



OFFICIAL REPORT
AITHISG OIFIGEIL

Equalities and Human Rights Committee

Thursday 13 December 2018

Session 5



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EQUALITIES AND HUMAN RIGHTS COMMITTEE
32nd Meeting 2018, Session 5

CONVENER

*Ruth Maguire (Cunninghame South) (SNP)

DEPUTY CONVENER

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

COMMITTEE MEMBERS

*Mary Fee (West Scotland) (Lab)

*Fulton MacGregor (Coatbridge and Chryston) (SNP)

*Oliver Mundell (Dumfriesshire) (Con)

*Gail Ross (Caithness, Sutherland and Ross) (SNP)

*Annie Wells (Glasgow) (Con)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Patrycja Kupiec (YWCA Scotland)

Audrey Opdycke-Barnes (Young Women Lead Committee)

John Swinney (Deputy First Minister and Cabinet Secretary for Education and Skills)

CLERK TO THE COMMITTEE

Claire Menzies

LOCATION

The David Livingstone Room (CR6)

Scottish Parliament
Equalities and Human Rights
Committee

Thursday 13 December 2018

[The Convener opened the meeting at 09:23]

Decision on Taking Business in
Private

The Convener (Ruth Maguire): Good morning, everyone, and welcome to the 32nd meeting in 2018 of the Equalities and Human Rights Committee. Can we please ensure that all electronic devices are on silent mode?

Agenda item 1 is a decision on whether to take in private item 3, which is a discussion of our approach to stage 2 of the Age of Criminal Responsibility (Scotland) Bill. Do committee members have any comments?

Mary Fee (West Scotland) (Lab): Convener, I raised last week in public session my concerns about our evidence taking in relation to the bill and asked for us to look at it again. On reflection and after discussion with other committee members, I am content that we take the item in private today.

The Convener: Thank you. Does the committee agree to take item 3 in private?

Members indicated agreement.

“Report on Sexual Harassment in
Schools”

09:24

The Convener: Agenda item 2 is an oral evidence session with the young women lead committee of YWCA Scotland—the young women’s movement. Young women lead is a programme for young women aged 30 and under who live in Scotland. The programme aims to increase parliamentary knowledge, engagement and leadership. In June, the first young women lead committee published a report on sexual harassment in schools, and we have some of the committee members here today.

I welcome Dr Patrycja Kupiec, director of YWCA Scotland—the young women’s movement; and Audrey Opdycke-Barnes, a member of the young women lead committee. I invite Dr Kupiec to make some opening remarks for up to five minutes, please.

Patrycja Kupiec (YWCA Scotland): Thank you for having us here to represent the young women lead programme. The programme was created from a need to address the underrepresentation of young women in politics and from young women telling us that they lack confidence to access political spaces.

Working with the Scottish Parliament, YWCA Scotland—the young women’s movement—designed and delivered a leadership programme for young women under the age of 30. In the pilot year, which was last year, 30 participants from diverse communities came together in the Parliament to run their own committee inquiry. In committee meetings chaired by Deputy Presiding Officer Linda Fabiani, participants took evidence and questioned Scottish Government officials. They also carried out engagement work across Scotland in new and innovative ways before producing a report with recommendations for the Scottish Government.

Their chosen topic of inquiry was sexual harassment in schools, and they looked at their local communities and lived experiences. With the desire to eliminate harassment in schools, the young women recognised that that behaviour is often intersectional and incorporates racism, disablism and homophobia. During their inquiry, they came up with innovative ways and ideas to eliminate bullying, harassment and discrimination from Scottish schools, ranging from providing safe spaces and additional training for teachers to ensuring that there is an inclusive approach that recognises the different needs of different groups.

The final report was presented to the Scottish Government in June, and the Deputy First Minister committed to engage seriously with the report's contents. We welcome the opportunity to be here today and to see what action has been taken since June and what key actions are going to be taken in the next six months to address sexual harassment in Scottish schools.

The Convener: Thank you. Why did you choose the topic of sexual harassment?

Audrey Opdycke-Barnes (Young Women Lead Committee): At the beginning, in our planning, we were allowed to choose the topic that we were going to research. Ultimately, we all came together and chose the topic of sexual harassment in schools because it was an issue that had impacted on everyone who was present. Sexual harassment was part of our experience not just in school, but beyond—when we went to university or into careers, for example—and it held us back because of anxiety and recovery. We realised that, if we studied the topic and came back with feedback for the current context, where there is far more digital media interaction in schools, we might be able to save the next generation from the impact that we suffered in our lives.

The Convener: It might surprise people who do not have young women or girls in their lives to hear just how rife that type of sexual harassment is. Will you speak to some of the experiences or behaviours that affect young women, given that you said that you had all been impacted by sexual harassment?

