



**Policy Papers Relating  
to Minutes of Council  
2022-2023**

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## Spending on 'Counselling Services for Children and Young People'

AGM adopted the following motion:

*"That this AGM call on Council to campaign for additional funding to support additional counselling services in educational establishments to support young people in the aftermath of the Covid pandemic."*

The EIS wrote to all 32 local authorities and asked how much they spent on children and young people counselling services in recent years. The results are shown in Table 1 below:

### Data Obtained

**Table 1: Local Authority spend on counselling services for children and young people 2018-2022<sup>1</sup>**

		<b>2018-19</b>	<b>2019-20</b>	<b>2020-21</b>	<b>2021-22</b>
<b>Aberdeen City</b>	Primary	£151,125	£131,512	£157,561	£130,159
	Secondary	£273,056	£226,672	£210,525	£230,296
<b>Aberdeenshire</b>	Primary & Secondary	N/A	N/A	£111,424	£520,688
<b>Angus</b>	Primary & Secondary	£0	£0	£95,699	£329,475
<b>Argyll and Bute</b>	Primary & Secondary	£0	£0	£113,000	£444,000
<b>Clackmannanshire</b>	Primary	£0	£0	£53,592	£77,925
	Secondary	£0	£0	£80,388	£116,888
<b>Dumfries and Galloway</b>	Primary & Secondary	£0	£55,988	£491,512	£490,122
<b>Dundee</b>	Primary	-	-	-	-
	Secondary	-	£9,000	£177,000	£361,000
	Other		£90,000	-	£31,000
<b>East Ayrshire</b>	Primary & Secondary	£10,720	£8,450	£83,243	£391,130
<b>East Dunbartonshire</b>	Primary & Secondary	-	-	£372,850	£476,894
<b>East Lothian</b>	Primary & Secondary	£50,000	£0	£199,075	£276,910
<b>East Renfrewshire</b>	Primary	£0	£0	£2,129	£40,695
	Secondary	£56,540	£58,104	£219,335	£721,405
<b>Edinburgh</b>	Primary & Secondary	£46,588	£62,430	£727,041	£2,672,706
<b>Falkirk</b>	Primary	£0	£0	£0	£5,000
	Secondary	£0	£352,000	£328,000	£361,000
<b>Fife</b>	Primary & Secondary	£1,398,122	£1,554,909	£2,060,829	£2,850,562
<b>Glasgow</b>	Primary	£0	£198,000	£296,000	£362,000

<sup>1</sup> Information taken from Annex C

	Secondary	£0	£374,000	£532,000	£804,000
<b>Highland</b>	Primary & Secondary	-	-	£300,000	£800,000
<b>Inverclyde</b>	Primary & Secondary	N/A	N/A	£221,961	£494,617
<b>Midlothian</b>	Primary & Secondary	£0	£0	£135,562	£325,360
<b>Moray</b>	Primary	£5,565	£3,630	£5,470	£7,067
	Secondary	£180	£2,345	£12,358	£14,354
<b>North Ayrshire</b>	Primary & Secondary	£333,170	£538,943	£436,239	£627,826
	Health & Social Care P'ship Response	£115,830	£115,830	£155,830	£155,830
<b>North Lanarkshire</b>	Primary & Secondary	£0	£216,549	£664,458	£956,077
<b>Orkney</b>	Primary & Secondary	£25,000	£17,500	£46,948	£60,000
<b>Perth and Kinross</b>	Primary & Secondary	£0	£0	£136,785	£384,000
<b>Renfrewshire</b>	Primary & Secondary	£0	£188,600	£525,962	£423,574
<b>Scottish Borders</b>	Primary	-	-	-	£43,096
	Secondary	£260,811	£367,342	£367,342	£392,342
<b>Shetland</b>	Primary	£0	£0	£10,436	£43,252
	Secondary	£0	£0	£59,068	£100,922
<b>South Ayrshire</b>	Primary & Secondary	£0	£253,000	£322,000	£322,000
<b>South Lanarkshire</b>	Primary & Secondary	Not held	Not held	£253,000	£718,000
<b>Stirling</b>	Primary	-	-	-	£294,829
	Secondary	£0	£37,240	£188,000	£355,812
<b>West Dunbartonshire</b>	Primary & Secondary	N/A	£226,000	£294,000	£294,000
<b>West Lothian</b>	Primary			£140,000	£140,000
	Secondary			£315,000	£340,000
	Central support staffing			£119,000	£94,000
	Total Spend			£574,000	£574,000
<b>Western Isles</b>	Primary & Secondary	£29,000	£47,000	£72,000	£188,000

## **Discussion of Data**

Overall, spending on pupil counselling has increased since 2018, with many local authorities showing significant jumps in spending from 2019-20 to 2020-21 and then again a massive jump between 2020/21 to 2021/2022.

There are, however, a few councils, for example, Aberdeen City and Renfrewshire, that have both decreased their spending in 2021-22 compared to 2020-21.

There is also considerable variation between local authorities. Fife Council spend twice as much as Glasgow, but in general, the larger local authorities spend more although many rural local authorities spend considerable amounts on counselling e.g. Highland.

Table 1 shows every local authority's spending on counselling services in 2021, but in 2018-19, 13 local authorities spent nothing on counselling services for children in primary or secondary school.

## **Wider Context**

The commitment to invest in access to school counselling services across education in Scotland was announced in the 2018 Programme for Government (PfG). The commitment is that every secondary school has a dedicated counsellor in every high school, whilst also improving the ability of local primary and special school pupils to access counselling. Around £60m in extra funding has been made available for this programme – with £12m in 2019/20 and £16m a year thereafter.

Local authorities provide biannual data to the Scottish Government on both access to counsellors in secondary schools, and children and young people's community mental health services. The latest Scottish Government report is [here](#).<sup>2</sup> The report captures the nature of pupils' concerns, the sources of referrals, the age breakdown of referrals, onward referrals from school counsellors to other NHS services, the nature of the concerns raised by pupils, Scottish Government funding and the outcomes of the referrals for the six-month period July-December 2021.

The tables below are drawn from that report and covers the period July-December 2021:

The Report notes that Local authorities were asked to provide information on the number of children and young people accessing in-person provision and virtual provision. Of those who provided information, the majority of CYP were accessing counselling in-person (9966) rather than virtually (1396).

### **Table 1 Reasons given by children and young people for accessing counselling services**

The following is a combined list of further reasons reported by local authorities, for which children and young people sought the support of counselling services.

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<sup>2</sup> <https://www.gov.scot/publications/access-to-counsellors-in-secondary-schools-and-children-and-young-peoples-community-mental-health-services-summary-report-july-to-december-2021/>



<b>Reasons for presenting</b>	<b>Total</b>
Family issues	1894
Relationships	1377
Self-esteem	915
Anger	520
Suicidal or suicide ideation	428
Low mood	327
Stress at home	311
Bullying	285
Work/Academic	218
Eating	207
Identity	172
Parental separation	111
Sexuality	104
Negative coping strategies	102
Health	100

Other reasons were also cited by fewer than 100 pupils during this 6-month period of the report.

**Table 2: Number of and Source of Pupils Referrals for Counselling**

<b>Referral</b>	<b>Total recorded across LA reports</b>
Self-referral	1190
School Staff	9764
Social Services	34
GP	87
School Nurse	47
Health Professional	82
Other	309
Unknown	56

Self referrals drive the largest number of referrals, with the vast majority of recorded “referrals” coming from school staff.

### **Conclusions**

This paper gives a brief review of how additional spending on children and young person counselling has grown in recent years. It is clear that, in general, spending has increased over recent years, but that spending remains variable across local authorities– even on a per capita basis. This may be a specific area of our campaigning in this area.

It is noted that the majority of recorded referrals came from school staff, and it may be interesting to explore in the future to what extent members are content with pupil counselling referral procedures, turnaround times, staff training needs and workload implications – although these are outwith the remit of the AGM resolution.

### **Recommendations**

To note this report.

# 2023 EIS Member

## Survey

Workload, Health and Wellbeing,  
and The Cost of Living Crisis

**The Educational Institute of Scotland**  
**April 2023**

## Background

The EIS is the largest teacher trade union in Scotland, representing over 80% of all teachers across nursery, primary and secondary education. With such a broad and expansive membership, the EIS is committed to seeking and representing the views of its members through direct engagement as well as through the use of member surveys.

## Methodology

The EIS school sector survey was opened on Wednesday 21<sup>st</sup> December 2022 and closed on the 31<sup>st</sup> January 2023. The survey has a total of 37 questions, but owing to survey design, most members were not required to answer all questions.

In total 16,475 responses were gathered, with a return rate of 32%. This turnout shows just under a third of all members eligible have completed the survey. The average response time to complete the survey was 7 minutes; however, some members noted that it took them longer than this due to the extended answers that they gave.

Eligible members were emailed a link to the survey, which was also promoted on the EIS social media pages. Prior to the survey going live to members, it was issued to a small test sample for peer review.

The survey was broken down into 4 sections: About You, Workload, Health and Wellbeing and the Cost of Living. There was also an opportunity at the end of each section for members to note any further comments.

None of the questions were mandatory. This allowed respondents to skip questions as they progressed throughout the survey. This was done to ensure that there was no false recording within the survey, to improve confidence in the results. Some questions also had 'logic' applied, meaning that respondents would be redirected to different follow-on questions depending on the answers they gave. Details of how many respondents answered each question are included throughout this report.

All figures within this report have been rounded to the nearest one decimal place, meaning that some questions may not have a total exacting 100%, with other questions within the survey allowing for multiple responses.

There was considerable opportunity for members to record more detailed answers to the questions posed, either by using comment boxes, or by ticking an "other" option where appropriate. Throughout this report member comments have been included under the corresponding questions. As some questions within the survey elicited thousands of additional comments or responses, the quotes selected are only a snapshot of this wider data but have been chosen to reflect the majority of views captured.

## Margin of Error

This survey was conducted on the Survey Monkey platform. Survey Monkey describes the margin of error as:

“Margin of error (also called confidence interval) indicates the level of certainty with which you can expect your survey results to reflect the views from the overall population. Surveying is always a balancing act where you use a smaller group (your survey respondents) to represent a much larger one (the target market or total population).

“Margin of error is often used as a way of measuring how effective a survey is. The smaller the margin of error, the more confidence you may have in your results. The bigger the margin of error, the farther they can stray from the views of the total population. One way in which to reduce the margin of error is to increase the sample size.”<sup>1</sup>

Using the full eligible membership as our baseline figure, the margin of error with our sample of 16,475 is less than one percent<sup>2</sup>.

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<sup>1</sup> Survey Monkey, Margin of Error Calculator [https://www.surveymonkey.com/mp/margin-of-error-calculator/?ut\\_source=mp&ut\\_source2=sample-size-calculator&ut\\_source3=inline&ut\\_ctatext=margin%2520of%2520error%2520calculator](https://www.surveymonkey.com/mp/margin-of-error-calculator/?ut_source=mp&ut_source2=sample-size-calculator&ut_source3=inline&ut_ctatext=margin%2520of%2520error%2520calculator)

<sup>2</sup> Ibid.

## Section 1 – About you Findings

### About You

The first section of the survey asked respondents to fill in key details about themselves. The answers given in these opening sections give an indication of who our members are and what they teach. Whilst these answers provide insight into EIS teacher members when looked at on their own, they can also be analysed alongside other questions within this survey to provide information on how different sections of EIS membership responded to certain issues. Where the sample size was lower than 1,000, these have not been disaggregated to ensure confidence in the results.

Within the survey, members were asked whether they taught in Primary, Secondary, Nursery, or Special schools (with the ability to select more than one option as appropriate), with Secondary school teachers then also being asked what subject(s) they taught. Members were asked, also, to state what their substantive post is from a range of options, and which local authority they worked in.

For the first time, members were asked to state if they identify as a woman, and if they identify as Black, Asian or Ethnic Minority (BAME). They were also asked if they identify themselves as being disabled, as well as asking if they had caring responsibilities.

Key findings from the about you section are:

- 55% of respondents work in Primary education, 34% in Secondary and 5% in Special education;
- 66% of respondents are main grade teachers;
- 82% of respondents identify as being a woman;
- 36% have a caring responsibility;
- 2% of respondents identify as Black, Asian or Ethnic Minority (BAME); and
- 4% identify as disabled

Where useful, results have been refined to illustrate nuances in response based on indicators such as sector worked in, post held or any other relevant characteristic.

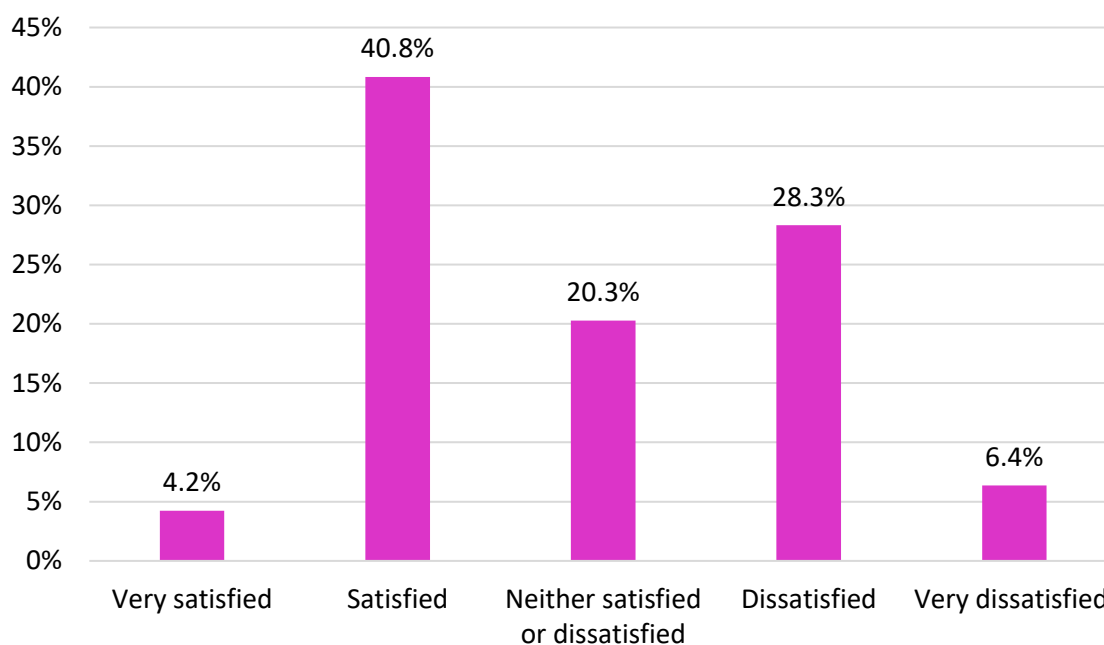
## Section 2 – Workload

Workload has repeatedly been raised as a significant issue by EIS members. From the surveys we have carried out over several years now, we know that excessive workload continues to be a key source of stress and is pushing members into poorer health.

Within this section we asked members directly about their perceptions of workload, and if they felt they could achieve all that was expected from them within their contracted hours.

Figure 1 below shows that less than half of all respondents were satisfied or very satisfied with their job overall.

**Figure 1: How satisfied are you with your job overall?**



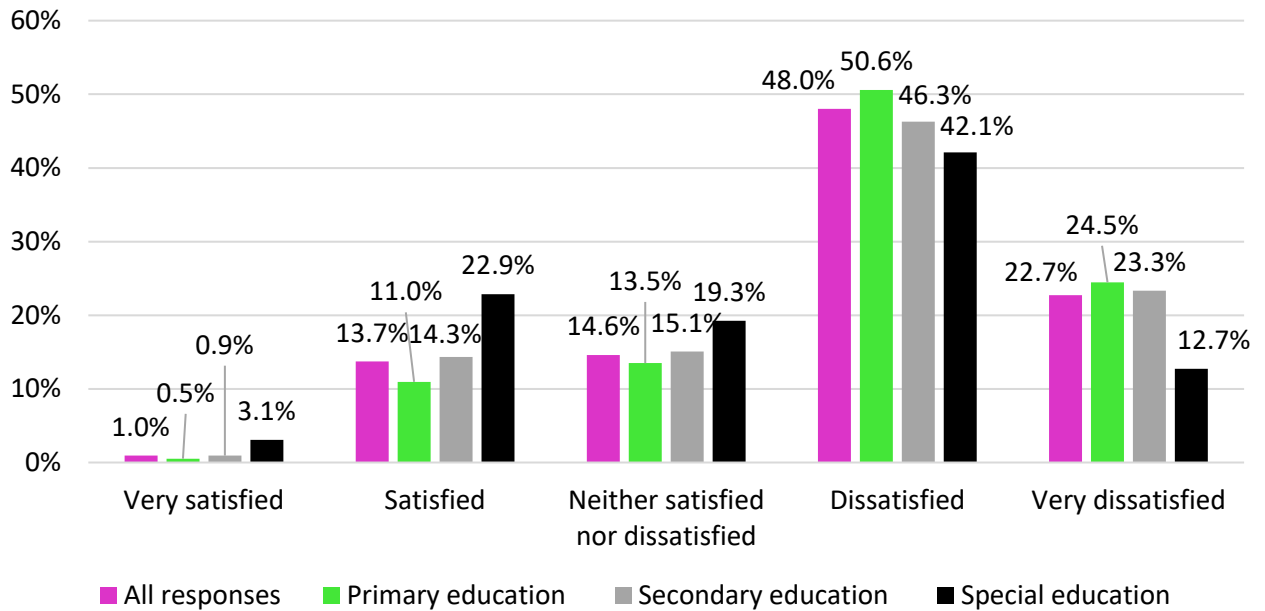
Total responses: 16,057

Members were then asked how satisfied they were with their workload levels generally. Figure 2 shows that only 15% of members are satisfied or very satisfied with their workload levels generally, with 71% saying they are either dissatisfied or very dissatisfied.

When comparing satisfaction levels between sectors, there isn't a considerable difference between the views of Primary or Secondary teachers, but there does seem to be higher levels of satisfaction from members working in the Special Education sector. Analysis was done to determine if part-time members were more satisfied with their workload and the findings did not indicate a significant difference between part-time and full-time workers' perceptions of their workload levels.

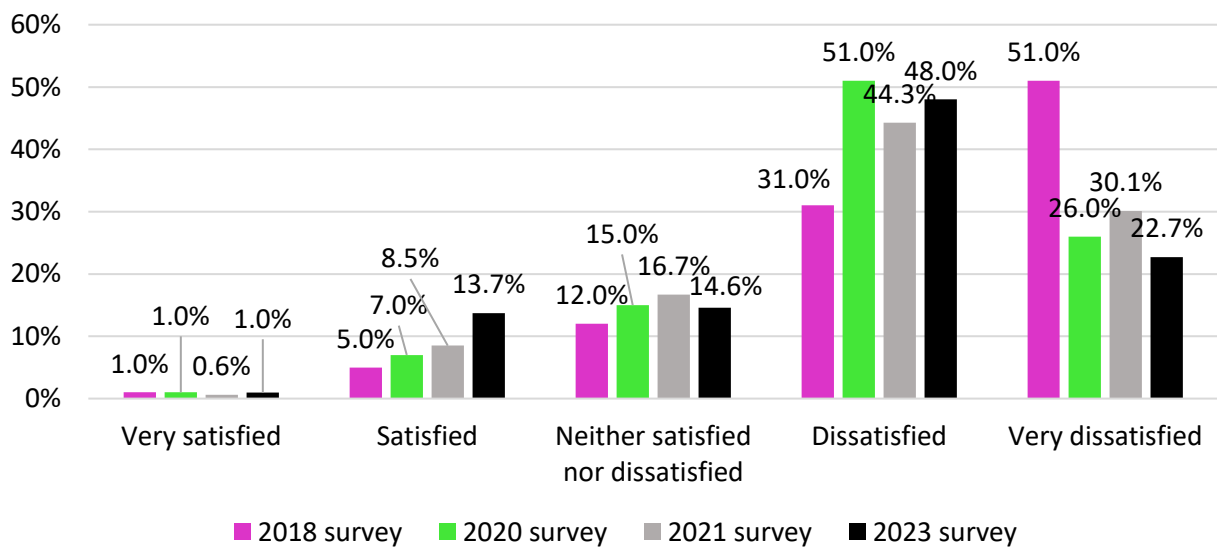
Figure 3 shows the findings from the 2021 member survey and shows that this most recent survey does demonstrate a slight improvement in workload satisfaction. It should be noted, however, that the 2021 survey took place when COVID management procedures and restrictions were still in place.

**Figure 2: How satisfied are you with your workload levels generally?**



Total responses: 15,886

**Figure 3: How satisfied are you with your workload levels generally? Comparisons between 2021 and 2023<sup>3</sup> surveys**



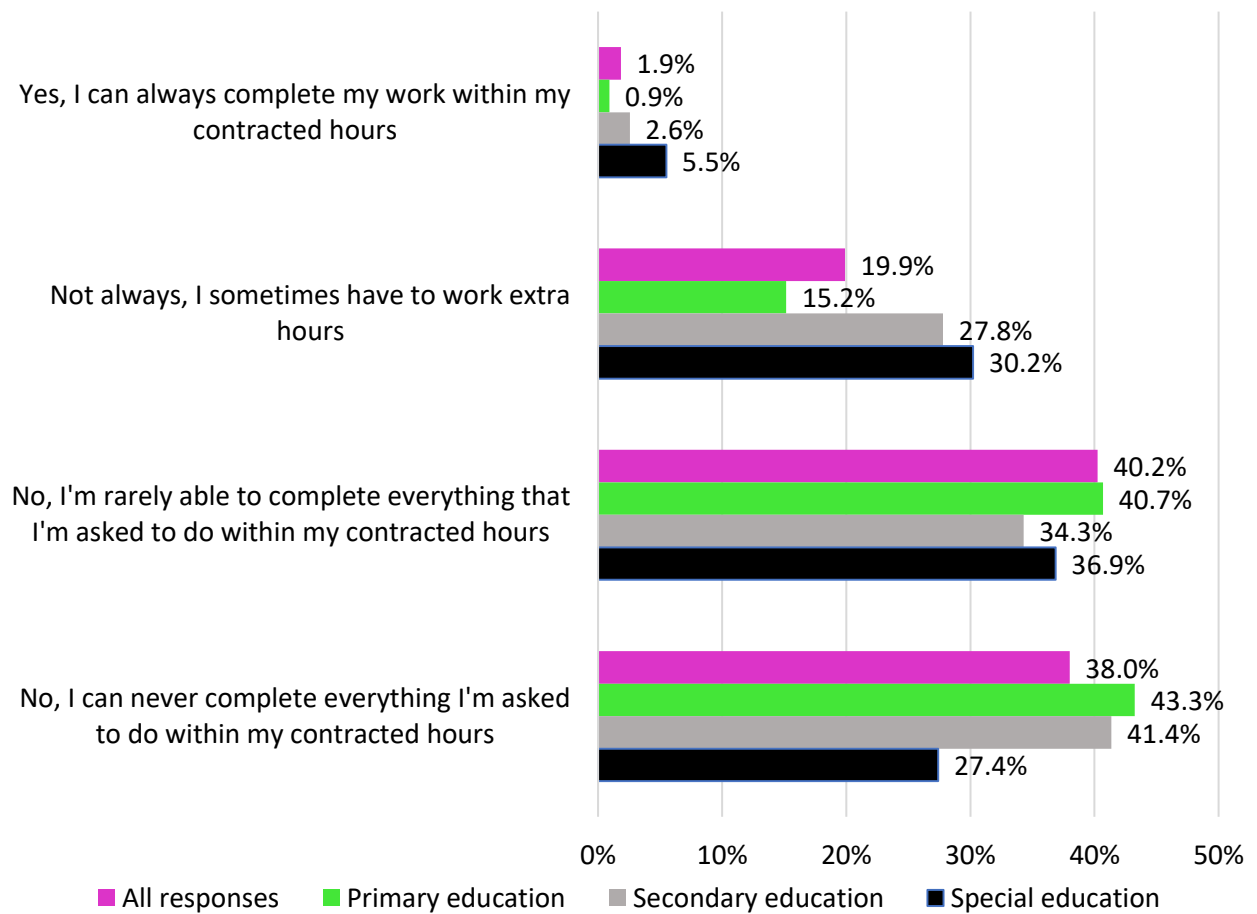
<sup>3</sup> EIS Member Survey 2021: Health and Wellbeing Findings (December 2021)  
<https://www.eis.org.uk/research/survey2021>



## Workload demands

When asked if members felt they could complete all of the tasks that are given to them, only 2% of respondents said they could do so within their contracted hours. Over a third, 38%, said that they can never complete everything they are asked to do within their set hours, and a further 40% said they are rarely able to. Figure 4 below shows the full breakdown of responses, including the responses gathered from those working in the Primary, Secondary and Special Education sectors.

**Figure 4: Do you feel that you can complete all of the tasks that are given to you within your working week?**

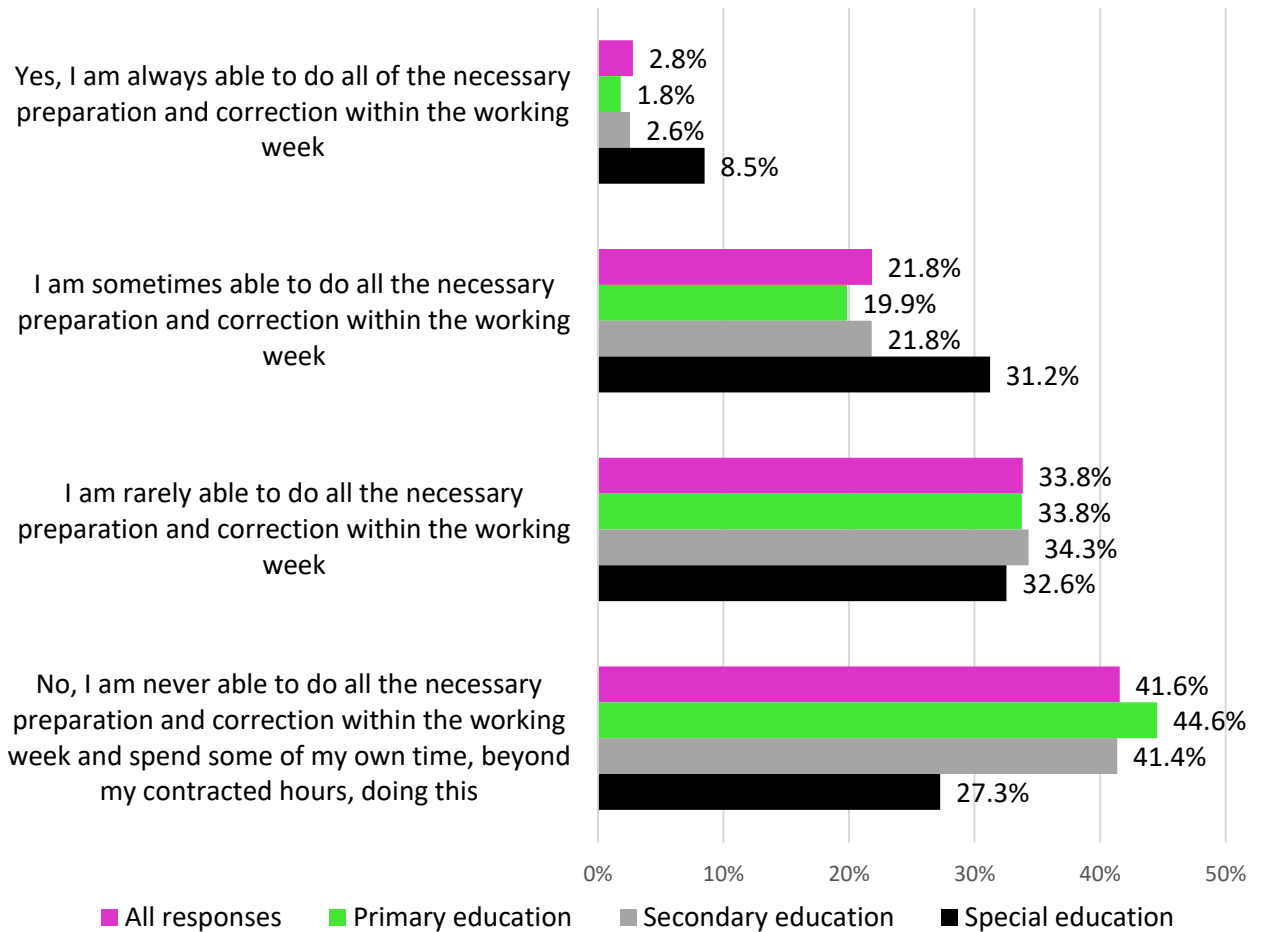


Total responses: 15,920

Figure 5 below also shows the extent of the workload pressures placed on members. In this graph, it shows that only 3% of all respondents said they had enough time for the necessary preparation and correction within their working week. 42% said they never have enough time for preparation and correction, and spend some of their own time, beyond their contracted hours doing this. This shows the extent of the workload burden that is placed on members and the extent to which members are carrying out unpaid work in order to fulfil the demands made of them.

Those working in the Special Education sector were more likely to say that they had enough time for all of their preparation and correction, but this figure was still very low with only 9% saying they were always able to complete this within their working week.

**Figure 5: Do you think that you have enough time each week for preparation and correction?**

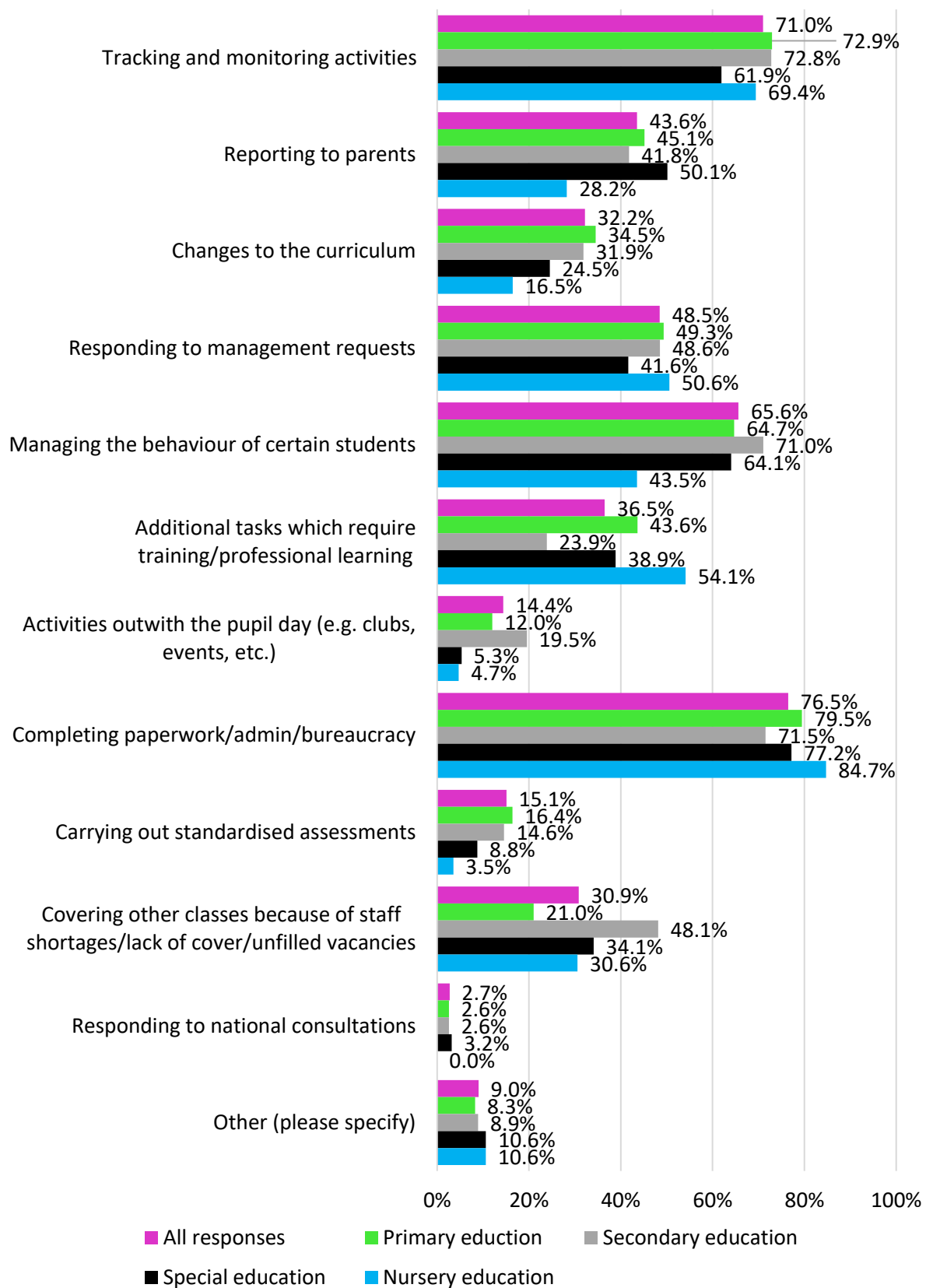


Total responses: 15,658

EIS members were then asked what the biggest drivers of their workload were, beyond teaching classes, preparation and correction. Figure 6 shows that the 5 biggest drivers of workload for teachers are: completing paperwork/admin/bureaucracy; tracking and monitoring activities; managing the behaviour of certain students; responding to management requests and additional tasks which require training/professional learning. Figure 6 also shows the difference between Primary, Secondary, Special and Nursery settings.

Figure 7 breaks down the workload pressures of members by their substantive post. From this table, there is a clear divide between probationers and main grade teachers who cite tracking and monitoring activities as the biggest driver of their workload, and principal teachers and head/depute head teachers who were most likely to report completing paperwork/admin/bureaucracy as their main driver of workload.

**Figure 6: Beyond teaching, preparation and corrections, what are the biggest drivers of your workload? (Please tick the top 5)**



Total responses: 15,551

**Figure 7: Beyond teaching, preparation and correction, what are the biggest drivers of your workload?**

Answer choices	Probationer	Main Grade Teacher	Principal Teacher	Head and Depute Head Teacher
Tracking and monitoring activities	<b>78.6%</b>	<b>76%</b>	64.1%	48%
Reporting to parents	32.5%	45.8%	42.35%	39%
Changes to the curriculum	15.72%	35.4%	32.7%	22.1%
Responding to management requests	36.7%	50.6%	54.8%	27.6%
Managing the behaviour of certain students	68.6%	64.8%	71.7%	75.4%
Additional tasks which require training/professional learning	60.5%	38.2%	26%	24.2%
Activities outwith the pupil day (e.g. clubs, events, etc.)	22.9%	14.8%	13.9%	9.2%
Completing paperwork/admin/bureaucracy	70.1%	75.7%	<b>81.8%</b>	<b>84.5%</b>
Carrying out standardised assessments	20.7%	15.8%	10%	7%
Covering other classes because of staff shortages/lack of cover/unfilled vacancies	14.4%	25.34%	48.2%	63%
Responding to national consultations	1.1%	1.8%	4.1%	12.8%
Other (please specify)	7%	7.8%	10.7%	17.1%

Total responses: 15,551

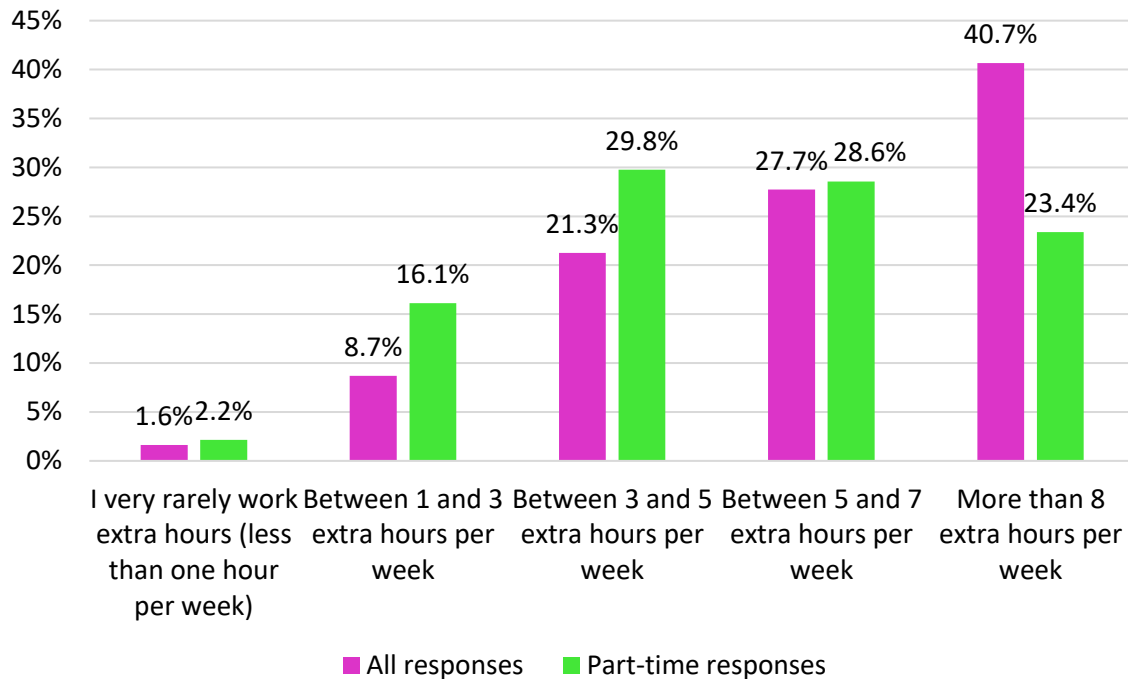
Within this question members were also offered the option of “other” as a response. In total 1,403 responses were gathered under this option. Within the comments gathered under this response option, there were various additional pressures that members listed. Additional Support Needs were mentioned numerous times, not just in terms of the demands in the classroom but also the referral processes and securing adequate additional support for pupils. There were also numerous comments highlighting the ICT challenges of lesson planning and reporting.

### **Additional Hours Worked**

Alongside the challenges of their roles, members also reported that they regularly work additional hours in order to complete all that is demanded of them. Figure 8 below shows how many additional hours members report working in a typical week. More than 40% of members said that they work more than a full extra day each week, with only 2% saying that they very rarely work extra hours. Part-time workers also reported working many additional hours with, again, only 2% saying that they

rarely work extra hours, and almost a quarter saying they work more than 8 extra hours each week. 24% of all respondents reported working part-time.

**Figure 8: How many hours a week outside of your contracted hours do you usually work? (by working pattern)**

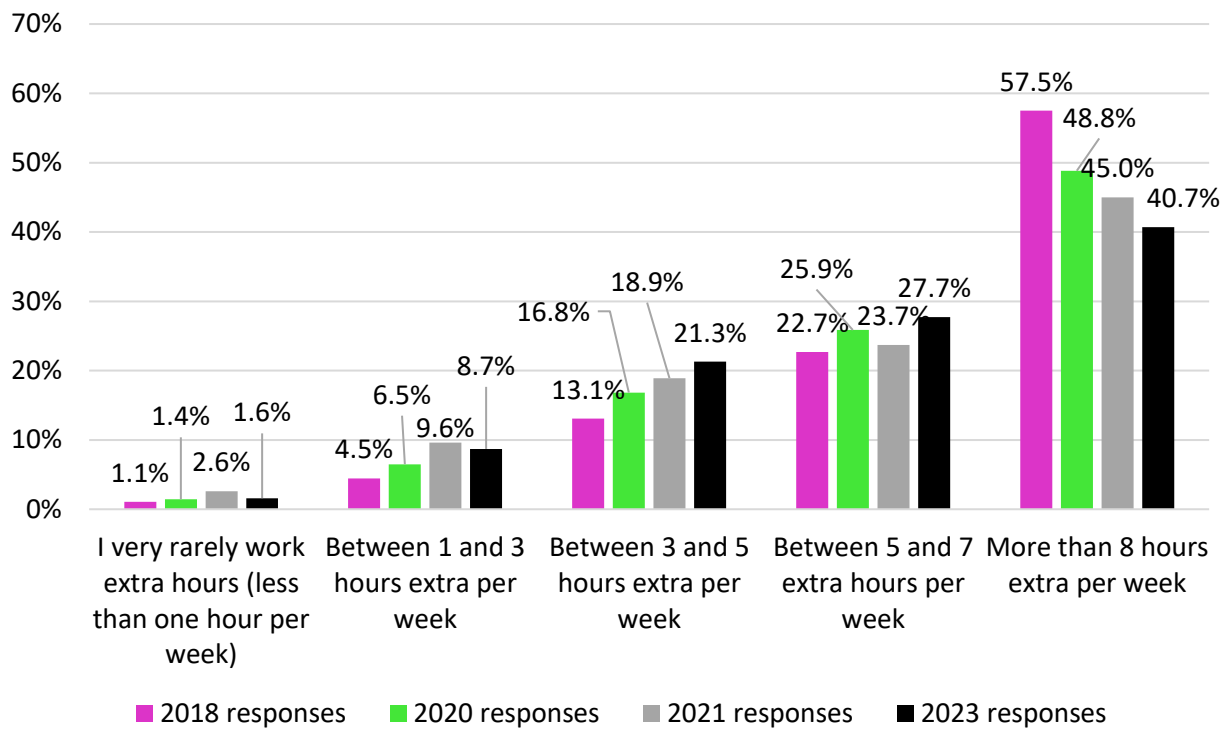


Total responses: 15,518<sup>4</sup>

Figure 9 looks at the longer-term trends of working additional hours. There has been a drop in the number of members working 8 or more hours extra in a typical week since 2018. However, there has been an increase in those working between 3 and 5 extra hours, and a general upward trend of members reporting they work between 5 and 7 additional hours per week.

<sup>4</sup> There were 87 responses to the answer choice “not applicable” which have not been included in this graph. This figure represents all responses including those who ticked “not applicable” as an option.

**Figure 9: How many hours a week outside of your contracted hours do you usually work? (longitudinal data)**

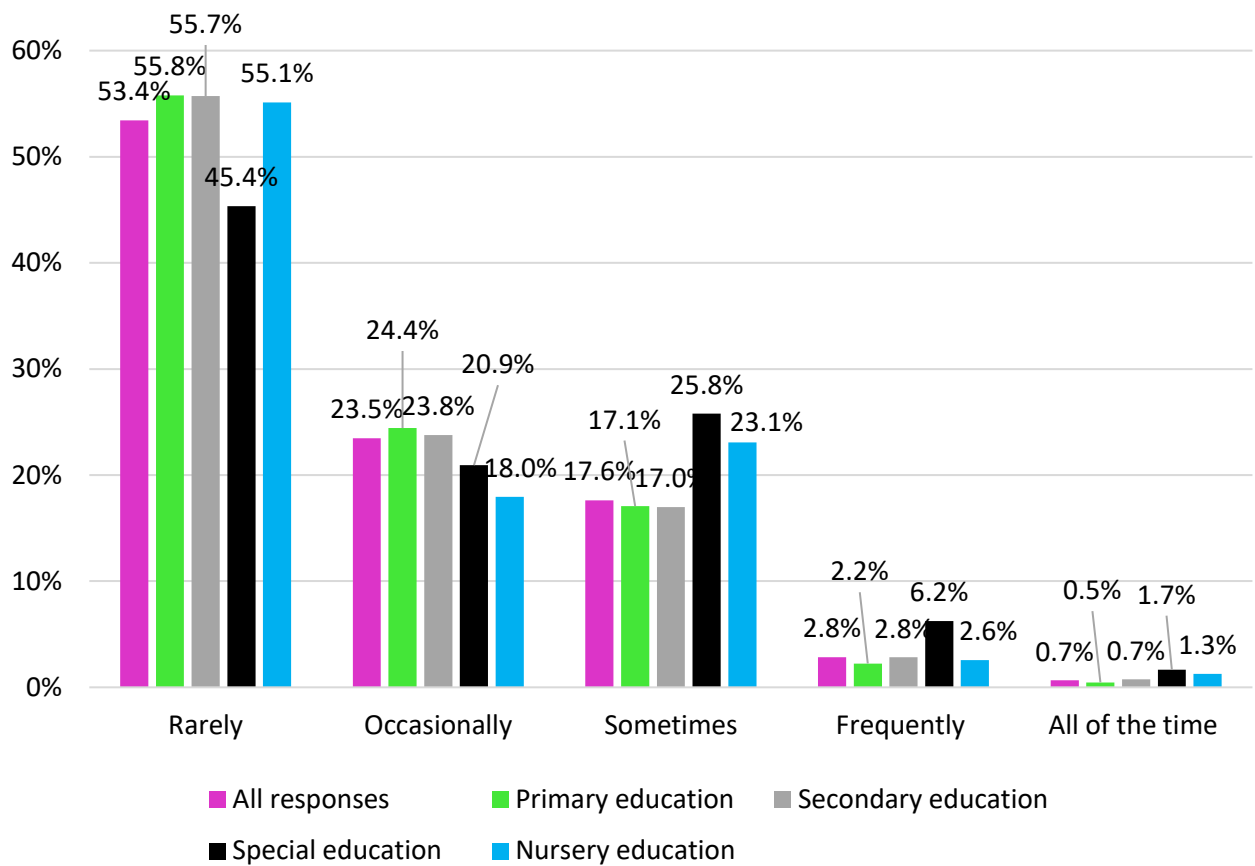


### Additional Support Needs

The final questions within the workload section of the survey looked at member experiences of supporting pupils with Additional Support Needs. Figure 10 below explores to what extent members feel that they have sufficient time to complete paperwork, liaise with colleagues and external agencies, and attend meetings in relation to supporting pupils with Additional Support Needs. The results in figure 10 paint a worrying picture with only 4% of respondents saying they feel they have sufficient time for the activities listed, frequently, or all of the time. Over half of survey respondents said that they rarely have sufficient time, with a further quarter saying that they only occasionally have enough time for the workload associated with supporting pupils with Additional Support Needs.

When this question was broken down by sector those working in Special Education were the most likely to say that they sometimes, or frequently or all of the time felt that they had sufficient time for the tasks associated with supporting pupils with Additional Support Needs. Those working in the Primary sector were the most likely to report that they rarely or occasionally had enough time to meet this demand.

**Figure 10: to what extent do you feel that you have sufficient time in a typical working week to complete paperwork, liaise with colleagues and external agencies, and attend meetings in relation to supporting pupils with Additional Support Needs? (by sector)**



Total responses: 15,420<sup>5</sup>

There was an opportunity for members to share comments under this question, with a total of 541 responses gathered. Overwhelmingly, members reported that they often couldn't complete the activities listed in Figure 10 because they or their colleagues were overstretched. Finding time for meetings was a key pressure in supporting pupils with Additional Support Needs and many members said that workload associated with this support is expected to be completed outwith their Working Time Agreement. Below are a handful of the hundreds of experiences that members shared.

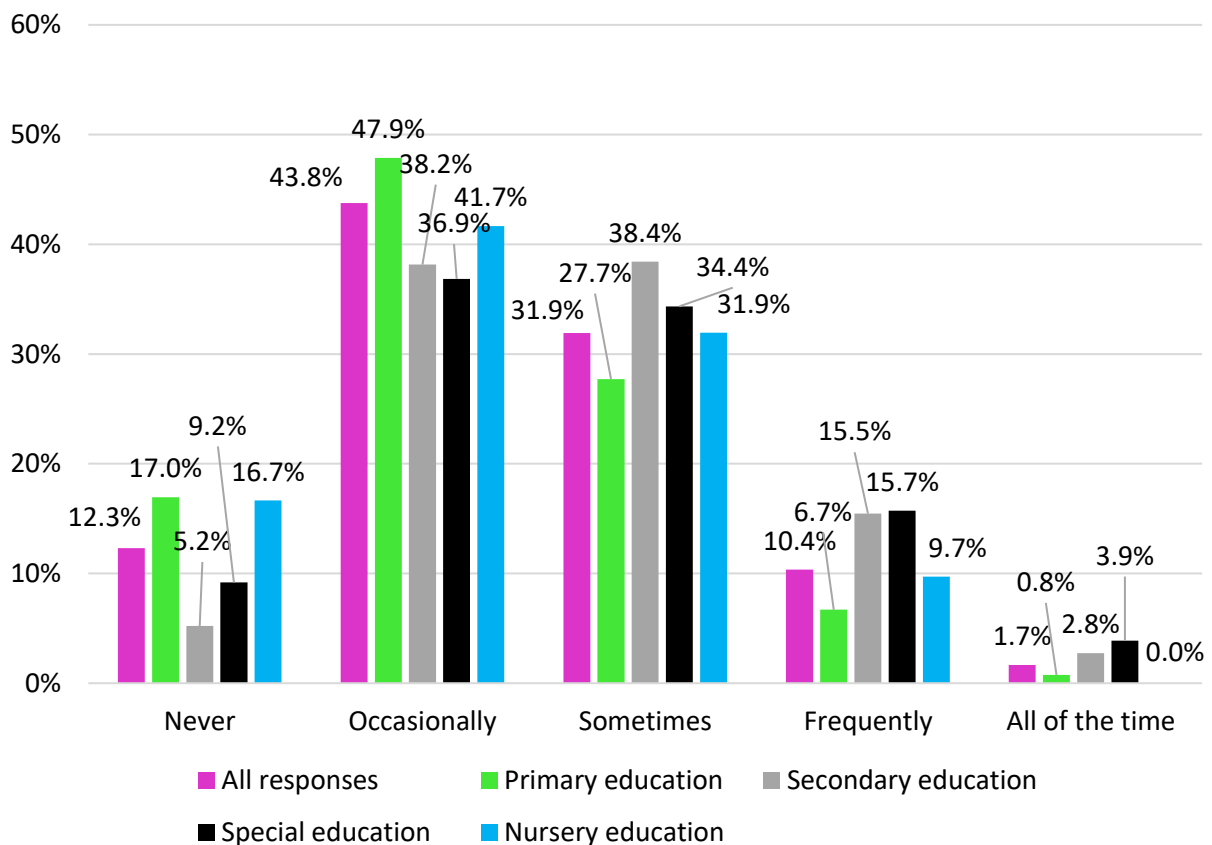
- "I am constantly keeping order, managing behaviour. Most days I can only start my paperwork & lesson prep when students have left the building."
- "There just never is enough time to do everything I need to do. The demands are endless, the workload is completely unmanageable. I was planning on handing my notice in at the end of this academic year due to the effects of the stress, however the cost of living crisis has made me realise I have no choice but to stay. I am now working on survival strategies to protect my health."
- "As this is for the pupils, you make these things happen and other tasks have to slide."

<sup>5</sup> There were 310 responses to the answer choice "not applicable" which have not been included in this graph. This figure represents all responses including those who ticked "not applicable" as an option.

- “This usually falls outwith contracted hours as you can't complete what's necessary to teach a class within 35 hours never mind all that goes with supporting children with additional needs.”
- “Vast majority of this kind of work is unplanned and so no time is ever actually allocated to it. Often it's very short notice and the expectation is that we will just fit it in.”
- “I am a Support for Learning Teacher and most of the consultation is in my own time now.”

Members were then asked to what extent children and young people in their settings were able to access front line services, when the support need is identified. 12% of all respondents said they were never able to access front line services when the need is identified (17% in Primary and Nursery), and 44% said they could only access this occasionally at the point of first need (48% in Primary and 42% in Nursery). These figures are deeply worrying as this type of support is often vital to enable a child or young person to participate fully in education, as well as providing external support for any issues outside of school.

**Figure 11: To what extent are children and young people in your setting able to access frontline services at the point when the support need is identified? (by sector)**



Total responses: 15,173<sup>6</sup>

<sup>6</sup> There were 703 responses to the answer choice “not applicable” which have not been included in this graph. This figure represents all responses including those who ticked “not applicable” as an option.



Figure 12: Which of the following do you think would make the biggest impact in reducing your workload? (please tick top 3) by sector

Answer Choices	All responses	Primary education	Secondary education	Special education	Nursery education
Smaller class sizes	51.1%	60.0%	43.5%	25.3%	38.3%
Less paperwork/bureaucracy	49.1%	50.6%	45.5%	<b>56.6%</b>	48.1%
Realistic expectations regarding digital learning	12.2%	11.0%	13.6%	14.4%	7.4%
Fewer contact hours with pupils	29.5%	20.2%	46.4%	26.6%	16.0%
Fewer changes to the curriculum and new initiatives	26.8%	28.8%	24.7%	24.8%	30.9%
More curriculum support	12.5%	12.5%	12.4%	14.0%	12.3%
More resources/funding to support pupils' learning	37.9%	39.8%	32.2%	47.6%	42.0%
More staff/supply cover (including access to subject specialists)	33.7%	31.1%	37.3%	39.8%	43.2%
More classroom assistants/support for inclusion and pupils with additional support needs	<b>59.8%</b>	<b>70.0%</b>	45.1%	53.8%	<b>63.0%</b>
Professional autonomy/being left to do my job	20.1%	19.1%	20.4%	23.2%	34.6%
More supportive management/leadership	14.2%	11.1%	17.9%	19.4%	14.8%
Improved pupil behaviour in the classroom	36.9%	32.5%	<b>47.3%</b>	22.5%	32.1%
Other (please specify)	4.6%	4.4%	4.3%	4.6%	6.2%

Total responses: 15,173

**Figure 13: Which of the following do you think would make the biggest impact in reducing your workload? (please tick top 3) by substantive post**

Answer Choices	All responses	Probationer teacher	Main grade teacher	Principal teacher	Head and Depute Head Teacher
Smaller class sizes	51.1%	49.4%	56.9%	39.5%	24.7%
Less paperwork/bureaucracy	49.1%	40.9%	49.7%	50.4%	47.4%
Realistic expectations regarding digital learning	12.2%	10.6%	12.5%	11.4%	7.7%
Fewer contact hours with pupils	29.5%	33.7%	31.1%	34.8%	8%
Fewer changes to the curriculum and new initiatives	26.8%	11.9%	28.0%	28.0%	26.3%
More curriculum support	12.5%	19.6%	12.5%	12.8%	11.8%
More resources/funding to support pupils' learning	37.9%	40.7%	36.2%	38.9%	46.9%
More staff/supply cover (including access to subject specialists)	33.7%	29.7%	30.4%	42.7%	60.7%
More classroom assistants/support for inclusion and pupils with additional support needs	<b>59.8%</b>	<b>66.3%</b>	<b>59.7%</b>	<b>54.8%</b>	<b>76.4%</b>
Professional autonomy/being left to do my job	20.1%	10.6%	20.9%	18.1%	17.6%
More supportive management/leadership	14.2%	9.7%	15.2%	13.1%	4.2%
Improved pupil behaviour in the classroom	36.9%	41.8%	36.2%	41.5%	35.1%
Other (please specify)	4.6%	2%	3.9%	5.8%	8.5%

Total responses: 15,173

## Reducing Workload Demands

Figure 12 above highlights EIS members' views on what they believe would have the biggest impact in reducing their workload. 60% of all respondents said that more classroom assistants/support for inclusion and pupils with additional support needs (ASN) would make a big impact in reducing their workload. This was followed by smaller class sizes (51%) and less paperwork/bureaucracy (49%).

When this question was broken down by sector, more classroom assistants/support for inclusion and ASN was the top response in Primary and Nursery sectors (70% and 63% respectively). However, in Secondary schools improved pupil behaviour in the classroom was the response that garnered the most responses, and in Special Education it was less paperwork/bureaucracy.

When this question was broken down by substantive post, there was unity across probationer, main grade, principal and head/depute head teachers as more classroom assistants/support for inclusion and ASN, was the top response given when asked what would make the biggest impact to reducing their workload.

There were 703 responses collected under the "other" answer choice. Additional comments under this response included greater support from senior leadership and their local authorities. Some commented that whilst initiatives were well meaning, they often added significantly to their workload without an immediate impact on pupils' learning. This was also reflected in some comments that expressed concern that the promised reduced contact hours could be eaten up by even more new programmes and initiatives, rather than freeing up the time that is needed for the workload as it stands.

Some members also mentioned that greater support from outside agencies to support children and young people would make a significant impact to their workload. Many of the comments within this section also expanded on the answer choices available, as many respondents reiterated the immediate need for additional resources to support the mainstreaming agenda, as well as the continuing pressures of pupil behaviour.

## Member Comments on Workload

At the end of this section members were asked if there was anything further that they would like to raise in relation to their workload. Over 4,321 responses were gathered under this question, with many highlighting how desperate they are for some relief in their working week. Below is a very small sample of the experiences that members shared:

- "Much of my time is spent supporting colleagues struggling due to their own tiredness, mental health worries or frustration due to feeling overwhelmed and undervalued within education. Although they know I, and senior management, support them they often don't feel that from pupils, parents and society in general, which can focus them on the negatives of the job, rather than being able to strive as they would want to on the positives and improving things. Too often the job feels like firefighting and keeping afloat (to mix metaphors)."
- "The workload is never ending and completely unmanageable. I feel like I can never do enough to support the needs of the learners as I spend so much of my time doing paperwork and other time consuming tasks. I feel guilty for not managing to complete the colossal amount of paperwork, marking and prep in school so I do it at home. But then I also feel guilty for spending so much of my evenings and weekends working too instead of

resting and spending time with my family. I should be working to live, not living to work! My physical and mental health is suffering due to the stress of workload.”

- “They’re far too many “priorities” and meetings to discuss meetings/ meetings for training when we really just need to be able to teach the pupils in front of us. Also large class sizes (32/33) with a wide range of pupil needs (EAL, dyslexia, behaviour, ASN, socio-emotional, SIMD 1/2) makes it very difficult for one teacher to meet all needs all the time regardless of how much time, effort and preparation is put in to meet all those needs.”
- “It is very hard to have a good work/life balance in this profession. Often time is given over to council initiatives to the detriment of preparing for the class in front of you. Increasingly there is less support for children who really need it, there are many more children with behaviour issues which has a negative impact on other children in the class. It’s so unfair!”
- “Support for Learning Teachers being expected to cope with a bigger workload with less resourcing and support than previously. Too many children with ASN in mainstream schools without sufficient or adequate support. This is unfair on those learners, the pupils around them and the Class Teachers. Most of the SLA support in school now directed at supporting behaviour and those with other learning needs being overlooked. This results in more pressure/workload being put on classroom teachers and support for learning teachers.”
- “Many tasks that were previously carried out by management, especially principal teachers, are being increasingly expected to be carried out by class teachers. This increases an already heavy workload.”
- “A lot of my frustration is down to the fact that so much of what I am expected to do in paperwork and management directed training is not directly impacting on teaching and learning or benefitting either myself as a teacher or my pupils as learners. It feels pointless, yet it takes up so much of my time and energy. I would much rather put this time and energy into planning my lessons and classroom organisation and my own professional development.”

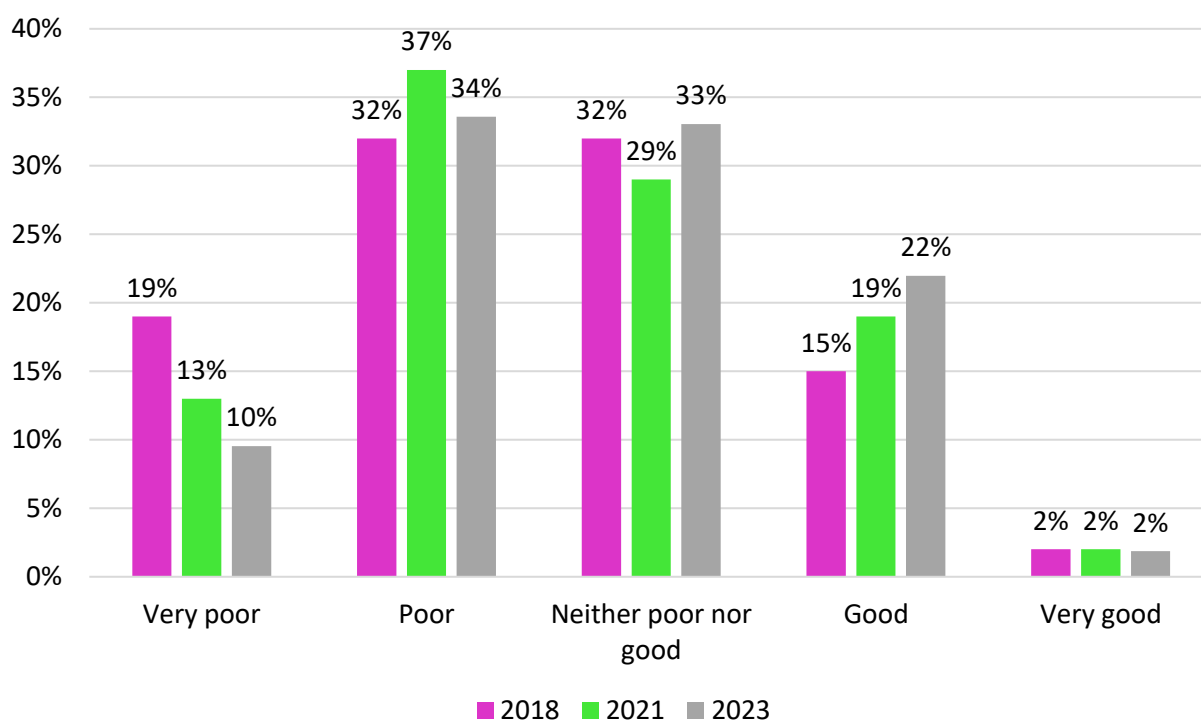
## Section 3 – Health and Wellbeing

Member health and wellbeing is perhaps the most important factor when looking at the sustainability of the education workforce. It is imperative that EIS members feel well at work and that their work environment is not driving them to the point of poor health. This section explores the key questions that we asked our membership about how they feel about their health at work.

### Wellbeing

The first question asked members what level of wellbeing they feel within their job overall. Figure 14 outlines the responses given to the 2023 survey, as well as those responses collected from the 2018 and 2021 member surveys.

**Figure 14: What level of wellbeing would you say you feel within your job overall? (longitudinal data)<sup>7</sup>**



Total responses in 2023 survey: 15,151

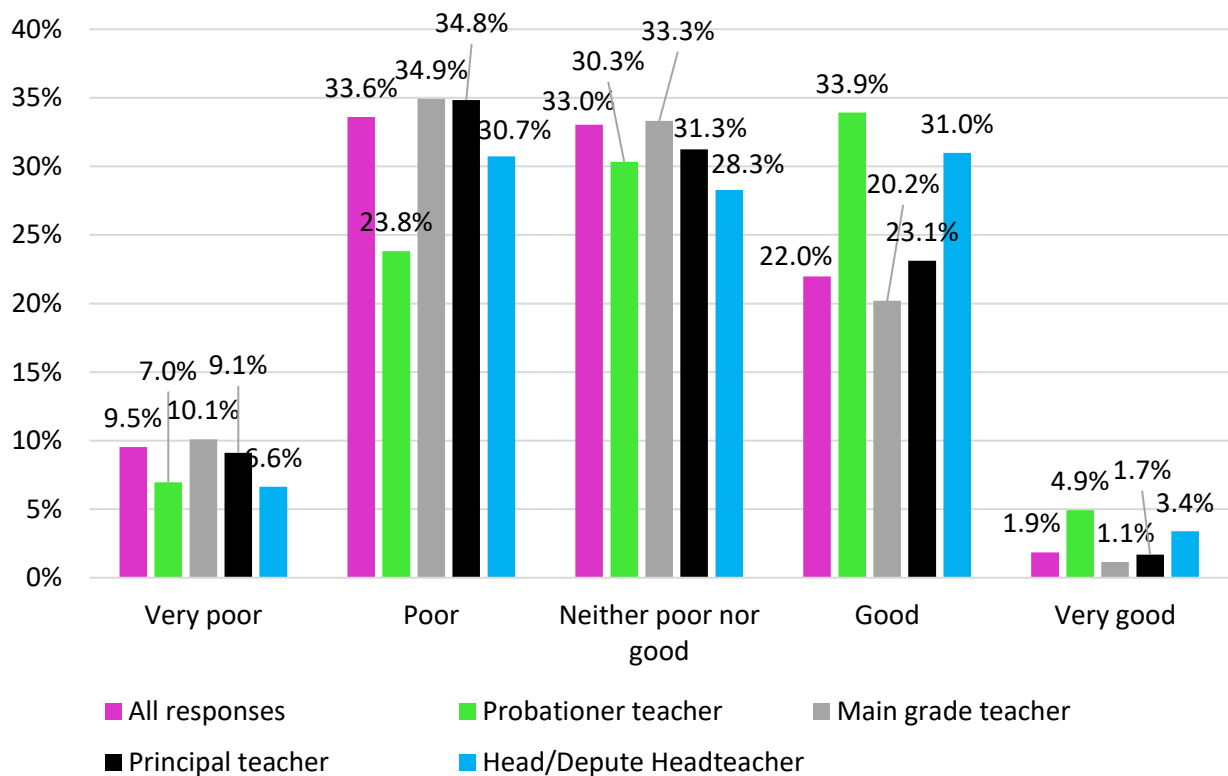
Encouragingly there has been a consistent reduction in the number of teachers who said that they have very poor wellbeing since 2018. There has also been a corresponding increase in the number that says that they feel good in their job overall, from 15% in 2018 to 22% in 2023. However, the responses overall are still deeply concerning with 44% of members saying that they feel poor or very

<sup>7</sup> Figures in this graph have been rounded to the nearest percent to allow for direct comparison.

poor wellbeing at work, and only 24% saying they feel good or very good. This is worrying as there are considerable impacts to both physical and mental health when people experience poor wellbeing for sustained periods of time.

When this question was analysed in relation to substantive posts held, there were slightly higher levels of good or very good wellbeing at work reported by probationer and head/depute head teachers. However, 31% of probationers and 37% of head/depute head teachers still reported feeling very poor, or poor levels of wellbeing at work.

**Figure 15: What level of wellbeing would you say you feel within your job overall? (by substantive post)**



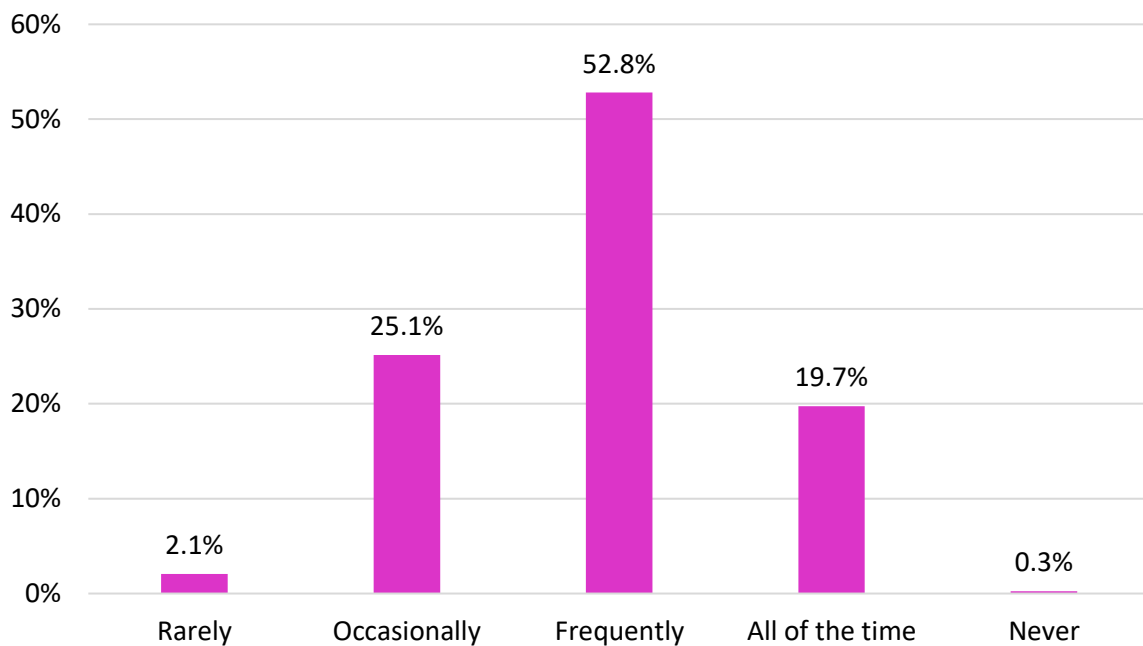
Total responses: 15,151

### Stress at Work

The following data looks at members' experiences of stress at work. Within these questions, members were asked how often they felt stressed at work, as well as how they manage any workplace stress that arises.

Figure 16 below shows that over half of respondents felt stressed frequently at work, with a fifth saying that they felt stressed all of the time. When this data was examined by substantive post and by education sector, there was very little difference in the findings, suggesting colleagues at all levels and in all sectors are experiencing similarly high levels of stress on a regular basis.

**Figure 16: In a typical week how often do you feel stressed within your job?**



Total responses: 14,974

When asked if they felt that their stress at work is manageable, of the 15,094 responses to this question received, 1% said yes, they don't ever feel stressed, 65% said they feel stressed sometimes but they can cope, and 34% said that their stress at work wasn't manageable and that their stress levels were so high that they negatively affect their work and/or personal life. This finding is extremely concerning as high levels of prolonged stress have been attributed to a host of physical and mental health conditions, such as anxiety and depression, headaches, stomach problems, sleeping problems, dizziness and changes in weight<sup>8</sup>. Chronic stress at work and in private life is also associated with a 40–50% increase in the occurrence of coronary heart disease in prospective observational studies<sup>9</sup>

High stress levels are also known to exacerbate pre-existing medical conditions. 51% of members who identified themselves as disabled<sup>10</sup> said that their stress levels were so high that they negatively affected their work and/or personal life. This is extremely concerning as within this survey, not only were disabled respondents more likely to say that they didn't feel they could manage their stress at work, but they are also more at risk of poor physical or mental health when exposed to high stress levels.

Figure 17 below shows how members manage their stress. Across all sectors 9% reported that they didn't know there was support available to manage stress at work. This indicates that awareness raising should be a key priority as there may be staff struggling at the moment who are unaware that support is available to them. There isn't a great variation across different substantive posts.

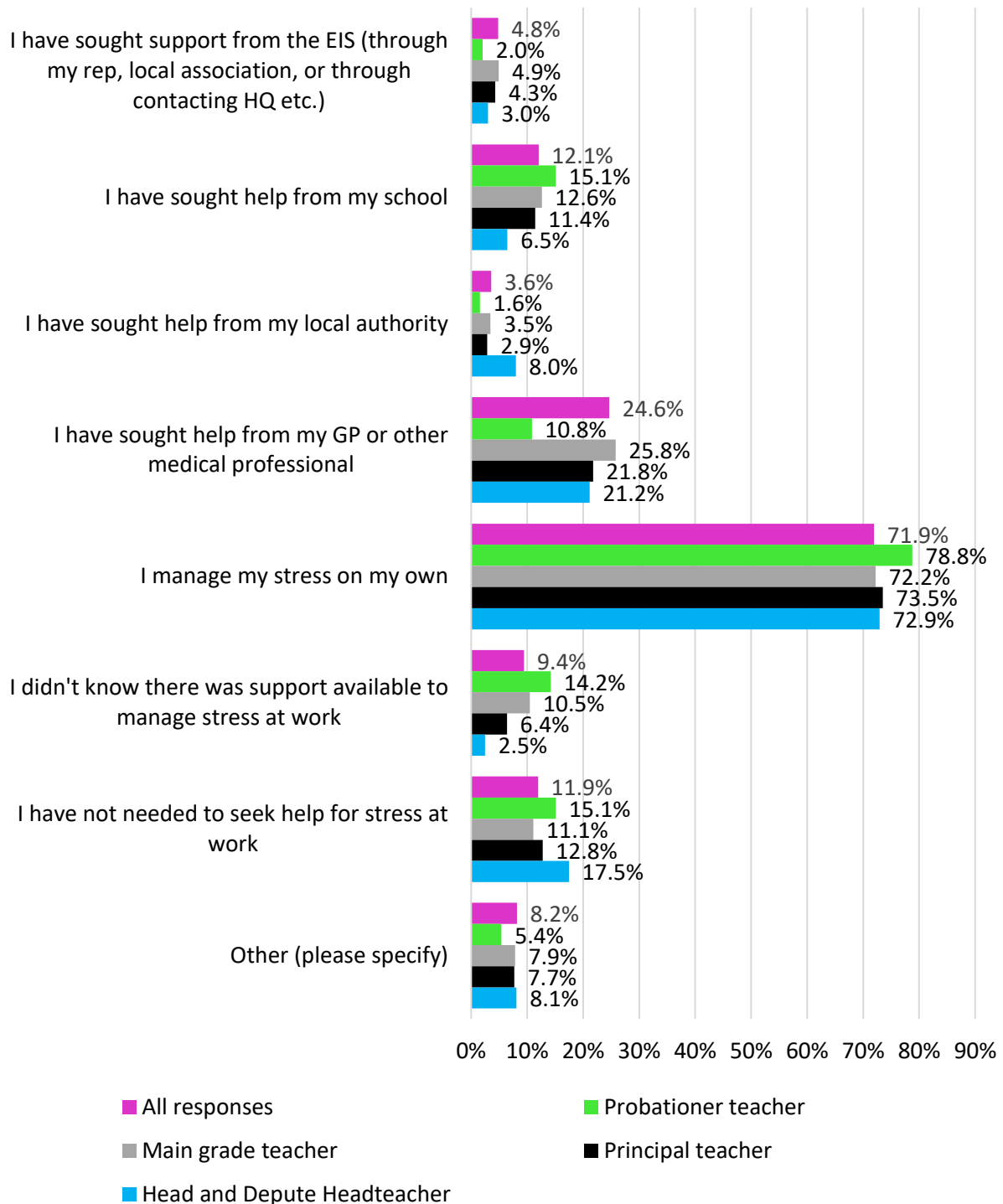
<sup>8</sup> Mind, "Signs and Symptoms of Stress" <https://www.mind.org.uk/information-support/types-of-mental-health-problems/stress/signs-and-symptoms-of-stress/>

<sup>9</sup> Steptoe, A., Kivimäki, M. Stress and cardiovascular disease. *Nat Rev Cardiol* 9, 360–370 (2012). <https://doi.org/10.1038/nrcardio.2012.45>

<sup>10</sup> 560 members who identified themselves as being disabled answered this question.

However, head and depute head teachers are the least likely to say they have not needed help for stress at work, and probationer teachers are most likely to seek support from their school.

**Figure 17: How have you managed your stress at work? (by substantive post)<sup>11</sup>**



Total responses: 15,052

<sup>11</sup> Respondents could indicate multiple answer choices here which is why totals do not equal 100.



Within the “other” option, members detailed many of the coping mechanisms that they have introduced to help them manage the stresses of their job. Many highlighted exercise and being part of sports teams as a way to switch off at the end of the day. Others talked about the importance of establishing boundaries in their personal life to ensure that they are not taking on too many additional tasks whilst at home.

However, the majority of the comments left in this section talked about their difficulty in coping with their stress at work. Some mentioned that they regularly see a therapist, others that they are on medication to help with the symptoms created by prolonged emotional and physical stress. Others highlighted that whilst they do have outside coping mechanisms for example hobbies or being part of a club, they still have to do extra hours of work. This built-in time just helps them switch off for an hour or so before coming home to do more work. Below are some of the 1,229 comments that were left under the “other” option.

- “I took a secondment to central team to get me out of face to face teaching practice. Otherwise I would certainly have been absent with stress related conditions.”
- “I talk to my husband about the unmanageability of my job. My husband works in the private sector and has a different perspective on things. He is able to help me see that the demands being placed on me are not reasonable.”
- “I work with very supportive colleagues and we share how we feel and support each other.”
- “I am aware of a range of support around well-being and managing stress but I am yet to find something that is workable. I know what I need to do but nobody can actually describe how. Spending less time tackling my workload will not lead to less stress. The only workable solution is for the workload to be reduced to realistic levels somehow but no one has a meaningful solution for that.”
- “I cut my hours to work part time for a better work life balance.”

When members were asked what would make the biggest impact in improving their wellbeing at work more than half of all respondents said more classroom assistants/support for inclusion and pupils with additional support needs (figure 18) would make the biggest difference. This was the top response in all sectors apart from Secondary education which indicated improved pupil behaviour in the classroom was a top priority to improve their wellbeing (Figure 19).

The answer choices outlined in figures 18 and 19 were the same answer choices given when members were asked to outline the key drivers of their workload (figures 12 and 13). When comparing the key workload drivers and the factors that would make the biggest improvement to their wellbeing at work, respondents indicated that more classroom assistants/support for inclusion and pupils with additional support needs was both the factor that would most improve their workload and their wellbeing at work. This was also seen across the board when both questions were compared by substantive post and when looking at Primary and Nursery responses.

Those working in Secondary also showed parity across both questions with improved pupil behaviour being the factor to improve both workload and wellbeing. In Special education respondents indicated that less paperwork/bureaucracy would make the biggest impact to their workload, but that more classroom assistants/support for ASN would make the biggest improvement in their wellbeing at work.

Again, under this question there was an “other” option for members to select additional factors that would improve their wellbeing at work. 643 comments were collected under this answer choice, with many detailing the pressures that are placed on them. Within these comments members highlighted the pressures that the education system is under, as well as the individual pressures that they face. Below is a small sample of the comments that were gathered under the “other” section.

- “An appointed classroom assistant to the department to help with stock, set up of ingredients etc. Therefore I can ensure my focus can go on pupil wellbeing and further developing the curriculum.”
- “Mainstreaming of Instrumental music tuition to stop the constant threat of cuts/redundancy.”
- “We need a properly structured, progressive and realistic curriculum designed that works across Scotland, for better standardisation. This needs to be designed by a teacher who is currently teaching so that they have first hand experience and understanding of the pitfalls of the current curriculum. There also need to be facilities built to meet the needs of children who disrupt learning in the classroom and those that have learning needs that simply cannot be effectively accommodated in the ‘neuro-typical classroom’.”
- “Support for teachers who have pupils who are violent to staff and adults. There needs to be a plan in place which helps these pupils and also those hurt by the pupils. I want to protect my pupils but I feel I cannot; when my class has to evacuate for their protection they miss out on their learning. This missed learning time is a massive concern for me, as well as how scared and tense my children are on a regular basis. I do not feel supported by the council or management after an incident of violence and aggression. Management have had bones broken by a violent pupil, and they have continued work as normal. This sets a precedent for other injured staff, and management themselves should be supported by the council.”
- “Our HT is extremely supportive but we need supportive management at authority level. They are so far removed from the reality of all aspects the job that their expectations are unrealistic and unattainable, resulting in incredible stress.”
- “More opportunities for permanent employment. Lack of permanent jobs has caused a significant stress over the last 3 years and continues to do so for myself and many others.”

Figure 18: Which of the following do you think would make the biggest impact in improving your wellbeing at work? (please tick top 3) by sector

Answer Choices	All responses	Primary education	Secondary education	Special education	Nursery education
Smaller class sizes	45.6%	53.3%	39.8%	21.0%	26.6%
Less paperwork/bureaucracy	45.6%	47.4%	41.8%	50.4%	45.6%
Realistic expectations regarding digital learning	9.7%	8.8%	10.7%	10.9%	3.8%
Fewer contact hours with pupils	25.8%	18.2%	39.8%	22.9%	17.7%
Fewer changes to the curriculum and new initiatives	22.6%	24.2%	21.0%	21.4%	22.8%
More curriculum support	11.2%	11.2%	11.4%	14.4%	3.8%
More resources/funding to support pupils' learning	32.2%	33.1%	27.6%	44.5%	36.7%
More staff/supply cover (including access to subject specialists)	28.2%	25.7%	30.8%	36.6%	40.5%
More classroom assistants/support for inclusion and pupils with additional support needs	<b>54.3%</b>	<b>65.2%</b>	38.0%	<b>51.0%</b>	<b>67.1%</b>
Professional autonomy/being left to do my job	18.8%	18.2%	18.4%	22.4%	29.1%
More supportive management/leadership	18.9%	15.5%	23.1%	24.0%	21.5%
Improved pupil behaviour in the classroom	41.6%	37.4%	<b>53.0%</b>	22.9%	30.4%
Other (please specify)	4.3%	3.7%	4.2%	5.9%	6.3%

Total responses: 14,947

Figure 19: Which of the following do you think would make the biggest impact in improving your wellbeing at work? (please tick top 3) by substantive post

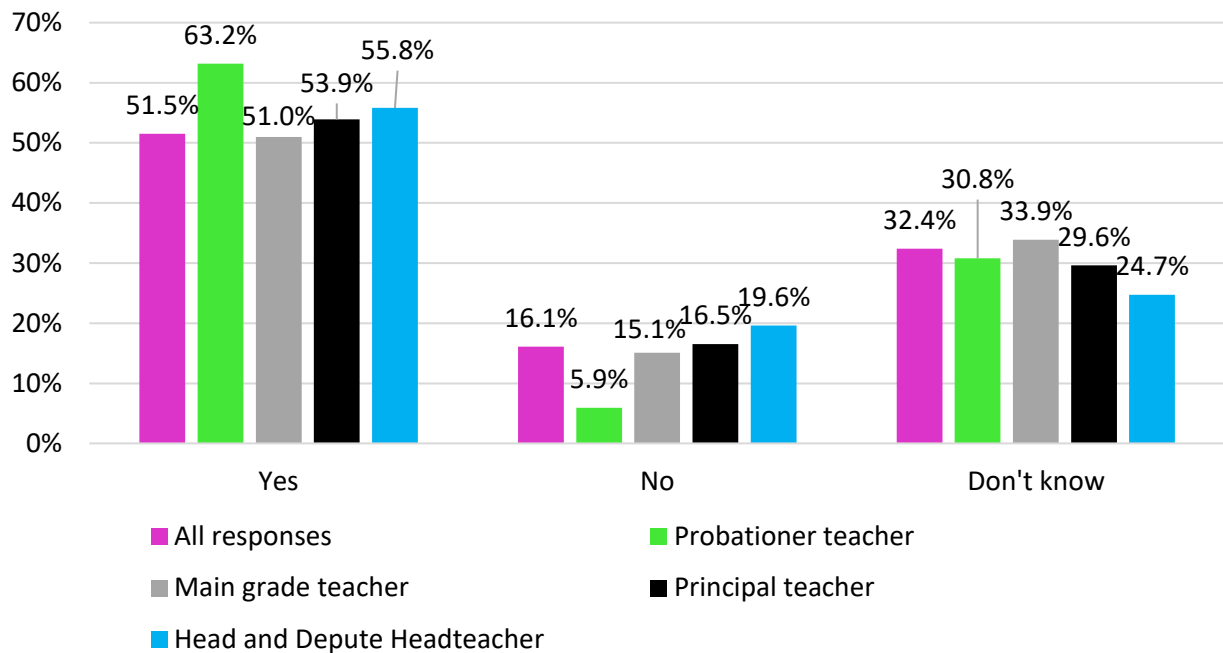
Answer Choices	All responses	Probationer teacher	Main grade teacher	Principal teacher	Head and Depute Head Teacher
Smaller class sizes	45.6%	48.5%	51.2%	34.7%	17.1%
Less paperwork/bureaucracy	45.6%	37.4%	45.6%	50.2%	43.7%
Realistic expectations regarding digital learning	9.7%	9.5%	9.9%	9.4%	4.4%
Fewer contact hours with pupils	25.8%	28.3%	27.3%	29.5%	6.6%
Fewer changes to the curriculum and new initiatives	22.6%	10.7%	23.6%	23.5%	21.4%
More curriculum support	11.2%	18.6%	11.2%	11.6%	8.8%
More resources/funding to support pupils' learning	32.2%	37.8%	30.3%	33.7%	41.9%
More staff/supply cover (including access to subject specialists)	28.2%	23.9%	23.9%	38.4%	59.3%
More classroom assistants/support for inclusion and pupils with additional support needs	<b>54.3%</b>	<b>57.3%</b>	<b>54.2%</b>	<b>49.8%</b>	<b>72.0%</b>
Professional autonomy/being left to do my job	18.8%	10.2%	19.5%	16.9%	18.2%
More supportive management/leadership	18.9%	14.6%	20.2%	17.1%	6.3%
Improved pupil behaviour in the classroom	41.6%	50.1%	41.8%	43.5%	35.3%
Other (please specify)	4.3%	2.8%	3.3%	5.2%	8.3%

Total responses: 14,947

## The Teachers' Future

Within the health and wellbeing section of the survey, members were asked if they planned to stay in teaching for at least the next 5 years. Below are the responses to this question broken down by substantive post.

**Figure 20: Do you plan to stay in teaching for the next 5 years? by substantive post**

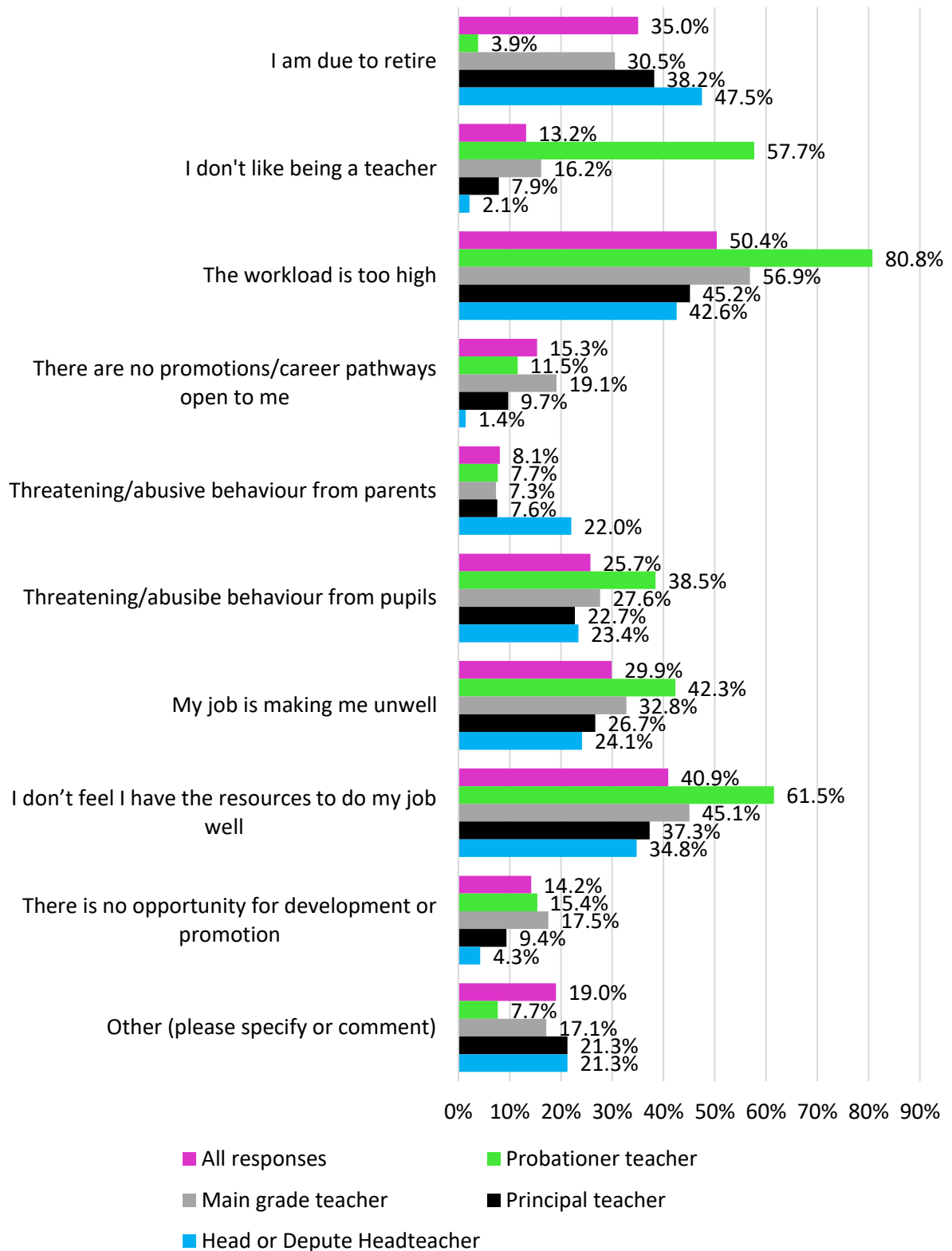


Total responses: 15,000

As shown in Figure 20, probationer teachers are the most likely to say that they are planning to stay in teaching for the next 5 years, with almost two thirds (63%) saying that is their intention. Head and depute head teachers are the least likely with a fifth (20%) saying that they don't plan to stay in teaching for the next 5 years.

Those who indicated that they were planning to leave teaching in the next 5 years were then asked to give their main reasons. Figure 21 shows the key reasons that respondents gave by their substantive post. Whilst workload was reported by half of all respondents, probationer teachers were most likely to report this, with 81% saying it was a reason that they didn't plan to stay in teaching. Resourcing was also a key factor in their decision to leave with 41% of all respondents saying that they don't feel they have the resources to do their job well – this was 62% for probationer teachers. Main grade teachers were more likely than all respondents to say that there were no promotions or career pathways open to them, and head and depute head teachers were more than twice as likely to cite threatening/abusive behaviour from parents as a motive to leave teaching.

**Figure 21: If you indicated “no” please state why (please tick all applicable answers) by substantive post**



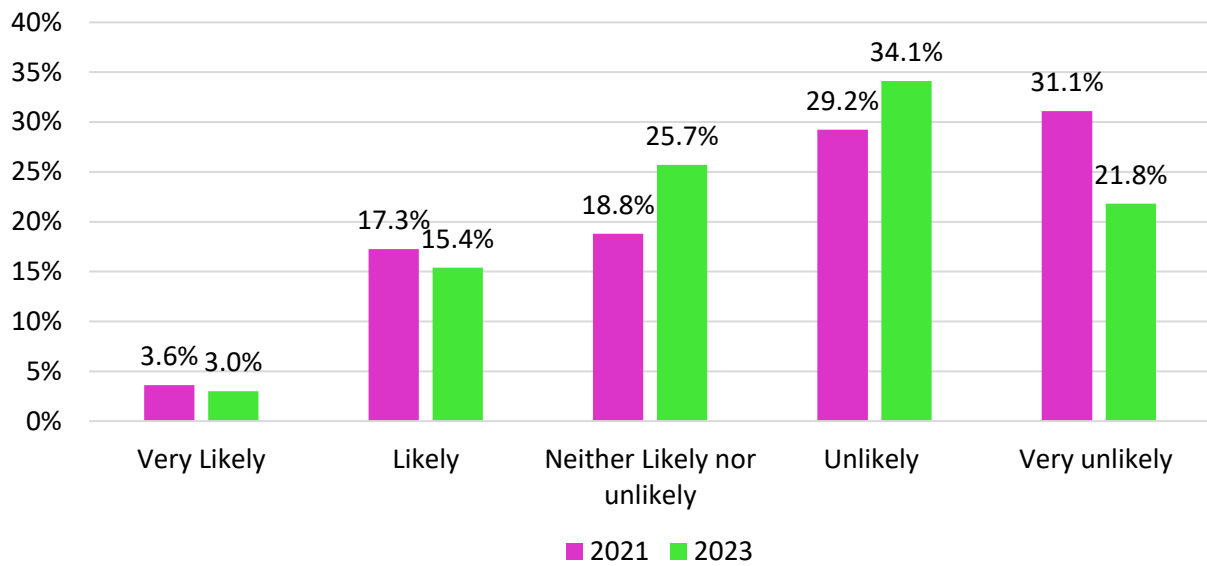
Total responses: 2,401

Under the “other” option 457 responses were gathered. In this section members highlighted their frustrations in their current working environment and outlined why they didn’t feel they could remain in teaching for more than 5 years. Below are some of the experiences that respondents shared.

- “I love my job as a teacher and am very passionate about education and working with children. At the moment, the workload is so high and I have to work many hours’ overtime. At the moment, I feel I am doing my job very well because I am working overtime and at weekends to keep up. I know that’s not sustainable so therefore I will have to leave the profession for something more manageable in the near future.”
- “I loved being a teacher before we became a faculty, I absolutely despise my job now.”
- “I don’t think the current system is allowing me to do a good job of teaching. I feel there are other jobs where I can make more of a difference and I am currently searching for the right one.”
- “The lack of respect from political leaders who simply don't recognise the value of the work that teachers do. This is not new to recent administrations but the trend since the last financial crisis has been interminably downwards. I am valuable. I deserve better than being left to sink or swim. Major investment in real terms is needed for the 21st century, not this race to the bottom culture where we pretend to resource our vital services.”
- “The 'going through the ranks' approach is unhelpful to the profession. I have significant management and leadership skills - these are never used (unless in my class) as teaching requires a stepping stone approach to promotions. The availability of promotion in my LA has dried up.”
- “The wage is not in line with the workload, qualifications required and further training required. Additionally there are fewer opportunities for promotion with large faculties combined and few opportunities to enhance your wages.”
- “I plan to take early retirement. I am a strong teacher and enjoy the job, but it is all consuming.”

Members were then asked how likely they would be to recommend teaching as a good profession for someone who was considering the profession. Only 18% said they were likely or very likely to recommend teaching as a good profession. This is a lower number when compared to the last time this question was asked in 2021 when 21% said they were likely or very likely to recommend taking up the teaching profession as shown in Figure 22.

**Figure 22: How likely would you be to recommend teaching as a good profession to take up, to someone who is thinking of entering the profession? Longitudinal data<sup>1213</sup>**



The final question within this section of the survey asked members if they had any additional comments they would like to share with regards to their health and wellbeing at work. There were 3,453 responses gathered under this question, many outlining just how exhausted and burnt-out they are feeling. So many members expressed their frustrations, reflecting that whilst they love being a teacher, and the difference they can make to the lives of children and young people, they feel that the job has become unmanageable with unrealistic workload expectations and poor resourcing within schools. Below is a small selection of the experiences that members shared.

- “Teaching is to me the greatest job, fulfilling and always interesting. I find it deeply saddening that so many colleagues across the country feel a real sense of dread or despondency. Given that virtually every teacher joins to fulfil a sense of vocation and to help make the world a better place, it is awful that so many find structures, behaviours, workloads and of course pay deals to be so harsh that teaching turns into a struggle for them. Even for teachers who feel the sense of vocation just as strongly deep into their career, the hope of making things better seems to be fading. That needs to be reversed, with pay and conditions improved to ensure recruitment and retention become expected than hoped for. Thank you.”
- “Teaching is a very difficult job to switch off from which is why our holidays are so important. Added pressures are making it impossible to get everything done within your working week which impacts on family time. This has a huge impact on health and wellbeing.”
- “I recommend this professional as I feel it is important to have people that truly care for making a difference for each child. However, I am realistic with sharing the expectations around teaching and this often leaves others shocked.”

<sup>12</sup> The 2021 survey included an “other/comments” option which is not included in the data in the chart to allow for direct comparison.

<sup>13</sup> The 2023 survey received 14,957 responses to this question.



- “I am saddened to say that this job has destroyed my mental health. I feel like I have no life outside of it and have spent my breaks over the last year getting counselling and quite often, being very sick. Other teachers are in the same boat.”
- “The atmosphere in school is so negative, I dread going into work most days and that's me at a supposedly 'good' school. I dread to think what other teachers are going through!! There are days where I am waking up in the middle of the night panicking about what needs to be done the next day. Being so tired is not helpful to the pupils and that is disheartening to think that my ability to be the best is compromised so much by the demands placed on me. It is not fair for the pupils or for me to be in this state of high anxiety/stress. This is so far from 'Getting It Right For Every Child'!!”
- “Having previously had a career in HR, I feel my health and well-being at work is much improved now that I am teaching, compared to my previous roles. However, I can already see changes that are impacting on both pupils and staff negatively, in the 6 years I have been teaching. The cuts need to stop & priorities of the Local Authority and Scottish Government need to change!”
- “As Autistic and with ADHD, I am having cyclical burnouts since I started. I raised the problem with my supporter and the council but as a probationer I am afraid to be failed if insisting for adjustments. It is a very hard position and I have never got so stressed in my life. I spend my weekends and week nights working, on top of the full day in school (8.30 to 6).”
- “I am considering reducing my hours just to manage my stress. This will hopefully allow me time to recover before returning to my workplace. This is a difficult decision as I cannot really afford to. I am the main earner and need to support my husband who I have caring responsibilities for.”
- “I feel everything is at breaking point and staff at all levels are no longer able to cope. Head teacher and SMT are supportive to a point but our timetables are horrendous.”
- “My mental health has become worse year-on-year, partially due to workload, but also due to second-hand trauma from supporting children with their trauma recovery, and due to having to be constantly vigilant to protect myself and my pupils from distressed behaviour.”

## Section 4 – The Cost of Living Crisis

The final section of the 2023 EIS Member Survey explored the current cost of living crisis that has been created by inflation which has soared well into double figures, and remained high, without corresponding wage increases for many workers.

The following questions asked members about their ability to pay for household bills as well as whether they were worried about paying for certain things in the future.

**Figure 23: What impact has inflation has on your ability to pay for any of the following monthly costs?**

	No impact	Some impact – I’m starting to struggle or am worried about paying for this in the coming months	Significant impact – I’m struggling to afford to pay for this	Not Applicable
<b><u>Rent/Mortgage</u></b> (14,788 total responses)				
All Respondents	26.1%	50.4%	12.9%	10.5%
BME Respondents	20.2%	49.8%	20.5%	9.5%
Women Respondents	25.9%	50.6%	12.4%	11.1%
Caring Responsibility Respondents	22.7%	53.7%	16.1%	7.6%
Disabled Respondents	22.6%	45.7%	23.2%	8.5%
<b><u>Weekly Food shop</u></b> (14,749 total responses)				
All Respondents	16.7%	65.1%	16.1%	2.1%
BME Respondents	13%	59.8%	24.1%	3.1%
Women Respondents	16.5%	65.6%	15.7%	2.3%
Caring Responsibility Respondents	12.1%	65.4%	21.1%	1.3%
Disabled Respondents	11.8%	58.3%	28.7%	1.3%
<b><u>Clothes for self and/or children</u></b> (14,709 total) responses				
All Respondents	25.0%	49.2%	19.0%	6.8%
BME Respondents	19.6%	45.4%	26.2%	8.8%
Women Respondents	24.5%	49.6%	19.1%	6.8%
Caring Responsibility Respondents	17.1%	55.8%	24.3%	2.8%
Disabled Respondents	19.6%	43.6%	30.5%	6.2%

<p><b><u>Childcare – including afterschool clubs and wraparound care</u></b> (14,646 total responses)</p>				
All Respondents	19.6%	14.6%	7.9%	58.0%
BME Respondents	21.1%	16.8%	12.9%	49.2%
Women Respondents	18.6%	13.9%	7.6%	59.8%
Caring Responsibility Respondents	22.4%	25.2%	14.8%	37.7%
Disabled Respondents	19.1%	9.8%	10%	61%
<p><b><u>Running a car – including petrol, tax and insurance, and maintenance costs</u></b> (14,805 total responses)</p>				
All Respondents	13.4%	57.7%	23.4%	5.5%
BME Respondents	9.9%	49.4%	31.9%	8.7%
Women Respondents	13.2%	58.7%	22.5%	5.5%
Caring Responsibility Respondents	10.4%	57.5%	28.4%	3.7%
Disabled Respondents	8.9%	46.3%	34.1%	10.7%
<p><b><u>Wellbeing activities – therapy sessions, gym memberships, wellbeing classes and apps etc.</u></b> (14,778 total responses)</p>				
All Respondents	14.5%	35.7%	34.1%	15.8%
BME Respondents	9.5%	34.5%	42.8%	13.3%
Women Respondents	13.5%	35.7%	34.6%	16.2%
Caring Responsibility Respondents	10.5%	32.4%	41.7%	15.3%
Disabled Respondents	8.7%	27.4%	51.5%	12.3%

The table above shows that a significant number of EIS members are struggling with the cost of living with 50% of respondents saying they are starting to struggle or are worried about paying for their rent or mortgage, and a further 13% saying that they are already struggling to afford it. 65% said they are starting to struggle or are worried about their weekly food shop, and almost a quarter of respondents said they are already struggling to afford running a car. 70% said there has been some impact, or a significant impact on their ability to pay for wellbeing activities. This is especially concerning when examined alongside the health and wellbeing findings of this report.

Disabled members were more likely than all other groups to notice a significant impact across all areas apart from childcare costs. There wasn't a considerable difference for members who identified as a woman, and this may be attributed to the fact that the vast majority of total responses gathered were from women.

Members were then asked if they were having to cut back on, or go without a range of social activities and seasonal spending. As the survey was open from the end of December, and this is usually a time of increased spending demands, the EIS was eager to see if the cost of living crisis affected their Christmas holidays as well as their ability to spend on leisure activities.

As Figure 24 below shows, a fifth of all respondents said that they are having to go without spending on social activities, and 29% said that they are having to go without spending on holidays. Additionally, 76% said they had to cut back on Christmas presents for friends and family this year.

**Figure 24: Are you having to cut back on, or go without any of the following:**

	No, I can continue to spend on this as expected to	Yes, I'm having to cut my spending on this	Yes, I'm having to go without this as I can't afford it	I don't know	Not applicable
<b><u>Social activities - e.g. cinema, dining out, other night's out, Christmas celebrations etc.</u></b> (14,813 total responses)					
All Respondents	9.9%	67.4%	19.5%	1.2%	2.0%
BME Respondents	6.8%	64.6%	25.9%	1.1%	1.5%
Women Respondents	9.4%	67.7%	19.7%	1.2%	2.0%
Caring Responsibility Respondents	6.4%	64.6%	26.3%	1.0%	1.7%
Disabled Respondents	6.5%	54.2%	35.2%	0.5%	3.6%
<b><u>Christmas presents for friends and family</u></b> (14,754 total responses)					
All Respondents	14.7%	76.1%	5.9%	1.1%	2.2%
BME Respondents	7.6%	68.3%	12.6%	1.9%	9.5%
Women Respondents	14.0%	76.9%	5.7%	1.1%	2.2%
Caring Responsibility Respondents	10.7%	79.5%	7.2%	0.9%	1.7%
Disabled Respondents	10.5%	72.5%	12.5%	0.7%	3.8%
<b><u>Holidays</u></b> (14,769 total responses)					

All Respondents	9.3%	57.4%	29.3%	2.0%	2.0%
BME Respondents	5.3%	54.0%	36.9%	2.7%	1.1%
Women Respondents	9.1%	57.6%	29.3%	2.0%	2.0%
Caring Responsibility Respondents	6.7%	55.6%	34.5%	1.7%	1.5%
Disabled Respondents	6.5%	43.6%	45.7%	1.3%	2.9%

Again, similar to the responses examined in Figure 1, we can see in Figure 2 that disabled members were the most likely of all groups to report going without certain things as they couldn't afford them. This shows the impact of the cost of living crisis on disabled members especially; however Figure 2 also shows that BME members and those with a caring responsibility were more likely to report going without holidays, social activities and Christmas presents than members who did not highlight belonging to a protected group. Again there is little difference in responses gathered from women.

### Health and Wellbeing Impacts

As we know, struggling to afford the necessities in life can have a significant impact on overall wellbeing. Under the question explored in figure 2 members were asked if they wanted to share any additional comments. In total 422 comments were left, many of which highlighting the personal toll that money pressures had placed on them. Below is a small, but representative sample of member views.

- "I'm very lucky as I'm a single person, so I don't have any dependents. I can see how hard it currently is for my colleagues who have children."
- "I can't afford to replace my work shoes which are falling apart. I also can't afford to buy a warm appropriate jacket for work."
- "We are having to watch our energy bills closely which is difficult when you are living in Scotland and it is dark by 4pm and minus 10 degrees outside."
- "We regularly have the heating off, or turned down to 10 degrees to try and counteract the energy prices. I'm concerned this will lead to damp in our home and cause health issues for my wife and sons."
- "I feel it is important to note that I am married and my husband has quite a well paid job which is why I able to say I can continue to spend normally. If this was not the case then I would definitely not be able to afford even the basics for my family."
- "As a teacher I had hoped for a higher quality of life, to feel more financially comfortable. This is not the case - have not been able to afford a holiday abroad once during my 15 year career."

"My children's Christmas was paid for by my dad as I couldn't afford any extra outgoings. Coming out from being a student and earning very little during my time studying, all reserves were used to retrain as a teacher.

## **Foodbanks**

When asked, only 1% of respondents<sup>14</sup> said that they have had to use a food bank in the last 6 months. The number is slightly higher for members who identified themselves as disabled, as 4% said they had used a foodbank in the last 6 months.

Of those who said they had used a foodbank in the past 6 months the majority, 79%, said they had done so for the first time<sup>15</sup>. This shows that whilst the number of EIS members who have used the services of a foodbank are small, they are being forced into using this support for the first time as a result of the cost of living crisis.

And while 1% is a small minority, it is indicative of the fact 191 members were using food banks at the time the survey was live.

## **Government Support**

When asked, 5% of members said they have had to rely on Government support with the cost of living.<sup>16</sup> This includes, but is not limited to, working tax credit, council tax rebate and income support. This number was slightly higher for those with caring responsibilities (8%) and disabled respondents (12%) showing the unequal impacts of the cost of living crisis according to protected characteristics and personal circumstances.

## **Resources for the classroom**

The EIS has been aware of increasing numbers of teachers using their own money for classroom supplies since austerity policies were introduced after the last financial crash. When asked if they spent any of their own money to buy food, clothing, school equipment, or pay for pupils that they teach so they don't go without, the vast majority, 69%, said yes. Only 31% said they did not use their own money to support pupils.

Additionally, when asked if the cost of living crisis has affected their spending on classroom resources, 51% said they spend less because they can no longer afford it, and 15% said they spend more because of greater need.

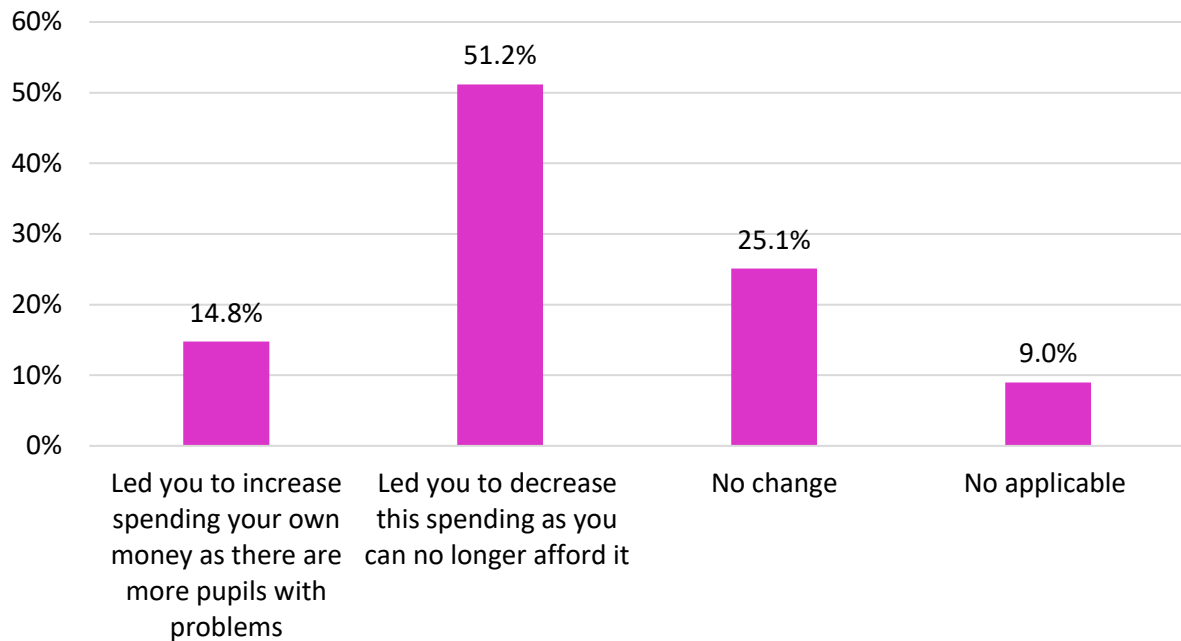
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<sup>14</sup> 14,849 responses were gathered under this question.

<sup>15</sup> 199 respondents answered this question asking if this was the first time they had used a food bank.

<sup>16</sup> 14,780 responses were gathered under this question

**Figure 25: When it comes to buying materials or resources for your classroom (from your own money) has the cost of living crisis:**



Total responses: 14,774

Finally, members were asked if there was anything further that they would like to add in relation to the cost of living crisis. Within the 2,851 comments left, members shared that they were struggling to pay for everyday costs and were worried about the future. Some members said they were having to borrow money from their family and others were saying that they were now reliant on the wage of another family member such as their partner. Below are some of the comments left by members under this section.

- “I don't think the public or the government realise the actual hours teachers work, and assume working hours are the same as the school day. I also don't think they realise the time, effort, personal sacrifice and money teachers spend on doing the best they can by their pupils.”
- “The pay does not reflect the work that we do and the qualifications that we have.”
- “We wish more people knew the expectations for teachers. My family and friends are so supportive but only because they know. I feel that a lot of the resentment from public is due to a severe misunderstanding of what being a teacher entails. It is not just a job, we can never switch off and our wages are always cut due to supplying essentials such as breakfast for children that do not have. This is only a small part of the expectations of teachers. Thank you.”
- “Very concerned about the erosion of salary, with its impact on standard of living and final pension. Cost of travel and potentially paying for work parking space (previously mentioned in some regions as a pollution limiting option) is a great concern.”
- “The devaluation of our salary has resulted in a devaluation of the profession.”
- “I am having to cut hours due to stress but realistically cannot afford to do so.”

- “I am constantly stressed about money. I have a lot of debt because of the cost of living. My children are going without trips at the weekend because I am always catching up on work load and can’t afford to take them to soft play. It doesn’t pay to be a teacher. No money no respect completely exhausted!!”
- “I worked really hard for my Pupils in lockdown and now feel like it's back to square one now that schools are back in. The Government takes us for granted and shovel anything that needs fixed in our society and expects us to solve it with less budget.”
- “We are so undervalued and we have been paying for and providing resources for our pupils for far too long.”



## Survey Reflections

This survey reports on the key issues around teacher workload, health and wellbeing as well as the current pressures of soaring inflation. Many of the issues within this survey have been raised by thousands of members time and time again. Poor resourcing for Additional Support for Learning, behaviour issues within the classroom, workload demands that far exceed the working week, and a lack of support for the ever-mounting additional duties that are placed on teachers are not new issues. Where comparable data exists, it is also clear that member experiences are not improving despite political promises and relentless campaigning from the EIS and other interested parties.

Each one of the issues highlighted within this report is shocking in its own right. EIS members contemplating leaving the profession because their workload is too high, teachers worried about, or struggling to pay their rent or mortgage, and an education workforce that is being forced to work in environments so stressful that it is making them unwell.

The very poor levels of wellbeing and high levels of stress reported by our members show that the teaching profession is on its knees. We know that long term stress can have considerable impacts on both physical and mental health, and the shockingly high levels that our members are exposed to daily are neither sustainable for individual workers nor for the education system as a whole.

Workload is a key driver of this workplace stress and must be tackled as a matter of urgency by the Scottish Government and employers, both in the interests of health and safety, the attractiveness of the teaching profession, and sustainable, quality education for children and young people.

The EIS has been campaigning for years for reduced bureaucracy to allow teachers to use their time and talents teaching Scotland's children and young people rather than completing tasks that have no direct impact on learning. The EIS has also been clear that we must reduce class sizes, moving towards a maximum of 20, in order to bring Scotland in line with many OECD counterparts and deliver stronger outcomes for children and young people. The Scottish Government must also deliver on its manifesto promise to reduce class contact time and avoid pushing too many teachers to the point of burnout.

This survey data underscores the need for clear vision, an effective strategy and significant additional investment in Education from the Scottish Government, rooted in the understanding that teachers working conditions are young people's learning conditions, to which learner outcomes are inextricably linked.

## Further Information

For more information on any of the themes within this report please contact:

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Member advice and support can be found here:

<https://www.eis.org.uk/Member-Support/Advice>

For more information on the health and wellbeing support available:

<https://www.eis.org.uk/Member-Support/HWRResource>

Professional Learning Opportunities:

<https://www.eis.org.uk/Meetings-And-Events/Courses>

For more information on the Educational Institute of Scotland:

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# **EIS Member Survey 2023**

## **Briefing 1 – Workload**

April 2023

The Educational Institute of Scotland

## Background

The EIS school sector survey was opened on Wednesday 21<sup>st</sup> December 2022 and closed on the 31<sup>st</sup> January 2023. The survey has a total of 37 questions, but owing to survey design, most members were not required to answer all questions.

In total 16,475 responses were gathered, with a return rate of 32%. This turnout shows just under a third of all members eligible have completed the survey. The average response time to complete the survey was 7 minutes; however, some members noted that it took them longer than this due to the extended answers that they gave.

Eligible members were emailed a link to the survey, which was also promoted on the EIS social media pages. Prior to the survey going live to members, it was issued to a small test sample for peer review.

The survey was broken down into 4 sections: About You, Workload, Health and Wellbeing and the Cost of Living. There was also an opportunity at the end of each section for members to note any further comments.

None of the questions were mandatory. This allowed respondents to skip questions as they progressed throughout the survey. This was done to ensure that there was no false recording within the survey, to improve confidence in the results. Some questions also had 'logic' applied, meaning that respondents would be redirected to different follow-on questions depending on the answers they gave. Details of how many respondents answered each question are included throughout this briefing.

All figures within this report have been rounded to the nearest one decimal place, meaning that some questions may not have a total exacting 100%, with other questions within the survey allowing for multiple responses.

There was considerable opportunity for members to record more detailed answers to the questions posed, either by using comment boxes, or by ticking an "other" option where appropriate. Throughout this report member comments have been included under the corresponding questions. As some questions within the survey elicited thousands of additional comments or responses, the quotes selected are only a snapshot of this wider data but have been chosen to reflect the majority of views captured.

### Margin of Error

This survey was conducted on the Survey Monkey platform. Survey Monkey describes the margin of error as:

"Margin of error (also called confidence interval) indicates the level of certainty with which you can expect your survey results to reflect the views from the overall population. Surveying is always a balancing act where you use a smaller group (your survey respondents) to represent a much larger one (the target market or total population).

"Margin of error is often used as a way of measuring how effective a survey is. The smaller the margin of error, the more confidence you may have in your results. The bigger the margin of error,

the farther they can stray from the views of the total population. One way in which to reduce the margin of error is to increase the sample size.”<sup>1</sup>

Using the full eligible membership as our baseline figure, the margin of error with our total survey sample of 16,475 is less than one percent<sup>2</sup>.

### **Survey demographics**

The first section of the survey asked respondents to fill in key details about themselves. The answers given in these opening sections give an indication of who our members are and what they teach. Whilst these answers provide insight into EIS teacher members when looked at on their own, they can also be analysed alongside other questions within this survey to provide information on how different sections of EIS membership responded to certain issues. Where the sample size was lower than 1,000, these have not been disaggregated to ensure confidence in the results.

Within the survey, members were asked whether they taught in Primary, Secondary, Nursery, or Special schools (with the ability to select more than one option as appropriate), with Secondary school teachers then also being asked what subject(s) they taught. Members were asked, also, to state what their substantive post is from a range of options, and which local authority they worked in.

For the first time, members were asked to state if they identify as a woman, and if they identify as Black, Asian or Ethnic Minority (BAME). They were also asked if they identify themselves as being disabled, as well as asking if they had caring responsibilities.

Key findings from the “about you” section are:

- 55% of respondents work in Primary education, 34% in Secondary and 5% in Special education;
- 66% of respondents are main grade teachers;
- 82% of respondents identify as being a woman;
- 36% have a caring responsibility;
- 2% of respondents identify as Black, Asian or Ethnic Minority (BAME); and
- 4% identify as disabled

Where useful, results have been refined to illustrate nuances in response based on indicators such as sector worked in, post held or any other relevant characteristic.

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<sup>1</sup> Survey Monkey, Margin of Error Calculator [https://www.surveymonkey.com/mp/margin-of-error-calculator/?ut\\_source=mp&ut\\_source2=sample-size-calculator&ut\\_source3=inline&ut\\_ctatext=margin%2520of%2520error%2520calculator](https://www.surveymonkey.com/mp/margin-of-error-calculator/?ut_source=mp&ut_source2=sample-size-calculator&ut_source3=inline&ut_ctatext=margin%2520of%2520error%2520calculator)

<sup>2</sup> Ibid.

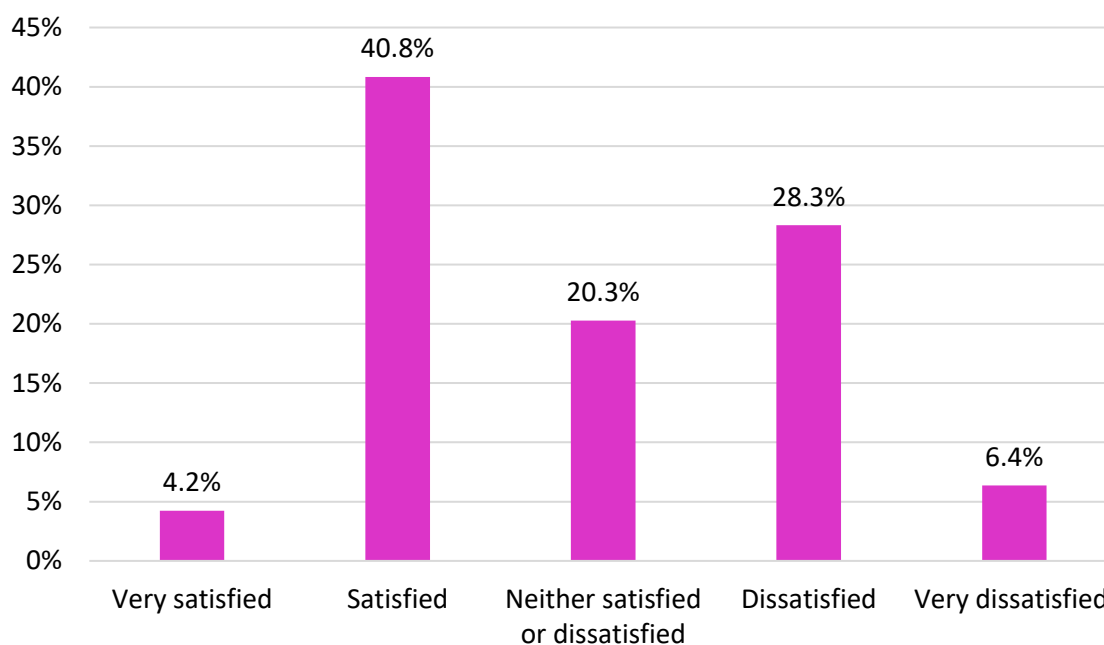
## Workload

Workload has repeatedly been raised as a significant issue by EIS members. From the surveys we have carried out over several years now, we know that excessive workload continues to be a key source of stress ,pushing members into poorer health.

Within this section we asked members directly about their perceptions of workload, and if they felt they could achieve all that was expected from them within their contracted hours.

Figure 1 below shows that less than half of all respondents were satisfied or very satisfied with their job overall.

**Figure 1: How satisfied are you with your job overall?**



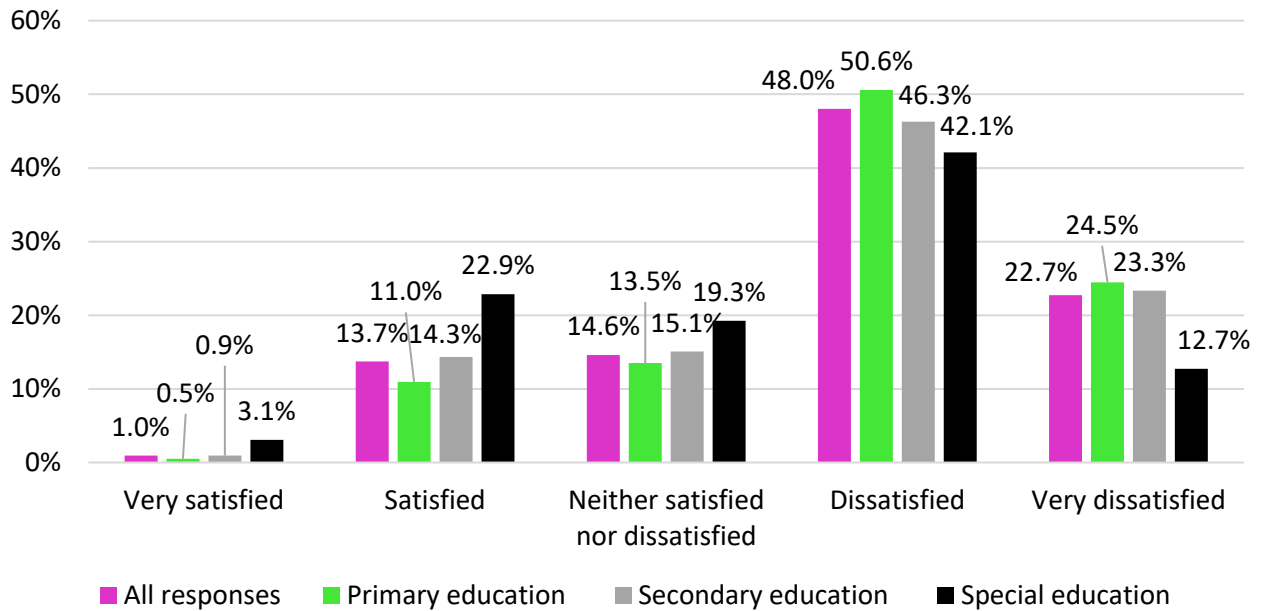
Total responses: 16,057

Members were then asked how satisfied they were with their workload levels generally. Figure 2 shows that only 15% of members are satisfied or very satisfied with their workload levels generally, with 71% saying they are either dissatisfied or very dissatisfied.

When comparing satisfaction levels between sectors, there isn't a considerable difference between the views of Primary or Secondary teachers, but there does seem to be higher levels of satisfaction from members working in the Special Education sector. Analysis was done to determine if part-time members were more satisfied with their workload and the findings did not indicate a significant difference between part-time and full-time workers' perceptions of their workload.

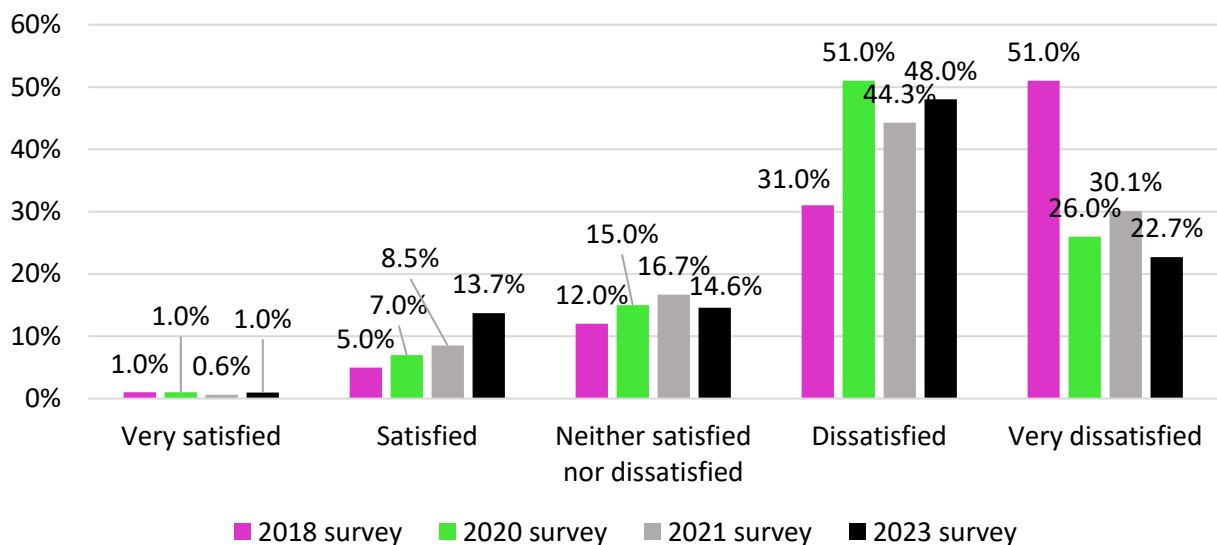
Figure 3 shows the findings from the 2021 member survey and shows that this most recent survey does demonstrate a slight improvement in workload satisfaction. It should be noted, however, that the 2021 survey took place when COVID management procedures and restrictions were still in place.

