



LA Secretary Briefing
EIS Position in relation to the Remote
Delivery of Teaching and Learning

February 2026

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Purpose and Scope

The purpose of this briefing is to set out the EIS's policy on the remote delivery of teaching and learning by electronic means and to offer advice to Local Association Secretaries on how to approach proposals for such delivery, should they arise in their area.

This advice relates specifically to the remote delivery of teaching and learning via online platforms of *synchronous* teaching and learning of the school curriculum to learners who are not physically present in the same space as the class teacher. This will be referred to throughout the briefing as 'remote delivery'.

For clarity, the briefing will not cover wider aspects of online learning/e-learning/digital learning (such as pre-recorded *asynchronous* lessons, teacher uploaded materials, external online teaching and learning resources). Separate advice may be issued in this area at a later date. If LA Secretaries have any questions about remote learning which do not fall within the parameters of this guidance, then they should contact the Education and Equality Department or the Employment Relations Department, as appropriate, for further advice.

EIS policy

A [resolution](#) carried at the 2023 EIS AGM committed the EIS to continue campaigning for the 'primacy of face-to-face classroom interactions as a fundamental component of quality learning and teaching', and further resolved to oppose any plans for the 'expansion of online learning options' that would 'lead to the replacement or devaluing of the role of the classroom teacher in delivering quality learning, teaching and assessment within classrooms or other physical learning environments as appropriate to learner needs'. This commitment was reaffirmed by a 2024 EIS AGM resolution which placed this pledge 'at the heart of [the Institute's] campaigning and policy work'.

Context

In the period of full and partial school closures due to the Covid-19 pandemic, the EIS, with partners including Scottish and Local Government, recognised that a package of online learning was required to maintain some continuity of learning for children and young people, and to mitigate – to the greatest degree possible – the wellbeing harms of school closures.

The EIS was clear that

- Learning and teaching occur most effectively when teachers and pupils work together face to face in classrooms.
- Online learning is no substitute for face to face in school delivery – in style, approach or hours of delivery.

- Online learning could in the exceptional circumstances of the pandemic include live or recorded remote delivery of teaching and learning, but this would be subject to local agreement at LNCT with safeguarding protocols in place.
- It would be recognised that teachers' contractual position remained unchanged and that participation in live remote delivery would be voluntary.
- On no account would teachers deliver lessons in class which would simultaneously be live-streamed to pupils in remote locations.
- The supervision of classes engaging in remote learning from within physical classrooms could only be undertaken by GTCS registered teachers.
- This was an emergency response specific to the conditions of schools being wholly or partially closed due to the Covid 19 pandemic.
- Any arrangements agreed for this purpose would only pertain for the limited and sole purpose of responding to the challenges of teaching and learning during the pandemic and should not extend beyond that period.

The National e-Learning Offer (NeLO) was launched in 2020 by the Scottish Government in partnership with Education Scotland, ADES and e-Sgoil (an e-learning service established in 2016 by Comhairle nan Eilean Siar.) Whilst the NeLO proved to be of some service in providing and directing teachers with and to support, training materials and events in the digital area throughout the lockdown periods, the EIS, which was represented on the NeLO Working Group, expressed concern that the parameters of NeLO were poorly drawn and that e-learning initiatives were being allowed to develop, beyond the scope of pandemic response, in a policy and governance vacuum. In response, NeLO officials referenced the SNP's 2021 [election manifesto](#) commitment to establish a "*National Digital Academy to enable people to study for Highers at any time, any place, any age,*" as justification for the NeLO's exploratory work in this area. Despite official assertions that the NeLO does not seek to replace or devalue core curriculum provision, and was focused on 'additionality', EIS representatives constantly challenged the push among members of the working group to align Senior Phase timetables across secondary schools – a clear step towards the facilitation of remote delivery of core curriculum.

Currently, e-Sgoil offers a [programme of National Qualifications](#) and other SCQF courses delivered remotely, to which Scottish schools, regardless of location, can subscribe for a fee. It also offers live online BGE lessons and an online supply teaching service. An output of the former Regional Improvement Collaboratives has been the creation of e-learning hubs, 'virtual campuses' and 'online schools' such as [West OS](#) and [South West Connect](#), the latter offering timetabled remote delivery of National Qualifications across schools in the partnership.

In late 2025, the Scottish Government launched a 'Rapid Review of Online Learning', which is expected to be concluded by the close of the Parliamentary term. In its representations, the EIS was firm in stating its opposition to the remote delivery of core curricular education and highlighted that a number of disputes had been lodged in this regard by EIS Local Associations with employers across Scotland.

