OFFICIAL REPORT
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Equalities and Human Rights Committee

Thursday 10 November 2016

Session 5

The Scottish Parliament
Pàrlamaid na h-Alba

Thursday 10 November 2016

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EQUALITIES AND HUMAN RIGHTS COMMITTEE
8th Meeting 2016, Session 5

CONVENER

*Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP)

DEPUTY CONVENER

*Alex Cole-Hamilton (Edinburgh Western) (LD)

COMMITTEE MEMBERS

*Jeremy Balfour (Lothian) (Con)
*Willie Coffey (Kilmarnock and Irvine Valley) (SNP)
*Mary Fee (West Scotland) (Lab)
David Torrance (Kirkcaldy) (SNP)
*Annie Wells (Glasgow) (Con)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Dr Rowena Arshad (University of Edinburgh)
Joanna Barrett (NSPCC Scotland/ChildLine Scotland)
Jordan Daly (Time for Inclusive Education)
Kathryn Dawson (Rape Crisis Scotland)
Brian Donnelly (Respect Me)
Dr Gillean McCluskey (Scottish Council of Deans of Education)
Bill Ramsay (Educational Institute of Scotland)
Iain Smith (Inclusion Scotland)
Cara Spence (LGBT Youth Scotland)
Dr Kay Tisdall (University of Edinburgh)
Carol Young (Coalition for Racial Equality and Rights)

CLERK TO THE COMMITTEE

Claire Menzies

LOCATION

The Robert Burns Room (CR1)

Scottish Parliament

Equalities and Human Rights Committee

Thursday 10 November 2016

[The Convener opened the meeting at 09:19]

Bullying and Harassment of Children and Young People in Schools

The Convener (Christina McKelvie): Good morning and welcome to the eighth meeting of the Equalities and Human Rights Committee in session 5. I ask everyone who has a mobile device to switch it to airplane mode or silent, please.

We have apologies from David Torrance. We are still awaiting some of our colleagues, but we will move on swiftly because we have two panels this morning and we want to have as much time as possible to hear from them.

Agenda item 1 is a scoping session for our inquiry into bullying and harassment of children and young people in schools. We will be looking across all the protected characteristics, and we have representatives from all those areas this morning. Thank you all for the hefty written evidence that you have given us—we have had quite a bit of reading to do over the past few days. It is always helpful when you inform us of the roles that you play, your ideas and the issues that you face every day.

We have an extensive panel. I ask you to introduce yourselves and tell us a wee bit about your organisations. We will start with Carol Young and then go round the table, but first I welcome Iain Smith back to Holyrood. It is nice to see him here. He is on the opposite side of the table this time, but I have already warned the committee to be gentle with him. [*Laughter*.]

Carol Young (Coalition for Racial Equality and Rights): I was not quite prepared to go first, so I have not fully collected my thoughts. My understanding is that, today, you are scoping work that the committee might want to do on prejudice-based bullying in schools. We at the Coalition for Racial Equality and Rights definitely welcome that. We would love to see some more work being done in that area.

You might be aware that the Scottish Government is preparing to release its refreshed national anti-bullying approach. Our opinion is that that could benefit from a pause before publication in order to allow the committee to do some additional investigation, be it a full inquiry or some discrete pieces of work. We believe that the evidence base is not good enough at present to enable meaningful policy development in the area. The fact that there has been no involvement of race equality-focused charities in the process is a serious concern for us, and we are not aware of any disaggregated or targeted engagement with minority ethnic communities, either. Considering that teachers have reported that bullying based on race is the number 1 type of prejudice-based bullying that they are aware of in their schools, we really think that more work needs to be done to look at that.

Another focus for us, which again links to the national strategy, is the development of a more coherent national approach to the recording and monitoring of prejudice-based bullying in schools. It is very difficult to build up the information that we need about what is happening in schools without a national approach, and the committee that examined the United Kingdom's compliance with the International Convention on the Elimination of All Forms of Racial Discrimination recently recommended to the UK that all its states put such an approach in place.

It is important that Scotland's revised national anti-bullying approach takes those important factors into account, and we hope that, whatever questions the committee poses, it will look at those factors.

The Convener: Will you tell us for the record what your organisation is and what it does? I ask everyone to do that so that it is on the record.

Carol Young: The Coalition for Racial Equality and Rights is a national Scottish anti-racist charity. We work at a strategic level to combat racial inequality, primarily looking at Scotland's political structures and public services. We are a very small team of only five people, but we work at a national level. We are also core funded by Glasgow City Council to do anti-racist work in Glasgow.

The Convener: Thank you.

Iain Smith (Inclusion Scotland): I am from Inclusion Scotland, which is the national network organisation for disabled people's organisations—that is, organisations that are run by disabled people themselves. We have regularly raised concerns about public attitudes and stigma in relation to disabled people, which have led to a rise in hate crimes and the harassment of disabled people in recent years.

We believe that disability-based bullying and harassment are underreported in schools because there is no systematic recording in the school system. Incidents tend to be dealt with as

individual bullying incidents. There is no guidance across Scotland on how to record disability-related incidents, so it is difficult to get a picture of how much disability-based bullying there is. There is not much evidence that is specific to Scotland, but most of the evidence that exists suggests that disabled children are twice as likely to be bullied at school as non-disabled children, and that bullying can carry on into adult life.

One of the concerns is that, over time, disabled people become immune—not to the effects of disability-related bullying, but to its significance. They think that it is just part of normal life, and therefore they stop reporting incidents of bullying or harassment because they think, "Well, that's just what happens." That is very worrying. In the longer term, bullying impacts on the mental health of disabled people and leads to more social isolation.

We would like there to be more focus on getting clear data about disability bullying and a greater focus in anti-bullying policies in schools on addressing disability-related harassment, including the use of inappropriate language and bullying.

Cara Spence (LGBT Youth Scotland): I am from LGBT Youth Scotland. We provide services for lesbian, gay, bisexual and transgender young people throughout Scotland, and we work extensively with schools in providing advice and support. We provide training, and we have an LGBT charter mark specifically for schools.

I am particularly pleased to have been invited to the meeting, because evidence shows that LGBT young people experience very high levels of bullying in school environments and that they are not confident about reporting that to teachers and school staff. I know that 69 per cent of LGBT young people, including 77 per cent of transgender young people, experience homophobic, biphobic or transphobic bullying in school environments and that 50 per cent of them do not feel confident about reporting that to school staff.

The impact of that can be absolutely devastating for LGBT young people, who have reported that they have experienced poor mental health and low confidence and self-esteem. Unfortunately, many of them talk to our services about feeling suicidal and having suicidal thoughts. They attribute that to being a direct result of their experience of schools.

We also know that bullying can affect the attainment of LGBT young people. Fourteen per cent leave school as a direct result of homophobic, biphobic or transphobic bullying, and 10 per cent leave as a result of a homophobic environment in the school. Therefore, it is not just about bullying incidents; it is about the environment and culture in which bullying incidents take place. For us, it is also about culture change and inclusion in schools.

Joanna Barrett (NSPCC Scotland/ChildLine Scotland): I am a policy manager at the NSPCC Scotland. The NSPCC is a UK child protection charity. We have a particular interest in children's online safety and the online dimensions of what we are talking about today.

We run the ChildLine service, which is the national confidential helpline for children and young people, and we have a speak out, stay safe school service. We aim to go into every primary school in Scotland every two years to deliver age-appropriate and fun keeping-safe messages.

We said in our briefing:

"Last year there were over 25000 Childline counselling sessions about bullying, across the UK".

There has been an increase in counselling sessions on online bullying and harassment in particular.

We are particularly interested in the sexual health and parenthood education that children and young people get in schools. Anecdotally, we hear that they are not getting the kind of education that they want to receive, that they do not have the spaces to hold the open and non-judgmental conversations that they want to hold, and that teachers are not supported to deliver that type of education or have such conversations with them.

A lot of the online safety policy levers might be at the UK level, but in a devolved setting, we can definitely look at the education that we give our children and young people on those subjects.

Kathryn Dawson (Rape Crisis Scotland): I am from the national office of the Rape Crisis network in Scotland, and my role is particularly to do with sexual violence prevention. I co-ordinate our national programme.

We have 13 specialist prevention workers working around Scotland. They go into schools and youth groups and talk to young people about consent, understanding what underpins gender inequality, the cultural impacts of sexualisation and pornography, and how that affects the pressures and expectations that young people feel to conform to certain behaviours and norms.

I am keen to highlight that, from our engagement with young people, common themes and patterns are emerging. Those relate, first, to the pressures and expectations that girls feel to conform to certain body images and the bullying that can surround that. They also relate to the pressurising and coercive behaviours that are becoming quite normal for a lot of young men in asking girls to share sexual images of themselves—images are often shared without the

girl's consent—and the bullying that can emerge around such scenarios. Those are some of the common issues.

There is a need to establish the relationship between bullying and more serious behaviour, such as rape and sexual assault. Those things need to be distinguished, but the norms and behaviours that create bullying feed into more serious behaviours such as rape and sexual violence.