**Figure 2: How satisfied are you with your workload levels generally?**



Total responses: 15,886

**Figure 3: How satisfied are you with your workload levels generally? Comparisons between 2021 and 2023<sup>3</sup> surveys**

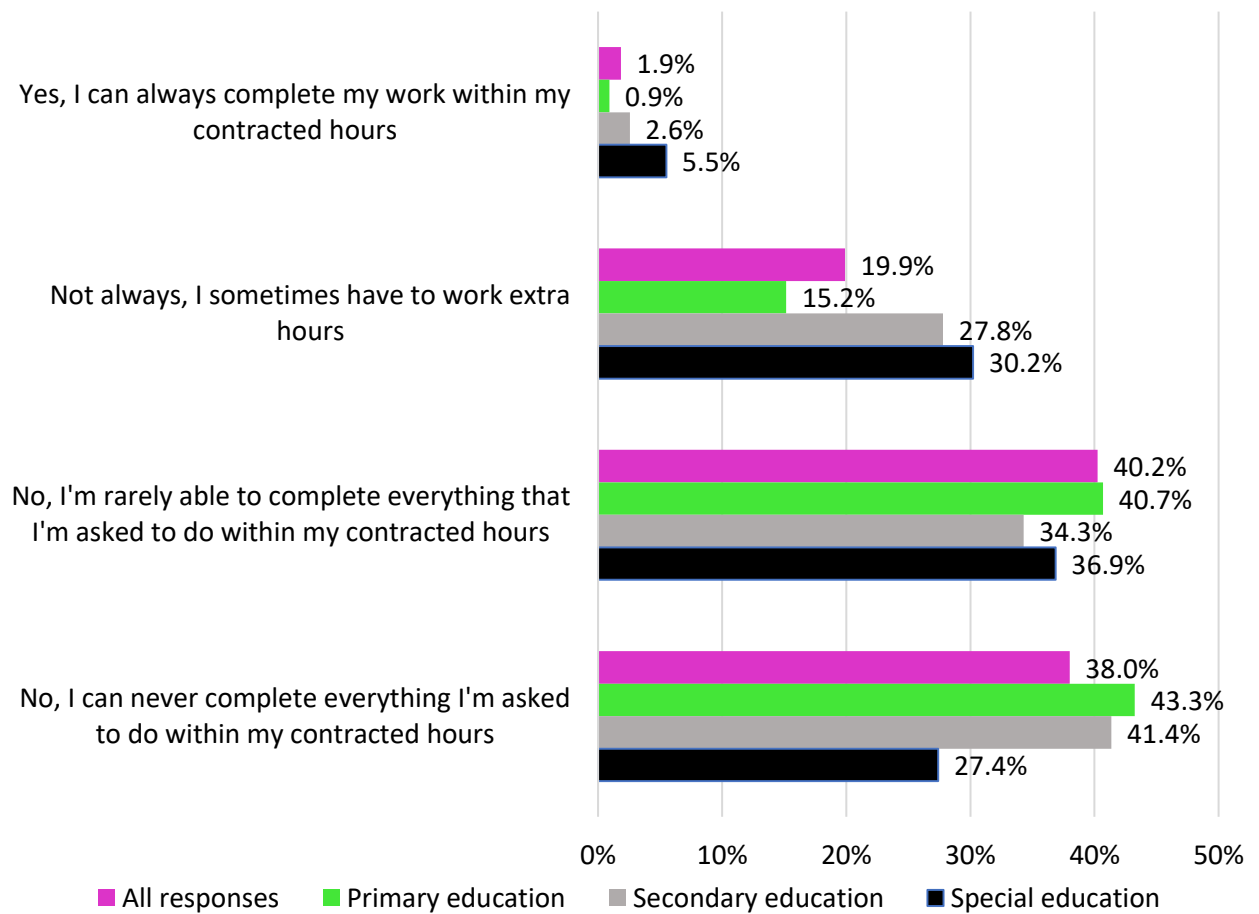


<sup>3</sup> EIS Member Survey 2021: Health and Wellbeing Findings (December 2021)  
<https://www.eis.org.uk/research/survey2021>

## Workload demands

When asked if members felt they could complete all of the tasks that are given to them, only 2% of respondents said they could do so within their contracted hours. Over a third, 38% said that they can never complete everything they are asked to do within their set hours, and a further 40% said they are rarely able to. Figure 4 below shows the full breakdown of responses, including the responses gathered from those working in the Primary, Secondary and Special Education sectors.

**Figure 4: Do you feel that you can complete all of the tasks that are given to you within your working week?**



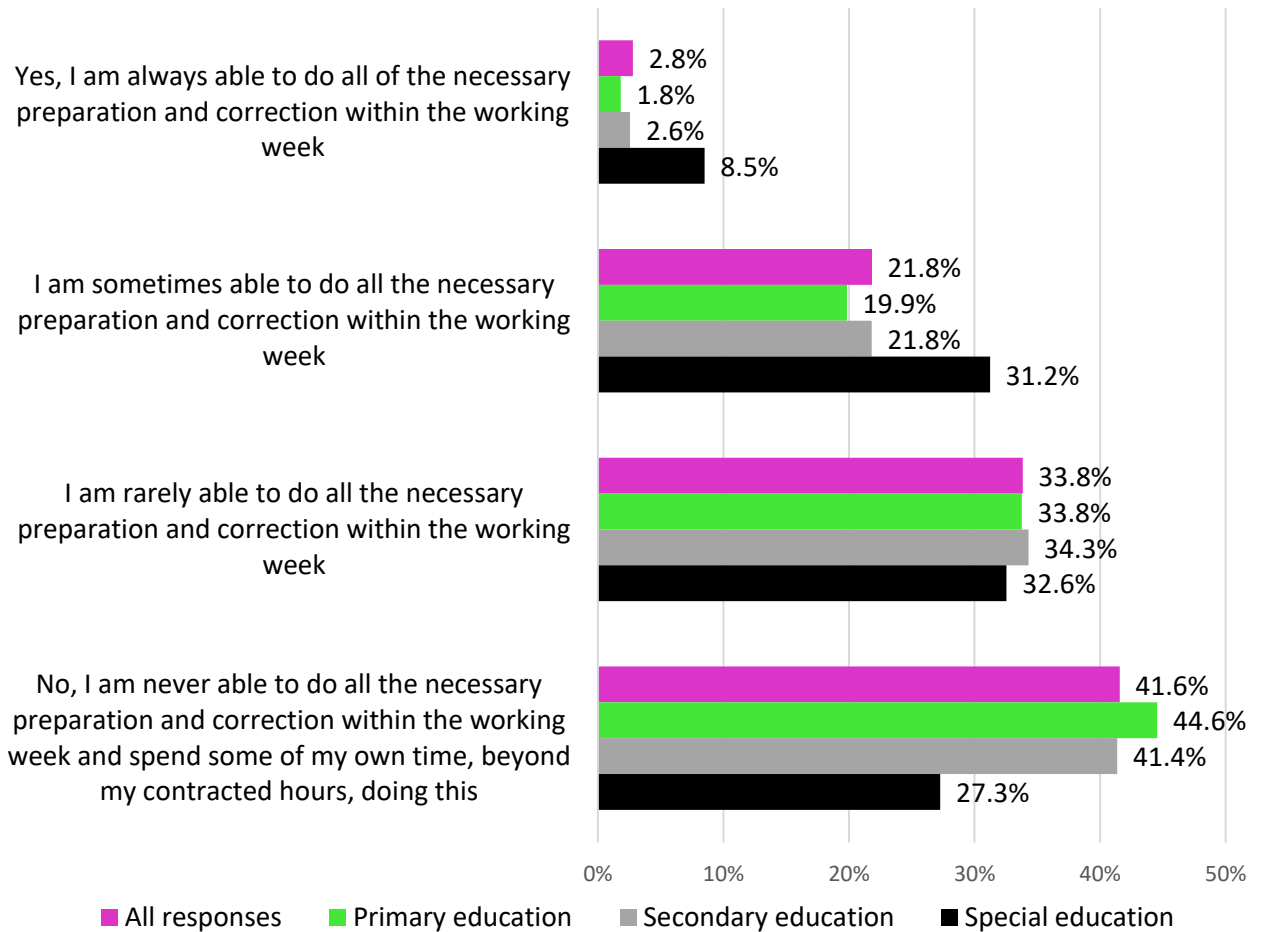
Total responses: 15,920

Figure 5 below also shows the extent of the workload pressures placed on members. In this graph, it shows that only 3% of all respondents said they had enough time for the necessary preparation and correction within their working week. 42% said they never have enough time for preparation and correction and spend some of their own time, beyond their contracted hours doing this. This shows the extent of the workload burden that is placed on members and the extent to which they are doing unpaid work in order to fulfil the demands placed upon them.



Those working in the Special Education sector were more likely to say that they had enough time for all of their preparation and correction, but this figure was still very low with only 9% saying they were always able to complete this within their working week.

**Figure 5: Do you think that you have enough time each week for preparation and correction?**

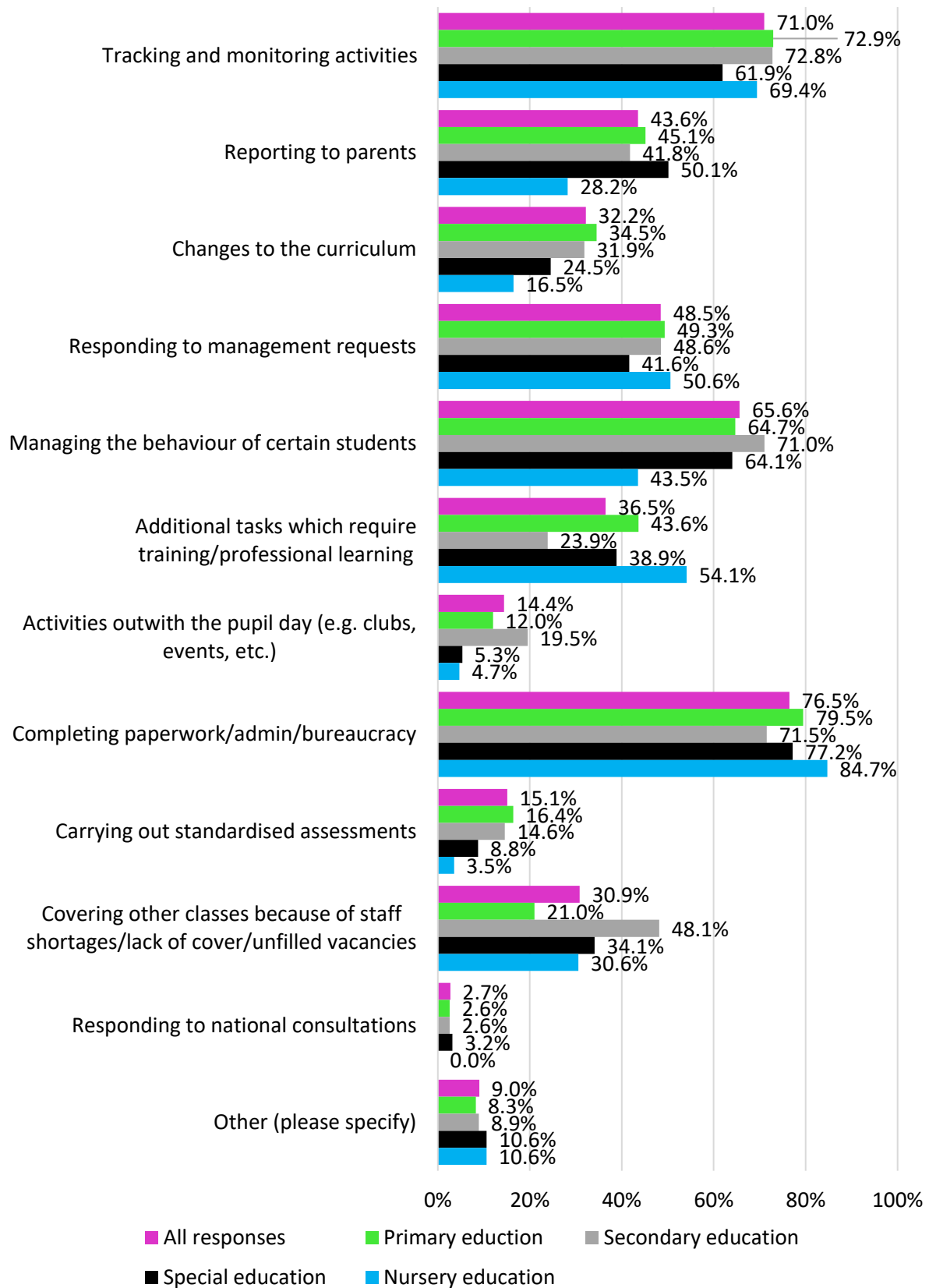


Total responses: 15,658

EIS members were then asked what the biggest drivers of their workload were, beyond teaching in class, preparation and correction. Figure 6 shows that the 5 biggest drivers of workload for teachers are: completing paperwork/admin/bureaucracy; tracking and monitoring activities; managing the behaviour of certain students; responding to management requests and additional tasks which require training/professional learning. Figure 6 also shows the difference between Primary, Secondary, Special and Nursery settings.

Figure 7 breaks down the workload pressures of members by their substantive post. From this table, there is a clear divide between probationers and main grade teachers who cite tracking and monitoring activities as the biggest driver of their workload, and principal teachers and head/depute head teachers who were most likely to report completing paperwork/admin/bureaucracy as their main driver of workload.

**Figure 6: Beyond teaching, preparation and corrections, what are the biggest drivers of your workload? (Please tick the top 5)**



Total responses: 15,551

**Figure 7: Beyond teaching, preparation and correction, what are the biggest drivers of your workload?**

Answer choices	Probationer	Main Grade Teacher	Principal Teacher	Head and Depute Head Teacher
Tracking and monitoring activities	<b>78.6%</b>	<b>76%</b>	64.1%	48%
Reporting to parents	32.5%	45.8%	42.35%	39%
Changes to the curriculum	15.72%	35.4%	32.7%	22.1%
Responding to management requests	36.7%	50.6%	54.8%	27.6%
Managing the behaviour of certain students	68.6%	64.8%	71.7%	75.4%
Additional tasks which require training/professional learning	60.5%	38.2%	26%	24.2%
Activities outwith the pupil day (e.g. clubs, events, etc.)	22.9%	14.8%	13.9%	9.2%
Completing paperwork/admin/bureaucracy	70.1%	75.7%	<b>81.8%</b>	<b>84.5%</b>
Carrying out standardised assessments	20.7%	15.8%	10%	7%
Covering other classes because of staff shortages/lack of cover/unfilled vacancies	14.4%	25.34%	48.2%	63%
Responding to national consultations	1.1%	1.8%	4.1%	12.8%
Other (please specify)	7%	7.8%	10.7%	17.1%

Total responses: 15,551

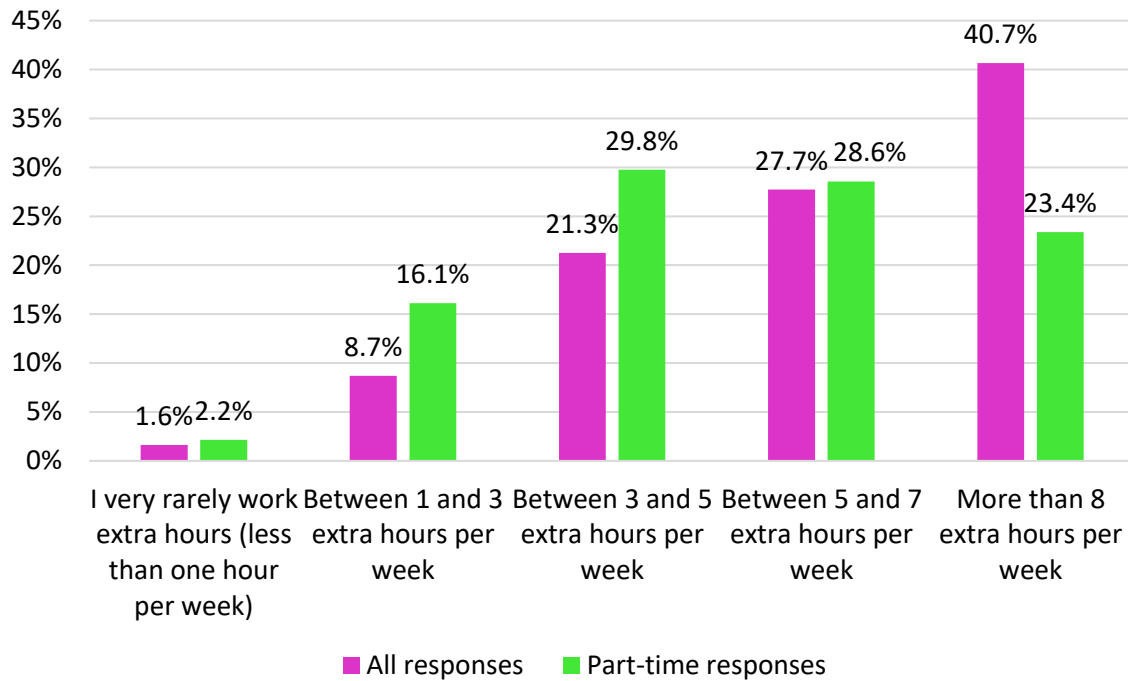
Within this question members were also offered the option of “other” as a response. In total 1,403 responses were gathered under this option. Within the comments gathered under this response option, there were various additional pressures that members listed. Additional Support Needs were mentioned numerous times, not just in terms of the demands in the classroom but also the referral processes and securing adequate additional support for pupils. There were also numerous comments highlighting the ICT challenges of lesson planning and reporting.

### **Additional Hours Worked**

Alongside the challenges of their roles, members also reported that they regularly work additional hours in order to complete all that is demanded of them. Figure 8 below shows how many additional hours members report working in a typical week. More than 40% of members said that they work more than a full extra day at work each week, with only 2% saying that they very rarely work extra hours. Part-time workers also reported working many additional hours with, again, only 2% saying

that they rarely work extra hours, and almost a quarter saying they work more than 8 extra hours each week. 24% of all respondents reported working part-time.

**Figure 8: How many hours a week outside of your contracted hours do you usually work? (by working pattern)**



Total responses: 15,518<sup>4</sup>

Figure 9 looks at the longer-term trends around working additional hours. There has been a drop in the number of members working 8 or more hours extra in a typical week since 2018. However, there has been an increase in those working between 3 and 5 extra hours, and a general upward trend of members reporting they work between 5 and 7 additional hours per week.

<sup>4</sup> There were 87 responses to the answer choice “not applicable” which have not been included in this graph. This figure represents all responses including those who ticked “not applicable” as an option.

**Figure 9: How many hours a week outside of your contracted hours do you usually work?  
(longitudinal data)**

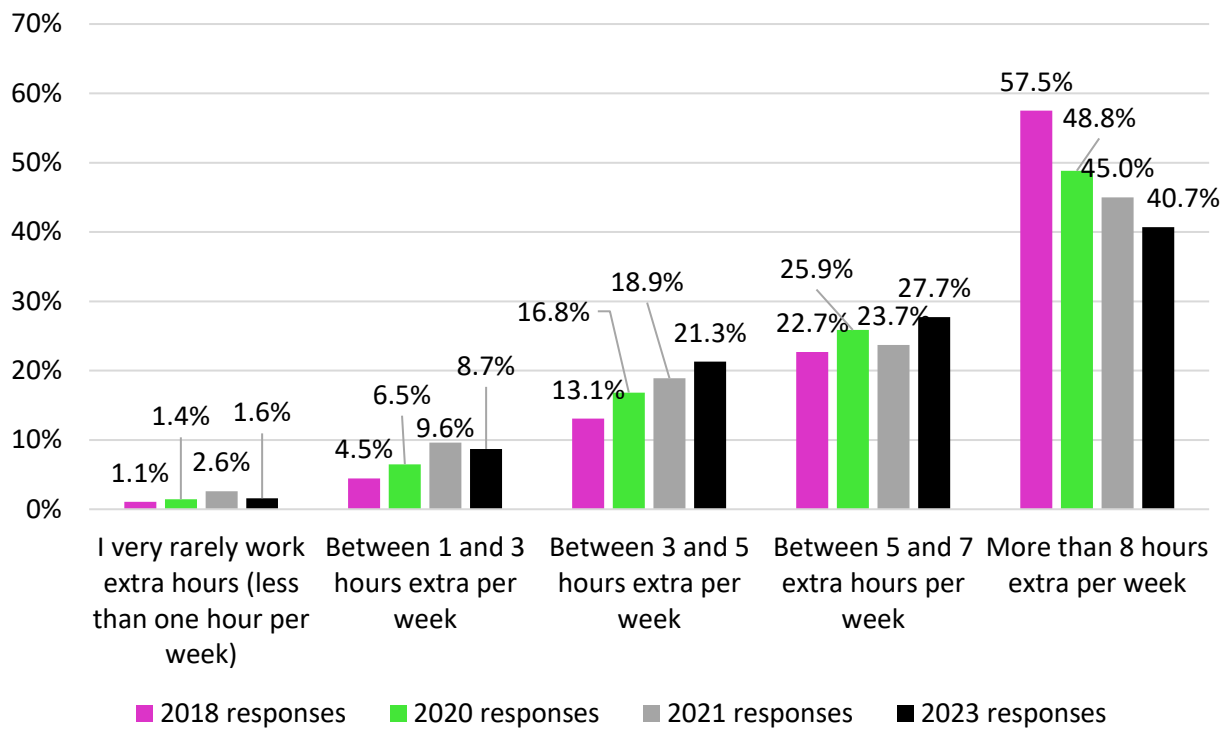


Figure 12: Which of the following do you think would make the biggest impact in reducing your workload? (please tick top 3) by sector

Answer Choices	All responses	Primary education	Secondary education	Special education	Nursery education
Smaller class sizes	51.1%	60.0%	43.5%	25.3%	38.3%
Less paperwork/bureaucracy	49.1%	50.6%	45.5%	<b>56.6%</b>	48.1%
Realistic expectations regarding digital learning	12.2%	11.0%	13.6%	14.4%	7.4%
Fewer contact hours with pupils	29.5%	20.2%	46.4%	26.6%	16.0%
Fewer changes to the curriculum and new initiatives	26.8%	28.8%	24.7%	24.8%	30.9%
More curriculum support	12.5%	12.5%	12.4%	14.0%	12.3%
More resources/funding to support pupils' learning	37.9%	39.8%	32.2%	47.6%	42.0%
More staff/supply cover (including access to subject specialists)	33.7%	31.1%	37.3%	39.8%	43.2%
More classroom assistants/support for inclusion and pupils with additional support needs	<b>59.8%</b>	<b>70.0%</b>	45.1%	53.8%	<b>63.0%</b>
Professional autonomy/being left to do my job	20.1%	19.1%	20.4%	23.2%	34.6%
More supportive management/leadership	14.2%	11.1%	17.9%	19.4%	14.8%
Improved pupil behaviour in the classroom	36.9%	32.5%	<b>47.3%</b>	22.5%	32.1%
Other (please specify)	4.6%	4.4%	4.3%	4.6%	6.2%

Total responses: 15,173

Figure 13: Which of the following do you think would make the biggest impact in reducing your workload? (please tick top 3) by substantive post

Answer Choices	All responses	Probationer teacher	Main grade teacher	Principal teacher	Head and Depute Head Teacher
Smaller class sizes	51.1%	49.4%	56.9%	39.5%	24.7%
Less paperwork/bureaucracy	49.1%	40.9%	49.7%	50.4%	47.4%
Realistic expectations regarding digital learning	12.2%	10.6%	12.5%	11.4%	7.7%
Fewer contact hours with pupils	29.5%	33.7%	31.1%	34.8%	8%
Fewer changes to the curriculum and new initiatives	26.8%	11.9%	28.0%	28.0%	26.3%
More curriculum support	12.5%	19.6%	12.5%	12.8%	11.8%
More resources/funding to support pupils' learning	37.9%	40.7%	36.2%	38.9%	46.9%
More staff/supply cover (including access to subject specialists)	33.7%	29.7%	30.4%	42.7%	60.7%
More classroom assistants/support for inclusion and pupils with additional support needs	<b>59.8%</b>	<b>66.3%</b>	<b>59.7%</b>	<b>54.8%</b>	<b>76.4%</b>
Professional autonomy/being left to do my job	20.1%	10.6%	20.9%	18.1%	17.6%
More supportive management/leadership	14.2%	9.7%	15.2%	13.1%	4.2%
Improved pupil behaviour in the classroom	36.9%	41.8%	36.2%	41.5%	35.1%
Other (please specify)	4.6%	2%	3.9%	5.8%	8.5%

Total responses: 15,173

## Reducing Workload Demands

Figure 12 above highlights EIS members' views on what they believe would have the biggest impact in reducing their workload. 60% of all respondents said that more classroom assistants/support for inclusion and pupils with additional support needs (ASN) would make a big impact in reducing their workload. This was followed by smaller class sizes (51%) and less paperwork/bureaucracy (49%).

When this question was broken down by sector, more classroom assistants/support for inclusion and ASN was the top response in Primary and Nursery sectors (70% and 63% respectively). However, in Secondary schools improved pupil behaviour in the classroom was the response that garnered the most responses, and in Special Education it was less paperwork/bureaucracy.

When this question was broken down by substantive post, there was unity across probationer, main grade, principal and head/depute head teachers as more classroom assistants/support for inclusion and ASN, was the top response given when asked what would make the biggest impact to reducing their workload.

There were 703 responses collected under the "other" answer choice. Additional comments under this response included greater support from senior leadership and their local authorities. Some commented that whilst initiatives were well meaning, they often added significantly to their workload without an immediate impact on pupils' learning. This was also reflected in some comments that expressed concern that the promised reduced contact hours would risk being eaten up by even more new programmes and initiatives, rather than freeing up the time that is needed for the workload as it stands.

Some members also mentioned that greater support from outside agencies to support children and young people would make a significant impact to their workload. Many of the comments within this section also expanded on the answer choices available, as many respondents reiterated the immediate need for additional resources to support the mainstreaming agenda, as well as the continuing pressures of pupil behaviour.

## Member Comments on Workload

At the end of this section members were asked if there was anything further that they would like to raise in relation to their workload. Over 4,321 responses were gathered under this question, with many highlighting how desperate they are for some relief of the workload in their working week. Below is a very small sample of the experiences that members shared:

- "Much of my time is spent supporting colleagues struggling due to their own tiredness, mental health worries or frustration due to feeling overwhelmed and undervalued within education. Although they know I, and senior management, support them they often don't feel that from pupils, parents and society in general, which can focus them on the negatives of the job, rather than being able to strive as they would want to on the positives and improving things. Too often the job feels like firefighting and keeping afloat (to mix metaphors)."
- "The workload is never ending and completely unmanageable. I feel like I can never do enough to support the needs of the learners as I spend so much of my time doing paperwork and other time consuming tasks. I feel guilty for not managing to complete the colossal amount of paperwork, marking and prep in school so I do it at home. But then I also feel guilty for spending so much of my evenings and weekends working too instead of



resting and spending time with my family. I should be working to live, not living to work! My physical and mental health is suffering due to the stress of workload.”

- “There’re far too many “priorities” and meetings to discuss meetings/ meetings for training when we really just need to be able to teach the pupils in front of us. Also large class sizes (32/33) with a wide range of pupil needs (EAL, dyslexia, behaviour, ASN, socio-emotional, SIMD 1/2) makes it very difficult for one teacher to meet all needs all the time regardless of how much time, effort and preparation is put in to meet all those needs.”
- “It is very hard to have a good work/life balance in this profession. Often time is given over to council initiatives to the detriment of preparing for the class in front of you. Increasingly there is less support for children who really need it, there are many more children with behaviour issues which has a negative impact on other children in the class. It’s so unfair!”
- “Support for Learning Teachers being expected to cope with a bigger workload with less resourcing and support than previously. Too many children with ASN in mainstream schools without sufficient or adequate support. This is unfair on those learners, the pupils around them and the Class Teachers. Most of the SLA support in school now directed at supporting behaviour and those with other learning needs being overlooked. This results in more pressure/workload being put on classroom teachers and support for learning teachers.”
- “Many tasks that were previously carried out by management, especially principal teachers, are being increasingly expected to be carried out by class teachers. This increases an already heavy workload.”
- “A lot of my frustration is down to the fact that so much of what I am expected to do in paperwork and management directed training is not directly impacting on teaching and learning or benefitting either myself as a teacher or my pupils as learners. It feels pointless, yet it takes up so much of my time and energy. I would much rather put this time and energy into planning my lessons and classroom organisation and my own professional development.”

### **Health and Wellbeing Impacts**

Within the comments left at the end of this section of the survey there were a significant number of members that highlighted the toll their workload was having on their mental health, and overall wellbeing. Below are a small number of these comments.

- “I love teaching, but the workload and stress the job brings affects my physical and mental health and takes time away from my family.”
- “I will have to leave this job due to extreme anxiety and stress. I am very saddened by this, however I cannot continue working in such an environment. There is no support, no recognition, no teachers to cover. I feel like I don’t teach anymore and behaviour has gotten so bad, that I feel like I am a supervisor and not a teacher.”
- “I am more stressed than I have ever been and my confidence is at an all time low. There is an endless list of new things to do and changes to put in to place, of which we never have the sufficient time to plan for. I am expected to do play, yet I have never been trained in this area and do not have the sufficient supports in class to effectively manage this.”
- “Teaching at the moment feels like an impossible job, and it is having a huge impact on my mental health and that of my colleagues.”
- “Totally burnt out already with 30+ years still to go! Impacting physical and mental health. Absolutely unsustainable.”

- “Teachers are drowning at the moment. I have started to look for other career options as although I love working with children and have supportive colleagues I cannot maintain the hours required as family life, mental health etc are starting to suffer, I have zero down time and cannot switch off. In our relatively small school alone I can see several members of staff including myself rapidly reaching burnout.”
- “I love my job but the workload means I am left with so little time for anything else. I genuinely worry that it is damaging my health and life expectancy.”
- “I’m at breaking point. I love teaching but not sure it is the career for me if it continues this way. I don’t have a family and I genuinely don’t know how anyone manages with one as I feel I give all my time to work and not my own life/mental health.”

## Further Information

For more information on any of the themes within this report please contact:

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Member advice and support can be found here:

<https://www.eis.org.uk/Member-Support/Advice>

For more information on the health and wellbeing support available:

<https://www.eis.org.uk/Member-Support/HWRResource>

Professional Learning Opportunities:

<https://www.eis.org.uk/Meetings-And-Events/Courses>

For more information on the Educational Institute of Scotland:

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# **EIS Member Survey 2023**

## **Briefing 2 – Additional Support Needs**

April 2023

The Educational Institute of Scotland

## Background

The EIS school sector survey was opened on Wednesday 21<sup>st</sup> December 2022 and closed on the 31<sup>st</sup> January 2023. The survey has a total of 37 questions, but owing to survey design, most members were not required to answer all questions.

In total 16,475 responses were gathered, with a return rate of 32%. This turnout shows just under a third of all members eligible have completed the survey. The average response time to complete the survey was 7 minutes; however, some members noted that it took them longer than this due to the extended answers that they gave.

Eligible members were emailed a link to the survey, which was also promoted on the EIS social media pages. Prior to the survey going live to members, it was issued to a small test sample for peer review.

The survey was broken down into 4 sections: About You, Workload, Health and Wellbeing and the Cost of Living. There was also an opportunity at the end of each section for members to note any further comments.

None of the questions were mandatory. This allowed respondents to skip questions as they progressed throughout the survey. This was done to ensure that there was no false recording within the survey, to improve confidence in the results. Some questions also had 'logic' applied, meaning that respondents would be redirected to different follow-on questions depending on the answers they gave. Details of how many respondents answered each question are included throughout this briefing.

All figures within this report have been rounded to the nearest one decimal place, meaning that some questions may not have a total exacting 100%, with other questions within the survey allowing for multiple responses.

There was considerable opportunity for members to record more detailed answers to the questions posed, either by using comment boxes, or by ticking an "other" option where appropriate. Throughout this report member comments have been included under the corresponding questions. As some questions within the survey elicited thousands of additional comments or responses, the quotes selected are only a snapshot of this wider data but have been chosen to reflect the majority of views captured.

### Margin of Error

This survey was conducted on the Survey Monkey platform. Survey Monkey describes the margin of error as:

"Margin of error (also called confidence interval) indicates the level of certainty with which you can expect your survey results to reflect the views from the overall population. Surveying is always a balancing act where you use a smaller group (your survey respondents) to represent a much larger one (the target market or total population).

"Margin of error is often used as a way of measuring how effective a survey is. The smaller the margin of error, the more confidence you may have in your results. The bigger the margin of error,

the farther they can stray from the views of the total population. One way in which to reduce the margin of error is to increase the sample size.”<sup>1</sup>

Using the full eligible membership as our baseline figure, the margin of error with our total survey sample of 16,475 is less than one percent<sup>2</sup>.

### **Survey demographics**

The first section of the survey asked respondents to fill in key details about themselves. The answers given in these opening sections give an indication of who our members are and what they teach. Whilst these answers provide insight into EIS teacher members when looked at on their own, they can also be analysed alongside other questions within this survey to provide information on how different sections of EIS membership responded to certain issues. Where the sample size was lower than 1,000, these have not been disaggregated to ensure confidence in the results.

Within the survey, members were asked whether they taught in Primary, Secondary, Nursery, or Special schools (with the ability to select more than one option as appropriate), with Secondary school teachers then also being asked what subject(s) they taught. Members were asked, also, to state what their substantive post is from a range of options, and which local authority they worked in.

For the first time, members were asked to state if they identify as a woman, and if they identify as Black, Asian or Ethnic Minority (BAME). They were also asked if they identify themselves as being disabled, as well as asking if they had caring responsibilities.

Key findings from the “about you” section are:

- 55% of respondents work in Primary education, 34% in Secondary and 5% in Special education;
- 66% of respondents are main grade teachers;
- 82% of respondents identify as being a woman;
- 36% have a caring responsibility;
- 2% of respondents identify as Black, Asian or Ethnic Minority (BAME); and
- 4% identify as disabled

Where useful, results have been refined to illustrate nuances in response based on indicators such as sector worked in, post held or any other relevant characteristic.

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<sup>1</sup> Survey Monkey, Margin of Error Calculator [https://www.surveymonkey.com/mp/margin-of-error-calculator/?ut\\_source=mp&ut\\_source2=sample-size-calculator&ut\\_source3=inline&ut\\_ctatext=margin%2520of%2520error%2520calculator](https://www.surveymonkey.com/mp/margin-of-error-calculator/?ut_source=mp&ut_source2=sample-size-calculator&ut_source3=inline&ut_ctatext=margin%2520of%2520error%2520calculator)

<sup>2</sup> Ibid.

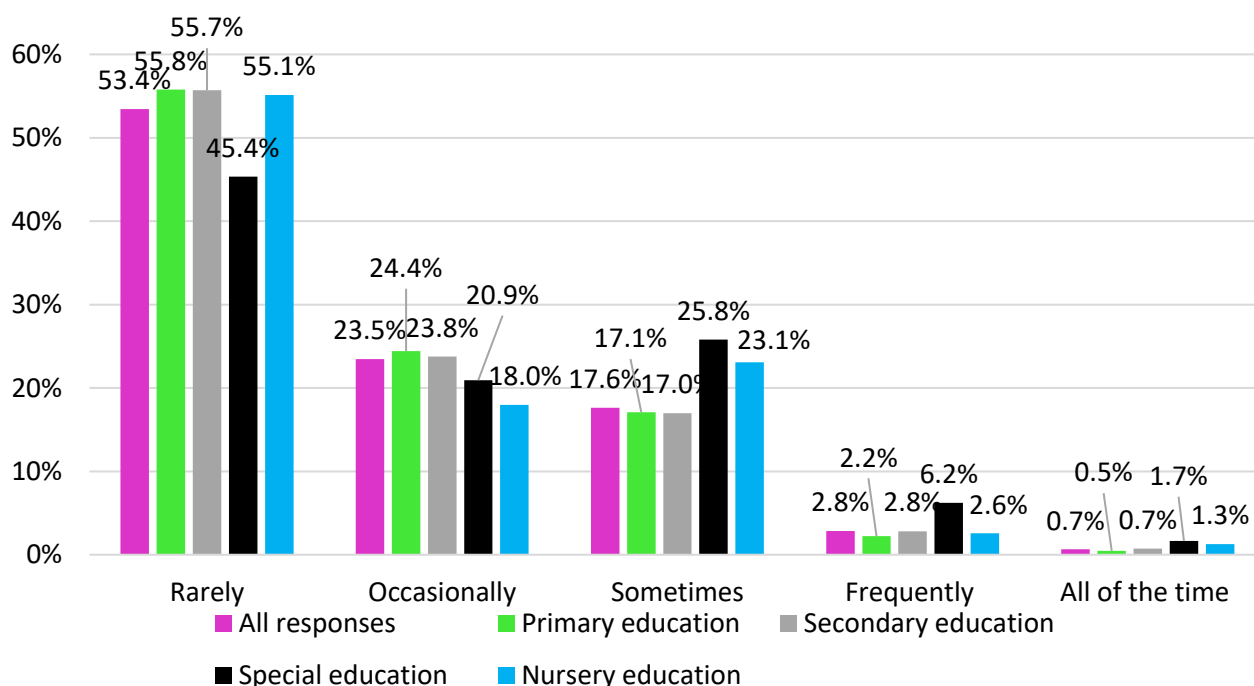
## Additional Support Needs

Within the 2023 EIS Member Survey respondents were also asked about their experiences of Additional Support for Learning and meeting pupils Additional Support Needs.

Figure 1 below explores to what extent members feel that they have sufficient time to complete paperwork, liaise with colleagues and external agencies and attend meetings in relation to supporting pupils with Additional Support Needs. The results in figure 10 paint a worrying picture with only 4% of respondents saying they feel they have sufficient time for the activities listed, frequently, or all of the time. Over half of survey respondents said that they rarely have sufficient time, with a further quarter saying that they only occasionally have enough time for the workload associated with supporting pupils with Additional Support Needs.

When this question was broken down by sector those working in Special education were the most likely to say that they sometimes, or frequently or all of the time felt that they had sufficient time for the tasks associated with supporting pupils with Additional Support Needs. Those working in the Primary sector were the most likely to report that they rarely or occasionally had enough time to meet this demand.

**Figure 1: to what extent do you feel that you have sufficient time in a typical working week to complete paperwork, liaise with colleagues and external agencies, and attend meetings in relation to supporting pupils with Additional Support Needs? (by sector)**



Total responses: 15,420<sup>3</sup>

<sup>3</sup> There were 310 responses to the answer choice “not applicable” which have not been included in this graph. This figure represents all responses including those who ticked “not applicable” as an option.

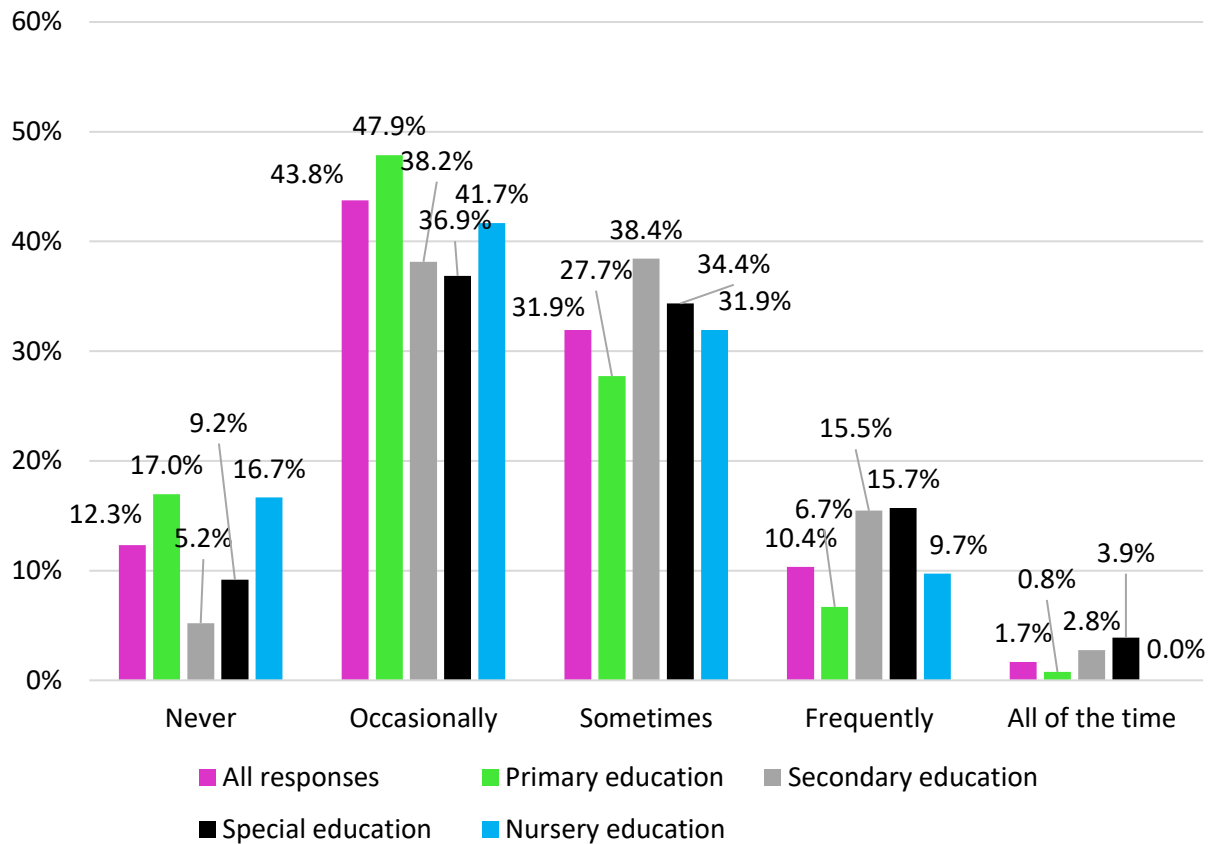
There was an opportunity for members to share comments under this question, with a total of 541 responses gathered. Overwhelmingly, members reported that they often couldn't complete the activities listed in Figure 1 because they or their colleagues were overstretched. Finding time for meetings was a key pressure in supporting pupils with Additional Support Needs and many members said that workload associated with this support is expected to be completed outwith their Working Time Agreement. Below are a handful of the hundreds of experiences that members shared.

- "I am constantly keeping order, managing behaviour. Most days I can only start my paperwork & lesson prep when students have left the building."
- "There just never is enough time to do everything I need to do. The demands are endless, the workload is completely unmanageable. I was planning on handing my notice in at the end of this academic year due to the effects of the stress, however the cost of living crisis has made me realise I have no choice but to stay. I am now working on survival strategies to protect my health."
- "As this is for the pupils, you make these things happen and other tasks have to slide."
- "This usually falls outwith contracted hours as you can't complete what's necessary to teach a class within 35 hours never mind all that goes with supporting children with additional needs."
- "Vast majority of this kind of work is unplanned and so no time is ever actually allocated to it. Often it's very short notice and the expectation is that we will just fit it in."
- "I am a Support for Learning Teacher and most of the consultation is in my own time now."

Members were then asked to what extent children and young people in their settings were able to access front line services, when the support need is identified as outlined in Figure 2. 12% of all respondents said they were never able to access front line services when the need is identified (17% in Primary and Nursery), and 44% said they could only access this occasionally at the point of first need (48% in Primary and 42% in Nursery). These figures are deeply worrying as this type of support is often vital to enable a child or young person to participate fully in education, as well as providing external support for any issues outside of school.



**Figure 2: To what extent are children and young people in your setting able to access frontline services at the point when the support need is identified? (by sector)**



Total responses: 15,173<sup>4</sup>

### Additional Support Needs and Workload

Within the Workload section of the survey (briefing 1) members were asked to highlight which initiatives would make the biggest difference from a series of options. Figures 3 and 4 examine the responses given to this question by sector and by substantive post. We can see from these tables that 60% of all respondents said that having more classroom assistants/support for inclusion and pupils with additional support needs would make the biggest impact in reducing their workload. This was also the top response for those working in Nursery and Primary education, and it was recorded as making the biggest impact to workload consistently across all substantive posts.

<sup>4</sup> There were 703 responses to the answer choice “not applicable” which have not been included in this graph. This figure represents all responses including those who ticked “not applicable” as an option.

**Figure 3: Which of the following do you think would make the biggest impact in reducing your workload? (please tick top 3) by sector**

Answer Choices	All responses	Primary education	Secondary education	Special education	Nursery education
Smaller class sizes	51.1%	60.0%	43.5%	25.3%	38.3%
Less paperwork/bureaucracy	49.1%	50.6%	45.5%	<b>56.6%</b>	48.1%
Realistic expectations regarding digital learning	12.2%	11.0%	13.6%	14.4%	7.4%
Fewer contact hours with pupils	29.5%	20.2%	46.4%	26.6%	16.0%
Fewer changes to the curriculum and new initiatives	26.8%	28.8%	24.7%	24.8%	30.9%
More curriculum support	12.5%	12.5%	12.4%	14.0%	12.3%
More resources/funding to support pupils' learning	37.9%	39.8%	32.2%	47.6%	42.0%
More staff/supply cover (including access to subject specialists)	33.7%	31.1%	37.3%	39.8%	43.2%
More classroom assistants/support for inclusion and pupils with additional support needs	<b>59.8%</b>	<b>70.0%</b>	45.1%	53.8%	<b>63.0%</b>
Professional autonomy/being left to do my job	20.1%	19.1%	20.4%	23.2%	34.6%
More supportive management/leadership	14.2%	11.1%	17.9%	19.4%	14.8%
Improved pupil behaviour in the classroom	36.9%	32.5%	<b>47.3%</b>	22.5%	32.1%
Other (please specify)	4.6%	4.4%	4.3%	4.6%	6.2%

Total responses: 15,173

Figure 4: Which of the following do you think would make the biggest impact in reducing your workload? (please tick top 3) by substantive post

Answer Choices	All responses	Probationer teacher	Main grade teacher	Principal teacher	Head and Depute Head Teacher
Smaller class sizes	51.1%	49.4%	56.9%	39.5%	24.7%
Less paperwork/bureaucracy	49.1%	40.9%	49.7%	50.4%	47.4%
Realistic expectations regarding digital learning	12.2%	10.6%	12.5%	11.4%	7.7%
Fewer contact hours with pupils	29.5%	33.7%	31.1%	34.8%	8%
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More curriculum support	12.5%	19.6%	12.5%	12.8%	11.8%
More resources/funding to support pupils' learning	37.9%	40.7%	36.2%	38.9%	46.9%
More staff/supply cover (including access to subject specialists)	33.7%	29.7%	30.4%	42.7%	60.7%
More classroom assistants/support for inclusion and pupils with additional support needs	<b>59.8%</b>	<b>66.3%</b>	<b>59.7%</b>	<b>54.8%</b>	<b>76.4%</b>
Professional autonomy/being left to do my job	20.1%	10.6%	20.9%	18.1%	17.6%
More supportive management/leadership	14.2%	9.7%	15.2%	13.1%	4.2%
Improved pupil behaviour in the classroom	36.9%	41.8%	36.2%	41.5%	35.1%
Other (please specify)	4.6%	2%	3.9%	5.8%	8.5%

Total responses: 15,173

## ASN and Health and Wellbeing

Within in the Health and Wellbeing section of the survey, many members highlighted the impact of poor resourcing for ASN and the ever increasing demand as a key factor in their poor wellbeing at work and beyond. Below are a small sample of the comments that members left in relation to this.

- “My mental health has become worse year-on-year, partially due to workload, but also due to second-hand trauma from supporting children with their trauma recovery, and due to having to be constantly vigilant to protect myself and my pupils from distressed behaviour.”
- “The job has always been stressful, but now pupils coming in have more needs than ever - social, emotional, behavioural etc. and yet we are expected to do more than ever, with fewer resources/support.”
- “The hardest part is trying to get it right for every child with all the different needs in mainstream classes. Learning needs, behaviour difficulties, anxiety, challenge most able... etc an impossible task.”
- “More support required for staff that need it in the work place. Someone to talk too when situations are difficult.”
- “You just never seem to escape it and the support that children need due to health additional needs and challenging behaviour make this job such a challenge.
- “I have recently gone part time to help manage my workload and mental health. I still need to work on my non-working days to plan for my teaching days as there is not enough time in my 3 days to teach, plan, resource lessons, mark, attend meetings (staff and parents), update displays and develop the curriculum. I have a number of ASN pupils in my class, and almost every week I will have meetings with parents during my NCCT. This means I need to do planning and preparation in my own time.”
- “Over the past few years my mental health has been greatly impacted by the increased workload and lack of support for children attending mainstream with severe additional needs. Initiatives introduced which saw all nursery children coming straight into primary 1 without the appropriate support in place has resulted in a huge amount of stress and feelings of frustration. Teachers are already stretched and have little support. It’s failing everyone, including the other children who suffer due to all attention being with these little children who require a great deal of support and nurture just to get through the day in a mainstream setting. I often go home crying and worrying about the impact this is having on all children and what it means for the future.”

## Further Information

For more information on any of the themes within this report please contact:

Lesley Warren, Campaigns, Policy and Research Co-ordinator

Email: [lwarren@eis.org.uk](mailto:lwarren@eis.org.uk)

Member advice and support can be found here:

<https://www.eis.org.uk/Member-Support/Advice>

For more information on the health and wellbeing support available:

<https://www.eis.org.uk/Member-Support/HWRResource>

Professional Learning Opportunities:

<https://www.eis.org.uk/Meetings-And-Events/Courses>

For more information on the Educational Institute of Scotland:

Website: [www.eis.org.uk](http://www.eis.org.uk)

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# **EIS Member Survey 2023**

## **Briefing 3 – Health and Wellbeing**

April 2023

The Educational Institute of Scotland

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## Background

The EIS school sector survey was opened on Wednesday 21<sup>st</sup> December 2022 and closed on the 31<sup>st</sup> January 2023. The survey has a total of 37 questions, but owing to survey design, most members were not required to answer all questions.

In total 16,475 responses were gathered, with a return rate of 32%. This turnout shows just under a third of all members eligible have completed the survey. The average response time to complete the survey was 7 minutes; however, some members noted that it took them longer than this due to the extended answers that they gave.

Eligible members were emailed a link to the survey, which was also promoted on the EIS social media pages. Prior to the survey going live to members, it was issued to a small test sample for peer review.

The survey was broken down into 4 sections: About You, Workload, Health and Wellbeing and the Cost of Living. There was also an opportunity at the end of each section for members to note any further comments.

None of the questions were mandatory. This allowed respondents to skip questions as they progressed throughout the survey. This was done to ensure that there was no false recording within the survey, to improve confidence in the results. Some questions also had 'logic' applied, meaning that respondents would be redirected to different follow-on questions depending on the answers they gave. Details of how many respondents answered each question are included throughout this briefing.

All figures within this report have been rounded to the nearest one decimal place, meaning that some questions may not have a total exacting 100%, with other questions within the survey allowing for multiple responses.

There was considerable opportunity for members to record more detailed answers to the questions posed, either by using comment boxes, or by ticking an "other" option where appropriate. Throughout this report member comments have been included under the corresponding questions. As some questions within the survey elicited thousands of additional comments or responses, the quotes selected are only a snapshot of this wider data but have been chosen to reflect the majority of views captured.

### Margin of Error

This survey was conducted on the Survey Monkey platform. Survey Monkey describes the margin of error as:

"Margin of error (also called confidence interval) indicates the level of certainty with which you can expect your survey results to reflect the views from the overall population. Surveying is always a balancing act where you use a smaller group (your survey respondents) to represent a much larger one (the target market or total population).

"Margin of error is often used as a way of measuring how effective a survey is. The smaller the margin of error, the more confidence you may have in your results. The bigger the margin of error,

the farther they can stray from the views of the total population. One way in which to reduce the margin of error is to increase the sample size.”<sup>1</sup>

Using the full eligible membership as our baseline figure, the margin of error with our total survey sample of 16,475 is less than one percent<sup>2</sup>.

### **Survey demographics**

The first section of the survey asked respondents to fill in key details about themselves. The answers given in these opening sections give an indication of who our members are and what they teach. Whilst these answers provide insight into EIS teacher members when looked at on their own, they can also be analysed alongside other questions within this survey to provide information on how different sections of EIS membership responded to certain issues. Where the sample size was lower than 1,000, these have not been disaggregated to ensure confidence in the results.

Within the survey, members were asked whether they taught in Primary, Secondary, Nursery, or Special schools (with the ability to select more than one option as appropriate), with Secondary school teachers then also being asked what subject(s) they taught. Members were asked, also, to state what their substantive post is from a range of options, and which local authority they worked in.

For the first time, members were asked to state if they identify as a woman, and if they identify as Black, Asian or Ethnic Minority (BAME). They were also asked if they identify themselves as being disabled, as well as asking if they had caring responsibilities.

Key findings from the “about you” section are:

- 55% of respondents work in Primary education, 34% in Secondary and 5% in Special education;
- 66% of respondents are main grade teachers;
- 82% of respondents identify as being a woman;
- 36% have a caring responsibility;
- 2% of respondents identify as Black, Asian or Ethnic Minority (BAME); and
- 4% identify as disabled

Where useful, results have been refined to illustrate nuances in response based on indicators such as sector worked in, post held or any other relevant characteristic.

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<sup>1</sup> Survey Monkey, Margin of Error Calculator [https://www.surveymonkey.com/mp/margin-of-error-calculator/?ut\\_source=mp&ut\\_source2=sample-size-calculator&ut\\_source3=inline&ut\\_ctatext=margin%2520of%2520error%2520calculator](https://www.surveymonkey.com/mp/margin-of-error-calculator/?ut_source=mp&ut_source2=sample-size-calculator&ut_source3=inline&ut_ctatext=margin%2520of%2520error%2520calculator)

<sup>2</sup> Ibid.



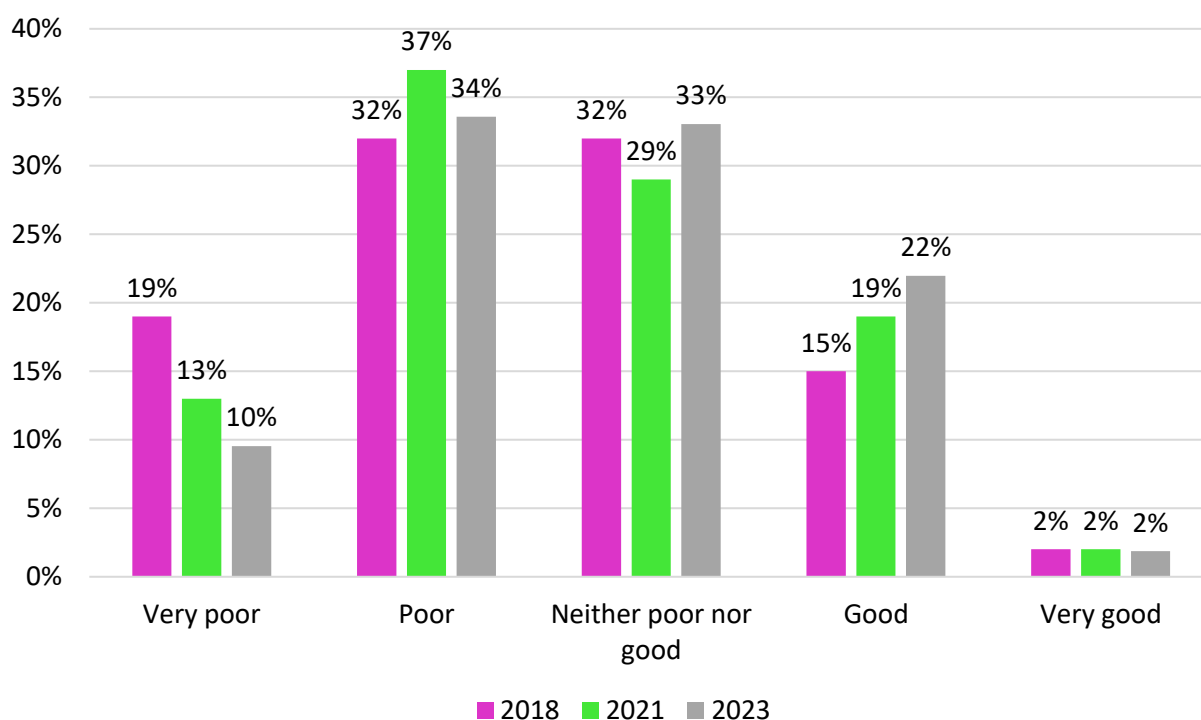
## Health and Wellbeing

Member health and wellbeing is perhaps the most important factor when looking at the sustainability of the education workforce. It is imperative that EIS members feel well at work and that their work environment is not driving them to the point of poor health. This section explores the key questions that we asked our membership about how they feel about their health at work.

### Wellbeing

The first question asked members what level of wellbeing they feel within their job overall. Figure 1 outlines the responses given to the 2023 survey, as well as those responses collected from the 2018 and 2021 member surveys.

**Figure 1: What level of wellbeing would you say you feel within your job overall? (longitudinal data)<sup>3</sup>**



Total responses in 2023 survey: 15,151

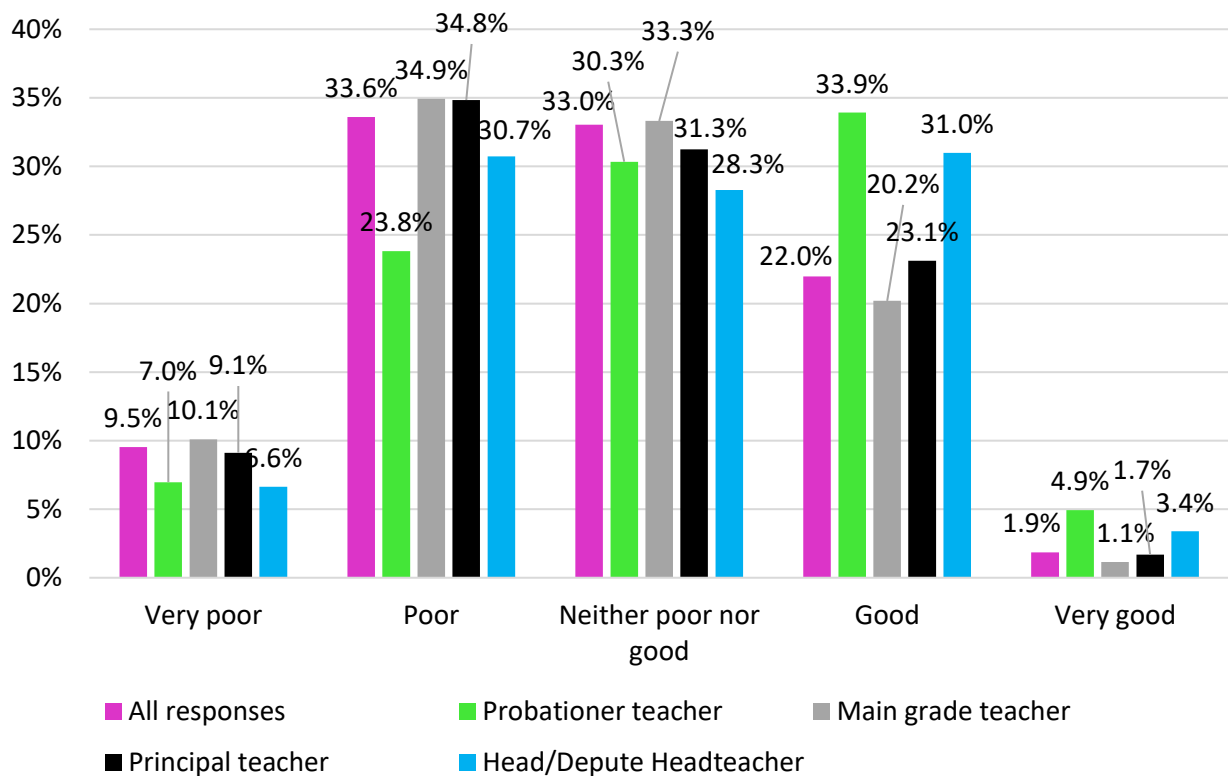
Encouragingly there has been a consistent reduction in the number of teachers who said that they have very poor wellbeing since 2018. There has also been a corresponding increase in the number that says that they feel good in their job overall, from 15% in 2018 to 22% in 2023. However, the responses overall are still deeply concerning with 44% of members saying that they feel poor or

<sup>3</sup> Figures in this graph have been rounded to the nearest percent to allow for direct comparison.

very poor wellbeing at work, and only 24% saying they feel good or very good. This is worrying as there are considerable impacts to both physical and mental health when people experience poor wellbeing for sustained periods of time.

When this question was analysed in relation to substantive posts held, there were slightly higher levels of good or very good wellbeing at work reported by probationer and head/depute head teachers. However, 31% of probationers and 37% of head/depute head teachers still reported feeling very poor, or poor levels of wellbeing at work.

**Figure 2: What level of wellbeing would you say you feel within your job overall? (by substantive post)**



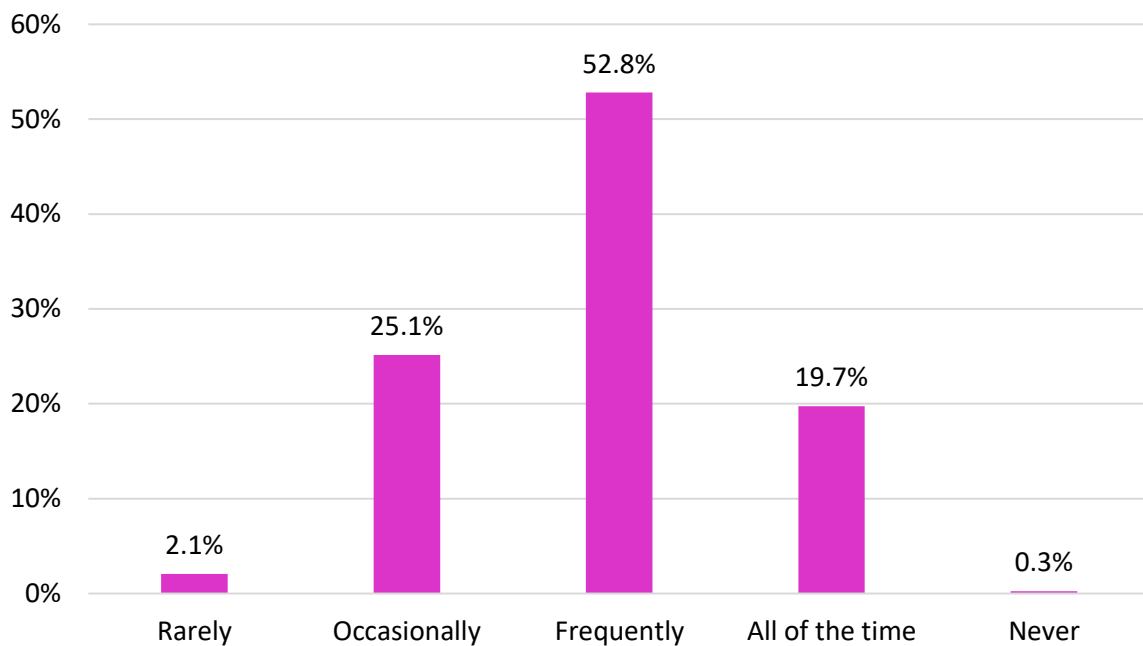
Total responses: 15,151

### Stress at Work

The following data looks at members' experiences of stress at work. Within these questions, members were asked how often they felt stressed at work, as well as how they manage any workplace stress that arises.

Figure 3 below shows that over half of respondents felt stressed frequently at work, with a fifth saying that they felt stressed all of the time. When this data was examined by substantive post and by education sector, there was very little difference in the findings, suggesting colleagues at all levels and in all sectors are experiencing similarly high levels of stress on a regular basis.

**Figure 3: In a typical week how often do you feel stressed within your job?**



Total responses: 14,974

When asked if they felt that their stress at work is manageable, of the 15,094 responses to this question received, 1% said yes, they don't ever feel stressed, 65% said they feel stressed sometimes but they can cope, and 34% said that their stress at work wasn't manageable and that their stress levels were so high that they negatively affect their work and/or personal life. This finding is extremely concerning as high levels of prolonged stress have been attributed to a host of physical and mental health conditions, such as anxiety and depression, headaches, stomach problems, sleeping problems, dizziness and changes in weight<sup>4</sup>. Chronic stress at work and in private life is also associated with a 40–50% increase in the occurrence of coronary heart disease in prospective observational studies<sup>5</sup>

High stress levels are also known to exacerbate pre-existing medical conditions. 51% of members who identified themselves as disabled<sup>6</sup> said that their stress levels were so high that they negatively affected their work and/or personal life. This is extremely concerning as within this survey, not only were disabled respondents more likely to say that they didn't feel they could manage their stress at work, but they are also more at risk of poor physical or mental health when exposed to high stress levels.

Figure 4 below shows how members manage their stress. Across all sectors, 9% reported that they didn't know there was support available to manage stress at work. This indicates that awareness raising should be a key priority as there may be staff struggling at the moment who are unaware that support is available to them. There isn't a great variation across different substantive posts.

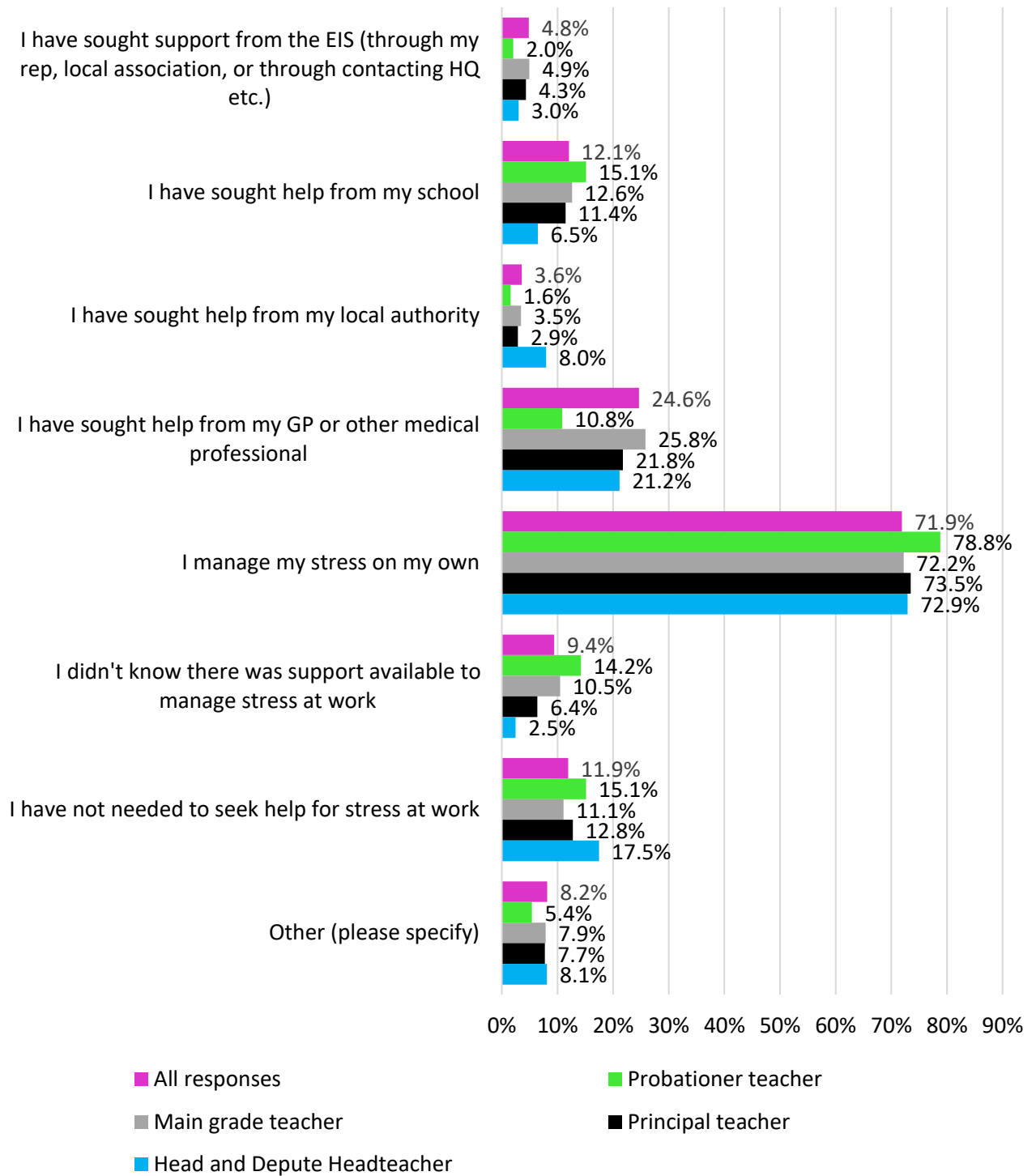
<sup>4</sup> Mind, "Signs and Symptoms of Stress" <https://www.mind.org.uk/information-support/types-of-mental-health-problems/stress/signs-and-symptoms-of-stress/>

<sup>5</sup> Steptoe, A., Kivimäki, M. Stress and cardiovascular disease. *Nat Rev Cardiol* 9, 360–370 (2012). <https://doi.org/10.1038/nrcardio.2012.45>

<sup>6</sup> 560 members who identified themselves as being disabled answered this question.

However, head and depute head teachers are the least likely to say they have not needed help for stress at work, and probationer teachers are most likely to seek support from their school.

**Figure 4: How have you managed your stress at work? (by substantive post)<sup>7</sup>**



Total responses: 15,052

<sup>7</sup> Respondents could indicate multiple answer choices here which is why totals do not equal 100.

Within the “other” option, members detailed many of the coping mechanisms that they have introduced to help them manage the stresses of their job. Many highlighted exercise and being part of sports teams as a way to switch off at the end of the day. Others talked about the importance of establishing boundaries in their personal life to ensure that they are not taking on too many additional tasks whilst at home.

However, the majority of the comments left in this section talked about their difficulty in coping with their stress at work. Some mentioned that they regularly see a therapist, others that they are on medication to help with the symptoms created by prolonged emotional and physical stress. Others highlighted that whilst they do have outside coping mechanisms- for example, hobbies or being part of a club, they still have to do extra hours of work. This built-in time just helps them switch off for an hour or so before coming home to do more work. Below are some of the 1,229 comments that were left under the “other” option.

- “I took a secondment to central team to get me out of face to face teaching practice. Otherwise I would certainly have been absent with stress related conditions.”
- “I talk to my husband about the unmanageability of my job. My husband works in the private sector and has a different perspective on things. He is able to help me see that the demands being placed on me are not reasonable.”
- “I work with very supportive colleagues and we share how we feel and support each other.”
- “I am aware of a range of support around well-being and managing stress but I am yet to find something that is workable. I know what I need to do but nobody can actually describe how. Spending less time tackling my workload will not lead to less stress. The only workable solution is for the workload to be reduced to realistic levels somehow but no one has a meaningful solution for that.”
- “I cut my hours to work part time for a better work life balance.”

When members were asked what would make the biggest impact in improving their wellbeing at work more than half of all respondents said more classroom assistants/support for inclusion and pupils with additional support needs (figures 5 and 6) would make the biggest difference. This was the top response in all sectors apart from Secondary education which indicated improved pupil behaviour in the classroom was a top priority to improve their wellbeing (Figure 5).

The answer choices outlined in figures 5 and 6 were the same answer choices available when members were asked to outline the key drivers of their workload (figures 7 and 8). When comparing the key workload drivers and the factors that would make the biggest improvement to their wellbeing at work, respondents indicated that more classroom assistants/support for inclusion and pupils with additional support needs was both the factor that would most improve their workload and their wellbeing at work. This was also seen across the board when both questions were compared by substantive post, and when looking at Primary and Nursery responses.

Those working in Secondary also showed parity across both questions with improved pupil behaviour being the factor to improve both workload and wellbeing. In Special Education respondents indicated that less paperwork/bureaucracy would make the biggest impact to their workload, but that more classroom assistants/support for ASN would make the biggest improvement in their wellbeing at work.

Again, under this question there was an “other” option for members to select additional factors that would improve their wellbeing at work. 643 comments were collected under this answer choice,

with many detailing the pressures that are placed on them. Within these comments members highlighted the pressures that the education system is under, as well as the individual pressures that they face. Below is a small sample of the comments that were gathered under the “other” section.

- “An appointed classroom assistant to the department to help with stock, set up of ingredients etc. Therefore I can ensure my focus can go on pupil wellbeing and further developing the curriculum.”
- “Mainstreaming of Instrumental music tuition to stop the constant threat of cuts/redundancy.”
- “We need a properly structured, progressive and realistic curriculum design that works across Scotland, for better standardisation. This needs to be designed by a teacher who is currently teaching so that they have first hand experience and understanding of the pitfalls of the current curriculum. There also need to be facilities built to meet the needs of children who disrupt learning in the classroom and those that have learning needs that simply cannot be effectively accommodated in the ‘neuro-typical classroom’.”
- “Support for teachers who have pupils who are violent to staff and adults. There needs to be a plan in place which helps these pupils and also those hurt by the pupils. I want to protect my pupils but I feel I cannot; when my class has to evacuate for their protection they miss out on their learning. This missed learning time is a massive concern for me, as well as how scared and tense my children are on a regular basis. I do not feel supported by the council or management after an incident of violence and aggression. Management have had bones broken by a violent pupil, and they have continued work as normal. This sets a precedent for other injured staff, and management themselves should be supported by the council.”
- “Our HT is extremely supportive but we need supportive management at authority level. They are so far removed from the reality of all aspects the job that their expectations are unrealistic and unattainable, resulting in incredible stress.”
- “More opportunities for permanent employment. Lack of permanent jobs has caused a significant stress over the last 3 years and continues to do so for myself and many others.”

Figure 5: Which of the following do you think would make the biggest impact in improving your wellbeing at work? (please tick top 3) by sector

Answer Choices	All responses	Primary education	Secondary education	Special education	Nursery education
Smaller class sizes	45.6%	53.3%	39.8%	21.0%	26.6%
Less paperwork/bureaucracy	45.6%	47.4%	41.8%	50.4%	45.6%
Realistic expectations regarding digital learning	9.7%	8.8%	10.7%	10.9%	3.8%
Fewer contact hours with pupils	25.8%	18.2%	39.8%	22.9%	17.7%
Fewer changes to the curriculum and new initiatives	22.6%	24.2%	21.0%	21.4%	22.8%
More curriculum support	11.2%	11.2%	11.4%	14.4%	3.8%
More resources/funding to support pupils' learning	32.2%	33.1%	27.6%	44.5%	36.7%
More staff/supply cover (including access to subject specialists)	28.2%	25.7%	30.8%	36.6%	40.5%
More classroom assistants/support for inclusion and pupils with additional support needs	<b>54.3%</b>	<b>65.2%</b>	38.0%	<b>51.0%</b>	<b>67.1%</b>
Professional autonomy/being left to do my job	18.8%	18.2%	18.4%	22.4%	29.1%
More supportive management/leadership	18.9%	15.5%	23.1%	24.0%	21.5%
Improved pupil behaviour in the classroom	41.6%	37.4%	<b>53.0%</b>	22.9%	30.4%
Other (please specify)	4.3%	3.7%	4.2%	5.9%	6.3%

Total responses: 14,947

Figure 6: Which of the following do you think would make the biggest impact in improving your wellbeing at work? (please tick top 3) by substantive post

Answer Choices	All responses	Probationer teacher	Main grade teacher	Principal teacher	Head and Depute Head Teacher
Smaller class sizes	45.6%	48.5%	51.2%	34.7%	17.1%
Less paperwork/bureaucracy	45.6%	37.4%	45.6%	50.2%	43.7%
Realistic expectations regarding digital learning	9.7%	9.5%	9.9%	9.4%	4.4%
Fewer contact hours with pupils	25.8%	28.3%	27.3%	29.5%	6.6%
Fewer changes to the curriculum and new initiatives	22.6%	10.7%	23.6%	23.5%	21.4%
More curriculum support	11.2%	18.6%	11.2%	11.6%	8.8%
More resources/funding to support pupils' learning	32.2%	37.8%	30.3%	33.7%	41.9%
More staff/supply cover (including access to subject specialists)	28.2%	23.9%	23.9%	38.4%	59.3%
More classroom assistants/support for inclusion and pupils with additional support needs	<b>54.3%</b>	<b>57.3%</b>	<b>54.2%</b>	<b>49.8%</b>	<b>72.0%</b>
Professional autonomy/being left to do my job	18.8%	10.2%	19.5%	16.9%	18.2%
More supportive management/leadership	18.9%	14.6%	20.2%	17.1%	6.3%
Improved pupil behaviour in the classroom	41.6%	50.1%	41.8%	43.5%	35.3%
Other (please specify)	4.3%	2.8%	3.3%	5.2%	8.3%

Total responses: 14,947



Figure 7 : Which of the following do you think would make the biggest impact in reducing your workload? (please tick top 3) by sector

Answer Choices	All responses	Primary education	Secondary education	Special education	Nursery education
Smaller class sizes	51.1%	60.0%	43.5%	25.3%	38.3%
Less paperwork/bureaucracy	49.1%	50.6%	45.5%	<b>56.6%</b>	48.1%
Realistic expectations regarding digital learning	12.2%	11.0%	13.6%	14.4%	7.4%
Fewer contact hours with pupils	29.5%	20.2%	46.4%	26.6%	16.0%
Fewer changes to the curriculum and new initiatives	26.8%	28.8%	24.7%	24.8%	30.9%
More curriculum support	12.5%	12.5%	12.4%	14.0%	12.3%
More resources/funding to support pupils' learning	37.9%	39.8%	32.2%	47.6%	42.0%
More staff/supply cover (including access to subject specialists)	33.7%	31.1%	37.3%	39.8%	43.2%
More classroom assistants/support for inclusion and pupils with additional support needs	<b>59.8%</b>	<b>70.0%</b>	45.1%	53.8%	<b>63.0%</b>
Professional autonomy/being left to do my job	20.1%	19.1%	20.4%	23.2%	34.6%
More supportive management/leadership	14.2%	11.1%	17.9%	19.4%	14.8%
Improved pupil behaviour in the classroom	36.9%	32.5%	<b>47.3%</b>	22.5%	32.1%
Other (please specify)	4.6%	4.4%	4.3%	4.6%	6.2%

Total responses: 15,173

**Figure 8: Which of the following do you think would make the biggest impact in reducing your workload? (please tick top 3) by substantive post**

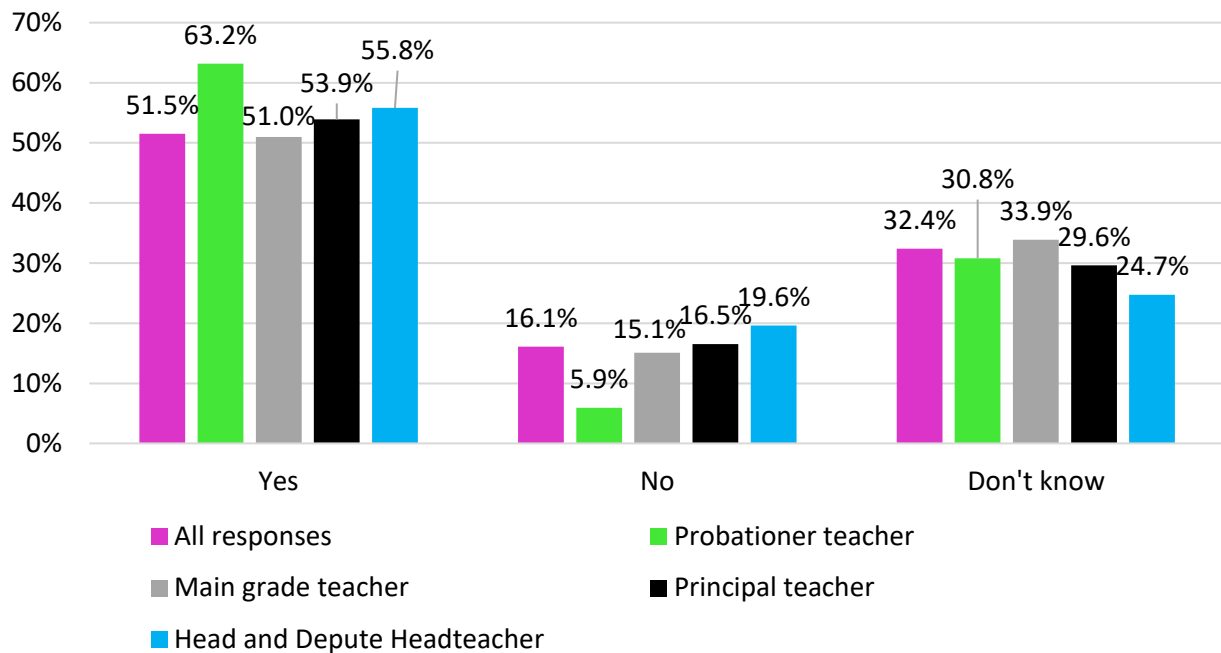
Answer Choices	All responses	Probationer teacher	Main grade teacher	Principal teacher	Head and Depute Head Teacher
Smaller class sizes	51.1%	49.4%	56.9%	39.5%	24.7%
Less paperwork/bureaucracy	49.1%	40.9%	49.7%	50.4%	47.4%
Realistic expectations regarding digital learning	12.2%	10.6%	12.5%	11.4%	7.7%
Fewer contact hours with pupils	29.5%	33.7%	31.1%	34.8%	8%
Fewer changes to the curriculum and new initiatives	26.8%	11.9%	28.0%	28.0%	26.3%
More curriculum support	12.5%	19.6%	12.5%	12.8%	11.8%
More resources/funding to support pupils' learning	37.9%	40.7%	36.2%	38.9%	46.9%
More staff/supply cover (including access to subject specialists)	33.7%	29.7%	30.4%	42.7%	60.7%
More classroom assistants/support for inclusion and pupils with additional support needs	<b>59.8%</b>	<b>66.3%</b>	<b>59.7%</b>	<b>54.8%</b>	<b>76.4%</b>
Professional autonomy/being left to do my job	20.1%	10.6%	20.9%	18.1%	17.6%
More supportive management/leadership	14.2%	9.7%	15.2%	13.1%	4.2%
Improved pupil behaviour in the classroom	36.9%	41.8%	36.2%	41.5%	35.1%
Other (please specify)	4.6%	2%	3.9%	5.8%	8.5%

Total responses: 15,173

## The Teachers' Future

Within the health and wellbeing section of the survey, members were asked if they planned to stay in teaching for at least the next 5 years. Below are the responses to this question broken down by substantive post.

**Figure 9: Do you plan to stay in teaching for the next 5 years? by substantive post**

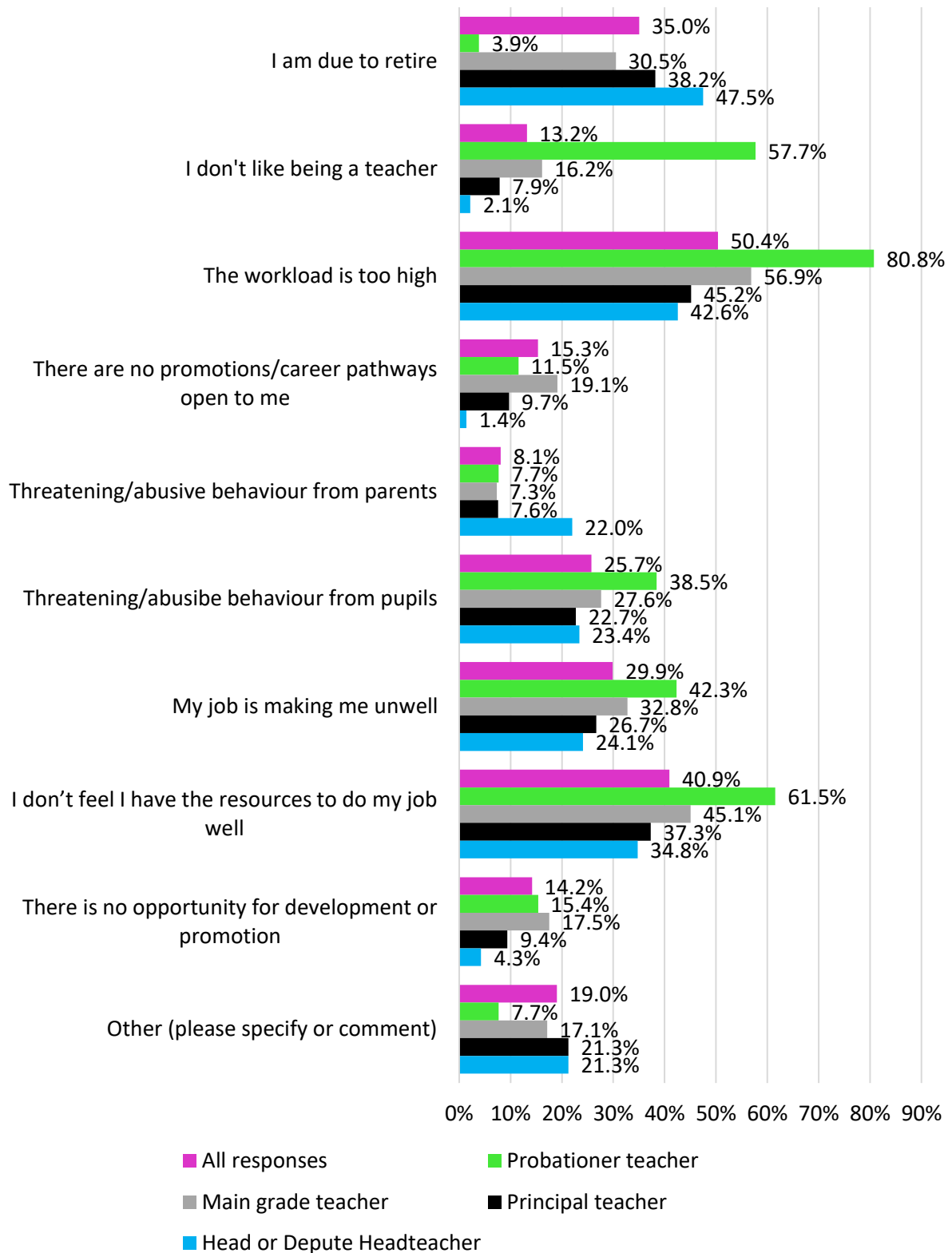


Total responses: 15,000

As shown in Figure 9, probationer teachers are the most likely to say that they are planning to stay in teaching for the next 5 years, with almost two thirds (63%) saying that is their intention. Head and depute head teachers are the least likely with a fifth (20%) saying that they don't plan to stay in teaching for the next 5 years.

Those who indicated that they were planning to leave teaching in the next 5 years were then asked to give their main reasons. Figure 10 shows the key reasons that respondents gave by their substantive post. Whilst workload was reported by half of all respondents, probationer teachers were most likely to report this, with 81% saying it was a reason that they didn't plan to stay in teaching. Resourcing was also a key factor in their decision to leave with 41% of all respondents saying that they don't feel they have the resources to do their job well – this was 62% for probationer teachers. Main grade teachers were more likely than all respondents to say that there were no promotions or career pathways open to them, and head and depute head teachers were more than twice as likely to cite threatening/abusive behaviour from parents as a motive to leave teaching.

**Figure 10: If you indicated “no” please state why (please tick all applicable answers) by substantive post**



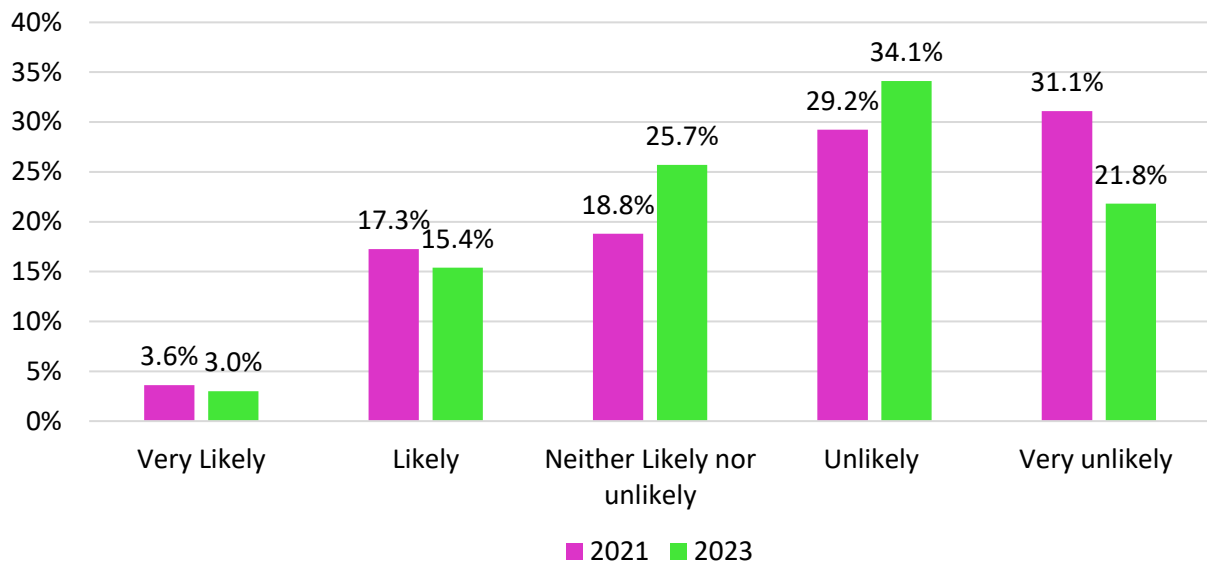
Total responses: 2,401

Under the “other” option 457 responses were gathered. In this section members highlighted their frustrations in their current working environment and outlined why they didn’t feel they could remain in teaching for more than 5 years. Below are some of the experiences that respondents shared.

- “I love my job as a teacher and am very passionate about education and working with children. At the moment, the workload is so high and I have to work many hours’ overtime. At the moment, I feel I am doing my job very well because I am working overtime and at weekends to keep up. I know that’s not sustainable so therefore I will have to leave the profession for something more manageable in the near future.”
- “I loved being a teacher before we became a faculty, I absolutely despise my job now.”
- “I don’t think the current system is allowing me to do a good job of teaching. I feel there are other jobs where I can make more of a difference and I am currently searching for the right one.”
- “The lack of respect from political leaders who simply don't recognise the value of the work that teachers do. This is not new to recent administrations but the trend since the last financial crisis has been interminably downwards. I am valuable. I deserve better than being left to sink or swim. Major investment in real terms is needed for the 21st century, not this race to the bottom culture where we pretend to resource our vital services.”
- “The 'going through the ranks' approach is unhelpful to the profession. I have significant management and leadership skills - these are never used (unless in my class) as teaching requires a stepping stone approach to promotions. The availability of promotion in my LA has dried up.”
- “The wage is not in line with the workload, qualifications required and further training required. Additionally there are fewer opportunities for promotion with large faculties combined and few opportunities to enhance your wages.”
- “I plan to take early retirement. I am a strong teacher and enjoy the job, but it is all consuming.”

Members were then asked how likely they would be to recommend teaching as a good profession for someone who was considering the profession. Only 18% said they were likely or very likely to recommend teaching as a good profession. This is a lower number when compared to the last time this question was asked in 2021 when 21% said they were likely or very likely to recommend taking up the teaching profession as shown in Figure 11.

**Figure 11: How likely would you be to recommend teaching as a good profession to take up, to someone who is thinking of entering the profession? Longitudinal data<sup>89</sup>**



The final question within this section of the survey asked members if they had any additional comments they would like to share with regards to their health and wellbeing at work. There were 3,453 responses gathered under this question, many outlining just how exhausted and burnt-out they are feeling. So many members expressed their frustrations, reflecting that whilst they love being a teacher, and the difference they can make to the lives of children and young people, they feel that the job has become unmanageable with unrealistic workload expectations and poor resourcing within schools. Below is a small selection of the experiences that members shared.

- “Teaching is to me the greatest job, fulfilling and always interesting. I find it deeply saddening that so many colleagues across the country feel a real sense of dread or despondency. Given that virtually every teacher joins to fulfil a sense of vocation and to help make the world a better place, it is awful that so many find structures, behaviours, workloads and of course pay deals to be so harsh that teaching turns into a struggle for them. Even for teachers who feel the sense of vocation just as strongly deep into their career, the hope of making things better seems to be fading. That needs to be reversed, with pay and conditions improved to ensure recruitment and retention become expected than hoped for. Thank you.”
- “Teaching is a very difficult job to switch off from which is why our holidays are so important. Added pressures are making it impossible to get everything done within your working week which impacts on family time. This has a huge impact on health and wellbeing.”
- “I recommend this professional as I feel it is important to have people that truly care for making a difference for each child. However, I am realistic with sharing the expectations around teaching and this often leaves others shocked.”

<sup>8</sup> The 2021 survey included an “other/comments” option which is not included in the data in the chart to allow for direct comparison.

<sup>9</sup> The 2023 survey received 14,957 responses to this question.

- “I am saddened to say that this job has destroyed my mental health. I feel like I have no life outside of it and have spent my breaks over the last year getting counselling and quite often, being very sick. Other teachers are in the same boat.”
- “The atmosphere in school is so negative, I dread going into work most days and that's me at a supposedly 'good' school. I dread to think what other teachers are going through!! There are days where I am waking up in the middle of the night panicking about what needs to be done the next day. Being so tired is not helpful to the pupils and that is disheartening to think that my ability to be the best is compromised so much by the demands placed on me. It is not fair for the pupils or for me to be in this state of high anxiety/stress. This is so far from 'Getting It Right For Every Child'!!”
- “Having previously had a career in HR, I feel my health and well-being at work is much improved now that I am teaching, compared to my previous roles. However, I can already see changes that are impacting on both pupils and staff negatively, in the 6 years I have been teaching. The cuts need to stop & priorities of the Local Authority and Scottish Government need to change!”
- “As Autistic and with ADHD, I am having cyclical burnouts since I started. I raised the problem with my supporter and the council but as a probationer I am afraid to be failed if insisting for adjustments. It is a very hard position and I have never got so stressed in my life. I spend my weekends and week nights working, on top of the full day in school (8.30 to 6).”
- “I am considering reducing my hours just to manage my stress. This will hopefully allow me time to recover before returning to my workplace. This is a difficult decision as I cannot really afford to. I am the main earner and need to support my husband who I have caring responsibilities for.”
- “I feel everything is at breaking point and staff at all levels are no longer able to cope. Head teacher and SMT are supportive to a point but our timetables are horrendous.”
- “My mental health has become worse year-on-year, partially due to workload, but also due to second-hand trauma from supporting children with their trauma recovery, and due to having to be constantly vigilant to protect myself and my pupils from distressed behaviour.”

## Further Information

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For more information on the health and wellbeing support available:

<https://www.eis.org.uk/Member-Support/HWRResource>

Professional Learning Opportunities:

<https://www.eis.org.uk/Meetings-And-Events/Courses>

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# **EIS Member Survey 2023**

## **Briefing 4 – Cost of Living Crisis**

April 2023

The Educational Institute of Scotland

## Background

The EIS school sector survey was opened on Wednesday 21<sup>st</sup> December 2022 and closed on the 31<sup>st</sup> January 2023. The survey has a total of 37 questions, but owing to survey design, most members were not required to answer all questions.

In total 16,475 responses were gathered, with a return rate of 32%. This turnout shows just under a third of all members eligible have completed the survey. The average response time to complete the survey was 7 minutes; however, some members noted that it took them longer than this due to the extended answers that they gave.

Eligible members were emailed a link to the survey, which was also promoted on the EIS social media pages. Prior to the survey going live to members, it was issued to a small test sample for peer review.

The survey was broken down into 4 sections: About You, Workload, Health and Wellbeing and the Cost of Living. There was also an opportunity at the end of each section for members to note any further comments.

None of the questions were mandatory. This allowed respondents to skip questions as they progressed throughout the survey. This was done to ensure that there was no false recording within the survey, to improve confidence in the results. Some questions also had 'logic' applied, meaning that respondents would be redirected to different follow-on questions depending on the answers they gave. Details of how many respondents answered each question are included throughout this briefing.

All figures within this report have been rounded to the nearest one decimal place, meaning that some questions may not have a total exacting 100%, with other questions within the survey allowing for multiple responses.

There was considerable opportunity for members to record more detailed answers to the questions posed, either by using comment boxes, or by ticking an "other" option where appropriate. Throughout this report member comments have been included under the corresponding questions. As some questions within the survey elicited thousands of additional comments or responses, the quotes selected are only a snapshot of this wider data but have been chosen to reflect the majority of views captured.

### Margin of Error

This survey was conducted on the Survey Monkey platform. Survey Monkey describes the margin of error as:

"Margin of error (also called confidence interval) indicates the level of certainty with which you can expect your survey results to reflect the views from the overall population. Surveying is always a balancing act where you use a smaller group (your survey respondents) to represent a much larger one (the target market or total population).

"Margin of error is often used as a way of measuring how effective a survey is. The smaller the margin of error, the more confidence you may have in your results. The bigger the margin of error,

the farther they can stray from the views of the total population. One way in which to reduce the margin of error is to increase the sample size.”<sup>1</sup>

Using the full eligible membership as our baseline figure, the margin of error with our total survey sample of 16,475 is less than one percent<sup>2</sup>.

### **Survey demographics**

The first section of the survey asked respondents to fill in key details about themselves. The answers given in these opening sections give an indication of who our members are and what they teach. Whilst these answers provide insight into EIS teacher members when looked at on their own, they can also be analysed alongside other questions within this survey to provide information on how different sections of EIS membership responded to certain issues. Where the sample size was lower than 1,000, these have not been disaggregated to ensure confidence in the results.

Within the survey, members were asked whether they taught in Primary, Secondary, Nursery, or Special schools (with the ability to select more than one option as appropriate), with Secondary school teachers then also being asked what subject(s) they taught. Members were asked, also, to state what their substantive post is from a range of options, and which local authority they worked in.

For the first time, members were asked to state if they identify as a woman, and if they identify as Black, Asian or Ethnic Minority (BAME). They were also asked if they identify themselves as being disabled, as well as asking if they had caring responsibilities.

Key findings from the “about you” section are:

- 55% of respondents work in Primary education, 34% in Secondary and 5% in Special education;
- 66% of respondents are main grade teachers;
- 82% of respondents identify as being a woman;
- 36% have a caring responsibility;
- 2% of respondents identify as Black, Asian or Ethnic Minority (BAME); and
- 4% identify as disabled

Where useful, results have been refined to illustrate nuances in response based on indicators such as sector worked in, post held or any other relevant characteristic.

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<sup>1</sup> Survey Monkey, Margin of Error Calculator [https://www.surveymonkey.com/mp/margin-of-error-calculator/?ut\\_source=mp&ut\\_source2=sample-size-calculator&ut\\_source3=inline&ut\\_ctatext=margin%2520of%2520error%2520calculator](https://www.surveymonkey.com/mp/margin-of-error-calculator/?ut_source=mp&ut_source2=sample-size-calculator&ut_source3=inline&ut_ctatext=margin%2520of%2520error%2520calculator)

<sup>2</sup> Ibid.

## The Cost of Living Crisis

The final section of the 2023 EIS Member Survey explored the current cost of living crisis that has been created by inflation which has soared well into double figures and remained high, without corresponding wage increases for many workers.

At the time the survey was live, the EIS was campaigning for a pay rise for teachers. The following questions asked members about their ability to pay for household bills as well as whether they were worried about paying for certain things in the future.

To give a greater understanding of the impacts of the cost of living crisis on protected groups, such as those with a caring responsibility or disabled members, disaggregated data has been provided the tables below.

**Figure 1: What impact has inflation has on your ability to pay for any of the following monthly costs?**

	No impact	Some impact – I’m starting to struggle or am worried about paying for this in the coming months	Significant impact – I’m struggling to afford to pay for this	Not Applicable
<b><u>Rent/Mortgage</u></b> (14,788 total responses)				
All Respondents	26.1%	50.4%	12.9%	10.5%
BME Respondents	20.2%	49.8%	20.5%	9.5%
Women Respondents	25.9%	50.6%	12.4%	11.1%
Caring Responsibility Respondents	22.7%	53.7%	16.1%	7.6%
Disabled Respondents	22.6%	45.7%	23.2%	8.5%
<b><u>Weekly Food shop</u></b> (14,749 total responses)				
All Respondents	16.7%	65.1%	16.1%	2.1%
BME Respondents	13%	59.8%	24.1%	3.1%
Women Respondents	16.5%	65.6%	15.7%	2.3%
Caring Responsibility Respondents	12.1%	65.4%	21.1%	1.3%
Disabled Respondents	11.8%	58.3%	28.7%	1.3%
<b><u>Clothes for self and/or children</u></b> (14,709 total) responses				
All Respondents	25.0%	49.2%	19.0%	6.8%
BME Respondents	19.6%	45.4%	26.2%	8.8%

Women Respondents	24.5%	49.6%	19.1%	6.8%
Caring Responsibility Respondents	17.1%	55.8%	24.3%	2.8%
Disabled Respondents	19.6%	43.6%	30.5%	6.2%
<b><u>Childcare – including afterschool clubs and wraparound care</u></b> (14,646 total responses)				
All Respondents	19.6%	14.6%	7.9%	58.0%
BME Respondents	21.1%	16.8%	12.9%	49.2%
Women Respondents	18.6%	13.9%	7.6%	59.8%
Caring Responsibility Respondents	22.4%	25.2%	14.8%	37.7%
Disabled Respondents	19.1%	9.8%	10%	61%
<b><u>Running a car – including petrol, tax and insurance, and maintenance costs</u></b> (14,805 total responses)				
All Respondents	13.4%	57.7%	23.4%	5.5%
BME Respondents	9.9%	49.4%	31.9%	8.7%
Women Respondents	13.2%	58.7%	22.5%	5.5%
Caring Responsibility Respondents	10.4%	57.5%	28.4%	3.7%
Disabled Respondents	8.9%	46.3%	34.1%	10.7%
<b><u>Wellbeing activities – therapy sessions, gym memberships, wellbeing classes and apps etc.</u></b> (14,778 total responses)				
All Respondents	14.5%	35.7%	34.1%	15.8%
BME Respondents	9.5%	34.5%	42.8%	13.3%
Women Respondents	13.5%	35.7%	34.6%	16.2%
Caring Responsibility Respondents	10.5%	32.4%	41.7%	15.3%
Disabled Respondents	8.7%	27.4%	51.5%	12.3%

The table above shows that a significant number of EIS members are struggling with the cost of living with 50% of respondents saying they are starting to struggle or are worried about paying for their rent or mortgage, and a further 13% saying that they are already struggling to afford it. 65% said they are starting to struggle or are worried about their weekly food shop, and almost a quarter of respondents said they are already struggling to afford running a car. 70% said there has been some

impact, or a significant impact on their ability to pay for wellbeing activities. This is especially concerning when examined alongside the health and wellbeing findings.

Disabled members were more likely than all other groups to notice a significant impact across all areas apart from childcare costs. There wasn't a considerable difference for members who identified as a woman, and this may be attributed to the fact that the vast majority of total responses gathered were from women.

Members were then asked if they were having to cut back on or go without a range of social activities and seasonal spending. As the survey was open from the end of December, and this is usually a time of increased spending demands, the EIS was eager to see if the cost of living crisis affected their Christmas holidays as well as their ability to spend on leisure activities.

As Figure 2 below shows, a fifth of all respondents said that they are having to go without spending on social activities, and 29% said that they are having to go without spending on holidays. Additionally, 76% said they had to cut back on Christmas presents for friends and family this year.

**Figure 2: Are you having to cut back on, or go without any of the following:**

	No, I can continue to spend on this as expected to	Yes, I'm having to cut my spending on this	Yes, I'm having to go without this as I can't afford it	I don't know	Not applicable
<b><u>Social activities - e.g. cinema, dining out, other night's out, Christmas celebrations etc.</u></b> (14,813 total responses)					
All Respondents	9.9%	67.4%	19.5%	1.2%	2.0%
BME Respondents	6.8%	64.6%	25.9%	1.1%	1.5%
Women Respondents	9.4%	67.7%	19.7%	1.2%	2.0%
Caring Responsibility Respondents	6.4%	64.6%	26.3%	1.0%	1.7%
Disabled Respondents	6.5%	54.2%	35.2%	0.5%	3.6%
<b><u>Christmas presents for friends and family</u></b> (14,754 total responses)					
All Respondents	14.7%	76.1%	5.9%	1.1%	2.2%
BME Respondents	7.6%	68.3%	12.6%	1.9%	9.5%
Women Respondents	14.0%	76.9%	5.7%	1.1%	2.2%
Caring Responsibility Respondents	10.7%	79.5%	7.2%	0.9%	1.7%
Disabled Respondents	10.5%	72.5%	12.5%	0.7%	3.8%

<b>Holidays</b> (14,769 total responses)					
All Respondents	9.3%	57.4%	29.3%	2.0%	2.0%
BME Respondents	5.3%	54.0%	36.9%	2.7%	1.1%
Women Respondents	9.1%	57.6%	29.3%	2.0%	2.0%
Caring Responsibility Respondents	6.7%	55.6%	34.5%	1.7%	1.5%
Disabled Respondents	6.5%	43.6%	45.7%	1.3%	2.9%

Again, similar to the responses examined in Figure 1, we can see in Figure 2 that disabled members were the most likely of all groups to report going without certain things as they couldn't afford them. This shows the impact of the cost of living crisis on disabled members especially; however Figure 2 also shows that BME members and those with a caring responsibility were more likely to report going without holidays, social activities and Christmas presents than members who did not highlight belonging to a protected group. Again there is little difference in responses gathered from women.

### **Health and Wellbeing Impacts**

As we know, struggling to afford the necessities in life can have a significant impact on overall wellbeing. Under the question explored in figure 2 members were asked if they wanted to share any additional comments. In total 422 comments were left, many of which highlighting the personal toll that money pressures had placed on them. Below is a small, but representative sample of member views.

- "I'm very lucky as I'm a single person, so I don't have any dependents. I can see how hard it currently is for my colleagues who have children."
- "I can't afford to replace my work shoes which are falling apart. I also can't afford to buy a warm appropriate jacket for work."
- "We are having to watch our energy bills closely which is difficult when you are living in Scotland and it is dark by 4pm and minus 10 degrees outside."
- "We regularly have the heating off, or turned down to 10 degrees to try and counteract the energy prices. I'm concerned this will lead to damp in our home and cause health issues for my wife and sons."
- "I feel it is important to note that I am married and my husband has quite a well paid job which is why I able to say I can continue to spend normally. If this was not the case then I would definitely not be able to afford even the basics for my family."
- "As a teacher I had hoped for a higher quality of life, to feel more financially comfortable. This is not the case - have not been able to afford a holiday abroad once during my 15 year career."
- "My children's Christmas was paid for by my dad as I couldn't afford any extra outgoings. Coming out from being a student and earning very little during my time studying, all reserves were used to retrain as a teacher."

## **Foodbanks**

When asked, only 1% of respondents<sup>3</sup> said that they have had to use a food bank in the last 6 months. The number is slightly higher for members who identified themselves as disabled, as 4% said they had used a foodbank in the last 6 months.

Of those who said they had used a foodbank in the past 6 months the majority, 79%, said they had done so for the first time<sup>4</sup>. This shows that whilst the number of EIS members who have used the services of a foodbank are small, they are being forced into using this support for the first time as a result of the cost of living crisis.

And while 1% is a small minority, it is indicative of the fact 191 members who responded were using food banks at the time the survey was live.

## **Government Support**

When asked, 5% of members said they have had to rely on Government support with the cost of living.<sup>5</sup> This includes, but is not limited to, working tax credit, council tax rebate and income support. This number was slightly higher for those with caring responsibilities (8%) and disabled respondents (12%) showing the unequal impacts of the cost of living crisis according to protected characteristics and personal circumstances.

## **Resources for the classroom**

The EIS has been aware of increasing numbers of teachers using their own money for classroom supplies since austerity policies were introduced after the last financial crash. When asked if they spent any of their own money to buy food, clothing, school equipment, or pay for pupils that they teach so they don't go without, the vast majority, 69%, said yes. Only 31% said they did not use their own money to support pupils.

Additionally, when asked if the cost of living crisis has affected their spending on classroom resources, 51% said they spend less because they can no longer afford it, and 15% said they spend more because of greater need as shown in figure 3.

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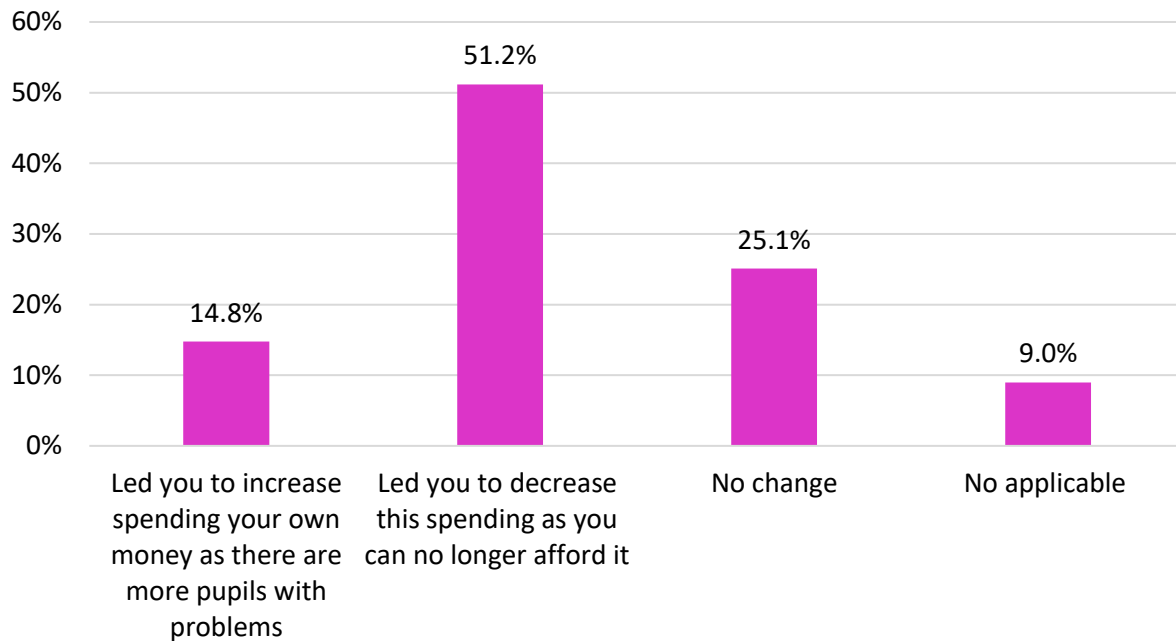
<sup>3</sup> 14,849 responses were gathered under this question.

<sup>4</sup> 199 respondents answered this question asking if this was the first time they had used a food bank.

<sup>5</sup> 14,780 responses were gathered under this question



**Figure 3: When it comes to buying materials or resources for your classroom (from your own money) has the cost of living crisis:**



Total responses: 14,774

Finally, members were asked if there was anything further that they would like to add in relation to the cost of living crisis. Within the 2,851 comments left, members shared that they were struggling to pay for everyday costs and were worried about the future. Some members said they were having to borrow money from their family and others were saying that they were now reliant on the wage of another family member such as their partner. Below are some of the comments left by members under this section.

- “I don't think the public or the government realise the actual hours teachers work, and assume working hours are the same as the school day. I also don't think they realise the time, effort, personal sacrifice and money teachers spend on doing the best they can by their pupils.”
- “The pay does not reflect the work that we do and the qualifications that we have.”
- “We wish more people knew the expectations for teachers. My family and friends are so supportive but only because they know. I feel that a lot of the resentment from public is due to a severe misunderstanding of what being a teacher entails. It is not just a job, we can never switch off and our wages are always cut due to supplying essentials such as breakfast for children that do not have. This is only a small part of the expectations of teachers. Thank you.”
- “Very concerned about the erosion of salary, with its impact on standard of living and final pension. Cost of travel and potentially paying for work parking space (previously mentioned in some regions as a pollution limiting option) is a great concern.”
- “The devaluation of our salary has resulted in a devaluation of the profession.”
- “I am having to cut hours due to stress but realistically cannot afford to do so.”

- “I am constantly stressed about money. I have a lot of debt because of the cost of living. My children are going without trips at the weekend because I am always catching up on work load and can’t afford to take them to soft play. It doesn’t pay to be a teacher. No money, no respect completely exhausted!!”
- “I worked really hard for my Pupils in lockdown and now feel like it's back to square one now that schools are back in. The Government takes us for granted and shovels anything that needs fixed in our society and expects us to solve it with less budget.”
- “We are so undervalued and we have been paying for and providing resources for our pupils for far too long.”

## Further Information

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# EDUCATIONAL INSTITUTE OF SCOTLAND

## DIGITAL STRATEGY REVIEW

SPRING 2022

- 1 Scope and Purpose
- 2 Current Position - SWOT analysis
- 3 Hardware
- 4 Software
- 5 Website
- 6 Social Media
- 7 Committee Meetings – Digital Papers
- 8 Video Conferencing - Enabling Hybrid Meetings
- 9 Digital Organising Strategy
- 10 Data Protection
- 11 Staff & Representatives' knowledge and training requirements

### **1 SCOPE AND PURPOSE**

In common with most organisations, IT is key to most aspects of the Institute's activities.

The particular circumstances of 2020 – 2022 during which staff were largely required to work from home and meetings of Committees, Networks and Council were held online brought this reliance on IT into relief.

Whilst, in general, the Institute's existing IT infrastructure and the additions (in terms of both new hardware and software) which have been acquired were sufficient to enable operations to continue and services to members to be maintained, a number of questions have been raised from staff and from members in relation to areas of potential development and enhancement.

Executive Committee is aware that it has been some years since they have received a formal report regarding the Institute's IT arrangements, strategy and priorities for future development.

The purpose of this review is to take a wide ranging view of the Institute's IT arrangements, including hardware, software, communications systems, security, and how staff and elected members can make the best possible use of IT, in order to deliver high quality service to members.

In particular, consistent with Institute's definition of 'digital', the strategy will consider how the Institute can best apply the culture, practices, processes and technologies of the internet era to respond to people's raised expectations.

This document comprises an overview of the current facilities, arrangements and procedures (including a SWOT analysis prepared at the start of the exercise), followed by separate sections in relation to distinct areas of focus. Within each section there is a summary of progress made during the life of the working group and developments planned deriving from its considerations, and a list of longer term developments which remain under consideration.

## 2 CURRENT POSITION - SWOT ANALYSIS

The following table is designed to give a summarised over-view of the current status of IT within the Institute. Each point is cross referred to a subsequent section of the report, where the matter is considered in greater depth.

STRENGTHS	Ref	WEAKNESSES	Ref
Existing hardware and software systems are reliable - low instance of outages.	3	Staff desktop 'estate' now 6 years old and due for renewal. <b><i>(now largely updated)</i></b>	3(ii)
Hardware & software in place allowed rapid and effective adoption of working from home for EIS staff	3/4	Existing desktop estate not efficient for hybrid working. <b><i>(now addressed as part of a refresh process)</i></b>	3(ii)
Mitel Phone systems and MiCollab App allows for remote reception, call forwarding etc. which will support the adoption of Flexible Working Patterns without need for further investment.	3	MiCollab functionality not reliably used by all staff. Training requirement. <b><i>(guidance has been rolled out to all staff)</i></b>	3
Hardware & software in place allowed rapid and effective adoption of online meetings to facilitate committee meetings and briefings	3/4	Range of physical and digital data storage arrangements at LA level.	3(iii)
Hardware, software, social media and working skills & procedures in place allowed effective campaigning, including sustained industrial action.	3/4/6	Many staff members and elected members do not feel adequately trained in relation to the IT facilities available to them.	11
Responsiveness of IT support	3(v)	Resistance to change and limited use of "road-testing" with members/ reps	
Data protection procedures, awareness and compliance arrangements are sound in key areas.	10	Continuous stream of out of date data in Membership Database (due to changes of address, school, work pattern not being notified to the Institute by members or reps)	4(iii)
Use of digital resources for recruitment and campaigning is comparable, and in some cases, ahead of many other unions	9	Silo working – eg membership team and organising team do not talk sufficiently to tailor database for effective campaigning. <b><i>(position improved as part of the work on pay campaign)</i></b>	9
Established website with well maintained content and clear navigation. It is regularly updated to reflect current issues and clear directions to enable non-members to join.	5		
Established social media presence on Facebook and Twitter (21.5k followers)	6		

OPPORTUNITIES		THREATS	
Greater engagement with members, in particular with targeted engagement	9	Being left behind as other trade unions move ahead digitally.	9
Use of technological solutions to map and track member engagement with specific campaigns. <i>(ongoing – significant progress made during pay campaign (e.g. texting and EIS Engage)</i>	9	Over-complication of membership systems leading to limited use outwith HQ.	4(iii)/11
Greater use of digital working (including wider use of Microsoft Teams) to allow more efficient working	9/11	Reliance on single external contractor for IT support and bespoke software development.	3/4
Greater use of digital practices to enhance organising capabilities <i>(ongoing – significant progress made during pay campaign (e.g. texting and EIS Engage)</i>	9	Security issues caused by use of unauthorised software or online apps.	10
Switch ageing desktop machines for laptops with docking stations etc to enable flexible working. <i>(Done as part of IT refresh)</i>	3(i)	Website becoming cluttered and less user friendly due to requests for additional content.	5
Improve targeting, breadth and depth of social media activity. <i>(capacity added to Comms department to enhance social media activity)</i>	6	Data breach involving ‘Special Category Data’	10
Better integration with HQ systems and support of reps.	9	Enhanced mapping and tracking of member engagement results in breaches of data retention policies and GDPR.	10
Extend the decentralisation (or “mainstreaming”) of digital tasks in order to reduce reliance on Comms Department and IT Contractor	5/9	Providing insufficient support to elected reps in their activities.	9
		Reputational risks from posts and interactions on social media platforms	6

### **3 HARDWARE**

#### **(i) Server rooms**

##### ***Current Position***

The EIS has server rooms within the Edinburgh and Glasgow offices.

The Edinburgh servers host the following:

- Files saved to Institute, Departmental and Personal drives (Word/ Excel/ PDF etc)
- Membership database
- Open Accounts data
- Payroll data files
- Telephone system
- Website

The Edinburgh and Glasgow server rooms include mirror servers for the other location which are used to provide off-site back up for each office.

##### ***Changes Made and Immediate Plans***

None

##### ***Future Considerations***

Many Organisations are moving from a physical server set up to a cloud based server system (aka virtual). These tend to be faster and more reliable than physical servers but can have GDPR issues for offshore servers.

#### **(ii) IT equipment for staff**

##### ***Current position***

Prior to the first COVID lockdown, most EIS staff had a HP\* desktop set up. By early 2022 these were c6 years old and therefore due for replacement.

Prior to covid, Organisers, Area Officers, National Officers were the only staff members routinely working from laptops. In addition, Officials had been issued with Microsoft Surface lightweight laptops in order to facilitate remote working.

When working from home was required in March 2020, the small number of 'pool' laptops retained in the office were issued to staff urgently requiring IT to enable them to work from home. Additional laptops were purchased as suitable equipment became available.

As at January 2022,

- 9 members of staff have their desktop set-ups at home
- 5 are accessing via TeamViewer from their own equipment
- Others have EIS laptops (c49?)

*\* Note that the Institute no longer purchases HP equipment. This is in line with the policies of other trade unions, set in response to the Palestine Solidarity Campaign highlighting the company's deep involvement with the Israeli military and prison system.*

### ***Changes Made and Immediate Plans***

In order to facilitate the Institute's policy on Flexible Working Patterns, a full migration from 'desktops' to 'laptops' was already planned in advance of the Working Group being convened.

This involved the purchase of additional laptops, docking stations and peripherals (screens, keyboards etc) in order to enable efficient and safe working for all whether in the office or at home.

Questionnaires were issued to all staff regarding their preferred configuration. Results were been collated and orders placed for the required equipment.

The process was completed in mid-2022.

### ***Future considerations***

Preparation of an indicative schedule for future refresh and/ or upgrade of equipment.

## **(iii) Local Associations**

### ***Current position***

Local Association laptops and desktops were updated during 2021.

Each LA receive one desktop or laptop (and associated peripherals) paid for by HQ. These are renewed every four to five years.

Local Associations can opt to purchase further IT equipment through the HQ arrangements with Integrating Technology, which is paid for from their own funds.

LA files have historically been backed up to a 'flash drive' supplied by HQ.

### ***Changes Made and Immediate Plans***

An Office 365 facility has been set up to enable Local Associations to back up files to the cloud which will improve data security and will enable better compliance with data protection rules (see section 11).

### ***Future Considerations***

**Recommendation that docking stations and twin monitors should be included in the package of IT provided to Local Associations by HQ.**

## **(iv) Phones**

### ***Current position***

The Institute have a MiTel phone system installed HQ and Area Offices. As well as having all of the standard functionality of an office phone system, there is a MiCollab app installed on all laptops and desktops which enables users to change their location/ status, divert calls to mobile etc.



In 2021, an additional module was purchased which enables reception to be operated from outwith the office and this has enabled staff to be contacted via the main switchboard number whilst remote working continues.

Mobile phones are on a contract with EE. Historically, EIS mobile phones have been issued only to the Officer/ Organiser Group. However, as part of the newly approved policy on Flexible Working Patterns, all staff have been issued with an EIS mobile phone.

#### ***Changes Made and Immediate Plans***

Officers and Organisers mobile phones were due to be upgraded with effect from December 2021. The new phones have been set up and distributed.

Where they are functional and in good condition, phones returned from Officers and Organisers have been reset and issued to Staff Group members with a new SIM card.

The EIS sign in screen has been populated with work 'mobile' numbers for all staff.

In conjunction with the rollout of mobile devices to staff, instructions and reminders have been given regarding the functionality of the Mitel system and, in particular, using the location/ call forwarding function to enable calls to be forwarded to mobile when working remotely.

#### ***Future considerations***

None

### **(v) Hardware Support**

#### ***Current position***

Hardware Support is provided by Integrating Technology Limited under the terms of a formal support and development contract, covering HQ, Area Offices and Local Associations.

Integrated Technology have worked with the EIS for many years, working on the basis of a succession of three year contracts. The contract was renewed on 31 January 2022, with the agreement of the Finance Sub Committee.

The current cost of the contract is £5,945 per month (excluding VAT) and it is structured such that the fee payable increases in line with teachers' pay. (This figure includes the April 2023 increment)

Feedback from staff on the IT support provided by Integrating Technology Limited is consistently good.

A copy of the most recent contract was reviewed by Working Group members.

#### ***Changes Made and Immediate Plans***

None

#### ***Future considerations***

Next renewal of Integrating Technology Limited contract due 31 January 2025.

Consideration of the advantages and potential costs of having an in-house IT officer in the medium to long term to complement the work of Integrating Technology Limited

## **4 SOFTWARE**

### **(i) Core Operations**

#### ***Current position***

Software Support is provided by Integrating Technology Limited under the terms of the formal support and development contract, covering HQ, Area Offices and Local Associations. This support includes office software.

Organisation wide, Microsoft Office is the core software used for documents, spreadsheets presentations etc. Other products such as Adobe Acrobat (PDF format) are used to supplement this as necessary.

#### ***Changes Made and Immediate Plans***

None

#### ***Future considerations***

Consideration of move to Office 365 – a cloud based office software system.

### **(ii) Email**

#### ***Current position***

The Institute's email runs on Microsoft Outlook. Email accounts are hosted on Microsoft 365 meaning that all email data is held in the cloud rather than on EIS servers.

#### ***Changes Made and Immediate Plans***

None

#### ***Future considerations***

None

### **(iii) Membership Database**

#### ***Current position***

The database is built on Microsoft SQL Server with Microsoft Access forms and reports utilised within a bespoke front end designed by Integrating Technology. This structure enables adjustments to be made to the design and functionality of the package without being constrained by a 'package design'.

Membership Database development and support is provided by Integrating Technology Limited under the terms of the formal support and development contract. Legal ownership of the system remains with the developer. However, the EIS have a perpetual license, which is not linked to ongoing engagement with them.

The database is under continuous development, and is bespoke to the EIS. Recent developments have enabled individual members, reps and LA secretaries to update membership details in real time. Additionally, new functionality has been developed for mapping member engagement.

LA Secretaries currently have the option to access the database online or via a desktop version, although it is planned that the latter will be phased out shortly. Where the desktop version is used, changes are updated overnight, rather than in real time.

LA Secretaries and School/ Branch reps have online access to records of members in their LA or workplace and an ability to log changes. Changes made by any users outside of the membership department are checked by the membership department before becoming fully reflected in the database (although the 'draft' updated details are viewable immediately for online users, with an icon to indicate they are awaiting approval).

Despite this (and despite the fact that all members are asked to confirm their contact details when annual subscription notices are issued each June) there is an ongoing issue regarding the quantity of out of date information contained within the database. Current return rates are roughly 1% for emails and 0.6% for SEJ. Whilst the membership department update the database regularly so that the Institute does not send further mail to addresses from which mail has been returned, it is a recurring problem, as a small number of members will change address (or email address) every month and fail to inform membership.

### ***Changes Made and Immediate Plans***

Publicise to staff and to LA Secretaries the ability to make changes and enhancements to the database system and ask that any suggestions in this respect be submitted to Lisa Butchart in the first instance.

The 2022/23 pay campaign provided impetus to bring forward the acquisition of a peer to peer texting module, which could be connected with the existing database package and the EIS Engage desktop which enable LA Secretaries and others to track the progress of consultative ballots.

Upcoming requirement to replace the bulk email module, 'Groupwise'. TMCN looking into alternative products.

