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eis

Policy Papers Relating to Minutes of Council 2014-2015

AGM

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The Educational Institute of Scotland

EIS Workload Campaign – Engagement of Members

1. At the last meeting of the Executive Committee in September 2014 it was agreed to prepare a more developed paper on “The Engagement of Members in the Workload Campaign”. It was also agreed to seek evidence on the impact of the Tackling Bureaucracy Report, prior to the Working Group being re-convened. This reconvened meeting is scheduled for 4 November 2014.
2. The EIS Workload Campaign was launched at the Annual General Meeting of the EIS in June 2013. At that same AGM the Cabinet Secretary for Education and Lifelong Learning announced the establishment of the Curriculum for Excellence Working Group on Tackling Bureaucracy to address concerns over unnecessary bureaucracy associated with the implementation of Curriculum for Excellence. The Working Group was chaired by Dr Alasdair Allan (Minister for Learning, Science and Scotland’s Languages) and the EIS was represented by Phil Jackson and Larry Flanagan. The Report was published in November 2013 and contained a range of action points for Local Authorities, Schools, Teachers, Education Scotland, Parents’ Groups and the SNCT.
3. The principal purpose of the campaign has been articulated on many occasions and in many different forums as follows:

“To achieve a real term reduction in the workload burden of members; this requires agreement at a political level and a mechanism for implementation”.

As a first step advice was issued to all schools prior to the summer of 2013 covering Working Time Agreements and School Action Plans.
4. Over the course of the first year of the “Workload Campaign” a number of discrete activities and action points have been enacted; including the following:
 - (a) the development of a range of campaigning materials, leaflets and posters etc;
 - (b) collection and collation of evidence of workload concerns;
 - (c) briefing meetings arranged for Local Association Secretaries;
 - (d) a series of well attended member meetings across the country;
 - (e) publicising the recommendations of the Tackling Bureaucracy Working Group and incorporating the recommendations in advice around WTAs and SIPs;

- (f) Four well attended events on the Tackling Bureaucracy report (in conjunction with Education Scotland);
 - (g) Engagement with relevant bodies such as SQA, Education Scotland, and ADES;
 - (h) collation and review of existing LNCT Working Time Agreements;
 - (i) publicising the work of the SNCT Working Group;
 - (j) seeking the active engagement of EIS-FELA and EIS-ULA as part of the campaign;
 - (k) publicising the outcome of the EIS survey into Job-Satisfaction and Teacher Wellbeing which contains important evidence of the effects of workload on job satisfaction, wellbeing and morale of the teaching profession;
 - (l) regular press releases on workload issue.
5. As a result of our campaign work, the issue of excessive workload is certainly centre stage and the need to tackle the problem is regularly referenced and acknowledged by Scottish Government and education bodies eg the Reflections Report.
 6. Despite all of this activity, however, workload continues to be the single biggest concern of members.
 7. The Workload Campaign has yet to develop the level of political traction needed to ensure significant change and has not emboldened the majority EIS members in schools, colleges and universities in terms of taking action. The purpose of this paper, therefore, is to seek to examine ways in which the Workload Campaign could attempt to secure the active and energetic support of members by coordinating a campaign at a number of levels, culminating, if necessary, with ballots on industrial action should no significant progress be made in achieving the goals of the campaign.
 8. The following stages could be considered as establishing the foundations of this "new phase" of the Workload Campaign:
 - (a) The outcomes of the reconvened Working Group on Tackling Bureaucracy should form the basis of an SNCT Agreement on workload control. This Agreement should highlight measures which would actually reduce workload pressures by providing advice on how the various elements of a teacher's job can be carried out within existing contractual arrangements. Such an Agreement could/should cover:

- (i) planning, monitoring and reporting;
 - (ii) formats for reporting to Parents;
 - (iii) time for professional dialogue amongst teaching staff;
 - (iv) forward planning;
 - (v) a mechanism for controlling unnecessary bureaucracy and paperwork;
 - (vi) a mechanism for controlling the extent to which current ICT systems generate additional and unnecessary bureaucracy;
 - (vii) producing national guidance on the delivery of SQA requirements within existing contractual arrangements;
 - (viii) the need for a moratorium on new initiatives;
 - (ix) producing examples of best practice from across the country in respect of each of the elements above;
 - (x) a mechanism for a subsequent formal review of the impact and effectiveness of the Workload Control Agreement at all levels.
- (b) The National (SNCT) "Workload Control Agreement" should then form the basis of a "Local Workload Control Agreement" to be concluded within each LNCT. Such local agreements would contain any necessary local adaptations of the National Agreement to reflect particular local circumstances within the Local Authority in question.
- (c) The Local (LNCT) "Workload Control Agreement" should then form the basis of a "School Workload Control Agreement". These school based agreements would adapt both the national and local agreements to take account of circumstances particular to the school in question and these school based agreements should be reviewed and reconfirmed on an annual basis.
9. Failure to secure a "Workload Control Agreement" at either national, local or school level could result in a report being presented to the Executive Committee or the Emergency Sub-Committee to move towards approving the organisation of a statutory ballot on industrial action. Such a request would be handled in line with existing EIS industrial action policy (Appendix I) and would include an initial indicative ballot carried out by the relevant Area Office of the members affected.

10. The industrial action envisaged would comprise a "work to contract" as outlined in the paper approved by Council in 2011 (Appendix II). It is important to bear in mind that the "work to contract" will be used as a means of exerting pressure on the employer(s) to come to the negotiating table to conclude a formal "Workload Control Agreement". While it is accepted that implementing a "work to contract" may have a short term positive impact on the workload of the teachers involved, the purpose of the industrial action is to put pressure on the employer(s) to resolve the formal trade dispute arising from the failure to reach agreement on workload control. In circumstances where a 'work to contract' fails to secure an agreement then Executive Committee or the Emergency Sub-Committee will give consideration to escalating the industrial action.
11. During the early stages of this new phase of the campaign, while negotiations are proceeding at SNCT and LNCT levels, the EIS will be rolling out the new EIS Workload App which will allow members to record easily the amount of their working time spent on a range of activities and how the totality of these commitments fit into the 35 hour contractual working week. Consideration should be given to advising all members to log their activities/working hours on the App during one particular school week during the winter. The EIS at national level would then seek to collate some of the information collected as part of this process in order to generate publicity of the ongoing workload burdens faced by teachers.
12. EIS members employed in the Further and Higher Education sectors do not have bargaining at national/regional levels which could be used to generate "Workload Control Agreements" covering a number of individual colleges/universities. Instead the EIS-FELA and EIS-ULA Executive Committees should be asked to develop model Workload Control Agreements which should then be circulated to branches with a view to securing agreement at college/university level. Failure to secure such an agreement could lead to a request being presented to the Executive Committee/Emergency Sub-Committee for a statutory ballot on action short of a strike. The contents of Appendix II would then have to be adapted to cover the contractual provisions in place within the college/university in question.
15. The EIS Executive Committee will have overall control of the day to day running of the campaign including: approval of ballots and the commencement of action, the coordination of campaigning activity and the generation of appropriate publicity.

APPENDIX I

THE EDUCATIONAL INSTITUTE OF SCOTLAND

**INDUSTRIAL
ACTION**

JANUARY 2013

This document updates and consolidates a number of previous policy papers and policy decisions of the Institute regarding industrial action involving both the Institute and other trade unions.

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PART 1 – INDUSTRIAL ACTION AND THE LAW

1.1 Introduction

The limited right to take industrial action in this country takes the form of statutory immunity from action which would otherwise attract legal liability in common law. The current basic immunity and any qualifications upon it are to be found within the Trade Union and Labour Relations (Consolidation) Act 1992 as amended (principally by the Employment Relations Act 2004). Before any legal action can be taken against either individuals or unions it must first be ascertained whether an unlawful act has taken place, e.g. a breach of contract and, then, whether immunity conferred by TULRCA applies. In deciding whether legal action can be taken consideration has to be given to the following:

- (a) Was the act done in contemplation or furtherance of a trade dispute?
- (b) Did the industrial action have the support of a ballot?
- (c) Was the industrial action properly initiated?
- (d) Whether the immunity has been lost because the action was unlawful secondary action or for some other reason.

1.2 Liability at Common Law

The law relating to so-called “economic torts” (civil wrongs) has developed gradually through case law and commonly applies to what is known as interference with contractual relations. The following are merely examples:

- (a) Inducement to breach of contract, e.g. strike action.
- (b) The inducement or procurement of a breach of contract by unlawful means, e.g. secondary action.
- (c) Impedance of the performance of contracts, e.g. in situations where there may be no actual breach of contract.
- (d) Intimidation, e.g. the threat of using unlawful means in a dispute situation.

- (e) Conspiracy, e.g. an agreement either to do an unlawful act or to do a lawful act by unlawful means.

1.3 **Immunity from Liability**

There is immunity from liability so long as the requirement to ballot has been met and the employer is given notice.

Section 219 of the Trade Union and Labour Relations (Consolidation) Act 1992 provides as follows:

- (i) *An act done by a person in contemplation of a trade dispute shall not be actionable in tort on the ground only*
 - (a) *that it induces another person to break a contract or interferes or induces any other person to interfere with its performance, or*
 - (b) *that it consists in his threatening that a contract (whether one to which he is a party or not) will be broken or its performance interfered with, or that he will induce another person to break a contract or to interfere with its performance.*
- (ii) *An agreement or combination by two or more persons to do or procure the doing of any act in contemplation of furtherance of a trade dispute shall not be actionable in tort if the act is one which if done without any such agreement or combination would not be actionable in tort.*
- (iii) *This sub-section deals with picketing and liability from an act done while picketing (see paragraph 5.3).*
- (iv) *This sub-section provides that acts done during industrial action will not be protected unless the industrial action is official industrial action.*

1.4 **Definition of a Trade Dispute**

Section 244 of the Trade Union and Labour Relations (Consolidation) Act 1992 defines a trade dispute as follows. A dispute between workers and their employer which relates wholly or mainly to one or more of the following, that is to say

- (a) *terms and conditions of employment, or the physical conditions in which any workers are required to work;*
- (b) *engagement or non-engagement, or termination or suspension of employment or the duties of employment, of one or more workers;*
- (c) *allocation of work or the duties of employment as between workers or group of workers;*
- (d) *matters of discipline;*
- (e) *a worker's membership or non-membership of a trade union;*
- (f) *facilities for officials of trade unions;*
- (g) *machinery for negotiation or consultation, and other procedures, relating to any of the above matters, including the recognition by employers or employers' associations of the right of a trade union to represent workers in any such negotiation or consultation or in the carrying out of such procedures.*

1.5 **Limits Imposed on Secondary Action**

Secondary action is defined as industrial action taken by workers where the real dispute is not between themselves and their own employer, e.g. a sympathy strike and is not protected by the statutory immunities referred to in paragraph 1.1.

1.6 **Ballots Before Industrial Action**

In order to maintain immunity from action, trade unions must be supported by a ballot before initiating industrial action. The following represent the key prerequisites:

- (a) All members who it is reasonable to believe will be called upon to take industrial action, and no others, must be balloted. If the persons to be balloted are employed at different places of work a separate ballot will be required unless those balloted share a common feature and, where separate workplace ballots are not required, the ballot may include employees of more than one employer.

- (b) As far as practicable every member entitled to vote must have a voting paper sent by post to either the home address or other address which is treated as the postal address and must be given an opportunity to vote by post.
- (c) The voting paper must contain at least one of the following questions:
 - (i) by answering yes or no whether the member is prepared to take part, or to continue to take part in a strike;
 - (ii) by answering yes or no whether the member is prepared to take part, or continue to take part, in industrial action following short of a strike.
- (d) The following statement must appear on every voting paper:

“If you take part in a strike or other industrial action, you may be in breach of your contract of employment. However, if you are dismissed for taking part in a strike or other industrial action which is called officially and is otherwise lawful, the dismissal will be unfair if it takes place fewer than eight weeks after you started taking part in the action, and depending on the circumstances may be unfair if it takes place later.”

- (e) The voting paper must clearly specify the address to which and the date by which it must be returned. The ballot paper must be numbered.
- (f) The voting paper must specify who has authorisation to call upon members to take part in or to continue to take part in the industrial action referred to in the ballot paper.
- (g) All voting must be in secret and members must be allowed to vote without interference and a reply-paid envelope must be used for the postal ballot.
- (h) The majority of those voting must have answered yes to the appropriate question contained within the ballot paper.
- (i) Where the number of members voting exceeds 50 a qualified scrutineer must be appointed who will report as soon as practicable after the ballot (and before four weeks have elapsed) stating that there are no reasonable grounds for

believing that there was any contravention of statutory requirements.

- (j) The union must take all steps to secure that every person whom it is reasonable for the union to believe is an employer of persons entitled to vote in the ballot receives notice (at least seven days) that the ballot will take place, a sample voting paper and must describe the employees of that employer whom the union believes will be eligible to vote. The sample voting paper must be received not later than three days before the opening day of the ballot.
- (k) As soon as practicable each employer must be informed of the ballot result. From the date of this information being provided and not later than the seventh day before action begins, employers must receive notice of intention to take action along with the necessary information to help employers make plans and bring information to the attention of those of his employees who the union intends should take part in the action.

1.7 **Action Short of a Strike**

Any action initiated by a trade union which involves members breaching their contracts of employment will require a ballot as described in paragraph 6 above. In addition, any action which may involve the impedance of the performance of contracts without an actual breach (e.g. a work to contract) will also require the authorisation of a ballot.

It must be remembered that a contract of employment consists both of express and implied terms. The most commonly implied terms are the employee's duties of

- (a) fidelity
- (b) obedience
- (c) working with due diligence and care
- (d) not to use or disclose the employer's trade secrets or confidential information.

1.8 **Damages Against Trade Unions**

The following limits apply in respect of proceedings brought against trade unions in any situation where legal immunity has been lost. This can involve personal injury as a result of negligence, nuisance or breach of duty, also proceedings brought in relation to ownership and use of property as well as consumer protection proceedings.

£10,000 for unions with less than 5,000 members
£50,000 for unions with between 5,000 and 25,000 members
£125,000 for unions with between 25,000 and 100,000 members
£250,000 for unions with over 100,000 members.

Any judgement, order or award made in proceedings of any description against a trade union is enforceable against any property held in trust for the union.

1.9 **Unofficial Action**

Section 21 of the Trade Union and Labour Relations (Consolidation) Act 1992 allows a Trade Union to repudiate any industrial action taken by members without the support of the statutory provisions of the act. It is also the case that the employer may dismiss selectively employees who participate in unofficial industrial action and the employee(s) has no right to complain of unfair dismissal to an Employment Tribunal. Unofficial action by members of a trade union will only become unofficial once the action has been repudiated. However, even if the action is official, it may not be lawful in terms of the Act unless a properly conducted ballot is held. Where there is unofficial action, the union may endorse it thereby making the action official again. However, unless there is a properly constituted ballot, the action may be official but not lawful.

1.10 **Restrictions on Industrial Action**

The legal restrictions on the ability of any trade union to conduct industrial action are so draconian that any advice to members which could possibly be defined as industrial action must be sanctioned and initiated in line with Institute Policy as defined in this policy paper (particularly paragraph 2.2).

PART 2 – POLICY AND PRACTICE IN CALLING AND AUTHORISING INDUSTRIAL ACTION

2.1 Industrial Action

The legal definition of industrial action has been much affected by restrictive decisions in the courts, including extending the definition of 'breach of contract' to include certain tactics used by trade unions. In the course of negotiations, EIS bodies will commonly issue professional advice to members over issues of concern or to provide clarification or information. In the light of the legal position described above, EIS bodies must give full consideration to the content and intention of advice before issuing it to members.

Strict requirements are laid down by the Trade Union and Labour Relations (Consolidation) Act 1992 (As Amended) which underline the importance of there being no dubiety over the procedures relating to industrial action. Mistakes in carrying out such procedures can render the ballot invalid and leave the union open to legal action being taken against it. In recognition of this, the Institute now utilises a balloting agent to carry out these functions.

In addition, there are stringent rules governing the calling, authorisation and endorsement of industrial action. Action by the union is taken to be 'official' if it was done, authorised or endorsed by any "committee of the union or any . . . official of the union (whether employed by it or not)". Therefore, if industrial action is to be called by an officer or other representative of the union, or by a committee which includes such an officer or representative, the union nationally is deemed to be responsible. The law makes it clear that the union is liable in this regard notwithstanding anything in the rules of the union, or in any contract or rule of law. The union can only avoid liability by formal legal repudiation of the action and strict terms are laid down for such repudiation.

2.2 Control of Industrial Action and Requirements on the Union and its Representatives

The AGM has agreed the following points of policy in this area:

- (a) That power to call, authorise or endorse industrial action should rest solely with (i) the Executive Committee*, acting on behalf of Council; or (ii) the General Secretary. Any other policy position which devolves or appears to devolve such powers is overtaken by this policy document.

- (b) That all arrangements for calling, authorising or endorsing industrial action should be under the supervision of the Executive Committee*, and no decision calling, authorising or endorsing industrial action should be taken by any other EIS body, official or representative.
- (c) That any EIS body at local or national level considering issuing professional advice to members should, wherever such advice could reasonably be regarded as amounting to partial performance of duties or otherwise a breach of contract, make contact with the national office prior to issuing that advice. Where such professional advice can be reasonably interpreted as industrial action, the matter must be referred to the Executive Committee*.
- (d) That no statements, literature or other material calling, authorising, endorsing or otherwise pertaining to such industrial action should be issued by any other EIS body, official or representative.
- (e) That all arrangements for industrial action ballots should be under the supervision of the Executive Committee* and organised through the EIS National Headquarters and its balloting agent. No arrangements, literature or other material pertaining to such a ballot should be issued by any other EIS body, official or representative.

* Where appropriate, between meetings of the Executive Committee, the Emergency Sub-Committee shall have powers to authorise action or otherwise make decisions on behalf of the Executive Committee.

PART 3 – PROCEDURES TO BE FOLLOWED IN A DISPUTE

	SITUATION	ACTION TO BE TAKEN
3.1	Deadlock reached in local negotiations at Local Association, SGA branch or at School level.	SGA branches and Local Associations must engage the services of their Area Officer to try to break the deadlock.
3.2	Negotiations breakdown / Failure to agree recorded	Area Officer makes arrangements for indicative ballot. All material to be produced by Area Office and approved by Headquarters, under the authority of the Executive Committee*.
3.3	Indicative ballot result and background to issue reported to Executive Committee*	Area Officer to provide necessary material to Headquarters.
3.4	Indicative ballot indicates support for industrial action.	Executive Committee* will put in place one of the following three options, and agree the appointment of appropriate representation for any subsequent negotiations: <u>Option 1</u> : to seek the involvement of ACAS; <u>Option 2</u> : to authorise a formal industrial action ballot; <u>Option 3</u> : to continue with local discussions.
3.5	ACAS resolution found.	Executive* to report successful outcome to branch / local association.
3.6	Formal industrial action ballot process in compliance with Part 4 of EIS Industrial Action Procedures	Headquarters to process all material and involve balloting agents.
3.7	Ballot result reported to Executive Committee and action authorised.	Headquarters to liaise with Area Officer and Branch or Local Association <i>re</i> type and timing of action.
3.8	Further action and negotiations.	The procedures and arrangements agreed at the earlier stage of the dispute will continue to apply

* Where appropriate, between meetings of the Executive Committee, the Emergency Sub-Committee shall have powers to authorise action or otherwise make decisions on behalf of the Executive Committee

**PART 4 – SKELETON TIMETABLE FOR ALL
INDUSTRIAL ACTION BALLOTS**

- 4.1 In order to maintain statutory immunity as a consequence of inducing persons to take part or continue to take part in industrial action, trade unions must be supported by a ballot (Trade Union and Labour Relations Consolidation Act 1992 (As Amended)). Separate ballots (or separate questions) are required for action which includes strike action and for action sort of a strike.
- 4.2 The following timetable represents the shortest timescale available which meets the requirements of existing legislation.

DAY	ACTION TO BE TAKEN
1	Authorisation given to conduct ballot by EIS Headquarters (Executive Committee or Emergency Committee)
2	For single establishment ballots membership list sent to appropriate EIS official for checking and immediate return. Material and timetable to ERBS via the Accountant.
6	Send notice to employer of intention to ballot, copy of ballot paper and indication (to employer) that all EIS members will be balloted and that list will be provided if required.
13	Ballot opens.
20	Ballot closes (absolute minimum – First Class post each way).
27	Ballot closes (Second Class post each way). Decision taken to proceed with action.
28(21)	Ballot result communicated to members and employer.
29(22)	Notice of first say of action to members and employer.
39(32)	First day of action starts.

PART 5 – POLICY ON PICKETING

5.1 Introduction

As is the case with industrial action, there is no legal “right to picket” but peaceful picketing is regarded as a lawful activity. The Code of Practice dealing with picketing outlines the situations and restrictions which apply in order to maintain a “lawful” picket. Again, as is the case with industrial action, it is a civil wrong to persuade someone to break his / her contract of employment unless the individual(s) are covered by “statutory immunities” which arise out of the individual’s participation in contemplation or furtherance of a trade dispute.

Other civil wrongs (e.g. trespass, nuisance) cannot be covered by statutory immunities nor, obviously, can any liability under the criminal law.

5.2 Immunities from Civil Law Liability

The following must be observed in order to ensure that the picketing remains lawful and does not expose either the individual or the Institute to legal proceedings.

- (a) The law sets out the basic rules which must be observed if picketing is to be carried out, or organised. To keep these rules, attendance for the purpose of picketing may only:
 - (i) *be undertaken in contemplation or furtherance of a trade dispute;*
 - (ii) *be carried out by a person attending at or near his own place of work; a trade union official, in addition to attending near or at his place of work, may also attend at or near the place of work of a member of his trade union whom he is **accompanying** on the picket line and whom he **represents**.*

Furthermore, the only purpose involved must be peacefully to obtain or communicate information, or peacefully to persuade a person to work or not to work.

- (b) Picketing is lawful only if it is carried out in contemplation or furtherance of a “trade dispute”. A “trade dispute” is defined in

law so as to cover the matters which normally occasion disputes between employers and workers – such as terms and conditions of employment, the allocation of work, matters of discipline, trade union recognition.(See Part 1(4)).

- (c) The “statutory immunities” do not apply to protect a threat of, or a call for or other inducement to “secondary” industrial action. The law defines “secondary” action – which is sometimes referred to as “sympathy” or “solidarity” action – as that by workers whose employer is not a party to the trade dispute to which the action relates.
- (d) Accordingly, the law contains provisions which make it lawful for a peaceful picket, at the picket’s own place of work, to seek to persuade workers other than those employed by the picket’s own employer not to work, or not to work normally. To have such protection, the peaceful picketing must be done:
 - (i) by a worker employed by the employer which is party to the dispute; or
 - (ii) by a trade union official whose attendance is lawful.
- (e) It is lawful for a person to induce breach, or interference with the performance, of a contract in the course of attendance for the purpose of picketing only if he pickets at or near his own place of work.

5.3 **Picketing and the Criminal Law**

Among other matters, it is a criminal offence for pickets (as for others):

- (a) *to use threatening behaviour, abusive or insulting words or behaviour, or disorderly behaviour within the sight or hearing of any person – whether a worker seeking to cross a picket line, an employer, an ordinary member of the public, or the police – likely to be caused harassment, alarm or distress by such conduct;*
- (b) *to use threatening, abusive or insulting words or behaviour towards any person with intent to cause fear of violence or to provoke violence;*
- (c) *to use or threaten unlawful violence;*
- (d) *to obstruct the highway or the entrance to premises or to seek physically to bar the passage of vehicles or persons by lying*

down in the road, linking arms across or circling in the road, or jostling or physically restraining those entering or leaving the premises;

- (e) to be in possession of an offensive weapon;*
- (f) intentionally or recklessly to damage property;*
- (g) to engage in violent, disorderly or unruly behaviour or to take any action which is likely to lead to a breach of the peace;*
- (h) to obstruct a police officer in the execution of his duty.*

5.4 Limiting the Number of Pickets

Section 14 of the Public Order Act 1986 provides the police with the power to impose conditions (for example, as to numbers, location and duration) on public assemblies of 20 or more people where the assembly is likely to result in serious public disorder; or serious damage to property; or serious disruption to the life of the community; or if its purpose is to coerce.

The Code of Practice, therefore, contains the following recommendation.

"Pickets and their organisers should ensure that, in general, the number of pickets does not exceed six at any entrance to, or exit from, a workplace; frequently a smaller number will be appropriate."

However, it is not in itself an offence nor does it create a legal liability to have more than six on a picket line. At the same time six or less pickets is not a guarantee of lawfulness. The real test is whether the picket line is intimidating to others.

5.5 Advice to Institute Members

The following advice is therefore provided to any member or group of members intending to picket his / her place of work.

- (a) Picketing is only sanctioned by the Institute in situations where there is an official dispute in existence between the EIS and an employer or employers and where members have been advised by the General Secretary, following the conduct of a formal ballot etc, to take part in strike action.

- (b) Members must only picket their own place of work and must not attend for the purposes of picketing at any other establishment. The only exception to this involves full-time officials of the Institute and accredited:
- (i) members of the Council of the Institute
 - (ii) members of the appropriate Local Association / Self Governing Association / Committee of Management / Executive Committee.
- (c) The purpose of the picket must only involve attempting to persuade other members of the Institute not to attend for work.
- (d) There must be no more than 6 pickets in attendance at any entrance/exit to a particular workplace.
- (e) Where it becomes known that a particular employer has decided to require non-striking members of staff to report to a workplace which is not their normal place of work, the Local Association should give consideration to organising a picket at that central location which consists of an appropriate combination of:
- full-time officials / officers;
 - members and office bearers of the Executive Committee / Committee of Management of the Local Association/Self Governing Association;
 - members of Council covering the particular employer's workplace;
 - members employed at that particular central workplace;
 - members at establishments which are closed due to industrial action and who have been instructed to report to the central location if they intend to report for work.

PART 6 - ADVICE TO MEMBERS IN THE EVENT OF STRIKE ACTION BY JANITORIAL, AUXILIARY OR OTHER ANCILLARY STAFF

6.1 General

Strike action or other industrial action by trade unions representing other educational personnel will, usually, involve the statutory notice periods required under the relevant trade union legislation which should provide adequate time for pre-planning and for information to be provided to pupils, parents, staff and the public. Decisions regarding whether a school should remain open to pupils, students and/or other staff will depend largely on the likely effects of the industrial action and attendant health and safety risks which may be envisaged. Any decision, however, will be based on an analysis of the situation in consultation with the Council's Education Department where appropriate.

Where a Headteacher's decision that a school should be closed is not accepted by the Council, or where the EIS membership considers that health and safety would be compromised by the opening of a school or college, then EIS Representative or Branch Secretary should report the situation to the Local Association Secretary or Area Officer as appropriate.

6.2 Standard EIS Advice to Members

In situations where EIS members are not involved in a particular dispute and will not, therefore, have been balloted on industrial action MEMBERS SHOULD REPORT FOR WORK AS NORMAL. This includes situations where a picket line has been organised at the place of work. It should be remembered that the principal function of a picket line is to persuade members of trades unions who are involved in the dispute not to enter the workplace.

It is important that members are aware of the possible consequences of taking part in unofficial industrial action and these are outlined below:

- (a) *It is possible that members who do not report for work on such occasions will be the subject of disciplinary action. In these circumstances it must be remembered that failure to attend for work may be regarded as unofficial industrial action and the Institute may be required to repudiate, formally, the action taken.*

- (b) *Members, almost certainly, will lose a day's pay and, again, the Institute will take no action to attempt to recover the salary which has been docked.*
- (c) *In the unlikely event of any member being dismissed as a consequence of breaking their contract of employment by taking unofficial industrial action, there is no recourse to Employment Tribunal.*
- (d) *It is the EIS view that it is totally unacceptable for teachers to be asked to cover the work of colleagues who have not reported for work (in the context of industrial action). However, members should be aware that any refusal to cover for classes of teachers who have not reported for work could be deemed, in the circumstances, to be unofficial industrial action. Any difficulties should be reported to the Local Association Secretary or Area Officer as appropriate.*

HOWEVER, DURING THE COURSE OF THE WORKING DAY NO MEMBER SHOULD ENGAGE IN ANY DUTY WHICH IS NORMALLY CARRIED OUT BY STAFF WHO ARE ON OFFICIAL STRIKE OR ENGAGED IN OTHER OFFICIAL INDUSTRIAL ACTION.

Finally, while the EIS is under certain constraints as a consequence of the industrial relations legislation, members will be provided with EIS representation should this prove to be necessary.

6.3 Specific Advice to Headteacher Members

Annex B of the 2001 Agreement outlines the main duties of a Headteacher as follows:

The role of the Headteacher is, within the resources available, to conduct the affairs of the school to the benefit of the pupils and the community it serves, through pursuing objectives and implementing policies set by the education authority under the overall direction of the Director of Education. The Headteacher shall be accountable to the education authority for the following list of duties and for such other duties as can reasonably be attached to the post:

- (a) responsibility for the leadership, good management and strategic direction of the school;

- (b) responsibility for school policy for the behaviour management of pupils;
- (c) the management of all staff, and the provision of professional advice and guidance to colleagues;
- (d) the management and development of the school curriculum;
- (e) to act as adviser to the School Board and to participate in the selection and appointment of the staff of the school;
- (f) to promote the continuing professional development of all staff and to ensure that all staff have an annual review of their development needs;
- (g) working in partnership with parents, other professionals, agencies and schools;
- (h) to manage the health and safety of all within the school premises.

6.4 It is important to note that while it is not the duty of a Headteacher to carry out certain duties within the school there is a requirement to supervise, within the resources available, certain duties of other members of staff. The following specific advice is therefore offered.

- (a) During periods of industrial action, the Headteacher should only take responsibility for the physical opening of the school in the following circumstances:
 - (i) where an absolute instruction has been given by the education authority; and
 - (ii) where adequate arrangements are in place to ensure that the buildings are left secure at the end of the school day; and
 - (iii) where the Headteacher, prior to the notification of the dispute, is an official keyholder for the authority; and
 - (iv) where the Headteacher is satisfied that arrangements for ensuring the security and safety of all in the building can be maintained.

- (b) The Headteacher must not request or instruct other members of staff to perform duties normally carried out by staff engaged in industrial action. However, any health and safety issue which arises during the course of the day must be reported immediately to the Education Department.

 - (c) Should arrangements for the provision of cleaning services, heating, hot water, sanitation or school meals be affected by the industrial action and if the school has not been closed to pupils and/or staff as a consequence, further consideration should be given to sending pupils/other staff home.
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APPENDIX II

THE EDUCATIONAL INSTITUTE OF SCOTLAND

Work To Contract

1. Introduction

- 1.1 It has been previously agreed by the Executive Committee and Council to give further consideration to advice to members on a "work to contract" which could be utilised as part of a campaign of industrial action as a means of prosecuting a valid trade dispute (as defined by legislation) against either SNCT employers generally or individual employers across the country.
- 1.2 It should be remembered that a "work to contract" would be regarded as action short of a strike and that this form of industrial action would have to be supported by a ballot of the relevant membership in the same manner as we would be required to do in order to authorise strike action. What is less certain, however, is the response of the employer(s) to industrial action which does not involve days of strike action.
- 1.3 For example, the employer could decide not to accept "partial performance" of the contract and move to deem members (involved in the work to contract) to be in breach of contract and deduct a full day's pay for every day in which "partial performance" of the contract had been deemed to have taken place. It should be noted that the contract of employment includes both express and implied terms (eg an implied duty to cooperate with the employer). In addition an employer could decide to pursue members for non-performance of duties the employer held to be implied in the contract of employment.
- 1.4 In many instances trades unions find it useful to ballot on both types of action (ie strike action and action short of a strike) in order to be able to respond to an over-zealous employer "deeming" large numbers of members to be in breach of contract and deducting salary from them on an on-going basis. Consideration should, therefore, be given to the possibility of conducting a ballot on strike action as well as action short of a strike before initiating a "work to contract".

2. What a possible "Work to Contract" campaign might involve

- 2.1 As indicated above, it would be necessary to adhere to the terms of the statutory provisions governing the organisation of industrial action ballots, which will take substantially longer if we are going to conduct a national ballot of the membership, compared to the timescale involved in a "local" or

“establishment” based ballot. We have also previously agreed that we would organise an indicative ballot prior to any statutory ballot so that we would have a clear idea, in advance, of the likely result (see Appendix A for details of a possible ballot timetable).

2.2 The purpose of action short of a strike (Work to Contract) is to seek to disrupt the normal working of the employer’s business by advising members to stick rigidly to the terms of the Contract of Employment. However, a balance has to be struck between giving advice to members which will have little or no effect on the running of the service against offering advice to members which may provoke the employer into deeming large numbers of members to be in breach of contract and subject to loss of pay.

2.3 Some areas of the contract are more susceptible than others to being utilised as part of a Work to Contract and any such industrial action may involve advice covering the following broad contractual terms.

3. Work to contract advice

3.1 It is suggested that the following aspects of the SNCT Handbook of Conditions of Service form the basis of the work to contract guidelines to members.

(a) Main duties (Teachers, Chartered Teachers, Principal Teachers, Headteachers) *including the tasks which should not routinely be carried out by teachers (Appendix 2.6);

* The fact that teachers cannot be required to carry out such work on a routine basis may not establish an absolute right to boycott such tasks and may provide a significant opportunity for employers to “deem” members eg Senior Promoted staff involved in the supervision of dining areas.

(b) The definition of the working year and working week including school level agreements based on LNCT guidelines and the Code of Practice (Appendix 2.7);

(c) Continuing Professional Development;

(d) Class Size limits;

(e) Cover Policies.

3.2 The potential details of some advice which could be offered to members as part of a Work to Contract campaign is attached as Appendix B. The specific advice will be determined in relation to the nature of the dispute and the precise circumstances of the

campaign. A brief summary of the advice which covers the main aspects of the Work to Contract campaign is to be found in Appendix C.

- 3.3 Once a Work to Contract campaign is initiated, a national level group should be established to have an overview of the Work to Contract campaign and to provide answers and further guidance to members as the need arises. There will also be an important role for school and Local Association bodies in providing support for members as part of a Work to Contract campaign.

INDUSTRIAL ACTION TIMETABLE

In recent years the absolute minimum legal timescale we have used for "single establishment ballots" (almost exclusively in FE) has been 39 days from the decision to authorise a ballot to the first day of action. This is based on the provisions of the Trade Union and Labour Relations (Consolidation) Act 1992 and is contained in the EIS "Industrial Action" policy booklet.

However, the timescales which apply to a relatively small "single establishment ballot" will be wholly inadequate where dealing with a large scale national ballot involving over 50,000 members and 4,000 establishments. We will also have to bear in mind the potential for legal challenge in relation to the detail and accuracy of the information we have to provide to employers.

On this basis, therefore, we would need to ensure that enough time is factored into the timetable to ensure that we have:

- A minimum 8-10 days to allow for the checking of membership details at establishment level (bearing in mind that we do not have EIS Reps at every school);
- A minimum of 21 days to permit the organisation of an initial indicative ballot as required by paragraph 6.2 of the "Industrial Action" paper (including time to consider the result of the indicative ballot);
- A minimum 7 day notice to every employer of intention to ballot;
- A minimum of 21 days for the statutory ballot to be open to ensure that all members have voting papers and replacement voting papers can be posted out etc.;
- A minimum period of 3 days to permit the appropriate Committee to meet to decide on whether to move to the next stage in the process (eg to move towards the initiation of action);
- A minimum 7 day notice to every employer of commencement of industrial action.

In terms of the organisation of a national industrial action ballot, therefore, including a prior indicative ballot, it is estimated that a total minimum timescale required would be approximately 75 - 76 calendar days as the following table demonstrates.

DAY	ACTION TO BE TAKEN
1	Authorisation given to move to initiate the industrial action procedure. Membership lists sent to EIS representatives for checking and immediate return.
10	Material distributed for indicative ballot and indicative ballot opens.
31	Indicative ballot closes.
36	Indicative ballot result considered and decision taken on whether to move to a statutory ballot.
36/39	Notice to employer(s) of intention to ballot, copy of ballot paper and indication (to employer(s)) that all EIS members will be balloted and lists will be provided if required.
46/47	Statutory ballot opens.
67	Statutory ballot closes.
68	Ballot result communicated to members and employer(s).
69	Decision taken to proceed to call action and notice given to members and employer(s).
76	First day of action starts.

EIS WORK TO CONTRACT – DRAFT ADVICE

1. Members are herewith advised to “Work to Contract” as part of the ongoing campaign/dispute (over cuts, pay and conditions of service etc) and should adhere to the terms of the following guidance until further notice.

2. Duties

2.1 Teachers and Chartered Teachers Members are advised to ensure that their duties are restricted to the following tasks. Any activity which does not fall within the scope of the duties listed should be boycotted.

- (a) teaching assigned classes together with associated preparation and correction;
- (b) developing the school curriculum;
- (c) assessing, recording and reporting on the work of pupils;
- (d) preparing pupils for examinations and assisting with their administration;
- (e) providing advice and guidance to pupils on issues related to their education;
- (f) promoting and safeguarding the health, welfare and safety of pupils;
- (g) working in partnership with parents, support staff and other professionals;
- (h) undertaking appropriate and agreed continuing professional development;
- (i) participating in issues related to school planning, raising achievement and individual review; and
- (j) contributing towards good order and the wider needs of the school.

2.2 Principal Teachers Members are advised to ensure that their management duties are restricted to the following tasks. Any activity which does not fall within the scope of the duties listed should be boycotted.

- (a) responsibility for the leadership, good management and strategic direction of colleagues;

- (b) curriculum development and quality assurance;
- (c) contributing to the development of school policy in relation to the behaviour management of pupils;
- (d) the management and guidance of colleagues;
- (e) reviewing the CPD needs, career development and performance of colleagues;
- (f) the provision of advice, support and guidance to colleagues;
- (g) responsibility for the leadership, good management and strategic direction of pastoral care within the school;
- (h) assisting in the management, deployment and development of pastoral care staff;
- (i) implementation of whole school policies dealing with guidance issues, pastoral care, assessment and pupil welfare; and
- (j) working in partnership with colleagues, parents, other specialist agencies and staff in other schools as appropriate.

2.3 Headteachers and Depute Headteachers Members are advised to ensure that their management duties are restricted to the following tasks. Any activity which does not fall within the scope of the duties listed should be boycotted.

- (a) responsibility for the leadership, good management and strategic direction of the school;
- (b) responsibility for school policy regarding behaviour management of pupils;
- (c) the management of all staff, and the provision of professional advice and guidance to colleagues;
- (d) the management and development of the school curriculum;
- (e) to act as adviser to the Parent Council and to participate in the selection and appointment of the staff of the school;

- (f) to promote the continuing professional development of all staff and to ensure that all staff have an annual review of their development needs;
 - (g) working in partnership with parents, other professionals, agencies and schools; and
 - (h) to manage the health and safety of all within the school premises.
- 2.4 Guidance on the “Work to Contract” as it relates to the duties of Music Instructors, Educational Psychologists, Education Support Officers and Quality Improvement Officers will be issued separately.
- 2.5 Administration and other non-teaching tasks The list below comprises a range of tasks which should **not** routinely be carried out by teaching staff and specific advice will be issued prior to the commencement of any Work to Contract campaign.
- (a) the supervision of pupils within the school grounds, in dining and/or recreation areas during school hours but outwith scheduled teacher class contact time;
 - (b) administration of the school meals service, including collection of money and issue of tickets;
 - (c) collection/collation of data for the school meals service;
 - (d) documenting and maintaining pupil disciplinary records;
 - (e) administrative elements of pupil welfare requirements, including support of guidance staff with routine documentation and information dispersal;
 - (f) reception and telephonist duties;
 - (g) first aid and administration of medication;
 - (h) administration and documentation relating to out-of-school visits/work experience/visiting groups etc;
 - (i) copy typing/filing/photocopying;
 - (j) administrative detail of register/absence procedures/issue of standard letters;

- (k) non-professional aspects of school reporting procedures, preparation of envelopes, transfer of information, photocopying, filing etc;
- (l) inputting of assessment data;
- (m) transmission of recorded data to external bodies;
- (n) organising and obtaining supply cover;
- (o) administrative aspects of resourcing, stocktaking, ordering, checking and invoice reconciliation;
- (p) property management;
- (q) repair and maintenance of IT and AV resources;
- (r) recording of educational broadcasts;
- (s) administration of after-school care.

3. Working Hours Members are advised to ensure that their working hours do not exceed the limits outlined below.

- (a) a maximum of 35 hours per week (pro-rata for part-time staff);
- (b) a maximum of 22.50 hours per week devoted to class contact (15.75 hours for probationary teachers)
- (c) a minimum allowance of one third of the actual class contact commitment must be available for preparation and correction;
- (d) the remaining time (ie up to 35 hours) will be subject to agreement at LNCT and school level. The terms of these agreements should be adhered to strictly;
- (e) 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;
- (f) a maximum additional 35 hours of Continuing Professional Development (CPD) per annum within the following guidelines:
 - i) a CPD plan must be agreed with an immediate manager and maintained in an individual CPD record and consist of an appropriate balance of: personal professional development, attendance at nationally accredited courses, small scale

school based activity and other CPD activity. CPD will be carried out at an appropriate time and place;

- ii) It is the employer's responsibility to ensure a wide range of CPD opportunities are available which should be capable of being discharged within contractual working time;
- iii) The five (in service) days are separate from, and additional to, the contractual 35 hours of annual CPD described above.

4. Class size Limits Members should ensure that the following class size limits are not exceeded in any circumstances for the duration of the campaign.

4.1	<u>Day School</u>	<u>Number of Pupils</u>
	(a) Primary 1	25 (from August 2011)
	(b) Primary 2 – Primary 3	30
	(c) Primary 4 – Primary 7	33
	(d) Primary composite classes	25
	(e) Secondary 1 – Secondary 2	33
	(f) Secondary 3 – Secondary 6	30
	(g) Secondary Practical classes	20

4.2 Special School and Units
(arising from) Additional Support Needs:

(a) Moderate learning difficulties	10
(b) Profound learning difficulties	10
(c) Severe physical impairment	8
(d) Severe learning difficulties	8
(e) Significant hearing impairment	6
(f) Significant visual impairment	6
(g) Language & communication difficulties	6
(h) Social, emotional & behavioural difficulties	6

5. Cover Policy

5.1 Local Associations will be advised to distribute a copy of the locally agreed Cover Policy to all schools within their areas and members will be advised to ensure that the terms of the Cover Policy Agreement are strictly adhered to for the duration of the campaign. In the event of there being no local agreement external cover must be provided:

- (a) Immediately in cases of advance notice absence of more than 3 days;

(b) After 3 days in the case of unplanned absence.

6. Extra Curricular Activities Members are advised to ensure that the following terms of the Contact of Employment are also strictly adhered to:

6.1 In the past a "work-to-contract" has specifically referred to withdrawal from extra-curricular activities. Some of these areas may fall within the broader definition of the curriculum as envisaged by Curriculum for Excellence. However, in terms of a "work-to-contract" it would be important to advise members of the need to ensure that all curricular activities are achievable within the parameters of Working Time Agreements and a 35 hour week. Where they are not, members are advised to suspend such activities. Further detailed advice in this area would be required as a campaign developed.

Work to Contract

Summary of Guidance to Members

Until further notice members are advised to ensure that they abide by the following guidelines.

1. Duties

(a) Teachers and Chartered Teachers Your contractual duties are restricted to the following:

- teaching;
- preparation and correction;
- curriculum development;
- assessing, recording and reporting on pupils;
- preparing pupils for exams;
- advice and guidance to pupils;
- promoting health and safety of pupils;
- working with parents and professional colleagues;
- continuing professional development;
- contributing to good order within the school.

(b) Principal Teachers Your contractual management duties are restricted to the following:

- leadership and good management;
- curriculum development and quality assurance;
- behaviour management of pupils;
- management and guidance of colleagues;
- management and leadership of pastoral care;
- policies on guidance and pastoral care;
- working with parents and professional colleagues.

(c) Headteachers and Depute Headteachers Your contractual management duties are restricted to the following:

- strategic leadership and good management of the school;
- school policy on pupil behaviour;
- management and guidance of all staff;
- adviser to the parent council;
- participate in appointment of staff;
- working with parents and professional colleagues;
- management of school health and safety.

(d) Administration and Non-Teaching Tasks The contractual duties of teaching staff do not normally include the following:

- supervision of pupils outwith class contact time;
- administration of school meals;
- maintaining disciplinary records;
- administration of pupil welfare requirements;
- reception / telephone duties;
- first aid / administration of medication;
- administration of all out of school trips / W.E etc;
- typing / filing / photocopying;
- administration of register / absence;
- administration of school reporting procedures
- input of assessment data;
- transmission of data to external bodies;
- organisation / administration of supply cover;
- administration of ordering / stocktaking / resourcing and invoice reconciliation;
- property management;

- maintenance of IT/AV resources;
- recording of broadcasts;
- administration of after-school care;

2. Hours of Work Do not exceed the limits outlined below:

- maximum 35 hour working week;
- maximum 22.5 hours of class contact;
- minimum 1/3 of class contact as preparation/correction;
- maximum annual 35 hours of CPD;
- tasks which don't require the teacher to be at school can be completed elsewhere.

3. Class Size Limits Do not exceed the limits outlined below:

P1	25
P2 – P3	30
P4 – P7	33
P (Composite)	25
S1 – S2	33
S3 –S6	30
S (Practical)	20

4. Cover Policy Adhere to the terms of your Local Agreement. In the absence of a Local Agreement adhere to the following:

- Immediate cover for advance notice absence of 3 days;
- Cover from day 3 case of unplanned absence.

5. Extra Curricular Activities Members are advised as follows:

- boycott all extra-curricular activity which takes place outwith the 35 hour working week and which and are not included in local/school Working Time Agreements.

The Educational Institute of Scotland

External Requests for Financial Support from the EIS

1. For many years now, indeed since the last major reorganisation of the Institute, the Executive Committee has given consideration (during the last section of its agenda "Political and External Relations) to a very wide range of requests for financial support from an equally wide range of organisations. The Executive Committee, at its last meeting on 5 September 2014, agreed that a paper be prepared outlining a protocol to be followed by the Executive Committee when considering future funding and sponsorship requests.

2. Since January 2012 the Executive Committee has considered a total of 44 requests for financial/sponsorship support and the decisions of the Committee in response to these request(s) are outlined in the table below.

ORGANISATION/PROJECT	DATE	FINANCIAL SUPPORT OFFERED
Jimmy Knapp Cancer Fund	January 2012	£250
Glasgay	April 2012	£350
Surplus Educational Supplies Foundation	April 2012	£500
Justice for the Shrewsbury 24*	April 2012	£100 (Affiliation)
Scottish Refugee Council*	April 2012	£3,000
St Andrews Education for Palestinian Students	June 2012	£500
Scottish Steelworkers Memorial Fund	June 2012	£1,000
Scottish Friends of Bhopal	September 2012	£500
Families Against Corporate Killers	September 2012	£500
Standing Committee for the Education and Training of Teachers	November 2012	£750 (Affiliation)
Townsend Productions (Tolpuddle Martyrs)	November 2012	£200
Show Racism the Red Card	January 2013	£300
Scottish Refugee Council*	February 2013	£3,000
Glasgay	February 2013	£1,000
Venezuela Solidarity Campaign*	February 2013	£250
Confort Institute	February 2013	£250
Jimmy Reid Foundation (Common Weal Project)	June 2013	£3,000
Unite Against Fascism*	June 2013	£200
Venezuela Solidarity Campaign*	September 2013	£200
Strathclyde University (Art Portfolio Exhibition)	September 2013	£500

ORGANISATION/PROJECT	DATE	FINANCIAL SUPPORT OFFERED
TeachMeet Strathclyde	November 2013	£500
Still the Enemy Within (Film)	November 2013	£500
Jubilee Scotland (Conference)*	January 2014	£500
Scottish CND (Spring Walk for Peace)*	January 2014	£1,000
Scottish Refugee Council*	January 2014	£3,000
Shrewsbury 24 Campaign*	February 2014	£300
Townsend Productions (United We Stand)	February 2014	£1,000 (Maximum)
Glasgay	April 2014	£1,000
Women's International League for Peace and Freedom	April 2014	£500
Stop the War Coalition*	June 2014	£1,000
Educational International* (Serbia/Croatia and Bosnia and Herzegovina)	June 2014	£1,000
Scottish Cyrenians	June 2014	£500
Still the Enemy Within (Film)	September 2014	£100 (Distribution Costs)
Townsend Productions	September 2014	£500
Venezuela Solidarity Campaign*	September 2014	£250
	Total	£28,000

***Organisations to which the EIS is affiliated.**

3. Since the start of 2012 the following organisations have sought financial support from the EIS nationally but these requests were turned down by the Executive Committee.