09:30

The Convener: Good morning, Brian.

Brian Donnelly (Respect Me): Good morning, convener. I am sorry that I was late.

The Convener: Could you please introduce yourself and give the committee an overview of what your organisation does? We will then proceed to questions.

Brian Donnelly: I am the director of Respect Me, which is Scotland's anti-bullying service. Respect Me offers support to organisations, local authorities and anyone who plays a role in children's lives to build their competence and confidence in recognising and responding to bullying more effectively. We offer policy support and guidance that organisations can cascade down locally, we offer skills development and training to support that, and we offer materials, resources and campaigns to back that up with the same values and messages.

Our approach is built on working in partnership with other organisations, many of which are represented around the table today. A couple of years ago, we undertook the most thorough research that has been done in Scotland into the prevalence of bullying, and we found that 30 per cent of children had experienced bullying. Although that figure is lower than the UK average, the research told us clearly that face-to-face bullying is still considerably more prevalent than online bullying. Online bullying is the most public bullying, but other types of bullying—which others have outlined—are still the most prevalent.

I could go on at length, but I will leave it at that and wait for questions.

The Convener: We are going to ask some questions anyway. Good morning, Jordan.

Jordan Daly (Time for Inclusive Education): Hi. I am from the time for inclusive education—TIE—campaign. Over the past year, we have been campaigning for the Scottish Government to develop a new national approach to tackling homophobic bullying in schools, which we believe would be best achieved by looking at the fundamental root cause of the issue. We believe that, if we can begin to deliver education that is inclusive of the issues that affect LGBT young people, we can weed out the prejudice that leads to LGBT-phobic bullying.

The research in the area is generally consistent, unfortunately. Our research, which was published a couple of months ago, found that 90 per cent of LGBT people reported having experienced homophobia, biphobia or transphobia at school. In line with LGBT Youth Scotland's existing research in the area, 64 per cent reported that they had been directly bullied because of their sexual orientation or gender identity whereas—for the sake of comparison—92 per cent of heterosexual respondents reported that they had never been bullied because of their sexual orientation.

Those results are consistent with what we hear when we go into schools and speak with teachers and young people. There is a stark contrast between the lived experiences of LGBT young people and their heterosexual or cisgendered peers in schools. We also see that the impact of bullying is felt not only in the classroom environment. It is important to establish that point. Ninety-five per cent of LGBT people who were bullied told us that they believed that the bullying had had long-lasting negative effects on them, and many reported that their mental health, sense of self-consciousness and anxiety levels have been affected by their experiences at school.

For the past year, we have consistently come up against a fundamental barrier to schools addressing the matter. As yet, the Scottish Government does not seem to have any clear, concise plans or answers as to how it intends to address that barrier, which is that, if we are to approach LGBT education in schools and take steps to tackle homophobic bullying in schools, we must find a way to ensure consistency in all schools. That question comes up repeatedly. We have called for teacher training, which could be one strand of a package of proposals that we feel would work best. The Scottish Government has committed to eventually training all teachers through its delivery plan, but there is no clarity about how that will happen or—not to beat about the bush—how we can approach the subject with denominational schools, which is an issue that we have come up against.

I will leave it at that and invite questions.

The Convener: A couple of key themes have emerged from the panel's descriptions of the issues that you face: mental ill health and its impact in relation to the protected characteristics and on attainment; and data collection—how we identify the problem and where it is—which Iain Smith spoke very clearly about. You have all done individual pieces of research that seem to chime with each another.

My opening question, to whoever chooses to respond, is about the remedies that we need to put in place to deal with the key issues—in particular, the two main issues, which are data collection, although we probably know quite a lot about recording, and mental health. How do we deal with mental ill health and its impact on young people—whether that is self-harm or suicide—and its further impact on attainment and the opportunities that are open to young people when they start their transition from school to employment or further education?

Cara Spence: Addressing the root cause of bullying and bullying behaviour is key here, rather than thinking about how to address the impact of bullying, although resourcing services is really important within that. A lot of our services are set up specifically to support young people who experience poor mental health.

There are two key challenges. One is about improving the confidence and skills of school staff to address such issues. We know that many teachers still lack confidence in that area, particularly on homophobic, biphobic and transphobic bullying.

The second challenge is about consistency in schools. There is a lot of great work happening in schools and we need to acknowledge the fantastic work of many teachers and their efforts to make their schools inclusive. We really need consistency and there is a range of ways in which we can achieve it. One way is to resource robust training, so we would need to think about how that would be delivered across Scotland. We also need useful resources and guidance to support practice.

However, we might want to consider things that have more teeth. We could look at regulation and inspection and how that could include all the protected characteristics and be reviewed with rigour in schools. We might also look at legislation—for example, how the Equality Act 2010 and its specific duties for schools are implemented in the school environment. Those are some of our ideas about moving forward on consistency.

Iain Smith: One of our concerns is that, although the aim is to get disabled children to be part of mainstream education, being in a mainstream school quite often does not actually mean being included in the mainstream activities of a school. That situation has an impact on the mental health of disabled children, because they are isolated in school and are often excluded from general activities, whether in the classroom, at extracurricular activities or even in the playground at lunch time. That leads to their being separated and not part of the mainstream, which impacts on their mental health, because being seen as separate in that environment makes them a target for bullying.

We would like more effort to be made, partly through the school inspection process. The “How good is our school?” exercise that Education Scotland operates is done to ensure that when disabled children are in school, they are part of the school as a whole and are not just there in the fabric of the building. That is key.

An important issue regarding consistency of data is about recording disability-related instances to see whether there is a pattern. If an incident is not recorded as being disability-related—the same goes for all the other protected characteristics—the specifics of the incident are not recorded and patterns are not identified. One would record that a child had been hit, but not that they had been hit because they were vulnerable in some way. It is important to get the recording done so that we can start to address root causes.

The Convener: We need to consider ideas for how to do that recording without it being too much work for teachers. We do not want to fall foul of that; we want to allow the data to be collected in a pretty natural way and in the everyday working environment, without the task being onerous. That is the magic pill that we need to find.

Iain Smith: One of the appendices to the Fife Council evidence said something about recording data “where appropriate”. I cannot understand in what circumstances it would not be appropriate.

Brian Donnelly: There are a number of things to consider. The issue is bigger than schools and goes beyond them, so we have to be prepared to broaden the focus to include the roles of communities, parents and others. Creating environments where bullying cannot thrive is a bigger challenge than just having recording mechanisms and different approaches will address.

Our research was crystal clear: young people said in their thousands that they prefer the whole-school stuff and the inclusive approach. They do not want assemblies and they do not want teachers running around worried about how much time they have to spend recording. We need to create environments where the inclusive approach can happen, which relates to what Jordan Daly and Cara Spence said about inclusive education and talking about issues other than just reactively. That is what we try to encourage.

The biggest challenge that we have found in schools in recent years is quite saddening: the lack of knowledge in schools of the Equality Act 2010 and protected characteristics can be quite alarming. There are people who genuinely do not understand their duties and responsibilities in relation to prejudice-based bullying. We want

people to treat everything equally and do not want a hierarchy of issues to be created, but there is a hurdle to get over with colleagues in relation to understanding equality and diversity more broadly, what a protected characteristic means and why it is a protected characteristic. That understanding would help us to move to the next level of more inclusive education and being able to challenge some elements of what we are discussing.

We have seen across the country that recording is worth while and useful when people record incidents and monitor locally. A school or collection of schools will examine the incidents that it has recorded, which will include information on protected characteristics, and it will look for trends and patterns. The purpose is to tailor responses such that, if every second issue that arises in a school relates to gender or to race, the school knows that it needs to consider targeting work at that specifically. It can only be of benefit because it allows the school to target resources at the issues.

Jordan Daly: We have spent the past year speaking to a lot of teachers and young people because it is important that we understand what the providers of education think and what the young people who will receive it think.

When it comes to LGBT-inclusive education, I am not convinced that there is one particular measure that would help; a cluster of measures need to be enforced together. We have already spoken about the effect of recording bullying. Recording would help because it would give us a clearer picture. Monitoring is really important. I agree with what has already been highlighted about potentially tweaking the Education Scotland structures to include a specific indicator on LGBT issues within the schools inspection process, as opposed to using a general equalities bracket. We generally find that teachers tell us that when their school is inspected it passes on equalities because it is really good on race or sectarianism, but it is not really considering LGBT issues, which is an issue.

We approach the issue through what we call TIM—training, inclusion and monitoring. We need teacher training, which has to be rolled out through initial teacher education. The best way to approach teacher training would be immediately to target a specific quota or set of teachers. We have suggested to the Government that it should start on guidance teachers, teachers in promoted posts and headteachers. The headteachers are key, in that if we can change the mindset of the senior management team to understand that it is an issue in the school, that understanding will trickle down throughout the school.