Audrey Opdycke-Barnes: A content warning was issued because some of it did get quite challenging to listen to. The harassment can range from something as simple as the ping of a bra strap, which can impact on a girl by making her feel shy or that she needs to hide herself, to the unconscious bias that comes through in preferences in classrooms, and straight through to sexual assault. A fair few of us had experienced that in indecent contact where we were not able to report it and it was not taken seriously enough because it had not been seen.

The Convener: Thank you. You spoke about the engagement that the young women lead committee undertook. Will you talk a bit more about that? Who did you speak to and how did you engage with them?

Audrey Opdycke-Barnes: We started with a questionnaire and survey, and we worked with parliamentary researchers to find out who would be the best people to work with from that point—for example, the many external organisations that work on gender, human rights and bullying. From there, we designed a full-on digital outreach

campaign with surveys that asked for personal experiences and feedback, and we had focus groups. We went all over Scotland—up to Orkney, the Western Isles and the Highlands, and to the central belt and the Borders. We covered the country as much as we could and we chatted with everyone about their experiences in a safe space with advice.

09:30

The Convener: Obviously, this is an upsetting topic, and one particular aspect that is upsetting is how normalised it is. How did you support women and girls as they shared their experiences in your groups? Was that quite challenging? Was it, for some people, the first time that they had spoken openly about this?

Audrey Opdycke-Barnes: Absolutely. A differentiation needs to be made between the central belt, especially Edinburgh and Glasgow, where people were far more aware of this conversation, and small, more rural communities, where it was entirely new. The safety of the participants and those who gave evidence had to be secured but, again, we received advice from parliamentary researchers and third-party organisations, and we worked quite hard to ensure that everyone was safe.

The Convener: Were you surprised by the changes that girls had made to their lifestyles and actions to avoid that type of behaviour? Do you have any examples of their making different choices that prevented them from fully participating in things?

Patrycja Kupiec: Absolutely. That is where the intersectional approach comes into play, because we saw in different communities young girls' different reactions to sexual harassment and different levels of confidence to report it or even to speak about it to their friends or families.

From the information that we got, we learned that, after they have experienced sexual harassment, many girls try to make themselves smaller or are scared to take up too much space. They also try to be quiet in school and to engage in as many activities as possible outside school. There is definitely an impact not only on their day-to-day lives, but on their performance at school and their relationships with their families and friends.

I should say that it is not just instances of sexual assault that impact on girls' lives; things such as bra straps or skirts being pulled, which Audrey Opdycke-Barnes mentioned and which I think most of us have experienced, have a huge impact on girls' performance in school, too.

Audrey Opdycke-Barnes: Even some of us in our participant group, who were quite accomplished young women who had worked quite hard and were really passionate about this, realised that we still did not have a space that was safe enough for us to be honest all of a sudden and to recognise how we had been targeted. Our behaviour, too, has changed with the knowledge that we have the power to go out and make a change for other girls.

The Convener: Your report and reflections show the urgency with which the issue needs to be addressed. After all, we cannot have half our population missing out on full participation because of these things.

Gail Ross (Caithness, Sutherland and Ross) (SNP): Good morning, panel, and thank you for coming in. I was interested in your comments about this behaviour being recognised as sexual harassment. What changes would you like to be made in the approach that is taken by school staff and teachers, perhaps with regard to recognising that instances must be reported as sexual or gender-based harassment instead of, as tends to happen, their being brushed off?

Patrycja Kupiec: One of the group's main recommendations was the standardisation of reporting procedures to ensure that they are the same in different schools. When I read the report and the responses that we received, I was struck by a participant's comment that it was a postcode lottery. If you are really lucky, your school will have reporting procedures, the teachers will adhere to them and any sexual harassment that is reported will be treated seriously. However, if no such procedures are in place, nothing will get done when such incidents are reported. That is actually worse for victims or survivors of sexual harassment and it has a really serious mental and psychological impact on them.

The group also recommended training for teachers and that there be one key person to whom sexual harassment should be reported. Interestingly, teachers—more than 60 teachers participated in the survey—said that the training should be across the board so that all teachers have awareness of what sexual harassment is. That will make reporting easier for the victims as they will not feel that they have to go into a lot of detail because there will be an understanding in the school of what constitutes sexual harassment.

Gail Ross: Obviously, two parties are involved in sexual harassment. We want to support the girls who have been the targets, but how do we re-educate the people who are perpetrating the sexual harassment in the first place?

Patrycja Kupiec: That will be a question of having more standardised sexual education

across the board in Scottish schools that considers consent and sexual harassment in all its forms.

We have a good opportunity to do something quite revolutionary in Scotland and to take intersectional approaches to the reporting of sexual harassment, in the same way that we have been revolutionary with regard to the Domestic Abuse (Scotland) Act 2018. If we do not do that, we will be failing our young people.

Gail Ross: Could that be slotted into personal and social education lessons or should it be a feature of the curriculum as a whole?

Patrycja Kupiec: I think it should exist across the curriculum, because it will affect people in all the subjects that they take and all their extracurricular activities in the school. Teachers who participated in the survey also took that view. They thought that all teachers need to be educated in the topic and not just the teachers who are specifically involved in sexual education.