ORGANISATION/PROJECT	DATE
Burma Education Partnership	June 2012
Climate Week Challenge	September 2012
International TU Conference on Solidarity with Palestinian People and Workers	November 2012
Burma Education partnership	February 2013
UK National Work-Stress Network	April 2013
Safety for Bangladeshi Workers	June 2013
Malawi Student Project	February 2014
Strathclyde University Awards	February 2014
Belonging 4 Us (Film)	September 2014
Salter Statues Campaign	September 2014

4. Bearing in mind the previous decisions of the Executive Committee it is suggested that the following procedure be adopted in relation to all future requests for funding from external organisations.
- (a) All requests from the STUC, TUC and EI (to which the EIS is affiliated) will be included on the agenda and considered in the appropriate section of the agenda (usually section 6);

- (b) All requests from other organisations to which the EIS is affiliated would be given top priority in the final section of the agenda (funding requests) and the Executive Committee should give serious consideration to supporting these requests;
 - (c) All requests from organisations to which the EIS has given financial support in the past would be given the next level of priority on the agenda and the Executive Committee should consider the extent of any additional support;
 - (d) All other requests will normally be for noting unless a member of the Executive Committee moves otherwise. Financial support should only be provided in circumstances where the aims of the organisation or project in question align with the strategic objectives and policies of the Institute.
5. If this proposal is approved by the Executive Committee and Council then it will come into effect at the January 2015 meeting of the Executive Committee.
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The Educational Institute of Scotland

Support for Local Association Secretaries, Branch Secretaries, Branches and Local Associations

1. Introduction

- 1.1 The following resolution was approved by the Institute's Annual General Meeting in June 2014.

"That this AGM instruct Council to investigate and report on how Local Association Secretaries, Branch Secretaries, Branches and Local Associations can be supported in future".

- 1.2 At the present time Branches and Branch Secretaries as part of EIS-FELA and EIS-ULA are supported principally through the dedicated Further & Higher Education office of the Organisation Department and, in the case of EIS-FELA, through the Area Offices in relation to bargaining (particularly dispute or near dispute situations) and casework.
- 1.3 Local Associations and Local Association Secretaries currently receive support in a range of ways through the various departments at EIS Headquarters and through the relevant Area Office (particularly in relation to casework) and, at least in part, in relation to school visits for recruitment purposes etc.
- 1.4 It is envisaged that the level of support will be enhanced by the appointment of two Organiser positions which will be filled before the end of the year. These positions will provide additional support in relation to: recruitment and retention, the CPD agenda and providing assistance to the Area Officer force.

2. Areas where support is required

- 2.1 At the current time the EIS (including the Self-Governing Associations) provides support to its Local Associations and Branches (including Local Association and Branch Secretaries) in the following respects:
- (a) training in the form of meetings, seminars, residential training weekends etc;
 - (b) administrative, organisational and casework support both through EIS Headquarters and the Area Offices;
 - (c) health and safety advice and support;
 - (d) information provision e.g. negotiations, pensions, press releases, benevolence, legal advice and support etc;

- (e) support for Local Association Treasurers and Benevolent Fund Correspondents. Support with accounts and auditing;
- (f) development and implementation of education policy across the 32 Local Authorities;
- (g) development and implementation of EIS equality policy and practice;
- (h) support for LNCTs and LNCT officials;
- (i) communication of national EIS strategy and policy priorities;
- (j) support for local campaigning initiatives;
- (k) support in relation to the learning agenda, appointment of ULRs etc;
- (l) support and assistance in relation to the organisation of elections, ballots etc;
- (m) national forums for occupational groupings (e.g. Headteachers, Instrumental Music Teachers, Educational Psychologists, Additional Support Needs etc);
- (n) assistance and support in relation to the maintenance of Local Association Constitutions;
- (o) national support and assistance in relation to the recruitment of new members (particularly probationer members).

2.2 Support for Local Associations and Branches could be improved and enhanced in the following respects although these will almost certainly require additional resources, additional personnel or, in some cases, both in order to deliver that improved level of support.

- (a) Training The EIS is currently engaged in a major review of the training provision available, particularly to EIS Representatives and Branch Secretaries. This review is utilising the support and assistance of the TUC Education Service as well as the existing Area Officer force and it is expected that a considerable amount of this new training material will be capable of being utilised by Local Association Secretaries, other Officials as well as Branch Secretaries and EIS Representatives. In addition work is already underway in relation to the provision of dedicated training events for Local Association Secretaries both with our advising solicitors and with other external providers (e.g. Children in Scotland).
- (b) Information Exchange, Briefing Meetings and Communications In the past there has been some criticism of the long standing practice of bringing Local Association

Secretaries to Edinburgh for what has, essentially, been a briefing meeting at which information from individual departments has been communicated to Local Association Secretaries. This practice has now been largely discontinued and other mechanisms for communicating information are being utilised. EIS-FELA and EIS-ULA do make use of smaller scale seminars to allow e.g. Branch Officials to discuss particular issues in some detail. These seminars are organised "in house" but often make use of external speakers and guest presenters.

- (c) Use of ICT, Social Media etc. The EIS Training Review Group has identified the development of ICT as a major priority for the Institute in the period ahead, not just for the delivery of training courses, but for a range of other purposes across the Institute. While the e-mail system (GroupWise) is sufficient for some of our purposes, there are a number of options which could be considered e.g. the provision of a high quality video conferencing system which could provide benefits across the organisation.
- (d) New Local Association Officials The EIS does currently provide training for new and inexperienced Local Association Secretaries, Treasurers etc. this is done on very much an *ad-hoc* basis and it is recommended that the Working Group on Training should give detailed consideration to the training which could be provided to Local Association Officials who have just been appointed. This should also include the consideration of the use of ICT in this regard.
- (e) EIS Website The EIS Website currently has dedicated areas for different groups of members e.g. EIS Representatives, Council members, SGA members etc and some of the communications issues which are raised in this paper, and which have given rise to some discussion amongst Local Secretaries in the past, could be addressed by creating a dedicated area for Local Association Secretaries (and perhaps other LA Officials). It might also be worth giving consideration to the creation of a specialist intranet for Local Association Secretaries as a means of fostering efficient communication across all Local Associations and with EIS Headquarters.

3. Recommendations

- 3.1 Despite the reservations expressed in paragraph 2.2(b) it is proposed that a meeting of Local Association Secretaries is arranged (prior to Christmas) to consider the content of this paper and to consider other ways in which the support provided to Local Association Secretaries and Local Associations can be augmented.

The Educational Institute of Scotland
Independent Schools – Charitable Status

1. Introduction

1.1 The following resolution was carried by the Institute’s Annual General Meeting in June 2014:

“This AGM resolve to campaign for a change in the law of Scotland to remove charitable status from independent schools”.

1.2 It should be noted that a considerable amount of correspondence has been received and that a number of resignations have been tendered from members employed in the independent sector as a consequence of the publicity generated by the adoption of the resolution at the AGM. The Executive Committee agreed that a paper should be prepared in the first instance which, inter alia, would consider how to protect the interests of EIS members in independent schools and the role of the special/third sector independent schools.

2. The Independent Sector in Scotland

2.1 The Scottish Government maintains a register of all independent schools in Scotland (a total of 103 at the current time) while the Scottish Council of Independent Schools represents just over 70 independent schools in Scotland covering the traditional independent sector and a number of special needs schools (including six of the seven Grant Aided Special Schools (GASS)). There are a number of independent schools which are not affiliated to SCIS and these include the Church of Scotland schools. There are currently just over 30,000 pupils in the sector as a whole with around 3,500 teachers employed (1314 are EIS members).

2.2 The seven Grant Aided Special Schools in Scotland (GASS) receive direct funding from the Scottish Government as outlined below. These schools also charge fees (mostly paid by the relevant Local Authority). The seven GASS classification schools and the amount of direct grant funding from the Scottish Government are outlined below.

SCHOOL	RECURRENT GRANT (2014-2015)
Corseford Residential School	£1,230,237
Craighalbert (Motor Impairment)	£ 754,264
Donaldsons	£1,964,341
East Park School*	£1,308,823
Harmeny Education Trust	£1,108,273
Royal Blind School	£2,622,724
Stanmore House	£1,745,019
Total	£10,733,681

*Not SCIS Affiliated

- 2.3 There are around 30 other independent schools in Scotland which are not affiliated to SCIS but these include the Church of Scotland schools (Gielisland and Ballikinrain). The remainder constitute relatively small local providers which cater for a relatively small number of pupils.

3. Charitable Status in the Scottish Independent School Sector

- 3.1 The majority of independent schools in Scotland (~80%) do have charitable status which either date back to the original legacies which established the school or which result from more recent applications for charitable status to the Office of the Scottish Charity Regulator (OSCR). The Office of the Scottish Charity Regulator requires all organisations applying for or seeking to retain charitable status to comply with two distinct charity tests as follows:
- (a) The organisation in question must have charitable purposes set out as part of its aims, purposes or objectives within its Constitution etc.
 - (b) In delivering these charitable purposes the organisation must provide public benefit, in other words, OSCR must be satisfied that the organisation will make a positive difference for the public in the manner outlined in its Constitution i.e. that it is actually carrying out its charitable objectives.
- 3.2 In the recent past OSCR has expressed some concern regarding "the public benefit" element of some independent schools which retain charitable status. At the end of the last decade OSCR gave close scrutiny to the extent to which a number of independent schools did provide support to families with low or modest incomes to allow their children to have the possibility of attending the school in question. A major report from the Office of the Scottish Charity Regulator is expected to be published this autumn/winter (2014/15) which will cover all of the independent schools (with charitable status) in Scotland and which will hopefully deal with the concerns which were expressed in 2008 and 2009.
- 3.3 Charitable status is shared by 23,745 organisations across Scotland and, in addition to the Scottish independent school sector, is enjoyed by Universities, Further Education Colleges, Professional Colleges, Trades Unions (including the EIS), and Private Care Homes etc. Charitable status brings with it a number of financial benefits to the organisation in question which commonly include:
- (a) Tax breaks (including income from investments, estates, land and property) usually through relief from corporation tax and capital gains tax.
 - (b) Business rates relief in a mandatory form is provided to organisations using property for charitable purposes.

- (c) Income from fund raising through charitable donations can also be tax free (through schemes such as "gift aid") but any fees paid for services provided receive no such tax exemption.
- 3.4 The resolution carried by the AGM in June 2014 calls for the removal of charitable status from independent schools, technically; this could be achieved by two discrete mechanisms as follows:
- (a) to persuade OSCR that the independent school sector does not meet charity tests as outlined in paragraph 3.1 (a) and 3.1 (b) above and/or;
 - (b) to persuade the Scottish Government and the Westminster Government to alter Her Majesty's Revenue and Customs Rules to prevent charitable organisations receiving the tax breaks defined in paragraphs 3.3 (a), 3.3 (b) and 3.3 (c).

If the Institute were to adopt a position in line with paragraph (b) immediately above, then such a position would affect every charitable organisation in Scotland and would be unlikely secure any significant popular support and, therefore, would be unlikely to gain any political traction. The most appropriate way forward would appear to involve close scrutiny of the, soon to be published, OSCR "Review of Fee Charging Schools in Scotland". However, initial advice could be sought from the Scottish Government, even on an informal basis.

- 3.5 At the present time OSCR has already conducted an "in depth" analysis of 46 schools to determine the extent to which they meet the charity tests i.e. they must:
- (a) have charitable purposes;
 - (b) not use their assets for non-charitable purposes;
 - (c) provide public benefit.

At this moment in time 37 schools met the above charities tests with 9 still under consideration by OSCR. It is understood that the 9 schools will, almost certainly, comply with the directions provided by the Regulator in time for the publication of the Review.

- 3.6 As a rough guide it is estimated that, if charitable status were removed from the independent school sector, and the tax breaks outlined in section 3.3 were withdrawn then this could result in a loss of around £5m to this sector's income in any given year which could represent a loss of around 150 teaching jobs across the sector as a whole. This loss could be offset by either an increase in fee income or a change in the Scottish Government's calculation of relief e.g. as part of its small business bonus scheme to make up any shortfall. The Institute should also give further consideration to mechanisms either to obviate the loss of jobs or to mitigate the effects of the job losses.

4. Recommendations

- 4.1 The Institute should not seek to persuade either the Scottish Government or the Westminster Government to change its tax relief rules as they apply to registered charities. It is likely that all charities could be affected by such a move which would also affect the Grant-Aided Special Schools, Universities and Further Education Colleges.
 - 4.2 The Institute should, however, examine, in detail, the forthcoming report of the "Review of Fee Charging Schools in Scotland" to be published soon by the Office of the Scottish Charity Regulator with a view to considering whether any appeal or review of decisions taken might be possible (this should include legal advice). It might also be of benefit to seek a meeting with Officials from OSCR in order to try to secure the policy objectives contained within the AGM resolution through direct dialogue with the Regulator.
 - 4.3 That a summary of the policy to be pursued be communicated with EIS members employed in the independent sector so that they are aware of developments since the summer.
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The Educational Institute of Scotland

Report of a Meeting Involving Representatives from the EIS and the Office of the Scottish Charity Regulator Thursday 26 March 2015

1. Present: Laura Allan (OSCR), Tommy Castles (EIS), Martin Tyson (OSCR), Ken Wimbor (EIS).
2. The meeting was organised as a follow up to the paper dealing with the removal of charitable status from Independent Schools which was approved by Council in November 2014. In particular the meeting concentrated on the detail of the recent OSCR report entitled "Fee Charging Schools, Public Benefit and Charitable Status".
3. Martin Tyson from OSCR began by outlining the work of the Regulator in relation to the Independent School sector and the application of the relevant charities legislation. In summary, all charitable bodies are required to have charitable purposes set out as part of their aims and objectives and must also provide a defined public benefit in carrying out its charitable purposes. The charity test, as it is known, is outlined in Section 7 of the Charities and Trustee Investment (Scotland) Act 2005 as follows:

7 The charity test

(1) A body meets the charity test if –

(a) its purposes consist only of one or more of the charitable purposes, and

(b) it provides (or, in the case of an applicant, provides or intends to provide) public benefit in Scotland or elsewhere.

(2) The charitable purposes are –

(a) the prevention or relief of poverty,

(b) the advancement of education.

(c) the advancement of religion

(d) the advancement of health

(e) the saving of lives

(f) the advancement of citizenship or community development

(g) the advancement of the arts, heritage, culture or science

(h) the advancement of public participation in sport

(i) the provision of recreational facilities, or the organisation of recreational activities, with the object of improving the conditions of life for the persons for whom the facilities or activities are primarily intended,

(j) the advancement of human rights, conflict resolution or reconciliation,

(k) the promotion of religious or racial harmony

(l) the promotion of equality and diversity

(m) the advancement of environmental protection or improvement

- (n) the relief of those in need by reason of age, ill-health, disability, financial hardship or other disadvantage*
- (o) the advancement of animal welfare,*
- (p) any other purpose that may reasonably be regarded as analogous to any of the preceding purposes.*

4. The discharge of a charitable body's functions must provide a benefit to the public as distinct from the provision of a personal (private) benefit either from customers, clients or staff. In addition OSCR will give consideration to any public disbenefits (detriments) which arise as part of the charitable organisation's discharge of its functions, e.g. an adverse environmental impact. As part of OSCR's assessment of the extent of any "public benefit" consideration is also given to any undue restrictions which apply to any access to the public benefit which, in the case of fee paying schools, could include restrictive fees and charges and entrance examination which could have the effect of restricting access to the wider public benefit. In addition there are organisations which cannot enjoy charitable status which include those where assets are used for solely non-charitable purposes, political parties and organisations under direct government ministerial control.
5. Laura Allen then provided some information related to the historical role of OSCR in determining whether fee paying schools should enjoy charitable status or whether individual schools continue to satisfy the charity test. Since around 2006 OSCR has inspected between 55-60 fee paying schools and, over that time period, 10 have failed the charity test (essentially because they didn't provide the public benefit required by the 2005 Act). In these circumstances OSCR issued the school in question a formal direction indicating that, if the direction is not complied with, the schools charitable status may be in jeopardy. OSCR expects fee paying schools to provide bursaries, foundations and scholarships to permit less well off families/youngsters to benefit from the education provided. There are, however, no clear criteria which determine whether a level of bursary payment (either as a percentage of the roll or as a percentage of the total cost of the fees) is sufficient to comply with the statutory definition of "providing a public benefit". A number of fee paying schools also provide "distress bursaries" for existing families where their financial circumstances change.
6. OSCR also gives consideration to the extent to which the fee paying school providing additional community benefits such as opening recreational facilities to the public or permitting pupils from state schools to attend classes (e.g. in Advance Highers which are not offered by the local authority/school)
7. Summary

The office of the Scottish Charity Regulator has statutory responsibility for regulating the activities of around 30,000 charities in Scotland which includes around 60 fee paying schools. In order to maintain charitable status (and the tax perks which this provides) the schools must:

- 1) be involved in the advancement of education
- 2) provide a public benefit (in Scotland)

The interpretation of the above aspects of the “charity test” does appear to be rather loose and there is a suspicion, in some quarters, that the support (in the form of bursaries, foundations and scholarships) provided by fee paying schools benefit largely those parents who would have been interested in sending their children to the fee paying school anyway and don’t provide a significant benefit to the wider community.

8. Recommendation

The following resolution was approved by the AGM in 2014:

“This AGM resolves to campaign for a change in the law of Scotland to remove charitable status from independent schools”.

The EIS remains unconvinced that the tax benefits for those schools, outwith the third sector, accorded charitable status are justified with particular regard to the advancement of education and promotion of public benefit. Therefore, the EIS opposes charitable status and campaigns for a change in the law to secure the removal of charitable status in accordance with the AGM motion.

The EIS further agrees to submit to any future review advocated by the Scottish Government with reference to EIS policy and principles.

The Educational Institute of Scotland

General Secretary – Appointment or Election?

1. Introduction

- 1.1 The following resolution was approved by the Annual General Meeting in June 2014.

"This AGM instructs Council to investigate and report on the appointment process for the General Secretary with particular regard to:

(a) electing the General Secretary for a fixed term and;

(b) the General Secretary being directly elected by all members".

- 1.2 In 2003 the Annual General Meeting approved a resolution dealing with the constitutional changes which would be required to move to a system of direct election of the General Secretary. At the current time the appointment of the General Secretary is a matter for Council (Rule XI.9). In 2009 Council established a Working Party to consider whether the General Secretary's position should be filled by appointment or by election.
- 1.3 The statutory requirement on Trades Unions to elect their General Secretary was introduced by the 1987–1992 Conservative Government as part of a raft of anti-trade union laws in the early 1990s. The new legislation was opposed by the Trade Union movement at the time because it was seen to be disruptive, to undermine the work of the Trades Unions and to increase the level of State interference. The legislation also included significant restrictions on the check off system and on industrial action. The specific statutory provisions which cover the election of the General Secretary are to be found in Sections 46-61 of the Trade Union and Labour Relations (Consolidation) Act 1992.
- 1.4 The EIS is not required by law, however, to elect its General Secretary. The Certification Officer holds a list of organisations (entitled Special Register Bodies) which are exempt from the requirement to conduct elections for the position of General Secretary. There are 13 such organisations in the UK, many of which are incorporated by charter or letters patent but which also act as a trade union on behalf of their members. However, if an organisation were to include the General Secretary as a voting member of its Executive Committee, the statutory provisions with regard to the election process would come into play.

2. The Situation at Present

- 2.1 The current General Secretary was appointed to the position at a meeting of Council held on Friday 27 January 2012. Prior to this, an advertisement for the post of General Secretary had appeared in a number of national newspapers (Herald, Scotsman, TESS) and the Appointments Forum interviewed candidates on the long leet on Thursday 19 January 2012. A short leet of four candidates was then interviewed by Council and the successful candidate was determined by exhaustive ballot amongst the 126 members of Council who were present on the day. A similar process had been used to appoint previous General Secretaries of the Institute.
- 2.2 In some respects the differentiation between "appointment" and "election" as presented in the AGM resolution is a misleading one. The use of the term "election" is often understood as meaning an election involving ballot papers being issued to the entire membership. The term "appointment", for the post of General Secretary, in a sense, also involves an election albeit involving a reduced electorate i.e. the directly elected members of Council. Constitutionally, Council is the main decision making body of the Institute between AGMs and, from a legal perspective, it is the Principal Executive Committee of the Union and must be directly elected by the thirty-four constituent parts of the organisation (i.e. 32 Local Associations and 2 Self Governing Associations).
- 2.3 The appointment of all other official/officer positions within the Institute involves a process of advertisement, leeting and interview by a specially elected Appointments Forum, taken largely from the Executive Committee.
- 2.4 In cost terms, the last occasion on which there was a national election of one of the Office Bearers, the cost to the Institute was in excess of £20,000. Each meeting of Council (held in September/October, November, January, March and May) costs in the region of £10,000 (covering both travel costs and the hire of the hotel). Costs associated with the advertising of posts are likely to be in excess of £10,000 per advert.

3. Some Issues to be Considered

- 3.1 The first matter which should be considered is the nature of the post of General Secretary itself. At the present time the General Secretary is the principal official of the Institute responsible, inter alia, for: all EIS employees, is the chief media spokesperson and acts as Returning Officer for all Institute elections. The General Secretary also attends all committee meetings, Council and AGM but does not have voting rights. The General Secretary is an employee of the

Institute and has all of the employment rights which apply to all other employees. In other trades unions the General Secretary has a more "political" role within the organisation and can be a voting member on committees, Executive, Council etc. In one sense, therefore, there is a strong argument for maintaining the status quo, i.e. appointing the General Secretary, if it is intended that the post of General Secretary would remain as the senior paid employee of the union with no voting rights on the main committees.

- 3.2 If, however, it is intended that the General Secretary would have a vote in relation to policy making it is perhaps more appropriate that the General Secretary should have a democratic mandate similar to that which the Office Bearers currently enjoy.
- 3.3 Should the EIS move to have a more "participative" General Secretary with a broad democratic mandate, then the relationship between the General Secretary and the elected Office Bearers and Council members would have to be redefined. Tensions may develop between a directly elected General Secretary and the elected Office Bearers and members of Council in relation to the extent to which each enjoys an "electoral mandate". The extent to which each has the right to take decisions may also become an issue. In most other teacher unions, for example, it is the General Secretary who reports to the Executive Committee rather than what we would regard as lay officials.
- 3.4 The developing trend in recent years has been that the elections for Office Bearers and for Council have more and more frequently resulted in "no contests" and, where positions are contested, only a small percentage of the relevant membership actually participates. In some other trade unions the "election" of the General Secretary has resulted in only one candidate coming forward while, in others where there is a contest, the turnout can be as low as 10%.
- 3.5 The existing method of appointing the General Secretary through an election process at Council does provide a key role for the Institute's Principal Executive Committee. EIS Council is directly elected and ensures a sectoral balance in the decision making process. In one respect Council could, perhaps, be regarded as an electoral college with all Local Associations and Self Governing Association Representatives participating in the process and representing the various constituencies. One option would be for this position to be articulated more explicitly in our procedures to make clear the difference between the appointment of the General Secretary and other officer and official posts.

4. Implications of moving to a National Election for the post of General Secretary

- 4.1 It is accepted that there is a superficial attraction in moving to a system where the senior official of the Institute would be seen to have secured the office through an openly democratic process, which would result in the General Secretary possessing a democratic mandate (similar to that which applies to the existing Office Bearers). In addition the election process itself would involve the membership, albeit dependent on voter participation, in the decision making process regarding the choice of the most senior official within the organisation.
- 4.2 However, evidence suggests that the election process in other trades unions does lead to a considerable period of disruption and/or distraction from the day to day work of the organisation in the period running up to the election, with several months being dominated by the internal politics associated with a contested election. It is widely believed in the Trade Union movement that this period of internal disruption was one of the principal reasons for the introduction of the legislation in the first place. It should be remembered that the legislation in question also introduced the restrictions on industrial action, the limitations on the use of "check off" and the introduction of the short-lived office of the Scottish Commissioner for the Rights of Trade Union Members (SCROTUM).
- 4.3 In addition, the period prior to the election itself, can often result in potential candidates vying for intra-union and wider media coverage in order to construct a platform to try to gain an electoral advantage. Once again this process distracts from the main task of representing members' best interests.
- 4.4 Unlike many other unions, the EIS General Secretary does not have a direct vote on matters of policy and, as such, the EIS remains very much an elected member led union. In addition the General Secretary does not contribute in a formal sense to policy debates, although this is not constitutionally prohibited. If one of the aims of having a directly elected General Secretary is to facilitate the more direct involvement of the post holder in policy debate, this can be achieved without resort to an election process by simply allowing the General Secretary speaking rights but no voting rights.
- 4.5 In some trades unions, while the election process for General Secretary can result in either a "no contest" or a very limited turnout in the ballot, the relationship between the General Secretary and the other officials, officers and staff may also have undergone significant change as the General Secretary

takes on a more "political" role rather than a "management" role within the organisation.

5. Issues to be Addressed if the EIS were to move to Elect its General Secretary

- 5.1 As indicated above, any move to a direct election involving the membership in the election of the General Secretary should be predicated on a change in the role of the General Secretary. In other words the General Secretary would become more "political", participative and directly involved in decision making.
- 5.2 A move to a direct election process could also have implications for existing and/or future employees of the Institute. These possible implications include:
 - (a) a move to a fixed term appointment might prove to be a disincentive for existing permanent staff;
 - (b) rules on campaigning activity would have to take account of the position of permanent employees;
 - (c) consideration would have to be given to the position of unsuccessful permanent employees, particularly a defeated but previously elected, General Secretary. For example, would a permanent position be created for the deposed General Secretary or would a sufficiently attractive severance package be available to obviate the need for Employment Tribunal proceedings.
- 5.3 Consideration would have to be given to the manner of removing an unsuitable, elected General Secretary. Clarification would have to be sought whether the General Secretary had the status of an employee and that the existing, agreed, disciplinary procedure would apply.
- 5.4 The extent to which a directly elected General Secretary could vote at committee meetings would also have to be considered. (see paragraph 4.4 above).
- 5.5 Decisions would have to be taken on the length of the term of office of a directly elected General Secretary and the continuity which the EIS has benefited from in recent times may be jeopardy.
- 5.6 A number of crucial administrative matters would also have to be addressed prior to any move to direct election viz:
 - (a) Any new process would have to define whether nominations would be restricted to EIS members or would be permitted from a wider base. Consideration would also

have to be given as to whether nominations should have to come from Local Associations or would be permitted from individual applicants. A decision would also be required regarding whether the post would be advertised externally.

- (b) The nature to the balloting process would also have to be agreed, for example, should all valid nominations appear on the final ballot paper. Consideration would also have to be given to the nature of any leeting process or whether a "preferred candidate" system should be introduced.
- (c) Strict and detailed rules and procedures relating to campaigning and expenditure would also have to be agreed to ensure an even playing field for all candidates (see paragraph 5.2 (b) above).
- (d) The voting method in the national ballot would also have to be agreed in advance involving either a first past the post system or one of the PR systems such as the alternative vote or STV.
- (e) Finally, a decision would have to be taken about the length of term of office or whether the position would be subject only to the normal retirement age of the post-holder or dismissal (see paragraphs 5.3 and 5.5 above).

5.7 The first clause of the resolution refers to electing the General Secretary for a fixed term and this is referred to above in the context of direct elections. If the concept of the current "appointment" arrangements being akin to an electoral college arrangement is accepted, or even if it is simply regarded as an appointments mechanism, it is possible to consider further, the issue of a fixed term contract e.g. a 5 year year term subject to renewal by the same process. This may be seen as addressing some of the arguments around accountability and a continuing mandate. A number of issues would require to be addressed but these are not insurmountable.

The Educational Institute of Scotland

Consultative Ballots

1. The following resolution was carried by Council at its meeting on 9 May 2014:

"That this Council resolves to investigate the possibility of conducting consultative ballots through active school or college reps (in those establishments which have them) with the aim of improving the percentage of members taking part in ballots".

The Executive Committee decided at its September 2014 meeting that a paper be presented to the November meeting.

2. By pure coincidence the UK Government is currently consulting on the prospect of introducing an "Assured Register of Members" (for unions of a certain size) as part of the implementation of the "Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014". The Department for Business, Innovation and Skills is seeking views on the introduction of a requirement on trades unions to submit an annual Membership Audit Certificate (MAC) to the Certification Officer. All unions with over 10,000 members must appoint an independent "Assurer" (who must be a qualified independent person) to complete the MAC.
3. Regardless of this future change which will affect trade union balloting, the Trade Union and Labour Relations (Consolidation) Act 1992 prohibits the use of any form of voting, other than postal voting, for the election of:
 - (a) the principal Executive Committee (i.e. Council);
 - (b) the President;
 - (c) the General Secretary (the EIS is exempt from this provision).

In addition all statutory ballots which relate to the authorisation of industrial action must also be conducted postally. If, as a consequence of the introduction of the annual Membership Audit Certificate, the Government becomes more confident in relation to the accuracy of trade union membership records, then the legislation might, in future, allow for different methods of voting (e.g. electronic). However, at the present time all statutory trade union ballots must be conducted by post.

4. For over twenty years now the EIS has made use of "indicative ballots" prior to moving towards a statutory ballot on e.g. industrial action. These indicative ballots are, almost exclusively, organised through our Area Offices and, like the statutory ballot they precede, are organised and delivered postally. These ballots are used to

provide an indication (either to the Executive Committee or the Emergency Sub-Committee) of the willingness of members in a dispute situation to support industrial action at some point in the near future.

5. Helpfully, however, the Council motion refers solely to “consultative ballots” which are used to gauge the response of members (usually for or against) a particular proposition. This could include pay, conditions of service, job losses, pensions etc. The Institute has in the past used both postal and electronic mechanisms and in recent cases (through our balloting agents – ERBS) has been able to use a combination of both. However, the Council resolution specifically seeks to consider the possibility of conducting consultative ballots through active School or College Representatives and the remainder of this paper examines the ways in which this could be achieved.
6. Conducting consultative ballots through the intermediary of the EIS Representative or Branch Secretary could be achieved in one of the following three ways. It should be emphasised that there is no external (statutory) restriction on the manner in which we conduct these ballots.
 - (a) to require the Representative/Branch Secretary to hold a meeting of members to discuss the issue in question and then to hold either a paper ballot or a show of hands at the conclusion of the meeting. The result of the ballot to then be communicated to EIS Headquarters/Area Office as appropriate;
 - (b) to require the Representative/Branch Secretary to distribute ballot papers and envelopes etc., (which will have been originally sent from EIS Headquarters or an Area Office) to all members via the school/college internal communication system. The completed ballot papers could then be returned directly to the centre (HQ or Area Office) or could be counted by Branch Officials in the school/college and the result communicated to EIS HQ or Area Office;
 - (c) to require the Representative/Branch Secretary to distribute electronic ballot papers to all members’ using the school/college e-mail system and then to have the result counted by the Branch or the electronic ballot papers could be sent to EIS HQ/Area Office for counting.

In both (b) and (c) above the conduct of the ballot could be preceded by a meeting of members’ in the school/college and it might be possible to combine postal and electronic methods of voting as part of this exercise.

7. The stated aim of the Council resolution is: “to improve the percentage of members taking part in ballots” and it is a matter for the Executive Committee, in the first instance, to determine which

of the three options outlined above could result in such an improvement in membership involvement in EIS consultative ballots. The three proposals in paragraph 6 will place additional responsibilities on some of our EIS Representatives/Branch Secretaries and could not be utilised across the organisation as we don't have EIS Representatives in all of our establishments as the following table demonstrates.

SECTOR	PRIMARY	SECONDARY	FURTHER	HIGHER
% with no Representative	970 (46.8%)	110 (25.1%)	3 (11.6%)	8 (47%)

8. Given the current level of representative penetration outlined above, it would be necessary to run a dual system of consultative ballots which might induce some confusion or lead to complaints from members regarding the process. How would we respond to a member objecting to having to attend a meeting to vote, possibly by a show of hands, where other members were allowed to vote privately. A mixed economy in terms of process would seem fraught with difficulties.
9. It should be noted, also, that in recent ballot processes where electronic balloting was utilised, notwithstanding the overall level of participation, electronic voting achieved a higher percentage return than the traditional ballot paper to home addresses.
10. Currently school representatives are encouraged to hold members' meetings to discuss issues being balloted upon. There may be a role for school meetings to be used for consultation for purposes without necessarily being linked to an individual ballot process. This may be useful as a stage in protracted negotiations – for example the pension side-table discussions.
11. It is proposed:
 - (a) that for branch consultation purposes the use of the branch structures be considered,
 - (b) that for consultative ballots all representatives are requested to hold a school meeting to allow for debate on the issue (and that this be factored in to the timetable for balloting);
 - (c) that current practice is maintained with regard to the use of our normal external balloting agents, Electoral Reform Balloting Services (ERBS).

The Educational Institute of Scotland

Groupthink and the EIS

Introduction

The following resolution was carried by the Council meeting in January 2014:

That this Council resolve to investigate and report on the phenomenon of 'Groupthink' and on how training and practices to detect and avoid it might be organised and deployed within the EIS.

The range of scholarly research on the phenomenon of Groupthink is extensive. A social psychologist, Irving Janis, coined the term in the early 1970s in his examination of US foreign policy fiascoes and disasters. Since then, it has been used to explain the group dynamics at play in disastrous situations and decisions as far-ranging as the shuttle disaster in the 1980s, to the organisational culture within the RBS leading up to the financial crash in 2008.

Janis's theory suggests that Groupthink is a state in which groups of key decision-makers do not properly test their shared attitudes and assumptions, or properly question and evaluate even their own reactions to situations, their own stances or perspectives or biases on an issue, in the lead-up to making crucial decisions.

Unwittingly, groups end up placing cohesiveness and consensus over deep critical analysis. They start to ignore or dismiss external or diverse viewpoints; they start to want to limit dissent and to believe in their own ethical correctness and in the folly of any opponents.

Despite much of the research focus being on high-level international events and decisions, it is clear that any group in any organisation can fall victim to Groupthink, especially an organisation relying on committee structures, and especially when the group in question is under considerable pressure. A fuller summary of the features of Groupthink can be found in Appendix 1.

Consequences of Groupthink

Janis lists several possible consequences of Groupthink which may in turn lead to defective decision-making and low probability of successful outcomes:

- Incomplete survey of alternatives.
- Incomplete survey of objectives.
- Failure to re-examine a preferred course of action e.g. by exploring possible unobvious risks or drawbacks.
- Failure to reappraise initially rejected alternatives.
- Poor information search.
- Selective bias in processing information at hand.

- Failure to work out contingency plans.

The recommended strategies to avoid Groupthink can be derived by imagining, or trying to create, the circumstances that would ensure the **opposite** of each of the above situations. For a further summary of advice to avoid Groupthink, see Appendix 2.

Recognising Groupthink within Scottish Education

Having a grasp of Groupthink can perhaps best help the EIS in its work by providing it with a critical tool to use when analysing the performance of leadership groups within the Scottish Educational establishment where a culture of compliance can often be observed.

This culture can be a key driver of workload for our members as it can lead to a dismissal of the voice of the profession; for example EIS advice and lobbying on the need to delay the New Qualifications was ignored. An understanding of Groupthink can help the EIS analyse *why* that culture has taken hold, offer opportunities for original and incisive lines of discussion during negotiations and at key stakeholder meetings, and create a new lever for the EIS in its attempts to improve Scottish education. (Please see Appendix 3 for details of critiques of leadership by Walter Humes.) Care should be taken not to confuse consensus achieved through collegiate debate and common purpose, with the operation of Groupthink.

Groupthink within the EIS

It would be complacent to assume that the EIS is not itself sometimes in danger of making poor decisions because of Groupthink, and that it need not equip itself with the means to avoid those situations. The EIS is a major professional organisation with considerable influence in Scotland's civic life, led by members who elect representatives into committees, key groupings of decision makers. It makes sense for such an organisation to explore the dynamics by which groups and committees behave, and to create mechanisms and training opportunities to self-evaluate and examine those dynamics and to ensure mistakes and poor decisions are avoided.

There will also be occasions when small key leadership groups within the EIS will come under the kind of pressure in which Groupthink flourishes.

However, the danger of groupings within the EIS falling victim to Groupthink should not be overstated. The structure of Council and its committees creates effective layers of oversight and scrutiny that offer the kind of 'second-chance' suggested in point 5 of Appendix 2. It is essential, however, that the Institute ensures that members of Council and of Committees are supported, and given training, in fulfilling the scrutiny role which is fundamental to the democratic accountability process.

Recommendations

The Executive Committee should:

- 1) investigate what kinds of training are used by other unions on group-dynamics, committee decision-making, leadership and organisational self-evaluation and to incorporate best practice into EIS training through the work of the Working Group on training;
- 2) through the working group ensure that training materials used within the EIS on Negotiating Skills take account of Groupthink analysis as a tool for understanding, and exploiting, the mindsets of 'opponents';
- 3) organise training on Negotiating Skills, where required or requested, of EIS reps on the SNCT and Extended Joint Chairs, and of EIS reps involved in high-level stakeholder meetings, using the adapted materials; this training to include the importance of detailed debriefing, review and self-evaluation of lessons learned from previous negotiations;
- 4) ensure that reports from officials encourage critical consideration of issues and seek to incorporate counterbalancing strategies to the consequences of Groupthink e.g. outlining alternative scenarios, challenging conventional thinking etc.

Appendix 1

Recognising Groupthink

Quoted from an article by Lindy Ryan, Published May 1, 2012, on website www.business2community.com

Janis coined the term “groupthink” to describe the type of group decision-making problem which occurs when cohesive group members’ desire to maintain good relations and achieve unanimity become superior to reaching a good decision. As traditionally conceived, groupthink occurs when in-group pressures override a group’s ability to realistically and critically evaluate options, thus leading to poor judgment and decision-making. Some scholars believe so strongly in the destructive qualities of groupthink that they argue it is the most common hazard in teamwork.

Three main factors contribute to groupthink:

- Structural decision-making flaws, which include ignoring input from outside sources; a lack of diversity in viewpoints; acceptance of decisions without analysis; and a history of accepting leader decisions that impair the group decision-making process.
- Cohesiveness, which can unfortunately encourage groupthink by creating an environment that limits internal dissension, negotiation, and criticism.
- External pressures, which limit decision making time and encourage group members to accept the first plausible option.

These factors lead to a set of eight primary symptoms indicative of groupthink:

1. Pressure to conform, wherein group members who are viewed as dissenters are directly pressured to conform to the group consensus.
2. Collective rationalization, wherein group members insulate themselves from corrective feedback, ignoring information that may force them to reconsider their assumptions.
3. Belief in inherent morality, wherein group members believe unquestioningly in the morality of their group (or the rightness of their cause), causing them to ignore the ethical or moral consequences of decisions.
4. An illusion of invulnerability, wherein group members becoming overly-optimistic, resulting in the willingness to take unnecessary and/or extreme risks.
5. Stereotyped views of outsiders, wherein groups develop an “enemy” mindset that views leaders of opposing groups as evil or stupid, and discourages interaction or productive conflict resolution with outside groups.

6. Self-censorship, wherein group members begin to consciously avoid deviating from group consensus and censor their concerns or conflicting viewpoints.
7. An illusion of unanimity, wherein group members desire for consensus evolves into a reliance on consensual validation.
8. A desire to protect the group from opposition, wherein group members actively appoint themselves as "mindguards" to protect the group leader or other group members from adverse information that might disrupt group norms or past decisions.

[Avoiding Groupthink](#)

Quoted from an article by Lindy Ryan, Published May 1, 2012, on website www.business2community.com

Five Tips to Avoiding Groupthink

Groupthink conformity tends to increase in tandem with group cohesiveness. As group norms become established members become more motivated to suppress critical thought to avoid conflict and preserve group harmony, which may be interpreted as consensus. This condition is especially prevalent in groups that are isolated from conflicting opinions and insulated from corrective feedback. Problem-solving and task-oriented groups are particularly susceptible, or groups in which the leader is directive. Though it is not always dominant enough to influence final decisions, most cohesive groups experience even a mild tendency towards groupthink.

A leader can employ several tips to avoid or overcome the disruption caused by groupthink:

1. Welcome diversity by intentionally diversifying a group or inviting outsiders to meetings and leverage their opinions, feedback, and ideas to enhance the quality and impartiality of a decision.
2. Train group members to be critical thinkers and recognize the importance of critically analysing ideas and decisions.
3. Divide groups into subgroups to brainstorm and discuss solutions, and then converge as a whole to discuss and evaluate ideas.
4. Introduce a "Devil's Advocate" to purposely voice contrary opinion and force thoughtful discussion of alternatives, or analysis of the validity of a proposed decision.
5. Hold a "second-chance" meeting to offer a final opportunity to provide input or new information before acting on a decision, especially in instances where group decisions have been achieved quickly or without thoughtful discussion.

Appendix 3

Walter Humes, visiting professor of education at Stirling University, was quoted in a recent article written by Alex Wood, former Head Teacher of Wester Hailes Education Centre: "It is high time that the complacent rhetoric of Scottish education ("partnership", "consultation", "consensus", etc.) was exposed for the sham it is. For too long the teachers who have got on in the system have been deferential and conformist: we need challenging thinkers who ask hard questions." (<http://www.sec-ed.co.uk/news/curriculum-for-excellence-kicking-a-hornets-nest>). A full article on leadership by Humes can be found at <http://welcometoselmas.wordpress.com/2014/06/05/walter-humes-on-leadership-brainstrust2/>).

The Educational Institute of Scotland

EIS Submission to the Smith Commission

1. The Educational Institute of Scotland is Scotland's largest education trade union with over 55,000 members (80%) of all teachers and lecturers in membership. The EIS represents members employed in all sectors of education in Scotland including: Nursery, Primary, Special, Secondary and Further and Higher.
2. During the recent referendum campaign the EIS did not adopt a position with regard to supporting or opposing Scottish Independence nor did we recommend any position to our members. The EIS did, however, support the STUC "A Just Scotland" Campaign throughout, and, as part of its response to the 2012 consultation on the organisation of the referendum itself (Your Scotland, Your Referendum), supported the following provisions:
 - (a) that the referendum should have been organised on a single question, three option, preferential vote covering:
 - (i) Status quo;
 - (ii) Devo-Max (fiscal autonomy) or Devo-Plus;
 - (iii) Independence;
 - (b) the extension of the voting franchise to all 16 and 17 year olds;
 - (c) the regulation of the referendum by the Electoral Commission.
3. As a Scottish education trade union, based in Scotland and recruiting teachers, lecturers and other educational personnel, the vast majority of our areas of activity and interest are already fully devolved to the Scottish Parliament/Scottish Government. Indeed since 1999 there has been a sea change in terms of the level of consultation, communication and cooperation between the Scottish Parliament/Scottish Government and the EIS at both official and elected member levels. It is probably true to say that, since the establishment of the Scottish Parliament in 1999, the EIS and its members are closer to the decision making process than ever before. As far as education policy is concerned, the EIS regards both the effectiveness of policy delivery and the level of parliamentary scrutiny and oversight to have been enhanced significantly since 1999.
4. Public Sector Pensions Recent negotiations with the Scottish Government on the Scottish Teachers' Superannuation Scheme have highlighted an anomaly which, ultimately, led to the collapse of these talks. Essentially, while the regulatory administration of similar schemes is devolved to the Scottish Parliament, overall

control of Public Sector Pensions Policy remains a reserved matter. This has resulted in the Westminster Government (i.e. the Treasury) holding a veto over decisions covering the Scottish Teachers' Scheme despite the fact that the enabling regulations require to be approved by the Scottish Parliament. This is a matter which the Institute would ask the Commission to consider as part of its deliberations.

5. There are, however, four areas of policy and policy delivery (currently reserved) which the EIS would argue should be devolved to the Scottish Parliament and these are:
 - (a) Employment Law;
 - (b) Industrial Relations Legislation;
 - (c) Health and Safety at Work;
 - (d) Equalities Legislation and Enforcement Agencies.

6. Employment and Industrial Relations In June 2003 the Annual General Meeting of the EIS approved the terms of the following resolution:

"That this AGM instructs Executive Council to campaign for an amendment to the Scotland Act (1998) to devolve Employment Law and Industrial Relations Law to the Scottish Parliament".

The EIS remains critical of the refusal of all UK Governments to contemplate anything other than very minor concessions in relation to the Anti-Trade Union Legislation brought in by the previous Conservative administration. It is probably true to say that there is more state interference in the activities of independent trades unions in this country than in many other European and OECD countries. This state interference, e.g. in the requirement to maintain a separate Political Fund and the rules for the election of the "General Secretary" and the "Principal Executive Committee" is both unnecessary and inimical to the principles of free collective bargaining in a democratic society.

As far as employment law is concerned, many of the major improvements in the area of employment protection (particularly for vulnerable employees) over the last few decades have had their geneses within the European Union and there is a logic in giving the Scottish Parliament responsibility for this area of legislation as it should be in a better position to take account of Scotland's economic circumstances and employment and industrial relations culture. The recent behaviour of the UK Government, particularly in relation to the introduction of punitive fees associated with employment tribunal applications, makes this proposition all the more urgent.

7. Health and Safety In March 2004 the, then, Executive Council of the Institute carried the following resolution:

"That this "Executive Council calls for the transfer of all powers over legislation on matters of Health Safety and Welfare at work from the Westminster Parliament to the Scottish Parliament."

It is accepted that much of the existing "reserved" health and safety legislation is implemented by devolved "supervisory agencies" and enforced through the Scottish courts which are, themselves, accountable to the Scottish Parliament. The revelations surrounding the Stockline disaster in Glasgow in May 2004 suggest that a more localised approach to the setting of health and safety legislation (e.g. in relation to corporate homicide) would be a logical move bearing in mind that "enforcement" is, to all intents and purposes, already devolved.

8. Equalities and Equality Legislation In June 2001 the EIS responded to the, then, Scottish Executive consultation "A Human Rights Commission for Scotland" in the following terms:

"Full devolution of legislative responsibility for equality issues would create a "level playing field" which would allow proper consideration to be given as to whether another new agency is required, how it would fit within the framework of human rights and equality already established north of the border."

The main argument for the EIS to support the further devolution of Equality matters and enforcement agencies is that Scotland has its own Parliament, legal system, penal system and education system. Many of the concerns we have – the need to uphold the Scottish comprehensive education system, to promote a curriculum in which equalities are embedded, to eradicate poverty, to end racism, to continue to challenge gender inequalities, to counter discrimination linked to actual or perceived sexual orientation and to combat sectarianism – would be better supported by the 'full devolution of legislative responsibility for equality issues'.

Again, the recent behaviour of the current UK Government and its decimation of the powers, roles and responsibilities of the Equality and Human Rights Commission only adds to our conviction that equality legislation and enforcement should become the responsibility of the Scottish Parliament.