09:45

Teacher training is a big issue but it will not work on its own because we also need inclusion to be covered in guidance and frameworks and we have to train teachers on how to use that guidance. Relationships, sexual health and parenting education has already been mentioned. It is a problem in that it is very difficult to monitor how it is being provided simply because there is no requirement for it to be taught. There is an argument for there being such a requirement. We have faced problems in the past because we have often been told that in Scotland we do not tell schools what to do or what to teach. That is not necessarily true; we tell schools about healthy lifestyles and healthy eating, we have the preventative agenda and we talk about tackling radicalism in schools, so there are areas in which precedent has been set. It could be argued under the public sector duties of the Equality Act 2010 that this is a human rights issue and that we should prioritise human rights in our schools and ensure that there is consistency.

We look at TIM as being the three things that we should begin with in order to ensure inclusive education in our schools. That would be a good starting point, but there is no point in spending a lot of money and embarking on a project of teacher training and updating guidance unless we are prepared to address the fundamental problem that schools are not, as it stands, required to pick that up, so there are issues about how it would be delivered. As far as TIE is concerned, it should not matter whether an LGBT young person goes to this school or that school; they should be able to access at any school an education that reflects the issues and reflects them and their identity, as is their right.

Alex Cole-Hamilton (Edinburgh Western) (LD): Good morning, everybody. Initially, I would like to look in granular detail at the issues that Iain Smith raised about children in our schools who are affected by disabilities. In 2007, the UK Government published a strategy for England and Wales called “Aiming high for disabled children: better support for families”. That was coupled with Barnett consequentials of £35 million, but the Scottish Government neither introduced a strategy for disabled children nor spent that money on children with disabilities. At the time, that money was known as “the missing millions”.

I would be keen to hear the reflections of Iain Smith and others on whether some of the problems that you have identified in your remarks about the way that we consider the needs of children with disabilities in our schools would benefit from a Scotland-specific strategy for disabled children.

Iain Smith: There would be benefit in that and there have in the past been attempts to develop such a strategy. The Children and Young People's Commissioner in Scotland produced a report in 2012 about disabled children in general, which also had some specific references to education and bullying and prejudice. One of the recommendations was about relevant agencies establishing

"a high profile education and awareness raising campaign about disability equality in relation to disabled children and young people."

I do not think that that ever happened. I agree on a lot of the points that Jordan Daly made about the importance of a human rights-based approach. It is about the rights of young people with disabilities and disabled children to be part of the community and to be involved in the same way as everybody else—that needs to happen.

There needs to be a specific look at the impact of bullying on disabled children in our schools and how that affects their inclusion in the education system. We need to ensure that mainstreaming means mainstreaming, rather than meaning disabled children sitting in a different corner of the school building from everybody else—that is a huge issue.

The lack of support and resources available for disabled children is an issue; there are concerns at the moment about a reduction in the number of classroom teaching assistants, which is impacting on the ability to support disabled children in our schools. There is a shortage of teachers who are trained in British Sign Language and of other communication support, which means that it is more difficult to include children with communication impairments in the school system.

There is a huge range of things that need to be done to include disabled children properly in our schools. Being able to include them properly and make them part of the community will start to address some of the underlying issues that lead to bullying, which is often about people not understanding and not being aware of the particular issues related to a particular protected characteristic. Involving people in the education system and having an inclusive system will help. There is a need to consider properly a strategy for disabled children in the education system in Scotland.

Brian Donnelly: I would welcome a strategy. I also welcome the consensus about lifting some of the issues up the agenda, because mainstreaming, a lack of resources, a lack of inclusion and a lack of equality lead to bullying and exclusion. In some places, it appears that we are moving towards consensus that we need to address the issues of resources and inclusion and that we need to do mainstreaming properly. That is to make people more confident about dealing with bullying, rather than taking the reactive approach of thinking that, if we deal with bullying, it will somehow transmit up the way and make mainstreaming more effective. Although there might be an element of that, it is currently sitting in systems that are not properly resourced or implemented.

Alex Cole-Hamilton: I welcome those remarks. There was a national outcry about the presumption against ring fencing, because the £35 million that came north through the aiming high for disabled children programme did not touch the sides but went straight into the local authority block grant. There is much to applaud in our approach to integrating disabled children in our schools, but that approach is slowly being eroded. I declare an interest here in that I am married to the learning support teacher of a primary school in the capital. There is still a great distance to travel on the issue, but I am very grateful for your remarks, which we can reflect on.

Jeremy Balfour (Lothian) (Con): I thank the witnesses for coming along and sharing information about what they have done. My starting point is more of a statement than a question. Bullying is bullying, whether it is done because of disability, sexuality or race. There is a slight danger of going into silos on the issue and saying that we will look at only one aspect of bullying. However, the committee does need to look at how we deal with bullying in schools.

My question is aimed initially at Carol Young and Iain Smith. I am interested in collection of data on bullying. Quite a lot of people have said that schools do not want to collect the data either because they do not want to be seen as schools that have a bullying problem or because teachers are so busy that they do not have the time to collect data. Can Carol Young or Iain Smith, or any other members of the panel, suggest how we can encourage schools to collect data on bullying and how they would go about doing it?

My second question is also probably aimed at Carol Young and Iain Smith in particular. Cara Spence talked about the LGBT charter, which has been really helpful. Would you consider having a similar charter for disability or race issues that would allow us to measure things in the same way as the LGBT charter, which has been very helpful? Is that something that your organisations have considered?

Carol Young: In response to your first question on how we can encourage schools to monitor bullying incidents proactively, there are schools that are already doing that quite successfully. Studying their perspective would be a good way of working out how we could encourage schools that are less willing to monitor.

In terms of developing a national approach, there would be some work to do to reassure education authorities in particular that having a high level of reports of racist incidents, for example, would not result in bad press for them and their schools. We know that there is a vast amount of underreporting, so we would give a round of applause to any school that recorded a high level of racist incidents or bullying. There is some work to be done to reassure people that the purpose of the reports is not to point fingers or attach blame. Having a consistent approach, with a template, a way forward and national activity to show that the information goes somewhere would be quite helpful for convincing people that the reporting is worth doing.

On Jeremy Balfour's second question, I have had conversations with people over the years about whether having a race equality charter for schools would be beneficial. It would be a complex thing to do because issues with regard to race are quite different, partly because of Britain's history of empire and racialisation. It would be difficult to have a set of criteria to be signed up to to address racism adequately. On the other hand, I have always felt that it would be worth while scoping whether there is a way to do that proactively and get people on board. Unfortunately, the resources to carry out that scoping are distinctly lacking.

Iain Smith: In relation to Mr Balfour's initial comments, I agree that bullying is bullying, but the fact is that a disabled child is twice as likely to be bullied as a child without disabilities. An LGBT child and an ethnic minority child are more likely to be bullied, too. Anti-bullying strategies need to address those specific issues, because just treating each individual bullying incident on its own will not address the underlying causes. The focus has to be on those points.

I was struck by the concern that is raised in the Equality and Human Rights Commission's evidence that

"until the recording and publication of data on bullying and identity based harassment is placed on a statutory footing, practice is likely to remain uneven across Scotland, both within and between Education Authorities."

I do not necessarily advocate a statutory basis for recording, but there is a need for national consistency. Education Scotland probably has the lead role in trying to ensure that there is consistent practice across Scotland in the way in which incidents are recorded. Every incidence of bullying and harassment in schools should be recorded, and that record should indicate whether there is an underlying cause related to prejudice or disability. That would not create a huge additional workload if the incident were being recorded in the first place.

On Mr Balfour's point about a national code of conduct or whatever, we can do that through curriculum for excellence and things such as the rights-respecting schools agenda. If we ensure that we have a human rights-based approach to tackling prejudice, bullying and harassment in our schools, the issues in relation to racist, LGBT-related, gender-based or disability-related incidents can be incorporated into that rights-respecting schools part of curriculum for excellence. That should be done. Excellent materials are available from the Anti-Bullying Alliance south of the border that deal with things such as inappropriate language related to disability. Those things could easily be incorporated into curriculum for excellence.

Jeremy Balfour: I thank Carol Young and Iain Smith for their comments. I accept Iain Smith's first comment. Last week, a constituent came to me whose daughter has a fairly big issue with hearing, and she has been mainstreamed. She gets on okay in class, but she is completely excluded at lunch and break time. That is not direct bullying. I do not know how we record that. I am sure that it happens elsewhere; that someone is doing fairly well or okay academically but the other benefits of school simply pass them by. How do we record that and deal with it? That is a big issue. I am not necessarily asking for a response, but I accept your comments.

The Convener: We have loads of questions, Jeremy.

Jeremy Balfour: Okay—I will shut up.

The Convener: Willie Coffey is next.

Willie Coffey (Kilmarnock and Irvine Valley) (SNP): Good morning, everybody. Iain Smith mentioned "How good is our school?", the fourth edition of which has been in place since August. Is it too early to tell how successful or otherwise that will be in asking schools to evaluate where they are in relation to all these matters? What additional work might need to be done to help us to gather the kind of data that some of you have asked us to collect?