Development of a Reps App, to enable (among other things) members details to be updated without the requirement to log in to the system from a PC or laptop.

Ongoing work to streamline the process of setting up ballots so each individual process will not require the involvement of the IT contractor.

### ***Future considerations***

Enhancement of the system to include a module which would allow LA Secretaries to record casework against a membership record to be further explored. Privacy and GDPR concerns to be specifically considered and Employment Relations department to be involved in the process.

Enhance the search functionality to allow for 'fuzzy searching' (a technique of finding strings that match a pattern approximately, rather than exactly). This would allow records to be more easily retrieved from partial information.

There is an option to contract for the Royal Mail to undertake a data cleanse of our list of names and addresses, which has been done in the past. However, it is understood that this would cost c£5,000 and therefore would not be an economic solution to the issue, given the low return rates currently being experienced.

The Working Group note that the operation of the Membership Database system is crucial to the operations of the EIS and therefore should be kept under ongoing review with data kept up-to-date. It was agreed to recommend the establishment of an informal group, involving key staff members and LA Secretaries, to provide user feedback on the Membership Database and to review suggestions for enhancement.

#### **(iv) Video Conferencing**

##### ***Current position***

The EIS currently make regular use of three different software packages for online meetings and seminars, each with their own characteristics, pros and cons.

The Institute also holds a license for Slido, which was acquired in order to facilitate voting at the 2021 online AGM

The EIS have no specific security concerns over any of the current packages, although some Local Authorities still block the use of one or more from their systems.

Comments below are based on an understanding of functionality as at April 2022. However, it is noted that there are regular published updates for all three packages.

##### **(a) Webex**

Webex has, historically been the Institute's default package for online committee meetings etc. and offers sufficient capacity to accommodate full meetings of the EIS Council.

We currently have 5 licenses at a total annual cost of £1,350 per annum.

- Pros - Historically well used and understood by Institute staff, Council and Committee members.
  - Default view of up to 25 people on screen with easy 'page turn' to see others
  - Any attendee (including a guest) can be made a presenter and can therefore share slides etc.
- Cons - Only those with a license on their PC can start a meeting.
  - Picture quality lower than Teams or Zoom (which is noticeable on the big screens now installed in HQ meeting rooms).
  - Meeting chat lost post-meeting unless specifically downloaded.
  - Limited to 200 attendees.

(b) Microsoft Teams

Teams is integrated with Microsoft Outlook and was previously used mainly for smaller scale group or 'one-on-one' meetings. Because of the link with Outlook, all staff members are able to set up their own meetings.

Teams is not just a software package for on-line meetings but is a much broader-scale collaboration tool. However, prior to 2022 the EIS were not using Teams to anything near its full potential (see Section 9)

- Pros - No direct cost involved as bundled with Microsoft licenses.
- Meeting chat is automatically retained within the team files.
- Meeting papers can be saved within the Team folder
- 1080 picture quality
- No limit on attendees
  
- Cons - Fewer participants are visible by default.
- Guests unable to share screen for presentation purposes.
- Significantly reduced functionality for 'guests', being anyone who is not a full 'Team member'
- 'Breakout rooms' not available.

(c) Zoom

Zoom is used less frequently, and usually for seminars and similar external events. Some LA's have been using Zoom for Committee of management meetings.

- Pros - Used and understood by most internal and external users
- 1080 picture quality
- Any attendee (including a guest) can be made a presenter and can therefore share slides etc.
- License allows for up to 500 attendees.
  
- Cons - Only those with a license on their PC can start a meeting
- Meeting chat lost post-meeting unless specifically downloaded.

All three packages theoretically offer automatic subtitling (close captions). However, experience to date has shown that this does not work well with the range of Scottish (and other regional British) accents used in EIS meetings.

***Changes Made and Immediate Plans***

During the lifetime of the Working Group the Institute has gradually moved almost all online and hybrid meetings away from Webex and on to Teams.

A survey of LA Secretaries was undertaken in late summer of 2022 with regard to the attitude of Local Authorities to different VC packages. Most respondents indicated that Zoom was either blocked or discouraged. For both Glasgow and Edinburgh, Microsoft Teams was the only permitted platform.

### ***Future considerations***

Potential reduction in the number of Webex licenses held, dependent on future usage levels.

## **(v) Accounting Software**

### ***Current position***

#### ***Xero***

In 2021, the Institute's outdated Open Accounts software was replaced with Xero.

Xero is a cloud based product, paid for via a monthly subscription rather than a capital cost and annual license fee.

The switch to Xero has delivered some significant benefits to the EIS including:

- Simplified generation of reports;
- Automation of Accountant's authorisation for transactions;
- Automation of staff expense claims (also to be rolled out to Committee Members in 2022);
- Improved efficiency for auditors (who can be given read only access to our ledgers).

We paid to maintain access to Open Accounts until July 2022 in order to allow completion of the 2021 audit and for backups to be taken of ledger reports for the previous 7 years, which must be retained for tax purposes. This data has now been archived and the licensing discontinued.

#### ***Open People***

When the Institute's accounting software was reviewed in 2021, consideration was also given to the replacement of the existing Payroll system. Whilst Open People is supplied by the same company ("Advanced") who supplied Open Accounts, the two packages were not integrated, giving us the opportunity to consider payroll software requirements in isolation from the accounts package.

A number of alternatives, including Xero, were considered as part of the process. However, it was concluded that none offered a persuasive operational and economic case for change. The decision was made to retain Open People.

#### ***Investment ledger (Microsoft Access database)***

The Investment Ledger is a Microsoft Access Database with a front end designed by Integrating Technology. It holds a historic record of all of the listed investments held by the Institute, including purchases, sales and dividends received. It is used for the preparation of the annual accounts and tax computations.

#### ***Changes Made and Immediate Plans***

None

### ***Future considerations***

Long term future of Open People as our preferred payroll package. This will be revisited during 2023/24.

**(vi) Specific Trade Union Specific Software**

***Current position***

Nothing currently in place.

***Changes Made and Immediate Plans***

None

***Future considerations***

Review of commercially available software for casework management that may support Area Officers, and elected representatives in carrying out and recording casework.

Ongoing engagement with TUC Digital Labs project in order to enable horizon scanning for advantageous investment opportunities.

**5 Website**

***(i) Current position***

The EIS website is designed and technically maintained by Integrating Technology Limited. The site is hosted on the HQ servers.

Overall responsibility for quality lies with the Comms department. However, each department has the authority and ability to develop and upload their own content.

The primary aim of the website is to be an essential hub for teachers and lecturers in Scotland, covering both union matters and pedagogical resources.

There is a publicly available area containing a wide range of information and news about the Institute, which, among other things:

- is an 'online shop window' for the Institute;
- provides access to a repository of relevant, current information regarding the Institute's work, its campaigns and its policies, for members, potential members and interested third parties;
- includes links to e-bulletins and to the SEJ micro-site (see below)
- includes information regarding joining the EIS and includes ability to join online; and
- includes a 'Careers' link advertising available jobs and hosting detailed particulars and application forms.

The members' area, for which a valid login is required, contains (depending on members' individual permissions):

- ability to amend own membership details;
- ability for Reps and LA Sec's to update their members' details;

- minutes of Committees & Council.

Current functionality also allows the institute to use the website in order to facilitate:

- Submission of Council/AGM/LA Exec/FEIS/FELA/ULA/Networks nominations
- Hosting secure pages (accessible via authorisation codes) for online elections and ballots.
- Event registration.
- Ebulletins.
- Polls, Petitions and surveys.

Finally there is functionality for a staff intranet, although this is not currently used.

Overall, the Working Group agreed that the EIS website:

- looks good to visitors;
- includes menus which are largely clear and intuitive;
- properly reflects current issues (e.g. Campaigns or Key Institute news items);
- contains the information and resources which a visitor would expect to find;
- has clear information as to how to (and why you should) join.

However, there were also areas in which it was suggested that the existing structure could be improved, including:

- searchability of the site;
- difficulties in finding EIS policy on particular matters (sometimes AGM resolutions are found rather than the policy papers arising therefrom);
- out of date materials and references appearing in site searches – cleansing required?
- insufficient prominence given to celebrating successes;
- names and pictures of key individuals included under 'Help & Advice', which was not considered to be the right place;

As well as the main EIS website, there are a number of sub-sites/ micro-sites which have been built in recent years using WordPress hosted on a separate cloud server:

- Online SEJ – (<https://sej.org.uk>)
- Anti-racism sub-site (<https://equality.eis.org.uk/anti-racism>)
- PACT Project (<https://PACT.eis.org.uk>)
- Equality Training (<https://equality.eis.org.uk/tastertraining>)
- Palestine – A repository of a specific range of teaching resources developed by a coalition of organisations including the EIS and Education Scotland. (<https://blog.eis.org.uk>)
- No Planet B – Micro-site developed to showcase teaching materials as part of the EIS' COP 26 work. (<https://noplanetb.eis.org.uk>)
- 175 Years Strong (<https://175.eis.org.uk>)



**(ii) Changes made and immediate plans**

Departments (working with guidance from the Comms team) to input key words into relevant documents in order to improve their 'discoverability'.

Different search methods (indexing software, fuzzy search, sorting, filtering and labelling) to be evaluated and implemented if considered useful and appropriate.

Development of a LA Secretaries homepage containing documents and policies specifically applicable to the work of these individuals. There will be further consultation with LA Secretaries as to whether this resource would be best placed online or set up as a Microsoft Teams Group

Each HQ department should have someone with the skills to update their section of the website. However, given recent staff changes it is understood that this might no longer be the case. Update training to be provided to identified individuals.

A review of EIS policy documents on the website to include:

- Verification that both the policies and the categories under which they are filed remain valid and appropriate;
- Ensuring all policies are labelled and dated;
- Comms and IT to examine how best to improve the search function for policy papers. AGM resolutions to be excluded from search results in relation to policies;

An additional area will be set up on the website to highlight the Institute's successes and wins.

An archive section will be created to hold past campaigns, PL courses and AGM material. This will be restricted to certain user categories.

Departments will be asked examine webpages and remove anything that is no longer relevant or out of date.

Discouragement of future micro-sites being set up outwith the main website unless there is a genuine reason – although existing sub-sites will remain in place.

**(iii) Future considerations**

Consider how the existing content can best be 'cleansed' and whether there should be a regular process of identifying and removing out of date material so that the website does not becoming too large and unwieldly.

Consideration of how best to improve the search function for policy papers.

Menus to be restructured to better facilitate navigation by users accessing the website via PC/ laptop or on a tablet or phone.

Consider whether HQ can offer support to Local Associations in order to populate and update their own webpages – noting that it might be appropriate to take down certain LA websites if the local Executive Committee do not wish to use them.

## 6 Social Media

### (i) *Current position*

The EIS have active channels on Twitter, Facebook and Youtube. Social media activity is managed exclusively from the Comms Department.

Posted content includes important news for members, information regarding ballots, pictures and video from key events and staff recruitment.

Social media accounts are password protected. Passwords are generally restricted to the Comms department but are regularly shared with officers attending conferences or events on behalf of the Institute. Passwords are changed regularly.

The EIS Facebook account is a public account. It has 'rules' presented at the top of the home page and the Comms department have the ability to block individuals from posting if necessary.

Engagement statistics are reported at each Executive meeting.

### (ii) *Changes made and immediate plans*

The Working Group concluded that the core purposes of social media for the Institute was to promote, inform, educate and recruit.

It was noted that EIS social media should not generally be a two-way communication channel with members (i.e. debate). It was generally felt that the EIS social media needed a greater political edge.

There was agreement that in addition to the current social media channels used (Facebook, Twitter & YouTube) expanding the channels to include Instagram should be explored. It was noted that whilst consideration should be given to how greater video content should be produced and be incorporated in social media use, TikTok would not be an appropriate channel for the Institute to use in the short term. The aim for the EIS social media to 'hit' as many people using a variety of social media platforms was noted. It was also noted that "tweeting" was not about quantity but quality, relevance & timing.

It was agreed that the Communication Reports to the Executive would feature more quantitative benchmarks – similar to those shared at the meeting. This is now being done.

The Working Group addressed the importance of social media requirements being embedded ahead of EIS events to ensure maximum promotion and engagement with members. Consideration was given to the suggestion of introducing additional twitter accounts for specific individuals, such as the President or General Secretary or Committees and it was agreed that this should be explored on a trial basis.

An additional post within the Comms team has been created, for a twelve month period, in order to provide additional capacity to develop the Institute's social media presence.

**(iii) Future considerations**

Whilst, as noted above, there is no ambition to have a dedicated EIS Tik Tok account, it was agreed that the Comms department should investigate how they might monitor other Tik Tok accounts (members or relevant third parties) in order to identify material which could be shared on EIS Facebook or Twitter feeds.

The Comms department staffing implications of the above (together with other aspects of the institute's digital strategy) will be kept under review, in order that, if appropriate, recommendations regarding additional staffing resource can be made.

Controls in order to mitigate the reputational risks associated with social media use to be kept under review.

Ongoing use of Twitter to be kept under review in the light of the recent change in the ownership of the platform and subsequent events. It is however noted that, at the present time, there is no other platform which can offer the level of reach and profile achieved via Twitter.

**7 Committee Meetings – Digital Papers**

**(i) Historic and Current Position**

Until 2020, all Committee papers were issued in hard copy and either posted out to members in advance of the relevant meeting or, in the case of sensitive documents, issued to members at the start of the meeting and taken back in for shredding at the end.

In 2020, as part of a suite of potential carbon reduction measures, it was proposed that papers be issued to members electronically in advance of the meeting and that a suite of tablets be purchased for use by members in meetings. However, due to the COVID hiatus, this initiative was never explicitly approved and can therefore be reappraised in the light of current circumstances. A similar initiative piloted by the FELA executive proved unpopular with members and has not been continued.

From March 2020 to April 2021, meetings of Committees, Networks and Council were fully virtual, with papers being distributed in electronic form only and both members and servicing officials using IT (whether their own, their employer's or the Institute's) in order to engage.

For some, but not all meetings, a bundle of papers is produced in PDF form with the agenda hyperlinked to the supporting papers within the bundle.

This policy was continued for the June and August/ September committee cycles, although this was without specific instruction from Executive Committee.

Where papers of a sensitive nature (e.g. applications to the Benevolent Funds) are being considered, these are distributed by StayPrivateMail, which provides an element of protection against attachments being forwarded to further non-EIS email addresses by recipients. Committee Members are asked to delete all such emails from their inbox (and deleted items folder) at the conclusion of the meeting.

**(ii) Consideration of Future Arrangements**

With the introduction of hybrid meetings since 2022 there has been an opportunity to consider what is the most efficient, inclusive, use friendly, 'green' and secure method of formatting and distributing paperwork.

The Working Group agreed that the Institute should adopt an "opt-out" policy with regard to the distribution of papers for all meetings including Committees and Council, with a paper copy of a meeting's agenda always being tabled for attendees.

It was agreed that the provision of a 'bundled' PDF of meeting papers, with hyperlinks to aid navigation had been a positive development and that this should be continued for those choosing to use digital papers in meetings as the final document the day before a meeting.

The Working Group agreed that the Institute should not purchase digital devices for use by Committee Members in meetings on the grounds that most, if not all, who would wish to use electronic papers already bring their own and that a similar initiative proved unpopular with FELA executive members. It was also noted that the purchase of dedicated devices would have significant environmental footprint and cost, which might defeat the purpose of the proposal.

It was agreed to explore the possibility of improving the availability of power sockets for devices and wifi in meeting rooms.

The use of StayPrivateMail for the distribution of confidential papers is to be continued for now but is to be kept under review.

**8 Video Conferencing - Enabling Hybrid Committee & Council Meetings**

**(i) Historic and Current Position**

The Institute has had video conferencing capability in meeting rooms for many years, as set out on in Section 4 (iv) above. This has enabled meetings where 1 or 2 participants are joining remotely and has facilitated virtual interviews, where candidates applying to work with the EIS are based overseas.

In view of the ongoing requirement for facilities to enable hybrid meetings (large and small), T McNally and L Butchart met with a telecommunications engineer from HFD intelligent Technologies at HQ to identify video conferencing options for the Council Chamber and Meeting Rooms 1,2 and 3 and the Training Room.

Based on the advice received, two sets of equipment have been acquired.

In accordance with the decision of the Working Group at Meeting 1, the Institute has purchased a set of VC equipment (4k 85" Display, 1Barco CX-50 & Logitech Rally Bar Wireless Collaboration Bundle for Webex/Zoom/MS Teams) mounted on a trolley (Cost c£12,000) to be used in the Council Chamber. Visual quality is excellent but there are still sound issues which are currently being investigated and resolved with the assistance of the suppliers.

The Institute has also obtained a trolley mounted VC unit (4k 75" display, Display1Barco CX-30 & Poly Studio Wireless Collaboration Bundle for Webex/Zoom/MS Teams) for use in Meeting Rooms 1 & 3. It can also be transported, via the lift in the 48 Moray Place stairwell, for use in the training suite. (Cost c£6,000) This unit working very successfully.

**(ii) Immediate plans**

As noted above, there are ongoing issues with sound quality for those attending hybrid meetings in the Council Chamber remotely. **Following a detailed review of the problems by the Institute's AV Suppliers, proposals are being sought to resolve sound issues, including a compatible 'push to speak' microphone system.**

**(iii) Future considerations**

None

**9 Digital Working Strategy**

**(i) Historic and Current Position**

Executive have previously noted a paper summarising a scoping exercise that benchmarks the digital work of the EIS relative to other trade unions. From discussions with TUC staff and contacts within other unions, it is understood that the use of digital resources for recruitment and campaigning is comparable, and in some cases, ahead of many other unions. However, the working group are mindful that there will be a need to keep this area under close review in order to avoid being left behind as other trade unions develop their digital capabilities.

**(ii) Changes made and immediate plans**

In the course of the 2022/23 pay campaign, a number of new digital engagement tools were rolled out in order to enhance communication with members. These included peer to peer text messaging from the membership database and the EIS Engage desktop which enabled organisers and LA Secretaries to view real time data on the level of response to consultative ballots.

It is envisaged that there will be other applications for these tools, for example, to follow up with newly qualified members who are due to start paying subscriptions but who have not provided bank details.

A further benefit of introducing these new digital tools is that it has reduced the necessity for staff or LA officers to extract data from the database in order to undertake their own analysis or mapping outside of the system.

As noted above, the membership database is now available online, enabling LA Secretaries to view more up to date information. Work is currently underway, in response to feedback received, to further improve functionality within the online portal.

**(iii) Future considerations**

As part of the ongoing staffing review, the General Secretary will consider whether there is a requirement for a designated staff post in order to deliver the Institute's digital working ambitions.

**As noted with Section 4 (iv) above, there is an opportunity to utilise more of the functionality of Microsoft Teams in order to enhance digital working across HQ, Area Offices and Local Associations.**

## **10 Data Protection**

### **(i) Current Status**

The EIS has three distinct registrations with the Information Commissioner's Office ("ICO")

- The Institute itself (also covering Local Associations)
- The Superannuation Scheme
- The EIS Benevolent Funds

Data Protection is a particularly important matter for Trade Unions because an individual's membership of a Trade Union is deemed to be special category data, meaning that a data breach which put such information has, in law, a similar degree of seriousness to a breach of data containing information on race, religion or sensitive medical conditions.

Management responsibility for the Institute's data protection arrangements lies with John McLeod, being the nominated Data Protection Officer. He is assisted by a standing working group, including members from the finance, membership and legal departments, as well as Thomas McNally from Integrating Technology.

The Institute, the Superannuation Fund and The Benevolent Funds all have their own documented policies covering data protection and the agreed rules for processing and retention. The policy with regard to members is on the EIS website (linked from the foot of the home page).

John McLeod is also an active participant in an online Trade Union Data Protection Officers Group, which acts as a forum for those responsible for data protection within trade unions to share experience and best practice.

### **(ii) Training for Staff and Elected Members**

The ICO website strongly recommends that organisations deliver training on data protection and GDPR to all staff members on a regular basis.

EIS staff and Local Association secretaries received training at the introduction of GDPR in 2018. However, it was identified during 2021 that no updates had been provided since that time.

A GDPR training session for Local Association Secretaries was delivered on 27 January 2022, with slides subsequently distributed to all (including those unable to attend on the day. The session was also attended by 13 staff members.

Staff training was delivered on Wednesday 9<sup>th</sup> and Tuesday 15<sup>th</sup> March to all members of staff (including Local Association admin staff) and, again, slides were distributed to all.

**(iii) Changes made and immediate plans**

- (i) Audit required of Local Associations' ability to make their current and future case files 100% digital.
- (ii) Dundee AO and Local Association file storage to be migrated to One Drive in order to improve data security. **Done**
- (iii) Consider use of Sharepoint rather than Secure Mail to distribute sensitive papers to Committees.

**(iv) Future considerations**

The Institute has responsibility under GDPR to deliver refresher training to all relevant individuals on an ongoing basis. New data protection legislation is currently under consideration by the UK Government and, if enacted, training in relation to any new requirements will be required.

**11 Staff & Representatives' knowledge and training requirements**

Any change in IT or working practices needs to be carefully implemented in a planned and inclusive manner with a holistic training programme.

**(i) Immediate plans**

IT training update to be delivered on next local Association Secretaries' training day, based on feedback received from 2021 focus groups.

Assist staff to make better use of Microsoft Teams to improve collaborative working.  
**(Ongoing)**

**(ii) Future considerations**

Audit to be carried out of staff training needs in order to deliver appropriate training.

Consideration to be given both to things which staff themselves identify as weaknesses, and areas in which there is a lack of awareness.

## Using Legislation to Reduce Mainstream Class Sizes

### 1. Background

The 2022 EIS AGM passed the following motion:

“That this AGM call upon Council to press for legislation to reduce mainstream class sizes to a maximum of 20.”

As this paper will outline, the maximum class sizes for education have been determined both through legislation (i.e. statutory) and by the agreement at the Scottish Negotiating Committee for Teachers (SNCT) (i.e. contractual).

This paper explores the levers available to vary class sizes to determine how the EIS should campaign for this moving forward.

### 2. Class Sizes Defined in Legislation

The UK Government, in 1999, used Westminster legislation to set legal limits on the sizes of some classes in Scottish schools. The Education (Lower Primary Class Sizes) (Scotland) Regulations 1999 Act sets out a maximum class size for lower primary classes in Primary 1, 2 and 3 as outlined below:

“Limit on lower primary class sizes

“3.—(1) No lower primary class at a school shall contain more than 30 pupils while an ordinary teaching session is conducted by a single qualified teacher.

“(2) Where an ordinary teaching session in the case of any such class is conducted by more than one qualified teacher, paragraph (1) shall be taken to prohibit the class from containing more than 30 pupils for every one of those teachers.

“(3) Where a lower primary class at a school contains any excepted pupil (as defined by regulation 4), paragraph (1) or (2) shall apply as if he were not included in the class.

“(4) Any limit imposed by this regulation shall apply—

“(a) in relation to a Primary 1 class, from 1st August 1999;

“(b) in relation to a Primary 2 class, from 1st August 2000; and

“(c) in relation to a Primary 3 class, from 1st August 2001.”<sup>1</sup>

This legislation determines that no primary 1,2 or 3 class will have more than 30 pupils at a time under the supervision of one teacher. In 2010 this legislation was updated to reduced the maximum class size in primary 1 to 25 pupils.<sup>2</sup>

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<sup>1</sup>UK Government, “The Education (Lower Primary Class Sizes) (Scotland) Regulations 1999 No. 1080 (S. 86) Whole Instrument” <https://www.legislation.gov.uk/uksi/1999/1080/made>

<sup>2</sup> UK Government, “The Education (Lower Primary Class Sizes) (Scotland) Amendment Regulations 2010 Scottish Statutory Instruments 2010 No. 326 Whole Instrument <https://www.legislation.gov.uk/ssi/2010/326/made>



The maximum class sizes of all other primary, secondary and special school years are set out in the Scottish Negotiating Committee for Teachers (SNCT) Handbook.

### 3. Class Sizes Defined in the SNCT Handbook

Within the SNCT handbook, there is a detailed section that outlines the maximum class sizes for each stage of Scottish Education. These are contractual terms, not statutory terms. The class size maximums are as follows:

**Table 1: Class Sizes for Mainstream Schools**

Primary	Number of pupils <sup>3</sup>	Secondary	Number of Pupils <sup>7</sup>
P1	25 <sup>4</sup>	S1	33
P2	30 <sup>5</sup>	S2	33
P3	30 <sup>6</sup>	S3	30
P4	33	S4	30
P5	33	S5	30
P6	33	S6	30
P7	33	Practical classes#	20
Composite classes	25		

# The SNCT outlines the practical classes as: Administration and IT, Art and Design, Biology, Chemistry, Design and Manufacture, Engineering Science, Environmental Science, Graphic Communication, Health and Food Technology, Hospitality: Practical Cookery, Hospitality: Practical Cake Craft, Land and Environment, Physics, Practical Craft Skills, Practical Electronics, Practical Metalworking, Practical Woodworking, Science.

The class size maxima within special schools and units are specified in the Handbook, Appendix 9:

<sup>3</sup> SNCT Handbook, "Appendix 2.0: Class Sizes Maxima"  
[https://www.snct.org.uk/wiki/index.php?title=Appendix\\_2.9](https://www.snct.org.uk/wiki/index.php?title=Appendix_2.9)

<sup>4</sup> Set by The Education (Lower Primary Class Sizes) (Scotland) Amendment Regulations 2010

<sup>5</sup> Set by The Education (Lower Primary Class Sizes) (Scotland) Regulations 1999 No. 1080 (S. 86) Whole Instrument

<sup>6</sup> Set by The Education (Lower Primary Class Sizes) (Scotland) Regulations 1999 No. 1080 (S. 86) Whole Instrument

<sup>7</sup> SNCT Handbook, "Appendix 2.0: Class Sizes Maxima"  
[https://www.snct.org.uk/wiki/index.php?title=Appendix\\_2.9](https://www.snct.org.uk/wiki/index.php?title=Appendix_2.9)

**Table 2: CLASS SIZES FOR SPECIAL SCHOOLS AND UNITS**

<b>Additional Support Needs arising from:</b>	<b>Number of pupils</b>
Moderate learning difficulties	10
Profound learning difficulties	10 <sup>8</sup>
Severe physical impairment	8
Severe learning difficulties	8
Significant hearing impairment	6
Significant visual impairment	6
Language and communication difficulties	6
Social, emotional and behavioural difficulties	6

Within the primary school sector class sizes determined through the SNCT are set at a maximum of 33 pupils per class, or 25 pupils for composite classes. In secondary schools, the maximum class sizes are set at 33 until S3 when they reduce to a maximum of 30. Practical classes in secondary schools are set at a maximum of 20 pupils with a list of practical subjects.

Within special schools, the maximum class size is determined by the needs of the pupils in the class. In general terms the more complex the pupils' needs, the smaller the class size maximum can be.

#### **4. Mandatory Class Limits: Statutory vs Contractual**

Local authorities are required to follow the law, and by setting the class sizes for lower primary school pupils it forces local authorities to plan and implement the class size limits. Laws are generally created by legislation and enforced by the state. Whilst the current Act on P1-P3 class sizes does not set out the penalties for breaking the class size limits, local authorities could be challenged by teachers, pupils, parents or the Scottish Government if they broke the law. Furthermore, with a statutory class limit in place, the Scottish Government on local authorities would find it more difficult not to implement it or change the class sizes.

Local authorities need also to follow contractual agreements with staff that they have entered into. The SNCT class limits are contractual terms, essentially a private agreement between the teachers' unions, local authorities and the Scottish Government. Whilst it is not unlawful to breach a contract, individual teachers (or a trade union representing them) could sue for damages from a local authority that breaches the contractual limits. The onus, therefore, is on the "teachers" to enforce contractual agreements and to address any breach. In reality, the onus is likely to fall on the EIS, on behalf of teachers.

Statutory terms are usually considered to be stronger than contractual terms, and the AGM resolution seeks all mainstream class sizes to be set by legislation. Creating laws is more complex than creating or amending contracts – requiring planning, scrutiny, resources, political will and overall political support in the Scottish Parliament.

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<sup>8</sup> This figure applies where teachers are complemented by support staff and councils are recommended to apply an adult/pupil ratio of 1:2.5 as outlined in the SNCT Handbook

The “political will” aspect is important as the potential cost of a statutory class size would be significant – including both capital expenditure to expand school buildings and recurrent expenditure for additional staff. In reality, it would mean increasing education expenditure in priority over other areas for several years. This will be a challenge for the Scottish Government – one that currently seems to prioritise Health, Social Care and Social Security Benefits. In this context, the campaign is likely to be more successful if it has cross-party support.

## 5. The Political Landscape: Class Size Data

The SNP has been in government since 2007. When looking at its political priorities, it is clear that a reduction in class sizes was a key aim for the Scottish Government in its 2007 and 2011 manifestos. In 2007, the SNP pledged to bring in smaller class sizes “starting with a reduction in the first three years of primary to 18 or less.”<sup>9</sup> In 2011, the SNP again made this pledge: “We will aim to reduce the maximum class size for P1 to S1 from 33 to 30 over a period of 6 years. In the long term, it is our aim to further reduce class sizes to a maximum of 25.”<sup>10</sup> However, the 2016 and the 2021 Scottish Parliament SNP manifestos dropped this pledge to reduce class sizes.

When looking at the average class size of primary 1-3 (for which there is legislation limiting class sizes) between 2010 and 2022 there is also very little variation between the data points showing that there has been no real shift in average class sizes for P1-P3 for the past 13 years<sup>11</sup>.

Additionally, the Scottish Government records the percentage of pupils in class sizes of 18 or fewer (or in 2 teacher classes of 36 or fewer). We can see from Table 2 that around a fifth of all primary 1-3 pupils were in classes of 18 or fewer in 2010, to around an eighth in 2022.

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<sup>9</sup> The Guardian, “SNP Manifesto 2007” <https://image.guardian.co.uk/sys-files/Politics/documents/2007/04/12/SNPManifestoprogramme.pdf>

<sup>10</sup> SNP Manifesto 2011 <https://niallbhunter.wordpress.com/snp/>

<sup>11</sup> Scottish Government, “Summary statistics for schools in Scotland no. 7: 2016 edition” (2016) <https://www.gov.scot/binaries/content/documents/govscot/publications/statistics/2016/12/summary-statistics-schools-scotland-7-2016/documents/00511475-xls/00511475-xls/govscot%3Adocument/00511475.xls> Scottish Government, “Schools in Scotland 2022: summary statistics” (2022) <https://www.gov.scot/binaries/content/documents/govscot/publications/statistics/2022/12/summary-statistics-for-schools-in-scotland-2022/documents/summary-statistics-for-schools-in-scotland---bulletin-tables/summary-statistics-for-schools-in-scotland---bulletin-tables/govscot%3Adocument/Summary%2Bstatistics%2Bfor%2Bschools%2Bin%2BScotland%2B2022%2B-bulletin%2Btables.xlsx>

**Table 3: Average class size of primary school pupils, 2010 to 2016<sup>12</sup>**

	2010	2011	2012	2013	2014	2015 <sup>(2)</sup>	2016
P1	21.1	20.5	20.6	21.2	21.2	21.1	21.2
P2	22.8	23.3	23.3	24.0	23.9	24.1	24.0
P3	23.4	23.9	24.0	24.5	24.7	24.8	24.7
P1-P3	22.4	22.5	22.6	23.2	23.3	23.3	23.3
Primary	22.5	22.7	22.7	23.2	23.3	23.4	23.5

**Table 4: Average class size of primary school pupils by stage 2016 to 2022<sup>13</sup>**

<i>Headcount</i>							
Stage	2016	2017	2018	2019	2020	2021	2022
P1	21.2	21.0	20.9	21.0	20.8	20.9	20.9
P2	24.0	23.9	23.9	23.9	23.8	23.7	23.8
P3	24.7	24.7	24.6	24.7	24.2	24.4	24.5
P4	26.0	26.0	25.7	25.7	25.3	25.3	25.5
P5	26.1	26.1	26.1	26.0	25.5	25.6	25.7
P6	26.0	26.1	26.0	26.0	25.5	25.6	25.7
P7	25.8	25.9	26.0	25.9	25.6	25.5	25.7
P1-P3	23.3	23.2	23.2	23.2	22.9	23.0	23.1
P4-P7	26.0	26.0	25.9	25.9	25.5	25.5	25.7
Primary	23.5	23.5	23.5	23.5	23.1	23.2	23.3

In general, class sizes have therefore been relatively flat since 2010.

## 6. Pupil to Teacher Ratios

The Pupil to Teacher (PTR) in Scotland has also been broadly flat – with the latest 2016-2022 figures shown below:

<sup>12</sup> Scottish Government, “Summary statistics for schools in Scotland no. 7: 2016 edition” (2016)  
<https://www.gov.scot/binaries/content/documents/govscot/publications/statistics/2016/12/summary-statistics-schools-scotland-7-2016/documents/00511475-xls/00511475-xls/govscot%3Adocument/00511475.xls>

<sup>13</sup> Scottish Government, “Schools in Scotland 2022: summary statistics” (2022)  
<https://www.gov.scot/binaries/content/documents/govscot/publications/statistics/2022/12/summary-statistics-for-schools-in-scotland-2022/documents/summary-statistics-for-schools-in-scotland---bulletin-tables/summary-statistics-for-schools-in-scotland---bulletin-tables/govscot%3Adocument/Summary%2Bstatistics%2Bfor%2Bschools%2Bin%2BScotland%2B2022%2B-bulletin%2Btables.xlsx>

**Table 5: Pupil Teacher Ratios (PTR) by sector**

	2016	2017	2018	2019	2020	2021	2022
Total based in schools	14.0	13.9	13.8	13.8	13.6	13.4	13.5
Primary	16.6	16.4	16.1	15.9	15.4	15.1	15.3
Secondary	12.2	12.2	12.3	12.4	12.5	12.4	12.4
Special	3.6	3.6	3.6	3.7	3.8	3.8	3.7

There is a rise in the PTR for the primary sector over the period, with a small increase in the secondary and special school sectors. The PTR figures in Scotland are much better than the PTR figures for England and Wales.

The Scottish Government does not record the class sizes for all primary years or individual years in secondary or special schools. - it is thus not possible to determine the pupil experience. As there is a legal requirement to keep class sizes to a maximum of 25 for primary 1 and 30 for primary 2 and 3 pupils the Scottish Government routinely collects this data.

The Scottish Government does not record the class sizes for all primary years, or for individual years in secondary or special schools. - it is thus not possible to determine the pupil experience. As there is a legal requirement to keep class sizes to a maximum of 25 for primary 1 and 30 for primary 2 and 3 pupils the Scottish Government routinely collects this data.

**Table 6: Teacher Numbers 2009-2022**

Year	percentage female	total excluding ELC	pupils	pupil teacher ratio	total including ELC
2009	76.0	51,344	676,740	13.2	53,001
2010	76.3	50,498	673,140	13.3	52,022
2011	76.7	49,907	670,511	13.4	51,368
2012	76.8	49,867	671,218	13.5	51,253
2013	77.0	49,790	673,530	13.5	51,078
2014	77.0	49,521	676,955	13.7	50,720
2015	77.2	49,679	680,007	13.7	50,717
2016	77.1	49,985	684,415	13.7	50,970
2017	77.1	50,592	688,959	13.6	51,513
2018	77.3	51,138	693,251	13.6	51,959
2019	77.2	51,449	697,989	13.6	52,247
2020	77.3	52,672	702,197	13.3	53,400
2021	77.3	53,581	704,723	13.2	54,285
2022	77.4	53,459	705,874	13.2	54,193

The Scottish Government and employers have generally maintained teacher numbers in recent years, and thus class sizes and PTR have been broadly flat albeit due to an increase in teacher numbers between 2019 and 2021. The latest data does show a decrease in teacher numbers from 2021 to 2022, despite Scottish Government policy of increasing teacher numbers.

## **7. Campaigning for legislation to reduce mainstream class sizes to a maximum of 20**

Council has been tasked to press for legislation to reduce mainstream class sizes to a maximum of 20. This is part of a wider EIS aim of reducing workload and aligns with the specific 20/20 campaign. Campaigning on this AGM resolution should therefore be dovetailed into the wider workload campaign.

As identified earlier in this document, class sizes defined by legislation are more binding than by SNCT, which is probably why AGM adopted this approach. However, it is generally more difficult to pass new laws rather than to vary contractual terms.

From a Scottish Government and employers' perspective, the (significant) resources required to implement a mandatory reduction in class sizes are the same – whether it is based on a contractual or legislative basis. However, a legislative basis would be more difficult to abandon or breach.

The largest pitfall of using contractual means to limit class sizes is that the responsibility for policing class sizes would be put on teachers to ensure their contracts are not breached, i.e. the EIS, rather than the Scottish Government and local authorities.

It is suggested that as part of a wider workload campaign, a briefing should be shared with MSPs and stakeholders explaining why workload is too high, the effects of excessive workload, and how it may be addressed by a variety of means – including by reducing class sizes. The briefing would then go on to set out why legislation to create statutory limits is the best way to reduce mainstream class sizes to a maximum of 20 i.e. by extending the current legislation from P1-3, to include P4-P7 and S1-S6.

Additionally, the Committee may wish to campaign for wider data reporting on the class composition throughout the education sector and not just for the first 3 years of primary schooling. At present, the only data that is collected are the years covered under the legislation. This would support any debate around class sizes. This additional data would also help to inform EIS campaigning on the additional resources needed to bring about maximum class sizes of 20 in all stages of Scottish primary, secondary and special education.

## **Recommendations**

1. To incorporate the need for a legislative limit for class sizes into our main workload campaign, including the 20/20 aspect.
2. To produce a campaign briefing for all MSPs and include why the EIS believes that all mainstream class sizes should be reduced to 20, why this should be defined by legislation, and to build support for such a campaign.

April 2023

# Additional Support for Learning Scoping Paper – April 2023

## Background

At the 2022 EIS AGM, the following motion was passed:

“That this AGM instruct Council to engage with the Government in order to achieve a ring-fenced funding strategy for Additional Support Needs.”

To address the motion above, this paper looks at the spend by local authority on Additional Support for Learning (ASL) as well as outlining member experiences of Additional Support for Learning provision. This paper will also outline the Scottish Government commitments to supporting pupils with Additional Support Needs within mainstream education. This paper should also be read alongside the Education Funding paper presented to the Executive Committee in February 2023.

## Local Government Spending on ASL

To gather background information on how much each local authority currently spends on ASL provision the EIS issued an FOI to all 32 local authorities in July 2022. All 32 local authorities provided information to the question below:

“How much funding did the Scottish Government allocate/hypothecate/ringfence for spending in each local authority on Additional Support Needs in educational settings in the following years? (Please outline the spend broken down by primary and secondary sectors.) 2018-2019; 2019-2020; 2020-2021; and 2021-2022.”

Table 1 shows the spend by each authority on Additional Support for Learning. The figures given are for each school year. Each authority responded to the FOI request in a different way with some figures including only primary and secondary school spend, with others including spend across all four sectors: primary, secondary, special and nursery education. Where there is no value recorded this is because no data was supplied by the local authority.

There are inconsistencies across each local authority and across each of the 4 financial years requested by FOI. Local Authorities such as North Ayrshire have maintained their funding for ASN across 2020-21 and 21-22, whereas others such as Inverclyde have decreased their spend over this same time period. This is considerable as national data shows that the number of pupils being recorded with an Additional Support Need has dramatically increased, with around a third of all pupils across Scotland now being recorded as in need of Additional Support for Learning.<sup>1</sup>

The data in Table 1 also shows that from 2018/19 to 2022 there has been an increase in ASL spending in every local authority, apart from East Renfrewshire which decreased their ASL spend in Primary and Secondary schools from 2018/19 to 2020/21. Highland Council also reduced their ASL spend in Primary and Secondary from a peak of £38 million in 2018/19, to £33.8 million in 2021/22. Edinburgh City Council also significantly reduced their spend in special education from £48 million in 2018/19 to £41 million in 2021/22.

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<sup>1</sup> Together Scotland, “A third of pupils now identified with additional support needs” (January 2021) <https://www.togetherscotland.org.uk/news-and-events/news/2021/01/a-third-of-pupils-now-identified-with-additional-support-needs/>



The information included in table 1 further highlights the need for ASL funding to be protected and fairly distributed to all those in need.

**Table 1: Local Authority Spending on Additional Support for Learning 2018-2022<sup>2</sup>**

	Sector	2018-19	2019-20	2020-21	2021-22
<b>Aberdeen City</b>	Primary			£5,577,000	
	Secondary			£6,136,000.00	
	Special			£16,813,000	
	Nursery			£0.00	
<b>Aberdeenshire</b>	Primary & Secondary	£24,844,583	£25,739,033	£30,297,121	£30,543,994
<b>Angus</b>	Primary & Secondary	£9,734,174	£14,936,257	£15,245,146	£16,444,560
<b>Argyll and Bute</b>	Primary & Secondary	£7,905,000	£8,472,000	£8,977,000	£10,058,000
<b>Clackmannanshire</b>	Primary	£4,170,087	£4,401,144	£4,762,697	£5,327,719
	Secondary	£2,724,778	£2,996,984	£3,521,633	£3,714,686
<b>Dumfries and Galloway</b>	Primary & Secondary	£16,035,355	£16,618,941	£16,444,491	£17,172,719
<b>Dundee</b>	Primary	£3,633,000	£3,923,000	£4,546,000	£5,112,000
	Secondary	£1,701,000	£1,819,000	£1,820,000	£2,304,000
	Special	£6,700,000	£7,501,000	£8,287,000	£8,250,000
	Nursery	£211,000	£174,000	£172,000	£169,000
<b>East Ayrshire</b>	Primary & Secondary	£8,189,590	£9,179,336	£9,851,337	£10,992,439
<b>East Dunbartonshire</b>	Primary & Secondary	£14,197,000	£15,743,000	£16,847,000	-
<b>East Lothian</b>	Primary	£5,157,311	£5,406,971	£5,724,950	£5,850,660
	Secondary	£3,416,001	£3,631,995	£3,951,192	£4,266,595
	Central Spend	£4,853,310	£5,201,197	£5,309,527	£5,349,783
	Total Spend	£13,426,622	£14,240,163	£14,985,669	£15,467,038
<b>East Renfrewshire</b>	ELC	£435,000	£582,000	£596,000	Information not yet available
	Primary	£2,057,000	£1,497,000	£1,473,000	

<sup>2</sup> Information taken from Annex C

	Secondary	£1,426,000	£1,255,000	£1,327,000	
	Special	£7,163,000	£7,965,000	£8,289,000	
<b>Edinburgh</b>	Total Spend	£70,792,119	£72,808,673	£72,512,000	
	Pre-Primary	£1,046,724	£1,694,070	£3,027,000	
	Primary	£16,118,654	£18,477,627	£19,596,000	
	Secondary	£5,401,370	£6,542,734	£8,595,000	
	Special	£48,225,372	£46,094,241	£41,294,000	
<b>Falkirk</b>	Primary & Secondary	£20,492,000	£23,386,000	£24,731,000	Not yet available
<b>Fife</b>	Total Spend	£31,956,282	£33,808,244	£35,247,641	£37,001,000
	Primary	£2,905,304	£3,201,236	£3,487,697	£3,817,464
	Secondary	£6,447,097	£7,068,238	£7,628,793	£8,010,471
<b>Glasgow</b>	Primary & Secondary	£62,883,000	£69,854,000	£69,296,000	£77,856,000
<b>Highland</b>	Primary & Secondary	£38,000,000	£35,600,000	£31,900,000	£33,800,000
<b>Inverclyde</b>	Primary & Secondary	£9,587,000	£11,005,000	£11,079,000	£10,914,000
<b>Midlothian</b>	Primary	£3,281,144	£3,197,212	£3,255,458	£3,306,730
	Secondary	£2,096,708	£2,233,591	£2,415,494	£2,565,605
	Nursery	£32,041	£35,883	£37,370	£39,359
<b>Moray</b>	Primary & Secondary	£13,374,000	£13,908,000	£14,512,000	-
<b>North Ayrshire</b>	Primary & Secondary	£13,866,000	£14,176,000	£13,950,000	£13,959,000
<b>North Lanarkshire</b>	Primary & Secondary	£51,634,431	£54,645,288	£56,862,188	£59,316,322
<b>Orkney</b>	Nursery	£10,000	-	£1,000	-
	Primary	£1,299,000	£1,470,000	£1,543,000	£1,624,000
	Secondary	£1,053,000	£1,306,000	£1,437,000	£1,450,000
	Central Services	£1,686,000	£1,229,000	£1,283,000	£1,181,000
	Total Spend	£4,048,000	£4,005,000	£4,264,000	£4,255,000
<b>Perth and Kinross</b>	Primary & Secondary	£15,179,000	£16,145,000	£17,933,000	£18,550,000
<b>Renfrewshire</b>	Primary & Secondary	£20,499,000	£21,499,000	£21,468,000	£22,914,000
<b>Scottish Borders</b>	Primary	£4,532,952	£5,054,314	£5,332,421	£5,779,970
	Secondary	£2,824,790	£3,271,545	£3,996,579	£4,189,951

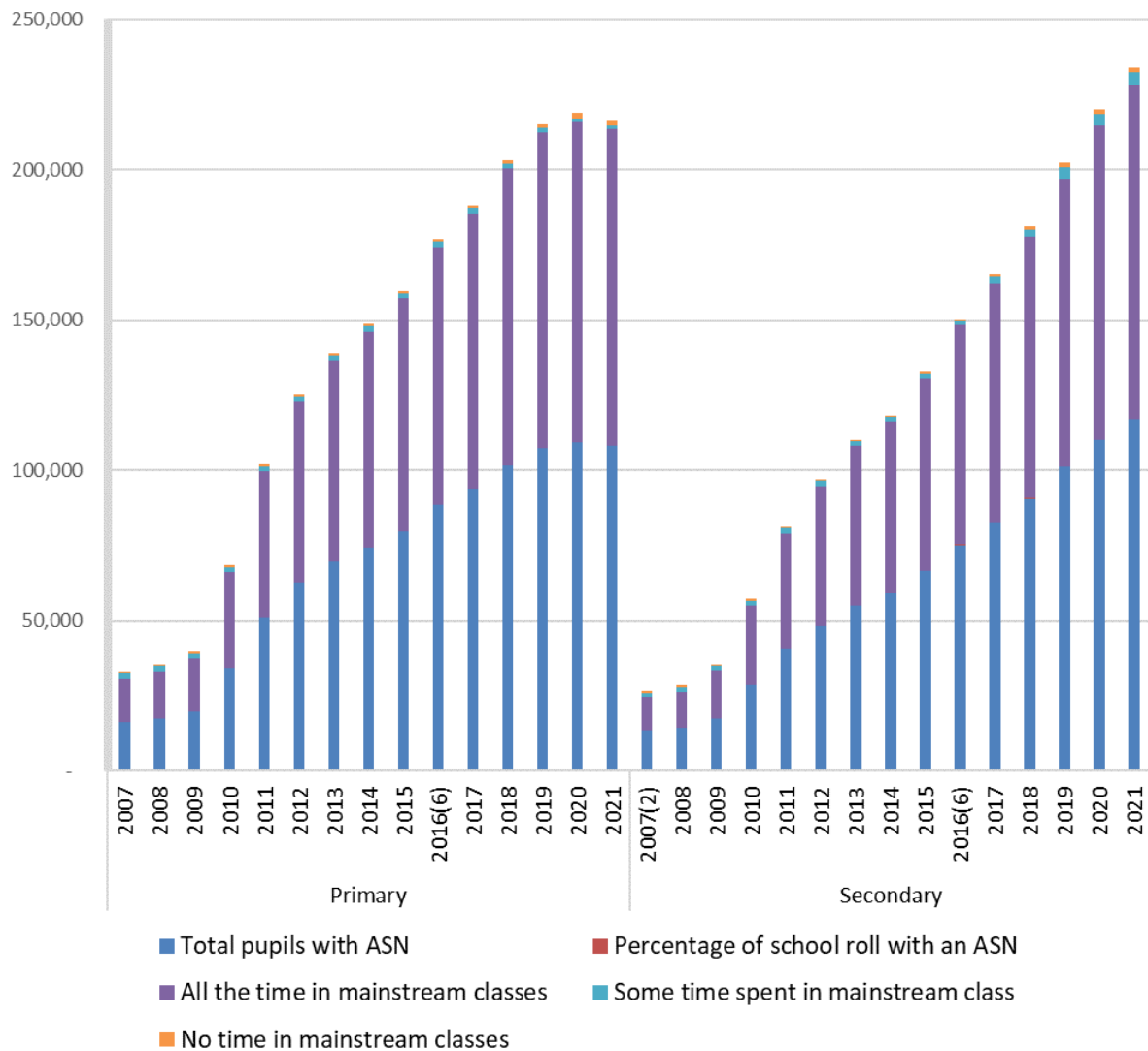
	Cannot be Split	£3,009,568	£2,137,294	£1,351,855	£1,497,161
<b>Shetland</b>	Primary & Secondary	£6,423,000	£6,839,000	£7,318,000	£7,873,544
<b>South Ayrshire</b>	Primary & Secondary	£16,259,000	£18,034,000	£18,945,000	£19,959,000
<b>South Lanarkshire</b>	Primary & Secondary	£36,549,000	£38,787,000	£44,860,000	£46,410,000
<b>Stirling</b>	Primary & Secondary	£9,868,000	£11,208,000	£11,489,000	£11,474,000
<b>West Dunbartonshire</b>	Primary & Secondary	£14,786,473	£16,067,230	£16,716,720	£18,145,568
<b>West Lothian</b>	Primary & Secondary	£19,562,000	£21,504,000	£24,500,000	Information not yet available
<b>Western Isles</b>	Primary & Secondary	£4,772,000	£4,982,000	£4,882,000	£5,716,000

### **Increasing need for ASL**

Whilst it is encouraging that, overall, more funding has been put into Additional Support for Learning over the past 4 years it is important to acknowledge the increase in demands within the education system.

Table 2 below shows that since 2007, not only have the number of pupils who have additional support needs increased year on year, but so too have the number of those pupils who are spending all of their time in a mainstream class. Table 2 shows that whilst there has been a big increase in the number of children with ASN, there has not been a corresponding rise with the number who are not in mainstream classes at all.

**Table 2: Pupils with Additional Support Needs and integration into mainstream classes by sector, 2007-2021<sup>3</sup>**



The legislation in Scotland clearly states that an additional support need can arise for a large number of reasons and be of short or long term duration. Additional support may be required to overcome needs arising from learning environment; health or disability; family circumstances or social and emotional factors.

In her report Angela Morgan states:

“There is no fundamental deficit in the principle and policy intention of the Additional Support for Learning legislation and the substantial guidance accompanying it. The challenge is in translating that intention into thousands of individual responses for individual children and young people facing

<sup>3</sup> Scottish Government, “Pupil Census 2021 Supplementary tables: Pupils with Additional Support Needs and integration into mainstream classes by sector, 2007-2021” (March 2022) <https://www.gov.scot/publications/pupil-census-supplementary-statistics/>

different learning barriers in different family, home, community, nursery, school and college situations.

“There has been a significant increase in the number of children and young people identified as having additional support needs, initially caused by a change in recording in 2010 and continuing to increase year on year to 2018. The complexity of needs has also increased due to a range of factors that create barriers to learning.

“These factors affect children and young people in all parts of their lives, not just during the time they are in education.

“In that regard, there has been a significant increase in children and young people identified as having an additional support need due to social, emotional and behavioural issues coinciding with an increase in poverty and inequality.

“At the same time, austerity has put significant pressure on resources in all parts of the public sector.”<sup>4</sup>

This perfect storm of increased need, increased complexity of needs and the effects of austerity politics, has pushed more families into poverty, and also simultaneously removed vital support services and reduced capacity within our welfare systems to respond appropriately.

### **Member experiences of ASL Funding**

Alongside the national data and quantitative findings, it’s important to also look at member experiences of ASL provision within their schools. In a recent survey the EIS asked members to what extent they feel that they have sufficient time in a typical working week to complete paperwork, liaise with colleagues and external agencies, and attend meetings in relation to supporting pupils with Additional Support Needs? Only 4% of respondents said they felt they have sufficient time for the activities listed, frequently, or all of the time. Over half of survey respondents said that they rarely have sufficient time, with a further quarter saying that they only occasionally have enough time for the workload associated with supporting pupils with Additional Support Needs.

When this question was broken down by sector, those working in Special Education were the most likely to say that they sometimes, or frequently, or all of the time, felt that they had sufficient time for the tasks associated with supporting pupils with Additional Support Needs. Those working in the Primary sector were the most likely to report that they rarely or occasionally had enough time to meet this demand.<sup>5</sup>

Within this survey members were also asked: to what extent are children and young people in your setting able to access frontline services at the point when the support need is identified? 12% of all respondents said they were never able to access front line services when the need is identified (17% in Primary and Nursery), and 44% said they could only access this occasionally at the point of first need (48% in Primary and 42% in Nursery). These figures are deeply worrying as this type of support

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<sup>4</sup> Scottish Government, “Support for Learning: All our Children and All their Potential” review conducted by independent Chair Angela Morgan (2020) <https://www.gov.scot/publications/review-additional-support-learning-implementation/pages/17/>

<sup>5</sup> EIS, EIS 2023 Member Survey: Workload, Health and Wellbeing, and The Cost of Living Crisis (2023)

is often vital to enable a child or young person to participate fully in education, as well as providing external support for any issues outside of school.

Below are some of the comments that members left in relation to the issues surrounding ASN provision in schools.

- “Support for Learning Teachers being expected to cope with a bigger workload with less resourcing and support than previously. Too many children with ASN in mainstream schools without sufficient or adequate support. This is unfair on those learners, the pupils around them and the Class Teachers. Most of the SLA support in school now directed at supporting behaviour and those with other learning needs being overlooked. This results in more pressure/workload being put on classroom teachers and support for learning teachers.”
- “Large class sizes (32/33) with a wide range of pupil needs (EAL, dyslexia, behaviour, ASN, socio-emotional, SIMD 1/2) makes it very difficult for one teacher to meet all needs all the time regardless of how much time, effort and preparation is put in to meet all those needs.”
- “Front line services appear to be allocated not by need but by how difficult the child's behaviour is. High tariff children with behavioural issues account for the majority of outside agency input in our school.”
- “The waiting time for some of these services can be years. Even if they are able to access them eventually, they have to wait for a long time.”
- “All too often, frontline support services are not able to provide an immediate service and it comes back to in-school support and what is available in a school setting. This is a heavy toll on pastoral staff, pupil support workers and behaviour support staff. Even our school nurse support has diminished due to demands made on that role.”

These experiences are important as they show that despite the increased funding for ASL in most local authorities over the past few years, member experiences highlight the continuing pressures within the school system.

Further to this, members also reported the difficulty in accessing support from outside of the school, with waiting lists becoming longer and longer. This highlights the importance of ensuring that there is capacity for services outwith the school.

### **Ring Fencing within Scottish Government Budgets**

The Concordat Agreement in 2007 between the Scottish Government and COLSA paved the way for single outcome agreements, the removal of ringfencing, the right to retain efficiency savings and increased autonomy.<sup>6</sup> However, since this agreement has been put in place there continues to be a tussle between the Scottish Government ambitions and the flexibility of spending priorities within local authorities.

Most recently some local authority finance heads said they faced “unprecedented financial pressures”.<sup>7</sup> Councils have warned that money allocated for new policies often failed to take into

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<sup>6</sup> Holyrood, “Local government in Scotland: council umbrella body COSLA has had a tough year” (2015) [https://www.holyrood.com/news/view,local-government-in-scotland-council-umbrella-body-cosla-has-had-a-tough-year\\_11333.htm](https://www.holyrood.com/news/view,local-government-in-scotland-council-umbrella-body-cosla-has-had-a-tough-year_11333.htm)

<sup>7</sup> BBC, “Councils say they face worst ever finance pressure” (31<sup>st</sup> January 2023) <https://www.bbc.co.uk/news/uk-scotland-scotland-politics-64469270>

account inflation in future years, meaning that core funding was eroded over time. This was especially prominent in 2022 and 2023 when inflation rose to its highest level for 40 years.<sup>8</sup>

During a Holyrood Committee Inquiry in January 2023 Scottish Government Ministers claimed that only 7% of funding is ring-fenced by law, but local authorities estimate that 60-70% is, in effect, earmarked for areas like education and social care. Senior Council staff also highlighted that cuts are not borne equally across services. Many highlighted their frustrations that extra funding announced by the Scottish Government was linked to new policy initiatives like the rollout of free school meals in P6 and P7, or funding to meet pay deals. When those commitments were stripped out, Senior Council staff said that left only about £70m of extra funding for councils.<sup>9</sup>

These concerns from council leaders highlight the importance of ensuring that all Scottish Government pledges are fully funded to ensure that there is not erosion of other local services that the school systems relies upon.

### **Final considerations**

The data included in this briefing paper highlights that whilst funding for ASL has increased across almost all local authorities so too has the number of children and young people who have additional support needs in mainstream education. A recent review of ASL found that austerity had played an important part in the increase of need, and the increase of complex needs of some children and young people, whilst also simultaneously reducing capacity and specialisms within support services.

EIS members continue to raise concerns about the lack of resourcing for their pupils with Additional Support Needs and this continues to put enormous pressure on teachers, classrooms and the education system as a whole.

Due to the Concordat Agreement between the Scottish Government and COSLA there is limited scope to increase ring-fenced spending. However, Councils themselves have noted that whilst there is limited ring-fencing there continues to be inflexibility within their spending and with so many new initiatives being brought in alongside any potential budget increases there is very little extra money for councils to allocate to struggling services.

This paper outlines the background information to support the EIS motion above.

### **Recommendations**

The Committee acknowledges current ASN difficulties and the Institute's continued campaigning to improve ASN provision and resources.

The Committee notes this report and that it should be used to support continued campaigning in this area.

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<sup>8</sup> The Guardian, "UK inflation rises to 9.1%, its highest rate in 40 years" (June 2022) <https://www.theguardian.com/business/2022/jun/22/uk-inflation-rises-to-91-its-highest-rate-in-40-years>

<sup>9</sup> BBC, "Councils say they face worst ever finance pressure" (31<sup>st</sup> January 2023) <https://www.bbc.co.uk/news/uk-scotland-scotland-politics-64469270>

## The Next National Campaign

All Committees of the Institute campaign to action the AGM resolutions and Council resolutions allocated to them. The Executive tends to lead on campaigning required to obtain an industrial action mandate, although the strategic aim of that campaign may be led by another Committee. For example, the Salaries Committee leads on the SNCT pay negotiations whilst the Executive leads on the campaigning to obtain and use a strike mandate to leverage the Salaries Committee's negotiation position.

The Executive has the following "live" campaigns from the 2022 AGM Resolutions:

1. Post-Covid 'Education Recovery Programme'
2. Reduction in Teachers' Contact Hours
3. Reduction in Class Sizes
4. Instrumental Music Services: Funding
5. Additional Counselling Services in Educational Establishments
6. Additional Support Needs: Funding Strategy
7. Adult to Child Ratios in P1 and P2
8. 4-Day Working Week
9. Renewable Energy Systems

These are "live" since their aims have not been realised. Only one of these AGM Resolutions has a specified timeline- "Reduction in Teachers' Contact Hours".

It is copied below for clarity:

*"That this AGM urge Council to campaign vigorously for the reduction in teachers' contact hours, promised by the Scottish Government, to be implemented according to the EIS policy that additional non-contact hours should be solely for the purpose of additional marking and preparation and, should no commitment be forthcoming at the SNCT by December 2023 to the reduction in contact hours being in place for the start of the new session in August 2024 together with a guarantee that additional non-contact hours will be devoted solely to additional marking and preparation, to ballot members in January 2024 on industrial action, up to and including strike action, in pursuit of the reduction and of the guarantee outlined above.*

*Furthermore, that this AGM call on the SNCT to ensure that the forthcoming 1.5 hour reduction in class contact time is allocated to teachers' preparation and correction time and that the required changes to achieve this are agreed and incorporated into the SNCT Handbook and Conditions of Service by August 2023 at latest."*

With respect to this resolution, at the September meeting of the Executive Committee:

- *It was agreed to note as policy.*
- *It was further agreed to memo Salaries Committee re SNCT provisions and to Lobby through all existing channels- Cab Sec and political party bi-laterals; national working groups, etc.*
- *It was agreed to carry out a review in September 2023 in order to facilitate a statutory ballot in January 2024 should it be necessary.*



Whilst the primary focus of the Executive Committee moved to the Pay Campaign, the 1.5 hour weekly reduction in contact was campaigned on and raised with the Scottish Government and also at the SNCT.

There are also several AGM Resolutions from 2021 and earlier whose campaign objectives have not been met, although some of them may have been overtaken by events or other Resolutions. The EIS does not prioritise resolutions for actioning, it is Council’s responsibility to action AGM Resolutions, and this is done via its Committees.

### Member Survey

One tool that may be used to assist Council to prioritise work is EIS member surveys, and the EIS survey from early 2023 has analysed almost 15,000 members’ responses and the following issues seem to be the more pressing for members’ well-being:

1. More classroom assistants/support for inclusion and pupils with additional support needs (54.3)
2. Smaller class sizes (45.6%)
3. Less paperwork/bureaucracy (45.6%)
4. Improved pupil behaviour in the classroom (41.6%)

Answer Choices	All responses	Primary education	Secondary education
Smaller class sizes	45.6%	53.3%	39.8%
Less paperwork/bureaucracy	45.6%	47.4%	41.8%
Realistic expectations regarding digital learning	9.7%	8.8%	10.7%
Fewer contact hours with pupils	25.8%	18.2%	39.8%
Fewer changes to the curriculum and new initiatives	22.6%	24.2%	21.0%
More curriculum support	11.2%	11.2%	11.4%
More resources/funding to support pupils’ learning	32.2%	33.1%	27.6%
More staff/supply cover (including access to subject specialists)	28.2%	25.7%	30.8%
More classroom assistants/support for inclusion and pupils with additional support needs	54.3%	65.2%	38.0%
Professional autonomy/being left to do my job	18.8%	18.2%	18.4%
More supportive management/leadership	18.9%	15.5%	23.1%
Improved pupil behaviour in the classroom	41.6%	37.4%	53.0%
Other (please specify)	4.3%	3.7%	4.2%

Total responses: 14,947

It is worth noting that these are overall results, i.e. all school sectors. The biggest differences between the primary and secondary sectors were on two issues:

1. More classroom assistants/support for inclusion and pupils with additional support needs; Primary 65.2% and Secondary 38%
2. Fewer contact hours with pupils; Primary 18.2%, Secondary 39.8%

If a holistic teacher campaign were to be broken down into specific campaign aims then according to our survey – the top issues are ASN, workload and pupil behaviour.

It is worth noting that “fewer contact hours” is 8<sup>th</sup> in the ranked priorities of primary school teachers but ranked joint 3<sup>rd</sup> for secondary teachers. “Improved pupil behaviour” is the 1<sup>st</sup> ranked issue for secondary teachers, and ranked 4<sup>th</sup> for primary teachers.

There is a strong argument for stating that future campaigning to support member wellbeing could be based on the following areas of AGM resolutions based on members’ recently expressed views (these three areas are not ranked):

1. Improved ASN Support
2. Workload; 20/20- Reduction of class size & weekly contact hours; and less paperwork/bureaucracy (45.6%)
3. Addressing Pupil Behaviour in Class

### **Previous Campaigning on Workload**

Our last workload campaign (Time to Tackle Workload) was subdivided into two main components: 20/20 class size & class contact and the Empowered School/Teacher Agenda (used as a vehicle to address such factors as paperwork and bureaucracy).

There is a strong argument to keep the workload campaign with similar aims as before; the 20/20 campaign is still relevant and subject of an AGM resolution that has an agreed timeline. The Empowerment Agenda has been adopted by Education Scotland and Scottish Government jointly, and it may still be able to reduce workload by facilitating improved teacher agency.

The Executive will need to decide whether the “Time to Tackle Workload” campaign title should be reconstituted or be rebranded entirely to fit within a new wider national campaign to improve teacher wellbeing (and pupil outcomes). The ASN area may also be pitched as an equity issue, as it has been by Education and Equality to date.

### **Strong Campaigns**

Strong campaigns can be built when the issues in question are widely and deeply felt, and when clear and winnable objectives can be set.

If the next major national EIS campaign is to engage as wide a base as possible, and whilst many of these campaign areas have been identified to improve teacher wellbeing, the reality is that they would all also improve pupil outcomes and therefore it makes sense to include a focus on this within

the campaign narrative. In other words, such a national campaign title could and arguably, should, reflect the benefits for pupils as well as staff.

### **International Comparisons**

Scotland remains an outlier in terms of weekly contact, class sizes and other working conditions as measured by the OECD, who frequently highlight the relationship between the working conditions and wellbeing of teachers, and the wellbeing and outcomes of students. It is possible that the next national campaign may wish to use relevant international comparisons to inform or drive the campaign narrative.

### **Issues for Consideration: Choosing and Structuring the Campaign**

- A. It is recommended that the EIS consider campaigning in three major areas as its next national campaign:
  - 1. ASN
  - 2. Workload
  - 3. Addressing Pupil Behaviour in Class
- B. Are there any other major issues that need to be included?
- C. Should the workload element be a refreshed 20/20 and School Empowerment Agenda, or are there new workload issues/narratives to be incorporated?
- D. Can the three areas above be woven into a single new national campaign?
- E. What is the narrative of the chosen national campaign (s) for 2023-24?

### **Launching the Next National Campaign**

AGM is the perfect platform to soft-launch any new campaign – publicising the campaign objectives and the supporting narrative to begin to establish member buy-in/ownership. It may also energise activists attending AGM who will take this back to the membership.

For this to be done, Strategy Sub would need to develop a strategy to realise the campaign objectives. This work would need to be done before AGM and developed further after AGM for a fuller launch in the new school session. This would involve the organising model of campaigning – i.e. an escalatory series of collective actions (structure tests).

### **Using Industrial Action to Leverage the New National Campaign**

It is worth noting that the Executive has committed to reviewing the 1.5 hour reduction of weekly class contact in September 2023, with a view to deciding whether to implement a statutory ballot on

this one issue by industrial action “up to and including strike action” from the reducing class contact time AGM resolution. If such a single issue ballot is progressed, then it may side-line our other national campaigning) – in part because significant activity would be invested in ensuring our consultative and statutory ballots’ turnouts meet statutory thresholds.

The industrial action “up to and including strike action” portends a two-question ballot, i.e. ASOS and Strike Action. Any review of the Executive Committee may conclude to proceed by a two-question ballot, a one question ballot (ASOS or Strike) or no ballot at that time.

It may be possible to integrate an ASOS ballot into wider aspects of new national campaigning, i.e. more than whether the 1.5 hours class teaching element is delivered or not. In such a scenario, the ASOS chosen could cover a range of anti-workload actions. This may provide evidence that not doing some tasks does not harm (and, indeed, benefits) teaching and learning, and it may also have the side effect of mitigating workload for the duration of the ASOS.

The risks of ASOS are well understood, particularly deeming, but smartly designed ASOS actions may be a way of furthering any dispute on workload with COSLA (and the Scottish Government). It also provides a clear route for escalating collective actions.

It may also be helpful to ask the Salaries Committee for an update on relevant SNCT discussions relative to the SNP manifesto promise of class contact reduction to 21 hours.

## **Recommendations**

1. The next national campaign would be a single holistic campaign with several interlinked areas: ASN, workload (including empowerment and the 20/20 elements) and pupil behaviour (including low-level disruption and violence in classrooms) all interlinked with and underpinned by the need for significantly increased funding for Education.
2. The Campaign would be soft-launched at AGM, with a full launch in August with relevant campaign materials for that phase sent to branches before the end of the school session.
3. To consider developments and begin the process of reviewing (previously agreed for September 2023) the need for a statutory ballot in January 2024 in support of reducing weekly class contact by 1.5 hours a week, and to consider whether the potential statutory ballot should be part of a wider dispute, with smart ASOS actions and a timetable to align with the proposed new national campaign that includes weekly class contact reduction.
4. It was agreed to memo the Salaries Committee to seek the latest developments regarding the Scottish Government’s manifesto pledge to reduce weekly classroom contact by 1.5 hours in this Parliamentary session.
5. The Strategy Sub-Committee would be convened as quickly as possible to oversee the strategy, narrative and branding to realise the new campaign’s objectives.

## Education - National Improvement Framework - enhanced data collection: consultation

A consultation which seeks views on improving the collection of education data to assess progress towards closing the poverty-related attainment gap.

### The purpose of data collection

Together with the National Improvement Framework Interactive Evidence Report, the NIF has improved the availability, quality and consistency of data, and extended understanding of what works to drive improvements for children and young people across all parts of the Scottish education system.

The Scottish Government recognises that national data needs to provide an accurate understanding of the wide range of learners' achievement, and support a fuller understanding of the gaps in achievement and life chances between different groups of learners and how this is captured across the full learner journey. This helps to support improvement planning at a national and local level.

It is also important to recognise that, in some instances, a key tool for local authorities and schools is local data that may not be appropriate to be collected nationally. To support improvement in our education system, and deliver on the ambition of excellence and equity, decision-makers at all levels need to gain a better understanding of what good teaching is, and how it leads to better learning in schools.

Although national statistics provide helpful information on trends over the long term, national data alone isn't what drives improvement in education systems. For that we need small data based on teachers' professional observations, formative assessments, and reflections of what is happening during teaching and learning. This enables individual learners, their teachers and parents/carers to understand and track progress.

Of particular concern to Audit Scotland was the need for more consistent and robust national data that reflects the ambitions of the national curriculum, national policy priorities such as health and wellbeing and confidence, and key priorities for COVID-19 recovery and improvement. The report also highlighted a large variation in trends in outcomes across local authority areas, with evidence of worsening performance and/or inconsistent improvement across a range of key indicators in recent years. In order to address the points raised by Audit Scotland, this consultation covers both the wider data that is collected to inform improvement, and how that might be utilised, as well as the key measures.

### Data already collected and how it relates to the curriculum

Since the introduction of the National Improvement Framework in 2016, there has been an increase in the data and wider performance information that is collected by the Scottish Government and Education Scotland and published in the [National Improvement Framework Interactive Evidence Report](#) (NIFIER). Annex A sets out a range of data that is already available, much of which is already included in the NIF. It demonstrates the wealth of data already being collected, but begs the

question of whether we are doing enough to ensure, as recommended by Audit Scotland, that there is greater prominence on these broader outcome measures in public reporting at school, regional, or national level. Some of this wider data is set out below.

### *HM Inspectors of Education (HMIE)*

HMIE carry out independent scrutiny across sectors ranging from early learning and childcare to adult learning. This includes the impact of the approach to wellbeing, equality and inclusion which underpins children and young people's ability to achieve success. While inspections have been paused during COVID-19, HMIE carried out a national overview of practice, supported with case studies and examples of effective practice to support system wide improvement. In addition, recovery visits have taken place with schools and settings, to evaluate the impact of the pandemic on learners' health and wellbeing, teachers' health and wellbeing and the impact of the pandemic on progress and performance outcomes for pupils.

### *Wider achievements e.g. sporting achievements, music qualifications etc.*

Insight is a benchmarking tool designed to help bring about improvements for learners in the senior phase (S4 to S6). It provides schools with information about where a school is having the most success for pupils in the senior phase and also where improvements can be made.

Insight includes attainment achieved through a range of qualifications and providers – not just SQA - reflecting the wider context of the school and the different approaches to the curriculum. However, attainment at school and local authority level reflect the approach to the curriculum. Crucially, access to wider awards provision (Princes Trust, The Duke of Edinburgh's Award, Open University, and Rural and Urban Training Scheme, among others) may not be equal, so it would be difficult to use this data to measure the attainment gap in the same way as for other measures, but the data could be included more widely in the NIF.

### *Parental Involvement and Engagement Census*

The Parental Involvement and Engagement (PIE) Census is being implemented by local authorities in the 2021/22 academic year, following cancellation in 2020/21 due to school building closures as a result of the pandemic.

Additional data to be collected

Work is underway to continue to broaden and expand the data that is gathered to inform the NIF and improvement planning at local level. There are a number of new datasets that could potentially be included in future iterations of the NIF and which are set out below.

### *Health and Wellbeing Census*

The new Health and Wellbeing Census, delivered through local authorities, will give local areas and the Scottish Government important new data about children and young people's wellbeing. The gathering of health and wellbeing evidence at a local level is essential to enable local authorities to identify and drive forward

improvement where it is needed, and to monitor whether improvement happens as a result. The data will first and foremost provide local authorities, schools, and community planning partnerships with a consistent evidence base to assess, monitor, and drive forward improvements in the health and wellbeing outcomes of children and young people. This includes monitoring the impact the Covid pandemic has had on children and young people.

### *School and early learning workforce*

We are exploring options to gain better insight into the views and priorities of staff in school and early learning settings who provide support to the learning and teaching process and the wellbeing of children and young people.

### *PISA 2022*

Scotland will again be participating in PISA which provides an additional measure of national performance for Senior Phase (15 year old) pupils over time. It assesses competence in reading, mathematics and science every three years. Results from PISA 2022 - pushed back from 2021 due to the pandemic - will provide us with reliable data on these key areas, comparable to PISA 2018 and previous cycles. PISA's measure of socio-economic background will also allow comparisons of the effect of deprivation on performance.

### *Engagement with children and young people*

We are developing our approach to learner participation and engagement. It is our intention to co-design a more meaningful feedback loop with children and young people, to one that is youth-led and will enable children and young people to be at the heart of policy development within education.

The intention is for children and young people to have a seat at the table, from this, there will be a wealth of qualitative data to support children and young people's priorities and views when it comes to education policy. Although we are unable to say how this new mechanism of engagement will look, until we have been through the co-design process, we do anticipate that there will be opportunities to collect quantitative data in a targeted, co-ordinated and more strategic way.

### Principles

Our proposals for the key measures are based on a number of key principles:

- we are looking at the difference in attainment between those children and young people from SIMD quintiles 1 and 5. However, we recognise the importance of increasing attainment for all children and are therefore proposing to recalibrate the national stretch aims for all five SIMD quintiles
- focusing on a single measure is neither helpful or meaningful and would provide a false and limited picture
- measures and milestones should be relatively simple to measure and report against

- there needs to be a clear line of sight from the agreed measures and milestones to the key priorities set out in the National Improvement Framework, including the need to place the human rights and needs of every child and young person at the centre of education
- there also needs to be a clear line of sight from the key measures in the NIF, to the strategies and approaches adopted in schools, and local authorities, to improve outcomes for children and young people
- the focus should be across the age ranges – from 3-18
- they should be a credible set of measures – understood to fairly reflect progress in closing the poverty related attainment gap
- the need to avoid perverse incentives through whatever milestones or stretch aims are set.



## Questions – key measures

In terms of the existing key measures and sub-measures, we believe it is important to retain the existing 11 key measures to ensure that we do not lose the consistent time series which is crucial for tracking the trends and changes in the data on closing the attainment gap over time. There are some suggestions for additional measures set out in the questions below, but this is not intended to be an exhaustive list. Other suggestions will be welcome.

Q1: Our proposals for the key measures of progress towards closing the poverty related attainment gap are based on a number of key principles set out above. Are there any other principles that should be included?

The EIS has comments to make on the principles as listed, as well as on omissions.

We believe that the narrow focus on attainment is problematic in itself. It lacks learner-centredness and encourages a system-wide focus on narrow attainment outcomes rather than on the quality and richness of the educational experiences of all children and young people as people.

There should be an explicit reference within the set of principles to the need for cognisance of teacher workload related to NIF measurement. The EIS is clear that measurement of progress towards reducing the poverty-related attainment and achievement gap must be bureaucracy-light, manageable and must not create any additional workload whatsoever for teachers, given the currently unsustainable levels of excessive teacher workload.

In the 2019 pay agreement, that teacher workload was excessive was recognised by all parties involved in the pay negotiations- Scottish Government and COSLA, in addition to teacher trade union representatives. As part of the settlement, commitments were made that serious efforts would be made to reduce teacher workload. The EIS member survey data collected in November 2021- two and a half years later- showed that this has not happened and in fact, teacher workload has increased over the intervening period.

Whilst the EIS would agree in principle that systems of measurement must be manageable to use and to update, we would caution against aiming first and foremost to set 'simple' measures. This would risk creating an unhelpful focus on the wrong things with regards to young people's learning and development, which by nature is rich in complexity, and which, therefore, requires careful, nuanced evaluation and feedback on the part of teachers.

Any measurement should be of meaningful, significant aspects of learning rather than that which is easy to capture but which is of less significance in terms of the overall purposes of education and the aims of the curriculum.

The EIS is clear that teachers' work with children and young people should continue to be data informed, as it is in every classroom; what should be avoided, on the other hand, is the work of schools and teachers being data driven.

There is a danger that in seeking an even greater 'line of sight' between the key measures in the NIF, Scottish Government will encourage a culture of 'teaching to the test' and in so doing will discourage the behaviours that are desirable in the

interests of school and teacher empowerment. What is outlined in the relevant principle seems to fly in the face of the empowerment agenda somewhat, by restricting the extent to which schools and teachers can genuinely respond to the needs of the young people and families within their communities.

Q2: Should the two sub-measures covering attendance and exclusion at secondary schools be promoted to key measures?

There are currently four sub-measures covering attendance and exclusion in both primary and secondary schools, and there is a clear pattern of higher exclusion rates and lower attendance for children living in the most deprived areas. This is particularly the case at secondary school and prompts the question about whether to promote the two secondary school sub-measures. If children are not at school, then it is far more difficult to take the steps necessary to close the attainment gap.

We are content with attendance being a key measure, particularly given the health inequalities between the most and least deprived children and young people, and the impact that such inequality has on school attendance. The EIS is in agreement that in order to benefit fully from all that the school experience has to offer, children and young people need to be in attendance.

Regarding exclusion, we believe that a carefully nuanced approach is needed. Whilst the EIS understands the risks of exclusion for young people themselves and sometimes for the communities in which they live, our members see insufficient provision to enable appropriate alternative provision in school for when young people have been unable to sustain their learning and participation in the usual ways.

This is down to lack of resources- appropriate physical spaces and staffing including the specialist expertise that is often needed to address the behaviours that have resulted in a young person requiring alternative provision in the first place. **Simply 'promoting' exclusion to a key measure will not alleviate this pressure.** Instead it risks, again, schools being data-led, acting to achieve acceptable statistics related to rates of exclusion, above addressing the individual needs of the young people at risk of exclusion and thereby the needs of their peers.

Exclusion from school should only ever be a last resort. Unfortunately, the last resort is reached quicker than it should be in many situations because of lack of resources. With more resources to address specific needs, many of these recognised additional support needs, then the numbers of exclusions would reduce overall, as would the gap between the exclusion figures for the better and less well off children and young people.

Q3: Should data on confidence, resilience, and engagement from the new Health and Wellbeing census be included in the basket of measures?

In terms of health and wellbeing, three of the existing key measures already cover the social, emotional, and behavioural development of children and young people, and four of the fifteen sub-measures cover mental wellbeing. However, there will be data collected from the Health and Wellbeing Census which will be included as part of the indicator of educational attainment in the [National Performance Framework](#).

These are:

- Confidence of children and young people
- Resilience of children and young people
- Engagement in extra-curricular activities

The EIS would suggest that the Health and Wellbeing survey is given time to run properly before decisions are made as to how to use the data nationally.

Q4: At the moment, the measure of achievement in the senior phase is the National Qualifications achieved by young people at the point which they leave school (SCQF levels 4, 5, and 6 – 1 or more on leaving school). Do we need to add other measures to cover wider achievement and attainment?

Achievement other than that represented by National Qualifications should be captured. Insight is not a mechanism that enables an accurate capture of achievement currently. As a blunt instrument of measurement of only one type of achievement, it excludes so much of the achievement of learners who achieve NQs; and worse still, it completely excludes those for whom NQs are not appropriate.

The EIS has concerns about the use of the word 'wider' from which might be inferred that achievements in National Qualifications are what matters whilst other types of achievement do not.

The term 'achievement' should be all-encompassing of the varied achievements that young people will gather in the course of their individual learning journeys, otherwise our methods of evaluation will be inherently exclusionary.

For example, many young people with additional support needs do not undertake National Qualifications, the courses being unsuitable for their needs. The achievements of young people who do not undertake NQs should be captured in the context of all achievement being valued in terms of what it means for individual young people -their ongoing motivation and progress in learning.

Currently far too much achievement that is additional to or in lieu of SQA or other academic qualifications, is unrecognised and by dint of being so, is completely undervalued by those who would seek to use measures of achievement in its

narrowest sense as a measure of the success of individual schools and our education system more widely.

The ill-judged focus by key decision-makers in Education, including elected members at local authority level, on the numbers of qualifications obtained by students, results in many valuable school-based experiences and skills acquired by young people within their learning, going unrecognised.

Q5: If you answered yes to Q4, some options for consideration are set out below. However, we would also welcome any other suggestions for additional measures:

#### *Option 1*

In response to feedback from users, and to improve the evidence base on the attainment of broader achievements and skills as part of the Curriculum for Excellence, a new 'all SQA qualifications' measure has been developed which includes National Qualifications (National Courses, Skills for Work) and other SQA qualifications (Customised Awards, Higher National, National – Workplace, National Certificates, National Progression Awards, Professional Development Awards, Scottish Vocational Qualifications, Ungraded National Courses). Details can be found in [section 6.3 of the School Leaver Attainment and Initial Destinations publication](#). The 'all SQA qualification' measure details the proportion of school leavers who attained a number of passes (e.g. one pass or more, two passes or more etc.) at a given SCQF level or better across all of the qualifications outlined above. One or more combination(s) of passes and SCQF levels could potentially be used.

These statistics are currently labelled as Experimental Statistics, reflecting that they are undergoing development and subject to revision based on informed feedback from users.

#### *Option 2*

A measure of attainment in vocational qualifications. [Section 6.1 of the School Leaver Attainment and Initial Destinations publication](#) contains a measure covering only 'vocational' qualifications. Unlike the existing NIF key measures on school leaver attainment and the 'all SQA qualifications' measure outlined above, this measure does not include attainment in National Qualifications but focuses on vocational qualifications. Specifically, the measure includes National Certificates, Higher National Qualifications, Scottish Vocational Qualifications, National Progression Awards and Skills for Work. It shows the proportion of school leavers with one pass or more at a given SCQF level. The proportion of school leavers with one pass or more at SCQF level 5 or better is used as a Key Performance Indicator for Developing Scotland's Young Workforce.

The EIS believes that any framing of qualification-based measurement should be as inclusive as possible and not restricted to SQA qualifications. The inclusion of a **wider range of 'vocational' qualifications** would be more aligned to the CfE principle of parity of esteem between different types of learning.

We are also of the view that not all achievement that is valuable is gathered through qualification-based learning. Opportunities for learner-led profile/portfolio-based capture of achievement that sits outside qualifications frameworks should be explored.

Q6: In terms of measuring progress beyond school, should the percentage of school leavers going to a "positive destination" on leaving school be included alongside the participation measure?

Positive destinations for young people leaving school include Higher Education, Further Education, Employment, Training, Voluntary Work and Personal Skills Development (whilst other destinations include unemployed and seeking work, unemployed and not seeking work and unknown). These provide valuable information on the activities being undertaken by school leavers. However, they are based on a snapshot of the activity being undertaken by school leavers on a given day and are not the best indicator of long term sustained success for young people accessing future work or study.

That is why the indicator we have used previously is the [Skills Development Scotland Annual Participation Measure](#), which reports on the wider activity of the 16-19 cohort, including those still at school. This is an indicator of school success in preparing young people for access to future work or study.

The EIS believes that it is important to gather data on positive destinations but has concerns that longer-term tracking of young people's learning journeys is lacking.

For example, we know that young people from poorer backgrounds who go on to study at College and University have higher drop-out rates than their more affluent peers. Therefore, what might look like an initially positive destination for them, a short time later, is not. How is the relevant data captured?

The EIS has concerns, also, about the onward destinations from school of young people with more pronounced or complex additional support needs for whom transitions at this point in their learning journey have been traditionally challenging.

We are clear that any measure of positive destinations should avoid tokenistic, tick-box approaches that not only fail to capture the full and accurate picture of what happens to the poorest young people when they leave school, but might actually drive behaviours towards obtaining 'positive destinations' that might satisfy the drive for favourable data but will not be long-term beneficial for the young people in question.

Questions - wider data

Q7: What more do we need to do in order to ensure that a wider range of measures are in use across the education system, and that they are valued as equally as traditional attainment measures?

We need to consider the value of the wider data (beyond the key measures which have a specific role in measuring the attainment gap) both qualitative and quantitative data (both of which are included in the National Improvement Framework) and the range of evidence needed by schools, education authorities and at the national level in order to fulfil their different requirements.

The measures should be aligned to the agreed purposes of the curriculum, as captured by the four capacities. Accountability demands thus far have resulted in **the greatest emphasis and importance being placed on 'successful learners'** to the exclusion of the remaining three capacities. It is not coincidental that the curriculum purpose that has had the greatest importance placed upon it is also **the easiest to measure...using somewhat simple measures that translate easily into 'big data'** for those who are furthest away from the classroom.

To enable the change in emphasis that is being sought, towards an equal balance of importance being placed on other measures of achievement, the ethos underpinning current approaches to accountability needs to be adjusted in its entirety, with greater professional trust being placed in schools and teachers by government as a starting point.

Thereafter, all stakeholders need to be clear on the equal value of each purpose of education and of each measure of our successes in achieving the agreed purposes and in reducing the gap. From Initial Teacher Education to local authorities to the Inspectorate and all national agencies, and to the Scottish Government itself, there needs to be clarity and commitment to parity of esteem regarding the four capacities, or whatever might succeed them, and associated measures.

It also needs to be understood that simply finding new ways of measuring the problem will not solve the problem- proper resourcing of schools will.

Q8: Are the existing wider data collections, and the new data developments enough to ensure that the National Improvement Framework reflects the ambitions of Curriculum for Excellence, national policy priorities such as health and wellbeing and confidence, and key priorities for COVID-19 recovery and improvement, as recommended by Audit Scotland?

The EIS is less concerned that the architecture of the NIF reflects the ambitions of CfE, national policy priorities, including COVID-19 recovery, and more that the resourcing of Education does.

It will not be the measurement framework that delivers the stated ambition of closing the poverty-related achievement gap but the proper resourcing of Education (as well as adjustments to economic policy, **improvements to workers' terms and conditions of employment, restoration and enhancement of social security entitlements, affordability of housing, transport policy, etc.- collectively these are the main solutions to poverty in Scotland, of course).**

For Education to play its role towards solving the problem concertedly rather than at the margins, there needs to be the political will to:

- enable class size reduction (the EIS believes that class size should be at a maximum of 20 across all stages and subjects);
- resource specialist ASN provision as appropriate for the growing numbers of young people with additional needs- class teachers cannot respond to this singlehandedly, nor should this be expected of them;
- deliver class contact reduction for teachers in order that they can reflect on, evaluate, plan and create learning opportunities that are rooted in the principles of equity- for example, mixed ability learning and teaching.

These are all essential requirements if we are serious about Education doing all that it could towards closing the gap. Without the requisite investment, in large part in the training and recruitment of additional teachers, including ASN teachers and support assistants, the ongoing over-measurement of limited progress will be both wasteful of resources and a continued distraction from what really needs to be done.

Q9: How can we make better use of data to focus and drive improvement activity at school, local, regional and national level?

We can do this by re-setting the culture in which data is collected and analysed. The culture that currently prevails is one characterised somewhat by lack of genuine trust and collaboration between government and local authorities; and insufficient professional trust in schools and teachers. Systems and professionals perform best when interactions and activity are built on trust.

Teachers and schools throughout the country naturally gather a wealth of rich data relating to the learning of individual children and young people. There is more than enough data in classrooms and schools to inform judgments about which children are progressing well and which are not as a result of socio-economic background or other factors.

With large class sizes, a lack of ASN support and excessive class contact time, teachers are unable to analyse and reflect as deeply as they would wish to on the information that the learning activities that they have designed have yielded; and with insufficient resources, are unable to follow up satisfactorily on the conclusions that they draw from such data, for example, with regards to matching individual support needs with the requisite specialist support.

Against such a backdrop, teachers find themselves amidst a culture of blame when the bigger data that does not have the individual stories behind it, encourages a narrative of failure. Progress will not be made amidst such a culture.

Instead, teachers need the requisite time to interpret data which they consider to be educationally useful but this should be in a context that will actually enable and support action with the requisite resources.

Q10: How can we make better use of data to help reduce variation in outcomes achieved by young people in different parts of the country?

The current variation in the level of improvement identified by Audit Scotland demonstrates that we need to do more to understand what works to drive improvement across all parts of the education system.

Local authorities have different means of classifying and responding to additional support needs, which has been widely acknowledged for a long time: and different approaches to channelling resource towards additional support needs provision, which has not been widely acknowledged.

The EIS believes that the lack of standardisation with regards to this has been disadvantageous to children with additional support needs and their families, and contributes to the stress and low morale of teachers who are left to struggle with an ever-increasing range and complexity of additional support needs amidst large class sizes. The lack of standardisation continues to provide camouflage, both for national and local government, in relation to the funding of additional support needs provision.

There is high correlation between incidence of additional support need and of living in poverty, therefore a key way of addressing variation in outcomes would be to standardise approaches to classification of ASN.

It also needs to be understood that while poverty exists in all parts of the country, it does not exist to the same extent everywhere and, further, the experiences of children and families living in poverty are not homogenous. Every child living in poverty has a different life-story than the next, with different key events, traumas and resiliencies occurring at different times- the experiences and hopes and fears and realities of human beings do not fit neatly into data measurement sets, nor should we wish them to.



## The Educational Institute of Scotland

### EIS Response to the Scottish Government's, 'Children's Care and Justice Bill: **Consultation on Policy Proposals**'

#### Introduction

The EIS, as the largest education union in Scotland, with more than sixty thousand members, welcomes the opportunity to comment on the Scottish Government's 'Children's Care and Justice Bill: **Consultation on Policy Proposals**'.

The EIS has long supported a holistic, rights-based approach in relation to the education and care of children and young people. Current legislative and policy frameworks are underpinned by the rights enshrined in the United Nations **Convention on the Rights of the Child ('UNCRC')**, and the Getting it Right for Every Child ('GIRFEC') approach is *intended* to deliver a national approach **through which 'everyone in Scotland can work together to help children and young people grow up loved, safe and respected so that they realise their full potential'**.

Promoting the wellbeing of all children and young people, protecting those who are vulnerable and at-risk, and supporting those with complex needs, has never been more important. **Bernado's Scotland** has previously reported that children in the youth justice system are predominantly drawn from the poorest and most disadvantaged families and communities and have multiple problems, including over half with significant speech, language or communication difficulties; around a quarter with a learning disability; mental health disorders at a higher level than the general population and many with a history of abuse, bereavement or care-experience. The impact of the pandemic has added to the volume and complexity of needs experienced by children and young people and with one in four living in poverty, urgent and decisive action is essential now to prevent further damage and to strengthen support for **Scotland's most vulnerable, victimised and traumatised children**, among them those who have come into contact with care and justice services or who have come into contact or conflict with the law.

We welcome the opportunity through this consultation process to consider how existing law and procedure can be improved and how the intensive support which many children need can be delivered in a way which allows them to move forward positively with their lives, contributing effectively to the communities in which they live.

In a rights-based, trauma-informed system, we must also consider how children and adults who have been subjected to harm can be supported and measures adopted, designed to provide confidence and reassurance that they will be safe from further harm.

However, law and policy reform alone will not deliver the changes needed to realise the policy ambition. The Scottish Government must also commit to the allocation of sufficient staffing, time and resources to allow all agencies to work together to enhance child protection policy and practice, and strengthen the delivery of appropriate interventions targeted to addressing the holistic needs of our most vulnerable children.

We have provided the following detailed comments to assist the consultation process, and adopting GIRFEC and UNCRC terminology, have referred to children as those who are under the age of 18, and young people, as those aged between 18 and 25.

1. Where a person has been harmed by a child whose case is likely to **proceed to the children's hearing system, should further information** be made available to a person who has been harmed (and their parents if they are a child) beyond what is currently available?

Yes/No

- If yes: what specific further information should be made available?
- If yes: are there specific circumstances when further information should be provided and what would those circumstances be?

Please give reasons for your answer.

The EIS has no specific comment to offer in relation to this question.

2. Where a person has been harmed by a child who has been referred to **a children's hearing, should SCRA be** empowered to share further information with a child who has been harmed (and their parents if they are a child) if the child is subject to measures that relate to that person?

Yes/No

Please give reasons to support your answer

In considering the response to this question, it is important to consider the **distinct ethos of the children's hearing system** and the underpinning welfare principles. The decision to include additional measures in a Compulsory Supervision Order ('CSO') will be based on the need to safeguard and promote the welfare of the child. In most cases, this will be the paramount consideration but even where the condition is necessary to protect the public from the risk of serious harm, the welfare of the child remains a primary consideration. The measure is attached to keep the child safe and mitigate the risk of re-offending.

Against this background, it is difficult to see what justification there would be to interfere with existing legal protections in relation to children's human rights, including privacy and data protection. There is also a danger that in disclosing this information, the child may be placed at risk of harm and the wider objectives of rehabilitation negatively impacted.

If the person harmed were a child, then **the child's planning process**, using GIRFEC principles, one of which is to ensure that the child feels safe, can help to address holistic wellbeing needs. By exploring this with the child through

this supportive process and adopting strategies to meet needs, the child who has been harmed can be supported to gain confidence in the protective measures adopted.

The use of these approaches in conjunction with risk management planning, which identify early indicators of offending behaviour and ensure that appropriate strategies are in place to manage risk, should provide reassurance for those who have been harmed whilst protecting the disclosure of sensitive personal data and **adhering to the ethos of the children's hearing system.**

3. Where a person has been harmed by a child who has been referred to the Principal Reporter, should additional support be made available to the person who has been harmed?

Yes/No

- If yes, what additional supports do you feel are necessary?
- If yes, should this apply to all people who have been harmed or only in certain circumstances? (Please specify)

The Institute agrees that consistent and universal access to support should be available to a person who had been harmed by a child, irrespective of whether the case is referred to the Principal Reporter or dealt with through the criminal justice system.

Where a child or adult who has been harmed remains within the same community or educational setting as the child who has caused the harm, it will be essential to have a robust risk management plan in place to ensure that everyone is, and feels, safe.

Whilst the GIRFEC procedure provides a framework to ensure that there is multi-agency consideration of the wellbeing indicators and appropriate supports for a child who has been harmed, resourcing will be key to ensuring that this operates effectively. Existing legislation and policy frameworks are already in place to ensure that additional support can be made available. However, there remains a gap between GIRFEC policy and its effective implementation in practice, stemming from the significant under-provision of resources and general inaccessibility of sources of support for children. With waiting lists for counselling services growing and the number of children waiting for over a year to access CAMHS having trebled since 2020, it is clear that demand is outstripping existing resources.

The GIRFEC policy is based on joint working in a culture of co-operation and communication between professionals, working in partnership with children and their families. For this approach to operate effectively, practitioners must be given time to develop relationships, to engage in meaningful planning and reflective practice and to assess the impact of interventions. With under-resourcing across Health, Social Work and Education, the early intervention approaches espoused by GIRFEC policy cannot be invoked.

We cannot forget that adults who have been subjected to harm may also require additional support, particularly when this has occurred in the context of their employment. We are aware of an increasing number of violent incidents, occurring in schools and yet support for teachers and pupil support workers is often overlooked. Since the pandemic, our members have reported an increase in the number and severity of such incidents, arising from distressed behaviour, most notably in younger children who traditionally have been less likely to exhibit violent behaviour. Despite this, teachers are often left to manage the behaviour of the pupil who has caused the harm and to support the children in the class, who may have witnessed the incident, without intervention. Provision should be made to ensure that the teacher or member of staff who has been harmed is removed from the class, and given time and appropriate support to recover. Employers owe a duty of care to keep staff in these settings safe and specific consideration should be given to risk assessment and safety planning to protect that person from further harm.

If adequate support is to be given to those who have been subjected to harm, then urgent action is needed to ensure that sufficient resources are in place to allow the needs of those children and adults to be met.

4. Should a single point of contact to offer such support be introduced for a person who has been harmed?

Yes/No

- If yes, should this be available to all people who have been harmed or only in certain circumstances? (please specify)
- If yes, who should be responsible for providing the single point of contact?

Please give reasons for your answers.

The Institute can see the merit in having a single point of contact to offer support for all those who have been harmed. This will help to militate against the potential of re-trauma by having to repeatedly relate the circumstances which led to the harm. It will also facilitate consistency of approach and allow the person harmed to develop a supportive relationship with the person providing or co-ordinating support.

We would recommend that a comprehensive, multi-agency, trauma-informed approach to support should be available to all those harmed, in all circumstances. We cannot predict the nature or impact of trauma on an individual and what may be perceived as a more minor incident to some may still result in significant harm for the individual involved. Those harmed should have the offer of support in as accessible way as possible.

Where the harm has occurred in the context of employment, specific consideration should be given to the support needed, and risk mitigation measures adopted, to ensure that adults harmed are, and feel, safe in their work environment. Staff, such as teachers and pupil support workers, must have confidence in the measures adopted and may require additional support to address the vulnerability which they may feel as a result of the incident.

Co-ordinated support between employers and support services will be key to ensuring that those adults harmed can access the necessary support at the earliest opportunity.

The co-ordination of support from a single point of contact will be especially important for children who have experienced harm. We note that the consultation document does not, however, set this role within the context of GIRFEC and we would question how it is envisaged that it would interface with proposals around the creation of a named person service, or indeed, of the role of lead professional.

As part of GIRFEC planning, there would be an opportunity to identify who the most appropriate person is to act as the single point of contact. This could then be agreed and recorded **in the Child's Plan**.

Whatever process is used, it will be essential to ensure the inclusion of the voices of children who have been harmed, and, where appropriate, of their families, in this decision and in subsequent decisions around the provision of support.

Consideration should be given to the design of the engagement process to take sufficient account of specific needs and to remove barriers to involvement in decisions. This will be particularly important in relation to children whose views are often less well captured, including care experienced children; children affected by domestic abuse; migrant children; children from working class backgrounds, including those living in poverty; disabled children; LGBT children and BAME children. All supports put in place should be sensitive to and take account of the needs of children and young people who experience systemic inequality.

Further consideration would also require to be given to the legal basis for information sharing, given the decision of the Supreme Court<sup>1</sup> which made it clear that a wellbeing concern cannot be used as the sole basis upon which to share information, as well as to the resourcing of such a role. Sufficient time would have to be given to allow for effective engagement with a range of professionals as well as with the child who has been harmed.

The Institute has raised these concerns in responding to the Stakeholder Consultation on GIRFEC Practice Guidance and believes that the same considerations apply in this context.

5. Should existing measures available **through the children's hearing** system be amended or enhanced for the protection of people who have been harmed?

Yes/No

- If yes, please provide details of how they should be amended or enhanced.

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<sup>1</sup> Christian Institute and others -v- the Lord Advocate (Supreme Court)

The EIS has no comments to make in response to this question.

6. Should MCRs be made available to children who do not meet the current criteria for secure care?

Yes/No

Please give reasons for your answer.

- If yes, what should the new criteria for MRCs be?

The EIS has no comments to make in response to this question.

7. Should any of the above options be considered further?

Yes/No

- If yes, which option(s)?
- Please give reasons for your answer, including any positive or negative implications of any proposals.

*Option 1* : We agree that consideration should be given to enabling all children under the age of 18 to be remitted to the Principal Reporter for advice and disposal, even where they had initially been prosecuted and have pled or been found guilty. This option is currently available when a child is **subject to measures through the children's hearing system**. This approach seems to align more with the commitments and presumptions which seek to ensure that the response to offending behaviour by a child is restorative rather than punitive. There are exceptions when the sentence is fixed by law and this would seem to be appropriate.

*Option 2*: We also support option 2 which would see wider use of the existing **ability for the children's hearing system to require support to be offered to a young person on a voluntary basis following the termination of any CSO by virtue of the individual turning 18**. A closure report, identifying the ongoing needs and supports, would seem to be a good way of capturing key information to inform next steps at this transitional point in the young **person's life**. It would, of course, require to be resourced sufficiently to allow the compilation of sufficiently detailed, accurate and current information to inform multi-agency dialogue and engagement.

*Option 3*: Whilst we understand the drive behind the third proposal, we are unclear as to the legal basis for ongoing engagement post-18. In a rights-based system, the views of the young person would need to be considered and if they were resistant to the provision of ongoing support, it is unclear on what basis continued engagement could be justified.

8. Please give details of any other ways in which the use of the **children's hearing system could be maximised, including how the interface between the children's hearing system and court could change**.

The EIS has no comments to offer in relation to this question.

9. Should any of the above options be considered further?

Yes/No

- If yes, which option(s)?

Please give reasons for your answer, including any positive or negative implications of any of the options. We are particularly interested in implications for people who have been harmed.

The EIS has no comments to offer in relation to this question.

10. Where a child requires to be deprived of their liberty, should this be secure care rather than a YOI in all cases?

Yes, in all circumstances the focus should be on the assessment of the child's needs in line with the GIRFEC approach and on the provision of support to promote rehabilitation and reintegration of the child into their community as soon as possible. The consultation document highlights the importance of adopting a response which is '**rights-based, relationship-based, psychologically and trauma informed**' and delivered in therapeutic environments when a child is deprived of their liberty. It goes on to cite international human rights instruments which provide that this should take place in correctional or educational facilities which are more akin to secure care in Scotland than to YOIs. The Secure Care Pathway and Standards, Scotland promote a rights-based approach which through multi-agency support can look at the holistic development of the young person, providing educational continuity and dedicated support in a compassionate and nurturing environment.

11. Should there be an explicit statutory prohibition on placing any child in a YOI, even in the gravest cases where a child faces a significant post-18 custodial sentence and /or **where parts of a child's** behaviour pose the greatest risk of serious harm?

Yes/No

- If no, in what exceptional circumstances should use of a YOI be considered?

Please give reasons for your answer.

Section 51 of the Criminal Procedure (Scotland) Act 1995 currently provides that where a child under the age of 16 is not released on bail pending trial, the court will commit the child to an appropriate local authority to be detained either in secure accommodation or in a suitable place of safety. For a child of 16 or 17 who is subject to a compulsory supervision order, the court can also commit the child to the local authority for detention in secure accommodation or in a place of safety or alternatively, can commit the child to a YOI. For children over the age of 16 who are not on a CSO, there is no discretion and the child must be detained in a YOI.

It is unclear why the discretion of the court is fettered for those 16 and 17 year olds who are not subject to CSOs. Given that this group of children,

charged with a serious offence, will be extremely vulnerable and given that at this stage the presumption of innocence applies, we believe that where it is necessary to hold a child under the age of 18 on remand, this should always be to a secure setting or place of safety. It will be important to ensure that there are sufficient places available to accommodate this and that appropriate resources are committed to deliver on the ambitions contained within the Secure Care Pathway and Standards.

A similar situation arises after conviction and there again appears to be a lack of congruity in policy and legislation which would not ascribe a statutory responsibility to Scottish Ministers for placing and managing the sentences of all children under the age of 18 who have been sentenced to detention, regardless of whether they are on a CSO. The fact that they have been convicted of a serious offence will by its very nature mean that they are extremely vulnerable and present a risk of harming themselves or others. We would therefore support statutory reform to ensure equality of treatment and opportunity of access to specialist support for all children, irrespective of their previous engagement with the **children's** hearing system or criminal justice system.

The Scottish **Government 'Custody of Convicted Children and Young people: Practice Guidance'** provides advice in relation to the implementation of the current statutory provisions governing placement in secure settings and adopts the GIRFEC framework to ensure that the needs of the child are being considered and supports put in place to **review the existing Child's Plan** and plan for next steps, with the best interests of the child at the centre of the process.

The current guidance deals explicitly with situations in which a transfer of **placement is considered and makes it clear that 'transfer to another secure unit or YOI (before 18) will only be considered if for example a child's behaviour becomes completely unmanageable within the current placement or where the child is convicted of further serious charges which suggest that they would present an unacceptable risk to the safety of other residents or staff'**. It goes on to provide that the child cannot be moved without **Scottish Ministers' direction and any transfer must be authorised in writing.**

This approach appears to be proportionate ensuring a balancing of rights and interference with the placement in the secure setting only where this is necessary to protect other children or staff in the setting.

Accordingly, whilst statute could be strengthened to ensure that all children, who are not being released on bail prior to trial, and those who have been sentenced to a period of detention on conviction should always be placed in secure settings, we are not convinced that there should be a prohibition on placing a child in a YOI. As explained above, there may be situations in which the health and safety and wellbeing of other children and of staff requires a change of placement and we believe that discretion should remain in these exceptional cases.



12. Should existing duties on local authorities to assess and support children and care leavers who are remanded or sentenced be strengthened?

Yes/No

Please give reasons for your answer

If yes, please provide details of how this could be achieved.

There are already duties placed on local authorities in terms of policy and legislation to assess and support children and care leavers who are remanded and sentenced. To operate effectively, this requires the provision of sufficient resources for all services involved, Health, Social Work and Education.

The EIS has consistently highlighted the need for sufficient and sustained investment in core funding to support the effective implementation of GIRFEC. The need is even clearer for this vulnerable group, who present the highest level of risk and who should be supported in their successful transition back into the community.

13. Do you agree that the three above changes related to anonymity should be made?

- Yes to all changes
- Yes but only to some changes (please identify which ones)
- No
- Please give reasons for your answer

We agree that the three proposed changes should be made in relation to anonymity.

We agree that the judge should only have discretion to make an exception to identify a child accused in limited circumstances, when the court is satisfied that disclosure is necessary for the purpose of protecting the public from serious harm and it is in the interests of justice so to do. If it is the intention to limit the current discretion which permits identification in the interests of justice, then the consultation document should be clear that the requirement for both elements of the test must apply. As currently drafted, the consultation **proposal refers to 'and/or'** between the two elements of the test. Allowing the exception to apply in two sets of circumstances which are stated in the alternative would extend the current provision, rather than restricting it.

**We agree that the child's right to anonymity should apply from their first contact with the criminal justice system.** This is particularly important given that the presumption of innocence applies and a rights-based, children's welfare approach should underpin the process for cases when a child comes into conflict with the law.

The Institute would agree that where a child has been convicted of an offence when they are under 18, anonymity should extend and be maintained in adulthood unless it is determined by a court after the child has turned 18 that, for reasons of protecting the public from serious harm and in the interests of justice, identification is necessary. This approach aligns with the welfare principles underpinning the management of youth justice; supports rehabilitation principles; and mitigates against any potential increase in the risk factors associated with re-offending, which disclosure of identity might bring.

14. Do you agree that the regulatory landscape relating to secure care needs to be simplified and clarified?

Yes/No

Please give reasons for your answers

If yes, please provide details of how this could be achieved.

15. **Do you feel that the current definition of 'secure accommodation' meets Scotland's current and future needs?**

Yes/No

Please give reasons for your answers

- If no, please provide details of how this could be changed.
- 

We agree that the current regulatory landscape relating to secure care should be simplified and clarified. Decisions to place a child in secure accommodation will interfere with **one of a child's basic rights** – the right to not be deprived of their liberty without due process of law. It is important that a child is able to engage in the process, has a right to be heard and understands the basis upon which the decision has been taken. It is key therefore that any legislative and policy framework is clear and accessible to all, particularly those directly affected by it.

As we highlighted above, we believe that there is a need for legislative reform to ensure that all children, regardless of their age or legal status, can access the care they need in an appropriate setting. Children between the ages of 16 and 18 with no **current involvement with the children's hearing system** do not have the same opportunity to access secure accommodation as others of the same age who are on a CSO. Instead, they will be detained in a YOI. This does not appear to be equitable and legislative reform would enable this to be addressed.

The development of bespoke guidance, written in plain English and tailored to the needs of the different stakeholders, would be beneficial in clearly outlining the rights and responsibilities of all.

16. Do you agree that all children under the age of 18 should be able to be placed in secure care where this has been deemed necessary, proportionate and in their best interests?

- Yes through all routes

- Yes but only through certain routes
- No

Please give reasons for your answer, including any positive or negative implications.

Yes, in the interests of equity of support, all children under the age of 18 should be able to be placed in secure care where this is deemed necessary, proportionate and in their best interests. Clearly, the infringement of the right to liberty would need to be justifiable on the grounds of necessity and be proportionate to the risks presented. The views of the child should also be taken into account in this process.

This would avoid the mandatory placement of children aged 16 and 17 who are not on a CSO in YOIs, pending trial and after conviction.

With the proposed extension of the availability of secure placement to all children under the age of 18, then consideration would require to be given to the allocation of sufficient resources and an assessment made as to whether the current provision will be sufficient to meet needs.

17. Should the costs of secure care placements for children placed on remand be met by Scottish Ministers?

Yes/No

Please give reasons for your answer.

Yes, with an emphasis placed on the need for therapeutic support in a supportive environment for this group of vulnerable children, decisions should be based on the needs of the child, rather than on any financial considerations about who will be responsible for payment. It should also be **borne in mind that proper investment of resource in children's wellbeing and education at this stage in their lives, will reduce the likely costs of re-offending, associated mental and physical health inequalities, addiction issues and unemployment/underemployment.**

18. Is a new national approach for considering the placement of children in secure care needed?

Yes/No

Please give reasons for your answer

- If yes, please give details of what this approach should look like.

The Institute can see the merit in adopting a national approach for considering the placement of children in secure care to ensure that there is consistency of approach across Scotland, such that those who are most in need of care and protection can access accommodation which meets their needs, in terms of therapeutic provision but also in terms of geographical proximity to their own communities to which they will be returning.

In assessing and monitoring the level of need, it will also be important to gather data to inform future planning and in striving to meet the targets set out in The Promise.

19. Is provision needed to enable secure transport to be utilised when necessary and justifiable for the safety of the child or others?

Yes/No

Please give reasons for your answer

20. Are there any other factors that you think need to be taken into account in making this provision for secure transport?

Yes/No

Please give reasons for your answers

- If yes, please provide details of these factors?

GIRFEC policy makes it clear that children should be able to access the right help, at the right time from the right people. On this basis, it is axiomatic that children in secure accommodation should be able to access support when it is necessary and barriers to engagement, such as a lack of transport, should be removed. We would, therefore, agree that provision should be made to enable secure transport to be utilised when necessary and justifiable for the safety of the child or others.

Given that children who may be accessing secure transport may have additional support needs, planning should include preparation of the child for the journey through the use of appropriate strategies, such as social stories, where appropriate.

21. Do you agree children should be able to remain in secure care beyond their 18<sup>th</sup> birthday, where necessary and in their best interests?

Yes/No

If yes, for all children or only those who are remanded or sentenced?

If yes, for how long?

- **For as long as the child's needs require it**
- To a maximum length of remand or sentence (and if so what should this be?)
- To a maximum age (and if so what should this be?)
- For another period (please specify)

Please give reasons for your answers

The consultation document rightly sets out that for any deprivation of liberty to be lawful under Article 5 of the ECHR, it must be necessary, proportionate and prescribed by law. Given that young people cannot remain subject to orders of the **children's** hearing system beyond the age of 18, there would be no legal basis to continue the secure placement of some held on welfare grounds only and any action to do so could be challengeable.

This would, therefore, restrict the extension of secure placements to those being held on remand or detained after sentence. In these circumstances and in line with GIRFEC principles, the EIS believes that transitions should be

informed by vulnerability assessments, rather than being based purely on age specific criteria. We can see the merit in some situations where an individual is nearing the end of their sentence or engaged in a particular programme or intervention which would be detrimental to disrupt, for the placement in secure care to extend beyond their 18<sup>th</sup> birthday.

However, it cannot be forgotten that in making this assessment, there are the competing rights and interests of the other children within the setting to consider. Careful weighting would have to be given to the proportionality of extending the placement when compared with the risks, which having an adult in the setting, may pose to others. Each case would have to be assessed on its own merits and in light of a wider assessment of needs of those within the secure setting.

22. Do you agree with the introduction of pathways and standards for residential care for children and young people in Scotland?

Yes/No

Please give reasons for your answer

- If yes, please provide details of what measures and provisions are needed and how you think this should operate in practice.

23. Do you agree that local strategic needs assessment should be required prior to approval of any new residential childcare provision?

Yes/No

Please give reasons for your answer

- If yes, please provide details of what measures and provisions are needed and how you think this should operate in practice

24. Do you agree that there should be an increased role for the Care Inspectorate?

Yes/No

Please give reasons for your answer

- If yes, please provide details of what measures and provisions are needed and how you think this should operate in practice.

25. Do you agree that all children and young people living in cross-border residential and secure care placements should be offered an advocate locally?

Yes/No

- If yes, please provide details of how you think this should operate in practice.

In relation to the above three questions, the EIS agrees that careful consideration should be given before a child or young person is placed in a cross-border residential or secure setting. Demonstrable evidence should be available that this is in the best interests of the child and that no appropriate setting is available closer to the community with which the child is connected. An essential part of this decision-making process and thereafter, of ensuring that the high levels of care are meeting needs, will be taking the views of the child into account. To facilitate this process, we agree that it will be essential

to offer children and young people living in cross-border placements access to an independent advocate.

26. Whilst there are standards and procedures to follow to ensure restraint of children in care settings is carried out appropriately, do you think guidance and the law should be made clearer around this matter?

Yes/No

- If yes, please provide details of how this could be achieved.

Yes, we believe that guidance and the law should be made clearer around the use of restraint in care settings. Clarity in this area will ensure that everyone is aware of their rights and responsibilities and can plan to minimise the need for restraint.

The EIS believes that the focus should be on de-escalation techniques and in ensuring that early intervention strategies can be used and deployed effectively to prevent incidents, which might give rise to distressed behaviour, from occurring. The provision of support should be such that early triggers can be identified and supports implemented to promote inclusion and the maintenance of positive relationships.

However, guidance, legislation and training in this area alone will not be enough to ensure that policy translates into practice. The EIS has long highlighted the need for adequate resourcing in Education and in care facilities to ensure that there are sufficient staff, with the appropriate skills who have received specialised training and have time to engage in the relational practice needed to plan for, deliver and assess the quality of provision in their setting. Staff:child ratios must be appropriate to the level of need if early intervention strategies are to operate effectively.

With rising levels and complexity of needs and systemic under-resourcing in Health, Social Work and Education, significant increased resourcing is urgently needed to ensure that the appropriate level of support is in place for the most vulnerable children.

27. Do you agree that the review of the 2019 Act should take place, as set out, with the 3-year statutory review period?

Yes/No

- If no, what period do you think is appropriate?
- If a shorter review period, how should the Scottish Government address the lack of review findings or data to inform such a change?

The Age of Criminal Responsibility (Scotland) Act 2019 specifies that the three year review period will run from the commencement of section 1 of the Act. As this was brought into force on 17<sup>th</sup> December 2021, the three year review period will continue until 17<sup>th</sup> December 2024. This allows a period within which data can be gathered and considered in accordance with the discussions

which took place around this provision during the Stage 3 debate in the Scottish Parliament.

Without the data to be gathered under this provision, we can see no basis to depart from this agreed procedure and to seek to introduce an alternative age of criminal responsibility under the **Children's Care and Justice** Bill.

28. What, if any, do you see as the data protection related issues that you feel could arise from the proposals outlined in this consultation?
29. **What, if any, do you see as the children's rights and wellbeing** issues that you feel could arise from the proposals outlined in this consultation?
30. What, if any, do you see as the main equality related issues that you feel could arise from the proposals outlined in this consultation?

**We have highlighted areas related to data protection, children's rights and wellbeing** issues and equality related issues throughout the response and would refer to these comments in the context in which they have been raised. As we have highlighted in our response to question 4, there needs to be guidance in relation to information sharing. For a multi-agency approach to be effective in achieving the aims of GIRFEC, the flow of information must be proportionate and not prohibitive.

We hope that these comments are helpful and would be happy to discuss any aspect further.

June 2022

## EIS Response – **Care Inspectorate’s Quality Conversation events survey**

What are your views on the purpose of Quality Conversations?

In responding to this consultation, the EIS will focus on the impact of Quality Conversations on Early Learning and Childcare (ELC), rather than on the care sector more widely, as this is the context in which some of our members are employed.

Quality Conversations would appear to provide a good opportunity for the Care Inspectorate to engage directly with those working in ELC. However, much will depend on the agenda, those invited to participate and the way in which the sessions are conducted.

To ensure that engagement is meaningful and can truly inform change, careful consideration should be given to agenda setting. This should be informed by the outcomes of collegiate engagement with the sector so that the topics chosen for discussion reflect, not only the issues which the Care Inspectorate wish to explore but also those which staff in the sector feel require consideration and discussion. A list of topics could be obtained through a survey of those working in the different care sectors.

We note that previously those invited to participate in the Quality Conversations have been executives or senior representatives of care service providers or umbrella organisations. This would not appear to be representative of the care workforce and is reflective of a top-down approach to reform, rather than one which is inclusive of all involved in the sector. We would recommend that participation is extended to members of staff working in ELC settings and the professional associations representing staff in this context. This will ensure that engagement is collegiate and that reform is informed by the views and experiences of those delivering ELC on a daily basis. Such an approach would then align itself more readily with the principles of reform, most recently advocated by Professor Ken Muir in **his report, ‘Putting Learners at the Centre’**.

We note from the agendas of previous Quality Conversations that presentations have been delivered by the Care Inspectorate with feedback then delivered through round-table discussions. For the conversation to be truly collegiate, consideration should be given to the delivery of presentations or provocations by other stakeholders, and dedicated time allocated for discussion thereafter.

Previously, we held a fresh round of Quality Conversations around three times a year. What are your views on frequency?

This would seem appropriate, although there should be some mechanism through which feedback can be provided about the impact of the contributions made at previous events, so that participants are informed throughout the process and do not feel that their contributions have disappeared into a vacuum.

Previously, each Quality Conversation event last around three hours. What are your views on duration?



Provided that there is sufficient time allocated for breaks and opportunities for quality discussion and engagement, then the duration of three hours per Conversation would seem appropriate. We are unclear whether all engagement will be face to face or whether there will be a facility to join the meeting online. If provision is being made for hybrid or online Conversations, then careful thought should be given to ensuring that there are breaks away from the screen and, also to ensure that the technology is sufficient to allow for meaningful engagement from all participants.

#### Attendees

Previously, we invited executive and strategic-level members of large care service providers and umbrella/representative care sector organisations to meet with our own chief executive, chair, directors and strategic-level staff.

What are your views on who should be invited to attend?

See answer above.

Previously, we would aim to host 20-30 external delegates at each event. Together with Care Inspectorate, a well-attended event would number around 40.

The small number aimed to support deeper level conversation than is possible at a larger conference-style event.

What are your views on event size and numbers of attendees?

We understand that the smaller number of attendees is designed to promote deeper level conversation and to support engagement. Consideration of the number of attendees alone will not be sufficient, however, to promote inclusion and engagement from all in the sector. In addition to widening the representation to the workforce and professional associations, it will be important to ensure that there is representation from across a geographical spread and from different types of setting.

Where the numbers exceed the maximum set for the Conversation, consideration should be given to hosting additional events to ensure that everyone who wishes to be, can be involved.

Previously, a typical agenda would look like this:

Arrival and refreshments

Welcome and introductions

Presentation - Our new corporate plan

Q&A - with the chief executive: an opportunity to share your messages and questions **about the Care Inspectorate's corporate plan**

Presentation - Our new guide to self-evaluation and how it links to the quality frameworks

Roundtable, facilitated conversations - A Welcome For All - equality, diversity and inclusion in care

Feedback from tables and open forum

What are your views on agenda format and topics?

The format of the agenda will be governed by the topics and issues being discussed. As we highlighted above, it will be important that the Conversations are genuinely two-way and we would recommend that stakeholders have the opportunity to contribute to agenda setting and can also deliver presentations on given topics. This would promote more inclusive and collegiate practice.

Venues and Locations

We have held events at purposed conference/meeting venues with good transport links within the central belt: Stirling; Glasgow; Edinburgh.

What are your views on venues and locations?

Whilst holding events in the Central Belt with good transport links will facilitate attendance for a number of people, we would suggest that consideration is also given to holding events in more remote, rural areas, to ensure that the voices of those, who would wish to participate from these communities, can be heard. Consideration should also be given to using technology to support engagement for those who may not for a variety of reasons be able to attend in person.

## EIS Response to the Draft Remit of the Qualifications and Assessment Independent Review Group

The EIS, Scotland largest teacher trade union and professional association, representing teachers in all sectors and at all stages of their careers, welcomes the opportunity to comment on the draft remit of the Qualifications and Assessment Independent Review Group (IRG), led by Professor Louise Hayward.

### Scope

The EIS agrees that the relevant evidence recently gathered by the OECD and by Professor Ken Muir should inform the shape and substance of the next phase of consultation in this important area of work. It makes good sense not to seek to gather the same kind of evidence as was sought by recent reviews, from the same individuals, groups and organisations within such a short timescale.

What will be important in considering the evidence gathered to date is where there might be gaps in terms of the contributions from groups that can often be under-represented in national consultation work, including young people and parents from poorer socio-economic backgrounds and/or from minority ethnic communities, and young people with additional support needs.

Regarding the design of future qualifications, the EIS would wish, as far as **possible, the SQA's involvement to be limited.**

The track record of the organisation has been poor in listening and responding to the needs of learners and of the teaching profession which supports them. As a **result, the SQA's reputation is irreparably damaged.**

To involve this organisation in the design of new qualifications would risk the perception of new qualifications **being 'damaged goods', them having been** handled by the now quite disreputable SQA.

### Membership

The EIS welcomes the breadth of voices to be included within the membership of the IRG, including young people, and academics with expertise in equality and social justice, in particular.

We note the inclusion of teacher voice within the membership of the IRG, which we also welcome.

It is not exactly clear from the draft document whether teachers would be involved on an individual basis or whether professional associations representing **teachers will be included within the membership. The EIS's clear preference** and hope would be for the latter, this facilitating a more strongly inclusive, democratic approach **that would in turn garner the trust and 'buy-in' of the**

teaching profession which is too often left on the periphery of discussions that are crucially important to its work.

In a practical sense, also, the involvement of professional associations within the IRG would also lend itself well to the planned engagement of IRG members with **their respective 'communities'**, such is the range and reach of our networks.

### Concluding comments

Overall, the EIS is hopeful that this piece of work will create a solid framework around which we can build a better experience of assessment and **qualifications for all of Scotland's young people**- one that is:

- aligned fully to the purposes of our education system as a social good;
- true to the ambitions of CfE regarding learner-centredness, inclusivity and greater breadth, depth and enjoyment of learning;
- appropriately balanced in terms of the amount and nature of formal assessment;
- committed to realising greater parity of esteem between so-called vocational and academic learning and courses of study;
- underpinned by sound, socially just assessment practice, leading to greater equity of outcome between those from more and less socio-economically disadvantaged backgrounds; and
- sufficiently resourced to enable such benefits to be universally experienced by young people in Scotland wherever and whoever they are.

**EIS response to the Scottish Government, 'Inspection and Scrutiny of  
Early Learning and Childcare and School Aged Childcare Services in  
Scotland: Consultation Paper'**

Introduction

The Educational Institute of Scotland ('EIS'), the country's largest teaching union, representing more than 60,000 members across all sectors of Education and at all career levels, welcomes the opportunity to respond to this consultation.

We believe that the need for a review of the current inspection and scrutiny **process of Early Learning and Childcare ('ELC') services is long-overdue** with our members reporting the additional stress, excessive bureaucracy and duplication of workload involved in this process.

The Muir Report, 'Putting Learners at the Centre' recognises these challenges faced by our members and *inter alia*, recommends the creation of a shared inspection framework between the new independent Inspectorate, which will replace Education Scotland and the Care Inspectorate. Although the report highlights this as a priority, it does so in the context of wider education reform, envisaging that this work would be undertaken jointly by the new national inspection body and the Care Inspectorate. We would, therefore, question the timing of this consultation, when the new inspection body has not been formed and wider education and care reform is ongoing.

The consultation highlights that 'the significant reforms being taken forward are designed to improve outcomes and build trust in Scotland's education system, putting learners at the centre, supporting our teachers and practitioners and instilling fairness and accountability in our national education bodies'.

It goes on to state that the 'recommendation has created an important opportunity for wider debate about the role of inspections in supporting the delivery of high-quality provision across all ELC and how inspection of these services contributes to our national vision for the future of education and childcare'.

In this context and with the National Discussion underway, it seems anomalous that the consultation has been framed so narrowly and is not considering reform of the inspection process or of the statutory functions currently discharged by the Care Inspectorate and Education Scotland. This is an opportunity missed.

Rather than rushing through reform with a narrow focus on the creation of a shared inspection framework, time should be given to a more fundamental review of the support and scrutiny function, informed by the recommendations and principles which underpin change outlined in the Muir Report, the outcomes from the National Discussion and the creation of the new inspection body.

