

The Educational Institute of Scotland

EIS Response to the Scottish Government Consultation on Regulations to Reduce Primary 1 Classes

Views are sought on whether regulations to provide for the statutory maximum of P1 classes of 25 from August 2011 should be introduced.

The mechanisms for establishing class size maxima are subject to a separate review by Scottish Government. The EIS is represented on that working group and holds the view that incorporation of class size maxima into teachers' contracts of employment through the Scottish Negotiating Committee for Teachers offers the most robust mechanism to establish class size maxima. Since the introduction of the Education (Lower Primary Class Sizes) Regulations 1999 (SI 1999/1080) P1 classes were to be reduced to a maximum of 25. The Concordat agreed between Scottish Government and COSLA made a specific commitment to "as quickly as it is possible" to reduce class sizes in P1 and P3 to a maximum of 18. While the current consultative document sets out the Government's intention to reduce class sizes in line with the Concordat the decision to regulate for a class size maximum of 25 sets that commitment to one side, at least in the short term. This confirms to the EIS that, to date, the Concordat has failed to deliver. The consequences for workforce planning and teacher employment are well documented. Therefore, while regulation is not our preferred mechanism to deliver class size maxima and while the maximum of 25 is less than our aspiration of a maximum of 20 the EIS supports introducing regulations to provide for a statutory maximum of 25 from August 2011.

Views are sought on whether we should regulate to introduce a maximum of 25 for P2 and P3 classes too.

The EIS policy is that class size maxima from P1 to S6 should be 20. The current class size maxima are a patchwork quilt of arrangements which are both confusing to parents and potentially unsettling for pupils. Therefore, while the EIS supports extending regulations to P2 and P3 too this should be a preliminary step to providing coherent arrangements from P1 to S6.

Views are sought on what would be an appropriate timescale to P2 and P3 classes.

As noted above the lack of precision in timescale in the commitment in the Concordat has impacted quite negatively on workforce planning including a draconian cut in 2010-2011 training places for prospective primary teachers in Scotland's universities. There is absence in the consultation on planning assumptions required to deliver a policy and this will impact on timescale. Having made that point it is clear that the timescale for P2 and P3 should follow the P1 maxima in two annual stages, otherwise any political momentum will be lost.

Views are sought on the merits of replicating the approach adopted in the 1999 Regulations of permitting the class size limit to be interpreted as a teacher:pupil ratio limit in exceptional circumstances.

The problem with permitting class size limits to be interpreted as a teacher:pupil ratio limit in exceptional circumstances is that there is no apparent constraint on how this exceptional power may be used. In 1999 there were significant concerns relating to school capacity. There is no evidence that setting classes on a pupil - teacher ratio has maintained efficient or effective

learning. The school estate has been upgraded in most Council areas since then and there is no evidence on whether an exceptional rule should be applied. The EIS does not support this proposal as it stands. We would require to be persuaded that there remains significant barriers in capacity to preclude class size maxima being regulated at 25 in P1 or, alternatively, that clear guidelines are set on how any exceptional power may be sought and granted.

Views are sought on whether the “excepted pupil” provisions in the 1999 Regulation have worked effectively and whether the same approach should be replicated in the new regulations.

The EIS wishes the removal of the “excepted pupils” provisions in the 1999 Regulations. The application of the “excepted pupils” rules cuts across uniform provision of class size maxima in Scotland’s schools. Class size maxima have been subject to scrutiny in courts of law. The “excepted pupils” provisions are one avenue of legal challenge and debate. Given the maximum of 25 represents a significant departure from political commitments the EIS believes that the regulations should provide an absolute maximum.

Views are sought on whether Gaelic medium immersion classes at P1–P3 and Gaelic medium composite classes need lower class size maximum numbers.

While the EIS does not disagree with the rationale set out in the consultative document on the demands on teachers in Gaelic medium settings a similar rationale could be extended to teachers who deal with pupils who are new to English. The EIS has also argued that the inclusion of pupils with recognised needs should be provided for by adjusting downwards the class size maxima in those classes to take account of the particular demands. The EIS also believes that class size maxima for multi stage composite classes require to be lower than the maxima for other classes. Therefore, while this proposal has merit, it is difficult to accept a view that this proposal outweighs other circumstances of equal or greater merit for setting lower class size maximum numbers.

Other Comments

Traditionally the composite class size maximum has been set out below the class size maximum for a primary class at one stage. The Scottish Government should set any composite class maximum for P1/P2 pupils below the proposed 25 maximum for a straight P1 class. This would address the demands upon teachers of teaching composite classes. Such a move would also be welcomed by parents.