Iain Smith: I should first state that I am not a world expert on the education system, but a number of us are members of Education Scotland's equalities advisory group and we are aware of HGIOS 4. I do not think that it is sufficient to address or make a major difference on some of the issues that we are talking about. Obviously, it is too early to say how effective that will be, as most schools will be going through the initial phases of it. It probably needs to be reviewed again to deal more specifically with the protected characteristics issues, which it does not fully address.

Cara Spence: The key point is that we need to include all protected characteristics in the framework because, at the moment, it does not include that. It is really important to be specific. It is also important that inspectors review that with rigour. From what we know about current practice, schools can say that they have done something at some point on equalities, and that box is ticked. I would like equalities to be thought of in the round and to be looked at with rigour in the school environment, to ensure that the culture and environment in school is inclusive for all pupils.

10:00

Carol Young: I sympathise with Cara Spence's view. If schools say that they have done a thing, that seems to mean that they are complying with or are good at equality work.

The perspective from the race equality side is slightly different from the perspective from the side of some of the other protected characteristics. In schools, there has been an emphasis for longer on building race equality-based stuff—whether in the curriculum or in specific projects in schools—that aims to look at what they most commonly call diversity. To those of us in the equality arena, diversity means something quite different from equality.

Diversity work is big business in schools. We have come across the problem that an awful lot of the diversity work that is done in Scottish schools entrenches racial stereotypes, which creates more problems for pupils. There is a big focus on looking at the different things that people do around the world. That leads to assumptions being made that kids in class who are from a particular background do and are interested in that stuff. It is very patronising for children who were born here but whose great-grandparents might be of Pakistani origin, for example, to have to sit through a lesson talking about what Pakistani people do.

There is certainly room for learning about world cultures and things like that—that is a good thing for children's learning and development. However, how that learning is nuanced is important. The context has to be that minority ethnic communities are a central part of Scottish society and not an additional group of people to be welcomed, which is the slant that a lot of schools are putting on it. From an anti-bullying point of view, we would like to see significantly better practice in how the issues are dealt with in the curriculum.

Kathryn Dawson: The lack of specificity has come across from a lot of people's comments. That is an important issue. There might just be a generic statement in schools that says that all students should be treated the same. To give markers to what issues people might want to be aware of in schools is a start. However, if the school does not have the understanding about how to recognise what is being played out—from the everyday things, such as sexist comments and insults and unwanted sexual comments—or the understanding to recognise those matters not just as bad behaviour but as motivated by something in particular, and if schools are not able to address the issue in an educational way and tackle those attitudes, they are not able to report back on that in their inspection framework in any meaningful way.

Alongside Zero Tolerance and the University of Glasgow's social and public health sciences unit, we are working on a whole-schools approach to gender equality, which will look at gender intersected with other protected characteristics. It aims to help schools fully embed that understanding across aspects of their institution—their ethos and their practice—and to help young people to be involved in shaping what that looks like in their school.

That is our answer to an issue that has come back loud and clear to us from our engagement with schools. They really need support to understand fully the issues before they can effectively tackle them.

Willie Coffey: We have spoken about the impact of bullying on youngsters who experience these situations and the training and the support for teachers, but what about the bullies themselves? What interventions do we have, have we had or should we have with people who adopt such practices, in order to change their minds? What is your experience in that area?

Kathryn Dawson: We have talked about tackling the root causes, and it is important to recognise the attitudes that motivate bullying. We need to focus our initial energy on taking a primary prevention approach. First of all, we need to be proactive and pre-emptively address the attitudes that underpin any prejudice-based bullying. We also need for schools to have a very clear understanding and clear behavioural codes about what behaviours are not acceptable and why—the why is really important. There then needs to be a consistent response. Too often, young people are told to just get over it and ignore it.

Action has to be proportionate; it has to be educational and not just punitive. That is really important. When the forms of bullying, violence and abuse are criminal offences, there needs to be effective links with social work and police.

Brian Donnelly: It is a big question to which I will try to boil down an answer based on what we have learned and the approach that we have in Scotland. To kick off, we need to recognise that bullying is challenging behaviour and that all

behaviour communicates needs. The root causes of why people behave in a certain way can be ignorance, prejudice, a feeling of superiority or whatever.

We have found that labelling and talking about "bullies" is unhelpful. Children can bully other children and children can be bullied. Part of the problem that we have had has been in challenging the notion of what a school bully looks like and how a bully thinks. That notion does not reflect reality. Bullying is something that people do to someone else to make that person feel a certain way—it makes them feel a loss of control and an inability to take action.

It is not about softening the language. The issue is that we will not help people to change their behaviour by labelling them; we will help people to change their behaviour by telling them that what they have said or done is unacceptable and saying what we expect instead. If we tell them that they are a bully for doing what they have done, we will get a defensive reaction from them and their parents, which is not helpful in improving the impact on the person who has been bullied. One of the reasons why some people do not report bullying and why certain types of bullying are underreported is the rush to label and blame.

I am not saying that there are not consequences of bullying; there must be. Children who bully others need help to repair relationships, to address prejudice and to address their ignorance or assumptions, which may be being reinforced at home by generations of prejudice and attitudes towards people who are different. As Carol Young eloquently said, a school lesson on diversity is not going to change the situation in the slightest. Those children need help to see alternative ways of behaving, and that behaviour needs to be rewarded. If such action is unsuccessful and the behaviour escalates to violence, abuse or sexual aggression, we need to stop conflating that with bullying and treat it as what it is—a far more serious type of behaviour.

It is a big question. The fundamental approach that we take in Scotland is not to label people but to talk about behaviour and its impact. We feel that that approach has been successful, and I do not think that anyone would see it as negative or problematic. I hope that I have answered your question.

Jordan Daly: The question of how to deal with bullying came up when we piloted two teacher training courses a couple of months ago, and it is something that the teachers who constructed our training programme looked at specifically. We found that, in the delivery of secondary education in particular, instead of immediately castigating the person who is carrying out the bullying or the prejudiced behaviour, it is helpful for teachers to use probing techniques that allow them to understand what is causing that person to have that attitude.

When we go into schools, we generally find that, when we ask the children whether they have a problem with LGBT people, their response is, "No." That makes us wonder why they are using LGBT-phobic language or exhibiting LGBT-phobic behaviour. It is a matter of weeding out the attitudinal environment that—to be blunt—generational failure has allowed to be created in schools. How do we change the experience not only of the young person who is being bullied but of the young people who are doing the bullying? This may sound like a cliché, because we keep going over it, but it comes back to the provision of an inclusive education.

I remember learning in school about the Ku Klux Klan, about Martin Luther King and about the lynchings in southern America. I was appalled. Liam, who is in the public gallery and who is a bit older than me, talks about learning at school about apartheid in South Africa and how, if someone ran over a black man, they did not have to report it but that, if they ran over a dog, they did. He can remember the impact that learning about that had on his peers. I am aware that racism goes on in schools but I do not remember any in my school.

My school took a whole-school approach to zero tolerance of racism; people knew that there were certain things that you did not and would not say and that engaging in racist behaviour with peers was prejudice. That is the level that we need to get to with LGBT, and I think that that inclusive educational approach will take us there.

The Convener: Did you want to come back on that, Willie?

Willie Coffey: No, that is fine. I will let my colleagues come in.

Mary Fee (West Scotland) (Lab): Good morning, everyone. Brian Donnelly used the word "reactionary", which struck a chord with me, and then Cara Spence followed that up by talking about ticking boxes. My concern with strategies is that they are just another tool that is put into a school or some other institution to monitor and check things, but in a tick-box way. How much do you think that strategies for tackling discrimination and bullying underpin what goes on in schools? Are they part of the school's ethos and its day-in, day-out life, or are they used only when an incident happens—a bit more investment goes in, the box gets ticked and everyone moves on? Is it part of what is taught, with understanding and acceptance forming part of the school's culture? I am interested in hearing the thoughts of Brian Donnelly and Cara Spence in particular but the rest of the panel, too, on that question.

My other question is for Jordan Daly. The figures for LGBT bullying are, quite honestly, horrific; the percentage of young LGBT people who report bullying and offensive behaviour is simply not acceptable. Do teachers simply not feel confident dealing with LGBT discrimination? Are the policies for helping schools tackle LGBT discrimination not being updated or refreshed enough? How much of a benefit does mentoring in schools actually bring?

I am sorry to throw all of that out there, but I thought that I would just get it all out.

Brian Donnelly: I will try to be brief, but the people who know me know that that will be a struggle.

What you are describing—these things forming part of a school's ethos and everyday activity and the sense of a school being inclusive, a safe place to be and a place where teachers listen to pupils and where the community is reflected—is essentially what we would think of as best practice. That is why I talked earlier about creating environments where bullying cannot thrive. A policy will not do that, but the journey that we ask people to go on in order to develop policy can act as a catalyst.

