Group and the Assistant Secretary Bradley, the Working Group. The main focus of each Group has been the design and implementation of the alternative certification model and the approach to appeals for session 2020-21, with the EIS advocating strongly on members' behalf in relation to professional judgement, professional trust, teacher and student workload and wellbeing, and the responsibility for appeals resting with SQA.

GTCS

- 3.39 The Committee continues to play a part in briefing EIS-supported GTCS Council members ahead of Council meetings to ensure that the

EIS view in relation to all matters continues is articulated strongly at GTCS Council and within its committees.

- 3.40 Arrangements to support candidates in the 2022 GTCS elections are underway.
- 3.41 EIS representation is provided at various GTCS meetings, giving consideration to matters around the Review of Professional Standards; Professional Update; the Review of the Professional Code, both for school teachers and college lecturers; College Lecturer Professionalism and Registration; and the registration of Instrumental Music Teachers ('IMTs'). (The Committee has also continued to make representations to the Scottish Government about the importance of GTCS registration for IMTs and is working with relevant stakeholders, such as, GTCS, HITS and MEPG, to advance this policy objective.)

Review of Professional Standards

- 3.42 EIS submitted a robust response to the GTCS Consultation of the draft Refreshed Professional Standards and Draft Professional Code. Thereafter, the refreshed documents were presented to GTCS Education Committee in May 2020, now being described as a restructure as well as a refresh. Following a further period of consultation with the EIS, the GTCS launched the Professional Standards 2021 in January, with formal enactment scheduled for August 2021.
- 3.43 An application was submitted for GTCS Professional Learning Awards for Organisations, a non-competitive award that can be obtained by any organisation which can demonstrate its PL programme meets the criteria. Structured around components of the EIS Professional Learning offer: EIS-led professional learning events on broad themes, EIS Professional learning webinars, EIS Action Research Grants programme and on the promotion of sound learning. The application submission will go to the 18th May panel.

Professional Learning

- 3.44 Professional learning continues to be a significant area of work for the Committee. Learning Representatives have continued to play a key role in supporting Professional Learning for members, including provision of guidance and information for members, and facilitating events supported by the Education Department which have attracted member participation. National events held during the session have explored topics including teaching during COVID-19 and health and well-being during the pandemic. Local events supported by Learning Reps have included teacher leadership, retention of NQTs, health and wellbeing, and other Local Association priorities.
- 3.45 The Learning Reps Network continues to meet 3 times a year to

consider matters related to the learning agenda.

- 3.46 An e-bulletin dedicated to professional learning continues to be issued regularly to Learning Reps and Local Association Secretaries.
- 3.47 The EIS has been successful over recent years in securing funding from Scottish Union Learning (SUL) to offer professional learning across Scotland, and secure a SUL Project Worker post. Further bids for funding for 2021-23 were submitted to the Lowlands Development and Learning Fund, and Highlands and Islands Learning Fund, aimed at building on the successes of previous SUL funding. Confirmation of funding was received in April 2021. The project, supported by the SUL Project Worker, will take a three-strand approach: targeted and relevant professional learning, embedding learning into professional practice for the whole school community, and building collective learning through professional networks and shaping teacher identity.
- 3.48 The SUL funded project successfully delivered over 30 courses online from April 20-March 21, in topics such as: Health and Wellbeing; Leadership and Whole School Approaches; Leadership Toward Management for Under-represented Groups and Young People's Mental Health Needs. Lessons learned from moving learning opportunities online will continue to inform the coming years of SUL funded courses.
- 3.49 An application to the SUL Leadership Development Fund was also successful. Building on previous events, and in collaboration with the Equality and Executive Committees, Leadership Learning to Mobilise Anti-racist Activism (in the Union and Education) was successfully undertaken online with specialist trainers contribute to training sessions and co-developing training packs alongside EIS Equality staff. The EIS website was developed to host training materials in an anti-racist hub and contributions from Scottish BAME writers network poetry performance to invigorate online training sessions.
- 3.50 The Education Committee and CPD Sub-Committee continue to consider professional learning opportunities for members. Partnerships with external organisations have allowed access for EIS members to both accredited and non-accredited learning.
- 3.51 The EIS Action Research Grants initiative continues with the next tranche of applications being sought by the extended closing date of 14 May 2021.
- 3.52 The Committee explored the development of, supported programmes of practitioner enquiry, with members who are pursuing overlapping or complimentary topics being networked into 'Action Research Clusters'. In partnership with the Robert Qwen Centre for Educational Change (ROCEC) a 6 month pilot programme of guidance and support for Collaborative Action Research will now be developed. Learning Reps will be invited to volunteer as facilitators for the pilot phase, with a commencement date estimated for the first term of the new academic session 2021-22.

- 3.53 This session has seen the introduction of a Wellbeing-focussed professional learning programme running initially from February to June 2021. The programme focusses on providing practical tools and tips around the wellbeing of teachers, relating to their professional and private identities.
- 3.54 Partnership with Policy Hub Scotland, a training provider across public, private and third sector, supported 50 members in accessing an online self-study course on Mental Health in Schools.