9. Fiscal Autonomy The EIS did not, and has not, adopted any position (since the referendum) with regard to the extent of fiscal autonomy for the Scottish Parliament. This is largely the result of the extremely restricted timescale available to the Commission which has made it impossible for the Institute to consult as widely as we would have liked on this issue. As a consequence, therefore, what follows is essentially a restatement of existing EIS Policy. The continuum between devo-plus and devo-max should be populated

by proposals which provide the best possible settlement for the people of Scotland and any final outcome should be based on this principle and not on the basis of ideological dogma from any group or faction. However, in its response to the Commission on Scottish Devolution 2008-09 (chaired by Sir Kenneth Calman) the EIS made the following points:

"The provision of sufficient funding to provide a high calibre education service is a priority for the EIS and the Institute remains to be persuaded that any alteration to the current financial arrangements as part of the existing devolution settlement would be justified at this time. Indeed, careful consideration will have to be given to any alternative revenue raising powers which may impact on the continued application of the Barnett Formula."

In short, the EIS is of the view that any change to the mechanism for funding Scotland's vital public services must ensure that, as an absolute minimum, the provision of resources for all public services (including education) must be no less favourable than under the existing taxation regime and block grant arrangement involving the UK Government.

10. During the Referendum Campaign itself, the EIS organised a number of regional debates for members at which leading members on the "Better Together" and "Yes Scotland" campaigns presented their arguments. What became clear from these members' meetings was the strong desire, irrespective of views on the constitutional issue, for politicians to concentrate on issues of social justice, challenging the impact of poverty and tackling inequality. We would commend this approach to the members of the Commission.

The Educational Institute of Scotland
New School and Refurbishment Projects

1. Introduction

- 1.1 The following resolution was carried by the Institute's Annual General Meeting in June 2014.

"This AGM calls for staff to be involved in meaningful consultation at planning stages of New School and Refurbishment Projects in the areas with the greatest impact on their future working practices".

- 1.2 In September 2014 a letter was written to all Heads of Education, the Cabinet Secretary for Education and Lifelong Learning and ADES.

- 1.3 A summary of responses from the Local Authorities is appended as Appendix I and a copy of the substantive response from the Cabinet Secretary is attached as Appendix II.

2. Recommendation

The Executive Committee is asked to note the content of this paper.

NEW SCHOOL AND REFURBISHMENT PROJECTS**Appendix I**

Local Authority	Comments on Consultation with Staff on New School/Refurbishment Projects
Aberdeen City	N/R
Aberdeenshire	Meaningful consultation has taken place with staff.
Angus	N/R
Argyll & Bute	Staff are provided with opportunities to contribute to the consultation process.
Clackmannanshire	N/R
Dumfries & Galloway	Key stakeholder engagement and useful discussion with Unions take place.
Dundee	All new school/refurbishment projects involve regular consultation/planning meetings with school staff.
East Ayrshire	It has been practice within the Council for many years.
East Dunbartonshire	Robust consultation process is in place.
East Lothian	We consult appropriately with all respective stakeholders.
East Renfrewshire	Consultation takes the form of "design charettes" with stakeholders in workshops.
Edinburgh	No specific policy in place but the Council does comply with statutory consultation requirements.
Falkirk	No agreed policy but there is engagement with Headteachers and Parent Councils.
Fife	N/R
Glasgow	"Council has an excellent track record of consultation with staff".

Highland	N/R
Inverclyde	Meaningful consultation with all stakeholders take place.
Midlothian	No specific policy in place but it is practice to engage in meaningful consultation.
Moray	No policy in place but extensive consultation take place particularly in relation to "new build".
North Ayrshire	"I would expect that your members would be consulted at various stages".
North Lanarkshire	A major consultation exercise took place in 2010 and was particularly involved in the "design stage".
Orkney Islands	N/R
Perth & Kinross	All proposals covered by Schools Consultation (Scotland) Act 2010. This deals specifically with closures.
Renfrewshire	Staff involved in meaningful consultation at all stages of planning for new school and refurbishment projects.
Scottish Borders	N/R
Shetland Islands	HT and DHT currently involved in current Anderson High School project.
South Ayrshire	Council committed to full and meaningful engagement with all stakeholders in relation to school projects.
South Lanarkshire	HTs are essential members of the design team and share information with their staff
Stirling	Council fully involves staff in consultation over new school and refurbishment projects.
West Dunbartonshire	Long standing policy of consulting staff in all stages of the design process.
West Lothian	Council has a well developed framework for consultation on school building projects in which "staff are key".
Western Isles	Reference groups established as part of the Western Isles School Project (WISP).

The Educational Institute of Scotland

Members' Surveys – Protocol

1.0 Introduction

The EIS is currently seeking to enhance membership engagement and encourage activism and, in recent years, has made increasing use of email and online surveys to seek the views of members on key issues and to support the formation of policy. While taking sounding from the membership via surveys can provide valuable information, it is not without a degree of risk. This paper explores the pros and cons of conducting online surveys, examines current EIS procedure for the carrying out of surveys, and outlines recommendations for the future use of online surveys.

2.0 Current use of surveys

Online surveys are increasingly carried out at the request of EIS Committees, Council or AGM. Improvements in technology and the availability of free online tools such as survey-monkey have made the process of conducting simple surveys relatively straightforward. However, while the information gathered in this type of survey can be useful (particularly where the survey has been well designed and there is a high rate of return), there are some potential issues of concern.

3.0 Advantages of surveying members electronically

- 3.1** Allows EIS to connect with members and encourages participation in the work of the union.
- 3.2** Supports development of evidence-based policy, better reflecting the views of members.
- 3.3** Online surveys can be organised and turned around relatively quickly – and provide relatively quick results.
- 3.4** Allows for surveys to be carried out more frequently in comparison with traditional methods.
- 3.5** Far less costly than paper-based survey or commissioning of external research.
- 3.6** Can be effectively targeted to certain groups of members by utilising member database and email records.
- 3.7** Demonstrates that the EIS is taking action to address key member concerns.

- 3.8** Survey returns can be used to generate valuable publicity on key issues and EIS policy.

4.0 Disadvantages of surveying members electronically

- 4.1** While online surveys are simple to run, they also produce simple results which often will require further analysis or additional research.
- 4.2** Danger of surveys not being well-conceived or designed if they are implemented in haste.
- 4.3** Risk of surveys being used superficially – as evidence of the EIS “doing something” in response to an issue. A survey should be a means to an end, not the end in itself.
- 4.4** Poorly designed surveys can produce unclear or misleading results – questions must be well designed, properly tested and be consistently understood by participants.
- 4.5** Unrealistic expectations can arise as to what carrying out a survey will achieve.
- 4.6** Risk of “survey fatigue” amongst participants. Surveying members too frequently is just as, if not more, damaging than not surveying them at all. Ideally, we should not survey any individual member more than once or twice per year with an absolute maximum of once per term.
- 4.7** Danger of members switching off if repeatedly surveyed on matters that are not relevant or important to them – risks members becoming disengaged and not responding when important surveys/communications are issued.
- 4.8** Participants often self-selecting in mass surveys, with an impact on results.
- 4.9** Excludes members who do not use email or who are not comfortable with the internet. Alternatives (e.g. paper copies) should be explored, possibly on an opt-in basis.
- 4.10** Low returns can be damaging to credibility of the EIS and limit the usefulness of the survey results.

5.0 What can be done to improve use of electronic surveys by the EIS?

- 5.1** Clear rationales should be developed, highlighting the reasons for a survey being required, prior to making any decision to arrange a survey.

- 5.2** Surveys should be planned thoroughly before they are launched, allowing sufficient time for survey design, time for participants to respond, and adequate time for any analysis required after the survey closes. The Communications Department at HQ can offer assistance, on request, in the planning and design of surveys.
- 5.3** Agreement should be reached on what we wish to learn from a survey, and what we are prepared to do in response to its findings. If we aren't ready or able to take any action based on what we learn, there is little point in undertaking research.
- 5.4** The number of questions should be limited and shouldn't include any which fail the "so what?" test – i.e. questions only likely to provide information with no real benefit which you will be unlikely to act upon. If a particular question is unlikely to produce any useful information from respondent, we shouldn't include it.
- 5.5** Careful consideration needs to be given regarding the scale of a survey, including the number of participants and how they are selected.
- 5.6** Consideration should be given as to how we will use the information, and how and when we will publish the results, before we proceed with a survey.

6.0 Protocol for Electronic Surveys

- 6.1** There will be a single point of contact for the commissioning of national surveys (e.g. General Secretary or designated official).
- 6.2** All survey activity to be planned in conjunction with the Communications Department, which will provide expert advice and analysis and ensure the coordination of survey launches with other areas of activity which involve communication with members to lessen the chance of overlap or conflicting demands.
- 6.3** There will be a default position of using a limited (sample) number of participants for surveys, selected on a random basis, and reflecting the profile of the membership.
- 6.4** Improved targeting of surveys on specific issues to specific sections of the membership should be put in place – encouraging greater percentage return compared to "all member" surveys.
- 6.5** "All member surveys" to be carried out only on very a limited basis, where specifically approved by Council or AGM.

- 6.6** Surveys not to be used as in a tick-box fashion, as evidence of “doing something”.
 - 6.7** Surveys to be treated in a similar way to ballots – i.e. plan thoroughly, use selectively and be aware of the possible negative public relations impact of a low return.
 - 6.8** Time should be built in to the survey process for appropriate advance publicity ahead of surveys (e.g. in SEJ or a Bulletin) to encourage greater levels of participation.
 - 6.9** Consideration should be given to alternative means of engaging with members to seek their views – e.g. focus groups, special events, establishment visits – which may sometimes be more appropriate than an online survey.
 - 6.10** This protocol has been developed in relation to the commissioning of national surveys. Local associations should be mindful of the national protocol when developing surveys at local level and are invited to access support and advice from the Communications department at EIS HQ before surveying members.
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The Educational Institute of Scotland

Council Tax Freeze

1. Introduction

- 1.1 The following resolution was approved at Council at its meeting on Friday 21 November 2014 and subsequently remitted to the Executive Committee for processing.

"That this Council resolve to investigate and report on the impact of the Council Tax Freeze on spending on education and other local authority services".

- 1.2 Initial contact was made with the Chartered Institute of Public Finance and Accountancy (CIPFA) seeking some broad guidance on the subject matter of the council resolution and some pointers as to where additional information could be found. A copy of CIPFA's submission to the Commission on Strengthening Local Democracy is attached as Appendix A and specific reference is made to paragraph 1.3 of the Submission which provides some initial information about the effects of the Council Tax Freeze.

- 1.3 CIPFA describes the effects of the Council Tax Freeze in the following terms:

- a) Government grant has been conditional on a prescribed level of local taxation since 2007-08 which CIPFA believes has distorted the relationship between local government, the citizen and central government.
- b) Local government services cost around £19.5bn per annum and there exists an estimated accounting deficit of more than £900m, i.e. £175 per person in Scotland.
- c) Central (Scottish) Government has offered financial support to Local Authorities of around £70m per year to freeze Council Tax at 2007-08 levels. The actual cost of the freeze at 2014-15 stands at around £490m per annum. The uptake of the freeze since 2007 has been 100% across all Local Authorities every year.

2. The Cost of Providing School Education

- 2.1 A copy of a paper dealing with Local Authority Education Budgets 2014-15 and which was considered by the Executive Committee in June 2014 is attached as Appendix B.
- 2.2 The figures collected demonstrate a cash cut in local authority education expenditure of £0.612m (excluding PPP payments).

It is assumed that the total spend on school education in Scotland stands at around £5b.

- 2.3 Based on the information provided by CIPFA on the effects on local government services of the Council Tax Freeze, we can calculate that the Scottish Government has contributed a total of £70m in 2007 rising to £490m in 2014/15 which has essentially covered the cost of inflation since 2007 meaning that "inflation rises" in council tax levels have not been necessary.
- 2.4 The fact that, as part of the agreement with Central Government, Local Authorities are precluded from introducing any council tax increase at all has clearly limited their room for manoeuvre and additional spending plans for any Local Authority initiative cannot be funded through increases in council tax levels. It remains a fact, however, that every Council in Scotland has signed up for the Council Tax Freeze and has done so since 2007.

3. Recommendations

- 3.1 CIPFA's advice in relation to the Council Tax Freeze and the effects of the provision of Scottish Government grant to make up for inflation has been invaluable. However, in order to attempt to identify the impact of the freeze on education spending and other council services, we would have to try to estimate the spending plans of Local Authorities (beyond inflation) since 2007 which have been frustrated by the Council Tax Freeze itself.
- 3.2 It might be possible to communicate directly with all 32 Directors of Finance or to fund a discrete piece of research to attempt to identify the "projects" which have been lost directly as a consequence of the Council Tax Freeze. However, such an exercise would almost entirely be based on hypothesis, speculation and political subjectivity.

Executive Committee
11 June 2014

Local Authority Education Budgets 2014-15

1. Introduction

- 1.1 On an annual basis (in early Spring) the EIS writes to every Local Authority Education Department in the country seeking information in relation to the budget decisions which have been taken which affect the education sector within that council area. While the information is sought as a formal FOI request, a number of authorities take a significant amount of time to send in its response to the questionnaire.
- 1.2 The results of the raw data from each Local Authority have been sent to the relevant Local Association Secretary so that any concerns regarding these budget decisions can be raised with Council directly.
- 1.3 At the current time only East Ayrshire, East Dunbartonshire (partially) and Western Isles Councils have failed to respond to the FOI request and a further letter has been sent to the relevant Education Department requesting an early return of the survey questionnaire.

2. Summary

- 2.1 From a national perspective a number of broad generalisations can be drawn from the statistics provided and these are as follows:

a) Total Education Budget

Across the country the total education spend will fall by £0.621 million (£621,000). This figure hides the fact that, of the 29 authorities which responded, 16 indicated that its education budget would increase while 13 showed a decrease. These figures expressly exclude PPP repayments.

b) Teacher Numbers

Overall it is predicted that the total number of teachers will decrease by around 206 over the coming year. Over the same period it is predicted that pupil numbers will increase by 4,235 across the country. There are, however, significant variations across the country with 15 predicting pupil numbers will increase with 13 predicting a fall.

c) Predictions for the Future (2015-16)

When asked to predict whether the financial position facing the authority's education budget would get better or worse in 2015-16, every single council which answered the question felt that that the situation would get worse (20/29).

3. A summary of the response received from each authority is attached at Annex A.
4. Across Scotland, by way of comparison, the total spend in education services in schools is as follows:
 - a) School Education = £5,000 million
 - b) Higher Education = £1,200 million
 - c) Further Education = £522 million

These budgets have to support the following numbers of institutions:

- a) 2,153 Primary Schools (including Nursery)
 - b) 376 Secondary Schools
 - c) 193 Special Schools
 - d) 19 Higher Education Institutions
 - e) 42 FE College Campuses (now organised into 25 Colleges in 13 Regions)
-

ANNEX A – Budget Cuts 2014/15

LOCAL AUTHORITY	CHANGE IN EDUCATION BUDGET (£M)	%	CHANGE IN TEACHER NUMBERS	%	CHANGE IN PUPIL NUMBERS	%	CHANGE IN SUPPORT STAFF NUMBERS	%	CHANGE IN CPD BUDGET (£000)	%
Aberdeen City	+5.99	+5.11	+46	+2.6	+431	+2.02	-22	-3.3	+6.11	+1.3
Aberdeenshire	-3.7	-1.64	+50	+1.77	+823	+2.18	+39	+3.01	-0.56	-45.8
Angus	+0.57	+0.6	-15	-1.2	+70	+0.5	-87.2	-13.2	-32	-13.1
Argyll & Bute	-1.47	-2.23	0	0	-110	-1.03	0	0	+2	+0.77
Clackmannanshire	+0.23	+0.58	N/A	N/A	-17	-0.25	N/A	N/A	-17.4	-12.56
Dumfries & Galloway	-1.1	-1.0	-25	-1.6	-132	-0.7	-17	-2.2	0	0
Dundee	-25.9	-19.89	-19.7	-1.4	N/A	N/A	-108.8	-14.5	-106	-29.8
East Ayrshire	-0.31	-0.3	-17.09	-1.45	-122	-0.76	+16.87	+3.7	-21.5	-10.9
East Dunbartonshire							-2	-9.52	-4.4	-2.83
East Lothian	+1.1	+1.5	N/A	N/A	+106	+0.8	N/A	N/A	0	0
East Renfrewshire	0	0	-18	-1.4	+183	+1.1	+7	+1	0	0
Edinburgh	-0.2	-0.07	-9	-0.27	+1384	+2.8	0	0	-143	-29
Falkirk	+1.1	+0.8	-6	-0.4	+262	+1.2	-22	-2.1	0	0
Fife	+5.77	+1.82	-3.51	-0.1	+310.85	+0.6	+68.21	+3.37	+702	+88.26
Glasgow	-5.48	-1.17	-57	-1	+962	+1.47	0	0	+120	+17
Highland	+0.99	+0.62	+8	+0.33	+14	+0.04	+14	+1.22	-6	-1.49
Inverclyde	+0.358	+0.5	-20	-2.7	-9	-0.09	N/A	N/A	0	0
Midlothian	-0.29	-0.39	+2	+0.21	+235	+1.81	+0.34	+0.09	0	0
Moray	+1.8	+2.3	N/A	N/A	-51	-0.42	0	0	0	0
North Ayrshire	-3.1	-3.06	-18.7	-1.4	-184	-1.0	+0.32	+0.05	+13.5	+4.2
North Lanarkshire	+1.86	+0.56	-69	-1.9	-72	-0.15	-20	-1.1	-100	-9.1
Orkney	+0.83	+3	0	0	0	0	+5	+3	+0.2	+0.3
Perth & Kinross	+1.4	+1.19	-7.3	-0.5	+64	+0.3	+8.2	+1.3	-66	-26.7
Renfrewshire	+3.12	+2.16	0	0	-0.08	-0.3	0	0	+91	+49
Shetland	-1.9	-0.6	+1	+0.3	+16	+0.5	-14.4	-4.0	+28.9	+65.1
South Ayrshire	-0.389	-0.4	N/A	N/A	-106	-0.6	-15.5	-3.1	-2	-5.4
South Lanarkshire	+0.19	+0.07	N/A	N/A	-35	-0.08	+27	+2.01	-35	-6.31
Stirling	+0.7	+0.7	+2	+0.2	+24	+0.19	-16	-2.3	0	0
Scottish Borders	-0.8	-1.08	-40	-4.0	-36	-0.25	+2	+0.9	-14	-5.6
West Dunbartonshire	+16.7	+2.17	-1	-0.1	-65	-0.52	0	0	+4.6	+3.3
West Lothian	+1	+0.8	-7	-0.4	+168	+0.6	+10	+2	0	0
Western Isles										

The Educational Institute of Scotland

The Use of Zero-Hours Contracts

1. The following resolution was adopted by the Institute's Annual General Meeting held in June 2014:

"This AGM instructs Council to campaign against the use of zero hours contracts in employment in educational establishments".

2. The EIS opposes the use of "zero-hours" contracts which are becoming increasingly prevalent particularly in the Further and Higher Education Sectors in Scotland. These contracts provide for a one sided employment relationship in favour of the employer and restrict the opportunities for the employee to find other additional work because of the existence, in some cases, of exclusivity clauses in the contracts. In short, the EIS believes that these contracts are, essentially, exploitative in nature and should be substituted for other types of employment contact which, *inter alia*, provide for greater levels of job security and income reliability for the employee. Evidence obtained by the EIS also suggests that, statistically, zero-hours contracts are more likely to be held by women than by men and that, therefore, there is a discriminatory aspect to the use of these contracts. This might open up the prospect of legal action being taken against employers which make use of these contracts in the future.
3. Zero-hours contracts classify staff as being "workers" rather than "employees" and provide for fewer contractual benefits and fewer legal protections. For example, many zero-hours contract holders are not entitled to contractual benefits including: sick pay, maternity or paternity benefits, full holiday entitlement, minimum notice periods, the application of disciplinary procedures between assignments and limited pension provision. In addition, zero-hours contract holders who are classified as "workers" do not have legal rights to: SMP and SPP, no less favourable treatment (e.g. fixed term status), request flexible working, time to train, statutory notice periods, collective redundancy consultation, statutory redundancy pay, protection from unfair dismissal, Transfer of Undertakings – Protection of Employment Regulations etc. There is, however, a considerable range of practice in this area with each employer, essentially deciding on the actual contractual terms to be included as part of any zero-hours contract.
4. There is also increasing evidence that some employers are using zero-hours contracts to replace core staff to perform standard, routine and planned work for which there is often an ongoing demand and which could readily be fulfilled by staff employed on more secure, fairer forms of contract. The argument often presented by employers to justify the use of these contracts is that zero-hours contracts provide flexibility to deal with unexpected, short-term cover situations. The increasing use of zero-hours

contract staff to fulfil functions previously carried out by permanent or fixed term staff completely negates the force of this argument and confirms the fact that many employers are exploiting the flexibility which these contracts offer. In short, for "flexibility" read "licence". In addition the consequences for zero-hours contract holders when seeking to apply for mortgages or loans etc. in the current economic climate can only be imagined and can only add further to the intense insecurity felt by individuals trapped in this type of contract.

5. There is also anecdotal evidence that the use of zero-hours contracts and the limited job security and income reliability which they provide, are resulting in increased levels of staff turnover with staff constantly seeking opportunities for positions which offer greater security, better contractual benefits and improved legal protection. In these circumstances both parties to the employment contract are the losers and, in many important services and industries, the overall and ongoing level of service to the student, client or customer can only suffer. There is also some evidence which suggests that zero-hours contracts are beginning to replace the use of agency staff in some sectors. Although agency staff themselves are at the lower end of the continuum when it comes to job security/income guarantee, nevertheless agency staff are statutorily entitled to parity with other employees with the host employer after 12 weeks of employment.
6. There exists no proper "mutuality of obligation" within a standard zero-hours contract. Many workers employed on these contracts feel that they cannot afford to reject any offer of work for fear of being discarded in future allocations of hours of work in favour of those who can accept all or nearly all of the hours offered. This lack of "mutuality of obligation" combined with the use of draconian exclusivity clauses (or indeed what could be described as implied exclusivity clauses) further adds to the insecurity of the contract holder and further shifts the balance of power and advantage in favour of the employer. In short, the EIS would want to see zero-hours contracts replaced with permanent or fixed term (part-time or annualised hours) appointments wherever possible.
7. As indicated above, the EIS opposes the use of zero-hours contracts and would wish to have introduced the following statutory protections which would prevent/reduce the extent of exploitation of staff currently employed on these unsatisfactory contracts.
 - (a) develop a statutory definition of "zero-hours" contracts (there is a statutory definition included in the Small Business and Enterprise Employment Bill) which, if enacted, will make exclusivity terms in zero-hours contracts unenforceable. (This should be regarded as a very minor level of legal protection). In this Bill "zero-hours" contracts are defined as follows:

"A contract of employment or other workers' contract under which:

- (i) the undertaking to do or perform work or services is an undertaking to do so conditionally on the employer making work of services available to the worker;
- (ii) there is no certainty that any such work or services will be made available to the worker.

(b) move towards a statutory abolition of exclusivity clauses as part of zero-hours contracts;

(c) move towards a statutory abolition of zero-hours contracts which do not incorporate full and proper "mutuality of obligation";

(d) move towards the eventual abolition of "zero-hours" contracts as they currently exist across the UK;

(e) the development of immediate statutory guidance on situations where zero-hours contracts should not be used;

(f) amend the provisions of section 1 (4) of the Employment Rights Act 1996 to require the inclusion of a minimum number of contracted hours in any statement of particulars on employment;

(g) extending a number of statutory protections to all forms of contract which other employees/workers currently enjoy including:

- (i) Statutory Redundancy Pay;
- (ii) Protection from Unfair Dismissal;
- (iii) TUPE;
- (iv) Collective Redundancy Consultation;
- (v) Minimum Notice Periods;
- (vi) Right to request 'Time to Train';
- (vii) Right to request Flexible Working;
- (viii) Right to claim no less favourable treatment (fixed term status)
- (ix) Right to claim no less favourable treatment (part-time status)
- (x) Right to receive Maternity, Paternity and Adoption Leave and Pay.

8. The EIS will continue to campaign against the use of "zero-hours" contracts and will utilise any legal avenue which might be open and which might ameliorate the worst excesses of these contracts. In addition the Institute will work closely with the STUC, TUC, and all affiliates in order to attempt to secure our objectives by exerting political pressure on our elected representatives at Holyrood and Westminster as well as at Local Authority level. In the first instance these concerns should be raised with the

Representatives of all political parties represented in the Scottish Parliament.

The Educational Institute of Scotland

Trust Status

1. Introduction

- 1.1 The following resolution was approved by Council at its meeting on Friday 23 January 2015:

"That this Council resolve that the relevant Committee begins work by formulating EIS policy in relation to any proposal by a Scottish local authority to move its education service into an arms length trust"

- 1.2 One or two councils have, in the past, toyed with the notion of moving education services into the control of an "arms length trust" and one in particular – Fife Council – included this option as part of its budget setting consultation exercise at the end of 2014/start of 2015.
- 1.3 The attraction for local authorities in moving services to the control of a trust appears to revolve around savings which would accrue from the acquisition of charitable status and the concomitant savings in the payment of business rates to the Scottish Government. In the case of Fife Council it is estimated that around £10m would be saved from an education budget of approximately £382m.
- 1.4 The Labour controlled Council eventually abandoned the idea amid "concerns about the loss of democratic accountability of the education service" and the "trust" proposal in the Council's draft revenue budget was shelved. While it is almost certain that the Scottish Government would have moved relatively rapidly to plug the gap in an important source of funding through the business rates, a move towards "trust status" may remain an attractive option for those who support the removal of Local Authority control of school education services. Such a move to trust status may also be supported by those seeking to undermine the benefits of national collective bargaining which Scottish teachers currently enjoy.

2. EIS Response to any Move to Transfer Education Services to an Arms Length Trust

- 2.1 In preparing its response to any future move to transfer education services to the control of a trust the Institute would have to give detailed consideration to the following issues:
- a) The legal position and the role of a trust as a statutory provider of education services.

- b) The financial implications of a transfer, including the effects on the Scottish Government which provides Scottish Local Authorities with over 80% of its funding.
 - c) The effects on service delivery and democratic accountability.
 - d) How a transfer to trust status would impact on collective bargaining at national and local authority levels, including the impact of TUPE etc.
- 2.2 Scottish legislation (from the Education (Scotland) Act 1980 onwards) places significant and legally enforceable duties and responsibilities on the "Education Authority". However, there is no strict definition of the term "Education Authority" provided in the 1980 Act and comprehensive and detailed legal advice on whether any such move would be compatible with existing statutory provisions should be sought.
- 2.3 It is not surprising that the initial moves to give consideration to the benefits of trust status revolved around the savings which could accrue as a consequence. It is perhaps a little short sighted to consider savings which would impact directly on the income received by the Scottish Government which, in turn, is the most significant provider of Local Authority funding. There can be little doubt that such a saving is likely to be "short term" in nature with the Scottish Government moving either to plug the gap or to cut the funding to Local Authorities not contributing fully in terms of business rates.
- 2.4 Related to paragraph 2.2 above and the legal advice which the Institute should secure, detailed consideration would have to be given to the possible effects of the transfer of education services to an arms length trust and the extent to which existing statutory duties and responsibilities would transfer to the new provider. There is also evidence that some groups which support the removal of Local Authority control of school education would support a transfer to trust status as a stepping stone in that direction. What remains unknown at the present time is the make up of these new trusts and the extent to which local democratic accountability and responsiveness could be maintained. In the case of many sports and leisure trusts, these are populated largely by existing Councillors but, again, their legal status and legal duties in a new role as a "trust" member would have to be examined closely.
- 2.5 There can be little doubt that a move to trust control over education services would result in a change of employer for all of those who work in the service and the Transfer of Undertakings (Protection of Employment) Regulations would almost certainly apply. However, in the long term, the future

of existing bargaining arrangements, particularly at national level, may be in some doubt as the issue of trust status raises the same questions as the membership of COSLA as far as the authorities which are leaving is concerned. At the present time we do not believe that a withdrawal from COSLA necessarily means a withdrawal from the SNCT. However, a move towards trust status may have implications for both continued membership of COSLA and future arrangements for national bargaining.

3. Recommendations

3.1 It is recommended as follows:

- a) That the Institute opposes, in principle, any move to transfer Local Authority Education Services to arms length Trusts and will campaign to achieve this aim. The Institute will also seek clarification of the views of political parties with regard to any transfer of Education Services to arms length Trusts.
 - b) That the Employment Relations Committee gives consideration to the legal aspects of a move to trust status as described in paragraph 2.2 above, particularly in relation to the definition, responsibilities and duties of an education authority as defined by the Education (Scotland) Act 1980.
 - c) That the Salaries Committee gives consideration to the implications of a move to trust status for existing bargaining arrangements at both National and Local levels.
 - d) That the Education Committee should review the extent to which the delivery of education services and the quality of those services could be maintained in a situation where the control of school education moved from a local council to arms length trust.
-

The Educational Institute of Scotland

National Care Standards Review September 2014

EIS Response

Consultation Questions

Question 1

Do you think that the new National Care Standards should be grounded in human rights?

Yes. The EIS would argue that the rights of children and young people should be extended by fully embedding the United Nation Convention on the Rights of the Child within the Scottish legislative framework.

Question 2

- a. Do you agree that overarching quality standards should be developed for all health and social care in Scotland?

Yes. A human rights approach demands that there be universality of entitlement regardless of the care setting.

- b. Do you agree that the overarching quality standards should set out essential requirements based on human rights?

Yes for the reasons already stated above.

- c. Do you agree that the current National Care Standards should be streamlined and a set of general standards developed that would sit below the overarching standards and apply to all services?

Yes. Teacher practitioners have found the existing model to be cumbersome, overly bureaucratic and, therefore, onerous in terms of workload and time. A streamlined set of standards should be developed which are user-friendly and bureaucracy light. In working towards this, care should be taken to ensure that structuring the standards in 'layers' does not lead to the creation of a different though similarly unwieldy model. An example of how this structure may look would be helpful to see. In terms of their applicability to all services, the EIS would point out that Care Standards are not appropriate measures of outcomes related to Education. Education services are governed by standards as set out by HMIE and the General Teaching Council of Scotland (GTCS).

- d. Do you think general standards should set out essential requirements and aspirational elements?

A range of standards could be helpful in guiding practitioners in self-evaluation towards improvement.

Essential requirement should be expressed in a way that reflects the Scottish Government's commitment to the provision of high quality services; in essence, then, 'high quality' should be the minimum essential requirement. A genuine commitment to the delivery of high quality service provision, and the expectation that educational establishments will deliver, however, must be matched by adequate financial resourcing, staffing levels, suitable accommodation and CPD training for teachers in early years or residential school settings.

If the commitment is to high quality provision in every health and social care setting, aspirational elements should exceed that which would be judged as being 'high quality'.

- e. Do you agree that a suite of specific standards are developed for particular aspects of care, circumstances or need?

Yes in order that practitioners in each specific setting have Care Standards expressed in a way which specifically relates to the context within which they are working. Clarity and specificity are necessary if the new standards are to be more manageable and accessible for practitioners than has been the case to date.

Question 3

- a. What are your views on how standards should be written?

As stated above, they should be written in a coherent, clear and concise manner and, as far as possible, in plain English.

- b. What are your views on the example of how the rights and entitlements of people using services and the responsibilities of service providers could be set out?

It is clear that the aim in adopting such a layout is to show the direct relationship between the rights and entitlements of people who use services and the responsibilities of the providers. This is a helpful structure showing how rights based on the PANEL principles may be met by service providers. It would be more effective if formatting of the text within each column precisely reflected this aim.

The EIS would argue that, in the spirit of a human rights approach, within the rights and responsibilities section, an outline of the responsibilities of people using services and the rights of service providers should be included.

Question 4

- a. Do you think the Care Inspectorate and Healthcare Improvement Scotland should hold services they regulate to account for meeting the proposed overarching standards, the general standards and the suite of specific standards?

Yes, though as implied previously, the Care Commission in conducting assessments within educational establishments, should focus only on those elements which are unrelated to learning and teaching. HMIE is

the institution qualified to evaluate service provision for children and young people as it relates to education.

- b. How should we ensure that services not regulated by the Care Inspectorate and Health Improvement Scotland comply with the new standards?

Residential schools and nurseries in their provision of education services, must already comply with standards as set out by HMIE and individual teachers with GTCS standards. In effect, there are already two existing tiers of regulation within these sectors.

- c. We suggest that the Care Inspectorate and Healthcare Improvement Scotland, consulting with others, should develop the suite of specific standards. Do you agree with this?

Yes though the EIS would advocate that teacher representatives from nursery and residential schools settings should be directly involved in the development of the specific standards on a fully collegiate basis with the Care Inspectorate. The newly developed GTCS standards were devised by a working group within which there were teacher practitioner representatives. The knowledge and expertise of practitioners is key to ensuring that the standards set are realistic and achievable. The EIS advocates that the standards should be descriptors of high quality service provision, and, simultaneously, that adequate resourcing is guaranteed in order that these standards can be met within early years and residential school establishments.

Question 5

- a. Please tell us about any potential impacts, either positive or negative, you feel any of the proposals set out in this consultation paper may have on particular groups of people, with reference to the 'protected characteristics' listed above.

The EIS has concerns about cuts to budgets earmarked for ASN provision. If the review of the standards is part of an effort, which will include greater investment of resources, to improve the quality of service provision within nurseries and residential schools for children and young people with disabilities, then there is the potential for the proposals to have a positive impact. Without such investment, impact will be limited to that derived from the freeing up of practitioner time resulting from a streamlined, less bureaucratic set of standards. This time could, of course, be directed towards improving support for children and young people with disabilities.

- b. Please tell us about any potential costs or savings that may occur as a result of the proposals set out in this consultation paper and any increase or reduction in the burden of regulation for any sector. Please be as specific as possible.

The incorporation of a human rights based approach and the subsequent changes to structure, content and layout will require the training of teaching staff to become familiar with the underlying philosophy, meaning and application of the new standards. Nursery

and residential school teachers would be entitled to good quality CPD in the event of the introduction of a new approach such as this which would incur financial cost.

If streamlining of the standards is a success, then it should follow that there will be a saving of teachers' time. Currently there is significant workload and time costs attached to the gathering and presentation of evidence as it relates to the existing suite of standards. Successful rationalising of the standards in a way that makes them more manageable to work with and less bureaucratic should free up time that could be better spent by practitioners directly working with children and young people on their learning.

To facilitate the efficient gathering of evidence and communication with the Care Inspectorate as part of the process of regulation, a suitable, fit-for-purpose ICT system should be developed and piloted by practitioners before use in a professional setting.

Finally, greater financial investment is required to ensure that the standards, if they are to encapsulate the essence of the Scottish Government's vision of high quality service provision, can be achieved. In a nursery or residential school setting, such investment of resources would require to be in the form of staffing, ICT provision for pupils, teaching equipment, etc.

Question 6

Please tell us if there is anything else you wish us to consider in the review of the National Care Standards that is not covered elsewhere in the consultation paper.

We would reiterate that Care Standards, in whatever form, as applied by the Care Inspectorate, should never be the means by which Education is regulated. The EIS would advocate joint HMIE/ Care Inspectorate inspections with each body having discrete responsibility for its own area of expertise.

The Educational Institute of Scotland
Consultation on a Gaelic Medium Education Bill

EIS Response

September 2014

Consultation Questions

What are your views on Gaelic medium education?

The EIS supports Gaelic medium education and represents members teaching in Gaelic medium schools.

Do you agree that a legislative process should be in place for local authorities on how they respond to parental requests for provision or expansion of Gaelic medium education?

Yes No Don't know

What steps do you think should be taken when a local authority receives a request from parents for Gaelic medium education ?

We have provided a "don't know" answer as we would need more information on what kind of legislative process was being suggested before giving support for this step.

Local authorities should provide clear information on availability and process for application to their own or other authority's (if available) provision. There is, however, a difficulty in enshrining an entitlement when the provision is not available and the resources are not available to create such a provision.

What are your views on Gaelic medium schools?

Gaelic medium schools play an important role in supporting and essential in securing the future of the Gaelic language in Scotland. They provide learners with the opportunity for a unique bi-lingual education. This opportunity should be open for application from all and not just for those with Gaelic support at home or in the community.

What are the necessary considerations for a local authority when the transition from Gaelic medium in a two stream primary to a stand-alone Gaelic medium school has been requested by parents?

A feasibility study of the requested change would be required. This would need to consider available resources, staffing implications and impact on the school and the wider education community. There should be consultation with existing staff as well as parents.

Do you believe guidance from central government is necessary in order to create a common understanding and expectation of the arrangements under which Gaelic medium education should operate?

Yes No Don't know

What issues should be included in such guidance?

Guidance should set out requirements regarding communication with parents and schools. It should provide parents with a clear process for making a request and set criteria for Local Authorities to use when assessing such requests.

What are your views on the role that Gaelic medium education has to play in the future of Gaelic?

It has an important and essential role in the future of Gaelic.

What other steps could be taken to encourage and promote the growth of Gaelic medium education in Scotland?

Resources and training of teachers are important in any steps that could be taken.

Do you have any further comments to add?

Whilst supporting Gaelic and recognising its place within Scottish culture we would also wish to recognise that there are many community languages in Scotland and appropriate support should be provided to these languages too.

The Educational Institute of Scotland

Call for Evidence on Reform of Childcare Provision in Scotland September 2014

EIS Response

A deep understanding of the value of high quality education underpins EIS policy in relation to childcare and education. The EIS is committed to the pursuit of universal free nursery education for children aged 3 to 5 and within that, statutory minimum time for each child with a teacher fully registered with the General Teaching Council of Scotland (GTCS).

Research clearly highlights the dividends of proper investment in education in the early years, both for individual child development (stronger intellectual development, improved independence, sociability and concentration) and for society as a whole (reduction in child poverty and social exclusion, a genuine culture of lifelong learning). The role of degree educated, fully trained nursery teachers in delivering highly positive outcomes such as these is firmly acknowledged by the OECD, HMIE and by parents.

Furthermore, Curriculum for Excellence, an educational framework designed to secure seamless, coherent progression for children and young people from age 3 to 18, demands teacher expertise at all stages. Fully trained nursery teachers have a clear grasp of the rationale and pedagogies of CfE and so, are best equipped to support Early Level learners within the nursery setting. At present, the under-staffing of the early years sector with qualified teachers, risks the potential success of CfE for early learners.

A further consequence of such under-staffing, of great concern to the EIS also, is the diminishing capacity to meet the special educational needs of young learners who require additional support within the mainstream nursery setting. It is crucial that fully trained teachers are in place in adequate numbers to ensure that children with additional support needs are included fully in learning with their peers as soon as Early Level learning begins. In addition, the skills of trained teachers in supporting children of parents with English as an additional language, at this early stage in education, are vital.

Another challenge is inequality in children's experiences of early years education, this being dependent on the ability of parents to pay for high quality nursery education. Children from deprived socio-economic backgrounds are largely denied access to childcare and education beyond that which is offered free at the moment, while others, whose parents can afford it, are more likely to enjoy the benefits, short and long term, of full nursery education. The Scottish Government has stated its commitment to reducing inequity in education; the provision of universal free nursery education of the calibre described would be a genuine step towards this.

Currently, and disappointingly, there is reluctance by government both at national and local level, to guarantee better outcomes for children in early years by ensuring minimum time for each child with a fully qualified and GTCS registered nursery teacher. Scottish Government, while extending

the number of hours of free childcare provision, has not enshrined its support for 'access to a teacher' in statute. Therefore, at local authority level, as a consequence of Concordat arrangements and the austerity agenda, the drive for 'flexibility' and 'efficiency' has overtaken that of providing education of high quality to learners within the early years setting.

To redress the balance, the EIS would argue, there needs to be reinstatement of ring-fencing of local authority education budgets, as well as reform of the means by which resources are prioritised and distributed within government spending to realise the aim of universal free nursery education for 3-5 year olds delivered by fully qualified, GTCS registered nursery teachers.

Aside from this, the EIS would argue for the provision of universal free childcare where required, from birth until primary school age, and beyond that, after-school care as required, as a means of addressing gender inequality within employment in Scotland. These childcare services should be delivered by well-qualified, fairly paid childcare staff whose role in working with children, while highly valuable, is distinctly different from that of teachers who deliver education services.

The Educational Institute of Scotland
**The Independent Review of Early Learning and
Childcare Workforce Across Scotland**

First Call for Evidence

EIS Response – September 2014

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A further consequence of such under-staffing, of great concern to the EIS also, is the diminishing capacity to meet the special educational needs of young learners who require additional support within the mainstream nursery setting. It is crucial that fully trained teachers are in place in adequate numbers to ensure that children with additional support needs are included fully in learning with their peers as soon as Early Level learning begins. In addition, the skills of trained teachers in supporting children of parents with English as an additional language, at this early stage in education, are vital.

Another challenge is inequality in children's experiences of early years education, this being dependent on the ability of parents to pay for high quality nursery education. Children from deprived socio-economic backgrounds are largely denied access to childcare and education beyond that which is offered free at the moment, while others, whose parents can afford it, are more likely to enjoy the benefits, short and long term, of full nursery education. The Scottish Government has stated its commitment to reducing inequity in education; the provision of universal free nursery education of the calibre described would be a genuine step towards this.

Currently, and disappointingly, there is reluctance by government both at national and local level, to guarantee better outcomes for children in early years by ensuring minimum time for each child with a fully qualified and

GTCS registered nursery teacher. Scottish Government, while extending the number of hours of free childcare provision, has not enshrined its support for 'access to a teacher' in statute. Therefore, at local authority level, as a consequence of Concordat arrangements and the austerity agenda, the drive for 'flexibility' and 'efficiency' has overtaken that of providing education of high quality to learners within the early years setting.

To redress the balance, the EIS would argue, there needs to be reinstatement of ring-fencing of local authority education budgets, as well as reform of the means by which resources are prioritised and distributed within government spending to realise the aim of universal free nursery education for 3-5 year olds delivered by fully qualified, GTCS registered nursery teachers.

Aside from this, the EIS would argue for the provision of universal free childcare where required, from birth until primary school age, and beyond that, after-school care as required, as a means of addressing gender inequality within employment in Scotland. These childcare services should be delivered by well-qualified, fairly paid childcare staff whose role in working with children, while highly valuable, is distinctly different from that of teachers who deliver education services.

The Educational Institute of Scotland
Scottish College for Educational Leadership
Consultation Response
A Model for Leadership Development Pathways
and a National Headship Programme

November 2014

Answers to Questions:

- (1) The EIS would like to see the principles of collegiate practice embedded and specifically referenced.
- (2) The understanding of collegiality, quality staff engagement and distributive leadership should be made explicit within Table 1. Awareness of SNCT/LNCT procedures and processes should be referenced. Responsibilities for Health and Wellbeing and for awareness, understanding, application and promotion of Equality should also be included.
- (3) Engagement with Standards is one way of assessing readiness for access to a qualification. However, SCEL should be mindful that the Standard for Middle Leadership was not designed to be "attainable". Other evidence should also be considered when assessing potential candidates to ensure that high quality candidates are not excluded.
- (4) Articulation with SCQF Framework is appropriate.
- (5) SCEL will need to ensure equality of opportunity for candidates to enter the programme, for example, arrangements should be put in place for candidates not in receipt of support from their local authority employer.
- (6) We believe that to address the issues of head teacher recruitment there are measures that could be taken beyond the scope of this consultation. A two intakes a year system would be better than just an annual intake. It would be interesting to consider a rolling, termly intake system to increase flexibility.
- (7) Vacation schools may provide opportunity for some but there may also be childcare issues for parents. An alternative provision or mode of delivery should also be provided.
- (8) This seems appropriate and the mapping out of a route to completion should also allow participants to consider the workload implications for them and also the possible knock-on consequences at school level.
- (9) A Post Graduate Certificate is what 40 credits provide. If the course had been devised to meet the Standard other measures of "sufficiency" may seem redundant.
- (10) We would not support a pathway that leads to mandatory qualifications for existing head teachers and we believe that an

equality impact assessment/evaluation of risks would be an important part in the ongoing development/consultation process.

- (11) The EIS believes that all CPD/professional learning at Masters and other levels should be fully funded.

The Educational Institute of Scotland

Scottish Parliament's Education and Culture Committee Evidence Session, 30 September 2014

Curriculum for Excellence and the New National Qualifications

Comment and Concerns

Introduction

The Educational Institute of Scotland (EIS) is Scotland's largest teaching union representing approximately 80% of teachers and lecturers working in all sectors of education.

The EIS welcomes the opportunity to contribute to the Scottish Parliament's review of the National Qualifications. For many of our members working in secondary education the school year 2013-2014 was a time of increased workload and stress due to the implementation timescale and arrangements relating to the introduction of N4 and N5 qualifications. There are still on-going issues for teachers, schools and learners as schools consolidate National 2 to 5 qualifications and face the challenge of implementing New Highers.

Collective Analysis

The EIS was represented on the review group which was commissioned by the Curriculum for Excellent Management Board and culminated in the "Report of the Working Group of the First Year of the new National Qualifications" (passim). Although the EIS supports most of the recommendations from this report we have a number of concerns based on our view that the analysis was neither deep nor critical enough to get to the core of the problems.

Analysis from teachers

The EIS does not accept the view that the problems of the past session were caused simply by schools 'over presentation'. The EIS view is that if there was a degree of over-presentation as a result of schools trying to safeguard the interests of pupils this was generated by the failure of both the CfE Management Board and SQA in communicating the key messages.

The lack of exemplification and practice papers to assist in the understanding of standards, the late arrival of combined assessment approaches and the less than fully fleshed out course materials (despite the promise of such in the 2012 CfE funding agreement) all created workload pressures, anxiety, uncertainty and stress for teachers and learners.

SQA failings have been at the forefront of EIS members' concerns and SQA actions and procedures, late changes to units and assessments, lack of professional support and poor communication to schools and teachers had contributed hugely to the workload burdens experienced by schools. The EIS AGM, held in June 2014 and attended by over 300 teachers, made clear that

in its view the SQA had failed to deliver the level of support which schools needed and deserved.

The AGM called for a review of the role of the SQA and its level of accountability and transparency and to seek EIS representation on the SQA Advisory Council.

Teachers have expressed concerns over the provision of course materials for N4 and N5 and the quality of some of this provision. The EIS AGM has also called for the Scottish Government, SQA and Education Scotland to ensure that fit for purpose teaching courses and resource materials are provided to enable teachers to deliver all National 3-6 courses, with a particular emphasis in the forthcoming session on the new Higher, where it is being introduced.

Looking Back

The underlying common-cause to the difficulties experienced was the failure of the Government and all the stake-holders represented on the CfE Management Board who failed to support the EIS call for a year delay for the introduction of the new examinations. An extra year to communicate and embed key messages and an extra year for planning and for preparation of course materials, exemplification and past papers could have avoided the over-load experience by schools over the last year.

Looking Forward

Unfortunately, there are still concerns about a number of subjects being raised by our members and we are engaging with SQA to get answers on these and seek resolution. As mentioned above, there is an ongoing concern about the quality and provision of course materials and on the volume of assessment. There is continued concern at the lack of practice papers and the promised increase (from one to two) is not regarded as sufficient. There have also been concerns expressed about New Higher and Advanced Higher and about the resources available to deliver these, both this year and next, respectively. We are currently consulting with our members to seek their views on the implementation of the new National Qualifications, including introduction of the new Higher.

Final Reflection

The most important lesson from the introduction of the new National Qualifications should be that when the teaching profession sends a clear message on time-scale and implementation that the message should be listened to by politicians and education policy makers. The message from teachers was clear; more time was needed! It is to the credit of Scottish teachers that, as individuals and collectively, they managed to put in the time and effort to ensure the success of this cohort of young people.