In the interim, streamlining of the current inspection processes, in conjunction with the removal of inspection scores or ratings, would go some way to addressing the pressures and anxiety experienced by teachers, Early Years practitioners and staff.

We would also question why this review, which emanates from a recommendation in the Muir Report, to reduce bureaucracy and streamline approaches to inspection in ELC alone, is now being extended to the inspection of school aged childcare services. Education Scotland has no role in the inspection process of school aged childcare services because unlike ELC, they do not have responsibility for delivering education, as part of Curriculum for Excellence. We believe that the review should focus solely on ELC and be integrated with a wider review of inspection for Scottish education.

In responding to this consultation, we have focused our comments solely on the proposals as they relate to ELC and which affect our members.

## The Proposed Vision

1.1 To what extent do you support, or not support, the Scottish **Government's overall proposed vision for the purpose and aim of inspection of ELC and school age childcare services?**

The EIS does not support the vision outlined in the consultation document.

Can you tell us why you think this?

The vision **starts from the premise that the 'inspection of ELC...is an integral tool for supporting settings to identify and implement improvements'.**

The EIS questions the validity of this statement. The inspection process will not, in and of itself, lead to improvement in the service or teaching and learning in a setting.

Such improvement will be delivered by the teachers, Early Years practitioners and staff working collegiately, in the context of an Empowered system, when they are given the time and professional trust to plan collaboratively, to deliver appropriate learning and development experiences in a nurturing environment, and to reflect on their practice to inform next steps.

The draft vision goes on to state:

*'Inspection of ELC ...services encourages and empowers settings, practitioners and teachers to continually improve their service for the benefit of the children in their care, including self-evaluation.'*

This is not the experience of our members. Our members largely report that the current system which adopts a top-down approach, with subjective grading is not effective in enhancing quality or promoting empowerment. The vision of empowerment set out in Education Scotland Guidance<sup>1</sup>, makes it clear that **'the culture should foster feelings of trust, openness, well-being and satisfaction for all, enabling teachers, practitioners and learners to be the best they can be.'**

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<sup>1</sup> 'Empowering Teachers and Practitioners'

The culture described in this definition does not correlate with reports of current inspection practice from our members. Over the course of the pandemic, when teachers and Early Years practitioners were responding to the challenges, not only of keeping ELC settings open, but also of supporting the wellbeing needs of families and children in their care, they had the ongoing pressure of responding to Care Inspectorate inspections, albeit with a reduced focus. Feedback from members, reporting the use of I-pads to record the provision of ELC by the Care Inspectorate, did little to foster collegiality, collaboration and professional trust between teachers, practitioners and those conducting such inspections.

The EIS believes that the scrutiny model currently in place is misaligned with the Empowerment agenda and continues to be bureaucracy-heavy and morale-draining for the teachers, Early Years practitioners and staff working in ELC, and in many cases, for learners and their families as members of the ELC community.

With the consultation focusing solely on a shared framework and not more far-reaching reform in terms of the inspection model, we fail to see how the vision would be achieved or the necessary change in culture effected. Genuine collaboration between inspectorates, settings, practitioners and teachers cannot operate in the context of a regime which grades settings and adopts summative scoring approaches.

The system of bald scoring fosters an ethos of competition and fear of failure, rather than of confidence and collaboration; and encourages misinformed critique of how ELC settings are going about their work.

To achieve meaningful reform of the inspection process, there needs to be systemic cultural change, underpinned by the principles set out in the Muir Report. Professor Muir makes it clear that structural reform will be ineffectual unless accompanied by this cultural change.

At the heart of these principles, he cites '***a redistribution of power, influence, and resource within Scottish education to one that reflects the principles of subsidiarity, genuinely empowers teachers and practitioners and where learners' voices, experiences and perspectives and rights are central to decision making.***'

He goes on to refer to the importance of restoring the trust and confidence of the teaching profession in national bodies and employers. Decades of hierarchical approaches to management combined with increased levels of quality assurance and inspection overload, against a backdrop of efficiency drivers have left teachers feeling disempowered and robbed of their professional agency. The Muir report advocates the need for change.

The EIS would wish to see the emergence from co-creation, of a model of practitioner-led evaluation that features professional collaboration and learning across settings, with time invested to facilitate collaborative processes to enable reflection on the outcomes of such collaboration, and to support any change processes that are required.

Such a model would be founded on the premise that trust in teacher professional judgement extends to the improvement agenda, also; and that teachers and early years practitioners as inhabitants of ELC communities are best placed to work with children, parents and other stakeholders within their communities, and colleagues outwith, to determine priorities and the best means of achieving associated objectives. Where they judge it necessary, settings should be able to seek assistance in going about their work from the relevant national agencies.

Furthermore, with inconsistent feedback given from inspections conducted by the Care Inspectorate and those conducted by HMIE, the process does **not currently** *'support settings to provide consistent, high-quality services and experiences for all children'*. Indeed, it leads to confusion across the sector in terms of priorities and increases already excessive workloads.

- 1.2 Do you think the proposed vision is missing anything or contains something that you think does not reflect the purpose and aim of inspection of ELC and school aged childcare services?

As highlighted above, we would question the approach to reform which is being adopted. The narrow focus does not appear to respond to the criticisms levelled in the OECD and Muir reports by teachers, Early Years practitioners and professional associations about inspection and scrutiny processes more widely. Instead, the vision perpetuates a top-down model of inspection and takes no account of the current context, the trauma which staff, children and families have encountered as a result of the pandemic, or of the Recovery agenda.

We would advocate more far-reaching reform, as highlighted above and believe that principles of collegiality and professional trust, supported by reflective practice, self-evaluation and open and collaborative processes, through which professional dialogue can take place in a supportive and respectful environment, are missing from the proposed vision.

### The Draft Guiding Principles

- 1.3 To what extent do you support, or not support, the Scottish **Government's draft guiding principles for inspection of ELC and school age children services?**

As the EIS does not support the vision, it cannot support the draft guiding principles which underpin the vision.

Can you tell us why you think this?

In referencing the need for a new model of inspection above, we have highlighted the principles which we believe should drive the culture change



necessary to address the issues around inspection in ELC, and indeed, across education more widely.

The new model should be based on principles of collegiality, respect, professional trust and empowerment and add value to teaching and learning in the setting. It should not lead to increased levels of workload or anxiety for the staff and children involved in the process.

- 1.4 **If you answered 'partially support', please can you tell us more about which principles you do **and don't support?****

N/A

- 1.5 Do you think the draft guiding principles are missing anything?

Yes

If yes, please can you tell us what you think we have missed?

See above – response to question 1.3.

#### The Current Inspection and Scrutiny Landscape

Questions 2.1 – 2.4 are not applicable to the EIS.

- 2.5 Discounting periods of disruption over the COVID-19 pandemic, what do you consider are the benefits of the current inspection approach? Do you have examples of positive experiences to share?

Feedback from members about the current inspection approach has not been positive.

However, reports from members who participated in the voluntary Recovery visits, led by Education Scotland were more positive. It is noteworthy that the focus during these visits was on collegiate dialogue to assist self-reflection and inform next steps, with reports produced solely for that purpose and, crucially, no grades or scoring system was adopted. This would appear to have been a much more collaborative, engaging and meaningful process for those involved and much could be learned from this approach in the current context.

- 2.6 Discounting periods of disruption over the COVID-19 pandemic, what do you consider are the challenges of the current inspection approach? Do you have examples of challenging experiences to share?

As we have highlighted above, we believe that the current ethos, surrounding inspection, is misaligned with an empowered system. The top-down approach which places a focus on attributing grades stifles openness,

professional dialogue, trust and collegiality, with the level of bureaucracy adding to already excessive workload demands.

Feedback from members is that they have found the inspection processes stressful, at a time when teachers and Early Years staff are exhausted.

- 2.7 Under the Public Services Reform (Scotland) Act, HMI E and the Care **Inspectorate are under a duty to 'cooperate and coordinate' their** inspection activity. To what extent do you agree or disagree that the two inspectorate bodies cooperate with one another and coordinate activity effectively?

Disagree

Can you tell us why you think this?

The evidence gathered in the Muir Review highlights that across the sector, feedback referenced the lack of co-ordination and cooperation between the agencies, with little evidence cited of joint visits.

The joint letter issued to the sector by Education Scotland and the Care Inspectorate on 30<sup>th</sup> August provided some clarity in relation to the approach which is being adopted this session in scheduling inspections. It sought to address concerns about over-inspection of the sector by increasing the period between inspections to 18 months. However, this timeframe is still significantly shorter than the inspection schedule for schools.

Whilst affirming the commitment of both organisations to coordinate inspection activity, there is nothing within the letter which outlines how such arrangements will operate in practice and how they will reduce the burden currently felt by those working in the sector. Indeed, in referring to the inspection of primary school nursery classes, it would appear that the onus is on the Head Teacher of a school to advise Education Scotland if there is a departure from the scheduling approach outlined in the letter and whether they wish to proceed with the inspection of the nursery class.

There is no reference in the letter to processes or efforts being made across the Inspectorates to coordinate joint visits which would significantly cut down the work and anxiety associated with the inspection process.

- 2.8 Do you think any change is required to the current duty to **'cooperate and coordinate' inspection activity to provide** opportunities to improve cooperation and coordination between the inspectorate bodies in the short and medium term?

Yes, **the duty to 'cooperate and coordinate' should be strengthened.** More could be done to streamline the approach to inspections, reduce bureaucracy and workload, and relieve the anxiety experienced by teachers and staff working in ELC settings.

**If you answered 'Yes', what more could be done?**

More could be done in this regard to ensure that settings are not being inspected twice, thereby leading to increased workload, bureaucracy and stress. We would suggest that there should be greater opportunities to progress coordination of joint visits.

- 2.9 What are your views on how local authorities carry out their role in monitoring and supporting quality improvement in ELC and school aged childcare provision (where appropriate), and how this aligns with the inspection functions carried out by the Care Inspectorate and HMIE?

Where local authority quality improvement processes are conducted collegiately, informed by respectful professional dialogue and collaboration, we believe that they can be helpful in supporting self-reflection and informing next steps.

However, we are concerned that the constant focus on quality assurance processes place an undue and unnecessary burden on teachers and Early Years practitioners. There needs to be professional trust in the professionals working in the sector, with teachers and Early Years practitioners, being given time and space to develop the curriculum in their context, and to be **responsive to learners' needs and interests**. Such a commitment to professional autonomy and agency will lead to greater improvement in teaching and learning, rather than the continual cycle of quality assurance processes.

We would also question the practice which is adopted in some local authorities whereby **additional 'inspection' activity is** initiated prior to inspections being conducted by Education Scotland. The EIS is clear that the resumption of inspections by Education Scotland should not prompt any activity not already included within Working Time Agreements, either directed by the ELC setting or the local authority, that is aimed at preparing **for inspections 'just in case' a setting is selected. This is a driver for unnecessary additional workload and stress.**

- 2.10 Please provide any further comments on how you think the current inspection approach could be improved.

See above in response to question 1.3 on the proposed vision.

## A Shared Quality Framework

- 3.1 Do you support the proposal to develop a shared quality framework between HMIE and the Care Inspectorate?

As a short-term measure to address the immediate issues in relation to workload and bureaucracy, and whilst wider reform to change the inspection model is undertaken, the EIS would support the development of a shared inspection framework provided this is not simply a consolidation

of the two existing frameworks, as this would do nothing to change current practice, reduce bureaucracy and workload.

If the proposed review of the frameworks is to proceed at this time, it will be imperative that whatever emerges is reviewed by the new inspection body when it is created and consideration given to whether it is fit for purpose in the context of wider reform and the outcome of the National Discussion.

In preparation for this, we are clear that the Framework should be based on a new approach to inspection activity – one which recognises teacher/practitioner voice and is built on professional trust, collegiality, respect and empowerment.

Consideration should also be given to how inspection visits can currently be streamlined to ensure that where possible there are joint visits, avoiding the duplication of inspection and scrutiny processes which currently exist and the consequential additional stress for teachers, Early Years practitioners and staff.

3.2 What do you consider are the benefits to implementation of a shared inspection framework?

In theory, it may help to reduce duplication of bureaucracy but much will depend on how the framework is drafted. If it simply consolidates the current frameworks, then it will do little to advance the position for teachers and Early Years practitioners in ELC.

3.3 What do you consider are the challenges to implementation of a shared inspection framework?

It is difficult to answer this without first seeing the shared inspection framework. However, we would envisage that the challenge will be in ensuring that the distinct scrutiny function of each Inspectorate is reflected within the document whilst streamlining the focus of the document and avoiding duplication. As highlighted above, we would suggest that any new framework is revisited when the new inspection body is created.

3.4 Do you think that the development of a shared quality framework will meet the needs of the sector to simplify the inspection landscape and reduce the inspection burden?

Why do you think this?

We believe that a shared inspection framework, if drafted appropriately, will go some way to streamlining the bureaucracy involved in inspection processes. However, as we highlighted above, it will be insufficient on its own to address the issues highlighted by teachers and Early Years practitioners. If processes are to be improved in the short term and the burden of inspections in ELC settings to be reduced, greater consideration should be given to the coordination of joint inspection visits and a change of approach to the inspection process.

- 3.5 Do you think that the shared framework should apply to all ELC services, including funded and unfunded nursery and childminder provision for 0-5 year olds, and to childcare provision for children of school age (over 5 years old)?

Why do you think this?

As we highlighted in the introductory comments, we do not believe that the shared framework should apply to childcare provision for children of school age. Unlike ELC settings, these services are not responsible for delivering education.

#### Additional Comments

- 4.1 Do you have any additional comments in relation to improving inspection of ELC and school age childcare services in Scotland?

With education reform underway, we believe that the time is right to re-imagine the inspection model, not only in ELC but across Scottish education. To promote the advancement of the Empowerment agenda, we would encourage the Scottish Government to conduct a more fundamental review of inspection and scrutiny processes.

As highlighted by Professor Muir, reform in itself will not be enough to deliver the positive outcomes for all children and young people to which we all aspire or to realise the collective endeavour to close the poverty-related attainment and achievement gap. Reform must be underpinned by cultural change. We would urge the Scottish Government to respond positively to that challenge, demonstrate that it will place its trust in the professionalism of teachers and Early Years practitioners, and adopt a more progressive model of quality assurance - one which is practitioner-led, which features professional collaboration and learning across settings, with time invested to facilitate collaborative processes to support reflection and inform improvement, where required.

**EIS Response to the Scottish Government's Consultation, 'Physical Intervention in Schools: draft Guidance'**

Introduction

The Educational Institute of Scotland ('EIS'), the country's largest teaching union, representing more than 60,000 members across all sectors of Education and at all career levels, welcomes the opportunity to respond to the Scottish Government's consultation, 'Physical Intervention in Schools: draft Guidance'.

The EIS welcomes the publication of guidance on this important issue and recognises the need to provide clarity for all in the school community in relation to the use of physical intervention. The EIS has long believed that the focus of such guidance should be on the promotion of positive relationships, behaviour and wellbeing; on prevention and early intervention; on minimising the use of restraint and seclusion; and in the adoption of a rights-based approach, which acknowledges the rights of all in the school setting. We agree that restraint should be a measure of last resort, only used by those who are trained in its use as part of a whole-school approach **and that the guidance should promote 'good practice in ensuring all children and young people are safe and protected within a nurturing environment where additional support needs are well understood and provided for'.**

To operate effectively, all involved - children, young people, their families and the teachers and practitioners, who support them - must have clarity and confidence in the practice being adopted through the application of this guidance and the legal underpinning of any intervention. The introduction of clear and unambiguous guidance will therefore be key to providing the reassurance and certainty which all stakeholders need.

However, guidance alone will not deliver the changes needed to realise the policy ambition. The Scottish Government must also commit to the allocation of sufficient staffing, time and resources to support the implementation of early intervention measures, to allow for effective multi-agency cooperation and to ensure sufficient time is available for teachers, families and other professionals to build the meaningful relationships, which will be key to successful implementation of this approach. Given the importance of de-escalation and early intervention strategies, in the context of increasing volume and complexity of need in children and young people, additional investment is needed as a matter of urgency.

1. Do you think the guidance is easy to understand?

Somewhat.

The guidance provides an overview of the policy intent, its underpinning principles and how it operates with other policy frameworks and legislative provisions. Given the complexity and range of the policy and legislative context, the guidance is lengthy and, in some areas, technical and legalistic in nature.

For those who are familiar with the policy and legislative landscape, such as teachers and school staff, the draft guidance clearly sets out its purpose and the underpinning approach, ensuring that the focus is on prevention, early intervention and de-escalation. However, whilst the content may be clear for this user group, the guidance has not been produced in a format which is easily accessible for teachers and school staff in the classroom, where they may have to respond to distressed or unsafe behaviour which has emerged unexpectedly, with no de-escalation plan in place.

It might be more helpful to have the de-escalation principles (referred to in paragraph 45 of the draft guidance) available in a one-page PDF document which teachers can access readily in the classroom, when necessary. Similarly, the flowchart produced in Annex D, which outlines basic decision-making processes, and the information relating to definitions, recording expectations and roles and responsibilities, currently in Annexes B and F, could also be produced in a similar format. Teachers cannot practically consult lengthy guidance while teaching and responding to the needs of a pupil exhibiting distressed behaviour. It would be more useful to have the key principles and strategies relating to physical intervention highlighted in concise, accessible formats.

Although reference is made to examples of good practice being available on the National Improvement Hub, to access them, teachers would have to navigate another website, adding to the time involved and their already excessive workloads.

For others, who may be less familiar with the policies and legislation underpinning physical intervention, this guidance may be overly complex and lacking in clarity about how it will operate in practice and impact on the lives of children, young people and their families.

**Whilst the 'Easy read' version of the guidance might be thought to address these complexities, on closer examination, it is clear that it only provides an outline of the topics included in the guidance and fails to explain the content of that guidance. Someone accessing this version would not have a clear understanding of the different forms of physical intervention or the situations in which its use would be appropriate. Further consideration should be given to ensuring that the key elements of the guidance are contained in this document.**

Consideration should also be given to developing a version of the guidance specifically for children and young people. If, in line with the UNCRC, children and young people are to be supported to engage meaningfully and equitably in discussions about the support they need when feeling distressed and to participate in reflective sessions and decision-making, they must have a clear understanding of what the guidance is intended to achieve, what it says about physical intervention and how it will be implemented in practice.

To ensure clarity of understanding and consistency in application of the guidance, it is important that terminology used is consistent throughout the document. **There is the potential for confusion in paragraphs 29, 31 and 37 as the term 'Child's Plan' appears to be being used to cover all support plans, and not simply a Child's Plan in the context of Getting It Right for Every Child ('GIRFEC'). This confusion is**

removed in paragraphs 32, 47, 48, 55 and 71 through the removal of the capital letters. Paragraph 61 then appears to use the terms 'support plan' and 'child's plan' inter-changeably. Given the range of plans which are available and acknowledging that some emanate from statute, creating legal responsibilities, it is essential that the guidance is clear in relation to the type of plan envisaged.

Although reference is made in paragraph 26 to Co-ordinated Support Plans ('CSPs'), given their statutory nature and the legal obligations which flow from them, more detailed information could be given in this section about when they should be created, how they would operate in this context and greater visibility given to these plans at relevant parts throughout the guidance.

## 2. The guidance includes definitions of practices in the 'physical intervention' section (pages 14–25). Please review these. Are they clear?

Whilst welcoming the efforts made to define the different aspects of 'physical intervention' in the guidance, the EIS believes that the definitions could be more clearly drafted, if they are to promote a common understanding of the types of intervention which are permissible in school settings.

We have highlighted the following areas for further consideration:

- Paragraph 50 highlights that the term 'physical intervention' includes a wide variety of practices, including 'a member of staff asking a child or young person to move to another space'. This is referred to as '*staff-led withdrawal*'. The EIS is concerned that this definition has been framed too widely and does not reflect the purpose of the withdrawal. As currently drafted, routine class management techniques, such as allocating seats for the purposes of collaborative learning activities, could come within this definition. Paragraph 70, on the other hand, provides a more detailed definition of this term and links the action of the teacher with the clear purpose of assisting the child to move away from a challenging situation 'to a place where they have a better chance of regulating their emotions and behaviour'. This definition would seem to align itself more readily with the focus of the intervention and the guidance more generally. In the interests of clarity, we would recommend that there is consistency in the definition of terminology used in the guidance and in the examples given. We would also suggest that it may be more accurate to refer to this type of intervention as '*staff-initiated withdrawal*', as in some situations the staff will not physically *lead* the withdrawal.
- Paragraphs 53-56 define '*pupil-led withdrawal*' and outline the considerations which should be assessed when determining whether this intervention should form part of a child's plan. Paragraph 54 explains that this is not restraint and would not therefore have to be recorded as part of the education provider's monitoring purposes. It goes on to state, however, that it would have to be recorded within the establishment and as part of the child's plan. We would welcome clarification on the nature



of this recording as in some settings, where for example, a pupil has social, emotional or behavioural needs, there may be multiple **occurrences of 'pupil-led withdrawal' in the course of the school day.** If each incidence of withdrawal is to be recorded separately, then the recording process itself will create prohibitive levels of bureaucracy, adding significantly to already excessive teacher workload. Further consideration should be given to manageable ways of recording such withdrawals to ensure that they have a clear purpose and one which will impact positively on the delivery of teaching and learning, the provision of support and ultimately the outcomes for the children and young people involved.

#### *Adult Witness*

- Paragraph 61 sets out the general safeguards which should be in place when using any form of restraint. **The sixth bullet point states, 'The child or young person's welfare should be closely monitored by an adult witness not involved in applying the restraint throughout the period of restraint and action taken to reduce the risk of injury.'** It is unclear whether it is envisaged that the witness would intervene to take action or seek to direct others to do so. Clarity in relation to the role of such a witness is important.
- Whilst the presence of an adult witness is listed as a safeguard when restraint is being used, the guidance fails to recognise that this is unlikely to be achievable in many schools, given current staffing levels. The requirement for a witness suggests that the situations in which restraint takes place are not dynamic. While the use of restraint may be planned as part of a risk assessment, the triggers for behaviour, which require its use, may not always be known in advance. Teachers and staff who wish to avert injury or protect others from injury, may not have the time to find a witness and there is a danger that harm may occur if the use of restraint is delayed. However, if the presence of a witness is **determined to be 'a necessary safeguard' for the practice to be 'lawful'**, as outlined in paragraph 4 of the document, the absence of a witness places teachers and school staff in a precarious position; they may be criticised or even held liable for intervening without a witness present but equally, could be held responsible for failing to intervene to prevent harm. As currently drafted, the guidance fails to acknowledge this tension or to explain how a failure to adhere strictly to non-statutory guidance could render conduct unlawful. We would welcome further clarification on this point and suggest **that the words 'where practicable'** are added to any reference to a witness being present in this section and throughout the guidance. We would also suggest that further advice is provided about the appropriate course of action which can be taken if a witness is not present but there is a risk of harm to the pupil or others.
- The guidance also fails to recognise that even if another adult is present in the class, their focus may be on the other pupils in the room, providing

reassurance or seeking to move them to another area within the school. In such circumstances, they would not be able to act as a witness as to do so, would effectively leave the other pupils unsupervised.

- We would also welcome clarification as to whether moving the remainder of the class to another area, in such circumstances, would constitute staff-led withdrawal, particularly if some of those pupils did not wish to leave or consent to move.

#### *Post-Restraint*

- Paragraph 61 also lists a number of safeguards which should be adopted post-restraint. The first bullet point in this section states that *'learning reviews should always take place following the use of restraint'* (emphasis added). However, the fifth bullet point seems to dilute this, saying, *'some children and young people and staff may benefit from a learning review after the incident to support them to process the events'* (emphasis added). The use of *'may'* seems to suggest that there is an element of choice in the process. Greater clarity in this regard would be welcome to ensure consistency in the application of the guidance across local authorities.
- The second bullet point in the *'post-restraint'* section provides that **learning reviews** *'should always involve an immediate health, safety and wellbeing assessment of the child or young person who was restrained and anyone else who may have been injured.'* It goes on to provide that this may be *'led by the witness monitoring the incident, where available'*. This takes no account of the immediate impact which the incident may have had on the witness or indeed, the views of that staff member about their involvement in leading such activity. We would suggest that after the words, *'where available'*, the following is inserted *'and where deemed appropriate, having due regard to the views of the witness'*.
- The fourth bullet point in this section makes it clear that *'any specific post-restraint support identified in the child or young person's support plan should be followed as soon as possible after the restraint ends'*. We would question how this aligns with the provision in paragraph 19 which states that restraint should not form part of any behaviour, education or care plan. If the plan makes provision for the supports to be put in place post-restraint, it must also recognise the potential for the use of restraint. Further clarification on this point would be welcome.
- The sixth bullet point in this section states that *'Local disciplinary procedures may also run parallel to [a] child protection investigation'*. We would question the accuracy of this statement. There is a danger that if the processes run in tandem, then criminal proceedings, arising from a child protection investigation, may be compromised. We understand that following the immediate risk assessment and sensitive consideration given to the suspension or otherwise of the staff member,

local disciplinary proceedings should be paused pending the outcome of the child protection proceedings.

- Whilst understandably the focus in this post-restraint section is on the impact of restraint on a child or young person, there is also a need to address the impact of its use on any adult involved, particularly if an injury has been sustained. We would recommend that an additional point is added to this list to ensure that support is available for any member of staff involved in, or injured as a result of, the incident.

### *Physical Restraint*

- Paragraph 65 sets out the additional safeguards which must be in place when physical restraint is being used. It reiterates the need for a witness **to be present** *'to monitor the risk to the child or young person during the use of physical restraint'*. The guidance goes on to provide that where risk assessments indicate that distressed behaviours may be **exhibited by a child or young person**, *'a means by which a member of staff working with them can summon immediate support should be agreed'*. Whilst this type of planning is helpful, it takes no cognisance of current staffing levels, particularly in Special Schools, where we understand staff absences are currently high, or indeed, of unexpected distressed or unsafe behaviour. This provision again leaves staff in a precarious position and potentially open to challenge legally for intervening without a witness present or for failing to act, to prevent harm occurring.
- The guidance provides that the witness should monitor the risk to the child or young person but fails to clarify the nature of the risk to be assessed. Is it the risk of harm to the child or young person from the use of the restraint or is it the risk to the child or young person, or indeed to others, were the restraint to end? Clarification of the role of the witness in these circumstances is required.
- **The guidance then provides that** *'All steps should be taken by the person or persons applying the physical restraint and the witness monitoring, to minimise the risk of injury during the physical restraint, including using the minimum force and ending it at the earliest possible opportunity'*. Whilst we agree that every effort should be made to minimise the risk of injury in these circumstances, it would be helpful to understand the consequences for those involved in applying physical restraint and for the witness involved if there are divergent views about the necessity for and type of action taken. Could a witness be held responsible for injury to a pupil subject to restraint, despite advocating a different course of action? Equally, could the person using restraint be held liable, if the witness advocated the release of the pupil and on release, subsequent injury was occasioned to the pupil or another person? Incidents of this nature can escalate quickly, are emotionally charged and traumatic for all involved. We would suggest that this

section requires further exploration of the different scenarios, to ensure that everyone is fully aware of their rights and responsibilities in these circumstances.

- The guidance makes it clear that other children and young people should not be present when physical restraint is being used and that they should be moved to another area. Clarification would be welcomed as to **whether this would amount to 'staff-led withdrawal' and would require to be reported within the terms of the guidance.**

#### *Mechanical Restraint*

- **In paragraph 69, the reference to 'proscribed' should read 'prescribed'.**

#### *Staff-Led Withdrawal*

- As highlighted above, we would suggest that it may be more appropriate **to refer to 'staff-initiated withdrawal' to reflect the nature of this intervention.**
- **Paragraph 70 defines this intervention as 'leading' a child or young person away from a situation. However, 'leading' may not be the best word to use in these situations as it has connotations of taking a child or young person by the hand, which may or may not be consensual. It might be better to describe this action as 'directing a child or young person to a place where they can get away from a situation which they are finding challenging...'**
- **Paragraph 71 provides that 'the child or young person should be moved to a space that will help them regulate'. This may be open to misinterpretation, depending on how the move has occurred. We would recommend changing the wording to 'should be encouraged to move'.**
- The third bullet point in paragraph 71 sets out the circumstances in which staff-led withdrawal can be used. Given that this frames the consideration of the use of this intervention, we would recommend that it is moved to become the first bullet point in this section.
- The last bullet point indicates that a staff-led withdrawal can be used in response to an unexpected situation or part of an agreed approach in a **child's plan. This would appear to conflict with the statement in paragraph 19 of the guidance which provides that restraint should not feature as part of a child's behaviour, education or care plan.**
- Paragraph 72 outlines the safeguards which should be in place for the use of staff-led withdrawal. It provides that the child or young person should be communicated with throughout the period of withdrawal and

then recommends that the use of '*non-verbal communication*' should be used as an initial means of communication. It might be helpful, given the context, to provide some examples of what might be included in this practice.

- **The fifth bullet point of paragraph 72 states that '*Any planned use of staff-led withdrawal must be fully documented as an integrated part of any child's plan, describing the reasons and likely situations arising for use*'. This would again appear to conflict with the statement in paragraph 19 of the guidance which provides that restraint should not feature as part of a child's behaviour, education or care plan.**
- The final bullet point relates to the recording of the use of staff-led withdrawal and provides that recording, learning reviews and future **planning should involve the school's leadership team and '*where applicable, the local authority*'**. **In the interests of clarity and consistency of approach, it would be helpful if the guidance explained when the involvement of the local authority would be considered necessary.**

### *Seclusion*

- Paragraph 80 identifies the safeguards which must be in place before seclusion is used. The second bullet point refers to a consideration of the risk of injury posed to others. It does not make reference to the risk of injury posed to the child or young person. However, it is not difficult to envisage a situation in which a child or young person may pose an immediate risk of significant harm to themselves, requiring emergency measures to be taken to keep them safe. Consideration should therefore be given to extending this part of the risk assessment to include the risk of injury posed to the child or young person involved.
- The guidance makes it clear that **there must be a 'rational connection between the method, severity and duration of seclusion and the risk of injury posed'**. **To ensure consistency across the guidance and alignment with the terminology used in paragraph 61, we would suggest that this connection should also be 'proportionate'**.
- Paragraph 82 outlines the safeguards which should be adopted after the period of seclusion has ended. It refers to a learning review which would involve an immediate health, safety and wellbeing assessment of the child or young person who was secluded and suggests that this may be led by the witness monitoring the incident. However, the seclusion process makes no reference to the involvement of a witness in the seclusion process. Clarity in this regard is required.
- Reference is again made in paragraph 82 to local disciplinary procedures running in parallel with child protection investigations where a child or

young person has sustained injury or is judged to have suffered significant harm as a result of the seclusion. We would question the accuracy of this statement. Following the immediate risk assessment and sensitive consideration given to the suspension or otherwise of the staff member, we understand that local disciplinary proceedings would, in practice, be paused to avoid the potential for interference with any future criminal proceedings.

3. In addition to the safeguards (protections) to ensure lawful practice and protect the wellbeing of children and young people and **staff listed in the 'physical intervention' section (pages 14-25)**, are there any other safeguards (protections) that should be included?

The EIS would recommend that additional safeguards and protections are included in the guidance to support teachers and school staff who have been involved in, or have witnessed the use of physical intervention in their setting.

The guidance currently fails to recognise the extent of the impact which the use of **'physical intervention' can have on the mental health and wellbeing** of staff. Involvement in what can be violent incidents is traumatic but the guidance fails to adequately recognise that staff too may require additional support, particularly as these incidents occur in the context of their employment.

As we emerge from the pandemic, teachers are reporting an increase in the number and severity of violent incidents, arising from distressed behaviour, in both mainstream and Special School settings, and yet support for teachers and pupil support workers is often overlooked. Teachers are often left to manage the behaviour of the pupil who is distressed whilst supporting the other children in the class, who may have witnessed the incident, without any support or intervention.

The importance of supervision and pastoral support is well recognised in the context of social work. Similar support structures with ring-fenced time should also be available for teachers, with risk assessments undertaken to ensure that appropriate mitigation measures are in place. Provision should also be made to allow the member of staff time away from the classroom after involvement in such an incident, to recover, particularly if they have been injured. Only if the mental health and wellbeing of teachers and staff is supported will they be able to provide the support which children and young people in their settings require. Employers owe a duty of care to keep staff safe and specific consideration should be given to risk assessment and safety planning to protect that person from further harm.

As currently drafted, there is only one paragraph in the guidance which focuses on health and safety and in our view, this is not sufficiently detailed. Given the importance of these provisions to assessing and managing risk,

we would suggest that paragraph 112 is extended to provide more practical advice about the completion of risk assessments, with examples of good practice either being cited and linked or alternatively, being included within the document. The value of multi-agency risk assessments should also be acknowledged in adopting early intervention approaches. Dedicated time should be given to facilitate all professionals involved in preparing for and engaging in these meetings. Resources must also be provided to ensure that the mitigation measures identified in the risk assessment can be implemented in practice.

The EIS believes that there is also a need for greater clarity between the *'necessary safeguards which must be in place to ensure lawful practice'* and the consequences of failure to adhere to one of those safeguards. How does the non-statutory guidance impact on the boundaries of lawfulness? Staff working in schools need to have certainty in this regard and be confident in their understanding and implementation of the guidance.

We are also concerned that the use of legalistic language within the guidance may have an adverse impact on its use in practice, leading to increased anxiety and feelings of isolation in teachers and school staff, rather than supporting a culture where openness and collegiality operate in the context of an Empowered Schools system.

Whilst we appreciate the importance of highlighting the rights and responsibilities of all in the use of physical intervention, the tone of the guidance could be revised to adopt a more inclusive approach, based on principles of professional trust and openness.

4. **In addition to the types of restraint in the 'physical intervention section' (pages 16-25)**, are there any other restraints used in schools that should be included in the guidance?

No, the guidance appears to be comprehensive in this regard.

5. Are there any changes you would make to the recording, monitoring and reporting advice on pages 28 to 31?

We have considered the advice on recording, monitoring and reporting and would highlight the following points for further consideration:

- Paragraph 95 asserts that recording and monitoring of the use of restraint has a number of functions: ensuring accountability; promoting reflection and the consideration of preventative approaches; meeting the duties of care towards children, young people and staff; meeting individual needs, improving wellbeing and reducing emotional and physical distress. The EIS would question these assertions and believes that recording and monitoring alone will not deliver these objectives. Individual needs will not be met,

wellbeing not improved, and emotional and physical distress not reduced, unless positive steps are adopted to implement strategies in practice to address the root of the distressed behaviour, and time and resources given to enable teachers and school staff to meet these needs. Smaller class sizes, reduced class contact time for teachers (in line with the EIS 20:20 campaign), more time for parental and multi-agency engagement, partnership working and reflection are key factors which will contribute to the delivery of these outcomes. Whilst recording and monitoring have a role in assisting reflective practice, facilitating professional dialogue and identifying next steps, alone they will not effect positive change – and indeed, if overly bureaucratic, will actively undermine these processes and the time available to support children and young people. Further consideration should be given to the drafting of this section.

- Paragraph 97 and Annex G of the guidance set out the information that should be recorded following an incident of restraint, highlighting that this must be capable of being recorded in all recording systems. We note that the information prescribed in Annex G is extensive, **including a 'detailed account of restraint' used. Has any investigation** been conducted to ascertain whether the current systems, available in local authorities, are capable of holding this information? It would be important to ensure that the guidance is capable of implementation in all areas before publication.
- Whilst we understand the imperative to record the use of restraint, we are concerned about the extent of the recording process outlined in the guidance, its impact **on teachers' already excessive workloads,** and ultimately on their health and wellbeing.

The views highlighted within a survey of our members conducted in November 2021 demonstrate the urgency needed to tackle teacher workload. When asked how many extra hours a week outside of their contracted hours they carried out, almost half of respondents indicated that they work more than 8 extra hours per week. This would equate to more than an extra day of work, every week, for a considerable number of our members. 26% of those working part-time said that they worked more than 5 extra hours and a further 25% said that they worked more than 8 extra hours per week.

Our members report feeling worn down and exhausted by the lack of trust in their professional judgment and the relentless bureaucracy which they are required to produce but which has no impact on outcomes for children and young people. This coupled with a lack of time to engage with colleagues, families and other professionals, and a lack of additional expert support for children and young people only compounds the stress which they feel, impacting negatively on morale.



Reports from a recent meeting of the national EIS ASN Network highlight that teachers are now having to use break and lunch times to liaise with colleagues and other professionals about planning and support for children and young people with additional support needs. There is no time or capacity to manage the workload demands. And yet the recording, reporting and monitoring processes outlined in the guidance and GIRFEC policy more widely, are based on principles of joint working in a culture of co-operation and communication between professionals, working in partnership with children, young people and their families. For this approach to operate effectively, teachers and practitioners must be given time to develop relationships, to engage in meaningful planning and reflective practice, and to assess the impact of interventions. They should not have to use essential breaks from work to plug this gap.

We are therefore concerned that the report outlined in Annex G will be onerous to complete and only add to these existing pressures. We would recommend that consideration is given to reviewing the recording processes to ensure that they are not overly bureaucratic or time-consuming. Recording should be straight-forward and accessible so that it can be completed by the staff member post-trauma, at a place of their choosing and that the content should inform next steps to lead to positive outcomes for children and young people.

- Concerns around recording processes and bureaucracy are increased when consideration is given to Paragraph 98. This suggests that it may be helpful for schools, *in addition*, to record and monitor incidents of distressed behaviour and the successful use of de-escalation and pupil-led withdrawal. Whilst the guidance suggests that this may be helpful in reviewing preventative approaches, it would again intensify the workload of teachers and school staff, adding bureaucracy to the reflective practice which teachers already conduct on a daily basis.

A key aspect of the GTCS Professional Standards for teachers is **'effectively employ[ing] assessment, evaluat[ing] progress, recording and reporting as an integral part of the teaching process to support and enhance learning'**. Teachers will determine as part of their professional judgment what and when to record. We can see no reason why the guidance should impose additional recording requirements beyond situations involving physical intervention.

Instead, we would recommend that the focus is on delivering positive outcomes for children and young people, by giving teachers time, professional trust and the resources to do their job. If teachers are overworked and exhausted, this will do nothing to build positive relations or support the delivery of practice which is trauma-informed and trauma-responsive.

- Paragraph 100 provides that recording must be completed within two working days of the use of restraint and the report must be shared with the education authority. Two working days would appear to be a particularly short turn-around time for completion, particularly in situations where the staff member may have been injured or may be suffering trauma as a result of the incident. No reference is made to such extenuating circumstances and the need for flexibility to ensure that the health and wellbeing of staff is considered and support given.
- We would suggest that there must be a clear rationale articulated as to why all incidents of restraint must be reported to the education authority. What will happen with this information and how will impact on the delivery of positive outcomes for children and young people? The purpose of reporting should be clearly explained, otherwise this is likely to add to staff anxiety and stress.
- Paragraph 101 of the guidance specifies that the **child's plan must be** updated with agreed preventative action, as well as pastoral notes on Seemis. This would suggest that one incident of restraint and the subsequent action will be recorded in three different places and in different formats. We have highlighted the impact of this approach on workload above and would question why a record must be kept in **pastoral notes if a child's plan is in place. We would also highlight** that in some cases, where a child protection investigation is ongoing, recording information about the incident in Seemis may be inappropriate, given the importance of confidentiality and the need to ensure that disclosure will not adversely impact on the process. In addition to confidentiality, the importance of data protection cannot be overlooked, when consideration is being given to recording information. The guidance appears to lose sight of the fact that this information may be considered sensitive personal data (i.e. a **child's** additional support needs) and at the very least personal data of the child. As such, this information should not simply be recorded in **three different places and then shared with "the local authority" for the sake of sharing.**
- We agree with the statement in paragraph 102 that the use of preventative approaches and physical intervention should happen within a culture of openness and transparency. However, some of the language used in the guidance may militate against such an approach. **References to 'lawful practice' introduce an aspect of** legality and engenders a culture of fear, rather than one of genuine collaboration, openness and trust. Collectively, as part of the Empowered Schools agenda, we need to build a culture in which teachers can work with children, young people and their families to identify preventative strategies and supportive practices. When distressed behaviour requires intervention, staff should be able to

discuss this openly with parents and partner organisations to review the support provided, without worrying about whether there was a witness present, and whether they have recorded the action taken in all the different recording systems. We would welcome the approach outlined in paragraph 102 permeating the guidance and influencing tone.

- Paragraph 102 also refers to inclusive practice in ensuring that all materials related to the local physical intervention policy are accessible. Specific provision is made for translation into the languages of the school community and to ensuring that they are available in visual format. We would also recommend that this is extended to the provision of the resources in audio format.
- Paragraphs 108 and 111 again provide that child protection referrals can run in parallel with local complaints handling and disciplinary procedures. We would question this and suggest that the latter procedures should be paused while the child protection investigation is underway, otherwise subsequent criminal proceedings may be compromised.

6. Are there any changes you would make to the roles and responsibilities summary on page 47 (Annex F)

- In the Education Providers section, we would suggest that the words **'professional learning'** are inserted after the words **'workforce training'** in the penultimate bullet point.
- We would also recommend that the Education Providers section is **extended to include the following responsibility, 'Ensuring a Child's Plan is created for a child as soon as any additional needs are identified by school staff, with advice or support from outside agencies, occurring as soon as possible thereafter.'**

7. Is there anything you would add to help people use this guidance in schools?

We have highlighted above the areas in which the guidance could be amended or extended to support its use in schools.

However, it must be acknowledged that the provision of sufficient resources, staffing and time will be essential to implementation. The adoption of effective early intervention and de-escalation strategies, in accordance with GIRFEC policy, are key to minimising the use of physical intervention in schools. And yet we know there is a significant gap between GIRFEC policy and its effective implementation in practice, stemming from the significant under-provision of

resources and general inaccessibility of sources of support for children and young people.

It is currently not always possible to access the most appropriate support when required to ensure interventions can be adopted at an early stage, preventing the escalation of more distressed behaviour. We know there is a significant backlog to access specialist support from Child and Adolescent Mental Health Services ('CAMHS') but also, as demand increases, on access to support for perceived 'routine interventions' which might otherwise support children and young people.

We know that some schools are electing to use Scottish Attainment Challenge ('SAC') funding, and in particular, Pupil Equity Funding ('PEF') to secure support, such as inhouse counselling and play therapy, to meet the needs of the children and young people in their school communities. Whilst this funding is welcome, it is no substitute for the provision of sustained and significant core funding, needed to ensure that there is equity of provision across Local Authority areas and that early intervention strategies can be implemented to provide support for all children and young people who need them.

These issues in terms of resourcing and addressing the backlog of children and young people waiting to access appropriate support must be considered and addressed when introducing this guidance if it is to be successful in reducing the incidence of distressed behaviour witnessed in our schools and minimise the use of physical intervention in all its forms.

#### 8. Are there any other changes you would make to this guidance?

We would suggest the following changes to the guidance:

##### *Universal and Targeted Support*

- In paragraph 21, it might be helpful to include more information about the different types of plans which can be created to support the needs of children and young people, and to say something about the different criteria for each.
- **The actual use of a Child's Plan, the most common type of plan, is not as widespread as might be envisaged.** According to the 2021 school census statistics 232,753 (33% of all pupils) were recorded as having an additional support need; **47,088 had a Child's Plan**; 1420 had a CSP and 34,110 had an IEP. However, the majority (187,924) fell under the 'other' category. **This is defined as covering ' needs which are of a short-term duration or which do not need significant differentiation of learning and teaching to overcome barriers to learning'.** Given the high number, it might be helpful to suggest in the guidance that if there is an **unanticipated change in behaviour and a child has no Child's Plan**, then consideration should be given to one being opened.

- We would also recommend that further consideration is given to the application of the guidance in Early Years. The PABSS survey revealed that 26% of the children who had experienced a restrictive intervention were aged 6, with the next highest age groups being 5 and 7. We are also aware from feedback from our members that there are increased levels of distressed behaviour manifesting in our youngest learners as we emerge from the pandemic. Tailored advice for early intervention and de-escalation strategies for this age-group of children would therefore be helpful.

### *Post Incident Support and Learning Review*

- Paragraph 88 makes it clear that following the use of any form of restraint, post-incident support should be offered to the child or young person. Whilst the first bullet point in this section refers to support being available to staff members involved in the incident, the opening paragraph does not. We would recommend that this section is re-drafted to make it clear that the offer of support is available to all those involved in or who have witnessed the distressed behaviour and subsequent use of restraint.
- Paragraph 88 also provides information about the post-incident learning review and highlights that these are factual reviews, designed to support the prevention of future incidence of distressed behaviour and identify appropriate supports. In referring to the participation of staff, it makes **it clear that 'appropriate support' can be provided to assist participation.** We would suggest that further information is given about the support available and where this can be accessed.
- We welcome the inclusion of **paragraph 90 which makes it clear that 'this process is not about apportioning blame or finding fault with practice, but about what can be adapted or changed to reduce the likelihood of the distressed behaviour occurring in future.'** This is helpful in working towards a culture of trust, collaboration and mutual respect, key features of an Empowered Schools system.

### *Professional Learning*

- We welcome the inclusion in the guidance of the section on professional learning and training, and the reference to staff being supported to develop their knowledge and expertise in this area. We also agree that where staff have been trained in the use of restraint that they should undertake refresher training on an annual basis. However, given the importance of professional learning in successful implementation of the guidance, we believe that this section should have higher visibility and would recommend that this section is moved so that it will appear after the Guiding Principles and before the section on universal and targeted support, giving it more prominence.

### *Competing Rights*

- Whilst the guidance rightly focuses on the rights of the child or young person who has been subject to restraint, in a rights-based, trauma-informed system, we must also consider how children and adults who have been subjected to harm can be supported and measures adopted, which are designed to provide confidence and reassurance that they will be safe from further harm. We would therefore question how the guidance would balance competing rights and apply in a situation, for example, where a child or young person is being subjected to emotional or psychological harm by another child or young person. In discharging a duty of care, the teacher or staff member may seek to mitigate the impact of the abusive behaviour and in the immediacy of the situation, move the child who is causing harm to another place. It is unclear whether this would fall within the current **definition of 'staff-led withdrawal' as the child or young person, who is moved, might not find the situation 'challenging' and may have no desire to alter their behaviour or self-regulate.** How would such action be defined and managed in practice? We would recommend that the guidance addresses the issue of competing rights to more fully inform the application of the guidance in practice.

October 2022

**EIS Response to the Scottish Government's 'Consultation – a Mental Health and Wellbeing Strategy for Scotland'**

Introduction

The EIS, as the largest education union in Scotland, with more than sixty thousand **members, welcomes the opportunity to comment on the Scottish Government's 'Consultation – a Mental Health and Wellbeing Strategy for Scotland'.**

Now more than ever, there clearly is a need to adopt a comprehensive Mental Health and Wellbeing Strategy for Scotland, designed to meet needs and deliver timeous, positive outcomes for children, young people and adults, on an equitable basis, irrespective of geographical location or social background.

Everyone has been affected by the pandemic in some way. Confinement, restricted social interaction, illness, bereavement, unemployment, poverty, and food insecurity, financial worries, have all made their mark to varying degrees on individuals, families and communities.

Whilst some may have begun the process of recovery, others are still suffering the harsh consequences of Coronavirus on their physical and emotional health, family life, finances and employment status. And it may be some time before we are fully aware of the extent of the impact which the last two and half years has had on the mental health and wellbeing of all.

The evidence to date is that this impact has been most heavily felt by children, young people and families who are most disadvantaged by societal inequality, this having been well documented by researchers, press and media, and in the data published in the National Improvement Framework Interactive Evidence Report. Statistics gathered over the pandemic have shown that death rates for COVID-19 have been twice as high for people living in the poorest communities compared to those living in the 20% least deprived areas<sup>1</sup>. This is a clear marker of pre-existing health inequalities and an indicator of the greater likelihood of trauma and bereavement among children and young people from these communities. With this in mind, we are of the firm view that the needs of these children, young people and families must be evident in and prioritised through, the strategy, and as part of an holistic response to deliver support as we work towards recovery.

COVID-19 has also had a disproportionately high impact on people from BAME backgrounds to varying extents in different parts of the UK, both in terms of the likelihood of infection and in death rates. It is essential, therefore, that support to address the associated higher levels of distress and trauma for children and young people from BAME backgrounds and their families features strongly in the strategy developed.

The need for a shared vision and clear outcomes to improve and support mental health and wellbeing is even more acute now, as we face the enormity of the challenges which the cost-of-living emergency brings. With rising levels of stress

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<sup>1</sup> [Covid+and+Inequalities+Final+Report+For+Publication+-+PDF.pdf \(www.gov.scot\)](#)

and anxiety, we cannot underestimate the collective and individual trauma which families face as they wrestle with the dilemma of heating their homes or eating.

We welcome the opportunity through this consultation process to help shape the Mental Health and Wellbeing Strategy. What is developed must be responsive to existing needs; provide a framework of the intensive support which children, young people and families require to allow them to move forward positively with their lives, contributing effectively to the communities in which they live; and must be agile enough to be able to support mental health and wellbeing with the requisite emphasis upon early intervention strategies, moving forward.

However, a strategy alone will not deliver the support and changes needed to realise the policy ambition and the outcomes referenced. The Scottish Government must also commit to the allocation of sufficient staffing, time and resources to allow this work to develop, and for all agencies in this sphere to work together to promote and support mental health and wellbeing in practice, strengthening the delivery of appropriate interventions that are targeted to address the holistic needs of children, young people and adults in Scotland.

#### Part 1

##### 1.1 **Do you agree with this description of 'mental health'? (Y/N)**

1.2 If you answered no, what would you change about this description and why?

The Institute welcomes the holistic approach adopted in drafting the definition of 'mental health' and broadly agrees with its terms. The definition recognises that mental health is not static, **can change at different stages of people's lives** and be influenced by a wide range of factors. However, we would recommend that the definition is extended to reflect the impact of societal factors. The environment in which people live, poverty, the associated stigma, and the worry which the current cost of living emergency brings can all impact negatively on mental health. We would recommend that this is reflected in the definition given.

We would also suggest that further consideration is given to the statement '*having good mental health means we can realise our full potential, feel safe and secure, and thrive in everyday life as well as cope with life's challenges.*' This statement fails to recognise the range of factors which can **impinge on a person's ability** to reach their potential (and it must be understood, also, that potential is not fixed) and thrive in everyday life. Having good mental health is an important contributory factor but it is not the only one and this should be reflected in the definition.

##### 1.3 Do you agree with this **description of 'mental wellbeing'? (Y/N)**

(1.4 If you answered no, what would you change about this description and why?)

Yes. However, we would also recommend that the definition is extended to reflect **the fact that people's experiences of discrimination** and disadvantage arising from holding protected characteristics can also impact on their wellbeing.



## 1.5 Do you agree with this description of 'mental health conditions' and 'mental illness'? (Y/N)

1.6 If you answered no, what would you change about this description and why?

No, the definition of 'mental health condition' appears to depend on the need for a clinical diagnosis. As is recognised in the document, however, a person may have a 'mental health condition' or 'mental illness' which has yet to be diagnosed for a variety of reasons.

We know from the data published in the Public Health Scotland report, '[Child and Adolescent Mental Health Services in Scotland Waiting Times](#)', for example, that children and young people may wait lengthy periods of time before they are seen by a health care professional. The most recent report highlights that only 68.4% of children and young people were seen within eighteen weeks of referral, falling far below the Scottish Government standard which provides that 90% of children and young people should *start treatment* within eighteen weeks of referral to CAMHS.

The fact that a person has not been diagnosed does not mean that they do not have a 'mental health condition' or 'mental illness'. Children and young people, and their families, are living with the impact of the mental health condition or mental illness, pending diagnosis. Similarly, reports from our members suggest that it is teachers and other school staff who are often left to bridge the gap, striving to provide support, during this period.

To restrict the definition in the way proposed, detracts from the real and lived experiences of the children and young people, and their families, who through no fault of their own cannot access the early diagnosis needed to advance their care and ensure that appropriate supports are in place.

## Part 2 – Our Draft Vision and Outcomes

2.1 On page 8, we have identified a draft vision for the Mental Health and **Wellbeing Strategy: 'Better mental health and wellbeing for all'**. Do you agree with the proposed vision? (Y/N)

2.2 If not, what do you think the vision should be?

The reference to 'better' mental health and wellbeing for all does not, in our view, go far enough, since it does not take account of existing mental health inequalities or the social inequalities that could give rise to poor mental health. We would **suggest that the commitment should be to 'good'** mental health and wellbeing for all. The strategy must be responsive to need and ensure that there is equity of outcome for all. The draft vision does not reflect the urgent need for restorative action, as part of the Recovery agenda, to address current inequalities in this sphere.

2.3 If we achieve our vision, what do you think success will look like?

We believe that success would see early intervention strategies being adopted on a multi-agency basis, with practitioners having sufficient time and resource to

embed trauma informed practice, respond timeously to need and adopt interventions designed to support mental health and wellbeing. This provision would be available consistently, sustainedly and sustainably across Scotland, with equity of access and ring-fenced funding to ensure that there is certainty that on-going need can be met.

### Part 3 – Our Key Areas of Focus

3.1 On page 9, we have identified four key areas that we think we need to focus on. Those were:

- Promoting and supporting the conditions for good mental health and mental wellbeing at population level.
- Providing accessible signposting to help, advice and support.
- Providing a rapid and easily accessible response to those in distress.
- Ensuring safe, effective treatment and care of people living with mental illness.

Do you agree with these four areas? (Y/N)

3.2 If not, what else do you think we should focus on as a key area of focus?

The Institute believes that rather than focusing on accessible signposting to help, advice and support, there needs to be a greater emphasis placed on facilitating early access to appropriate face-to-face provision and specialist support. Consideration should be given to streamlining processes and reducing bureaucracy to ensure that such support can be accessed as early as possible. Reliance on and promotion of signposting alone can mean that early intervention opportunities are missed, with the potential that the support accessed may not meet the needs of the individual referred.

We also believe that early and effective intervention measures should be referenced in the areas of focus. It is axiomatic that access to effective support at an early stage will promote mental health and wellbeing whilst preventing the deterioration of any mental illness. Investment in these measures will reap benefits for the individual and for wider society. Early intervention can mean that the individual receiving the support is able to continue to contribute to society whilst also resulting in cost savings associated with the provision of more acute care and intervention.

The key areas of focus also fail to acknowledge the yawning gap between policy and practice in supporting mental health and wellbeing in our schools, both for pupils and for staff. **The consultation document states that 'we will not achieve our ambitions unless we focus on new ways of doing things, and new ways of responding to different types of need.'** The EIS would challenge this. If services, such as health, social work and education were adequately resourced and the rising levels of poverty addressed, then the ambition could be met.

In Scotland, we have the legislative and policy frameworks to promote a rights-based approach to delivery of the support need to ensure that everyone can reach

their potential and the mental health and wellbeing of the children and young people in our schools is supported. Curriculum for Excellence, with its commitment to social justice, equity and equality, is the bedrock of comprehensive education. **The four capacities, supported by Getting It Right for Every Child ('GIRFEC'),** promote the holistic development of all learners and their right to be supported to achieve their potential. The UNCRC (Incorporation) (Scotland) Act builds on this approach and together with the plethora of relevant legislation<sup>2</sup>, puts Scotland in prime position to deliver the policy ambition.

However, it is clear that need is outstripping resource. Evidence highlights that access to services for children and young people is inconsistent across Local Authority and Health Board areas and that many have to wait lengthy periods before receiving an appointment with the professionals involved. It is clear that there is a wide gap between policy and practice. Capacity is not meeting demand, not only in terms of CAMHS but in other services designed to support the mental health and wellbeing of children and young people. Increasingly the onus is resting upon teachers and an expectation growing that they will train as Mental Health First Aiders in lieu of proper specialist support being available for those who need it. Whilst the EIS is supportive of mental health awareness training for teachers, **we can see risk both for the 'First Aiders' and for those who require their** intervention, in relaying on this kind of approach. There is a need for urgent action to ensure equity of provision and access to timely support to meet the needs of the children and young people in our society. This should feature in the key area of focus.

We would also suggest that there is a need for further education around mental health in society, with a shift away from individualistic approaches to one which places a greater emphasis on societal and institutional responsibilities. Despite a growing awareness of the importance of mental health and wellbeing in society, reports from our members still suggest that there is a stigma associated with seeking mental health support in the workplace. If there is to be meaningful and sustained change, steps must be taken to remove this stigma, promote truly inclusive attitudes and supportive responses from employers, institutions and society more widely.

Employers owe a duty of care to keep staff safe and the development of good employment practices which prioritise the mental health and wellbeing of staff would be helpful in bringing about this change. We are aware of an increasing number of violent incidents, occurring in schools and yet support for teachers and pupil support workers is often overlooked. Since the pandemic, our members have reported an increase in the number and severity of such incidents, arising from distressed behaviour, most notably in younger children who traditionally have been less likely to exhibit violent behaviour. Despite this, teachers are often left to manage the behaviour of the pupil who is distressed and to support the children in the class, who may have witnessed the incident, without intervention or support from others. Provision should be made to ensure that the teacher or member of

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<sup>2</sup> The Education (Additional Support for Learning)(Scotland) Act 2004, the Standards in Scotland's Schools etc Act 2000, the Equality Act 2010 and the Child Poverty (Scotland) Act 2017

staff who has witnessed this behaviour is given time outwith the class to recover and appropriate support in terms of their mental health and wellbeing.

## Part 4 – Outcomes

4.1 Do you agree that the Mental Health and Wellbeing Strategy should aim to achieve the following outcome to address underlying social factors?

- Through actions across policy areas, we have influenced the social **factors that affect mental health and wellbeing, to improve people's** lives and reduce inequalities.

Strongly agree but policy alone will not deliver the outcomes. The policy must be backed by adequate resources to ensure that the policy objectives can be implemented in full, delivering the intended impact on the social factors which affect mental health and wellbeing.

4.2 Do you agree that the Mental Health and Wellbeing strategy should aim to achieve the following outcomes for people?

- People have a shared language and understanding of mental health and wellbeing and mental health conditions – Rather than adopting an individualistic approach, we would recommend that society should have a shared language and understanding of mental health and wellbeing and mental health conditions. Only then, will truly inclusive practice and attitudes be evident at a societal and institutional level.
- **People understand the things that can affect their own and other's** mental health and wellbeing, including the importance of tolerance and compassion – Strongly agree but the important thing will be putting these attributes into practice and actually treating people with tolerance and compassion, rather than simply having an understanding of the importance of this.
- People understand that it is natural for everyday setbacks and challenging life events to affect how they feel – Agree. However, this is much easier if the person is in good mental health. Having this perspective is much more difficult when people are stressed, under pressure or living in poverty, wondering how they are going to be able to feed themselves and their families.
- People know what they can **do to look after their own and other's** mental health and wellbeing, how to access help and what to expect – Whilst the strategy might promote this information, the impact on outcomes will only be evident if people are supported to access the help needed at an early stage. Someone with a mental health condition or mental health illness might be aware of how to access support but the impact of the condition or illness might prevent that person from doing so.
- People have the material, social and emotional resources to enable them to cope during times of stress, or challenging life circumstances – Strongly agree. However, the strategy alone will not be

able to deliver this outcome. This will require to be underpinned by the allocation of adequate resources.

- People feel safe, secure, settled and supported – Strongly agree. However, the strategy alone will not be able to deliver this outcome. This will require to be underpinned by the allocation of adequate resources.
- People feel a sense of hope, purpose and meaning – Strongly agree.
- People feel valued, respected, included and accepted – Strongly agree.
- People feel a sense of belonging and connectedness with their communities and recognise them as a source of support – Strongly agree.
- People know that it is okay to ask for help and that they have someone to talk to and listen to them – Strongly agree.
- People have the foundations that enable them to develop and maintain healthy, nurturing, supportive relationships throughout their lives – Strongly agree.
- People are supported and feel able to engage with and participate in their communities - – Strongly agree. However, it must be recognised that community-based services will need to be adequately resources to enable the full participation and engagement envisaged in this outcome, particularly in rural communities.

People with mental health conditions are supported and able to achieve what they want to achieve in their daily lives – Strongly agree. However, this outcome must also be supported by an underpinning economic strategy to ensure that financial barriers and affordability do not impact negatively on **an individual's ability to achieve what they want to in their daily life.**

- People with mental health conditions, including those with other health conditions or harmful drug and alcohol use, are supported to have as good physical health as possible – Strongly agree.
- People living with physical health conditions have as good mental health and wellbeing as possible – Strongly agree.
- People experiencing long term mental health conditions are supported to self-manage their care (where appropriate and helpful) to help them maintain their recovery and prevent relapse – Whilst we agree with this as an outcome, we would suggest that the words **'where appropriate and helpful' are removed from** the brackets and given more prominence in the statement. The level of support required and the ability to self-manage care will vary from individual to individual and be dependant on a range of factors, including age and stage and the severity of the mental illness.
- People feel and are empowered to be involved as much as is possible in the decisions that affect their health, treatment and lives. Even where there may be limits on the decisions they can make (due to the setting, incapacity or illness), people feel that they are supported to make choices, and their views and rights will be respected – Strongly agree.

4.2.1 Do you have any comments you would like to add on the above outcomes?

Whilst this is good in theory, the implementation of the strategy to facilitate realisation of the outcomes will require significant and sustained resourcing. There is an interface between mental health and wellbeing and physical and emotional health and wellbeing. The outcomes must be considered through an holistic lens and efforts made to support all aspects of health and wellbeing, as one will inevitably impinge on the other.

4.3 Do you agree that the Mental Health and Wellbeing strategy should aim to achieve the following outcomes for communities?

This includes geographic communities, communities of interest and communities of shared characteristics.

- Communities are engaged with, involved in, and able to influence decisions that affect their lives and support mental wellbeing
- Communities value and respect diversity, so that people, including people with mental health conditions, are able to live free from stigma and discrimination
- Communities are a source of support that help people cope with challenging life events and everyday knocks to wellbeing
- Communities have equitable access to a range of activities and opportunities for enjoyment, learning, participating and connecting with others.

4.3.1 Do you have any comments you would like to add on the above outcomes?

The Mental Health and Wellbeing Strategy alone will not be capable of delivering these outcomes. These outcomes can only be realised if they are underpinned by resources allocated in an overarching economic strategy. The Mental Health and Wellbeing Strategy should then be closely aligned with the economic strategy to ensure cohesion of approach. The economic strategy must reflect, inter alia, the challenges faced by the significant number of people in Scotland who live in poverty and/or who otherwise experiences the sharp end of social inequality, and by rural communities in terms of poverty and isolation.

4.4 Do you agree that the Mental Health and Wellbeing strategy should aim to achieve the following outcomes for populations?

- We live in a fair and compassionate society that is free from discrimination and stigma
- We have reduced inequalities in mental health and wellbeing and mental health conditions
- We have created the social conditions for people to grow up, learn, live, work and play, which support and enable people and communities to flourish and achieve the highest attainable mental health and wellbeing across the life-course

- People living with mental health conditions experience improved quality and length of life.

4.4.1 Do you have any comments you would like to add on the above outcomes?

The Mental Health and Wellbeing Strategy will not be able to achieve these outcomes for populations unless it is underpinned by resources, clearly ring-fenced in economic strategy. The strategy should also be responsive to the specific needs of different communities, reflecting the distinct challenges which each may face.

4.5 Do you agree that the Mental Health and Wellbeing strategy should aim to achieve the following outcomes for services and support?

- A strengthened community-focussed approach, which includes the third sector and community-based services and support for mental health and wellbeing, is supported by commissioning processes and adequate, sustainable funding
- Lived experience is genuinely valued and integrated in all parts of our mental health care, treatment and support services, and co-production is the way of working from service design through to delivery
- When people seek help for their mental health and wellbeing, they experience a response that is person-centred and flexible, supporting them to achieve their personal outcomes and recovery goals
- We have a service and support system that ensures there is no wrong door, with points of access and clear referral pathways that people and the workforce understand and can use;
- Everyone has equitable access to support and services in the right place, at the right time wherever they are in Scotland, delivered in a way that best suits the person and their needs
- People are able to easily access and move between appropriate, effective, compassionate, high quality services and support (clinical and non-clinical)
- Services and support focus on early intervention, as well as **treatment, to avoid worsening of individual's mental health** and wellbeing.

4.5.1 Do you have any comments you would like to add on the above outcomes?

The EIS would strongly support these outcomes but if they are to be effectively implemented, they will require to be underpinned by sufficient and sustained resourcing. We have highlighted above the gulf between policy and practice in supporting children and young people in terms of their mental health and wellbeing. If these outcomes are to be achieved, then the waiting lists which currently exist must be eradicated

and additional resources ring-fenced to address the trauma, arising from the pandemic and the mental health and wellbeing pressures arising as a direct result of poverty and now the cost of living emergency.

4.6 Do you agree that the Mental Health and Wellbeing strategy should aim to achieve the following outcome for information, data and evidence?

- People who make decisions about support, services and funding use high quality evidence, research and data to improve mental health and wellbeing and to reduce inequalities. They have access to infrastructure and analysis that support this.

4.6.1 Do you have any comments you would like to add on the above outcome?

Strongly agree.

## Part 5 – Creating the Conditions for Good Mental Health and Wellbeing

5.1 What are the main things in day-to-day life that currently have the biggest positive impact on the mental health and wellbeing of you, or of the people you know?

Good working conditions and a manageable workload are key factors which *could significantly improve our members' mental health and wellbeing.*

Collegiality, professional agency and empowerment are key components of a supportive culture in the workplace. If teachers feel valued in the exercise of their professional judgment and can share their ideas openly, then this promotes engagement, builds confidence in the collective endeavour, and reduces feelings of isolation and the damaging effects of a culture of managerialism which negatively impact on mental health and wellbeing.

Adequate time and resources to enable teachers to deliver high quality teaching and learning to meet the needs of all learners are also key to promotion of good mental health and wellbeing for our members. If teachers were given the time and resources to be able to engage with pupils, parents and partner organisations, then this would greatly alleviate the current pressures on their mental health and wellbeing. Smaller class sizes and reduced class contact time, **in line with the EIS's 20:20 campaign**, and sufficient specialist support for the growing numbers of children and young people with additional support needs, including of a mental health-related nature, would be instrumental in delivering these objectives.

5.3 What are the main things in day-to-day life that currently have the biggest negative impact on the mental health and wellbeing of you, or the people you know?

Poor working conditions, excessive workload, insecure employment, systemic under-resourcing, including of additional support needs provision,



and top-down managerialism set in a culture of over-scrutiny and criticism have the biggest negative impact on the mental health and wellbeing of teachers.

Poor working conditions and insecure employment mean that teachers on precarious contracts cannot plan for their future or even, have certainty around whether they will have an income from one month to the next. The stress and anxiety of this situation in the context of the current cost of living emergency only adds to the pressures which these teachers are experiencing. Far too many teachers on temporary contracts or on supply lists are not experiencing Fair Work.

Furthermore, the number of staff on temporary contracts or seconded to different positions without backfill, particularly in an ASN context, increases the pressures on those staff who are employed on a permanent basis. This brings uncertainty about the future, increases workload and impacts negatively on planning for delivery of quality learning and teaching experiences. Security of tenure is key to providing the stability which schools need to deliver positive outcomes for children and young people but also in supporting good mental health and wellbeing for all staff.

The past 30 months have undoubtedly put a significant strain on teachers and our education system as a whole. However, even before the pandemic, teachers in Scotland had raised the alarm on high levels of stress, unsustainable levels of workload and poor wellbeing within the profession.

Working during a global pandemic has further compounded the longstanding issues around teacher workload. The views highlighted within a survey of our members conducted in November 2021 demonstrate the urgency needed to tackle teacher workload. When asked how many extra hours a week outside of their contracted hours they carried out, almost half of respondents indicated that they work more than 8 extra hours per week. This would equate to more than an extra day of work, every week, for a considerable number of our members. 26% of those working part-time said that they worked more than 5 extra hours and a further 25% said that they worked more than 8 extra hours per week.

Our members report feeling worn down and exhausted by the lack of trust in their professional judgment and the relentless bureaucracy which they are required to produce but which has no impact on outcomes for children and young people. This coupled with a lack of time to engage with colleagues, families and other professionals, and a lack of additional expert support for children and young people only compounds the stress which they feel, impacting negatively on morale.

Reports from a recent meeting of the EIS ASN Network highlight that teachers are now having to use break and lunch times to liaise with colleagues and other professionals about planning and support for children and young people with additional support needs. There is no time or capacity to manage the workload demands. And yet GIRFEC policy is based on principles of joint working in a culture of co-operation and

communication between professionals, working in partnership with children, young people and their families. For this approach to operate effectively, teachers and practitioners must be given time to develop relationships, to engage in meaningful planning and reflective practice and to assess the impact of interventions. They should not have to use essential breaks from work to plug this gap.

Teachers need to feel valued as professionals and be given the dedicated time which they need to support children and young people in their settings. Teachers, too, need pastoral support and protected time for supervision, in the same way as social workers and those providing family support. Only if the mental health and wellbeing of teachers is supported will they be able to provide the support which children and young people in their settings require.

This list should also reflect the structural barriers that impact our mental health. For example, disabled, LGBT and BAME people, as well as women, experience structural inequalities that cause additional stressors and pressures in our lives and exacerbate the risk of ill mental health. Furthermore, it is well documented that the trauma of racism has long-lasting effects. Aligned with this, solutions must not only place the onus on the individual, but on society, to address the factors which cause our ill health in the first place.

5.5 There are things we can all do day-to-day to support our own, **or others' mental health and wellbeing and stop mental health issues arising or recurring.**

In what ways do you actively look after your own mental health and wellbeing?

- exercise
- sleep
- community groups
- cultural activities
- time in nature
- time with family and friends
- mindfulness/meditation practice
- hobbies/practical work
- none of the above other

Collegiality is missing from this list and a key factor in supporting mental health and wellbeing in the workplace.

Safe spaces with others – for minoritised groups such as BAME, LGBT, women and disabled people, connecting with others who may share some of their experiences can be important for good mental health and wellbeing. Related to this, the importance of Effective Voice is a dimension of the Fair Work Framework, intrinsically linked to wellbeing.

5.8 Referring to your last answers, what stops you doing more of these activities? This might include not having enough time, financial barriers, location, etc..

Our members have been clear that excessive workload is the biggest barrier to participation in activities which might help to reduce stress and improve mental health and wellbeing. The comments we have made above in this regard are relevant here.

Our members, the majority of whom are women, also report the impact which bearing the burden of unpaid and caring work has on their ability to access activities, which might improve mental health and wellbeing. Indeed, the additional pressures of bearing the brunt of unpaid domestic and care work, as well as emotional labour, exacerbates the risk for ill mental health in the first place. For many, there is simply insufficient time to do thereafter engage or they are simply too exhausted at the end of the working day to engage meaningfully, in any mental health initiatives.

During the pandemic, we conducted a survey to capture the experiences of women members in relation to their health, homelife, paid and unpaid work at that time. **The EIS's** findings from the [One Thousand Women's Voices](#) questionnaire speak loud and clear and demonstrate the barriers in place, rooted in gender inequality and the opportunities for change.

There is no doubt that the additional pressures experienced at that time have, and **continue to have, an adverse impact on women's mental health** and wellbeing. The relentlessness of juggling multiple responsibilities leaves women with little to no time to reset, recover or engage in the activities referred to above.

This is even more worrying when we consider that 93.5% of respondents said that they had experienced increased stress, anxiety, low mood or depression.

It is crucial therefore that planning around the Mental Health and Wellbeing Strategy takes full account of these barriers and addresses the gender inequality arising from unpaid and caring work.

Financial barriers and affordability are also factors which will influence participation. Faced with the cost of living emergency, members are concerned about their ability to heat their homes and feed their families, meaning that there is little left over for participation in these activities.

Members who are underrepresented in the profession, such as BAME, LGBT and disabled members, may experience professional isolation which adds to risk of ill mental health. It is therefore important that colleagues and leadership are supportive, and create affirming whole-school environments where people are able to bring their full selves to work.

Part 6 – Access to Advice and Support for Mental Wellbeing

6.1 If you wanted to improve your mental health and wellbeing, where would you go first for advice and support?

## Part 9 – Children, Young People and Families’ Mental Health

9.1 What should our priorities be when supporting the mental health and wellbeing of children, young people, their parents and families?

The issues relating to accessing support for the mental health and wellbeing of children and young people must be seen in the context of under-resourcing and increasing level and complexity of need. It is not always possible to access the most appropriate support when required. Information we have gathered suggests that there is a significant backlog to access specialist support from CAMHS but also, as demand increases, on access to **support for perceived ‘routine interventions’** which might otherwise support children and young people.

As was highlighted above, the Scottish Government sets a standard for the NHS in Scotland to **deliver a maximum wait of 18 weeks from a patient’s** referral to treatment from specialist CAMHS and determined that this standard should be met for at least 90% of patients.

Figures in relation to these waiting times are published quarterly by Public Health Scotland. The [‘Child and Adolescent Mental Health Services in Scotland Waiting Times’](#) sets out the data on CAMHS waiting times as at 30<sup>th</sup> June 2022.

The high-level outcomes for that period show that:

- 68.4% of children and young people were seen within 18 weeks from referral, a decrease of 4.8% from the previous quarter (73.2%) and also of 4.1% from the quarter ending June 2021 (72.5%)
- 9,729 children and young people were referred to CAMHS in Scotland for the quarter ending June 2022. This compares to 10,346 for the previous quarter and 11,714 for the quarter ending June 2021

It is clear from the statistics that as we emerge from the pandemic, there has been a greater number of referrals and that capacity is not meeting demand.

On 31 August 2021, Audit Scotland published a blog, raising concerns about **the waiting times’**. Using the data available in August 2021, the blog highlighted some concerning facts:

- More children and young people are waiting more than 18 weeks to access CAMHS from the point of referral in 2020/21 than in 2017/18, with figures sitting at 33% in 2020/21, an increase of 7% from 2017/18 figures

- Those waiting more than a year for treatment had trebled in the year prior to publication of the report – up from 6% in March 2020 to 18% in March 2021
- Almost 1 in 4 (23.5%) of referrals to specialist CAMHS were rejected in 2020/21 but without national data, it is unknown whether these children and young people accessed alternative services and if so, what difference this made.

Following publication of the blog, the Public Audit Committee of the Scottish Parliament launched an inquiry into the issues raised and took evidence from a range of stakeholders about waiting times for CAMHS, the impact of this on children, young people and their families and what action was being taken to address these issues.

The evidence taken highlighted the variability in access to CAMHS across the country with some NHS Boards ensuring that arrangements were in place for children and young people to meet with primary care mental health workers within 2 weeks (NHS Fife) whilst others reported waiting times in excess of a year.

Evidence also considered the number of rejected referrals and the impact of these decisions on children, young people and their families.

Relating to this issue, Dr Catriona Morton, Deputy Chair (Policy) of the Royal College of General told the Committee:

**'The feeling is that the bar for referrals is very high. Some of the feedback was that GPs...will think three or four times before even considering a referral, and we have high levels of referral rejections.'**

She went on to say:

**'We know how damaging it can sometimes be to the person referred and their family if they get a rejection, because they will have tried lots of other things before they get to us.'**

Witnesses discussed the importance of everyone having a clear understanding of the criteria for access to CAMHS and of early intervention strategies. Consideration was given to a number of multi-agency initiatives which are being developed, including an online resource which has been developed by the Mental Health in Schools Working Group. In referencing this resource, it was, however, acknowledged that both school staff and GPs are already under extreme pressure in terms of their workload and that even setting aside time for training could be a challenge.

Referring to the issues around gaps in data collection, the witnesses highlighted that there is a lack of information about what supports are in place whilst children and young people are waiting to access services and also, following a rejection from CAMHS.

Commenting on this, Dr Morton placed a sharp focus on the personal impact of current provision and the potential impact for the future:

**'I see children and young people not getting help at a point where some of what they are suffering could be improved or reversed earlier. The result is that they struggle on themselves or with facilities that cannot match the severity of their condition. This is just building up difficulties for the future for our national health boards and for the young people concerned, who will take those mental health problems into adulthood.'**

Our members also report the need for a drastic increase in support for CAMHS, expressing a collective dismay about the current situation.

We know that some schools are electing to use Scottish Attainment Challenge ('SAC') funding, and in particular, Pupil Equity Funding ('PEF') to secure support, such as inhouse counselling and play therapy, to meet the needs of the children and young people in their school communities.

Whilst this funding is welcome, it is no substitute for the provision of sustained and significant core funding, needed to ensure that there is equity of provision across Local Authority areas and that key policy ambitions around closing the poverty related attainment and achievement gap and GIRFEC are being met.

Anecdotal evidence from members also highlights the additional pressures which wider services across Education, Health and Social Work are facing, as a result of health and wellbeing needs arising from the pandemic but also as a result of the lengthy waiting times for CAMHS.

There is a perception that schools are stepping in, to bridge gaps and support children, despite the excessive workloads which they face.

These issues in terms of resourcing and addressing the backlog of children and young people waiting to access appropriate support must be considered and addressed when setting priorities to support the mental health and wellbeing of children, young people and their families.

## Part 12 – Funding

12.1 Do you think funding for mental health and wellbeing supports and services could be better used in your area?

As highlighted above, there is a need for additionality of resource. It is not a question of using funding better. There is an urgent need for significant and sustained additional funding to address the need which we are currently seeing in society, as we begin to work towards Recovery and as we face the challenges of the cost of living emergency.

## Part 14 – Our Vision and Outcomes for the Mental health and Wellbeing Workforce

14.1 Do you agree that these are the right short term (1-2 years) outcomes for our mental health and wellbeing workforce?

The EIS would recommend that there is a specialist mental health contact for each school to ensure that there can be meaningful discussion at an early stage and appropriate identification of early intervention strategies.

We would also recommend that supports should be available for the families of children and young people requiring mental health support.

The removal of GTCS registered teachers from nurseries is a further barrier to early identification of need. With a 52% reduction in the number of teachers in ELC settings over the last ten years, implementation of early intervention strategies will be negatively impacted.

## The Educational Institute of Scotland

### EIS response to **the Scottish Government and COSLA Consultation, 'Let's Talk Education: Our National Discussion'**

The Educational Institute of Scotland ('EIS'), the country's largest teaching union, representing more than 60,000 members across all sectors of Education and at all career levels, welcomes the opportunity to comment on the Scottish Government and COSLA Consultation, 'Let's Talk Education: Our National Discussion'.

The consultation implements the first recommendation of Professor Muir's Report, ['Putting Learners at the Centre'](#) and is designed to facilitate a discussion on establishing a compelling and consensual vision for the future of Scottish Education.

The EIS supports the development of such a vision and hopes that, once agreed, teachers and school staff will be given the resources, time, professional trust and autonomy, free from political interference, to translate the ambition into reality. For too long, education has been the focus of politicised debate, predominantly through the narrow lens of attainment, whilst insufficient efforts have been made to address the challenges faced by teachers, school staff and pupils, on a daily basis.

Over the course of the pandemic, we have seen the level and severity of additional support needs in the children and young people in our schools grow, whilst poverty continues to extend its crippling grip across families in Scotland, intensifying in the midst of the cost of living crisis, with hunger, fuel and digital poverty now impacting one in three in some areas. **Over this period, Scotland's teachers have** been on the front line, working relentlessly to meet the holistic needs of the children and young people in their classes, often having to bridge the gap in support whilst their pupils sit on lengthy waiting lists to access specialist services. And despite highlighting these challenges through responses to a range of consultations on education reform, and repeatedly citing the need for additional investment in core education funding, as well as in partner agencies to implement early intervention measures, no meaningful change has been forthcoming. Against this backdrop, our members are exhausted, trying to balance the competing and unrealistic demands placed on them in the classroom.

Despite the increasing pressures of excessive workload, they have, however, continued to respond *in their own time* to proposals for education reform. Through our democratic processes and the contributions of our members at a national event hosted by the EIS on Saturday, 12<sup>th</sup> November, teachers from across Scotland spoke as one. They are now reporting consultation fatigue and are clear **that it's time for the Scottish Government to listen and turn the talk into action**, for the benefit of children, young people and the education system as a whole.

In implementing the recommendations which emerge from this process, members were also clear that the Scottish Government must be fully cognisant of the context in which we are living; one of rampant and increasing poverty and in which Recovery from the pandemic is barely underway. The reality is that schools continue to witness high levels of pupil and staff absence as a result of COVID,



whilst the impact of lockdown, both in terms of interrupted learning and on the mental health and socialisation of children and young people, presents ongoing challenges, which will undoubtedly be felt for years to come.

In this context, if the Scottish Government is truly committed to addressing the poverty related attainment and achievement gap and to putting learners at the heart of the new vision for Scottish Education, then it must use its existing powers to invest in public services, including Education, and provide additional and sufficient resources to effect meaningful change for the children and young people **in Scotland's schools**.

**The Scottish Trade Union Congress report, 'Scotland Demands Better: Fairer Taxes for Fairer Future' published on 5<sup>th</sup> December 2022** outlines how progressive tax reform could raise an additional £3.3 billion by 2026, including £1.3 billion of tax reforms by April 2023 to help fund public services and public sector pay.

The Scottish Government has placed Education as a flagship policy. This rhetoric must be matched by political will and action now to ensure that the vision for Scottish Education can be realised.

To support this process, we have collated their views and provided the following detailed comments on our vision for the future of Scottish Education:

1. What kind of education will be needed for children and young people in Scotland in the future?

The EIS believes that children and young people deserve an education system, which is properly resourced; has social justice, equity, inclusion, equality and diversity at its heart; responds to the holistic needs of learners, enabling all to fulfil their potential and celebrating the full range of their achievements; is flexible to respond to a changing world; **nurtures a young person's sense of agency**, instilling a thirst for discovery, promoting independent thought and critical thinking skills, equipping them with the ability to challenge misinformation emerging from different media sources, and empowering them to take control over the direction of their life whilst contributing effectively to social cohesion and the needs of their community.

In exploring this vision further, we believe that education should:

- *Be underpinned by principles of social justice, equity and equality*

The EIS is clear that the current commitment to social justice, equity and equality, which permeates **Curriculum for Excellence ('CfE')** and is the bedrock of comprehensive education, should continue to feature in the future vision of Scottish Education.

The curriculum should continue to be framed in such a way as to reflect the shared ambition of achieving greater societal and educational equality, as reflected in the GTCS Professional Standards for teachers; through the consensus that has formed among all stakeholders with a key interest in Scottish Education; and the rhetoric, at least, of all political parties.

Current barriers to engagement and equity should be removed, with all additional support needs being met and the poverty related attainment and achievement gap closed, ensuring equal opportunities for all pupils to achieve, regardless of socio-economic background.

- *Retain the four capacities of Curriculum for Excellence and value them equally*

In looking to the future, the EIS is clear that education must continue to develop the four capacities of CfE; successful learners, responsible citizens, effective contributors and confident individuals.

The four capacities capture the intention of realising the human right to education and preparing young people for democratic citizenship. It is critical that these are retained, but with the added clarity that the capacities co-exist in equal measure to one another. The current tendency to prioritise being a **'successful learner' over the remaining three** undermines the intention to support young people to become wholly well-rounded individuals and places a disproportionate emphasis on the attainment and qualifications.

Giving parity of esteem to each of the four capacities would see the current narrow focus on attainment being replaced by a system which recognises and celebrates the achievements of all learners – one which considers a diversity of pathways which are genuinely suitable and accessible for all learners in the senior phase; which challenges system and societal assumptions that do not value so-called vocational and academic learning equally; and one in which every young person is seen and valued.

Education should focus on local, national and global issues and develop an awareness in the learner of their relationship to social justice, of vital critical thinking and political literacy skills and of the impact of their actions and the actions of others on sustainability. Such a system would help prepare young people for dynamic change, developing independence of thought and the ability to recognise and challenge disinformation and hierarchies.

- *Respond to the holistic needs of all learners*

The EIS believes that education should respond fully to meet the holistic needs of all learners.

The EIS has long supported the holistic, rights-based approach outlined in the **Scottish Government policy, 'Getting it Right for Every Child' ('GIRFEC')**. Underpinned by the United Nations Convention on the Rights of the Child ('UNCRC'), **GIRFEC is intended to deliver a national approach, through which 'everyone in Scotland can work together to help children and young people grow up loved, safe and respected so that they realise their full potential'**. To date, systemic underfunding has thwarted this intention. Our future vision would see that ambition become a reality, with the rights of every child being met in an inclusive system where the promise of our ASN legislation is sufficiently resourced to enable the requisite practice, and we see a departure from **'mainstreaming on the cheap'**.

Only when social, emotional and physical needs are met, will children and young people have the ability to learn well. The publication of the OECD Study, '[Early Learning and Child Well-being](#)' in March 2020, underlined the fact that cognitive development or attainment cannot be considered in isolation. Its conclusions re-enforce the interdependence of cognitive growth with the development of social and emotional skills. The study highlights that early intervention measures which seek to develop the holistic needs of the child and address the gaps resulting from poverty and socio-economic disadvantage, are crucial in the strive for equity and in improving outcomes in later life.

Whilst this report was published shortly before the pandemic, its findings remain and are even more pertinent today when framing our vision for the future of Scottish Education. Everyone has been affected by the pandemic in some way. Confinement, restricted social interaction, illness, bereavement, unemployment, poverty, and food insecurity, financial worries, have all made their mark to varying degrees on individuals, families and communities. Whilst some may have begun the process of recovery, others are still suffering the harsh consequences of Coronavirus on their physical and emotional health, family life, finances and employment status. And it may be some time before we are fully aware of the extent of the impact which the last two and half years has had on the mental health and wellbeing of all.

The evidence to date is that this impact has been most heavily felt by children, young people and families who are most disadvantaged by societal inequality, this having been well documented by researchers, press and media, and in the data published in the [National Improvement Framework Interactive Evidence Report](#). Statistics gathered over the pandemic have shown that death rates for COVID-19 have been twice as high for people living in the poorest communities compared to those living in the 20% least deprived areas<sup>1</sup>. This is a clear marker of pre-existing health inequalities and an indicator of the greater likelihood of trauma and bereavement among children and young people from these communities. With this in mind, we are of the firm view that the needs of these children, young people and families must be prioritised as part of an holistic response to deliver support as we work towards recovery and beyond.

COVID-19 has also had a disproportionately high impact on people from Black, Asian and Minority Ethnic ('BAME') backgrounds to varying extents in different parts of the UK, both in terms of the likelihood of infection and in death rates. It is essential, therefore, that the associated higher levels of distress and trauma for children and young people from BAME backgrounds and their families features strongly in the supports provided and in the inclusive practice developed now and as we plan for the future.

The need for a shared vision and clear outcomes to improve and support the holistic needs of all learners is even more acute now, as we face the enormity of the challenges which the cost-of-living emergency brings. With rising levels of stress and anxiety, we cannot underestimate the collective and individual

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<sup>1</sup> [Covid+and+Inequalities+Final+Report+For+Publication+-+PDF.pdf \(www.gov.scot\)](#)

trauma which families face as they wrestle with the dilemma of heating their homes or eating and the impact of hunger on educational engagement.

In Education and in wider support services, we must be responsive to existing needs; provide a framework of intensive support which children, young people and families require to allow them to move forward positively with their lives, contributing effectively to the communities in which they live; and must be agile enough to be able to support mental health and wellbeing with the requisite emphasis upon early intervention strategies, moving forward.

Promoting the wellbeing of all children and young people, protecting those who are vulnerable and at-risk, and supporting those with complex needs, has never been more important, and with the impact of austerity and the pandemic potentially with us for years to come, decisive action is essential now to prevent further damage, to strengthen support to the most vulnerable and build an education system for the future which is truly responsive to the holistic needs of all learners.

- *Promote creativity to provide breadth, depth and enjoyment of learning*

In building a new vision of Scottish Education, the EIS believes that creativity and enjoyment should be central to the learning experience. By providing time and space for learners to explore aspects of learning and for teachers to reflect and extend the learning opportunities in creative ways, which capture the imagination of the learner, the richness of the experience will be enhanced, resulting in greater breadth, depth and enjoyment of learning.

- *Place Teacher Autonomy and Professional Judgement at the heart of decision-making within an Empowered Schools System*

CfE encourages teacher autonomy and agency and respect for teacher professional judgement in relation to curriculum making, pedagogy and assessment.

The EIS believes that this element of CfE should remain as a central aspect of the vision for Scottish Education for the future. There is much work to be done to realise this vision. The development of the Empowerment agenda is critical to future progress on strengthening teacher autonomy and continuing to build trust in teacher professional judgement.

We need to learn from the lessons of the past. Regarding assessment, the CfE vision of trust in teacher professional judgement has been undermined at **various stages as reflected by the Scottish Government's introduction** and continued investment in the Scottish National Standardised Assessments ('SNSAs') and the reluctance of the SQA to relinquish control of quality assurance of results through the Alternative Certification Model ('ACM') in 2021. Such approaches by national government and the SQA are at odds with both the CfE vision and the Empowerment agenda.

**In his report, 'Putting Learners at the Centre', Professor Muir called for a redistribution of power, influence and resource within Scottish Education to empower teachers and put learners' voices at the heart of decision making.**

We agree with this statement and moving forward, teacher autonomy and professional judgement should be key to avoiding the risk of reform delivering an overly simplistic, top-down, one size fits all approach to curriculum and assessment across curricular areas, and for all learning communities and learners.

The reform process needs to take account of the differences in approach that are required within different curricular and subject areas, and amongst learners, as articulated by the profession.

In a system which supports empowerment and autonomy to operate effectively, the EIS would also envisage the reform of the current inspection process and would wish to see the emergence, from co-creation, of a model of practitioner-led evaluation that features professional collaboration and learning across settings, with time invested to facilitate collaborative processes, to enable reflection on the outcomes of such collaboration and to support any change processes that are required.

Such a model would be founded on the premise that trust in teacher professional judgement extends to the improvement agenda and that teachers as inhabitants of school communities are best placed to work with learners, parents and other stakeholders within those communities, and colleagues outwith, to determine priorities and the best means of achieving associated objectives. Where they judge it necessary, schools should be able to seek assistance in going about their work from the relevant national agencies.

- *Place greater emphasis on Assessment for Learning and Equity*

The vision of CfE promises a greater utilisation of assessment approaches that are more learner-centred and more likely to lead to more equitable outcomes for those who have not typically been beneficiaries of the one-off high stakes assessment approach upon which Scotland currently relies.

The EIS would wish to see the emphasis placed on formative assessment, with the system and the teaching profession being genuinely supported and empowered to design and employ assessment strategies in such a way as to better support the learning of all, rather than being fettered by government-driven assessment priorities such as SNSAs within the BGE and outdated assessment approaches and curriculum design in the senior phase.

These approaches actively undermine the vision of CfE with regards to assessment: the key role for formative assessment in the interests of sound learning and greater equity of outcome; and minimal high-stakes summative assessment known to favour more affluent young people (and more recently cited as a source of poor wellbeing by adolescents in Scotland, particularly girls).

The EIS is clear that assessment approaches need to be more closely and consistently aligned with the aims of the curriculum.

- *Value Early Years Education and Play-based Learning*

The EIS is a longstanding supporter of high-quality **Early Years ('EY') education** and strongly welcomed the equal inclusion of the 3-5 stage within the 3-18 curriculum and the emphasis on play-based, child-led learning throughout the Early Level of CfE.

The EIS is fully aware of the wealth of international research, including from the OECD itself, which finds favour in governments investing well in EY education, firmly featuring a play-based approach, leading to greater outcomes for children cognitively, socially and emotionally throughout their schooling; and stronger employment and socio-economic outcomes, better physical and mental health outcomes, and more positive contributions to society in adulthood. Critical to ensuring these outcomes, in the vision of education for the future, are high levels of qualification and professionalism among the workforce.

In spite of government rhetoric relating to increased investment in EY, while the offer of 1140 hours of free childcare for all 3-5 years olds and vulnerable two year olds is welcome, the EIS is concerned that the value of education within the extended provision is diminishing – for reasons of budget-saving – as evidenced by the 52% reduction in the number of GTCS registered teachers employed within the sector since 2010, as a result of austerity cuts.

The EIS is clear that 3-5 year olds are being short-changed by the current **statutory provision which loosely promises only undefined 'access to a teacher'**, and for this reason, would reverse the decline in the number of qualified teachers in Nursery and restore teacher expertise within the EY context, for the benefit of our youngest learners.

GTCS registered teachers are uniquely placed in Scotland with the 3-18 Curriculum for Excellence to ensure that there is continuity of learning and of experience across all sectors of education and in the case of early years, across the Early Level.

**In 2016, the EIS funded research by the Child's Curriculum Group into the contribution of qualified teachers in Nursery education.** The results, published in the document, '[Sustaining the Ambition: the contribution of GTCS Registered Teachers in Early Years](#)', highlight that the Scottish Government's ambitions for positive life outcomes for all children are much less likely to be fully achieved unless teachers, including those with specialism in early childhood, are included and supported as part of the ELC workforce.

The 2016 research concluded that EY teachers make many valuable **contributions to young children's learning. Four key aspects of this contribution** are: leadership of learning; modelling responsive teaching for other staff; challenging learning while sustaining high quality interaction; and supporting transitions for child, family and community wellbeing. Each of these

**contributions is informed by teacher education and is linked to teachers'** professional standards which require a commitment to social justice.

Early years teachers are the specialists with knowledge of the curriculum and its application, not only in the early years setting but in the primary context also. This places them in the unique position of being able to guide and support children seamlessly across the Early Level. Add this to the strong **understanding which teachers have of children's thinking and the place it has** in their learning and development. Teachers use this on a daily basis to link theory to practice to inform next steps in learning, embracing common teaching approaches as part of a continuous curriculum for this level and acting as bridging professionals in easing the move from Nursery to school. EY teachers play a key role in identifying and supporting children who require additional support for learning, in co-ordinating this support with the relevant agencies and in contributing to the multi-disciplinary team around the child for GIRFEC purposes.

There is also a plethora of research which highlights the importance of ensuring effective transitions in the early stages of life. Children navigate many changes in their lives and the way in which the earliest are handled can have a considerable impact upon how they look forward to or cope with change in the future. EY **teachers make a strong contribution to transitions. Teachers'** understanding of child development, combined with their knowledge of each stage across the Early Level and later primary curriculum fosters an awareness of how best to prepare the children and their families for this journey.

Teachers in the Nursery setting are leaders of the team, modelling good practice and performing a vital mentoring role, with early intervention strategies being adopted to support the holistic development of learners.

At its core, EY education is synonymous with play-based, child-led learning. When we think of early years, most of us picture happy children immersed in play - engaged in quality learning experiences. The curiosity, freedom and joy of exploring the world around them drives learning and promotes the holistic development of our youngest learners in an apparently seamless manner.

We believe that there is much to be learned from the practice in EYs and that play-based pedagogy should continue to lead the way in EYs and the early stages of Primary and even beyond, with teachers being trusted to respond to **the holistic needs of pupils, and supported to follow learners' interests, building** in opportunities for exploration and excitement to enhance breadth, depth and enjoyment of learning.

- *Ensure smooth and supported transitions across all stages of learning for children and young people*

In providing a coherent progression in the journey of learners (3-18 and beyond), transitions, particularly at crucial points, need to be smooth and well supported, with sufficient staffing resource and time for collegiate planning being in-built as central to this process.

Dedicated staffing to support transitions should be in place at all stages of transition from one sector to another. Teachers and school staff involved should have ring-fenced time to support professional dialogue and collaboration to plan for effective transitions.

- *Be committed to the delivery of quality Initial Teacher Education ('ITE') and investment in Professional Learning*

High quality ITE which is appropriately resourced, and which equips student teachers to deal with, and be responsive to, the diversity of needs and challenges presented in the early stages of their careers, should feature prominently in the future education system. Student teachers should know where to access support and resources, and through collegiate dialogue, develop confidence in their professional practice.

Teachers, at every stage of their career, should also be given the professional autonomy to select and engage in a range of professional learning activities, which are relevant to their practice. Dedicated time should be given for personal reflection and to engage in collegiate dialogue, sharing good practice across the school community and affording time to embed professional learning in practice.

The profession should also have access to teaching materials and associated advice that is reliable and trustworthy. This material should be provided in a timely fashion, with support agencies being responsive to the needs of teachers, particularly in areas of the curriculum which carry some sensitivity and where teachers lack confidence in delivery, for example, with regards to certain equality issues.

With this commitment to ITE and professional learning, student teachers and teachers would be equipped to respond to the diverse needs of the children and young people in their settings. However, professional learning opportunities must be responsive, sustainable, future-looking and matched with resources. There should also be a recognition that emergent challenges for teachers often require intensive review of policy and practice and this requires time and support.

- *Improve and embrace a diverse teaching profession*

In looking to the future of education, it is essential that the diversity of society and our communities is reflected in the teaching profession and more generally, in the schools in which children and young people learn.

A diverse workforce reflects a multi-cultural and multi-racial Scottish society at all levels, promoting greater understanding and cohesion, towards a more fair and inclusive society; provides positive BAME role models for BAME and white children and young people, challenging racial stereotyping and misconceptions; promotes feelings of belonging for BAME children and young people in seeing their background reflected at school; increases knowledge and acceptance of different languages and culture; and increases the variety of perspectives within the education system to better meet the needs of all learners.



This commitment to improve diversity needs to translate into positive action, with evidence of impact being seen not only in recruitment statistics but in retention and promotion data. We need to listen to the lived experience of BAME teachers and remove barriers which block progression at every stage of their career.

## 2. How do we make that a reality?

In this section, we have considered the barriers to realising the vision outlined above and have suggested ways in which these can be removed to ensure that the vision can become a reality.

- *Be underpinned by principles of social justice, equity and equality*

To achieve this element of the vision, the Scottish Government must increase core funding in Education, intervene to prevent any cuts-driven reductions to the pupil day, provide ring-fenced resources in Additional Support for Learning ('ASL'), to support smaller class sizes and allow greater investment in specialist ASL teachers, in pupil support workers, in educational psychologists and in wider support services, such as the Child and Adolescent Mental Health Service (CAMHS). Inclusive education, which is underpinned by a commitment to social justice, equity and equality, is dependent on adequate resourcing to meet the needs of all pupils.

The EIS has consistently raised concerns about the systemic under-investment in and rising demand for ASN provision. In 2021, 33% of the school population<sup>2</sup> were identified as having an additional support need compared to only 4.8% in 2009. The presumption of mainstreaming has resulted in 93% of those pupils spending all of their time in mainstream classes<sup>3</sup>. Critically, this rise in demand has not been reflected in resourcing. The EIS has long highlighted concerns about dramatically declining numbers of specialist staff and unsustainably large class sizes, leaving significant gaps to be filled by class teachers. For example, between 2008 and 2021, the number of Primary teaching staff with a general ASN role has declined by 90.4%<sup>4</sup>, with a 50% decline for Primary teachers in a behaviour support role<sup>5</sup>. The current situation is unsustainable and has been for some time. The reality of current provision, as we emerge from the pandemic, is an erosion of resourcing with drastic cuts, rising levels and severity of need, paired with increasing and unsustainable levels of workload for teachers, arising in part from the planning documentation associated with Getting It Right For Every Child ('GIRFEC') policy.

Teachers are under significant pressure to meet the needs of *all* children in the context of mainstreaming and often have to balance competing rights in seeking to do so. They are often inappropriately blamed for the failures of local

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<sup>2</sup> [Summary statistics for schools in Scotland : 14 December 2021 \(www.gov.scot\)](https://www.gov.scot/publications/summary-statistics-for-schools-in-scotland-14-december-2021/pages/10.aspx)

<sup>3</sup> [Pupils+Census+Supplementary+Statistics+2021+V3.xlsx \(live.com\)](https://www.gov.scot/publications/pupils-census-supplementary-statistics-2021-v3/pages/10.aspx)

<sup>4</sup> [Teacher+Census+Supplementary+Statistics+2021.xlsx \(live.com\)](https://www.gov.scot/publications/teacher-census-supplementary-statistics-2021/pages/10.aspx)

<sup>5</sup> [Teacher+Census+Supplementary+Statistics+2021.xlsx \(live.com\)](https://www.gov.scot/publications/teacher-census-supplementary-statistics-2021/pages/10.aspx)

government to provide adequate resources, support, and reduced class sizes – these challenges need to be addressed to deliver the future vision of Scottish Education.

If we want an education system which is underpinned by a commitment to social justice and principles of equality and equity, then further action is also needed to eliminate the poverty-related achievement and attainment gap. The provision of universal free school meals would go some way to ensuring children and young people can concentrate in class and engage more readily in learning, not having to deal with the impact of hunger. Hunger and stigma do not stop at P5.

- *Retain the four capacities of Curriculum for Excellence and value them equally*

In giving parity of esteem to the four capacities of CfE, our approach to assessment will need to change and align more readily with the curriculum . This should see a departure from high-stakes exams which prioritise being a **'successful learner' to a system** in which teacher professional judgement can assess progress across the curriculum. More information in relation to the formative approach which we would envisage being adopted is contained in the section below on Assessment for Learning and Equity.

Within professional learning for teachers related to the refreshed CfE narrative, in addressing the four capacities, it would be important to include an explicit emphasis on their relationship to critical thinking skills in an era of fake news and misinformation; to tolerance and respect amidst an intensely polarised political climate; and to commitment to sustainability as the planet faces climate crisis.

- *Respond to the holistic needs of all learners*

Whilst the GIRFEC procedure provides a framework to ensure that there is multi-agency consideration of the wellbeing indicators and the holistic needs of all learners, there remains a gap between GIRFEC policy and its effective implementation in practice, stemming from the significant under-provision of resources and general inaccessibility of sources of support for children. With waiting lists for counselling services growing and the number of children waiting for over a year to access CAMHS having trebled since 2020, it is clear that demand is outstripping existing resources.

The current climate, of under-investment in ASL, is having an impact across the whole learning population, and is detrimental to the wellbeing of the teaching workforce; the wellbeing of young people; and the educational experience for many young people.<sup>6</sup>

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<sup>6</sup> [ExploringTheGap.pdf \(eis.org.uk\)](https://www.eis.org.uk/ExploringTheGap.pdf)

Teachers have reported reduced morale, owing to a feeling of failing young people and their families; a feeling of their efforts being futile; feeling blamed for repetitive unacceptable pupil behaviour; feeling unsupported; and having ongoing concern for vulnerable children.

They have also reported increased stress and risk of personal injury or other health impacts, because of exposure to violent incidents, personal abuse or aggression, from learners who require more support but are not getting it. Overall, the current ASL climate is leading to reduced wellbeing both at and outside of work, with our members citing, for example, lack of sleep, headaches, generalised anxiety – all of which potentially contribute to more long-term absence.

There are multiple health and wellbeing impacts reported for learners, including **those learners who have additional support needs and those who don't**. Learners who have additional support needs can experience reduced morale, due to receiving less support to have their needs met than is required; being in larger class size(s) than is optimal; being less supported to take part in enrichment/after-school activities than is required; lower self-esteem; higher levels of generalised anxiety; being more likely to display challenging behaviour; being involved in more violent incidents, fights and low-level disruption to learning; and experiencing a loss of dignity e.g. when they exhibit high levels of distress.

Among the general pupil population, learners can experience higher levels of anxiety due to more stressful atmospheres developing when children do not receive the requisite support; stress caused by disrupted learning, e.g. when a classroom has to be evacuated due to a violent incident; potential distress caused by **witnessing peers' violent behaviour; and overall, reduced enjoyment of school**.

The current climate, of under-investment in ASL, is having an impact across the whole learning population. Our members have shared concerns about: some pupils being unable to access learning due to social/emotional issues; less access to learning support for some pupils, as this is diverted to supporting the most complex and severe needs; some pupils receiving less attention from teachers but also feeling more stress caused by constant formal assessment in senior phase classes; risk of reduced achievement, due to increasing non-attendance, opting out of school, disruption of learning or less time with teachers; differential impacts depending on socio-economic status: children from higher income families often getting more support than those from poorer backgrounds, as a result of more strident parental advocacy; and less support available at transition times.

Our members have also spoken of their frustration in striving to meet needs but having to navigate overly bureaucratic processes and systems which appear to be designed to place barriers in the way of accessing support. They report feeling like they are failing children and young people as a result of large class sizes and excessive workloads and face significant pressures on a daily basis, striving to balance competing demands in the classroom.

The GIRFEC policy is based on joint working in a culture of co-operation and communication between professionals, working in partnership with children and their families. With under-resourcing across Health, Social Work and Education, the early intervention approaches espoused by GIRFEC policy cannot be invoked.

For GIRFEC to operate effectively and the holistic needs of learners to be met, class sizes and class contact time must be cut; practitioners must be given time to develop relationships; to engage in meaningful planning and reflective practice; and to assess the impact of interventions. Investment in the role of lead teachers to provide more specialist input and support in ASN for classroom teachers would also be welcome. Urgent action should also be taken to streamline the excessive bureaucracy, arising predominantly from GIRFEC processes, to reduce teacher workload.

- *Uses creativity to provide breadth, depth and enjoyment of learning*

While the vision of CfE is **'permission-giving' of teachers to adopt creative approaches** and many children and young people have benefitted from this since the inception of CfE, the creativity promised by the vision has not been universally experienced. This is in large part due to a combination of lack of proper resourcing and the prolongation of a hierarchical, accountability culture, which combines to undermine the capacity of the teaching profession to develop and maintain the levels of creativity promised by CfE.

For example, there has been a chronic lack of time for collaboration among teaching professionals to support creativity - teachers in Scotland are among the most class-contacted in the OECD, currently sitting in third worst position and despite this, the Scottish Government and COSLA continue to delay implementation of the SNP manifesto commitment to reduce class contact by one and a half hours, failing to acknowledge that the time must be given to **teachers' preparation and correction**.

Similarly, the continuation of large class sizes and overcrowded classrooms, and the physical layout of classrooms and school building generally, frequently militate against teachers employing the kinds of creative pedagogies, with emphasis on personalisation and choice, that they would wish to, for the benefit of their learners, who increasingly present with more and more complex additional support needs. Such constraints within and pressures upon, daily professional practice, damage teacher wellbeing and morale, which in turn, impacts, in addition to lack of resourcing, negatively on the learning experiences of learners.

The BGE, especially in Primary is cluttered with priorities which teachers are under pressure to meet, this too eroding the capacity for creativity, as well as the ability to ensure breadth and depth of learning. A clutter of national **initiatives, for example, 'Book Week', 'Eco Week', 'Maths Week', however well-meaning,** results in a crowding of priorities that schools and teachers feel

pressure to respond to and that place strain on the capacity to deliver breadth and depth of learning.

There is also an over-emphasis within Primary on Literacy and Numeracy, and also on Science, to the detriment of creative and social subjects. For example, Art and Music are frequently being taught in the context of interdisciplinary learning, with the result that some key skills are being missed and progression in learning interrupted. These trends predate COVID and the recovery curriculum, which has encouraged a particular focus on Literacy and Numeracy, in large part driven by the demands of NIF accountability reporting and by the promotion of STEM education in pursuit of economic rather than wholly educational objectives.

Within Secondary, the BGE phase, which in spite of the pressures, generally does feature greater creativity, is frequently cut short with S3 pupils, rather than completing the BGE phase, being prepared for qualifications that they should sit within the senior phase, because time is too short in S4 to ensure proper coverage of the course content.

In the senior phase, timetabling and the annual presentation patterns and the associated assessment and exam treadmill, strangle creativity, whilst breadth and depth, and often enjoyment of learning, are sacrificed in place of rushed, superficial learning in preparation for exams.

In addition to the compromises that this forces with regards to breadth, depth and enjoyment of learning, the divergence from the more learner-centred, equitable approaches that characterise the BGE, are displaced by the demands of course coverage within very truncated timescales.

In both the senior phase and the BGE, the expectation to deliver certain narrow **'attainment' outcomes** is ever prevalent, with the perception being that the strength of local authority and school performance and reputation rest on what is reflected by the HMIE Inspection scoring system, this in turn resulting in a cottage industry of **local authority 'mini inspection' processes**.

Rather than being firmly encouraged to adopt more creative approaches to learning and teaching, with stakes in the attainment and accountability drive so high, a more risk-averse approach is generally taken by schools and **teachers than CfE's original design had intended**.

Change needs to be enacted on all of these fronts if the promise of creativity **at the heart of children and young people's learning experiences is to be realised** in full.

- *Places Teacher Autonomy and Professional Judgement at the heart of decision-making within an Empowered Schools System*

To support the genuine empowerment and autonomy of school communities to design curricula that meet the needs of their learners, the EIS would identify the following requirements:

- Investment to deliver smaller class sizes;

- Investment in specialist ASN support in the form of teachers and support assistants;
  - Investment in external and multi-agency ASN and GIRFEC support – for example, EAL, speech and language therapy, educational psychology, and **Child and Adult Mental Health Services ('CAMHS')**
  - Investment in the school estate to create learning spaces that meet the increasingly diverse and complex needs of learners;
  - Proper investment in play-based learning and a move away from assessment approaches that are misaligned with this;
  - Decluttering of local curricula supported by less demand/pressure upon schools to respond to an ever-growing suite of national initiatives;
  - Support for schools from national agencies on curriculum design that can support a diverse range of experiences and pathways for young people;
  - Time for teachers to engage in quality professional learning and collaboration around curriculum making to suit the needs of the learners within their school communities, including to take account of the increasingly diverse nature of school communities in Scotland;
  - Professional learning to enable teachers to become familiar with a wider range of qualifications and potential pathways in the senior phase and to grow confidence in delivering them;
  - Additional staffing to enable the delivery of a wider range of courses/learning experiences;
  - Careful and consistent messaging to parents about the senior phase – what it is for and how it should differ from their own past experiences of upper Secondary school. Linking this to the consensual vision of CfE which should arise from this process should assist in this regard;
  - Abolition of processes which set school communities in competition with one another, e.g. through inspection scores and publication of attainment league tables;
  - A progressive alternative to inspection that features practitioner-led evaluation processes.
- *Place greater emphasis on Assessment for Learning and Equity*

The EIS believes that moving forward, education should place a greater emphasis on Assessment for Learning and Equity by re-setting the culture in which data is collected and analysed. The culture that currently prevails is one characterised somewhat by a lack of genuine trust and collaboration between government and local authorities; and insufficient professional trust in schools and teachers. Systems and professionals perform best when interactions and activity are built on trust.

Teachers and schools throughout the country naturally gather a wealth of rich data relating to the learning of individual children and young people, through formative assessment processes. There is more than enough data in classrooms and schools to inform judgements about which children are progressing well and which are not as a result of socio-economic background or other factors.

With large class sizes, a lack of ASN support and excessive class contact time, teachers are unable to analyse and reflect as deeply as they would wish to on

the information that the learning activities that they have designed have yielded; and with insufficient resources, are unable to follow up satisfactorily on the conclusions that they draw from such data, for example, matching individual support needs with the requisite specialist support.

Against such a backdrop, teachers find themselves amidst a culture of blame when the bigger data that does not have the individual stories behind it, encourages a narrative of failure. Progress will not be made amidst such a culture.

Instead, teachers need the requisite time to interpret data which they consider to be educationally useful but this should be in a context that will actually enable and support action with the requisite resources.

- Value Early Years Education and Play-Based Learning

In recent years, the impact of austerity and severe financial pressures on local authorities, has seen the **removal of teachers from many early years' settings**, or a model of provision adopted, whereby teachers deliver the role on a peripatetic basis across a number of centres.

It is plain that the diverse nature of the responsibilities of a Nursery teacher, outlined above, are more difficult to fulfil if the teacher is serving in a peripatetic capacity or if they are solely responsible for planning the learning without the opportunity to experience any responsive teaching of children in the Nursery setting. The result is that nationally, many pre-school children have no meaningful access to or engagement with a qualified teacher.

**Differing and ambiguous interpretations of 'teacher presence' and 'teacher access' both within and across local authorities have resulted in inequality of children's experiences in early years, contributing to the 'postcode lottery' that is likely to result in inequality of outcomes.**

**Whilst Curriculum for Excellence provides the architecture to support children's learning and wellbeing in a continuous way across the early years and into early primary school settings, it is axiomatic that Nursery teachers are central to the navigation of this route and the delivery of meaningful outcomes for children.**

Yet, since 2010, we have seen a 52% reduction in the number of GTCS **registered teachers in Scotland's nurseries, whilst the number of children attending early years settings continues to rise.** Legislation makes it clear that **children should have 'access to' a GTCS registered teacher but** with the average teacher: child ratio sitting at 1:223 in Scotland, we would question is this is truly meaningful access or engagement.

Teachers have a distinct and important role to play in EY education. Unless this worrying trend in the decline in the numbers of qualified teachers in EY is reversed, the high-quality interaction envisaged by the OECD in the report referred to above and the policy ambitions of the Scottish Government will not be achieved.

The OECD report sends a stark warning:

**'Starting behind in the early years means staying behind – for individual children and for the education system as a whole.'**

The message is clear – positive change begins in EY education and with investment in qualified teachers as key part of the EY workforce.

- *Ensures smooth and supported transitions across all stages of learning for children and young people*

In providing a coherent progression in the journey of learners (3-18 and beyond), transitions, particularly at crucial points, need to be smooth and well supported. Evidence of how transitions operate in different jurisdictions across the world could inform the approach adopted.

*Early Years Transitions* – Where EY education is valued and appropriately funded by local authorities, EY to Primary transition processes can work well, with EY teachers and other practitioners provided time to collaborate with teachers in Early Primary. However, the disappearance of Nursery teachers – critical bridging professionals – from the EY sector, lack of consistent support within Primary for play-based approaches and the introduction of assessment models that clash with a play-based ethos and pedagogy, combine to undermine some of the benefits that the 3-18 curriculum offers by way of EY to Primary transition. Increasing investment in GTCs registered teachers in ELC settings, providing dedicated time for teachers across the Early Level to collaborate and a move away from SNSAs to the use of formative assessment approaches would go some way to delivering smooth and supported transitions at this stage.

*Primary Transition* – Whilst logically it should be more straightforward for class teachers to collaborate around year-to-year transitions within Primary, this requires time for collaboration. With current class contact arrangements and the excessive workload burdens arising for example, from large class sizes, opportunities for Primary teachers to work together on year-to-year transitions are limited.

Similarly, transition from Primary to Secondary requires to be better resourced. In the past, local authorities were able to employ staff whose roles were dedicated to supporting Primary to Secondary transitions; funding constraints have meant that such posts have largely disappeared and time for Principal and Class Teachers to lead and sustain this work is severely stretched.

*Secondary Transition* – Within Secondary Education, in addition to issues relating to shortage of time to share knowledge and experiences of working with young people, BGE to senior phase transition jars because of the misfit of approaches to learning, teaching and assessment across the two phases of the curriculum. The ethos of the senior phase is very much determined by the assessment demands and associated curriculum design that are legacy from a previous system.



Associated curricular documentation for the BGE and the senior phase appears to have been authored by different personnel and arguably, is light on reference to research evidence which underpins the respective rationales. A clear vision emanating from the National Discussion would be helpful in developing a common approach and understanding.

*Senior Phase Transition* – The roll-out of the Developing the Young Workforce ('DYW') agenda has seen school-college transitions work better for some students than others as a result of geography, variable resourcing and effectiveness of local partnership arrangements.

The progression of some young people through their learner journey is hindered by continuing lack of parity of esteem across so-called vocational and academic qualifications, and lack of progression opportunities within some subject areas, often as a result of staffing constraints.

Further compounding the issue is that teachers, including those who specifically support careers education, have had little opportunity to engage in professional learning around the range of qualifications that are on offer from the SQA and other awarding bodies, with a view to building alternative, more coherent, pathways for learners within their school communities.

Professional learning is also required for teachers who wish to offer certain alternative qualification options for their learners but whose initial teacher education, while related, may not have prepared them to deliver specific aspects of new content. In addition to insufficient staffing, lack of confidence amongst some staff who would be well-placed to deliver alternative options, further limits what can be offered to young people to support coherent progression.

The lack of true personalisation and choice within senior phase pathways due to lack of resources and to lack of parity of esteem across different qualification types, can see young people pursue courses of study that are not well matched to their interests or their previous learning.

These issues must be addressed to ensure that transitions provide meaningful support to learners across the education system.

*ASN Transitions* – ASN transitions continue to be problematic at various points, with lack of resourcing again featuring heavily among the reasons for this. Another issue lies with continuity of support staff provision. Whilst children with additional support needs often receive support within EY and throughout Primary from the same support staff team, when they are transitioning to Secondary, the support staff do not move with the child, which can be both emotionally unsettling for the young person amidst a new and bigger learning environment and interruptive of progression in their learning.

Young people with an ASD or complex additional support needs require enhanced transition support to colleges or adult services, both of which have reduced, causing parents to reduce hours of work to care for those disabled young people and/or the shifting of staffing resources away from other services for people with disabilities – effectively 'robbing Peter to pay Paul'.

Additional staffing resource is essential to free up time to enable teachers to collaborate around transitions. An overall reduction in class contact time could contribute to this endeavour. The EIS believes that a reduction to 20 hours of class contact time per week, bringing the teaching profession in Scotland more in line with OECD counterparts, is very much needed to support transitions, **learners' progression and many other priorities.**

Additional, as referenced above, relevant professional learning, culture change regarding how different types of learning are valued, better alignment of the BGE and senior phase, and resourcing to enable more diverse senior phase pathways would lead to better outcomes for learners with regards to progression.

- *Be committed to the delivery of quality **Initial Teacher Education ('ITE')** and investment in Professional Learning*

High quality equality training should be embedded throughout ITE, with each of the equality strands being considered in detail and links made to their impact on practice. To support this and ensure consistency across providers, there should be a strong emphasis on equality in the GTCS ITE accreditation framework and processes.

With the educational landscape continually changing and the level and diversity of support needs growing, it is important that ASL is embedded as a core element of ITE and that once qualified, there is ongoing support for teachers to keep abreast of developments through professional learning opportunities, and dedicated time given to reflect on their practice, engage in collegiate dialogue and share good practice.

To achieve this, we need to see a departure from a top-down managerialist approach which stifles professional autonomy and only serves to add to workload and stress. Inset days, for example, are often undifferentiated events dominated by external priorities. Pedagogical discussion is squeezed out of collegiate meetings and collaborative events at the expenses of bureaucratic initiatives, often revolving around quality assurance and scrutiny, in which teachers see no value. We need to move away from this approach and invest in teacher-led professional development to impact on outcomes for children and young people.

- Diversity in the Teaching Profession

**In 2011, BAME people made up 4% of Scotland's population, and this figure is expected to be much higher today.** The education workforce far from reflects the demographics of Scotland. Currently, only 1.8% of the education workforce are from BAME backgrounds and research shows barriers to progression at every single step of their careers.

**The Scottish Government's commitment is to reach 4% by 2030, but year on year data reports show this target will be nowhere near reached by then if progress continues at its current pace.**

The first Diversity in Teaching Profession Scotland first Annual Data Report highlights what BAME EIS members have long told us: structural and everyday racism act as barriers at every step of their career. The reported data demonstrates alarming trends in recruitment and retention, showing that the qualification rates for BAME initial teacher education students are more than 10% less than for their white counterparts. This points to discrimination. In the meantime, BAME teachers are leaving the profession and BAME young people **don't see teaching as a profession 'for them'**.

The EIS has a longstanding commitment to anti-racism, and in 2021, the EIS AGM instructed Council to investigate Local Authority practices in relation to BAME recruitment and develop a template action plan for Local Associations to seek to remedy any issues identified. Guidance has now been produced for Local Association Secretaries and we will continue to pursue this across local authority areas.

At a national level, we continue to participate in the Race Equality and Anti-Racism in Education Programme and the Diversity in the Teaching Profession and Education Workforce subgroup to influence positive change in this area.

### 3. **How can every child and young person's individual** needs be supported and addressed in the future?

As we have highlighted above, the holistic needs of all children and young people should be met in our vision for the future of Scottish Education. To achieve this and ensure that policy can be translated into practice, the Scottish Government must commit the allocation of sufficient staffing, time and resources in ASL and in early intervention approaches in line with GIRFEC policy.

Early intervention is key, with funding in place to ensure that the appropriate supports for children and young people are identified and implemented as early as possible to prevent intensification of need and crisis intervention.

The role of the Principal Teacher Pupil Support in the Secondary context and other staff with whole school remits play a pivotal role in supporting individual learners through their pastoral, academic and vocational education. However, caseloads for these teachers are rising and more time than ever is devoted to crisis interventions and supporting young people in mental health challenges, in the absence of sufficient front line support services. We need to see more investment in these roles, together with the provision of high-quality professional learning opportunities and protected time for supervision, similar to that which social workers and those providing family support can access.

There should also be a re-instatement of, and investment in, specialist services which formerly provided necessary additionality and bespoke support for learners. In recent years, we have seen stealth cuts to services, such as English **as an Additional Language ('EAL'), bilingual and dyslexia** support. Children and young people who had been receiving support from these services often had

this specialist provision removed overnight, and reverted to receiving support, as part of whole class teaching, from their class teacher. If we truly want an education system in which all children and young people can thrive, then there needs to be investment in these specialist services to provide the necessary, bespoke additional support.

In addition, class sizes and class contact time must be cut; practitioners must be given time to develop relationships; to engage in meaningful planning and reflective practice; and to assess the impact of interventions. Investment in the role of lead teachers to provide specialist input and support class teachers in relation to ASL would be welcome and should be strengthened. Urgent action should also be taken to streamline the excessive bureaucracy, arising predominantly from GIRFEC processes, to reduce teacher workload.

In responding to the individual needs of all learners, parity must be given to each of the four capacities, with individual achievements being valued and celebrated in equal measure with academic qualifications.

#### 4. What is one thing that needs to stay and why?

- *GTCS registered teachers at all stages of education and in increased numbers:* with the recent emphasis on technological solutions and autonomous learning, there is a risk that the key role of the teacher in education will be diminished. However, the value of in-person, face to face, non-screen-based learning experiences has been absolutely underscored by the episodes of lockdown and school closure. Whilst technology in learning has a place within the curriculum, it should be kept **in its appropriate place as determined by teachers' judgement in matching** learning objectives with methodologies and equipment. This is in line with the key principles set out in Education Scotland's **advice and guidance on [Remote Learning](#)** which acknowledges that learning and teaching occur most effectively when teachers and pupils work together face to face in classrooms. The value of human interaction and relationships is a cornerstone of pedagogy.
- *The vision of CfE:* the commitment to social justice, equality and equity in the vision of CfE is the bedrock of comprehensive education in Scotland and is key to ensuring that every child and young person has the opportunity to reach their potential.
- *Teacher professional judgement:* the pandemic has shown the value of teacher professional judgement throughout the system, even in the senior phase in relation to the assessment of qualifications. The ACM demonstrated reliable, valid and equitable outcomes for young people; linked assessment more closely to learning; and **the 'no surprises'** element highlighted the value in ongoing teacher-learner engagement. Anecdotally and evidentially, young people performed much better when assessed in a familiar environment by their teacher.
- *A commitment to inclusion, underpinned by principles of equity and equality:* the legislative and policy frameworks which seek to deliver a rights-based approach to education for all should remain. However, this

should be supported by the allocation of sufficient resources as current underfunding corrodes the policy objective and risks institutionalising exclusion, especially of those children and young people whose views are less well captured.

- *Subject specialism*: notwithstanding more holistic models of learning, subject specialist knowledge at classroom and leadership level, is essential for high quality teaching, learning and professional support.

5. What are the most important priorities for a future Scottish education system?

We would highlight the undernoted as important priorities for a future Scottish education system, whilst noting that they are not listed in any particular order of priority:

- *Reform of assessment approaches*: the current misalignment of curriculum and assessment, beginning within the BGE and worsening within the senior phase, is undermining the capacity of CfE to make gains towards greater equity of outcome for learners. To counteract this, teacher professional judgement supported by collaboration with colleagues, must be much more influential in determining the nature and timing of assessment to suit the needs of learners in relation to the curriculum that has been shaped for and with them. Trust in teacher judgement should underpin a desire to enable the profession to shape the necessary reforms to assessment, especially within the senior phase where this is urgently required. Currently in the senior phase, timetabling, annual presentation patterns and the associated assessment and exam treadmills strangle creativity; and breadth and depth, and often enjoyment of learning, are sacrificed in place of rushed, superficial learning in preparation for exams. Scottish Education needs to move away from the unqualified continuation of the kind of high stakes exam-based assessment that has driven the senior phase curriculum for too long and from the gathering of 'big data' from Scottish National **Standardised Assessments ('SNSAs')** in the BGE, an approach which has been criticised by the OECD. An alternative model of assessment that is more closely aligned to the ambitions of CfE, that supports learning and teaching, that will better meet the needs of all learners and that will enable the delivery of more equitable outcomes, is long overdue.
- *Putting learners at the centre and meeting additional support needs*: whilst the focus must be on all learners as we look to the future, it is vital that specific consideration is given to addressing the needs of those children and young people with ASN in our schools, particularly in the context of Recovery. We have highlighted above the current challenges which teachers encounter in this endeavour and the importance of significant additional investment in core funding to deliver truly inclusive education in mainstream settings.
- *Supporting teachers' health and wellbeing*: The past 30 months have undoubtedly put a significant strain on teachers and our education system as a whole. However, even before the pandemic, teachers in

Scotland had raised the alarm on high levels of stress, unsustainable levels of workload and poor wellbeing within the profession.