Gail Ross: You did a lot of work and spoke to many people. Was it worth while? I know what the answer is going to be, of course. How would you like the work to move on? Would you like to see the exercise being undertaken again with a focus on a different topic?

Audrey Opdycke-Barnes: The young women lead programme will continue. The next cohort has already started and it will focus on another topic, which it is to decide on.

The process was incredibly worth while. On a personal note, I was a participant, and I am now the programme co-ordinator. I feel invested and I believe in every young woman with whom I have interacted.

Going back to our topic, we researched the issue of sexual harassment in schools, and I believe that that needs to be part of an on-going conversation. We live in an evolving context in terms of technology, how we interact with each other, migration and demographic change, and even the definition will need to be under continuous review as we get more insight into the impact of those issues. As Alex Cole-Hamilton said to Christina McKelvie last week, there needs to be co-creation, which means that the young people need to be involved in defining the process.

It was clear that the subject is a large one and that young women wanted someone to start the conversation about it. At around the same time, Girlguiding started researching a similar topic and it was able to access different sources of information, which meant that the two pieces of work were greater than the sum of their parts. That is proof that the work needs to continue and to be

kept under continuous review. If we came back to this conversation every year, we would be heading in the right direction.

Fulton MacGregor (Coatbridge and Chryston) (SNP): I congratulate the panel on the work that you are doing. You might be aware that we will be talking to the Deputy First Minister later today. Are there any questions that you would like us to ask him on your behalf?

Patrycja Kupiec: We have quite a few, actually. Schools are not reporting issues of sexual harassment because of concerns about their reputations. How does the Deputy First Minister intend to hold them to account in that regard and what will he do to standardise reporting procedures? What actions have been taken in the past six months and what actions will be taken in the next six months? In June, it will be a year since we presented the findings of the report, so we are keen to know what has been done since then and what will happen in the next few months.

On a more personal level, are there any parts of the report that really struck the Deputy First Minister—perhaps something that he was not aware of or something that he wishes he had known sooner so that he could have taken action? What has been done to recognise additional factors in harassment? Going back to the intersectional approach, how will we address that to make sure that it is not brushed under the carpet? We know that the Deputy First Minister spoke about the report in the chamber, but are there any findings in it that he thinks it is particularly important to address as soon as possible?

Fulton MacGregor: Thank you. I will take those questions into the next session, as I am sure other committee members will.

One of your main aims is to get women who are under 30 more involved in politics. What effect does sexual harassment in schools have on that aim?

Audrey Opdycke-Barnes: If someone is being targeted for any aspect of who they are, including their gender, it conditions them from a young age to be quieter and to want to disappear so that they are no longer a visible target, which would allow the harassment to continue. Biases are pushed at them and they start to wonder whether they are subservient, or they are quiet—muted. By the time they get to the age when they want to go to university, stand for a community council, raise their voice and take part or even just vote, they have started to think that they are not informed enough or not wise enough and that they are taking up space that they have not earned. They really question the validity of their occupying space in this country and in the world. Harassment

definitely impacts on women getting involved in politics, because it all starts at a young age.

Alex Cole-Hamilton (Edinburgh Western) (LD): It is great to hear the panel's evidence, which has been riveting so far. I will talk about the spectrum between sexual harassment and sexual exploitation, which are inexorably linked, particularly in the forums that we have discussed. More recently, we have seen the prevalence of online sexual exploitation, such as sexting and the use of inappropriate images as a tool to control people. Do you think that our schools, in sexual education, are adequately addressing the culture of healthy respect, what healthy romantic or non-romantic relationships look like and whether children in our schools know what to do if they are a victim of either sexual harassment or sexual exploitation?

Patrycja Kupiec: It was clear from the report that education about healthy relationships and consent was lacking in the curriculum. Young people told us that they did not feel that such issues are adequately addressed in sex education. Therefore, they look to other sources, either by looking online or by speaking to their peer networks, but the information that they get depends on the community that they are in and the information that they find online. One of the recommendations of the report is to look at consent, what constitutes a healthy relationship and the level of respect that a person should get at any age from their partner. Sex education in schools across Scotland should include more in-depth advice on ways to protect yourself, online and offline.

Audrey Opdycke-Barnes: I will refer again to something that the committee discussed last week: co-creation by bringing young people in. It is very hard for teachers who are not digital natives, but who live in that context and interact with the technology, to be aware of the nuances in the online conversations. I did not have Facebook when I was in high school and I am grateful, because I could leave at school whatever was going on at school. Nowadays, children cannot and every social media platform that pops up, such as Instagram and Twitter, is another channel through which people can be targeted. I have great conversations on social media too, but children target each other, because that is what happens when you are young.