The Educational Institute of Scotland
Sex and Relationship Education (SRE)
Scottish Parliament Public Petition PE 1526

**EIS Response to questions from the Scottish Parliament
Public Petitions Committee on call for the introduction of
compulsory sex and relationship education
to the Scottish curriculum**

November 2014

The Educational Institute of Scotland (EIS) is of the view that sex and relationships education (SRE) is crucial to the development of the health and wellbeing of children and young people. Doubtless, it is essential in supporting them to develop positive, informed attitudes in relation to their own sexual and emotional health and wellbeing, and in helping them to develop positive, healthy relationships with others. Without such education, children and young people are at greater risk, of sexually transmitted infection, teenage pregnancy, sexual and domestic violence, as outlined by the petitioners, and of sexual harassment, for example.

Equally important, though, is the ability of schools to tailor provision of sex and relationships education to the skills of staff and the specific needs of pupils, in accordance with the philosophy of Curriculum for Excellence (CfE). CfE rightly gives teachers the professional autonomy to create appropriate learning experiences for their pupils, in recognition of the fact that teachers know their pupils well, and are skilled in assessing and responding to their particular learning needs. Mandatory, blanket provision would limit the ability of teachers to respond to the specific needs of their pupils as they relate to Health and Wellbeing.

Teacher professionalism also means that practitioners are skilled in identifying their own professional learning needs. The EIS is firmly of the view that high quality professional learning opportunities must be made available in areas where teachers themselves identify professional development need. This would apply within the context of Personal and Social Education (PSE) curriculum delivery generally, and specifically, to SRE, as it does to all other areas of the curriculum.

Furthermore, at present, there is a degree of flexibility within the arrangements for delivery of PSE within secondary schools since few secondary teachers have been specifically trained in PSE as part of their Initial Teacher Education. Within this context, there is room for negotiation in the way that PSE classes are currently assigned, these often being matched to the particular skills and expertise of individual teachers.

By making SRE mandatory, putting greater onus on all teachers to deliver this sensitive curricular content, this element of flexibility would disappear, arguably to the detriment of the learning experience.

With regards to the discussion as it focused on partnership working, the EIS concurs with the view that schools 'cannot do everything', particularly when the curriculum, especially within primary, is extremely crowded as it is at present. In light of this, the Institute would agree that there is a role for

parents and other partners to play in ensuring that children and young people are equipped with the knowledge and understanding requisite for good sexual and emotional health and wellbeing.

In addition, the EIS recognises the importance of consultation with parents in the delivery of SRE within schools and recognises that there may be sensitivities around addressing areas of curricular content in light of the varying religious and moral beliefs among parents of children and young people attending school. Once again, the Institute would highlight the need for appropriate, high quality professional learning opportunities to be made available for teachers who may feel it necessary, in supporting them to address these particular sensitivities.

Finally, the EIS agrees with the petitioners on the importance of sex and relationship education in challenging homophobic attitudes within schools and, again, would support calls for additional professional learning opportunities being made available to teachers in relation to this and other aspects of Equality.

The Educational Institute of Scotland

Guidance on How Creationism is Presented in Schools Scottish Parliament Petition PE 1530

EIS Response

December 2014

The EIS does not believe that the teaching of creationism or intelligent design is prevalent in Scottish schools. They are not part of the science curriculum and their discussion in RME or Social Studies classes would be part of a broader discussion on belief systems.

The banning of discussion of particular theories or belief systems is inconsistent with the principles of Curriculum for Excellence and the restricting of Christian (or other) views to discussion only within RME classes is contrary to the cross curricular approach that is at the core of CfE.

We believe that teachers are careful in not presenting their own beliefs or ideologies as either fact or in preference to other such belief or value systems and that teachers understand the importance of their role and their position of influence over the young people they teach.

Whilst there have been recent cases that have caused serious concern, there are systems in place both locally (through the Local Authority as employer) and nationally (through the teachers' regulatory body the General Teaching Council for Scotland (GTCS), and through Education Scotland's HMIE inspection regime) to address and remedy such situations.

The GTCS professional standards for teachers make clear that it would be inappropriate for a teacher to use his or her position to propagate particular personal views; the EIS position is that teachers can be trusted to conduct themselves professionally without the need for legislation.

We hold the view that the curriculum is a matter for teachers, both individually and collectively, and that legislative interference in the content of the curriculum is both undesirable and unnecessary.

The Educational Institute of Scotland

Education Scotland Inspections

1. Introduction

1.1 The following resolution was approved by the 2014 Annual General Meeting:

"This AGM instructs Council to investigate and report on:

- (a) how and when Education Scotland plan their programmes of inspection;*
- (b) what criteria are in place to allow educational establishments and local authorities to seek a postponement of such inspections;*
- (c) what procedures there are to allow teachers, lecturers and local authorities to give feedback on Education Scotland's performance;*
- (d) what procedures are in place to lodge complaints about the behaviour of inspectors while carrying out their inspections/or on the content of their reports."*

2. Action

2.1 The terms of the above resolution were raised with Education Scotland and the following information has been provided in their response:

(a) how and when Education Scotland plan their programmes of inspection:

Each year, Education Scotland inspects a sample of schools identified by its statisticians. The sample of schools is selected on the basis of:

- size - based on the school roll,
- urban / rural - using the Scottish urban / rural classification where the proportion of the school roll lives in settlements of 10,000 and more
- deprivation - using the Scottish Index of Multiple Deprivation where the proportion of the school roll that lives in the 15% most deprived data zones.
- denominational - based on whether the school is denominational or not. Education Scotland may inspect schools in addition to the sample, for reasons such as intelligence about very good practice, or concerns about the performance of the school. These additional schools are identified in collaboration with the local authority.

In cases where there are serious concerns about children's/young people's safety, Education Scotland will carry out an unannounced care and welfare inspection. Five such inspections were carried out in 2014, four of which were in the independent sector and one grant-aided. This was an unusually high number of such inspections.

Once schools are identified for inspection in any given year, Education Scotland plans the programme on a block by block basis. Blocks are: April-June; Sept-Dec; and Jan-March. Blocks are planned 2-3 months in advance.

In September each year, Education Scotland's Area Lead Officers share with local authority officers a "long list" of schools due for inspection. This gives local authorities the opportunity to highlight any schools which they would prefer were not inspected at that time, and the reasons for this. Decisions regarding whether or not to proceed are then made in partnership with the local authority.

(b) what criteria are in place to allow educational establishments and local authorities to seek a postponement of such inspections:

Primary schools are given two weeks' notice of inspections, and secondary schools three. In all cases, the local authority gets notice of an inspection one week before the school. At this stage, local authorities sometimes contact Education Scotland to ask that a particular school is not inspected, and that another one is substituted. If there is a compelling reason, Education Scotland will agree to change the school, even though this can cause considerable workload for its support staff at short notice. Reasons for changes at this stage have recently included; head teacher's health/wellbeing; head teacher subject to disciplinary procedures; school in the middle of moving from one site to another.

(c) what procedures there are to allow teachers, lecturers and local authorities to give feedback on Education Scotland's performance;

At the start of each inspection, the Managing Inspector asks staff to raise any concerns they may have in the course of the inspection immediately, either directly with the inspection team or through the head teacher or other member of staff as appropriate. After every inspection, the head teacher is invited to complete a questionnaire evaluating the process, and to involve all staff in preparing the response. In a sample of schools, all staff are sent a post-inspection questionnaire to complete.

Education Scotland regularly meets EIS officers to discuss feedback from inspections from EIS reps. Managing Inspectors are informed of any concerns and provide feedback to issues raised by the EIS.

(d) what procedures are in place to lodge complaints about the behaviour of inspectors while carrying out their inspections/or on the content of their reports."

At the start of each inspection, the Managing Inspector asks staff to raise any concerns they may have in the course of the inspection immediately, either directly with the inspection team or through the head teacher or other member of staff as appropriate. Ideally, concerns are resolved while the inspection team is still in the school. Staff may comment on inspections through their unions, or make a formal complaint to Education Scotland at:

<http://www.educationscotland.gov.uk/about/contact/index.asp>

3. EIS Advice

- 3.1 EIS members should raise issues in the first instance with the EIS representative and if the concerns are not dealt with support should be sought from the local association secretary. Detailed guidance on the inspection process and on raising complaints is provided in the EIS publication "Education Scotland Inspections – Advice for Members" which can be accessed on the EIS website at:

<http://www.eis.org.uk/images/education/eisinspectionadvice%20If%20final%20version%2014%202%2012.pdf>

The Educational Institute of Scotland

Scottish Parliament Education and Culture Committee's Evidence Session on Implementation of New Higher

**3 February 2015
EIS Response**

Introduction

The Educational Institute of Scotland (EIS) is Scotland's largest teaching union representing approximately 80% of teachers and lecturers working in all sectors of education.

The EIS welcomes the opportunity to contribute to the Scottish Parliament's consideration of the implementation of New Higher. Unfortunately, we have a number of concerns to highlight to the Committee.

The introduction of New Higher followed the implementation of N4 and N5 which created increased workload and stress owing to the implementation timescale and assessment arrangements. New Higher has in itself generated workload burdens but the worst potential effects and disastrous impact on teachers and learners has been avoided by the option made available, at EIS request, for departments to have the choice of whether to implement this year or to delay implementation until 2015-2016.

It is our understanding, from information provided by the SQA, that 45% of candidates at the next diet of exams will be sitting Old Higher. There is a different level and pattern of take-up of New Higher across the 32 Local Authorities and workload issues around implementation also differ, particularly with differing levels of support provided by each Local Authority. Despite local variation the message from across the country has been that the workload increase associated with implementation is considerable and unsustainable.

The changes made by the SQA, following representation from the EIS, to verification procedures have been welcomed but the underlying concern which the EIS has raised about the overall burden of assessment for both students and teachers, particularly around Unit assessments, remains to be addressed. Given that reducing the amount of assessment was a key design objective of the new qualifications (at all levels – not simply Higher), the current arrangements fall short of the original ambition of the Senior Phase.

Survey Results - Members' Views

At the end of last year we surveyed our members on their experience of the implementation of the new qualifications. **65%** of teachers considered the support provided for implementation of CfE Higher to be poor. **44%** of teachers reported to be "**not at all confident**" that it would be introduced successfully. 53% reported to be somewhat confident and only 4% were very confident. Also of great concern are the **82%** who had not experienced any action taken at school level to lessen or control workload related to the introduction of new qualifications. The most common comments were that no noticeable action had been taken and that workload had increased.

Our members have also expressed concerns over the provision of course materials for New Higher in respect of quality and quantity. The EIS AGM 2014 called for the Scottish Government, SQA and Education Scotland to ensure that fit for purpose teaching courses and resource materials are provided to enable teachers to deliver all National 3-6 courses, with a particular emphasis in the forthcoming session on the new Higher, where it is being introduced. The concerns raised by our members indicate that the resource materials and support provided are not considered adequate.

Subject Related Concerns

Specific concerns have been raised by members and examples of such concerns are summarised below:

Biology – This subject has been highlighted as having extensive change in content from the old to new Higher and this has huge workload implications for teachers of this subject. In addition, this change in content (often quoted as around 70%) will present difficulties and disadvantage for students who, having sat the Old Higher, go on to the new CfE Advanced Higher.

Chemistry/Physics – Concerns from sciences have arisen from extent of content change and volume of content. We have reports of teachers still being unclear about what is expected for the assignment and researching Units. Issues about the 160 hours recommended by SQA not being met have also been raised. The issue of lack resources to purchase new text books is also a continuing problem in some areas.

Computing – Concerns have been raised regarding the extent of content change and the amount of development time this requires.

IT/Administration - The issue of lack of development time was highlighted for these subjects but it is a common problem across all subject areas.

PE/HE – There have been concerns raised about the “big jump” from N5 to Higher in both subjects.

Modern Studies/History – Concerns have been expressed on issues around clarity from SQA on assessments and marking. Issues relating to resources in schools, for example access to computers and lack of text books have also been raised.

Concluding Comments

As we have previously identified our view is that the underlying common-cause to the difficulties experienced with the implementation of N4 and N5 was the failure of the Government and all the stake-holders represented on the CfE Management Board who failed to support the EIS call for a year delay for the introduction of the new examinations. Fortunately, the EIS call for a departmental delay for implementation of New Higher was implemented and we believe this has helped reduce pressure. However, the delayed implementation of new Higher and the introduction of New Advanced Higher without a delay option could mean that for some

departments the pressure will be intolerable. Departments will have the double burden of introducing two new courses in the same year.

The EIS has made the case to both Scottish Government and the SQA that a delay option for Advanced Higher should be available for departments who are currently delivering existing Higher, particularly for subjects where the content between old and new qualifications differ considerably.

Departmental decision making on moving to new Advanced Higher would be beneficial to students and could help to reduce workload pressures for teachers. We appreciate that this would mean a significant resource implication for SQA to generate another set of Advanced Higher papers as dual running has not been part of their work plan. Additional resources would need to be made available to meet this request but the impact of such would assist both learners and teachers.

The feedback we have from members emphasises the workload burdens and the need for additional resources to allow time for course development and consolidation. This cannot happen if our schools are under resourced and teachers are left unsupported in their efforts to provide quality learning experiences.

The Educational Institute of Scotland

Transition from Specialist Primary Support Provision to Mainstream Secondary

1. Introduction

- 1.1 The following Resolution was passed at the 2014 AGM:

"This AGM instructs Council to investigate and report on the level of resourcing and the continuity of funding available in Scottish councils to support fully the transition of vulnerable children and young people when they move from a specialist primary provision to mainstream secondary."

2. Action

- 2.1 In response to the Resolution, the Committee issued a Freedom of Information request to all 32 Local Authorities. At the time of writing, 28 replies had been received. A collation of the responses is attached as Appendix 1 and initial analysis of the responses is reflected within this paper.

3. Findings

- 3.1 Local Authorities' responses suggest that transition arrangements are funded mainly from general Additional Support Needs budgets. In a few Local Authorities, schools can submit applications for additional funding or exceptionality resourcing from discrete funding sources to support transition.
- 3.2 No Local Authority stated the existence of a budget designated for the purpose of supporting vulnerable children and young people or those with additional support needs through transition from one educational setting to another.
- 3.3 Councils report in their responses that there is continuity of funding and resources to support children and young people in transition from primary specialist support provision to mainstream secondary. A few Local Authorities go so far as to say that continuity of funding is 'secure' or that there is no decrease in the funding following transition from one sector to another.
- 3.4 Responses further suggest that the nature of support required is assessed in primary and that arrangements to accommodate those needs are agreed following discussion with primary and secondary staff, and other multi-agency partners, as appropriate. Support packages are then designed to meet the needs of individual children.
- 3.5 In several cases, transition arrangements for individual children are considered within additional support needs planning which is reviewed

at least annually for individual children. A few Local Authority responses express confidence in the fact that such transition planning is 'robust' and will ensure 'smooth' transition.

- 3.6 In general, responses imply, and indeed one states explicitly, that where children have been in receipt of targeted support in primary, this is maintained in secondary.
- 3.7 A minority of Local Authorities provided information to the effect that there is no transition of pupils from specialist primary provision to mainstream secondary, specialist provision being maintained across the two sectors.
- 3.8 In terms of the nature of the support provided within the mainstream secondary setting, a number of examples were cited in the responses. These included: Enhanced Provision models; access to Community Resource Hubs; Supported Learning Centres; specialist ASN teacher support; access to specialist ASN support staff; driver/ escort to and from school; part-time attendance of a specialist Communication Centre; Pupil Support Service and outreach services for children with social, behavioural and emotional needs; and access to specialist equipment and technology.

4. Recommendation

- 4.1 The Committee will consider the responses generated by the Freedom of Information request and the extent to which they correspond with EIS members' knowledge and experience of the issue in question and agree further action as appropriate next session.
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**TRANSITION FROM SPECIALIST PRIMARY SUPPORT PROVISION
TO MAINSTREAM SECONDARY**

“This AGM instructs Council to investigate and report on the level of resourcing and the continuity of funding available in Scottish councils to support fully the transition of vulnerable children and young people when they move from a specialist primary provision to mainstream secondary.”

RESPONSES FROM LOCAL AUTHORITIES

ABERDEEN CITY 20 March 2015

Children who access targeted support at Primary have access to similar levels of support in Secondary. As such, no children move from accessing targeted support in primary to only universal support in Secondary unless a multi-agency group agrees this as part of the Child’s Plan.

Although Aberdeen City has just concluded a review of inclusive practice to inform our service delivery, there are no plans to decrease resource available to support children with additional support needs. We plan to consider our service delivery to ensure that resource is being used to best support positive outcomes for our learners.

ABERDEENSHIRE 30 March 2015

Aberdeenshire Council is developing a 9 Area Model for Enhanced Provision, ensuring the correct support is in the right place at the right time for children and young people with additional support needs. Within each area there is a continuum of provision and services. Every academy is an Enhanced Provision and as such all secondary pupils can access an appropriate level of staffing and resources. In addition there are 9 Community Resource Hubs providing provision, support and services for pupils with the most complex needs. This approach ensures consistency and continuity in educational experience and additional support for learning through transitions from primary to secondary education, and transitions between areas in Aberdeenshire.

ANGUS 23 March 2015

Children who require additional support in primary school and who will continue to require support in secondary school are identified at Primary 6 level.

Details of each child’s needs and the support required is shared between staff in both the primary school and the identified secondary school of which the child will attend. This allows for information to be shared in advance and for an extended transition to take place into the secondary school.

Multi agency review meetings are held annually for children with ASN. Professionals working with each child are involved in the transition plans to secondary.

In Angus there are no 'special schools/units', alternatively there is a resourced school in each burgh with specialist staff employed to meet the needs of children with a range of difficulties within the resourced school's cluster.

Vulnerable children would be included in this cohort of children with ASN.

ARGYLL & BUTE

Argyll and Bute has one Learning Centre (special school) for severe and complex needs. This is located in the Helensburgh area. As it also has a secondary department there are few occasions when primary aged children make a transition to mainstream provision.

Elsewhere, there is **no** Primary specialist support provision outwith mainstream schools. Transition arrangements are made as part of a wider transition process and this can be supported by funding from a central ASN budget, if required.

There is a range of specialist support available to support children with additional support needs in mainstream schools. Transition requirements are assessed around the needs of individual pupils, with transition planning using GIRFEC practice methodology and appropriate support, which may include specialist ASN teacher or assistant support or driver/escort support to and from school.

There is no separate budget for transition; therefore it is not possible to quantify any funding for this.

CLACKMANNANSHIRE 13 April 2015

Within our authority we have a number of specialist primary provisions for children who have either ASD, SEBN or complex health needs. If the young people are able to return to mainstream this will happen at any-time through their school career and would be accompanied by an individualised package of support which would be reviewed annually.

If a young person has come to the end of their primary schooling and still requires that level of support then they will go onto our secondary specialist provisions , again this placement is regularly reviewed to see if a return to mainstream will better suit their needs . If that is agreed by the team around the young person which includes their family, then they will have a support package individualised to their needs.

DUMFRIES & GALLOWAY

24 March 2015

This is a nil return for Education Services. We do not have anyone moving from Primary Specialist to Mainstream Secondary.

EAST AYRSHIRE

There is no specific cost code to support this group of children. All children who are in a specialist primary care setting, commonly known in East Ayrshire as a Supported Learning Centre due to their learning difficulties,

have an individual assessment of need. The support subsequently required in secondary school, which generally is also in a Supported Learning Centre is needs led. Therefore, if a child continues to need additionality then that will be in place.

For your information, there are three primary Supported Learning Centres in East Ayrshire and three secondary Supported Learning Centres. Children who attend one of our special primary schools as you would anticipate have their full primary and secondary school education within the same school.

EAST RENFREWSHIRE 30 March 2015

Our pupils with significant communication difficulties attend the Carlibar Communication Centre which is a primary provision. Full time pupils there transition to a specialist communication provision within Williamwood High School. Some pupils may attend the CCC on a part-time basis, relative to their needs. This is a planned arrangement, assessed, monitored and reviewed by CCC staff, the home school and Educational Psychologists. Where progress is such that time within the CCC is reduced, transition to mainstream provision in secondary is planned for in line with transition guidelines and supported as appropriate.

EDINBURGH

Budgets in mainstream to support pupils with Additional Support Needs have risen above the demographic trend. Continuity of funding is therefore present in mainstream secondary schools.

On the specific costs: each child who leaves special primary and moves to mainstream secondary is supported on a bespoke package including where needed additional funding from central budget above that which is already included in school budgets. Thus in addition to school-based staff, support for pupils, support for learning, support bases, educational psychologists, school-based counsellors etc. there are approximately 180 further Pupil Support Assistants working in secondary schools most of whom are funded centrally. We also contract Barnardos to deliver services now in secondary schools.

However, it is not possible to compare the level of resources employed to support a child in specialist primary provision with the support provided in secondary mainstream schools as the two types of provision are not directly comparable.

The way school budgets are calculated for specialist provision and mainstream schooling is not comparable. For example, a child in a special school will receive support from the overall budget allocated to that school based on the ratio of 'teacher: pupil' determined for that type of school. They are very unlikely to be allocated specific 'additional support' because of this. In addition other support provided from additional support for learning services and family support services, both provided in-house and commissioned from the NHS and third parties will also be provided where deemed necessary.

However, mainstream schools are budgeted on a 'teacher: pupil' ratio based on the class sizes as set out by the Scottish Government. In addition, each mainstream school receives support for learning funding as part of this allocation process and a separate budget is available for them to develop bespoke packages of support where deemed appropriate. For pupils with additional support needs specific allocations may also be made to the schools to enable them to provide additional pupil support where this is deemed necessary as part of the plan to enable them to attend the school and achieve their outcomes. These pupils may also benefit from additional support for learning services and family support services, as they would have within specialist primary provision, where this is deemed necessary.

The overall aim of the Child and Young Person's planning process that all schools engage with through GIRFEC is to ensure pupils receive the appropriate support at all stages of their education whether that be in specialist or mainstream setting. For example we have four high schools who receive additional staffing to operate bases so that pupils do not need to go to special school. The additional support for learning processes within Children and Families Services are therefore structured within a graded framework to ensure pupils are supported appropriately throughout their education with the correct level of intervention. We have identified ten pupils who have moved this academic session from a specialist primary setting to a mainstream secondary setting who have all had individual packages. For some this has not been a success and they have been moved back to specialist settings. This is all part of the staged intervention process open to all schools.

The specific information you requested regarding levels of resourcing and funding is not centrally held in a manner which allows us to extract and report on it. We are unable to provide you with the information requested because it is not held by the Council.

FALKIRK 23 March 2015

The transition of vulnerable children and young people between primary and secondary educational sectors is resourced through the employment of Additional Support for Learning Co-ordinators in both types of settings. There is also a protocol of Team Around the Child meetings in order to determine where the child should move to, what supports will be required and what transition arrangements will occur.

FIFE 3 April 2015

We have five Special Schools in Fife. These are 5-18 schools so the children stay in the same school. The budget to support these schools is £5.18m.

We have a number of locality based Primary Additional Support Classes (ASC) which support children for whom it has been agreed they would benefit from a smaller teacher to pupil ratio to support their additional support needs. The budget to support these 8 classes is £2.01m.

We also have 8 Departments of Additional Support Needs (DAS) for secondary aged pupils which are again locality based. The budget for these departments is £4.98m.

All of the children who have been educated and supported during their final primary years in Primary ASCs will transition into a secondary DAS. The continuity of funding is therefore secure.

We also have a number of children who due to their social, emotional and behavioural needs are supported by our Pupil Support Service. The vast majority of these children will be supported only for part of their week. This will be in their own catchment school and at times in an area based resource. On transition to secondary school some young people will not require continued support from PSS, others will continue to do so.

The respective costs for funding these parts of the service are:

- Primary Pupil Support Service £1.58m
- Secondary Pupil Support Service £3.78m

If there is a requirement to continue to support a young person when they transition into secondary school there is continuity of funding to do so.

GLASGOW 16 April 2015

We can confirm that the resourcing to support transition is child focussed and will continue to be met from existing budgets across teaching and non-teaching staffing, materials, equipment and transport.

There is no separate transition budget.

HIGHLAND 23 March 2015

In Highland we do not have a separate specialist funding source to support young children when they move from primary specialist support provision to secondary school (whether this is to specialist support provision or a mainstream school).

We have a resource allocation model and a process involving every school, looking at their predicted needs for the coming year. This allows us to allocate the resource to meet need wherever it arises and to ensure that across Highland identified need can be met consistently. If a pupil will require additional support to make the transition from one setting to another, we would try and match this from the overall resource available. We recognise that all needs are unique to the individual and to the setting and so do not take a single approach to meeting in the way suggested in your letter.

INVERCLYDE 22 April 2015

In the matter of resourcing and continuity of funding available to support the transition of vulnerable children and young people when they move from specialist support provision to mainstream secondary, the support and resourcing would be based on individual need and be subject to ASN Forum scrutiny.

MIDLOTHIAN 10 April 2015

I can confirm the following:

- Placements into and onwards transition to other specialist provisions are managed through our multi-agency staged support systems.
- Support for transitions is planned through the appropriate multi-agency forum and various levels of intervention are available from Base placement to Outreach Support.
- Primary (Speech, Language and Communication)
Mayfield PS – Base Provision and Outreach Support
- Primary (Social, Emotional and Behavioural Needs)
Hawthornden PS & Cuiken PS – Base Provisions
Behaviour Support Team - Outreach Support
- Primary (Autism Spectrum Disorders - ASD)
St Andrew's PS & Burnbrae PS – Base Provisions
- Secondary
Dalkeith HS (ASD) & Lasswade HSC – Base Provisions
Top Services providing Base Provision and Outreach Support providing Social, Emotional and Behavioural Needs Support
- Primary through Secondary
ASD Team – Outreach Support
Saltersgate School (Complex Learning Disabilities)

Additionally, funding is devolved to associated school groups to enable targeted support to be provided to meet specific identified need.

MORAY

15 April 2015

Engagement Team support from Integrated Children's Services: 2014-15

Extended transition:

Buckie £172.20

Keith £230.49

Speyside High School £300

Keith Summer Club: £1377.75

Milne's: £1538.19

Locality Management Group East £800

Lossiemouth High school: Locality Management Group West £900

Elgin Academy transition Youth Club: £1476

Elgin High School Super 7's: £541.20

Forres Academy: £490.67

Total spend: £7826.50

Each Locality Management Group had access to £2000 to pump prime initiatives based on needs and this is the same in this financial year.

NORTH AYRSHIRE 25 March 2015

All NAC pupils with ASN have their needs reviewed as part of any transition planning, including moving from primary to secondary provision. The recommendations of these reviews are passed to senior managers for approval. The resources and budgets available in session 2015/6 to support these efforts are unchanged from those available in 2014/5.

NORTH LANARKSHIRE 17 April 2015

North Lanarkshire Council have in place effective transition planning arrangements for all children and young people including those who have additional support needs. Planning for effective transition will include adhering to legislative timescales, effective communication between establishments and agencies, ensuring continuity of support and specifying the least instructive methods of support required to meet anticipated needs. Effective transition planning supports not only the progression between stages but supports children and young people transitioning from mainstream to specialist provision and vice-versa.

ORKNEY 25 March 2015

The scenario described happens only very rarely, so support (including resources/budget) has to be bespoke. It is not remembered when this last happened as the usual transition from specialist primary is to specialist secondary provision.

PERTH & KINROSS 7 April 2015

I am advised that the level of resourcing and continuity of funding is planned through the annual staffing adjustment and within the Mainstream Pupil Support Assistant budget of £3,059,830 (14/15 financial year). Additional pupils support assistant hours may be allocated on an individual needs basis to support the transition period and this additional funding would be from Senior Integrated Team (SIT). This budget amounts to £150,066 for 14/15 financial year and is included within the overall Mainstream Pupil Support Assistant budget figure previously mentioned. It would be anticipated that this would be a short term funding arrangement to support the child in settling into the secondary mainstream context.

RENFREWSHIRE

Young people who move from a specialist placement in primary to mainstream secondary are supported in a number of ways:

Within School:

Class teacher/PT/DHT/HT support

Extended Support Framework

Learning Support and Pupil Support Staff

Educational Psychology Services

Classroom Assistant.

Home link assistant and work – carry out enhanced transition process.

Outwith School Support funded from centre, ASN Budget:

Additional Support Needs Assistants – we look at continuing the current personnel with the young person if appropriate.

Outreach Staff supporting young people with Autism.

Enhanced support from our intensive support facility for varying lengths of time depending on the needs of the young person, this can be outreach or within our facility.

Support from English as Additional Language Team, hearing impairment/visual impairment team – these staff continue support if appropriate and are involved in the transition planning.

When a young person is in transition there is a comprehensive Child's Plan in place at an early stage to allow for a smooth transition. There are strong links between establishments to ensure the correct support is put in place. Staff from the centre are involved with the transition planning. There is an enhanced transition programme for those who require it.

SCOTTISH BORDERS 30 March 2015

An application would be submitted for supplementary hours under the LA exceptionality funding arrangements. This is a separate funding stream that enhances existing supports for learning support within mainstream secondary schools. The specialist setting staff, relevant EP and relevant secondary PT will be involved in a transition planning meeting which will be responsible for identifying need and making the application for exceptionality resourcing. The exceptionality element can be up to full-time support or even beyond this in exceptional cases according to need. The allocation of exceptional hours is moderated by a panel of Head Teachers, Educational Psychologist and Authority Manager.

The need for any specialist equipment, technology etc. would be assessed and provided for on an individual basis through the transition planning process.

SHETLAND 30 March 2015

We do not have any separate specialist provision in Shetland, but we do have a department attached to a primary school in Lerwick. Transition arrangements for pupils with additional support needs take place in accordance with the timescales and duties placed on the authority by the Additional Support for Learning (Scotland) Act 2004, as amended 2009. We do not have a separate budget for transition of pupils with additional support needs, and resources are funded through the Additional Support Needs budget. Transition arrangements are an integral part of our inclusive

practice and it is not possible to identify resources and funding as a separate item.

SOUTH AYRSHIRE

Transition planning for vulnerable pupils is completed over the course of Primary 7 and in some cases, extends to Primary 6. Supports required for a successful transition (and mainstream inclusion) are considered on an individual basis. All pupils from Primary specialist provision are subject to this rigorous transition arrangement and a multi-agency approach is adopted to ensure that the needs of each child are catered for. The amount of support is regularly reviewed and can be increased as well as decreased as the school and young person become more in tune with each other. Resourcing can come from a variety of areas, specialist teams, outreach staff and school assistants. No specific funds are held to be distributed due to the nature of the individual approach.

SOUTH LANARKSHIRE 1 April 2015

South Lanarkshire does not have a dedicated budget to support the transition of vulnerable children moving from primary specialist support to mainstream secondary school.

However, the Council does provide appropriate support which is delivered through our Learning Community model to ensure that robust transition planning is in place to support vulnerable children moving from primary specialist support to mainstream secondary provision. At all times our aim is to ensure the transition is as smooth as possible, is carefully planned and identified supports are in place on an individual basis by the secondary school.

A range of professionals meet to plan transitions for individual children where the sending and receiving establishments are involved. Partners and other agencies may also be involved in the transition process, where appropriate. Additional resourcing may be required on an individual basis and additional support may include specific staff training, physical adaptations and equipment, specific learning and teaching resources and/or additional staffing.

STIRLING 7 April 2015

Within Stirling Council Education Authority we have a number of specialist primary provisions for children who have either ASD, SEBN or complex health needs. If the young people are able to return to mainstream this will happen at any time through their school career and would be accompanied by an individualised package of support which would be reviewed annually.

If a young person has come to the end of their primary schooling and still requires that level of support then they will go onto our secondary specialist provisions. Again this placement is regularly reviewed to see if a return to mainstream will better suit their needs. If that is agreed by the team around the young person, which includes their family, then they will have a support package individualised to their needs.

WEST DUNBARTONSHIRE 30 March 2015

We would not be able to identify exact funding levels for this type of activity as we do not provide separate resources for this. What we can report is that there has been no decrease in the level of support available to children and young people in transition in West Dunbartonshire Council regardless of sector.

WEST LoTHIAN 2 April 2015

The total budget for supporting children with ASN is £11,182,360.

This budget is not broken down into the specific groups it supports (it is deployed flexibly to support the actual needs of individual pupils), but any pupils moving from specialist primary to mainstream secondary would be supported from within this budget.

The Educational Institute of Scotland

Report of the Working Group on Support for EAL Pupils

1. Introduction

The Working Group was established in October 2014 to take forward the work in relation to two Resolutions, one from Council in 2012, the other from the 2013 AGM, which focused on the needs of pupils for whom English is an additional language:

Non-English Speaking Pupils Council Resolution, September 2012

"That this Council resolve to investigate support for pupils who are non-English speaking and new to the Scottish education system.

Furthermore, this investigation should:

- (i) identify issues affecting teaching and learning;*
- (ii) identify good practice in teaching and learning;*
- (iii) involve discussions with Scottish government and COSLA/ Local Authorities to address the needs of teachers and learners; and*
- (iv) identify funding arrangements for support strategies as a matter of urgency."*

Inclusive, Supportive and Comprehensive Education AGM Resolution, 2013

"This AGM instructs Council to:

- (a) campaign against budget cuts in relation to Additional Support for Learning (ASfL), English as an Additional Language (EAL), and Getting it Right for Every Child (GIRFEC) and report on the impact of these cuts which have already been implemented;*
- (b) investigate the delivery of EAL across Scotland with a view to reporting on good practice.*

The Group met on three occasions between October 2014 and March 2015 and was convened by Hugh Donnelly.

2. Actions

The Group gave consideration to a number of documents which related to work undertaken by Glasgow City Council and also by Glasgow EIS, which addressed many of the issues affecting learning and teaching within school communities into which there had been a disproportionately high influx of pupils from Eastern European migrant families.

Glasgow EIS had responded to concerns raised directly by members over a period of time which they felt had not been, and were not being, adequately addressed. It had initially been intended to collaborate and make joint representation by Glasgow EIS and Glasgow City Council to the Scottish Government with the aim of

seeking additional support and funding in order to address the issues identified, including the workload of teachers and the impact on learning and teaching. Unfortunately, this did not happen.

The Working Group issued a Freedom of Information request to Local Authorities seeking data on: the numbers of pupils within the Local Authority receiving EAL support; the average spend on this support per pupil who receives it; and the nature of the support in place for pupils who are new to the Scottish Education System. 27 replies were received in total.

In order to gather the views of EIS members in relation to EAL provision, the Group wrote to Local Association Secretaries with a series of relevant questions, requesting that these be discussed at a future Committee of Management meeting and a note of the discussion submitted to the Education Department which subsequently received 11 replies.

With a view to exploring good practice in EAL provision, the Convener and the National Officer met with Professor Geri Smythe and Khadija Mohammed. Geri Smythe is Professor of Education at the University of Strathclyde, her research focus being on social justice in education, specifically on bilingualism and plurilingualism among teachers and pupils but also on issues around gender, race, ethnicity and refugee studies. Khadija Mohammed is a member of the EIS Anti-Racist Sub Committee and lecturer in Education at the University of the West of Scotland. Her research interest is social justice, equity and diversity, with a particular focus on linguistic and cultural identity.

The Convener and the National Officer attended a Conference- *Engagement of Roma Migrant Families with Statutory services: Challenges and Opportunities*- at the University of Strathclyde in January 2015, as well as a meeting with representatives of the Scottish Government to discuss the Modern Languages 1 + 2 Policy. The National Officer also attended the *Scotland, People and Language Forum* which focused on a number of issues related to language diversity in Scotland.

Exploration and engagement with the issue in this variety of contexts as detailed further below, directly informed the content of a letter from the Education Committee to the Scottish Government which highlighted in detail EIS concerns about the current inadequacy of funding for EAL and the significant educational disadvantage that this poses.

3. Initial Findings

Though the work of the Group may continue into next session, some initial conclusions have emerged from deliberations thus far in relation to funding, issues affecting teaching and learning, and what constitutes good practice in the delivery of EAL.

(a) Funding arrangements

Responses from the Freedom of Information request issued by the Group highlight significant disparity across Local Authorities regarding funding arrangements and how these are recorded.

Of those who responded, slightly over half indicated that they have a budget dedicated to EAL provision. Other Local Authorities either indicated that funding for EAL came out of the general ASN budget or they provided insufficient information to allow for comparison.

Where Local Authorities did supply sufficient information, it was possible to calculate ratios of pupils requiring EAL support to additional spending. Again, these calculations highlighted a wide degree of variance of financial provision. For example, in Dumfries and Galloway, 1.92% of the school population requires EAL support with an additional 13% spend per pupil; in Glasgow 17.1% of the school population requires EAL with an additional 7% spend per pupil.

In examining such ratios, there is no evidence of a correlation existing across Local Authorities between the percentage of pupils who need EAL support and the proportion of additional funding allocated.

Ostensibly, in some Local Authority areas in which numbers of pupils requiring EAL are low, there is comparably generous financial provision. In others, such as Glasgow where there are high numbers of pupils who require EAL support, levels of funding fall far short of need.

One Local Association reported that there was no additional funding made available to support EAL pupils who arrived during the school year.

Overall, it is clear that the current funding arrangements for EAL provision in Scotland result in inequity of provision across Local Authority areas and do not allow for flexibility of response to changing patterns and levels of migration. Flexibility implies there should be consideration of additional funding for local authorities commensurate with the identified need, especially in the case of unexpected influx of significant numbers of pupils for whom English is an additional language.

Furthermore, the lack of clarity and transparency with regard to funding makes it very difficult to make comparisons and would also make it difficult to measure the impact of funding and provision in relation to diversity of need across the country. This is problematic. It may be that provision may be more efficient and effective in some areas regardless of stated funding but presently this cannot be measured.

However, this does not deflect from the concerns about the general level of funding and the threat of further budget cuts in this area. This is especially relevant with regard to the Scottish Government's 1+2 Modern Language policy which seeks to

promote and expand language learning for all. It is clear that many new arrivals will have English as their first or additional modern language, and very likely that many young people may adopt their community or heritage language as their first or additional modern language. It is our view that the language skills here present an educational and economic opportunity which can motivate all, consistent with Government policy in this area.

(b) Issues affecting teaching and learning

EIS members have reported a number of issues arising from such patchy and/or inadequate EAL funding provision. These include:

- difficulties in enrolment and referrals to the EAL service;
- shortage of interpreters and translation services;
- barriers to accurate assessment of pupils' linguistic and cognitive abilities;
- difficulty in identifying pupils' additional support needs;
- inhibited academic progress;
- marginalisation of children for whom English is an additional language;
- lack of classroom resources and materials to support bilingual learning;
- increased workload for class teachers and support assistants.

(c) Recommended good practice

In examining the evidence gathered, the Working Group has identified some key elements of good practice in supporting pupils for whom English is an additional language.

Among these are:

- recognition throughout all policy and practice that bilingualism is an asset, not a deficit;
- a strongly inclusive ethos reflecting commitment to diversity and multiculturalism;
- effective tackling of bullying and racist incidents;
- coherent strategies to support the enrolment and assessment process for new arrivals;

- provision of translation, interpreting and English language learning support as appropriate;
- a strongly collegiate relationship between EAL and classroom teachers in all aspects affecting the progress of bilingual learners;
- a fully integrated approach to teaching and learning;
- creation of learning opportunities that directly take account of children's first languages;
- inter-agency working to develop wider support for children and their families within the community, including home-link workers;
- relevant high quality training and CPD for teachers and support assistants.

4. Next steps

At the time of writing, the Committee awaits a response from Scottish Government to the letter sent raising EIS concerns in relation to EAL provision.

It is intended that the Working Group will meet again, following receipt of a reply from Scottish Government, to consider the response and the necessity or otherwise of further action, for example, in raising the issue with COSLA.

Consideration will also be given to the publication of an SEJ article on the issue of EAL provision to include a focus on good practice in the teaching of bilingual learners.

Information gathered from the Freedom of Information request will be issued to Local Associations with a view to the relevant issues being raised with Local Authorities within LNCTs.

The EIS will continue to campaign against cuts to EAL provision within all relevant forums.

The Educational Institute of Scotland

EIS Discipline Survey and Campaign

1. Introduction

- 1.1 The following resolution was approved by the 2013 Annual General Meeting:

"This AGM instructs Council to conduct a national survey of teachers regarding discipline in schools and to campaign for increased resources for 'alternatives to exclusions' in schools."

2. Action

- 2.1 In response to the resolution the Committee devised a survey which was issued to a sample of 1000 members. The sample included all Local Authority areas and members from all sectors. The findings of the survey were used to highlight the concerns of members and received considerable publicity over the Christmas 2014 period. A copy of the EIS News Release is provided at Appendix 1.

3. Findings

- 3.1 The analysis of the results of the survey is provided at Appendix 2. The responses provided useful information on the range of alternatives to exclusion that are available and the approaches used in schools to promote positive behaviour.

4. Recommendations

- 4.1 The Committee will continue consideration of these issues and will decide on further research which may be required during next session.
- 4.2 The Committee's representative on the Scottish Advisory Group on Relationships and Behaviour in Schools (SAGRABIS) may use the information given to advise this group and to contribute to EIS input into the forthcoming survey into behaviour in Scottish Schools.
- 4.3 The EIS is committed to campaigning for increased resources for schools and for alternatives to exclusion where appropriate.

**EIS NEWS RELEASE
2 JANUARY 2015**

EIS MEMBERS HIGHLIGHT SCHOOL DISCIPLINE ISSUES

Members of the EIS have been highlighting the types of discipline challenges that they face in their schools.

The EIS Education Committee asked members to report on the situation in their own schools, to help inform future EIS policy on improving school discipline. In just one week information has been received from 21 of Scotland's 32 local authority areas, identifying a wide range of discipline related issues.

Commenting, EIS General Secretary Larry Flanagan said, "School discipline continues to be a major issue for teachers, parents and pupils alike. Whilst the majority of pupils in our schools are normally well behaved and eager to learn, there is a persistent minority of pupils who often fail to behave to an appropriate standard in the classroom.

"Poor behaviour is extremely wearing for teachers and for the majority of pupils, who can have their learning disrupted on a fairly frequent basis by their more unruly classmates.

"It is essential that in all schools effective strategies are in place to support class teachers in dealing with pupil indiscipline.

Mr Flanagan added, "The majority of incidents of indiscipline in our schools are low-level in nature. However, verbal abuse of teachers by pupils, together with other types of unacceptable behaviour such as misuse of mobile phones in school or a refusal to follow instructions, are persistent problems that take up far too much of a teacher's time during the course of the school week."

Mr Flanagan highlighted that continuing cuts to education budgets and staffing levels have had an impact on the levels of support available to tackle indiscipline in many schools.

He said, "Reductions in staffing – including a decline in teacher numbers, deep cuts to specialist support staff, and the fall in the number of professional educational psychologists – are exacerbating the problems that many schools face in supporting pupils who have displayed challenging behaviour.

"With teacher numbers falling and class sizes rising, schools and teachers will face an ever greater challenge in maintaining effective discipline in the classroom. That is bad news for staff, with indiscipline one of the key causes of stress for teachers, and bad news for the majority of pupils who are keen to learn."

He added, "Of particular concern is the situation where pupils who might be better placed in special schools are being 'mainstreamed' without the appropriate additional support being put in place.

"I have heard first hand from teachers faced with this situation and they have reported instances of experienced colleagues being reduced to tears trying to cope with the consequent disruption which serves neither the needs of the individual child nor of his or her peers."

On the troubling issue of violence against teachers, Mr Flanagan said, "Clearly every incident of violence is extremely worrying and has a very serious impact on those affected, but it is important also to keep the true scale of the problem in perspective.

"Thankfully, serious disruption and violence continue to be a much less common problem than persistent low-level disruption such as talking out of turn or texting in class. However, it is essential that when serious incidents do occur, they are dealt with swiftly and firmly – including police involvement where a teacher has been physically assaulted or placed under severe threat."

Mr Flanagan added, "The Education Committee is currently gathering information on indiscipline from teachers around the country, to gauge the reality of daily life in our classrooms.

"Once all the information has been gathered and analysed, the EIS will use this to help tackle the issue of pupil indiscipline throughout Scotland and as evidence to highlight the need for investment in appropriate resources in schools to support teachers and to bring down class sizes to a manageable level."

The Educational Institute of Scotland

[Discipline 2014 Sampler Survey](#)

An analysis of surveyed members - December 2014



The Educational
Institute of Scotland

Demographics:

1000 members were selected at random to produce early findings / considerations on school discipline. There were 57 responses from 21 authorities in total. The survey was in 'field' for seven days.

Q1. Please state your local authority:

Glasgow	15.8%	Highland	1.8%
West Dunbartonshire	10.5%	Stirling	1.8%
South Lanarkshire	10.5%	North Ayrshire	1.8%
Aberdeenshire	8.8%	South Ayrshire	1.8%
Fife	7.0%	Renfrewshire	1.8%
Inverclyde	5.3%	Argyll and Bute	0.0%
West Lothian	5.3%	Clackmannanshire	0.0%
East Lothian	5.3%	Dumfries and Galloway	0.0%
North Lanarkshire	3.5%	East Renfrewshire	0.0%
Falkirk	3.5%	Edinburgh	0.0%
Dundee	3.5%	Na h-Eilean Siar	0.0%
Perth and Kinross	3.5%	Midlothian	0.0%
East Ayrshire	3.5%	Moray	0.0%
Angus	1.8%	Orkney	0.0%
Aberdeen City	1.8%	Scottish Borders	0.0%
East Dunbartonshire	1.8%	Shetland	0.0%

Q2.

What sector do you work in?

Sector	Number	Percentage
Early Years	0	0%
Primary	27	47.4%
Secondary	29	50.9%
Additional Support Needs	1	1.8%

Base: 57

Discipline:

Q3. How effective is your school's disciplinary policy and procedures in dealing with serious disruptive behaviour?

Effectiveness	Number	Percentage
Very effective	6	10.5%
Reasonably effective	23	40.4%
Not effective	28	49.1%

Base: 57

Early results show that most disciplinary policies and procedures are either 'reasonably' effective or 'not' effective. Almost 50% found the policies to be not effective at all, which strongly suggests a different approach is needed.

Q4. What approaches have been adopted in your school to promote positive behaviour?

Approach	Total	Expressed as a portion of 100%	Total respondents who used approach
Restorative approaches	42	32.8%	73.7%
Nurturing approaches	37	28.9%	64.9%
Solution oriented approaches	15	11.7%	26.3%
Peer Mentoring	11	8.6%	19.3%
Other	11	8.6%	19.3%
'Cool in School'	5	3.9%	8.8%
'Motivated School'	4	3.1%	7.0%
Don't know	3	2.3%	5.3%

Base: 57

Q4. Others included:

- Golden Rules
- Bill Rogers / Geoff Moss techniques
- Moving towards a rights and responsibilities school
- Individualised plans
- Behaviour slips. Exclusion for serious bad behaviour
- School behaviour policy
- 'Good to be Green'
- SMT mentoring and SEBD involvement
- Merit and demerit system

Two respondents used the 'others' field to note feedback on the approaches in place:

- Restorative practice in place, but is not maintained
- Aspects of solution oriented / restorative approaches adopted but not staff trained in these

The results indicate that 'restorative' and 'nurturing' approaches are utilised the most, but these should also be considered alongside the concerns that appropriate training is not delivered as well as an inability to maintain a consistent strategy.

Q5. What other support is available for individual pupils who require more specific support from the school?