Working during a global pandemic has further compounded the longstanding issues around teacher workload. The views highlighted within a survey of our members conducted in November 2021 demonstrate the urgency needed to tackle teacher workload. When asked how many extra hours a week outside of their contracted hours they carried out, almost half of respondents indicated that they work more than 8 extra hours per week. This would equate to more than an extra day of work, every week, for a considerable number of our members. 26% of those working part-time said that they worked more than 5 extra hours and a further 25% said that they worked more than 8 extra hours per week.

OECD research<sup>7</sup> and subsequent commentary<sup>8</sup> has highlighted the clear link between **teacher wellbeing and student's outcomes**.

Our members report feeling worn down and exhausted by the lack of trust in their professional judgment and the relentless bureaucracy which they are required to produce but which has no impact on outcomes for children and young people. This coupled with a lack of time to engage with colleagues, families and other professionals, and a lack of additional expert support for children and young people only compounds the stress which they feel, impacting negatively on morale and thereby reducing quality of outcome for pupils.

Reports from a recent meeting of the EIS ASN Network highlight that teachers are now having to use break and lunch times to liaise with colleagues and other professionals about planning and support for children and young people with additional support needs. There is no time or capacity to manage the workload demands. And yet GIRFEC policy is based on principles of joint working in a culture of co-operation and communication between professionals, working in partnership with children, young people and their families. For this approach to operate effectively, teachers and practitioners must be given time to develop relationships, to engage in meaningful planning and reflective practice and to assess the impact of interventions. They should not have to use essential breaks from work to plug this gap.

Teachers need to feel valued as professionals and be given the dedicated time which they need to support children and young people in their settings. Teachers, too, need pastoral support and protected time for supervision, in the same way as social workers and those providing family support. Only if the mental health and wellbeing of teachers is supported will they be able to provide the support which children and young people in their settings require.

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<sup>7</sup> [The teachers' well-being conceptual framework: Contributions from TALIS 2018 | READ online \(oecd-ilibrary.org\)](#)

<sup>8</sup> [OECD: teacher well-being is key for teaching and learning \(ei-ie.org\); How can education systems better understand teachers' well-being? - OECD Education and Skills Today \(oecdeditoday.com\)](#)

In addition to their mental health, teachers also need to feel safe at their work. We are aware of an increasing number of violent incidents, occurring in schools and yet support for teachers and pupil support workers is often overlooked. Since the pandemic, our members have reported an increase in the number and severity of such incidents, arising from distressed behaviour, most notably in younger children who traditionally have been less likely to exhibit violent behaviour. Despite this, teachers are often left to manage the behaviour of the pupil who has caused the harm and to support the children in the class, who may have witnessed the incident, without intervention. Provision should be made to ensure that the teacher or member of staff who has been harmed is removed from the class, and given time and appropriate support to recover. Employers owe a duty of care to keep staff in these settings safe and specific consideration should be given to risk assessment and safety planning to protect that person from further harm.

Poor working conditions, insecure employment, systemic under-resourcing, including of additional support needs provision, and top-down managerialism set in a culture of over-scrutiny and criticism is also having a negative impact on the mental health and wellbeing of teachers.

Poor working conditions and insecure employment mean that teachers on precarious contracts cannot plan for their future or even, have certainty around whether they will have an income from one month to the next. The stress and anxiety of this situation in the context of the current cost of living emergency only adds to the pressures which these teachers are experiencing. Far too many teachers on temporary contracts or on supply lists are not experiencing Fair Work.

Furthermore, the number of staff on temporary contracts or seconded to different positions without backfill, particularly in an ASN context, increases the pressures on those staff who are employed on a permanent basis. This brings uncertainty about the future, increases workload and impacts negatively on planning for delivery of quality learning and teaching experiences. Security of tenure is key to providing the stability which schools need to deliver positive outcomes for children and young people but also in supporting good mental health and wellbeing for all staff.

6. How can we ensure that everyone involved in education in Scotland has a say in future decisions and actions?

This underlines the importance of an empowered school system, in which all stakeholders have a voice and participate as equal partners. As we highlight above, there is much work yet to be done to realise this vision but the framework is there and should be developed.

In putting learners at the centre of the education system, it is vital to ensure that the voices of all children and young people are included, particularly

those whose views are often less well captured due to the design of engagement processes not sufficiently taking account of specific needs, and the barriers to their participation removed. This includes care experienced children, particularly in the context of The Promise; children affected by domestic abuse, migrant children, children from working class backgrounds, including those living in poverty, disabled, BAME and LGBT children and young people, and girls.

All children currently face significant barriers to participation, knowing their rights and ensuring that their voices are actively listened to. However, these groups face additional barriers due to systemic inequality. Moving forward, we need to develop creative ways to ensure that we are supporting meaningful participation from children, young people and families of underrepresented groups, adapting environments to be more inclusive and sharing examples of good practice.

Additional consideration should also be given to situations where there are conflicting rights more widely amongst children and young people, for example, in the school setting and how those rights can be balanced. This will be of particular significance in the context of mainstreaming.

As we have highlighted above, teacher voice should also be at the heart of decision making in the education system. In addition to making professional judgements about learning and teaching, shaping the curriculum and determining the appropriate forms of assessment, teachers should also influence decisions in relation to education reform.

To do this effectively, teachers need to be given dedicated time to engage in the process; to discuss proposals collegiately; and to reflect on their potential impact on professional practice and outcomes for children and young people.

It has been disappointing that, despite the significant programme of education reform currently underway, and the excessive workload of teachers, the Scottish Government and COSLA have not supported meaningful engagement in the process for teachers by providing additional time to facilitate collegiate discussion, individual reflection and consideration of how teachers, as leaders of learning, could promote pupil participation.

If the Scottish Government is serious about ensuring that teacher voice is represented in future decisions and actions, then the allocation of additional time would go some way to facilitating meaningful engagement.

7. How can children and young people be cared for and supported in the future (i.e. physical and mental wellbeing)?

As we have highlighted above, to support the holistic needs of children and young people in the future, there needs to be urgent and sufficient investment in education and partner support services to ensure that capacity can meet demand.



Early intervention strategies should be adopted, with a clear focus on identifying the needs of all children and young people and specialist support sought, when wellbeing needs cannot be met by the school alone. The EIS would recommend that there is a specialist mental health contact for each school or educational setting to ensure that there can be meaningful discussion when an issue arises and appropriate identification of early intervention strategies.

We would also recommend that supports should be available for the families of children and young people requiring mental health support.

There are currently issues relating to accessing support for the mental health and wellbeing of children and young people and these must be seen in the context of under-resourcing and increasing level and complexity of need. It is not always possible to access the most appropriate support when required.

Information we have gathered suggests that there is a significant backlog to access specialist support from CAMHS but also, as demand increases, on **access to support for perceived 'routine interventions'** which might otherwise support children and young people.

The Scottish Government sets a standard for the NHS in Scotland to deliver **a maximum wait of 18 weeks from a patient's referral to treatment** from specialist CAMHS and determined that this standard should be met for at least 90% of patients.

Figures in relation to these waiting times are published quarterly by Public Health Scotland. The '[Child and Adolescent Mental Health Services in Scotland Waiting Times](#)' sets out the data on CAMHS waiting times as at 30 June 2022.

The high-level outcomes for that period show that:

- **68.4% of children and young people were seen within 18 weeks** from referral, a decrease of 4.8% from the previous quarter (73.2%) and also of 4.1% from the quarter ending June 2021 (72.5%)
- **9,729 children and young people were referred to CAMHS in Scotland** for the quarter ending June 2022. This compares to 10,346 for the previous quarter and 11,714 for the quarter ending June 2021

It is clear from the statistics that as we emerge from the pandemic, there has been a greater number of referrals and that capacity is not meeting demand.

On 31 August 2021, Audit Scotland published a blog, raising concerns about **the waiting times'**. Using the data available in August 2021, the blog highlighted some concerning facts:

- More children and young people are waiting more than 18 weeks to access CAMHS from the point of referral in 2020/21 than in 2017/18,

with figures sitting at 33% in 2020/21, an increase of 7% from 2017/18 figures

- Those waiting more than a year for treatment had trebled in the year prior to publication of the report – up from 6% in march 2020 to 18% in march 2021
- Almost 1 in 4 (23.5%) of referrals to specialist CAMHS were rejected in 2020/21 but without national data, it is unknown whether these children and young people accessed alternative services and if so, what difference this made.

Following publication of the blog, the Public Audit Committee of the Scottish Parliament launched an inquiry into the issues raised and took evidence from a range of stakeholders about waiting times for CAMHS, the impact of this on children, young people and their families and what action was being taken to address these issues.

The evidence taken highlighted the variability in access to CAMHS across the country with some NHS Boards ensuring that arrangements were in place for children and young people to meet with primary care mental health workers within 2 weeks (NHS Fife) whilst others reported waiting times in excess of a year.

Evidence also considered the number of rejected referrals and the impact of these decisions on children, young people and their families. Relating to this issue, Dr Catriona Morton, Deputy Chair (Policy) of the Royal College of General told the Committee:

**'The feeling is that the bar for referrals is very high. Some of the feedback was that GPs...will think three or four times before even considering a referral, and we have high levels of referral rejections.'**

She went on to say:

**'We know how damaging it can sometimes be to the person referred and their family if they get a rejection, because they will have tried lots of other things before they get to us.'**

Witnesses discussed the importance of everyone having a clear understanding of the criteria for access to CAMHS and of early intervention strategies. Consideration was given to a number of multi-agency initiatives which are being developed, including an online resource which has been developed by the Mental Health in Schools Working Group. In referencing this resource, it was, however, acknowledged that both school staff and GPs are already under extreme pressure in terms of their workload and that even setting aside time for training could be a challenge.

Referring to the issues around gaps in data collection, the witnesses highlighted that there is a lack of information about what supports are in place whilst children and young people are waiting to access services and also, following a rejection from CAMHS.

Commenting on this, Dr Morton placed a sharp focus on the personal impact of current provision and the potential impact for the future:

**'I see children and young people not getting help at a point where some of what they are suffering could be improved or reversed earlier. The result is that they struggle on themselves or with facilities that cannot match the severity of their condition. This is just building up difficulties for the future for our national health boards and for the young people concerned, who will take those mental health problems into adulthood.'**

Our members also report the need for a drastic increase in support for CAMHS, expressing a collective dismay about the current situation.

We understand that some schools are electing to use Scottish Attainment Challenge ('SAC') funding, and in particular, Pupil Equity Funding ('PEF') to secure support, such as inhouse counselling and play therapy, to meet the needs of the children and young people in their school communities.

Whilst this funding is welcome, it is no substitute for the provision of sustained and significant core funding, needed to ensure that there is equity of provision across Local Authority areas and that key policy ambitions around closing the poverty related attainment and achievement gap and GIRFEC are being met.

Anecdotal evidence from members also highlights the additional pressures which wider services across Education, Health and Social Work are facing, as a result of health and wellbeing needs arising from the pandemic but also as a result of the lengthy waiting times for CAMHS.

There is a perception that schools are stepping in, to bridge gaps and support children, despite the excessive workloads which they face. Schools cannot address these issues and provide the support necessary in isolation.

These issues in terms of resourcing and addressing the backlog of children and young people waiting to access appropriate support must be considered and addressed to ensure that the mental health and wellbeing of all children and young people is supported in the future.

The pressure to succeed and to conform to the norms of success based on an academic education model is also having a negative impact on the mental wellbeing of many young people, particularly girls. By aligning assessment more closely to the ambitions of CfE and moving away from high-stakes exams in the senior phase, it is hoped that this will alleviate some of the stress experienced, have a positive impact on mental health and lead to more positive engagement in the education process.

In terms of **supports for children and young people's physical health**, urgent action is needed to address the impact of poverty. The EIS [Briefing on Hunger and Food Insecurity](#) outlines the direct impact which hunger has on **a young person's ability to concentrate** and how the associated dips in blood

sugar can also influence behaviour. Over time, where insufficiency of healthy food is a chronic issues, young people are likely to experience the longer-term effects of undernourishment. Lack of key nutrient and vitamins damages both physical and mental wellbeing.

**Public Health Scotland defines food insecurity as 'the inability to acquire or consume an adequate or sufficient quantity of food in socially acceptable ways, or the uncertainty that one will be able to do so'.** By this definition, the EIS is clear that food insecurity affects large numbers of children and young people who attended our educational establishments. EIS concerns in this regard are borne out by data held by leading national and third sector organisations with expertise on food insecurity.

Whilst the EIS recognises and welcomes the range of measures that the Scottish Government has already taken in seeking to mitigate the impact of poverty on children and young people, we are even more convinced in the face of the cost of living emergency, that more must be done and much faster.

Whilst it is understood the Scottish Government had planned a phased approach to the expansion of universal free school meals for Primary-aged pupils and trialing such provision in Secondary, the EIS is of the view, now more than ever, that stigma-free access to food during the school day and holiday periods, for all children and young people, including those from P6 to S6, has to be a priority, if we are to support both the physical and educational needs of children and young people.

Physical wellbeing could be improved with greater access to sports facilities, within school and in the community. Many school buildings lack sufficient spaces for children and young people to be active outdoors. It is also important to ensure that teaching in Physical Education is delivered by a GTCS registered teacher, to ensure quality provision.

8. How can the right of every child and young person to have opportunities to develop their full potential be achieved in future?

Current curricular arrangements purport to offer scope for personalisation and choice, but in effect schools largely provide programmes into which learners will slot. In moving forward, learning should be genuinely tailored around what learners want and need, **having full regard to learner's voice.**

The curriculum should respond to the wide range of interests and talents that all young people have. Secondary school genuinely needs to be for everyone and needs to be responsive to the significantly increased staying on rates that have been the trend for some time now, with only around 10% of young people now leaving school at the end of S4.

With these factors in mind, it is important that schools are able to offer a broad range of learning experiences, courses and qualifications. Importantly, not all learning experiences require to be qualification-based, in order to be valid and valuable.

That said, the opportunity to acquire qualifications is an entitlement of all young people within the senior phase, since these are the passports to future learning and employment.

Although in theory there are a wide range of qualifications on offer, in reality, schools are unable to make these available for their learners because of limits to staffing; or where courses are being offered at a variety of levels, meaning that content is often vastly different, staffing constraints are forcing multi-level, in actual fact in many cases, multi-course teaching within the one class.

The benefits of flexibility cannot be properly realised without the requisite staffing levels to support it. In order to offer genuine flexibility to learners, and to avoid scenarios whereby teachers are delivering sometimes even three or four courses at a time to senior phase learners in the same class – significantly more teachers are needed.

Teachers, including those who specifically support careers education, have had little opportunity to engage in professional learning around the range of qualifications that are on offer from awarding bodies, with a view to building alternative pathways for learners within their school communities. Time needs to be made available for this.

As highlighted above, professional learning and the time to engage meaningfully in it is also required for teachers who wish to offer certain alternative qualification options for their learners but whose ITE, while related, may not have prepared them to deliver specific aspects of new content.

Where there are courses on offer and staff with expertise to deliver them, the appetite of learners to engage can be an issue because of the lack of parity of esteem across so-called vocational and academic qualifications, **with parents often discouraging their children's uptake of** courses that hold perceived lesser status. This, in itself, can be a barrier to the young person reaching their potential.

Whilst an ambition of CfE is to have parity of esteem across all areas of learning, it will remain a challenge for the Education sector to realise this whilst society, as a whole, largely attributes greater value to and employers pay more for, certain types of employment and the associated qualifications, than others. Such variance in the valuing of different types of work and employment within society continues to reflect structural inequalities in relation to gender and social class.

To support the right of every child and young person to have opportunities to develop their full potential in future, it is therefore axiomatic that there is a clear understanding of the ambitions of CfE and consensus reached across society about the importance of parity of esteem across the all areas of learning.

Simply offering a broader range of qualifications to learners in the senior phase will not suffice in improving the quality of their learning experiences

and opportunities to succeed. Timetabling and curriculum architecture on the basis of two-year qualifications, leading to a better-paced, more coherent senior phase, that also features greater depth of learning, is also critical.

Positive relationships between teachers and learners is another important factor in supporting young people to reach their potential and one which should not be overlooked. This creates trust, sound expectations and stability. The biggest inhibitor of the development of positive relationships is large class sizes and the associated challenges of behaviour management, bureaucracy and workload. If schools and local authorities want to create a “**nurturing ethos**” to support children and young people in reaching their potential, then smaller class sizes are the biggest step towards making that rhetoric a reality.

9. How can children and young people be helped to learn about our changing world, so they feel able to positively contribute?

As we have highlighted above, education should focus on local, national and global issues and develop an awareness in the learner of social justice, of vital critical thinking skills and of the impact which our way of living has on sustainability.

It should nurture the ability to identify misinformation and to discern its relationship to truth and reality. Such an approach would help prepare young people for dynamic change, developing independence of thought and the ability to recognise and challenge hierarchies.

Education must also harness learners’ enthusiasm for these issues in an age-appropriate way whilst exploring the consequences of individual, collective and societal action, on the planet as a whole, as well as on the developing world.

10. Do you have any other comments that you would like to provide about a vision for the future of Scottish Education?

Whilst we welcome the opportunity to contribute to the National Discussion and to reach consensus on the future vision of Scottish Education, it is essential that the vision is matched by cultural change also.

**In his report, ‘Putting Learners at the Centre’, Professor Ken Muir** made it clear that reform to Scottish Education would be meaningless unless it was underpinned by a series of key principles.

These principles highlight the need for:

- a redistribution of power, influence and resource within Scottish Education **to empower teachers and put learners’ voices at the heart of** decision making;

- recognition and celebration of Scotland as an ethnically diverse society with equal status being given to those most often unheard;
- time to collaborate as professionals, to plan, design and reflect on curriculum design and delivery;
- restoration work to restore the trust and confidence of the teaching profession in national bodies and employers
- a review of the roles and purposes of assessment
- reduced levels of bureaucracy; and
- **increased resourcing to meet individual learners' needs, to recognise the role and value of early years and to provide more responsive, bespoke support for teachers and practitioners.**

Increased resourcing will be key to ensuring that the vision can become a reality. As we highlighted in the introduction above, the Scottish Government has the ability and powers to invest in and support quality public services by raising revenue. Such investment in Education will ultimately result in savings across a range of public services, such as Health and Criminal Justice, as positive outcomes for children and young people within their Education translate into positive outcomes for them in later life, for their families and for society as a whole.

The EIS is clear that only by adopting these principles and investing in Education will change be meaningful and impactful for learners and the teachers and practitioners working in Scottish Education. Only through adopting these principles can we move from policy, frameworks and structures and start to see meaningful change in practice and the outcomes from the National Discussion turning into action.

In considering our responses to the questions within this consultation, therefore, our vision for the future of Scottish Education should be read with these key principles in mind.

December 2022

## **The Educational Institute of Scotland**

### **EIS- FELA response to the GTCS Consultation on the Draft Standard for Provisional Registration (Lecturers in Scotland's Colleges)**

#### **Introduction**

The Educational Institute of Scotland ('EIS') is the country's largest teaching union, representing more than 60,000 members, including over five thousand members in Further Education Colleges. The EIS Further Education members form a Self-Governing Association called the 'Educational Institute of Scotland Further Education Lecturers' Association ('EIS-FELA') with its own Executive to determine EIS Further Education policy. It is the sole recognised union, representing lecturing staff within the sector.

EIS-FELA welcomes the opportunity to comment on the GTCS consultation on the Draft Standard for Provisional Registration (Lecturers in Scotland's Colleges) and the proposed use of provisional (conditional) registration as a route to on-board college lecturers, employed in the sector, who are currently unable to access full registration.

EIS-FELA acknowledges the partnership work which has been conducted by the College Lecturer Registration Working Group ('CLRWG') since 2019 in seeking to implement the contractual requirement to register with GTCS, contained in the May 2019 NJNC Agreement (Terms and Conditions).

EIS-FELA believes that registration is a mark of lecturer professionalism and in recognition of such, it is key that a mechanism is found to facilitate registration for *all* lecturers working in the sector.

Following the decision of GTCS's governing Council not to proceed with new registration rules in April 2022, further engagement and consultation on proposed solutions has taken place at the CLRWG. Acknowledging the importance of finding a solution which ensured the coherence of college lecturers as a professional body and which mitigated against division through creation of a two-tier workforce, provisional (conditional) registration was identified as a potential solution.

EIS-FELA welcomes this proposal and whilst recognising that it is not without challenges, believes that provisional (conditional) registration offers an immediate route to access the Register of Teachers for all college lecturers, in the existing workforce.

For that reason, EIS-FELA supports the use of provisional (conditional) registration and recognises that this requires the creation of a Standard for Provisional Registration.

We have provided detailed feedback in relation to the proposed draft Standard in an endeavour to ensure that the final Standard is relevant for those college



lecturers working in the sector whilst preserving the integrity of the Register of Teachers. The detailed feedback should not be mis-interpreted as an objection to the creation of the Standard but rather critical comment to inform discussion and the consideration of GTC Council in producing the most appropriate Standard to meet the needs of provisional (conditional) registration.

- ***To what extent do you agree with the content of the proposed Draft Standard for Provisional Registration (Lecturers in Scotland's Colleges)?***

We have proposed amendments to elements of the proposed draft Standard to reflect the context of the college sector and support clarity and consistency of application of the Standard in practice.

- ***Please share any additional comments you may wish to provide GTC Scotland on the proposed Draft Standard for Provisional Registration (Lecturers - in Scotland's Colleges)***

EIS-FELA would offer the following comments in relation to the proposed Draft Standard for Provisional Registration:

### ***1. Introduction***

Meeting the Standard for Provisional Registration will be an integral element of the criteria for provisional (conditional) registration and as such, will only apply to a defined group of college lecturers, namely, those who do not hold a recognised teaching qualification and who will be eligible for registration through the agreed grandparenting mechanism. It will be important, therefore, that the Standard clearly defines the group of lecturers for whom it applies.

As currently drafted, EIS-FELA does not believe that the introductory paragraph of the draft Standard achieves this. It states that the Standard outlines entry criteria for '*existing* college lecturers who do not *currently* meet the registration requirements for Full Registration' (*emphasis added*). The reference to '*existing*' without reference to a date means that there is no specificity around the end point for the application of the Standard. Furthermore, if a date is inserted to define the group, then there would be no need to insert the word '*currently*' in this section as the Standard would simply apply to those who do not meet the registration requirements for Full Registration at a specified point.

As currently drafted, the words following the first sentence do not constitute a sentence. We would suggest moving the words, '*known as the Standard for Provisional Registration (Lecturers – in Scotland's Colleges) (SPRL)*' into the first sentence after the first reference to the Professional Standard. This will help to clarify the name being given to the Standard.

EIS-FELA also believes that the third sentence of the introduction is problematic. It states:

*'Being assessed to meet this Professional Standard, together with registration requirements set out in the Registration and Standards Rules 2015, may result in the award of provisional(conditional) registration in the category of further education with GTCS Scotland'.*

In setting the assessment of meeting the Standard separate from, and in addition to, the registration requirements referred to in the Registration and Standards Rules 2015 ('the 2015 Rules'), this sentence suggests that the Standard is not part of the criteria for registration under the 2015 Rules. To ensure that the Professional Standard is clearly understood as forming part of the registration requirements outlined in the 2015 Rules, we would recommend that this sentence is re-drafted. The insertion of the words '*the other*' after '*together with*' may help to address this issue.

We would also question the use of the word '*may*' in this sentence. If the Standard has been met along with the other registration requirements, then surely this *will* result in an award of provisional (conditional) registration being granted.

### ***Definition of the 'Relevant Standard for Provisional Registration'***

The last sentence of the introduction seeks to define the draft Standard as the 'Relevant Standard for Provisional Registration for further education' in terms of the 2015 Rules.

We would question the statutory basis for this definition and the relationship between the draft Professional Standard for Provisional Registration and the existing Professional Standards for Lecturers in Scotland's Colleges.

The 2015 Rules have an interpretation section to assist in defining terminology for the purposes of registration.

**Rule 1.2 Interpretation** provides the following definitions which are relevant in this context:

- '*Professional Standards for Lecturers in Scotland's Colleges*' means the standards prescribed and published to set out the professional competences that a further education teacher must demonstrate and maintain in order to become registered.
- '*Relevant Standard for Full Registration*' means ...the relevant parts of the Professional Standards for Lecturers in Scotland's Colleges for the further education sector of registration.
- '*Relevant Standard for Provisional Registration*' means ... the relevant parts of the Professional Standards for Lecturers in Scotland's Colleges for the further education sector of registration.

## **Rule 2.2 Provisional Registration**

This section provides that GTCS will grant provisional registration in a part of the Register provided that it is satisfied:

- (a) as to the applicant's good character and conduct in terms of his/her fitness to teach;
- (b) that the applicant is a member of, or is approved in terms of, such disclosure or vetting scheme as may be in place in Scotland in order to protect children and vulnerable groups;
- (c) that the applicant meets the Relevant Standard for Provisional Registration and has, in addition, met one of the following parts:
  - obtained a recognised teaching qualification;
  - previously held provisional registration with GTCS in a part of the Register
  - achieved the Standard for Full Registration in the primary or secondary sector of the Register, has full and current registration with GTCS for that part and the application relates to registration in an additional part of the Register...
  - met the criteria set out in Schedule 2 for applicants that have qualified as teachers outside Scotland.
- (d) That it has received payment of the registration fee set by GTCS.

It goes on to state that where an applicant meets the Relevant Standard for Provisional Registration but does not meet another part of the criteria stated at paragraph (c) above, GTCS may grant them provisional (conditional) registration.

It would appear, therefore, that the 'Relevant Standard for Provisional Registration' for entry to the Register on a provisional and a provisional (conditional) basis is the '*relevant parts of the Professional Standards for Lecturers in Scotland's Colleges*' for the further education sector of registration.

We would question, therefore, the link between the creation of the proposed draft Standard and the 2015 Rules. We believe that by mapping the sections of the draft Standard to the existing Professional Standards, this would ensure compliance with the 2015 Rules and continuity between the Standards, whilst still covering all the aspects included by GTCS in the draft Provisional Standard and preserving the integrity of the Register.

### **1.1 Purpose of this Professional Standard**

The first two bullet points of section 1.1, again seek to define the group of lecturers to whom the Standard applies by referring to them as '*existing*' college lecturers who have yet to gain a recognised teaching qualification. This reference to '*existing*' lacks specificity and without reference to a date providing an end point for the application of the Standard, it could be perceived as continuing in perpetuity. Further clarity in the definition of the group is required.

The third bullet point provides that the Standard has a specific purpose of promoting *'the status of the teaching profession through making explicit the complex nature of the college lecturers' role'*. The fourth bullet point goes on to state that it will also *'strengthen public confidence in the teaching professional and all those entered on the Register of Teachers'*. We do not believe that the Standard alone will do this. Rather, it will be college lecturers through their professional practice in the delivery of quality learning and teaching experiences and in responding to the diverse range of students' needs in their context which will achieve these purposes.

## **2. The Standard for Provisional Registration (Lecturers – in Scotland's Colleges)**

### *2.1 Essential Professional Values and Professional Commitment*

As currently drafted, we would suggest that the wording in section 2.1.1 is ambiguous and fails to link the professional values specified, to the role of the lecturer.

We would, therefore, suggest that this paragraph is redrafted in the following terms:

*'2.1.1 Understand your role and the impact of this on students and society as a whole, by supporting individuals to learn and develop, by upholding the professional values of:*

- *Students at the centre*
- *Leadership of learning*
- *Continuous professional development.'*

Paragraph 2.1.2 fails to recognise the distinct role which college lecturers have in safeguarding and when dealing specifically with adult protection. The approach proposed in the draft Standard is more reflective of the child protection role adopted in the school context.

We would therefore suggest re-drafting this section as follows:

*'2.1.2 Recognise the trust placed in college lecturers to effectively teach and to act in a way which supports the safety and wellbeing of students. By acting with integrity and professionalism in all that you do, you commit to social justice and work to provide students, their communities and the public with trust and confidence in those who teach, honouring teaching as a trusted and respected profession.'*

Paragraph 2.1.3 refers to 'growth'. We would suggest that these references would more accurately be referred to as 'development' and would propose the following by way of amendment to this section:

*'2.1.3 Engage in learning, reflection, enquiry, leadership of learning and collaborative practice as key aspects of your professionalism and the*

*support and development of the wider profession. This commitment to the profession, to professional learning, to the development of students, and to helping support that of colleagues, is demonstrated through all aspects of your professional practice. It is demonstrated by working collegially, with enthusiasm, adaptability, critical thinking and associated constructive professional dialogue.'*

In paragraph 2.1.4 (and throughout the Standard) we would recommend that references to 'learners' are replaced with references to 'students'. This ensures consistency in the use of terminology and alignment with the professional value of placing 'students at the centre', as stated in paragraph 2.1.1.

## *2.2 Professional Knowledge, Understanding and Skills*

Acknowledging the difference context of safeguarding in the college sector from that within the school setting, we would recommend that paragraph 2.2.1 is redrafted as follows:

*'2.2.1 Support the safety and wellbeing of students, being fair and effectively managing your assumptions and personal beliefs.'*

This drafting reflects the fact that college lecturers can support the safety and wellbeing of students but ultimately, adults with capacity can, and will, make their own choices.

Thereafter, we would recommend that references to 'learners' are replaced with references to 'students' to ensure consistency of terminology throughout the Standard.

For ease of reference, we have attached as Appendix 1, a copy of the draft Provisional Standard with these changes tracked.

### ***Potential for misapplication or misinterpretation of the proposed draft Standard***

EIS-FELA is also concerned about the potential for misapplication or misinterpretation of the proposed draft Standard. The concern relates to the potential of an applicant being refused registration on the basis of not meeting this entry Standard, without good and justifiable reason. We would recommend that the guidance, which will accompany the Standard, should clearly explain the purpose of PCR, as a vehicle to onboard the existing lecturer workforce. The new Standard should not be perceived as a higher Standard than the existing College Lecturer Professional Standards or used as an artificial barrier to accessing registration. Consideration should also be given to the development of joint training to promote a clear understanding across the sector of the purpose of the Standard and how it should be used in practice, to support the registration process.

- ***GTC Scotland is committed to ensuring equality, diversity and inclusion in all its work. Please tell us if you consider that any of the draft Standard for Provisional Registration (Lecturers in Scotland's Colleges) will create any equality, diversity and inclusion impact(s) – positive or negative – on any individuals who may be affected by or utilise the draft Standard for Provisional Registration (Lecturers in Scotland's Colleges).***

EIS-FELA notes that college lecturers who are registered on a provisional (conditional) basis will be given five years within which to obtain a TQFE and that thereafter, they *may* be removed from the Register if they have been unable to satisfy this requirement.

We appreciate that each case will be considered on its own merits but would welcome clarification as to whether a lecturer, with a protected characteristic, will be given any additional flexibility under these rules, if they have, for example, either started the TQFE but have been unable by the end of the five year period to complete the course or alternatively, where as a result of the protected characteristic, there has been a delay in being able to access the course.

### ***Potential for changes to the 2015 Rules***

Whilst EIS-FELA welcomes the proposal to use provisional (conditional) registration as a grandparenting mechanism, we are also committed to continuing to work, as members of the CLRWG, to advance work, already started around the review of the 2015 Rules and to consider additional alternative routes to registration, potentially allowing a jigsaw approach to be adopted or the potential for qualifications obtained within Scotland to be considered for equivalency.

We look forward to continuing to develop this work as soon as possible to ensure that we are actively pursuing solutions which will remove barriers to full registration throughout the duration of the provisional (conditional) registration period.

We hope these comments are helpful in informing the content of the draft Provisional Standard and would be happy to discuss any aspect of this response further.

November 2022

**EIS response to General Teaching Council for Scotland's draft Strategic Plan 2023-2028**

The Educational Institute of Scotland ('EIS'), the country's largest teaching union, representing more than 60,000 members across all sectors of Education and at all career levels, welcomes the opportunity to comment on General Teaching Council for Scotland's ('GTCS') draft Strategic Plan 2023-2028 and has the following comments to offer:

The EIS welcomes the commitment within the strategic plan to enhance trust in the teaching profession. Trust in teacher professional judgment and teacher agency are at the heart of an Empowered School System and underpin the cultural reform which highlighted as being necessary in Professor Muir's Report, 'Putting Learners at the Centre' as being central to delivering meaningful educational reform.

In seeking to achieve this, the draft plan states that the GTCS will reflect on the **ten years of Professional Update and will listen to the teaching profession's** feedback to refine requirements in career-long professional learning. The Institute agrees that teacher voice should be central to such a review to ensure that the focus remains on self-directed professional learning and that the mechanism to record reflections remains bureaucracy light.

We note that reference is also made to refining the registration rules in the context of legislative reform. Given the centrality of registration rules to admission to the teaching profession and ongoing professional development thereafter, any refinement should take full account of the views of the profession and recognise the distinct contextual environments that apply when considering teaching in schools and teaching in Further Education colleges, as well as the different sectoral routes to qualification. We would suggest that this should be acknowledged in the draft strategic plan.

The draft plan also suggests that further consideration will be given to the impact of the Professional Standards to determine whether further refinements are required. The Professional Standards for teachers were refreshed as recently as August 2021. We would question the need to review the Standards in this planning period, especially as the last consultation was extensive and spanned a number of years. However, if such a review is to take place, then the timing and means of engagement with the profession should be carefully thought through. As we begin to emerge from the pandemic, teachers and lecturers are exhausted, both from the experience of the last two and a half years and from the raft of education reform currently under consideration. Quite simply, they are suffering from consultation fatigue. If there is to be a further review, therefore, we would suggest that this should take place towards the end of the planning period and at a time when teachers might realistically have the time and capacity to engage meaningfully in the consultation process.

The EIS welcomes the commitment of GTCS in the draft strategic plan to lead and support initiatives to improve diversity in teaching and to promote teaching as a

positive professional career. If Scottish Government targets to increase the number of BAME teachers in the profession to 4% by 2030 are to be achieved, it is imperative that work in this area intensifies. A diverse workforce brings many benefits, for teachers and other education staff, as well as for learners, the educational establishment, and the wider community. It is key to achieving a fairer education system and a more inclusive society; in providing positive BAME role models for both BAME and white children and young people; and in challenging racial stereotyping and misconceptions. It is appropriate, therefore, that this objective is a central feature of the plan.

The EIS notes that the five-year draft strategic plan has been costed and welcomes the reassurance that the £65 registration fee is sufficient to fund the work for the beginning of the strategic planning period. We noted that the registration fee will be kept under review for the latter part of the planning period. However, the EIS would have concerns about any moves to increase the fee, particularly in light of the impact on teachers of the current cost of living crisis and against a longer backdrop of real terms pay decline of 25% since 2008.

November 2022



## The Educational Institute of Scotland

EIS response to the Scottish Government Consultation, 'Transfer of the Functions of Education Appeals Committees to the Scottish Tribunals'

The Educational Institute of Scotland ('EIS'), the country's largest teaching union, representing more than 65,000 members across all sectors of Education and at all career levels, welcomes the opportunity to comment on the Scottish Government Consultation, 'Transfer of the Functions of Education Appeals Committees to the Scottish Tribunals'.

### Rationale for Change

Parental choice in the selection of a school for a child or young person is a fundamental feature of our Education system and one which is prescribed in statute<sup>1</sup>. Whilst most parents will opt for their local catchment school, some parents may apply for a place at another school. If their placing request is refused, it is right that they have access to a fair, transparent, and robust process to appeal this decision. Similarly, where a child or young person has been excluded from school, a similar appeals process should be available.

Education Appeals Committees ('EACs') were introduced by the Education (Scotland) Act 1980<sup>2</sup> to hear these appeals. Between 2000 and 2006, the Appeals Committees were the subject of review and public consultation, with reforms ultimately being implemented aimed at improving practice, transparency and the experience of those accessing these fora. Programmes were also introduced to ensure that those sitting on the Appeals Committees received appropriate training.

The evidence gathered about practice through these review processes is now 'relatively old', dating back to the mid-2000s and although similar issues were raised during the scrutiny of the Tribunals (Scotland) Bill in 2013, the present consultation makes it clear that there is no current evidence about the operation of EACs. Indeed, it suggests that this consultation process 'provides an opportunity for users of appeals committees and those involved in their delivery to provide up to date evidence' of their operation.

It is unclear, therefore, what the current driver for change is and whether the proposals to transfer the functions of EACs are based solely on historical evidence.

Furthermore, the ability to transfer the jurisdiction of Appeals Committees to the Scottish Tribunals has been available since 2014 and so, we would welcome clarity as to why the proposals for change are being brought forward at this time.

Without a clear understanding of the rationale and imperative for change, it is difficult to comment definitively on whether the functions of EACs should be transferred to the Scottish Tribunals. We have, however, sought to highlight factors which we believe are material to this decision and which may help to inform

<sup>1</sup> Section 28 and 28A of the Education (Scotland) Act 1980

<sup>2</sup> Section 28D

this consideration, when the evidence of stakeholders about current practice and experience has been gathered.

#### Access to Justice

**Impartiality and Objectivity** – the consultation document suggests that transferring the jurisdiction of EACs to the Scottish Tribunals has the potential to improve access to justice by placing the oversight of hearings under a single body. It states that the ‘intention is that the transfer would provide improved access to justice through *increased* rigour, judicial independence, transparency and objectivity in education appeal decisions’ (*emphasis added*). Whilst a move to a quasi-judicial body ostensibly provides impartiality and objectivity, there is no evidence referenced to demonstrate that there is currently an issue with access to justice under the current provisions.

The Scottish Executive consultation paper, [‘Education Appeals Committees: Proposals for Reform’ in 2006](#) made a number of recommendations which were designed to strengthen the impartiality of proceedings and remove barriers to participation. These included changing the composition of Appeals Panels; making proposals in relation to the choice of neutral venues and the production of national training materials to ensure consistency of approach and to support members of Appeals Panels in effective decision-making processes.

In determining the need for change, it would be helpful to understand whether the reforms proposed at that time have had an impact on practice, reducing inconsistency across Local Authorities and removing the perception of bias.

**Membership** – the current consultation cites the apparent tension between rooting membership of an appeals body in the local community and the benefits which this brings in terms of understanding of the local school system and community on the one hand and perceptions of conflict of interest and lack of impartiality, on the other. There is, however, no current evidence cited to determine whether this is an issue in practice and conversely, there is an acknowledgement that a good understanding of the local delivery of Education is important.

Whilst the transfer of jurisdiction to the Scottish Tribunals would provide ostensible transparency and impartiality, being distinct from the Local Authority, the consultation indicates that members would continue to be drawn from across Scottish local communities and would still require to be trained in understanding local delivery.

Careful consideration would have to be given, therefore, to determining whether this transfer of function will, in reality, address the perceptions highlighted or whether more robust training on the independence of the appeals’ body, if deemed necessary, could address these issues.

**Accessibility** – A key aspect of access to justice is confidence in the process, with practice and procedure designed to facilitate engagement. Acknowledging that for some parents, the appeals process may appear daunting and act as a disincentive to proceed, it is important that every effort is made to remove barriers to participation and reduce the formality and stress of hearings.

The [2006 Scottish Executive consultation document](#) sought to address concerns about the legalistic feel of hearings by producing guidance on the importance of informality and avoiding a quasi-judicial approach. The document went on to highlight a perceived imbalance in power and referenced that some parents felt at a disadvantage in proceedings because Local Authorities were often represented at that time by solicitors. Consequently, the recommendation was that authorities should be encouraged to avoid using solicitors, other than in cases where the appellant had chosen to do so – a position endorsed by the EIS at the time. These measures were designed to ensure that EAC hearings are as informal and accessible as appropriate.

Any move to a quasi-judicial system is a departure from this approach and we would therefore question what consideration has been given to the impact of this transfer of jurisdiction on engagement. The consultation document references the fact that Local Authorities are likely to use solicitors in hearings before the Scottish Tribunals. In these circumstances, this will perpetuate the legalistic approach and the perception of a power imbalance, heightening the anxiety of some parents about the prospect of presenting their case before a tribunal and leaving some feeling compelled to either seek legal representation or to disengage from the process completely.

In addition, consideration should be given to the financial barriers which may inadvertently arise from this approach. Although the consultation provides welcome reassurance that '*accessing the appeals process would continue to be free for all parties involved*', it fails to acknowledge that legal representation comes at a cost and to fully explore how this potential barrier to engagement will be addressed. If access to the tribunal process is to be free, will this also extend to the free provision of legal representation and if so, who will pay for this? Parents who wish to take appeals, particularly those from more disadvantaged socio-economical backgrounds, should not be disadvantaged by the process and should have equal access to justice.

**Appeal Venues** - In reaching decisions on placing requests and exclusion appeals, it is important that the determining body is accessible for the families seeking redress and has a clear understanding of local provision and Education delivery.

Of concern, we note that there are only three Tribunal/Justice Centres in Scotland and those are in Glasgow, Edinburgh and Inverness. Whilst there is reference to other Scottish Tribunals' accommodation potentially being made available across the country, there are no firm proposals which would ensure that parents, who might consider travelling a barrier to engagement, could access a hearing locally. Against the backdrop of the current cost of living crisis, the costs of travelling may be prohibitive for some and act as a disincentive to pursue an appeal. Rather than improve access to justice, this may, therefore, act as a barrier to engagement.

The consultation document seeks to address this by referring to the provision of remote hearings. However, given the sensitivities and highly emotive nature of these hearings, we believe that parents should have the right to have their appeal heard in person, should they so choose and not be placed in a position where their

only recourse to justice is through a remote hearing. One benefit of the current system is that the hearing venue will be within the relevant Local Authority area.

The paper also fails to address the impact which digital exclusion and fuel poverty could have on remote engagement. For many living in the poorest households, lack of access to the internet intersects with fuel poverty, a situation which will only have worsened over the last year with the cost-of-living crisis. Families from socio-economically disadvantaged backgrounds should not have their rights to access a tribunal curbed because of their financial situation and more equitable approaches to ensuring access to justice for all should be favoured.

***Consistency in decision-making*** – the consultation document also suggests that there would be greater consistency in practice and procedure and ultimately, in decision-making across all appeal hearings, if the jurisdiction of the EAC is transferred to the Scottish Tribunals.

Whilst the thirty-two Local Authorities each operate distinct EACs, national guidance, training programmes and the oversight of the Sheriff Court as an appeals body ought to provide a degree of consistency in the application of practice and procedure and therefore, the outcomes of these hearings. No evidence is cited in the consultation document of issues arising from the current operation of EACs or injustice arising from an apparent variation in practice. We would, therefore, question the statement that the transfer of jurisdiction will lead to 'increased' rigour, transparency and consistency in this area and seek clarity as to how this comparison has been made at this time.

***Capacity to meet demand*** - the consultation document highlights the imperative for these appeals to be dealt with timeously, without delay and estimates that there are currently around 2,000 appeal requests made each year, with approximately 600-700 resulting in an appeal hearings.

Currently, those appeals are spread across the 32 Local Authorities and there are procedures in place to ensure that they can be considered and a determination reached in short time periods (usually in May and June). This ensures that there is certainty in the arrangements for the new session, both for the children, young people and families involved as well as for the relevant schools.

The mechanism to deal with this volume of appeals would not appear to be in place currently within the tribunal system as the consultation acknowledges that 'arrangements to ensure that judicial resources are ready and available to be deployed to process a high caseload over a very short period would need to be made as part of future planning for expansion.' It goes on to state that although the Chamber President has indicated that there would be sufficient capacity to deal with the volume of appeals anticipated, a recruitment exercise would be carried out in advance of any transfer of function.

If the decision is taken to proceed with the transfer of jurisdiction, it would be essential that appropriate resources are put in place in advance to ensure a seamless transition and that the stress of the appeals process is not intensified for children, young people and their families by long waiting times to access hearings.

It would also be helpful to understand whether the transfer and the need for further recruitment will increase the costs of the appeals process and if so, who will be responsible for covering these costs.

*Appealing against decisions* – an appeal from the EAC is currently to the Sheriff Court. If the jurisdiction were transferred to the Scottish Tribunals, the appeal would be to the Upper Tribunal. This is presented as a positive development in the consultation. Whilst we accept that tribunals may be regarded as less formal and more accessible than courts, both present as legalistic fora for those less familiar with legal proceedings.

### Financial Implications and Funding

The EIS is concerned to note that ‘there has not been a comprehensive costing exercise carried out’ prior to this consultation being issued.

At a time when Education – like other public services - is under immense pressure as a result of systemic underfunding and a lack of investment in core provision, it is concerning that the Scottish Government would bring forward proposals for change, with no clear rationale about whether and why change is necessary now, in the knowledge that there will be *‘additional costs to central and local government’*.

Currently, EACs are staffed by volunteers at no cost to the public purse. We understand, however, that Tribunal members would be paid a daily fee for their participation. Given the large volume of cases to be heard over a short period of time each year, and the potential for further recruitment, we would recommend further detailed analysis of the anticipated costs of transferring the function and thereafter, of running Tribunals. The estimated annual running costs of between £500,000 and £700,000 referenced are heavily caveated in the consultation paper, which makes it clear that they are only provided as a guide.

These figures would appear to focus solely on the costs of operating the Tribunal and take little cognisance of the costs of legal representation for all parties involved. Reference is made to the fact that Local Authorities will likely choose to have legal representation in cases before the Tribunal but no information is given about the estimated costs associated with this and the increased expenditure for local government spending.

Furthermore, given the quasi-legal nature of proceedings before the Tribunal and the fact that the Local Authority is likely to have legal representation, appellants too may elect to have legal representation. Will legal aid be available in such cases? And if there is a financial contribution to be paid associated with the provision of legal aid, will this have to be paid for by parents? If this is the case, it is disingenuous to state that ‘accessing the process is free’ for all. The individual may access the process for free but if they want representation to present their case in a legalistic forum, then that will cost.

We would recommend that further consideration is given to calculating the total costs of transferring the jurisdiction from EACs, including the consequential costs resulting from a change of practice and forum.

## Investment in core educational provision

Given the lack of clear rationale for the transfer of the jurisdiction, the potential that the legalistic nature of the quasi-judicial proceedings may act as a disincentive for some parents to engage in the process, the potential for expensive and exclusionary practices to develop which could negatively impact access to justice, and the increased costs in the operation of this model, we would question the imperative for reform at this time.

We would suggest that the money which would be made available at local and national level for this proposal should instead be invested in core Education funding, with ring-fenced resources for Additional Support for Learning. Such investment would support smaller class sizes, the provision of more specialist support and the long-awaited reduction in teachers' class contact time to allow more time for planning and preparation to meet the rising level and severity of need in our schools.

Perhaps if more time was invested in understanding and addressing the factors which give rise to appeal cases, then the number of appeals would be reduced and the imperative to invest in a legalistic appeals mechanism removed.

February 2023

EIS response to **the Scottish Government Consultation, 'Review of the Future of Qualifications and Assessment: Consultation on Options for Change'**

Introduction

The Educational Institute of Scotland ('EIS'), the country's largest teaching union, representing almost 65,000 members across all sectors of Education and at all career levels, welcomes the opportunity to comment on the Scottish Government consultation, 'Review of the Future of Qualifications and Assessment: Consultation on Options for Change'.

The EIS has already engaged extensively in shaping the draft vision and principles that will overarch and underpin the future of Senior Phase Assessment and Qualifications in Scotland.<sup>1</sup> The OECD's findings, in its report "Scotland's Curriculum for Excellence: Into the Future,"<sup>2</sup> that qualifications and awards must better reflect the curriculum came as no surprise to Scotland's teachers. Their lived experience, and the experience of learners, has been of a qualifications and assessment system which drives and narrows, rather than reflects, the broad curriculum, and which entrenches rather than overcomes, socio-economic and educational inequalities. This has grossly distorted the vision and aims of Curriculum for Excellence, creating a high-stakes assessment culture which fails to value learners' achievements equally, which fails to respond to all learners' entitlement to progression and which has replaced the joy and creativity of learning with the pressure and stress of striving for assessment "success".

To translate vision and principles into reality, the EIS contends that a bold, ambitious and fully resourced approach to qualification reform must be taken. Such an approach, in our view, must mean more than "tinkering around the edges" of the current system. Rather, it will address, head-on, the current annual treadmill of assessment in the Senior Phase, and will recognise the detrimental impacts of the current system on individual learners, on teacher workload and on social cohesion. The EIS recognises though, as does Professor Muir in his report "Putting Learners at the Centre: Towards a Future Vision for Scottish Education,"<sup>3</sup> that changes to systems and structures alone are insufficient: cultural transformation is essential. Central to that cultural transformation must be trusting teachers, in an empowered and fully-resourced system, to use their professional judgement and skills to support learners. Additionally, the present top-down accountability culture, where exam results are the only metric of success for individual learners and indeed for teachers and schools, must be dismantled.

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<sup>1</sup> [Education - qualifications and assessment review: consultation - gov.scot \(www.gov.scot\)](https://www.gov.scot/consultations/education-qualifications-and-assessment-review-consultation)

<sup>2</sup> [Scotland's Curriculum for Excellence: Into the Future | en | OECD](https://www.oecd.org/education/scotland-curriculum-excellence-into-the-future/)

<sup>3</sup> [Putting Learners at the Centre: Towards a Future Vision for Scottish Education - gov.scot \(www.gov.scot\)](https://www.gov.scot/consultations/putting-learners-at-the-centre-towards-a-future-vision-for-scottish-education)

Teachers see every day – more so as we emerge from the pandemic - the impact of the rampant poverty, inequality and mental ill-health that scar **Scotland’s communities**. **These are obviously social** and economic issues of huge scale beyond the scope of the current consultation. However, the EIS, in campaigning vociferously against inequality, believes that education has a significant role in mitigating such injustice, and that we must address any aspects of the education system that further entrench and exacerbate such disadvantage.

We therefore welcome the opportunity to comment on this consultation and have the following comments to offer:

1 (a) Should information be gathered across all four capacities?

The EIS believes there should be parity of esteem across the four capacities **and supports learners’ achievements being recognised and celebrated** across all. The four capacities are critical to support young people to become wholly well-rounded individuals. Furthermore, learners themselves must be at the heart of this process, having a full understanding of their holistic learning and development, appreciating what they are learning, how they are learning and for what purpose.

There is currently **a disproportionate focus on “Successful Learners”** at the expense of the other three capacities. This can be explained by the preponderant influence of formal examinations in Secondary school, which has a deleterious impact on the system, on establishments, on teachers and on individual learners. It contributes to a culture where ‘academic success’, most commonly expressed in formal exam results, is valued over other **forms of achievement**. **It creates a vicious circle where schools’ success** or otherwise is measured using blunt-instrument data-gathering tools such as INSIGHT, which leads to schools further focussing resources on exam outcomes. As a measurement, data on exam outcomes is easy to obtain, but is a limited and exclusionary measure of what learners achieve. This has a direct and adverse impact on learning and teaching, encouraging **“teaching to the test” in classrooms and a performativity culture in schools**. Moreover, it overlooks and de-values the successes of learners, specifically those with ASN, whose needs are not met by an exam-based qualification system and whose achievements are not captured through this medium. <sup>4</sup>

The EIS believes strongly that a balanced focus across all four capacities would benefit all learners and, in particular, would mitigate the disadvantage experienced by learners who achieve in diverse ways from **the academic “norm”**. A redress of the current imbalance would necessitate a reduction in the amount and frequency of high-stakes external assessment in the senior phase, which would have positive impacts on the mental health and well-being of both learners and teachers, who experience

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<sup>4</sup> [Support for Learning: All our Children and all their Potential \(www.gov.scot\)](http://www.gov.scot)



considerable stress due to assessment-related workload and the pressure to succeed. Further, it would support the current work being undertaken as part of the Additional Support for Learning Action Plan to develop a framework within which the achievements of all learners could be captured, including those with complex needs.<sup>5</sup>

In terms of gathering evidence of achievement, it is not clear from the question what type of information is proposed to be gathered, how it would be gathered and for what purposes. The EIS is clear that the gathering of any such information would have to be clear in its purpose. Teachers would only find such information-gathering useful where it informs, supports and recognises learning and achievements of the individual learner. It would also have to recognise the centrality of the learner voice, of the relationship between the learner and the teacher, and the richness and complexity of **learners' educational experiences. The gathering of such evidence, therefore, would necessitate a recognition of the primacy of teachers' professional judgement.**

Unfortunately, however, information-gathering in the present system is often a driver of additional teacher workload, and is used as a top-down accountability measure. The EIS would be resistant to the gathering of information on this basis, and recognises, as Professor Muir does, that a culture shift is required which places greater trust and confidence in the profession, if education reform is to be effective.<sup>6</sup> Set in the context of rising poverty, and its impact on children, young people, their families and communities, any evidence-gathering method must be inclusive of all learners. It must not, in our view, perpetuate inequality arising from the inability of socio-economically or otherwise disadvantaged learners to participate in a range of wider activities outwith school.

1(b) Please consider each of the capacities in turn. What kinds of **information should be gathered on learners' progress and achievements** in each capacity? Please add your response in the text box.

The starting point must be a recognition and acknowledgement of the rich array of **information on learners' progress and achievements** which classroom teachers currently possess, and which arises organically in the context of the learning that takes place in schools, as they plan, teach, observe, formatively assess, reflect and feed back to learners in a dynamic cycle of teaching and learning. It is the view of the EIS that teachers already acquire, analyse and respond to this information as it arises from the learning that takes place, and is most usefully employed in the ongoing interactions between teachers, learners and, where appropriate, their parents/carers.

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<sup>5</sup> [Support for Learning: All our Children and all their Potential \(www.gov.scot\)](http://www.gov.scot)

<sup>6</sup> [Putting Learners at the Centre: Towards a Future Vision for Scottish Education - gov.scot \(www.gov.scot\)](http://www.gov.scot)

The EIS would acknowledge, however, that the pressures generated by a high-stakes exam system in the Senior Phase severely restrict the available time and space for those important interactions to develop the whole learner, instead placing a narrow focus on exam preparation. Similarly, it is clear that the current system creates a singular metric of success in examined qualifications and does not recognise the rich and varied learning and achievements of all learners.

EIS members feel that there is much greater scope to acknowledge and **recognise learners' achievements across the four capacities in the Broad General Education**, and that much good practice exists in schools already, which can be drawn upon. However, the scope to do so narrows, as a significant number of Secondary schools currently use S3 as a partial or full launchpad for the Senior Phase. The continued emphasis on high stakes assessment in the Senior Phase itself militates against acknowledging the **rounded learning experienced in the process of a young person's education**. Until that situation is addressed, the three other capacities will continue to be undervalued with insufficient time and resource dedicated to developing the holistic needs of learners.

**The EIS is clear that in giving greater recognition to learners' achievements** across the four capacities in the Senior Phase, teachers must be trusted, in dialogue with learners, to use their professional judgement to assess progress in the learning contexts created. The EIS would object to any **effort to gather evidence for evidence's sake, or to "bolt-on" additional data sets** to an already data-driven system. Teachers testify regularly that they **are "drowning" in information, and that the workload pressures of gathering, processing and reporting on such information are a key inhibitor of effective learning and teaching**.

Furthermore, a standardised and/or centralised approach to formal information-gathering risks repeating and exacerbating many of the problems we are seeking to address in the Senior Phase. Such an approach would likely be reductive and misleading by choosing to gather information which is seen as easy to measure, rather than that which is meaningful to teachers and learners. The EIS would strongly object to such information being used as top-down performance indicators to judge schools or teachers **under the guise of "quality assurance"**. It goes without saying that the EIS will not countenance additional assessments being created specifically to generate such information.

In his report, Professor Muir advocates for a **"commonly-held paradigm" that "places the learner at the centre of all we do"**.<sup>7</sup> The EIS endorses this and believes that learners can be empowered to participate in realising and

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<sup>7</sup> [Putting Learners at the Centre: Towards a Future Vision for Scottish Education - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/putting-learners-at-the-centre-towards-a-future-vision-for-scottish-education/pages/100-109.aspx)

recognising their achievements across the four capacities. Such achievements are not necessarily easily measurable; they can be highly subjective and individual; they may or may not result in a material outcome; they may not be fairly comparable to another achievement or to **a peer's achievement. Learner voice and agency, would be central to this,** as would a mindset shift on the part of the system to trust teacher professional judgement and to acknowledge that something that is hard to measure or quantify can be of immense value. Teachers and schools would play a key part in enabling that learner voice and agency, by creating learning contexts in which there is space for reflection, discussion, autonomous and collaborative active learning, self/peer-profiling, **learner-led project work and flexible approaches to assessment. Despite teachers' best efforts,** the exam treadmill in the Senior Phase and other sources of excessive workload act as a dead hand upon such creative approaches.

The EIS would highlight particular challenges which would have to be confronted, should information related to the four capacities be gathered as proposed. A non-practical class maximum in S1 and 2 is 33; and in S3-6, 30. This already presents a significant challenge for class teachers in terms of workload but also in terms of sustaining the depth and quality of information required for feedback, reports, tracking and monitoring and formative assessment, to be effective. This challenge is intensified in Secondary as a full-time equivalent teacher may teach in excess of 150 learners each week. A focus on gathering a richer and more diverse range of information on learners would necessitate a reduction in these class sizes. **Further, teachers' time for marking and preparation, currently at 7.5 hours per week is fully committed,** therefore any additional non-contact time would have to be directed wholly to teachers to enhance their opportunity to glean more meaningful information about learners and to put that **information to effective use in guiding each learner's next steps.**

Since the inception of CfE, Secondary teachers have attempted in various **ways to unpick the "Gordian Knot" of a framework based on subject specialism, inter-disciplinary learning, cross curricular themes and content described as 'the Responsibilities of All'.** Good practice exists in schools in seeking to achieve cohesion across the curriculum often involving the learner in taking ownership of compiling learning logs, e-portfolios and the like, dedicated staff with time allotted, and adaptable timetables. However, if parity of esteem across the four capacities is to be achieved within a cohesive curriculum, a learner ownership approach would have to be fully **resourced. "Tick-box" initiatives where either learners or teachers mark off** which skills/capacities have been covered have little value for learners and are viewed with frustration and derision by teachers. Individual learners, due to their personal or home circumstances or additional support needs, would require support in engaging in such a process; otherwise, learners who may benefit from a recognition of their achievements in all four capacities may be disadvantaged.

In Secondary schools, the Principal Teacher Pupil Support (PTPS) and other staff with whole school remits play a pivotal role in supporting individual learners through their pastoral, academic and vocational education. **However, PTPS (and equivalents') caseloads are rising**, and more PTPS time than ever before is devoted to crisis interventions and supporting young people with mental health challenges, in the absence of sufficient front-line support services. We would therefore caution against any initiatives that would see such responsibilities being assigned to PTPS or similar staff with whole school responsibility, without a consideration of adequate capacity and resources.

2. **What, if any, information on learners' achievements obtained** outside school and college should be gathered? Please explain your response.

The EIS recognises that it will not be possible, nor desirable, to measure all aspects of attainment or achievement through the formal certification and qualification framework. Indeed, the EIS would urge caution against steps **that infringed on young people's enjoyment of their free time. Young people's mental health and well-being** is adversely impacted by the constant pressure to succeed. Nor are learners immune from the pressures of an increasingly deregulated economy where parents and carers work longer and more unsociable hours, with learners filling in for parental and caring roles.

That said, the EIS welcomes, in general, an inclusive approach to **recognising young people's achievements, including those** achieved outside a formal educational setting. For many learners, such achievements can be among their most valued and transformational accomplishments. This merits recognition but the inclusion of such achievements in any sort of profiling by schools can only be effective as part of system transformation that moves decisively from a high-stakes assessment stepladder, to a Senior Phase that is geared to develop learners in all capacities. It would **need to be clear that profiling learners' external achievements** was not an audit of the number of activities or awards undertaken, but a reliable indication of how a young person was developing and achieving in their holistic learning.

The EIS endorses an educational approach which understands how wider and deeper achievement across a number of areas, in different contexts, including outside formal schooling, directly contributes to improved attainment and self-realisation for learners. Under the present clutter of Senior Phase arrangements, though, the gathering and incorporation of such information would be impossible due to teacher workload and the already considerable pressures on learners, particularly from S4 onwards. Moreover, given the current target-setting and top-down accountability culture that predominates in schools and local authorities, there would be **a risk that a laudable aim to value learners' achievements in the round**

becomes another bureaucratic burden placed on teachers and learners. **Whilst there may be some merit in Professor Muir's suggestion that existing tools such as INSIGHT could be adapted to include a wider range of learners' achievements**, this would be viewed with apprehension by teachers, whose experience of INSIGHT has been its use as a blunt instrument accountability tool.<sup>8</sup> For the avoidance of doubt, the EIS would not countenance **information on learners' wider achievements being gathered to generate** another simplistic data set for the purposes of inflicting further top-down accountability procedures which diminish teacher professionalism and do little to truly value and acknowledge the individual achievements of each learner.

The EIS contends that schools and education should mitigate, to the greatest extent possible, the inequality that afflicts learners and their families in wider society. Any such approach, therefore, must be predicated on the recognition that learners do not have equal access to participation in extra-school activities, for example, in the arts, sports and voluntary work, etc.. In fact, unless such inequity is recognised and actively challenged, the gathering of such information risks entrenching existing inequality and disadvantage. Furthermore, any such approach including any associated validation must take account of the potential for different types of cultural bias. For example, certain external awards and achievements bear a resemblance to conventional school achievements (e.g. a course, specialism or project resulting in a badge or award, a sporting achievement rewarded with a trophy.) **Many learners' achievements are less structured, less visible to "mainstream" society and non-teleological** (for example, a young person performing a carer role, a learner from a minority ethnic background participating in their community's cultural and religious traditions, a care-experienced learner overcoming barriers few of their peers have to contend with) and so are potentially less likely to conform to **preconceptions of "achievement"**. Therefore, any list of "eligible" achievements could never be exhaustive and would also risk being reflective of the cultural prejudices of those who frame it.

Schools themselves can (and do) play a key role in addressing such inequity by providing a range of after-school extra-curricular activities, closely related to CfE priorities and articulating with the four capacities. However, excessive teacher workload and the erosion of additional funding has led to the deterioration of such provision. If schools were able to offer a broader range of courses and more extra-curricular activities which were accessible to all, to allow for personalisation and choice, this could support the recognition of a wider range of achievements within school and which link to achievement outwith school.

The EIS is also aware that the formal recognition of wider achievement could result in pressures on some learners to take part in activities out of

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<sup>8</sup> [Putting Learners at the Centre: Towards a Future Vision for Scottish Education - gov.scot \(www.gov.scot\)](http://www.gov.scot/putting-learners-at-the-centre-towards-a-future-vision-for-scottish-education)

school which are seen potentially to carry more value. In other cases, the **learners' pleasure in achievement may be diminished by, if not actually replaced by, the goal of attaining a certificate or a desirable award.** There is a risk of entrenching social inequality in that high attaining learners from advantaged backgrounds would focus on high-status achievement certificated through traditional and publicly respected channels while disadvantaged learners were encouraged to focus on the recognition of lesser-regarded achievements. We would caution therefore against such **an initiative leading inadvertently to the "commodification" of external achievements** as this could reinforce inequality and place unfair pressure on young people to accumulate such achievements.

The EIS would require much more information on roles and responsibilities for obtaining and collating such information. Many teachers recall the **Record of Achievement ('RoA') folder as a laudable initiative in the pre-digital age, but one that was discarded due to a lack of resources, co-ordination and direct line of responsibility.** Potential digital solutions notwithstanding, the shortcomings of the RoA implementation would **require to be addressed. Teachers' workload, especially in the upper years of Secondary, would currently not permit them to overtake such an additional task; moreover, there could be legal and contractual issues in terms of teachers' access to external information and liaison with third parties.** There could, potentially, be issues around information sharing, depending on the context and the individuals/ parties/ organisations involved. Indeed, it could be considered whether the gathering and curating of all or part of such information should sit with teachers at all. For example, there may be scope for some third party providers to make validated direct inputs to a profile, and for learners themselves to do so. Such a system, however, would still require schools and teachers to have oversight, which would require to be adequately resourced.

EIS members report that there is scope for more co-ordination of the formal qualification system and external qualifications and awards, to improve alignment. An example would be in Music, where pupils who have excelled in their grades and therefore demonstrated competence, have to undertake an academic National Qualification where the practical requirements are at a much lower level. Whilst this sits outside consideration of the current **proposal, it is emblematic of how learners' experiences within and outwith school do not "speak" to each other.**

3(a) and (b) **Should information be gathered on learners' skills and competencies as part of their senior phase?** If you have any views on how this might best be done, please provide them here.

The EIS contends that the issue lies not with gathering information *per se* on skills and competences but rather on the distorting impacts of a Senior Phase weighted heavily towards three successive diets of year-end exams for the vast majority of learners. This has generated a teaching-to-the-test

treadmill which has squeezed out the time and space in the Senior Phase to properly explore and emphasise the use of complex skills and the way they transfer and are applied as competencies across learning. Despite skills and competencies forming part of the current subject national qualifications (though they are not formally assessed as such), teachers speak anecdotally of how learners, including those who experience success in exams, lack the awareness of the skills they are using and are unable to draw upon them or apply them in other contexts or at subsequent stages of learning. Learners speak of how memorisation and rote learning emerge as the dominant skills.<sup>9</sup> Furthermore, information which is gathered on skills is often overlooked during transitional stages, with the upper stage re-assessing, rather than trusting the judgement of the prior stage teacher.

Moreover, this raises questions of validity as the current configuration of exams are limited in terms of the skills they can assess, and indeed, may be viewed to actually discourage the teaching of skills they are supposed to be assessing in favour of more assessable skills such as memorising, speed-reading and writing. Regardless of what learners are assessed on, the bulk of their formal exams are in written format, which creates an unnecessary barrier to achievement for many learners. We have also seen practical qualifications having written components added, with the result that learners who once may have succeeded, now fail. This is perceived in some **quarters as creeping "academisation," which not only disadvantages individual learners, but carries harmful value messages.**

With more time and space in the Senior Phase, and appropriate professional learning opportunities, teachers could devise wider assessment methodologies which allow learners to demonstrate complex skills in the context of learning and which are inclusive, flexible and responsive to the **aptitudes of learners. Indeed, it is important that learners' voice on assessment methodologies, and timings, is taken into account.** Secondary school timetables and staffing are reflective of the requirements of the current exam set-up, and there is little scope in the Senior Phase for meaningful inter-**disciplinary learning ('IDL')**. IDL and project-based assessments in subjects could offer greater opportunities for demonstrating competencies. All too often though, schools lack the staffing, resources and flexibility of timetabling to allow this.

Good practice exists currently where schools have a strong emphasis on skills, and learners who demonstrate skills in the course of their learning, including their qualifications, are rewarded with a school-based certificate, profile or such-like. The EIS would not regard as good practice additional assessment bolted onto current arrangements solely to assess skills, as this would generate more workload in an already crowded landscape whilst doing nothing to address the issue of broader skills within the qualifications

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<sup>9</sup><https://www.oecd-ilibrary.org/docserver/d8785ddf-en.pdf?expires=1671442969&id=id&accname=guest&checksum=77D23A220912AFA3CCD87C90ABC0B8E0>

themselves. We would also assert that a box-ticking exercise, within the current assessment framework, to verify a learner had demonstrated a particular skill, would potentially be viewed as tokenistic and a bureaucracy-driven initiative which would not fundamentally address the issue of an exam-driven curriculum. The experience of the Senior Phase for most Secondary learners is three successive years of high-stakes exams which narrows considerably the scope for deep and rounded learning. The pressure to prepare for annual presentations in fairly short timeframes reinforces an intensity of study focused on exam success. Were this current treadmill of high-stakes assessment changed – in particular, the near-universal presentation of N5 candidates at S4 – and were the content of qualifications re-evaluated, there would be more time for teaching and learning and for the effective exploration of skills and competencies.

4. **Please share your thoughts on what a “better balanced”** assessment system would look like. As well as considering the balance between external examination and internal assessment, you may also wish to comment on the frequency of examinations.

In recommending “a review of the roles and purposes of assessment, including examinations”, Professor Muir states, “assessment should support progression in young people’s learning and ensure that what we value in all learning is truly recognised...”<sup>10</sup> The EIS has long argued that the purpose of the current exams in the Senior Phase is questionable and that assessment approaches in the Senior Phase must be more closely and consistently aligned with the aims of the curriculum than at present.

The prevailing pattern of annual presentation from S4-S6 must be addressed. There is a race, in S4 and S5, to cover high levels of course content in preparation for exams, within truncated timeframes. This has created a climate where teaching-to-the-test has dominance over the vision and aims of CfE: it has seriously limited the scope for breadth and depth of learning; it has diminished the creativity and enjoyment which CfE expects at all levels of learning; and it has created tremendous workload pressures on both learners and teachers, which have exacerbated mental health issues of some young people (particularly girls). Moreover, it has contributed to a culture and practice in schools where, despite the best intentions of teachers, non-academic learning is marginalised and the scope to adapt the curriculum to respond to the needs of individual learners, particularly learners with ASN, is restricted.

Specifically, a better balanced assessment system would address the situation whereby National 5 exams at the end of S4 are a default across most subjects for most learners in Secondary schools. The EIS argues there is no sound educational rationale for this position, given that 88% of

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<sup>10</sup> [Putting Learners at the Centre: Towards a Future Vision for Scottish Education - gov.scot \(www.gov.scot\)](http://www.gov.scot/putting-learners-at-the-centre-towards-a-future-vision-for-scottish-education)



learners stay on at school post 16 to pursue courses that allow access to employment and further and higher education.<sup>11</sup> The uniqueness, in international terms, of external exams at this stage, has been well established.<sup>12</sup> Retaining this pattern of presentation for reasons of a gateway to S5, or for reasons of attachment to culture and tradition, are, **in our view, without justification. Indeed, the government's decision to cancel the 2021 N5 diet in response to Priestley's recommendations**<sup>13</sup> albeit in the context of the Covid-19 emergency, is a tacit acknowledgement of the stress this tier of examinations unnecessarily places on system capacity. Additionally, the distorting effects in terms of backwash to BGE – both operationally and culturally, and the narrowing of teaching and learning in the Senior Phase – are positively harmful. Timetabling and curriculum architecture based on two year qualifications would offer scope for greater depth of learning, and a better-paced, more integrated and coherent Senior Phase with greater flexibility to offer a broader range of qualifications and non-qualification based learning.

The EIS notes that the recent OECD review identified Advanced Higher as the one area of the Senior Phase that is working well<sup>14</sup> – these courses are usually taught in classes of smaller size, with a balance and range of assessment formats and with space for genuine depth of learning. Unfortunately, resource pressures are increasingly making Advanced Higher **courses "unviable" for schools**, with courses being closed **due to "insufficient uptake" or being offered online, an offer, in our view, of diminished quality.**

The EIS believes that, in a better-balanced system, all stakeholders will have a shared understanding of the role that summative assessment, including external summative assessment, plays towards the end of school education. The specific balance between external exams and internal **assessments and the frequency of such, should not be a 'one-size-fits-all'** template applied from above; rather, it would take account of the differences in approach that are required within different curricular and subject areas, and be sensitive to the views of practitioners and learners and the contexts in which they are working.

The Senior Phase currently is heavily weighted towards end-of-year, whole cohort, high-stakes exams which are predominantly undertaken through the medium of writing in an exam hall. These present arrangements, in our view, are culturally and historically, rather than educationally derived, and can neither reflect nor assess accurately the learning and achievements of all learners. Furthermore, such a focus on exam outcomes has generated

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<sup>11</sup> <https://www.gov.scot/publications/oecd-independent-review-curriculum-excellence-2020-2021-initial-evidence-pack/>

<sup>12</sup> <https://www.oecd-ilibrary.org/docserver/d8785ddf-en.pdf?expires=1671442969&id=id&accname=guest&checksum=77D23A220912AFA3CCD87C90ABC0B8E0>

<sup>13</sup> <https://www.gov.scot/publications/rapid-review-of-national-qualifications-experience-2020-our-response/>

<sup>14</sup> <https://www.oecd-ilibrary.org/sites/bf624417-en/index.html?itemId=/content/publication/bf624417-en>

a data-driven culture whereby exam results are used as a narrow – and therefore inaccurate - **metric of learners’, teachers’ and schools’ success** – creating a vicious, data-driven circle of workload, stress and performativity.

The EIS believes a better-balanced assessment system would acknowledge the centrality of teacher professional judgement with ongoing dialogue with learners at its heart. Teachers should be empowered and supported to employ a range of assessment strategies in the Senior Phase that articulate with learning and teaching, and which place trust in teacher professional judgement. Continuous assessment based in the classroom and formative assessment strategies better support the learning of all, and promote greater equity of outcome than the current over-reliance on high-stakes assessment, which favours learners from more affluent backgrounds. Such an approach would create contexts where important skills that cannot be captured in a formal external exam – such as creativity, collaboration, critical thinking and communication - can be more reliably demonstrated. Confidence in the reliability of teacher professional judgement must be supported by the provision of allocated time, smaller class sizes and professional learning for meaningful moderation activities, including the planning of assessment and the understanding of standards.

The EIS believes that assessment methodology and the timing of assessment in the Senior Phase should be tailored to the learning needs of individual pupils. This is particularly apposite, given that, in 2021, 33% of the school population were identified as having an additional support need compared to only 4.8% in 2009,<sup>15</sup> a position that will be reflected in increased numbers of applications for alternative assessment arrangements during exam diets at a time of diminishing capacity.

The most common assessment arrangement request is for separate accommodation, which increased from 35,100 in 2018 to 52,650 in 2022.<sup>16</sup> Whilst there is no breakdown of reasons for these increasing requests, it can be surmised reasonably that a high proportion are related to stress and discomfort of the exam hall setting. Teacher professionalism and autonomy in determining how and when to assess learners are of key importance. Such a tailored approach would also be more resilient in its capacity to deal with disruption, whether that is disruption to an individual learner, or to the system.

Whilst the EIS would urge extreme caution in viewing the 2021 Alternative Certification Model as a template for assessment reform, it does provide important learning points, particularly from the perspectives of learners and teachers. For example, many learners appreciated assessment opportunities of lower stakes spread over a timeframe, with more

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<sup>15</sup> [Summary statistics for schools in Scotland : 14 December 2021 \(www.gov.scot\)](https://www.gov.scot/publications/summary-statistics-for-schools-in-scotland-14-december-2021/pages/10-to-14.aspx)

<sup>16</sup> 22AA, Stephen J Price, [data.analytics@sqa.org.uk](mailto:data.analytics@sqa.org.uk) 9 August 2022

opportunity for ongoing feedback.<sup>17</sup> Further, teacher professional judgement, moderated via collaboration, was used, based on demonstrated attainment rather than an algorithm based on centres' previous results.

That said, the ACM also brought into sharp focus the risks to learning and to learner and teacher well-being of schools seeking to merely replicate the **external exams via a treadmill of internal "exams in all but name" for fear that the validity of learners' provisional awards would be called into question** by the SQA. Furthermore, the reluctance of the SQA to relinquish control of quality assurance of results produced via the Alternative Certification Model in 2021 and during 2021-22, even in the event of *in extremis* public health conditions resulting in exams cancellation, sits at odds with both the CfE vision and the Empowerment agenda.

Teachers will have no trust in changes to the assessment system that do not learn from the mistakes of the past. Careful account must be taken of the botched implementation of National Qualifications from 2013/14. At the time, the EIS warned that the timeline for implementation had been rushed, giving teachers and schools insufficient time to absorb and plan for the changes. Such was the political imperative to deliver within timescales, teachers were ignored. We also warned as early as 2014 that unit assessments and their complex administration were driving an unsustainable level of over-assessment, with severe impacts on teacher **workload and on learners' well-being**.<sup>18</sup> Furthermore, we highlighted the completely disproportionate verification demands of the SQA as a driver of workload and a denigration of teacher professionalism. Despite this, institutional procrastination, allegedly to protect the integrity of the qualifications, served to delay any real reform despite glaringly obvious and mounting difficulties. For the avoidance of doubt, the EIS will resist any reforms to the current system which permit such circumstances to arise once more.

The EIS believes the current assessment system with its pattern of annual high-stakes exam presentations - and the current curriculum architecture and timetabling, which it drives - has the effect of valuing a narrow range of academic attainment. It may be asked, therefore, whether some learners **in choosing their Senior Phase "options" have any real options at all**. A better balanced assessment system, would aim at parity of esteem across so-called "vocational" and "academic" courses of study (not all of which have to be awarded by the exam authority to be valid and valuable). It could do so by deploying a wider range of assessment methodologies to **reliably capture learning and could attempt to recognise all of learners' achievements** in the course of their learning. A departure from the current

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<sup>17</sup> <https://www.gov.scot/binaries/content/documents/govscot/publications/independent-report/2020/10/rapid-review-national-qualifications-experience-20202/documents/rapid-review-national-qualifications-experience-2020/rapid-review-national-qualifications-experience-2020/govscot%3Adocument/rapid-review-national-qualifications-experience-2020.pdf>

<sup>18</sup> <https://www.eis.org.uk/Content/images/education/NQBallot16/NQPPmembers.pptx>

configuration would allow for more flexible timetabling and a broader learning offer – properly resourced, including professional learning for teachers - **to adapt to learners' needs.**

The EIS is clear though that whilst this may redress the balance somewhat, society as a whole largely attributes greater value to and employers pay more for, certain types of employment and the associated qualifications, than others. Such variance in the valuing of different types of work and employment within society continues to reflect structural inequalities in relation to gender and social class.

5. Please share your thoughts (advantages and disadvantages) on the idea of introducing an achievement, award, or qualification at the end of BGE.

It is not clear what the purpose of such an achievement, award or qualification would be. The EIS would have concerns around any significant addition to the BGE at a time when de-cluttering the curriculum is an urgent priority. Further, we would be opposed to anything resembling a standardised and externally set or assessed award in the BGE as this would be at odds with the original vision and purposes of the BGE. It would be concerning if the focus on depth and breadth of learning at BGE is diminished by the distraction of an award, and specifically, it would be further detrimental should additional assessment, other than that which arises organically from the learning, be implemented to validate such an award. Further, it would not be acceptable for such an award to be used as a metric of school or local authority performance in the same fashion as ACEL data. The EIS would oppose any such award making reference to BGE levels or being used as an entry qualification to the Senior Phase, as these create the potential to inadvertently create a form of high-stakes award. The continued existence of the Scottish National Standardised Assessments, which are, in the main, overtaken by means of whole-cohort testing at the end of S3, is a barrier, in our view to any innovation in recognising achievement at the end of the BGE.

Depending on how it was framed, one potential advantage of such an initiative would be to encourage recognition and value of the diversity of attainment and achievement which occurs in the BGE. In principle, the EIS supports the idea of recognising and celebrating a wide range of achievements of all learners throughout their learning. There are many young people, including those with additional support needs, whose achievements are not currently captured within any outcome measurement framework nationally. Such an award could be framed as a logical milestone to mark the end of the BGE. Potentially it could mitigate the current retrograde practice of beginning the Senior Phase at the start of or during S3. What is more, it could provide an opportunity to involve the learner in knowing and profiling their own skills, talent, aptitudes and

needs. It would also be useful in assisting the learner to make informed decisions around the next stage of their learning.

Whether such a development would be advantageous or disadvantageous overall would very much depend on the format of such an award, achievement or qualification and its relationship to the wider aspects of educational reform. That said, the EIS is of a view that should an award or suchlike be introduced, it should be accessed by all, rather than some, learners. Otherwise, it could be a mark of inequality. The EIS is wary of the current practice in some schools whereby S3 is used as an opportunity **for learners to “bank” some NQ units for fear that some “Christmas leavers”**, etc. leave without any certification. Whilst such practices can be well-meaning, they do not fundamentally address the underlying issues of providing a Senior Phase certification and qualification system accessible to all, and lead to more assessment burden for cohorts of BGE learners. We would likewise be wary of an S3 certificate or suchlike being used for similar purposes.

6. Please share your thoughts (advantages and disadvantages) on the idea of introducing an achievement, award, or qualification at the end of the Senior Phase.

A response to this question would be contingent on any outcomes of the questions above and, in particular, the future of Senior Phase assessment, since the relationship between a Senior Phase certificate and subject-based Senior Phase qualifications would require to be known. Further, its articulation with learning and achievement in the BGE would have to be clearer. The EIS believes certification at the end of schooling should reflect, as widely as possible, the achievement and attainment of learners across all four capacities. Currently this is not the case, and in fact the number of learners taking National 4 qualifications and receiving little or nothing by the conclusion of their schooling is a cause of concern.<sup>19</sup>

The EIS notes that, internationally, it is common for learners to receive a certificate marking the end of compulsory schooling<sup>20</sup>. We would be opposed to such an achievement or award or qualification that was accessible only to some learners: it should be inclusive and not a badge of inequality. We would argue against, for example, such a certificate being awarded to some learners on completion of compulsory schooling (age 16 in Scotland) when the large majority choose to stay on. This could attach stigma to such a certificate. The award of such a certificate to all learners at the conclusion of compulsory schooling, regardless of whether they leave school or stay on, would, in our view, be more equitable.

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<sup>19</sup> [https://www.sqa.org.uk/sqa/files\\_ccc/ASR2019\\_National4.xls](https://www.sqa.org.uk/sqa/files_ccc/ASR2019_National4.xls)

<sup>20</sup> <https://www.oecd-ilibrary.org/docserver/d8785ddf-en.pdf?expires=1671447453&id=id&accname=guest&checksum=89BC4E84E6249FC5D3322E15EB6912C3>

Furthermore, equity would depend on the content of such a certificate or award. Presently, subject-based qualifications predominate over all others in the senior phase. Were a school-end certificate or suchlike to be a mere summary of attainment in subject-based qualifications as currently constituted, it would not address the fundamental point that currently, learners who achieve outwith the traditional academic routes do not have their achievements acknowledged and could exacerbate inequality. Potentially though, it could capture and recognise a wider range of learner achievements and help to place greater value on skills and on non-academic achievements outwith subject-based qualifications. That said, such a certificate in our view, could only make a positive difference as part of a wider and radical reform of the qualifications system as currently constituted, as part of a cultural transformation which ceases to view examination success as the sole indicator of accomplishment.

#### **7. How should Scotland's qualifications and assessment system make best use of digital technologies?**

The EIS recognises the important role digital technologies can play in **Scotland's qualifications and assessment system**. We would preface any input by noting that digital inequity remains a serious issue for many learners, who lack access to IT devices and to wireless/broadband connectivity. We would further note that digital poverty can be hidden and is easily overlooked. The Covid-19 pandemic uncovered the scale of digital inequality, and whilst local authorities worked hard to make provision, it must be understood that such provision must be sustained, ongoing. The EIS believes all learners should have access to digital technologies. Further, it should not be assumed that all schools have the capacity to support greater use of digital technologies, due to inadequate resources and infrastructure in specific centres and in geographical areas.

Whilst the pandemic highlighted the invaluable role of technology and adapting to new ways of working, it has also illuminated the importance of live human interaction and face-to-face engagement, which is particularly critical in education.<sup>21</sup> Therefore, a greater role for technology in qualifications and assessment must be set within a context of the primacy of live learning situations and the in-person relationship between learners and teachers. The example of the SNSAs are a case in point of a superficially attractive assessment solution (to government, if not to teachers, learners and parents) which has produced outcomes that range from educationally worthless to educationally damaging. The EIS would urge caution in any future consideration of such algorithmic digital systems.

When properly resourced, digital technology, used alongside teacher professional judgement, offers a range of benefits. It could play an important role in widening assessment methodologies; for example,

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<sup>21</sup> [Remote Learning - December 2021 \(education.gov.scot\)](https://www.education.gov.scot/remote-learning)

learners choosing when they are ready to be assessed; groups of learners, working remotely to demonstrate collaborative skills on project work; creating and curating electronic portfolios; adaptive assessments, used in an appropriate context, unlike SNSAs, could provide formative and personalised learning experiences. Assistive technologies have been critical in ensuring that learners and teachers with disabilities have equitable access. The use of IT in formal assessments, with the proper safeguards, can assist learners who are physically remote, or for example those with social or physical anxiety to access assessment opportunities. That said, using digital technologies to merely replicate the current examination system in online form would be a wasted opportunity – although the pandemic showed that some learners do prefer an online medium to a traditional pen and paper approach in assessments.

Digital portfolios could potentially confer independence and autonomy on learners to take ownership of profiling their own achievements; however this would be predicated on a degree of digital equity and also on schools having the digital capacity to ensure equity of access and to support learners.

8. How can we make sure that proposals for a future qualification system will uphold the rights of all learners to demonstrate their achievements?

The EIS believes any qualification system must value the achievements of all learners. However, each iteration of the qualifications system thus far has an inherent bias towards those who succeed in formal academic exams. This creates a systemic inhibitor on others demonstrating their achievements and having them acknowledged. An effective starting point would be addressing the number of high-stakes exams by addressing the existing pattern of annual presentation for exams.

A future qualification system, which has been subject to an Equality Impact Assessment, should create and maintain parity of esteem across all courses **of study including “academic” and “vocational” courses. Further, there** would be flexibility in timetabling and curriculum architecture to allow for bespoke qualifications. There are presently a huge number of courses and awards available, therefore on paper, there is scope for choice and personalisation. However, school timetables and staffing cannot **accommodate this. Given the impetus to effectively “shoehorn” the vast** majority of learners through the annual presentation treadmill, it must be questioned what choices learners actually have.

A system focused on end-of-year high stakes assessments disproportionately benefits learners from advantaged socio-economic backgrounds over those with factors giving rise to additional support needs. Moving to assessment that is more evenly situated throughout the year is a more resilient and equitable system which locates assessment closer to **the learning experience and closer to the learners’ needs. It requires trust**

in teacher professional judgement and investment in teacher time to overtake the planning of assessment and feedback. It is important therefore, that additional non-contact time is directed towards these priorities, and that class sizes are reduced to 20 to allow learners more meaningful time with their teachers.

The rights of learners with ASN cannot be respected unless there is a recognition that proper resourcing is required. These learners are most likely to suffer detriment in class sizes of 30, where teacher time is stretched and where specialist support provision, internally and externally, is lacking. Furthermore, the capacity of schools to offer courses and qualifications which are flexible enough to respond to individual needs is currently limited. At the moment, SQA Assessment Arrangements for candidates with ASN actually leads to the most vulnerable learners being placed under additional pressure by being over-assessed. A future qualification system should ensure that in any assessment, learners with ASN can access the support they require and that the procedure for doing so is streamlined, puts trust in teacher professional judgement and does not disadvantage the learner.

It is important that the content of qualifications is appropriate to support the right of learners to demonstrate their achievements. Course content must be relevant, inclusive and diverse. Greater emphasis should be placed on decolonising course content and on ensuring that assessments are free of bias. A future assessment system will empower teachers and learners to make more decisions around when assessment takes place and the format that it will take. Where learners have evidence that the outcomes of their assessment are wrong, they will have an opportunity to challenge.

9. Is there anything else in relation to the reform of qualifications and assessment which is not covered in this consultation which you would like to raise?

For the reform of qualifications and assessments, as part of wider educational reform, to be truly effective, teachers and school staff must be given the resources, time, professional trust and autonomy, free from political interference, to translate ambition into reality. For too long, education has been the focus of politicised debate, predominantly through the narrow lens of attainment, whilst insufficient efforts have been made to address the challenges faced by teachers, school staff and pupils, on a daily basis.

**In his report, 'Putting Learners at the Centre', Professor Ken Muir makes it clear that structural reform must be matched by cultural change. Further, Professor Muir states that reform to Scottish Education would be meaningless unless underpinned by a series of key principles.**

These principles highlight the need for:



- **a redistribution of power, influence and resource within Scottish Education to empower teachers and put learners’ voices at the heart of decision making;**
- **recognition and celebration of Scotland as an ethnically diverse society with equal status being given to those most often unheard;**
- **time** to collaborate as professionals, to plan, design and reflect on curriculum design and delivery;
- **restoration work to restore the trust and confidence of the teaching profession in national bodies and employers**
- **reduced levels of bureaucracy; and**
- **increased resourcing to meet individual learners’ needs, and to provide more responsive, bespoke support for teachers and practitioners.**

Increased resourcing will be key to ensuring that effective reform can become a reality and that teachers have the time to engage with pupils to support reflection on learning and the identification of next steps and to design and develop bespoke assessment models which can fully capture the **diverse range of pupils’ achievements.**

The Scottish Government has the ability and powers to invest in and support quality public services by raising revenue. Such investment in Education will ultimately result in longer-term savings on spending across a range of public services, such as Health and Criminal Justice, as positive outcomes for children and young people within their Education translate into positive outcomes for them in later life, for their families and for society as a whole.

In this context, if the Scottish Government is truly committed to addressing the poverty related attainment and achievement gap and to putting learners at the heart of the new vision for Scottish Education, then it must use its existing powers to invest in public services, including Education, and provide additional and sufficient resources to effect meaningful change for **the children and young people in Scotland’s schools.**

**The Scottish Trade Union Congress report, ‘Scotland Demands Better: Fairer Taxes for Fairer Future’** <sup>22</sup> published on 5th December 2022 outlines how progressive tax reform could raise an additional £3.3 billion by 2026, including £1.3 billion of tax reforms by April 2023 to help fund public services and public sector pay.

The Scottish Government has placed Education as a flagship policy. This rhetoric must be matched by political will and action now to ensure that the vision for Scottish Education can be realised and that the future assessment and qualification system meets the needs of learners, removes barriers to participation and inequality and recognises individual achievements.

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<sup>22</sup> [Scotland Demands Better Fairer Taxes for a Fairer Future.pdf \(stuc.org.uk\)](https://stuc.org.uk/Scotland-Demands-Better-Fairer-Taxes-for-a-Fairer-Future.pdf)

## The Educational Institute of Scotland

### EIS response to the 'Independent Review of Qualifications and Assessment: Phase Three Consultation – A New Model of Qualifications and Assessment'

#### Introduction

The Educational Institute of Scotland ('EIS'), the country's largest teaching union, representing more than 65,000 members across all sectors of Education and at all career levels, welcomes the opportunity to comment on the Independent Review of Qualifications and Assessment, 'Phase Three Consultation: A New Model of Qualifications and Assessment'.

The EIS has already engaged extensively in shaping the draft vision and principles that will overarch and underpin the future of Senior Phase Assessment and Qualifications in Scotland<sup>1</sup> and has made a detailed submission to the second phase, *Review of the Future of Qualifications and Assessment: Consultation on Options for Change*.<sup>2</sup>

We welcome the publication of the Interim Report in March 2023<sup>3</sup> and commend the work of the Independent Review Group in developing the outline of a new model of qualification and assessment, reflecting the emerging consensus from the previous consultations. The EIS notes the apparent synergy between our views and those shared by most respondents about the key problems with the operation of the current system. These relate mainly to National Qualifications, and specifically: the three year exam treadmill and the "two-term dash"; the impact which this has on quality, depth and breadth of teaching and learning; a monocular focus on exam attainment and the associated data being used inappropriately to ascribe value to learners and to schools; a narrowing of options for learners, particularly those who can achieve outwith the "academic" mainstream; and the impacts of socio-economic inequality on learning and on outcomes. The briefing paper, which accompanies this consultation, highlights the consensus around these themes which has emerged from the previous phase of the consultation and the importance of addressing them in proposals for reform.<sup>4</sup>

The present consultation is, therefore, necessarily focussed on a specific proposal for a new model, albeit in outline form. In this submission, the EIS will assess, on the information available, the extent to which the new model is consistent with the vision and principles; addresses the issues we have raised previously; and the extent to which it will capture **the aspirations of Scotland's**

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<sup>1</sup> [Education - qualifications and assessment review: consultation - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/progress-report/2023/03/independent-review-qualifications-assessment-scotland-interim-report/documents/phase-3-briefing-paper/phase-3-briefing-paper/govscot%3Adocument/phase-3-briefing-paper.pdf)

<sup>2</sup> [Independent Review of Qualifications and Assessment - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/progress-report/2023/03/independent-review-qualifications-assessment-scotland-interim-report/documents/phase-3-briefing-paper/phase-3-briefing-paper/govscot%3Adocument/phase-3-briefing-paper.pdf)

<sup>3</sup> [Independent Review of Qualifications & Assessment in Scotland Interim Report March 2023 \(www.gov.scot\)](https://www.gov.scot/publications/progress-report/2023/03/independent-review-qualifications-assessment-scotland-interim-report/documents/phase-3-briefing-paper/phase-3-briefing-paper/govscot%3Adocument/phase-3-briefing-paper.pdf)

<sup>4</sup> <https://www.gov.scot/binaries/content/documents/govscot/publications/progress-report/2023/03/independent-review-qualifications-assessment-scotland-interim-report/documents/phase-3-briefing-paper/phase-3-briefing-paper/govscot%3Adocument/phase-3-briefing-paper.pdf>

teachers and learners in reform of the Senior Phase. The EIS will offer comment on the practicalities of the proposed model, based on the perspectives of practitioners in schools and having due regard to the holistic wellbeing of young people. We will also pose questions, where necessary, to probe the operation of the new model in practice.

For too long, teachers have been expected to deliver innovation with no additional resources. Therefore, we will highlight where additional resources are required. Related to this, we will draw attention also to the most chronic issue confronting the teaching profession currently: excessive workload demands.

The publication of the Nuffield Research/ Stirling University report, **“Choices, Attainment, Positive Destinations,”** in February 2022, has added an urgency to the current consultation<sup>5</sup>. **Its findings came as no surprise to Scotland’s** teachers and echoed many of the points made in our previous submission. The kernel of the report was that the Scottish system of assessment and qualifications has landed a huge distance away from where Curriculum for Excellence (‘CfE’) planned it to be. The reasons cited for this are the singular focus of the system on exam attainment defined as success, and a resultant **“culture of performativity,”** with an array of serious and spiralling consequences. In a nation scarred by poverty and inequality, it is deeply concerning that our assessment and qualifications system has actually played a part in reinforcing such disadvantage. It is in the hope that we can contribute to the development of a better system for all young people and adult learners, and for teachers, that we welcome the opportunity to comment on this consultation.

1. Do you think the three areas described in the SDA offer learners the potential for a broader range of their achievements that are important for their future progression? Is there anything you would like to add or delete? Why?

From the inception of CfE, the EIS has advocated vigorously for a qualification and assessment system aligned with the vision and principles of the curriculum, based on the Four Capacities with each having parity of esteem. Since the implementation of National Qualifications a decade ago, however, learners and teachers in the Senior Phase have been locked into a system dominated by high stakes external exams, and driven by external data demands. The consequences are stark: excessive workload and stress, for both learners and teachers; an unhealthy, competitive culture that **values exam “success” to the exclusion of much else** that matters to learners, to teachers, and to schools, and which should matter to Scotland as a society given the stated purposes of CfE; and the downgrading of quality learning and teaching in favour of cramming and rote learning for exam success. It is no surprise to the EIS, therefore, that the research

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<sup>5</sup> [Choice, Attainment and Positive Destinations: Exploring the impact of curriculum policy change on young people \(nuffieldfoundation.org\)](https://www.nuffieldfoundation.org/choice-attainment-and-positive-destinations-exploring-the-impact-of-curriculum-policy-change-on-young-people)

referred to above condemned the practices inspired by the current set-up as “counter-educational”.<sup>6</sup>

The EIS believes certification at the end of schooling should reflect, as widely as possible, the achievement, including the attainment, of all learners, across all four capacities. It is in this context that the EIS welcomes an attempt to broaden the scope of what we value in learning. The areas described in the **Scottish Diploma of Achievement ('SDA')** offer much more scope than at present for learners to have a broader range of their achievements recognised, and certainly provide the potential for assessment to be more aligned with the aims of the curriculum than the current arrangements. Indeed, as the Interim Report notes, many of the issues raised in the previous stage of this consultation are reflective of the original intentions of CfE.<sup>7</sup>

Whether the **proposed SDA's** potential can be realised depends on the form and content of each specific component, their inter-relationships, and the coherence and cohesion of the Senior Phase as a whole. We would caution against an approach that does not recognise the integration of all three elements. At this outline stage, it is unclear whether the proposed structure attaches relative weighting to each area. What is clear though, is that without a concerted effort within the system and within society to shift cultural attitudes, there is one element that will dominate over the others. Professor Muir stated that the success of reform does not rely solely on system change, but also on culture change.<sup>8</sup> As has been well-established, **Scotland's Secondary schools are dominated by a powerful exam-centric culture**, which, it is argued, has more to do with habit and tradition shaped in the interests of some, than sound education serving the interests of all.<sup>9</sup> The EIS believes that for the proposed changes to the system of assessment and qualifications in the Senior Phase to be effective, and to align fully with the aims and vision of the curriculum, they must be accompanied by actions to challenge that culture. Otherwise, under the new proposals, the subject/curricular area element has the potential to exert a dominant influence to the detriment of the two more innovative areas.

The EIS would add that, notwithstanding **the proposed model's affinity with the original intention of the curriculum**<sup>10</sup>, the context between then and now is considerably changed: 2004, was a time of relative feast compared to 2023. We have experienced an economic crash followed by a decade of public sector austerity; a pandemic which has shaken the social and economic foundations of society; and an ongoing economic crisis that has

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<sup>6</sup> *ibid.*

<sup>7</sup> [Independent Review of Qualifications & Assessment in Scotland Interim Report March 2023 \(www.gov.scot\)](https://www.gov.scot/publications/independent-review-of-qualifications-and-assessment-in-scotland-interim-report-march-2023/pages/110-111.aspx)

<sup>8</sup> [Putting Learners at the Centre: Towards a Future Vision for Scottish Education - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/putting-learners-at-the-centre-towards-a-future-vision-for-scottish-education/pages/110-111.aspx)

<sup>9</sup> <https://www.oecd-ilibrary.org/docserver/d8785ddf-en.pdf?expires=1671447453&id=id&acname=guest&checksum=89BC4E84E6249FC5D3322E15EB6912C3>

<sup>10</sup> [B35783-Curric for Excel-g5-2 \(educationengland.org.uk\)](https://www.educationengland.org.uk/curriculum/B35783-Curric-for-Excel-g5-2)

plunged families into rampant and increasing levels of poverty. Moreover, we have an education system driven by attainment data, which has hard-wired an exam culture. Effective implementation of the SDA, therefore, must take account of three things: firstly, it will require the allocation of proper funding – for additional staff, for teacher time, and for CLPL within the working week, as well as for reduced class sizes, reduced class contact time and ring-fenced resourcing to meet the rising level and severity of additional support needs if all young people are to be supported to achieve an SDA that reflects their individual achievements; secondly, it will require a cultural shift, away from performativity to one rooted in principles of quality education and Empowerment, where teacher professional judgement is trusted and valued; **and thirdly, notwithstanding the EIS's** determination to see significant change in the system, it will require rational, achievable timelines for implementation which prioritise change in a measured and balanced way, with ongoing decision-making processes inclusive of all educational stakeholders and communication clear at all stages.

2. What are your views on the proposals for recognising achievements in subjects/curricular areas?

For the EIS, the question is not whether we should recognise achievements in subjects/curricular areas; we, undoubtedly, should. The question is what those achievements are and how they are recognised effectively for *all* learners. The EIS is clear that we must move to a culture and ethos within which all achievements **across a learner's journey** can be recognised and valued in their own right as directed by learners, supported by their teachers and parents/carers.

The recently published report, *Choices, Attainment, Positive Destinations*,<sup>11</sup> ('CAPD') is a damning indictment of a Senior Phase, based on a three year treadmill of high stakes exams. **The report describes a "culture of performativity" where** schools steer learners into courses, irrespective of their choice, aptitudes or interests, because they can get a pass which will **enhance schools' attainment data**; where quality pedagogy is replaced by teaching to the test; where the curriculum narrows and compounds the poverty-related attainment and achievement gap. These are the bitter fruits of a system driven by external data demands which place incredible stress and excessive workload pressures on learners, teachers and school leaders, in pursuit of a narrow, one-dimensional and exclusionary definition of **"success"**. Perniciously though, it is a system which attributes value to learners and to schools based on competitive exam attainment, when all learners, and all schools in which they are taught, should be equally valued.

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<sup>11</sup> [Choice, Attainment and Positive Destinations: Exploring the impact of curriculum policy change on young people \(nuffieldfoundation.org\)](https://www.nuffieldfoundation.org/choice-attainment-and-positive-destinations-exploring-the-impact-of-curriculum-policy-change-on-young-people)

The EIS has argued previously, and reiterates, that, for the vision and aims of the curriculum to be fulfilled, we must address the situation whereby learners face a three-year treadmill of year-end exams. The EIS is heartened, therefore, by the **Interim Report's** acknowledgement of the adverse impacts of the present practice of presenting learners for sequential subject year-end exams.<sup>12</sup> Teachers attribute much of the pressure and **workload placed upon themselves and on learners to the repeated "two-term dash"** and the accompanying **"examination rehearsal"** which leaves little room for creativity, depth, breadth or enjoyment of learning in the Senior Phase. It requires to be stated explicitly though that the particular pressure point in the system is where learners in S4 sit National 5 exams prior to sitting the Higher in S5 in the same subject. The EIS would refer to **the Interim Report's observation** that the original design principles for the Senior Phase were to facilitate largely two-year courses with examinations upon exit.<sup>13</sup> That this never transpired is a salutary warning as to how ingrained the exam-centric culture, and its associated data-drive, is; and how when schools and teachers are not given sufficient time, resources and support to consider change and potential alternative curricular designs, and to **co-design these well together, rather than risk their students' failure**, they continue with what is known and familiar, albeit heavily flawed. It is crucial that the current reform project reflects carefully upon how and why the original CfE senior phase design principles did not translate into practice; further, that there are safeguards within a reformed system to prevent a recurrence, whilst protecting the flexibility necessary to include all learners and accommodate their specific needs in context.

Within the context of subjects and curricular areas, the EIS contends that the **Interim Report's proposed shift to a model of "exit" exams**, offers a real opportunity for delivery of the richer, broader and deeper learning experiences that CfE envisaged for learners. Whilst acknowledging the place and value of summative external assessment for many, but not for all courses, within the overall system, the space opened up by the removal of default year-end exams should be for learning and teaching, with teachers best placed to employ a range of formative and continuous assessment **strategies to capture and evaluate learners' ongoing achievements**, and to inform future teaching and learning. Such a shift, however, would require support in the form of good quality assessment resources from the new agencies. Again, the lessons of the past need to be learned in this respect too.

The EIS believes a reformed approach must acknowledge the centrality of teacher professional judgement with ongoing dialogue with learners at its heart. The EIS has previously argued that confidence in the reliability of teacher professional judgement must be supported by the provision of allocated time, reduced class contact time and professional learning for

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<sup>12</sup> [Independent Review of Qualifications and Assessment: Phase 3 Briefing Paper \(www.gov.scot\)](http://www.gov.scot)

<sup>13</sup> [Independent Review of Qualifications & Assessment in Scotland Interim Report March 2023 \(www.gov.scot\)](http://www.gov.scot)

meaningful moderation activities, including the planning of assessment and the understanding of standards, a position that has been confirmed by recent research;<sup>14</sup> and by smaller class sizes in order that teachers have the time to invest in supporting each individual learner in their progress sufficiently well. Indeed, to facilitate the richer, deeper and broader learning experience envisaged by CfE, it is essential that progress is made on providing teachers with additional preparation time. Moreover, renewed emphasis on teachers as curriculum-makers and a rebalancing of internal and external assessment would require ring-fenced time for collaboration across schools, as recommended in the CAPD report.<sup>15</sup>

The EIS further believes that the current reform project necessitates assessment methodology and the timing of assessment in the Senior Phase to be tailored to the learning needs of individual pupils. This is particularly apposite, given that, in 2022, 34.2% of the school population were identified as having an additional support need compared to only 4.8% in 2009.<sup>16</sup> However, in class sizes which are often at the maximum of 30 (and 20 in practical sets), it is difficult to see how this can be achieved without ring-fenced resourcing to reduce class sizes and provide enhanced support for learners with ASN.

The EIS notes with interest the proposal that learners, upon the demonstration of an achievement, could gain credits which could be accumulated over the course of study and converted into an award.<sup>17</sup> More information would be required on how this would operate in practice. It does have the potential, however, to promote inclusion and flexibility, by recognising a range of achievements within subjects for all learners, and in particular, those who partially complete a course or go on to choose an alternative path of study. Much would depend on the value of specific achievements in relation to credits; further, how those achievements would be demonstrated and assessed; and the value of achievements in this area relative to those achieved in the other areas. Whilst a system based on credits would require an assessment framework to ensure consistency and equity of access, and whilst teachers would require to be supported, including through collaboration with other schools, as well as regional and national bodies, the EIS would caution against overly prescriptive approaches to assessment which would reprise previous mistakes. Specifically, we would be opposed to the reinstatement of compulsory NQ Unit Assessments, or variants thereof, which led to unsustainable workload, over-assessment, bureaucratic administration, unwieldy external verification demands, and severe impacts on the well-being of both learners and teachers.

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<sup>14</sup> [Choice, Attainment and Positive Destinations: Exploring the impact of curriculum policy change on young people \(nuffieldfoundation.org\)](https://www.nuffieldfoundation.org/choice-attainment-and-positive-destinations-exploring-the-impact-of-curriculum-policy-change-on-young-people)

<sup>15</sup> [Choice, Attainment and Positive Destinations: Exploring the impact of curriculum policy change on young people \(nuffieldfoundation.org\)](https://www.nuffieldfoundation.org/choice-attainment-and-positive-destinations-exploring-the-impact-of-curriculum-policy-change-on-young-people)

<sup>16</sup> [Schools in Scotland 2022: summary statistics - gov.scot \(www.gov.scot\)](https://www.gov.scot/resources/documents/2022/07/Schools_in_Scotland_2022_summary_statistics.pdf)

<sup>17</sup> [Independent Review of Qualifications and Assessment: Phase 3 Briefing Paper \(www.gov.scot\)](https://www.gov.scot/resources/documents/2022/07/Independent_Review_of_Qualifications_and_Assessment_Phase_3_Briefing_Paper.pdf)

In principle, the EIS welcomes a more appropriate balance between examinations and assessments undertaken in schools.<sup>18</sup> This is consistent with moving away from a high-stakes assessment regime. A system featuring subject exit exams instead of the present arrangements will make significant steps in this direction. We would reiterate though, that within the parameters of a reformed assessment system, teachers, using their professional judgement, are best placed to engage with learners around the timing and nature of assessment, which is likely to mean that the assessment methods deployed will be different from context to context, according to the subject and according to the needs of learners. Furthermore, it is not clear from the proposals what role, if any, externally assessed coursework, will play in a reformed qualifications system. The modifications to assessed course elements carried out in the wake of the Covid-19 pandemic, revealed that a number of courses were enhanced by modifications which, for example, stripped out duplication, rationalised course coverage and provided more learner choice. Consultation also revealed that teachers have raised questions about the design and implementation of specific coursework elements. The EIS would argue that reform of qualifications provides an opportunity for review, and that such a review must actively seek and incorporate the views of subject practitioners and be tailored to support learning and teaching, and ensure equity of provision in individual course areas.

The Interim Report further proposes that learners could elect to be assessed via internal assessment or via a hybrid of internal and external assessment<sup>19</sup>. Again, a definite response would require more information on the contexts in which this would apply and how it would operate in a practical sense. In principle, the EIS endorses the right of learners to choose, within the context of a fair and reliable system of assessment and qualifications where the professional role of teachers in guiding and advising learners, is respected. The EIS also believes that qualifications based solely on internal assessment are suitable for some learners and are as valid as qualifications which are wholly or partially examined externally. For example, at present, National 4 courses are assessed internally. There is a strand of opinion, as the Interim Report acknowledges, which believes an external exam would raise the status of the National 4 qualification. The EIS does not hold that position, which is reflective of an in-built bias in a system which associates exams with success. The proposal, to this extent, aligns with current practice, and in that respect, we would endorse it.

Moving beyond the National 4 analogy, however, a number of issues present themselves. Will the achievements of a learner who opts for internal assessment be valued equally to those of a learner who opts for hybrid assessment at a similar level? If not, there is a risk that the reform

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<sup>18</sup> [Independent Review of Qualifications and Assessment: Phase 3 Briefing Paper \(www.gov.scot\)](https://www.gov.scot/publications/independent-review-of-qualifications-and-assessment-phase-3-briefing-paper/pages/100-to-109.aspx)

<sup>19</sup> [Independent Review of Qualifications & Assessment in Scotland Interim Report March 2023 \(www.gov.scot\)](https://www.gov.scot/publications/independent-review-of-qualifications-and-assessment-in-scotland-interim-report-march-2023/pages/100-to-109.aspx)



proposals will fail by embedding inequity, creating internal contradictions vis a vis parity of esteem, and reinforcing the arbitrary notion that success in exams is superior to educational achievements demonstrated through other means.

Furthermore, whilst the vision of learners choosing their own assessment pathway in a much lower-stakes and less-pressured learning environment is attractive, under present material constraints – with large class sizes, in which learners are placed due to a shortage of teachers, or because there are no other options due to curriculum narrowing<sup>20</sup> - it is difficult to see how teachers will have the capacity to support learners on separate pathways. EIS members attest to the stress and workload challenges they currently face in being directed to teach bi-level or multi-level classes where course content and structure is different, in effect rendering this teaching of bi and multi-level courses within the same class of students, which often entails at least double the preparation and double the demands in terms of classroom management and administration than in previous years when students in a class together were taught one course by their teacher. Such classes are not designed as inclusive learning environments where the achievements of all are recognised; they are usually formed due to schools being unable to staff a whole timetable and/or because schools in the drive to increase attainment data, do not place learners in appropriate courses.<sup>21</sup> A reformed system, therefore, which embraces learner choice and which expects teachers to tailor **assessment to individuals'** requirements, must be fully resourced. In practice, this means: a reduction in all non-practical class sizes to 20; additional teacher non-contact time; and an associated increase in teacher numbers.

The EIS recognises and values the important role that summative assessment in the form of externally set and assessed exams can play at the conclusion of learning in many courses. However, the annual presentation of learners for end-of-year exams has contributed to an unhealthy culture which **seeks to amass data as evidence of learners'** progress and the quality of their learning rather than place faith in **practitioners' professional judgement**. **The EIS would echo the CAPD report's concerns on the corrosive impacts of external data demands**. The current system has focussed heavily on exam outcomes and has generated a data-driven culture where **exam results are the sole metric of learners', teachers' and schools' success**. **It would be absurd when considering the recognition of learners' achievements**, to ignore the pernicious effects of the drive for attainment data and the vicious circle of workload and stress it has caused. Unfortunately, the current Senior Phase system, places more value on attainment data than it does on teacher professionalism. The EIS is clear that this must change. With the removal of the year-end exams in

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<sup>20</sup> [Choice, Attainment and Positive Destinations: Exploring the impact of curriculum policy change on young people \(nuffieldfoundation.org\)](https://www.nuffieldfoundation.org/choice-attainment-and-positive-destinations-exploring-the-impact-of-curriculum-policy-change-on-young-people)

<sup>21</sup> [Bi-Level and Multi-Stage Classes.pdf \(eis.org.uk\)](https://www.eis.org.uk/Bi-Level-and-Multi-Stage-Classes.pdf)

most subjects for most learners, one of the main sources of attainment data will disappear. The EIS cautions against this being seen as a data vacuum that must be filled, either by bureaucratic tracking, monitoring and reporting tools in schools or local authorities; or by additional data captures at national level. The EIS recognises the value of tracking and monitoring of learner progress to inform learning and to identify need but is clear that a reformed system must take account of the adverse impacts that a data-driven system has caused and seek to avoid replicating or exacerbating them.

3. What are your views on the proposals for recognising achievements in knowledge and skills in action?

The EIS would preface its comments on the Learning in Context proposal by stating that the **Curriculum's vision** of learners exploring, developing and applying complex skills across learning as competences has not transpired. This can be attributed to the current system of assessment and qualifications, despite skills and competences being formally integrated into current National Qualifications. EIS members attest to their experiences of teaching learners who lack awareness of the skills they are using and are unable to draw upon them or apply them in other contexts or at subsequent stages of learning. In large part, this can be attributed to the current **system's susceptibility to** rote learning and intense exam preparation. Moreover, the exams as currently configured are limited in terms of the skills they can assess, and indeed, may be viewed to actively discourage the teaching of skills they are supposed to be assessing in favour of more assessable skills such as memorising, speed-reading and writing. The EIS believes that reform of subject assessment and qualifications must aim to encourage skills and competencies both within and across learning, in the context of the whole curriculum. To be clear, it would be educationally unsound and counter-productive to disarticulate such essential aspects of learning from subject and curricular areas **and to "house" them separately** in Learning in Context.

That said, a discrete Learning in Context approach as outlined in the proposal does have the potential to gather and recognise achievements of this type in a more systematic manner, and thereby to accord such aspects of learning more prominence across the system. Many Secondary schools offer Inter-Disciplinary Learning (**'IDL'**) at both BGE and Senior Phase, some of which lead to achievements or awards which are formally recognised on a school-basis, or on a wider-basis<sup>22</sup>; or as aspects of National Awards (for example, the Studying Scotland unit of the Scottish Studies Award<sup>23</sup>). A starting point would be to evaluate the successes and challenges encountered by learners and teachers in promoting such approaches and to

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<sup>22</sup> [ThingLink](#)

<sup>23</sup> <https://www.bing.com/search?q=sqa+studying+scotland+unit&qs=n&form=QBRE&sp=-1&lq=0&pg=sqa+studying+scotland+unit&sc=10-26&sk=&cvid=518E40E4841E448C9D9B03BC1113B412&ghsh=0&ghacc=0&ghpl=>

look at how good practice can be shared and, where appropriate, incorporated into the new system.

Undoubtedly though, teachers will view this dimension of the new model with apprehension, given the patchy success of IDL in Secondary schools thus far. Furthermore, incorporating IDL projects into the formal assessment and qualifications system would involve significant modifications to the roles, structures and working practices of Secondary schools. For the proposal to be successful, teachers would require reassurance that their views and experiences of attempting to deliver IDL are listened to and that their questions receive clear answers. Teachers will also expect that, should this aspect of the model be implemented, that planning for implementation is within a realistic timeframe and is fully resourced. EIS members will recall the botched implementation of National Qualifications from 2013/14, where an institutional-political imperative to implement quickly, ignored the voices of teachers and learners who experienced first-hand an educational catastrophe unfold. A realistic timeframe, in our view, is one that recognises that the other aspects of the reformed model, such as those in subject and curricular areas and personal pathways, are significant developments which require time to bed in. It would also factor in other dependencies such as the Skills Delivery Independent Review<sup>24</sup> which requires time for conclusion, consideration and alignment. Finally, a realistic timeframe would take account of the extreme stress at all levels of the education system in the recovery period from Covid-19.

All teachers must be registered with the GTCS, and this registration process ensures that Secondary teachers registered in a subject must have the relevant professional qualifications, skills and knowledge to teach that subject.<sup>25</sup> The EIS is clear that the proposed Learning in Context element and in its future implementation and operation, must be framed within that regulatory context. For the avoidance of doubt, the EIS is resolutely opposed to teachers being deployed to teach subjects they are not qualified or registered to teach and will be vigilant in respect of efforts to disregard these important provisions. Furthermore, where such projects as may arise during Learning in Context have input from non-teaching colleagues, the EIS is clear that an appropriately registered GTCS teacher should be present.

As indicated earlier IDL has proven unsustainable in Secondary schools because curriculum architecture is determined by a narrowing range of subjects. With class sizes in the Senior Phase usually at or near the maximum, and with insufficient staffing capacity, a greater number of Secondary schools cannot exercise the timetabling flexibility and bespoke

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<sup>24</sup> <https://www.gov.scot/publications/skills-delivery-independent-review-terms-of-reference/>

<sup>25</sup> [https://www.eis.org.uk/Content/Edinburgh/images//2019-10-09-Letter-GTCS\\_COSLA.pdf](https://www.eis.org.uk/Content/Edinburgh/images//2019-10-09-Letter-GTCS_COSLA.pdf)

class composition which is essential for quality IDL. To navigate around this, schools often have to take creative approaches: for example, pupils learning a common topic across two or three different subject classes and grafting each element together into a product such as a talk, a presentation, or a dossier. Alternatively, learners work on different tasks on a common theme and tick off skills they have covered, or use “enrichment” **periods to bring** their learning together. Whilst such efforts are commendable, in some cases it can be doubtful whether they are genuinely inter-disciplinary, whether they truly offer personalisation and choice and whether skills are actually being applied in other contexts. Furthermore, whilst BGE courses mostly allow a degree of space to be flexible, the subject content demands of the Senior Phase have so far restricted scope for project work across disciplines. The EIS would, therefore, require clarity around how Learning in Context would work in practice, in this regard. For learners, choosing, planning, designing and delivering a project are learning tasks in themselves that require teacher input in terms of preparation, teaching, monitoring and evaluating. Moreover, there are questions around roles in terms of staff responsibility for assessment and administration and how this would be timetabled.

Too often, new initiatives fail because of a lack of definition of roles and responsibilities, and glib assumptions about workload. The EIS is clear that there are undeniable workload issues attached to the proposal which must be addressed. A particular concern of the EIS which we reiterate, is that too many tasks, deemed the “**responsibility of all**”, fall to already over-burdened colleagues with whole school responsibility such as pastoral care staff or senior leadership colleagues. Similarly, effective IDL projects ordinarily require a high degree of co-ordination and collaboration between subject teachers. This would necessitate identified time within the 35 hour week to overtake. In the previous consultation, we made clear that it was not **appropriate to “bolt on”** additional elements to the current system of assessment and qualifications. Teachers, therefore, need to be assured that subject qualifications are appropriately audited and slimmed down to ensure duplication and over assessment do not occur, and that a requisite segment of time is established for the introduction of Learning in Context. Furthermore, there must be a clearer idea of how achievements assessed here relate to the wider assessment system.

The proposal sets out examples of creative and exciting suggestions for IDL projects. Introducing learner choice in the proposal is welcomed by the EIS. Our members, however, are aware that choice for many learners is not necessarily a simple matter. For a proportion of learners, including some with ASN, choice must be enabled by teachers setting contexts, providing stimulus and encouragement. This takes time, with individually tailored discussions between teachers and learners, and therefore, is a further teaching/learning time and workload issue which cannot be sustained under present teacher workload and class sizes. There is also a risk that project work if not given sufficient dedicated time within the timetable and

therefore requires to be completed to a large extent out with the classroom, may be more difficult for some learners who cannot access support. The potential for IDL work to incorporate external partners is also a potential equity issue where learners in some geographical areas simply have fewer options in terms of access to or choice of external partners. We would also note that currently pupils overtaking projects as part of National Qualifications have limited options to engage in practical activities such as fieldwork due to resourcing issues. Therefore, without adequate resources, choice can be diminished and what should be exciting activities are reduced to "off-the-shelf" tasks.

Independent, project-type tasks inherently require teachers and centres to be vigilant in ensuring **the authenticity of learners' work; where such projects are carried out across subjects and/or disciplines**, there are potentially added demands on teachers, not least in the developing context of online resources and artificial intelligence applications. Teachers, therefore, would require the appropriate time, support and liaison opportunities to meet such demands.

4. What are your views on the proposals designed to recognise achievements in respect of personal learning?

The EIS welcomes **an inclusive approach to recognising young people's** achievements, including those achieved outside a formal educational setting. For many learners, such achievements can be among their most valued and transformational accomplishments. The EIS endorses an educational approach which understands how wider and deeper achievement across a number of areas, in different contexts, including outwith formal schooling, directly contributes to improved attainment and self-realisation for learners. Secondary teachers rarely cease to be surprised when learning of the talents demonstrated by, and the achievements of, many learners beyond school. Whilst individual schools do value and recognise such achievements, at system- and cultural- level, such personal successes pale beside the current dominance of exam success. The proposal for Personal Learning must, therefore, be welcomed as an effort to address this imbalance. However, the challenge will be what worth it will be accorded in the wider system.

For the Personal Learning element to be meaningful, its purpose must be clear. Evidently, **it could play a key part in the SDA's** potential as a lifelong learning profile or a variant of a CV or HE personal statement. Regardless, it must amount to more than a mere list of activities, awards or prizes. Indeed, the EIS sees risks in the proposal being pitched in any such terms: the commodification of achievements, either in terms of the number of achievements, or the status of achievements would both devalue the proposal and would potentially undermine its intentions. Moreover, teachers would require clear parameters to be set out within this element – in a professional sense, they are entitled to question where the boundaries

of their role lie in relation to **learners' private activities**. The EIS views an accompanying framework, therefore, to be of particular importance in supporting learners to select achievements, and also to encourage reflection on the intrinsic quality of the achievement and to promote an understanding and articulation of its nature in terms of what has been gained, what skills have been used, what has been learned. In other words, **it would need to be clear that profiling learners' external achievements was** not an audit of the number of activities or awards undertaken, but a reliable indication of how a young person was developing and achieving in their holistic learning. Such an approach would have the potential to have real utility for learners in further understanding their own learning to inform future choices; and could correlate well with other elements of the SDA.

The construction of such a framework to support learners in the Personal Element would have to be predicated on the principle of equity, specifically a robust awareness of the social and cultural bias that elevates some achievements and fails to acknowledge others. The framework must mitigate, to the greatest extent possible, the inequality that afflicts learners and their families in wider society. Any such approach, therefore, must be predicated on the recognition that learners do not have equal access to participation in extra-school activities, for example, in the arts, sports and voluntary work etc.. In fact, unless such inequity is recognised and actively challenged, the gathering of such information risks entrenching existing inequality and disadvantage. Furthermore, any such approach including any associated validation must take account of the potential for different types of cultural bias. For example, certain external awards and achievements bear a resemblance to conventional school achievements (e.g. a course, specialism or project resulting in a badge or award, a sporting achievement rewarded with a trophy). **Many learners' achievements are less structured, less visible to "mainstream" society and non-teleological** (for example, a young person performing a carer role, a learner from a minority ethnic **background participating in their community's cultural and religious traditions**, a care-experienced learner overcoming barriers few of their peers have to contend with) and so are potentially less likely to conform to **preconceptions of "achievement."** Therefore, any list of "eligible" achievements could never be exhaustive and would also risk being reflective of the cultural prejudices of those who frame it. This must be acknowledged in the framework, supporting learners in the Personal Pathway.

Schools themselves can (and do) play a key role in addressing such inequity by providing a range of after-school activities, closely related to CfE priorities and articulating with the four capacities. However, excessive teacher workload and the erosion of additional funding has led to the deterioration of such provision. If schools were able to offer a broader range of courses and more after-school activities which were accessible to all, to allow for personalisation and choice, this could support the recognition of a

wider range of achievements within school and which link to achievement and the Personal Pathway element of the SDA.

Furthermore, whilst alphanumerical gradings in other areas of the qualifications and assessment system may continue, it is crucial that the Personal Learning element avoids this and indeed is a counterweight within the system in attaching equal value to the Personal Learning of all participants. **Whilst there may be some merit in Professor Muir's suggestion that existing tools such as INSIGHT could be adapted to include a wider range of learners' achievements, this would be viewed with apprehension by teachers, whose experience of INSIGHT has been its use as a blunt instrument accountability tool.**<sup>26</sup> For the avoidance of doubt, the EIS would **not countenance information on learners' wider achievements being gathered to generate another simplistic data set for the purposes of inflicting further top-down accountability procedures which diminish teacher professionalism and do little to truly value and acknowledge the individual achievements of each learner- in essence their progress in learning as human beings.**

Notwithstanding the Personal Pathway's **potential to be a largely learner-owned element, facilitated by digital means akin to other academic or professional profiles, the EIS would again caution against any notion that such an initiative is cost-neutral.**<sup>27</sup> As the briefing paper states, the Personal Pathway would likely be subject to discussion between parents/carers, learners and teachers. Whilst the paper does not specify further, the EIS is clear that learners would require a degree of teacher support – some a significant degree of support-in the completion of this element, and therefore staff costs must be factored in. All learners would require to be taught the relevant skills of metacognition required for this element and many learners, particularly those with ASN or who are socio-economically disadvantaged are likely to require additional teacher support in identifying key learning experiences and articulating their value to individual learners. This is particularly apposite in the case of some learners, who may have limited opportunity to overtake achievements in the other dimensions of the SDA.

5. What do you think of the idea of introducing a Scottish Diploma of Achievement (SDA)?

5 b. If you support this idea, what actions should be taken to make this approach work in practice? What alternative would you propose that would be consistent with the Vision and Principles identified in Phase One of the Review?