09:45

Alex Cole-Hamilton: Thank you. One of the most insidious aspects of child sexual exploitation is that victims often do not recognise their victimhood. As such, they are less likely to be forthcoming to an adult about it. For example, with sexual harassment—the ping of a bra strap, for

example—a person could tell a teacher and it might be addressed, but if somebody thinks that they are in love with somebody, they might just tell their peers. What support are we giving to children to be supportive peers and say, “That relationship is not right. What does he actually want from you, considering that he is 10 years older?” What support are we giving to peers to support one another, because they may not come forward to teachers?

Patrycja Kupiec: Standardised sex education would address some of those things. The majority of the people who participated in the research said that the first person they would probably speak to would be someone in their peer network. It would be a friend, not a teacher or parent. If their friend is not equipped with the knowledge about what the next steps could be or which teacher they should speak with—or does not even know whether those behaviours are controlling abusive behaviours or are normal in a relationship, if they have never been in a relationship before—it is really difficult for a young person to address it, and we should not expect them to have that responsibility.

That is why one recommendation is to provide safe spaces for young people in their schools, in which they could come together with the support of a guidance teacher or someone who has received training on the issues, so that they are able to speak openly with peer networks and get peer-to-peer support—those are the first people to whom they will speak about instances of experiencing sexual harassment.

Another point is to make sure that the definition of sexual harassment is standardised and is very clear, so that young people do not question whether something that they have experienced is harassment or think that their experience is normal behaviour—“boys will be boys”, or whatever phrase people use. They should have a clear understanding that the behaviour is not acceptable.

Alex Cole-Hamilton: Audrey Opdycke-Barnes mentioned that she is not a native to the information superhighway. None of us is, but our children are. It is fair to say that, with the best will in the world, the policy strategies to address child sexual exploitation or online sexual harassment are made by people who are in their 40s and 50s and who are still feeling their way through those social media platforms. Should we do more to enlist young people into policy-making processes so that they can say, “There is this new kind of abuse,” or speak about a new online platform that is on the dark web or hidden and can get round parental safeguards. Do we need to do more to involve children and young people in that process?

Audrey Opdycke-Barnes: Absolutely. Even if you just have a workshop in a room for young

people to talk about what they do online and to share hints and tips, you will get insight. The conversation will go in a particular direction, and you will say, “Oh—that is a channel that I did not know you were using.” Have those conversations and bring them into a forum. It can start as an enjoyable conversation and you will understand things a bit more, not necessarily by explicitly looking for harmful interactions but by gaining an understanding of the highway.

Mary Fee: Good morning to both of you; it is good to have you here this morning. A recommendation from your work is that sex and relationship education should be standardised across the country. Is that truly achievable? Given that no two schools are the same, can standardisation be achieved across the country?

Patrycja Kupiec: I think that standardisation is what we should strive for. Otherwise, the experiences and the access to safe education for young people in our country will be so different. Even though it would be challenging, there should at least be standardised reporting, standardised information in the sex education curriculum across Scotland and, definitely, standardised training for teachers, so that they know how to recognise sexual harassment. Standardised reporting came up again and again from communities across Scotland. Sometimes schools will be half an hour apart but the outcomes for their young people who have reported sexual harassment will be completely different, which will impact their lives in completely different ways. If we do not have those standardised procedures, we risk failing young people in Scotland.

Audrey Opdycke-Barnes: I completely agree with what Patrycja said. It is fair enough to say that standardisation is unachievable, but it is worth trying to get.

Mary Fee: Your survey showed that 45 per cent of students and 48 per cent of teachers do not think that the curriculum adequately covers consent. Do you think that that is a benefit, in the sense that if something is lacking in how the training and awareness raising are done, it is easier to do a radical refresh, or are there aspects of the training that is currently in place that could be pulled out, refreshed and used?

Audrey Opdycke-Barnes: Do you mean the training for teachers?

Mary Fee: Yes.

Audrey Opdycke-Barnes: I am not sure.

Patrycja Kupiec: I am not entirely sure about the scope of the training that is offered. The young people and teachers who contributed to the report said that, at the moment, they do not feel that what is provided is enough and that we need to do

more. I think that we can be quite radical in what we do. We have an opportunity to do something that will effect change for young people in Scotland.

Mary Fee: You have also made a recommendation that raising awareness in education should start in primary schools. Will rolling that out in primary schools be a harder task, or do you think that the earlier we start to embed such education, the easier the process will be?

Patrycja Kupiec: The main challenge will probably be getting parents on board for earlier sex education. Your second point was right—the earlier we start having those conversations, the more likely it is that the outcomes for young people will be improved.

For the report, we looked at secondary schools and up but, recently, we have started working with Rape Crisis Scotland's prevention unit, which also works with primary 7 students. It has already reported instances of what we recognise as sexual harassment, so we know that it is happening to young people in a much younger age group than the one that we targeted for our report.

It is important to start those conversations early because, as Audrey said, if someone is conditioned to expect such behaviours at a really early age, they start to make themselves smaller. If that process starts in primary school, it is much harder to reverse it, so we need to target it as early as possible.