Parental Involvement

- 3.55 The EIS continues to engage with the Scottish Government reference group on parental involvement and engagement, and the Committee received updates on this work. The Committee also received updates on the work of the Partnership Schools Reference Group and a watching brief continues around implications for teachers in terms of workload in relation to the project.
- 3.56 The Scottish Government issued a consultation paper, seeking views to revise the updated Scottish Schools (Parental Involvement) Act 2006 - Revised Statutory Guidance. A response was submitted by the extended deadline 30th June 2020 and is provided within the Education AGM 2021 Policy Papers.

Sponsorship of the Arts

- 3.57 The Committee supported a large number of Arts projects which involve schools and young people and which covered a wide range of art forms and geographical areas across Scotland.

Headteachers' and Depute Headteachers' Network

- 3.58 The work of the Network is supported by the Education and Equality Department and reports to the Executive Committee. Regular meetings continue in line with the Constitution.
- 3.59 The Network has had some success this session in highlighting the challenges facing schools and school leaders with regards to reopening and Covid security.

IMT Network

- 3.60 The work of the Network is supported by the Education and Equality Department and reports to the Executive Committee. Regular meetings continue in line with the Constitution.
- 3.61 The Institute on behalf of the Network continues to campaign for free Instrumental Music services and the retention of instrumental teachers. Discussions are ongoing with representatives from various

political parties and stakeholder groups as lobbying and campaigning in this area continue.

- 3.62 The Network continues its work to advance the professional registration of IMTs with the GTCS.

Vote of Thanks

- 3.63 It has been another busy year for those involved with the work of the Committee in particularly challenging circumstances. Thanks are due to the members of the Education Committee, particularly those who have volunteered to represent the EIS on working groups and in consultations. Thanks also go to Nicola Dasgupta for her support as Committee Vice-convenor.
- 3.64 Thanks are also due to the Servicing Official-Assistant Secretary Bradley, to National Officer Anne Keenan, to the Professional Learning Co-ordinator, Rob Henthorn, SUL Project Worker, Pauline McColgan and to the administrative staff of the Education Department for all of their support and hard work throughout the year.
- 3.65 Thanks to those Education Committee members who are standing down after the AGM. Special thanks to Sonia Kordiak for her breadth of expertise, knowledge and attention to detail, representation of the Committee on a wide range of groups, over a long number of years as a Committee member.
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4. Employment Relations Committee

Introduction

- 4.1 The Employment Relations Committee met on 6 occasions over the course of the year. As a result of COVID-19 the Employment Relations Committee gave powers to the Accountant, Convener and Vice-Convener to make decisions regarding Benevolent Fund grants.

The Committee has responsibility for the administration of the Benevolent Fund, legal affairs and for health and safety matters.

Benevolence

- 4.2 On 26 August 2020, the EIS Benevolent Funds adopted a new set of Rules, drafted to enhance compliance with Scottish Charity Law and Regulations and, in particular, to document the independence of the Benevolent Funds, as a standalone charitable entity, from the Institute.
- 4.3 The Committee, acting in the capacity of Board of Trustees of the Benevolent Fund, receives requests for benevolent support from individual members through local correspondents. The administration of the Fund is undertaken on a day-to-day basis by Clare Clark, Admin. Assistant Grade A in the Employment Relations Department. Cases are then considered against a set of criteria on eligibility for benevolent support. The contribution of benevolent correspondents is vital in ensuring the successful operation of benevolent support and, in many cases, for supporting members who face the most difficult circumstances.
- 4.4 The Benevolent Fund Accounts for the year to 31 August 2020 show that the overall value of the Fund stands at £3,764,823. The Committee met on 7 occasions via Webex and awarded 99 grants totalling £220,250. The maximum grant remains at £2,500. The Fund's income in 2020 arose from three main sources - investment income, a donation from the EIS General Fund based on 1.5% of subscription income and donations from local associations. The 2020 Benevolent Fund Accounts will be circulated, for information only, to delegates attending the 2021 Institute AGM.
- 4.5 The Trustees will often recommend that beneficiaries accept a referral to Payplan for a review of their outstanding debt as part of the Fund's overall package of support.

Legal Affairs

- 4.6 Throughout the year the Committee considered 124 cases and secured £456,311 for 21 members.
- 4.7 Legal representation is provided to members in a number of circumstances relating to their employment. Members who are subject to police investigation and reports to the Procurators Fiscal arising from workplace incidents are also provided with legal representation. The Case Handling Protocol was updated by the Committee and provides the foundation upon which cases are managed. It sets out both rights and responsibilities of representatives and members and makes clear the role of the Employment Relations Committee in decisions on legal advice and representation.
- 4.8 Legal representation may also be provided to members on employment matters including unfair dismissal and discrimination cases. Members are also be supported following workplace accidents which cover both physical injuries and psychiatric injuries. Such claims are normally pursued through the civil courts.
- 4.9 While, to date, there have been no successful stress cases in Scotland, the Committee secured some settlements for members during this year. It is important to note that the test to produce a claim is to demonstrate a psychiatric injury. The Committee has developed guidance on this point.
- 4.10 Members who appear before the Fitness to Teach Panel of GTCS are normally provided with legal support. Such members who face being struck off the GTCS Register are supported by our Legal Officers and receive external legal representation at GTCS hearings.
- 4.11 The service level agreement with Dentons on employment law matters due to the appointment of 2 Legal Officers: Laura O'Neill and Sonia Kerr. The Legal Officers provide advice and support to members on a range of work-related legal issues. This change, and others made to the provision of legal services, has produced considerable savings whilst maintaining our high level of service to members.