In our guidance, which mentions all the protected characteristics and prejudice-based bullying up front, we say that, if you engage with pupils on what they think such a policy should look like in their school and what should be said in the organisation and if you ask parents, carers, teachers and people who work in the school what they think and then construct something within the context of what everyone is saying about inclusion and fairness, you can put in place something meaningful to ensure that, when you say "bullying" to one parent, they do not think that it means something that nine other parents do not think it means and they do not say, "I only want to hear about this if it happens to my children, not if it is done by my children."

That requires ownership at a senior level. Where there is good practice in a school, the senior teachers will say, "We're going to make sure this school does this a certain way, and we're going to use drama, music, English and so on." Where there is such a commitment, things become less reactionary. It also means that those schools will be recording high levels of bullying, and we would applaud them for that, but the reality is that their peers do not want that level of recording, because people make judgments. That is just absurd. We have to reframe how we see that at a strategic level and make it clear that a school with 10 incidents is not better than a school with 50 incidents. It might be, but simple recording does not tell you that.

Crucially, we have found that practice is not always good just because people have a focus—in some cases, too much of a focus—on recording. Recording will be effective only if it is part of the whole approach. We support that. Prejudice-based bullying should be recorded because we do not accept homophobia and race, disability and gender-based prejudice in schools. The recording is a logical part of creating an environment in which bullying cannot thrive. If an environment is created in which bullying happens, people should be confident enough to recognise it, and to respond to and deal with it.

10:15

We get rather fixated on policy and recording. I know that they are very important, as they are the framework that we hold people accountable to, but we have a chance collectively to ensure that what we do is about the whole journey that people go on to say, "Right. If we run a school, an after-school club and a basketball team, what do we want that to feel like?"

Other people can come in on areas that might need to be addressed.

Cara Spence: I cannot tell members whether our national policies are working, because I do not know about that for sure. I hope that the national approach will trickle down in some way, as it sets a template for what we expect in schools across Scotland.

I can tell members what I believe works. Our charter mark model set out a way of working with schools that is about changing school culture. It is quite resource intensive, but it looks at school policies, staff training and practice, and monitoring and recording. Schools have to provide evidence to us that there has been a change in the school environment and get feedback directly from young people.

Leadership is also really important. The charter mark works only where there is meaningful leadership in a school environment. A question for us is how we build on leadership models in Scotland. Senior managers and individual teachers and young people can be leaders in their schools, but they should set the climate of what is expected or not expected in a school environment. I would like to see that as we move forward.

The Convener: Mary Fee asked Jordan Daly a substantive question.

Jordan Daly: Yes. I will try to answer it briefly.

I want to look beyond the statistics and speak a little more anecdotally about what we have heard. The research that we have put out includes a lot of comments from teachers, who have highlighted where they see things going.

To answer the question, we consistently find that teachers do not have the confidence to address those issues. Obviously, we hear that quite a lot. We sometimes hear it in the media, and we have heard it in the committee before. However, there is a risk that saying that teachers do not have the confidence to do that can just come across as empty rhetoric. Once we look past that, it is a matter of asking what they do not have the confidence to do.

Some schools are just not addressing the matter—full stop. Language is heard, and teachers shy away from addressing it. In other schools, teachers tell us that they can address the language; they will say, "Don't say that. That's not acceptable." However, there is then a full stop and no progress after that.

When we conducted our research, teachers consistently said that they felt confident enough to challenge the language when they heard it. They will say that it is not acceptable, but they will then not feel confident enough to go into why it is not acceptable. They ask whether they can have conversations with pupils, whether it is all right to tell them that being gay is okay, and whether that will get them in trouble.

There is consistently an issue in Catholic schools because there has been very little guidance or national leadership from the Scottish Catholic Education Service and the Scottish Government specifically on LGBT in Catholic schools. We have spoken with teachers at union, child and teacher conferences, and it is worrying that we have met some Catholic school teachers who still think that section 28 is in place and others who think that they will lose their job if they discuss these matters in schools. Addressing that is an issue.

We have met the Scottish Catholic Education Service and asked whether it would be prepared to engage and work with us on Catholic-specific materials on teachers' rights, why teachers are protected and why, under the Equality Act 2010, it is okay to introduce and discuss the matter in faith schools. The answer was no, but the Scottish Government or Education Scotland might have better luck than we had.

It is about understanding what teachers do not have the confidence to teach. Obviously, the best way to approach that is through teacher training. Teachers agree on that.

On the question about mentoring in schools, there are two strands to my response. I am so sorry—I seem to be saying that every issue that is coming up is complex and that I have to dig into it. In a nutshell, mentoring in schools works. For example, the Vale of Leven academy is a good school and a good example of best practice, and I know that people from the school would be prepared to come in and speak to you guys about what they are doing. The school has an LGBT committee, and we have been investigating that model for the past year to see how it can be used in other schools. Young people and teachers are involved in the committee but, across the board, teachers who are not involved are still trained on the issues.

With mentoring, young people identify with the teachers who they feel have an interest in the topic, but that presents the risk of a school saying, "Jordan fae the English department is really interested in LGBT, so let's just train him." That teacher then becomes "the gay teacher" and the only one in school who is equipped to address the issues. That is not necessarily what we need, which is why we are saying that we need to target a specific quota of teachers to begin with and roll out the training from there.

Mary Fee: I have a brief follow-up question on the existing policy and strategy that is being used. Brian Donnelly described best practice as where the agenda is part of the ethos that underpins the regime at the school.

There is a strategy. How often would you like it to be refreshed and seriously looked at? On an issue such as bullying, we cannot just write a document and say, "This is what you need to do to eradicate it." Things are constantly changing and moving, so the policy needs to be refreshed to keep it up to date. How often would you like to see it refreshed? I will throw that question out to everyone.

Brian Donnelly: At a local level, people should be looking at the strategy. When we review annually what has happened, that should tell us whether we need to change it. If we create something and we see a whole range of incidents arising that are unrelated to anything that we planned for, we need to change the approach.

From an organisational perspective, we should be looking at the strategy every two to three years, but we should design something that does not have concrete shoes. It is possible for a policy to be dynamic enough that it is inclusive and recognises variation. If we make the policy overly prescriptive, people will have a literal take on it and that will limit their practice. We need to design in the need to review the policy every year to look at the impact that it has had. We have designed new tools for individual schools to enable them to do that. We have tried to mirror some of what is in the fourth edition of the "How good is our school?" document to give schools a framework and some examples with which they may be familiar. They can score themselves against that, but it is not as simple as saying that schools that get a lower score need to do something about it. Every year,

we should look at the policy's effectiveness at a local level. Local authorities can have a longer time period in which to do that.

Iain Smith: There is a need for teachers to have a clear understanding of the importance of language. For example, in the disability movement we refer to "disabled people" because they are disabled by factors in society such as access, attitudes, economic issues or the inability to communicate. They are disabled not by their condition but by environmental factors and society. It is important that teachers understand that and do not allow pupils to use language that is inappropriate. They should be able to challenge it and say, "Why are you saying that? Do you not understand this?" That applies across the protected characteristics. Teachers need to be confident that they understand the language, and the damage that inappropriate language can cause to young people.

Annie Wells (Glasgow) (Con): My question is for everyone. Curriculum for excellence states that we want all our children to get the support that they need to benefit fully from their education. Education Scotland states:

"All adults who work in schools have a responsibility to ensure the mental, emotional, social and physical wellbeing"

of children. As we are discussing, there are many disability, gender and lesbian, gay, bisexual, transgender and intersex issues arising in schools, so why is that work not being done? If curriculum for excellence states that it should be happening in schools, why is it not happening?

Jordan Daly: Curriculum for excellence frustrates me because, although one of its biggest benefits is that it is quite vague, that is also a massive weakness. There are expectations and outcomes, but they are extremely vague. On the one hand, that allows schools to be creative with how they approach it. On the other hand, I do not think that just putting out really vague guidelines is enough. For example, one of the guidelines is that children should know about different and diverse family types. If I am a teacher, I can choose to discuss single parents and I can choose to discuss same-sex parents. However, if I do not discuss same-sex parents, I am still covering diverse family types. It is complex.

I think that there probably needs to be further guidance around the curriculum for excellence that adds a bit of oomph and points teachers in the right direction. I know that a progression framework has just been put out. Potentially, that is a missed opportunity to look at LGBT, disability and some of the other protected characteristic areas.

In a nutshell, curriculum for excellence is too vague and it needs to have some other stuff that points teachers in the right direction but again, that needs to be buddied up with training. It is not enough to just give teachers loads of materials and then expect them to go ahead with it. You need to train them.

On training, one thing that I have not mentioned is that cost is always brought up as a big barrier. The charter mark and some of the other training have been brought up, but there is a cost to them. That is not the fault of the people who are providing that service. They provide a vital service for young people and they need an income to sustain that. We have argued that we should look at how to get that training into schools free of charge. Can it be covered nationally? That issue will have to be addressed. We cannot continue charging local authorities hundreds of pounds for people to go on LGBT training, because local authorities will not prioritise it if they have to spend money on it.