Approach	Total	Expressed as a portion of 100%	Total respondents who used approach
PART-TIME additional support from learning assistant / auxiliary	33	18.5%	57.9%
Reduced timetable	32	18.0%	56.1%
Support base	24	13.5%	42.1%
Nurture Group	20	11.2%	35.1%
Flexible curriculum	18	10.1%	31.6%
Time-out room	17	9.6%	29.8%
FULL-TIME additional support from learning assistant / auxiliary	16	9.0%	28.1%
PART-TIME additional support from another teacher in classroom	8	4.5%	14.0%
Inclusion unit	5	2.8%	8.8%
FULL-TIME additional support from another teacher in classroom	2	1.1%	3.5%
N/A / No approaches	2	1.1%	3.5%
Don't know	1	0.6%	1.8%

Base: 57

Note: A 'Don't know' was removed due to the respondent answering a previous part of the question (indicating a known answer)

Two respondents indicated that there was either no approach in school for individuals who require specific support, or that there was no requirement for extra support. The approach most likely to be deployed was 'part-time additional support from learning assistant / auxiliary' (57.9%), followed by a 'reduced timetable' at 56.1%.

One staff member did not know if there was support available.

Q6. For pupils who are at serious risk of exclusion or who have been excluded, what support is provided to pupils by the local authority?

Approach	Used	Not used	Full successes	Partial successes	No successes
Educational psychologist	47 (82.5%)	10 (17.5%)	3 (6.4%)	24 (51.1%)	20 (42.6%)
Behaviour support teachers	26 (45.6%)	31 (54.4%)	1 (3.8%)	18 (69.2%)	7 (26.9%)
Community support / Youth worker	24 (42.1%)	33 (57.9%)	0 (0%)	16 (66.7%)	8 (33.3%)
Counselling	20 (35.1%)	37 (64.9%)	1 (5.0%)	13 (65.0%)	6 (30.0%)
Anger management courses	21 (36.8%)	36 (63.2%)	1 (4.8%)	14 (66.7%)	6 (28.6%)
College placement	18 (31.6%)	39 (68.4%)	3 (16.7%)	13 (72.2%)	2 (11.1%)
Home-link teacher / tutor	17 (29.8%)	40 (70.2%)	0 (0%)	11 (64.7%)	6 (35.3%)
Managed placement in other school	16 (28.1%)	41 (71.9%)	4 (25%)	7 (43.8%)	5 (31.3%)
Work placement	12 (21.1%)	45 (78.9%)	3 (25%)	6 (50.0%)	3 (25.0%)
Specialist day provision WITHIN Local Authority	9 (15.8%)	48 (84.2%)	2 (22.2%)	6 (66.7%)	1 (11.1%)
Residential placement WITHIN Local Authority	7 (12.3%)	50 (87.7%)	2 (28.6%)	2 (28.6%)	3 (42.9%)
Residential placement OUTWITH Local Authority	7 (12.3%)	50 (87.7%)	2 (28.6%)	4 (57.1%)	1 (14.3%)
Specialist day provision OUTWITH Local Authority	5 (8.8%)	52 (91.2%)	1 (20%)	3 (60.0%)	1 (20.0%)
Other (please specify in the box below)	3 (5.3%)	54 (94.7%)	0 (0%)	1 (33.3%)	1 (33.3%)

Base: 57

Note: A respondent specified an 'other' but did not actually complete the 'approach used' box, or rate the effectiveness of it.

Others:

- As a class teacher I am not kept informed of any of the above
- HTs apply for additional SFLA staffing for the pupil. Help is given in the form of a number of hours staffing for a limited period of time
- One child finally moved to a behavioural unit, after far too many serious incidents

All teachers rated the above approaches as mostly 'partially successful', with the exception of 'residential placement within local authority', where 3 respondents (42.9%) noted there was 'no success' with this approach.

The top 6 approaches to be selected by schools were: Educational Psychologist, Behaviour Support Teachers, Community Support / Youth Worker, Counselling, Anger Management courses, and College placement. Educational Psychologists proved the most effective with an overall 57.4% partial-full success rate.

Q7. What support is provided for staff who experience serious disruptive behaviour?

Theme answers	Total	Expressed as a portion of 100% (57 base size)	Using total mentions
Little to no support / not applicable	39	68.4%	47.6%
SMT and Management support	8	14.0%	9.8%
PT, DHT and Peer support	8	14.0%	9.8%
Restorative conversations	4	7.0%	4.9%
Psychological support and counselling	4	7.0%	4.9%
Time out	2	3.5%	2.4%
PTC / PSA support	2	3.5%	2.4%
Local authority support	2	3.5%	2.4%
Referrals	2	3.5%	2.4%
Other	11	19.3%	13.4%

Others included single entries for different behaviour techniques, and in one case, the respondent stated that 'serious disruptive' behaviour was not an issue at their school:

- Warning cards
- Money has now been approved in exceptional needs budget
- Per V Forms
- Pupil removal
- Duty Officer support
- Behaviour management teachers
- Parent phone call
- CALM training
- Self-help / development work
- Not an issue
- Blank

Q8. What more could be done to support staff experiencing serious disruptive behaviour?

Theme answers	Total	Expressed as a portion of 100% (57 base size)	Using total mentions
Inclusion base and Time out / Removal of child from class	16	28.1%	19.5%
Consistent behaviour management policies and sanctions	13	22.8%	15.9%
Support teachers or inexperienced staff who require it from management / heads of department / SMT / Authority etc	12	21.1%	14.6%
Behaviour support or specialist assistance or teacher help in classroom	11	19.3%	13.4%
Don't know / No Answer / Not issue	6	10.5%	7.3%
Training, good practice and CPD	5	8.8%	6.1%
Staff counselling and mental health support	4	7.0%	4.9%
Reduced timetable or altered class composition	4	7.0%	4.9%
Nurture hubs	2	3.5%	2.4%
Time off for teachers after incidents	2	3.5%	2.4%
Other	7	12.3%	8.5%

Others included zero tolerance policies, and the need for local authorities to change their stance on exclusion:

- Pupil should apologise
- Zero tolerance on mobile phones, swearing and eating / drinking in class
- Additional intervention for children with serious emotional difficulties or a diagnosis of ASD etc, in the form of other agencies, would make a huge difference to the wellbeing of these children
- It would depend on the level of disruptive behaviour, from verbal/physical attacks or abuse to minor disruptive behaviour
- Local Authority needs to relax its stance on exclusion. Head teachers reluctant to exclude as statistics are scrutinised and actions challenged.
- Telephones in all classrooms
- Additional resources

Q9. What more could be done to support to support staff who have suffered a violent incident?

Theme answers	Total	Expressed as a portion of 100% (57 base size)	Using total mentions
Permanent removal of child or move teacher	16	28.1%	18.4%
Staff counselling and mental health support	14	24.6%	16.1%
Don't know / No Answer / Not issue	11	19.3%	12.6%
Behaviour support or specialist assistance or teacher help in classroom	8	14.0%	9.2%
Stronger leadership and support from management	8	14.0%	9.2%
Support from external bodies such as Police, LA, SLT, Council	6	10.5%	6.9%
Empathy and less blame culture on teachers	4	7.0%	4.6%
Consistent behaviour management policies and sanctions	4	7.0%	4.6%
Training, good practice and CPD	4	7.0%	4.6%
Incidents recorded	3	5.3%	3.4%
Parental support	2	3.5%	2.3%
Additional resources	2	3.5%	2.3%
Other	5	8.8%	5.7%

Others included:

- Restorative justice where the pupil is taken through the effects they have caused on the staff member if this applicable to do.
- Need more than sympathy (unspecified)
- Referral to PALMS
- Taking action
- Time out of class / school for teacher

Q10. Following a violent incident, are risk assessments conducted prior to a pupil's return to school?

Conducted:	Number	Percentage
Yes	16	28.1%
No	18	31.6%
Don't know	21	36.8%
Not applicable	2	3.5%

Base: 57

Q11. Are teaching staff consulted or involved in drafting risk assessments?

Involved / consulted:	Number	Percentage
Yes	10	17.5%
No	27	47.4%
Don't know	12	21.1%
Not applicable	8	14.0%

Base: 57

Q12. Are risk assessments on violent incidents shared with all relevant teachers within the school?

Shared:	Number	Percentage
Yes	11	19.3%
No	29	50.9%
Don't know	10	17.5%
Not applicable	7	12.3%

Base: 57

Q13. Are the findings of such risk assessments implemented?

Implemented:	Number	Percentage
Fully	2	3.5%
Partially	12	21.1%
Not at all	6	10.5%
Don't know	26	45.6%
Not applicable	11	19.3%

Base: 57

Q14. What more could be done to tackle serious disruptive behaviour and what alternatives to exclusion (if any) should be considered by your school / local authority?

Theme answers	Total	Expressed as a portion of 100% (57 base size)	Using total mentions
Behaviour support or specialist assistance or teacher help in classroom / external support services	22	38.6%	21.2%
Remove pupil from mainstream education or move to college / alternative curriculum	18	31.6%	17.3%
Consistent behaviour management policies and sanctions	14	24.6%	13.5%
Resources for nurture groups / behaviour units / early intervention / time out / reduced timetable / restorative action	14	24.6%	13.5%
No answer / don't know / not an issue	9	15.8%	8.7%

Resist parental interference and gain support from parents / parenting classes	7	12.3%	6.7%
Additional resources for staffing	5	8.8%	4.8%
Stronger leadership and support from management	4	7.0%	3.8%
Smaller classes	3	5.3%	2.9%
Training, good practice and CPD	2	3.5%	1.9%
Other	6	10.5%	5.8%

Others included:

- Give pupils experiences of what can happen if their behaviour continues. Low paid jobs, prison visits etc. Give pupils responsibilities around the school or community maintaining grounds decorating the hall for Christmas. Give pupils pride in themselves and their surroundings
- I think that it is a problem within society at the moment. There are bigger things to look at in order to answer this question
- Reduce the complexity and volume of paperwork associated with making any referrals, and A funded study to measure the effects of continued violence and disruption upon learning, achievement and teacher absence
- Risk assessments completed prior to child returning
- A befriending service in the South of Glasgow to support children
- Stop inclusion for all, its just a cost cutting exercise because they have nowhere to put pupils with emotional problems, just keep them in the school and let the school deal with them

The Educational Institute of Scotland

Professional Update: Staffing Resource Implications

1. Introduction

- 1.1 The following resolution was approved by the 2014 Annual General Meeting:

"This AGM instructs Council to investigate and report on the staffing resource implications of supporting the potential CPD requirements identified by the professional update process."

2. Action

- 2.1 The Education Committee decided, at its August meeting, to remit the terms of the resolution to the CPD Sub-Committee.
- 2.2 The CPD Sub-Committee subsequently contacted Local Association Secretaries and Learning Representatives.
- 2.3 The email asked Local Association Secretaries and Learning Representatives to provide information on what is happening at local level in terms of the resolution. 17 responses were received. The results of this request are provided at Appendix 1.

3. Conclusions

- 3.1 From the responses received, there appears to be issues surrounding release of staff for CPD requirements which means staff undertaking CPD in their own time, lack of supply cover, support for reviewers involved in the PRD process is provided after school, teachers not asking for CPD they know will not be supported, means by which teachers' CPD needs being communicated to the local authority not yet having been agreed, school management workload issues are preventing promoted staff from participating in CPD, shift in focus from CPD being just about courses and a move towards professional dialogue and on-line learning. This is the first year of Professional Update and it may take time for all the issues surrounding this resolution to appear. The Education Committee and its CPD Sub-Committee will continue to monitor the introduction of Professional Update.

PROFESSIONAL UPDATE: STAFFING RESOURCE IMPLICATIONS

**RESPONSES FROM LOCAL ASSOCIATIONS
AND LEARNING REPRESENTATIVES**

ABERDEEN CITY LOCAL ASSOCIATION

The Executive were asked for feedback on this and there weren't a lot of issues raised. At the moment though, I think that this may be due to the fact that we are in the first year of PU and until the "signing off" takes place then I suspect that many schools have not got into the detail of it. One member of our Executive was involved in the pilot, however, and his response was:

"If by staffing resource implications we mean cover for colleagues out on courses/shadowing etc then we have not encountered that problem here as we have moved away from these being the expectation for professional learning. It is a reality that there isn't any cover and we have had to adapt to that. This doesn't make it right, but staff here are resourceful in how they seek their professional learning. This does not just link to those going through Professional Update however – the main process is the professional learning and the review meeting that everyone must have annually so everyone is in the same boat."

In Aberdeen we will undoubtedly have problems releasing staff for any CPD requirements as we have a staffing crisis in the City. This could cover visits to other schools, mentoring opportunities, team teaching opportunities and team planning meetings. Obviously time after school is not always suitable if you want to engage with pupils for example within a team teaching set up.

ABERDEENSHIRE LOCAL ASSOCIATION

We have agreed an updated PRD to include PU.

We are a bit unclear what, if any, additional resource implications there will be since PU should simply build on existing process for PRD and CPD. As we are in the first year of PU it is difficult to provide any evidence.

The one area that will now have to be resources is PRD/PU and CPD for supply staff. It is proposed that selected HTs are provided additional management time to cover PRD/PU for a group of supply teachers.

It is also possible that the move away from Aberdeenshire's paperwork to My GTCS may lead to some resource saving in terms of administration of the system.

ARGYLL & BUTE LOCAL ASSOCIATION

There is no real change to the resourcing here. The CPD budget was decimated before PU and Tony Finn made it clear that resourcing was not going to be something pursued in itself by the GTCS.

There is a hope that in participating in the PU process teachers will identify ways of working with colleagues (either within schools or across school clusters) to aid each other. While this can and is cheap there is also a feeling abroad that bought in courses and management led sessions often lack credibility. The recent exception was a two day course with a one day follow up on cooperative learning which was rolled out to every teacher and has encouraged development work to continue amongst at least a goodly proportion of staff.

We have argued that time needs to be found within WTAs to accommodate PU and this has been accepted at an Authority level - whether this will translate to the school level remains to be seen.

CLACKMANNANSHIRE LOCAL ASSOCIATION

It has been a bit difficult to quantify this in exact terms as we just in the first year. The new PRD guidelines that we have agreed in Clacks & Stirling are more streamlined than they were previously. The guidelines themselves make reference to a paper log for CPD however this was put in before we had enough of a look at the MyGTCS site. It has since been agreed (informally) that this would be the way to go and MyGTCS is now being suggested to staff instead of the paper log. LNCT has agreed that it would be prudent to bring the working group back together to review the implementations of the new PRD scheme and suggest amendments as appropriate. I am still waiting to hear about this.

There have been a number of courses run to support reviewers though the process. Perhaps ironically, these have been after school hours and are part of the CPD calendar. On the surface there doesn't appear to be a major 'staffing resource implications' other than the CPD courses offered to support the changes to the PRD process.

DUMFRIES AND GALLOWAY LOCAL ASSOCIATION

In Dumfries & Galloway our Professional Review Interview System remained unchanged by the Professional Update system agreed by our LNCT.

As there is currently a training budget of only £35 per teacher per annum (FTE), many recommended CPD requirements are not met currently.

It's impossible to quantify that as no statistics are gathered.

EAST AYRSHIRE LOCAL ASSOCIATION

It was raised at informal JCC in mid-January but it has taken this long for the Authority to come back with a response.

Their answer is that there is no significant staffing resource implications re supporting the PU process and no significant budgetary implications in EAC.

EAST DUNBARTONSHIRE LOCAL ASSOCIATION

We allocated 2 x 3 Hours in the WTA to account for additional time for PRD. The second 3 Hour slot is supposed to be for change of plans, alternatives over the session, confirmation or otherwise. As our Council is not particularly running courses, or allowing teachers to go on courses due to the lack of availability of cover, increasingly CPD has to be sought elsewhere. EDC are particularly in favour of teacher research/small scale research projects. We haven't had any feedback presenting this as a problem yet.

JIM PRINGLE EDINBURGH LEARNING REP

- (1) Resources in Edinburgh to support PU.
 - (a) As far as LR support is concerned, we have 2 LRs here who are given 0.1 each week. We have planned 7 PU roadshows for members across the city to spread knowledge on PRD and PU and to answer members enquiries.
 - (b) We have produced Power points and a Toolkit for use during these roadshows and these will also be available to members.
 - (c) We have received a small number of individual enquiries which are answered individually.
- (2) In schools, CLs are finding that significant amounts of their time are being demanded to facilitate review meetings and associated issues.
- (3) As far as resources identified by the process are concerned, my own view is that members are acutely aware of the lack of time and money in the system and therefore they are not asking for CPD which they know will not be supported. People are being realistic and are lowering their sights, in some cases at least, and are not expecting too much.
- (4) Budgets for "cover" and lack of Supply staff do not help. It is hard to get out of school for things unless they are essential.
- (5) The management restructuring "exercise" we went through here in Edinburgh has removed a great deal of specialist knowledge and expertise which has hurt younger, less experienced staff and because of squeezed budgets alternative support has not been put in to replace it.

FALKIRK LOCAL ASSOCIATION

Supply is an issue so the bulk of our courses which are for classroom teachers are held as Twilight. If there is a daytime course and there is no supply then the teacher would either be recalled to school or have to cancel prior to the event.

GLASGOW LOCAL ASSOCIATION

Here in Glasgow it is very challenging to get any staffing to support CPD - we are very short of supply staff to cover vacancies caused by ill health let alone to allow staff to attend CPD. However I've not received anything at this time which says anyone has been denied the opportunity they asked for due to lack of staffing resources. It is early in the school cycle of course as many PRDs would have been completed in Sept/Oct this year. Jane and the authority rep are carrying out a survey of staff in relation to introduction of PU and revised PRD so this may throw up more.

INVERCLYDE LOCAL ASSOCIATION

The only issue that has been raised with me so far is a lack of supply cover to allow people to go on CPD courses.

I have had another couple of replies. They are basically saying the same thing - supply cover is the main problem. One of them also suggested that it might be too soon to look at this and that we might want to perhaps check at the end of this session or even into next session.

MIDLOTHIAN LOCAL ASSOCIATION

Midlothian Council has an Education Support officer who is supposed to organise CPD and support PU. As her remit covers other things I doubt sufficient time is available to provide the support required.

In schools, we once had dedicated staff development co-ordinators. They had a reasonable allocation of time for this role.

At present the means by which teachers' needs in terms of CPD are communicated to the authority have not been agreed. There is no set means right now. There was when we had more central staff.

I would anticipate secondary schools will manage some CPD themselves and will be able to send via a DHT collated CPD needs to the centre.

In primary schools and our special school, there will be greater challenges as HTs are already overly- loaded and not all have DHTs and/or PTs.

I have raised staff development arrangements at the LNCT but so far the matter has not been moved forward.

I have asked that our Learning Rep be involved in discussions.

COLIN DORMAN NORTH LANARKSHIRE LEARNING REP

There are serious problems with regards for schools to be able to cover classes to release staff for CPD that takes place during the school day

Even when there is money available for CPD there is no way to cover classes due to issues in supply cover. Staff are rarely shared how much money is available for their personal CPD. More transparency would allow staff to

know how much is available to them to be able to access quality CPD out with the school day.

School management workload issues are preventing promoted staff from participating in CPD, particularly in schools with shared headships.

The management restructuring in NLC is going to add to the workload of head teachers with regards to PRDs or for principal teachers in primary schools being asked/expected to take on a responsibility that is not part of their remit.

This same issue impaired my ability as a LR as I was not given my time out of class. My repeated requests for time-off were met with a very negative attitude from my head teacher even though it had been approved in principle at local authority level through the local association. I was told basically that unless there was cover put in place by the authority I would not get my time-out as the school would not facilitate it. I have concerns that the same may happen for the new NLC learning rep limiting their ability to support staff in their CPD.

I met with one Deputy Head in a local high school who had been led to believe that she was responsible for carrying out all PRDs in her school (over 90 teachers). Obviously this is a major workload issue and is not manageable, particularly if staff are to receive quality PRDs.

Questions were raised about teachers taking part in more than 35 hours CPD (on a voluntary basis or due to pressure from management) and how this might impact on their day-to-day teaching.

Items on some teachers PRD that was meant to take place at school level, such as being part of TLC, was not happening at school level due to other workload issues taking over.

There was ambiguity over the no. of hours of CPD expected due to the 'maximum 35 hours'.

Teachers were unclear if CPD that took place during the school day counted towards professional update.

The myth is being perpetuated that the GTCS will be 'checking up on people' it appears that teachers are being told this as a 'warning' to keep their CPD in check.

In my opinion, quality collaborative CPD such as encouraging teacher learning communities, professional reading or practitioner enquiry communities either at school level or authority level that take place after school would alleviate many of the staffing / financials implications of current CPD practices. However a huge shift in practice is needed for this to happen and it must not add to workload.

RENFREWSHIRE LOCAL ASSOCIATION

With reference to the AGM motion on Professional Update I have been in touch with the Renfrewshire Learning Rep, Mark Fulton and I can update you on the position in Renfrewshire. Most schools have a CPD coordinator who has been tasked with distributing info re Professional Update and CPD. There has been a clear message that there is a shift in focus from CPD just being to 'go on a course' to covering other areas such as professional dialogue and online learning. There have been a number of presentations across the

authority to support teachers through the Professional Update process. Some concerns exist as to the coaching/mentoring approach for PRD interviews and how this will be implemented as well as the time requirements to carry these out in the manner they should be.

SCOTTISH BORDERS LOCAL ASSOCIATION

As we have used an on-line system in the Borders for some time, there has not been as many training implications. The process does however, require PRD Reviewers to attend the PRD Reviewers course before undertaking the role and I would be very surprised if every Reviewer has or intends to.

SOUTH LANARKSHIRE LOCAL ASSOCIATION

I am not in a position to put a number on this however the cover crisis means that release for events is worse than it has ever been , given that the cover crisis is the worst in the memory of most teachers here in SLC

WEST DUNBARTONSHIRE LOCAL ASSOCIATION

The main problem I see regarding staffing implications of supporting the PRD process in West Dunbartonshire regards the use of a coaching/mentoring approach for PRD interviews. As discussed yesterday, I totally agree with the benefits of such an approach in terms of encouraging staff to take ownership of their own CPD, but, if you consider a detailed PRD interview delivered using such a format can take anything from 45 to 90 minutes, PTs with large departments would find it extremely difficult, if not impossible, to conduct PRD interviews in such a fashion and still do the day-to-day job.

WDC have seconded a primary PT to the post of Probationer and supply support. Part of her remit is to provide CPD for supply staff and to assist them with professional update.

The Educational Institute of Scotland

Senior Phase Subject Options

Summary Report

Introduction

In response to two Resolutions the Committee decided to issue a Freedom of Information request to Local Authorities. At the time of writing, 26 Local Authority replies had been received (Appendix 2 which can be accessed at the following web link:

<http://www.eis.org.uk/Public.asp?Id=2971&dbase=2>)

The Resolutions were as follows:

AGM 2013

"This AGM instructs Council to investigate and report on the number of subject options available to pupils, prior to embarking on the senior phase of Curriculum for excellence, across individual schools and local authorities and highlight findings with members and appropriate bodies."

Council

"That this Council resolve to investigate the impact on subject uptake of the reduction in the number of subjects studied at CfE N4/N5 in S4 in schools which have adopted a 3 year Broad General Education followed by a 3 year Senior Phase and to develop an appropriate policy to address any issues that emerge."

Summary of Local Authority Responses

Aberdeen

Information was supplied for 12 of the 13 secondary schools in Aberdeen. It was suggested that in all 12 of these schools, a 3+3 curricular model is in operation, with some degree of specialisation/ choice in S3 in 7 of the 12 schools.

In 10 of the schools, students choose options from 6 columns on entry to the senior phase; in the other 2, it is 5.

Teacher numbers between session 2012-13 (pre-CfE National Qualifications) and session 2014-15 (Year 2 CfE National Qualifications) have increased (by 1 FTE or more) within this Local Authority in German, Biology, Physics, Geography, RE, Business Education, Technical Education, Art, PE, Drama and Learning Support.

Within the same time period, teacher numbers have fallen (by 1 FTE or more) in English, French, Gaelic, Maths, Chemistry, Science, History, Computing and Music.

Angus

There are 8 secondary schools in Angus. Angus Council did not supply information by school, indicating instead that there is commonality of approach across secondary schools within the Authority.

The 3 + 3 curricular model is adopted consistently across all schools with options for schools to introduce a degree of personalisation and choice, including along subject lines, in S3.

Almost all students choose from 6 option columns on entering the senior phase.

Within Angus, there was a degree of fluctuation in teacher numbers overall between the two school sessions.

Increases (of 1FTE or more) were in Art and Design, Business Education, Computing, Modern Languages (excluding French), PE, RE, Biology, Physics, Technical, PSE/ Guidance and Additional Support Needs.

Teacher numbers fell (by 1 FTE or more) in Gaelic, Home Economics, French and Learning Support.

Argyll and Bute

There are 11 secondary schools in Argyll and Bute. Of these, 6 operate a 3 + 3 curricular structure, the other 5, a 2 + 2 model.

Prior to entering the senior phase, the number of option choices available to pupils in Argyll and Bute varies from school to school from between 5 and 8. 3 schools offer 5 subjects in S4, 2 schools 6, 2 schools offer 7 and 3 offer 8 subjects. For the remaining school, information supplied was unspecific in relation to this.

Increases in teacher numbers (of 1FTE or more) within Argyll and Bute between sessions 2012-13 and 2014-15 are in Music, PE, Computing, Social Subjects and Art.

Teacher numbers reduced (by 1FTE or more) in Home Economics and Modern Languages.

Clackmannanshire

Clackmannanshire has 3 secondary schools. Details of curricular models were not supplied other than a general statement that there is no uniform curricular model within the Authority.

In 2 of the 3 secondary schools, 6 subject choices are offered in S4, 7 in the remaining school.

Within the time period examined, teacher numbers increased (by 1FTE or more) in Business Education, Home Economics and Music.

Teacher numbers reduced (by 1 FTE or more) within Clackmannanshire in ASN, Chemistry, Drama, English and Modern Languages.

Dumfries and Galloway

Dumfries and Galloway has 18 secondary schools. The Authority provided some useful, though not fully comprehensive, information for 16 of these.

From the information provided, it can be concluded that 10 of the secondary schools have adopted a 3 + 3 curriculum model, 3 schools indicated a 2+2+2 model and 1, a uniquely 4 year secondary school, a 2 + 2 model.

Increases in teacher numbers (of 1FTE or more) within Dumfries and Galloway between sessions 2012-13 and 2014-15 are in Modern Languages, RE and Technical.

Reductions in teacher numbers (of 1FTE or more) over the same period were in English, Maths, Art, Business Education, Administration, Computing, Home Economics and ASN.

Dundee

There are 9 secondary schools in Dundee, 4 for which incomplete information was provided.

From the information provided, it can be concluded that 3 have adopted a 3 + 3 curricular model. Information supplied for the remaining school was unclear.

As a consequence of the limited information given, it is not possible to draw conclusions about teacher numbers within the time period being examined.

East Ayrshire

Of the 8 secondary schools in East Ayrshire, information was supplied for 4.

The response indicated that a 3 + 3 model has been adopted in each of the 4 schools for which information was provided.

Insufficient information was supplied regarding teacher numbers.

East Lothian

There are 6 secondary schools in East Lothian. Some information was provided in response to the questions within the FOI for 4 of these.

3 of the 4 schools indicated that they have adopted a 3 + 3 curriculum model. Information supplied by the other school was unclear.

3 of the 4 schools provided information to indicate that 6 subject choices are offered in S4, the remaining schools that pupils can choose between 6 and 8.

No useful information on teacher numbers was provided.

East Renfrewshire

East Renfrewshire Council's response to the Freedom of Information request indicated an authority-wide 2+2+2 curriculum model being operated in all of its secondary schools.

Study for National Qualifications begins in S3. At the end of S2, pupils make 8 subject choices.

Increases in teacher numbers (of 1FTE or more) within East Renfrewshire between sessions 2012-13 and 2014-15 are in Art, Drama, Geography, History, Home Economics and Music.

Teacher numbers reduced (by 1 or more FTE) in Behaviour Support, Learning Support, ASN, Biology, Business Education, Maths, Modern Languages and PE.

Falkirk

Falkirk Council provided information specifically relating to only one of its eight secondary schools. The Council made a general statement that curriculum design was determined by schools on an individual basis in response to local circumstances, especially taking account of the size of the schools and staffing levels.

Pupils make choices from between 5 and 7 subject option columns.

Staffing has increased within the period examined in Drama, Modern Languages, History, Computing and PE.

Staffing figures for the same period indicate reductions in Art, Home Economics, Biology, Chemistry, Physics, English, Maths, Geography and Business Education.

Fife

Fife Council did not provide school specific information. It stated in its response to the FOI request that schools are largely autonomous in designing their curriculum models and that these continue to evolve.

Subject choices prior to entry to the senior phase are made from between 5 and 8 columns.

Fife Council stated that it was unable to provide the information as requested on teacher numbers by subject.

Highland

There are 29 secondary schools in Highland. The Council supplied information on all of these, though it was not entirely clear in its presentation.

It may be deduced from that which was provided that 7 of the 29 schools continue to operate a distinctly 2 + 2 +2 curricular model and that 9 have assumed a 3 + 3 model. Information relating to the remaining 14 schools lacks specificity.

Information relevant to the number of option choices available on entering the senior phase is conflicting for 4 of the schools. Discounting these, all but 1 of Highland's secondary schools offer 6 subjects within the early part of the senior phase. One school offers 8.

Staffing figures for the period in question indicate increases in teacher numbers (of 1 FTE or more) in Chemistry, Gaelic, Geography, History, Music, PE and SEN.

Reductions in teacher numbers (of 1 FTE or more) were in Art, Biology, Business Education, Drama, Economics, English, French, German, Home Economics, Learning Support and Maths.

Inverclyde

Inverclyde supplied information for its 6 secondary schools.

The response suggested that a 3 + 3 curricular model operates across the Local Authority and that all pupils choose 8 subjects prior to entering the senior phase. Inverclyde stated that the policy in its current form would not operate beyond session 2014-15.

From the staffing figures supplied, teacher number increases (of 1 FTE or more) are evident in Art, Biology, Business Education, Computing, Geography, Home Economics, Modern Studies and Music.

Teacher numbers fell (by 1 FTE or more) in Physics, RE, Drama, English, Chemistry, Spanish and Maths.

Midlothian

Midlothian Council stated that all of its secondary schools have retained a 2 + 2 +2 curricular model.

All pupils choose 7 options to study for National Qualifications and an additional elective class.

Midlothian Council suggested that staffing levels have remained stable as a result of the fact that there have been no significant changes to the curricular model.

Within the secondary sector, there have been increases (of 1 FTE or more) in Art, Business Education, English, History, German, Modern Studies, Chemistry and Technical.

Teacher numbers have reduced (by 1 FTE or more) in Drama, Maths, Modern Languages,, RE, Physics and Media Studies.

Moray

Of the 8 secondary schools in Moray, all have adopted a 3 + 3 curriculum model.

There is a variance in the number of option choices made available to pupils prior to entering the senior phase. In 3 of the schools, pupils choose 5 subjects, in 4 of the schools 6 subjects and in the remaining school, 7 subjects.

Teacher numbers have increased (by 1 FTE or more) in Home Economics, History and Modern Studies.

In Art, English, Modern Languages, Business Education, PE and ASN, teacher numbers have fallen (by 1FTE or more).

North Lanarkshire

North Lanarkshire Council responded to the questions relevant to curriculum design stating that it was impractical to send the information either electronically or by post. Instead the Council supplied contact details for an education officer; at the time of writing, efforts to make contact had been unsuccessful but will continue.

North Lanarkshire did supply information, however, on staffing by subject. Teacher numbers have increased between session 2012-13 and 2014-15 (by 1 FTE or more) in English, French, Modern Studies, Biology, Chemistry, Physics, Art, Music, Business Studies, Computing, Home Economics and Technical.

Staffing levels have decreased (by 1 FTE or more) in Spanish, RE and Learning Support.

Orkney

In 4 of its 5 secondary schools, a 3 + 3 curricular model has been adopted. In the remaining school, the model is 2 + 2 + 2.

In 2 of the schools, pupils choose 7 subjects prior to entering the senior phase. In one school the number is 5, in another 9. The fifth school did not indicate the number of option choices open to pupils, stating instead that, owing to the small size of the school, course options are tailored to individual learners' needs.

In Orkney, within the period in question, teacher numbers have increased in English, PE, RE and Sciences.

Within the same period, they have reduced (by 1 FTE or more) in Geography, History and Home Economics.

Perth and Kinross

There are 10 secondary schools in Perth and Kinross. The information provided suggests that all secondary schools in Perth and Kinross have adopted a 3 + 3 curricular model in line with national guidance.

In more than half of the schools, pupils choose 7 subject options on entering the senior phase. In 3 secondary schools choices are made from 8 option columns and in one school, from 9.

Within the period in question, teacher numbers have increased (by 1 FTE or more) in Art, Business Education, Craft, Design and Technology, English, Geography, Maths, Modern Languages, PE, Physics, Modern Studies, Science, Computing, Drama, Business Education and Technical Studies.

Teacher numbers have decreased (by 1 FTE or more) in Biology, Music, Gaelic, Chemistry and RE.

Renfrewshire

According to the information provided, within Renfrewshire Council area, secondary schools have uniformly adopted a 3 + 3 curriculum model. Pupils continue the broad general education in S3 with a degree of specialisation and choice in the subject areas within which they wish to pursue National Qualifications.

Across the 7 secondary schools, pupils make subject choices from 7 columns.

Teacher numbers have increased (by 1 FTE or more) between session 2012-13 and session 2014-15 in Modern Languages, Physics, Geography, RE, Modern Studies, Computing and Music.

In English, French, German, Spanish, Maths, Biology, Chemistry, Business Education, Home Economics, Technical Education, Art, PE and Learning Support/ASN, teacher numbers have decreased (by 1 FTE or more) within the same period.

Scottish Borders

Scottish Borders has 9 secondary schools. From the information supplied, it was evident that a 3 + 3 curriculum model is in operation in 8 of these. In 1 school, the model is 2 + 2 with plans in place to move to 3 + 3 in 2016/17.

In 8 of the 9 schools, pupils make option choices from 6 columns. In the one remaining school, it was stated, there is free choice of subjects for pupils.

Scottish Borders did not supply sufficient information to make a comparison of teacher numbers across the two sessions as requested.

Shetland

A 3 + 3 curriculum model is in place in all 7 of Shetland's secondary schools. Pupils make 7 option choices before entering the senior phase.

In English only there has been an increase of 1 teacher.

Teacher numbers have decreased (by 1 FTE or more) in Maths, Social Subjects and Modern Languages.

In 6 of the 7 secondary schools, there have been overall reductions in teacher numbers in a variety of subjects within the period in question. In each case these have amounted to less than 1 FTE per subject. However the loss of even small staffing allocations such as these, is likely to have had a disproportionately higher impact on smaller schools.

South Ayrshire

All 7 secondary schools in South Ayrshire have adopted a 3 + 3 curricular model.

Pupils make 6 subject choices on entering the senior phase.

Teacher numbers have increased (by 1 FTE or more) within the Authority as a whole in Art, German, Learning Support, Modern Studies, RE and Spanish.

Numbers have decreased (by 1 FTE or more) in Biology, Business Studies, Chemistry, Economics, Geography, Media Studies, Maths, Music, Physics, Science (General) and Technical Education.

South Lanarkshire

There are 17 secondary schools in South Lanarkshire. From the information provided, it is difficult to say with certainty how many of these have adopted a 3 + 3 model. The response does suggest that 4 of the schools continue to operate a 2 + 2 +2 curricular model.

In 5 of the secondary schools, pupils choose 6 subjects in S4. In 8 of the schools, it is 7 and in the remaining 4, pupils choose 8 subjects.

Within the time period in question, teacher numbers have increased (by 1 FTE or more) in Art, Chemistry, Computing, History, Mandarin, Modern Studies and Music.

Reduction in teacher numbers (by 1 FTE or more) is evident in Classics, Drama, English, French, Geography, Latin, Learning Support and Maths.

Stirling

Stirling Council provided information on all 7 of its secondary schools, though not in the detail requested.

Comment with regards to curriculum design indicated that there is no uniform approach across the 7 schools. From the information supplied, it may be deduced that 5 of the schools have adopted a 3 + 3 model, while the remaining 2 have retained the 2 + 2 + 2 structure.

In 4 schools, pupils choose 7 subjects on entry to the senior phase, in 2 schools 8 and in the remaining school, 6 subjects are selected.

Between the two sessions examined, teacher numbers increased (by 1 FTE or more) in Business Education, Maths, PE and RMPS.

Within the same period, teacher numbers fell (by 1 FTE or more) in ASN, Computing, English, History, Home Economics, Modern Languages and Technical.

West Dunbartonshire

West Dunbartonshire Council provided information about all 5 of its secondary schools. Of these, 4 appear to have adopted a 3 +3 curricular model, the other having maintained a 2+2+2 structure.

In those schools which operate the 3 + 3 model, pupils choose 6 options prior to entering the senior phase. In the other school, they continue to choose 8.

In Music there has been an increase in teacher numbers (1 or more FTE).

In Home Economics, Business Education and ICT, there has been a decrease in teacher numbers (1 FTE or more) within the same period.

Western Isles

Western Isles Council provided information for 4 of its 10 secondary schools. All 4 of these have adopted a 3 + 3 curriculum model.

In 2 of the schools, pupils choose from 6 subject options on entering the senior phase, and from 7 in the other 2 schools.

Insufficient data was supplied in relation to teacher numbers within the Authority as a whole. However from the information which was provided, it is evident that teacher numbers across these 4 secondary schools increased (by 1 FTE or more) in Physics.

Within the same period, teacher numbers fell (by 1 FTE or more) in Maths, English, Social Subjects, Modern Languages, Business/ Computing, Learning support, German and Technical.

Full details of teacher numbers as supplied by Local Authorities for session 2012-13 (pre-CfE National Qualifications) and session 2014-15 (Year 2 CfE National Qualifications) will be made available to Local Associations and are available on the EIS website.

The Educational Institute of Scotland

Scottish Parliament Education and Culture Committee Educational Attainment Gap in Schools – 24 March 2015

EIS Written Evidence

The EIS has worked over many years to campaign against poverty and to highlight the impact it has on the achievements and attainment of the children and young people from families who are disadvantaged by living in poverty.

The EIS supports and promotes initiatives which redress the imbalance in achievement and attainment caused by poverty but we do not believe that educational initiatives alone will sufficiently and permanently close the pernicious and damaging attainment gap.

Teachers and lecturers support attainment for all but we believe it is important that extra support be provided to those who live, learn and study under conditions of economic and social disadvantage.

The EIS has welcomed the recent funding announcement of £100 million over four years to help tackle inequality. We hope that this money reaches the targets and is used directly in schools to support learners. The example of the London Challenge model is one that must be treated with caution. The elements within this of private/third sector input do not fit with the structures or values which are at the heart of the Scottish Education system.

Given the high value we all place on GTCS standards and the level of professionalism of the teaching profession of Scotland we do not consider the Teach First model, as found in England, to be appropriate or acceptable here. The EIS supports state funded, comprehensive education and sees no place for Academies or Free Schools within our school estate.

Any proposal for private sector involvement in Scottish Education must be very carefully evaluated. In any such evaluation the expertise and understanding of the teaching profession should be sought.

Flexibility of provision within a comprehensive, inclusive and democratically controlled system makes sense in Scotland and the introduction of possible fragmentation and competition could cause inefficiency and inconsistency. Third sector organisations may add value to schools and can play a role in achievement. For example, Place2Be projects have been successful in providing support primarily for children but also for families and schools. Partnerships with the third sector can bring added value, whether in directly supporting children and families or in providing support and professional learning opportunities for teachers.

The involvement of organisations and individuals (from outwith the education service) in schools and colleges can have value but it must be controlled and monitored within existing systems. It would be to the detriment of all learners if the aim of such involvement was to diminish or undermine the central role of teachers and lecturers and the framework for professional standards.

The Committee has already heard evidence on the Development of Scotland's Young Workforce and we welcome the opportunity to comment on this within our evidence. If the recommendations of the Wood Report were fully implemented the EIS hope is that the impact on both attainment and achievement in schools would be significant and all pupils would benefit from a breaking down of the barriers between "academic" and "vocational" education.

We support the increased provision of options for young people but there have to be safeguards against young people propelled along a route too soon or without other options being made available. For students to have the option of vocational or mixed pathways is positive but academic routes must remain open to all.

The currency of high level vocational qualifications in the labour market could be increased if the recommendations in the report are followed but such a change will take time and commitment from all stakeholders.

The re-organisation/organisation of relationships between schools, colleges and employers is not something that will just evolve. There will need to be resources, planning and provision of suitable motivation for all parties to ensure that this is successful.

A diverse and flexible provision is required but this will take financial and other resources to achieve. In the current financial situation with education budgets stretched and cut, we question how this resource will be provided.

As the Committee is soon to consider the role for parents (including guardians) in raising attainment, we would wish our view of their importance to be noted. We believe that parental support for schools is important and that the support of parents for their child's learning is essential from Early Years through to Further and Higher Education. Parents need information and support to allow this to happen and the communication between parents and schools needs to be effective. Home-link teachers play an important role in bridging gaps in many communities.

In the area of support for families to promote achievement and attainment there may be scope for third sector involvement which can forge strong links with schools. Support for families and communities will have a positive effect on the achievement and attainment of the young people within them.

Tackling inequality and poverty is essential if the attainment and achievement gap is to be addressed. Raising attainment and achievement is a priority for the EIS and our members. Many teachers and lecturers already have experience of supporting children and young people to overcome the barriers that poverty creates. Additional resources are required to help develop approaches to support this work and for there to be a positive impact on the educational attainment gap.

The Educational Institute of Scotland

Physical Education

1. Introduction

- 1.1 The following resolution was approved by the 2014 Annual General Meeting:

"That this AGM instructs Council to investigate and report on the availability of resources and access to quality CPD for staff to deliver the weekly two hours of quality physical education prescribed by the Scottish Government."

2. Action

- 2.1 The Education Committee decided to issue all 32 Councils with a Freedom of Information request to investigate the terms of the above resolution. The results of this request are provided at Appendix 1.

3. Findings

- 3.1 In response to the FOI request information was received from 29 Councils. The common features from the wide range of responses received were the introduction of PE Lead Officers or Co-ordinators whose role is to support schools and teachers delivering PE and accessing of support from Education Scotland and Sportscotland.
- 3.2 The timing of sessions varied and a number of responses included reference to in-service days being used. Twilight sessions were also commonly used.
- 3.3 As well as sport specific opportunities most Local Authorities also offer support on learning aspects and many have offered introduction to the Better Movers and Thinkers (BMT) initiative.

4. Conclusions

- 4.1 Some resources have been put into place and structures created to support the provision of quality PE. Government, through Education Scotland, have provided some support. The demand for CLPL in this area is something that will require continued and increased resourcing and support for this objective to be met. There is a concern over the level of support and the capacity of teachers and schools for the time required for this to be provided. However, this concern is not just in relation of the provision of CPD and will be part of the ongoing discussions of the Education Committee.

5. Recommendation

- 5.1 The findings of this paper should be provided to EIS Learning Reps so they can advise members on what is available locally.

Physical Education

Local Authority Responses

ABERDEEN CITY COUNCIL

30 September 2014

All 47 primary schools in Aberdeen city have been offered the chance to engage with specific support from Physical Education Lead Officers (PELOs) relating to the delivery of two hours of quality PE. To date 35 schools have taken up this offer and another five schools will receive an input over the coming weeks. This equates to a coverage rate of 85% of primary schools.

This initial support from PELOs involves a one hour twilight CPD for all school staff. During this CPD staff receive information and resources relating to such issues as; what constitutes quality PE?, suggested content ideas, the Significant Aspects of Learning (SAofL) and suggested planning / coverage formats. To date 637 Aberdeen city staff have been involved in these workshops and 97% of staff rated the event as very good or excellent.

On the back of this initial input schools are offered additional support from PELOs. A significant number of schools have taken up this offer whereby PELOs return to work with all teachers and classes in the school to model a quality PE lesson.

Aberdeen City PELOs have created various resources to support primary class teachers with the delivery of quality PE. A set of 'pupil speak' SAofL resources have been developed to assist class teachers ensure that each PE lesson has a clear learning focus. These resources have been shared with all PELOs across the 32 LA's. A 'Movement for Excellence' resource has also been created here in Aberdeen. This resource supports class teachers to develop the physical literacy of pupils. 'Movement for Excellence' can be delivered in the classroom, as well as the gym, which supports specific schools where facilities are tight.

A programme of support relating to outdoor PE has also been created to assist schools within Aberdeen city. This CPD focuses specifically on content/ideas related to delivering PE in outdoor areas around the school. The information listed above is in addition to any PE specific CPD which is offered at twilights, Inset days and learning festivals during the year.

ABERDEENSHIRE COUNCIL

14 OCTOBER 2014

The Aberdeenshire Physical Education, Physical Activity and Sport (PEPAS) Officer was appointed in May 2013. Their role is to support schools with the delivery of 2 hours of Physical Education (PE). This has extended into supporting the delivery of quality PE by mentoring staff, modelling classes, providing resources and providing Career Long Professional Learning (CLPL) events to increase confidence and knowledge of the PE curriculum. A CLPL 'Developments in PE' event has been delivered to forty three schools or associated school clusters. More are planned and are being requested this session. We also have Significant Aspects of Learning (SAoL) resources being supplied to schools and follow up CLPL events being offered throughout the authority. These events include content and pedagogical

information and a number of these have taken place with more planned this session. More events requested on demand from schools can be planned by the PEPAS officer as and when. Authority In-Service Day arrangements are planned for PE Secondary Colleagues (November and February) and Visiting Specialists (August, November and February).

ANGUS COUNCIL

30 SEPTEMBER 2014

7.2fte visiting PE teachers in primary schools providing every class with a PE lesson by a PE teacher once every 2 weeks. This is being reviewed as part of an overall review of education resources in Angus.

8 CPD courses for PE across the school session 2014-15.

1 PE staff tutor supporting the development of PE in Angus Council (mainly in primary schools) funded through Education Scotland. This resource provides a further 20 CPD courses delivered onsite in schools.

PE Subject Network Group with a representative from all secondary schools meets 3 afternoons in the year to discuss PE developments and produce resources.

Primary Swimming Programme – every primary pupil receives 15 weeks of swimming lessons in P5.

ARGYLL & BUTE COUNCIL

30 OCTOBER 2014

In fulfilment of your request, I can advise that CPD in Argyll and Bute in relation to Physical Education is as follows:

- Curriculum Development in schools (mainly primary) working with teachers and their classes, exemplifying good practice, introducing Significant Aspects of Learning (SAoL) – planning and assessment round that
- Twilight sessions – providing a wide range of training including - SAoL in PE, dance, gymnastics ,BMT (Better Movers and Thinkers).
- In-service Days – PE Development, wide range of training including SAoL and practical based sessions gymnastics, dance, BMT, Disability Inclusion for class teachers and PE specialists
- Raising the bar in PE Conference – one day conference for primary class teachers and PE specialists
- Probationers – delivering on PE at probationers conference, followed by visits to schools to work in conjunction with them and their class and observed lesson to identify next steps in learning in PE.
- Peripatetic PE teachers 2 day conference to update staff/introduce new concepts, etc.
- Conference for teachers obtaining PGC in Primary PE – to update/introduce new concepts.
- Secondary PT's – SAoL and assessment in core PE

- Supporting, planning and delivering of PE lessons in the outdoor environment

CLACKMANNANSHIRE AND STIRLING 22 OCTOBER 2014

Additional Training and Support 2014/15

DATE/TIME	VENUE	CLPL	DELIVERER	ACTIONS
Mon 01/09/14 Mon 15/09/14 Mon 29/09/14	Allan's PS	Teambuilding/BMT	Gemma Higgins	To confirm dates/times with Allan's
Wed 03/09/14 Wed 10/09/14 4 pm – 7 pm	Doone PS	SDS UK DIT	SDS	Still to be confirmed by SDS 2 nd opportunity been offered – need to arrange dates/times/venue
Wed 24/09/14 1 pm – 3 pm	McLaren HS	Dance-practical and planning with PE specialists		Feedback very positive. Use in-service planning to develop further with gymnastics
Thu 25/09/14 3.30 pm–5-30 pm	Killearn PS	PEPAS approach to athletics		Feedback very positive – look to schedule same course for Stirling, Bannockburn and Wallace cluster
Oct TBC	TBC	PEPAS approach to athletics	GH/AG	
Wed 26/11/14 1 pm – 3 pm	Wallace High School	Progression/planning with PE specialists	GH/ES	Plan support materials
Thu 27/11/14 1.30 pm – 3.30 pm	Wallace High School	BMT for primary and secondary	Education Scotland (TD)	Course to be planned with TD
Fri 28/11/14 9 am – 3 pm	Doone PS	BMT: McLaren LC (am) Dunblane LC (pm)	Education Scotland (TD)	Course to be planned with TD
Fri 28/11/14 1.30 pm – 3.30 pm	Borrestone PS	Early Level PEPAS	SC/AS	
Weds 25/2/15 & 04/30/15 1.30 pm – 3.30 pm	Mayfield Centre	NQTs – Quality PE	GH/KG	
TBC	TBC	Autism in PE	SC?	
TBC	Bannockburn HS	IDI in PE	ES	
TBC	Balfron High School For Balfron LC	BMT	ES? GH/KG?	
TBC	Balfron McLaren Bannockburn	Dance – Primary	TBC	
TBC	Wallace High	Dance – Secondary	TBC	

TBC	Balfron McLaren Bannockburn	Gymnastics Primary	-	TBC	
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TBC	Wallace High	Gymnastics Secondary	-	TBC	
Feb (Sat?)	Wallace High	Raising the bar in Secondary PE		Various	Plan/organise
March	TBC	BMT		TD/JF	Still to organise

Physical Education CLPL Opportunities Stirling and Clackmannanshire

Below are planned CLPL opportunities for this academic year which will help to increase your confidence and knowledge in delivering high quality PE.