Health and Safety at Work

- 4.12 The Committee considers health and safety issues relating to stress, violence, workplace conditions, environmental hazards and accidents in the workplace. The Committee maintains an overview of any proposed legislative changes. The Committee, through the Convener and the servicing Officials, co-ordinates the response of the EIS to changes to Health and Safety Regulations and ACoPs (Approved Codes of Practice) through the STUC and the TUC.
- 4.13 Throughout the year, the Committee worked with the STUC and Action on Asbestos to campaign for the removal of asbestos from all educational establishments in Scotland. Work on this important area of work will continue in the next Committee cycle.
- 4.14 The Health and Safety Executive (HSE) aims to have three Keeping in Touch (KIT) days each year (one per term) with the teaching trade unions in Great

Britain. The purpose is to establish a forum for discussing H&S-related issues in the schools' sector with the teaching TUs. During the past year the following issues have been discussed and raised with HSE by the EIS:

- Mental Health in the Workplace
- Mental Health First Aid
- The management of asbestos in educational establishments including asbestos management visits to schools in Scotland
- The adoption of the HSE Management Standards approach to tackle work-related stress
- Managing the risks associated with violence and aggression in schools
- The control of transport risks in and around schools
- Maximum temperature in schools
- COVID-19

4.15 The COVID-19 crisis generated a significant number of health and safety enquiries from members seeking advice, support and information. EIS Officials have been involved in the work of the COSLA Workforce Issues Advisory Group (WIG). This group involves COSLA officials, HR advisers and the SNCT and SJC trade unions. The purpose of this group is to discuss and agree appropriate and consistent approaches across Councils on workforce issues arising as a consequence of the spread of coronavirus COVID-19. EIS Officials have also worked with COSLA, Health Protection Scotland and Scottish Government to improve guidance on physical distancing and personal protective equipment (PPE) in education and childcare settings.

Personal Injury Claims

4.16 Claims from EIS members with a potential value above £100,000 continue to be litigated in the Court of Session. However, most EIS personal injury claims are likely to have a value below £100,000 and will be pursued either in the ASPIC or in the local sheriff court. There is no automatic right to instruct Counsel in sheriff courts. It will now be for the sheriff to decide whether it was appropriate for Counsel to be employed in the case and, accordingly, for any fees to be recoverable.

4.17 The Committee sought advice from our advising solicitors and agreed that all future personal injuries cases with a value of up to £100,000 should normally be litigated through the new All-Scotland Personal Injury Court in Edinburgh. The Committee continues to monitor the use of Counsel in personal injuries cases with a value of less than £100,000, as the courts will decide whether or not to authorise Counsel's fees. To date, this has not proved to be an issue of concern for the EIS or its members.

4.18 Court Rules introduced in 2017 provide a mechanism by which a pursuer (the injured person) can put forward a formal offer in settlement of a personal injury claim. The Rules will apply in the Court of Session and the All Scotland Personal Injury Court. Under the new Rules, a defender (the employer or insurance company) who delays unnecessarily in accepting a pursuer's offer, or who fails to accept an offer to settle at a sum no greater than what is ultimately awarded, incurs a financial penalty over and above the normal consequence of continued liability for expenses. These new rules have speeded up settlements for EIS members and have avoided unnecessary evidential hearings in the Courts.

5. Equality Committee

Introduction

- 5.1 The Equality Committee is responsible for the development of the equality policies of the EIS and the promotion of these policies in educational establishments in Scotland. The Committee is also responsible for the formulation of EIS responses to equality initiatives from a wide range of stakeholders including national and local government, third sector organisations, and educational bodies. Further, the Committee oversees and supports the development of the Equality Representatives' Network and oversees EIS participation in a series of STUC Equality Conferences throughout the year.
- 5.2 The Committee is advised and assisted by two sub-committees and two working groups. These are the Gender Issues Working Group, the Anti-Racist Sub Committee, the LGBT Sub Committee and the Poverty Campaign Working Group. These committees and groups are intended to meet regularly throughout the year, with the exception of the Poverty Campaign Working Group, as this serves as a 'virtual working group' with email communications between meetings, as needed.
- 5.3 There have been five meetings of the Equality Committee since the 2020 AGM. In addition to the work outlined above, normally the processing of AGM resolutions is a large part of the work of the Committee (though due to the altered nature of the 2020 AGM, there were no resolutions for this session), alongside responding to the many developments that arise in the course of the year.