The EIS believes that all learners should receive formal certification prior to leaving school and that this should reflect, as widely as possible, the

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<sup>26</sup> [Putting Learners at the Centre: Towards a Future Vision for Scottish Education - gov.scot \(www.gov.scot\)](http://www.gov.scot/putting-learners-at-the-centre-towards-a-future-vision-for-scottish-education)

<sup>27</sup> [Independent Review of Qualifications and Assessment: Phase 3 Briefing Paper \(www.gov.scot\)](http://www.gov.scot/independent-review-of-qualifications-and-assessment-phase-3-briefing-paper)

achievement, including attainment, of all learners, across all four capacities of CfE. Currently this is not the case: the number of learners taking National 4 qualifications and receiving little or nothing by the conclusion of their schooling is a cause of concern<sup>28</sup>; and where certification occurs, it largely has a monocular focus on **“successful learners”**, measured by exam results. In our **view, this is a narrow and reductive approach to learners’ achievements** which has reinforced social and educational inequity and has contributed to a culture of performativity in our schools and the wider Education system. The preponderant influence of exam outcomes has cast a distorting shadow over the Senior Phase and the BGE, and has created immense pressures on learners, teachers and schools to fulfil attainment targets, to the detriment of what really matters in education – learning and teaching designed to meet the agreed purposes of the curriculum. The SDA, **as outlined in Professor Hayward’s Interim Report<sup>29</sup>**, proposes to offer certification to all learners and, in terms of **recognising learners’ achievements, intends to broaden the scope of certification** beyond traditional academic qualifications to encompass achievement across the four capacities. In these important respects, the SDA proposal is aligned with EIS policy on certification in the Senior Phase and would support the current work being undertaken as part of the Additional Support for Learning Action Plan to develop a framework within which the achievements of all learners could be captured, including those with complex needs.<sup>30</sup>

In re-affirming the principle of certification for all, and in giving formal recognition to achievements across the four capacities, the SDA proposal has the potential to make a bold statement that, in Scotland, we value much more in education than academic success measured by exam passes. However, the extent to which the SDA can go beyond making a statement and can actually contribute to effective system and cultural transformation will be determined by the clarity of its purpose, its integration into the wider system and the value attributed to it by those who seek to achieve it and those who use it.

The EIS would reiterate that the SDA (or any alternative along similar lines) must be an inclusive award, encompassing all learners. The proposal outlined in the Interim Report appears to align with this. In a formal sense, that entails the SDA being awarded to all learners, whatever their learning pathway, and stands in contrast to some **conceptions of a “leaver’s certificate,” which is seen to be the preserve of learners who leave school early with a “second prize”**. Nevertheless, there remains a risk that, in an educational climate still pervaded by high-stakes assessment and embedded notions of **“success,” the SDA becomes a tokenistic “afterthought”**.

It is also conceivable that, without sustained and co-ordinated effort and resource to effect wider system and cultural change, all parties continue to place disproportionate value on a single aspect of the SDA, namely academic attainment. The EIS acknowledges that the elevation of academic attainment above other forms of achievement is a wider societal phenomenon beyond the scope of the SDA alone, but we are clear that the SDA, linked to wider reform

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<sup>28</sup> [https://www.sqa.org.uk/sqa/files\\_ccc/ASR2019\\_National4.xls](https://www.sqa.org.uk/sqa/files_ccc/ASR2019_National4.xls)

<sup>29</sup> [Independent Review of Qualifications and Assessment in Scotland: interim report - gov.scot \(www.gov.scot\)](https://www.gov.scot/Information/Inquiries-and-Reports/Independent-Review-of-Qualifications-and-Assessment-in-Scotland-Interim-Report)

<sup>30</sup> [Support for Learning: All our Children and all their Potential \(www.gov.scot\)](https://www.gov.scot/Information/Inquiries-and-Reports/Support-for-Learning-All-our-Children-and-all-their-Potential)



proposals, offers an opportunity to effect real change, and, in designing the SDA, consideration must be given to ensuring parity of esteem across its component parts.

To be effective and have worth, the specific purposes of the SDA must be clearly established and communicated to all stakeholders. In outline<sup>31</sup>, it is **discernible as a collation of information about learners' significant achievements**, which would be useful for learners themselves and external stakeholders as they plan their future learning, training or employment options. It is unclear at this stage how this will be expressed in the SDA, in a qualitative fashion **which both values learners' achievements and is meaningful** to the learners themselves, as well as to employers and educational/training establishments. Further, it is unclear to what extent it would be designed as a record of performance with quantitative or qualitative indicators to that effect.

For the avoidance of doubt, the EIS would be opposed to any form of grading of the SDA itself as this would appear to be contrary to its intention and underpinning values. **The title, "diploma" and the allusion to credits in the Interim Report** gives some indication as to how learners would overtake the SDA. Given the range and diversity of learners served by the education system, including learners with ASN and with complex needs, and learners facing extremes of social, economic and personal disadvantage, the design of such a credit system and the wider SDA would have to ensure inclusivity. The SDA must be attainable by every learner in Scotland without exception.

The EIS resists the notion that implementing the SDA is a resource-neutral option. The SDA would be emblematic of a lens-widening in the Senior Phase to esteem **the totality of learners' achievements**. **We would caution against** under-estimating the shift in mind-set that is required if this is to be successful. A reprise of the rushed implementation of NQs a decade ago must also be avoided. A move to the new diploma would require a fully resourced and carefully planned preparatory period during which learners, practitioners and other stakeholders including parents and carers, employers and tertiary education are engaged in fully comprehending the rationale of the new diploma and its component parts. The challenges in this regard cannot be underestimated. For teachers, this will require fully resourced professional learning, including time within the working week and time to engage in collegiate dialogue and collaborative practice to meaningfully embed that learning. In an operational sense, the Interim Report suggests a digital profile of some description as a technical fix which will empower learners to maintain their own profile and possibly allow external inputs from relevant parties such as the qualification bodies. The EIS would endorse such an approach but with caveats: firstly, digital **equity, specifically learners' access to** enabled devices and broadband must be fully considered and resources provided to ensure equity of provision; secondly, **schools' digital capacity cannot be assumed** with the quality of provision and the pressure on digital resources – especially at peak times - a risk given the criticality of the SDA; thirdly, whilst teachers would welcome such a technical fix, they would view with scepticism the notion

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<sup>31</sup> <https://www.gov.scot/binaries/content/documents/govscot/publications/progress-report/2023/03/independent-review-qualifications-assessment-scotland-interim-report/documents/phase-3-briefing-paper/phase-3-briefing-paper/govscot%3Adocument/phase-3-briefing-paper.pdf>

that many learners, including many with ASN, would not require teacher support. We would reiterate, therefore, the need for all resource and workload implications to be fully addressed.

6. What changes to existing practice, if any, would you recommend to support the development of a new qualifications and assessment system?

The EIS believes that the way information is gathered on the relative success of schools is fundamentally flawed and counterproductive. The success or failure of a new qualification and assessment system is, in our view, contingent on an urgent overhaul of the use of attainment data in educational settings.

The recent Stirling University research demonstrates in detail the pernicious **influence of the drive for attainment data in Scotland's schools, and the real-life impact it has on the learning experience for young people.** The language of **"improvement" and "accountability" barely disguises the reality of a competitive culture, where schools are forced to seek to amass more "5 at" passes than their real-life or "virtual" comparators, for fear they will be held "accountable" for what is perceived as failure.** For learners, learning itself becomes less important than exam success. They are steered towards a **narrowing band of qualifications that will bring such "success", and which will improve the school's data attainment profile, at the expense of genuinely rich, broad and deep learning, with genuine learner choice.** In a telling observation, the report notes that school leaders and local authority education leaders dislike this.

**EIS members attest also to this "accountability" culture in practice.** It is a common occurrence in Secondary schools for whole departments to be called to their annual INSIGHT meeting with senior leaders to discuss the exam data. Members often report this as a disempowering and dispiriting experience. Good practice would entail a collegiate dialogue reflecting on nuances of data; in many cases though, it is staged as a formal meeting where professionals are questioned and **asked to explain their "results"**. Invariably, such meetings have a common theme: what can teachers do to get more National 5 passes, etc.; the answers are fairly uniform: **to shoehorn "borderline" learners into** courses they are unsuited to, and to identify specific learners for special support – cramming by another name.

Moreover, in a reformed system, teachers will be concerned that, in the absence of repeat year-end exams, data-tools will seek other things to measure, or that other things will be created for data-tools to measure. The EIS notes the recommendation of the Stirling report for an independent review **of data usage for accountability purposes. It is absolutely clear that the "culture of performativity" flagged by the report is driven by** an insatiable appetite for short-hand data, and in the eyes of the EIS has backwashed into BGE and into Primary with the collation of ACEL data. The EIS would make an impassioned plea on behalf of any child, parent or teacher in what sections of the media disgracefully brand, **"Scotland's Worst Schools"** – invariably establishments serving economically devastated neighbourhoods with myriad complex social

issues – that a reformed system will take decisive steps to make the use of data in this way impossible.

We must see this data-driven, top-down accountability culture replaced with one in which teachers and school staff are given the resources, time, professional trust and autonomy, to translate ambition into reality. The principles highlighted by Professor Ken Muir in his **report, 'Putting Learners at the Centre', must** underpin the cultural change needed.

These principles highlight the need for:

- **a redistribution of power, influence and resource within Scottish Education to empower teachers and put learners' voices at the heart of decision making;**
- **recognition and celebration of Scotland as an ethnically diverse society with equal status being given to those most often unheard;**
- **time to collaborate as professionals, to plan, design and reflect on curriculum design and delivery;**
- **restoration work to restore the trust and confidence of the teaching profession in national bodies and employers**
- **reduced levels of bureaucracy; and**
- **increased resourcing to meet individual learners' needs, and to provide more responsive, bespoke support for teachers and practitioners.**

To support the development of a new system of assessment and qualifications, the EIS would also envisage the reform of the current inspection process and would wish to see the emergence, from co-creation, of a model of practitioner-led evaluation that features professional collaboration and learning across settings, with time invested to facilitate collaborative processes, to enable reflection on the outcomes of such collaboration and to support any change processes that are required. Such a model would be founded on the premise that trust in teacher professional judgement extends to the improvement agenda and that teachers as inhabitants of school communities are best placed to work with learners, parents and other stakeholders within those communities, and colleagues outwith, to determine priorities and the best means of achieving associated objectives. Where they judge it necessary, schools should be able to seek assistance in going about their work from the relevant national agencies. However, an immediate step the EIS would advocate for is for school inspections to cease using scores in their reports. These, combined with publication of attainment data create a toxic brew.

We have made it clear earlier in this response that all teachers must be supported with time and resources for professional learning to adapt to a new system of assessment and qualifications. The EIS would highlight though the requirement for professional learning for some teachers whose roles will add particular value in a reformed system. If a new system is to be successful in creating parity of esteem across all qualifications, and in being adaptable to

the needs of all learners, teachers who support careers education must be supported to engage in professional learning around the range of qualifications that are on offer from awarding bodies, with a view to building alternative, more coherent, pathways for learners within their school communities and beyond. Professional learning is also required for teachers who wish to offer certain alternative qualification options for their learners but whose Initial Teacher Education, while related, may not have prepared them to deliver specific aspects of new content. In addition to insufficient staffing, lack of confidence amongst some staff who would be well-placed to deliver alternative options, further limits what can be offered to young people to support coherent progression.

As indicated earlier, the EIS believes the success of a new system is contingent on an increase in teacher numbers. Therefore, high quality Initial Teacher Education (ITE) which is appropriately resourced, and which equips student teachers to deal with, and be responsive to, the diversity of needs and challenges presented in the early stages of their careers is more important than ever. The EIS recognises the important role school placements play as a part of ITE in providing student teachers with practical pedagogical experience but also operational knowledge of the assessment and qualification practice.

Student teachers should know where to access support and resources, and through collegiate dialogue, develop confidence in their professional practice. It is clear that at a time of transformation, where teachers are implementing structural, pedagogical and cultural changes, additional dedicated time must be made available for teachers to support student teachers. Furthermore, given the aspiration to implement a more inclusive and tailored approach to assessment and qualifications, it is crucial that ASL and professional learning around diversity is further embedded in ITE.

7. To promote parity of esteem across all qualifications, academic or technical and professional, should all qualifications at a particular SCQF level have the same name?

The EIS believes that a future qualification system should create and maintain parity of esteem across all courses of study including academic, technical and professional. **The dichotomy between “academic” and “vocational” learning** is increasingly anachronistic in terms of the knowledge, skills and learning required for next stage education and employment but is reflective of an inherent bias, within the system and within wider society, towards those who succeed in formal academic exams. We note Recommendation 5 of the CAPD report *which* states:

*“A shift in the discourse, away from NQs to SCQF levels. This needs to occur across the system to reduce the narrow focus on raising attainment in particular qualifications, encompassing everything from how we evaluate schools (inspections, Insight etc.) to university entrance requirements.”<sup>32</sup>*

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<sup>32</sup> [Choice, Attainment and Positive Destinations: Exploring the impact of curriculum policy change on young people \(nuffieldfoundation.org\)](https://www.nuffieldfoundation.org/choice-attainment-and-positive-destinations-exploring-the-impact-of-curriculum-policy-change-on-young-people)

This goes to the heart of how and why the aims and vision of the curriculum have not been fulfilled. We, therefore, agree that the proposal, encompassing the recommendation, will contribute to such a shift in discourse. This would be a positive step. However, parity of esteem must go beyond a mere shift in nomenclature. There needs to be decisive structural and cultural change. On paper, there is a vast array of qualifications available, spanning all categories and providing scope for personalisation, choice and the integration of so-called academic and vocational learning. In reality though, school timetables and staffing resource can rarely offer more than a fraction of this. Moreover, teachers who have over the years specialised in careers education, often have done so as enthusiastic volunteers. Parity of esteem would require sufficient professional learning for such teachers and for those who are keen to create innovative learning pathways that incorporate so-called academic and vocational learning.

8. Do you have any additional comments about the proposed approach to qualifications and assessment set out in this presentation?

The EIS has no additional comments to make in relation to the proposed approach to qualifications and assessment contained in the consultation paper.

9. Given we are now in the final phase of the Review, we would be interested to receive any feedback on our approach to this important exercise.

The EIS, as a professional association, has welcomed the open, transparent and professional engagement of the Independent Review Group.

However, the EIS has expressed concern regarding the accessibility of the review consultation process to our members and educational staff more generally. Teachers and lecturers rightly regard their contribution to the future of assessment and qualifications, as a professional obligation, not an activity to be overtaken in their spare time by activists or enthusiasts. Moreover, many teachers and lecturers wish to overtake their professional obligations in this regard, not as individuals but as communities of professionals. It is deeply concerning and should be unacceptable to the Education community in Scotland, therefore, that EIS members report that they have had either minimal or no time allocated in school or colleges to discuss the proposals at the various stages of the consultation process. It is inconceivable that this position would occur in any other profession.

Moreover, from the perspective of having a successful consultation with system-wide buy-in, underpinned by the imperative for cultural change, the intransigence of the Scottish Government and local authorities to provide dedicated time for such engagement is frustrating and only serves to add credence to a perception that the views of teaching professionals are not genuinely valued in the reform process.

For the culture change needed to make the proposed model of qualifications and assessment effective, teacher **and learners' voices must be** central to the process, with the time and resource committed to promote empowerment and meaningful engagement.

10. Is there anything else in relation to the reform of Qualifications and Assessment which is not covered in these questions that you would like to raise?

For the reform of qualifications and assessments, as part of wider educational reform, to be truly effective, teachers and school staff must be given the resources, time, professional trust and autonomy, free from political interference, to translate ambition into reality. For too long, education has been the focus of politicised debate, predominantly through the narrow lens of attainment, whilst insufficient efforts have been made to address the challenges faced by teachers, school staff and pupils, on a daily basis.

Increased resourcing will be key to ensuring that effective reform can become a reality and that teachers have the time to engage with pupils to support reflection on learning and the identification of next steps, and to design and develop bespoke assessment models which can fully capture the **diverse range of pupils' achievements**.

The Scottish Government has the ability and powers to invest in and support quality public services by raising revenue. Such investment in Education will ultimately result in longer-term savings across a range of public services, such as Health and Criminal Justice, as positive outcomes for children and young people within their Education translate into positive outcomes for them in later life, for their families and for society as a whole.

In this context, if the Scottish Government is truly committed to addressing the poverty related attainment and achievement gap and to putting learners at the heart of the new vision for Scottish Education, then it must use its existing powers to invest in public services, including Education, and provide additional and sufficient resources to effect meaningful change for **the children and young people in Scotland's schools**.

The Scottish Trade Union Congress report, '**Scotland Demands Better: Fairer Taxes for Fairer Future**'<sup>33</sup> published on 5th December 2022 outlines how progressive tax reform could raise an additional £3.3 billion by 2026, including £1.3 billion of tax reforms by April 2023 to help fund public services.

The new First Minister and Cabinet Secretary for Education have stated the Scottish Government's **continued to commitment to what was once** a flagship Education policy. This rhetoric must be matched by political will and

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<sup>33</sup> [Scotland Demands Better Fairer Taxes for a Fairer Future.pdf \(stuc.org.uk\)](https://stuc.org.uk/Scotland-Demands-Better-Fairer-Taxes-for-a-Fairer-Future.pdf)

action now to ensure that effective and meaningful change in the Senior Phase can be realised and the achievements of all learners enabled, valued and celebrated.

April 2023

## Council Resolution: Pupil Week

(25 November 2022)

### Introduction

On 25<sup>th</sup> November 2022, the following motion was carried at EIS Council:

*“That this Council resolves to support current pupil week arrangements in Local Authorities. Furthermore, it commits to campaign locally against any attempt to reduce or adversely affect the pupil week that would seem to be driven by budgetary reasons.”*

The actions associated with this resolution were as follows:

- Analysis of the legislation related to pupil week arrangements
- Analysis of statistical data in relation to the current pupil week arrangements across all Local Authorities in Scotland
- Consideration of the impact of any cut to the current pupil week arrangements, particularly on the most vulnerable children and young people
- Analysis of all the information gathered, highlighting the impact of proposed changes, issues in relation to educational policy and preparation of draft advice for consideration.

### Statutory Provisions in relation to Pupil Week Arrangements

Section 21 of the Education (Scotland) Act 2016 introduced a new section 2ZA into the Education (Scotland) Act 1980. This amendment brought into effect a new duty on education authorities and managers of grant aided schools to make available a minimum number of learning hours over the period of a school year (beginning on 1 August) for pupils in their areas. The Act did not state the number of hours to be provided but indicated that this would be prescribed in subordinate legislation.

The Schools General (Scotland) Regulations 1975, as amended, requires schools under education authority management in Scotland to be open for 190 days per year or 380 ‘openings’ (am and pm). These Regulations, however, do not define the length of the school week (or day) for pupils, but rather leave this within the discretion of education authorities as part of their responsibility for the day-to-day organisation of schools.

The OECD Education at a Glance 2022 provides information on the number of statutory teaching weeks, teaching days and net teaching hours in public institutions over the school year, with the Scottish Government reporting that the total number of hours of teaching days in Scottish public institutions is 190 (Table D4.1)<sup>1</sup>.

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<sup>1</sup> <https://www.oecd.org/education/education-at-a-glance-19991487.htm/?refcode=20190209ig>



## Statistical Data in relation to the Pupil Week

In 2015, when the configuration of the pupil week was under threat in some Local Authorities, the EIS gathered data from each local association in relation to the length of the pupil week. At that time, there was a widely accepted norm of 25 hours for Primary schools and 27.5 hours for Secondary schools. This data has remained consistent since then, with similar hours being referenced in [information](#) about the school week provided to parents by Education Scotland.

## The Importance of Consistency in the length of the Pupil Week and the Impact of Change

It is axiomatic that consistency in the length of the pupil week across Local Authorities in Scotland is key to ensuring that every child and young person has equity of educational provision and equal opportunities to thrive and develop their potential.

Any proposals to alter current arrangements, particularly where this involves reduction premised on budgetary savings, would jeopardise this equity and run counter to Scottish Government educational policy:

- *Curriculum for Excellence ('CfE')* – the vision of CfE is based on a commitment to social justice, equality and equity. As the bedrock of comprehensive education in Scotland, these values are key to ensuring that every child and young person has an equal opportunity to reach their potential.

*If children and young people in one Local Authority have comparatively reduced amount of teaching and learning, then there is a corresponding reduction in the time available to develop the four capacities of CfE- successful learners, responsible citizens, effective contributors and confident individuals; and to fulfil the intention of realising the human right to education and preparing young people for democratic citizenship. This runs counter to the underlying principles of CfE, is likely to exacerbate existing inequalities, and widen the poverty related attainment and achievement gap.*

- Equity and Excellence – [The National Improvement Framework 2023](#) sets out the vision and priorities for Scottish Education and explicitly refers to the importance of achieving equity for all. The vision is designed to ensure **that 'every child and young person has the same opportunity to succeed, no matter their background or shared protected characteristics, with a particular focus on closing the poverty related attainment [and achievement] gap'**.

*However, proposals to cut the current pupil week arrangements would impact negatively on this vision of delivering on equity and equal opportunities for all. All children under a comprehensive education system should be afforded the same opportunities and access to **Education. The Scottish Government's Equity and***

*Excellence policy is founded on this basis. If the amount of time available for education in one Local Authority is cut, then the children in that area will not have the same opportunities to learn and thrive.*

- A Rights-Based Approach to Education – the first key priority listed in **the NIF 2023 is to place ‘the human rights and needs of every child and young person at the centre of education’, building on the recommendations of the Muir Report, ‘Putting Learners at the Centre’**. This approach is rooted in existing legislative and policy frameworks in Scottish Education which seek to deliver a rights-based approach to education for all.

The EIS has long supported the adoption of such an holistic, rights-based approach, particularly that outlined in the Scottish Government policy, ‘Getting it Right for Every Child’ (‘GIRFEC’). Underpinned by the **United Nations Convention on the Rights of the Child (‘UNCRC’)**, GIRFEC is intended to deliver a *national approach, through which ‘everyone in Scotland can work together to help children and young people grow up loved, safe and respected so that they realise their full potential’*.

*To date, systemic underfunding has thwarted this intention and proposals to cut the pupil week, particularly when driven by funding cuts, would further quash any hope that the ambition could become a reality, and that the rights of every child could be met in an inclusive and equitable system.*

*The responsibilities set out in GIRFEC, the drive to embed the UNCRC into domestic law and the priorities outlined in the NIF are then likely to be viewed as vacuous rhetoric in a system which fails to ensure that all children and young people have equal rights, equality of educational provision and an entitlement to the same level of time spent on learning in school.*

- Additional Support Needs - With rising levels and complexities of need in schools across Scotland, and the systemic under-resourcing of **Additional Support Needs (‘ASN’) provision**, *the importance of preserving the current pupil week arrangements across Scotland, with quality time for teaching and learning for all has never been more evident.*

In 2022, 34.2% of the school population<sup>2</sup> were identified as having an additional support need compared to only 4.8% in 2009. The presumption of mainstreaming has resulted in 93% of pupils with additional support needs spending all of their time in mainstream classes<sup>3</sup>. Critically, this rise in demand has not been reflected in resourcing. The EIS has long raised concerns over dramatically declining numbers of specialist staff and

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<sup>2</sup> [Schools in Scotland 2022: summary statistics - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/schools-in-scotland-2022/summary-statistics/pages/10.aspx)

<sup>3</sup> [Pupils+Census+Supplementary+Statistics+2021+V3.xlsx \(live.com\)](https://www.gov.scot/publications/pupils-census-supplementary-statistics-2021-v3/pages/10.aspx)

unsustainably large class sizes, leaving significant gaps to be filled by class teachers. For example, between 2008 and 2021, the number of Primary teaching staff with a general ASN role has declined by 90.4%<sup>4</sup>, with a 50% decline for Primary teachers in a behaviour support role<sup>5</sup>. The current situation is unsustainable and has been for some time.

Inclusive education is dependent on adequate resourcing to meet the needs of all pupils but also crucially on teachers *having sufficient time to engage with pupils*; plan for differentiated lessons; to implement inclusive pedagogy and support strategies; to reflect; to assess and evaluate progress on a continuing basis; to engage with parents and partner agencies; and to complete ever-increasing levels of paperwork. The reality of current provision, as we emerge from the pandemic, is an erosion of resourcing with drastic cuts, rising levels and severity of need, paired with increasing and unsustainable levels of workload for teachers.

*Proposals to further reduce the time teachers can spend with pupils, particularly with those with ASN, will only exacerbate these issues, and impact on the life chances of our most vulnerable learners.*

- Wellbeing and Equity in the context of Covid-19, Recovery and Rising Poverty - All children and young people have been affected in some way by the pandemic. Confinement, restricted social interaction, illness, bereavement, poverty and food insecurity will all have made their mark to varying degrees on individuals, families and communities.

Over the course of the pandemic, we have seen the level and severity of additional support needs grow, whilst poverty continues to extend its crippling grip across families in Scotland, intensifying in the midst of the cost of living crisis, with hunger, fuel and digital poverty now impacting one in three in some areas.

It is clear from reports of the increased number of violent incidents in schools resulting from distressed behaviour that children and young people are still suffering the harsh consequences of Coronavirus on their physical and emotional health.

The evidence is also clear that the periods of school closure and lockdown have wreaked the most damage upon children and families who are most disadvantaged by societal inequality. With this in mind, the Scottish Government [Guidance on Curriculum for Excellence in the Recovery Phase](#) advised that schools should '**prioritise the physical, mental and emotional wellbeing of children and young people**'; **recognise that 'children and young people from disadvantaged background may have faced multiple barriers to learning over the period of school closures**'; and '**applying the principle of equity, consider how to provide additional and appropriate support where it**

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<sup>4</sup> [Teacher+Census+Supplementary+Statistics+2021.xlsx \(live.com\)](#)

<sup>5</sup> [Teacher+Census+Supplementary+Statistics+2021.xlsx \(live.com\)](#)

is most needed in order to maximise engagement with learning and continue the work to close the poverty **related attainment gap**'.

Health, safety and wellbeing, underpinned by the principle of equity, therefore, must be of paramount importance as we respond to the challenges of the context in which we are living: one of rampant and increasing poverty and in which Recovery from the pandemic is barely underway. The reality is that schools continue to witness high levels of pupil and staff absence as a result of COVID, whilst the impact of lockdown, both in terms of interrupted learning and on the mental health and socialisation of children and young people, presents ongoing challenges, which will undoubtedly be felt for years to come.

In this context, we need greater investment in core educational provision, ring-fenced funding for ASN and smaller class sizes to maximise engagement with learning, particularly for our most vulnerable learners. Any ancillary provision which may subsequently be adopted will likely be disarticulated from the body of knowledge which schools have about such learners in terms of progression and continuity. This will only serve to increase the scope for depersonalisation and isolation. *Proposals to reduce the time pupils spend in school will not only actively undermine the time available to support that engagement but will actively perpetuate existing inequalities and the adverse impacts on wellbeing which the pandemic and poverty continue to wreak.*

#### The Impact of Reducing the Pupil Week

Paragraph 3.7 of the SNCT Handbook provides that 'within the 35 hour working week, a maximum of 22.5 hours will be devoted to class contact, except for those teachers on the National Teacher Induction Scheme'. The **SNP Manifesto 2021, 'Scotland's Future, Scotland's Choices'** made the commitment to **'reduce teachers' daily contact time by an hour and a half per week'**. This commitment was based on the recommendation 3.1 in the OECD Curriculum and Assessment Review: Implementation Framework, which proposed the reduction to enable teachers to **'lead, plan and support CfE at school level'** and to **build** – not reduce – curricular capacity. This commitment has yet to be implemented.

In recent years however, proposals have been made that the non-class contact time which teachers have each week should not be covered and the pupil week reduced accordingly. This would see the pupil week shortening by 2.5 hours. Over the course of an academic year, this would equate to 95 hours (more than four weeks) of **'lost learning' opportunities** for children and young people.

These figures should be considered in the light of the current information we have about the level of school absences, both authorised and unauthorised, over the course of the school year.

The latest [Scottish Government School Attendance and Absence Statistics 2022](#) highlight that, as in previous years, pupils with additional support needs had a lower attendance rate than pupils with no additional support needs, with the difference being greater in Secondary schools than in Primary.

Furthermore, pupils living in the most deprived areas had lower attendance rates in all sectors than those living in the least deprived areas. Across all sectors, pupils living in the 20% most deprived areas had an attendance rate of 88.7% compared to 95% for those living in the 20% least deprived areas. This effect was the greatest in Secondary schools, with pupils living in the least deprived areas having an attendance rate 7.6 percentage points higher than those living in the most deprived areas.

*Further reducing the time available for learning and teaching for those with additional support needs and those living in socio-economic deprivation will further restrict the time for engagement to bring about positive changes to the lives of these children and young people and widen the poverty related attainment and achievement gap.*

**In the Scottish Government's 'Closing the Poverty Related Attainment Gap: Progress Report 2016 – 2021'**, Head Teachers identified the factors which they considered were most effective in closing the poverty related gap in attainment and in health and wellbeing. They cited the importance of adequate resourcing, supporting teachers and school staff and high-quality teaching and learning. *Their focus was, therefore, wholly on improved – not diminished – pedagogy and resources.*

## Conclusion

For too long, Education has been the focus of politicised debate, predominantly through the narrow lens of attainment, whilst insufficient efforts have been made to address the challenges faced by teachers, school staff and pupils, on a daily basis.

*Proposals to reduce the pupil week, if brought to fruition, would have an adverse impact on the equitable provision of Education across Scotland and can only be seen as part of a series of cynical cuts which are being proposed by Local Authorities in budgetary negotiations to highlight their position that the Scottish Government is underfunding local government. Meanwhile, the Scottish Government will seek to divert responsibility in what can **only be described as a 'blame game', by criticising the funding settlement from the UK Government whilst highlighting the devolved budgetary responsibilities of the Local Authorities.***

Again, we see Education being used as a 'political football' – and all at the expense of our most vulnerable learners.

If Education is the flagship policy which the Scottish Government and politicians claim, then it is time to turn the rhetoric into political will and action, and preserve the existing pupil week arrangements across Scotland – particularly if the inclusive vision of Scottish Education envisaged as part of Education Reform is to be delivered, with learners featuring firmly at the centre.

Action which can be taken by Local Associations if proposals to cut the pupil week are made:

- Defend the existing pupil week arrangements which currently exist across Scotland, highlighting to your Local Authority the arguments around equity and Scottish Government policy outlined in this document;
- Ascertain whether there has been an Equality Impact Assessment undertaken in relation to the proposed changes;
- Work with your Area Officer and Organiser to highlight these arguments to members, parental bodies and the public;
- Raise this issue with sister trade unions to explore the impact on all workers in Education;
- Use this information to lobby local Councillors and MSPs.
- Raise the issues in the media locally.

January 2023

## Report on School Inspection Models

The Education Committee was assigned the following resolution from the 2021 AGM:

***"That this AGM instruct Council to investigate and report on alternatives to the current model of school inspections, as undertaken by Education Scotland."***

A significant OECD report, *Synergies for Better Learning: An International Perspective on Evaluation and Assessment* (2013) explored how jurisdictions around the globe evaluate schools. It found that three broad approaches to evaluating schools could be identified internationally – although often these approaches could be combined. They comprise school self-evaluation; external evaluation by an agency such as an Inspectorate; and comparison of schools using performance measures such as benchmarking of standardised assessment and other data.<sup>1</sup>

Over three quarters (77%) of countries reviewed by the OECD require external school inspections of some type, most commonly every three to five years.<sup>2</sup> Most of these countries also require schools to conduct a significant degree of self-evaluation, annually or biennially, using either school-devised or externally-devised self-evaluation frameworks.<sup>3</sup>

Within the broad purpose of evaluating school performance, there are differences of emphases between jurisdictions. Some countries place stress on accountability for learning outcomes and the quality of teaching. Here, national assessment data, school ratings and publication of inspection reports are prominent. On the other hand, some systems place greater emphasis on improvement, so there is more focus on support and feedback to schools, much of which is centred on helping schools to strengthen their own capacity for self-evaluation and improvement.<sup>4</sup>

School Inspection is almost always led by national education authorities, often from central government. In Europe, most countries have an established inspectorate which is affiliated to, but independent of, government. Some jurisdictions have permanently employed inspectors whilst others have accredited specialists who are contracted to perform the role. There is a general expectation across countries that inspectors have experience in the teaching profession.<sup>5</sup> Most countries with external evaluation systems feature school visits which take place over several days to evidence school quality. These usually feature classroom

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<sup>1</sup> [Synergies for Better Learning: An International Perspective on Evaluation and Assessment | READ online \(oecd-ilibrary.org\)](#)

<sup>2</sup> OECD (2015), *Education at a Glance 2015: OECD Indicators*, OECD Publishing, Paris, <https://dx.doi.org/10.1787/eag-2015-en>.

<sup>3</sup> OECD (2013), *Synergies for Better Learning: An International Perspective on Evaluation and Assessment*, OECD Reviews of Evaluation and Assessment in Education, OECD Publishing, Paris, <http://dx.doi.org/10.1787/9789264190658-en>.

<sup>4</sup> [Supporting school evaluation for improvement | OECD Reviews of Evaluation and Assessment in Education: Albania | OECD iLibrary \(oecd-ilibrary.org\)](#)

<sup>5</sup> <http://dx.doi.org/10.1787/9789264190658-en>

observation on a sample basis across grades, levels and subjects to establish a view of the teaching and learning in a school. Appraisal of individual teachers does not feature, as a rule. Inspectors commonly hold discussions with school leaders and teaching staff, learners and sometimes parents.<sup>6</sup> Information for reporting on compliance with rules and procedures is collected digitally by inspectors in most countries. There is a high degree of convergence internationally in terms of which aspects are evaluated: quality of teaching practice; learner performance; stakeholder satisfaction; and compliance with rules and procedures.<sup>7</sup> Countries often demand that schools use inspection outcomes to inform their development plans, and in some countries local authorities support schools in the inspection follow-up process. Half of all OECD countries use inspection results to target low-performing schools for more frequent scrutiny.<sup>8</sup> The outcome of external evaluation in most OECD countries results in a grade or rating which will, in some way, highlight schools as excellent, satisfactory or unsatisfactory. Reports following school inspections are commonly made available in the public domain.

The OECD suggests that school evaluation policies globally have been influenced by wider trends in the sphere of public sector management, with increased demands for schools to be accountable for their public funding and the quality of service they deliver, for the level of outcomes they produce and for information to be shared with a public which wants to make informed choices. Such trends place greater emphasis on outcomes and impacts at a time when there is a movement towards de-centralisation and subsidiarity in public organisations. External, centralised supervision has been rationalised, so there is more importance on individual institutions to self-evaluate at a local level and to build capacity for sustained improvement. Also, data systems play an increasingly prominent role as standardised assessments and national examinations provide comparative information about learning to national standards which can be utilised at central government level and/or fed back to schools for evaluation and improvement purposes. Some countries also use this information to identify schools at risk of low performance and to target evaluations.<sup>9</sup>

The effectiveness of external evaluations in the form of school inspections is unclear and it has been noted that empirical evidence on its impact is scarce, even in countries like the UK and Netherlands, which have long-established inspection traditions.<sup>10</sup> That said, it has been posited that the impact of school inspections varies according to their purpose.<sup>11</sup> Common themes emerge in discourse across jurisdictions. External inspections, especially where these are of a higher stakes

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<sup>6</sup> OECD (2015), *Education at a Glance 2015: OECD Indicators*, OECD Publishing, Paris, <https://dx.doi.org/10.1787/eag-2015-en>.

<sup>7</sup> [Synergies for Better Learning: An International Perspective on Evaluation and Assessment | READ online \(oecd-ilibrary.org\)](#)

<sup>8</sup> OECD (2015), *Education at a Glance 2015: OECD Indicators*, OECD Publishing, Paris, <https://dx.doi.org/10.1787/eag-2015-en>.

<sup>9</sup> European Commission/EACEA/Eurydice (2015), *Assuring Quality in Education: Policies and Approaches to School Evaluation in Europe*, Publications Office of the European Union, Brussels, <http://doi.org/10.2797/678>.

<sup>10</sup> [School improvement systems in high performing countries \(publishing.service.gov.uk\)](#)

<sup>11</sup> [Supporting school evaluation for improvement | OECD Reviews of Evaluation and Assessment in Education: Albania | OECD iLibrary \(oecd-ilibrary.org\)](#)



character can be viewed as harmful, demoralising and stigmatising; inspections – and the school-level frenzy of activity which precedes them – are seen to be drivers of excess workload and stress for teachers and school leaders; and that they engender a form of compliance, that is, they measure how well the school meets the demands of the inspection rather than the needs of learners. The publication of Inspection reports is, it is argued, a driver of improvement in itself as it cultivates ambition within schools and healthy competition between schools; conversely, it can lead to excessive focus on assessment results and an unhealthy compliance with the demands of inspection to the detriment of teaching and learning. In jurisdictions where there is choice of school, parents may be perceived as “**the market**” and evaluation systems which foreground outcome data such as assessment and attainment figures, and which attach value labels to schools, may appear transparent and accountable; yet such data, and labelling, is often decontextualised. Since socio-economic background is the most influential factor shaping educational outcomes<sup>12</sup>, such systems will penalise schools teaching learners from disadvantaged backgrounds and entrench **such schools’ challenges**. On the contrary, external inspection is viewed as a means of ensuring consistency through the application of a standardised, unbiased approach to improve schools by giving objective feedback and sharing wider good practice. Additionally, as decision-making and resources are increasingly devolved to schools, it is considered reasonable that there are clear lines of accountability. It is argued also that as evaluation systems mature, the role of inspection recedes as schools build their own capacity for self-evaluation and improvement.

The report below summarises the school evaluation processes in Scotland and in a range of other nations, to allow for a comparison of the Scottish and alternative systems. It should be borne in mind though, that each country has its own context – not solely in terms of education system, traditions and heritage, but also in terms of politics, socio-economic profile and culture.

### School Inspection in Scotland

Education Scotland has responsibility, Scotland-wide, for inspecting schools and a number of other educational settings and services, such as community learning and development services, education psychology services, local authority education functions and careers guidance services. An executive agency of the Scottish Government, it was formed in 2011 with the merger of Learning and **Teaching Scotland and Her Majesty’s Inspectorate** of Education (HMIE).<sup>13</sup> Following Professor Ken Muir’s **2021** review of Scottish Education, the dual functions of education support and inspectorate will be separated to form distinct agencies.<sup>14</sup>

Education Scotland states that there are four purposes to school inspection: to **support improvement by supporting a school’s** own capacity to improve; to

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<sup>12</sup> OECD (2016), *PISA 2015 Results (Volume II): Policies and Practices for Successful Schools*, PISA, OECD Publishing, Paris, <http://dx.doi.org/10.1787/9789264267510-en>.

<sup>13</sup> [Inspection and review | What we do | Education Scotland](#)

<sup>14</sup> [Putting Learners at the Centre: Towards a Future Vision for Scottish Education - gov.scot \(www.gov.scot\)](#)

evaluate and report on its capacity to improve; to provide assurance to service users; and to provide evidence for the national education system.<sup>15</sup> It describes school improvement in Scotland as underpinned by schools self-evaluating their work effectively and being able to take action to plan improvement. Local authorities and inspectors are viewed as having key roles in supporting and challenging schools to this end. A key part of inspection, therefore, is assessing the extent to which a school can effectively evaluate its own work and take action to plan improvement.

The current arrangements for inspection have been in place since 2016. Setting aside the period of pandemic disruption, at least 250 school inspections are carried out each year, with schools getting between 2 and 3 **weeks' notice**.<sup>16</sup> These include: inspections to provide evidence for the National Improvement Framework; shorter inspections on a specific focus or theme; inspections of specific aspects or themes across a sample of schools; inspection where there has been an identified risk; and follow-up inspections of schools where weaknesses have previously been identified. The Chief Inspector agrees with the Cabinet Secretary the scale and balance of inspections on an annual basis. The Cabinet Secretary can also commission specific inspection activity. Schools are selected for inspection on a sample basis rather than on a cyclical basis. Schools selected for NIF information are selected by predetermined criteria including the school context and characteristics, deprivation and length of time since last inspection.

The quality framework, *How Good Is Our School 4 (HGIOS 4)* is the tool mainly used to support self-evaluation.<sup>17</sup> It contains a number of quality indicators (QIs) graded by a six-point scale (**from "excellent" to "unsatisfactory"**.) A number of QIs, or themes within these, are selected. For a NIF inspection, Education Scotland will focus on: leadership of change; learning, teaching and assessment; raising attainment and achievement; and ensuring wellbeing quality and inclusion. Thematic inspections, regional or national, across samples of schools can focus on more specific aspects. Prior to inspection, the headteacher completes a self-evaluation form in liaison with staff and the local authority. This forms the basis of a briefing **on the impact of the school's approaches to** improvement through self-evaluation, given to the inspectors by school management at the start of the inspection. Education Scotland will also garner the views of parents and carers, learners and other stakeholders via a pre-inspection questionnaire and by meeting with stakeholders during the inspection<sup>18</sup>.

At the conclusion of an inspection, findings are shared with the school in terms of strengths, areas for development and possible next steps. A letter is issued to parents summarizing the **school's** strengths, areas for improvement and a **statement of the school's capacity to improve**. Both the feedback to the school and the letter to parents grades each quality indicator according to the six-point scale (see previous paragraph.) Any continued engagement with the school will be detailed. Inspection reports for each school are published on the Education

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<sup>15</sup> [Inspection and review | What we do | Education Scotland](#)

<sup>16</sup> [Arrangements for Inspecting Schools \(education.gov.scot\)](#)

<sup>17</sup> [How good is our school? - HGIOS 4 | Self-evaluation | National Improvement Hub \(education.gov.scot\)](#)

<sup>18</sup> [questionnaires-for-secondary.pdf \(education.gov.scot\)](#)

Scotland website and remain there for five years, though older reports are available on request. National or regional thematic inspections carried out across schools are also published. Education Scotland also shares data on the percentage of school inspections where the selected QIs were graded as **“good” or better**.

The Scottish approach to school evaluation has been highly influential on the international stage and its salient features have become embedded in a number of other jurisdictions, particularly the relationship between external inspection and building capacity for self-evaluation towards improvement,<sup>19</sup> although research **indicates that some schools “treat this with cynical compliance.”**<sup>20</sup> Whilst school inspection is a distinctly more collaborative process than that of England, teacher unions question its impact on school improvement and its ability to genuinely engage teachers.<sup>21</sup>

### School Inspection in England

School inspections in England are the responsibility of OFSTED – the Office for **Standards in Education, Children’s Services** and Skills, which is a non-ministerial department of HM Government directly accountable to Parliament. It also has the responsibility for inspecting childcare, fostering and adoption agencies and initial teacher education. OFSTED regulates **a range of early years and children’s social care services**.

OFSTED **states that inspection provides** “independent, external evaluation and what needs to improve to **be good or better**” and foregrounds the requirement for schools to be accountable, stating that it will provide assurance that minimum standards are being met, and that public money is being well-spent.<sup>22</sup> It states explicitly that its **Inspectors are encouraged to be “curious” and attentive to “gaming or off-rolling” (i.e. malpractice aimed at massaging attainment data)**. OFSTED uses the Education Inspection Framework as the basis for school inspection which considers the following aspects: quality of education intent, implementation and impact-including results in exams and national tests; behaviour and attitudes; personal development of learners; and leadership and management. The framework uses a 4 point grading scale to make its principal judgements: outstanding; good; requires improvement; inadequate.

There are four categories of Inspection in England – a graded inspection (to which all schools are liable; an ungraded inspection (schools with an outstanding or good judgement would get this rather than a graded inspection to determine whether **it is still “outstanding” or “good”**;) an urgent inspection (triggered by a specific concern;) and a monitoring inspection (schools with an inadequate judgement or two **consecutive “require improvement” judgements**). Schools deemed inadequate can be placed in a category of concern: **“special measures” or “serious weakness”**

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<sup>19</sup> [Synergies for Better Learning: An International Perspective on Evaluation and Assessment | READ online \(oecd-ilibrary.org\)](#)

<sup>20</sup> [\(PDF\) Quality Assurance and Evaluation Policy in Scottish Education: HGIOS as a Meaningful and Workable Framework \(researchgate.net\)](#)

<sup>21</sup> [Why do we bother with school inspections? | Tes Magazine](#)

<sup>22</sup> [Education inspection framework - GOV.UK \(www.gov.uk\)](#)

requiring an action plan and ongoing monitoring; however, local authority maintained schools placed in a category of concern are issued with an academy order by the Secretary of State and must become academies. Usually, the maximum interval between inspections is 5 years, but schools, which require improvement or receive inadequate judgements, are inspected within 3-30 months. Schools with inadequate judgements can be inspected up to 5 times in that period.<sup>23</sup>

OFSTED states that it selects schools for inspection using a desk-based risk assessment using relevant information about a school, including data on progress, attainment, attendance; **complaints; parents' views**; and significant concerns. Schools are notified of an inspection by telephone on the day prior to the inspection commencing, although OFSTED reserves the right to carry out unannounced inspections.<sup>24</sup> The school will then receive an email detailing the information the school requires to provide by 8am on the day of the inspection and links to parent and staff questionnaires. The lead inspector will contact the headteacher for a two-part discussion: firstly, an inspection planning dialogue, and secondly an educationally focused conversation which will include the **headteacher's assessment of the school's strengths and weaknesses and agreement around which areas of the curriculum should be subject to a "deep dive"**. OFSTED **has an online tool, "Parent View" which is used to garner parents' views during the inspection.** Pupils and staff also complete questionnaires. Inspectors can also meet with pupils, parents and staff, in the presence of the headteacher. An inspection concludes with a feedback meeting between the lead inspector and the school leadership, where the main findings, including grades where appropriate, are explained. The draft report will be issued normally within three weeks and, when confirmed, is uploaded to the OFSTED site, with the **school's rating highlighted.**

School inspection is the subject of considerable political debate in England, with the opposition Labour Party committed to the abolition of OFSTED **as "unfit for purpose."** Specifically, it is claimed that inspection outcomes are a reflection of **schools' socio-economic contexts** rather than accurate evaluations of school performance. There is also criticism that the grading system is simplistic and inaccurate and that there is an unhealthy, politicised approach **in OFSTED's "naming and shaming" of school's alleged to be low-performing.**<sup>25</sup>

Evidence gathered by the National Education Union (NEU) suggests deep antipathy amongst teachers in England towards the current form of school inspections, with only 5% of teachers surveyed believing that OFSTED contributes to school improvement or that it is a reliable arbiter of standards. Only 4% believe it is truly independent of government. **Teachers' criticisms of school inspection in England** appear to be based on three areas: firstly, school inspection lacks credibility because the focus is on accountability rather than professional dialogue on what is good for learners; secondly, the generation of additional workload

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<sup>23</sup> [Types of school inspections \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/671122/school-inspection-handbook-2019.pdf)

<sup>24</sup> [School inspection handbook - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/671122/school-inspection-handbook-2019.pdf)

<sup>25</sup> [Labour would replace 'unfit for purpose' Ofsted - BBC News](https://www.bbc.com/news/education-50881411)

pressures; and lastly, a feeling by teachers and school leaders that they have limited opportunity to feed into the inspection process.<sup>26</sup>

### School Inspection in Northern Ireland

The Education and Training Inspectorate (ETI) is a unitary inspectorate and part of the Department of Education, which provides inspection services and information about the quality of education, youth provision and training in Northern Ireland.<sup>27</sup> Inspection teams will usually feature a District Inspector (DI), whose role includes professional engagement with schools outwith the context of the formal inspection programme. Where follow-on activity is required after an inspection, this will usually be led by the DI, who will also monitor progress following all inspections.<sup>28</sup> The policy for school improvement, *Every School a Good School*, has a vision of schools as “self-improving, well governed and effectively-led communities of good practice, focusing not on institutions but on meeting the needs and aspirations of all pupils through high quality learning, recognising the centrality of the teacher.”<sup>29</sup> The policy sets out four key indicators of effective performance: child-centred provision; high quality teaching and learning; effective leadership; and a school connected to its local community.

The ETI adopted a new model of inspection in Northern Ireland in 2017 which aimed to be more sensitive to risk, by featuring shorter and more frequent activity ensuring that all schools are inspected by ETI at least every three years.<sup>30</sup> Schools are given two **weeks’ notice** of a full inspection, which is carried out over 2-4 days. Parent, pupil and staff questionnaires are used and may identify lines of inquiry or emergent themes for the inspection.<sup>31</sup> Schools which are identified, or have been previously identified through inspection as having a high level of capacity to identify and bring about improvement can expect a Sustaining Improvement Inspection (SII) up to three years after their inspection, to maintain their SII status. The outcome can be either a further SII or a full inspection within 3 years. An SII takes place over two days and, for schools that sustain improvement, leads to a longer cycle between full inspections.<sup>32</sup> Alternatively, a school demonstrating capacity to identify and bring about improvement may be asked by the **Department of Education’s School Improvement Team (SIT)** to devise an action plan to address areas for improvement. This is for internal use only and should be available to the District Inspector during any follow-up visit or to the subsequent SII. Where important areas for improvement are identified, an action plan has to be agreed with the Education Authority and submitted to the District Inspector for quality assurance. The SIT will then feed back to the school and

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<sup>26</sup> <https://neu.org.uk/press-releases/state-education-ofsted>

<sup>27</sup> ETI, “ Making our evaluations” <https://www.etini.gov.uk/site-topics/making-our-evaluations>

<sup>28</sup> [About us | Education Training Inspectorate \(etini.gov.uk\)](#)

<sup>29</sup> [Every school a good school - a policy for school improvement | Department of Education \(education-ni.gov.uk\)](#)

<sup>30</sup> [NASUWT | Inspection and Accountability in Northern Ireland](#)

<sup>31</sup> [Key information about inspection \(etini.gov.uk\)](#)

<sup>32</sup> [What Happens After An Inspection? Pre-school, Nursery Schools, Primary, Post-primary and Special Education \(etini.gov.uk\)](#)

both an interim follow-up visit and a follow-up inspection will be conducted by ETI within 12-18 months. During follow-up processes, schools are asked to support their view of progress made towards improvement by providing evidence of self-evaluation actions undertaken.

ETI states that it seeks to promote improvement through supporting **organisations' self-evaluation** processes as well as partnership working and collaborative responsibility.<sup>33</sup> It has published the Inspection and Self-Evaluation Framework (ISEF) which is applied to inspections of all settings, with phase/sectoral adaptations. The rationale of ISEF is to support schools to re-evaluate and to increase transparency via the publication of key indicators.<sup>34</sup> ETI states it should enable the staff within an organisation to have in-depth professional discussions about specific aspects within the framework and stimulate challenge and debate about: the outcomes for learners; quality of provision; and leadership and management. This should enable staff to be able to identify strengths and development needs in order to plan actions for improvement, and to evaluate the impact of actions. ISEF describes performance levels on a six-point **scale from "outstanding" to "requires urgent improvement."**<sup>35</sup> Reports of all inspections are published on the ETI website.

There are five main teacher trade unions which organise in Northern Ireland, two of which also organise in other parts of the United Kingdom. During the past decade, during periods of action short of strike action, unions have refused to engage with ETI inspections. Unions view inspection as potential drivers of excessive workload and unnecessary bureaucracy, but point out that this is often due to the actions of employers at school level rather than ETI itself.<sup>36</sup>

### School Inspection in Estonia

Estonia uses a combination of national inspections and school self-evaluation, but inspections are not intended in themselves to identify quality issues in schools. Whilst Estonia has a decentralised education system with local authorities having responsibility for schools, inspection of schools is the responsibility of the Ministry of Education and Research; there is no separate inspectorate. Full-scale inspections of the type familiar in UK jurisdictions are not carried out. Rather, the Ministry can overtake external inspection of schools focused on specific issues: for example, where a school applies for an education licence to carry out a new activity, an inspection can be **instigated to ensure the school's activities** correspond to the application. Also, the Ministry can inspect individual schools on specific themes in response to emerging issues such as complaints.<sup>37</sup> The Ministry

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<sup>33</sup> ETI, <https://www.etini.gov.uk/site-topics/inspection>

<sup>34</sup> [The Inspection and Self-Evaluation Framework \(ISEF\): Effective Practice and Self-Evaluation Questions for Primary \(etini.gov.uk\)](#)

<sup>35</sup> [The Inspection and Self-Evaluation Framework \(ISEF\): Effective Practice and Self-Evaluation Questions for Post-primary \(etini.gov.uk\)](#)

<sup>36</sup> [NASUWT | Inspection and Accountability in Northern Ireland](#)

<sup>37</sup> [https://www.sici-inspectorates.eu/getattachment/b0baadf9-fdb2-4c38-81ab-9cfe21b95d85/The-Inspection-of-Education-of-Estonia-\(2017\).pdf;.jpg;.aspx](https://www.sici-inspectorates.eu/getattachment/b0baadf9-fdb2-4c38-81ab-9cfe21b95d85/The-Inspection-of-Education-of-Estonia-(2017).pdf;.jpg;.aspx)

designs the inspection and analyses the results. A planning stage precedes the inspection, where the scope and aims of the inspection are defined, the available data collected and analysed and the inspection team formed. The inspection can take between 2 and 4 days and involves the collection of evidence including documentary evidence as the basis for substantiated conclusions.

A draft report containing the findings of the inspection is sent to the establishment head who has 3 days to respond with feedback. Any identified deficiencies will have a deadline by which they should be remedied. Once finalised, the inspection report is a public document **and is published on the Ministry's website**. Where a school is identified as low-performing, school improvement activities should be formulated and implemented and incorporated into development plans which are monitored locally; follow-up inspections do not generally take place. Support is available from government advisors (who tend to be school leaders) to schools deemed in need of improvement as is additional CLPL for teachers where required. Failure to implement the required improvement steps can result in financial penalties or revocation of licence.

Since 2006, it has been mandatory for all Estonian schools to undertake internal evaluation which must identify the strengths and development needs of the institution. This should encompass the following aspects: leadership and administration, personnel management, cooperation with interest groups, resource management, the education and schooling process; results related to a child/student, personnel and interest groups; and statistics of the educational institution. The specific form of the self-evaluation process is decided by the school but all staff are involved in internal evaluation with the report discussed by the staff council.<sup>38</sup> An internal evaluation report should be composed at least once every three years. The results of the internal evaluation are used by schools in the establishment of a development/action plan. All schools submit data on their internal evaluation reports to the Estonian Education Information service which allows the ministry to review these. Internal evaluation reports are public documents but there is no requirement for them to be uploaded onto school websites. The expectation, therefore, is that low-performing schools should self-identify.<sup>39</sup>

## School Inspection in Singapore

Singapore has a highly centralised education system and a centrally prescribed curriculum, with the Ministry of Education overseeing kindergarten through to higher education and lifelong learning. Schools are grouped into geographical clusters which are overseen by a cluster superintendent (usually a successful former school principal) who provides local support for policy and initiatives emanating from the Ministry.<sup>40</sup> There are usually between 12 and 14 schools in each cluster, a mix of primary schools, secondary schools and junior colleges. Cluster Superintendents are responsible for supervising the schools in their clusters, developing personnel according to training needs, facilitating collaboration between schools and ensuring that the practices of the top

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<sup>38</sup> [School improvement systems in high performing countries \(publishing.service.gov.uk\)](#)

<sup>39</sup> [School improvement systems in high performing countries \(publishing.service.gov.uk\)](#)

<sup>40</sup> [Singapore - NCEE](#)

performing schools are shared across the cluster.<sup>41</sup> Cluster superintendents visit schools regularly and have monthly meetings with school principals to discuss school improvement, resourcing and inter-school collaboration. They can be reassigned back to schools and are no higher in the hierarchy than school principals.

School improvement in Singapore is based on the belief that “continual and sustainable school improvement is most effective when it is initiated and owned by schools themselves.”<sup>42</sup> Schools conduct self-evaluations on an annual basis, using the School Excellence Model (SEM)<sup>43</sup> which contains nine criteria for performance, and is adapted by the Ministry from a business excellence model and sees school principals adopting a role akin to a CEO. The annual cycles of self-evaluation are supported by six-yearly external validation visits by teams from the Ministry who provide support for schools including input from academics and successful school leaders. The intention of the visits is to validate the self-evaluation, provide feedback and offer support. Under the SEM, departmental heads within schools are responsible for keeping their department on track against **the school’s goals**. Cluster Superintendents moderate the performance management grades of teachers and schools across their clusters before they are submitted to the Ministry. Having a good knowledge of the personnel and schools in their clusters, they can transfer school leaders between schools or request that principals release staff for deployment to a particular area of need within the cluster.<sup>44</sup>

### School Inspection in Sweden

The Swedish Schools Inspectorate (SSI) was established as a governmental body in 2008 following the increasing decentralisation of education to municipalities and independent school authorities.<sup>45</sup> The Swedish Schools Inspectorate was assigned three main areas of responsibility: educational inspection, investigation of complaints and approval of applications to start independent schools.<sup>46</sup>

All schools receive a standard inspection based on a cycle of roughly four to five years. From 2010, such inspections have been differentiated so that schools believed to be well-functioning according to initial **knowledge, receive a “basic”** inspection; whereas schools over which are potential concerns (based on attainment data, complaints, **survey responses etc) get a “wider” inspection.**<sup>47</sup> These inspections focus on the fulfilment of national objectives, **learners’** attainment and achievement levels, equality of access to learning for all learners

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<sup>41</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/905496/School\\_improvement\\_systems\\_in\\_high\\_performing\\_countries.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/905496/School_improvement_systems_in_high_performing_countries.pdf)

<sup>42</sup> [School improvement systems in high performing countries \(publishing.service.gov.uk\)](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/905496/School_improvement_systems_in_high_performing_countries.pdf)

<sup>43</sup> [Singapore - NCEE](https://www.ncee.org/)

<sup>44</sup> [School improvement systems in high performing countries \(publishing.service.gov.uk\)](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/905496/School_improvement_systems_in_high_performing_countries.pdf)

<sup>45</sup> [Sweden\\_PT \(schoolinspections.eu\)](https://www.schoolinspections.eu/)

<sup>46</sup> <http://schoolinspections.eu/impact/sweden/>

<sup>47</sup> [School inspections in Sweden | Schoolinspections](https://www.schoolinspections.eu/)



and the legal rights of the individual. Prior to a standard inspection, the school and the responsible authority (the municipality or board) complete a survey. Two inspectors participate and most inspections last one or two days and they will look at a range of materials such as statistics, quality reports and previous inspection **reports to gain an overview of the school's activities and identify any shortcomings.** School leaders, teachers, pupils and elected officials are interviewed to gain **several perspectives of the school's performance.** Inspectors will observe learning and the wider school environment, paying attention to how **the school's work is carried out in relation to the regulations.**

The results of the Inspection are published two weeks later and issued to the school and the education authority or board. The SSI can instruct authorities or boards to take action to rectify any shortcomings, and schools which do not fulfil their obligations can be sanctioned.

Aside from the differentiated inspections described above, the SSI can also carry out thematic reviews across schools in relation to the quality of provision in specific subjects or aspects of schools. The SSI can also inspect schools in relation to complaints from young people and their parents, and scrutinises applications to start new independent schools.

The main Swedish Teaching trade unions acknowledge the importance of Inspection in ensuring learner entitlement, but have stated that the current approach increases workload for teachers and undermines their professionalism. There is a lack of regulation nationally in terms of class sizes, contact time and staffing, which impact school performance and are not factored in Inspection. Unions have called for these elements to be encompassed and for inspection to be focussed on management and governance rather than on teachers.<sup>48</sup> The **introduction of "free schools"** – which are privately run but publicly funded, expanded parental choice of school and therefore contained, in theory, market-based accountability with unpopular schools facing closure. However, in 2015, **the OECD criticised Sweden's education system as having "weak and unclear"** accountability measures.<sup>49</sup>

### School Inspection in New Zealand

The Education Review Office (ERO) is a stand-alone agency of the New Zealand Ministry of Education with responsibility for the inspection of schools, which it **terms "reviews"**. New Zealand has a collaborative approach towards school evaluation, with the OECD stating that **the premise of the system is that "schools are best placed to analyse their own contexts and that the ERO can provide an external perspective to validate or challenge the school's own findings."**<sup>50</sup>

The established model in New Zealand involves the ERO reviewing exam data, **school's self**-assessments and an on-site review where ERO evaluators (who have

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<sup>48</sup> <https://arkiv.liv.se/opinion--debatt/debattartiklar/2022/2022-12-15-edholm-maste-andra-skolinspektionens-ensidiga-uppdrag>

<sup>49</sup> [19x27 CRC Template \(oecd.org\)](#)

<sup>50</sup> [Microsoft Word - New Zealand Review of Evaluation and Assessment in Education.doc \(oecd.org\)](#)

expertise in educational leadership and improvement) interview school boards, leaders, teachers and learners. Evaluators compile a report which measures the school against standards for achievement, well-being, governance and quality of teaching. This report determines how often schools will be reviewed. On average, schools are reviewed every three years, but high-performing schools who have a stable reporting history and demonstrably effective self-review processes and use of assessment information will be reviewed less often, usually every four or five years. However, high performing schools which are not good at self-evaluation can still require more frequent external scrutiny. Where the performance of an educational centre is identified as poor or where there are safety risks to children, reviews will be carried out more frequently,<sup>51</sup> and the Minister of Education can direct a special review of a school where a particular issue is apparent.<sup>52</sup>

ERO bases its approach to review on the question **“How effectively is this school’s curriculum promoting student learning – engagement, progress and achievement?” and is aligned to the national curriculum’s vision of “young people who will be confident, connected, actively involved, lifelong learners.”** The review focus is **on how the school’s curriculum defines achievement** and the extent to which this encompasses the vision, principles, values and learning/competencies of the national curriculum.<sup>53</sup> There are six dimensions of a successful school with the central one being student learning; teaching, leadership/management; governance; school culture; and engaging families. The external ERO review and the ongoing school self-review use a framework of evaluation indicators based on these dimensions. The indicator framework uses statements of what practice would look like in a high-performing school.

An external, on-site review of a school can take several days and involves data gathering and analysis, interviews and classroom observation. ERO emphasises though that reviewers **should take into account the school’s local context and use professional judgement** in interpreting evaluation indicators. The first step in the external review is a meeting between the reviewers, the board and the senior leadership team to design and agree the shape and content of the visit. In the aftermath, there is a joint discussion aimed at reaching agreement on the findings. Schools are expected to synthesise the findings of the external review with their self-reviews and integrate them into long-term improvement plans. In this respect, the ERO believes it is a collaborative approach **to “build a picture of the school,” drawing on the most useful aspects of internal and external review** and developing consensus around success criteria, indicators and evaluative questions. The OECD has stated that the New Zealand system is well-regarded by stakeholders **as it is “low in threat” and “formative in intent,”**<sup>54</sup> because self-review is so firmly embedded that it is a habit, not an event. Therefore, an external visit is neither an intrusion nor a disruption.

Review reports are published on the ERO website and are publicly accessible. Although the reports do not rank or compare schools – there is no labelling or

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<sup>51</sup> [What we do | Education Review Office \(ero.govt.nz\)](http://www.ero.govt.nz/what-we-do)

<sup>52</sup> [Microsoft Word - New Zealand Review of Evaluation and Assessment in Education.doc \(oecd.org\)](#)

<sup>53</sup> [Microsoft Word - New Zealand Review of Evaluation and Assessment in Education.doc \(oecd.org\)](#)

<sup>54</sup> [Microsoft Word - New Zealand Review of Evaluation and Assessment in Education.doc \(oecd.org\)](#)

numerical categorising, and no rhetoric of “failing schools” - ERO reports are generally regarded by schools as “high-stakes” due to media coverage of exam results and the role the reports play in parental choice of schools. ERO reports state whether a school is performing satisfactorily or whether intervention is required, whereupon the ERO will make a recommendation to the Ministry of Education. Interventions range from the school being required to seek specific support to the dismissal of the board and a commissioner being appointed to govern the school. Schools with serious deficiencies in their ability to effectively self-review can be subject to an ongoing “longitudinal” review.

Teacher trade unions in New Zealand have criticised the model of inspection as being low-trust, and overly focussed on compliance. This has led, in the view of one trade union, to schools being risk-averse and focussing on a narrow range of outcomes, lest they be negatively identified and potentially “named and shamed.” It is noted also that inspection reports and standardised assessment data fail to capture the subtlety of a school’s work and context and are used to compile “league tables” which leads to a “downward spiral” as some parents remove their children from “failing” schools. Unions have advocated greater trust in teacher professionalism and a high standard of support for all schools to allow early identification of any school that is beginning to struggle.<sup>55</sup>

School Evaluation is currently undergoing transition in New Zealand, with a new approach piloted in 2020 to be completed by 2023. ERO states that it is a process of shifting from “event-based” reviews to supporting schools in a continuous process of improvement, with each school assigned an ERO Review Officer or “evaluation partner” to build an ongoing evaluation relationship in which each school will be on a three year evaluation cycle in which external review is aligned with schools’ strategic planning and reporting cycle.<sup>56</sup>

### School Inspection in Finland

Finland has not conducted school inspections since the early 1990s when reforms gave municipalities and schools greater autonomy over education. Prior to that, school inspections had been moving in a direction of greater self-evaluation and “guidance” from the centre rather than control.<sup>57</sup> Since 1998, local authorities are required by law, however, to evaluate schools annually, to ensure legislative requirements are being executed, to support the development of education and to improve conditions of learning.<sup>58</sup> The precise nature of the evaluation procedures, however, is not determined, and local authorities can decide on their own approach to quality assurance: for example, they can decide on the focus, method and frequency of evaluation and can delegate the responsibility to individual

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<sup>55</sup> [Building on excellence: How to make a great schooling system even better \(ppta.org.nz\)](https://www.ppta.org.nz)

<sup>56</sup> [Te Ara Huarau; the new approach to evaluation | Education Review Office \(ero.govt.nz\)](https://www.ero.govt.nz)

<sup>57</sup> [2014\\_2\\_3.pdf \(padovauniversitypress.it\)](https://www.padovauniversitypress.it)

<sup>58</sup> [2014\\_2\\_3.pdf \(padovauniversitypress.it\)](https://www.padovauniversitypress.it)

schools. In practice, the self-evaluation of schools predominates, with observation and self-report questionnaires featuring frequently. The focus of such monitoring has been to improve practice as opposed to sanctioning schools which fail to meet a prescribed standard. Evaluations are in the public domain, but no rankings are attached and there is limited reference to the external context of the school.<sup>59</sup>

Schools identified through local monitoring as being in need of improvement are supported in a number of ways. Local authorities or education providers can arrange partnerships between such schools and wider professional networks. For example, staff with particular expertise or experience can be re-directed to support improvement in another establishment. This aligns with the Finnish **system's strong peer-to-peer** and school-to-school ethos, as exemplified in the *Majakka* (Lighthouse) initiative – a national schools' network with six regional sub-networks devoted to a bottom-up school-led approach to improvement and development. In practice, *Majakka* offers teachers professional learning opportunities on a volunteer basis, such as training, observation, joint planning of materials, coaching and expert advice. Education providers can also appoint school improvement consultants to liaise with school administration **to assess a school's** current condition with a view to setting goals and establishing the process for improvement. This plan for development is shared with the school community to create a shared vision and understanding prior to action being taken to systematically address problems. Education authorities can also direct additional resources to schools achieving lower outcomes for learners. For example, in the allocation of resources, Helsinki positively discriminates in favour of schools in areas of disadvantage, to counteract the distorting effects of socio-economically **advantaged parents choosing to send their children to "good" schools.** Furthermore, the Ministry of Education provides additional funds for categories of student who face disadvantage, and local authorities have the power to distribute such funds as they see fit.

National evaluations of the assessment of learning outcomes and of themes are carried out on a sample basis and through feedback from school leaders, teachers and learners.<sup>60</sup> The Ministry of Education and Culture appoints teachers, headteachers and researchers to the Finnish Education Evaluation Centre (FINEEC)<sup>61</sup> which is an independent agency charged with carrying out thematic evaluations of the system, and evaluations of outcomes in specific subject areas. The latter are carried out nationwide on a sample basis of year nine learners, at least every three years. FINEEC evaluates the consistency with which the core curriculum is implemented and supports schools to conduct self-evaluation effectively. Whilst FINEEC publishes its findings and makes recommendations for improvement, these are not binding.<sup>62</sup>

**Finland's abjuring** of school inspections whilst remaining a high-performing system internationally is seen to challenge the orthodoxy that external inspection to some degree is essential to sustained school improvement. A cornerstone of school

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<sup>59</sup> [2014\\_2\\_3.pdf \(padovauniversitypress.it\)](#)

<sup>60</sup> [Education reform in Finland and the comprehensive school system | Centre For Public Impact \(CPI\)](#)

<sup>61</sup> [Finnish Education Evaluation Centre \(FINEEC\) - karvi.fi](#)

<sup>62</sup> [Finland - NCEE](#)

evaluation processes internationally is the question, "How do we know we are being successful?" and the perceived lack of external validation from above in the Finnish system **may provoke the response "We don't know,"** suggesting that school performance is largely taken on trust, which in other polities would be deemed unacceptable. There is evidently an array of explanations for **Finland's** educational success in recent times, but it is contended that one aspect is the degree of school autonomy and teacher-generated formative assessment, without the pressure to adapt teaching and learning to standardised assessments and external evaluation indicators, meaning that teachers possess a surfeit of useful information and knowledge about learners.<sup>63</sup>

## Conclusion

Internationally, approaches to school evaluation are **reflective of each system's** history, culture and socio-economic context. There do appear to be certain trends developing, however, in line with neo-liberal organisational models of devolved power and accountability measures, often supported by standardised data and models of self-improvement capacity building. It is certainly true that the Scottish model of school inspection has been influential internationally and the OECD notes that representatives of Education Scotland have travelled widely<sup>64</sup> to promote a model that is held to be collaborative and which supports schools' **own capacity** for continuous improvement, as well as providing information about performance to parents and to government.

When the views of practitioners are taken into count, however, the Scottish model **can be cast as a "prophet without honour in its own land."** In its submission to the **Muir Review**, the EIS stated, "members do not consider inspections to be generally helpful in supporting schools or colleges in relation to curriculum and assessment- or any other aspects of education delivery."<sup>65</sup> **Key to the EIS's critique is the perception that whilst purporting to be a model which is collaborative and supports schools to be self-improving, in practice the Scottish system, in the eyes of teachers is "a disempowering experience, which frequently fails to get to the heart of a school's endeavour to serve the needs of its community. It is costly in terms of time and resource yet is of very limited value in supporting accurate self-evaluation and informing professional practice."**<sup>66</sup>

Indeed, **the EIS's specific criticisms of Education Scotland's model are echoed by** teachers in other jurisdictions where aspects of this model are experienced. It is held that inspection engenders a narrow focus on attainment outcomes and fails to capture the wider achievements of individuals and schools. Over-reliance on **certain narrow "attainment" outcomes facilitates a culture of performativity and compliance**, where fulfilment of abstract quality assurance criteria set by the Inspection has precedence over supporting teaching and learning. As is noted by

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<sup>63</sup> [\(PDF\) How Do Finns Know? Educational Monitoring without Inspection and Standard Setting \(researchgate.net\)](#)

<sup>64</sup> [Synergies for Better Learning: An International Perspective on Evaluation and Assessment | READ online \(oecd-ilibrary.org\)](#)

<sup>65</sup> [Muir Review Final Submission.pdf \(eis.org.uk\)](#)

<sup>66</sup> [Muir Review Final Submission.pdf \(eis.org.uk\)](#)

trade unions in other jurisdictions such as New Zealand, rather than support improved curricular innovation, it leads to a risk averse approach.

Furthermore, Scotland, and some of the systems it influences, continue to grade schools following inspections. Teachers believe this to be reductive, misleading and to set schools in competition with one another. Whilst Scotland compares favourably to England, which has a high-stakes accountability regime of inspection with apparently punitive interventions, it is felt by many teachers that "too much rests reputationally on the outcomes of HMIE inspection,"<sup>67</sup> a concern echoed in other countries that schools deemed by inspection to be struggling, risk entering a downward spiral.

The EIS has called for "A significant shift in thinking with regards to scrutiny, inspection and evaluation, coupled with significantly enhanced support to the profession could support real growth in the professionalism of and professional **trust in, teachers.**" **There are certainly learnings from other countries in this respect where we see "high-trust" self- and peer-evaluation practices.** Further, there are examples where school evaluation is not shared publicly but is to serve administrative and developmental functions rather than holding schools to account in the political sphere and in a choice-led marketplace. It is notable that some countries deemed consistently high-performing by OECD have no, or very low-stakes inspection processes; schools, and the wider system, are evaluated on a national basis by periodic sampling and standardised selected national data. **Regardless of Scotland's model's success in being adopted abroad, it remains the case that evidence is lacking to show that inspection improves learning and teaching, and the EIS holds that "a system that supports improvement through growing professional collaboration, trust and confidence- in the real spirit of empowerment- is one likely to lead to lessened scrutiny-related bureaucracy and greater creativity"**<sup>68</sup> which is aligned with the aims of the curriculum, rather than external political agendas.

*March 2023*

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<sup>67</sup> [Muir Review Final Submission.pdf \(eis.org.uk\)](#)

<sup>68</sup> [Muir Review Final Submission.pdf \(eis.org.uk\)](#)

## Report on Member Survey of Home Economics Teachers

The Education Committee was assigned the following resolution from the 2022 AGM:

*'That this AGM calls on Council to survey Home Economics Teachers to investigate and report on: -*

- (a) auxiliary provision at local authority and school level*
- (b) the extent that teachers undertake administrative and non-teaching duties which are generally undertaken by auxiliary staff*
- (c) how this impacts on workload, teaching and learning if there is no **auxiliary provision.**'*

In addition to desk research, a survey of Home Economics (**'H.E.'**) teachers was constructed and sent out to the 476 members listed as teaching in this area. The survey was open for a 5 week period, with 309 responses received. This represents a 65% response rate, which has high statistical significance.

None of the questions in the survey were mandatory. This allowed respondents to skip questions as they progressed through the survey. This was done to ensure that there was no false recording to improve confidence in the results. Some **questions also had 'logic' applied, meaning that respondents would be redirected** to different follow-on questions depending on the answers they gave. Details of how many respondents answered each question are included throughout this report.

All figures within this report have been rounded to the nearest one decimal place, meaning that some questions may not have a total exacting 100%, with other questions within the survey allowing for multiple responses.

There was considerable opportunity for members to record more detailed answers **to the questions posed, either by using comment boxes, or by ticking an "other"** option where appropriate. Throughout this report member comments have been included under the corresponding questions. As some questions within the survey elicited a large number of additional comments or responses, the quotes selected are only a snapshot of this wider data but have been chosen to reflect the majority of views captured.

1. Which local authority area do you work in (tick more than one if applicable)?

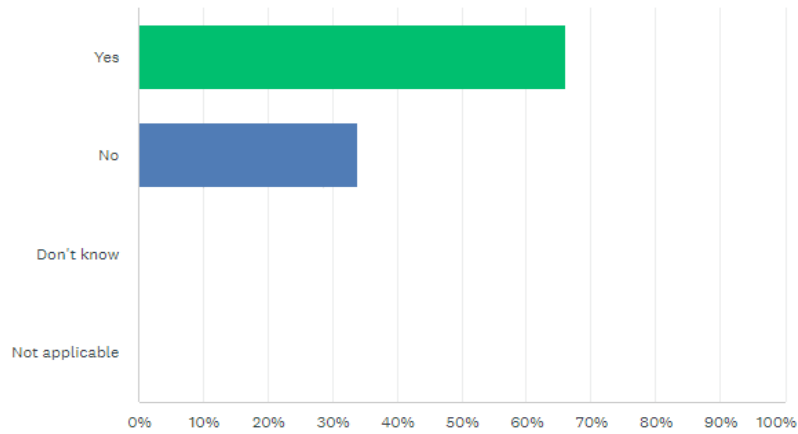
ANSWER CHOICES	RESPONSES	
I work in the independent sector/ not based in a local authority	1.29%	4
Aberdeen City	1.62%	5
Aberdeenshire	3.56%	11
Angus	2.59%	8
Argyll and Bute	1.29%	4
Clackmannanshire	1.62%	5
Dumfries and Galloway	3.24%	10
Dundee City	5.18%	16
East Ayrshire	1.94%	6
East Dunbartonshire	3.56%	11
East Lothian	0.65%	2
East Renfrewshire	1.29%	4
Edinburgh City	3.56%	11
Falkirk	3.56%	11
Fife	5.83%	18
Glasgow City	8.09%	25
Highland	3.56%	11
Inverclyde	2.27%	7
Midlothian	2.91%	9
Moray	1.94%	6
North Ayrshire	4.85%	15
North Lanarkshire	7.44%	23
Orkney	0.65%	2
Perth and Kinross	2.91%	9
Renfrewshire	2.91%	9
Scottish Borders	1.94%	6
Shetland Islands	1.62%	5
South Ayrshire	3.24%	10
South Lanarkshire	8.74%	27
Stirling	1.62%	5
West Dunbartonshire	1.29%	4
Western Isles (Comhairle nan Eilean Siar)	0.32%	1
West Lothian	2.91%	9
Total Respondents: 309		

It can be seen from the table that the highest number of responses received were from H.E. teachers working in the City of Glasgow, North Lanarkshire and South Lanarkshire.

2. As a Home Economics teacher, do you receive any support from Home Economics auxiliary staff?



Answered: 309 Skipped: 0

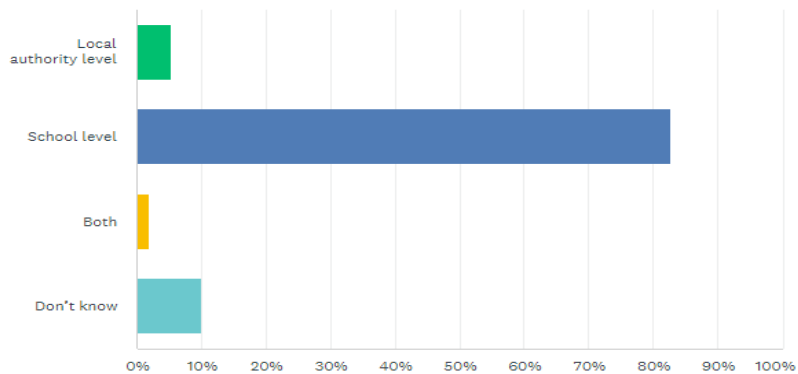


ANSWER CHOICES	RESPONSES	
▼ Yes	66.02%	204
▼ No	33.98%	105
▼ Don't know	0.00%	0
▼ Not applicable	0.00%	0
<b>TOTAL</b>		<b>309</b>

Over a third of respondents (34%) indicated that they received no support from H.E. auxiliary staff, with 66% receiving support of some kind.

**3. If you answered 'yes' to question 2, is this support at local authority level or school level?**

Answered: 208 Skipped: 101



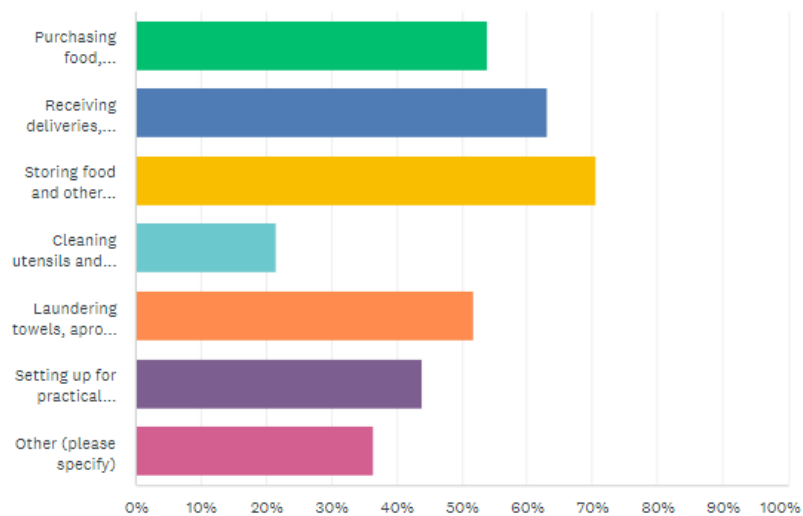
ANSWER CHOICES	RESPONSES	
▼ Local authority level	5.29%	11
▼ School level	82.69%	172
▼ Both	1.92%	4
▼ Don't know	10.10%	21
<b>TOTAL</b>		<b>208</b>

The overwhelming majority of responses (83%) indicated that where auxiliary support is provided, this is at school level, with only 5% indicating that it was centrally based and 2% citing a hybrid approach.

10% of respondents didn't know where those providing auxiliary support were based.

4. *What is the nature of the support provided? (tick more than one if applicable)*

Answered: 228 Skipped: 82



ANSWER CHOICES	RESPONSES
▼ Purchasing food, ingredients and other resources for use in practical lessons	53.95% 123
▼ Receiving deliveries, checking deliveries and processing the administration of receipts, late deliveries and non-deliveries	63.16% 144
▼ Storing food and other resources for use in practical lessons and completing stock checks	70.61% 161
▼ Cleaning utensils and other resources which have been used in practical lessons	21.49% 49
▼ Laundering towels, aprons and oven gloves after practical lessons	51.75% 118
▼ Setting up for practical lessons and cleaning up after them	43.86% 100
▼ Other (please specify)	Responses 36.40% 83
<b>Total Respondents: 228</b>	

70% of respondents to this question indicated that of the listed tasks, the support was used for storing food and other resources for use in practical lessons and completing stock checks.

63% referenced support in receiving deliveries, checking deliveries and processing associated administrative tasks.

54% and 52% of respondents indicated that they received support in purchasing food, ingredients and other resources and in laundering towels, aprons and oven gloves after practical lessons, respectively.

Under half (44%) received help in setting up, and cleaning up after, practical lessons, with only 21% specifically receiving help in cleaning utensils and resources.

Although there was an option for members to provide information about alternative tasks undertaken and a small number referenced laminating and food portioning in the range of supports given, this part of the survey was predominantly used by members to provide additional comments on, and qualify, the extent and range of support provided.

A prevalent theme permeating the additional comments was the variability and ad hoc nature of the support. Many members referenced the fact that whilst they received support, this was not from H.E. auxiliary staff but was mostly from Pupil Support or administrative staff, who had a defined remit elsewhere in the school.

A number of consequences were cited as flowing from this:

- H.E. teachers cannot depend on this support. It is given on a discretionary basis and only if the staff involved can be released from duties which are specified in their remit and/or regarded as being of higher priority.
- The staff providing the support may not be trained or familiar with the statutory provisions which underpin and influence practice in this area, resulting in a further demand on teacher time in explaining, supervising or assisting in the completion of the task.
- The health and safety risks arising from this lack of training were referenced. If these staff members have not been trained in food hygiene or infection prevention and control systems in accordance with statutory provisions and guidance, then this places children, young people, school staff and ultimately the school at risk.

Members were clear in their responses that even where support is given, it is often minimal and that the duties listed in the question are routinely completed by H.E. teachers. More information on the level of support provided is contained in the responses to question 5 below.

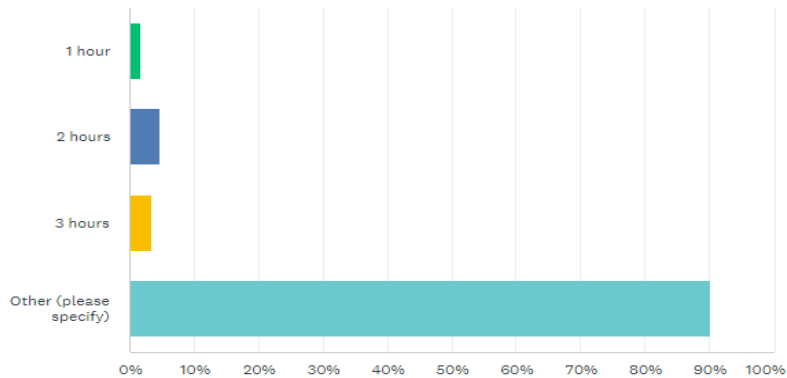
- *We do not have an auxiliary. We have been given a classroom assistant to help. But she can be taken away at any time for more pressing work such as reader and scribe, leaving prep etc to us.*
- *Sporadic support is provided by ASN staff on a very limited basis so cannot be relied upon.*
- *Sometimes I have help from a support assistant if the staffing levels are not short, however if the staffing levels are short, I*

*receive no support and carry out all duties myself. When I am fortunate enough to have some level of support, it is general help with preparing and cleaning up. No purchasing of food or completion of stock checks etc. I carry out these duties myself.*

- *Staff member not trained and we have to show all task before hand - impacting on our time also.*
- *Occasional office staff helping with a few basic essential duties like filing, re-typing work and laundering towels. This equates to a max of 10-15 mins a day but not necessarily everyday this is offered. They have to be based in the office and not in our dep.*
- *Routine cleaning used to be done by General Assistants. Now not done. Serious implications for Food Safety. Food Safety is really important and needs to be seen as Safeguarding (prevention of infection) and prioritised.*
- *Without our technician, we'd be on our knees. We simply couldn't do without the help, if she wasn't there, I'd leave the profession as protected non-contact would be become non-existent and we'd spend all our time doing what she does.*
- *I come in an hour early every morning, regularly work through my breaks and stay an hour late, all to set up and clean up from my classes.*

5. *How many hours of Home Economic auxiliary staff time is allocated to support you in the course of a week?*

Answered: 236 Skipped: 73



ANSWER CHOICES	RESPONSES
1 hour	1.69% 4
2 hours	4.66% 11
3 hours	3.39% 8
Other (please specify)	Responses 90.25% 213
<b>TOTAL</b>	<b>236</b>

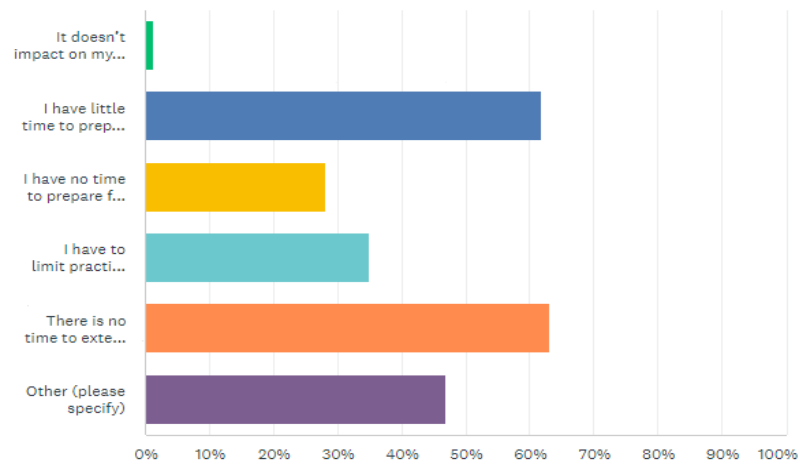
It is evident from an analysis of the qualitative feedback given in response to the 'other' option to this question, that the level of support, where available, is variable.

43% of respondents indicated that they received either less than 10 hours of support per week (31%) or that it was variable (13%). A further 13% received support of between 10 and 15 hours per week, with 32% receiving over 15 hours. Only 12% of respondents indicated that they received full time support.

- They tend to support other departments that have male members of staff. I see staff within our Technical department and Science departments get support. But our department does not get help for these staff members.*
- So sporadic that it is hard to tell. The staff that do support are office staff so if they are short staffed or are too busy printing reports we get no support but if they do come to the department it is around 1.5 hours per day.*

6. **If you answered 'no' to question 2, how does this impact on teaching and learning?** (tick more than one if applicable)

Answered: 160 Skipped: 149



ANSWER CHOICES	RESPONSES
It doesn't impact on my teaching and learning	1.25% 2
I have little time to prepare for my classes	61.88% 99
I have no time to prepare for my classes	28.13% 45
I have to limit practical lessons in the classroom	35.00% 56
There is no time to extend practical lessons, to provide depth, breadth of enjoyment of learning for children and young people	63.13% 101
Other (please specify)	Responses 46.88% 75
<b>Total Respondents: 160</b>	

Only 1% of respondents to this question indicated that the lack of support had no impact on teaching and learning in their class.

90% indicated that they either had little (62%) or no time (28%) to prepare for classes.

35% referenced having to limit practical lessons in the classroom, whilst 63% had no time to extend practical lessons, to provide depth, breadth and enjoyment of learning for pupils.

Although this question was asked of those members who had indicated that **they received no support, qualitative comments in the 'other' section** have also been received from members who considered the support they received was insufficient. The qualitative comments should be read in this light.

The impact of the lack of support was clearly articulated in the qualitative comments made, with members highlighting the significant impact which this lack of support has both on teaching and learning but also on their health and wellbeing, work/life balance and their enjoyment of the job.

Members reported the following concerns and frustrations, arising from the lack or paucity of support:

- the pressure to work well in excess of contracted hours to minimise any negative impact on teaching and learning
- the fact that non-contact time is spent on duties which are outwith the role and remit of a teacher
- the lack of time to tailor the curriculum to the local context, to provide opportunities for depth, breadth and enjoyment of learning and to develop new learning materials
- the lack of time within working hours to prepare for theory lessons, to mark coursework, to undertake reporting and to reflect
- the lack of time for professional reading and learning.

In terms of the impact on health and wellbeing, members highlighted the following issues:

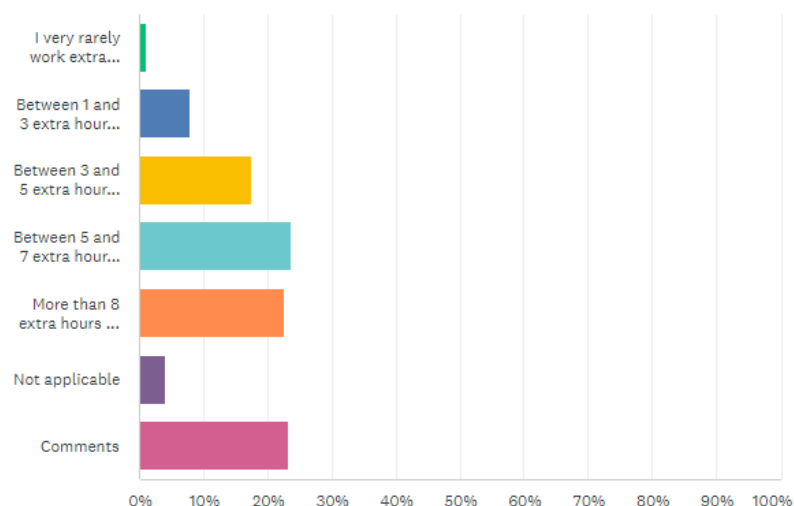
- working excessively long days, without adequate time for breaks and lunch
- high levels of stress and exhaustion
- the negative impact on their physical health related to the demands of the additional tasks being undertaken (e.g. lifting heavy loads, re-organising stock, moving equipment, cleaning etc.)
- poor work/life balance, impacting on family life.

- *No time for marking or developing work, prelims or writing reports. All work done at breaks, lunch and at home.*
- *All marking and paperwork has to be taken home as I spend all non-contact cleaning, preparing setting up food and equipment, doing washing, folding washing away etc, ordering food. This year I have 40 National 5 practical cookery learners where the course is 48% written meaning marking workload is still high. An Assignment takes around 20 minutes to mark therefore to mark practice versions of these takes around 14 hours!*
- *I am burnt out.*
- *As a dept of two, we are extremely stressed and constantly exhausted by the numbers coming through the dept and resourcing our lessons adequately whilst maximising enjoyment, however, this often comes last.*
- *Although we get help, it's not nearly enough - I can do no preparation for theory lessons /marking /reporting or professional reading in my normal working hours - all of that is done in my time. Only thing I have time for in school is practical lesson preparation - the introduction of 50 mins periods also made this much worse as S1/S2 just don't have time in a lesson to weigh ingredients and then cook the dish - its barely manageable if everything is weighed /portioned for them. We only see S1/S2 for 1 period per week - just not enough time.*

- *I have to work a minimum of 11 hours (often more) over and above my contracted hours every single week just to keep my head above water and allow the pupils to have a half decent experience of the subject.*
- *I feel I am constantly firefighting just to survive. I would love to do more and better for my learners, but I am stretched to my absolute limits and it is affecting my family and life outside of school.*

7. **If you answered 'no' to question 2, how many hours a week outside of your contracted hours, do you usually spend carrying out work which beyond the remit of a class teacher (such a purchasing food, ingredients and other resources for use in practical lessons, receiving deliveries and related administration, storing food, cleaning utensils and other resources, setting up for practical lessons)?**

Answered: 177 Skipped: 132



ANSWER CHOICES	RESPONSES	
▼ I very rarely work extra hours (less than one hour per week)	1.13%	2
▼ Between 1 and 3 extra hours per week	7.91%	14
▼ Between 3 and 5 extra hours per week	17.51%	31
▼ Between 5 and 7 extra hours per week	23.73%	42
▼ More than 8 extra hours per week	22.60%	40
▼ Not applicable	3.95%	7
▼ Comments	Responses 23.16%	41
<b>TOTAL</b>		<b>177</b>

Only 1% of respondents indicated that they very rarely work extra hours. In stark contrast, almost a half of respondents (47%) indicated that they



worked more than 5 hours extra every week, with 23% working more than 8 extra hours per week.

In the qualitative comments made in response to this question, members, including those who received support, cited the range of non-teaching duties which they are undertaking every day, to ensure that they can deliver practical lessons for pupils. They referenced long working days in school, with additional preparation and marking being taken home for completion in the evening and at weekends.

- *I have totalled this to 14 hours per week.*
- *I have an auxiliary but I still do between 3-5 extra hours a week as well myself.*
- *Very rarely leave school before 5.30 or later. Often only cars in car park are HE teachers. As have to ensure food put away safely, cloths washed, room clean, fridge clean and prepared for next day. We often have 6/7 practical classes back-to-back where the amount of preparation required is considerable. Very rarely am I able to take a morning break or lunch break and often have no time to go to the bathroom until after school. At one point ended up in hospital due to an infection caused by this.*
- *Between 5 and 7 extra hours per week. Our auxiliary support works in the morning for a couple hours 3 times per week. She puts the food order away and checks over the food orders that we write up. She does not set up for practical lessons therefore, we spend an hour or 2 each day (mainly 2) for the practical lessons commencing throughout the day.*
- *I get auxiliary help but still need to depend 8+ hrs carrying out duties that are beyond a classroom teacher.*
- ***Even though have 2 periods of CA help, I'm still averaging 8 hours non contractual time to do domestic chores. On a day I'm not in school (0.6), I have to check stock levels, order food for the week, clean cookers, fridges and ovens (the cleaners are not contracted to do this).***
- *I would say 12 hours a week.*
- *I work 4 days a week and am completely snowed under.*
- *I regularly work until 6pm each night after school, so my extra time to prepare lessons averages at 2 hours per day, **but sometimes it's more when we have practical exams. Often I'll work these hours and then take marking home at weekends.***

## 8. I work part-time

18% of respondents indicated that they work part-time.

Members responding to this question also provided qualitative feedback which highlights the impact which the lack of auxiliary support is having on retention of H.E. teachers and the work patterns which they are electing to adopt.

A number of respondents referenced the fact that their decision to move to a part-time contract was largely predicated on the impact of excessive workload and the physical demands which they experienced when working full-time without this vital support.

Those working part-time also indicated that they work on their non-teaching days to complete tasks which they do not have time to undertake in working hours, because they are too busy dealing with the administrative and non-teaching duties which ought to be completed by auxiliary staff.

It is clear from the comments made that morale amongst this group of teachers is low, with some indicating that they feel under-valued and powerless to effect change.

- *Just recently started to wind down to early retirement as pace and expectations at work were becoming overwhelming, particularly physically. Without support I would have had to retire years ago due to workload. Support staff are vital to the survival of Home Ec. In the curriculum. Home Ec teachers are few and far between and this is largely due to the pressures put on them with no domestic support and set very difficult time constraints.*
- *I reduced my hours last session as felt I couldn't keep on top of things and I feel this is partly due to having little support in terms of running of the department.*
- *I have taught for 15 years and have had to go part-time for some of this time as the job is not sustainable working 27 periods a week, moving classrooms and teaching practical lessons. When part-time I would spend my days off making resources, marking and writing resources. Also, we now have a secondary job where we have to have all weekly lessons/videos up on Google Classroom for pupils to access if they are absent.*
- *I am having a career break this year for personal reasons and also due to the nature of the job. When returning, if returning to teaching, I will consider going part-time as I cannot cope with the workload.*

- *I could most definitely not work full time in HE.*
- *I work 4 days a week. Therefore have 4 non-contact periods but spend most of them doing food orders and prepping food which takes me away from my teaching remit. Myself and my colleagues are fed up.*
- *But spend my day off completing tasks I cannot achieve at school because I am busy washing, prepping and clearing up.*
- *I became a part time teacher two years ago due to the pace and physical nature of teaching Home Economics, even with support in the department. This was necessary for my physical and mental health.*

9. *Is there anything else in relation to your role that you would like to share?*

41% of respondents elected to leave additional comments.

A selection of the additional comments which members made are included under thematic headings here either because they offer new insights or give emphasis to some of the themes highlighted elsewhere.

#### Excessive workload

- *'Carrying out additional practical duties means other tasks such as marking, making resources, writing reports, writing marking schemes for practical exams, practising making dishes for practical exams all has to be done in my own time outwith school hours.'*
- *'I would not encourage anyone to join this profession (HE). I am in at 7am every day and do not leave until well past 5pm most nights. That is a 50+ hour week and will almost always have to do work at home, marking, reporting, SQA assignment marking. I think the councils are taking huge liberties with HE staff and something needs to change - why would we promote this subject to aspiring teaching staff / pupils?'*
- *'It is a constant struggle to ensure food safety and storage in terms of stock rotation, meeting local authority food safety policy, providing appropriate challenge for young people and driving results when we are inadequately unsupported unlike other practical subjects like Tech and Science that have entire trolleys, trays and lessons set up for them. Its unsustainable!'*

- *'Workload is unrealistic and having an impact on staff morale and the dwindling number of subject specialists who are leaving teaching to pursue higher paid jobs with better working hours and conditions.'*
- *'The workload of a home economics teacher is underestimated by so many and I truly believe the workload is impossible to complete within a working time agreement (or even remotely close) without support from an auxiliary.'*
- *'The workload is **HORRENDOUS** and I am exhausted at the end of every day.'*
- *'Home Economics as a subject is so diverse, we deliver cookery lessons as well as fashion & textiles and cakecraft. These courses are all completely different with a very heavy resource/need with different ingredients and equipment. The change-over every day is exhausting with several different class set up every day. **The subjects are not transferable and it's probably like a science teacher being asked to teach Chemistry, Biology and Physics, so very diverse and therefore more challenging. We need help.'***
- *Even when pregnant I have been offered no help. 25kg bags of flour. **Ordering food that doesn't come, at least 4 washes per day- 5pm and only cleaned room, 7:30-8am starts to prep food daily. I'm exhausted. No real solutions given but to get kids to help which often can take time out of day as well and can't always rely on this support. It's becoming that I have thought about going back to industry as after all this tidying/ordering/food prep I still have development and marking to do often working till 10pm to get on top of workload. It just seems unmanageable.'***

#### Class Size

- *'I used to be able to do **'hand over hand'** cutting and stand between **2 at a cooker, but class size so big now it's not possible** which is severely limiting skills, now using a multi chopper or having to chop in advance / prep in advance e.g. cream or rub in or pre weigh. Further, having to cook some things in advance too because too many in class e.g. pre-cook pasta for macaroni cheese because too many to supervise that we can only make the cheese sauce. This advance prep is now very, very time demanding and totally de-skilling pupils.'*

#### Impact on Health and Wellbeing

- *'I personally am at breaking point with this job, the level of prep required is taking its toll. On top of food prep, we have marking and*

*all the other commitments that other teachers have. I now feel like I am struggling to do my job properly'.*

- *'Completely exhausted, on my knees and finding working like this unsustainable.'*
- *'I am in school just after 7.30 am to help get organised and set up for lessons. It means during my non-contact time is taken up with auxiliary tasks instead of teaching and learning. I also spend more than 8 hours having to still do auxiliary tasks. It has had an impact on my health and I am off work with stress. I have been suffering with high blood pressure and had to be put onto beta blockers.'*
- *'It is a very physical and totally exhausting job being a Home Economics teacher.'*
- *'I have experienced burn out in my career and this is something I am still working through.'*

#### Impact on Teaching and Learning

- *'Our **subject is suffering** and staff are exhausted. Pupils are not experiencing the same depth of learning experiences and outcomes as they did when we had Auxiliary help.'*
- *'Teaching and learning, work-life balance and job satisfaction increasingly affected by this issue. Inequality across subjects and councils is demoralising and now forces us to look at timetables to see when we can fit in practicals around availability of clean laundry and time to prepare ingredients and equipment.'*
- *'We have had to reduce the number of practical lessons we do per week as we **struggle to set up and order food for practical lessons.**'*
- *'It is completely unfair the workload that is placed on Home Economics teachers. The common response is do less cooking and sewing and that will save time but this is at the core of our subject. Pupils like practical lessons which is highly engaging as excellent for preparing them for life. All our practicals are related to the theory content we deliver which supports learners as another tool to learn and revise which not all subjects can offer. I have had great success with pupils achieving N5 and Higher Health and Food Technology by building in active practical lessons that are engaging and are teaching pupils without them realising: an example of this is Jam making to learn about the functional property of crystallisation. Our attainment benefits from the practical work we put in but then has a consequence on our working life which is not right.'*

### *Equity and Variability of Support*

- *'There needs to be a consistent approach to auxiliary support for Home Economics across Scotland. Some local authorities employ full time support that does everything and some schools get little to no support meaning workload is crazy/stressful.'*
- *'The lottery of support across the country, and even within our local authority, is appalling.'*
- *'Other practical subjects have 'technician' support. A science technician regularly visits school, bringing resources, chemicals and setting up equipment. Craft and Design have access to a technician who will sharpen tools, prepare wood, etc. In home economics, I have to sharpen the knives myself!'*

### Health and Safety and the impact of COVID

- *'Due to the time required to set up for a class/clean up after a class, HE teachers are often carrying out our physically and mentally demanding job without having proper breaks.'*
- *'Food prep is potentially very dangerous if not done properly. Why do science and technical have assistance but Home Ec **do not? I'm told it is for health and safety reasons!***
- *'Learning and teaching is certainly being affected, especially since Covid guidelines required so much extra preparation for practical work (weighing ingredients for every pupil), washing and drying textile items and cleaning hand touch surfaces. Although there was a day cleaner employed until June 2022, they were not deployed to **clean in the Home Economics room. We've had no official guidance on relaxing these guidelines, as far as I know.***

### Recruitment and Retention

- *'We are at breaking point which has not been helped by the lack of HE staff to replace colleagues who have gone elsewhere. I love my job but feel undervalued as a teacher and am at the point where I don't want to do this anymore.'*
- *'The main issue we face is lack of HE teachers (if one of us was to leave there would almost certainly be no applicants to replace) plus faculty issue - our PT is PE leaving us to do much of the work (unpaid) that a PT would normally do, due to a lack of understanding of HE.'*

- *'It is so disheartening when you see other teachers starting school later than you and being able to enjoy tea breaks and lunch breaks. It has now broken me and I have decided to take my pension early and leave next year.'*
- *'It is exhausting being a H Ec teacher and I am already looking at what else I can do outside of teaching to let me have a better quality of life. I am exhausted all the time as we want our pupils to undertake as much practical experience as possible however that is only possible if we are carrying out all of the prep.'*
- *'As a profession we need more support, we need to be listened to and we need to feel valued. Our subject should be a National Priority to support the agenda of the Government to improve the health of the nation.'*
- **'I am also concerned that out of 7 high schools...not one of the H.E. Depts is managed by an H.E. specialist. The majority of these faculties are managed by P.E. staff. Over the past year, 2 H.E. staff have been interviewed and appointed ... and both were interviewed without an H.E. teacher at the interview. I have been shocked that this is allowed and feel it devalues our subject.'**

#### A Dedicated Auxiliary Support Role

- *'The auxiliary is an integral part of our department team, valued, and appreciated. Senior Management need to understand how important they are to us and appreciate their expertise.'*
- *'My CA would like to help more but because she is contracted as a classroom assistant for the pupils she keeps getting pulled off to other classes. If her contract stated she was a technician for home economics then she wouldn't be taken away so readily.'*
- *'We really need a Home Economics Technician who has a remit for the department. The person should hold a food hygiene certificate for food safety.'*
- *'I feel it is very much a 'postcode lottery' in relation to auxiliary support for Home Economics and I feel it should be available as a full-time role across the board in all Scottish schools. Auxiliary staff should be paid a salary which recognises the vital work they do and should not just be seen as a luxury.'*

#### Lack of investment

- *'At the moment I have no auxiliary support as she left at the end of November. There has been no auxiliary provision in the department'*

*since she left. The job was advertised last week but only as a temporary post until June 2023. Originally this post was 15 hours a week, permanent.'*

## Conclusions

There is a distinct lack of auxiliary provision in Home Economics, both at school and local authority level. Even where support is available, it is insufficient to meet needs; is ad hoc in nature; cannot be relied upon for planning purposes; and is largely delivered by staff who are employed to undertake another role and are, therefore, not qualified or trained to provide H.E. auxiliary support.

The result is that H.E. teachers feel pressure to plug this gap, with many<sup>1</sup> working an extra day or more over their contracted hours every week, having assumed these additional duties, without pay.

This lack of support is having a significant impact on learning and teaching, on the student experience, on workload and on the health and wellbeing of H.E. teachers.

It is well recognised that H.E. plays a key role within Curriculum for Excellence. Through *practical* experiences, young people demonstrate growth in the skills and capabilities across the four capacities, developing key life skills, team building and communication skills, time keeping and employability skills. Education Scotland in **their document**, '[Home Economics: A Portrait of Current Practice in Scottish Secondary Schools](#)' highlight the importance of pedagogy, rooted in meaningful contexts for learning and through the use of practical activity and investigative approaches.

And yet, the lack of auxiliary support frustrates these policy ambitions and thwarts the delivery of high-quality educational experiences. Instead H.E. teachers are faced with the dilemma of reducing the number of practical lessons taught, thereby curtailing and diluting depth and enjoyment of learning or having to strive to undertake these additional duties themselves, using their non-contact time to do so and foregoing breaks and lunchtimes in the process.

Furthermore, if non-contact time is used to set up practical lessons and complete auxiliary duties, marking, preparation, assessment and reporting – all essential elements of a teacher's **role** – are, consequently, being undertaken outwith contracted hours. There is no time for curriculum development or to consider opportunities to extend experiences to provide depth, breadth and enjoyment of learning, key principles underpinning Curriculum for Excellence.

It is unsurprising, therefore, that H.E. teachers feel that they are having to choose, on a daily basis, **between meeting learners' needs**, on the one hand and their own health and wellbeing and family life, on the other.

The physical nature of the tasks, long hours and the mental pressures in dealing with relentless, excessive workload are taking their toll on the health and wellbeing of H.E. teachers. Members report burn-out, feeling exhausted and describe the

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<sup>1</sup> Almost a quarter of respondents to this survey



role as 'unsustainable'. Even where these issues have been highlighted to management, there is a perception in some cases that the allocation of support is a 'privilege', rather than an integral aspect of the provision of H.E. Education.

This is at odds with the support available from technicians in other areas of the Curriculum, most notably in science and technology, which is regarded as essential to the functioning of these departments and raises questions about the lack of provision in a subject area taught by, and the disproportionate burden placed on, a cohort of professionals who are predominantly female.

Concerns about the impact on recruitment of H.E. teachers have been well publicised<sup>2</sup>, with a bursary scheme introduced in 2019 to attract graduates to the profession<sup>3</sup>. However, unless dedicated H.E. auxiliary support is provided consistently across schools and measures adopted to address the excessive workload, such incentives are likely to have little long-lasting effect. The qualitative data from the survey clearly demonstrates that members would not recommend H.E. teaching as a profession.

Retention is also an issue, with members requesting part-time work as they cannot continue in a full-time capacity; considering retirement at an earlier stage than they would otherwise; or contemplating alternative careers. Given the gender balance of this cohort of teachers and the burden of unpaid and caring work which we know women carry<sup>4</sup>, these issues must be considered from an equality perspective and provision made to address the causes of disparity of workload. Some respondents also referenced the impact which the change to a faculty model has had on the provision of support. As many H.E. departments have been subsumed within wider Health and Wellbeing faculties, there is a perceived lack of subject specialist leadership, leaving H.E. teachers feeling that they have no voice, with no one to advocate on their behalf and little prominence or integration. These issues around recruitment and retention must be addressed as a matter of urgency, not only for the wellbeing of staff but also if H.E. is to continue as a central pillar of Health and Wellbeing within Curriculum for Excellence. We cannot forget that for those learners who **prefer a 'vocational' pathway or who find the practical elements of the course attractive**, H.E. provides the opportunity for valuable engagement and for positive outcomes and destinations. The necessary auxiliary support must be in place to avert a *de facto* narrowing of the curriculum, thereby, restricting the options for those learners for whom traditional 'academic' study is a barrier.

Members are calling for the role of auxiliary staff in H.E. to be recognised and valued, citing its importance in terms of ensuring compliance with key legislative requirements under food safety, infection control, hygiene and health and safety. It should be regarded no differently from the role of technicians in Science and Technology and should be given parity of esteem in terms of the allocation of resources.

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<sup>2</sup> [Home economics 'disappearing' from some Scottish schools | Tes](#)

<sup>3</sup> [£20k for new home economics teachers | Tes Magazine](#)

<sup>4</sup> <https://www.eis.org.uk/gender-equality/iwd2021>

The current variability across and within local authorities and schools and across subjects has resulted in a postcode lottery of provision. Given the impact on teaching and learning, this must be addressed to ensure equity of opportunity and provision for all children and young people; to address the concerns repeatedly highlighted by H.E. teachers; to ensure that reliance can be placed on Appendix 2.6 of the SNCT Handbook, which **provides that 'teachers will not be asked to undertake administrative and non-teaching duties which are generally undertaken by support staff'**; and to remedy the persistent breaches of Working Time Agreements and SNCT Conditions of Service for Teachers.

March 2023

# Report on Children's Access to Mental Health Support Services in Scotland

## Background

The Education Committee was assigned the following resolution from the 2022 AGM:

*'That this AGM instructs Council to investigate and report on the mental health provision across Scotland, by authority, for Early Years, Primary and Secondary aged children.'*

A report, compiled in June 2022 by the Education Department in response to an AGM resolution in 2021, outlined the provision of, and access to, **children's** support services across Scotland. It examined the waiting lists for these services and highlighted that access to them was inconsistent, with many having to wait lengthy periods before receiving an appointment with the professionals involved.

The data demonstrated that capacity was not meeting demand, not only in **Children and Adolescent Mental Health Services ('CAMHS')** but in other services designed to support the mental health and wellbeing of children and young people. The report highlighted the need for urgent action to ensure equity of provision and access to timely support in relation to mental health and wellbeing for children and young people across Scotland.

As recommended in that report, the Institute has, in the interim, continued to raise the issues highlighted in all relevant lobbying and campaigning channels, with a particular focus on the imperative for action included in the EIS response to the **Scottish Government's 'Let's Talk Scottish Education'** consultation.

In this report, data in relation to waiting times is re-examined to ascertain if the situation has improved and consideration given to the strategies adopted to address the growing concerns about the lack of provision and the delays involved.

## CAMHS Waiting Times

Further desk research has been conducted in relation to access to CAMHS and data analysed to enable a comparative analysis of waiting times for this service across Health Board areas and of those recorded at the same time last year.

The Scottish Government has set a standard for the NHS in Scotland to deliver a **maximum wait of 18 weeks from a patient's referral to treatment from specialist CAMHS** and determined that this standard should be met for at least 90% of patients. It has also pledged in the [NHS Recovery Plan](#) to clear waiting lists by March 2023.

Figures in relation to waiting times are published quarterly by Public Health Scotland. The most recent of these publications, '[Child and Adolescent Mental Health Services in Scotland Waiting Times](#)', sets out the data on CAMHS waiting times as at 31<sup>st</sup> December 2022.

The high-level outcomes for that period show that:

- 70.1% of children and young people were seen within 18 weeks from referral, an increase of 2.2% from the previous quarter (67.9%) but a slight decrease from the figure of 70.5% for the same quarter ending December 2021.
- 10,201 children and young people were referred to CAMHS in Scotland for the quarter ending December 2022. This compares to 8,544 (a 19.4% increase) for the previous quarter and 10,021 (a 1.8% increase) from the quarter ending December 2021.
- Around a third of children and young people have to wait in excess of 18 weeks for their initial appointment with CAMHS.
- 7,563 children and young people were waiting to start treatment at the quarter ending December 2022 which is a decrease of 9.3% (8,340) compared to the previous quarter and a decrease of 27.6% (10,449) for the same quarter ending December 2021.

Whilst there has been some recent improvement in the number of children and young people starting treatment, the numbers waiting remain worryingly high.

Individual statistics in relation to the performance of each NHS Board have only been published to the end of March 2022. The following table provides the statistics for each NHS Board in relation to the percentage of children and young people seen within 18 weeks of referral to CAMHS for this period.

NHS Board	Quarter ending March 2022
NHS AYRSHIRE & ARRAN	96.8%
NHS BORDERS	33.7%
NHS DUMFRIES & GALLOWAY	92.8%
NHS FIFE	71.9%
NHS FORTH VALLEY	35.8%
NHS GRAMPIAN	94.2%
NHS GREATER GLASGOW & CLYDE	57.6%
NHS HIGHLAND	82.7%
NHS LANARKSHIRE	67.7%
NHS Lothian	65.3%
NHS ORKNEY	82.6%
NHS SHETLAND	92.3%
NHS TAYSIDE	77.5%
NHS WESTERN ISLES	100.0%
NHS SCOTLAND	68.4%

Source: PHS CAMHS Waiting Times database

NHS Dumfries and Galloway do not include Child Psychology Service data due to systems issues.

NHS Orkney are unable to submit data since October 2020 due to data quality and extraction issues.

From these figures, it can be seen that only 5 NHS Boards achieved the 90% target, with 5 failing to even reach the national average of 68.4%.

It is evident from the statistics that little has changed in the last year in terms of improving access to CAMHS and that demand continues to outweigh capacity. Without significantly increased resources, it is difficult to envisage how the Scottish Government will achieve its targets, set out in the NHS Recovery Plan.

Scottish Parliament's Health, Social Care and Sport Committee

*Report on the Health and Wellbeing of Children and Young People*

The criticality of investment in CAMHS was emphasised in a report published on 13<sup>th</sup> May 2022 by the **Scottish Parliament's Health, Social Care and Sport Committee**. The [Report on the Health and Wellbeing of Children and Young People](#), which followed an inquiry the Committee had conducted on this topic, made the following recommendations in relation to CAMHS:

*'Notwithstanding recent investment to increase capacity, the Committee has heard extensive evidence of persistently long waiting lists to access CAMHS and the compounded negative impact this is having on the mental health of those children and young people affected.*

*Based on the evidence it has received, the Committee believes that, in the short term, there is an ongoing need to prioritise investment to further increase the capacity of CAMHS and reduce waiting times. At the same time, the Committee calls on the Scottish Government, in partnership with providers of mental health services, to continue to explore opportunities to expand the use of community mental health services, third party services and preventative programmes that will further ease pressure on CAMHS.'*

The Committee recommended that the Scottish Government either accelerates its workforce planning timetable to recruit more mental health practitioners or sets out a separate short term action plan to expand the CAMHS workforce to meet the existing high demand for these specialist services.

The Committee acknowledged the positive impact that the Scottish Government's commitment to roll out school counsellors to every Secondary school in Scotland would have in reducing stigma around mental health, and highlighted evidence submitted to the inquiry that embedding Mental Health Education into the curriculum will also make an important contribution to encouraging children and young people to be more open about their mental health.

The Committee went on to consider the role of schools and youth services in supporting health and wellbeing, recognising the pivotal role which schools play in coordinating a whole systems approach. It urged the **Scottish Government to 'do all it can to facilitate multi-agency cooperation and to break down barriers to whole systems approaches to supporting' children and young people**. It went on to call for the development of a dedicated plan to deliver targeted training to teachers 'to give them the requisite skills and capacity to be able to continue fulfilling their

*responsibilities to work with children and young people in school with a view to monitoring, supporting and improving their health and wellbeing’.*

Referencing the rising level and severity of additional support needs, the Committee helpfully **stated that it was** *‘convinced that resources for the provision of reasonably adjusted services and supports, for additional community supports and to ease workload pressures on teachers need to be further prioritised’.*

#### *Scottish Government Response*

The Scottish Government responded to the Committee’s recommendations in a [letter of 6<sup>th</sup> July](#) from Clare Haughey, Minister for Children and Young People and Kevin Stewart, Minister for Mental Wellbeing and Social Care.

In relation to CAMHS, the Ministers referenced the funding which had already been committed to improving CAMHS waiting times, indicated that they were closely **monitoring the** *‘poorest performing [Health] Boards and the development of local improvement plans’*, and cited school counsellors as forming part of the strategic approach to ensuring that children and young people can access support for their **mental health and wellbeing from a range of services. They concluded that** *‘schools counsellors provide a quicker, more effective response to some of the issues which affect children and young people’s mental health and wellbeing’.*

The Scottish Government indicated that it was taking steps to grow the Mental Health workforce and whilst stating that the number of staff in CAMHS had almost doubled since 2007, acknowledged that targets set as part of the recovery plan were still not being met.

Ministers re-stated that the priority for the Scottish Government was to ensure that children and young people and their families have access to the right mental health and wellbeing support at the right time without stigma. In addition to the provision of counsellors in Secondary schools, they referenced the importance of training and effective resources for all school staff. They cited the [Whole School Approach Framework](#), which had been published by the Mental Health in Schools Working Group on 24 August 2021 and the professional learning resources, [Children and Young People’s mental Health and Wellbeing: a Professional Learning Resources for all School Staff](#), which had also been developed by the group.

In relation to support for children and young people with additional support needs, there was no commitment given to the allocation of additional resources, simply **a reference to** *‘continued investment in education to support children and young people with additional support needs and work to ensure that professionals including teachers feel informed, prepared and equipped to provide support to learners’.* They referred to the partnership work ongoing to deliver the Additional Support for Learning Action Plan and committed to publishing an updated action plan in the autumn of 2022.

#### Counselling Services for Children and Young People

The commitment to invest in access to school counselling services across Education in Scotland was announced in the 2018 Programme for Government. Around £60m in extra funding has been made available for this programme; with £12m being allocated in 2019/20 and £16m every year thereafter.

The Scottish Government '[Guidance for Education Authorities establishing access to counselling in Secondary Schools](#)' makes it clear that '*the counselling service is a universal service and should be available to all Secondary pupils and Primary, ASN pupils aged 10 and over.*' This is intended to complement whole-school and targeted approaches to support the mental, emotional, social and physical wellbeing of children and young people.

Local Authorities provide biannual data to the Scottish Government on both access to counsellors in **Secondary schools and to children and young people's** Community Mental Health Services. [The latest report](#), covering the period from July to December 2021 provides an overview of the basis of the referrals and the **nature of pupils' concerns**; the sources of referrals; the age breakdown of the pupils referred; and information about onward referrals to other NHS services, including CAMHS. The most prevalent reasons cited for referral in the latest report are family issues, relationships and self-esteem. By far the majority of referrals came from school staff (84%), with a smaller proportion resulting from self-referrals (10%). Where evaluations of the service were conducted, the report suggests that children and young people have reported improved outcomes.

Whilst this feedback is positive, further analysis of Local Authority spending demonstrates that there is not a consistent commitment to investment in these services across Scotland.

The undernoted table outlines the Local Authority Spend on counselling services for children and young people between 2018-2022.

Local Authority		2018-19	2019-20	2020-21	2021-22
Aberdeen City	Primary	£151,125	£131,512	£157,561	£130,159
	Secondary	£273,056	£226,672	£210,525	£230,296
Aberdeenshire	Primary & Secondary	N/A	N/A	£111,424	£520,688
Angus	Primary & Secondary	£0	£0	£95,699	£329,475
Argyll and Bute	Primary & Secondary	£0	£0	£113,000	£444,000
Clackmannanshire	Primary	£0	£0	£53,592	£77,925
	Secondary	£0	£0	£80,388	£116,888
Dumfries and Galloway	Primary & Secondary	£0	£55,988	£491,512	£490,122
Dundee	Primary	-	-	-	-
	Secondary	-	£9,000	£177,000	£361,000
	Other		£90,000	-	£31,000
East Ayrshire	Primary & Secondary	£10,720	£8,450	£83,243	£391,130
East Dunbartonshire	Primary & Secondary	-	-	£372,850	£476,894
East Lothian	Primary & Secondary	£50,000	£0	£199,075	£276,910

<b>East Renfrewshire</b>	Primary	£0	£0	£2,129	£40,695
	Secondary	£56,540	£58,104	£219,335	£721,405
<b>Edinburgh</b>	Primary & Secondary	£46,588	£62,430	£727,041	£2,672,706
<b>Falkirk</b>	Primary	£0	£0	£0	£5,000
	Secondary	£0	£352,000	£328,000	£361,000
<b>Fife</b>	Primary & Secondary	£1,398,122	£1,554,909	£2,060,829	£2,850,562
<b>Glasgow</b>	Primary	£0	£198,000	£296,000	£362,000
	Secondary	£0	£374,000	£532,000	£804,000
<b>Highland</b>	Primary & Secondary	-	-	£300,000	£800,000
<b>Inverclyde</b>	Primary & Secondary	N/A	N/A	£221,961	£494,617
<b>Midlothian</b>	Primary & Secondary	£0	£0	£135,562	£325,360
<b>Moray</b>	Primary	£5,565	£3,630	£5,470	£7,067
	Secondary	£180	£2,345	£12,358	£14,354
<b>North Ayrshire</b>	Primary & Secondary	£333,170	£538,943	£436,239	£627,826
	Health & Social Care P'ship Response	£115,830	£115,830	£155,830	£155,830
<b>North Lanarkshire</b>	Primary & Secondary	£0	£216,549	£664,458	£956,077
<b>Orkney</b>	Primary & Secondary	£25,000	£17,500	£46,948	£60,000
<b>Perth and Kinross</b>	Primary & Secondary	£0	£0	£136,785	£384,000
<b>Renfrewshire</b>	Primary & Secondary	£0	£188,600	£525,962	£423,574
<b>Scottish Borders</b>	Primary	-	-	-	£43,096
	Secondary	£260,811	£367,342	£367,342	£392,342
<b>Shetland</b>	Primary	£0	£0	£10,436	£43,252
	Secondary	£0	£0	£59,068	£100,922
<b>South Ayrshire</b>	Primary & Secondary	£0	£253,000	£322,000	£322,000
<b>South Lanarkshire</b>	Primary & Secondary	Not held	Not held	£253,000	£718,000
<b>Stirling</b>	Primary	-	-	-	£294,829
	Secondary	£0	£37,240	£188,000	£355,812
<b>West Dunbartonshire</b>	Primary & Secondary	N/A	£226,000	£294,000	£294,000
<b>West Lothian</b>	Primary			£140,000	£140,000
	Secondary			£315,000	£340,000
	Central support			£119,000	£94,000



	staffing				
	Total Spend			£574,000	£574,000
<b>Western Isles</b>	Primary & Secondary	£29,000	£47,000	£72,000	£188,000

The variation in terms of spending on counselling services across Local Authorities is evident. Fife Council, for example, spent over £2.8m on counselling services in 2021/22, more than doubling the spend in Glasgow. It is also worth highlighting that some rural Local Authorities, such as Highland, have also invested heavily. Whilst spending on counselling services has increased overall since 2018, there are, however, some authorities which have cut spending in 2021/22, for example, Renfrewshire and Aberdeen City.

It is clear, therefore, that spending remains variable across Local Authority areas, even when considered on a per capita basis, and consequently, access to these services will also be variable and governed by local provision.

### Rising Need

There have been numerous reports of the increased level and severity of need, manifesting particularly in younger learners, since the pandemic. And it came as no surprise that in 2022, 34.2%<sup>1</sup> of the school population were identified as having an additional support need, compared to only 4.8% in 2009.

The Report on Children and Young **people's** Health and Wellbeing, published by the Health, Social Care and Sports Committee and referenced above, outlines the negative impact which the pandemic has had on the mental health of children and young people and suggests that the full extent of this impact and how long-lasting it will be, have yet to be fully understood. The report also explores the negative impact on mental health and wellbeing of poverty and inequality, particularly for children and young people from Black, Asian and Minority Ethnic backgrounds, and cites growing concerns about the emerging picture of poor, and deteriorating, mental health of women and girls.

In setting out its recommendations, the Committee sought assurances from the Scottish Government that the long-term impact of COVID-19 would form an integral part of the future design and development of mental health services and support for children and young people. The Committee also recommended that **the Scottish Government** '*commissions further research on the prevalence of mental health conditions amongst children and young people in Scotland and undertakes a mapping exercise to determine levels of existing capacity spanning different disciplines across statutory and third sector mental health services*'.

In responding, the Scottish Government cited the investment already made in counselling services and in CAMHS but gave no commitment to conduct further research, mapping need and capacity. Instead, it referenced the Health and Wellbeing Census, suggesting that it would provide additional evidence on the mental health and wellbeing of children and young people.