Audrey Opdycke-Barnes: I would go as far as to say that that is what the teachers were referring to when they said that the training that is provided on consent is not enough and that there was a reactive approach. We need to be proactive, start young and have conversations about what healthy communication, healthy relationships and healthy interactions are. Taking a preventative approach leads to a much healthier outcome when it comes to handling such education later on in life. It does not need to be explicit sex education as we would conventionally think of it; it can be about communication, interaction, culture and society.

Mary Fee: The point about parents is an interesting one. I am unaware of what involvement parent councils and parent forums have in the training and the awareness raising that are done in this area, but I certainly think—and I hope that you agree—that it would be good to involve parent councils and parent forums in the training. It might help to start conversations among parents about what they should be looking out for in their own children.

Patrycja Kupiec: I definitely agree. A young person needs to have support at home. Such education does not finish in the classroom. Young people need to have support from their parents,

and their parents need to be educated in, and to understand, the different ways in which sexual harassment can affect young people. That goes back to the point about it being helpful for parents to be natives in digital communication and to have an understanding of the ever-changing platforms. We would definitely recommend parents being involved.

Oliver Mundell (Dumfriesshire) (Con): My principal question has been covered already, but I have a quick question to follow up on your response to Fulton MacGregor. Has the pace of progress been quick enough or, after six months, had you hoped that more of the recommendations would have been prioritised?

Patrycja Kupiec: Other than the comment from the Deputy First Minister in June, we have not heard anything about the progress on addressing that topic. We know that new reporting recommendations on bullying were rolled out in autumn, but there was not a specific gendered or sexual harassment angle to them. That work is really recent, so it remains to be seen how the reporting of sexual harassment will become part of that scheme.

The young women with whom we spoke after the report was launched said that they did not feel that the reporting mechanisms in general are particularly effective, and that they would not feel confident in reporting instances of sexual harassment. We hope that action will be taken in the next couple of months to address that issue. People are telling us that this is the same stuff that they experienced in school 20 or 30 years ago. People are surprised that some of the things that are coming up are exactly the same as those in their experience, so we do not want the situation to be the same—or progressively worse—after another 20 or 30 years.

Annie Wells (Glasgow) (Con): You mentioned the definition of sexual harassment. Your report says:

"It should be clear to students and staff what constitutes sexual harassment".

What should the definition of sexual harassment include?

Patrycja Kupiec: We recommend that there should be a wider conversation with survivors. I do not think that we, even as a group of 30 young women, many of whom have experience of sexual harassment, would feel confident in coming up with a definition that includes all the different levels of sexual harassment. A much wider conversation is required to ensure that there is co-design and co-production with survivors and young people who are experiencing sexual harassment in schools.

The definition should include all the elements of sexual harassment. When a young person looks at it, it should be clear to them straight away whether they have experienced sexual harassment. They should not feel scared or question whether to report harassment because they are unsure whether the behaviour is normal or whether someone is targeting them because of their gender.

My recommendation is that there should be a much wider exercise to come up with the definition. We have been looking for it, but we have noticed that there is not one ideal definition. That is why there needs to be a wider conversation on the topic.

Annie Wells: Should there be a specific definition for schools on what constitutes sexual harassment, or should there be a wider public definition?

Patrycja Kupiec: There should be a wider definition. That would mean that, when people leave school and go into their first workplace, or when they have any interactions with other human beings, such as relationships, they will know what consent means and what a healthy relationship should be. Therefore, there is a need to create a much wider definition. The school context is not different from any other context; people will see the same behaviours outside school.

The Convener: We have reached the end of our session. I thank the witnesses for their report and for their evidence, which have been really valuable. I am sure that colleagues will put your questions to the Deputy First Minister in our next session.

09:59

Meeting suspended.

10:04

On resuming—

The Convener: I welcome to the committee the Deputy First Minister and Cabinet Secretary for Education and Skills, John Swinney, and his officials, Laura Meikle, head of the support and wellbeing unit, and Stuart Downes, interim policy manager, Scottish Government. I understand that you would like to make some opening remarks, cabinet secretary.

The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney): Good morning. I welcome the opportunity to update the committee on the Scottish Government's response to the recommendations of the young women lead committee's report on sexual harassment in

schools. Let me start by reaffirming the Government's commitment to ending violence against women and girls, including sexual harassment. Sexual harassment is one of the most devastating and fundamental violations of human rights and it needs to stop.

Children and young people should feel nurtured, safe, respected and included in their learning environment. All staff should be supported in promoting positive relationships and behaviour in the classroom, playground and wider learning community. No pupil should feel threatened or harassed at school.

I acknowledge the seriousness of the issues that the young women lead committee has raised and I am grateful to the committee for the insight that it has provided. I am very grateful to Linda Fabiani and Christina McKelvie and members of the Equality and Human Rights Committee for that committee's continued focus on the issue.

