1. The NASUWT welcomes the opportunity to submit evidence to the Education and Culture Committee of the Scottish Parliament as part of its evidence session on the Education (Scotland) Bill.

2. The NASUWT is the fastest growing teachers’ union in Scotland and the largest teachers’ union in the UK.

SPECIFIC COMMENTS

Part 1: Inequalities of outcome:

3. The NASUWT welcomes in principle the Bill’s intention to reduce the inequalities of outcome experienced by pupils which result from socio-economic disadvantage specifically. The Union recognises the particular challenges that pupils from backgrounds of socio-economic disadvantage face and the impact on educational progress that poverty creates.

4. The NASUWT annual survey of members in Scotland on the impact of financial hardship on children and young people provides clear statistical evidence of the inequality faced by many pupils. Sixty-four percent of teachers report that in the
last year they have witnessed pupils who are too hungry to learn. A quarter of teachers have bought food for pupils and over three quarters of teachers report pupils attending school without appropriate clothing or footwear for the weather. This is just a sample of the issues teachers raised in response to the survey.

5. The Bill places a duty on local authorities to reduce inequalities of outcome, which the Union welcomes. However, the Bill does not provide any clarity on the actions local authorities will be expected to take to close this gap. Local authorities will need to be appropriately resourced and it will also be essential that best practice is shared. In addition, it should be recognised that the responsibility to reduce inequalities should not rest solely with education but should be the responsibility of all services using an integrated and joined-up approach.

6. The duty on local authorities is a step change in current practice which has been to target specific areas where the outcome gaps are largest or with the highest concentrations of social deprivation. The Scottish Attainment Challenge provides £100m of funding over four years to target the seven Scottish local authorities with the highest proportion of primary pupils living in social deprivation. For the Bill to be effective in enabling all local authorities to close the attainment gap, additional resourcing will be required across all local authorities.

7. The NASUWT believes that the Bill needs to recognise that the provisions will be implemented in the context of excessive teacher workload. The burden placed on teachers by recent curriculum changes has been excessive, requiring retrospective action to seek to minimise the problem. Over half of teachers cited excessive workload as their number one concern about their job and almost three quarters of teachers have experienced more workplace stress in the last 12 months. Prompted by the NASUWT, the Tackling Bureaucracy Working Group was established and two Reports have been published to attempt to reduce the burdens on teachers. It will therefore be vital that implementation of the provisions of the Bill recognises this context and that critical to closing the attainment gap are teachers who are recognised and
rewarded as highly skilled professionals and have working conditions which enable them to focus on teaching and learning.

**Part 2: Gaelic medium education**

8. The NASUWT recognises the cultural importance of the Gaelic medium and the importance which the Gaelic-speaking community attaches to maintaining the rich cultural heritage through the continuation of the Gaelic medium for future generations.

9. The NASUWT agrees that it is important that Gaelic speakers have the right and opportunity to request an assessment for the provision of Gaelic medium education. The NASUWT urges the Government and Education and Culture Committee to consider carefully how such provision is resourced and organised, particularly as the provision of Gaelic may have specific resource implications. Additional funding should be available to enable a local authority to meet its duty under the Bill, where a need for Gaelic medium education is identified.

**Part 3: Miscellaneous modifications and enactments**

10. The NASUWT notes that Section 17 would enable children over the age of 12 who may have additional support needs (ASN) to make, in their own right, a special educational needs (SEN) appeal against a decision made by the local authority. The Union notes that this change has been introduced on the basis that it is required to reflect provisions of Article 12 of the United Nations Convention on the Rights of the Child (UNCRC) into domestic legislation.

11. The NASUWT believes it is right to reflect the provisions of the UNCRC and that listening to and considering the views and opinions of children and young people is an important means by which practical effect can be given to the provisions of Article 12. Pupils with ASN should play an active, constructive and appropriate role in their own learning and in their school communities. Protecting and enhancing the right of children and young people to be heard
and to participate meaningfully in decisions that affect their lives is a key responsibility of the state in a democratic society and is a particularly important principle of public education policy.

12. It is important to note that the UNCRC makes clear that the application of Article 12 is contingent on the age and maturity of the child concerned. Assessing the extent to which children and young people are able to participate in decisions that affect them will require careful and informed judgements to be made by professionals within the education and children’s services sectors. This principle should be reflected clearly in the development of ASN-related policy.