Cross-cutting Issues

- 5.4 The Committee noted the newly launched Equality Taster Training, designed to give a basic introduction to Equality, with a focus on the Equality Act, 2010, and the way in which the Public Sector Equality Duty relates to teachers and other educational professionals. The e-learning includes four modules: Trade Unions and Equality; the Equality Act, 2010; Inequality in Scotland Today; and the Responsibilities of Education Providers. The first version of this is live on the EIS website and the Committee noted that this version is designed for members in schools and work is underway to develop a separate resource which caters for FE and HE members.
- 5.5 The Committee considered the EIS submission to the Scottish Parliament's Equalities and Human Rights Committee on the impact of the COVID-19 Pandemic on Equalities and Human Rights, with FE specific comments added from EIS-FELA.
- 5.6 The Committee noted the final EIS submission to the Scottish Parliament's Equalities and Human Rights Committee on the UNCRC implementation, where the case was made for the need for proper resourcing and professional learning to be provided to support implementation of the legislation in schools.

- 5.7 The Committee received a presentation from Pinar Aksu of the Maryhill Integration Network regarding a proposal to create an online teaching resource on migration. This input followed on from an initial presentation to the Committee earlier in 2020 where the Committee agreed to support the project. The Committee agreed to donate £1000 to the project, mainly to cover the cost of a postcard campaign to inform teachers of this new resource. Further discussions will take place with the Network regarding distribution of the postcards and the role of the EIS website in hosting signposting to the resource.

STUC Equality Activity

- 5.8 As is customary, the Committee oversaw EIS engagement with the four STUC Equality Committees, which seek to promote equality for Women, Black Workers, LGBT+ Workers and Disabled Workers. The Committee invited Julie Ferguson, EIS representative on the Disabled Workers' Network to attend one meeting of the Committee and deliver her report verbally to better inform discussion on disability matters.

Impact of Poverty on Education

- 5.9 Highlighting the impact of poverty on education continues to be a core part of the work of the EIS. The Committee received updates on the work of the PACT Project and its corresponding Anti Poverty Professional Learning Programme, which has moved online as a result of the pandemic. The first webinar, held in June, was well attended, followed by a successful launch of the online module series in October (coinciding with Challenge Poverty Week) and the final report of Phase 1 of the Project in March.
- 5.10 The online events were well attended with a wide range of stakeholders in attendance, including key partners such as GTCS, Education Scotland and the Scottish Government. The events featured such speakers as Nicola Fisher, EIS Equality Convener; Gillian Hamilton, Strategic Director of Education Scotland and PACT Project Advisory Board Chair; Professor Louise Hayward of the University of Glasgow; Bill Scott, Chair of the Poverty and Inequality Commission; and PACT Project Co-Leaders, Kait Laughlin and Sandra Scott. There were also video contributions from Bellahouston Academy in Glasgow, the General Secretary and the Deputy First Minister and from members of a voluntary community food hub based in Castlemilk.
- 5.11 The Committee was informed that the PACT Project was scheduled to end in March 2021, as the Scottish Government funding package came to an end. The Committee agreed to invite the PACT Project Co-leaders to the March meeting of the Equality Committee and the Committee's thanks to the Co-leaders for all their work on the project was formally recorded.

The Committee welcomed a presentation by the PACT Project Co-Leaders, in which they delivered an overview of the work undertaken as part of the Project throughout the last two and a half years. The Committee noted that

the presentation consisted of, firstly, reflections of the Project as a whole, and then an outline of the recommendations that have emerged from the the EIS PACT phase one work.

The Committee formally extended thanks to the Project Co-Leaders for their invaluable contributions and work undertaken as part of the Project.

The Committee noted that the Institute will construct a proposal based on the findings of the PACT Project Report, to be sent to the Scottish Government with the intention of securing further collaboration, with other potential sources of funding to be considered for the next phase of the project. In the interim, some members of the Education and Equality Department are currently undertaking a course of study offered by the Open University, to be able to deliver training offered by the PACT Project in the next session, and to subsequently develop a 'Train the Trainer' model for EIS Equality and Learning Reps.

- 5.12 The Committee began the initial work on a refresh of the EIS Face Up to Child Poverty materials. Members of the Committee identified elements of the resource which require updating and suggested new content which should be included. The updated resource will be published online initially, which will allow for inclusion of COVID-19 specific advice.
- 5.13 The Committee noted a campaign document for partners and supporters from the Poverty Alliance. It was noted that the aim of the campaign is to deliver free public travel for people aged under-25 and for those currently receiving Universal Credit Benefits. It was further noted that the EIS has been engaging with the campaign through its own social media channels as it clearly relates to our own anti-poverty objectives. It was agreed to closely monitor the work of the campaign going forward.