I previously assured Linda Fabiani that the Government would engage seriously on the contents of the young women lead committee report. I am therefore pleased to set out today the work that the Government is undertaking to deliver the committee's recommendations. However, I recognise that we may not have time to discuss the Government's response to each of the report's 15 recommendations, so I would be happy, in light of any questions, to write to the committee with any further information that the committee requires from the Government.

I accept that the availability of clear guidance is vital if we are to respond effectively to incidents of sexual harassment in schools and intervene early to prevent the escalation of toxic behaviours. One of the immediate actions that we are undertaking is the establishment of a personal and social education lead officers network, which will meet early in 2019. The network's first aim will be to take forward work to develop resources to support schools and pupils in tackling sexual harassment.

We are continuing our work to ensure that teachers have the up-to-date resources that they need to teach relationships, sexual health and parenthood—or RSHP—education. A new web-based RSHP teaching resource is being developed by a partnership of health boards and local authorities. It is designed to fill gaps in teaching resources highlighted by teachers and pupils, including key messages on consent. It is currently being piloted and will be launched in 2019. We have also accepted the recommendations of the lesbian, gay, bisexual, transgender and intersex inclusive education working group and will be undertaking a review and update to the 2014 statutory guidelines on RSHP education.

We will shortly be publishing our conclusions and recommendations from the personal and social education—PSE—review. The review's recommendations will help us to strengthen PSE delivery and the wider network of pastoral guidance that is available to pupils.

Those interventions will strengthen the delivery of RSHPE education, which is an integral part of the health and wellbeing area of curriculum for excellence that is designed to enable children and young people to build healthy relationships, recognise positive behaviours and develop an understanding of consent and an awareness of the law on sexual behaviour.

As part of our prevention work, we are funding Rape Crisis Scotland to extend the delivery of its sexual violence prevention programme to public secondary schools in every local authority in Scotland.

The Scottish Government is taking a cross-cutting approach to end sexual harassment and violence against women and girls that draws together the contributions of various policy areas, including health, justice and education. The actions that I am taking within my portfolio will ensure that our entire education system, from early years to schools as well as further and higher education, is a key contributor to that work, with age and stage-appropriate materials available throughout.

The steps that I have outlined today are part of the wider getting it right for every child agenda. We want every child or young person, and their family, to be offered the right help at the right time from the right people. That is essential if we are to end sexual harassment and violence against women and girls. I look forward to considering the committee's conclusions on the subject, which will help inform the Government's forthcoming work.

The Convener: Can you update us on the recording of bullying incidents and whether that includes incidents of sexual harassment? We heard evidence from members of the young women lead committee earlier and they mentioned that reporting was not happening because of schools' fear of reputational damage. Can you reflect on how schools can show leadership in tackling the issue? It is never comfortable to shine a light on things that we would rather were not happening.

John Swinney: Let me make two points in response. The first is about culture and addresses your latter point. It is important that there is a culture of open acknowledgement that bullying and harassment take place—the young women lead committee did us a service by directly and dramatically highlighting the issues. Such a culture has to prevail in all educational settings, so that it

is clear that that behaviour happens, to encourage a culture of open consideration and reporting of examples.

The second point is a practical one. The SEEMiS education management information system, which applies to all schools in Scotland, has been updated with software changes to ensure that we can record and properly chart instances of bullying in our school system. That will give us an insight into the prevalence of the issue, so that we can consider whether further action needs to be taken to address it. The approach will enable us to determine whether there is an incidence problem in a particular school and how we might learn lessons about practices in other schools that are leading to a better ethos and culture.

Gail Ross: You mentioned the PSE review that is going on. In the earlier part of the meeting, we asked Audrey Opdycke-Barnes and Patrycja Kupiec whether they thought that PSE is the only place in which to have the discussion about sex and consent. They agreed that the issue should feature across the whole curriculum rather than just in one place. Will you comment on that? Will you also give us an update on how the PSE review is going and timescales in that regard?

We talked about consistent reporting. Will you also talk about the need to get the message out consistently?

John Swinney: The PSE review is being undertaken in three phases and I recently received the conclusions from the final phase. I held off from publishing them and concluding the review because I wanted to hear from the committee on the issues that have been raised and to have a final opportunity to reflect on whether the conclusions of the review are appropriate. That will influence the timescale for publication. However, the work is at an advanced stage—conceivably it could be published before Christmas, but I will probably reflect on it over the recess and publish it early in the new year. We gave a commitment to publish by the end of the year, but given how close we are to the recess, I think that I might take that time to reflect on the matter in light of the committee's deliberations.

On whether PSE is the right place for the discussion, it is important to reflect on the fact that personal and social education is part of health and wellbeing, which is one of the eight curricular areas of curriculum for excellence. When I became education secretary, I asked the chief inspector of education to give guidance to the education system that would give greater prominence to three of those curricular areas: literacy, numeracy, and health and wellbeing. In essence, the inference was that, although the eight curricular areas are essential in providing

holistic education for young people, those three areas are—frankly—more holistic than the others. Personal and social education is central to the health and wellbeing area, and health and wellbeing is central to the curriculum.