When it comes to training, the Scottish Government seems to be deflecting it a bit on to the organisations and making training their responsibility. That is the way we have always operated and I think that now is the time to be quite clear that we need a national approach and that it is not 100 per cent the responsibility of LGBT organisations such as Stonewall to go into schools and tackle the issue. We are having problems in that we cannot get into every school and we need the Government to step in and sort that out for us.

Carol Young: From our point of view, if we look at racist bullying, Jordan Daly is definitely right in saying that there are ways in which schools can meet all the criteria within curriculum for excellence and still manage not to tackle the issues properly. For us, the key thing is the discomfort within the education sector more broadly with the whole concept of racism and the term "racism". That is partly because there is a misunderstanding, which I think is made worse by how the public discourse around racism works. The word "racist" is now seen as an insult. If someone has been accused of racism, that is a personal insult against them.

The focus has shifted away from reminding people that certain types of behaviour or certain ways of doing things are actually quite racist to telling people, "You said that, so you're a racist." We cannot label schools as being racist. It goes back to what Brian Donnelly was saying about not labelling people as bullies. That does not mean that we do not talk about bullying or that we do not say to people that what they did was bullying behaviour. We need to have the confidence to take that approach to race as well.

At the moment, in the policy arena, the fear of being accused of racism seems to be a greater concern to people than tackling racism. People would rather just pretend that racism does not exist—that if we do not say the word, it is not real. However, I am afraid that the real world does not work like that.

Joanna Barrett: What we have heard overwhelmingly today is that there is a complete lack of clarity about what is happening in Scottish schools. Anecdotally, we would agree. Some schools have an hour of relationships, sexual health and parenthood education. Others have it embedded in the curriculum. We would like the committee to look more at that and find out what is happening and what the reality is in schools in terms of RSHP education. It is certainly a priority for us.

We have concentrated on schools because that is what we are talking about today, but Brian Donnelly asked what the role of communities was. Whenever we speak to teachers, they are saying, "Hold on, because we are becoming the bastion of every social issue under the sun and we are not able to address these things in the depth that others might like."

Attitudes are reinforced outwith schools and children spend the majority of their time outwith schools, so how are schools engaging with parents and communities to reinforce the kind of values that we want to have collectively? We need to make sure that the issue is not seen as being peripheral. At a policy level, we are very focused on educational attainment and child and adolescent mental health, but this issue strikes at and affects both those things.

10:30

As Jordan Daly said, the relationships, sexual health and parenthood education guidance is really vague. It says that schools should do this and should do that, and that, if that happens, it is magic. Ultimately, it does not happen, and that is the problem. In England, the guidance is far more prescriptive. That is not necessarily a good thing, but England has looked at these things in far more detail at a national level than we have. In Wales, there is a duty to provide counselling in secondary school settings.

We need to open up a national conversation on healthy relationships, because we have not discussed the issue at a national level despite myriad Scottish Government policies pointing at it being dead important, like violence against women, teenage pregnancy and child sexual exploitation. Everything says that education is key to prevention, but we do not know what is happening.

Kathryn Dawson: I think that I am correct to say that, despite the health and wellbeing component of curriculum for excellence, there is little content in initial teacher training on those issues. The teachers I meet and my colleagues work with are really concerned about a lot of the issues that we have talked about, but that is not always matched by their understanding of the best way to go about tackling those things.

We have talked today about reactive responses. In many ways, those are not desirable because a lot of harm has already taken place by the time people react, and they are more resource intensive as well. We must bear in mind the need for initial and on-going teacher training to better equip teachers to tackle the issues proactively, rather than using a lot of the resources on the emotional panic that goes into tackling the really worrying problems that young people are experiencing. We need to emphasise the preparedness of teachers to fully understand the issues and how to tackle them proactively.

The Convener: I ask Brian Donnelly to be brief. We have exhausted our time, but obviously not our questions.

Brian Donnelly: I will be brief. Points have been made about RSHP education, relationships, health and wellbeing, school ethos and violence against women, but those are all bigger issues than anti-bullying. They all cause and contribute to bullying, and you will not resolve them by starting with your anti-bullying work and working up the way. It has to complement what is done elsewhere.

For teachers, literacy, numeracy and health and wellbeing are three core components of the curriculum, but someone can qualify as a teacher without spending any time on health and wellbeing. They may get a week when I, Cara Spence and others will go along and talk to them about health and wellbeing within a certain context. We have to take it back a stage and ask why, if equality is everyone's responsibility, people are not learning about it at university. Why do they not have to sit exams and create coursework that shows that they understand equalities and the impact of all the things that we have talked about this morning?

I have one last point as a caveat to something that was said earlier. Senior pupils can play a big role, but we need to be mindful that they are probably busier than they have ever been, with exams and future planning for positive destinations. That takes many fifth and sixth-year pupils out of the equation for almost the entire school year.

The Convener: We have a second panel to hear from this morning and, hopefully, we will be

able to explore some of the other issues that you have raised. We have completely exhausted our time. I apologise to the others that I could not call back in.

This is an initial scoping exercise. You have given us four, five or maybe six key strands that we can do some further work on, and we will discuss as a committee how we take them forward. However, we have a second panel of witnesses coming in, and we want to hear from them first, before we make any conclusive decisions.

Thank you all so much for a very interesting evidence session. I am sure that it will not be the last time that we speak to you, but we are very grateful for your participation. We hope that we can move some of this forward, and we will see you again. Thank you.

I will suspend the meeting for about five minutes for a quick comfort break and to allow our witness panels to change over.

10:34

Meeting suspended.

10:40

On resuming—

The Convener: Good morning and welcome back to the Equalities and Human Rights Committee. We have heard from our first panel of witnesses and we are about to hear from a second panel on the same topic as part of our scoping session on bullying in schools. I am delighted to have a panel of four people with us. I will do the same as I did with the first panel and allow each panel member to introduce themselves and tell us a wee bit about their research or their organisation.

Dr Kay Tisdall (University of Edinburgh): It has been an interesting morning; I appreciate having been able to hear from the first panel of witnesses.

I am co-director of the centre for research on families and relationships. My own collaborative work is firmly within children's human rights so, as you know from my written evidence, I think that it is wonderful that the committee is taking that kind of approach.

The fundamental point is that we have heard over and over again from children and young people that bullying, harassment and hate crime are a big issue and, after years, we still have not solved it. Therefore, it is timely that the committee is taking a fresh look at the issue. Knowing that it is a problem, we do not need more surveys from children; arguably, we need more evidence about what kind of problem it is and what the solution is.

That is the approach that I tend to take. It is critical to start from the children and young people.

Bill Ramsay (Educational Institute of Scotland): I am the convener of the equality committee of the Educational Institute of Scotland. An important point is that the institute is not just a trade union but, as the label says, the Educational Institute of Scotland.

The institute's equality committee produces advice for our members on a range of human rights and equality issues. As I prepared my notes for this introduction—which I will edit down—I found that we had, at my last count, eight discrete documents that address, and give advice to our members on, the bullying and harassment of pupils and of teachers. Indeed, convener, you and a number of your colleagues came along to the launch of the last document that we produced, "Get It Right for Girls: Challenging misogynistic attitudes among children and young people", and we welcome your contribution to that.

One of the key issues that we need to consider is the resources and time that teachers have to take forward the agenda. That came up in the discussion with the previous panel, so I will cut away a lot of my additional notes and deal with some practicalities. I will come to them in our discussion, but I will highlight two or three points in the first instance.

It is important to realise that teachers have only a certain amount of time outwith the classroom to train up on various issues and further develop their professionalism because, after all—unlike people in other jobs—they spend the vast majority of their time interacting with young people. Therefore, some additional time is provided for training and reflection. They have about 7.5 hours a week to prepare for their lessons and roughly five hours a week to refresh—teachers do much more than that, but I give that as a ballpark figure. Therefore, there is an issue of priorities. Those come to some extent from the Government, local authorities and further education college management; they are not set by the teachers themselves.

In all schools in all parts of Scotland, there is a bit of a cover crisis at the moment. I will give you one example of where that causes a practical difficulty with some of the issues that the previous panellists addressed.

10:45

Let us take a typical primary school headteacher. Depending on the size of the school, under normal circumstances they might spend some time teaching if they are in a small school

and a proportion of their time managing the school. Because of the cover crisis, which means that there are not enough teachers at certain times of the year, they have less time to reflect, because they are teaching. The choke point is in winter—January and February. That is a crucial point. In terms of developing strategies—this is a particular plea for primary headteachers—if they have to provide leadership, they need the time to lead. If they have to provide cover to teach because there is a shortage of teachers, they will not have time for that leadership reflection exercise.

There are many other issues but, as time is limited, I will pass on to Dr Rowena Arshad.

Dr Rowena Arshad (University of Edinburgh): I am based at the Moray house school of education. I am the head of school there but, for today's purposes, I am here as the co-director of the centre for education for racial equality in Scotland, which is a research centre.