Gender Equality Issues

- 5.14 Assistant Secretary Andrea Bradley continues to represent the EIS on the STUC Women's Committee. The Women's Committee has readjusted its work plan to take account of the gendered impact of the COVID-19 pandemic. The Committee noted that currently the STUC Women's Committee is focusing efforts on their anti-poverty work, particularly their campaign for universal free school meals, which is consistent with EIS policy.
- 5.15 The Committee noted that the deadline for submitting motions to this year's STUC Women's Conference is Friday 30 July 2021. It was agreed to submit one motion under the theme of women's health, which will encapsulate elements relating to safety at work and flexible working hours, and another motion pertaining to education recovery and class sizes.
- 5.16 The Committee considered a discussion paper on the gendered impact of COVID-19 on the teaching workforce. This work is being undertaken at the request of Executive and Strategy Sub-Committee and is part of the EIS response to the coronavirus pandemic. The Committee has been tasked

with identifying specific issues for women, arising from the pandemic and lockdown, and possible solutions.

- 5.17 As part of the Committee's work on the gendered impact of COVID-19, as tasked by Executive, the Committee noted the '1000 Women's Voices: Recording women's experiences and resilience during Covid-19' consultation which gathered the experiences of women during the pandemic. 1,127 women members responded and recorded their experience of health, home life, paid and unpaid work during the pandemic.

There was consensus amongst the Committee that immediate action is necessary to attempt to address the issues highlighted by our members through this information gathering exercise. It was agreed to send a Memo to the Executive Committee in the first instance, highlighting the key data from the responses as well as attaching a specific briefing on Mental Health and a briefing for EIS Reps and Local Association Secretaries.

It was agreed that this issue would be the focus of EIS work for International Women's Day in 2021, highlighting the experience of women teachers during COVID-19. The EIS released a film spotlighting one day in the life of seven women members during the pandemic, with information from the 1000 Women's Voices findings. The Committee noted that the film was well received by members and is available on the EIS website.

- 5.18 As in previous years, the EIS participated in 16 Days of Activism Against Gender Based Violence. National Officer Augestad undertook filmed discussions with four experts in the field, which can be viewed on the EIS website.
- 5.19 The Committee was pleased to note that the Period Products (Free Provision) Bill was unanimously approved in the Scottish Parliament. There is now a legal duty on local authorities to ensure that free sanitary products are available to anyone who needs them. The EIS has been one of the most staunch supporters of the campaign to achieve this and the approval of the Bill was highlighted on the union's social media platforms.

Race Equality Issues

- 5.20 The Committee noted that an online ballot had been held for places on the Anti-Racist Sub Committee with Tony Adams, Sofia Akbar, Khadija Mohammed and Nuzhat Uthmani being appointed to fill the co-opted places. Chijoke Obadiah has been appointed as a reserve member. The Committee formally extended its thanks to Khadija Mohammed who has stood down from her previous role as Anti Racist Sub Committee Chair, for her sterling work in supporting and guiding the EIS in its anti-racist campaigning, and welcomed Asif Chishti as new Chair of the Sub Committee.
- 5.21 The EIS Rights of Pupils in a Scottish School Welcome Pack continue to be distributed and the Committee noted the second large scale dissemination of these and a donation of £3000 from EIS Financial Services to cover the cost of the stationery included in the Welcome Packs. The Committee also

expressed its thanks to EIS FS for this. Preparation is now underway for Year 3 distribution of the Welcome Packs.

- 5.22 The Committee noted and agreed the EIS Anti Racist Strategy 2020-21 and also noted its four key objectives of raising awareness of racism and enhancing knowledge of how to respond to it; mobilising the membership for anti racist work, linked to a Scottish Union Learning funded project; integrating anti racism into the curriculum; and increasing representation of BAME education professionals.

In pursuit of the objective of raising awareness amongst members, the EIS produced a range of posters with anti-racist messages. These were promoted via social media and members' bulletins. Digital copies were made available to download and further copies will be distributed to members in due course. An all-member webinar was held on Black Lives Matter in Education, with contributions from the Anti-racist Sub-chair Khadija Mohammed, Anthony Harmon VP of the American Federation of Teachers, Madeleine Joseph from the Reparations in Education Campaign, and Nuzhat Uthmani from the EIS Glasgow BAME Network.

In further pursuit of mobilising for anti-racism, the Committee noted the establishment of a National EIS BAME Members, with a very well attended first meeting, and a further webinar on anti-racist allyship with contributions from the EIS General Secretary, Tony Adams on behalf of STUC Black Workers Committee, and EIS Member Gemma Clark.

- 5.23 The Committee noted that SUL funding was received for a project in collaboration with the Scottish Association for Minority Ethnic Educators, which delivered online anti-racist sessions for BAME members, School Reps and LA Secretaries, Equality Reps and Headteachers and Depute Headteachers. Further online recordings were made available on the EIS website, including bespoke poetry from poet Hannah Lavery and also including a practical written resource for Equality Reps, Union Reps and LA Secretaries on Mobilising for Anti-racism at Work. SUL funding also contributed to the updating of the anti-racist sections of the EIS, prominently featuring the new EIS National BAME Network.

It was noted that based on the evaluations completed by those who attended the SUL-funded learning events, there is consensus that more practical training and resources would be valuable going forward and that the EIS should be aiming to reach members who are less likely to engage in this topic of training. It was further agreed for a draft version of a new anti-racist strategy to be made available for consultation at the first meeting of the new session.

