

EIS Advice on the Resumption of Education Scotland Scrutiny Activity, September 2021

Education Scotland recently announced its intention to resume its scrutiny activity, which was paused in March 2020 to take account of the disruption of the pandemic.

As reflected in the press release issued on Friday 17th September, the EIS considers this move to be wholly inappropriate in the context of continuing Covid disruption and the current unprecedented levels of teacher and pupil absence.

Until December, HMIE intends to engage with schools awaiting follow-up visits, before moving into fresh inspections in the post-Christmas period.

As this scrutiny activity resumes, so too will EIS monitoring of Education Scotland's approach to inspection when visiting schools and nurseries. We would request that Reps complete the EIS Inspection Monitoring Form¹ and return to the Education and Equality Department (Imeechan@eis.org.uk) as soon as possible after an inspection has concluded.

The following advice should be read in conjunction with existing EIS advice for Primary/Nursery², Secondary³ and Special Schools⁴.

Focus of HMIE Inspection Activity

Education Scotland has stated its intention to

'change their approach to take account of the impact that Covid-19 has had'

and

'...continue to support the Scottish education system to recover from the impact of the pandemic. In devising the scrutiny programme for this academic year HMIE are taking account of the ongoing pressures resulting from the pandemic...'

The EIS would expect, therefore, that Education Scotland inspectors demonstrate due sensitivity to the many challenges that schools and nurseries, involving staff at all levels and in all roles, have faced in:

- maintaining Covid security in the interests of the health and safety of all in the school community
- responding to the wellbeing needs of young people and staff
- responding to trauma
- supporting families in a variety of ways
- adjusting pedagogy to take account of safety measures
- adapting to remote learning provision
- ensuring effective continuity of education provision amidst often high levels and recurrence of pupil and staff Covid-related illness and absence
- seeking to prioritise Recovery as directed by Education Scotland and Scottish Government's own guidance⁵

¹ <https://www.eis.org.uk/Account/EISLogin?ReturnUrl=https%3A%2F%2Fwww.eis.org.uk%3A443%2FMember%2FSchoolInspectionFeedback>

² <https://www.eis.org.uk/Content/images/Policies/AGM%202018%20%20EIS%20Inspection%20Advice%20-%20Primary.pdf>

³ [https://www.eis.org.uk/Content/images/Policies/AGM%202018%20%20EIS%20Inspection%20Advice%20-%20Secondary_%20\(002\).pdf](https://www.eis.org.uk/Content/images/Policies/AGM%202018%20%20EIS%20Inspection%20Advice%20-%20Secondary_%20(002).pdf)

⁴ <https://www.eis.org.uk/Content/images/Policies/AGM%202018%20%20EIS%20Inspection%20Advice%20-%20Special%20Schools.pdf>

⁵ <https://www.gov.scot/publications/coronavirus-covid-19-curriculum-for-excellence-in-the-recovery-phase/>

- supporting young people through National Qualifications in the most challenging of circumstances, in the case of Secondary and some ASN schools
- generally and sustainedly responding to the Covid crisis with often inadequate additional resources having been made available.

With this in mind, members are asked to report to Reps the extent to which they find:

- inspectors to have taken account of the context outlined above throughout the course of the scrutiny activity within the school/ nursery;
- the inspection process to have been helpful in supporting the recovery process within the school/ nursery.

Reps are asked to include such reflections within the EIS Inspection Monitoring Form.

Collegiate Discussion

Education Scotland has stated that it plans to have:

'discussions with leaders and practitioners as to the impact of the pandemic and the actions the school has taken and continues to take to support recovery and HMIE will discuss with staff the progress around the areas for development identified from earlier scrutiny activity. Following the visit, HMIE will publish a report.'

The EIS expects such discussion to be conducted in the spirit of the Empowerment agenda- collegiately and in a way that respects the professionalism of teachers.

Whilst it is understood that not all school communities have been affected by Covid disruption in the same ways or to the same degree, no school or nursery has been unaffected. All have faced challenges, many of which have been exacerbated by inadequate staffing resource, as evident both during the periods of remote learning and at points while schools have been open when Covid-related absence among teachers has been high.

Yet the response of schools in the face of such adversity has been testament to the strength and depth of the professional commitment that teachers have to the young people that they teach and to their families.

In such a context, the EIS advises members, including Headteacher and Depute Headteacher members, to be honest and frank in conversations with inspectors about the impact of the pandemic and associated disruption on learners, themselves and colleagues, and on families within the school community, and about the strength of the school's response.

The extent to which schools and nurseries will have been able to progress with improvement priorities as directed by previous inspection activity will, understandably in the midst of a global pandemic, be dependent on the intensity of the Covid impact experienced by the school community.