As part of a shared service approach the courses will be held across Stirling and Clackmannanshire where all staff can attend any course, regardless of authority.

If you are interested in any of the courses below please send your name, email address, school and contact telephone number for Lisa Holland or for further information about the courses then please contact Gemma Higgins or Karen Grossart.

Lisa Holland lholland@clacks.gov.uk Tel: 01259 452330
PE & Sport Administrator

Karen Grossart kgrossart@clack.gov.uk Tel:01259452342/ 07972660018
PE Manager
Clackmannanshire

Gemma Higgins higginsg@stirling.gov.uk Tel: 03000280043/07876876994
PE Manager, Stirling

Course	Date(s)	Venue
Quality PE through the context of Dance	Thurs 23 October 4 pm – 5.30 pm	Doune Primary School, Stirling
	Thurs 6 November 4 pm – 5.30 pm	Abercromby Primary School
Quality PE – Skipping	Tues 27 January 4 pm – 5.15 pm	Abercromby Primary School
	Thurs 29 January 4 pm – 5.15 pm	Doune Primary, Stirling
Orienteering – Early through Second Level	Thurs 19 March 4 pm – 5.15 pm	Doune Primary, Stirling
	Thurs 26 March 4 pm – 5.15 pm	Abercromby Primary School
Teambuilding	Thurs 14 May 4 pm – 5.15 pm	Redwell Primary School

Clackmannanshire PE Initiative – CLPL 2014/15

Training	Audience	Date	Venue
Positive Coaching Scotland, Teachers Workshop	Primary PE teachers	26 November 2014 1.30 pm	tbc
Better Movers Better	Primary PE	27 November	Alva Academy

Thinkers	Teachers and classroom teachers	9 am – 10.30 am	
Basic Moves	Classroom Teachers	27 November 10.45 – 12.15 p.m.	Alva Academy
Moderation	PE and Class teachers	27 November 2.00 – 5.00 p.m.	Alva Academy
Autism training	Primary PE Teachers	January 2015	TBC
Bi Lateral Integration	Lochies School Staff	TBC	Lochies School
Bi Lateral Integration	Hillfoots Nurseries staff	TBC	Menstrie Nursery
Dance Workshop	PE and Class teachers	9 February 2015 9.00 – 10.30 pm	Alloa Academy
Golf Workshop	PE and Class teachers	9 February 2015 11.00 to 12.15 pm	Alloa Academy

DUNDEE COUNCIL

15 OCTOBER 2014

Schools have access to number of resources to help with the planning and delivery of 2hours/2periods PE. These include:

- Girls on the Move
- Topps Resources – covering all sports
- Tri Golf
- Bikability 1 and 2
- Hheaps Tennis
- Sports Leader Awards
- Give me Cycle Space
- Funs and Funs Raising the Bar resources
- Brain gym
- Positive coaching Scotland
- Better Movers and Thinkers
- FSA resources – various sports
- Netball Funz 5 Toolkit
- Royal Navy Gymnastics Tasks cards
- Leckie and Leckie support materials for National 4,5 and 6

Teachers also create their own resources to support delivery. These can be shared between schools, locally or nationally, via GLOW

Dundee City Council no longer has visiting PE specialists. This has been the case since 2011. Since then support has been provided with the support of various partner agencies, who have offered CLPL opportunities for staff to attend. These partners include:

- Active Schools
- National Governing Bodies, eg SRU, SFA
- Dundee Academy of Sport
- Local clubs, eg gymnastics

This session, we have used Sport Scotland funding to appoint a Physical Education Lead Officer (PELO), who, with the support of Education Scotland, will assist teachers in planning and embedding quality PE as an integral part of learning and teaching. Central CLPL sessions planned include:

- Planning through Significant Aspects of Learning (as endorsed by Education Scotland)
- Disability Sport
- Better Movers and Thinkers
- Planning to Practice in Gymnastics
- Scottish Country Dancing

The PELO is also offering bespoke training and support to clusters and individual schools, following a city-wide audit which identified strengths and areas for development.

EAST DUNBARTONSHIRE COUNCIL

24 OCTOBER 2014

1. All staff have access to professional learning for sport specific courses that are administered by the active schools team.
2. The Physical Education Development Officer has consulted all schools about their professional learning needs in Physical Education. Many and varied collegiate sessions are run. Team teaching is common practice with evaluations and professional dialogue about the teaching and learning in Physical Education. During in-service days, various contexts in Physical Education were delivered. New initiatives such as Better Movers and Thinkers and Positive Coaching Scotland are supported.
3. All schools have the opportunity to apply for national funding from Education Scotland to support and enhance the delivery of Physical Education.
4. Many schools identified Physical Education as a priority in school improvement plan and as such have allocated resources to support.
5. Physical Education planners and support materials are available to all staff via glow.
6. A CLPL session is in the pipeline with Disability Sport Scotland.
7. CLPL sessions will be available for probationers.
8. Leaders of learners in Physical Education are being identified in each school to cascade information and come together for professional learning and dialogue.

EAST LOTHIAN COUNCIL

10 NOVEMBER 2014

1. The number of support/CPD opportunities offered within the current academic year.

18 Courses as part of the Programme of Career Long Professional Learning for Staff 2014/2015.

2. Type of support/CPD, e.g. training in a specific sport or activity.

- Cardio Tennis
- Firstclub Golf
- Nursery – P3 PE Refresher
- Gymnastics
- Athletics
- Development Games – Invasion Games
- Development Games – Central Net Games
- Early Moves
- Movement Support Programme
- Basic Moves
- Tennis for Primary Teacher
- Tennis for Secondary Teachers
- Safety in Athletics.

3. Where and When CPD courses/activities are held.

Variety of times to suit staff – e.g.: morning, afternoon, twilight, Friday afternoon.

Courses are run in schools and make use of school equipment/resources.

4. Quantity of PE related CPD, e.g. hours per teacher per annum.

This information is not recorded by East Lothian Council (ELC); it may be that each teacher records their own CPL time. In view of this, under Section 17(1)(b) of the Act, I must formally advise you that ELC has been unable to comply with your request as the information you require is not held.

EDINBURGH CITY COUNCIL

8 OCTOBER 2014

Below is the list of CPD courses relating to PE available to all staff. Additional training is made available by our PE Lead Officers. We have PE support funding from Sportscotland, some of which is available for schools or clusters of schools to bid for to improve the quality of PE delivery.

CF0355	CF0355	Physical Education: Elevating Athletics
CF0362	CF0362	Physical Education: Junior JogScotland
CF0723	CF0723	Physical Education: Cycle Trainer Assistant
CF0763	CF0763	Physical Education and Dance: Subject Leaders
CF0800	CF0800	Physical Education: Primary PE and Swimming Specialists Inservice
CF0800	CF0800	Physical Education: Primary PE and Swimming Specialists Inservice
CF1675	CF1675	Physical Education: Teachers Forum
CF1706	CF1706	Physical Education: Teaching Games using a game sense

approach
CF1708 CF1708 Physical Education: National Qualifications
CF1712 CF1712 Physical Education: Assessment and Moderation in Broad General Education
CF1775 CF1775 Physical Education: ICT in Physical Education
CF1775 CF1775 Physical Education: ICT in Physical Education
CF1874 CF1874 Physical Education: Curriculum for Excellence - Badminton for Primary Schools
CF1874 CF1874 Physical Education: Curriculum for Excellence - Badminton for Primary Schools
CF1875 CF1875 Physical Education: Disability Inclusion Training (2 sessions)
CF1889 CF1889 Physical Education: Clubgolf Teacher Training
CF1889 CF1889 Physical Education: Clubgolf Teacher Training
CF1907 CF1907 Physical Education: Introducing Volleyball - Secondary
CF1907 CF1907 Physical Education: Introducing Volleyball - Secondary

FALKIRK COUNCIL

22 OCTOBER 2014

There are two Physical Education Lead Officers (PELO) in post to support the implementation of 2 hours/periods of quality physical education for all pupils. The two officers have been seconded from their current positions as primary Physical Education specialists.

PELOs have received 10 days in 2013/14 of Continuous Lifelong Learning Opportunities from Education Scotland with 11 days scheduled for 2014/15. The upskilling of PELO staff on current thinking and good practice has supported the effective delivery of learning, teaching and planning methodologies for both PE specialists and class teachers. This has had a significant impact on the delivery of 2 hours quality PE, evidenced through a range of positive feedback including the Service and School Improvement Division 'questions of quality' survey where headteachers and classroom teachers had the opportunity to comment on PELO support.

A key element of the support and development programme for 2 hours quality PE will continue to be the involvement of the Falkirk Primary Physical Education Specialist team (currently 20 PE specialists supporting all primary schools). There is also a commitment from the Falkirk Council to increase the number of Physical Education specialists for session 2015/16, allowing all primary pupils weekly access to a PE teacher.

The PELOs have provided ongoing collegiate activity sessions for the specialist team who are now more involved in joint planning and supporting class teachers. There are increased participation rates of PE Specialists with CPD opportunities such as:

- Disability Inclusion
- Dance/Gymnastics
- Badminton
- Netball
- Handball
- Athletics

- Better Movers and Thinkers
- Employee Review and Development
- New Standards for Registration

In partnership with schools the PELOs have developed strategies and bespoke solutions to support the implementation of the 2 hour PE target. These interventions have been very diverse, ranging from delivering presentations to headteachers and staff to modelling good practice in a PE setting with the class teacher. One of the biggest challenges for schools has been the lack of indoor space to deliver on the 2 hour target. PELOs have worked alongside staff and parents on taking learning outdoors. This has presented many challenges but excellent progress has been made through a range of interventions and support. Examples of some PELO support strategies are listed below:

- Planning and delivery of PE lessons in both the indoor and outdoor environment through team teaching, modelling good practice and encouraging and assisting with stage/level planning.
- Highlighted strategies for optional use of outdoor facilities e.g. activity afternoons, flexible timetabling.
- Worked with schools delivering outdoor PE on a weekly basis – demonstrating variety of activity contexts that lend themselves to quality outdoor PE experiences.
- Highlighted the positive experiences nursery children are having through outdoor learning and encouraged the continuation of these through PE outdoors.
- Offered practical solutions to address timetabling pressures on indoor facilities.
- Provided a wide range of in-service and twilight training for class teachers.
- Organised and delivered with support from Education Scotland, a “Raising the Bar” event for primary class teachers. This event involved a series of practical workshops demonstrating quality PE in a variety of contexts, input on Significant Aspects of Learning in PE and Education Scotland expectations for a quality PE Programme.
- Demonstrated and suggested strategies for developing Inter-Disciplinary Learning.
- Emphasised where active learning in other curricular areas can be reinforced/developed in the PE environment.

FIFE COUNCIL

3 NOVEMBER 2014

To support staff in Fife to deliver the two hours of quality physical education we have established 19 cluster PEPAS networks. An additional PEPAS Network has also been established with a focus on additional support needs.

The Networks consist of representatives from the cluster Primary and Secondary Schools, Active Schools, Sport Development and Pupil Sport Ambassadors.

The aims of the PEPAS Networks are to:

- Ensure at least 2 hours of PE for all Primary School pupils and 2 periods of PE for all Secondary School pupils in S1-S4.
- Increase confidence in the quality of delivery and engagement with PE.
- Develop pathways for learners towards physical activity and sport.

Each PEPAS Network is led by a PEPAS Champion whose role is to support the drive of their Network. These Champions meet regularly with the PEPAS Lead Champion to discuss PE developments which Champions then share this with their Networks.

Each PEPAS Network works collaboratively to support the needs of their cluster, supported by a small budget.

CPD was identified by Networks as a key area in supporting the development of teacher confidence in delivering quality PE. Networks have addressed CPD at a local level by planning appropriate opportunities for their context. This has been carried out through different means including arranging cluster in-service and twilight sessions and releasing staff for modelled sessions.

A range of centrally organised CPD sessions are also available to support staff with PE delivery.

GLASGOW CITY COUNCIL

27 OCTOBER 2014

Glasgow City Council has appointed three Primary Physical Education lead officers and one Secondary Physical Education lead officer to deliver against the government targets:

Primary – Support staff through up skilling:

- In-service training programme for staff. The Lead Officers deliver twilight sessions and have established a training programme for staff available through CPD manager. Presently there are 15 twilight CPD events staff Term 1 and 2.
- Links have been developed with PGCE PE graduates in order to support graduates in schools to “Champion” PE – PGCE PE (60 across Glasgow schools). This is enabling Schools to build on capacity and develop sustainability.
- Lead officers have established and developed coaching in context/mentoring of primary teachers.
- In partnership with Schools, annual programme to utilise outside space are being established. (orienteeing, athletics, tennis etc.)

- Facility use has been addressed where necessary to maximise the use of facilities both locally and within the Community in order to deliver 2 hours/periods of quality PE. (Timetabling)
- Lead officers will continue to develop Glasgow PE Conferences in all sectors Primary/Secondary/ASL. Enabling HT's/PGCE PE/Primary and Secondary PE Teachers, Primary and Secondary Teachers to engage in a platform of professional discussion.

Secondary:

Secondary – Supporting staff in building capacity

- A robust in-service training programme for staff has been established – Twilight CPD include 6 aimed at NQ's, 7 aimed at BGE, and additional BMT courses
- 5 city wide whole day business meetings for all secondary schools and an additional 3 for ASL sector have been organised and delivered.
- Individual support visits to all schools have been delivered on request.
- Lines of communication between LA and schools have been developed and relationships between schools and across sectors.
- A Pair and share project has been created to 'sharing good practice'. Allowing schools to work together with partner schools.
- Communication between ASC and all other partners has ensured a more complete and structured programme beyond the classroom using motivation from clubs, leaders, school sport awards.
- Exemplification of quality transition work, IDL, and strong leadership programme is shared across the Schools.
- Facilities use both locally and within the community is being further explored to deliver two hours/periods of quality Physical Education.

The Council accordingly feels that it has complied in full with your request.

HIGHLAND COUNCIL

29 OCTOBER 2014

The range and type of CPD and resources for supporting 2 hours quality PE stems from the Highland PE Support Plan (2012-2014 and with the 2014-16 plan due to follow).

The plan is overseen and driven by the PE Lead Officer for Highland with support from the HWB Development Officer.

The CPD resulting from the Plan takes a number of forms across regional, local and individual school levels. This support is an ongoing process and

continues to develop. The CPD targets different groups, from Class Teachers, Secondary PE teachers and Primary PE specialists,

The CPD has taken different foci from Understanding SAoL and quality PE, Overcoming Barriers to quality PE, individual activity specific, DIT, Multi Skills to BMT and Physical Integration. This CPD has ranged from whole day authority In-service accessed by the Highland CPD website, local twilight sessions, school CAT sessions and curricular school support. At an Individual School level, the main focus has been centred around overcoming barriers to targeted and requested schools, but will change to developing quality with the next plan.

Regional – Resource: PE Framework and booklet

Glow resource

CPD: Authority In-service – Understanding the framework with practical examples and links to SAoL. This one day course for class teachers continues to run centrally twice a year.

Whole day In-service for Primary PE specialists, twice per year focusing on a variety of topics including BMT, gymnastics, dance, clubgolf, SAoL, PE framework.

Whole day for Secondary PE. Runs twice per year. Although the main focus has been certification, we've run workshops on SAoL, BMT, BGE including assessment, tracking and monitoring.

Disability Inclusion Training – 5 courses run to date. 2 regionally during In-service days and 3 locally run over two twilight sessions.

Multi Skills for PE and Sport – 2 day in service for probationers. Joint delivery between PELO and Sport Scotland, with a follow up support session. 2 courses ran last year.

Local – Associated School PE Groups currently being set up to meet the CPD needs of their area. This is a work in progress. A number of groups are up and running and have delivered twilight sessions and are planning for curricular support focussing on a variety of PE topics relevant to their area (BMT, dance, gymnastics, understanding quality PE, development of resources). To help with this process we have allocated £3K to each cluster. It is hoped this will help to form the group and allow support to be done during the school day and help reduce twilight pressures for class teachers

Where groups have been unable to form and where there is not the local expertise, the PELO has delivered local twilight and curricular CPD. Main focus centred around understanding quality PE, BMT, gymnastics and dance.

School Level – PELO has provided individual support to targeted and requested schools to help overcome barriers to quality PE. This has been done via twilight, but more often during curricular time with classes. Most common focus has been use of BMT in restricted spaces.

In addition to this, we are running 2 pilots for BMT in advance of further CPD support. This involves supporting 4 cluster primaries and 4 secondaries in their roll out of BMT.

INVERCLYDE COUNCIL

14 OCTOBER 2014

PE Support Fund within Inverclyde has been utilised to employ a PE Lead Officer, (PELO) It has been identified that we need to refresh our primary PE resources. Currently the PELO is central in developing these resources in partnership with the national PELO team. There will be a roll out of these resources with a peer mentor support programme involving secondary PE specialists and primary class teachers.

Alongside the resources the CPD on offer to support teachers;

Sport-Specific Courses that are currently offered annually in Inverclyde:

- Disability Inclusion Training (NGB)
- Primary Teacher Tennis Training (NGB)
- Secondary Teacher Tennis Training (NGB)
- Cardio Tennis (NGB)
- ClubGolf (NGB)
- Golf Extreme (NGB)
- Sportshall Athletics (ASSD in-house)
- Gymnastics Inservice (ASSD/Inverclyde Gymnastics in-house)
- Early Touches Football Qualification (NGB)
- Positive Coaching Scotland (PCS) Training (sportscotland)
- Emergency First Aid (St Andrews)

Other sport-specific courses that have been offered in Inverclyde:

- Active Start (CHCP/Clackmannanshire Council)
- Primary Teacher Gymnastics Award (NGB)
- YDance Olympic CPD
- Primary Teacher Basketball Inservice (NGB)
- Ydance Active Girls CPD (sportscotland)
- ICC Introduction to Cricket (NGB)

Courses for the Future:

- Better Movers and Thinkers (BMT)
- Bi Lateral integration
- Outdoor Learning
- Trampoline Teacher Training

The Education Scotland Core PE fund hasn't been accessed by Inverclyde schools to date, however now the PELO is in post we plan to support schools in the next round of funding in June 2015.

MIDLOTHIAN COUNCIL 24 OCTOBER 2014

- 1 A Lead Officer in PE was appointed in April 2013, fulltime on a secondment until March 2015. He has visited each school and offered CPD opportunities to staff. In addition to this he has organised a CPD programme for primary teachers, secondary and primary specialists. Combining individual visits to schools and authority wide CPD the Lead Officer has undertaken approximately 60 visits since April 2013.
- 2 An example of the support provided by the Lead Officer in PE includes:
 - Introducing the Significant Aspects of Learning
 - Planning for Primary PE
 - Teaching Dance and Gymnastics
 - Using ICT to Develop Learning and Teaching in PE
 - Developing Nat 4/5 PE
 - Better Movers Thinkers
 - Teaching demonstrations.
- 3 It is not possible to provide a breakdown on the number of hours spent per teacher per annum but the Council have asked relevant staff to aspire to 5 hours of CPD per annum.

MORAY COUNCIL 3 OCTOBER 2014

- There is a PE Lead officer (PELO) in post
- There is a range of CPD Courses available to all teaching staff.
- Pilot project taking place to deliver Better Movers and Thinkers (BMT)
- PELO supports colleagues in individual schools
- PELO supports ASG PE Groups
- A PE framework and progressions have been developed and are in schools
- A PE Pack is being developed to assist with identification of levels, assessment and moderation
- The authority supports schools to access PE Core Fund (Education Scotland)
- In-service Days – internal and external deliverers
- PELO has met with every primary HT to clarify what quality PE is and advise on the provision of 2hrs PE

NORTH AYRSHIRE COUNCIL

27 OCTOBER 2014

1. There are 16 planned CPD opportunities for primary teachers within the academic session 14/15. Some more courses are still being organised which will bring this up to around 20 CPD events.
2. The planned opportunities explore the Significant Aspects of Learning for PE for specific sports including badminton, boccia, netball, gymnastics and dance. There are also opportunities to develop skill and knowledge about the wider issues of PE through disability inclusion, managing apparatus and equipment and the teaching games for understanding approach.

3. Most CPD opportunities are available as a twilight session at the end of the school day. There are also two INSET training days for introducing and developing the Better Movers and Thinkers (BMT) approach to PE. Some courses are run several times to focus on a particular stage and to widen access for teachers across the Authority.
4. The PE Lead Officer has also delivered training/CPD through school visits/team teaching and used staff meetings/inset days to provide practical input for teachers. The twilight CPD sessions are provided in different schools across the Authority and are advertised for staff to attend as part of their 35 hours CPD/professional development.

Date	For	Content	Provider/Venue
September Tues 30 th 4-6 pm	PE Champions	Primary PE Network Teaching Games for Understanding (TGFU – Net/wall Games) Identify what’s good in our schools. Discuss HQPE/SAoL	PELO – Alexander Johnston St John Ogilvie PS
September Mon 15 th 4:15 – 6:15 pm	Arran Primary staff	Scottish Country Dancing Creative Approaches to SCD Discuss HQPE/SAoL	PELO Arran High School
October Wed 8 th 4-6 PM	Probationers/ NQTs	Managing equipment safely in the gym hall Practical ideas for H&S during PE for gymnastics and games	PELO Caledonia PS
October Mon 20 th INSET 9-3	Primary PE Network/PE Champions	Better Movers and Thinkers Introduction to BMT	Thomas Dowens Education Scotland Dreghorn PS
October Thurs 23 rd 4-6 pm	Primary Infants	Scottish Country Dancing Creativity and higher order thinking through Scottish Country Dancing.	PELO Glengarnock PS
October 4.30 – 6 pm	Primary Upper	Scottish Country Dancing Creativity and higher order thinking through Scottish Country Dancing.	PELO Woodlands PS
November Thursday 4pm – 7pm	All Primary	Gymnastics Development of floor and vault skills including balancing, rolling, travelling and jumping.	Scott Telford Scottish Gymnastics Dalry PS
November INSET 9 – 3	Arran Primary Staff	Better Movers and Thinkers Introduction to BMT	Thomas Dowens Education Scotland Arran High School
November 4-6 pm	All Primary	Netball TGfU approach to netball and rules for a netball team (competition)	PELO St Winning’s PS

November 4-7 pm	All Primary	Boccia Leaders Provide an overview of the structure, the rules and the practices.	PELO Elderbank PS
January 2x3 hours	All Primary	Disability Inclusion Training Practical session to explore the Sports Inclusion Model	Scottish Disability Sport Dalry PS
February 4-6 pm	All Primary	Badminton Develop knowledge of skills for badminton in a one court hall.	Graeme Smith Badminton Scotland St Bridget's PS
March 4-6 pm	All Primary	Gymnastics (Early Level) Skills top up for using apparatus at the Early Level	PELO Castlepark PS
March 4-6 pm	All Primary	Gymnastics (First Level) Skills top up for using apparatus at the First Level	PELO Castlepark PS
March 4-6 pm	All Primary	Gymnastics (Second Level) Skills top up for using apparatus at the Second Level	PELO Castlepark PS
Jan – Feb 6x2 hours	All Primary	Dance Street/Freestyle With Easy and South Ayrshire	KA Leisure/PELO TBC
Others.... T.B.C.	April – Dance: Creative/Props inf/Upp separate courses April – Invasion Games (Hockey/Rugby) 1 st /2 nd Separate courses April – Primary PE Network May – Outdoor Learning Kit bag and resource cards May – Playground Games/Summer Games Inf/Upp separate courses		

NORTH LANARKSHIRE COUNCIL

23 OCTOBER 2014

Having investigated, I can advise as follows:-

- Authority wide CLPL opportunities

Please find attached calendars providing an array of additional learning opportunities for staff to develop their knowledge and understanding of what constitutes quality Physical Education and how best to support learners through physical experiences. This has included national initiative such as Better Movers and Thinkers (BMT) and Bi-lateral Integration. To date there have been over 900 attendances recorded at these events.

- Collaborative working after school hours

Working with staff during collegiate time to develop a more thorough understanding of the changes to the PE curriculum and how they can best plan for quality experiences which best suit the learners. This is then reinforced with practical demonstration of how to improve engagement, increase challenge and set appropriate pace of learning. To date support has been provided within 112 of the 121 Primary schools in North Lanarkshire.

- Exemplification of quality learning with children and young people

In order to model learning for staff, this authority has been working within schools with learners, leading lessons, team teaching, observing and giving feedback on the learning and teaching environment. This has proven invaluable for staff to see how they can deliver quality lessons within PE without having specialist knowledge of sporting activities.

- Development of resources to support quality learning and teaching indoors and outdoors

Development of a number of resources for staff to use as reference points when focusing on a particular block of work. These have been uploaded to the First Class server in order for staff to access them with ease. Currently finalising a North Lanarkshire Council PE Support Pack which includes planning and assessment advice as well as frameworks for learning within the PE curriculum. This has been devised along with Primary staff and has been revised according to their feedback.

- Early Years, Secondary and ASN Physical Education

Although this has mainly focused on Primary staff over the last session, support for Secondary staff to deliver quality Core PE and in National Qualifications. This has been done through Principal teacher Business Meetings and further CLPL Opportunities. This is also true of early Years and ASN which will be more of a focus after Christmas.

ORKNEY COUNCIL

3 NOVEMBER 2014

Here is some information on CPD activities offered in Orkney between October 2013 and October 2014

Fit for Girls
October 2014

Dance / Gymnastics

May 2014 – 2 days
Hosted at KGS and Stromness Academy

Scottish Disability Sport

May 2014 – 2 days
Hosted at KGS and Stromness Academy

Better Movers and Thinkers

November 2013 – 3 days and April 2014 – 2 days
Twilight session hosted @ Papdale Primary School

PE staff from Stromness Academy and one member of the Itinerant PE staff attended Better Movers and Thinkers courses at the National Sports Training Centre in Inverclyde.

There have been local CPD courses organised through Active Schools in Netball and Badminton:

Netball

An introduction to Make It R.E.A.L.

Friday 22nd August 18:30 – 21:30 Held at Kirkwall Grammar School

Badminton Scotland

Variety of coaching / awards - October 2013

Active schools have also highlighted courses in

Golf

'xtreme clubgolf training' – June 2014

Orineteering

Course held in Thurso – February 2014

PERTH & KINROSS COUNCIL

13 OCTOBER 2014

Perth and Kinross Council's Training Schedule of Opportunities shows that 10 sessions on Physical Education have been offered in 2014-

- Teaching Athletics Nursery – P4
- Teaching Athletics P5-7
- Swimming Content for Class Teachers
- St Andrew's Day of Dance
- Development PE Nursery – P4
- Teaching Basketball Level 2
- Better Movers and Thinkers.

RENFREWSHIRE

Every primary school in Renfrewshire has a visiting PE specialist covering a 4 to 6 week period once a week either morning or afternoon to deliver high quality PE lessons to the staff within the school. This means a specialist PE teacher will be within the school delivering an area which the head teacher has recognised for staff to focus on. This ensures that the staff have access to high quality professional learning opportunities within their working day.

The PE co-ordinator is currently working with the Renfrewshire active schools team to help staff within the schools to implement CPD with primary teachers. This enables us to have a number of sports specialists developing the skills of primary staff across all schools as many of the activities as the schools ask for.

With regards to secondary schools, the PE co-ordinator has met with each PT in secondary schools. All schools have asked for level 1 & 2 trampolining. We have now organised a level 1 & 2 trampolining course for secondary teachers and this will take place in November and December this year.

There have been extensive professional learning opportunities across all secondary schools. As a result professional learning will be the main focus with teaching staff across Renfrewshire. Each school is considering the range of expertise available within their department with at least one expert from each school being identified. This means high quality professional learning opportunities will be available across the authority utilising the high degree of professionalism of our staff.

We are also sourcing sports coaches to deliver certain activities such as gymnastics from Scottish Gymnastics.

SCOTTISH BORDERS COUNCIL 10 NOVEMBER 2014

1. The number of support/CPD opportunities offered in the current academic year is 56 (213.5 hours)
2. Type of support can be categorised into the following areas (expressed as a proportion of hours):
 - a. Sports Specific 48%
 - b. Mentoring/Individual Support 35%
 - c. Programme / Curricular 13%
 - d. Planning (PE Specific) 4%
3. CPD courses and activities are held at a number of venues (expressed as a proportion of opportunities):
 - a. Local Schools 87.5%
 - b. Community Sports Facilities 12.5%
4. CPD courses and activities are held at a number of times (expressed as a proportion of hours):
 - a. Inset / During the School Day 41%
 - b. Evening/After School 36%
 - c. Week – Ends 23%
5. The quantity of PE related CPD expressed as Hours/Teacher = 0.196/Teacher (where "Teachers" are based on FTE including Primary, Secondary, & Centrally Employed Staff – it should be noted that the FTE for 2014-15 is a draft figure i.e. not formally signed off)

The above response is based on central records –the response does not include any unreported CPD undertaken by Teachers e.g. additional NGB Awards or Updates etc.

The above response includes CPD completed and planned for the Academic Year 2014-15 – it is possible that further opportunities may be introduced

SHETLAND ISLANDS COUNCIL 14 OCTOBER 2014

PE Support Programme

Interim Report – 28th May 2014

PE Lead Officers: Fraser Hall & Anne Wood
Data for schools achieving 2 hours/2 periods per week

Percentage of schools achieving in June 2012:	Primary: 61% Secondary: 62.5%
Percentage of schools achieving in April 2014:	Primary: 96.7% Secondary: 75%

Summary

One year in to the PE Support Programme, PE Lead Officers Fraser Hall and Anne Wood have been making progress to support local schools in achieving the national target of 2 hours/2 periods of quality PE every week. The initial aim was to support the schools that were not achieving this target. Now there is continued support available to all schools to ensure all PE lessons are a "quality" experience for learners. This support has been in the form of:

- 4 week support programmes of team teaching to help build confidence in Class Teachers and share practical content ideas
- CPD and Twilight opportunities
- Providing resources or exploring how to make better use of existing school based resources
- Providing lesson content ideas

The PELO's have also been involved with the Better Movers and Thinkers roll out programme. This has included Thomas Dowens from Education Scotland delivering a 2 day in service course and a twilight session. He has also visited class teachers from the Lerwick school cluster in December 2013 to continue supporting their PE lessons, and is expected to visit again in early June 2014. The PELO's have also delivered twilight sessions and supported class teachers through team teaching and observed lessons.

PELO Interventions

CPD sessions/twilights/in-service days

Below are some quotes taken from evaluation forms immediately after a CPD session.

Session: Better Movers and Thinkers

Tutor: Thomas Dowens (Education Scotland)

Date: 10/09/2013

In what ways do you think this training will have influenced or changed your practice in your establishment?

"Encouraged me to think differently about PE and approaches to use movement as a vehicle for skills development across the curriculum."
 Primary Class Teacher, Tingwall Primary School

<i>"I will be more reflective in what I am doing and trying to achieve. More careful evaluation on my progress and achieving this."</i> PE teacher, Bell's Brae Primary School
<i>"I am more aware of what is needed to perform better in PE and how to achieve that – balance, rhythm, timing, planning, etc."</i> Primary Class Teacher, Whiteness Primary School
<i>"The course has given me fresh ideas. I now have a better understanding of the importance of PE and thinking skills and how the 2 are linked."</i> Primary Class teacher, Bell's Brae Primary School

Session: Better Movers and Thinkers Taster Twilight to Sound Primary School Tutors: Anne Wood and Fraser Hall Date: 03/10/2013
How do you think that the pupils that you teach/support will benefit from your attendance at this training?
<i>"I will break down learning skills in to manageable steps. Build a challenge into skills they have grasped."</i> Primary Class Teacher, Sound Primary School
<i>"It will keep pupils focussed mentally and physically."</i> Primary Class Teacher, Sound Primary School
<i>"The pupils will have fun in PE and develop motor skills."</i> Primary Class Teacher, Sound Primary School
<i>"They will experience BMT. It was fantastic – best twilight yet! Thank you Anne and Fraser."</i> Head Teacher, Sound Primary School

Session: Dance and Gymnastics Tutor: Anne Murphy Date: 05/05/2014
What part of the training had the greatest impact on you?
<i>"Experiencing ability to relate ideas in to simple movements. Excellent demos!"</i> Primary Class Teacher, Scalloway Primary School

<i>"Teaching gymnastics, sometimes I get nervous about 'headstands and necks'".</i> Primary Class Teacher, Dunrossness Primary School
<i>"Gymnastics as this is the activity I feared the most!"</i> ASN Primary Teacher, Sound Primary School
<i>"Actually carrying out the activities and realising how straight forward they can be!"</i> Primary Class Teacher, Sandwick Primary School

Below are some quotes taken from a survey monkey sent out **1 month after** a CPD session:

Session: PE away from the gym Tutors: Fraser Hall & Anne Wood Date: 04/02/2014
Has the PE twilight helped you prepare for PE lessons with regard to planning and lesson ideas? Please comment.
<i>"Yes. This course made me realise that class teachers should be able to support the teaching delivered by PE specialists in a real way, and that we are capable, with a little foresight and confidence to do much more than a</i>

<i>few games in the gym hall.” Primary Class Teacher, Sandwick Primary School</i>
<i>”Yes. Interesting, very clear and easy to produce. Planning format was a helpful tool.” PE Teacher, Mid Yell Junior High School</i>
<i>”Yes. Planning format very detailed but a great place to start thinking about the needs during the lesson.” Primary Class Teacher, Cullivoe Primary School</i>
Do you feel the pupils in your class receive a different "PE experience" now compared to before the twilight? Please comment.
<i>”Yes. My lessons are now much more meaningful and coherent, working towards defined goals to enhance the children's learning towards the PE/HWB experiences and outcomes and more!” Primary Class Teacher, Sandwick Primary School</i>
<i>”Yes. More active and relevant to the curriculum.” Primary Class Teacher, Cullivoe Primary School</i>
<i>”Yes. New ideas have been incorporated into PE lessons.” Primary Class Teacher, Baltasound Primary School</i>

4 week support programme

Below are some quotes taken from a survey monkey sent out **1 month after** completing a 4 week support programme involving lesson observations of PE specialist, team teaching and observations by PE specialist.

4 week PE support Tutor: Fraser Hall & Anne Wood Date: 14/03/2014
If there was any particular part of the PE support that you found beneficial, please comment below.
<i>”This was an excellent opportunity to make a real difference to provision of PE for primary aged children. It was a chance to really improve my knowledge and skill base in all aspects of PE and massively increase my confidence and therefore improve the experience of the children involved. The setup of this programme was particularly good, moving from observing the PE specialist, to team teaching then submitting lesson plans to the PE specialist who came and observed the lessons and gave constructive advice both during and after the session, encouraging staff to always reflect on their own teaching. It was also very helpful to know that we now have a point of contact if any more advice is needed in the future. I would encourage other primary teachers to make use of this service to really enhance their teaching of PE.” Primary Class Teacher, Sandwick Primary School</i>
<i>”The ideas and feedback provided, including how to differentiate the lesson to challenge more confident pupils gave me ideas to continue on with in my own teaching. Use of less/no equipment has given me ideas on how to make better use of the resources we have. Working with Fraser has had a very positive impact on my teaching and the learning of my pupils in PE, pupils are more excited about PE lessons and the lessons themselves are more active with less time spent sitting or standing still.” Primary Class Teacher, Cullivoe Primary School</i>
<i>”Modelling and support with lesson planning. Realising the importance of the link between social skills and physical skills. This 4 week block was very</i>

beneficial and I hope that plenty more teachers access this great resource!"
Primary Class Teacher, Sandwick Primary School

Challenges

The PELO's have encountered numerous challenges when trying to achieve the national target. There are still 2 secondary schools in Shetland who are not achieving. This is down to timetable issues, lack of staff and facilities. There is still one primary school not achieving due to hall space constraints, but the PELO's are looking to support that school as much as possible. One primary school was not achieving due to a lack of available gym time due to sharing with the secondary school. However, after a twilight session by the PELO's and lesson content ideas for quality PE in the canteen area, that school is now achieving.

SportScotland Partnership

Garry Reid, SportScotland Partnership Manager, has visited Shetland a few times to receive an update of the PE Support Programme, and has helped to advise with planning for progression of the support programme in the future.

The PE Lead Officers have also created good links with Active Schools through a Coaching and Volunteering working group and Queens Baton Relay working group. They have been able to utilise them to help support the delivery of quality PE in schools. This has included Active Schools Coordinators delivering classroom lessons on fair play and sportsmanship, assisting teachers with cross-curricular themes such as designing Commonwealth Games posters for the Queens Baton Relay, coaches from local football clubs delivering sessions during lunch times and afterschool to pupils.

SOUTH AYRSHIRE COUNCIL

14 OCTOBER 2014

1. Active Schools Coach Education and PE Teaching Calendar (attached)
2. *February Primary* PE In-service delivered by secondary PE teachers
3. PE repository on Glow being developed to complement Education Scotland website
4. 0.2 secondary staff per cluster working alongside primary staff to upskill them
(8 x 0.2 = 1.6 FTE)
5. 0.4 FTE in addition to PT PE to coordinate programme.
6. Regular termly meetings with PE Primary Champion's and peripatetic Primary PE staff
7. Working group developing primary programme of study
8. PEPAS links strong (PE/Active Schools/Sports Development)

9. £3000 allocated to each cluster in 2014/15 for Primary PE resources to support CPD calendar

SOUTH LANARKSHIRE

21 OCTOBER 2014

In response to your request, I can advise you that Education Resources is committed to supporting establishments to deliver the weekly two hours of quality physical education required by the Scottish Government. A Quality Improvement Officer leads on this development, supported by the Development Officers. This has been supported by SportScotland project funding since 2012. To advise and monitor the commitment to provide the weekly two hours of quality physical education, through the following activities:

1. Regular monitoring and reporting on 2 hours / 2 periods of Physical Education in the primary / secondary school to the Scottish Government through engagement visits and challenge and support for establishments. Recent support has included provision of indoor mini – resources to “decent schools” to meet the challenge of 2 hours provision where space is limited;
2. Raising Awareness across the authority of 2 hours of quality Physical Education, email, PE newsletter / senior leadership CLPL programme;
3. Engagement with Active Schools to support projects.

There is also a variety of Career Long Professional Learning (CLPL) opportunities, professional networks, working groups and development of materials, including:

- The Council’s PEPAS steering group (Physical Education, Physical Activity and Sport) – currently developing a parent leaflet, drafting the Council’s PEPAS rationale paper and engaging in annual PEPAS strategic planning;
- Provision of effective CLPL for practitioners to implement quality learning experiences across sectors including development of Curriculum for Excellence experiences and outcomes, planning formats linked to significant aspects of learning, achievement grids and outline papers for PE and dance and the development of primary networks involving teachers holding Post Graduate Physical Education qualification;
- Ongoing CLPL on variety of PE aspects across sectors;
- Development of 4 dance roadshows / 4 games roadshows;
- Roll out of Early Years Connections Pack / Programme and CLPL to all Early Years, ASN and Primary establishments in January / February 2015;
- Further engagement of establishments with Better Movers Thinkers;
- Principal Teacher / Faculty Head subject leader networks will be provided with materials for dialogue and discussion;

- A range of local authority working groups have been set up including the Broad General Education working group, with probationers, taking forward significant aspects of learning in Physical Education, National 5 Support Group. The team will continue to support staff in the implementation of this qualification, National 6 support group, 4 sub-groups working to produce support materials for new qualification, ICT in Physical Education Group;
- Development of a Trampolining database of trained staff;
- Provision of Champions in schools project across all secondaries – recent launch October 2014;
- Audit of current Primary School Risk Assessment in conjunction with Support Services Co-ordinator, development of further Risk Assessment as required;
- Launch of bronze, silver and gold awards for local authority establishments through Schools Sports Awards (Sport Scotland) enabling self-evaluation and CLPL;
- Continue to embed healthy weight strategy within plans in partnership with NHS Lanarkshire. This initiative links to quality PE agenda. Audit current pilot status; provide CPL masters level certification opportunity for up to 20 Early Years and Primary practitioners; Secondment opportunity (paid for via NHS funding) advertised and secondee will support pilot establishments using HEALTHY resource, complete writing of HEALTHY resource for 12 months from November 2014 to November 2015, devise means of evaluating impact of HEALTHY resource; Evaluate and report during pilot period to November 2015.

STIRLING COUNCIL

22 OCTOBER 2014

Stirling Council and Clackmannanshire Council have shared services. Please see details under Clackmannanshire.

WEST DUNBARTONSHIRE

24 OCTOBER 2014

West Dunbartonshire Council provides a good range of resources and quality CPD for teachers in primary and secondary schools. This is supported by our colleagues in Sports development and Active School, and has been enhanced in the past 1-2 years with the Scottish Government PE Support Funding.

WEST LoTHIAN

21 OCTOBER 2014

West Lothian Council provide a PE Lead Officer position (PELO), funded in partnership with Education Scotland and **sport**scotland, to support West Lothian primary, secondary and ASN schools in the delivery of two hours of quality physical education. The PELO also provides support to schools to access national funding, such as the Grounds for Learning and Education Scotland's funding grants.

West Lothian Council also provide a Sport and Physical Education CPD Calendar to support staff in the delivery of two hours of quality physical education. An example of this calendar is attached however it should be noted that additional courses are added to the calendar throughout the academic year.

WESTERN ISLES COUNCIL

1 OCTOBER 2014

I can confirm that all schools, from August 2014, offer a minimum of two hours of physical education.

In the past year, we have offered 4 in-service sessions, a variety of Twilight sessions in a number of schools. The PELO has attended staff meeting to discuss planning for PE and met with all Head Teachers to discuss provision. Schools were invited to join the Direct CPD programme, which has involved the PELO leading CPD sessions alongside the class teacher for a series of sessions.

We are also involved with the Better Movers and Thinkers (BMT) programme which has involved Thomas Dowens from Education Scotland mentoring schools with extra CPD sessions and further twilights.

Education CPD is further supported by Sports Development with regular coaching sessions being offered for a variety of sports.

We judge that most schools have access to high quality of resources and effective ongoing professional support and training.

The authority benefits from very good support through the Active Schools programme and, of course, from volunteers. This helps ensure a high quality PE programme for our pupils.

CONCLUSIONS

As is likely to have been anticipated, as a consequence of an underlying principle of Curriculum for Excellence that schools should adopt curricula which respond directly to the needs and interests of their own pupils, curricular models are variable between Local Authorities and within some Local Authorities.

In a majority of cases, Local Authorities suggest that there has been adoption of the 3 + 3 curricular model as envisaged within CfE, or where there has not, evolution towards achieving that structure is underway.

From the information supplied by Local Authorities in relation to staffing, it is clear that the reduction in the number of qualifications which pupils undertake in S4 has resulted in some fluctuation in staffing levels within individual schools and Local Authority areas.

Other factors besides the narrowing of subject choice on entry to the senior phase will have had an impact on teacher numbers within individual subject departments or faculties. The increased personalisation and choice offered

to pupils within CfE, the extension of entitlement of learners to experiences and issues recruitment difficulties within some subject specialisms are likely to have had an effect on staffing levels within individual subjects departments and across Local Authority areas.

Appendix 1 details by subject the number of Local Authorities in which teacher numbers have increased and decreased. From this it can be seen that in 15 subjects there have been decreases in teacher numbers in more Local Authorities than in which there have been increases. Of these, Art, ASN and Maths are the subjects in which the highest numbers of Local Authorities have made staffing cuts. Modern Studies, on the other hand, is the subject in which the Local Authorities have most commonly increased staffing.

RECOMMENDATIONS

The Education Committee will consider any potential policy implications of the evidence generated by the Freedom of Information request.

Local Association Secretaries will be supplied with the collated data generated by the FOI request for consideration within Committees of Management.

The Education Committee will continue to monitor the impact of evolving curriculum design and changing patterns of subject option choices.

APPENDIX 1

Subject	No. of LAs in which teacher numbers by subject have decreased	No. of LAs in which teacher numbers by subject have increased
Art	6	1
ASN/Learning Support	10	2
Biology	6	4
Business Education	8	9
Chemistry	7	4
Classics	1	0
Computing	5	7
Drama	6	4
Economics	2	0
English	9	5
French	4	0
Gaelic	3	1
Geography	4	6
German	2	1
History	2	6
Home Economics	8	6
Latin	1	0
Mandarin	0	1
Maths	10	3
Media	2	0
Modern Languages	5	8
Modern Studies	0	8
Music	4	8
PE	4	6
Physics	4	5
RE	4	8
Science	2	2
Spanish	3	1
Technical	3	7

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The Educational Institute of Scotland

Violent and Disruptive Pupils

1.0 Introduction

- 1.1 The following resolution was approved by the 2014 Annual General Meeting:

"This AGM instructs Council to review and publish revised advice on working with violent and disruptive pupils and college students, and to produce a series of posters with key messages for distribution to educational establishments."

- 1.2 The Employment Relations Committee has produced a number of policies over the years relating to challenging behaviour, violence and physical restraint. The Committee has agreed to bring these documents into a single policy document.

- 1.3 This revised advice subsumes the following policy papers : Violence Towards Staff (AGM 2002), Violence Against Teaching Staff : Strategy (AGM 2005), Violent Incidents Towards Staff – Recording and Reporting and Monitoring Guidelines (AGM 2005), Violent Incidents in School (AGM 2007), Work Related Violent Incidents (AGM 2007), Physical Restraint (AGM 2004 and 2005), Disruptive Pupils (AGM 2007), Violent Incidents Against Teaching Staff in Special Schools (AGM 2010), Statement Regarding the Unacceptability of Any Aggressive Behaviour (AGM 2010).

- 1.4 The EIS policy, Guidance Risk Assessment of Violent and Abusive Behaviours (AGM 2009) (Appendix C) is also referred to in this policy and provides important advice on the legal requirements for risk assessment and the risk assessment process.

2.0 Refusing to Teach Disruptive Pupils

2.1 Legal Advice

- 2.1.1 Children in Scotland have the right, arising from the Education (Scotland) Act 1980, to be educated and, unless excluded from a school, have a right to receive their education from the school with which they are enrolled. If certain pupils were refused admittance to classes, such pupils would have a possible claim against the Council for denying them the right to an education. The Council may also be open to a claim under the Human Rights Act with regard to their right to be educated (Article 2 of Protocol).