- 5.24 Teaching materials based on "The Tale o' the Glasgow Girls", a poem written by Euan Girvan and performed at the launch of the EIS Welcome Packs, are now available online. The Committee agreed to publicise these further and to explore the possibility of holding a launch event when it is safe to do so.
- 5.25 A full cohort of four EIS members undertook the UWS online course on Citizenship and Holocaust Education. This work was highlighted in the run

up to Holocaust Memorial Day in 2021 with contributions from course participants.

- 5.26 The Committee received reports from the meetings of the Anti Racist Sub Committee and noted a number of action points to be pursued. These included concerns regarding lack of uptake for resources for anti racist education, and limited uptake and availability of anti-racist learning for reps. The Sub Committee also raised concerns regarding the lack of diversity within the structures of the EIS and the Equality Committee issued memorandum to Executive and Organising accordingly for their considerations of these points.
- 5.27 The Committee noted Asif Chishti and National Officer Augestad representing the EIS on the new Scottish Government stakeholder meetings exploring Race Equality and Anti-racism in education. This group will undertake further activity arising from the now concluded work of the Diversity in Teaching Profession Working Group, of which the EIS was also a member. The priority areas for the new group include curriculum reform, and diversity in the teaching profession.
- 5.28 As is customary, the EIS publicised and attended the STUC St Andrew's Day Anti-Racist Rally, which was held online this year, on Saturday, 28 November. The event was a powerful combination of speakers, music and drama performances and was a worthwhile replacement for the usual march and rally.
- 5.29 The Committee noted the Institute's activity on social media, the SEJ, and in support of Stand Up to Racism, for the UN International Day for the Elimination of Racial Discrimination held on 20 March 2021.

LGBT Equality Issues

- 5.30 The following members have been appointed to the EIS LGBT Sub Committee: David Dick, Brendan McKenna-Nicola, Boris Pichotka and Steven Sorley. The Committee noted that Pam Currie has stepped down from her position as reserve member of the EIS LGBT Sub-Committee owing to other professional commitments. The Committee formally extended its thanks to Pam for her extensive input, guidance, and advice to the EIS during her tenure on the Sub-Committee.
- 5.31 The Committee noted the EIS submission to the Gender Recognition Reform Bill and also that the progress of the Bill is currently in abeyance due to the COVID-19 pandemic.
- 5.32 The Committee noted the EIS webinar Taking Pride in Teaching: 20 Years Since the Repeal of Section 28 which took place in June. This event was very well attended and well received, covering a range of topics including the experiences of the LGBT community prior to the repeal of Section 28, ways in which LGBT inclusivity can be championed in schools and the current attacks on LGBT rights in Poland.

- 5.33 The STUC LGBT Workers' Conference for this year will be held online. The Committee noted that David Dick will be speaking at a session on '21 after 28' panel session which aims to reflect on the history of section 28 of the Local Government Act and what this meant for LGBT+ People at the time; the campaign and fight to repeal section 28 in Scotland; and 21 years on from its repeal, and look at what challenges do LGBT+ People face today. The EIS has produced an advert which is included in the Conference Programme.
- 5.34 The Committee agreed to submit a motion to the STUC LGBT Workers' Conference on Support for LGBT+ Inclusive Education.
- 5.35 The Committee received an update on the progress of the Scottish Government's work to refresh the document 'Supporting Transgender Young People in Schools: Guidance for Scottish Schools'. The EIS provided extensive advice and feedback on a range of issues, including terminology, use of language, the legal context and on giving a greater emphasis to the children's rights framework.
- 5.36 The EIS celebrated LGBT History Month on 25 February 2021 with an online film screening and discussion of Pride (2014). It was noted that the possibility of showing short LGBT films, particularly those relating to education, in collaboration with SQIFF (Scottish Queer International Film Festival) was discussed at the last meeting of the LGBT Sub-Committee. The Committee noted that the Institute will be contacting SQIFF ahead of their next festival in the autumn, to ascertain whether a collaboration would be possible.
- 5.37 The Committee received a report on last year's EIS online event marking Pride and discussed possible ways to celebrate Pride 2021. Feedback was sought from Local Association Secretaries on the possibility of their running local Pride events this summer, with the majority of responses indicating a preference for a national event, with opportunities for local events to feed in. The national event will focus on creative/performance elements.
- 5.38 Joan Lennon, in her capacity as the EIS representative on the LGBTI Inclusive Education Implementation Group, continues to update the Committee on the work of the TIE campaign in developing a comprehensive suite of LGBT teaching resources, which are due to be launched in June. It was noted that the EIS has been involved in discussions around the resources from their inception and will continue to play a role through the launch, and beyond. The Committee noted that the suite of resources had been presented at the last meeting of the LGBT Sub-Committee where they were very positively received.

Disability Equality Issues

- 5.39 The Committee discussed and approved the EIS draft submission to the call for views on the Disabled Children and Young People (Transitions to Adulthood) Bill.