Schools, teachers and school leaders should not be reticent to highlight the strength of the efforts made and the size of the challenges faced in maintaining education provision during all stages of the Covid-19 crisis so far.

It is against such a backdrop that some improvement priorities may have had to be stood down or set to one side for the time being. This, in most cases, is likely to have been entirely in keeping with Education Scotland and Scottish Government advice⁶ issued in June 2020, that recovery should be the priority.

⁶ <https://www.gov.scot/publications/coronavirus-covid-19-curriculum-for-excellence-in-the-recovery-phase/>

Scheduling of Inspection Activity

Phase 1

Education Scotland has indicated its intention to resume its scrutiny activity before the end of 2021, firstly re-engaging with establishments that had been due to have a follow-up inspection around the time that scrutiny activity was paused, with:

'timing arrangements planned in advance with local authorities and establishment.'

The EIS advises that School Reps should be fully involved in discussions at establishment level, about the timing of any proposed inspection activity, with full account being taken of Working Time Arrangements for any week in which inspection activity might occur. This should also apply with regards to the preparation of any preliminary paperwork requested by inspectors, by Headteachers or other colleagues. All activity relating to inspections must be capable of being overtaken by all teachers, including Headteachers and Depute Headteachers, within the parameters of the 35-hour working week.

Where pre or main inspection activity cannot be accommodated within the Working Time Arrangements in a particular week that Education Scotland has indicated a potential visit, because of other scheduled activity due to take place in that week, either the other scheduled activity should be postponed/cancelled; or, if this is not possible, an alternative week is identified during which an inspection visit and/or any associated preparation can be accommodated.

Opting out

The EIS has argued at national level that where a school/nursery due to be revisited by Education Scotland pre-Christmas is experiencing/ has experienced recent significant Covid-related disruption and/or other significant adverse circumstances, it should be possible to opt out of the process. This is an approach that could be pursued locally, the school working with the local authority to achieve such an outcome.

Phase 2

Education Scotland has also indicated that from January 2022, HMIE will undertake a programme of individual early learning and childcare (ELC) settings and school inspections, continuing to take account of Covid-19 recovery and the context in which establishments and settings have been working.

'Mini-inspections'

This announcement should not prompt any activity not already included within the Working Time Agreement, either directed by the school or the local authority, that is aimed at preparing for inspections 'just in case' a school or nursery is selected.

If this does occur, the matter should be raised immediately by the School Rep with the management of the school, and the Local Association Secretary if necessary, thereafter.

The WTA and post-January Inspection

In the event that notice of an inspection is given at a point in time from January onwards, the Working Time Arrangement advice provided earlier in this guidance also applies, as does the main EIS advice.

Opting out

As for pre-Christmas scrutiny visits and in light of the possibility of a winter spike in infections, schools/nurseries which are experiencing significant Covid-related disruption and/or other significant adverse circumstances, should seek to opt out of the process.

Phase 3

HMIE also plans to carry out three national thematic inspections in the coming months which it says is to support education recovery. The themes are supporting children's and young people's wellbeing; local approaches to recovery; and outdoor learning.

Local Associations and School Reps are encouraged to be involved in any relevant discussions taking place at local authority or school level regarding support for young people's wellbeing, and local approaches to recovery, with particular emphasis on the associated resourcing needs as laid out in the EIS Manifesto for an Education Recovery⁷.

Health and Safety Considerations

Covid Security

The EIS would expect that any planned Education Scotland visit to a school/nursery will be subject to a risk assessment.

In the event that the outcomes of a risk assessment can facilitate a visit to an establishment, inspectors must adhere to the mitigations which are currently in place for all schools/nurseries and any additional mitigations required by the risk assessment. This could mean, for example, that it might not be possible for inspectors to visit certain classrooms where space and ventilation issues would prevent it.

Members should advise the Headteacher and/or the School Rep of any non-adherence to Covid protocols by Education Scotland staff visiting an establishment.

In the event that a risk assessment would conclude intolerable risk associated with an HMIE visit, this should be raised with the local authority and Education Scotland immediately.

Mental health and Wellbeing

The EIS would also expect that Education Scotland staff in visiting any establishment would contribute to efforts towards supporting the mental health and wellbeing of staff, which is a stated priority within all Scottish Government and Education Scotland recovery guidance. Where any member finds this not to be the case, the matter should be raised with the Headteacher and/ or the School Rep.

In discussing the details of plans around inspectors' interactions with staff with the Managing Inspector, Headteachers are advised to consider the wellbeing needs of staff as well as their own in determining final

⁷<https://www.eis.org.uk/Policy-And-Publications/Manifesto>