<sup>1</sup> [Schools in Scotland 2022: summary statistics - gov.scot \(www.gov.scot\)](https://www.gov.scot/resources/consultations-published/schools-in-scotland-2022-summary-statistics)

## The Health and Wellbeing Census Scotland 2021/22<sup>2</sup>

Unsurprisingly, the data gathered from the census confirms the evidence gathered by the Health, Social Care and Sports Committee in their inquiry. Analysis of the data indicates that positive mental health and wellbeing decreases as children become older, with clear differences by sex and deprivation.

Girls have less positive perceptions than boys across aspects of life; from perceptions of school and pressures of school work; feeling positive about their future; being worried about perceptions of their body image, sleep, diet and physical activity; and having trusted adults to whom they can talk.

The following table demonstrates the percentage of pupils responding to a range of questions in relation to their life satisfaction and wellbeing, by question asked, response given and pupil sex.

Survey question	Response	Female	Male	Not known	Total
My life is just right	Strongly agree or Agree	49.9	67.7	67.9	58.8
I have what I want in life	Strongly agree or Agree	52.9	65.6	66.6	59.3
Adults are good at listening to what I say	Agree	61.7	71.4	71.3	66.5
Adults are good at taking what I say into account	Agree	52	62.3	63.8	57.2
Even if I'm having a difficult time, I feel like I will be ok	Strongly agree or Agree	52.4	64.5	62.2	58.4
Over the past 2 weeks, how often have you been feeling confident?	Often or All of the time	41.7	58.9	55	50.4
How often do you feel lonely	Often or Always	16.6	11.2	12	13.9

<sup>2</sup> [Mental health and wellbeing - Health and Wellbeing Census Scotland 2021- 2022 - gov.scot \(www.gov.scot\)](https://www.gov.scot/resources/consultations/web_publications/mental-health-and-wellbeing-health-and-wellbeing-census-scotland-2021-2022/)

I am happy with my body and the way I look	Strongly agree or Agree	29.5	55.2	51	42.2
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My body and the way I look affects how I feel about myself	Strongly agree or Agree	58.2	39.1	49.7	48.8
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These differences in the responses from girls are also replicated in the responses of children and young people living in the most deprived areas. They reported feeling less positive about school; life at home and having a trusted adult to whom they can talk. They also recorded higher scores on loneliness and worrying about a number of areas of their life.

The following table demonstrates the percentage of children and young people with slightly raised, high or very high Strengths and Difficulties Question scores, by total difficulties score, scale and deprivation.

Scale	SIMD 1 (most deprived)	SIMD 2	SIMD 3	SIMD 4	SIMD 5 (least deprived)	Not known	Total
Total difficulties score	53.9	51.5	48.1	44.6	40.9	42.4	47.4
Emotional symptoms	50.7	50.2	47.5	46.2	44.5	44.8	47.6
Conduct problems	29.4	27.1	24.9	22.1	20.0	24.8	24.5
Hyperactivity / inattention	49.2	47.5	45.8	43.0	39.9	43.7	44.8
Peer relationship problems	48.3	45.7	43.1	39.8	36.4	37.1	42.3
Prosocial behaviour	41.1	40.0	38.9	36.8	34.6	31.9	38.0

## Conclusions

It is clear from the data gathered that the mental health and wellbeing of children and young people in Scotland, together with the underlying causes of ill health,

continue to raise significant concerns. The mental health and wellbeing of girls, especially of adolescent girls, is particularly poor, and deteriorating.

Although there are a range of support services available across Local Authority and Health Board areas for children and young people, access to these services is inconsistent, and many have to wait lengthy periods before receiving an appointment with the professionals involved. Demand continues to outstrip capacity, not only in CAMHS but in other services designed to support the mental health and wellbeing of children and young people. Whilst there has been investment in CAMHS and counselling services, to address the delays in accessing provision, its impact has yet to be seen, as need increases and waiting lists continue to grow.

Now more than ever, with rising levels of poverty and the cost of living crisis, urgent action is necessary to ensure equity of provision and access to timely support in relation to mental health and wellbeing for children and young people across Scotland.

The EIS will continue to raise the issues highlighted in this report in all relevant lobbying and campaigning channels, including with regards to campaigning on ASN provision, and through our representation on the Mental Health in Schools Working Group.

March 2023

## 2022 AGM Motion: Alternative Curricula

The Education Committee was assigned the following resolution from the 2022 AGM:

“That this AGM calls on Council to investigate and report on which authorities are resourcing and running an alternative curriculum within mainstream schools to support children and young people with social, emotional and behavioural needs rather than the presumption to mainstreaming within classrooms with a focus upon improving educational engagement and outcomes.”

In addressing the AGM, the movers of the resolution referenced the increasing importance of support for children and young people with social, emotional and behavioural needs within mainstream school settings.<sup>1</sup> Further, they highlighted the positive effect of initiatives such as “support hubs” and “inclusion zones” in supporting learners to maintain good attendance and positive engagement in learning, particularly in the period of pandemic recovery. The movers explained that the resolution aimed to ascertain current arrangements with a view to sharing good practice.

### “Alternative Curriculum”

Curriculum for Excellence (CfE) is Scotland’s national curriculum used from nursery to secondary school, and encompassing all learners from age 3-18.<sup>2</sup> Within this curriculum, every child and young person is entitled to experience: a coherent curriculum; a broad general education across all curricular areas from early years to S3; a senior phase after S3 with opportunities to achieve and attain, including to study for qualifications, awards and other activities to develop the four capacities; opportunities to develop skills for learning, for life and for work; opportunities to maximise their individual potential; and support in moving to post-school destinations.<sup>3</sup>

In considering the resolution and the elaboration provided by the movers within the context of CfE, it is reasonable and useful to infer that the term “alternative curriculum” is a shorthand for specific approaches and strategies to better adapt the curriculum to the needs of learners who have particular social, emotional and behavioural needs, in mainstream educational settings. In this respect, “alternative curriculum” may be a misnomer, but the substantive concept is one

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<sup>1</sup> [Education Motions – 176th AGM Edition \(sej.org.uk\)](https://www.sej.org.uk/education-motions-176th-agm-edition)

<sup>2</sup> <https://www.gov.scot/policies/schools/school-curriculum/>

<sup>3</sup> <https://education.gov.scot/education-scotland/scottish-education-system/policy-for-scottish-education/policy-drivers/cfe-building-from-the-statement-appendix-incl-btc1-5/what-is-curriculum-for-excellence>

that will be recognised and experienced by most teachers in mainstream settings. This report is written from that premise.

### “Presumption of Mainstreaming”

A key legal development in terms of **Additional Support for Learning ('ASL')** in Scotland was the introduction of the **'presumption of mainstreaming'**.<sup>4</sup> This refers to the requirement that local authorities provide school age children with education in mainstream schools, a requirement which is contained within Section 15 of the Standards in Scotland's Schools etc Act 2000<sup>5</sup>. This section of the legislation specifies that where an education authority, in carrying out their duty to provide school education to a child of school age, provides that education in a **school, the authority “shall provide it in a school other than a special school” unless** specific circumstances set out in the legislation are met.

The specific circumstances specified in the legislation, under which an education authority is not obliged to provide education in a school other than a special school, are when such provision:

“(a) would not be suited to the ability or aptitude of the child;

(b) would be incompatible with the provision of efficient education for the children with whom the child would be educated; or

(c) would result in unreasonable public expenditure being incurred which would **not ordinarily be incurred”**.

The legislation sets out the presumption **that “those circumstances arise only exceptionally.”**

Meeting the variety of needs present in schools is also supported by CfE; Getting it Right for Every Child (introduced through the Children and Young People (Scotland) Act 2014) and the SHANARRI wellbeing indicators; and the UN Convention on the Rights of The Child.<sup>6</sup>

The EIS supports the presumption that children should be educated in mainstream schools, but with strong caveats about adequate resourcing for the schools accommodating pupils with additional support needs; and the importance of sustaining and valuing specialist provision where that remains the most suitable setting for a child.

Given this context, it would be incorrect **to counterpose the “presumption of mainstreaming” with** specific approaches and strategies used in mainstream schools and nurseries to better engage learners with social, emotional and behavioural needs: there is no contradiction. Indeed, the resolution speaks of the **“presumption of mainstreaming *in classrooms,*” from** which one can reasonably infer that the resolution is focussed on bespoke arrangements in place for such learners in mainstream settings which are supportive of, or ancillary to, the regular planned and timetabled learning programmes in place as standard, within the

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<sup>4</sup> <https://www.eis.org.uk/Content/images/education/ASN/ExploringTheGap.pdf>

<sup>5</sup> [Standards in Scotland's Schools etc. Act 2000 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2000/12/section/15)

<sup>6</sup> Ibid.

framework of CfE. Such as interpretation appears to be the one adopted by the **local authorities who responded to the EIS's enquiries in this respect.**

For the avoidance of doubt, the EIS believes that the approaches adopted to meet the needs of learners with social, emotional and behavioural needs must be planned, meaningful and fully resourced interventions which are aligned with the aims of the curriculum, **are in accordance with learners' rights** and which **contribute positively to learners' experiences** of an inclusive mainstream school. A distinction must be drawn between such approaches and interventions which have no regard to parity of provision with the standard of education of other learners and are, in effect, **"informal exclusions,"** or measures which isolate learners in spaces for periods of time without regard to their learning and well-being entitlements. The EIS view, therefore, is that all approaches discussed in this report must be fully resourced and **integrated into individuals' curricular progress.** Where eventualities such as school exclusions are required, the appropriate formal procedures and guidance must be followed.<sup>7</sup>

## Overview

Within the terms of the definitions above, and to respond to the direct question posed by the resolution, we wrote to all local authorities to ascertain how local authorities support and resource activities and supports for learners which are separate from, or in addition to, the standard, formal curriculum, which aim to **support children and young people's attendance and participation in school.** Of the 32 local authorities, 24 provided a response.

All local authorities which provided a response reported that such practices were integral to education delivery in their schools and nurseries. Whilst some local authorities provided a general response with a brief list exemplifying the nature of their provision, most provided a clear rationale and detailed summaries of approaches, strategies and initiatives, a digest of which is appended to this report.

All responses suggested, directly or indirectly, that such provision was set in the context of inclusive education, and was aligned with the principles of GIRFEC. Most responses acknowledged, to some extent, that such provision was important in helping all learners – but particularly those who face specific challenges in terms of social, emotional and behavioural needs - to participate in activities which allow them to continue to be positively engaged in mainstream educational settings. Most respondents prefaced or permeated their contributions by reiterating the principles of inclusive education and many spoke of a commitment to certain holistic approaches. Many, for example, stated a commitment to the principles of Nurture. Others stated that the Neurosequential Model was influential in their approaches, whilst Attachment Theory and Trauma-informed Practice were key underpinnings for some respondents in supporting learners with social, emotional and behavioural needs.

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<sup>7</sup> <https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2017/06/included-engaged-involved-part-2-positive-approach-preventing-managing-school/documents/00521260-pdf/00521260-pdf/govscot%3Adocument/00521260.pdf>

All respondents highlighted the importance they placed on schools being able to tailor learning programmes to the needs of individual learners, within the context of CfE. A number of local authorities referenced bespoke curricular arrangements in mainstream settings. This could involve learners following the same learning programme as their peers but with a more flexible timetable, so that they attended a proportion of the lessons but attended planned sessions outwith the main class in alternative settings within the school. This could vary from receiving one-to-one support to reinforce class learning **in a familiar "extraction" mode** or to take alternative pedagogical approaches to class work, or to overtake alternative **learning content based on the individual's** needs, interests and wishes. However, most respondents noted that such flexibility expanded beyond familiar support for curricular learning approaches, with learners being **able to opt into time in "the base" for social**, emotional and general well-being support, or to have planned time there for those purposes.

Several local authorities elaborated on such arrangements. Some stated that these were underpinned by flexible learning plans which are centred on the **individual learner's** needs, interests and wishes. The formulation of such plans involved the learner, the school, the family and other relevant agencies and that schools had tracking and monitoring processes in place to evaluate progress and achievement against the curriculum descriptors. Some respondents explained that in mainstream secondary environments, such plans could identify areas to prioritise for in-school learning such as literacy, numeracy and health and well-being. This would be complemented by vocational or other placements for part of the week where targets for skills for life and work are overtaken. In secondary schools, a common theme was the use of blended timetables with work and college placements supplementing standard in-school learning. A number of respondents highlighted the scope for using the portfolio of wider achievement awards and vocational qualifications to support accreditation opportunities for individual learners. Several respondents noted that such provision was embedded in **"pathways" programmes for some learners, with the identification of "early leavers" important.** A recurring theme was the importance of transitional support for learners at risk of disengaging from education, with one respondent stating that particular effort had been expended in the transition from primary to secondary for some learners identified as at risk of disengagement.

Several local authorities stated that establishments - often larger schools - are deemed to be areas of **"enhanced resource"** and are supported with additionality of staffing and other resources, to further support learners in that establishment and/or within the local **"cluster."** In some local authorities, all secondary schools are deemed such. Whilst the nature of the enhanced provision in such areas is not uniform, some common features are apparent. These include dedicated learning and/or well-being **"hubs" with** a specific staffing allocation (teacher and school support staff) to support learners with school tasks or in broader pastoral support for learners with specific needs, such as those at risk of poor mental health, or with relationship difficulties or attendance issues. Some learners have dedicated time in hubs for targeted support and one-to-one teacher mentoring to enable and reinforce their engagement in mainstream learning. In secondary schools, learners may be timetabled for periods in the hub alongside the regular timetable; in other



cases, hubs can be on an opt-in basis as situations arise, including crisis situations. Enhanced resource can also feature staff with dedicated roles to intervene to support learners, but several local authorities point out that largely, dedicated teaching and support staff in schools would be funded not by core funding but by PEF which is variable across schools and authorities and often limited in terms of the demand faced by specific schools.

Respondents commonly cite the importance of a Nurturing approach, supported by input from Educational Psychologists or other specialists and refer to the fact that many establishments have dedicated Nurture rooms and spaces, with staff having been offered CLPL to embed the principles in practice. In some schools, there is a dedicated Nurture practitioner and a few authorities stated they had Nurture ambassadors with responsibility for embedding the Nurture approach within and across schools. The Nurture approach in some areas involved soft starts and breakfast and lunch clubs for identified groups of learners, and Nurture practitioners could provide bespoke activities, such as small group outdoor therapeutic play experiences. One local authority, however, stated that the Nurture base had been discontinued as evaluation showed an impact on a limited number of pupils; therefore, it had been decided to embed the principle of Nurture across schools through whole school approaches.

Dedicated physical spaces recurs as a theme across the responses. These are framed in various ways such as quiet spaces, multi-sensory rooms, "nooks", "dens", "quiet corners", etc. Responses indicated that such areas are not regarded as learning spaces *per se* but play an important part in supporting engagement: for example, where learners require breaks to regulate their feelings and behaviour; where learners, overwhelmed by the school experience, can retreat; where one to one support with an adult in an informal setting is required; where learners have the comfort of knowing there is a place to go rather than not attend/go home. A number of responses also speak of the increasing utilisation of outdoor spaces and activities as both integral to learning itself for some learners and also as a health and well-being support which can positively impact on engagement in school.

On a similar note, several respondents implied that for some learners in mainstream education, the regulatory class size maxima were unsuitable. Provision had been made for some learners, parallel to their regular classes, to overtake some of their learning in smaller groups or with an enhanced staff/learner ratio. Examples were given of staffed facilities which can be used as **supervised "breakout rooms" on an opt-in** basis when some learners cannot cope in their own classes, but where the number of learners at any one time is capped.

Most local authorities' **responses highlighted learners' mental** health and wellbeing as salient issues, and most mentioned that all learners had access to counselling services. Some local authorities had specialist staff to support positive mental health, to offer 1 to 1 support to learners, and to offer CLPL to teachers. Many authorities pointed to the role of Psychological Services and local authority outreach teams which were available to offer schools advice and practical support in keeping learners engaged. Alongside specific interventions, a number of local authorities alluded to learning programmes, tasks and activities designed to help

learners understand mental health and well-being issues and to provide them with the skills and knowledge to build their capacity for resilience and to manage their own mental health and well-being.

School attendance was identified as critical to inclusion by most respondents. Implicit in the responses was that the standard school day is for some learners a challenge and that flexibility had to be planned for and embedded in learning plans rather than reactive. Indeed, some responses mentioned that barriers to attending school in the first place – such as hunger, school uniform rules, distress at home – had to be addressed by offering breakfast clubs, uniform banks and close school/home liaison. Whilst some authorities stated there were dedicated attendance teams or family liaison officers, others stated that this was overtaken through school leadership teams or through assigning attendance monitoring of specific learners to a key adult. Some councils had developed programmes with the third sector to offer targeted support as regards attendance. A number of local authorities cited the role that online learning provision can play in maintaining engagement with learners who cannot or do not attend school, and that this has augmented significantly extant provisions for home learning.

A common theme across all the responses was the important role that liaison with external partners played in maintaining learner engagement. The responses highlighted the particular role that local employers and FE establishments played in supporting learners' education for learning, life and work. Other partners including the police, health services and third sector organisations are engaged to provide a range of initiatives to support learners within school and the community.

## Conclusion

There is a clear recognition that the standard curricular offering in **Scotland's** mainstream schools is insufficient to keep all learners engaged and particularly those who experience social, emotional and behavioural difficulties. Local authorities and schools across the country have aimed to address this in a number of ways: by enhancing provision in some areas; by embedding approaches designed to promote inclusion and well-being in schools; by assigning dedicated staff to make positive interventions towards inclusion and engagement; by promoting flexible approaches to learning; by adopting innovative initiatives at local level, often relying on creative partnerships with external agencies and the dedication and enterprise of staff. There is much to commend in many of the approaches highlighted in the responses. However, the question is the extent to which such approaches sufficiently address the issues raised by the resolution. The range and variety of approaches being employed would suggest that there is considerable demand in the system. Perhaps a wider question is why such learners become disengaged from the mainstream educational setting in the first place.

The increasing demands placed on schools in this regard are evident: in 2022, 34% of the school population were identified as having an additional support need

compared to only 4.8% in 2009<sup>8</sup>. The presumption of mainstreaming has resulted in 93% of those pupils spending all of their time in mainstream classes.<sup>9</sup> Critically, this rise in demand has not been reflected in resourcing. The EIS has long highlighted concerns about dramatically declining numbers of specialist staff and unsustainably large class sizes, leaving significant gaps to be filled by class teachers. For example, between 2008 and 2021, the number of Primary teaching staff with a general ASN role has declined by 90.4%, with a 50% decline for Primary teachers in a behaviour support role.<sup>10</sup> The current situation is unsustainable and has been for some time. The reality of current provision, as we emerge from the pandemic, is an erosion of resourcing with drastic cuts, rising levels and severity of need, paired with increasing and unsustainable levels of workload for teachers. Such a resourcing crisis can only intensify levels of disengagement and exclusion, exacerbating distressed behaviour in schools and placing greater demands on already rationed alternative provision.

There is recognition in the local authority feedback also of the extraordinary challenges schools face in supporting increasing numbers of learners with mental health and well-being issues. Many of the responses make reference to learners in their schools having “access” to counselling services; **however “access”** does not suggest entitlement which is practically accessible, and evidence suggests that the scale of the issue exceeds available support. By way of illustration, around a third of children and young people have to wait in excess of 18 weeks for their initial appointment with CAMHS and only 5 NHS Boards achieved the 90% target set by the Government, with 5 failing to even reach the national average of 68.4%.<sup>11</sup> Clearly, building mental health support capacity within schools, and embedding mental health awareness in learning are critical, but these figures suggest that the challenges are acute for many learners and that greater investment in core funding for Education, as well as for support services, is essential.

Local authority responses suggest that a bespoke curriculum, particularly in the Senior Phase of secondary school which involves vocational learning, plays a vital role in engaging many learners in continued education and skills for life and work. It is an ironic comment on the curriculum that to a large degree such flexibility and integration of academic and vocational learning has been viewed as **exceptional and of utility for some learners who do not fit “the mainstream.”** On paper, there is a vast array of qualifications available, spanning all categories and providing scope for personalisation, choice and the integration of so-called academic and vocational learning. Whilst many schools can be credited for using **these to adapt the curriculum to learners’ needs**, the reality is that school timetables and staffing resource can rarely offer more than a fraction of this.

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<sup>8</sup> [Schools in Scotland 2022: summary statistics - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/schools-in-scotland-2022-2023/summary-statistics/pages/11.aspx)

<sup>9</sup> [Pupils+Census+Supplementary+Statistics+2021+V3.xlsx \(live.com\)](https://www.eis.org.uk/Content/Council/2023-01-%20Council%2027%20January%202023%20-%20Hyperlinked%20Bundle.pdf)

<sup>10</sup> <https://www.eis.org.uk/Content/Council/2023-01-%20Council%2027%20January%202023%20-%20Hyperlinked%20Bundle.pdf>

<sup>11</sup> <https://www.eis.org.uk/Content/Committees/Education/23-03-28-AGM%202022%203.%20Report%20on%20Children's%20Access%20to%20Mental%20Health%20Services%20in%20Scotland.pdf>

This is explained to a large degree in the recent Stirling University/Nuffield **Research report, "Choices, Attainment and Positive Destinations,"**<sup>12</sup> which highlighted the dynamic at play in secondary schools whereby learners were directed towards NQ courses, regardless of their choices, interests or aptitudes in order to enhance school attainment data. The impact observed was a narrowing of the curriculum in terms of fewer options for learners and a propensity to widen the attainment gap. Once more, it is ironic that a curriculum whose vision is of individualised learning sees learners in large classes studying a narrow range of academic qualifications.

A fair conclusion would be that unless these circumstances are addressed through the current programme of Education Reform, with resources for smaller class sizes, real curricular choice and sufficient support for those learners with social, emotional and behavioural needs, then disengagement remains a high risk for many learners.

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<sup>12</sup> [https://www.nuffieldfoundation.org/wp-content/uploads/2023/02/CAPD\\_Main\\_Public\\_Report\\_final\\_Feb2023.pdf](https://www.nuffieldfoundation.org/wp-content/uploads/2023/02/CAPD_Main_Public_Report_final_Feb2023.pdf)

Local Authority	Please provide information on the current arrangements your local authority has to support and resource activities which are separate from, or in addition to the standard, formal curriculum, <b>which aim to improve young people's attendance and participation</b> in mainstream schools, with examples of such which may be regarded as successful.
Aberdeen	<ul style="list-style-type: none"> <li>No response was received</li> </ul>
Aberdeenshire	<ul style="list-style-type: none"> <li>Each of our 17 Academies and one Primary School per cluster has Enhanced Provision status. This means they have additional staffing, expertise and resources to support children and young people with a range of additional support needs, through a combination of inreach support (small group teaching) or outreach support (direct work, or advice and consultation to other staff), or in many cases, a blend of both approaches.</li> <li>Pupil Support Worker in each academy to provided targeted emotional and wellbeing support to pupils.</li> <li>Enhanced Provision Primary Schools have an "Intervention and Prevention" teacher and Nature Nurture Practitioner providing small group outdoor therapeutic play experiences.</li> <li>"Learning Pathways Plus" programmes offer targeted personalised curricular experiences, provided by commissioned independent/third sector partners.</li> <li>E-sgoil and off-site tuition arrangements for learners unable to access school environment are provided.</li> </ul>
Angus	<ul style="list-style-type: none"> <li>No response was received</li> </ul>
Argyll and Bute	<ul style="list-style-type: none"> <li>Learning Centres within mainstream schools have provision for wellbeing, fulfilment of statutory duties and opportunities for mainstream inclusion for children with additional support needs and disabilities. Enhanced resources and facilities allow these children and young people to experience the individualised curriculum they need to achieve their potential. These facilities are bespoke and in some schools include accessible teaching spaces, breakout quiet rooms, low stimulus, and high stimulus sensory rooms, appropriate outdoor space, changing facilities with the necessary equipment for people with physical disabilities, laundry facilities and accessible life-skills kitchen and flat areas.</li> <li>Flexible Learning Plans are designed to engage young people who have disengaged and support vulnerable young people in developing their skills and capacities and in securing positive post-school destinations. Flexible Learning Plans (FLPs) are bespoke and completely personalised in their design and planning. According to the needs, interests and wishes of the individual young person, a blend of in-school learning and work-based vocational learning is planned between the</li> </ul>

	<p>young person, his/her family, the school, an employer partner and any other relevant agencies. Accreditation through the work placement element of the FLP is also a feature of the provision.</p> <ul style="list-style-type: none"> <li>• Attendance and Engagement Teams target identified learners and online learning can be provided for non-attendees;</li> <li>• Third-sector/outside agency support is available eg Lego therapy Groups and residential outward bound excursions.</li> <li>• Safe spaces, e.g. <b>"The Snug,"</b> and similar facilities where children can take time-out or be supported in their learning in an informal, welcoming environment.</li> </ul>
<p>City of Edinburgh</p>	<ul style="list-style-type: none"> <li>• We have 22 Wellbeing Hubs (WBHs) and other provisions currently operating in our schools. Wellbeing Hubs ensure learners receive targeted support to enable them to engage in learning in their local catchment school. This is in line with the concepts of staged intervention which allows for less intrusive and more efficient support.</li> <li>• Each wellbeing hub is staffed by 1FTE Curriculum leader; 30 hour pupil support officer; 30 hour pupils support assistant. Schools are provided with the budget to cover staffing costs. The funding comes from the central Additional Support for Learning budget</li> <li>• Pupils may have timetables made up of mainstream classes, time in the Hub and access to other opportunities from WBH staff and partners.</li> <li>• Examples of targeted interventions: enhanced transitions for P6-S3; Nurture; specific interventions such as speech and language or other therapeutic interventions; other appropriate interventions as detailed in the <b>Young Person's Plan</b></li> </ul>
<p>Clackmannanshire</p>	<ul style="list-style-type: none"> <li>• Across all settings, Clackmannanshire Education Services adopt a Readiness for Learning Approach, which integrates the key elements of Attachment Theory, Nurture Principles, Trauma-Informed Approaches and the Neurosequential Model to ensure that all children and young people are as <b>'ready for learning' as they can be.</b></li> <li>• Flexible learning spaces, which are identified spaces to be used flexibly to meet the range of ASN within the school. These are staffed with a limit on the number of children accessing at any one time.</li> <li>• Identified spaces to support our children/young people with ASD e.g. low stimulus areas, regulation spaces. These are supported by our ASD Outreach Team.</li> <li>• Flexible Learning Independent Pathways (FLIP) - a digital offer of curricular materials/activities and support from other agencies/third sector groups to engage in activities.</li> </ul>

	<ul style="list-style-type: none"> <li>• Support from CLD for children/young people to access group sessions e.g. outdoor learning sessions at Gartmorn Dam, cookery classes etc.</li> <li>• Support from Third Sector groups to engage in activities e.g. Recyke-a-bike.</li> </ul>
Comhairle Eilean Siar nan	<ul style="list-style-type: none"> <li>• Extended learning, through digital learning via e-Sgoil, through an interrupted learners programme, through safe spaces in schools, through learning facilities in schools but separate from mainstream.</li> <li>• We also use third sector organisations to support with specific programmes.</li> <li>• We resource through authority budgets.</li> </ul>
Dumfries and Galloway	<ul style="list-style-type: none"> <li>• <b><i>The aim to improve young people's attendance and participation in schools remains with school leadership teams and school staff, often in partnership with local partners.</i></b></li> <li>• <b><i>There are currently no local authority wide initiatives. However, schools across Dumfries and Galloway work with the children and young people, individually to improve attendance and participation.</i></b></li> </ul>
Dundee	<ul style="list-style-type: none"> <li>• A trauma-informed approach to meeting social and emotional needs of learners is taken.</li> <li>• Primary schools receive outreach support from Longhaugh Support Group, a citywide provision for children with complex social and emotional needs.</li> <li>• All school clusters have Enhanced Support Areas which support a wide range of needs based on Nurture principles. ESA have small group provision in a visually rich learning environment</li> <li>• The school day is personalised to meet individual needs and this can involve working in small groups full-time or children being meaningfully included in their mainstream classes. Outdoor spaces and the wider community are used to extend and consolidate learning in different contexts.</li> <li>• The Accessibility and Inclusion Service provides support which may include targeted support to children and young people, including individualised support based on mentoring methodology.</li> <li>• This can include elective home education and support for looked after/care experienced young people.</li> </ul>
East Ayrshire	<ul style="list-style-type: none"> <li>• Staff in schools have engaged in CLPL aimed at developing sound models of support for wellbeing which are both sustainable and build capacity.</li> <li>• To ensure we meet the spectrum of supports our children and young people require, the Neurosequential Model in Education (NME) is being rolled out across targeted schools. This model aims to ensure inclusive practice is both understood and embedded. Evidence demonstrates</li> </ul>

	<p>success to date and schools have developed curricula to meet need within their context, improvement cycles and the support requirements of children and young people in their care.</p> <ul style="list-style-type: none"> <li>• Learning environments have been developed to include safe spaces, regulatory zones, and include curricular resources which support the learning of a range of children and young people.</li> <li>• Inclusion Hubs have been developed within four secondary schools. The focus of Inclusion Hubs is to support learners who may have experienced developmental trauma, non-attendance and are at risk of poor mental health to develop relationships with staff and engage in a curricular offer which meet their needs. The long term goal of the Inclusion Hubs is to provide targeted supports to help young people engage in mainstream classes.</li> <li>• A focus on Outdoor Education and delivery of interdisciplinary learning has also improved experiences for children and young people at both Primary and Secondary BGE level.</li> <li>• Some schools offer targeted Nurture provision; some schools embed Nurture principles as part of a whole school approach. Schools embedding these approaches use both Outdoor Education and interdisciplinary learning as vehicles to ensure an appropriate curriculum is in place.</li> <li>• <b>Barnardo’s PATHS</b> program is utilised in some Primary Schools as an approach to Health and Wellbeing curricular delivery.</li> <li>• Mentors for Violence Prevention is also utilised depending on the context and needs of a particular school.</li> </ul>
<p>East Dunbartonshire</p>	<ul style="list-style-type: none"> <li>• <b><i>EDC has a range of resources and support which aim to improve young people’s attendance and participation in mainstream school. Some examples follow:</i></b></li> <li>• <b><i>Positive intervention Spaces; Wellbeing hubs and teachers; Nurture Rooms/Teachers/Groups; Breakout areas and sensory spaces; Home tuition for learners unable to attend school; “Let’s Introduce Anxiety Management” groups; Wellbeing outreach; Guidance teams/key teacher roles; Family Learning Assistants; Outdoor education.</i></b></li> </ul>
<p>East Lothian</p>	<ul style="list-style-type: none"> <li>• In East Lothian Council the Devolved School Management Scheme (DSM) provides the funding for schools to meet the social and emotional needs of children and young people in line with the principle of Getting it Right for Every Child.</li> <li>• Schools in East Lothian design and deliver their own arrangements to meet the social and emotional needs of children and young people. It is also in this context that there is a very wide range of supports across our school estate. To illustrate:</li> </ul>



	<ul style="list-style-type: none"> <li>• One of our primary schools uses their DSM to provide a more distributed form of support, as far as possible within the universal offering. This includes key adult attendance monitoring to identify the barriers and supports required to improve attendance for children. Soft start and breakfast club is also incorporated into the day for children who require it to allay any anxieties around the start of the school day.</li> <li>• <b><i>The school previously had a 'nurture room', however, evaluation indicated an impact on only a limited number of children.</i></b> Therefore, all staff, teaching and support, have been trained in nurture principles and all learning space embed nurture principles. This approach is enhanced through the use of the CIRCLE framework to create inclusive learning environments.</li> <li>• One of our secondary schools <b><i>has a 'Creative Learning' provision which meet the social and emotional and learning needs of identified young people.</i></b> This provision provides a high staff to young person ratio and a nurturing learning environment.</li> <li>• This provision has a range of access points with some young people identified through the primary – secondary enhanced transition programme and some during their time at secondary school. Some young people access the provision for the duration of their time at secondary and some young people are able to transition to a full timetable of mainstream classes.</li> <li>• All of the young people are supported through the GIRFEC Child Planning Framework. The Principal Teachers in the provision are the Named Education Contacts for each young person and coordinate their planning. All young people have bespoke tracking and monitoring arrangements to ensure they are meeting their potential and that there is connection between their learning experiences in the provision and the mainstream classes that they attend.</li> </ul>
East Renfrewshire	<ul style="list-style-type: none"> <li>• Currently, inclusive approaches in East Renfrewshire advocate that educational needs should be supported in mainstream settings with additional support being provided where appropriate in line with <b><i>the Scottish Government publication, 'Guidance on the Presumption to Provide Education in a Mainstream Setting' (March 2019).</i></b></li> <li>• Our Emotionally-Based School Absence (EBSA) Service has been established to offer targeted support to children and young people who have very significant issues with school attendance and school engagement. This is a teacher-led service that includes PSA support and family support from Children 1st. A hub is being established to support the delivery of a range of experiences for young people who will access this service.</li> </ul>

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	<ul style="list-style-type: none"> <li>Nurture Approaches are embedded across our schools and a number of schools have developed nurture rooms/bases to support children and young people. There are regular Nurture Network meetings.</li> <li>Professional Learning in areas such as Trauma Informed Practice, Nurturing Approaches, ASD, Adverse Childhood Experiences and SEBN.</li> <li>The introduction of health and wellbeing hubs within secondary schools to support inclusion and access to learning pathways which improves employability and successful transition to post school destinations.</li> <li>Our "Healthier Minds" Team offer 1:1 support for children and young people with their mental health. In addition to this, the team offer professional learning and whole class activities.</li> <li>Outreach support for those children and young people with communication support needs in both primary and secondary settings which not only provides direct support to learners within their establishment, but also helps to build capacity in staff through a consultative approach.</li> <li>Outdoor Learning Opportunities support alternative curriculum with effective links made with Community Learning and engagement with programmes such as Saltire and John Muir award.</li> <li>Vocational Programmes within ERC and via 3<sup>rd</sup> sector partners have been utilised to support the curriculum.</li> <li>Partnership with CALL Scotland to ensure that where helpful, digital solutions which support access to learning can be explored.</li> </ul>
Falkirk	<ul style="list-style-type: none"> <li>No response was received.</li> </ul>
Fife	<ul style="list-style-type: none"> <li>A significant number of schools and early years settings adopt an approach including dedicated spaces, bespoke curricular and support activities and a blend of timetable options (opt in/out, specific year group access or periods) for attendance within the 'base'.</li> </ul>
Glasgow	<ul style="list-style-type: none"> <li>No response was received.</li> </ul>
Highland	<ul style="list-style-type: none"> <li>The local authority acknowledged the request but could not provide a response citing the cost criteria.</li> </ul>
Inverclyde	<ul style="list-style-type: none"> <li>Currently we support all mainstream schools to provide an appropriate curriculum for all pupils in their care. The authority provide advice and support from a range of services and partners e.g. Educational Psychology, staff from various authority funded outreach services, staff from within the attainment challenge team including the attainment advisors and our own Quality Improvement Service of Education officers.</li> </ul>

	<ul style="list-style-type: none"> <li>• We provide a SEDB provision within the authority for secondary aged pupils providing full and part time places at the school. This school also runs an outreach service offering advice and guidance to mainstream settings, both primary and secondary</li> <li>• We currently provide some of our primary schools with a level of enhanced staffing to run nurture provision within their schools and this has been further enhanced over time with additional resource from the attainment challenge project. Alongside this some schools have opted to utilise PEF funding to further develop / enhance Nurture provision</li> <li>• Individual schools have also developed their own internal support and provision ranging from bespoke provision within secondary schools that provides enhanced support and bespoke curriculum pathways for pupils, as well as a space for pupils to access support on a needs led / self-referral basis. Schools have also developed regulation stations / sensory spaces both within classrooms and out with, utilising or repurposing spaces for this kind of support / provision.</li> </ul>
Midothian	<ul style="list-style-type: none"> <li>• No response was received.</li> </ul>
Moray	<ul style="list-style-type: none"> <li>• Individual schools take forward a range of approaches and are empowered to meet needs of pupils and cohorts and strengthen participation, attendance and engagement in learning.</li> <li>• Nurture rooms/spaces/outdoor learning opportunities. Also general purposes spaces for active learning/extended learning activities, and flexible wellbeing spaces/wellbeing hubs.</li> <li>• In two school groups, we have recently supported specific posts through Scottish Attainment Challenge Strategic Equity Fund monies including a PT to support Primary-Secondary wellbeing and curriculum transitions and Equity Teachers to support targeted intervention for pupils within lower SIMD deciles. Post holders work with school leadership teams and wider staff in order to directly support children and young people, in closing poverty and wider related attainment gaps and in order to maximise wellbeing and achievement. This can include through individualised timetables and specific qualifications/accreditation opportunities, using existing accommodation available within the school</li> <li>• Focus in a number of schools is linked to participation and engagement in learning, maximising achievement, health and wellbeing, literacy, numeracy, maximising wider SCQF qualifications and accreditation as well as development of wider skills for learning, life and work.</li> <li>• Secondary schools (with staff volunteering) offer study support classes at lunchtimes/after school in a variety of subject areas in order to support all young people; also targeted supports are offered to young people who need this most. This is over and above wider wellbeing supports provided by staff at all levels.</li> </ul>

North Ayrshire	<ul style="list-style-type: none"> <li>• <b><i>In addition to 'core' SQA qualifications such as English, Maths, Science, Social Subjects, Modern Languages</i></b> etc, young people in North Ayrshire have the opportunity to study for qualifications in a range of wider subjects including: Sports Leaders; First Aid; Barista; Criminology; Hairdressing; Travel and Tourism; Digital Media; Duke of Edinburgh Award; Science Baccalaureate; Mental Health and Wellbeing</li> </ul>
North Lanarkshire	<ul style="list-style-type: none"> <li>• Any alternative curricula outwith the normal mainstream school provision would be offered to pupils at intensive level of need via the North Lanarkshire Empowering Our Clusters Model and in line with GIRFEC pathways. This would be agreed between the school, the Cluster Improvement and Integration Lead (CILL) and the Cluster Chair and could take place in or out of school, including at the Cluster Wellbeing Hub, and would involve a range of staff and partner agencies depending on the individual needs of the child or young person concerned.</li> <li>• The financial cost (if any) could be met from a variety of sources- school budget, school PEF allocation (on an individual or cluster funding basis for work to take place), cluster held budget and, in some circumstances, centrally held budgets (Inclusion team and/or Social Work).</li> <li>• North Lanarkshire also operates a Virtual School which offers alternative curriculum provision for looked after and care experienced pupils which is beyond school and cluster provision. This would be funded via specifically ring-fenced PEF (Care Experienced children and young people) budget held by the head teacher of the Virtual School.</li> <li>• Individual schools have a variety of alternative and bespoke arrangements in place such as Nurture Rooms/spaces, wellbeing spaces, sensory spaces and many are promoting a Nurturing Schools approach supported by North Lanarkshire Psychological Services. This allows separate and focussed work to be undertaken with groups or individual children and young people.</li> <li>• Schools make use of third sector agencies for individual pupils across schools/ clusters/localities to support learning in a different way e.g. forest school programme, equine therapy, cookery, woodwork, local football and other sport initiatives, community arts programmes and so on.</li> <li>• Many schools have invested in published whole school wellbeing programmes such as Emotion Works, Tree of Knowledge, etc. These strategies are also applied when working with small groups and individual pupils who need a more bespoke programme to access the mainstream curriculum.</li> <li>• Within secondary schools a Home School Partnership Officer (HSPO-Community Learning and Development) would work alongside the school and the CILL to deliver alternative curricula for individual pupils or small groups, including working with parents and third sectors provision.</li> </ul>

	<ul style="list-style-type: none"> <li>There is also a Pathways Programme in place for those pupils in S4 who have indicated leaving school at the earliest leaving date and S5 statutory winter leavers and provided alternative curricula out of the school building. This involves workplace-based training and qualifications and aims to keep engagement levels high in these identified pupils.</li> </ul>
Orkney Islands	<ul style="list-style-type: none"> <li><b>Examples of examples of 'alternative curricula' in Orkney schools that</b> may be regarded as successful are as follows:</li> <li>Provision of quiet spaces in the school with resources to address sensory needs. At one school, they have an area which is deemed a "safe space". This is currently a "nook" in the library. After the Easter holidays, they will repurpose a small room with a toilet and hand basin. This will be kitted out as a nurturing and sensory space and a space where pupils can have a quiet 1:1 conversation with a staff member.</li> <li>Another school provides a lot of small group or 1:1 support to their learners, and while they include all learners in their peer groups, they tailor their learning to their needs and abilities, not to their age and stage. This means that they offer National Qualifications at N2, N3, N4, N5 and, in some cases, Higher. This reaches pupils at both ends of the ability spectrum.</li> <li>Another school uses a variety of approaches within school to support children to regulate their emotions, etc. They do not have support hubs or inclusion zones but they do have areas where identified children can go outside of their class when needed. This certainly helps support children to manage more in school.</li> <li>The Young Person Guarantee alternative programme being run through Youth Services and Employability for YP not engaging/at risk of not making a positive transition</li> </ul>
Perth and Kinross	<ul style="list-style-type: none"> <li>Headteachers have the autonomy and flexibility to support this through use of their own devolved budgets, with some schools establishing specific approaches to improve attendance and participation.</li> <li>Perth and Kinross Council have two off-site provisions that support children and young people with social, emotional and behavioural needs who attend mainstream school but require additional support on a part-time basis to access a full-time education. These provisions are Connections (Primary) and Navigate (Secondary)</li> </ul>
Renfrewshire	<ul style="list-style-type: none"> <li>As part of our approach to implementing Getting it Right for Every Child we use a variety for approaches in mainstream to develop strategies to meet the needs of learners. These toolkits</li> </ul>

	<p>include Renfrewshire Nurturing Relationship Approaches, Renfrewshire Inclusive Communication <b>Environments and Education Scotland's CIRCLE framework.</b></p> <ul style="list-style-type: none"> <li>• These approaches empower school staff to review how they support the needs of children within the context of their school whether through physical changes to the environment, changes to use of language, adaptations to curriculum, adaptive pedagogy and of course, all of this underpinned by staff training.</li> <li>• We use a staged intervention approach to meeting the needs of our children and young people. Where an assessment of a child or a young person indicates they require support from a resource not already provided by the school then we have processes in place to enable this support to be accessed. Our practice is underpinned by ecological theory which highlights that children and young people operate within many systems/contexts and when assessing needs, we must acknowledge all the different contexts that children operate in and look at not only needs, but strengths and what is working in other areas of their lives.</li> <li>• Supports that can be accessed include Flexible Learning Resources, which offer advice and <b>guidance, assessment support in the child's school or within one of the</b> locality resources. These resources are based in a number of our primary and secondary schools throughout our localities. We also offer bespoke interventions depending on the need of the child.</li> </ul>
Scottish Borders	<ul style="list-style-type: none"> <li>• No response was received.</li> </ul>
Shetland Islands	<ul style="list-style-type: none"> <li>• No response was received.</li> </ul>
South Ayrshire	<ul style="list-style-type: none"> <li>• No response was received.</li> </ul>
South Lanarkshire	<ul style="list-style-type: none"> <li>• <b>Interventions and supports are resourced in a variety of ways including from school's own</b> resources, additional resourcing/funding from the local authority and from Government funding. Our schools demonstrate creative, individualised and innovative approaches that meet the needs of individuals and groups of learners within their own contexts.</li> <li>• Pathfinders (Youth Family and Community Learning Service;) work with some of our most vulnerable young people and families. They provide a bridge between school and home for young people who are not able to attend school or who are unable to go into class. They run a group for a small number of these young people which keeps them coming into the school building and offers us a route to support their wellbeing and/or attainment in school. They support families who are living in poverty or who are having housing issues by signposting services that will help them. In addition they link to other community provisions (e.g. Universal Connections) and ensure access for our young people where appropriate. In essence they try to remove barriers for families to</li> </ul>

	<p>engage with school and support the reintegration of young people back into school. Pathfinders Officers also undertake home visits.</p> <ul style="list-style-type: none"> <li>• <b>Morning Nurture Groups provide a "soft start" facility. Other Nurture Groups target friendships and building self-esteem.</b></li> <li>• <b>"The Hub" is our mainstream SFL provision and hosts a wide range of targeted group and 1:1 working for pupils identified through P7 transition or through teacher assessment. This provision also includes 1 FTE school support assistant who has a focused "engagement" caseload.</b></li> <li>• MCR Pathways coordinator works closely with PTs Pupil Support to identify and work with young people who are care experienced or have other barriers to their wellbeing/attainment.</li> <li>• Wellbeing Workers from Wellbeing Scotland, contracted to provide 1:1 support for young people experiencing social, emotional or behavioural barriers to engagement and learning.</li> <li>• Enhanced Personalised Support Mentor to target young people at S2/3 at risk of a negative destination.</li> </ul>
Stirling	<ul style="list-style-type: none"> <li>• We have worked hard to develop and promote the importance of a relationship-based and trauma-sensitive approach to meeting the needs of our children, young people and families, to optimise wellbeing and learning, and to mitigate the impact of adversity.</li> <li>• Our support services such as the Inclusion Support Service (I.S.S), Educational Psychology Service and ASN Outreach actively work with schools and nurseries to support the development of individualised packages of support for children and young people who require a higher level of support or an individualised curricular package of support.</li> <li>• The I.S.S. as an Outreach team consisting of peripatetic teaching staff and Inclusion Support Workers, who support mainstream schools/nurseries with training, advice and support on social, emotional and behavioural needs, including trauma informed practice.</li> <li>• The Educational Psychology Service has many of their psychologists trained in the Neuro-Sequential Model in Education (NME), which is a trauma informed classroom based approach (not intervention). Some of our schools have received training on NME, as part of our work on nurturing approaches, and as a result schools have been able to adapt the pace and rhythm of the school day and also the activities, to support children to regulate, relate to others and to access learning in a way that suits them.</li> <li>• Staff CLPL continues to be a focus with training offered in areas such as Decider Skills, an evidence based CBT programme for children to learn coping strategies, and Resilient Kids, which is a classroom based approach to building resilience in children.</li> </ul>

	<ul style="list-style-type: none"> <li>• SAC funding has supported many schools to be creative in their curricular offer for some of our learners, which can include flexible pathways to supporting a more vocational approach to learning; the development of quiet spaces or nurture nooks/corners for children who may require regulatory breaks throughout the day; outdoor learning opportunities, to promote and develop wellbeing, learning and wider achievement. Some of our schools have employed health and wellbeing officers or inclusion support workers, who can work along with children, young people and their families, where creative approaches to increasing engagement and participation are provided.</li> <li>• Supports in Primary schools include: targeted play pedagogy; support spaces and dens to help with self-regulation; music therapy; animal therapy and farm visits; bespoke work for individuals <b>and small groups with the Children’s Rights officer (Mind Of My Own;) outdoor learning.</b></li> </ul>
<p>West Dunbartonshire</p>	<ul style="list-style-type: none"> <li>• PATHS Group – A programme designed to empower children to develop the fundamental social and emotional learning skills which will enable them to make positive choices.</li> <li>• <b>LIAM (Let’s Introduce Anxiety Management) Group-</b> A cognitive behaviour therapy (CBT) informed intervention, for anxiety in children and young people, aimed at treating mild-moderate anxiety symptoms in primary and secondary school aged children</li> <li>• Pitchin In – This is an equity intervention targeted at boys who are disengaged from school and their learning. It is coordinated in partnership with Police Scotland and delivered by our school Youth Engagement Officer from Police Scotland. The programme develops self-esteem, identifies potential and provides a wellbeing opportunity in the form of football visits and games.</li> <li>• Wellbeing Curriculum enhanced with partnership working: Police Scotland/ Scottish Fire and Rescue/ Challenge Poverty /Youth Philanthropy Initiative/Rape Crisis Scotland/ COP26 resources/ World Kindness resources from WDC/ Youth Engagement officer from Diocese of Glasgow.</li> <li>• SafeHub – staffed by 3 “Working4U” support workers within school. A combination of one-to-one and various types of group work, used to support a caseload of young people who meet the criteria. Work with these students to break down barriers to their learning and attendance to help motivate and engage them. Funded through PEF</li> <li>• 1 “Working4U” family support worker – to support parents/guardians to access appropriate supports. To ensure that they feel supported and are thereby more able to support children attending school.</li> <li>• HIVE – <b>‘school within a school’ support to provide enhanced literacy, numeracy and health &amp; wellbeing support.</b> PEF funded.</li> </ul>



	<ul style="list-style-type: none"> <li>• VoLA Internal Interrupted Learner on-line support for a small group of students who are unable to come in to school, usually because of extreme anxiety. Used to try to re-engage students with education, act as a bridge back into the Support Base or class. PEF funded.</li> <li>• Quiet Room – comfortable seating, dimmed lights, weighted blanket, heat pads etc. A space that allows a student who is feeling overwhelmed, for whatever reason, to decompress and refocus before returning to class. This is also going to be used for female students who are struggling with their menstrual cycle on a regular basis, rather than taking whole days off school</li> </ul>
West Lothian	<ul style="list-style-type: none"> <li>• There are formal Enhanced resource bases established across 3 sites in Secondary schools and 3 sites in primary schools.</li> <li>• Primary Small Group settings - approaches at primary stage vary in response to meeting a wide <b>range of children's needs including Social</b> Communication difficulties, ADHD, SEBN, and children who have experienced trauma</li> <li>• Models of support delivery can range from structured small group settings, inclusive classrooms, nurture base with targeted interventions carried out in groups or with individuals.</li> <li>• Each allocation of resource is time limited and reviewed on the framework for allocation of support alongside Child planning meeting reviews.</li> <li>• Secondary school-based models of provision include: small group activity; skills stations to support skills development; Nurture support; Support for learning universal and targeted supports; class-based universal supports.</li> </ul>

## Employment Relations Committee

### The efficiency, effectiveness and impact of the GTCS Fitness to Teach process on EIS members

The following resolution was approved by the 2022 Annual General Meeting:

*"That this AGM instruct Council to investigate and report on the GTCS Fitness to Teach process and its efficiency, effectiveness, and impact on members."*

#### 1. **The GTCS's role**

The General Teaching Council for Scotland has the statutory function of regulating the teaching profession through its Fitness to Teach process. The purpose of the process is not supposed to be to discipline or punish teachers, but rather to ensure that public trust and confidence in teachers is maintained and that the learning of children and young people is protected.

The Fitness to Teach rules and process are currently set out in the General Teaching Council for Scotland Fitness to Teach Rules 2017 which can be found [here](#).

There are supplementary documents to the rules, such as the Fitness to Teach Threshold Policy (which can be found [here](#)) which sets out indications of what conduct will merit an investigation and what will not. The GTCS say that they **"only investigate when an allegation is of a level of seriousness that we think that a teacher presents a risk of harm"** (see [here](#)). The Threshold Policy states that the GTCS investigates acts of misconduct or criminal offences "where there is, on the face of it, a realistic prospect of a finding of impairment based on that act or criminal offence."

Although the same conduct may be investigated by various bodies including an employer, the police, and Disclosure Scotland (as part of their Consideration for Listing process), **the GTCS's process is separate. The decision arrived at by** the GTCS should be based on its own process, although any criminal conviction will be taken as proven. Conversely, in cases where an individual was charged by police but is not ultimately prosecuted, the GTCS will continue with their own investigation into the matter. In this regard, it should be noted that GTCS allegations must be proven "on the balance of probabilities" rather than the higher standard of proof that criminal courts are held to **of "beyond reasonable doubt"**.

#### 2. The general objective

The general objective of the 2017 Rules is to enable the GTCS (including its conveners and panels) to deal with cases fairly and justly. The rules should facilitate the GTCS to deal with cases: in a way which is proportionate to the complexity of the issues; allowing parties to seek informality and flexibility in proceedings; ensuring that parties are able to participate fully in proceedings; and avoiding delay, so far as is compatible with the proper consideration of the issues. Conveners and panels must give effect to this general objective when exercising

any power under the 2017 Rules and interpreting and applying them (rules 1.3.7 – 1.3.9 of the 2017 Rules).

### 3. Fitness to Teach process

#### Stage 1 – Referral

A referral to the GTCS is usually made by an employer but can also be made by an external agency such as Police Scotland or Disclosure Scotland or by any member of the public, including self-referral. The process is set out in a flow chart by the GTCS (see [here](#)) and can be summarised below.

#### Stage 2 – Initial consideration and notification

Once an Investigating Officer has decided that the matter being referred meets the threshold for investigation, the initial stage of the Fitness to Teach process is the **“Notice of Investigation”**. The Investigating Officer assigned to the case writes to the teacher to inform them of the allegations against them, based on the referral information. The teacher normally has 14 days to provide an initial response to the allegations, either admitting or denying the allegations, or admitting them in part. The teacher has the opportunity to set out their version of events and any mitigating circumstances and remediation that has taken place.

The Investigating Officer is supposed to take a neutral and objective approach to investigation.

#### Stage 3 – Investigation Stage

**On receipt of the teacher’s response to the** Notice of Investigation, the Investigating Officer will usually carry out further enquiries and will then progress matters. If the Investigating Officer considers that no further action should be taken (as the conduct does not meet the threshold, and/or there is insufficient evidence to prove the allegations) they will issue a report confirming that no further action will be taken.

If the Investigating Officer finds that there is a case to answer, a draft Interim Report will be compiled with all evidence annexed to it. Once the draft is sent to the teacher, they normally have 28 days to provide any further comment or information, beyond their initial response. The Investigating Officer will add their comments/information to the report and the Final Report will be put before a panel.

#### Stage 4 – Panel Consideration

A panel will consider the Final Report and decide whether the case must be referred to a full hearing or whether they can appropriately dispose of the case by either confirming that there is no case to answer or by offering a Consent Order. A Consent Order is a sanction that may be offered to a teacher where they admit the allegation(s) against them and includes: a reprimand; a conditional registration order; both a reprimand and a conditional registration order; or removal from the register. At this stage a teacher does not have to consent to a sanction offered by the panel and can instead opt to proceed to a full hearing. If a sanction is consented to, that is the end

of the matter (albeit the sanction is published on the GTCS's website for a period of 3 months).

#### Stage 5 – Hearing

If a panel decides that a case must proceed to a full hearing or a teacher declines a sanction in favour of proceeding to a hearing, a full hearing will be convened. A panel is made up of two individuals with a teaching background plus one lay member, from a pool of panel members. One of the panel members acts as the Convener. The hearing may take place on-line or in-person and the teacher will have the opportunity to give evidence and to call witnesses. A Presenting Officer will be appointed by the GTCS to present their case.

#### 4. Efficiency

The GTCS Fitness to Teach process is, by their own admission, not resilient. It is the **GTCS's position that they are "in the process of recovering [their] casework from the adverse impact of the Covid pandemic"** (see [here](#)). Although the backlog of cases has increased since the Covid-19 pandemic, there were already significant delays in cases being progressed prior to the pandemic.

The GTCS also consider that the availability of participants in the process (teacher panel members, witnesses etc.) and the cooperation of external participants (the police, Disclosure Scotland, the employer) adversely affects their ability to progress cases.

In relation to delays, their website states:

"Some fitness to teach cases are quick and straightforward to investigate and others take longer because they are more complex and involve more allegations or witnesses, or they encounter more complexity as they go through our process.

For example, if police and/or employer investigations are being carried out, we must be cautious in how we approach our investigation and we often need these processes to conclude before we can move the case forward. These processes can, in some circumstances, take years.

The health of those involved is also a factor that we commonly see – it is challenging to move a case forward when an individual (whether the teacher concerned or a witness) is not well enough to participate. Procedural applications in cases have also increased over recent years which adds to the time they take."

**The GTCS's information booklet for teachers states that "investigations are usually concluded within six months".** This timescale is somewhat outdated. Recent data from **the GTCS's stakeholder meeting in January 2023 confirms that the median average time for cases to conclude at the investigation stage (stage 3 above) with a "no further action" outcome is over 7 months** (a copy of the slides from the stakeholder meeting can be found [here](#)).

Data from the GTCS's stakeholder meeting in June 2022 (a copy of the slides from the stakeholder meeting can be found [here](#)) states that if cases go beyond the investigation stage, the median average time for cases to be considered by a Panel is 1 year and 5 months (noted as 75 weeks) beyond the conclusion of the investigation (stage 4). Data from the same event confirms that for those cases which proceed to a full hearing (around 10% of cases) **there's an average median wait of 1 year and 5 months** (noted as 75 weeks) beyond the panel consideration stage until the hearing concludes (at stage 5).

#### 4.1 Our findings on efficiency:

As legal officers, we are acutely aware of unsatisfactory delays in the GTCS process.

We have collated and analysed data (see attached appendix) in relation to our **members' Fitness to Teach** cases between January 2018 and December 2022 to see where, **in our members' experience**, the inefficiencies lie.

During the relevant five year period we received a total of 170 GTCS referrals for our members which were investigated by the GTCS, of which 163 were Fitness to Teach cases and 7 were competency cases.

In terms of the wider picture, the GTCS claims to receive around 200 conduct referrals a year, of which around 100 cases meet the threshold and proceed to an investigation (see slide from June 2022). Our 163 cases over the five years are a **significant proportion of the GTCS's total caseload**.

Focussing on the Fitness to Teach cases only:

##### 2018

In 2018 we received 31 new cases. Unfortunately, 3 cases are still ongoing (10% of new cases from 2018) some 4+ years later.

A total of 28 cases have concluded (over 90% of new cases from 2018). A large proportion of those cases, 16 out of 28 (52% of new cases from 2018), concluded at the investigation stage (stage 3 above) with a no further action decision by the Investigating Officer. The timescales to reach the decision varied significantly as 3 cases closed within 3 months, 5 cases closed between 3 – 6 months, 5 cases closed between 6 and 12 months, and 3 cases took over 12 months to conclude (one being over 3 years). **In terms of the GTCS's objectives**, 50% concluded within the 6 month target period and 50% went beyond.

From the 2018 cases, 6 out of 28 (19% of new cases from 2018) concluded at panel consideration (stage 4 above). Again, the variation in timescales is significant with 1 case concluding in 3 – 6 months from referral, 3 cases concluding in 10 – 18 months from referral and 2 cases concluding more than 2 years from referral. We can see early indications, as the GTCS have observed, that the involvement of a panel brings additional delays.

Of the 31 cases in 2018, only 6 (19% of new cases from 2018) have, so far (as there are 3 cases outstanding), proceeded to a full hearing. One hearing took

place after 16 months from the referral (with a 10 month wait from receipt of the report at stage 3). Another case concluded after 28 months (with a 21 month wait from report at stage 3). Four cases concluded between 3 and 4 years after referral (with an average 3 year wait from the report at stage 3).

The delays to a full hearing are staggering, particularly as we know that only 1/6 of the cases involved criminal proceedings (which could reasonably explain delays in process if the GTCS were awaiting a court decision before progressing).

## 2019

As in the previous year, in 2019 we received 34 new Fitness to Teach cases. Around four years on, there are 8 cases ongoing (24% of new cases from 2019), 7 of which involved criminal proceedings (although 3 of those criminal proceedings had concluded by July 2021).

Of the 26 concluded cases (76% of new cases from 2019), again a large proportion, 17 out of 26 (50% of new cases from 2019), concluded at the investigation stage (stage 3 above) with no further action. Again, the timescales to reach the decision of no further action varied significantly as 2 cases concluded in under 3 months, 6 cases concluded in 3 – 6 months, 3 cases concluded in 6 – 12 months, 1 case concluded in 12 – 18 months, 2 cases took over 2 years to conclude and 3 cases took over 3 years to conclude. Out of 17 cases, 8 cases were **concluded within the GTCS's target timescale** (47%) and 9 went beyond (53%).

Of the 2019 concluded cases, 4 out of 26 (11% of new cases from 2019) resolved at panel consideration stage (stage 4). The timescales from referral to conclusion varied significantly in that 1 case resolved fairly swiftly within 6 months, whereas 2 cases concluded in 12 – 18 months and another took more than 2 years to conclude.

Only 4 out of 26 cases (11% of new cases from 2019) proceeded to a full hearing (stage 5), none of which involved any criminal proceedings. The fastest hearing to conclude took 2 years and 9 months (2 years and 1 month after receipt of the interim report). The other 3 cases took more than 3 years to conclude (with a gap ranging between 1 year – 3+ years from the date of receipt of the interim report). Again, the delays to a full hearing are concerning.

## 2020

In 2020 we received 27 new Fitness to Teach referrals. Around three years on, 11 out of 27 cases are ongoing (41% of new cases in 2020), only 5 of which involve criminal proceedings (and 2 of those criminal cases concluded in 2021).

As in previous years, of the 16 concluded cases (59% of new cases in 2020) a high proportion, 12 out of 16 (44% of new cases in 2020), were resolved at stage 3 by the Investigating Officer. Again, the timescales for cases to conclude varied from under 3 months (3 cases), 3 – 6 months (1 case), 6 – 12 months (2 cases), 12 - 24 months (3 cases), to more than 2 years (3 cases). Unfortunately, only 33% of these cases were concluded within the GTCS target timescales with 67% going beyond.

Of the 2020 concluded cases, 2 (7% of new cases in 2020) resolved at panel consideration stage (stage 4). Both cases took between 1 and 2 years to resolve.

As of January 2023, only 2 cases from 2020 (7% of new cases in 2020) had reached a full hearing. One case took 2 years and 4 months to conclude, with a wait of 1 year and 9 months from the date of receipt of the interim report. The other case took a similar length of time to conclude (2 years and 7 months), with a longer wait from the date of receipt of the interim report (2 years and 5 months).

## 2021

Over the five year period, we received our lowest number of new Fitness to Teach referrals in 2021 with a total of 24 cases. As of January 2023, 7 out of 24 (29% of new cases in 2021), remain ongoing (4 fewer than from the previous year), with only 1 case having related criminal proceedings.

**A large proportion of our members' cases from 2021, 17 out of 24 (71%) have concluded.**

Similar to other years, Investigating Officers closed 13 cases at the investigation stage (stage 3) (54% of new cases in 2021). On the face of it, a healthy proportion, 8 out of 13 closed cases (62%), **concluded within the GTCS's 6 month target timescale** (4 in under 3 months and 4 between 3 and 6 months). However, the figures are skewed by the fact that 5 out of the 8 relate to cases involving lecturers whose applications to the GTCS register, sometimes rather unnecessarily, triggered investigations. Unfortunately, 5 cases (38%) did not conclude within the target timescales with 3 cases taking 6 – 12 months to conclude and 2 cases taking over 12 months to conclude.

Of the 2021 concluded cases, 4 concluded at panel consideration stage (stage 4) (17% of new cases in 2021). One of the cases concluded after 6 months and the other 3 took between 1 and 2 years to conclude. Again, the figures are slightly skewed as the case which concluded after 6 months was another case involving a lecturer whose application to the GTCS register triggered an investigation.

There have been no hearings deriving from 2021 cases as of January 2023.

## 2022

In 2022 we received by far the highest number of referrals in the five year period. We received 47 new Fitness to Teach referrals, of which only 9 have concluded (19%).

All 9 of the concluded cases resolved at the investigation stage (stage 3). In line with the previous year, 6 of the 9 cases (67%) **concluded within the GTCS's target timescale** (1 case concluding within 3 months and 5 cases concluding between 3 and 6 months). The other 3 cases (33%) concluded in 6 – 12 months.

There are 38 outstanding cases as of January 2023 (81% of new cases for 2022).

## Summary of data findings

Aside from 2022, the data tells us that between 44 and 54% of our new referrals each year are resolved by Investigating Officers at the investigation stage, stage 3. Despite this being the earliest stage to sift out and conclude cases after receiving input from the teacher, the length of time taken to reach a conclusion at the investigation stage is extremely variable and is often excessive. Of the 65 cases which resolved at investigation stage over the five year period, only 35 (54%) concluded within the GTCS's 6 month target timescale. At the other end of the scale, 14 cases (22%) took more than 12 months to conclude and 2 cases took more than 3 years.

After investigation stage, the remainder of cases seem to be split fairly evenly in resolving at panel investigation stage and full hearing. Within the five year period, of the 16 cases which have so far resolved at a panel investigation, only 5 resolved in under a year whereas 11 of those cases took 1 – 2 years to conclude. Of the 12 cases which have so far resolved at a full hearing, all of them took more than 2 years to get to a hearing and 7 cases took more than 3 years to get to a full hearing.

The average amount of time taken for these cases to reach a full hearing was 3 years 2 months (with the median being 3 years 1.5 months).

Over the 5 year period, the average amount of time taken for all cases we have dealt with to conclude is 14.7 months. This includes those cases closed at officer review right through to those where a full hearing was conducted.

As noted, there are still ongoing cases from each of the five years we have considered and so we will have cases over this period that took at least 4 or 5 years to conclude once the process has ended. It is worth noting that the average time taken to conclude a case therefore does not include those cases that remain outstanding (and have done for many years or months). When these cases do conclude, the average amount of time for each case will be higher.

### 4.2 Procedural applications – issues around efficiency in latter stages of investigations:

The GTCS suggests that their investigation processes have been delayed further in recent years because of an increased number of procedural applications being made. **They note that these applications are principally made by teachers' representatives.** We have three observations to make on this matter.

The GTCS has produced data on the number and types of procedural applications made in conduct cases. From the table produced (see [here](#)) it can be seen that there were more applications made for virtual hearings than any other type of procedural application in the time period considered (which appears to be 2022). Virtual hearings started during the pandemic and have continued since. These applications are generally made by presenting officers.



Secondly, the GTCS has acknowledged that cases that proceed to full hearings are increasingly complex. The GTCS has said that due to these complex cases, more days are required for hearings which results in issues around scheduling. However, it should also therefore be considered that increased complexity will likely mean that representatives have additional points of procedure to raise in the interests of those they represent, and this cannot, and should not, be avoided.

Finally, the second highest number of procedural applications made in the year assessed related to representatives seeking to present late papers. Applications for late papers are common due to the GTCS requiring papers to be disclosed early in the hearing preparation process and only setting hearing dates further down the line, such that papers are out of date by the time the hearing comes around. The Fitness to Teach process is organic in nature: the test is whether a teacher is fit to teach when their case is being considered, and not at the time of allegations set out. It is therefore imperative that up-to-date information is presented to panels to consider whether the teacher before them is fit to teach. In response to this issue, the GTCS is running pilot cases whereby papers will be due eight weeks before the date of a full hearing.

#### 4.3 Comparable data from other regulatory bodies:

**We have commented on the GTCS's threshold for investigation and the processes** the GTCS goes through in undertaking investigations. Clearly, different professional regulators have different remits, thresholds for investigation, caseloads and resources. Considering these variables, and the different ways in which data is gathered and reported, it is impossible to undertake comparisons between the GTCS and other regulators **which are exactly 'like for like' or which** acknowledge particular issues the GTCS might face. It is also acknowledged that some other regulators deal with a great deal more cases than the GTCS, and that the sample we have analysed is relatively small, being only the cases that we have dealt with over a five year period. However, in considering the efficiency of the GTCS, we felt it important to consider available data on the length of other **regulators' fitness to practise cases to ascertain whether** the delays faced by our members are reflected in other processes investigating other professionals.

##### Scottish Social Services Council (SSSC)

The SSSC published fitness to practise statistics in January 2023 (see [here](#)). As part of the report produced, the SSSC looked at the amount of time taken to close fitness to practise investigations from the date of referral. A three-month rolling average is used by the SSSC.

They commented that the average time taken to close a case is 7 months. However, this average is skewed as it includes referrals that are received but are not actually opened for investigation.

Looking at more specific data, in all months between April 2019 and December 2022, cases which were investigated but where no action was taken (similar to our GTCS cases that closed at stage 3) concluded within 6 to 8 months.

For cases where there was a sanction imposed but no hearing took place (so akin to our GTCS cases that closed at stage 4), between October 2022 and December 2022 the average amount of time taken for cases to conclude was 22 to 24

months. Whilst we have not analysed our data in three-month averages, this is not dissimilar to the average time taken for cases to resolve at this stage in the five year period we looked at.

Looking at cases that went to a hearing (like our stage 5), it can be seen that in October 2022 it took an average of 16 months for cases to conclude, whereas in December 2022 it took an average of 27 months for cases to conclude. On average this is a shorter process than our GTCS cases that have concluded after a full hearing.

#### Law Society of Scotland (LSS)

In March 2023 the Scottish Legal Complaints Commission (SLCC) reported on the **Law Society of Scotland's (LSS) complaints handling** process as part of their function to provide oversight of the complaints and redress system. See [here](#).

The SLCC considered cases that were open on 31 March 2022 and found that most **investigations into misconduct complaints took longer to complete than the LSS's published average timescale, which was 'about 12 months'**. They found that, of the complaints considered since 2017, the average time taken to close each case was 15.9 months and the median time taken was 14.4 months. The SLCC made recommendations flowing from these findings, noting that the LSS should set realistic and achievable target timescales for the completion of their investigations; should improve on transparency when communicating with solicitors and complainers on the progress of investigations, including in relation to timescales; and should create a plan of action around improvements.

The average amount of time taken for the GTCS cases we have analysed to conclude has been 14.7 months, which is similar to, but less than, the 15.9 months taken in LSS cases. It is worth noting, however, that it is not clear at what stage in the LSS investigation process the cases referred to concluded, and so this comparison is lacking in detail.

#### General Medical Council (GMC)

The Professional Standards Authority for Health and Social Care conducts performance reviews of the 10 organisations that regulate health and care professionals in the UK. The authority has a statutory duty to report annually to **Parliament on these regulators' performance against their Standards of Good Regulation**.

In the **authority's 2021-2022** report on the General Medical Council (see [here](#)) the authority comments that the GMC has been focused on closing old cases in the review period, and there have been improvements in the time taken to get to **'Case Examiner' decision, and from that part of their process to a hearing**. It notes that both measures are at their lowest since before the pandemic.

In the final quarter reviewed, the median number of weeks from receipt of referral to a final hearing was just over 2 and a half years. Using the median, this is around 7 months shorter than the period it took our cases to get to a final hearing.

**It is notable that on the GMC's website (see [here](#)) they claim that they 'try to conclude our investigations as soon as possible, and all of them within 12 months of receiving the concern if possible.'** This statement does not appear consistent with the time taken, noted above, but is at least an aspirational timescale which can help manage expectations.

General Dental Council (GDC)

**The Professional Standards Authority for Health and Social Care's 2021-2022 performance review (see [here](#)) of the General Dental Council (GDC) described the GDC as having performance issues and noted that the time it takes the GDC to reach fitness to practise decisions has not improved in this review period.**

Like other regulators, the GDC has cited the pandemic as having caused continuing disruption to its process as well as causing issues through staff absences. They also note in the report that their outdated legal framework has impacted performance.

In the final quarter reviewed, the median number of weeks from receipt of referral to a final hearing was around 1 year and 11 months. Despite the criticisms of the GDC in the report, it is noted that this is over a year shorter than the median time our 12 cases took to get to the hearing stage (stage 5).

Nursing and Midwifery Council (NMC)

**It is noted in the Nursing and Midwifery Council's (NMC) annual fitness to practise report from 2021-22 (see [here](#)) that the NMC aims to complete 80% of their cases within 15 months of receiving concerns. In the review period, that aim was not met and only 62% of cases met that target.**

**The Professional Standards Authority for Health and Social Care's 2021-2022 review of the NMC is critical, saying that it was taking the NMC too long to deal with their significant backlog of fitness to practise cases. See [here](#).**

In the last quarter of the review period, it was taking the NMC over 3 years to conclude cases that had got to a final hearing. This is similar to the timescales we have drawn from our cases which reached a full hearing (stage 5).

The Health and Care Professionals Council (HCPC)

The Health and Care Professionals Council (HCPC) produces annual reports on fitness to practise. Their report for 2021-2022 (see [here](#)) gives statistics on the time taken for cases to progress to their investigating committee panel stage (similar to the GTCS panel stage – stage 4) and for those cases that conclude in a final hearing (similar to stage 5). Looking at the median, cases took, on average, 13 months to reach the panel stage (a better outcome than our GTCS cases) and 29 months to reach a final hearing. Whilst 29 months is a significant period, it is less than the 3 years 1.5 months, being the median time take for the 12 GTCS cases we have considered, to reach the same point.

## Summary of our findings on efficiency of other regulators

Whilst it is difficult to properly compare our own findings in relation to GTCS cases we have been involved with, with the data available on the lifecycles of investigations processed by other regulators, there are points that can be taken from the above.

It is clear that there are issues with delays in processing and investigating cases across various bodies regulating the work of professionals in Scotland and the UK. At times there are also discrepancies between target timescales for concluding cases and the actual amount of time taken for cases to be concluded. We would suggest that having target timescales is beneficial even if they are not always met, as it is a good measuring aid for performance and allows a degree of accountability.

The impact of Covid-19 is cited by some regulators as a contributing factor in these delays.

Where we can compare our data **with other regulators' data**, it appears that the **GTCS cases we have considered took longer to conclude than other regulators' cases**, even if by a small margin. This is notable, especially considering the criticism the LSS faced from the Scottish Legal Complaints Commission when they **assessed the LSS's statistics, and the criticism faced by the GDC from the Professional Standards Authority**. This level of accountability does seem to be lacking for the GTCS, which ultimately impacts our members.

### 5. Effectiveness

The GTCS states that the Fitness to Teach process is in place to ensure public protection and maintain proper teaching standards (see [here](#)). To be effective, the GTCS should achieve these stated purposes throughout the Fitness to Teach process. Equally, we feel that Fitness to Teach processes should be completed within reasonable timeframes and GTCS resources (however limited) should be maximised to ensure that the organisation is meeting its purposes and serving its members properly and fairly. Through our work on Fitness to Teach cases, we are aware of a number of issues which would call into question the effectiveness of the Fitness to Teach process.

### Interaction with other agencies

Information sharing with other agencies, such as Police Scotland and Disclosure Scotland, would seem essential in ensuring public protection. Unfortunately, the channels of communication between these agencies are not fully functioning which often leads to unnecessary delays and double investigation. In terms of criminal matters, our experience in certain cases is that the GTCS investigates matters that both do not relate to the teaching profession and where the police or Procurator Fiscal have decided not to pursue the matter. Whilst we appreciate that **the GTCS's standard of proof is lower than in criminal cases**, when no further action is taken by the police or the Procurator Fiscal at very early stages, the GTCS pursues matters on the presumption that there must have been supporting evidence if the police were involved, rather than accepting a decision that has been made taking account of evidence and public interest. The GTCS could

perhaps be more effective if it acknowledged and utilised investigations already carried out by the police.

### Beyond the threshold

It is our view that at times the GTCS goes beyond its purpose by investigating cases which cannot reasonably be said to meet the threshold laid out in the threshold policy (see [here](#)). For example, investigations have been opened relating to minor road traffic offences that did not involve any children or any other individuals; teachers **have been investigated for a harmless April Fool's prank**; and we have seen an investigation against a member for having a dispute with their neighbour.

### Re-registering to remove

In terms of overstepping, the GTCS has been known to investigate a former teacher after they have removed themselves from the Register (perhaps due to retirement) by re-registering them for the purpose of investigation. The ultimate sanction of removal from the register therefore puts the former teacher in the same position they were in before the investigation started but having gone through an undoubtedly stressful and extensive process. **The GTCS's rules allow** it to re-register a teacher up to 2 years after they have removed themselves. In our view, this approach by the GTCS is unnecessary and contributes to it being ineffective as a regulator in other areas.

### Vexatious referrals

We have also had issues with the GTCS persisting with vexatious, often anonymous, referrals which should not, under rule 2.1.1, be pursued. We have had a case where an anonymous referral has alleged that a teacher falsely accused a former pupil of rape. We put forward submissions that the referral was vexatious as the teacher had been raped and reported her rape to Police Scotland, and the referral was likely to be from her rapist subjecting her to further distress. The investigation continued for 9 months before the GTCS conceded that the referral might be malicious and concluded matters. The effectiveness of a regulator is **called into question when several months of an investigating officer's time is spent** on an anonymous, vexatious referral.

### Lack of health route

Arguably the greatest issue with the GTCS process, aside from lengthy delays, is a lack of way out for those who are severely unwell and unable to cope with the process or return to teaching. Once an investigation commences, a teacher cannot remove themselves from the register without going through the arduous and distressing investigation process. For some members their ill health will have contributed to the allegations set out against them; for others, this might not be the case but they will still be too ill to teach again. To require these teachers to endure such stress when they will never be back in a classroom seems at least highly ineffective when there is such a backlog of other cases to be addressed and, at most, cruel.

The GTCS acknowledges that it is challenging for them to progress a case where an individual (whether the teacher or a witness) is not well enough to participate. The GTCS is clear that the legislative framework within which it currently operates prohibits it from creating a “health route” that would resolve this issue, similar to those offered by other regulators. It seems that, as with the GDC, an outdated legal framework is impacting the GTCS’s performance.

### Case cancellation

In a similar vein, we have queried the fact that teachers cannot remove themselves from the register with consent, without having to go through the investigating process. At present, there are only two ways in which a teacher can consent to or seek removal from the register whilst an investigation is ongoing. At panel consideration stage, if a panel offers a consent order for removal this can be accepted. However, this is often months or years into the investigation process, and such a consent order will only be offered where the allegations are admitted in full and where the panel considers that removal from the register is merited. Secondly, there is a process by which an application can be made for ‘case cancellation’. The GTCS’s practice statement can be found [here](#). Such an application can only be made once a case has been referred for a full hearing, so at the final stage of the process. Further to this, whilst the practice statement notes that “there is no prescribed list of circumstances in which cancellation of a case may be sought”, examples of situations where an application may be made are given. None would allow someone who simply no longer wished to remain on the register to seek to do so.

There is an example given in this practice statement of a situation where someone who has extremely poor health could make a case cancellation application. However, again, this would not be possible until a case was referred to a full hearing. Furthermore, it is stated that the health of the teacher would have to be:

**“so poor and... the prognosis, as evidenced by a report provided by a medical practitioner, would require to be so serious that the Teacher is unlikely to ever be able to resume their teaching career. Such a prognosis would always require to be considered alongside other factors such as the seriousness of the allegations.”**

From our experience, the bar for case cancellation is so high that even where a teacher is retired with no desire to return to teaching and suffers from ill health that would not support a return to teaching, the case continues.

**The GTCS’s** stance around there not being a way in which an individual can decide to remove themselves from the register whilst being investigated comes from a place of public protection. Their concerns centre around members removing themselves from the register and then seeking to go back on at a later date without any investigative findings around their alleged conduct on record. Even if they still held on to information about the allegations, they are also concerned that months or years down the line they would not be able to effectively reopen investigations as evidence would be old and potential witnesses unable to assist or recall information relevant to the allegation(s). A solution to this would, in our view, be the ability for a teacher to consent to be permanently removed from the register with no right to re-apply.

## Publicity

The GTCS's decisions (both at panel consideration stage and full hearing) are published on the GTCS's website for a period of 3 months. The GTCS also notifies all witnesses of the outcome of the hearing by e-mail.

GTCS hearings are public and are often attended by members of the press who report sensationalist headlines, often prior to any decisions being made, and fail to correct their reports when an outcome is in a teacher's favour. Unlike a court, the GTCS has no power to restrict publication and can only ask for the cooperation of the press if certain details are not to be reported (such as details identifying pupils).

The publicity around GTCS cases can be extremely damaging to teachers. Adverse, unwarranted publicity can lead to a teacher suffering further disciplinary allegations of reputational damage to their employer through no fault of their own.

It is possible to apply for proceedings to be held (in part or in full) in private or for the case to be anonymised when published. It is rare to have effective anonymisation or privacy unless there is an evidenced risk of life to a teacher, and even then we have seen full privacy be denied. **There's very limited protection for a teacher's innocence** and reputation when going through the Fitness to Teach process.

## Lack of meaningful communication

As we have demonstrated above, GTCS Fitness to Teach investigations are often unduly lengthy. Teachers are often completely in the dark about the progress and parameters of an investigation. The GTCS has recently sought to engage with us to provide three-monthly updates on the progress of investigations. We ensure that we keep track of our cases and seek updates at regular intervals. Unfortunately, the updates are rarely meaningful and do not give any insight or comfort to teachers that their case is progressing. Dialogue is open for us to feed back on the quality of updates that we receive, and we will continue to engage with the GTCS for improved updates to ease our members' anxieties.

Communications with third parties can also lead to delays in the Fitness to Teach process, impacting effectiveness. The GTCS has said that they can spend up to a year to get basic information from third parties. Whilst we realise that in some instances information from third parties will be crucial in an investigation (from the police, for example), we feel that there are times when officers should close off certain lines of investigation where third parties are being uncooperative. Over the time we have been working on these cases, we have found some cases that have been left sitting whilst an officer waits for a response from a potential witness for months before closing that line of enquiry. This is unsatisfactory, ineffective investigation and can contribute to increased stress and difficulties for our members.

## Inefficiency is ineffective

We have laid out our findings on the efficiency of the GTCS's Fitness to Teach process above. Clearly, we have real concerns on this point. In terms of

**effectiveness, and the GTCS's purpose of ensuring public protection and maintaining proper teaching standards, an inefficient process is problematic. When teachers have been under investigation for months or years and their Fitness to Teach is ultimately found to be impaired, it undermines the regulator's ability to maintain high standards. Whilst it would be contrary to natural justice for there to be any restrictions on teachers' registration whilst they are under investigation (beyond those allowed for by Temporary Restriction Orders (TROs)), the GTCS's delays in processing cases does call in to question whether they are working effectively. A process described by our member as moving at "glacial" pace, the registrants and teachers under investigation are not effectively served by such an inefficient system.**

## Temporary Restriction Orders

Temporary Restriction Orders (TROs) are imposed (with or without consent) on teachers where there are, on the face of it, circumstances which might cause the **teacher's name to be removed from the** register. The intended effect of the TRO is to prevent a teacher from moving to teach in a new local authority during an investigation. If the teacher is in employment the impact of this may be minimal; however, if they are not, it can mean that they are unable to teach until their case has concluded. Sometimes delays in the process coupled with these restrictions have the unnecessary effect of stopping a teacher from working in their profession for an extended period of time. TROs are said to be protective and not punitive; however, when a teacher is restricted from working for an unnecessary amount of time, it is easy to see why they would feel punished by these delays and the effectiveness of TROs would be called into question.

## 6. Impact

### Mental Health

We are in no doubt that the Fitness to Teach process has had a serious detrimental impact on a high number of members who have gone through it. We have already detailed our concerns around inefficiencies and ineffectiveness in the process. Accounts from our members on how these failings have impacted their lives are stark and often distressing. Professionally, members have felt unable to continue teaching due to the stress that they have endured and how exposed they feel to **further scrutiny. Teachers' personal lives have suffered, with accounts of broken relationships, continued ill health and, at worst, members who have been suicidal.**

We have also noted that members who have not been able to remove themselves from the register, or who have been re-entered on to the register for the purposes of investigation, have felt targeted and made to endure unnecessary stress, whilst being unable to move on with their lives.

One of our teachers (Teacher A) who was found fit to teach after a process that lasted three years has told us about the impact the process had on her health and family life. She noted:

**"The process took three years to complete. Throughout its entirety, I never knew (either through suffering from PTSD brought about by it) or through lack of a contact or information [I] was unaware of what was going to come**



next... The arbitrary nature and protracted to and fro of various aspects of the case is what ultimately broke me.”

**“I see now why innocent professionals in this and other professions are moved to take their own lives whilst undergoing investigation... The GTCS allowed this to become prolonged and are directly responsible for some of the damage which ensued.”**

Teacher B has also told of the suffering she has sustained. She had only been qualified for a year when the GTCS’s investigation commenced. Thereafter, she was out of the classroom for over five years due to the delays in the GTCS process.

**“In roughly my first year as a fully qualified teacher I would made [sic] a bullying complaint, be off long term with stress, be suicidal and later face allegations against my conduct.**

To say I had a horrific time would be an understatement. The trauma of this horrendous year was then dragged on for the next five years of my life, with me constantly reliving this anguish with no escape.

Then to finish it all off, I was dragged through the media who portrayed me as a monster. I have read comments from complete strangers describing, on the websites of newspapers, describing how they want to physically assault me. Yet despite all the trauma I’ve been through, I still love teaching and want to be, and happily am, a teacher.”

Teacher B’s case was dismissed following a full hearing, yet due to the access afforded by the press, her suffering continues and her name has been tarnished.

**“The worst time on your life is contorted by the media, all to promote the most clicks. All your friends and family, and everyone you ever met, gets to play jury and judge based on twisted fragments of information.**

The night the news broke, I cried myself to sleep, then I was tormented by nightmares and I woke-up to myself having a panic attack. I went to the bathroom to throw-up and passed out on the floor. This is just a snippet of what the impact of this has been on me.”

**“I have faced many sleepless nights, I’m still on medication for my mental health and to help me sleep at night. I’ve also had to be in therapy throughout this entire time as I really was pushed to the brink of what a person could cope with. I am fortunate to have a strong support network around of my faith, family, friends, medical professionals and the Union. Without this support I would have undoubtedly committed suicide.”**

Teacher B’s experience has ruined years at the start of a career she had dreamed of since she was a child. The effect the process had on her did not end when the hearing concluded. She is now back in the classroom, but the stresses of the process remain. Her words, directed to the GTCS, are powerful:

**“Your glacial pace is shocking, and damaging not only to the trust society places in teachers but also to every individual involved in a case. Every**

**single person I've spoken with about my case, has be aghast at the protracted and clunky proceedings of the GTCS. At every turn, you fail to see us as human beings who are directly impacted by your actions. You have shown me no humanity in your conduct with me."**

## Financial

Beyond the mental health issues teachers endure, there are other impacts our members have faced.

The previous section notes that members subject to TROs can find themselves unable to teach for long periods, without knowing when they may be able to apply for jobs in their profession again. Clearly this affects income, and due to the uncertainty brought about by the delays in the process, members do not know when their case is likely to conclude and when they might be able to re-enter their profession.

Some individuals also find themselves signed off from work due to stress and anxiety, causing financial hardship.

In her account, Teacher A told us of the financial issues that have ensued for her.

**"We are experiencing severe financial difficulties."**

**"I was grateful to receive a grant from the EIS at Christmas time. I am supported financially by my parents which is due to run out soon. I had two near miss accidents (brake failure/ accelerator stuck on) in the cheap car I bought to cut costs. I have just offered our home on Air Bnb in an attempt to keep it. We have limited time before it will go on the market. Friends and family have given us clothes and equipment for my daughter during this entire period. Future earnings, my financial security, what I am able to offer my ageing parents and my family for the future has been completely taken away."**

We have also heard from others who have struggled to obtain mortgage offers due to employment instability and have not therefore been able to move on in other aspects of their lives.

## 7. **The GTCS's work on improving the process**

We opened dialogue with the GTCS to discuss our concerns and have met with them bi-annually to share our experience and suggestions for improvement. Those meetings have provided insight into what the GTCS consider to be causes of delays and allow us to analyse whether, in practice, our experience is consistent with their narrative. The meetings have also allowed us to raise other issues of concern, many of which are narrated throughout this report.

The GTCS has been open in acknowledging that investigations take too long and have noted that they are aware of the serious impact this can have on our members and their health. We have discussed these matters in our meetings. In addition, and as noted earlier in this report, GTCS stakeholder events were held

in June 2022 and January 2023, where the issues faced were also aired in a wider forum.

At the event in January 2023, stakeholders were informed of the work that the GTCS is undertaking in a bid to improve the process.

There have been real issues around setting dates for hearings, leaving members waiting for extended periods to have their cases heard. At times, this has resulted in hearings being part heard with members then waiting months before their hearing is concluded. The GTCS has noted that the time required for hearings has increased in recent years, which has added to the issue. In response, they have increased the size of their legal assessor pool and intend to recruit more panel members in the hope that this will assist.

They have also looked at improving communication between their investigating officers and teachers or their representatives. We have previously highlighted that a lack of meaningful updates on **the progression of our members' cases has added** to their stress during the Fitness to Teach process. We have noticed some slight improvements in this regard to date.

Another matter considered has been the scheduling of hearings. The GTCS has begun a pilot scheme to trial a new method of scheduling hearings which should allow for efficient and practical preparation for hearings. In turn, this will hopefully reduce the need for teachers to make applications to submit late papers so frequently.

The GTCS is in the process of collating their own data on their processes to assess where further improvements can be considered. They note that they are taking forward a process improvement action plan and are going through an organisational restructure to enhance the resources available to them.

## 8. Summary of our findings

Unfortunately, we have found that the GTCS Fitness to Teach process is inefficient, particularly once cases progress beyond the initial investigation stage. In terms of effectiveness, the GTCS does take action to protect the teaching profession and children in their learning environment. However, there are issues with the GTCS pursuing cases which should have an alternative route to conclude, such as a health route, or should not be pursued at all in our view (vexatious cases). A multi-agency approach to regulation is currently ineffective and poorly reciprocated communication in general (with witnesses, other agencies and anonymous referrals) **appears to be a downfall in the GTCS's Fitness to Teach process.**

The impact on our members of an inefficient and at times ineffective Fitness to Teach process cannot be downplayed. We regularly have feedback of trauma from the delays and isolation of the Fitness to Teach process. The relentlessness of the process at times of poor mental ill health has resulted in loss of life and this simply cannot be tolerated.

We are hopeful that our open dialogue with the GTCS, and our mutual willingness to engage, will result in marked improvements in the Fitness to Teach experience for our members. In reality, the experience will never be pleasant, but an

improvement in meaningful communication, sensible scheduling and consultation on legislation introducing a health route, has the potential to vastly improve the process over the next 3 years.

Laura Clark and Sonia Kerr  
Legal Officers

March 2023

# THE EDUCATIONAL INSTITUTE OF SCOTLAND

## Recruitment Practices: BAME Teaching Staff

### 1. INTRODUCTION

The following resolution was approved by the 2021 Annual General Meeting:

**“That this AGM calls on Council to:**

- a) Investigate and report on recruitment practices nationally, as they relate to BAME teaching staff. This to focus on, but not be confined to:
  - i. whether equality impact assessments of recruitment practices, including specific focus on race, are carried out at Local Authority level, and the quality of any such assessments;
  - ii. the selection process and equality training for recruitment panel members;
  - iii. custom and practice around how references, and similar documentation are used in different Local Authorities to support selection process to fulfil teaching/promoted posts;
  - iv. particular issues related to recruitment, highlighting any non-compliance with the terms of the Equality Act 2010.
  
- b) Draw up a template action plan for Local Associations to use in seeking to remedy any such detriments identified by the report and to improve the race equality and diversity outcomes of local **recruitment practices.”**

### 2. ACTION

In pursuance of the resolution, the Equality Committee issued letters on the 31<sup>st</sup> August 2021, to all 32 local authorities, followed by Freedom of Information requests on the 19<sup>th</sup> October, with a series of questions:

1. Has an equality impact assessment of your recruitment practices been carried out?
  
2. **What is your Local Authority’s process for appointing recruitment panels,** including details of any relevant anti-racist or equality training panellists are required to complete?

3. **What is your Local Authority's process for selection and appointment, including the setting of selection criteria?**
4. What is the process for providing feedback to unsuccessful candidates?
5. Does your Local Authority have a plan in place to address underrepresentation of BAME staff in teaching, including within promoted posts?

### 3. SUMMARY OF RESPONSES

Responses, of varying length and detail, were received from 26 local authorities.

13 Councils were or had recently gone through the process of reviewing their recruitment and selection policy and procedures or related training. Eight of these reviews were specifically about BAME underrepresentation or **the protected characteristic of 'race'**.

Five Councils were in the process of or had conducted surveys with BAME employees or applicants. One Council had conducted a survey of all employees belonging to groups currently underrepresented by the Council.

Seven Councils reported plans were in place specifically to address BAME underrepresentation. Where a plan was in place to address BAME recruitment, this was often aligned to implementing the new Race, Employment and Equality Recruitment Toolkit for the public sector and not specific to teaching, and/or part of the Councils Equality Outcomes.

19 Councils had no specific plans in place to address BAME underrepresentation. Many responses from Councils suggest that BAME teacher underrepresentation is often considered to be covered by wider equality commitments to overall diversity in terms of all protected characteristics.

Furthermore, there may be a lack of willingness to take on responsibility for proactively improving diversity, either because there is a lack of awareness of the reality of underrepresentation, or because there is a belief that this is the choice of individual applicants. Few Councils noted data on diversity in the profession in their response, and this appeared most frequently pertaining to Council-wide figures, not related to the Teacher Census.

Some Councils provided detail on initiatives which may be used to share examples of learning from existing practice, including the use of positive action in recruitment, information gathering from BAME staff, surveying unsuccessful job applicants and reviews of policies and procedures.

#### 4. CONCLUSION

As the new Scottish Government Data report is due to be released on the 6<sup>th</sup> May 2022, there is an opportunity for the EIS to follow up with Councils about their plans to tackle BAME underrepresentation in the profession.

The findings within this report, and the varied responses, suggest that there is benefit in raising awareness about the reality of underrepresentation, **highlighting that it is everyone's** responsibility (regardless of local demographics), and in sharing good practice where it exists.

No matter where teachers are employed in Scotland, it is crucial that diverse workplaces and access to anti-racist education are not a post-code lottery, but an equally delivered commitment across local authorities.

#### 5. NEXT STEPS

Distribute this report to all Local Association Secretaries, including full individual responses, and signpost that Reps can request the report.

Report findings and related planned actions to the national EIS BAME Network.

Report findings to the Race Equality and Anti-racism in Education Programme (REAREP) subgroup on Diversity in the Teaching Profession and Education Workforce (DITPEW), which the EIS Chairs.

Through the DITPEW, use findings from this report, alongside the soon to be released Diversity in the Teaching Profession Data Report findings to write and make recommendations to Councils and other relevant groups.

Create guidance and learning for Equality Reps and Local Associations on how to use the findings pertaining to their Council in conjunction with the release of the Scottish Government Data Report, **and the EIS 'Mobilising for Anti-racism in the Workplace'** guidance, to act locally.

## SUMMARY OF INDIVIDUAL RESPONSES

Below are headline notes on the individual responses of each 26 Council who responded to the five questions posed by the EIS. For Council responses in full, contact EIS Education and Equality Department, Leigh Meechan [lmeechan@eis.org.uk](mailto:lmeechan@eis.org.uk).

### ABERDEEN CITY

Aberdeen City Council has two equality outcomes for the period 2021 – 25, aiming to address underrepresentation and ensure those protected by characteristics of age, disability, gender reassignment, race, sex, and sexual orientation and fully included and valued at work.

The Council are in a period of development of this work. An Action Plan was developed in April 2021 and has a working group looking at Race and Ethnicity, investigating barriers to recruitment and improvements required. The working group has data on areas of underrepresentation.

As part of the Action Plan, the Council are reviewing the training offered to those taking part in recruitment and selection panels.

An updated Integrated Impact Assessment will follow.

We have received a copy of:

- **Aberdeen City Council's Recruitment and Selection Guidance.**
- Aberdeen City Council guidance for managers to be used when recruiting teaching vacancies.
- **Equality and Human Rights Impact Assessment for the Council's new approach to the internal recruitment process, aiming to break down barriers and prevent unconscious bias from influencing the process.**

The EIS have not received a copy of the Action plan.

October 2021

### ABERDEENSHIRE

At the time of responding, the Council had an equality impact assessment underway. Recruiting managers has to undertake equality and diversity training.

The Council has no specific plan pertaining to addressing the underrepresentation of BAME staff.



September 2021

## ANGUS

An Equality Impact Assessment of the recruitment practice has not been carried out.

The Council requires those taking part in recruitment and selection panels to undertake what appears to be generic equalities and diversity training.

In the 2021 Workforce Plan, the Council has committed to reviewing recruitment practices through looking at race, and to survey staff about barriers to under-represented groups.

November 2021

ARGYLL & BUTE – No Response

## CLACKMANNANSHIRE

The Council has carried out an Equality Impact Assessment of recruitment practices. Panel members are required to carry out recruitment and selection training.

We have received a copy of:

- Clackmannanshire Council Recruitment Selection Policy and Procedure
- Agreed LNCT Procedures
- Recruitment & Selection for HT and DHT
- Appointment Procedures for Teachers and Associated Professionals
- Use of temporary contracts

January 2022

BORDERS – No Response

## DUMFRIES & GALLOWAY

The Councils Equality Outcomes 2021-25 includes commitment to addressing underrepresentation and barriers in requirement.

The Council has carried out an Equality Impact Assessment of the Recruitment and Selection Policy. Recruitment panel representatives are required to undertake what appears to be generic diversity awareness training.

We have received a copy of:

- Recruitment and Selection Policy
- Recruitment and Selection Procedure
- Impact Assessment of the Recruitment and Selection Policy and Procedure

December 2021

## DUNDEE

The Council has carried out an Equality Impact Assessment of recruitment practices.

Recruitment panel members are required to undertake what appears to be generic equality awareness training.

We received a copy of the following documents:

- Interview Panels.
- Recruitment and Selection – Providing Feedback
- Recruitment and Selection – E-learning and Training
- Recruitment and Selection – Selection Panel Guidance
- Equality and Diversity Rapid Impact Assessment of the Recruitment and Selection Procedure

The Council has no specific plan pertaining to addressing the underrepresentation of BAME staff.

October 2021

## EAST AYRSHIRE

The Council responded that an Equality Impact Assessment would have been generated prior to its implementation in June 2021, but this was not shared with the EIS.

The training provided to panel members include sections on equality and unconscious bias.

We received a copy of the following document:

- Equality Impact Assessment of the Head and Depute Head Teacher Recruitment and Selection Policy and Procedure

September 2021

## EAST DUNBARTONSHIRE

The Council responded that the Recruitment policy is under review and an Equality Impact Assessment will be updated as part of the policy approval, following consultation process with trade unions.

The Council ensures that recruitment panels include a gender balance and refer **to them having a 'mix of characteristics'**, it is not clear whether this refers to racial diversity.

The training provided to panel members include sections on equality.

The Council does not have specific plans at time of writing to address the underrepresentation of BAME staff in teaching, but stated they will be considering underrepresentation across characteristics in annual equality monitoring and reporting as well as in the current policy review.

October 2021

#### EAST LOTHIAN

The Council responded that an Equality Impact Assessment is not currently available. The Council states that it is the responsibility of all employees, in particular those involved with recruitment and selection, to raise issues of good and bad practice.

A review will be carried out of the recruitment procedures against the **Scottish Government's Minority Ethnic Recruitment Toolkit**.

The Council states that it is mandatory for all employees to complete Equality and Diversity Awareness training and, that one person on a panel must have recruitment and selection training, which covers racism and equality.

In response to the question inquiring of any plans to address underrepresentation of BAME staff in teaching, including in promoted posts, the Council responded that as a Council they employ 4.92% BAME staff from a population of 5.2%. This is assumed to refer to the population of East Lothian, not Scotland as a whole.

The Council states that attracting more BAME staff is part of their Equality Plan 2021 -25, and that outreach work to BAME communities is part of this.

The Council is currently collecting data on the number of BAME staff at all levels within the education. This data will be used to contact BAME staff about how best to support their needs at a local and national level.

Work is underway with the EIS Learning Rep on the content and design of a professional learning workshop which covers Unconscious Bias.

November 2021

#### EAST RENFREWSHIRE

The Council responded that an equality impact assessment of the recruitment process had been carried out – this was not shared with the EIS, but the Council stated they would discuss the content with the local EIS LNCT.

The Council has an action plan in place to tackle underrepresentation of ethnic minority groups in teaching at all levels. This was not shared with the EIS.

September 2021

EDINBURGH – no response

FALKIRK

The Council responded that an Equality Impact Assessment has been carried out.

The Council stated that there is an attempt to have mixed gender panels, and that the training covers general equality matters.

The Council has an Equality Outcomes and Mainstreaming Report which includes an action plan, where one of the outcomes are about increased representation of minority ethnic groups across the council workforce.

The Council noted a small increase in BAME applicants (not stated whether this translated into employment), and that recruitment webpages are being updated to support recruitment from protected groups.

January 2022

FIFE

The Council has carried out an Equality Impact Assessment of the recruitment and selection policy and procedure.

Recruitment panel members are required to carry out an eLearning module which includes equality in recruitment.

There are no specific plans to address underrepresentation of BAME teachers, but the Council are looking into **“perceived barriers to employment with Fife Council from ethnic minority communities in Fife”**. **The Council states that based on the evidence found, there is an issue in attracting people to apply, but that success rates are consistent across BAME and white applicants, drawing the conclusion that there isn’t a problem at a recruitment stage.** The Council does note that it receives proportionately low number of applications from BAME applicants when considering population estimates.

We received the following documents:

- Recruitment and Selection Policy, Procedure, and associated documents.

October 2021

## GLASGOW

The Council did not have an equality impact assessment for the recruitment process.

The Council noted that the recruitment panel training has recently been reviewed in partnership with the EIS Glasgow BAME Network.

The Council provided a report which gives an overview of the range of activities undertaken to promote and improve diversity in the education workforce.

**It was noted that the Council's activity followed a review of employee diversity** across the council – and noting that whilst 23.8% of children and young people in schools and nurseries are from a BAME background, only 3% of Council workforce are BAME.

The Council reported activity pertaining to; improving the recording of data, initiatives to increase racial diversity as part of the Early Years expansion across Scotland, support for probationer teachers, and training for all headteachers provided by Coalition for Racial Equality and Rights (CRER), among other initiatives.

We received the following attached document:

- Promoted Posts
- Improving Diversity in the Education Workforce

September 2021

HIGHLAND – no response

## INVERCLYDE

The Council responses that an Equality Impact Assessment was last carried out in 2016 when the policy was last updated.

Managers receive recruitment and selection training which is designed to fulfil Equal Opportunities requirements. It is a requirement that all staff complete Equality and Diversity training.

The Council has agreed a set of actions pertaining to the underrepresentation of BAME staff, as part of the Equality Outcomes 2021-2, including improving equality data, implementing the Scottish Government Minority Ethnic Recruitment Toolkit **and undertaking a review of the Council's understanding of racism** and barriers.

The Council advised that BAME teachers are encouraged to take part in leadership courses.

We received the following attached document:

- Recruitment and Selection Policy

- Recruitment and Selection Procedure
- Equality impact assessment

September 2021

#### MIDLOTHIAN

The Council responded that the Recruitment and Selection process is currently under review. The response did not include any information about whether or not there was a plan to address the underrepresentation of BAME teachers.

September 2021

#### MORAY

The Council is planning to review the recruitment policy and procedure against the Race, Employment and Equality Recruitment Toolkit, as part of the actions to meet their Equality Outcomes.

We received the following document:

- Education and Social Care: Procedures for the appointment of main grade teachers and principal teachers in Moray schools

September 2021

#### NORTH AYRSHIRE

The Council updated their Recruitment and Selection policy Equality Impact Assessment in 2011. All staff complete equality training on induction and recruitment panel chairpersons receive training that incorporated equality and diversity and bias.

There are no present plans to address BAME underrepresentation.

We received the following documents:

- Equality impact assessment of the recruitment portal dated 2009 (reviewed in 2011, no changes made)
- Recruitment and Selection policy

September 2021

#### NORTH LANARKSHIRE

The Council advised that the recruitment policies are under review, and an updated Equality Impact Assessment will follow.

Recruitment panels are requested to have a gender balance, and the training provided include equality matters.

The Council responded that in 2021, research was carried out with employees, and subsequently a Race Equality and Employment Action Plan was developed, signing the Council up to seven commitments of the Race at Work Charter.

The Council has undertaken a BAME employee survey.

We received the following documents:

- Race Equality in Employment action plan

January 2022

## ORKNEY

The Council responses that an Equality Impact Assessment was undertaken in 2015, **however a review is undertaken yearly through an analysis of the Council's Annual Statement of Equality.**

The Council noted that in December 2020, 1.5% of teaching staff were BAME, and 3.7% of teaching staff applications were BAME. 3.6% of those were offered a position with Orkney Council.

The Council regularly publishes pay gap and occupational segregation data and this includes information relating to gender, ethnicity and disability – and found no pay gap based on race (noting low overall figures).

All staff members undertake Equality awareness training and Dignity at work.

The Council responded that a positive action measure is in place, whereby, where two candidates have scored equally in their interviews, and where under-representation in the post in question has been identified based on a particular characteristic, the candidate with the protected characteristic can be selected.

The Council has identified three specific actions aligned with the Scottish Government Race Equality and Employability Toolkit.

We received the following documents:

- Annual Equality Report 2020 Appendix
- Equality Impact Assessment Recruitment and Selection Policy and Procedure

December 2021

PERTH & KINROSS – no response

## RENFREWSHIRE

The Council has carried out an Equality Impact Assessment.

The Council provided no detail of any plans to address the under representation of BAME teachers, but noted that it will strive to reach diverse communities through recruitment campaigns.

We received the following documents:

- Equality Impact Assessment Initial Screening Form

September 2021

## SHETLAND

The Council has carried out an Equality Impact Assessment.

The Council refers to an aspiration to welcome a greater proportion of BAME staff in the teaching workforce, and noted that this will continue to be part of the workforce strategy.

Further detail is not provided on any plans to address the underrepresentation of BAME teachers.

We received the following documents:

- Recruitment and Selection Policy Review Equality Impact Assessment Form
- Recruitment and Selection Policy for HTs and DHTs

December 2021

## SOUTH AYRSHIRE

The Council noted that the Recruitment and Selection procedures are currently under review, and will be followed by an Equality Impact Assessment.

The Council provide compulsory equality training to recruitment panel members, as part of the recruitment policy.

In relation to plans to address underrepresentation, the Council note that work is ongoing to establish BAME staff networks in partnership with East and North Ayrshire Councils.



September 2021

#### SOUTH LANARKSHIRE

The Council notes that an Equality Impact Assessment has been carried out, and that an Equity Working group are reviewing the recruitment practices to address issues identified in a survey conducted with unsuccessful BAME applicants and survey and focus group with current BAME employees.

The Council informed that a review of all equality related training material is currently underway.

Managers receive training in recruitment which includes legislative obligations.

October 2021

STIRLING – no response

#### WEST DUNBARTONSHIRE

The Council responded that an Equality Impact Assessment has been conducted.

All employees are required to complete an e-learning module on Equality, Diversity and Human Rights.

The Council did not provide any specific plans to address the underrepresentation of BAME staff in teaching, but noted that an Equalities Plan is in place to ensure fair and inclusive workplaces for all and diversity reflective of the Local Authority demographic.

September 2021

#### WEST LoTHIAN

The Council noted that COSLA conducted an Equality Impact Assessment of the online recruitment portal used by the Council, but that their Recruitment and Selection policy predated the requirement to conduct one. A review of the **process will be carried out using the Scottish Government's Minority Ethnic Recruitment Toolkit.**

Recruitment panel members are required to undertake training that covers equality issues.

The Council notes that analysis of recruitment monitoring of minority groups contributed to the development of the Equality Outcomes 2021 -25, which **include a commitment to being “a diverse workforce that reflects the communities we serve”.**

December 2021

## WESTERN ISLES

The Council has undertaken an Equality Impact Assessment of the Recruitment Procedure, in 2011.

The Council notes existing recruitment challenges being a remote island and that there are no specific plans in place to address the under representation of BAME teachers. It is further notes that the Local Authority is not diverse in its demographic makeup.

We received the following document:

- Recruitment Procedure

December 2021

## EIS Briefing on the Equity Impact of School Activities

May 2022

### Context and purpose

In our 2015 publication **'Face Up to Child Poverty'** the EIS highlighted the issues around the costs of participation in school trips and charity and fundraising events for the thousands of children in our schools whose families are on low income.

We advised the need for understanding of and sensitivity to, the financial impact of these kinds of school activities that have costs attached to them and that not all families are able to pay.

Arguably, within a comprehensive schooling system, none should be asked to pay to take part in trips, parties and proms, since all such activity is a part of the curriculum in its widest sense.

Schools and teachers rightly want to give children and young people a variety of enjoyable, enriching experiences- the aims are well-intentioned but in a society where more than 1 in 4 children are living in poverty, and where 70% of those children live in households where at least one adult is employed, considerations need to extend to how these activities can be made fully inclusive and stigma-free for all children and young people.

In a report published in March of this year, **'The Cost of Having Fun at School'**, Child Poverty Action Group highlighted similar issues:

***'For many children, events, celebrations and special activities are some of the things they remember most about their time at school. We know that many pupils look forward to these activities and gain a lot from them, and that's why they are an important part of the school year. However, for some children, these days and events draw attention to their families' financial circumstances, and are a frequent and unwelcome reminder that, unlike their peers, they are not able to join in with all the opportunities school has to offer.'***

In 2022, we are sharply aware of the disproportionate financial impact of Covid and the soaring cost of living increases already wreaking further hardship upon the poorest families.

It is against this backdrop of rising levels and intensification of poverty that the EIS is updating its advice for members with regards to **'fun'** school activities, many of which take place during the summer term, but which are scheduled all year round too.

This briefing is intended to highlight the various pressing issues and to suggest ways that they can be navigated sensitively within our schools in the maximum interests of equity and inclusion.

### Planning Activities: a whole-school approach

Schools can be very busy with events, activities and outings throughout the course of the year.

Staff planning these together well in advance can help give an overview of all the opportunities that children will be invited to participate in over the course of the school session- the number, timing and any potential costs. Some questions to ask:

- Are there too many occasions where families might be asked to fund their **child's participation in activities**?
- Are too many coming close together?
- Is enough notice going to be given of each?
- Would there be particular difficulties for families at even greater risk of poverty- for example, Black, Asian and Minority Ethnic families, homes with single parents or where a family member is disabled?
- Are there ways of providing the same or similar experiences, cost-free to all? Or at least to those least able to afford?

As well as looking at any costs associated with individual activities, both up-front and hidden, consideration of how the total cost of all activities combined per child per year, would also be informative. Where families have more than one child attending the school, this will be even more important as an exercise.

Having looked across the whole year at all likely events, parties, fund-raising activities, staff should then look at how costs can be eliminated or at least reduced, and how even where costs will remain in place, these can be covered in stigma-free ways, for children and young people for whom even relatively low costs, will present a barrier to participation or a hardship.

Asking the Parent Council and/or other groups of parents to look over the plans would be a useful way of getting feedback on affordability. These conversations should be handled with due sensitivity, particularly where the parents being consulted are living on low income themselves. Their views will be especially important.

Overall, the EIS would advise that plans for '**fun**' activities should be as cost neutral as possible for all families, and that where payments are being sought, these are

kept to a minimum, suitably spaced out, and removed in stigma-free ways for children whose families would otherwise be unable to afford them.

## School Trips

Costs associated with school trips can be anxiety-inducing for families living on low incomes. Parents who are under pressure to manage meagre finances sufficiently to cover the costs of necessities have little or nothing left over to pay for school outings.

Even when the cost of a school trip is relatively low - only a few pounds - many families are unable to make the weekly income stretch to this, particularly at short notice.

There are often hidden costs on top of the payment that the school might ask for to cover the trip- lunches and snacks, spending money and clothing, for example, all additional expenses commonly associated with school trips. Clothing and more specialist/niche equipment can be particularly costly for residential trips on top of any main charge for the experience.

Where children and young people from low-income families are participating in outings, especially those which may involve lengthy travel and extended periods away from home, there could be issues with this group of pupils/students not having enough money to purchase food while on the trip.

Although many will be entitled to free school lunches, those from P6-S6 are at risk of feeling stigmatised because of continued means-testing of free school meal entitlement, and may reject the free meal on offer; others who take the free packed lunch may need to eat again before returning home in the event of the trip spanning a whole day or more.

Families with more than one child at school may be being asked to pay for multiple outings at a time, either causing real financial hardship to the family or resulting in the non-participation of children and young people from those families in the outing(s).

Often children and young people from poor families will feign lack of interest in the trip on offer simply because they know that their families will struggle or be unable, to afford the cost, so do not even wish to ask at home for the money.

## What you and your colleagues can do

- Agree a policy on school trips which ensures that they are fully inclusive of

all children and young people

- Arrange for the school to retain a special fund to cover the cost of school trips, ideally for all pupils, or at least for pupils whose families cannot afford to pay
- Make sure that all hidden costs have been considered and mitigated as far as possible in ways that are stigma-free
- Ensure that plenty of advance notice of school trips is given to families in order that they can plan for any associated cost
- Pay particular attention to the needs of families who have more than one child at the school
- Contact local charities and businesses that may be able to help with donations or sponsorship of the costs of the trip
- Place limits on spending money for all pupils and provide it from a school fund, stigma-free, to those who would otherwise not be able to afford to have it.

## Charity and Fundraising Events

Our Face Up to Child Poverty publication advised that no assumption should be made that all children and young people can afford to make even small donations to well-intentioned charity initiatives organised by the school.

The same issues are pertinent here as in the previous section:

- many families simply do not have any additional funds to spare;
- some families have no funds at all when they are subject to harsh benefit sanctions or are in the process of applying for Universal Credit, which can take weeks; and
- thousands are reliant on foodbanks and other charity donations themselves.

In some ways, charity and fundraising activities can be even more stigmatising for children and young people whose families struggle to afford participation. The CPAG report highlights this.

*'...these days regularly involve direct requests for cash...Children reported that donations for charity and fundraising days are often collected in front of them in classrooms by teachers and pupils, making it obvious which of their peers have made a donation.'*

The divide between the children and young people who can and **can't** afford is very obvious, too, when the fundraising involves purchasing items such as poppies for Remembrance Day, red noses for Comic Relief and homemade sweets and cakes donated for charity drives such as Children in Need or Macmillan Cancer.

The CPAG research highlights how stigmatising this can be for children and young people:

*'Some people cried because they **didn't** get one. They just sat there looking **at the cakes. They looked sad**'. (Pupil, age 10)'*

### Non- uniform days

A common approach to fund-raising is to organise non- uniform days, which on the face of it, look like good opportunities for young people to ditch their uniforms and to dress up or down in their favourite clothes, in return for a cash donation.

Previous EIS research has found that non-uniform days can present real issues from children and young **people from poorer families. Many don't have alternative** clothes, shoes and jackets to wear that make them feel socially comfortable amongst their more affluent peers who are likely to be wearing the latest fashions or sought-after brands.

This leaves them with the choice of attending school and feeling out of place and stigmatised, either by wearing uniform or less '**socially acceptable**' (or more culturally diverse) clothing compared with their peers; or staying off school altogether. EIS members have previously reported that large numbers of young people from poorer backgrounds opt for the latter, meaning that not only do they miss out on a social experience, they lose valuable learning and teaching time too.

Many of the same issues are likely to be in play where in-school parties are being organised with pupils being allowed not to wear uniform.

### Dress-up days

Where pupils are encouraged to wear particular kinds of clothes to mark certain days- **for example, something red on Show Racism the Red Card's 'Wear Red Day'**, outfits to look like characters in books for World Book Day or festive jumpers for Christmas Jumper Day- not all families will have the relevant clothing at home and would be under pressure to buy it, commonly leading to non-participation and missing out on key learning and experiences, or further stigmatisation of many children.

These impacts are recorded, also, in the CPAG research.

*'Some people will ask why you **don't** have a Christmas jumper.'* (Pupil, age 10)

*'Yes, I have struggled (with the costs), there have been dress up days where having to buy different items has been an unnecessary expense, especially when you have more than 1 child.'* (Parent)

What you and your colleagues can do

- The intensifying financial struggles of families should be borne in mind when planning, communicating and organising charity and fundraising events.
- Ensure due sensitivity and inclusivity when any requests are made of children and young people in the classroom or letters sent home to parents/carers, requesting their support in charity events.
- Bear in mind that in the current socio-economic climate, it is increasingly the case that many of the families who may be asked to donate to charity will themselves be in receipt of charity from food banks and other organisations.
- Where there has been no whole-school discussion of children and young **people's experiences of poverty and how this might impact on their** participation in fundraising events, EIS members should raise the matter with the management team within the school as a starting point.
- Consider the number of charity/fundraising activities that the school is involved in per year and look at the overall requests being made of families- could this be causing hardship or stigma?
- Discuss the purpose of any fundraising proposals. For example, is it appropriate to ask families to raise money for school funds, especially in the current economic climate and the rising costs of food, fuel and other essentials whilst the real-terms value of wages and benefits are falling? Is it appropriate to ask families to donate to foodbanks when they might be reliant upon them themselves?
- Where it is collegiately agreed that certain fundraising activities will go ahead, design them so that there is a variety of ways that children and young people can contribute – for example, making things, designing publicity - with these being recognised and valued equally to bringing money from home.



- Find anonymous, stigma-free ways that children can choose to make donations on behalf of their **families...or** not.
- Think about alternative sources of donations other than children and young **people's homes**- for example, pupils could participate in bag packing at local supermarkets, car washing, etc. These activities offer benefits in themselves and are an alternative to simply asking for money from home.
- Consider more inclusive alternatives to non-uniform days/ occasions and dressing-up days- for example if school funds allow, decorating school-bought plain t-shirts in school.

In- school parties, fayres and celebrations

Many of the issues already outlined with regards to clothing are pertinent here too.

Other similar issues can stem from children and young people being asked to bring sweet treats, snacks and drinks from home by way of contribution to parties, fayres or the marking of religious festivals, or often to purchase them from a tuck-shop or stalls during certain types of event.

Stalls might also sell items such as books, toys and gifts, or offer face painting and such like for a fee. These are treats that are sadly out of reach for thousands of children.

Entry fees for parties, discos and fayres can also pose difficulty for young people whose families are on low income. The combined costs and unaffordability result in many young people just not being able to take part at all, or to take part in a more limited way- for example, by not being able to buy anything from the tuck-shop or stalls when their friends can- which sets them apart from the rest of their peers, in some cases meaning that they cannot fully participate within the wider school community.

What you and your colleagues can do

- Consider setting up a school fund to cover the cost of parties and celebrations so that they are completely free for all children and young people

- Make entry to all in-school events free
- Reflect on the purpose of school fayres- often these involve private companies and small businesses selling their good to pupils. Is this appropriate and inclusive?
- Consider alternative cost-free approaches to school fayres where
- all stalls are open to all young people and are free- local charities and businesses could be asked to donate/fund or school funds could be used to cover the cost of staging this kind of event.

## School Proms

Over the past two decades, school proms to mark the end of Secondary school for post- 16 school leavers, and more recently, Primary 7 leavers, have grown both in popularity and lavishness.

In 2019 The Herald newspaper reported on this phenomenon, highlighting how what might in the past have been a humble school disco in the gym hall to mark the end of school, had evolved to become a much grander affair involving a costly meal and drinks in a hotel; extravagant limousine travel; expensive dresses, suits and kilts; and high-cost hair-cuts, make-up and beauty treatments.

Initially making its way into the culture to mark the leaving of Secondary school, it is now common for schools to organise Primary 7 proms and for families to seek to emulate the scale of the spending on senior proms.

The 2019 Herald article reported that Marion Davis, Head of Policy at One Parent Families Scotland, had called on the Scottish Government to look at ways of

*'curbing the excess to ensure that teenagers in the grip of poverty are not frozen out of what has evolved into a new rite of **passage**.'*

More recently, the CPAG Report also underlined the challenges that school proms can create for families on low income, faced with the cost of tickets, transport, outfits, hair and make-up.

Many young people who took part in the CPAG research having attended proms, suggested that the experience **'wasn't worth it'** and that alternative ways of celebrating the end of their time at high school would have been better.

*'I maybe spent about £200 on stuff for the prom. It **wasn't** worth it for the event because it wasn't that great.'* (Pupil, age 16)

The CPAG research also included a comparison between two nearby schools:

*'In one school the **leavers'** celebration cost some pupils around £245. This comprised £200 for prom outfits, £25 for tickets and £20 for the **leavers'** hoody. Whereas in a school nearby, the head teacher capped spending on the prom at £20 and developed a well- stocked prom bank in the months leading up to the event to ensure that pupils did not have to buy costly outfits.'*

In the first case, the risk is that young people from lower income families miss out **altogether; or attend but feel that they haven't been able to 'keep up' with their peers; and/or attend with their families going into debt or going without essentials,** so that **that their child doesn't miss out on a seminal social experience.**

It is worth bearing in mind that in the context of the rising cost of living, many families are already having to choose daily between heating and eating.

### **Leavers' Hoodies**

As well as expensive activities to mark the transition from P7 to S1 or the end of high school, it has become common for schools or Parents' Councils to organise 'leavers' hoodies' for young people to purchase. At around £20 each, this is a big expense for families on low income. Many families can't afford the cost and are conspicuous in their poverty when the rest of the class or the year group are wearing the hoodies to school. **Others can't afford the cost of the hoody but go without other essentials at home so that their child won't feel stigma and exclusion at school.** Neither of these scenarios is acceptable.

What you and your colleagues can do

- Look at the plans for **leavers'** celebrations and consider what might be the impact on low and lower income families, especially in light of the cost of living increases.
- **Consider any plans or requests for leavers' hoodies to be printed and sold to pupils.** How will families on low income be impacted? How might children be excluded and stigmatised? How could these issues be discussed sensitively with young people and parents? Are there alternatives that are inclusive? If not, how will stigma and exclusion for any young person be avoided?
- Discuss ways of designing **leavers'** events to limit costs and stigma, and to maximise inclusivity, including of minority ethnic groups. This might involve

an alternative to what has become the traditional but very expensive, exclusive prom experience.

- Look at ways of making **leavers'** celebrations, including proms, cost- free for students- local charities and businesses might be able to support.
- Tap into young **people's** interest in sustainability to set up a prom/ party clothes cost-free hire facility, again thinking about ethnic and cultural diversity within your school community.
- Consult parents and young people on plans, with a particular focus on affordability, in cognisance of the need for sensitivity in approaching these issues, especially with less affluent young people and families.

#### Call for good practice sharing

Any member who wishes to share good practice in addressing the equity impact of school activities on children and young people in their establishment is welcome to get in touch with the EIS Education and Equality Department by contacting: [jharris@eis.org.uk](mailto:jharris@eis.org.uk)

# Towards diversity in the teaching profession

## *Improving recruitment practices for Black, Asian and Minority Ethnic Educators*

### LA Secretary Guidance

#### Key messages

- The Scottish Government has committed to increasing diversity in the teaching profession to 4% Black, Asian, Minority Ethnic ('BAME') teachers by 2030, yet most Councils do not have recruitment plans in place to meet this target
- Many Councils will be unfamiliar with the importance of diversity and the options available to them to take positive action
- In 2021-22 the EIS conducted research into Councils' recruitment practices pertaining to BAME staff
- Local Association Secretaries can use the data that we gathered in our research in raising this issue, and negotiate for a proactive approach to achieving stronger racial equality and diversity outcomes in recruitment.

#### Background

In 2011, BAME **people made up 4% of Scotland's population, and this** figure is expected to be much higher today. The education workforce far from reflects the demographics of Scotland. Currently, only 1.8% of the education workforce are from BAME backgrounds and research shows barriers to progression at every single step of their careers.

**The Scottish Government's** commitment is to reach 4% by 2030, but year on year data reports show this target will be nowhere near reached by then if progress continues at its current pace. In the meantime, BAME teachers are leaving the profession and BAME **young people don't see** teaching as a **profession 'for them'**.

The momentum around the Black Lives Matter movement, presents a key opportunity to make lasting change for the anti-racist agenda. As a union, we have been seizing this opportunity before the spotlight moves on.

The EIS has a longstanding commitment to anti-racism, and in 2021, the EIS AGM instructed Council to investigate Local Authority practices in relation to BAME recruitment and develop a template action plan for Local Associations to seek to remedy any issues identified.

This guidance provides key information and suggests action that can be taken at local level.

## Template Action Plan for LA Secretaries

No matter where teachers are employed, it is crucial that diverse workplaces and schools are not a post-code lottery, but an equally delivered commitment across Local Authorities. The Union is in a key position to influence change.

Below are actions LA Secretaries can consider:

1. Review your **Council's** individual response (Appendix 3) to the relevant EIS questions and write down any further questions you may have in relation to the progress on these and where the Union may want to be involved. If your Council did not respond, seek this information directly.
2. Consider how to get members and local reps involved. Work with Equality Reps and **consult the EIS's** Mobilising for Anti-racism at Work Guidance to identify further action that can be taken to raise the profile of this issue with members, for example a film screening, guest speaker event, focussed local discussion... At this stage you may want to consider whether any further information-gathering is required from members or reps locally, for example via an anonymised survey to identify particular issues or experiences.
3. Involve local BAME members to consider next steps, for example setting up a local BAME Network.
4. **Depending on your Council's response, work with members to identify key areas to organise around and negotiate for, to improve the diversity of the workforce in the specific local context.**
5. Identify a time where questions and issues can be raised with your Local Authority, either via letter or during negotiations, depending on your circumstances. See the next section for key points to raise with Local Authorities.

Contact the EIS Education and Equality Department on [equality@eis.org.uk](mailto:equality@eis.org.uk) for further ideas or a conversation about any of these steps.

## Key points to raise with Local Authorities

1. Benefits of a diverse workforce

A diverse workforce brings many benefits, for teachers and other education staff as well as for learners, the educational establishment, and the wider community.