- 5.40 The Committee received a comprehensive report from Julie Ferguson who represents the EIS on – and also chairs - the STUC Disabled Workers' Committee. The report included the impact of the COVID-19 pandemic on disabled people and the potential impact of Brexit. The Committee noted the meeting which had taken place between Julie and the EIS National Officer, Equality to discuss how best the EIS can support, and organise its disabled members.
- 5.41 The Committee noted that risk assessment advice has been drawn up for those who were formerly shielding and/or have significant underlying health conditions. This has been circulated to members and is available on the EIS website. There was a brief report on barriers experienced in the past to more active involvement in the work of the union by disabled members and that increased online training and meetings may be offer a more accessible opportunity for disabled members to participate in training, meetings and other union activities.
- 5.42 An EIS online event for disabled members took place in January. This was well attended and well received. The Committee received a written report on this event, which highlighted the need for greater awareness and improved understanding of disabled people's rights, as well as the creation of resources. The Committee agreed to seek to establish a network for EIS disabled members.

To build on discussions at the online event held with Disabled members on 19 January 2021, the Committee agreed to develop a project which will celebrate the lived experiences of disabled educators and their contributions to the profession. The Committee noted that the aim is for the project to culminate in a film project to be launched during Disability History Month. The Committee agreed to approach the participatory film company 'Media Education' to facilitate a group of Disabled members to deliver this project.

Equality Representatives

- 5.43 The Committee oversaw the continued development of the Institute's cadre of Equality Representatives.

Training for Equality Reps was moved to an online model with twelve members participating in the Stage 1, Day 1 training in October and Day 2 training which took place in November.

The Committee noted that training for Equality Reps will continue to take place online, with 12 members due to begin the first stage of training in April 2021.

Conclusion

- 5.44 Thanks to the members of the Equality Committee and to the staff of the Equality Department for all their work in the course of the year and especially to those members of the Equality Committee who are standing down at the AGM.

6. Salaries Committee

Introduction

- 6.1 The Salaries Committee met on 5 occasions during the course of the year. The Committee has responsibility for national negotiations on salaries and conditions of service for teachers and associated professionals through the Scottish Negotiating Committee for Teachers (SNCT) and for pensions.

SNCT

- 6.2 The SNCT has met on 3 occasions during the year. The Joint Chairs are Andy Drought (Scottish Government), Councillor Gail MacGregor (COSLA) and Des Morris (Teachers' Side).
- 6.3 The pay claim for 2021 was lodged on 18 December 2020. The claim was based on a narrative which focuses on the on-going commitment and professionalism of teachers and associated professionals, brought into sharp focus during the Covid-19 pandemic, and the on-going need to continue the restoration of teachers' and associated professionals' pay. It highlighted a range of 3% -5% as the financial scope of the claim, depending on other measures and benefits also being considered as part of the pay and reward package, in particular those measures aimed at tackling excessive workload. It was agreed that the need to provide adequate support and reward for teachers as frontline and key workers should be recognised within the 2021 pay award.
- 6.4 Negotiations on the pay claim are ongoing through the Extended Joint Chairs mechanism and, despite EIS negotiators calling for an early settlement, remain ongoing.

Teachers' Panel

- 6.5 There have been 4 meetings of the Teachers' Panel. 3 of the meetings have been focused on SNCT agenda items, the other being a special meeting to decide the 2021 pay claim. Covid related issues have been at the forefront of Panel discussions.

SNCT Support Group

- 6.6 The Support Group has met on 3 occasions and has taken forward the pre-pandemic work of the SNCT as well as the Covid related issues that have arisen.
- 6.7 Discussions are ongoing with respect to the 20/20 campaign aims and towards the required reductions in class contact time and class size.

6.8 COVID-19 issues considered at the Support Group have included the following:

- Arrangements for teachers whose children are required to isolate.
- Protection of paused shielders and pregnant teachers.
- Covid Sickness Absence and Long-Covid.
- Compensatory Leave for self-isolation periods during school holidays.
- Supply Teachers Job Retention Scheme.
- Recruitment of supply teachers during the current lockdown.

6.9 The National Pay and Leave Specification and the pay problems related to its application and the list of practical class subjects continue to be discussed by the Support Group.

6.10 At SNCT on 20 February 2020, the SNCT Teachers' Panel presented its negotiating position for a decrease in class size maxima and class contact time, to 20 pupils and 20 hours respectively. Discussions on this will continue and will be supported by the EIS 20/20 Campaign.

SNCT Circulars and Joint Secretaries Letters

6.11 During this year the following were agreed by the SNCT before its last meeting on 27 May 2021:

SNCT/20/76 Arrangements for Re-opening Schools August 2020
4 June 2020

SNCT/21/77 Remote Schools Allowance

SNCT/21/78 Distant Islands Allowance

JS/20/80 SNCT Supply Teachers Job Retention Payment
Frequently Asked Questions 25 May 2020

JS/20/81 Quarantine Arrangements – Letter of Advice

JS/21/82 SNCT Covid-19 Sickness Absence

Career Pathways

6.12 Headship and Beyond Working Group – The report from this working group was presented to the SNCT on 25 February 2021. The recommendations were agreed by the SNCT. It was agreed that Joint Secretaries' Letter of Advice JS/19/75 would be updated to include reference to Job-Share Headships. It was also agreed that that SNCT circulars establishing principles for Headteacher Secondments and Multi-Establishment Headships be produced along with additional Codes of Practice.