Concerns from EIS Local Associations

Communications received from several Local Associations suggest that several local authorities have implemented or are planning to implement, forms of remote delivery of teaching and learning. These include:

- Online consortium arrangements where National Qualifications (most commonly, but not exclusively, Advanced Highers) are delivered by a teacher in one location with some or all learners joining the lesson online from other locations.
- The use of audio-visual equipment and 'telepresence devices' (sometimes designed as 'robots', 'owls' or other avatars) placed in a classroom to transmit the lesson to pupils who are not physically present.
- The assignment of teachers to remits or posts which specify the delivery of remote synchronous learning and teaching.

It has been reported that local authorities have offered the following rationale for the introduction or planned introduction of remote delivery:

- Insufficient staffing and timetable capacity to justify low-uptake courses;
- Difficulties in recruiting subject specialist teachers in some areas;
- Time-saving for pupils who formerly had to travel to neighbouring schools under consortium arrangements;
- Equity of access to the senior phase offer for all pupils regardless of location;
- Enhanced opportunities for self-directed learning aligned with the expectations of higher education;
- Suitability for some groups of learners including those with neurodivergence;
- Inclusion of learners who cannot attend school or class due to illness, anxiety, emotionally-based school avoidance etc;
- A voluntary opportunity which staff can elect to take up, with no element of compulsion involved.

EIS position

The EIS is clear that teaching of the core curriculum to learners (3-18) is premised on in-person delivery by GTCS-registered teachers in their designated place of work. Where employers or school management seek to introduce elements of remote delivery of the teaching of the core curriculum, Local Associations should have regard to the following in seeking to uphold EIS policy:

- ***Relevant contractual provisions***

- (i) The Conditions of Service contained within the SNCT Handbook do not provide for digital delivery or delivery of teaching and learning beyond a classroom setting.
- (ii) There is no contractual requirement in the National Scheme of Conditions of Service contained within the SNCT Handbook for

teachers to deliver live lessons via electronic or other means to pupils who are not present in the same classroom as the teacher.

- (iii) Part 2 of the SNCT Handbook sets out the main and specific duties of teachers on the provision outlined above.
- (iv) Section 2.3 states that *'teachers have a responsibility to support the health, safety and wellbeing of young people in school'*.
- (v) Part 2, Section 2.8 outlines specific duties as being, *inter alia*, *'to manage and organize classes through planning and preparing for teaching and learning'* and *'to assess, record and report on the work of pupils' progress to inform a range of teaching and learning approaches'*. Part 2, Section 2.8 also references duties as being school based.
- (vi) Appendix 2.9 of the SNCT Handbook also makes provision for class size maxima.
- (vii) Part 3 of the SNCT Handbook sets out the conditions relating to the working year and working week of teachers on the same proviso as outlined above.
- (viii) Part 3, Section 3.10 states *'All tasks which do not require the teacher to be on the school premises can be carried out at a time and place of the teacher's choosing: teachers will notify the appropriate manager of their intention in this respect.'*
- (ix) The SNCT devolves certain 'Devolved Matters' which individual LNCTs can vary through local collective agreement. LNCTs do not have the power to vary national Conditions of Service that are not listed as 'Devolved Matters'.
- (x) Part 4 of the SNCT Handbook sets out the national conditions for 'Devolved Matters' that apply in the absence of LNCT agreements. The method of delivery of teaching and learning is not a Devolved Matter for agreement through LNCTs.

• **Relevant Legislative and Policy Provisions**

- (i) Section 1 of the Education (Scotland) Act 1980 and section 2(1) of the Standards in Scotland's Schools Act 2000 place a statutory duty on local authorities to secure the 'adequate and efficient' provision of education in their area.
- (ii) The Education (Additional Support for Learning) (Scotland) Act 2004 obliges local authorities to identify, provide for and review the additional support needs of their pupils.
- (iii) In delivering these statutory obligations, Regulation 4 of the Requirement for Teachers (Scotland) Regulations 2005 provides that the education authority will 'only employ a registered teacher as a teacher'.
- (iv) 'Registration' in this context is defined as being with the General Teaching Council for Scotland (GTCS).
- (v) A decision from the Court of Session provides that 'the requirement to employ a registered teacher 'whose particulars are recorded in the register' imports a need to employ teachers only in accordance with

the particulars of their registration', i.e. in accordance with their category of registration.

- (vi) These specific duties in relation to the delivery of education must be seen within the wider context of Getting it right for every child (GIRFEC) policy, safeguarding (including child protection) and the responsibilities placed on local authorities under the Children (Scotland) Act 2015 and the Children and Young People (Scotland) Act 2014.
- (vii) These duties and the centrality of safeguarding principles are emphasised in the [Education Scotland Child Protection and Safeguarding Policy](#).