13. Significant provision is already made to ensure that children and young people with ASN have the right to express their views on issues that can have an impact on their education. For example, children already have a right to attend and participate in Additional Support Needs Tribunals for Scotland (ASNTS) hearings.

14. In the context of the UNCRC, compliance with Article 12 does not necessarily mean giving children of compulsory school age the right to appeal directly to the ASNTS. Article 12 requires that children and young people should have a right to express their views in all matters that affect them. The NASUWT believes this provision of the UNCRC is met through current arrangements and believes there needs to be detailed discussion of and clarity about the extension of the provision apparently being prepared.

15. Section 17 is not necessary to secure compliance with Article 12.

16. It is essential that the Bill ensures that children and young people are able to articulate their views in matters that affect them but ensures that this does not become another vehicle to advance the interests or views of adults.

17. Section 17 needs to specify how circumstances will be avoided in which children are pressurised into an appeal by an adult in the expectation that this
would be viewed more sympathetically than if the appeal were to be taken forward by an adult.

18. Circumstances might also arise in which a child or young person with ASN holds a different view on the merits of appealing to the ASNTS than their parents. Assuming that only one appeal per case would be permitted, this would create a highly anomalous situation wherein an appeal made by a child is contested by his or her parents, or vice versa. Such family conflicts and tensions would need to be avoided.

19. Section 20 requires all local authorities to appoint a Chief Education Officer and provides Scottish Ministers with the authority to prescribe the qualifications required for the Chief Education Officer role. The Bill does not specify what qualifications are required.

20. The NASUWT anticipates that regulations will set out the range of required qualifications in detail. It is essential that a full and transparent consultation takes place on the criteria for such a pivotal role and it would be helpful if illustrative regulations are published to inform the passage of the Bill.

21. Section 21 requires that all teachers in independent schools should be General Teaching Council for Scotland (GTCS) registered and that there will be a phased implementation of the policy to require that all teachers in independent schools are to be GTCS registered. The Union notes that Scottish Ministers will be able to make exceptions to be applied in respect of the current teacher workforce, should that be necessary to secure an effective transition to the new arrangements.

22. The NASUWT is clear that the best outcomes for children and young people are achieved by having qualified teachers in the workplace. The Union has first-hand experience of the damaging impact on teaching and learning of deregulation of teaching qualifications and therefore supports the requirement that all teachers should be registered with the GTCS.
23. The NASUWT believes that in implementing this provision, care should be taken to avoid rigid and overly bureaucratic regulation which impacts adversely on highly experienced teachers. The requirements for registration should be proportionate. The NASUWT won a landmark case at the Court of Session in March 2014 enabling a highly qualified member of the Union to teach in Scotland. The Union is aware of a number of other members who have been denied registration with the GTCS and the opportunity to teach in Scotland under the current GTCS rules, with consequent loss of skilled and expert teachers. The transitional impact of the introduction of compulsory GTCS registration in the independent sector needs to be considered.

24. In this context, the GTCS’s intention to phase implementation of the requirement for registration is to be welcomed. The NASUWT believes state-funded retraining should be provided to support transition.

25. The NASUWT also welcomes the provision in the Bill for Ministers to be able to make exceptions to be applied in respect to the current teacher workforce. A common sense approach is essential.

26. Additional Provisions- a statutory basis for teachers’ pay and conditions of service

27. The NASUWT believes that the Bill presents an opportunity to ensure that all state-funded schools are providing children and young people with their educational entitlement to high quality education provision regardless of where they live and regardless of their background.

28. The key to high quality provision is ensuring that all children are taught by teachers who are recognised and rewarded as highly skilled professionals and have working conditions which enable them to focus on teaching and learning. This cannot be guaranteed while schools and local authorities are able to vary at local level the terms and conditions of teachers.
29. Whilst the SNCT, in which terms and conditions are discussed and determined, has a statutory basis, its outcomes do not and consequently neither teachers nor pupils are guaranteed a consistency of provision.

30. The NASUWT believes that the opportunity should be taken in the Education Bill to include a provision which provides a statutory basis to teachers’ terms and conditions of service.

31. This is particularly critical at a time when local authorities are opting out of COSLA, which plays a key role in the SNCT and when evidence shows that the recommendations for example from the Tackling Bureaucracy Working Group, established by the Government to address the escalating excessive workload of teachers, are not being implemented because they have no statutory basis.

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