- 2.1.2 A teacher's contract with an employer defines the employment law perspective. **The contractual requirement is set out in the SNCT Handbook Part 2 paragraph 2.8, which states:**

“2.8 Subject to the policies and practice of the school and the Council, the duties of teachers are to:

(a) manage and organise classes through planning and preparing for teaching and learning.”

- 2.1.3 A teacher who refuses to admit a persistently disruptive pupil would, in effect, be refusing to comply with her or his contractual terms.
- 2.1.4 In terms of the employment contract the teacher who refuses to admit a disruptive pupil could be subject to disciplinary action.
- 2.1.5 Councils do have a duty to protect the health and safety of their employees. Therefore, if a teacher could establish that, by admitting a disruptive pupil to class, her or his safety was at risk the teacher would have the potential right to refuse to admit the pupil and not be subject to disciplinary action. Councils also have a duty to protect the health and safety of other pupils in a class, and where there is a threat of physical violence, a risk assessment should be carried out and, based on its results, a case to refuse admittance may be made.
- 2.2 Establishing a Legal Right
 - 2.2.1 The right to exclude a pupil from a school derives from Regulation 4 of the Schools General (Scotland) Regulations 1975 as amended. The right to exclude is devolved to Headteachers by councils. The Headteacher has the legal right to exclude within the context of council procedures. It should be noted however that exclusion of some pupils may involve consultation with other professionals or with outside agencies such as social work. This will particularly be the case when the pupil has additional support needs, is looked after by the Council or in situations where there are child protection issues.
 - 2.2.2 Any moves to give teachers the legal right to refuse to admit pupils would require changes to both regulations on exclusions and to teachers’ contracts of employment. It is expected that both the Scottish Government and Local Authorities would be opposed to giving teachers a legal right to exclude.
 - 2.2.3 If teachers were given the direct legal right to refuse to admit pupils the teacher may be viewed in law as an autonomous professional and therefore accountable in law for such decisions. It is possible that legal challenges, as set out in 2.1 above, may be directed towards teachers rather than towards councils.
 - 2.2.4 In light of both the anticipated difficulties in securing changes to the law and the unintended consequences should such a change be secured it is recommended that the EIS should not pursue any legal change.

2.3 Advice to Local Association Secretaries

2.3.1 There is no extant legal right to refuse to admit persistently disruptive pupils. Such action could potentially lead to disciplinary action against teachers for breach of contract.

2.3.2 A member who feels that there exists a demonstrable risk to herself or himself or to pupils from a persistently disruptive pupil who poses a threat of violence should ask in writing for a risk assessment to be conducted on that pupil. Advice should be sought from the Local Association Secretary on all occasions when a teacher is contemplating refusing to teach a persistently disruptive pupil. The LA Secretary must raise the matter with the Area Officer. The LA Secretary will then raise the matter with school management or the authority as appropriate and may advise the member to raise a grievance. If matters cannot be resolved, then the Area Officer may seek authorisation from HQ to advise the teacher to refuse to admit the persistently disruptive pupil who poses a threat of violence but advise that there may be a breach of contract.

2.3.3 Where the request to refuse to admit a disruptive pupil extends to all members in an establishment the Area Officer or, whom failing an Official, may contemplate declaring a dispute with the council for its failure to protect staff and seek authorisation, in accordance with Institute policy on industrial action, to pursue the matter through industrial action. Following P v NASUWT (2003) the House of Lords ruled that such action was about the particular instruction of an employer and therefore amounted to a dispute about teachers' terms and conditions. Any collective dispute must be conducted in terms of EIS policy on industrial action.

2.4 Possible Way Forward

2.4.1 The 2006 Annual General Meeting approved a comprehensive policy paper on Pupil Indiscipline. This paper, following the work of the *ad hoc* Sub-Committee on Pupil Indiscipline, called for the Scottish Government and local authorities to ensure sufficient funding for:-

- additional support wherever this is needed.
- additional staffing for in-school behaviour bases and units.
- the provision of additional off site behaviour facilities.
- a reduction in class sizes in all schools to support better behaviour and improved discipline in the classroom.
- the development of enhanced provision of better behaviour/discipline strategies as part of initiate teacher education.

- the provision of local authority support, in matters relating to better behaviour/discipline strategies, for teachers in their induction year.
- the provision of appropriate CPD relating to better behaviour/discipline strategies for teachers throughout their careers.

2.4.2 The Report encouraged LNCTs to enter discussions with Councils to agree local better behaviour/discipline policies. Each school should develop a policy in accordance with local policies and would include the following:-

- the application of curriculum flexibility to bring benefits to all pupils.
- establishing clear links between effective teaching and learning and effective behaviour management.
- ensuring that there is prompt and appropriate access to a carefully – balanced range of specialist provision and support for schools. This should include specialist behaviour support staff, on-site support bases or sufficient, appropriate off-site provision.
- an indication of the criteria for exclusion and re-affirmation of the right of Head Teachers to use exclusion where appropriate.
- ensuring effective systems for the dissemination of good practice to the local authority.
- making available high quality professional staff development on learning and teaching and behaviour management, both to teaching and support staff. An annual menu of CPD provision on behaviour management should be made available to teachers. Such CPD should include opportunities for courses organised by colleagues in partner agencies.

2.4.3 As such policies evolve it is likely that, within staffing and other resource limitations, a dialogue will be established between head teachers and teachers in all schools which will remove pupils from certain classes or from aspects of the curriculum without being formalised into an exclusion from school.

2.4.4 Such decisions will arise in circumstances where the pupil persistently disrupts in certain classes or in aspects of the curriculum. Such decisions are also taken on a pragmatic, *ad hoc* basis and are more manageable when on-site provision is available.

2.4.5 The teacher has no right to refuse to admit a pupil but will have the right to seek to refuse to do so. There may be scope for this area to be developed in Council policies and from that teachers may establish a *de facto* right, rather than a *de jure* right, to refuse to admit a pupil although this would be qualified by the

overall decision of a Head Teacher operating within a Council's policy.

3.0 Violent Incidents in Schools

3.1. Definition

3.1.1 The Health and Safety Executive defines violence at work as:

"Any incident in which a person is abused, threatened or assaulted in circumstances relating to their work. **This can include verbal abuse or threats as well as physical attacks.**"

3.1.2 This definition should cover written forms of abuse.

3.1.3 Sexual and racial harassment should also be dealt with as violence at work.

3.2 Legal Rights

3.2.1 All staff are entitled to rely on the protection provided by a number of statutory provisions.

3.2.2 The Health and Safety at Work etc Act 1974 places employers under a duty to ensure, as far as is reasonably practicable, the health, safety and welfare of employees at work. This duty includes protecting employees from violent incidents and reducing the risks of such incidents occurring.

3.2.3 The Safety Committee and Safety Representative Regulations 1977 requires employers to inform Safety Representatives in good time on matters related to the health and safety of their members and to consult with them. Safety Representatives have the right to investigate violent incidents, carry out safety inspections and to investigate potential hazards. Violence to staff and the development of procedures and policies should all be matters which are considered by Safety Committees within local authorities, schools and colleges.

3.2.4 Under the Management of Health and Safety at Work Regulations 1999 employers must assess risks to employees and make arrangements for their health and safety by effective planning, organisation, control, monitoring and review. This includes protecting employees from the risk of violence. It is important that individual employees are consulted as part of the risk assessment process and that Safety Representatives are consulted on risk assessment processes, procedures and findings.

3.2.5 Injuries which are a result of workplace violence are reportable in the same way as those caused by accidents. The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (as amended) (RIDDOR) requires employers to report any act of violence which leads to incapacity for more than **seven**

consecutive days to the Health and Safety Executive. **However, under EU law, employers and others with responsibilities under RIDDOR must still keep a record of all over three day injuries - if the employer keeps an accident book, then this record will be enough.**

- 3.2.6 All staff are covered by an employer's common law duty of care and could sue an employer for damages if it can be demonstrated that the employer has been negligent in protecting staff.
- 3.2.7 Where a teacher has been injured as a result of a criminal act the Criminal Injuries Compensation Authority (CICA) can award compensation regardless of whether the assault is in the workplace or not. **CICA deals with compensation claims from people who have been physically or mentally injured because they were the blameless victim of a violent crime in England, Scotland or Wales.**
- 3.2.8 **CICA administers the Criminal Injuries Compensation Scheme. The rules of the Scheme and the value of the payments awarded are set by Parliament and are calculated by reference to a tariff of injuries.**
- 3.2.9 **Under Paragraph 22 of the Scheme "an award under this scheme will be withheld unless the incident giving rise to the criminal injury has been reported to the police as soon as reasonably practicable".**
- 3.2.10 **Case Study 1. An applicant was assaulted on 13 June but Police Scotland confirmed that this was not reported until 19 August. The applicant had assumed the employer would refer the incident and only gave a statement to Police Scotland on 19 August when she found out the employer had not. The claim was rejected as CICA maintained that it would have been reasonably practicable for the applicant to have reported this before 19 August.**
- 3.2.11 **Under Paragraph 23 of the Scheme "an award will be withheld unless the applicant has cooperated as far as reasonably practicable in bringing the assailant to justice".**
- 3.2.12 **Case Study 2. An applicant was assaulted while trying to separate two pupils who were fighting. However, in the statement given to the police, the applicant indicated that she did not want to make any complaint regarding the injury which she received and no follow up statement was made after this. In those circumstances, CICA decided it could not make an award under paragraph 23 of the Scheme.**
- 3.2.13 **Any member who has been subject to violence in the workplace has an absolute entitlement to raise a complaint with the Police. Members are advised that,**

unless there is a police report and a complaint, CICA cannot award compensation to victims.

3.3. Local Authority/School/College Policies

3.3.1 All employers should have clear policies on dealing with Violent Incidents. Local Association Secretaries should ensure that violent incidents in the education sector are subject to separate advice or a discrete section in council policies. The definitive advice remains Violence to Staff in the Education Sector (1997) (Education Service Advisory Committee) which should provide the basis for all local authority and school policies.

3.3.2 Policies should be subject to regular review and evaluation and unions should be involved in the process.

3.3.3 The Health and Safety Executive's advice covers a number of areas which should be included in policies –

- (a) defining violence and violent incidents
- (b) assessing risk factors
- (c) developing an action plan to include
 - (i) security of the physical environment
 - (ii) work practices (eg remote buildings, evening work etc)
 - (iii) physical aspects of the building
 - (iv) staff training
- (d) reporting and recording incidents
- (e) supporting victims.

3.3.4 Violence Policy Template

- **The purpose of the policy, its scope and definitions of work-related violence, including the recognition that it is a health and safety issue.**
- **Indication of commitment from management and support for staff actions that aim to create an environment free from violence.**
- **A statement that violence will not be tolerated, that it is unacceptable and that it does not show failure of staff if it occurs.**
- **Information on procedures for working with other businesses and agencies, e.g. the police, social work, psychological services etc.**
- **Responsibilities for implementing the policy and procedures. What action will be taken if staff or managers do not use the policies and procedures?**
- **Assessing the risks of work-related violence and where risk assessments are located.**
- **Details of measures aimed at preventing, controlling and eliminating violence including environmental design, job design and training.**
- **Specific policies on aspects which are more likely to cause conflict and violence.**

- **What reporting and recording systems you have in place and when staff should use them.**
- **The actions staff and managers should take if a violent incident occurs. Staff should know how to deal with it, how to support other staff members involved in incidents, and what support is available.**
- **Clear mechanisms to inform staff of actions taken by managers.**
- **Information about arrangements for consultation, monitoring and review of the policy, as well as how the policy will be communicated to staff.**

3.3.5 **All schools and colleges should have** policies on security. The majority of schools and colleges will now have a range of security measures including, inter alia, perimeter fences, controlled entry systems, staff security passes, security lighting and cameras.

3.3.6 The EIS is opposed to teachers and lecturers being required to be trained in physical restraint techniques. However, there is scope for staff to be trained in avoidance and de-escalation techniques.

3.4 Members Subject to Violence

3.4.1 There are a number of steps that a member subject to a violent act, or a threat of violence, should take.

3.4.2 At the time of the incident help should be sought from colleagues and management. The incident should be reported to management and the victim should ensure that the incident is recorded in the accident book, in a Violent Incident Recording form and reported to the Police. Management can assist by bringing police officers to the workplace to interview the victim and witnesses rather than putting the onus on the victim to report the matter to the Police at the end of the working day in their own time.

3.4.3 Where appropriate medical assistance should be sought at the time of the incident. It is also appropriate to provide time off with pay to allow the victim to recover from the immediate trauma of the incident.

3.4.4 It is essential that suitable arrangements are in place to ensure an adequate response to any violent incident. This includes:

- **first aid and other emergency medical treatment required by any injured party;**
- **the provision of appropriate emotional support - such as counselling - for those directly or indirectly affected by such events; and that**
- **the necessary administrative and legal procedures are fulfilled, including the proper reporting of the incident.**

- **clear mechanisms to report to staff.**

- 3.4.5 Any absence arising from a violent incident should be treated as special leave with full pay. For teachers, the absence should be covered by the provisions of the SNCT Handbook (SNCT Handbook, **paragraphs 6.22 to 6.24**). Where necessary the victim should also be advised of the opportunity to make a phased return to work, for example, reducing working hours or changing the work pattern.
- 3.4.6 In circumstances where the victim is absent from work any absence extending beyond **seven** days should be notified to HSE under RIDDOR. Any absence extending beyond three days should be recorded.
- 3.4.7 Decisions on a return to work should also allow consideration of restricting or altering the normal range of duties and the possibility of a return to a different location.
- 3.4.8 The victim should be offered counselling. This counselling should be arranged as close to the incident as practicable. As well as the employer's internal counselling services or access to external services advice can be sought from Victim Support Scotland or Teacher Support Scotland.
- 3.4.9 Following a violent incident, a risk assessment should be conducted to determine whether the risk of future incidents can be avoided or reduced. Guidance should also be given on contact between the victim and assailant.
- 3.4.10 Detailed advice is appended (Appendix A) on supporting staff who return to work following a violent incident.
- 3.5 Pupils/Students as Assailants
- 3.5.1 Where a pupil or student commits an act of violence against a member of staff the pupil or student should be excluded.
- 3.5.2 During the period of exclusion there should be full consultation with the staff on the pupil or student's future in the establishment. The views of the victim should be taken into account. Risk assessments should also be carried out.
- 3.5.3 In circumstances where a pupil is being returned to the establishment against the wishes of EIS members advice should be sought from the Local Association Secretary or Branch Secretary. The Local Association Secretary or Branch Secretary must raise the matter with the Area Officer. The Local Association Secretary or Branch Secretary will then raise the matter with the employer. The member, or members in a branch, who would prefer to refuse to teach a pupil or student who has been violent may be advised to raise a grievance. If matters cannot be resolved, the Area Officer may seek authorisation from HQ to advise the member(s) to refuse to

admit the pupil or student. In such circumstances there may be issues of breach of contract and it is important for members to be aware of the risks and to be clear of EIS support.

3.5.4 Key recommendations of the *ad hoc* Sub-Committee on Pupil Indiscipline (2006) are still relevant for dealing with violence or threats of violence as well as general indiscipline. *Inter alia*, the paper called on Scottish Government and local authorities to ensure sufficient funding for:

- additional support wherever this is needed
- additional staffing for in-school behaviour bases and units
- the provision of additional off site behaviour facilities.

3.5.5 It is a matter of regret that a sub-group of the Government's Working Group on Pupil Indiscipline looking at off-site provision did not reach a conclusion and the Discipline Stakeholder Group did not set out its view on this matter. The EIS must continue to campaign for such provision.

3.6 Recording and Reporting

3.6.1 While the EIS supports a return to the collation of national statistics on violent incidents it is recognised that robust arrangements must be in place at local level to ensure the statistics are reliable. The collection and evaluation of statistics on the incidence of violence to employees should be overseen by the Health and Safety Committee or other appropriate bodies. Such statistics should be used to inform both procedures and the risk assessment process.

3.6.2 In the school sector local monitoring should be in the context of public accountability through education and children's services committees. Local monitoring procedures should not be used to publish local league tables of schools' Violent Incident figures.

3.6.3 The EIS supports annual discussions within Health and Safety Committees to consider how risks can be reduced and within LNCTs to discuss councils' discipline procedures, including exclusion policies and alternative provision. In colleges, such discussion should take place within Joint Consultative Committees.

3.6.4 Violent Incident reporting forms should be brief, contain essential information and should not discourage reporting by being over complex. The form produced by the 2005 AGM is appended to this paper (Appendix B).

4.0 Statement regarding the unacceptability of any aggressive behaviour

4.1. Background

- 4.1.1 The EIS has surveyed all Scottish Councils and Scotland's Colleges on whether they had statements regarding the unacceptability of any aggressive behaviour shown toward staff and whether statements are clearly placed in appropriate areas in schools/colleges.
- 4.1.2 All those who responded intimated that as employers they were committed to eradicating aggressive behaviour.
- 4.1.3 Examples of posters, intranet statements and handbooks were provided by a number of respondees. In one council area, staff are issued with cards identifying steps to take in defusing difficult situations.
- 4.1.4 Some respondees advised that they were in discussion with EIS LA Secretaries or Branch Secretaries considering suitable posters.
- 4.1.5 A number of respondees indicated that currently posters were not publicly displayed. In this regard two responses are noteworthy. One College Principal responded:

"For our part, and to the best of my knowledge, we have not experienced such problems in XXX College.....In such circumstances, I would be very loath to display any posters that would give the wholly wrong impression that we do have such a problem."
- 4.1.6 In the school sector, one Depute Director stated that posters are circulated to heads of establishments who may display them if it is considered necessary. He added:

"However the posters are not routinely displayed in schools since we are keen to avoid the perception that aggressive behaviour is in some way common place."

4.2. Actions

- 4.2.1 The EIS acknowledges the level of responses and the provision of posters, statements and handbook inserts which emphasise the seriousness of violence or threats of violence. In many cases these statements stress that action, including police involvement will follow.
- 4.2.2 However, not all establishments routinely display posters regarding the unacceptability of violent behaviour. This should be pursued by Local Association Secretaries and Branch Secretaries with a view to posters being routinely displayed in prominent positions in schools and colleges.

5.0 Physical Restraint Techniques

5.1 Background

- 5.1.1 The integration of more children with complex behavioural needs in mainstream schools has created a context in which many councils are producing policies on physical restraint. Regrettably all teachers face more challenging behaviour and may have to intervene to prevent or to stop physical violence, as a last resort.
- 5.1.2 Scottish Office Circular 5/97 defines Violence as "Any incident in which any employee of a school is seriously abused, is threatened or is assaulted by a pupil, parent, member of the public or any other persons in circumstances arising out of the course of his/her employer."
- 5.1.3 The EIS challenges the assumption that teachers should be expected to tolerate or deal with violent behaviour from pupils in Scottish schools and challenges the assumption that the solution lies in physical restraint techniques. On the contrary the EIS demands schools free from violent behaviour where teachers can concentrate on the job of teaching.
- 5.1.4 It should be understood that it is not possible to give unambiguous advice on physical restraint. Any act of restraint brings the possibility of legal challenge to teachers and judgement made through a legal process rather than through a local authority's policies.
- 5.2. The Legal Background
- 5.2.1 Section 48A(3) of the Education (Scotland) Act of 1980, as amended by the 1986 Act (which abolished corporal punishment in Scottish schools) states:
- "A person is not to be taken for the purposes of this section as giving corporal punishment by virtue of anything done for reasons which include averting an immediate danger of personal injury to, or an immediate danger to the property of, any person (including the pupil concerned)."
- 5.2.2 The Education Scotland Act of 1995 also stated that schools do not have the general authority of Section 5 of the Act to do what is reasonable to safeguard the child's health, discipline and welfare. They must have this authority delegated by parents. The 1995 Act strengthens the rights of parents or guardians to challenge teachers who deploy restraint.
- 5.2.3 The sections above may allow teachers to restrain children but only in the context of a general duty of care. Members are reminded that any physical restraint brings a risk of criminal investigation and prosecution. The application of "reasonable force" is open to a variety of interpretations and teachers may be subject to challenge through legal process, an employer's disciplinary procedures and GTC(S) disciplinary investigation.

5.2.4 The Health and Safety at Work etc Act 1974 requires Local Authorities to ensure, so far as is reasonably practicable, the health and safety of all their employees. The Management of Health and Safety at Work Regulations 1999 requires employers to complete suitable and sufficient risk assessments. The risks to teachers' safety from assaults, violent and other unacceptable behaviours and from, where implemented, the use of physical restraint techniques should be assessed.

5.3 Guidance from Employers

5.3.1 The motion approved by Executive Council requires advice for individual members. However, the context in which members operate will be dependent on the policies of respective employers. Therefore, local association secretaries, branch secretaries in colleges and representatives in private schools, particularly EBD or CLD establishments, should be consulted on policies on physical restraint or physical intervention which may include guidance on physical restraint.

5.3.2 In any consultation the following principles should be underpinning the EIS negotiating approach:

- a recognition that teachers cannot be required to be trained in physical restraint techniques but techniques to reduce threatening behaviour may be introduced in certain establishments.
- EBD and CLD schools are the appropriate establishments for pupils whose behaviour is likely to lead to threatening behaviour
- a recognition that all staff may have to respond to emergency situations
- recording procedures when any physical restraint is deployed.

5.4 Advice to Members

5.4.1 Physical restraint techniques and training are more directly relevant to the duties of care workers and certain special needs auxiliaries than to teachers.

5.4.2 The Institute believes that employers should carry out risk assessments to identify potentially violent situations and appropriate strategies to prevent violent incidents occurring, thus minimising the need for staff to employ physical restraint techniques.

5.4.3 The Institute believes that where young children exhibit violent behaviour or pose a threat of violence, identified through a risk assessment procedure, the most appropriate placement is an EBD school or unit.

- 5.4.4 There can be no requirement for Institute members to be trained in physical restraint techniques and the Institute will provide full support to any member pressured by an employer to be trained in physical restraint techniques. Such training should be voluntary and is most relevant for members deployed in EBD schools and units. However, the Institute accepts that members can be involved in training to minimise the risk of violence and to deal with issues of immediate danger e.g. training in de-escalation techniques.
- 5.4.5 The Institute recognises that where there is an immediate danger to other persons or the possibility of physical assault upon themselves members may intervene physically. Should any member physically intervene in these circumstances they must be aware that any physical contact brings the risk of disciplinary action from the employer or criminal investigation and prosecution.
- 5.4.6 Intervention should be the last resort and other than in exceptional circumstance should only be considered following other measures to defuse the situation, following, wherever possible, the summoning of assistance and, wherever possible, following a clear warning.
- 5.4.7 Any action should be the minimum required in the circumstances to prevent a young person harming herself/himself, others or the member.
- 5.4.8 Where physical contact has occurred the member should report the incident to the head of establishment and branch representatives who shall, when necessary, contact the local association secretary.
- 5.5 Advice to Members in Emotional Behaviour Difficulty and Complex Learning Difficulty Schools and Units
- 5.5.1 The EIS cannot provide advice on the relative merits of various restraint techniques. This is a matter for the employer. However, the views of teachers should be considered and any approved written policy should be subject to annual review. Where there are a number of EBD/CLD schools or units across an authority advice should be sought from LA secretaries and the policy should be agreed by the LNCT.
- 5.5.2 Policy should at a minimum set out and emphasise de-escalation techniques, define the circumstances in which restraint may become necessary and define, as far as is practicable, the issue of "reasonable force".
- 5.5.3 Policy should also provide for recording and reporting mechanisms.
- 5.5.4 Where members in EBD and CLD schools and units have agreed to undertake physical restraint appropriate initial and refresher

training, on an annual basis, should be provided by the employer.

(from 2008 AGM Paper, Work Related Violent Incidents)

4. Advice to Local Associations and College Branches
 - 4.1. In the first instance, local associations and college branches should seek to review agreements covering the support available to teaching staff following an incident of violence and, where necessary, secure improvements as outlined below.
 - 4.2. Minimum acceptable standards for the provision of support for teaching staff returning to work who have been subject to a violent incident include the following.
 - (a) confirmation that any absence from work as a consequence of an incidence of violence will be treated as special leave with full pay;
 - (b) the availability of a phased return to work, on an agreed part-time basis, in the first instance;
 - (c) the possibility of restrictions or alterations to the normal range of duties in the initial return to work period;
 - (d) the possibility of a return to work (either permanently or temporarily) to a different location or workplace;
 - (e) access to an independent, professional counselling service provided either locally or nationally;
 - (f) self-referral to the council's normal Occupational Health Service provider;
 - (g) the provision of additional direct support from another individual during working hours (including appropriate debriefing);
 - (h) a return to work interview with an appropriate manager to consider/agree the support mechanisms required;
 - (i) the availability of suitable refresher training or appropriate CPD programmes;
 - (j) the introduction of an agreed "settling-in period followed by a further review/agreement in relation to other support measures;
 - (k) consideration to be given to avoidance of future contact between the victim and perpetrator;
 - (l) a key member of staff should be allocated responsibility for staff welfare and support in this regard (including appropriate debriefing);

- (m) agreement on a “formal plan” to deliver the necessary support needs of staff returning to work following an incidence of violence.

APPENDIX B

This form should be used to report all incidents of violence to staff. Incidents of both verbal and physical assaults and threats of violence should be reported. This form should be completed by the person subject to the incident in conjunction with his/her headteacher/line manager.

Please fill in the blanks (a continuation sheet may be used if required) and tick the appropriate boxes:

School: _____

Date of incident: _____ **Time:** _____ **Place:** _____

Person assaulted:

Name: _____ Position: _____ Gender: _____

Details of perpetrator (if known):

Name: _____ Age: _____ Stage: _____ Gender: _____

Details of any Additional Support Needs: _____

Status: Pupil Past pupil Parent
Other

Previous similar incidents involving the above perpetrator: _____

Details of Incident:

Type of incident: Verbal abuse Physical assault

Other factors: Sexual harassment Religious beliefs Sexual
orientation

Racial harassment Disability

Please provide a brief description of what happened: _____

Please detail injury/damage/effects: _____

Number of days off work due to incident: _____

Post Incident Action: e.g., police involvement risk assessment disciplinary action RIDDOR form completed

Accident Book

Further action required: _____

Any further comments: _____

Please sign below:

Headteacher/Line Manager: Signed _____ Date _____

Position _____

Person subject to incident: Signed _____ Date _____

GUIDANCE ON RISK ASSESSMENT OF VIOLENT AND ABUSIVE BEHAVIOURS

1.0 Introduction

1.1 The AGM in June 2008 passed the following motion:

“This AGM instructs Council to produce guidelines for Local Associations on the use of risk assessment in relation to pupils exhibiting violent or abusive behaviours.”

1.2 Information on the legal requirements for risk assessment and EIS guidance on the risk assessment process is provided in the EIS Health and Safety Handbook which is issued to all EIS Safety Representatives and is available on the EIS website. The guidance in this paper is set in the context of this general guidance.

1.3 This motion relates to risk assessment within schools. FELA has produced guidance for colleges and universities on dealing with violence and aggression. However, the FELA guidance does not contain detailed advice on risk assessment and, therefore, it should be supplemented by the advice contained in this paper.

2.0 Risk Assessment

2.1 The Health and Safety Executive (HSE) provides a general definition of what a risk assessment is:

“A risk assessment is simply a careful examination of what, in your work, could cause harm to people, so that you can weigh up whether you have taken enough precautions or should do more to prevent harm.”

2.2 A risk assessment can also look at a specific hazard or risk in a particular situation. Within schools the risk from violence and abusive behaviours is a significant problem and it is important that such risks are properly assessed. It may not be possible or appropriate to exclude a pupil at the first sign of violent or abusive behaviours, therefore, it is essential that the extent of the risk is properly assessed and suitable control measures, precautions, procedures and training are provided.

2.3 The risk is assessed by consideration of the likelihood that the potential harm will occur and the severity of the possible consequences. The success of a risk assessment is judged on whether or not the risks, following assessment and implementation of measures for prevention, are adequately controlled. To undertake this requirement it is important that the process of risk assessment is rigorous and that staff are consulted at all stages.

3.1 Compliance with Legal Requirements

- 3.1 Under the Health and Safety at Work etc Act 1974 an employer has a duty to ensure the health, safety and welfare of his/her employees. The specific requirements for risk assessment arise from the Management of Health and Safety at Work Regulations 1999. Unfortunately, there has been a lack of risk assessment with respect to risks from violence and abuse and this is often due to employers claiming a lack of a suitable model for conducting an assessment. The process outlined in this guidance and the pro-forma provided in Annex 1, along with the example risk assessment in Annex 2, provides advice which should assist in overcoming barriers to fulfilment of this legal requirement.
- 3.2 Where an employer has 5 or more employees the risk assessment must be recorded. The risk assessment formats used for general risks, which may also include the risk of violence from the public or parents, is not always suitable when assessing violent or abusive behaviours from specific children or young people. Annex 1 provides a practical means of recording the risk assessment.
- 3.3 Where an employee's circumstances change the employer should reconsider the risk assessment, in particular where an employee becomes pregnant, develops a disability or returns to work from major surgery. This is of particular importance if the teacher is dealing with situations where she/he is at risk from violent and abusive behaviours. Once an employer has been informed by the employee that she is pregnant it is a legal requirement that a specific risk assessment is carried out and that this assessment should consider the risks to the unborn child. The risk assessment should consider all risks including risks from violent and abusive behaviours.
- 3.4 The Safety Representatives and Safety Committees Regulations 1977 require employers to consult with trade union safety representatives on matters concerning the health or safety of their members. This requirement includes consultation on the risk assessment process and the outcomes of risk assessments. Safety representatives are entitled to access to risk assessment documents. This applies to risk assessments dealing with violent and abusive behaviours.

4.0 The Risk Assessment Process

- 4.1 There are 5 Steps to risk assessment as outlined in the HSE guidance. These steps apply equally to specific risk assessments on violence and abusive behaviours.
- 4.2 Step 1 is the identification of hazards. Violent and abusive behaviours which may cause injury are hazards. Such hazards can be identified by incident reports where violent or abusive behaviours have been reported and where there has been no injury or following a violent incident where injury has occurred. It is important to be pro-active with identifying this kind of hazard and if a teacher identifies violent and abusive behaviours she/he can request that a risk assessment is carried out. Following an

incident a risk assessment should be carried out before the pupil is returned to class.

- 4.3 Step 2 requires identification of who might be harmed and how this may happen. In schools the employer must consider employees, pupils and employees of other employers, for example, catering or janitorial staff not directly employed by the council. In this type of risk assessment it will also be important to identify the causes of and triggers for behaviours.
- 4.4 Step 3 evaluates the risks and decides on the precautions required. This is about looking at what is already in place and attempting to reduce risks to an acceptable level. What is required to be done in the case of violent and abusive behaviours is not prescribed in regulations and is neither set out in an Approved Code of Practice nor provided in HSE Guidance. There is general guidance on managing violence within the education sector but this does not provide advice on what to do in specific circumstances and with specific violent or abusive behaviours.
- 4.5 The employer must ensure that he/she has done all that is 'reasonably practicable' to reduce the risks. The term 'reasonably practicable' is used frequently in health and safety legislation and means that there must be an evaluation of the level of risk and the resources required to take additional measures to reduce the risk further. It does not mean that an employer can make a decision not to take additional precautions or preventative steps based only on financial cost.
- 4.6 In the case of risks from violent and abusive behaviours there may also be pressure to avoid exclusion and this can influence the decisions and judgements made in the risk assessment. Risk assessment in this area is far from being scientific and it is important that the process involves consultation with the staff who come into contact with the pupil to fully understand their views, observations and perceptions of the level of risk.
- 4.5 Step 4 requires the findings to be recorded (for employers with 5 or more employees) and, most importantly, implemented. Good practice is for implementation to be allocated to individuals/departments and realistic time scales set. Such timescales will be dependent on the level or risk. There may be measures that need to be put in place before the pupil can return to school.
- 4.7 Step 5 is the review of the risk assessment. With this type of risk assessment it will be essential to review any measures taken to reduce risk at an early stage, to assess the impact of the additional measures and to assess whether or not the risk is being adequately controlled. Following a review a decision should be made on a future review date. If there is a further violent incident the risk assessment should be reviewed. Where there is a behavioural risk assessment for a pupil and that pupil moves school the existing risk assessment must be reviewed in the light of the new circumstances.
- 4.8 Risk assessments should be carried out by a 'competent person', who is trained in the risk assessment process and has sufficient experience of the work and knowledge of health and safety requirements. With a risk assessment that is assessing the risks presented by behaviours it would

be good practice to have an assessment led by a competent person and also involving experts and practitioners. This is a difficult risk assessment process and a multidisciplinary and consultative approach will assist in producing effective, appropriate and acceptable outcomes. The EIS recommends a team approach to risk assessment with trained assessors leading the process.

- 4.9 EIS Safety Representatives should be consulted on all such risk assessments and be involved in the process as the outcomes of the assessment will have a direct effect on the safety of members. Risk assessments should be available to all staff at risk and such staff should be informed of both the risks and the specific control measures required to reduce the risks.

5.0 EIS Pro-forma

- 5.1 The pro-forma provided in Annex 1 may be used or developed by councils. It is an example of how this specific type of risk assessment can be undertaken and recorded.
- 5.2 Annex 2 provides an example of a completed risk assessment. It does not represent a 'model answer' as each risk assessment will be specific to the pupil, environment and situation. This type of risk assessment requires informed judgement by assessors and it is essential that all staff involved are consulted during the assessment process.

6.0 Additional Advice

- 6.1 It is the EIS view that if a teacher has been injured as a result of a violent incident she/he should be given the option not to go back to teaching the pupil responsible, even if the risk assessment process identifies that the risk from that pupil can be controlled.
- 6.2 The EIS Safety Representative is entitled to access to all risk assessments and this can be useful if there is doubt over the precautions and procedures that have been put in place.
- 6.3 If an EIS Safety Representative/member believes that the risk assessment is neither suitable nor sufficient, due to the risks remaining high or there being other measures which could be taken to reduce risks to an acceptable level, this should be reported to the employer, via line management/headteacher. In this situation a review of the risk assessment should be carried out.
- 6.4 All incidents of violence or abuse where there has been an injury, whether physical or psychological, should be reported to the police. If the school or council have not or will not report the incident the Local Association Secretary should advise the injured member to do so. If a report is not made to the police the member may be denied compensation if a claim is made to the Criminal Injuries Compensation Authority.
- 6.5 The responsibilities and requirements for risk assessments should be set out in a policy on violence and every council should have such a policy.

7.0 Action

- 7.1 This advice should be added to the EIS Health and Safety Handbook and be available on the EIS website.
- 7.2 Local Associations should seek to have the requirement to conduct specific risk assessments in respect of violent and abusive behaviours included in their council's policy on violence. Some Councils already use specific risk assessments to assess risks from 'Challenging Behaviour', including violent and abusive behaviours. If this is sufficient to deal with the risks a separate system of risk assessment does not need to be established.
- 7.3 The EIS pro-forma and guidance may be used and adapted by any council which has not yet developed a system for assessing the risks from violent and abusive behaviours.

Risk assessment pro-forma for assessing and managing risks of violent and abusive behaviours:

Name of pupil

School/Class

Assessment completed by

Date

RISK ASSESSMENT AND MANAGEMENT PROCEDURE	
Identify violent behaviour, e.g. kicking, biting, punching, running into, hair pulling, throwing objects, spitting, etc.	
What factors contributed to this behaviour? E.g. situation, triggers or any special conditions	
Who is likely to be harmed?	
What kinds of harm/injuries are likely to occur?	
Evidence of previous violent behaviours, incidents or actions	

Measures already in place			
Measures required to reduce risk			
<p>Estimate the level of risk, consider combination of likelihood and potential for harm – choose from the 3 adjacent options.</p> <p>Risk estimate: Risk is ????</p>	<p>High – likely and potential for serious or major injury, e.g. fractures or multiple injuries</p>	<p>Medium – likely and potential for minor injury, e.g. scratch or bruise</p>	<p>Low – possible but unlikely or infrequent and potential for minor injury</p>
Measures to be actioned by:	Timescale for implementation:	Will level of risk be acceptable if measures are implemented?	

Date for Review:

Risk assessment pro-forma for assessing and managing risks of violent and abusive behaviours:

Name of pupil: Pupil Y

School/Class: Hayfield Primary/P4

Assessment completed by: Assessment Team

Date: 4 March 20XX

RISK ASSESSMENT AND MANAGEMENT PROCEDURE	
Identify violent behaviour, e.g. kicking, biting, punching, running into, hair pulling, throwing objects, spitting, etc.	Chair throwing, hitting and kicking furniture
What factors contributed to this behaviour? E.g. situation, triggers or any special conditions	Last incident followed his causing disruption with other pupil, shouting at him, and when asked to move seats he started throwing the chair and kicking desk. Incidents becoming more frequent and more uncontrolled.
Who is likely to be harmed?	Staff and pupils
What kinds of harm/injuries are likely to occur?	Fractures, head injuries, bruising and soft tissue injuries
Evidence of previous violent behaviours, incidents or actions	4th incident in 3 weeks, also numerous incidents of threatening and abusive language to other pupils.

Measures already in place:	Temporary exclusion Meeting with carer re behaviour management		
Measures required to reduce risk:	Referral to Educational Psychologist (EP) Support-worker to be provided during lesson time Training for staff in de-escalation techniques Emergency procedure to be put in place. Restraint procedure to be agreed and non-restraint alternative to be determined ¹ . Information on procedure to be provided to all relevant staff.		
Estimate the level of risk, consider combination of likelihood and potential for harm – choose from the 3 adjacent options. Risk estimate: Risk is High	High – likely and potential for serious or major injury, e.g. fractures or multiple injuries	Medium – likely and potential for minor injury, e.g. scratch or bruise	Low – possible but unlikely or infrequent and potential for minor injury
Measures to be actioned by:	Timescale for implementation:	Will level of risk be acceptable if measures are implemented?	
Education Officer (EO) to request EP referral and to feedback timescale to school EO to put forward request for additional resources for full-time support worker EO to arrange training of all staff involved with Pupil Y Head Teacher to consult with staff and develop emergency procedure – taking advice from council specialists	ASAP ASAP Within 1 month Before return from exclusion	Review of risk assessment to establish effect should be carried out within 2 weeks of all provisions being met. Appropriate emergency procedure should reduce risk to Medium but risk should be reduced further	

Date for Review: At latest 5 May 20XX

Footnote: ¹EIS policy is that there can be no requirement for teachers to be trained in physical restraint techniques and the EIS will provide full support to any member pressured by an employer to be trained in physical restraint techniques. Participation in such training is on a voluntary basis.

The Educational Institute of Scotland Access to Pay Details Outwith the Workplace

Introduction

- 1.1 The following resolution was approved by the 2014 Annual General Meeting:

"This AGM instructs Council to put pressure on Local Authorities to establish the principle that teachers have the right to have access to their pay details outwith the workplace."

- 1.2 The resolution reflected a growing trend across Scotland's Councils in which pay slips are provided electronically to employees.

Legal Position

- 2.1 Section 8 of the Employment Rights Act 1996 states that:

"an employee has the right to be given by his employer, at or before the time at which any payment of wages or salary is made to him, a written itemised pay statement."

- 2.2 The legislation is designed to ensure that employees are able to check that they have been paid correctly and that they have had the correct deductions made. If an employee is unable to access details of pay there is a prospect of lodging a complaint at the Employment Tribunal.
- 2.3 The SNCT Handbook requires each Council, following consultation with the teachers' unions locally, to determine the method and frequency of payment of wages.

Implications of the Legal Context

- 3.1 The word "given" in Section 8 of the Act is significant. There is no entitlement to the information being given in paper copy and it is generally accepted in law that payment in an electronic format will generally satisfy the provisions of the Act.
- 3.2 However, the provision of electronic payslips raises three circumstances relating to limitations on pay statements being issued electronically through work e-mail accounts. These circumstances require to be raised through LNCTs. The first circumstance can occur when pay days occur during periods of annual leave.
- 3.3 The second circumstance relates to periods of sickness when an employee may be unable to access electronic payslips via the Council's intranet. The same principle should apply to those on family leave. While employers may argue that employees can access pay slips remotely the legislation puts the onus of the employer to give the itemised pay statement.

- 3.4 The third circumstance arises when employees are required to produce pay advice slips for status purposes, for example, for mortgages, bank loans, insurance policies and work permits. Electronic payslips are often not accepted for such purposes. The solution to this would be for employers to issue, when required, copies of payslips which are officially stamped by the employer.

Conclusion

- 4.1 The terms of this paper should be copied to LA secretaries. There is no legal right to pay details being provided outwith the workplace. Local Associations should seek to negotiate to achieve that end recognising that progress is likely to be limited.
- 4.2 If a general move to paper copies of payslips cannot be obtained then a fall back negotiating position should be to seek to ensure that paper copies are provided to those who are on leave, including sick leave or family leave as well as annual leave. Local Associations should also seek provision for payslips which are stamped by the employer when such documentation is required for status purposes.
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The Educational Institute of Scotland

Cleaning Budgets

1.0 Introduction

1.1 The following resolution was approved by the 2013 AGM:

"This AGM instructs Council to investigate the impact of cuts in school and College cleaning budgets and to report on the consequences for teachers and pupils, lecturers and students with regard to hygiene and health and safety matters."

1.2 The Employment Relations Committee at its February 2014 meeting noted that this resolution was still being processed and awaiting budget setting for 2014-15. At its meeting in March 2014, the Committee noted limited information to that date and agreed to carry this item into this year's committee cycle.

2.0 Action

2.1 There is no national source of data on "cleaning budgets." COSLA does not hold detailed budget information on school cleaning and simply relies on publicly available information on a Council by Council basis. In addition, Audit Scotland, Scottish Government, the Scottish Parliament and the Scottish Funding Council do not routinely collect or hold specific information on "school cleaning budgets" or the "cleaning of school premises".

2.2 Therefore, in order to process the resolution, the Employment Relations Committee sought information directly from local authorities and colleges. The Committee surveyed all local authorities and colleges and received a small number of replies.

2.3 Over the financial years, 2007-08 to 2012-13, a total of 463 schools were substantially rebuilt or refurbished. 168 of these were funded via Private Finance Initiatives/Public Private Partnerships or Non-Profit Distributing models and 295 via other funding. In the School Estate Statistics published annually by the Scottish Government, the PPP service payments include payments for cleaning, catering, janitorial services, grounds maintenance and security. However, these statistics are reported as a global total and are not broken down into their constituent parts.

3.0 Discussion

3.1 Not all Councils budget over a one year cycle. In its proposed budget for 2013 to 2015, one council targeted cuts in facilities management across the school estate. These cuts included a review of janitorial hours in standalone nurseries, the day cleaner in new build schools, the frequency of window cleaning for new builds, the number of grass cuts and annual maintenance contract in secondary estate. The final figure published for the savings

generated was in the region of £1,457,000. However, no exact figures were allocated to "school cleaning budgets".

- 3.3 Research undertaken to date indicates that this budget line is devolved by some Councils to schools whereas it is retained centrally in other Councils. This makes it difficult to isolate aspects of each budget heading.
- 3.4 It is difficult to formulate any conclusions on the second part of the resolution. However, the Committee is asked to note that in 2013 the proportion of schools reported as being in good or satisfactory condition had increased from 61 per cent in April 2007 to 82 per cent in April 2013 (see appendix).

4.0 Cleaning in Schools and Colleges – Advice to Members

- 4.1 The Workplace (Health, Safety and Welfare) Regulations 1992 (as amended) specify minimum standards for most workplaces including schools, colleges and universities. These Regulations expand on duties on employers under the Health and Safety at Work etc Act 1974.
- 4.2 Regulation 9 covers cleanliness and waste materials. Regulation 9(1) specifies that "every workplace and the furniture, furnishings and fittings therein shall be kept sufficiently clean." Regulation 9 (2) specifies that "the surfaces of the floors, walls and ceilings of all workplaces inside buildings shall be capable of being kept sufficiently clean." Regulation 9 (3) specifies that "so far as is reasonably practicable, waste materials shall not be allowed to accumulate in a workplace except in suitable receptacles."
- 4.3 According to the Health and Safety Executive, sufficiently clean means that "workplaces should be regularly cleaned to ensure that dirt or refuse is not allowed to accumulate and spillages and deposits are removed or cleaned up as soon as possible." The frequency of this activity and standard of cleanliness will depend on the nature of the business. In addition, cleaning should be carried out "...by an effective and suitable method and without creating, or exposing anyone to, a health or safety risk."
- 4.4 Regulation 12 contains specific requirements for employers relating to the condition of floors and traffic routes. Regulation 12(3) specifies that "so far as is reasonably practicable, every floor in a workplace and the surface of every traffic route in a workplace shall be kept free from obstructions and from any article or substance which may cause a person to slip, trip or fall".
- 4.5 Floors and traffic routes must be suitable and should not expose persons to risks by being uneven, slippery or by having holes. There should be effective means of drainage. They should be kept free, so far as is reasonably practicable, from obstructions, articles or substances likely to cause slips, trips or falls. Handrails must be provided on staircases.

- 4.6 Slips and trips are the most common cause of injury at work. Most slips occur when floors become wet or contaminated. To prevent slips and trips, employers should:
- stop floors getting wet or contaminated in the first place;
 - have effective arrangements for both routine cleaning and dealing with spills;
 - remove spillages promptly;
 - leave smooth floors dry after cleaning or exclude pedestrians until the floor is dry;
 - use the right cleaning methods for your floor;
 - look out for trip hazards (e.g. uneven floors, trailing cables);
 - consider the use of slip-resistant flooring material.
- 4.7 These effective preventative measures can be instituted without great expense. Instituting proper procedures for routine cleaning of floors and cleaning up of spillages, adequate lighting and wearing of sensible footwear are, however, easily achieved. Employers should raise awareness among employees and students.
- 4.8 All accidents and injuries should be reported. No matter how trivial members consider an injury to be, members must ensure that it is reported and recorded within school at the time it happens. Injuries which seem trivial at the time can have longer term serious consequences and the existence of a record can, as mentioned above, subsequently be very important in securing compensation.
- 4.9 Where any EIS member is injured at work, EIS representatives and/or EIS health and safety representatives should also take the following further steps in order to protect the member's interests:
- make sure not only that management has been informed about the incident;
 - investigate the circumstances (these investigations are part of the safety rep's statutory rights to undertake inspections);
 - make a own record of what happened, including taking statements from any witnesses or noting down who the witnesses were;
 - make sure that a proper record is also made by the school as outlined above;
 - make sure that photographs of any injuries are taken - many doctors will do this but if they have not, take your own;
 - Complete an EIS accident claim form and return it to the Employment Relations Department.
- 4.10 Where members have issues regarding the routine cleaning of floors, furniture and fittings and the cleaning up of spillages these should be discussed in the first instance with establishment EIS representatives and/or EIS health and safety representatives. Thereafter, EIS representatives and/or EIS health and safety representatives should raise these matters with management and should record these concerns in writing.

5.0 Conclusion

- 5.1 This policy paper should be forwarded to Local Association Secretaries and Branch Secretaries.
 - 5.2 Section 4 of this paper should be issued to members as a leaflet and posted on the EIS website.
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The Educational Institute of Scotland

LGBT Guidelines

Introduction

Within wider society, prejudice and discrimination towards people who are lesbian, gay, bisexual and transgender remain prevalent. Unfortunately, this can be the case in schools, colleges and universities also, both for teachers/ lecturers and young people who are LGBT.

This guidance is intended to inform and support EIS members who identify as LGBT specifically, as well as EIS members generally, on issues related to sexual orientation and gender identity.