Our current arrangements should certainly provide for an appropriate understanding and appreciation of the issues that arise out of personal and social education to be available to all young people at every stage of their education, from the early years right up to the senior phase—and indeed, into aspects of our further and higher education system.

10:15

That brings me to whether all the PSE elements are as appropriate and effective as they could be, which is part of that debate. I have to accept that that is not the case, because the work that we have undertaken to review PSE and to provide the materials on relationships, sexual health and parenthood, which are being piloted and developed, acknowledges the fact that we believe that work has to be undertaken to ensure that there is a wider appreciation of all those issues in the education system.

That is important for a number of reasons. It is important that everybody has an understanding and an appreciation of all those issues, but that is particularly appropriate and important given our current experience as a country with the significant increase in sexual crimes.

That takes me to cross-portfolio working. The Solicitor General for Scotland has convened work because of her deep concern not about reporting but about the escalation of allegations of a sexual nature that are resulting in increased reporting to the police for consideration by the Crown. The Solicitor General has made the point to me that, obviously, the criminal justice system will be able to tackle all those particular reports, but it would be better for the health and wellbeing of our society if we educated young people not to get involved in that activity in the first place. That would be better all round for everybody. When I look at the data that shows increases in the reporting of sexual crimes and in instances of sexual crimes in our society, I accept that the education system has a responsibility to play its part in trying to reduce that incidence through better education for young people.

That analysis takes me to the conclusion that the issue needs to be considered in the space of preventative intervention to ensure that we are equipped to handle it properly. That is the approach that we are taking to the work that is being undertaken to ensure that we adequately equip children and young people with the

knowledge of what is appropriate and what is inappropriate. That is important in itself, but it is critically important in trying to reduce the instances of alleged sexual crime in our society.

Gail Ross: I have a small supplementary question on that point. We often talk about the gap between what children are taught in school and what they experience in their home lives. How do we reach parents who see as banter what children are taught in school is sexual harassment? Children will get two different messages from school and from home.

John Swinney: That is a deeper cultural question in our society that we have to confront. A lot of what has happened as a consequence of the emergence of the #MeToo movement has been a wake-up call to society in general. I hope that we will see the benefits of that in our society through unacceptable behaviour being more visibly and directly obvious.

The issue needs to be tackled in every aspect of society, and schools and homes have their part to play. A key element of our framework for education in Scotland is good, strong parental and family engagement in learning. That engagement should be across all aspects of a young person's education, and it is important that families understand what learning has been undertaken in schools in order to reinforce that in the home.

The same applies to maths. If a young person does maths in school, and when they go home their parents say, "Och, I was never a maths person; maths is terrible", that has an effect. If a young person gets a message about sexual harassment in school, and when they go home they are told, "Och, that's just banter", that has the same corrosive effect, so I completely accept the point. It is about changing societal attitudes on those issues.

Annie Wells: Some people say it is banter; others say it is sexual harassment. The young women lead committee report concludes that "consistency is key" in reporting sexual harassment and that

"It should be clear to students and staff what constitutes sexual harassment".

Should we have a standardised definition of sexual harassment so that it is clear to parents, teachers and pupils what constitutes sexual harassment? Is the Government working on such a definition?

John Swinney: That really difficult question is central to many of the issues that are at stake here. I have been thinking long and hard about that question, because it gets to the nub of where we have to go in this debate; it is also influencing

my thinking about the guidance and the PSE review contents.

Fundamentally, there is a spectrum, which starts with light banter and ends with a sexual offence. Sexual offences are defined in law, and the Crown Office and Procurator Fiscal Service will assess against those. I find it quite difficult to work out where sexual harassment starts and stops on the spectrum, because it is all unacceptable.

Our existing legal framework defines sexual offences. The Government has been clear with Parliament that we will keep the definition of sexual offences under constant review and, indeed, we have legislated to strengthen provision where we thought that that was necessary. I am not for a moment suggesting that Annie Wells is proposing this, but I think that to put a different definition in there runs the risk that other things would almost become defined by society as acceptable, which would be undesirable. I am not giving a definitive answer to Annie Wells's question, because I struggle to work out how we would define it. What we must do, though, is to educate young people to have the confidence to say that something is not acceptable and to be prepared to raise that concern. Without that, things will muddle along as banter, and that is unacceptable. This relates directly back to the convener's point at the start of this session.

Annie Wells: The previous panellists said that they really want a definition, and that there should be a wider and victim-led conversation about that. Will the Deputy First Minister consider going back to the young women lead committee to ask who should be involved in that discussion, including how to look at the victim-led side of things?