The earlier panel was brilliant and it covered a lot of points. Across decades of research, there has been inconsistency between what adults feel that they are able to talk about and what young people want to talk about. We need to break that down. We find that young people want to talk about social issues and to engage with difficult topics such as racism, homophobia or Islamophobia. As adults, regardless of time factors, we seem to have much more anxiety about that. The concern is whether we are short-changing our young people as regards their ability to shape future policy and reinventing the wheel by shoehorning them back into the structures that we are comfortable with. Therefore, the first issue is the fracture between what teachers and other educators, including university lecturers, want to talk about and what young people want to talk about. Young people must be part of the scoping and lead some of that development.

The second issue is that a lot of our research shows that young people feel that schools are safe spaces, which provide consistency. Teachers try to deal with the issues, even if they make a bit of a mess of it, and young people really appreciate and understand that.

In Scotland, because we have strong rhetoric about inclusion and challenging discrimination, we do not have as permissive an environment as there might be elsewhere. The flipside of that is that we need to put our foot on the pedal and keep it there, because we could move to a more complacent mode. I was a little taken aback recently when, in working with teachers, I heard headteachers and teaching colleagues on the ground talking about a culture in the world and the UK that is beginning to legitimise the view that, "Oh, I can make this sort of comment," on the basis of freedom of speech. In my submission, I describe the parent who was rung up because their child was bullying in the school and responded, "My kid got caught. That was a bit unfortunate, but it happens in the school." The headteacher said that she did not think that she would have got that kind of response six months ago—I have to say that she used the phrase "pre-Brexit"—and it shocked her.

I will conclude with two very quick points. The first panel said that it is not just about teacher confidence but understanding the nature of bullying. The absence of overt bullying, racism, homophobia or whatever does not mean that there is harmony. People—even young people—are a lot more sophisticated now. I am talking about behaviour such as giving somebody the body swerve or not recognising them. Such daily aggressions and invalidations are harder to record and nail down, because they are generally done outwith the presence of the people who can do the recording. Also, if you are not on the receiving end of it, you do not know about it, because it is so subtle. We might be better at tackling the overt stuff, but not the other kind.

I do training in the school of education. In fact, tomorrow I am doing a session on "Into Headship", which is the programme for people who want to become headteachers in the future. At the previous session, one of the participants said, "Well, Rowena, it's great that you're talking about race issues, but they're not issues that affect my school. If you'd been talking about social class, I would've been interested but I really only have one or two minority ethnic pupils in my school."

I was quite shocked and did not respond, but I have reflected on that and decided that, if somebody says that to me tomorrow, I will push back on it. However, I was so shocked that I just thought, "Oh—okay." In the learning environment, you do not want to back people into a corner. At that point, I did not have enough time to think about how I could convert the situation into a quick learning or educational response.

Dr Gillean McCluskey (Scottish Council of Deans of Education): Good morning. I should start by saying that my research is on issues of exclusion from school in many different forms, but today I am representing the deans of education in higher education institutions across Scotland. The committee has our written submission, but I want to point to a couple of things in it that we will perhaps come back to. I preface my comments by saying that the previous discussion was incredibly helpful and opened up and illuminated many issues. I am sure that the four of us on this panel would want to support the points that were made.

One issue that came up quite a lot was teacher education in its different forms. One thing that we are aware of and that was mentioned earlier is the

lack of teacher confidence and skills. That is throughout the profession, from teachers who are beginning their career right through to more experienced ones. However, there is also a clear commitment to do things better. People want to do it, but they are not sure how. I will perhaps say more later about the fact that we already do a lot of work in initial teacher education and continuous professional development to support that. However, there is much more to be done.

Another point that the earlier panel made was that schools are only one site where bullying happens. We want to do everything that we can to ensure that we do everything that is possible. We also have to recognise that there is an enormous amount of work still to be done on schools' relationships with parents and the community.

I wholly support the view that has been expressed that there is not a fundamental or substantive difference between online bullying and face-to-face bullying. However, cyberbullying has highlighted the fact that we do not quite know where the boundaries are between school and other things that happen in children's lives. There is a lot of very good recent research, which has been talked about. We now know things that we perhaps did not know in the past, or issues have been clarified, so we really have a duty to do something about those things. That is just one example.

This is a really timely scoping session.

The Convener: Thank you. We will move to questions.

Alex Cole-Hamilton: Good morning, everybody, and thank you for coming. Both this morning's panels have impressed me. Jordan Daly did a fantastic job of transporting me back to discussions in secondary 2 modern studies classes about race relations, apartheid and racism. Those really had a measurable impact on people's attitudes. When I was in S2, that was at the time when clause 2A or section 28 was very much in sway, so we learned nothing about homosexuality, as teachers would have taught us about that on pain of prosecution.

The committee has heard from several panels that there is still a hangover from clause 2A and a reluctance among teachers, particularly in Catholic schools, to engage in discussion on homosexuality or anything connected with sexuality. This is a useful opportunity to hear about how we break that down from people such as the EIS, other educationalists and people who are conducting research. Do we require further public policy development or re-examination of things such as curriculum for excellence so that, in future, people in S2 modern studies will learn about Harvey Milk and Stonewall and the journey that the gay community has been on to get parity and equality?

Bill Ramsay: The institute does not have a policy on denominational schools in that respect. It is for the Catholic community to decide whether the approach in denominational schools should continue. Our position has been arrived at over a number of years and after various discussions at our annual general meetings. It is for the Scottish Government and the General Teaching Council for Scotland to set the standards. I have a copy here of the GTCS standards, which flag up social justice, integrity, trust and respect. It is clear that all teachers, irrespective of their establishment, have a duty—it is actually a duty—to abide by those standards. In that sense, there is a rubric there that could and should be taken forward everywhere.

There is also Her Majesty's Inspectorate of Education. Someone referred to HGIOS 4 earlier, which may or may not be problematic in some areas. I have been a member of the institute's equality committee for 15 years and I remember moving a motion at our AGM for the institute to say to the then Scottish Administration that equality reporting should be embedded in the inspection process. That is now the case, but it is still being developed. It is for the Government to take forward that agenda and ensure that all the standards are abided by.

Our members want to take forward an equality agenda throughout all the strands. In the past five years, the institute has developed discrete equality representatives. One of the issues that we face is that we have members who want to do the training but, because of the situation with cover, are unable to do so. In a sense, it is about the resource priorities of employers and the Government. If teachers are to develop and become confident—the confidence issue is crucial—they need training, but training will be provided only if the resources are there. Teachers are removed from time to time for additional training. Sometimes training can be provided outwith the pupil day, but that is a matter of priorities for local authorities and the Government. It is an expensive prospect, because cover has to be provided for teachers.

Dr Arshad: My immediate view is that the legislation and the framework are probably already in place; you probably do not need any more. What you need is colleagues—whether that is at inspectorate level, whether it is people like me who are educating the teachers of tomorrow or whether it is school leaders—to have the convergence of interest to actually want to do this, and I am not sure that we do.

That is why Jeremy Balfour's question was so important. It is about looking at the picture as a

whole and not just in silos or strands. I understand my colleagues' worry that, by trying to look at the issue generically, we are not looking at the specifics, although I do not think that that was what Mr Balfour was saying; he was not talking about the hierarchy part of it. Unfortunately, I think that that is life at the moment. You will get individuals saying, for personal or professional reasons or whatever, "That's an issue I'm really happy about or wedded to." If a denominational school is reluctant to talk about LGBTI issues, it is the role of the inspectorate to ask pointed questions about that and not to allow a get-out clause because of the context of the school. Other examples could be a predominantly white school not talking about issues of racism based on colour, or a very middle-class school avoiding naming issues of poverty and social class. The framework is there.

Willie Coffey: Did I pick up Mr Donnelly, in the first panel, correctly when he said that there is no health and wellbeing component of teacher training and qualifications? I want to explore that. Would part of the solution be to embed that aspect in the training for the qualification? Would that address the confidence and lack of skills issues that Gillean McCluskey mentioned? Would it address the issues that Bill Ramsay mentioned about the lack of time for training when teachers are in post, the lack of cover for training and so on? Would it help if the health and wellbeing aspect was embedded initially in the teaching qualification framework?

11:00

Dr McCluskey: It is already.

Willie Coffey: It is.

Dr McCluskey: Absolutely.

Willie Coffey: I thought that Mr Donnelly said that it was not.

Dr McCluskey: The undergraduate degree is a good example of how it is done. There are elements of health and wellbeing training in every year of the four-year degree course, but there is also a discrete health and wellbeing element. Health and wellbeing training, therefore, is embedded in other areas and is also a discrete element of training.

We welcome Brian Donnelly and other colleagues coming from the field and giving life to the theory that we try to share. Thank goodness that people like Brian Donnelly are willing and able to come in and help us bring life to that theory, so that we can all see the bigger picture.