A diverse workforce:

- reflects a multi-cultural and multi-racial Scottish society at all levels, promoting greater understanding and cohesion, towards a more fair and inclusive society;
- provides positive BAME role models for BAME and white children and young people, challenging racial stereotyping, and misconceptions;

- promotes feelings of belonging for BAME children and young people in seeing their backgrounds reflected at school and can help build stronger relationships between pupils and teachers
- increases parental engagement from BAME communities
- increases knowledge of different languages and cultures and increases the variety of perspectives within the education system to better meet the needs of all learners;
- is the responsibility of every Local Authority, regardless of demographic makeup and rurality.

## 2. Scottish data on diversity

In 2021, the Scottish Government began releasing annual data on the racial diversity of the profession, which is collected from the Teacher Census. The data shows higher numbers of drop-off for BAME teachers, at every career stage.

- Scottish Government has committed to 4% of teachers being from BAME backgrounds, by 2030
- Only 0.4% progress has been made in 5 years towards boosting the number of BAME teachers, which now sits at 1.8%
- In 2021, 3% of probationers in ITE were BAME, but this has to be between 8-10% to meet the target
- BAME probationers are significantly less likely to secure employment in the first year (16%), compared to the overall probationer population (23%)
- Regardless of current local demographics, improving the diversity of the teaching profession would greatly benefit all schools, and is the responsibility of every Council in Scotland.

## 3. Workplace experiences

- In 2019, the Scottish Parliament Equality and Human Rights **Committee's** Report into Race Equality, Employment and Skills found that 86% of BAME women had experienced racism, working in the public sector
- A small-scale EIS survey in 2018 showed 71% of BAME respondents had experienced racism at work
- The consequences of racial inequality at work may include racial trauma and mental health issues, professional isolation and lack of progression.

## 4. Diversity in the Teaching Profession and Education Workforce (DITPEW)

The EIS is **part of the Scottish Government's Race Equality and Anti-racism in Education Programme** and chairs the Diversity in the Teaching Profession and Education Workforce Subgroup.

In 2022, Selma Augestad, EIS National Officer, in her role as DITPEW Chair, wrote to Directors of Education inviting them to consider how diversity data findings can be used to facilitate reflective discussion with students and staff and

invited Councils to identify a key contact to liaise with DITPEW in relation to this work.

The DITPEW Action Plan includes activities to identify and share emerging practice on diversity in the profession, and will include information on positive action available to Councils.

LA Secretaries can encourage employers to engage with the DITPEW in order to access these opportunities, by contacting Emma Bunting, [emma.bunting@gov.scot](mailto:emma.bunting@gov.scot).

## 5. Proactive and positive action

Professor Rowena Arshad, former chair of the Diversity in the Teaching Profession Working Group, has previously written to Scottish Deans of Education with a range of actions that could be taken to support diversity in the profession, including:

- Reviewing recruitment, selection, and admission processes to ensure minority ethnic applicants are not disadvantaged, but are also enabled (this should be done in partnership with anti-racist experts)
- Developing racial literacy amongst staff, especially those engaged in recruitment and selection processes
- Ensuring there are effective report and support mechanism for BAME staff who may experience racism and racial harassment within placements, and in their employment.

It is crucial that a commitment to getting it right for those already in the profession, is at the centre of any proactive measures to ensure diversity in the profession. Data shows BAME teachers leaving the profession at higher rates than their white peers, at every stage of their career. Those who enter the profession will be relating their experiences within their wider communities and it is therefore crucial to consider retention as part of recruitment that aims to diversify the profession. Retention strategies must involve the above three points. LA Secretaries may want to investigate current recording, monitoring and support **systems and how they respond to BAME staff's experiences**.

Additionally, proactive measures that can be adopted to promote diversity through recruitment and retention practices include:

- Opportunities for BAME educators to share their experiences anonymously, or raise issues in supportive forums such as staff networks
- Ensure Local Authority Improvement Plans include measures to meet the 4% target
- Information to be circulated in advance of Teacher Census reporting, that encourages disclosure of ethnicity, so accurate data is collected and progress measured
- Promoting teaching as an attractive profession, for example through Developing the Young Workforce activities and encouraging BAME pupils to consider teaching



- Reviews of recruitment processes, including questions, ensuring that they do not inadvertently detriment BAME applicants. Reviews should include Equality Impact Assessments, to which the union should actively contribute
- Sponsorship opportunities specifically for BAME educators, including leadership opportunities, training, temporary posts including secondment opportunities, and so forth
- Positive action in recruitment, including ringfencing posts. Some Councils have taken legal advice on ringfencing posts, following Glasgow City **Council's success in this area**. Many Councils might be risk-averse as this is a largely untested area of positive action. The DITPEW will be hosting a workshop on the legalities of ringfencing and positive action, which Councils will be encouraged to attend.
- Implementing anti-racist recruitment practices, which may include measures such as:
  1. diverse recruitment panels
  2. anti-racism training for all panel members
  3. training BAME staff to be on recruitment panels
  4. more task-based interviews
  5. deliberate inclusion of equality-focused application and interview questions
  6. anonymised applications
  7. scoring and weighting by criteria set prior to interview
  8. questionnaires to unsuccessful candidates about their experience of the recruitment process to identify barriers/improve systems.

For further support or conversation about taking this forward, you can contact Selma Augestad, National Officer, Equality on [saugestad@eis.org.uk](mailto:saugestad@eis.org.uk).

#### Useful Documents /Links

- [Mobilising for Anti-racism at Work](#)
- [Race Equality and Anti-racism in Education Programme](#)
- [Teaching in a Diverse Scotland - increasing and retaining ethnic teachers in Scotland's schools](#)
- [Teaching in a Diverse Scotland - increasing and retaining ethnic teachers in Scotland's schools - 3 years on](#)
- [Teaching profession - diversity: annual data report - March 2021](#)

#### Appendix 1 Questions for Local Authorities

The Equality Committee issued letters on the 31<sup>st</sup> August 2021, to all 32 local authorities, followed by Freedom of Information requests on the 19<sup>th</sup> October, with a series of questions:

1. Has an equality impact assessment of your recruitment practices been carried out?
2. **What is your Local Authority's process for appointing recruitment panels,** including details of any relevant anti-racist or equality training panellists are required to complete?
3. **What is your Local Authority's process for selection and appointment,** including the setting of selection criteria?
4. What is the process for providing feedback to unsuccessful candidates?
5. Does your Local Authority have a plan in place to address underrepresentation of BAME staff in teaching, including within promoted posts?

## Appendix 2 Summary EIS findings into LA Recruitment Practices

Responses, of varying length and detail, were received from 26 local authorities.

13 Councils were or had recently gone through the process of reviewing their recruitment and selection policy and procedures or related training. Eight of these reviews were specifically about BAME underrepresentation or the protected **characteristic of 'race'**.

Five Councils were in the process of or had conducted surveys with BAME employees or applicants. One Council had conducted a survey of all employees belonging to groups currently underrepresented by the Council.

Seven Councils reported plans were in place specifically to address BAME underrepresentation. Where a plan was in place to address BAME recruitment, this was often aligned to implementing the new Race, Employment and Equality Recruitment Toolkit for the public sector and not specific to teaching, and/or part of the Councils Equality Outcomes.

19 Councils had no specific plans in place to address BAME underrepresentation. Many responses from Councils suggest that BAME teacher underrepresentation is often considered to be covered by wider equality commitments to overall diversity in terms of all protected characteristics.

Furthermore, there may be a lack of willingness to take on responsibility for proactively improving diversity, either because there is a lack of awareness of the reality of underrepresentation, or because there is a belief that this is the choice of individual applicants. Few Councils noted data on diversity in the profession in their response, and this appeared most frequently pertaining to Council-wide figures, not related to the Teacher Census.

Some Councils provided detail on initiatives which may be used to share examples of learning from existing practice, including the use of positive action

in recruitment, information gathering from BAME staff, surveying unsuccessful job applicants and reviews of policies and procedures.

### Appendix 3 Summary of individual responses

Below are headline notes on the individual responses of each 26 Council who responded to the five questions posed by the EIS. For Council responses in full, contact EIS Education and Equality Department, Leigh Meechan [lmeechan@eis.org.uk](mailto:lmeechan@eis.org.uk).

The following Local Authorities did not respond:

- Argyle and Bute
- Borders
- Edinburgh
- Highland
- Perth and Kinross
- Stirling

#### ABERDEEN CITY

Aberdeen City Council has two equality outcomes for the period 2021 – 25, aiming to address underrepresentation and ensure those protected by characteristics of age, disability, gender reassignment, race, sex, and sexual orientation and fully included and valued at work.

The Council are in a period of development of this work. An Action Plan was developed in April 2021 and has a working group looking at Race and Ethnicity, investigating barriers to recruitment and improvements required. The working group has data on areas of underrepresentation.

As part of the Action Plan, the Council are reviewing the training offered to those taking part in recruitment and selection panels.

An updated Integrated Impact Assessment will follow.

We have received a copy of:

- **Aberdeen City Council's Recruitment and Selection Guidance.**
- Aberdeen City Council guidance for managers to be used when recruiting teaching vacancies.
- **Equality and Human Rights Impact Assessment for the Council's new approach to the internal recruitment process, aiming to break down barriers and prevent unconscious bias from influencing the process.**

The EIS have not received a copy of the Action plan.

October 2021

## ABERDEENSHIRE

At the time of responding, the Council had an equality impact assessment underway. Recruiting managers has to undertake equality and diversity training.

The Council has no specific plan pertaining to addressing the underrepresentation of BAME staff.

September 2021

## ANGUS

An Equality Impact Assessment of the recruitment practice has not been carried out.

The Council requires those taking part in recruitment and selection panels to undertake what appears to be generic equalities and diversity training.

In the 2021 Workforce Plan, the Council has committed to reviewing recruitment practices through looking at race, and to survey staff about barriers to under-represented groups.

November 2021

ARGYLL & BUTE – No Response

## CLACKMANNANSHIRE

The Council has carried out an Equality Impact Assessment of recruitment practices. Panel members are required to carry out recruitment and selection training.

We have received a copy of:

- Clackmannanshire Council Recruitment Selection Policy and Procedure

- Agreed LNCT Procedures
- Recruitment & Selection for HT and DHT
- Appointment Procedures for Teachers and Associated Professionals
- Use of temporary contracts

January 2022

BORDERS – No Response

DUMFRIES & GALLOWAY

The Council's Equality Outcomes 2021-25 includes commitment to addressing underrepresentation and barriers in recruitment.

The Council has carried out an Equality Impact Assessment of the Recruitment and Selection Policy. Recruitment panel representatives are required to undertake what appears to be generic diversity awareness training.

We have received a copy of:

- Recruitment and Selection Policy
- Recruitment and Selection Procedure
- Impact Assessment of the Recruitment and Selection Policy and Procedure

December 2021

DUNDEE

The Council has carried out an Equality Impact Assessment of recruitment practices.

Recruitment panel members are required to undertake what appears to be generic equality awareness training.

We received a copy of the following documents:

- Interview Panels.
- Recruitment and Selection – Providing Feedback
- Recruitment and Selection – E-learning and Training
- Recruitment and Selection – Selection Panel Guidance
- Equality and Diversity Rapid Impact Assessment of the Recruitment and Selection Procedure

The Council has no specific plan pertaining to addressing the underrepresentation of BAME staff.

October 2021

#### EAST AYRSHIRE

The Council responded that an Equality Impact Assessment would have been generated prior to its implementation in June 2021, but this was not shared with the EIS.

The training provided to panel members include sections on equality and unconscious bias.

We received a copy of the following document:

- Equality Impact Assessment of the Head and Depute Head Teacher Recruitment and Selection Policy and Procedure

September 2021

#### EAST DUNBARTONSHIRE

The Council responded that the Recruitment policy is under review and an Equality Impact Assessment will be updated as part of the policy approval, following consultation process with trade unions.

The Council ensures that recruitment panels include a gender balance and refer **to them having a 'mix of characteristics', it is not clear whether this refers to racial diversity.**

The training provided to panel members include sections on equality.

The Council does not have specific plans at time of writing to address the underrepresentation of BAME staff in teaching, but stated they will be considering underrepresentation across characteristics in annual equality monitoring and reporting as well as in the current policy review.

October 2021

## EAST LOTHIAN

The Council responded that an Equality Impact Assessment is not currently available. The Council states that it is the responsibility of all employees, in particular those involved with recruitment and selection, to raise issues of good and bad practice.

A review will be carried out of the recruitment procedures against the **Scottish Government's Minority Ethnic Recruitment Toolkit**.

The Council states that it is mandatory for all employees to complete Equality and Diversity Awareness training and, that one person on a panel must have recruitment and selection training, which covers racism and equality.

In response to the question inquiring of any plans to address underrepresentation of BAME staff in teaching, including in promoted posts, the Council responded that as a Council they employ 4.92% BAME staff from a population of 5.2%. This is assumed to refer to the population of East Lothian, not Scotland as a whole.

The Council states that attracting more BAME staff is part of their Equality Plan 2021 -25, and that outreach work to BAME communities is part of this.

The Council is currently collecting data on the number of BAME staff at all levels within the education. This data will be used to contact BAME staff about how best to support their needs at a local and national level.

Work is underway with the EIS Learning Rep on the content and design of a professional learning workshop which covers Unconscious Bias.

November 2021

## EAST RENFREWSHIRE

The Council responded that an equality impact assessment of the recruitment process had been carried out – this was not shared with the EIS, but the Council stated they would discuss the content with the local EIS LNCT.

The Council has an action plan in place to tackle underrepresentation of ethnic minority groups in teaching at all levels. This was not shared with the EIS.

September 2021

EDINBURGH – no response

## FALKIRK

The Council responded that an Equality Impact Assessment has been carried out.

The Council stated that there is an attempt to have mixed gender panels, and that the training covers general equality matters.

The Council has an Equality Outcomes and Mainstreaming Report which includes an action plan, where one of the outcomes are about increased representation of minority ethnic groups across the council workforce.

The Council noted a small increase in BAME applicants (not stated whether this translated into employment), and that recruitment webpages are being updated to support recruitment from protected groups.

January 2022

## FIFE

The Council has carried out an Equality Impact Assessment of the recruitment and selection policy and procedure.

Recruitment panel members are required to carry out an eLearning module which includes equality in recruitment.

There are no specific plans to address underrepresentation of BAME teachers, but the Council are **looking into "perceived barriers to employment with Fife Council from ethnic minority communities in Fife"**. The Council states that based on the evidence found, there is an issue in attracting people to apply, but that success rates are consistent across BAME and white applicants, drawing the conclusion **that there isn't a problem at a recruitment stage. The Council does note that it receives proportionately low number of applications from BAME applicants when considering population estimates.**

We received the following documents:

- Recruitment and Selection Policy, Procedure, and associated documents.

October 2021

## GLASGOW

The Council did not have an equality impact assessment for the recruitment process.



The Council noted that the recruitment panel training has recently been reviewed in partnership with the EIS Glasgow BAME Network.

The Council provided a report which gives an overview of the range of activities undertaken to promote and improve diversity in the education workforce.

**It was noted that the Council's activity followed a review of employee diversity** across the council – and noting that whilst 23.8% of children and young people in schools and nurseries are from a BAME background, only 3% of Council workforce are BAME.

The Council reported activity pertaining to; improving the recording of data, initiatives to increase racial diversity as part of the Early Years expansion across Scotland, support for probationer teachers, and training for all headteachers provided by Coalition for Racial Equality and Rights (CRER), among other initiatives.

We received the following attached document:

- Promoted Posts
- Improving Diversity in the Education Workforce

September 2021

HIGHLAND – no response

INVERCLYDE

The Council responses that an Equality Impact Assessment was last carried out in 2016 when the policy was last updated.

Managers receive recruitment and selection training which is designed to fulfil Equal Opportunities requirements. It is a requirement that all staff complete Equality and Diversity training.

The Council has agreed a set of actions pertaining to the underrepresentation of BAME staff, as part of the Equality Outcomes 2021-2, including improving equality data, implementing the Scottish Government Minority Ethnic Recruitment Toolkit **and undertaking a review of the Council's understanding of racism and barriers.**

The Council advised that BAME teachers are encouraged to take part in leadership courses.

We received the following attached document:

- Recruitment and Selection Policy
- Recruitment and Selection Procedure
- Equality impact assessment

September 2021

## MIDLOTHIAN

The Council responded that the Recruitment and Selection process is currently under review. The response did not include any information about whether or not there was a plan to address the underrepresentation of BAME teachers.

September 2021

## MORAY

The Council is planning to review the recruitment policy and procedure against the Race, Employment and Equality Recruitment Toolkit, as part of the actions to meet their Equality Outcomes.

We received the following document:

- Education and Social Care: Procedures for the appointment of main grade teachers and principal teachers in Moray schools

September 2021

## NORTH AYRSHIRE

The Council updated their Recruitment and Selection policy Equality Impact Assessment in 2011. All staff complete equality training on induction and recruitment panel chairpersons receive training that incorporated equality and diversity and bias.

There are no present plans to address BAME underrepresentation.

We received the following documents:

- Equality impact assessment of the recruitment portal dated 2009 (reviewed in 2011, no changes made)
- Recruitment and Selection policy

September 2021

## NORTH LANARKSHIRE

The Council advised that the recruitment policies are under review, and an updated Equality Impact Assessment will follow.

Recruitment panels are requested to have a gender balance, and the training provided include equality matters.

The Council responded that in 2021, research was carried out with employees, and subsequently a Race Equality and Employment Action Plan was developed, signing the Council up to seven commitments of the Race at Work Charter.

The Council has undertaken a BAME employee survey.

We received the following documents:

- Race Equality in Employment action plan

January 2022

## ORKNEY

The Council responses that an Equality Impact Assessment was undertaken in 2015, however a review is undertaken yearly through an analysis of the **Council's** Annual Statement of Equality.

The Council noted that in December 2020, 1.5% of teaching staff were BAME, and 3.7% of teaching staff applications were BAME. 3.6% of those were offered a position with Orkney Council.

The Council regularly publishes pay gap and occupational segregation data and this includes information relating to gender, ethnicity and disability – and found no pay gap based on race (noting low overall figures).

All staff members undertake Equality awareness training and Dignity at work.

The Council responded that a positive action measure is in place, whereby, where two candidates have scored equally in their interviews, and where under-representation in the post in question has been identified based on a particular characteristic, the candidate with the protected characteristic can be selected.

The Council has identified three specific actions aligned with the Scottish Government Race Equality and Employability Toolkit.

We received the following documents:

- Annual Equality Report 2020 Appendix
- Equality Impact Assessment Recruitment and Selection Policy and Procedure

December 2021

PERTH & KINROSS – no response

RENFREWSHIRE

The Council has carried out an Equality Impact Assessment.

The Council provided no detail of any plans to address the under representation of BAME teachers, but noted that it will strive to reach diverse communities through recruitment campaigns.

We received the following documents:

- Equality Impact Assessment Initial Screening Form

September 2021

SHETLAND

The Council has carried out an Equality Impact Assessment.

The Council refers to an aspiration to welcome a greater proportion of BAME staff in the teaching workforce, and noted that this will continue to be part of the workforce strategy.

Further detail is not provided on any plans to address the underrepresentation of BAME teachers.

We received the following documents:

- Recruitment and Selection Policy Review Equality Impact Assessment Form
- Recruitment and Selection Policy for HTs and DHTs

December 2021

SOUTH AYRSHIRE

The Council noted that the Recruitment and Selection procedures are currently under review, and will be followed by an Equality Impact Assessment.

The Council provide compulsory equality training to recruitment panel members, as part of the recruitment policy.

In relation to plans to address underrepresentation, the Council note that work is ongoing to establish BAME staff networks in partnership with East and North Ayrshire Councils.

September 2021

#### SOUTH LANARKSHIRE

The Council notes that an Equality Impact Assessment has been carried out, and that an Equity Working group are reviewing the recruitment practices to address issues identified in a survey conducted with unsuccessful BAME applicants and survey and focus group with current BAME employees.

The Council informed that a review of all equality related training material is currently underway.

Managers receive training in recruitment which includes legislative obligations.

October 2021

#### STIRLING – no response

#### WEST DUNBARTONSHIRE

The Council responded that an Equality Impact Assessment has been conducted.

All employees are required to complete an e-learning module on Equality, Diversity and Human Rights.

The Council did not provide any specific plans to address the underrepresentation of BAME staff in teaching, but noted that an Equalities Plan is in place to ensure fair and inclusive workplaces for all and diversity reflective of the Local Authority demographic.

September 2021

#### WEST LoTHIAN

The Council noted that COSLA conducted an Equality Impact Assessment of the online recruitment portal used by the Council, but that their Recruitment and Selection policy predated the requirement to conduct one. A review of the **process will be carried out using the Scottish Government's Minority Ethnic Recruitment Toolkit.**

Recruitment panel members are required to undertake training that covers equality issues.

The Council notes that analysis of recruitment monitoring of minority groups contributed to the development of the Equality Outcomes 2021 -25, which **include a commitment to being “a diverse workforce that reflects the communities we serve”**.

December 2021

## WESTERN ISLES

The Council has undertaken an Equality Impact Assessment of the Recruitment Procedure, in 2011.

The Council notes existing recruitment challenges being a remote island and that there are no specific plans in place to address the under representation of BAME teachers. It is further notes that the Local Authority is not diverse in its demographic makeup.

We received the following document:

- Recruitment Procedure

December 2021

## The Educational Institute of Scotland

### EIS response to the Call for Views by the Education, Children and Young People's Committee on the Disabled Children and Young People (Transition to Adulthood) (Scotland) Bill

The Educational Institute of Scotland ('EIS'), the country's largest teaching union, representing more than 60,000 members across all sectors of Education and at all career levels, welcomes the opportunity to comment on the Disabled Children and Young People (Transition to Adulthood) (Scotland) Bill and has the following comments to offer:

1. *Do you agree with the overall aims of the Bill? If so, do you think the Bill can meet these aims?*

In 2018, the EIS passed a resolution on disability equality which included a commitment to raising the profile on issues affecting education professionals. The EIS is deeply committed to promoting diversity in the teaching workforce, and advocates for more inclusive learning and working environments. The EIS, therefore, welcomes the legislative intent of improving outcomes for disabled children and young people in their transition from school into working life and/or further or higher education. We hope that if passed, this legislation will help address the barriers that exist for disabled children and young people, supporting them to realise their rights and participate equally in life after leaving school.

The Public Sector Equality Duty places a responsibility on local authorities to ensure equal opportunity across all Protected Characteristics. Assuring the rights of disabled young people in their transition to adult life, education and work is essential in the pursuit of equality between those who have disabilities and those who do not.

EIS Members, in particular ASN teachers, are everyday witnesses to the prevailing barriers to support that exist for disabled children and young people. **It will be essential for the Bill's success to ensure** that the definition of disability leaves no young person behind in their transition from school to employment or further or higher education. Too often, only those with the highest level of need or the most visible disabilities are captured by stretched support systems - the Bill must go further in ensuring support for **students with more 'hidden' disabilities**, for example those who are neurodivergent or who have diabetes.

Inequalities in educational attainment are mirrored in outcomes in later life. For Deaf children, communication issues, both speech and signing, are a significant barrier to learning in school and beyond, and limit job opportunities. Improving post-education outcomes should also specifically target employers, to raise and spread awareness of the full range of accessibility arrangements and adjustments available.

The EIS continues to raise concerns about the systemic under-investment in and rising demand for ASN provision. In 2021, 33% of the school population<sup>1</sup> were identified as having an additional support need compared to only 4.8% in 2009. The presumption of mainstreaming has resulted in 93% of those pupils spending all of their time in mainstream classes<sup>2</sup>. Critically, this rise in demand has not been reflected in resourcing. The EIS has long raised concerns over dramatically declining numbers of specialist staff and unsustainably large class sizes, leaving significant gaps to be filled by class teachers. For example, between 2008 and 2021, the number of Primary teaching staff with a general ASN role has declined by 90.4%<sup>3</sup>, with a 50% decline for Primary teachers in a behaviour support role<sup>4</sup>. The current situation is unsustainable and has been for some time. The EIS is clear that inclusive education is dependent on adequate resourcing to meet the needs of all pupils. The reality of current provision, as we emerge from the pandemic, is an erosion of resourcing with drastic cuts, rising levels and severity of need, paired with increasing and unsustainable levels of workload for teachers, arising in part from the planning documentation associated with **Getting It Right For Every Child ('GIRFEC')** policy.

Teachers are under significant pressure, and often inappropriately blamed for the failures of local government to provide adequate resources, support, and reduced class sizes – the Bill will help to address these challenges.

The EIS, therefore, welcomes the aims outlined in the Bill, but would emphasise that if they are to be realised in practice, measures must be implemented early **in a child's life**, to prepare disabled children and young people for a supportive and equitable transition from school.

The EIS also believes that the introduction of the Bill is timely in the context of the cost-of-living crisis. Families with a disabled family member, who are already at higher risk of experiencing poverty, will be experiencing additional stress at this time. The impact of poverty causes increased levels of anxiety and adversely affects both mental and physical health<sup>5</sup>. This will be detrimental to disabled and neurodivergent young people who are transitioning from school. The planning required under the Bill will be helpful in ensuring that supports are identified to mitigate the impact of poverty in these situations.

Additionally, educational institutions and employers may be more cautious with their spending in the current financial context, and the EIS would have concerns that this could mean an unfavourable consideration of a disabled applicant, on the assumption that reasonable adjustments may be costly. Measures should therefore be taken to remind employers of their duties to

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<sup>1</sup> [Summary statistics for schools in Scotland : 14 December 2021 \(www.gov.scot\)](https://www.gov.scot/publications/summary-statistics-for-schools-in-scotland-14-december-2021/pages/10-to-14.aspx)

<sup>2</sup> [Pupils+Census+Supplementary+Statistics+2021+V3.xlsx \(live.com\)](#)

<sup>3</sup> [Teacher+Census+Supplementary+Statistics+2021.xlsx \(live.com\)](#)

<sup>4</sup> [Teacher+Census+Supplementary+Statistics+2021.xlsx \(live.com\)](#)

<sup>5</sup> [Poverty in Scotland 2022 | JRF](#)



consider reasonable adjustments, and to provide examples of the reasonable adjustments that may be put in place.

The EIS is currently gathering information about the experiences of disabled student teachers and about the adoption of reasonable adjustments. Preliminary discussions suggest that provisions are lacking in some **institutions, and that for students with 'hidden' disabilities or who are neurodivergent**, the difficulty in securing adjustments can mark the end of their studies altogether. It will be essential that Universities and Colleges are proactive in identifying reasonable adjustments and in providing additional support for disabled and neurodivergent students, to facilitate their transition from school. The aims of the Bill will help in highlighting the need for this support, but sufficient funding must also be available to secure delivery of the support and ensure that the policy translates into practice.

2. *Is changing the law the only way to do what the Bill is trying to do?*
3. *Would the Bill (as it is currently written) have any unexpected or unforeseen effects?*

The Bill proposes to introduce a statutory duty which would include accountability measures to ensure disabled young people are supported in their transitions between the age of 14 and 26, or until they no longer require support as agreed in a transition plan.

This change in the law would extend the current legislative provisions in a number of ways:

- *Making it an explicit statutory duty to create a transition plan for each disabled child and young person within the local authority area*

Whilst section 12 of the Education (Additional Support for Learning) (Scotland) Act 2004 (**'the 2004 Act'**) places a duty on the education authority to request information from such agencies as it considers necessary in relation to the provision of support for the young person on leaving **school, the inclusion of the words '(if any)' after reference to the agencies to be consulted**, makes it clear that there is an element of discretion within the duty. The Additional Support for Learning Statutory Guidance 2017 makes this clear in paragraph 38, stating:

*'The duties apply to prospective school leavers with additional support needs for whose school education the authority are responsible, but the duties do not apply to all leavers with additional support needs. The Act gives the education authority discretion about which appropriate agency (if any) requires to be approached to provide information.'*<sup>6</sup>

It is accepted that the statutory guidance references an expectation that education authorities will carry out their duties to plan post-school

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<sup>6</sup> [Additional support for learning: statutory guidance 2017 - gov.scot \(www.gov.scot\)](http://www.gov.scot/resources/documents/2017/04/Additional-support-for-learning-statutory-guidance-2017.pdf)

transitions for **those leaving school 'who have additional support needs arising from a disability within the meaning of the Equality Act 2010'**. However, it is stated no more strongly than that.

The requirement to introduce a plan contained in section 7 of the Bill and the duty to consult those listed in section 11 of the Bill, having due regard (**'as far as is reasonably practicable'**) to their views in the preparation of the plan, strengthens the rights of *all* disabled children and young people to be supported through transition planning.

- *Extending the age to which support will apply*

Other than the provisions contained in the Children and Young People (Scotland) Act 2014 in relation to looked after and care experienced young people, the current legislative and policy framework<sup>7</sup> in relation to additional support needs provision in Scotland only applies to children and young people under the age of 18.

The Bill, if passed, would extend the duty to provide transition support for disabled young people to the age of 26 (or such higher age as may be prescribed by regulations).

- *Require planning for transition to start at an earlier age*

Section 12 of the 2004 Act provides that the transition planning process, in **terms of gathering information, will start 'no later than 12 months before the date' on which** the child or young person is expected to leave school education.

Section 7(2) of the Bill would ensure that planning starts at a much earlier stage and no later than **the child's fourteenth birthday. This would then** allow time for full consultation with all relevant parties to inform and put in place the appropriate supports identified in the transition plan.

- *Requirement to review the transition plan*

As highlighted above, the statutory obligations which currently exist to consider the extension of support beyond the age of 18 are limited. The Bill makes explicit provision not only for the introduction of the transition plan but importantly for the review of that plan, to ensure that it is meeting needs. This ongoing duty therefore provides additional statutory protection for disabled young people at this crucial point in their lives.

- *Clarity in relation to who is responsible for transition planning*

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<sup>7</sup> Education (Additional Support for Learning) Act 2004, the Children and Young People (Scotland) Act 2014, GIRFEC Framework, UNCRC

As is outlined above, the statutory and policy frameworks in relation to the provision of support generally apply until the young person has reached the age of 18 or has left school. And whilst all young people have the offer of support from a named person whilst they are at school and indeed, until they are eighteen even if they are no longer in education, this support is based on Scottish Government policy and is not embedded in statute.

**The Bill would ensure that 'an officer of the local authority' will manage and importantly, co-ordinate the transition plan for as long as is necessary.** This would ensure that there is an identifiable person whom a disabled young person can contact in the event of additional support or a change to the plan being required.

- *A rights-based approach*

To truly and equitably deliver on **children's rights** as proposed by the United Nations Convention on the Rights of the Child ('UNCRC'), and to protect disabled young **people's human rights**, extending transition planning into an entitlement for disabled young people, is essential.

Under the 2010 Equality Act, disabled people are protected from discrimination in the workplace, but to equitably access opportunities, their transition must be appropriately supported. Despite existing legislation, disabled people face barriers to their participation in employment which are depriving them of income, and, having a disability is in itself associated with additional costs. There are higher rates of poverty among disabled people in Scotland who face worse outcomes in the labour market than their peers. This must be addressed urgently.

The accountability that the Bill introduces will go a long way to ensuring that disabled **young people's** rights are upheld. If implementation of transition plans is left without there being a statutory duty attached, it is likely that financial constraints for local authorities will result in only those children and young people assessed as having the most critical need receiving transition support plans, as is often the case now with additional support needs provision.

It will be essential to ensure that the Bill includes a definition of disability that leaves no child or young person, who needs additional support arising from a disability, behind. The Bill must clearly respond to children with hidden disabilities, newly developed disabilities or disease, undisclosed disabilities (and addressing stigma attached to the 'disabled' label), undiagnosed disabilities as well as childhood trauma and mental ill-health.

It will also be important that in planning, due regard is had to intersectionality. There may be situations, for example, where a disabled young person from a BAME background has specific needs which require additional support in the transition to adulthood and in such circumstances, planning much also be culturally responsive. The transition plan should address the holistic needs of the disabled young person.

Professional learning for all relevant agencies, schools and employers, must go along with, and support the implementation of the Bill, for it to fulfil its promise.

Without viewing alternative options, it is difficult to imagine how equitable access for all disabled children and young people to support, can be delivered without a statutory duty. Legislative change cannot, however, deliver on equitable access without effective accountability and resourcing underpinning it, to enable compliance with a statutory duty. Progress must be diligently measured against outcomes for pupils and in relation to bridging the attainment, achievement and employment gaps. The proposed national measurement framework, a recommendation from the ASL Review, will be instrumental in this process.

4. *Does the Bill add to or duplicate any existing legislation?*

We would refer to our response to questions 2 and 3 above. The Bill will dovetail with certain aspects of existing ASL legislation and policy. However, it will also extend the statutory obligations in relation to transition planning for disabled children and young people.

5. *What financial impact do you think the Bill may have, either on the Scottish Government, local councils, or other bodies?*

If this is to be done properly, it will have significant cost attached. However, more people within the workforce will in turn also likely reduce the reliance on social security. Achieving equality for disabled young people in terms of how they experience transitions will not come cheaply and so proper investment will be required, including for support agencies to enable effective routes to support and partnership working.

Any new legal duty must have adequate resourcing and professional learning attached to it to ensure meaningful implementation. The Bill references local authority officers who will take on the coordination of transition planning. Currently, **education staff may coordinate a Child's Plan**, but once a young person leaves school, there is not enough clarity on where responsibility for support coordination would lie. Greater clarity in this respect would be welcomed and consideration given to who would be best able to provide this co-ordination until the young person reaches the age of 26 or the plan ends.

Plans for implementing the Bill and adding additional accountability must include steps to minimise the additional burden on already stretched workloads for school staff, and to address the fact that there are inadequate equipment and resources available for supporting disabled children and young people, some who may have to wait years for adjustments to be put into place which will improve their access to learning. The Financial Memorandum of the Bill should clearly identify how appropriate resources,

including relevant professional learning for teachers, will be made available. Resources should be ringfenced and regularly audited.

6. *How will the Bill affect (for better or worse) the rights and quality of life of the people covered by the Bill?*

We have outlined above the benefits which we believe the Bill will bring to improving the rights and quality of life of children and young people covered by the Bill.

The approach adopted in the Bill aligns with early intervention strategies, which if resourced properly, will be underpinned by effective multi-agency consultation, with the aim of delivering positive outcomes for disabled young people through statutory transition planning.

7. *The Bill would require the Scottish Government to introduce a National Transitions Strategy (sections 1 to 6 of the Bill). Do you agree with introducing a strategy, and a Scottish Minister to be in charge of it?*

A major barrier to work for disabled people is access to support, across a number of areas, including education, transport and finances. A National Transitions Strategy is necessary to address structural inequality and issues beyond the support currently offered to individual young people – but also to tackle the wider barriers that exist to their equal participation.

The EIS has long had policy supporting the establishment of a National Advisory Forum on special education needs, involving all interested parties including teachers, support agencies and parents. Without a National Transitions Strategy for transitions, led by Scottish Ministers and informed by the voices of disabled children and young people, parents, trade unions, and education and other professionals, the introduction of transition support plans will not meaningfully change the landscape for disability equality.

8. *The Bill places a duty on local councils to prepare and implement transition plans for each disabled child and young person within their local authority area (sections 7 to 13 of the Bill). They would also have to explain:*

- *How plans were going to be prepared and managed.*
- *What would happen if there was a disagreement about what was in a plan or how it was working.*

*Do you agree with the proposals relating to transition plans?*

9. *Who do you think should coordinate the transitions plan?*

The Bill proposes that Scottish Ministers must publish guidance on the contents, delivery and management of transition plans, consulting appropriate persons. It will be necessary to ensure that this guidance is meaningfully implemented, and that adequate resourcing and time is made available to education professionals who will, at least initially, prepare and manage these plans.

The guidance must be clear on practicalities, as the requirement for transition plans will generate additional work. Learning from existing health and wellbeing plans tells us that they can be time consuming and unnecessarily bureaucratic. Any additional process that is introduced should be bureaucracy light, with realistic workload considerations.

As things currently stand, teacher workload cannot accommodate any further demands to those which already exist, and which result in teachers working on average an additional 10 hours per week beyond their contracted hours and unpaid.

Cuts to and under-resourcing of support services such as CAMHS, social work, health boards, etc. mean the burden often falls on schools when referral pathways are overstretched and inaccessible. It is not acceptable for national and local government and other agencies to keep increasing the demands of the teaching profession without sufficiently increasing teacher numbers in order to enable smaller class sizes and reduced hours of class contact time which are already among the highest in the OECD. Too often, the unnecessary burden of responsibility is placed on teachers and further education staff as frontline workers to provide support for disabled young people, to which they are rightly entitled, but this is against a backdrop of inadequate resourcing, equipment and time due to budget constraints.

As has been highlighted above, due consideration should be given to who will be the most appropriate professional to manage and co-ordinate these plans, after the young person has left school. If education professionals are to be Lead Professionals managing these transition plans, it is crucial that they are enabled and well supported to do so. Cross-area collaboration will be essential, as rural local authorities may have fewer opportunities for disabled young people resulting in some people choosing to leave in order to access better support and a wider range of opportunities elsewhere. Clarity around preparation, management and processes for disagreement will be useful in ensuring effective process.

**Transition plans will involve sensitive details about a young person's** particular needs and support history, and the process of storing and sharing this information must therefore be secure and transparent. The data security of the transition plans for the young people in question must be protected, and any sharing between agencies should be compliant with the relevant legislation and obtain the agreement of the young person in question as far as possible. Clear guidance in relation to information sharing and the legal basis for this would be welcome to ensure that all professionals engaging with this process, are clear on the extent of information which can be shared and can do so with confidence.

November 2022

The Educational Institute for Scotland

## **EIS Response to the Scottish Government's 'School Uniform Guidance - Consultation'**

### Introduction

The Educational Institute of Scotland ('EIS'), the country's largest teaching union, representing more than 60,000 members across all sectors of Education and at all career levels, welcomes the opportunity to respond to this consultation.

The EIS welcomes the intention of addressing the equality impact of school uniform policy and practice, as our members are everyday witnesses to the manifestations of inequality in educational establishments.

In our 2015 publication, ['Face Up to Child Poverty'](#), the EIS highlighted the issues around the costs associated with school uniform for the thousands of children and young people in our schools whose families are living in poverty.

We advised the need for understanding of and sensitivity to, the financial impact of the application or revision of uniform policy, as well as the operation of reward systems which take adherence to school uniform policy into account and provided practical advice on poverty proofing such policies.

In a society where more than 1 in 4 children (and in some areas of Scotland, 1 in 3) are living in poverty, and where 70% of those children live in households where at least one adult is employed, considerations need to extend to how school uniform policies can be made fully inclusive and stigma-free for all children and young people.

1. What matters related to school uniform would you wish to be included within the guidance? Why?

The EIS agrees that the items listed in the consultation should be included within the scope of the guidance; affordability of school uniforms, equalities considerations aligned to protected characteristics, clothing and equipment for PE, physical activity and sport and the operation of compliance measures.

The EIS strongly believes that pupil voice and pupil choice should be at the centre of discussions in relation to school uniform, and that any planned guidance should reflect the importance of pupil engagement in drafting and refreshing uniform policies.

Furthermore, the guidance should highlight that such policies must reflect the ethos of the school in relation to promoting equality, equity and removing barriers to engaging in education. One argument often cited in support of school policy which insists on the wearing of uniform is that it eradicates obvious differences between children and young people arising from socio-economic inequalities, in terms of their outward appearances. In some schools, therefore, uniform is seen

as a means of mitigation some of the effects of poverty for children and young people who experience it. However, there are complexities to the issue.

Whilst having school uniforms may help minimise visible income differences between pupils, the appearance of clothing is still a main indicator of social status and cultural belonging, and uniforms are no different. Care should, therefore, be taken to consider impacts across protected characteristics, for example, advice in terms of cultural diversity in relation to swimming costumes and hijabs. The EIS feels that to be inclusive, uniform policy must explicitly consider this.

School uniforms policies are well known to cause additional difficulties for families with low income or who are living in poverty. While clothing grants are available to some families for the purchase of school uniform, these do not always sufficiently cover the cost of uniform expenses throughout the year. Children and young people grow out of shoes and clothes, sometimes within months, leaving parents with the burden of the additional cost of replacement items. Sometimes, and particularly in the current socio-economic context, families are simply unable to purchase replacements in the middle of the school year, meaning that children and young people have no option but to come to school wearing alternative items of clothing and/or footwear.

Furthermore, some families living on low incomes fall just below the threshold of entitlement to clothing grants and have to meet the full cost of school uniforms themselves, often for more than one child at a time. Again, for many families living in low-income poverty, the family budget cannot stretch to the purchase of additional items of school clothing to allow for mid-week changes in the event that an item of clothing requires to be washed.

It should also be remembered that parents within low-income families are often required to work long hours and at evenings and weekends, often in two or three jobs, to make ends meet. Time to do laundry of school uniform between the end of one school day and the beginning of the next is not always available due to demanding shift patterns.

A further issue is the cost of fuel which in the current context is prohibitive for many families. Gas and electricity for cooking, heating and powering appliances is unaffordable for many, making regular washing and drying of clothes problematic, if not impossible. The problem may be particularly acute for families, including asylum seekers who are living in temporary accommodation.

As a consequence of difficulties such as these, children and young people from families on low income will be forced to come to school, at times, not wearing school uniform as outlined in the school policy, and in trying to avoid humiliation, may not always wish to give the real reason for this.

Careful consideration should therefore be given, when drafting policies, to ensuring that schools respond sensitively to the real challenges which families are facing as a result of the current cost-of-living emergency and to reflect the importance of sustainability and reducing the total cost of the school uniform. Specific provision could be made for recycling uniforms, for example, and ensuring that they are easily accessible for families in a way that minimises the potential of stigma. The guidance could provide some examples of good practice,



demonstrating the ways in which schools can support families in these circumstances.

School uniform policies may also be a source of great stress and concern for children and young people and their families, particularly if the pupil has additional support needs. Consideration should be given to the needs of neurodivergent children and young people, who may struggle to wear a uniform, depending on the feel and texture of the material used. Policies should be drafted to provide a supportive solution in these circumstances and ensure that the uniform is not creating an additional barrier to inclusion. Policies should always be fairly applied and underpinned by staff training.

It must also be recognised that compliance monitoring has workload implications for education staff. Teachers are already under significant pressure, as a result of excessive workload demands and responding to the rising levels and severity of needs within their classes. The guidance should emphasise that school uniform policies should not intensify this pressure and should, in the context of an Empowered School system, be informed by collegiate dialogue and consultation.

## 2. What role does school uniform have in the ethos and culture of schools?

The EIS remains unconvinced that school uniform serves any essential purpose in relation to belonging or school identity. There are many places in the world, including in the US, where school uniforms are not used, but school identity is strong. We would challenge the notion that uniforms, and in particular, logos, promote the engagement of children and young people.

The perceived link between school uniform and the ethos and culture of schools **may emanate more from the cultural practice in the UK, and from adults' views** about its importance, rather than from pupil voice.

The EIS believes that school identity should be built on the principle of inclusion. Uniforms may pose barriers to this, in particular for migrants, refugees and asylum seekers – posing an additional cultural barrier. Furthermore, the EIS is concerned that school uniforms present a cultural uniformity that can be exclusionary, for example to pupils who wear hijabs, or to neurodivergent pupils. In short, if a **school's identity lies with its uniform** alone, then many children may feel that they do not belong. To address this, it is essential that inclusive practice is adopted and that pupil voice informs the type of uniform children and young people will ultimately wear, otherwise the enforcement of a prescribed dress code will negatively affect pupil identity and engagement.

In relation to tackling gender stereotyping, **Gender Based Violence ('GBV')** and the impact of misogynistic norms on children and wider society, the EIS notes that school uniforms are overwhelmingly gendered. This does little to challenge the status quo, nor does it offer meaningful inclusion for non-binary pupils.

The EIS also notes that some uniforms are too prescriptive, with a gender or class bias. In some schools, those identifying as girls must wear skirts whilst those identifying as boys are required to wear shirts and ties. In other schools, tartan uniforms are prescribed, resulting in great expense for the families involved.

The EIS is concerned that all barriers related to cost, including the high cost involved in logo addition to clothing, add to the divide between households of differing socio-economic status, perpetuating inequality rather than feelings of inclusion.

3. Following on from Question 2, are there any particular items of school uniform which are central to that? If so, why?

Rather than referencing any particular item of school uniform, the focus should be on pupil voice in the decision-making process. Such engagement is consistent with the Empowered Schools agenda and promotes citizenship and democracy, marking a departure from top-down decision-making. These discussions could be facilitated through pupil councils and as cohorts of children and young people move through the school system, arrangements made for review of the uniform and uniform policy, to ensure relevance and ongoing engagement.

In some cases, clothing such as blazers and ties may feel outdated, being worn primarily to please adults, with little to no benefit to pupils. It should also be emphasised that the enforcement of gendered school uniforms does not align with schools' commitments to tackling gender inequality or misogyny, but rather reaffirms gender stereotypes. Pupils should be encouraged to freely choose their school uniform, with skirts and trousers available to boys, girls and non-binary pupils.

In relation to PE, some schools specify, as part of the uniform, elements of the sports kit. This only adds to the expense involved for families and in some cases, may lead to children and young people missing out on key health and wellbeing experiences, simply because they do not have the appropriate kit. The focus should be on practicality and health and safety, rather than complying with the uniform code. Furthermore, no child or young person should be excluded from education or participation in an activity as a result of not having the appropriate uniform.

4. What can schools do within their policies to support the aim of reducing costs of school uniform? [please give specific examples of approaches which could be considered, or have been tried]

In light of the cost-of-living crisis, it is essential that the legal minimum school uniform grant is brought in line with inflation. Teachers are already seeing an increase in families seeking support for necessities, and struggling to provide their children and young people with essential clothing to keep them warm and dry this winter.

There are numerous approaches that can be considered, many of which are already in place in some schools:

- Any uniform required should be readily accessible in any supermarket, of decent quality and cheaply priced
- Schools should not specify school uniforms beyond simple and readily accessible clothing and colours, for example; black bottoms, single colour tops in colours that are readily available and cheap (not tartan)

- Care should be taken to eliminate additional cost such as those related to branding, including badges and how these are attached, and any requirement for piping, and colours should remain same throughout school years to reduce the cost of having to purchase additional clothes for this reason
- Schools should consider removing a requirement for ties as these are often unsanitary and add an additional cost
- Schools should consider how they may provide all necessary uniforms in-house, either through agreements with local supermarkets and bulk-buys or through 'swap shops' or similar. Families should not have to go to a specific supplier which may be more expensive and may demand transport/shipping costs
- Schools should consider using 'swap shops' open to all, to destigmatise the issue for families relying on used clothing. Some schools are proposing this as a green alternative, which has been well received by pupils and led by pupil involvement
- Schools should consider systems for giving away lost property clothing after a certain amount of time has passed, for example jackets during winter
- Schools should consider removing any blazers from the school uniform as they are costly, often poor quality, and serves no useful purpose in the Scottish climate

5. Are the draft principles appropriate? If you would change any of them please set out what your alternative wording would be. Would you add any principles? Please say what they would be. Are there any which are unnecessary?

The EIS strongly believes that schools should not have merit systems for matters that are outwith **a pupil's control, such a school uniform. There are numerous issues that can affect a pupil's uniform**, including medical problems, issues in the home, poverty, disability, etc. and these should be fully considered, as well as flexibility and inclusion for all, in any policy.

**In this regard, the draft principle pertaining to "appropriate responses for persistent non-wearing of uniform..." appears inappropriate within the guidance.** The EIS strongly opposes disciplinary measures related to school uniform, or any measure that adds to stigmatisation of minoritized groups and families living in poverty.

Unfortunately, there remains a false belief that high-quality uniforms correlate to excellent behaviour. The cost of school uniforms coupled with the cost of staff time monitoring and policing compliance with the uniform policy is an unnecessary strain on resources that should be better directed elsewhere, such as enhancing pupils' sense of belonging and fostering good relationships.

The EIS believes that pupil voice should be at the centre of school uniform policy. The draft principle pertaining to building on good practice should explicitly consider pupil voice as part of determining what such practice looks like.

The last draft principle relating to not introducing unnecessary barriers to school uniform policy and practices should be more clearly drafted. The EIS believes that

measures and restrictions should be placed on schools, to prevent them from introducing barriers which will disadvantage pupils. All pupils should benefit from an equitable school experience, where they wear safe, appropriate clothing in which they feel comfortable.

## EIS Response to Call for Views

The Economy and Fair Work Committee: Disabled Employment Gap Inquiry

**The Educational Institute of Scotland, the country's largest teaching union,** representing more than 65,000 members across all sectors of Education and at all career levels, welcomes the opportunity to respond to this call for views.

In 2018, the EIS passed a resolution on disability equality which included a commitment to raising the profile on issues affecting education professionals. The EIS is deeply committed to promoting diversity in the teaching workforce, and more inclusive learning and working environments.

The EIS recognises and values the many contributions of disabled people in our schools, colleges, universities and Trade Union. The EIS also recognises the insight and experience disabled workers can bring to their establishments, particularly at a time when a growing number of learners<sup>1</sup> are recorded as having additional support needs. It is valuable for learners, whether disabled or not, to see disabled adults thrive in their jobs, and for educational establishments to be inclusive environments for all.

Unfortunately, disabled workers continue to experience barriers to their fair and equitable participation at work, and the realisation of their rights to reasonable adjustments. Most schools and workplaces are not designed with disabled people in mind, which puts disabled workers at substantial disadvantages compared to others in the workplace.

To level the playing field, it is essential that reasonable adjustments are implemented effectively, and respectfully. In 2021, a group of disabled EIS members developed a film that focused on four key issues: access to reasonable adjustments, inclusion and language, overcoming stigma and fostering understanding, and celebrating the contributions of disabled workers. **These key issues were identified as having a significant impact on disabled teachers' equitable access to Fair Work.**

What progress has been made to reduce and remove barriers faced by **disabled people to access Scotland's labour market?**

The Public Sector Equality Duty places responsibility on local authorities to ensure equal opportunity across all Protected Characteristics. Unfortunately, though opportunities like Access to Work exist, they are not readily known to disabled workers, nor promoted by most workplaces.

Though legislative protections are essential, the gulf between policy and practice remains significant, due to lacking understanding, and insufficient resourcing.

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<sup>1</sup> 34.2% of pupils in Scottish schools are recorded as having ASN - [Schools in Scotland 2022: summary statistics - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/schools-in-scotland-2022/summary-statistics/)

What are the remaining challenges, and why has progress been difficult?

A major barrier to work for disabled people is access to support, across a number of areas, including education, transport and finance.

The EIS is currently gathering information about the experiences of disabled student teachers and the extent to which reasonable adjustments have been made to support them in schools. Preliminary discussions suggest that provisions are lacking in many institutions, and that for student teachers **with 'hidden' disabilities** or who are neurodivergent, the difficulty in securing adjustments can mark the end of their studies altogether. It is essential that schools, universities and colleges are proactive in identifying reasonable adjustments and providing additional support for disabled and neurodivergent students, to facilitate their transition into Initial Teacher Education and ultimately, into the workplace. For disabled young people, their transition from school (where adjustments have been put in place<sup>2</sup>) into tertiary education and the workplace (where adjustments are lacking), may be stark.

Access to tertiary education is a requirement for securing qualifications needed for many posts in the public sector, but it can be very difficult for disabled students to access Further and Higher Education, due to cost and the lack of accessibility of accommodation, learning spaces and activities, etc.

To get to an interview or place of employment once you have been offered a job, access to transport is essential. Some disabled people are barred from jobs requiring a car because they are unable to drive. Wheelchair users often can't get **access to space on buses (peak time is exceptionally difficult) and trains' lack of accessibility** is a cause for concern, especially as some operators are moving towards driver operated services with no other on-board staff to offer assistance. **Some operators' booking systems don't** even allow for special assistance to be requested.

The workplace must be genuinely accessible – sometimes there is a disabled toilet which has a step or is being used as storage<sup>3</sup>, sometimes there is no lift, or the fire alarm can't be heard (a serious concern for hearing impaired or deaf people), and so on.

**In 2021, the EIS's "One Thousand Women's Voices" survey found that disabled women were more likely than non-disabled women to report that their ability to carry out paid employment had been affected during the pandemic. The survey further found that disabled members were almost twice as likely to have been physically ill during the pandemic. The EIS is concerned that many disabled workers, including those who have been affected by long-term illness due to the pandemic, are not appropriately supported through absence management**

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<sup>2</sup> Getting it Right for Every Child policy (GIRFEC) and the Education (Additional Support for Learning) (Scotland) Act 2004

<sup>3</sup> Our disabled members have witnessed this.

processes and sick pay arrangements, nor appropriately risk assessed, or prioritised in recovery plans and return to workplace approaches.

The financial impact of disability is significant. Social security payments such as Disability Living Allowance (DLA), Personal Independence Payment (PIP), and Access to Work are all getting harder to get, and some employers are cited by disabled EIS members, saying that reasonable adjustments are too expensive. There needs to be integration of support: home, education, travel, work, etc. all need to be dovetailed sufficiently so that the disabled person's life can run relatively smoothly. It takes a lot of time to put together all of those pieces of the jigsaw and get to the point where a disabled person can take part in employment reliably, but the investment of time and effort is more than outweighed by the benefits both to the individual and to society.

In the context of the cost of living crisis, families with a disabled family member, who were already at higher risk of experiencing poverty, will be experiencing additional strains at this time. The impact of poverty causes additional stress and ill mental and physical health consequences, which will again be detrimental to disabled and neurodivergent young people who are transitioning from school. Additionally, educational institutions and employers may be more cautious with their spending, and the EIS has concerns that this could mean an unfavourable consideration of a disabled applicant, on the assumption that reasonable adjustments may be costly. Measures should, therefore, be taken to inform or remind employers of their duties to consider reasonable adjustments, and provide examples of the reasonable adjustments that may be put in place.

When reasonable adjustments are not put in place, the onus is unfairly adopted by the disabled person to make adjustments that may be detrimental to their health or financial situation. Disabled people may be compelled to take on precarious or part-time work, or leave work altogether, simply because no adjustments are put in place to enable their equitable participation.

Issues routinely raised by our disabled members as concerns about or barriers to their entry into the workforce or continued presence there include:

- discrimination in access to training/professional learning/professional development, with assumptions made that disabled staff will not be interested in or be capable of progressing
- lack of support and reasonable adjustments throughout Initial Teacher Education
- being overlooked for promotion
- being assumed to have limitations based on the impairment without creative thought being applied to how to overcome any practical difficulties in taking on a particular role (e.g. a visually impaired teacher working in a practical subject)
- struggling to access reasonable adjustments, or having these put in place but then withdrawn at short notice for no apparent reason
- misunderstanding of different conditions, for example sometimes people with certain conditions that cause slurred speech have been assumed to be drunk and subject to harassment

- **assumptions made that everyone in the workplace is 'neurotypical' and can cope with the same stressors, and limited public (employer/colleague) understanding and valuing of neurodiversity.** For example, a disabled teacher with dyslexia and dyspraxia may need order and routine (e.g. a tidy classroom, orderly classrooms, advance notice of events) to cope with these conditions, but may be perceived as being uptight or overly anxious
- being inappropriately drawn into capability and competency processes when absence results from disability or medical treatments e.g. chemotherapy
- being excluded from workplace social activities/networks
- being inappropriately highlighted or spotlighted in a meeting or workplace setting where they wish to blend in, e.g. people asking a teacher with a hearing impairment wants to leave because they **can't hear, rather than** asking colleagues to adjust their volume and make themselves accessible for lip-reading
- struggling to access suitable transport, either to the normal place of work or to events such as conferences, especially for disabled people living in rural or Island communities
- being unfairly treated by insensitive absence management policies and the poor implementation of these, especially where there is no provision for separate (paid) disability leave
- **employers' lack of preparedness for the predicted huge escalation in** numbers of people with cancer over the coming decades, and poor workplace practices for people currently living with cancer and seeking to maintain careers, including insensitive absence management processes which make employees with cancer feel guilty for taking leave
- poor **public (and hence, employer/colleague) understanding of 'hidden' or** unseen/less visible disabilities, such as those caused by chronic illness, and the discrimination and harassment people with unseen disabilities can face, for example when accessing disabled toilets or priority seating
- continuing low levels of awareness of the social model of disability and its importance over an impairment-driven medical model
- being treated by colleagues as a hindrance rather than as a useful member of the team
- changes in policies that are not disability-friendly, often caused by a lack of equality impact assessments (either not conducted or conducted
- poorly) and a lack of disabled people in the decision-making bodies which develop policies
- the increasing prevalence of dementia, and a lack of clarity about how employers can respond to this condition
- mental health issues not being widely understood and predictable, preventable relapses occurring due to poor employment practices
- financial stresses, caused by targeted cuts to social security and funds designed for supporting access to work
- disability related hate crime.

What policy measures would you like to see to support disabled people and employers to increase participation rates?

**Disabled people's under-representation** in the workforce, including in public sector employment has serious consequences for policy-making and for services; it is



**vital that disabled people's many diverse lived experiences of, for example,** encountering discrimination and barriers to success, are reflected in the solutions we seek to current challenges. There is no substitute for first-hand knowledge of the issues and challenges faced by individuals who belong to disadvantaged groups, and it is imperative that the public sector, which employs around a fifth of the total workforce in Scotland, is enriched by employing disabled people in greater numbers.

Another important reason for public services, in particular to have more diverse workforces is to enable them to better serve the population of Scotland. For example, disabled people can bring valuable insight and experience to educational establishments, which is always useful, but particularly at a time when a growing number of learners are being identified as having additional support needs, some of which arise from disability.

Unfortunately, many disabled EIS members continue to have their professionalism, and ability to do their job, brought into question by their employer, simply due to being disabled. This is, of course, completely unacceptable, but appears to be a commonly shared experience by many members of the EIS Disabled Members Network. Significant increase in awareness and understanding of disability rights, and employers' duties remains crucial.

Reasonable adjustments are an essential right in the pursuit of Fair Work for disabled workers, though there is a significant need for guidance in this area to ensure employers implement this.

Current barriers to meaningful implementation may include:

- a lack of understanding or willingness from the employer, e.g. about possible adjustments that can be implemented; a view that some jobs (including teaching) are inherently inflexible; or justifying rejecting requests on the basis of cost-saving exercises or budget constraints
- a lack of understanding from colleagues, e.g. believing that reasonable adjustments constitute preferential treatment
- a lack of understanding or confidence of the disabled person in requesting such adjustments.

Employers should receive guidance to proactively implement suitable and person-centred reasonable adjustments. In 2017, the EIS undertook research with members about reasonable adjustments for disabled teachers, that might be requested under the Equality Act 2010, and the issues faced specifically by disabled teachers as opposed to workers in other sectors with disabilities. Our members were clear that, while working in educational establishments presents some clear challenges for disabled people, as there is sometimes less flexibility than in other sectors due to the hours of the school day, for example, there are many reasonable adjustments that can be made to enable disabled people to stay in teaching.

These would include:

- Transferring the employee to another workplace that has a more suitable environment, provided the employee is in agreement

- **Modifying work tasks according to the employee's requirements**
- Modifying instructions/reference manuals, e.g. providing them in Braille or large print
- Providing a modified chair or workstation
- Providing a car parking space near to the place of work or with sufficient space for manoeuvring mobility equipment
- Adjusting lighting levels in the workspace
- Flexibility about start times to take account of the extra time a person with a disability may need to get ready for work
- Providing software for reading
- Sharing classes with another teacher to allow unsuitable tasks to be reallocated, e.g. a blind teacher may share a class so s/he can teach the theory aspects of a science course whereas a colleague would teach the practical aspects of the course
- Providing a tablet to make website and smartboard use easier
- Providing hearing assistance equipment for deaf teachers, e.g. a loop system
- Timetabling extra non-contact time to allow time for planning, marking and reporting
- Adjusting the timetable to allow for rest breaks; and providing facilities for rest
- Making physical changes e.g. installing a ramp for a wheelchair, installing a lift, or relocating the employee to a different classroom
- Providing a special keyboard for a teacher with arthritis
- Allowing a phased return to work after a period of disability related absence
- Offering flexible working arrangements including part-time working
- Facilitating the provision of Access to Work including transport or the provision of Personal Support Assistants
- Adjusting sickness absence management policies to be sensitive to conditions caused by or arising from disability, e.g. migraines exacerbated by visual impairment, which could be monitored separately but not included **as a 'trigger' for an absence management meeting.**

Some of these would apply specifically to teaching/lecturing, but many are common sense approaches to adapting employment for disabled people, which would apply equally in a wide range of settings.

Policy measures to improve access to Fair Work for disabled people should include intersectional considerations, as experiences and needs may differ greatly for disabled people in relation to their gender, or whether they are Black, Asian or Minority Ethnic, for example.

Furthermore, the importance of gathering accurate data to monitor progress is paramount. Self-reporting is hindered by a culture of fear of discrimination, but also by people not seeing themselves as disabled despite having a condition that would be considered a disability under the Equality Act 2010. More needs to be done to promote public understanding of what is meant by the term 'disability', and of the wide range of conditions, including less visible mental health and neurological conditions, which come under its scope, to challenge myths and misinformation. Public sector bodies could better support self-reporting by clearly explaining why they are seeking the information and how it will be used; and by

demonstrating that it really is used to promote positive change, and not gathered for its own sake. Public bodies could demonstrate genuine commitment to equality for disabled employees by running positive action schemes, setting up Disabled Staff Networks, adjusting absence management policies, etc.. People will not give out what they consider to be sensitive personal data unless they can see some advantage to doing so, in the short, medium and long term. A good disclosure policy could set out these benefits, both to the individual and to the collective. People may also be concerned about the security of the data collected about them and would benefit from information being publicly available about how confidential, sensitive data is managed, in keeping with the General Data Protection Regulation (GDPR).

Self-reporting could also be enhanced by promoting wider understanding of the fact that disability can be acquired and can be temporary, and of treating employment records as fluid and not fixed in time. For example, some of the health complaints caused by menopause can be so substantial and limiting as to be classified as disabilities under the Equality Act, but most menopausal women would not be aware of that, and would not seek to disclose this temporary disability at the point of being affected. Similarly, cancer-related disability may not be disclosed if the person affected does not have cancer when they take up employment. Employees should be given regular opportunities to update their data and should be encouraged to think of disability using the social model and the Equality Act definition.

What has been the impact of the Covid-19 **pandemic on disabled people's** experience of the labour market?

The pandemic and successive lockdowns have had a hugely disproportionate **impact on disabled people's health and livelihoods, and Covid-19 related safety and workplace issues continue to impact disabled people's equitable access to Fair Work.**

Emergency responses of governments often **fail to take disabled people's lived** experience and needs into account. Inclusion Scotland did a survey<sup>4</sup> in April 2020 of 800 disabled people and their carers found that 30% had their social care support stopped or reduced leaving them in desperate situations. We already know that households with a disabled person are more likely to live in poverty – and Inclusion Scotland found that 53% of respondents experienced difficulties accessing food for themselves or those they care for, some due to shielding. Though circumstances may have changed for many, it will not have done so for all. Some may also struggle with mental ill-health since the return to work, or still be dealing with the impact if they have suffered a loss during the pandemic.

The EIS believes that the disproportionate impact of the pandemic on disabled people must be addressed through appropriate and urgent measures. This should be informed by the experiences of disabled workers during the pandemic and used

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<sup>4</sup> <https://inclusionScotland.org/wp-content/uploads/2021/05/Rights-At-Risk-Summary-Report.pdf>

to improve and expand on offers of reasonable adjustments, such as flexible hours and working from home.

Furthermore, for many workers, including teachers, their working environment puts them at greater risk of contracting Covid-19, and Covid-19 therefore should be considered as an industrial injury or occupational disease. In terms of long-Covid, repeated exposure may be a significant risk factor for this condition, and disproportionately impact disabled people.

It has been reported<sup>5</sup> that the Office of National Statistics, in October 2022, estimated that around 204,000 people in Scotland are living with long-Covid (75,000 have been living with long-Covid for over a year) – more than the population of Aberdeen City. During 2021, one in five adults are likely to have suffered from long-Covid.

One of the largest studies to date, by the University of Glasgow looking into the long-term effects of Covid, found that 1 in 20 people had not recovered between six and 18 months following infection.

Prevalence of long-Covid was also found to be higher amongst older people, women, and those living in communities of high deprivation. Similar findings were found for people with existing physical and mental health problems or impairments.

Measures to address the impact of Covid-19 on disabled workers, should include:

- A requirement for an independent body, such as Audit Scotland, to investigate and report annually to the Scottish Parliament on the reasonable adjustments employers have made in relation to Covid-19, recovery and return to workplaces, making recommendations for improvements identified through the data.
- Issue statutory guidance for employers on good practice in making reasonable adjustments, in absence management and in improved sick pay provision, informed by the experience of the pandemic with appropriate accountability mechanisms built in.
- Recognise long-Covid as a disability.

Moreover, the EIS is concerned, generally, with the insufficient consideration of **disabled workers' needs and safety, as well as with inadequate provisions** in relation to sick pay, benefits and flexibility to redress these inequalities.

The EIS is grateful for the ability to contribute to this call for views, and confirm that we are open to being contacted by the Economy and Fair Work Committee in relation to this issue.

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<sup>5</sup> <https://www.scotsman.com/health/coronavirus/more-scots-with-long-covid-than-there-are-residents-of-aberdeen-3870775>

# EIS Member briefing: the Gender Recognition Reform (Scotland) Bill

## Introduction

On the 3<sup>rd</sup> March 2022, the Scottish Government published the Gender Recognition Reform Bill, which set out plans for amending the process transgender people have to go through to change their legal sex to match their gender identity. The process for changing legal sex has been in place in the UK since 2004 but has been described as intrusive and out of date.

Over recent years, the EIS has observed a rise in toxic debate and misinformation around the proposed changes, and the existing rights of transgender people, and is aware that many members will be unsure what the implications of the Gender Recognition Reform Bill are.

The EIS has a commitment to high standards of education rooted in equality and **inclusivity**. **The EIS's overarching position is the principle that young people have the right to learn, and teachers and lecturers have the right to work, in an educational environment that is free from discrimination, where the rights of all are equally upheld.**

The original version of this briefing, published in March 2022 gave an overview of the Gender Recognition Act 2004 (GRA), the proposed reforms, and the EIS position.

The briefing has been updated, following the passing of the GRA Reform (Scotland) Bill by the Scottish Parliament and the later announcement of the UK **Government's intention to** block its implementation.

The EIS is conscious that this may be a time of heightened uncertainty for members in relation to the GRA, and has therefore expanded certain sections of this guidance to provide further information and clarification of what is expected of education professionals.

## Transgender people in Scotland

There is no accurate figure of the transgender population in the UK, however estimates would suggest that there are around 30,000 transgender people in Scotland – roughly 0.2% of the population.

Transgender people are protected from discrimination, harassment, and victimisation under the Equality Act (2010). Unfortunately, many transgender people still experience discrimination and inequality because of who they are. In 2017, LGBT Youth Scotland found that 82% of trans young people experienced bullying in school.

There is widespread lack of awareness, visibility, and accurate representation of trans people across all spheres of society, although this has improved somewhat in recent years with some representation in TV-shows and other media productions.

## The Gender Recognition Act (2004)

Scotland is required to have a system for obtaining legal gender recognition, to comply with Article 8 and Article 12 of the European Convention on Human Rights. The GRA, which has been in place since 2004, sets out the process in which transgender people can change their birth certificate, to have their gender identity recognised as their legal sex.

Legislation related to equality matters (including the Equality Act 2010) are reserved, meaning they are considered to remain the responsibility of the UK Parliament. However, the matter of gender recognition is devolved in Scotland, meaning the Scottish Parliament is able to legislate on gender recognition.

Trans people in Scotland can already legally change their sex without a Gender Recognition Certificate (GRC) on their passport and driver's licence, but not on their birth certificate, which they may need to obtain pension rights or get married.

Currently, to obtain a GRC, trans people are required to, amongst other criteria, be over 18 years of age, have obtained a formal diagnosis of gender dysphoria, **provide evidence that they have lived in their 'acquired gender' for two years**, and make an application to a panel of medical and legal experts who will either deny or approve the application. Currently, in the case where the applicant is married, they must have spousal consent to proceed with the application.

In comparison, many other European countries, such as Portugal, Ireland, and Norway, have already made it such that legal recognition can be obtained on the basis of self-declaration.

The EIS is supportive of a self-declaration system for gender recognition and for the process to be made more accessible, recognising the detrimental impact of the current process on **transgender people's mental health and wellbeing**. The EIS is clear that trans women are women and trans men are men.

## Reform under the Gender Recognition Reform (Scotland) Bill

The main reforms within the Gender Recognition Reform (Scotland) Bill as passed on the 22<sup>nd</sup> December 2022 are:

- To lower the age at which a trans person can apply for a GRC, from 18 to 16, bringing this in line with voting rights in Scottish elections.
- To require a statutory self-declaration instead of medical evidence and a psychiatric diagnosis.

- To reduce the requirement to show evidence that you have lived in your gender for two years, to three months, with an added three-month reflection period after an application has been made.

The Bill passed by a majority of 86 to 39, with no abstentions. The Bill is one of the most consulted on pieces of legislation in the history of the Scottish Parliament, with the consultation process including numerous rounds of evidence gathering, and nine months of scrutiny by the Scottish Parliament.

There will be no changes, or new exemptions, to the Equality Act (2010) as a result of the Gender Recognition Reform (Scotland) Bill. The minor reforms within the GRCC (Scotland) Bill would, however, have a major impact on improving the wellbeing and dignity of trans people who are seeking legal gender recognition.

The Scottish Government estimates that the changes will mean a higher number of applicants for GRCs. Currently about 30 are granted every year in Scotland.

## The Equality Act (2010)

The Equality Act legally protects people from discrimination in the workplace and wider society, prohibiting discrimination on the basis of protected characteristics.

Protected characteristics are age, sex, sexuality, disability, pregnancy, race, religion, marital status, and gender reassignment.

There are a limited number of exemptions, for example, cases where it is permitted to provide a different service on the basis of a protected characteristic. With relevance to schools, these can be found in the [Technical Guidance for Schools](#), which outlines the requirements of the Equality Act (2010) for schools in relation to the provision of education.

In late 2021, the EIS Equality Committee developed a [briefing](#) for members on **the Scottish Government's updated guidance on supporting transgender pupils in schools**. The purpose of the briefing is to inform members of the refreshed Scottish Government advice and provide details of key technical updates within it.

The briefing includes a question-and-answer section informed by EIS legal advice on the Equality Act (2010) and the technical guidance in relation to pupils **protected by the characteristic of 'gender reassignment'**. **Members should consult this briefing, and the Scottish Government guidance, for advice on how to support transgender young people in schools.**

With relevance to the provision of single-sex activities within school, the EIS briefing confirms the position within the current technical guidance:

**"Where** there is a difference in service or activity between boys and girls, transgender people should be treated according to their gender identity – or, if they are non-binary, on the basis that they have a choice (and this might alter from time to time). So, if a school activity is divided between

boys and girls, a transgender boy should as the standard, be with the rest of the boys.”

Should the bill be further amended and pass into law, our guidance will be updated with further detail, as necessary, if there are changes to the current process in which young people have their gender identity recognised in school.

## Objections to the GRR (Scotland) Bill

When the Gender Recognition Act (2004) was first introduced in the UK Parliament, a significant bulk of the opposition was on religious grounds, whereas today, members may come across frequent media attention on perceived risks.

The Bill will make the process of obtaining a birth certificate that matches a **person’s** gender identity less intrusive, which is misunderstood by some to mean that trans people will have new rights and entitlements to single-sex services. This is wrong – trans people already have access to single-sex spaces such as toilets, changing rooms and services on a basis of their gender identity, and services are permitted under exemptions to the Equality Act (2010) to provide a different service to trans people, where it is legitimately necessary – for example, if it is safer for the trans person.

Some of the opposition to the reforms proposed in the Bill relates to a concern that men, who are not trans, will pretend to be trans in order to obtain access to women-only spaces. This, in theory, is already a possibility within existing legislation, as most women-only spaces are on the basis of self-identification, not proof of birth certificate.

Single-sex services such as **Women’s** Aid and Rape Crisis have officially operated on the basis of self-identification for over a decade, and have robust risk assessments to ensure the safety of their service users – including the right to refuse service to anyone who is a legitimate threat to others.

Unfortunately, much media rhetoric concerned with the dangers of legislation that aims to lessen the current stresses for trans people, reinforces harmful stereotypes about trans people, which can be stigmatising and detrimental to trans **people’s** mental health, and their personal safety.

When the Bill was passed by the Scottish Parliament, the Office of the United Nation Human Rights office and the Council of Europe Commissioner for Human Rights welcomed the reform, citing it as a significant step forward in respecting the human rights of trans people.

Between 2018 and 2020, the UK Government considered their own reform of the GRA in England and Wales. After a year and a half of little update, this concluded with Liz Truss, then Minister for Women and Equalities, announcing the intention to make only minor changes to the Act with the intention of making the GRA **process “kinder and more straightforward”**, (by, for example, reducing the application fee from £140 to £5). The UK Government had no intention of



introducing a self-declaration system or removing the need for a medical diagnosis. This announcement was met with disappointment and concern from leading LGBT and Equality organisations.

Close to a month after the passing of the GRR (Scotland) Bill, the UK Government announced it would use section 35 of the Scotland Act (1998) to block its implementation, citing concerns around interactions with the Equality Act (2010). Such interactions had already been considered extensively by the Scottish Parliament.

The UK Government has several options available in cases where it is concerned about aspects of a Scottish Bill adversely impacting reserved matters (such as the Equality Act (2010)). A section 35 order prevents the Bill from proceeding to Royal Assent, which it needs to become law. This is the first time that section 35 has been used to block a Bill passed by the Scottish Parliament.

It remains to be seen what consequences the UK Government's decision will have on the passage of the Bill and on the wider constitutional balance of power between Holyrood and Westminster. We will continue to monitor developments and update this briefing as necessary.

## Tackling Gender Inequality

The EIS is clear that risks to **women's** equality and safety is not the fault of trans people.

The EIS believes that Scotland is a patriarchal society in which women and girls continue to experience gender inequality, discrimination and stereotyping, as do gender-non conforming people.

Non-conformity with gender roles is still perceived as problematic by some, and children and young people are still mocked for and pressured around non-conformity, as we point out in our guidance '**Get it Right for Girls - challenging misogynistic attitudes among children and young people**', which provides essential advice on tackling misogyny in educational establishments. However, the EIS believes that the continuation of essential efforts to tackle sexism should neither advertently nor inadvertently deny rights to transgender people.

The EIS believes it will remain important for organisations to keep records based on sex, in particular in relation to sex-based oppressions, deriving from biological functions such as being able to menstruate, become pregnant, give birth, and experience the menopause. **Organising around women's inequalities and holding women's events and conferences, etc. should be transgender and non-binary inclusive.**

## Advice on addressing misinformation

**It is an unfortunate consequence of the UK Government's decision, that further misinformation may be spread in relation to the GRA.**

The EIS is aware that schools may be receiving lobbying material in the form of online pressure, physical flyers etc., implying inaccurate information related to the GRA or trans people, for example about sex and gender, single-sex spaces, or suggesting that young people are at risk in relation to their gender identities or due to the presence of trans pupils in schools. To be clear, trans people have always existed and being transgender is not a health and safety concern in and of itself.

Teachers may be concerned that misinformation in schools may cause staff, pupils, or parents to worry or complain to the school. If you are concerned that someone in the school community has received misinformation in relation to the GRA, you can point them to this guidance or to the Scottish Government guidance on [Supporting Transgender Pupils in School](#). Schools should ensure that they consult the necessary guidance and seek advice before taking any actions that may inadvertently signal unfounded risks, as this could further stigmatise and worry pupils.

You may also want to reach out to organisations such as the Time for Inclusive Education Campaign, who may have further advice or may be able to work directly with your school community.

If you are concerned about a young person (who may be personally negatively impacted by such lobbying material), you should follow your school's child protection and safeguarding protocols and Scottish Government advice.

Gender reassignment is a protected characteristic under the Equality Act (2010). If you are experiencing discrimination, harassment or victimisation because of being transgender, being inaccurately believed to be transgender or being associated with someone who is transgender, seek the support of your EIS Trade Union Representative.

The EIS has produced a series of visuals which can be shared online or printed and displayed, which contain useful information about transgender people and the GRA. To access these materials, visit [www.EIS.org.uk/equality/LGBT](http://www.EIS.org.uk/equality/LGBT)

## Timeline

2004 - The Gender Recognition Act (2004) enters into effect. The legislation was introduced after the European Court of Human Rights **ruling in 2002 that a trans person's** inability to change the sex on their birth certificate was a breach of their Human Rights.

2017 – the Scottish Government publishes a review of GRA and announces intentions to reform in line with international best practice, stating that the GRA (2004) is out of date and intrusive.

2018 – The Scottish Government receives 15,500 consultation responses regarding how the GRA (2004) could be improved. Two-thirds (65%) of respondents agreed with the proposal of a statutory declaration system.

December 2019 - The Scottish Government publishes a draft Gender Recognition Reform (Scotland) Bill, opening consultation until March 2020.

March 2020 – The Scottish Government receives 17,058 responses, including 215 from organisations on the GRA consultation. Only 55% of respondents are residents in Scotland.

April 2020 - The Scottish Government announces de-prioritisation of new primary or secondary legislation due to the public health crisis.

June 2020 – The European Commission places GRA 2004 in the second to bottom category when comparing gender recognition access in 28 European countries, due to its intrusive medical requirements.

September 2020 – the UK Government publishes results of a public consultations showing majority support for reform but decides not to change the current law.

March 2022 – the Scottish Government publishes the Gender Recognition Reform (Scotland) Bill introducing improvements to the process of obtaining legal recognition for trans people. The Bill was subject to a third **round of consultation by the Scottish Parliament's Equalities, Human Rights and Civil Justice Committee**, which ran thirteen evidence sessions.

October 2022 – The Stage 1 vote of the Bill passes by a majority of 88 to 33, with 4 abstentions and 4 members not voting.

Early December 2022 – At Stage 2, a number of amendments are proposed, the majority of which did not pass.

20-22 December 2022 – the Bill is heard at Stage 3, with a final debate on 22<sup>nd</sup> December before a final vote. The Bill passes by a majority of 86 to 39, with no abstentions and 4 members not voting.

January 2023 – the UK Government announces the intention to make an order under section 35 of the Scotland Act 1998, to prevent the Bill from passing into law and moving to implementation (citing concerns about impacts on the operation of the Equality Act (2010)).

## Glossary

Assigned sex – is a term used to describe **the sex on someone’s birth** certificate, which is determined usually by visual inspection of the genitals of a baby just after birth.

Gender dysphoria – is a term used to describe discomfort or distress experienced by someone because their gender identity does not match with the sex they were assigned at birth.

Gender identity – is a term used to describe our innate sense of self in relation to being a man or a woman or something in between or beyond this binary.

Gender non-conforming (adjective) – is used to describe someone who appears not to conform to societal expectations of what are appropriate expressions of their gender, for example in terms of roles, behaviours, appearance. Anyone of any gender identity can be gender non-conforming.

Gender reassignment – in the Equality Act (2010). This term is used to refer to any part of a process of transitioning away from the sex assigned at birth, this can be socially, surgically, hormonally, etc.

Gender Recognition Certificate – a certificate that currently enables the holder to update the sex on their birth certificate and passport to reflect their gender

Non-binary (adjective) – is used to describe someone who does not identify strictly as a man or a woman.

Trans/transgender (adjective) – is an umbrella term used to describe anyone whose gender identity does not fully correspond with the sex they were ascribed at birth.

Trans man – a man who was assigned female as his sex at birth, but has a male gender identity.

Trans woman – a woman who was assigned male as her sex at birth, but who has a female gender identity.

# Taking Pride in Teaching

The power of LGBT+ inclusive education

Foreword by David Dick, Co-Chair of the EIS LGBT Sub-Committee

Scotland should be rightly proud of being the first country in the world to embed LGBT+ inclusive education in its curriculum. The EIS played a key role in supporting this endeavour and has worked for years to support its LGBT+ members working in nurseries, schools, colleges and universities.

It is gratifying to see so many educational settings already beginning the work of delivering the new priority of LGBT+ education in Scotland. However, the time has come for that rollout to take place in *every* educational establishment as it is now a government requirement.

It is of crucial, vital, often life-saving importance that we collectively take responsibility for supporting all LGBT+ people in our educational communities. LGBT+ children and young people are present in every school across Scotland, and LGBT+ colleagues work alongside us in nurseries, schools, colleges and universities, though they may not always be visible. LGBT+ people are unfairly targeted, scapegoated, marginalised, traduced and tragically they often encounter violence, both physical and psychological.

**'Taking Pride in Teaching' has been created with the help of LGBT+ EIS** members, who know only too well the pain and suffering caused by school and work experiences that negatively impact their freedom to be themselves. This guidance is designed to help you take proactive and positive approach that will counter those inequalities that LGBT+ people face, simply for being who they are.

If you are unsure of the issues, worried you will get it wrong, or perhaps you perceive other barriers, this booklet is here to support you, no matter where you are in your journey to LGBT+ inclusion. As EIS members, we know that collective action is our strength; I now ask you to unite together across Scotland to deliver for our LGBT+ members and learners and help create that progressive, socially just future, to which, as educators, we are all committed.

## Introduction

... young people have the right to learn, and teachers and lecturers have the right to work, in an educational environment that is free from discrimination, where the rights of all are equally upheld.

The EIS is committed to the highest standards of education, rooted in rights, **equality and inclusivity**. The EIS's overarching position is that pupils and students have the right to learn, and teachers and lecturers have the right to work, in an educational environment that is free from discrimination, where the rights of all are equally upheld.

This guidance offers advice for EIS members on how we can play our part by helping to create safe, supportive and inclusive educational settings, which allow everyone to thrive.

Although the guidance will talk about resources for both Primary and Secondary schools, colleagues in Early Year settings, colleges and universities will also find much of interest, use and application.

Since 2021, all Local Authority run schools in Scotland are expected to deliver LGBT Inclusive Education<sup>1</sup> as part of their curriculum<sup>2</sup>. Many schools and educators are already doing fantastic work in this area, and others will be at the beginning of their journey.

### Key messages

- Embedding LGBT+ education in your lessons, curriculum and in the wider life of your setting is easy. This booklet will advise and signpost you to resources and ideas, which can help you start making positive changes happen quickly.
- One of the barriers around LGBT inclusive education that educators **face is the fear of "getting it wrong"**. The advice in this booklet is designed to support you to overcome this barrier and give you the confidence to embed LGBT inclusive education in your learning, teaching and establishment, as a whole.
- Making a few small changes to your practice will have an overwhelmingly positive impact on learners, and wider school

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<sup>1</sup> This document uses the term "LGBT Inclusive Education" to refer to the Scottish Government framework commitment and requirement. The document will use LGBT+ to refer to people who are Lesbian, Gay, Bisexual, Transgender, with the plus representing other sexual orientations and gender identities that are not heterosexual or cisgender.

<sup>2</sup> An LGBT Inclusive Education Working Group, on which the EIS is represented, was established in 2017 to improve LGBT+ **young people's learning experience and to address bullying and discrimination**. The Scottish Government accepted 33 recommendations from this group, in full, which resulted in a commitment to embed LGBT Inclusive Education across the curriculum.

community, and support a culture where LGBT+ colleagues feel valued and respected.

## From Policy to Practice

Across Scotland many ELC settings, schools, colleges and universities, individual teachers and lecturers are already demonstrating good practice in their implementation of LGBT inclusive education. They are taking steps to ensure that their educational establishments are safe for everyone, irrespective of their sexual orientation or gender identity. LGBT+ children are present in every school and setting – therefore it is crucial that all schools and settings are taking the inclusion of LGBT+ education in the Scottish curriculum seriously – and acting upon it.

In 2019, Scotland made history by becoming the first country in the world to commit to embedding LGBT inclusive education across the school curriculum. In 2021, the national rollout began!

Exactly how LGBT Inclusive Education is implemented, is a matter for individual settings. The EIS has supported the work of the Time for Inclusive Education Campaign (TIE), in creating a comprehensive one-stop platform that helps schools meet the national requirement for LGBT Inclusive Education in curriculum, teaching and learning, and ensures robust engagement.

Visit [www.lgbteducation.scot](http://www.lgbteducation.scot) to find more ideas about how you can take this forward. There will also be ideas on this website that may be adapted to college and university settings.

### Reflective questions

- What work is already happening within my establishment that furthers LGBT Inclusive Education?
- What opportunities are there within my own practice, my setting or my local association/branch to get involved?

## Getting it right for every LGBT child

To ensure all educational settings are inclusive to LGBT people, a whole-establishment approach is required. Everyone has a better chance to thrive when their learning and working environment accepts and affirms who they are, where they feel welcome and safe. It is very important, therefore, that work to further LGBT inclusive environments also goes alongside other equalities work to

make sure settings are inclusive of all. For example, this means tackling racism, misogyny and ableism.

The commitment to LGBT inclusive education in Scotland came into effect approximately 20 years after the repeal of Section 28 (Section 2a in Scotland).

**This was legislation which banned the “promotion” of homosexuality across schools and local authorities.**

Now, at a time when other countries in Europe and overseas are seeing a roll-back on LGBT rights and similar education bans, we have an opportunity in Scotland to be on the right side of history!

Unfortunately, many LGBT young people still experience discrimination just because of who they are and this impacts upon their health and wellbeing. Pupil and student wellbeing is at the centre of efforts towards LGBT inclusive education. An LGBT Youth Scotland’s 2022 survey<sup>3</sup> found that the number of LGBT young people in Scotland who feel happy with their life has fallen drastically since 2012 (from 66% to 37% and to only 28% for transgender participants).

The key principles of Getting it Right for Every Child (GIRFEC) are rooted in valuing difference and addressing inequalities. All children, young people, and learners have the right to be safe and nurtured. The approach to their wellbeing should be tailored to their individual needs and circumstances, and this would include taking account of their LGBT+ identity.

Reflective question:

- Consider the wellbeing indicators (SHANARRI); safe, healthy, achieving, nurtured, active, respected, responsible and included. How could creating an LGBT inclusive education environment support the wellbeing of learners in relation to these indicators?

## Becoming conscious of exclusionary norms

One of the challenges surrounding LGBT+ inclusion is that our society is based on a presumption of heterosexuality as the norm, and educational environments are of course no exception. This presumption poses a bias against LGBT people, as it inadvertently excludes them by **viewing them as different or ‘other’**.

**‘Heteronormativity’** is the term for when heterosexuality is the assumed and privileged standard against which all other sexualities, relationships and gender dynamics, are compared or viewed as different. The ways in which this norm or standard is expressed, can often be hidden, but can inform much of what is

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<sup>3 3</sup> <https://www.lgbtyouth.org.uk/news/2022/launch-life-in-scotland-for-lgbt-young-people-2022/>



assumed and expected about children, young people and our colleagues. In schools and other settings, a heteronormative environment can express itself in:

- Gender policing meaning that children are bullied for stepping outside traditional gendered expectations for boys and girls.
- Stories that represent limited family models (i.e. heterosexual, two parent families)
- Assuming (by teachers and parents) that children will grow up to be heterosexual and get married to a person who is not of the same gender
- Assuming that all parents / grandparents / other family members are heterosexual
- Lacking visibility or representation of other family models than heterosexual, two parent families
- Attitudes or bias relating to identifying as LGBT+ people and relationships as lacking, or **"less than"** heterosexual relationships
- The idea that LGBT+ people represent deviance / perversion / are **"other"**
- Assuming and conflating gender expression/different types of play in children with sexual orientation in later years
- Bullying, punishing behaviour, or other sanctions for **"non-conforming"** to what is considered normative, in any way.
- Homophobia/Biphobia/Transphobia

Educators can be inclusive and supportive of LGBT people by becoming more aware of norms and unconscious biases that may be exclusionary and make efforts to avoid making **normative assumptions based on someone's gender or sexuality**.

## Practical resources and professional learning

The national commitment to LGBT+ inclusive education relates specifically to curriculum, teaching and learning. Here are a few examples of resources designed for Scottish schools, which can help you take this forward!

The Time for Inclusive Education (TIE) website offers free online training for any teachers working in Scotland. This training can be accessed and completed at any time. In addition, their website gives significant support to Primary and Secondary schools in terms of lesson plans, printable resources, curriculum **guidance, advice and information. It's all free and easy to access. An essential starting point for anyone's LGBT+ education journey, and a fantastic resource to progress and deepen any work already undertaken.** <https://www.tie.scot/info> (QR Code)

The LGBT Youth Scotland website is also a useful resource – it contains reports, information about curriculum development, ideas for lessons and whole

school events, and contains advice and support about achieving the LGBT+ Chartermark. <https://www.lgbtyouth.org.uk/national-programmes/> QR Code

The Scottish Improvement Service resource for Early Years advice about how to approach LGBT+ education in Early Years settings. It includes ideas for storybooks, a case study, diversity posters and a training presentation and podcast chat which explores the issues.

<https://sway.office.com/tnW8XjO2ExX32scH?ref=email> QR Code

The Stonewall Scotland website offers a range of advice regarding how to create inclusive workplaces, as well as offering support and resources to schools and colleges. <https://www.stonewallscotland.org.uk/schools-colleges> QR Code

### **Don't let a fear of getting it wrong get in the way!**

Some colleagues might be unsure about what language to use – here are some sources you may want to consider:

- <https://www.stonewall.org.uk/list-lgbtq-terms>
- <https://www.equality-network.org/wp-content/uploads/2013/05/LGBTI-Glossary-leaflet.pdf>
- <https://www.sad.scot.nhs.uk/bereavement/supporting-lgbtplus-people-around-bereavement/lgbtplus-definitions/>
- <https://blogs.glowscotland.org.uk/er/MearnsCastle/glossary-of-terms/>

Reflective question:

- Reflect on your own confidence in addressing LGBT+ issues and any barriers you may feel towards talking about it in your setting or implementing learning and teaching about it. How could you or your colleagues develop this confidence together?

## LGBT+ affirming educational environments.

Having LGBT+ symbols or visible materials such as posters in your educational environment can be encouraging for pupils, students and staff, and visibility can foster a greater sense of safety. It is important that such displays are part of wider efforts to promote understanding and inclusion so that they are not perceived as token measures.

LGBT+ people have always existed, and have contributed greatly to our society, communities, and education systems. By embedding LGBT+ inclusive practice all year round, it becomes more meaningful for LGBT+ young people and

colleagues and goes beyond simply celebrating pride month (although this is also important!).

The Time for Inclusive Education Campaign resources include a teaching resource on [Icons](#), which you can use to highlight significant historical figures who were LGBT+.

Reflective question:

- How is LGBT+ inclusion and equality visible currently within your educational establishment?
- Who can you speak to for ideas on how the environment can be a supportive and affirming space for LGBT+ learners?

So, what does inclusive LGBT+ practice actually look like?

This is not an exhaustive list, but inclusive LGBT+ practice can look like:

- Exploring and celebrating the wide range of positive contributions LGBT+ culture has made to societies in Scotland and across the world
- Using books, resources, films, etc which have LGBT+ people in them
- Including LGBT+ people in examples used during curriculum materials e.g. problems in Maths, Science, Modern Studies, and all subject areas!
- Talking to learners about LGBT+ people and issues in the classroom and asking them about their own thoughts and ideas
- **Displaying posters which promote LGBT+ people's visibility**
- Creating an LGBT+ group for learners to attend, perhaps at lunchtime. This is a great way for LGBT+ young people to feel safe and to meet others in your school
- Developing gender neutral environments, where stereotypes around gender are actively dismantled and challenged
- Having a robust approach to identifying bullying, which specifies in what cases it is discrimination for being LGBT+ or being perceived as LGBT+
- Putting LGBT+ inclusive education into improvement plans, thus encouraging a whole setting approach
- Taking steps to address the fact that LGBT+ parents in your school or setting may face a unique set of barriers, including discrimination or fear of being excluded, or a fear that their child will be bullied
- Celebrating Pride Month, but also embedding inclusive LGBT+ practice throughout the year!

## Identifying and responding to discrimination

Homophobia, biphobia or transphobia can be described as dislike, or fear of people who are or, are thought to be, gay, lesbian, bisexual or transgender, which can lead to discrimination, bigotry, scapegoating and sometimes violence.

Unfortunately, homophobia, biphobia and transphobia remain a significant issue in our society, and in education. **LGBT Youth Scotland's Life in Scotland report** from 2022, found that only 10% of participants (over half of whom were in school at the time of responding) rated the experience of school for LGBT people **as 'good'**. 70% of gay and lesbian participants responded that they experienced bullying due to their sexual orientation at school.

Bullying and harassment can be described as offending, persecuting, or excluding someone in a way that violates their dignity and creates a negative environment for them. Discrimination occurs when someone is treated less favourably, whether directly or indirectly, intentionally, or not, because of being LGBT+.

Discrimination, bullying and harassment can have serious and long-term consequences for individuals, including:

- Mental health consequences such as stress, anxiety, and depression
- Poor physical health
- Increased absence from education/work
- Being excluded from opportunities to make friends, for progression, or to join in extra-curricular activities etc.

Discrimination and harassment is against the law. Sadly, despite its worrying consequences, prejudice and stereotyping of LGBT+ people is still prevalent in our society and can sometimes be difficult to notice and address. If we are to be effective in achieving equality for all, we must not be complacent about tackling anti-LGBT+ attitudes in all their forms.

Some examples of anti-LGBT discrimination may be:

- Excluding someone because they are believed to be LGBT+ (regardless of whether they actually are), **or 'othering' someone, i.e., treating them as inherently 'different'** or sexually deviant/dangerous just because they are LGBT+
- Making unwelcome or degrading jokes, using anti-LGBT+ slurs, mocking stereotypes, using negative language about LGBT+ issues (regardless of whether it is directed at a particular person).
- Asking intimate or intrusive private questions, making innuendos, making stereotypical assumptions
- **Spreading rumours, speculating, or judging someone's sexuality or transgender identity**
- Assuming that everyone is heterosexual and using non-inclusive language in conversations
- **Damaging or taking someone's things, or being targeted for 'pranks'** because they are believed to be LGBT+
- Physical or verbal abuse, threats, or insults

Anti-LGBT+ bullying may manifest also as misogynistic attitudes, which are explored in more depth in the EIS Guidance *Get it Right for Girls*<sup>4</sup>. The links

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<sup>4</sup> <https://www.eis.org.uk/policy-and-publications/get-right-girls>

between gender inequality and LGBT+ inequality are intrinsic. To tackle this, it is important that there is an intersectional approach, especially with a focus on tackling gender stereotyping.

### Policies, procedures and reporting

Educational establishment policies and procedures should include material to protect learners and staff against discrimination, and advance equality, including in anti-bullying policies. These policies and procedures should also include routes for reporting, and information about how issues will be addressed. Incidents recorded on SEEMIS should note clearly whether there was an equality component or prejudice base to the issue.

Educational establishments and workplaces have a responsibility to make sure reporting, recording and monitoring is effective and supportive. Preliminary findings of a 2023 EIS survey into anti-LGBT+ discrimination, found that nearly 60% of members were unfamiliar with how their establishment reports and records incidents of LGBT+ discrimination.

The gathering of data on behaviours/incidents that discriminate against LGBT+ people is important as it gives insight into the scope of the problem and possible solutions. Taking a proactive approach to implementation of LGBT+ inclusive education will be beneficial in reducing the prevalence of discriminatory attitudes and behaviours.

Reflective question:

- How can you find out more about the recording, reporting and monitoring processes in your setting, in relation to incidents of LGBT+ discrimination affecting learners, and staff?

### Legal framework **and children/young people's rights**

*"All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood."* **Universal Declaration of Human Rights (Art. 1), 1948.**

The Universal Declaration of Human Rights was incorporated into UK Law through the Human Rights Act 1998. It is widely acknowledged that LGBT+ rights are human rights, as all adults have the right to be equal, be safe from discrimination, have freedom of thought and expression, and have a right to family life.

The rollout of LGBT inclusive education in Scotland is an exciting opportunity to further embed the human rights of LGBT people in Scotland. As well as having

Human Rights<sup>5</sup>, **children's rights to an identity must be respected**, as should, their right to privacy, and to have their views heard in matters affecting them.

In 2020, the Scottish Government decided to further integrate the UNCRC into **Scots Law, adding strength to the calls for proactively furthering children's** rights. Specific steps should be taken by public bodies to protect children who have intersecting characteristics, are underrepresented, face barriers or discrimination. This includes children and young people who identify as being LGBT.

### The Equality Act 2010

LGBT people are protected from discrimination, harassment and victimisation under the 2010 Equality Act. Rather than defining who is LGBT, the Act offers protection for anyone who is discriminated, harassed or victimised due to their sexual orientation or perceived sexual orientation.

To implement the 2010 Equality Act, ELC settings, schools, colleges and universities have a Public Sector Equality Duty to proactively:

- Eliminate discrimination, harassment and victimisation
- Advance equality of opportunity between those who share a relevant protected characteristic, and those who do not
- Foster good relations between persons who share a protected characteristic, and those who do not

This means that ELC settings, schools, colleges and universities should take steps to meet the specific needs of LGBT people, remove barriers that face LGBT people to access education, such as bullying, and encourage wider participation in areas where LGBT people are underrepresented.

Reflective question:

- What are some examples of existing opportunities/activity for your educational establishment to meet the Public Sector Equality Duty, in relation to LGBT people?

## Suggested strategies for a whole-establishment LGBT inclusive approach

### *Policy and practice*

- Educational establishments have a whole establishment policy in place which articulates the approach and plans for LGBT inclusive education,

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<sup>5</sup> Children's rights in Scotland are also protected under the Human Rights Act 1998, as well as the Children and Young People (Scotland) Act 2014.

including creating LGBT affirming and inclusive environments, and tackling inequality or discrimination

- Education staff are familiar with processes for recording, monitoring and reporting incidents of LGBT discrimination, and this should be used to inform identified improvements, policies and practices
- LGBT learners are familiar with the support available from the educational establishment

### *Demonstrating values*

- The mission statement of the establishment includes a commitment to LGBT inclusive education and celebrates the contributions of LGBT people to the community
- Proactive and positive communication about the importance of LGBT **inclusive education and the establishment's approach to equality, is** shared with the whole-education community, including parents and carers
- Learners are regularly engaged in discussions about LGBT inclusive education and involved in taking positive action
- Education staff have a shared and consistent approach in communicating the importance of LGBT inclusive education and in seeking to address any issues arising

### *Curriculum*

- The educational establishment has an articulated approach and plans are in place to meet the national requirement of LGBT inclusive education
- The approach to curriculum, teaching and learning can be used meaningfully across all subject areas, and is age and stage appropriate

### *CLPL*

- All education staff are given time, support and resources to meaningfully engage with CLPL on LGBT inclusive education including time for collegiate discussion and personal reflection
- All education staff and the wider establishment community have access to adequate advice and guidance in relation to the approach to LGBT inclusive education and support for LGBT people
- CLPL approaches include intersectional perspectives across equality strands

### *Partnership working*

- Parents, carers and the wider establishment community are supported to understand the importance of LGBT inclusive education and the positive benefits for learners

- The establishments have meaningful and sustained engagement with expert organisations for guidance, and keep up to date with specialist knowledge on how to embed learning and monitor progress

Here are some examples of schools which have developed their approach to LGBT+ inclusive education:

Bishopbriggs academy:

<http://www.bishopbriggs.e-dunbarton.sch.uk/pupil-zone/lgbtqplus/>

Penicuik High School:

[https://www.midlothian.gov.uk/news/article/3537/penicuik\\_high\\_school\\_aiming\\_for\\_lgbt\\_charter\\_status](https://www.midlothian.gov.uk/news/article/3537/penicuik_high_school_aiming_for_lgbt_charter_status)

Dumfries High School:

<https://www.dumfriesschools.co.uk/school-information/gsa/>

Barrhead High School:

[https://twitter.com/Equality\\_BHS](https://twitter.com/Equality_BHS)

## Recommended actions for EIS members:

USE this guidance and the reflective questions as the basis for collegiate discussion on LGBT inclusive education within your establishment.

RAISE any emerging issues with your management team.

SEEK reviews and updates in practice where required in light of the advice.

CONSULT with the resources available, such as the TIE campaign, and your local EIS branch/association.

REQUEST access to relevant professional learning opportunities on LGBT inclusive education

CONTINUE to monitor progress towards LGBT inclusive education, including increases in positive attitudes and behaviours towards LGBT people amongst learners and staff.

## EIS informal LGBT+ Network and LGBT+ Sub-committee

The EIS have an informal LGBT+ Network which meet a few times each year, usually online. If you would like to become part of the Network please email [equality@eis.org.uk](mailto:equality@eis.org.uk).



The EIS also has an LGBT Sub-Committee, which has four co-opted spaces for members of the EIS LGBT Network. Any member can nominate themselves to the Sub-Committee and elections take place annually. Information surrounding the Sub-Committee will be shared with the LGBT+ informal network, so please get involved if you would like to be part of it! The Sub-Committee feeds into the work of the Equality Committee and helps to shape the EIS approach to LGBT+ inclusion, so participation from members is highly valuable.

Useful resources and contacts

[www.eis.org.uk/equality/lgbt](http://www.eis.org.uk/equality/lgbt)

<https://www.eis.org.uk/reps/equality-reps>

[www.tie.scot](http://www.tie.scot)

[www.lgbteducation.scot](http://www.lgbteducation.scot)

*This is a working document and will be updated as required.*

# **EIS Briefing on Facility Time for Equality Representatives**

## Guidance for Local Associations and Branches

### **Key Messages**

- The EIS has a long history of driving the equality agenda within education and in the workplace. Tackling inequality is at the heart of the trade union agenda, and is particularly important now against the current rise of the far right across Europe and beyond.
- Trained EIS Equality Representatives play a key role in embedding the EIS's national advice, guidance, and information into local practice to ensure grassroots engagement, and provide advice on equality related components to casework and policies.
- The statutory entitlement to facility time covers Trade Union Representatives, Health and Safety Representatives, and Learning Representatives, but does not cover Equality Representatives.
- Equality Representatives largely carry out their duties in their own time, though some LAs and Branches have locally negotiated agreements for facility time.
- Local Associations and Branches are encouraged to investigate whether stronger links can be built with the work of Equality Representatives and whether their role is fully utilised, as well as considering strategies for negotiating for locally agreed facility time.

### **Background**

A resolution passed at the 2022 EIS AGM stated:

"That this AGM repeats the call for a statutory entitlement to facility time for Equality Representatives and instructs Council to:

- a. Investigate the current arrangements with regards to facility time for Equality Reps working in the public sector, across all four UK jurisdictions;
- b. Raise the matter with the STUC and the TUC, with a view to exploring joint campaigning potential at national and UK levels; and
- c. Contribute to any subsequent campaigning as appropriate."

This briefing has been agreed by the EIS Equality Committee, in pursuance of the above resolution.

The equality agenda is at the heart of the trade union movement, and Equality Representatives can play an essential part in embedding the EIS's national equality work and building momentum for action, locally. It is clear that, here as across Europe and further afield, a rise in far-right organising targeting

marginalised groups, necessitates sustained and unified trade union solidarity action.

Currently, Equality Representatives have no statutory rights to time off, training or facility time. This greatly impacts the ability of trained Equality Representatives to utilise their skills and expertise to the benefit of the Local Association/Branch.

Some Local Associations and Branches will have some facility time for Equality Representatives, secured through locally negotiated agreements. The EIS Equality Committee oversees the development and growth of the Institute's cadre of Equality Representatives and has an Equality Rep Network.

### **The Equality Representative Role**

To become an EIS Equality Representative (hereafter, 'Equality Rep'), members must undertake full TUC training for Equality Reps on existing equality legislation and how it applies in the workplace.

The primary role of the Equality Rep is to advise the Local Association/Further Education or Higher Education Branch, and to engage with and support members on equality issues, as well as taking forward the equality agenda as a whole in the workplace.

It is not the role of Equality Reps to undertake casework or represent members, although they may provide support and advice on equality matters to EIS Reps undertaking that role.

Equality Reps play an active and supportive role within their Local Association/Branch, for example, by:

- offering advice to members on equality legislation as it relates to discrimination, harassment, victimisation, reasonable adjustment and positive action
- advising on equality issues at Local Association/Branch meetings
- providing information and advice to Local Association/Branch officials involved in negotiations related to equality issues.

Another important responsibility of Equality Reps is to assist in the development of an equality agenda at local authority and/or establishment level, and in devising a strategy for its promotion. In doing so, Equality Reps:

- Consult with colleagues on equality issues and gather information to support the development of an equality strategy
- Actively contribute to the creation of equality strategy at Local Authority and/or establishment level on a collegiate basis
- Monitor the implementation of, and review local strategies and policies designed to promote equality

Equality Reps also play a role in ensuring that equality has a consistently high profile within educational establishments. They:

- Discuss equality issues, including the resources needed to deliver the equality agenda and consider examples of good practice, with the Local Authority/college Equality Officer and other EIS Equality Reps
- Promote equality issues through organised meetings and discussion groups, writing articles for newsletters and websites, making use of electronic media and notices, and distributing other relevant EIS/LA information
- Keep colleagues up-to-date on the progress and results of any equality initiatives that the EIS is supporting
- Provide training on equality issues to Local Association/Branch members
- Provide information and advice to Local Association/Branch on equality impact assessments and equality outcomes.

### **Growing the Equality Rep Network**

No training courses to qualify new Equality Reps have taken place in the 2022/23 session due to lack of uptake amongst those on the waiting list, and ongoing uncertainty regarding the future delivery of Equality Rep training.

In 2023, twenty-one Equality Reps engaged in a SUL-funded online learning offer entitled, 'Taking Fair Work Forward', which upskilled Reps on emerging equality issues; anti-racism at work, LGBT inclusive education, autism appropriate workplaces, gender pay justice and reasonable adjustment and Long Covid. These Equality Reps will now be able to keep the LA/Branch abreast of equality related developments that require action.

The EIS currently has 51 Equality Reps in schools, and 14 FELA Equality Reps at 11 different colleges. There are six Local Associations where there are currently no Equality Reps.

Whilst the EIS identifies suitable alternatives for Equality Rep qualifying training courses, there is a need to build up a larger cohort of people who are willing to take on the role and who can be added to the waiting list for training. This is to ensure that there is adequate coverage, and for Local Association and Branches to create the circumstances in which Equality Reps can implement their role effectively.

### **Gaps and opportunities**

*"I would love to take on more work as Equality Rep to promote the issues and take fair work forward. But I currently only have time to deal with things that land in front of me. Instead of being proactive about things."*

## EIS Equality Representative

A recent survey of Equality Reps (18 school-based Reps and 7 FELA Reps) found that 8 out of 23 respondents had some kind of local agreement regarding facility time. This includes Equality Reps who are also Trade Union Reps, who may undertake some equality related duties during the facility time allocated to this wider role.

Other key findings from those who responded to the survey include:

- **Type of work** – out of 20 responses to this question, 13 advised on casework, 13 provided feedback on policies, 10 engaged in events and learning activities, 9 were involved in specific equality related projects. One respondent was presently not involved in any of the above
- **Time** – Respondents spend a variable amount of time per week on their Equality Rep work, depending on demand. The average answer was between 1-3 hours per week
- **Timing** – Most respondents (who do not have facility time) carry out their work in their own time, before work, in the evening and at the weekend
- **Collaboration** – Most respondents (18) worked in collaboration with other EIS representatives, and several reported on equality issues at the Branch/LA Executive meetings. 4 respondents stated that they did not collaborate regularly or were involved with other EIS Reps

In terms of other activities that Equality Reps would like to get involved with, some expressed a desire to be more proactive; to review and create equality related policies and run equality related events. Time constraints and workload demands were cited as barriers to this. Many respondents were clear in their call for facility time.

Equality Reps valued the training and support provided by EIS HQ and requested more regular equality related learning updates, and time for peer support.

### **Making the case for facility time**

Many local facility time agreements do not stipulate how the time should be split between Representatives. Local Associations and Branches should consider negotiating to expand the allocation within the agreement, specifically for Equality Reps, rather than being required to take time away from another Rep.

There are a number of current national initiatives which can be highlighted when negotiating for facility time for Equality Reps, who can help take the agenda forward in a way that is inclusive of staff members with protected characteristics, including:

- The work of the Anti-Racism in Education Programme (AREP), which includes work towards meeting the diversity target of 4% BAME

teachers by 2030<sup>1</sup>. The EIS has developed separate guidance on this, for LA Secretaries.

- The rollout of a national expectation that all Local Authority run schools deliver LGBT Inclusive Education, since 2021<sup>2</sup>.
- Forthcoming guidance on Gender Based Violence in schools<sup>3</sup>.

### **EIS advice**

- Consider where equality related issues currently sit within your LA/Branch, and where there are opportunities for Equality Reps to get more involved.
- Consult with Equality Reps and others interested in taking on the role, about what equality issues they have identified as requiring Local Association/Branch activity or response.
- Consult your Equality Rep for suggestions on what they would be able to get involved with, if they were given facility time, and the benefits this would bring to the Local Association/Branch/establishment.
- When making the case in negotiations for an expansion of facility time for equality related union activity, you may want to consider the establishment's improvement plan, or recent national developments, commitments and requirements such as the ones listed in this briefing.
- If you do not have an Equality Rep in your LA / Branch, share the Equality Rep flyer and information about the role contained within this briefing, to encourage others to step forward.

### **Links**

<https://www.eis.org.uk/equality-reps/equal-rep-contacts-fe>

<https://www.eis.org.uk/contacts/equal-rep-contacts>

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<sup>1</sup> <https://www.gov.scot/groups/race-equality-and-anti-racism-in-education-programme-stakeholder-network-group/>

<sup>2</sup> <https://lgbteducation.scot/>

<sup>3</sup> <https://www.gov.scot/groups/gender-based-violence-in-schools-working-group/>

# The Educational Institute of Scotland

## Occupational Maternity Pay and Maternity Rights

1. Introduction
- 1.1 The following resolution was approved by the 2022 Annual General Meeting:

***"That this AGM instruct Council to:***

- a. *investigate and report on the extent to which supply teachers and teachers on fixed term contracts are able to access Occupational Maternity Pay and other maternity rights*
  - b. *use findings from that report to campaign for improvements in maternity provision at SNCT."*
- 1.2 The Salaries Committee agreed to seek input from the Equality Committee/Department.
2. The contractual provisions in the SNCT Handbook
- 2.1 The contractual position relating to occupational maternity pay and other maternity rights are outlined in the SNCT Handbook.
- 2.2 For all Family Leave, any previous employment (including probationary periods) with councils and any other employment deemed by the council to be relevant, should be counted as continuous service (as defined in the Employment Rights Act 1996) subject to a gap in employment not exceeding one working week. (7.1.2 of the SNCT Handbook).
- 2.3 All periods of family leave count towards continuous service (7.1.9 of the SNCT Handbook).
- 2.3 The maternity pay entitlements for teachers are outlined in paragraphs 7.2.4 and 7.2.5 of the SNCT Handbook and are reproduced below.

***7.2.4 An employee with less than 26 weeks' continuous service at the beginning of the 15th week before the EWC will have no entitlement to maternity pay. She may, however, be entitled to Maternity Allowance payable through the Department of Work and Pensions.***

***7.2.5 An employee with at least 26 weeks' continuous service at the beginning of the 15th week before the EWC is entitled to be paid:***

***(a) Occupational Maternity Pay (OMP) and Statutory Maternity Pay (SMP) at the appropriate rate for the first 13 weeks. Taken together, these payments will be equal to the employee's normal salary, and where eligible,***

*(b) SMP for the remaining 26 week period, provided that the **employee's average weekly earnings are not less than the lower earnings limit for National Insurance contribution liability.***

- 2.4 Short-term supply teachers are defined in the SNCT Handbook as those teachers who are engaged on periods of work of 2 days or fewer. Pay is calculated on the hourly rate as defined in paragraph 1.8 of the SNCT Handbook and applied to the daily hours worked in accordance with Section 2, paragraph 3.3 of the SNCT Handbook.
- 2.5 Where it is known at the outset that the requirement for cover is likely to extend beyond 2 days, a fixed term temporary contract (in accordance with the SNCT Code of Practice on the Use of Fixed Term Temporary Contracts) and any relevant LNCT Agreements should be issued. (Part 2 Appendix 2.8 A - Code of Practice on the Engagement of Short-Term Supply Teachers).
- 2.6 Accordingly, the extent to which supply teachers and teachers on fixed term contracts are able to access Occupational Maternity Pay and other maternity rights is contingent on the qualification periods highlighted in the SNCT Handbook with specific reference to 7.1.2, 7.2.4 and 7.2.5 outlined above.
3. Published Statistics
  - 3.1 The teacher number statistics and the number of teachers used in pupil teacher ratio calculations, published annually in the Summary Statistics for Schools in Scotland, include only those teachers defined **as 'on roll' (or 'in complement') during the week of the census.** This is based on the full-time equivalent (FTE) of teachers in post at the **time of the census with one of the 'status categories' which includes** the number of teachers who are replacing those on maternity leave. Unfortunately, no other information is provided which identifies the number of supply teachers and teachers on fixed term contracts who are on maternity leave.
  - 3.2 The Office for National Statistics (ONS) collects, analyses and disseminates statistics about the UK's economy, society and population. Unfortunately, the ONS does not collect information from individual businesses on the details of employees' maternity leave arrangements.
  - 3.3 Additionally, where information is collected from businesses, it is done so under legislation that prevents ONS from disclosing any information relating to, or that might identify, an individual business. This legislation is contained within Section 39 of the Statistics and Registration Service Act 2007 (SRSA) which makes it an offence to disclose information held by the Statistics Board for statistical purposes that would identify a body corporate.



4. Future Action

4.1 The EIS Reps on the **SNCT Teachers' Panel** have already called on the SNCT to improve maternity and paternity conditions for teachers. The terms of this resolution should be subsumed into that work and processed through the SNCT where possible.

4.2 In addition, the following resolution was also approved by the 2022 Annual General Meeting:

Maternity Leave and Pay

"This AGM calls on the EIS, in conjunction with other education trade unions, the STUC and TUC where possible, to campaign for improvements in maternity leave and pay arrangements across all **public sector schemes.**"

4.3 The terms of this resolution should be subsumed into this campaign on Maternity Leave and Pay which is being processed by Executive Committee and the Strategy-Sub-Committee.

# The Educational Institute of Scotland

## Family Friendly/Flexible Working for Teaching Staff

### 1. Introduction

- 1.1 The following resolution was approved by the 2022 Annual General Meeting:

***"That this AGM instructs Council to investigate and report on ways that would allow Local Authorities to allow more family friendly, flexible working opportunities for teaching staff with regular childcare and/or caring responsibilities."***

- 1.2 In addition, input from the Equality Committee/Department was sought.

### 2. Local Authority Policies

- 2.1 There is no national policy in COSLA on Flexible Working, but there are many councils who have local policies.

- 2.2 All employers have a legal duty to protect the health, safety and welfare of their staff. This includes minimising the risk of stress-related illness. A clear flexible working policy can form an important part of this duty, especially when integrated with broader staff wellbeing policies.

- 2.3 Local Authorities could allow more family friendly, flexible working opportunities for teaching staff by considering the implementation of some of the following.

- Staggered hours. This occurs when the employee has different start, finish and/or break times.
- Compressed hours by working full-time hours but over fewer days.
- Annualised hours. This occurs where the hours of work vary across the year to suit the school and employee.
- Part-time working.
- Job sharing.
- Working from home.
- Phased retirement.

- 2.4 Teachers and associated professionals should be entitled to make reasonable adjustments to their working hours to achieve work/life balance which is suitable for them. However, given the inflexibility of the teaching timetables, flexible working for teachers and associated professionals is more likely to take the form of part-time work or job sharing.

### 3. Making a Statutory Request for Flexible Working

3.1 The statutory right has certain limitations. It is for these reasons that the EIS recommends that in most cases, members seek flexible working arrangements informally before relying on the statutory procedure outlined below.

3.2 In order to make a request for flexible working employees will need to:

- **be an employee with 26 weeks' continuous** employment at the date of application;
- have a child under the age of 17 or, in the case of a disabled child, under the age of 18;
- be a carer for an adult in need of care and/or
- confirm that they have not made another application to work flexibly within the previous 12 months.

3.3 Employees can request changes to:

- hours of work (e.g. from full-time to part-time work)
- the time they are required to work (e.g. to start or to stop work earlier or later)
- their place of work (i.e. to work from home).

3.4 **The UK Government is currently supporting a Private Members' Bill** [the Employment Relations (Flexible Working) Bill] on its journey through Parliament. This Bill was introduced by Yasmin Qureshi MP and will make the other policies law through primary legislation. Under the provisions of this Bill:

- the right to request flexible working should become a day one **right, with no requirement for 26 weeks' service;**
- two requests by an employee should be permitted in any 12-month period;
- the response time should be reduced to two months;
- employers should be required to discuss alternatives if they intend to reject the request; and
- the procedure for making a request should be simplified.

3.5 However, even with these changes, there will still be no right to be granted flexible working and no adjustments to the permissible reasons for refusal. In summary, these developments still fall well short of making flexible working the default position in the workplace.

3.6 An application can be refused for the following reasons (as set out in the Employment Rights Act):

- the burden of additional costs
- detrimental effect on ability to meet customer demand
- inability to recruit additional staff
- detrimental effect on quality
- detrimental impact on performance
- insufficiency of work during period employee wishes to work
- planned structural changes.

- 3.7 The UK Government has also committed to develop guidance to raise awareness and understanding of how to make and administer temporary requests for flexible working. The UK Government also highlights the many positive benefits arising from the implementation of flexible working policies. These include retaining skilled and experienced teachers for the benefit of pupils and workplace; improved staff morale and wellbeing and increased motivation of staff.

Source:

<https://www.gov.uk/government/publications/exploring-flexible-working-practice-in-schools>

#### 4. Future Work

- 4.1 The Salaries Committee should keep this item under review and issue appropriate and updated advice on flexible working policies if the Employment Relations (Flexible Working) Bill is approved by the UK Parliament.
- 4.2 Local associations should seek to secure enhanced flexible working and family friendly policies and highlight the many positive benefits arising from the implementation of these flexible working policies in Councils.

# The Educational Institute of Scotland

## Reproductive Health Issues

### 1. Introduction

#### 1.1 The following resolution was approved by the 2022 Annual General Meeting:

***"That this AGM call on Council to investigate and report on local authority policy on reproductive health issues.***

*The investigation should determine:*

- a. the provision of paid leave for full and part-time staff experiencing reproductive health issues, and*
- b. if this aligns with absence management policies and trigger points.*

*The investigation may include, but is not limited to, absence as a result of:*

- i. fertility treatments,*
- ii. loss through miscarriage or neo-natal death earlier than the 24th week,*
- iii. endometriosis,*
- iv. menstrual problems,*
- v. symptoms of menopause,*
- vi. **penile or testicular disorders.**"*

#### 1.2 In addition, input from the Equality Committee/Department was sought.

#### 1.3 It is recommended that work on this area of EIS policy continues to be monitored and improved by the Salaries and Equality Committees as there are potentially some significant changes being proposed both in Scotland and at UK level.

### 2. Local Authority Policies

#### 2.1 COSLA has not been able to find any SJC national provisions for paid leave for staff experiencing reproductive issues, nor, more specifically, any of the conditions/circumstances mentioned in the EIS resolution list (i) to (vi).

#### 2.2 The Employment Team at COSLA has also helpfully reviewed the Human Resources Advice circulars archived locally and has been unable to find any advice in these about the matters listed.

#### 2.3 It is likely that some of the conditions/circumstances would, depending on the detail, be covered by normal sickness absence provisions in each Council area.

### 3. Fertility Treatments

- 3.1 The Fertility Treatment (Employment Rights) Bill has been presented to the UK Parliament. If this Bill is passed into law, it would give employees a statutory right to take paid time off work to attend fertility treatment clinic appointments.
- 3.2 **In addition, an employee who has a “qualifying relationship” with a person receiving fertility treatment would be entitled to take unpaid time off work to accompany the person to the appointments.** If an employee is dismissed for attending these appointments, it would be regarded as an unfair dismissal.
- 3.3 Other countries have been more forward thinking in their approach to supporting employees experiencing fertility problems. For example, Malta has adopted fertility legislation allowing 100 hours of paid leave for couples undergoing IVF - 60 hours for the woman and 40 for the partner.

Source:

<https://dier.gov.mt/en/Employment-Conditions/Leave/Pages/IVF-leave.aspx>

- 3.4 Whether the UK Parliament supports this Bill will become clearer following the outcome of the second reading in the House of Commons. In the event that the provisions of the Bill are translated into primary legislation, changes will be required in Part 2 Section 7 of the SNCT Handbook which relate to Family Leave. These changes should be taken forward by the EIS representatives on the SNCT and the SNCT Support Group.

### 4. **The Women’s Health Plan** 2021 to 2024

- 4.1 **The Women’s Health Plan** 2021 to 2024 aims to improve health outcomes and health services for all women and girls in Scotland. It sets out how the Scottish Government intends to reduce inequalities in health outcomes affecting women over a three year period from 2021 – 2024. The six priority areas are menopause, menstrual health, endometriosis, abortion and contraception, post-natal contraception and heart health.

Source: <https://www.gov.scot/publications/womens-health-plan/>

- 4.2 The plan argues that **Women’s Health is not only about reproductive health.** It says: *“Our Women’s Health Plan aims to reduce avoidable health inequalities for women and girls across the course of their lives – from puberty to the later years – focussing on those areas that are **stigmatised, disregarded or dismissed as ‘women’s problems’.** By supporting health in women and girls, we can expand their choices and opportunities to achieve their potential.”*
- 4.3 In January 2023, the Scottish Government published a progress report on the implementation of the Women’s Health Plan.

Source:

<https://www.gov.scot/publications/womens-health-plan-report-progress/>

The actions in the Plan are divided into short-term (one year), medium-term (one-to-three years) and long-term (three years or more) timescales. The delivery of the Plan is overseen by the **Women's Health Plan Implementation Programme Board**, chaired by Professor Marion Bain, Deputy Chief Medical Officer.

- 4.4 The progress report highlighted that menopause is one of the key **priorities of the Women's Health Plan**. The report outlined plans *"...to explore the provision of our specialist menopause services to try and understand any differences in the delivery of services currently provided by different Health Boards."*
- 4.5 The progress report also noted that much is already going on in the field of endometriosis both in terms of raising awareness of the condition and in its research. Endometriosis is a long-term condition where tissue, similar to the lining of the womb, is found elsewhere in the body. It affects around 1 in 10 of those who menstruate. Improving access to appropriate support, speedy diagnosis and best **treatment is one of the key priorities of the Women's Health Plan**. The progress report also highlighted that a new [menstrual health resource](#) on the NHS Inform Women's Health Platform has been launched. Menstrual health content, including endometriosis and polycystic ovary syndrome, has been reviewed, refreshed and published.

## 5. **Women's health and the workplace – TUC**

- 5.1 In March 2023, the TUC published its response to the call for evidence **on a women's health strategy**. This response highlighted specific challenges faced by women in the workplace and made recommendations of how to tackle them, as well as highlighting broader structural issues that any health strategy for women must seek to address.

Source:

<https://www.tuc.org.uk/research-analysis/reports/womens-health-and-workplace>

- 5.2 With regard to menstruation and menopause issues in the workplace, the evidence submitted by the TUC concluded that workplace policies **that can support women's health in the workplace include:**
- Adopting flexible working practices that allow for working in different locations, use of regular and frequent bathroom breaks and reasonable adjustments of rotas, shifts, uniform or equipment to mitigate the disruption and/or discomfort of symptoms.

- Undertake to carry out appropriate risk assessments in line with the Management of Health and Safety at Work Regulations 1999 (as amended) and comply with any other regulations that may apply to a particular work situation. In particular employers should examine air quality, temperatures, natural light and ventilation.
- Employers should create a taboo free culture regarding menstruation and menopause. This could include providing short training sessions, providing workers with information, or displaying posters through the workplace advertising their period and menopause policies.
- No one should work when they do not feel well, for whatever reason. Workplaces should seek to tackle the culture of presenteeism, and sickness and absence policies should not penalise women for needing time off due to menstruation, menopause or any gynaecological health reasons.

## 6. Summary of Interim Recommendations

- 6.1 It is recommended that the terms of this EIS 2022 AGM resolution be taken forward within a wider strategy of improving equality at work. **The Women’s Health Plan 2021 to 2024** Plan highlighted “... *the systemic failures that exist for women in Scotland. This is our opportunity to address these inequalities and build a fairer future where health outcomes are equitable across the population of Scotland so that all women enjoy the best possible health throughout **their lives.***” This should become part of the long-term work of the EIS.
- 6.2 Local associations should seek to secure workplace policies that can support reproductive health issues in the workplace as outlined in paragraph 5.2 above.
- 6.3 Any changes to fertility treatment provisions should be taken forward by the EIS representatives on the SNCT and the SNCT Support Group.