- ***GTCS Registration and Professional Standards***

- (i) The GTCS is clear that registration categories matter and that employment should align with the category of registration, i.e. primary teachers are to be employed in the primary sector; secondary teachers are to be employed in their registered secondary school subject category; and college lecturers are to be employed in further education.
- (ii) The [GTCS Professional Standards](#) set out the range of professional skills and abilities which a teacher is required to demonstrate in discharging their role.
- (iii) These include planning effectively to meet learners' needs, effectively utilising pedagogical approaches and resources, effectively engaging learner participation, effectively employing assessment, evaluating progress, recording and reporting 'as an integral part of the teaching process to support and enhance learning'.

- ***Implications of the contractual provisions, legislation and policy on pedagogy and practice***

- (i) As the SNCT Handbook does not provide for digital delivery, there is **no contractual requirement** for teachers to deliver live lessons via electronic or other means to pupils who are not present in the same classroom as their teacher.
- (ii) Teachers **cannot** be compelled contractually to deliver live lessons on this basis.
- (iii) A teacher **cannot** be instructed to teach more than one cohort of learners in more than one location simultaneously.
- (iv) It is clear from the legislative and policy framework outlined above that if teaching is being delivered remotely, a GTCS registered teacher must be present in the receiving class for both legal and pedagogical reasons.
- (v) Furthermore, in line with the Court of Session case, that teacher must be employed in accordance with the relevant category of registration and therefore, be the appropriate subject specialist in the area being taught.

- (vi) Only through such engagement, can there be 'adequate and efficient' provision of education.

- **Further considerations**

Whilst the EIS position outlined above is based on contractual, regulatory and legislative elements, the following points offer challenge to the justification for remote delivery commonly advanced by proponents of this approach:

- (i) **Pedagogical concerns** – A teacher delivering remotely will not be able to supervise, assess engagement and understanding or provide the necessary support which may be required to meet learners' needs and determine next steps in accordance with the GTCS Professional Standards. From a pedagogical perspective, another GTCS registered teacher in the relevant subject would require to be present with the children, observing and assessing understanding throughout delivery and in subsequent completion of any supplementary activities, discussion or engagement.
- (ii) **Differentiation and meeting needs** - Teachers use differentiated strategies to meet the needs of the learners in a class whilst assessing understanding through formative assessment tools and providing support and challenge throughout the lesson. Without having a GTCS registered teacher in the relevant subject area present, these key elements of the duties set out in the contract and in the GTCS Professional Standards could not be discharged. Furthermore, if a teacher is not in class, how can they effectively discharge their responsibilities under GIRFEC? Key health and safety considerations as well as safeguarding and child protection principles are undermined by proposals to introduce remote delivery of teaching and learning.
- (iii) **Class size concerns** - Consideration also needs to be given to the numbers of pupils to whom delivery is being streamed. The constraints on class sizes specified in the SNCT Handbook are contractual and are based upon both pedagogical and health and safety considerations. If a lesson were to be streamed to pupils beyond these numbers, then there is the potential for breach of the SNCT agreement in class sizes, as well as such delivery being outwith the terms of the SNCT Handbook in of itself.
- (iv) **Privacy, safety and data security concerns:** Live streaming of teachers' voices and images falls within the legal and regulatory framework governing the use of data, and place particular obligations on schools. Employers have claimed, incorrectly, that live-streaming platforms, devices and telepresence avatars present no risk to privacy, safety and data security as they should have their recording capabilities disabled. However, where lessons are live-streamed to learners unsupervised by a classroom

teacher, teachers and schools have little control over streamed sound, images and other data. Further, it is unclear how devices deployed to track only the voice and image of the delivering teacher will not inadvertently capture the voices and image of children, young people and other school staff.

- (v) **Equity:** a number of education authorities have sought to justify the roll-out of remote online delivery by claiming it offers all learners equity of access to a full complement of qualifications, rather than the limited offer available in individual schools. This argument relies on a partial view of equity, as pupils learning remotely without the presence of a specialist teacher are, in general, disadvantaged compared to others who learn in-person. This is underpinned by the principle that teaching is by its nature a human-centred endeavour.

Further, there is academic research in Scotland which concludes that curriculum narrowing arises in the Senior Phase due to the pressure on schools to pursue a narrow range of data metrics. Significantly, this found that the Senior Phase curriculum offer was narrower in schools serving areas of socioeconomic disadvantage. Whilst it could be argued that allowing learners in disadvantaged communities access to the same choice as their peers in advantaged areas provides equality of opportunity, significant inequity persists.