The third year of the four-year degree course at Moray house has a particularly strong focus on social justice, which addresses health and wellbeing; bullying of many different forms is addressed explicitly. The same elements are included in the one-year postgraduate course, but time is obviously shorter and things are more compressed. However, our commitment to doing that kind of training is unarguable. It is there, as it should be; it is part of the core curriculum and it is reflected in the work that we do in the higher education institutions.

Bill Ramsay: There is a cultural aspect to this. I call it the tyranny of attainment, which refers to the tyranny of certain types of attainment, or the tyranny of the pointage for university entrance. Curriculum for excellence is an excellent and progressive curricular framework that is internationally recognised as such. However, pressures from society mean that there is a focus on certain aspirational things such as the pointage for university entrance. Societal pressures can affect a young person's educational journey from preschool onwards, but when they get to the senior level in secondary school the pressures are like a tractor beam. Culturally, it is expected that schools will live and die under the tyranny of the pointage for university entrance—everything else has lower priority.

When a young teacher goes into a school, they find a particular culture that is set by society, not by the school. The teacher is expected to conform to that culture, so certain priorities kick in. That is how a lot of the good work that goes on in schools can be undermined. We need to change that culture, but it will take time. Curriculum for excellence is a good starting point for doing that, but it is a long-term task. Interestingly, the governance review that we will be looking at over the next few months is starting to tease out questions about what attainment is and what attainment should be valued. To me, that tyranny of attainment is culturally corrosive.

Willie Coffey: That is fascinating and a very helpful explanation.

Mr Donnelly seemed to say the exact opposite of what Dr McCluskey said. After the earlier evidence session, I chatted to some of the first panel, who said that teachers are asking for help on the issues that we are now hearing are dealt with in the training for the teaching qualifications.

Dr McCluskey: They are dealt with, but only so much can be done on them at that point. Just as schools cannot be responsible for everything, nor can a teacher education programme be responsible for everything. Things such as the culture of the school, the norms in the community and, as Bill Ramsay said, the broader societal impact interact all the time, as they do in any aspect of life. It is really good that we hear that people want to come back. Our experience is that

being in school makes people think, “Goodness me. There’s all this that we still need to do.”

Willie Coffey: That explains it very well.

Dr Tisdall: In reality—this is particularly obvious with children—you constantly have to renew. You can have a great bullying strategy one year, but you need to go back and talk about what bullying and hate crime are the next year. That is equally true of teachers and all of us: we all change. In fact, I wonder whether we should be talking about not just teachers, but all school staff, as well as the community.

Some of the issues have arisen more recently. A prevent duty was mentioned in the earlier round-table session, along with concerns about its impact and even the very latest political happenings. That is the thing with initial training—with issues such as bullying, in particular, there are always new issues arising, as well as issues around renewal.

Mary Fee: Willie Coffey asked the question that I was going to ask about health and wellbeing and how much importance is given to that in teacher training. Brian Donnelly said that literacy, numeracy and health and wellbeing were core parts of the curriculum, and he raised a concern about health and wellbeing.

Dr McCluskey, when you responded to Willie Coffey, you referred to elements of health and wellbeing. Will you expand on that and explain to me exactly what you mean by “elements”? My impression from the first panel was that health and wellbeing was almost a subject matter in its own right. I am a bit concerned about that, although “concerned” may be too strong a word to use.

Dr McCluskey: I was trying to say that there are ways in which you want to talk about health and wellbeing very generally, so that you encourage teachers to think about children and their holistic being and their developmental stages. We might call all that health and wellbeing. We might also—and we do—talk specifically. Therefore, when I said “elements”, I mean that we also talk about LGBT issues, sexism and racism. Is that clearer?

Mary Fee: That is clearer. Thank you.

Jeremy Balfour: I want to continue the theme by looking at what goes on in teacher training. Over a number of weeks, a number of organisations have commented that it is almost as if there is a desire to completely redesign the teacher training course. Although that would not be for the committee to do, I am interested in whether you think that the training is fit for purpose in relation to dealing with all the different sexuality, disability and race issues. Are you comfortable with how those issues are dealt with? The training cannot cover every small part of all the issues, but, in very general terms, are we getting the message across to teachers? Are you confident about teacher training, particularly in relation to the one-year course? A lot of people do the one-year course, particularly those who are training to be primary school teachers. As has been said, they are out at schools for three or four terms, so their trainers have only a very limited time with them.

My other question is on a specific area. Last week, some teachers told me that there is no specific training on dealing with pupils who have special needs, such as autism, particularly those who are mainstreamed. More pupils are being mainstreamed, which is a good thing, but how is the average primary school teacher equipped to deal with a child who has special needs?

There were quite a lot of questions in there, for which I apologise.

Dr Arshad: As someone with a social justice background, I declare a total bias in my response. I can only talk about education in Edinburgh. In our teacher education programmes, and in the new masters course that we are launching next year, I am trying to reorientate the course so that the key issues, such as social justice, digital literacy, statistical literacy and care for the environment, are core elements. They are the central pillars, and you work classroom management and subject content areas around them, rather than teaching people about discipline, or whatever you want to call it. In that way, they will think about social justice, statistical literacy or the digital element. I think that we have to flip it and do it the other way, so there is no get-out clause.

It is hard, because—I will be absolutely honest—there is not a wedding of hearts and minds among my colleagues on getting to that stage. Not everybody understands the approach or wants to do it. It is about embedding it. If someone is doing classroom management or lesson planning, how do they consider those issues, which are not add-ons? That is different from the traditional way of thinking.

It is potentially even more difficult in secondary schools, particularly when people’s identities are wrapped up with their subject areas. In areas such as modern studies, English, history or geography, you can kind of see an in, but if someone is teaching about copper, they might wonder why we are we talking to them about these issues. I think that people have to think about inclusion in terms of their laboratories, social spaces, classrooms and learning spaces and pedagogy—they cannot get away from that.

If you could push people towards really thinking about how these issues are central to our education system, that would help. It is not about

throwing the baby out with the bath water; it is a repositioning. If you reposition something such as autism, it will be in there as part of the core.

Jeremy Balfour: I know that we are up against time, but can I push you slightly? You say that, in relation to something such as autism, we have to turn things around. I am worried about that, as it indicates to me that the issue was not covered in teacher training last year or this year.

Dr Arshad: No—it is being covered, but far more time should be given to it. At the moment, my colleagues who teach about autism would probably say that they are quite pressed and might have to cover it in one session. Part of the problem lies at the classroom level, where some of the issues are being dealt with, but they are being dealt with quite quickly. There might be three sessions on Sikhism, for example, and if someone happens to be off sick for those three sessions they will not get that training. Many years later, they may make the mistake of thinking that everybody who is brown is a Muslim—that is the follow-through.

The Convener: There are no further questions from members. Does the panel have anything else that they want to cover?

Bill Ramsay: Kay Tisdall touched on how the prevent strategy is impacting in certain communities, and you need to tease that out a little more. There was fairly wide coverage of the issue in *The Times Educational Supplement* last week. The article was based mainly on stuff that is happening down south, but it is well worth a read because it addresses some of the issues that need to be teased out. In schools, we have curriculum for excellence, getting it right for every child and the prevent strategy, and the all-party Joint Committee on Human Rights in the Commons and the Lords has placed a question mark over the whole area. The issue really needs to be looked at.

The Convener: Another thing that has been brought to our attention in the committee's general work—our new and expanded remit, the new equality duties that we have to look at and the fact that there is a human rights filter on all that we do—is that one of the road maps that we should use is the United Nations Convention on the Rights of the Child concluding observations that we got from the UN in the summer. Those reflect some of the challenges that we have heard about this morning and give us some criteria to use to improve and start to tackle and target. Have any of you done any work on the UNCRC concluding observations? Can you give us any guidance on the specific recommendations in those observations?

Dr Tisdall: On the UNCRC's concluding observations, as we know, the committee was quite pointed about the—

The Convener: It made specific points about teacher training.

Dr Tisdall: Yes. I copied out the bullying ones and happened to include them in our evidence. Bullying is mentioned specifically among the things to address in schools. The committee also picked up on the prevent duty—I know that Alex Cole-Hamilton knows it well—and cyberbullying. In addition—this goes slightly outwith the committee's remit but is still relevant—we know that equalities do not adequately cover age discrimination in relation to children. That comes out in the bullying issue, and there is a comparison with hate crime. If we think, "Oh, children have always experienced bullying," that is where age discrimination comes in, because it is not okay: as an adult, I do not expect to be bullied, and children should not expect to be bullied either. The concluding observations can show us opportunities in that regard.

The Convener: Excellent. Thank you for that. That allows us to start to explore some of those avenues.

Thank you for your evidence this morning. As we told the first panel, this is a scoping exercise and we are looking to undertake a piece of work on the subject. We will take Dr Rowena Arshad's advice and reflect on what we have heard this morning, decide how we can learn from that and maybe push the agenda forward. We hope to see you all again and to work with you.

11:15

Meeting continued in private until 11:30.

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