- 6.13 Lead Teacher and Career Progression Working Group - The working group developed a framework for Lead Teacher at School level, Local Authority and Regional/National levels with an agreed pay point for each post. The SNCT agreed the report from this group at its meeting on 25 February 2021 and Joint Secretaries will produce the final changes for SNCT Handbook to ensure that Lead Teacher posts can be established from August 2021 onwards.
- 6.14 National Model for Sabbaticals Working Group- This work is continuing and a scheme for Self-Funded Sabbaticals is under consideration by the SNCT. The longer-term goal of fully funded sabbatical provisions is still being pursued by the Teachers' Side of the SNCT and should remain on the SNCT agenda.

Job-Sizing Review Group

- 6.15 The SNCT established its Job-Sizing Review Group and initial meetings have taken place. The first phase of this work will be gathering data to determine the scale of the issues and the work of this group will continue in the new session.

Pensions

- 6.16 The EIS is represented on the Scottish Teachers' Pension Board by David McGinty (National Officer), Drew Morrice (Retired Assistant Secretary) and Leah Franchetti (Area Officer).
- 6.17 The Scottish Teachers' Pension Scheme Advisory Board (SAB) representatives are Des Morris (Salaries Convener), Mick Dolan (Salaries Vice Convener), Stephen Stuart (Pensions and Payroll Specialist) and Louise Wilson (Assistant Secretary).
- 6.18 The SAB and the EIS Salaries Committee responded to the UK Government's consultation on implementation of the remedy redressing age discrimination arising from transitional protection (a consequence of the McCloud/Sargeant judgement). Treasury was advised of the EIS view that (a) the proposals did not address the underlying discrimination faced by members who were not provided with full protection and were moved to the CARE scheme and (b) that these members should retain all the benefits of the legacy scheme for the remainder of their public service, including the right to retire at NPA60, with no detriment to their pensions. Although we preferred the deferred choice option, the EIS views the options as limited and the overall remedy proposed as inadequate. The issue of scheme members paying for the cost of the remedy has also been raised with Treasury through consultation responses and direct correspondence from the SAB. An improvement in accrual rate has already not been implemented and future valuations of the pension scheme will take into consideration the costs of implementing the remedy.
- 6.19 A pensions update on the McCloud consultation outcome was issued to all members and is reproduced below for information:

"The UK government has now published a response to the consultation on proposals to remove the age discrimination identified in the McCloud

litigation, via a deferred choice underpin (DCU). UK Government Response

SPPA have issued 'Teachers Circular 2021/02', in response to the above, which includes a frequently asked questions appendix.

The key points for members are:

- This decision follows a series of landmark judgments (McCloud) that declared various government reforms of public sector schemes unlawful due to age discrimination.
- Under the 2015 reforms, older teachers were entitled to transitional protection and able to remain in their original schemes, while younger teachers were forced to move to the new CARE schemes.
- The Government has opted to proceed with a deferred choice underpin (DCU) route for implementing a remedy to the McCloud judgment for public sector workers including members of the Teachers' Schemes.
- In the consultation response, the Treasury said members will not need to decide whether to remain in the legacy (final salary) or reformed scheme (CARE) until they are approaching retirement. Not all members are better off in the final salary schemes, so it is important that individual members can choose which scheme benefits they want to receive.
- The DCU route received the most amount of support from respondents to the initial consultation (including EIS) and will impact members who accrued benefits in affected schemes between 1 April 2015 and 31 March 2022.

What Happens Next?

- From, 1 April 2022, all final salary schemes will be closed, and all members will be transitioned to the CARE scheme. Under the remedy, there will also be no tapered approach to accrual of benefits for the 2015 to 2022 period. The choice will be for one benefit structure only for this period.
- Legislation is required to implement the deferred choice underpin (DCU) changes to the pension schemes. It is expected that this will go before Parliament later in 2021.
- Provisions for the deferred choice will be implemented by 1 October 2023 for all members. SPPA may be able to implement provisions for deferred choice earlier where it is possible to do so.
- Members who have retired before the DCU is implemented and have a period of relevant service between 1 April 2015 and 31 March 2022, will be offered a choice once the legislative changes

have been made to implement the DCU. The choice will be retrospective and backdated to the point that payment of pension benefits commenced.

- Summer 2021 retirements will be calculated on members' existing accrued benefits.
- Scheme members do not need to do anything at present, SPPA will contact members in due course."

6.20 The Committee discussed the options for seeking further redress for the loss suffered by members from the 2015 changes and agreed to send a memorandum to Executive Committee to request a re-opening of dialogue with Scottish Government to seek establishment of a mechanism by which teachers can access early retirement options without suffering unreasonable financial detriment due to actuarial reduction to pensions when opting to retire before reaching their NPA of 67 or 68. Salaries Committee has been granted authority to lead on this issue and will continue with this campaign in the new session, subject to AGM approval.