Whilst young people are entitled to a Senior Phase where they can continue to develop the four capacities and to acquire qualifications, and whilst schools are obliged to support them to fulfil their potential, the range of qualifications available to them has always varied to an extent, depending on schools' capacity and resources. The EIS believes that education authorities who wish to expand the options available to young people in their schools should invest in sufficient teachers to deliver these qualifications in-person in schools.

- (vi) **Pedagogy and the Senior Phase:** This paper outlines a number of the pedagogical reasons which underpin the necessity and primacy of in-person teaching and learning in general. In addition, the EIS would highlight that whilst some educators possess some training and expertise in online delivery, the majority of teachers do not. Further, SQA qualifications are not designed to be taught or learned via online remote delivery. The landmark OECD report that criticised the Senior Phase as misaligned with the aims of the curriculum and focused on 'memorisation and rote learning', praised Advanced Higher as consistent with the curriculum's aims where learners experienced small group study and 'more meaningful approaches to learning'. It is ironic that the only

aspect of the Senior Phase deemed to be working well is the focus of efforts to largely remove it from in-person delivery in schools. Contrary to assertions that remote delivery empowers learners to direct their own learning and is vital preparation for university, there is much evidence emerging from post-school education of significant levels of disengagement, dissatisfaction and dropping out.

- (vii) **Teacher recruitment issues:** Remote delivery has been proposed in some areas as a response to difficulties in filling teacher vacancies. The EIS is concerned that in the medium to longer term, this obviates the need for employers to fill vacancies and/or maintain senior course options leading to poorer learning conditions for young people and poorer working conditions for teachers. Whilst the EIS has no direct locus in regional or local infrastructure, it is obvious that reduction of professional and curriculum capacity in rural schools will have an adverse impact on communities. The EIS has been consistent in calling for the recruitment and retention crisis to be addressed through central and local government supporting teachers in acquiring additional registration, through rational workforce planning including increased teacher numbers and by addressing the attractiveness of teaching as a career.

- (viii) **Supporting school attendance:** For the avoidance of doubt, the use of telepresence devices (robots, owls etc) in classrooms, however they are designed, is a form of remote delivery (with some telepresence avatars reported to create distraction in the classroom and to lead to disruptive behaviour). The tech companies marketing such devices claim that their wares help overcome isolation, mitigate the impacts of school absence, assist with return to school and improved attendance overall. There is however, limited independent evidence for these claims, and the risk that such devices may entrench isolation and absence from school must be rigorously and independently assessed. Moreover, Scotland's national guidance on school attendance, "Included, Engaged and Involved", premises attendance on children and young people being present at school and engaged in school learning. There is a genuine risk that remote teaching and learning initiatives, under the guise of inclusion, actually enable exclusion – particularly for learners with ASN, including the most vulnerable children and young people.

Potential Remedies or Actions for consideration by the Local Association

- (i) **LNCTs/Dispute** – Given the context of the Conditions of Service contained within the SNCT Handbook, where any Local Authority proposes a form of digital delivery, the matter should be discussed at LNCT before any proposals are planned or implemented. Local

Associations are advised to make clear that SNCT Conditions of Service do not provide for digital delivery and as such, teachers cannot be compelled to engage in such delivery. If a Local Authority continues to seek to implement digital delivery following discussion at LNCT, then Local Associations are advised to record a failure to agree/dispute in line with the arrangements contained within LNCT Local Recognition and Procedure Agreements.

- (ii) **Grievance** – where an individual teacher or group of teachers are being instructed or compelled to engage in the delivery of live remote lessons, consideration can be given to raising a grievance or collective grievance through agreed LNCT grievance procedures. In such situations, school representatives should inform Local Association Secretaries who can, in turn, seek advice and support from Area Officers.

- (iii) **Advice to members** – Members should be advised of EIS policy in this area. Accordingly, members should be advised **not** to volunteer or elect to engage with digital delivery. Where individual teachers are considering electing to deliver live remote lessons, or where management seek 'volunteers' to deliver such, communication to members should centre on the consequential impacts on staff as a whole in terms of timetabling, workload and job security as well as the impact on pupils in terms of the delivery of quality learning and teaching.

Further information

Local Association Secretaries can contact their Area Officer, the Employment Relations Department or the Education Department as appropriate for further information in relation to this briefing.



The Educational
Institute of Scotland

Printed and published by
The Educational Institute of Scotland,
46 Moray Place, Edinburgh EH3 6BH