Legal Framework

As someone who works within the education sector you are supported by legislation. The principal legislation offering protection against prejudiced or discriminatory treatment is the **Equality Act 2010**. Within the Act, sexual orientation, gender reassignment and marriage and civil partnerships are termed 'protected characteristics'. Protection is provided by the Act to those who are lesbian, gay, bisexual or heterosexual; those who are transgender, having undergone, undergoing or proposing to undergo gender realignment; and those who are in a same-sex marriage or civil partnership.

All public sector bodies have a responsibility to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) encourage good relations between those who share a protected characteristic and those who do not.

The terms of the Act apply to educational establishments of all religious denominations and none, though the co-existence of the Education (Scotland) Act, 1980 as it relates to faith schools should be noted. This piece of legislation remains alongside the Equality Act 2010 and sets out the right of the Catholic Church or other denominational body to approve all appointments within schools which are conducted in its interest, on the grounds of religious belief and character.

Discrimination

There are four forms of discrimination that are prohibited by the Act.

Direct Discrimination

Direct discrimination consists of treating a person, on the grounds of any of the protected characteristics, within which sexual orientation and gender identity are included, less favourably than others are or would be treated in the same or similar circumstances. Direct discrimination claims can be brought by people who have been treated less favourably because of their own sexual orientation or gender identity, because they associate with someone of a particular sexual orientation or gender identity, or because they are wrongly perceived to be of a particular sexual orientation or gender identity.

Indirect Discrimination

Indirect discrimination is more complex. Indirect discrimination can occur when there is a condition, rule, policy or even a practice in your workplace that applies to everyone, but particularly disadvantages people who are of a particular sexual orientation or gender identity. Indirect discrimination can be defended if the person or organisation can show that it was a proportionate means of achieving a legitimate aim. A 'legitimate aim' might be any lawful decision a person makes; being 'proportionate' means being fair and reasonable.

Victimisation

Victimisation occurs if a person is treated less favourably because they have made or supported a complaint under the Equality Act in relation to a protected characteristic such as sexual orientation or gender identity, or because they are suspected of doing so. An example of victimisation would be an employer providing a bad reference for an ex-employee because she/he has complained of discrimination.

It should also be noted that the protection does not apply if a false allegation of discrimination or harassment was maliciously made or supported against an employer.

Harassment

Harassment is when there is conduct in the workplace that is related to sexual orientation or gender identity that has the purpose or effect of violating a person's dignity, or of creating an intimidating, hostile, degrading, humiliating or offensive environment for that person. For example, it may take the form of homophobic language, verbal abuse, graffiti, malicious gossip or 'outing' someone at work when it has not been their choice to disclose details of their sexuality or gender identity in the workplace. It is not necessary for the conduct to be related to the victim's personal characteristics; it could be related to the personal characteristics in relation to gender identity or sexuality of someone that they associate with, or a misperception of the perpetrator that the victim is of a particular sexual orientation or gender identity. It does not matter whether the harasser intended their behaviour to be offensive- the effect is just as important. So-called 'banter', which is homophobic in nature, constitutes harassment. Harassment does not have to be targeted at any particular person. It is enough that someone who witnesses the conduct finds it offensive.

For example, a heterosexual teacher overhears frequent homophobic remarks from colleagues/pupils/students and this creates an offensive working environment for her/him, constituting harassment.

Liability

Employers are liable for acts of harassment by their employees if they have failed to take all reasonable steps to prevent it happening, for example, by failing to put in place adequate policies and provide training to staff that makes clear that such behaviour will not be tolerated.

The Equality Act makes employers potentially liable for harassment by people (third parties) who are not employees, such as pupils, students or parents. Harassment may take place within a face-to-face or social media context. Employers will only be liable when harassment has occurred on at least two previous occasions (it doesn't have to be the same third party), the employer was made aware of those two previous occasions and failed to take reasonable steps to prevent it happening again.

As in other areas of discrimination, protection begins from the first day of appointment to a job and in the recruitment, selection and interview process. Protection continues throughout the employment period. There should be no detriment on the grounds of sexual orientation or gender identity in access to and procedures for promotions or transfers, training or receiving any other benefit. LGBT members, however, should be aware of the need for Catholic approval in relation to securing any post in a denominational school. Members need not be Roman Catholic to acquire approval but require to be judged to meet appropriate criteria in relation to character and belief and their consistency with the Charter for Catholic Schools in Scotland.

An employer may argue that an employee must be of a particular sexual orientation if it can be shown that this is a genuine and determining occupational requirement of the post to be filled. It is envisioned that the circumstances where this will happen will be rare.

It is unlawful in certain circumstances to discriminate against a former employee after the employment relationship has ended e.g. by not providing a reference.

Once an employment tribunal or court is satisfied from the facts that there is a case to answer, the burden of proof is on the employer to show that the difference in treatment was justified.

General and Specific Duties of the Act

All educational establishments, in compliance with the Act, must:

- eliminate unlawful discrimination, harassment and victimisation
- advance equality of opportunity between different groups
- consider how different people will be affected by proposed activities
- deliver policies and services which are efficient and effective, that are accessible to all and meet different people's needs
- foster good relations between different groups
- publish data to show compliance with the duty annually
- set equality objectives at least every 4 years.

Positive Action

The Equality Act allows organisations to target initiatives at particular groups if it is a proportionate way of them addressing under-representation, a disadvantage they reasonably think the group has suffered, or a different need they have.

The Equality Act also contains a provision which allows employers to use a protected characteristic, such as sexual orientation, as the tipping factor when deciding between two candidates who are 'as qualified as each other'.

Trade Unions and the Act

Trade unions have responsibilities under the Act as employers and providers of services. They must ensure that they do not discriminate in either capacity.

Despite many years of campaigning against discrimination and homophobia, and changes in attitude of government, society and employers towards LGBT people, fears and myths are still all too easily exploited.

Trade unions have represented members experiencing discrimination and harassment, and have negotiated with employers to develop anti-discrimination and bullying and harassment policies which include reference to LGBT people. They have developed education programmes and training for their own membership.

The STUC and TUC have been prominent in campaigning for improved rights for LGBT employees and an end to unjustifiable and discriminatory legislation. The STUC has established a network of LGBT trade unionists representing many trade unions in Scotland. The EIS also has a network for teachers who identify as LGBT.

Advice to EIS Members as Employees

LGBT members have the same right to share information about their private lives or to decide not to as all other colleagues. It is up to each individual to decide the extent to which they wish to be 'out' at work to colleagues, management, pupils/ students and parents.

Unfortunately, discrimination does happen in workplaces. 1 in 5 incidences of bullying and harassment are reported by LGBT people to have occurred in the workplace, with 1 in 4 cases, managers being the perpetrators. In a school, college or university setting, it can be at the hands of pupils or students and parents. In all cases, it can lead to isolation, harassment or violence. It is the responsibility of all EIS members- both teachers/lecturers and management to challenge such behaviour whether it was intended to cause hurt or was wrongly judged to be humour.

If you believe you have been discriminated against on the grounds of sexual orientation, either actual or perceived, or on the grounds of gender identity contact your EIS Branch Representative in the first instance or your EIS Local Association Secretary.

If you do decide to pursue a case, you must follow the appropriate protocols about which you will be advised. As in all areas of discrimination the pursuit of cases may be complex and require professional advice.

Advice to EIS Representatives

The EIS believes discrimination and harassment of a person on the grounds of sexual orientation or gender identity is unacceptable and constitutes professional misconduct. Any LGBT member who experiences harassment or discrimination has the right to contact her/his EIS Representative or her/his Local Association/Branch Secretary for advice. All enquiries must be treated confidentially, the Rep or LA/Branch Secretary bearing in mind the need for sensitivity in relation to the extent to which the individual seeking support is 'out' at work. If assistance is required, advise the member that you need to seek additional advice in the first instance from the Local Association Secretary or Area Officer for members in FE/HE.

Equality policies must exist in all educational establishments. They are required to cover all aspects of working life and education, and must be accompanied by procedures which assist in ensuring fair appointments and promotions as well as dealing with complaints. Reps/Branch Secretaries should have access to such policies, as should all members of staff. A collegiate approach would involve both management and teacher trade union representatives in policy design/updating. EIS Reps/Branch Secretaries are advised to seek such an approach.

Advice to Head Teacher Members

Head Teacher or other EIS members with responsibility for management and personnel matters such as discipline and grievance procedures must ensure that equality policies reflect best practice and current legislation. They must include reference to sexual orientation and gender identity.

Establishing an ethos in which people can openly discuss problems or potential areas of conflict is conducive to good employee relationships.

Unfortunately, there may be occasions when formal procedures will be used. It is essential that such procedures are followed fairly and competently.

Advice to EIS Members in Supporting Pupils and Students

Anti-LGBT Discrimination in Educational Establishments

Education for equality prepares young people to live in a society which includes LGBT people. The EIS recognises that it is essential to address issues of gender identity, sexuality and sexual orientation positively and sensitively. Teachers and lecturers must be supported in providing safe, secure learning environments. Each educational establishment should understand and accept its obligation to prevent anti-LGBT discrimination and to provide a curriculum and ethos which will prepare children and young people for the diverse society in which they live. All teachers, whatever the educational setting, denominational or non-denominational, and lecturers, have a responsibility to deliver the curriculum as operated within their establishments. Teachers and lecturers, schools and colleges, external agencies and parents should work co-operatively to ensure accurate information is given to young people about sexuality, sexual orientation and gender identity.

Many young people go through puberty and adolescence with few problems; for others it is a time of uncertainty and anxiety. Teachers should be able to support young people through difficult periods in their lives. It is important that there is a

framework of support for professionals to do this. There are national and local guidelines and other national documents which contain advice and support material.

Children and young people acquire knowledge about LGBT people from a variety of sources, with varying quality of information. It is far better they learn accurate information in the classroom than inaccurate information in the playground or from the media. Often young people have a sense of fairness that is underestimated and which can lead to valuable discussion about how people treat each other. Pupils and students can discuss complex questions such as prejudice, discrimination, racism, sexism, homophobia and transphobia. Attitudes about LGBT people say a great deal about attitudes towards men and women and the various stereotypical gender roles. This may form part of personal and social development programmes but can also be addressed in other areas of the curriculum. It always must be addressed in a non-discriminatory way.

Teachers and lecturers should challenge all forms of homophobic/ transphobic discrimination, including that which is unintentional, for example the use of the word 'gay' as a derogatory term to describe something which the user dislikes or is opposed to.

A workplace where staff members themselves are included and valued is in a strong position to promote equality of opportunity by providing role models for children, young adults and adult learners. The presence of LGBT role models is of positive value.

Homophobic and Transphobic Bullying

It is the responsibility of all involved in education to ensure that all learners are provided with a safe and secure environment. However, the school experience of many LGBT people can be particularly unhappy and stressful. Surveys conducted by Stonewall and LGBT Youth Scotland consistently find that young people who identify themselves as LGBT face homophobic and transphobic bullying. Homophobic bullying is also experienced by many young people, including primary-aged children, as a form of general abuse. This is unacceptable. It can lead to truancy, low self-esteem, serious mental health issues, self-harm. Worse still, suicide is a serious issue for LGBT youth. It is the responsibility of the school to protect young people's health and well-being and safeguard them from the impact of homophobic and transphobic bullying.

Within the FE setting, often students who are homosexual or transgender attend as an alternative to the school setting because within that, they suffered homophobic or transphobic bullying. A degree of sensitivity is necessary in these circumstances to ensure that LGBT students such as these are able to reach their full learning potential second time around.

Homophobic and transphobic bullying should be included in bullying and harassment policies within all educational establishments within all sectors. It is important that these forms of bullying are dealt with as seriously as other forms of bullying and verbal abuse.

Dealing with Homophobia and Homophobic Bullying in Scottish Schools – Teachers' Toolkit

This is an extensive and effective resource for teachers to use to tackle homophobia and homophobic bullying. It is available on the Education Scotland website to

download. Its aim is to provide confidence and skills for teachers and school staff to recognise, prevent and deal with homophobia and homophobic bullying in schools. It has been developed by LGBT Youth Scotland, the national youth organisation for LGBT young people, in partnership with Education Scotland and funded by the Scottish Government.

The strength of this resource is that it is based on research with teachers, education authority staff and young people.

Contained within this toolkit are materials designed to build confidence in the following areas:

- challenging homophobia and homophobic bullying
- supporting LGBT young people in school
- including homophobia and homophobic bullying in the school's policy
- including LGBT issues and anti-homophobia work in the curriculum through lesson plans that support *Curriculum for Excellence* experiences and outcomes and development of the four capacities (successful learners, confident individuals, responsible citizens, effective contributors).

Advice to EIS Members

Where a pupil/student seeks advice on sexuality or gender identity, the role of the teacher/lecturer must be confined to educational/pastoral responsibilities. This applies to all pupils/students, regardless of their sexual orientation or gender identity.

It is important to distinguish between advice to individuals and teaching in class. Providing general and factual information about sexuality and gender identity is an important part of a school's sex education programme but is quite different from giving advice on an individual basis. In colleges, lecturers also have a pastoral role, and may deal with learners who are struggling with their sexuality and/or gender identity. The same sensitivity and confidentiality should be applied in dealing with learners in a post-16 context.

If in any doubt, seek advice or assistance. Local authorities have policies and guidance to schools on legal issues such as children's rights, care and welfare which you are required to follow.

Before teachers/lecturers offer advice to young people on sexuality or gender identity, training must be provided.

Thereafter, in offering advice to young people:

- ensure your advice is appropriate; some advice should be given by health professionals or other appropriate personnel
- seek advice about recommended external agencies
- use the appropriate school support system to assist
- ensure all advice is sensitively handled and confidentiality maintained where appropriate.

It is important that teachers and lecturers are aware of their responsibilities under legislation and of their employer's policies, advice and codes of conduct. They should also be aware of their duties under the GTCS standards.

If you require further assistance please contact your EIS Local Association/ Branch Secretary in the first instance.

CPD

Staff development on equality issues including anti-homophobia and anti-transphobia should be recognised as essential and not peripheral to training needs and should be part of an on-going CPD programme. Any focus by members on equality or specifically LGBT issues may be included in the Professional Update process since the GTCS Standards directly address the themes of equality and social justice, in addition to the wellbeing of learners.

Further advice is available from the following website sources:

www.eis.org.uk – for EIS policy and advice

www.stuc.org.uk- for general trade union policy and advice

www.tuc.org.uk – for general trade union policy and advice

www.scotland.gov.uk – for access to Education and Lifelong Learning Departments as well as the Equality Unit

www.acas.org.uk – for advice to employers and employees on policy, legislation, codes of practice on employment and discrimination

www.equalityhumanrights.com – for all information on equality and human rights legislation, enforcement, codes of practice, guidance on all aspects of equality and discrimination

www.lgbtyouthscotland.org.uk – for advice, support and information for young people relating to rights in employment and education

www.stonewallscotland.org.uk – for advice, policy, support for LGBT people

www.equality-network.org - for news, updates, policy, support, advice, links for LGBTI issues

www.scottishtrans.org- for advice, policy, support, news and information on transgender and intersex equality

www.gtcs.org.uk – for information about standards and registration in the teaching profession in Scotland.

The Educational Institute of Scotland

Poverty in Education

Advice to EIS Members

Child poverty in Scotland is an area of increasing concern. In this document, we consider some of the causes, detail some of the problems that arise in classrooms as a consequence of poverty, and advise members of possible steps they may wish to take when they become aware of issues impacting on their professional practice.

Child Poverty in Scotland

A combination of high living costs, the low wage economy and, crucially, changes to the welfare system introduced by the Westminster government, has resulted in growing income inequality in Scotland for the first time in 20 years.

Among those most severely affected by this deleterious economic combination are the children and young people that we teach. Currently 222,000 children in Scotland are in poverty- more than 1 in 5, (i. Child Poverty action Group) with the ratio increasing to more than 1 in 3 in several parts of Scotland (ii. Centre for Research in Social Policy (CRSP), Loughborough University). Within five years, if the current austerity agenda is maintained, the number of children living in poverty will have increased by almost 50% to 322,000 (iii. Institute of Fiscal Studies).

Not only is the incidence of poverty increasing, the nature of poverty is changing. Low wages mean that more than half (59%) of children living in poverty are within families in which at least one adult is employed (iv. Scottish Government, Poverty Statistics Summary Briefing, December 2014). Scotland has seen a 400% increase in the use of food-banks within the past year and organisers report that a significant proportion of their clients are in work (v.Trussel Trust).

Besides what is known as 'low-income poverty', changes to the benefits system and the system of benefit sanctioning (complete withdrawal of income as a penalty for failure to comply with the any of the conditions attached to receipt of benefits) have resulted in the growing incidence of 'no-income poverty'. Charities such as Barnardo's Scotland are reporting that their caseworkers are regularly finding families with literally no food in the house, this having been the case for days at a time, as a consequence of suspension of their benefits.

It should be borne in mind that poverty and hunger are not confined to children and young people living in areas of high deprivation or within families known to be struggling financially. Children, young people and their families who often may not appear, on the surface, to be struggling financially or to keep themselves fed, are frequently seeking to hide the reality of their circumstances to others out of embarrassment or fear of unwanted service intervention.

Clearly, the current socio-economic context in Scotland has significant implications for the classroom and the wider school setting in a number of ways. While it is understood that education is not the panacea to poverty, and that teachers and lecturers cannot be expected to banish its effects from the lives of their pupils and students, education policy and practice must address it.

Below is some advice that EIS members may wish to consider in relation to poverty and how it affects a child's day-to-day experience of school and their educational achievements in both the short and long term. There are also some practical examples provided of how EIS members are currently taking steps within their establishments, as well as of other possible measures, to 'poverty proof' the school day.

Hunger

For the first time since the Second World War, the Red Cross has been involved in the distribution of food-aid within the UK, including in Scotland, children and young people being among the recipients of this and food-aid from other charity providers.

While the universal provision of free school meals for P1 to P3 is a welcome introduction, for many children, this will be their only full meal during a week day. For P4-S6, free meal entitlement continues to be means-tested. Between free school lunches, many children and young people who receive them will be underfed, the problem being particularly acute at weekends and during school holiday periods. For many who are not covered at all by free meal entitlement, hunger may be ever-present.

The effect of this may manifest itself in the classroom in a number of ways: pupils may appear pale, fatigued, irritable or lacking in concentration, or complain of headaches or feeling unwell. While, of course, there can be other reasons underlying such signs, for a growing number of children and young people in our schools and colleges today, the reason will be hunger. Consequently, for this growing number of children and young people, their ability to learn is being seriously impeded, and their health and wellbeing undermined, by lack of nutrition.

Advice to members

EIS members are advised to take this into account in observing any such signs among their pupils or students, and to act with sensitivity and accordingly within established school/ college protocols for responding to the needs of children and young people, making a referral to pupil support staff and/ or senior management, for example.

In the event that there has been no discussion within an education establishment of the possibility of hunger being experienced by pupils/ students and of how staff should respond, EIS members within that establishment are advised to raise the issue with the senior management team as a matter of priority, with a view to agreeing a whole-school/ college approach.

- **Advice provided within the school of how to make a referral when hunger is identified by a member of staff as a concern**
- **Children being included within breakfast clubs**
- **Families (or individuals in the case of college students) being advised of or referred to, outside agencies that can offer support in the form of food-aid or advice on matters such as income maximisation**
- **Making information about such provision available to all students, e.g via school noticeboards, websites or PSHE lessons, may reduce stigma and increase uptake**

School Uniform

Policy on uniform varies from school to school, as does opinion more widely on the merits of uniform. 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 mitigating some of the effects of poverty for children and young people who experience it.

There are complexities to the issue, however. School uniform can be costly, and disproportionately so for families struggling on low incomes. 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 replacement items in the middle of the school year, meaning that children and young people have no option but 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 just 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. Furthermore, it should 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 is prohibitive for many families. In some households, gas and electricity for cooking, heating and powering appliances is unaffordable, making regular washing and drying of clothes problematic, if not impossible in some cases. 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-incomes 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.

Advice to members

EIS members are advised to be mindful of these issues and, again, to raise the matter with the senior management of the school in order that due consideration is given to it in the application or revision of uniform policy, as well as the operation of reward systems which take adherence to school uniform policy into account.

Consideration should also be given to the financial cost to families of adherence to the school's uniform code, especially in cases where the school recommends a particular uniform supplier. Often such suppliers are more expensive to purchase from than high street stores and supermarkets. In encouraging parents to buy from these more expensive suppliers, schools may be causing families, albeit inadvertently, even greater financial hardship.

- **Calculating the total cost of the required school uniform and weighing this against the amount made available to families through clothing grants**
- **Considering ways in which uniform could be made less expensive for all families;**
- **Considering appropriate responses to breaches of the uniform code that are likely to be linked to a child living in poverty**
- **Setting up “swap shops” and other such systems can help, handled with tact- one approach may be to promote these as a form of environmentalism, thus challenging the stigma of second-hand clothing**
- **Recycling of lost property/ items of uniform that have been outgrown/ uniform no longer needed by P7s or Secondary school leavers**

Equipment and Resources

In light of the fact that thousands of families in Scotland are currently living in poverty, often unable to ensure that basic needs in relation to food, fuel and clothing are met, it is not surprising that many children and young people will be solely reliant on the school / college for the provision of equipment and resources. Colouring pencils, paper, books, smart phones and tablets are items to which many family budgets simply cannot extend.

Advice to members

It should never be assumed that all families can afford to buy even the most basic of resources such as pens and pencils. In the event that children and young people are unable to bring equipment and resources from home or to access them at home, they should be treated with sensitivity and steps taken to fill the gaps where possible, or where not, to ensure that activities are designed such that no learner is excluded as a consequence of lack of suitable equipment/ resources.

EIS members should seek to raise the matter of supply of equipment and resources within departmental or establishment policy wherever they feel it necessary in light of the above advice.

- **Making classroom resources available on a daily basis for all children and young people to use**
- **Activities being designed to involve resources that all pupils/ students can access**
- **Non-punitive responses when children and young people come to class without the necessary resources as a possible consequence of their poverty**

Homework and Out of School Learning

As with access to equipment and resources, the effects of poverty can weigh heavily on the ability of a pupil/ student to complete homework and other less traditional out of school learning activities. Careful consideration of any barriers to participation should be given by EIS members when setting/ encouraging independent out of school learning in its various forms: traditional homework tasks, research, library visits, cultural activities, even personal reading.

For example, a craft activity that requires children to make an object that relates to in-class learning may require paper, scissors, glue, colouring pens, none of which a family living in poverty is likely to have in great supply, if at all. Another example may be learning that is dependent on a visit to a library or a park. For some children/

young people this may incur travel costs which cannot be met by the meagre family budget. Even what on the face of it is a simple piece of internet research will be problematic for many families living on or below the breadline; many pupils/ students do not have access to a computer at home or, if they do, access to the internet cannot be funded by the family's income.

Advice to members

As far as possible, EIS members should ensure that homework and out of school learning activities are fully inclusive and do not have an associated cost.

Besides this, even where there is no immediate financial impediment to a pupil's/ student's engagement with homework and out of school learning, it should be borne in mind what has been stated previously regarding the reality of many parents' struggle with in-work poverty and the often long and erratic working hours associated with this. As a consequence, younger children, in seeking support to complete homework activities, may not have adequate access to their parents' time to enable them to do this; older children and young people may be acting as carers of young siblings while parents are at work in the evenings or at weekends, this placing additional and unavoidable demands on their time at the cost of time to devote to their own homework activities.

EIS members are advised to bear these factors in mind when designing out of school learning activities, when giving feedback on what pupils/ students have/ have not done at home and when operating systems of reward which take homework and out of school learning into account.

- **Providing opportunities to complete extra out-of-class activities in school**
- **Making internet/ library access available to all pupils within the school**
- **Offering a range of homework activities, allowing pupils/ students to opt in to those that they can fully access**
- **Avoidance of planning class lessons for which pupil participation is wholly dependent on the completion of homework/ out of school learning activities**
- **Making packs of relevant materials and resources, including stationery, available for pupils to pick up**
- **Providing 'active bags' with maths and language games for pupils to play at home, this a less stressful option for both pupils and parents**
- **Reviewing homework policy to ensure relevance and necessity of tasks and giving consideration to the ability of all pupils to participate.**

School Trips

Costs associated with school trips are a further area of anxiety 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 to spare 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.

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 the pupil(s)/ student(s) 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 parent(s)/ carer(s) will struggle to or be unable to afford the cost so do not even wish to ask at home for the money.

Advice to members

Where there has been no whole-school discussion of the issue of poverty in relation to school trips, EIS members should raise it with the management team of the school/ college with a view to updating existing policy to cover the planning, payment and running of outings.

In circumstances where children/ young people from low-income families are participating in outings, especially those which may involve lengthy travel and extended periods away from home, consideration should be given to the fact that these pupils/ students may not have enough money to purchase food. While many will be entitled to free school lunches, those from P4-S6 are at risk of feeling stigmatised 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.

- **Retaining a special fund to cover the cost of school trips for pupils whose families cannot afford to pay**
- **Ensuring that plenty of advance notice is given to parents/ carers of school trips in order that families can plan for the associated cost**
- **Fundraising to cover the cost of school trips**
- **Contacting local charities that may be able to help**
- **Placing limits on spending money for all pupils and provision of it from a school fund to those who would otherwise not be able to afford to have it**
- **Agreeing a policy on school trips which ensures that they are fully inclusive of all pupils/ students**

Charity and Fundraising Activities

As with school trips, 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 or college. The same issues are pertinent here as in the section above: many families simply do not have any additional funds to spare; some families have no funds at all when they are subject to benefits sanction.

Advice to members

The growing financial struggles of families should be borne in mind when requests are being made of children/ students in the classroom or when letters are being sent home to parents/ carers, requesting their support in charity events. In the current socio-economic climate, 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. This situation, therefore, requires additional sensitivity on the part of schools/ colleges in terms of planning, communication, organisation and, where applicable, systems of reward, that relate to charity and fundraising events.

Again, in establishments in which there has been no whole-school discussion of children's 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/ college.

- **Consideration is given to the number of charity/ fundraising activities that the school is involved in per year**
- **Activities are designed to create a number of roles offering a range of ways in which pupils/ students can contribute- making things, designing publicity- and this being recognised and valued equally to bringing money from home**
- **Encouraging students to participate in bag-packing at supermarkets, car washing, etc. since these activities offer benefits in themselves and are an alternative to simply asking for donations.**

Recommended action by EIS members

- Use this guidance as the basis of discussion on the issue of child poverty and education at EIS branch level
 - Raise any emerging issues with the school management team
 - Seek review of current school policies where required in light of the above advice
 - Consult with the local EIS Equality Rep and/ or the Local Association Secretary in the event that additional advice/ support is needed
 - Share any examples of strongly inclusive practice which takes account of child poverty with the EIS Equality Department
 - Continue to monitor school policies and their potential to impact on children and young people living in poverty.
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The Educational Institute of Scotland

Gender Balance for SQA Subjects

The following resolution was approved by the 2014 Annual General Meeting:

Gender Imbalance for SQA Subjects

“That this AGM instruct Council to:

- (a) investigate and report on gender balance for SQA subjects at each presentation level over the past five years;
- (b) raise awareness of the disadvantage that gender stereotyping can generate when young people are making subject choices within and before entry into the Senior Phase;
- (c) investigate and report on existing relevant research and initiatives focussing on gender stereotyping and subject choice.”

Action

The Equality Committee decided, at its August meeting, to remit the terms of the resolution to the Gender Issues Working Group.

The Gender Issues Working Group subsequently gathered and analysed SQA results data for the five years between 2009 and 2013; made use of research by the Institute of Physics and WISE; contacted EIS members who were registered as Chartered Teachers, asking if any of them had conducted any research in this field; and made enquiries with Scottish universities' schools of education about the existence of research work in this area.

Several EIS Chartered Teacher members responded to the email request but none had expertise in this field. Professor Gabrielle Ivinson, a Social and Developmental Psychologist from the University of Aberdeen, and Chair of the Gender in Education Association, responded to the enquiry with willingness to support the EIS in its work in this area.

Professor Ivinson, who has conducted much research into the influence of gender in education was subsequently invited to present at the February meeting of the Equality Committee. It was decided that aspects of Professor's Ivinson' presentation would inform future discussion, the content of this paper and a future article in the SEJ. It was also decided that the Equality Committee would seek further media coverage of the issue.

SQA Data Analysis

From analysis of the SQA data at each presentation level a number of observations were made, as follows:

Standard Grade

In a number of subjects at this level there was little- less than 10% variance- in the uptake between boys and girls. These include English, Accounting and Finance, Maths, Chemistry, History, Social and Vocational Skills and Business Management.

Within Modern Languages, there is consistently a gender gap of between 10% and almost 20% in presentations, in favour of girls. A similar gap is evident in Music in favour of girls, while in Science and Geography there is a 10% or greater uptake of the subjects by boys.

Gender segregation widens further to 30% or greater variance, in Standard Grade Biology, Religious Studies and Drama in favour of girls, and of boys in Graphic communication and PE.

In Physics, year on year, the gap between boys' and girls' uptake of the subject has remained stubbornly at 40% or above; a similar disproportionality is evident in Craft and Design where there are almost twice as many boys as girls taking the subject annually; and in Computing the gap in uptake has also widened to 40% or above year on year. Meanwhile, the gender gap in subject presentations remains firm in Art and Design and in Administration at 40% or above in favour of girls for both subjects.

In Home Economics the gap increases to 50% or more in favour of female pupils while in Technological Studies, it reaches almost 90% for males.

Intermediate 1

In Maths and Business Management, at this level, again, there is an even gender balance, and only slight variance in Music, German and Modern Studies.

Notably, the gender gap widens in favour of boys to almost 20% at this level for English in comparison to Standard Grade, while in Media Studies, a similar pattern has developed in recent years. In History, Chemistry and German, boys outnumber girls by more than 10% whereas in Spanish, RE and Drama, the same is true of girls.

The gender gap increases further at this level to 20% or more in favour of girls in Biology, Art and Design and in Hospitality, and in favour of boys in Geography.

It reaches 30% in Administration and Computing in favour of girls and boys respectively.

A 40% gap remains in favour of boys in PE and is slightly reduced from 50% at Standard Grade to this level for girls in Home Economics (Health and food Technology).

There is a significant increase from Standard Grade in the disparity in favour of boys within Graphic Communication (50% from 30%) and Physics (60% from 40%).

Within new subjects introduced at this level and which have a clear vocational focus, the gender imbalance is stark: within Care 80% of students are girls and the same is true of boys within Engineering; in Early Education and Childcare, Hairdressing and Home Economics (Fashion and Textiles) girls make up 90% of the cohort while this pattern is reversed with boys making up 90% of the cohort in Construction.

Intermediate 2

At Intermediate 2 there is little to no difference in the subject uptake between genders in English, Maths, History and Music. In Chemistry and Accounting it is growing, Accounting having reached 10% in favour of boys in 2013.

A consistent gap of 10% or more exists in Geography in favour of boys, and in French, Biology and RE, in favour of girls. In Modern Studies the gap has been variable, reducing to less than 10% for a time in the middle of the period examined but growing once more in favour of girls. In German, though the gap remains slightly above 10%, it has reduced from over 20% in recent years. In Business Management, the gap has widened from only 2% in favour of girls in 2011 to 12% in 2013.

Girls outnumber boys by 30% or more within Spanish, Hospitality, Practical Cookery, Travel and Tourism and Drama at this level.

A gap of 40% or more exists in Physics, Computing, Graphic Communication and PE, again, in favour of boys. This is replicated within a new subject at this level- Product Design; for Administration gender segregation grows to almost 50% in favour of girls. In Art and Design, the gap reaches 50% in favour of girls, is 80% in Care, 90% in Early Education and Childcare; for boys it increases to 90% in Engineering.

Higher

At Higher level, the gap remains at less than 10% in Maths and Music. At this level, gender balance is more consistently even in Accounting over the five year period, and in Chemistry and Geography.

A gap of 10% or more can be constantly traced within English (18%), Philosophy (18%), Media Studies (18%), History and Business Management, all in favour of girls. The gender division reaches 20% or more in Modern Studies in favour of girls and in Biology by almost 30%, while the same is true of boys within Product Design.

RE is consistently favoured by girls at Higher level by more than 30% and Graphic Communication by boys by almost 40%.

The gap exceeds 40% in German, Psychology, Human Biology, Drama and Photography in favour of girls, while Physics and PE are stubborn preferences of boys on the same scale.

A 50% or more variance is evident in French, Spanish and Administration in favour of girls, and Computing in favour of boys. In Art and Design, it increases to 60% for girls. An 80% gap remains within Care, favouring girls, and Technology favouring boys, and the gender gap in Early Education and Childcare is fixed at 90%.

Advanced Higher

At Advanced Higher level, there are only two subjects within which the gap is less than 10%- Chemistry and Music.

It increases to 10% or more in Geography in favour of boys (now 18%) and Business Management in favour of girls.

There is more than 20% of a gender gap in favour of boys within Advanced Higher Maths, while in History the gap has grown steadily over the five year period in favour of girls.

Girls are favoured by 30% in English and Biology, and boys in PE, though there are small numbers of them.

The disparity in terms of gender further widens to 40% or more in RE and Drama in favour of girls, then to 50% in French, while the same is true of boys in Physics.

In Art and Design girls outnumber boys at 60% of the cohort, while in Computing boys outweigh girls, now representing 70% of the presentations.

The Sociological Context

Professor Gabriele Ivinson's research findings are useful in setting the sociological context for such gender imbalance evident in subject choice. Her conclusions assert that there is a close inter-relationship between gender, power and education, the nature of which results in the gender imbalance that we observe in the uptake of SQA subjects.

Her research refers to 'historical legacies' which have emerged from a social contract which rewards the male role in society with domination in the private domain. As a consequence of this, behavioural traits and cultural territories which are considered to be masculine are attributed high status, while those categorised as feminine are assigned low status within society.

This inequality of status, according to Professor Ivinson, has a direct impact on young people's perceptions of gender in a variety of senses. The historical legacies of individual subjects in relation to gender influence subject choice, as do young people's social identities which are developed to a large extent on the basis of gender identity. In essence, Professor Ivinson argues that existing gender inequalities shape young people's views of the world, and when these are acted upon according to unchallenged social and cultural norms, they further cement existing gender inequality.

The Professor's research identifies education and the curriculum as gendered cultural territory, and classrooms as physical spaces which convey a series of gendered messages. Together these have implications for equality of access for girls and boys to learning. In order that teachers can promote equality of access to learning of all kinds for all young people regardless of individual gender identity, she argues, teachers need to be aware of the potential of the classroom environment and ethos, and of the curriculum, to exclude. Conversely, there is the potential for these, if manipulated effectively, to be gender inclusive.

Another factor outlined in Ivinson's research is the tendency of young people themselves to closely draw upon existing gender norms in the process of shaping their

individual identities. This happens most acutely at the age of 14/15 (importantly when SQA subject choices for the Senior Phase are made). Between age 11 to 14/15, girls and boys strive to develop identities which primarily conform to existing cultural norms in relation to social expectations of femininity and masculinity respectively.

Not only this, the research concludes also that young people strictly monitor the behaviour of their peers and the extent to which it conforms to those cultural norms. Boys and girls alike are quick to highlight negatively any deviation from established gender expectation by their peers either from members of the same or the opposite sex. This is an additional and crucial influence in the development of young people's social and gender identities, and in the decisions that they make as a consequence. This gender policing of peers by young people according to Gabrielle Ivinson, is another important factor for the consideration of teachers seeking to address gender inequality in education.

The Professor also concludes from her research within the context of education that teachers, like other adults in society, play a role in the policing of gender also. She suggests that teacher expectation and assessment of pupil behaviour and learning is gendered, often quite markedly. Teachers' responses to young people can be quite starkly different depending on the gender of the individual learner. Her research has found that sanctions are applied more harshly when girls breach gender norms in terms of their classroom behaviour. Teachers, then, according to the research, are also influenced by social norms and, like parents and other key adults in young people's lives, have the potential to reaffirm these gender stereotypes.

Finally, Gabriele's Ivinson's research suggests that race and social class are two other elements which impact on how young people express their identities in terms of gender. Her findings highlight that within working class communities in particular, there are fewer opportunities for self-expression beyond existing gender lines. Equally, within certain ethnic groups, expectations in relation to gender are starker. The intersectionality of gender, race and class, then, operates to further limit the access of young people to genuine equality of opportunity generally, and specifically in terms of access to the curriculum and qualifications.

The Dangers of Gender Stereotypes in Relation to SQA Subject Choice

Clearly, there are several immediate and long-term, potentially lifelong, negative consequences for young people arising from gender stereotyping and as how it influences SQA subject choice.

Regarding short-term consequences, analysis of the SQA data and the findings of Professor Ivinson's research both suggest that gender stereotyping results in a narrowing of subject choices both for boys and girls. This is particularly true for boys who tend to stick much more closely to pre-defined gender territories. Gabrielle Ivinson argues that this is due to the low status attributed to female domains; boys would have more to lose by entering this territory and so the status quo remains quite fixed. Girls, on the other hand, have more to gain in terms of access to power within wider society by venturing into high status, and what has traditionally been viewed as male, territory in relation to subject choice.

Related to this narrowing of subject choice are loss of potential talent and lack of personal fulfilment. Individual subject disciplines within which there is obvious gender imbalance lose the potential talent and ability of individuals of whichever gender is excluded. Equally young people themselves lose the opportunity to learn and develop

within the context of subjects which are considered to be gendered territory to which they do not belong.

Besides cognitive development, the emotional development of young people is hindered by the application of gender stereotypes. As suggested by Professor Ivinson's research, young people, in forming their identities, are under pressure to conform to social norms in terms of gender. This and coping with the social backlash which follows lack of conformity, often in the form of peer-group bullying, requires great emotional effort on the part of young people. Many young people who do not meet societal expectations in terms of gender suffer ongoing rejection, the psychological effects of which can be deep-rooted and lasting.

The significant influence of gender stereotypes in the subject choices that young people make has longer-term damaging consequences. Subject choices in large part determine the direction of career pathways, the nature of future employment and the roles which adults undertake within society in later life.

Just as there are clearly marked out gender territories within education, the same is true of employment. Related to these territories is a hierarchy in terms of social status and reward. Traditionally high status and high reward have been attributed to occupations considered male domains, access to which is dependent on subject choices made and qualifications gained at school. The reverse is true of employment domains that have traditionally been occupied by women and accessed with qualifications gained at school. These 'female' occupations have tended to be of comparatively lower status and lower pay, this partly resulting in the gender pay gap that continues to exist between men's and women's pay. The gender pay gap in the UK currently sits at a 19% average (Office of National Statistics). Closing the gender pay gap and removing the financial disadvantage experienced by women is dependent, in part, on addressing gender stereotyping in the context of school subject choices specifically, and as it operates within education generally.

Finally, the damaging consequences resulting from narrowed subject choices for young people on the basis of stereotypical gender delineations are manifest in an economic sense. Organisations which lack diversity and which are not representative of the demographic of the society in which they operate are less productive and this has implications for the economy as a whole. The occupational segregation which is evident in many businesses and organisations at present can be traced clearly back to gendered subject choices being made at school.

To sum up, subject choices which are made on the basis of gender stereotypes have a damaging effect on the personal, academic and future career development of young people as individuals. In addition, they contribute further to existing inequalities within employment, the economy and wider society.

Recommendations

The issues raised within this report should be featured in an article within the SEJ and wider media publicity sought.

The Equality Committee should consider approaches to further awareness raising among members on the topic, for example, through the Equality Rep Network.

Further joint-working with Professor Gabrielle Ivinson is also recommended.

In addition, the Committee should discuss how the matter might be raised with relevant stakeholders such as local authorities, initial teacher education institutions and Education Scotland.

Existing Relevant Research and Initiatives

A valuable source of information on existing research and useful pedagogies can be found in the 'Resources' section of the Gender and Education Association website: <http://www.genderandeducation.com/resources/>

Women into Science and Engineering (WISE) recently published a report, *Not for People Like Me?* focused on under-represented groups in science, technology and engineering.

The Institute of Physics has conducted research on the uptake of Physics by girls and other under-represented groups:

- *It's Different for Girls:* A report looking at data from the National Pupil Database comparing boys' and girls' choices of science A-levels and the influence of their GCSE schools on these choices.
 - *Raising Aspirations in Physics: A school case study:* The Raising Aspirations in Physics (RAP) project was a three-year pilot to investigate the barriers that prevent young people from lower socio-economic backgrounds choosing to take physics (and to a certain extent other sciences) post-16.
 - *Raising Aspirations in Physics: A review of research:* This review sets out to determine what previous research and surveys reveal in relation to the barriers preventing young people from lower socioeconomic groups choosing science, technology, engineering and mathematics (STEM) subjects.
 - *Raising Aspirations in Physics: Recommendations from a review of research:* This review set out to determine what previous research and surveys reveal in relation to the barriers preventing young people from disadvantaged backgrounds choosing science, technology, engineering and mathematics (STEM) subjects post-16.
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The Educational Institute of Scotland

COSLA: Impact for Teachers in Local Authorities which have withdrawn from COSLA

Introduction

1.1 The following motion was approved by the 2014 Annual General Meeting:

"That this AGM instruct Council to investigate and report on the implications for teachers in Local Authorities who have indicated their intention to withdraw from COSLA."

1.2 The EIS is clear that withdrawals from COSLA will have implications for the EIS in terms of collective bargaining, both nationally and locally.

Background

2.1 In the spring of 2014 a number of Scottish councils intimated their intention to withdraw from the umbrella employers' organisation, the Convention of Scottish Local Authorities.

2.2 Eight Councils have intimated their intention to withdraw from COSLA but one Council (Inverclyde) has reversed its decision. As withdrawal requires one year's notice it will be in April 2015 that the scale of this withdrawal will be evident. We understand that four Councils (Aberdeen City, Glasgow City, Renfrewshire and South Lanarkshire) will certainly leave COSLA. We are uncertain at this point of the other 3 Councils which may seek to withdraw.

COSLA

3.1 The Convention of Scottish Local Authorities provides an employers' association for Scotland's 32 unitary councils.

3.2 COSLA was established in 1975 as a successor body to the Convention of Royal Burghs following local government reorganisations. COSLA is essentially a forum for establishing the strategic direction of local authorities. The main decision making occurs through meetings of a Convention representing all Councils, Leaders' meetings and Executive meetings. An annual conference is also held.

3.3 The structure of COSLA provides a number of committees which lead on the key areas of work in local government. The key committees for the EIS are the Education, Children and People Committee, chaired by Councillor Douglas Chapman and the Strategic Human Resource Management which is chaired by Councillor Billy Hendry. This Committee forms the collective bargaining framework through which COSLA operates the employers' function for negotiating salaries and conditions of service with trade unions which represent Scotland's local government workforce.

- 3.4 It is questionable whether the withdrawal of certain Councils will significantly impact on COSLA's Education, Children and People Committee although the loss of revenue will impact on the capacity within COSLA. That, by itself, will be a concern.
- 3.5 COSLA is supported in pay discussions by professional bodies such as the Society of Personnel Directors Scotland (SPDS), the Society of Local Authority chief Executives (SOLACE) and the Association of Directors of Education in Scotland (ADES). Representatives from those Councils who represent COSLA on national fora will no longer be able to participate if those Councils leave COSLA. This will affect a raft of personnel currently involved in SNCT committees.
- 3.6 There is, however, little doubt that there will be immediate issues relating to the employers' function in COSLA.

Impact on Negotiating Machinery

- 4.1 The principal negotiating groups for local government staff are the Scottish Joint Committee and the Scottish Negotiating Committee for Teachers. The SJC which leads negotiations for manual and former APT staff. The SJC also negotiates for staff employed by Joint Boards and Direct Labour Organisations.
- 4.2 The SNCT is the negotiating body for teachers and associated professionals, operating at both local and national level through LNCTs.
- 4.3 Councils which withdraw from COSLA have essentially three options in relation to future negotiations. Firstly, withdrawing Councils can continue to abide by pay and conditions established by the SJC and SNCT. Secondly, withdrawing Councils can seek to negotiate with COSLA to take part in the employee's organisation, solely for collective bargaining purposes. Thirdly, withdrawing Councils can seek to resile from bargaining arrangements at both national and local level.
- 4.4 The third option is an option which has the most serious implications not only for our members in those Council areas but for the SNCT. While a number of large Councils have indicated their withdrawal from COSLA (Aberdeen City, Glasgow City, Renfrewshire and South Lanarkshire) there is no indication that they would work in concert to resile from the SNCT. However there is some press speculation that they may seek to set up an alternative employer's organisation. A Council which resiles from the SJC and SNCT could seek to negotiate directly with staff. That would have significant impact on national bargaining.
- 4.5 The COSLA leader, Councillor David O'Neill, has written to the general secretaries of all recognised unions seeking their support for current bargaining arrangements. The EIS General Secretary has stated the EIS commitment to maintain national and local bargaining arrangements.
- 4.6 The contractual implications for teachers arising from withdrawing Councils seeking to operate independently are set out below (Section 5).

A Council which resiled from the SNCT would effectively also resile from extant LNCT Recognition and Procedures Agreements and agreements emanating from the LNCT. Effectively, this would provide a blank canvas for that Council. If any Council sought to negotiate directly with unions then unions would have to consider whether to enter local negotiations. A further risk of local bargaining might be an attempt to introduce single table bargaining across that local government area. Where it may appear improbable that any Scottish Council would seek to terminate collective bargaining arrangements the EIS will have to consider industrial action against Councils which seek to impose separate bargaining arrangements designed to cut across national arrangements.

- 4.7 To date, there is little sign that withdrawing Councils wish to resile from national collective bargaining. Significantly, the leader of Glasgow City Council who is most strident on withdrawing has set his face against local pay and conditions bargaining. This does not mean that Councils, once outside the COSLA framework, may consider such options at a future date and the issues set out in Section 5 below will become more relevant.
- 4.8 At the present moment, therefore, it is likely that withdrawing Councils will pursue either option one or option two. If option two is pursued then it will be open to Councils to pay a levy to COSLA for the right to participate in the employers' function for collective bargaining purposes. A similar arrangement was in place when a small number of Councils withdrew from COSLA in the 1990s. COSLA subsequently amended its constitution to preclude that occurring but has now sought to amend the constitution to allow participation in the collective bargaining arrangement. In effect, by participating in the employers' function withdrawing Councils would abide by national collective bargaining and the current LNCT mechanisms devolved from SNCT would obtain. This presumably would allow circulars and joint secretaries advice to be distributed to such councils. It would presumably allow officials of such council to participate in SNCT Working Groups.
- 4.9 If any withdrawing Council pursued the first option that Council would simply adopt nationally agreed pay and conditions. However, there may be implications from the SNCT arising from any failure to agree at LNCT or grievance appeals, related to SNCT terms and conditions, exhausted locally, on national terms and conditions. This would become clearer after 1 April 2015 when the final position is established and we can discuss implications with COSLA.

Contractual Implications Arising from Local Bargaining

- 5.1 Currently, teachers and associated professionals have express contractual provision for SNCT terms and conditions to apply. For current employees, Councils who resile from the SNCT would either seek to dismiss and reengage its workforce on contracts which allowed for local determination of pay and conditions. Alternatively, a Council could simply leave its current workforce alone but introduce new contracts for those commencing employment or changing the nature of engagement (e.g. promotion, part-time to full-time).

- 5.2 The difficulty that we may potentially face, if a Council resiles from COSLA and make a pay offer enhanced beyond SNCT rates to induce the EIS to abandon national bargaining. At present, the national Constitution (Rule XIII, (e) .5) precludes such bargaining.

Conclusion

- 6.1 LA Secretaries in the 4 Councils which shall definitely leave COSLA are asked the seek urgent negotiations with Chief Executive or Director of Education and Council Leaders to clarify the intention of the Councils regarding extant and future SNCT agreements and local bargaining arrangements.
- 6.2 The terms of this paper should be communicated to Executive Committee. Executive Committee should receive reports from the 4 Council areas and consider options thereafter.
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