John Swinney: I hope that it is clear from the answer that I just gave to Annie Wells that I am open on that issue. I have expressed my view to this committee about my reluctance to go into the territory of definitions and my reasons for that, but I am very happy to reflect further on the issue. It is not one in which I have a fixed view, other than the fact that I do not consider any of that behaviour to be acceptable.

Oliver Mundell: If the cabinet secretary decides not to consider a fixed definition, will he consider drawing up a list—even a non-exhaustive list—of specific examples, setting out things that would clearly be wrong, particularly in school or work settings? He could return to some of the examples that have been mentioned today in committee.

John Swinney: In a sense, that gets into the territory of being satisfied that the work that we do on the review of personal and social education, its content and the guidance that we put in place on relationships, sexual health and parenthood meets the test that Mr Mundell has put to me this

morning and addresses the points that Annie Wells raised. We have to be satisfied that the educational materials and the education process are appropriately and effectively demonstrating what is not acceptable. I will apply that consideration to the analysis that I undertake of the materials that will come to me as we consider the issues, which are the materials being used in the piloting that is going on just now.

Oliver Mundell: I will quickly follow up on the comments that you made in your opening statement on the new web resource. Are you going out to groups such as the young women lead committee to ask them what they think of that resource? Are they the sort of people who get asked whether they are satisfied with the resources? Is such consultation happening at the moment?

John Swinney: Yes. Again, I am very open to making sure that we hear the voice of young people in that respect. From the research on the PSE review, there has been feedback from young people that pretty much said that PSE needs to be an awful lot better than it is. I take that seriously, which is why we are improving the materials that are available. It is important that we hear from young people at all stages about whether what they are hearing as part of this process is emphatic and informative for them, rather than something that they do not have a particularly high opinion of. We must make sure that young people have confidence in the materials that are being introduced.

Mary Fee: One of the recommendations that came out of the work of the young women lead committee was that sex and relationship education should be standardised across all schools. I put a question to the previous panel about that. Given that no two schools are the same and that the young women lead committee wants such training and education to be provided with

“no option to omit areas or teach them differently”,

is it achievable to have a standard for every single school?

John Swinney: It is possible to have a standard, but it is not possible to take an identikit approach across all schools.

The approach that is taken with curriculum for excellence sets out the outcomes that we want young people to achieve as a consequence of their education. That is set out in the experiences and outcomes that are prepared by Education Scotland, and those experiences and outcomes are relevant to the health and wellbeing curricular area. We set out to schools the experiences and outcomes that we want young people to have, and we also set out benchmarks for how we visualise the achievements and understanding of young

people as a consequence. It is set out as a framework and it is left to individual schools to determine how best to appropriately address those issues.

My answer to the question, which relates to the point that I made a moment ago to Gail Ross, is that every school has to deliver the health and wellbeing curricular area and do justice to it as one of the three primary areas of the curriculum. Within that, personal and social education is critical. That is the standard that I would expect to be followed in individual schools, but how that is undertaken will vary from school to school. There is a question about the age appropriateness of how that education is undertaken, which will vary from age group to age group.

10:30

Mary Fee: If we accept that there is a core that must be taught in every school and an element of flexibility with regard to what is added on to that, what assessment should be done of the additional part that schools must decide how to provide?

John Swinney: Fundamentally, that would be picked up in Education Scotland's approach to periodic inspection. Her Majesty's Inspectorate of Education considers the educational experience of young people in a school against the expectations that I have just set out.

However, there is also the opportunity for us to undertake a thematic inspection of a topic, as we did in the second phase of the PSE review. HMIE's thematic inspection of PSE in Scottish schools gave us evidence of areas of practice in which improvement was necessary, which is informing the third phase of the PSE review.

In addition to those two options, there is a third one, which concerns an issue to which I give constant attention—that of ensuring that we consistently hear the voice of young people on their appreciation and understanding of particular issues in society. One of the great strengths of the experience that we have had in the year of young people in 2018 is that we have sought out the views of young people more actively than normal. What we have learned from that is that we are very lucky to have the young people that we have, because they are confident individuals with strong and sometimes uncomfortable opinions about what is going on in society. We have also learned that if we try hard enough, it is not that difficult to hear young people's opinions.

With traditional Government consultations, the fine people at my side prepare a consultation document, which I approve. It will be sent out in a glossy format or be put online, and people will reply. You can bet your bottom dollar that not many young people will engage with that form of

consultation. However, if we ask an organisation such as Young Scot or a group such as the young women lead committee to engage with the process, it is a completely different proposition.

In 2018, the Government has learned a pretty blunt lesson, which is that policy making is better if we obtain an expression of opinion from young people, and that such an expression of opinion is not that hard to obtain when we think about how to go about doing it. Fewer glossy publications and more round-table discussions with young people might elicit that information.

Mary Fee: Engagement with and buy-in from teachers, pupils and parents is vital to the success of the process.

My next question is another one that I asked the young women lead committee representatives on the previous panel. Parent councils and forums have an important place in schools; when they work well, they can be key in driving success in schools. How involved would you like parent councils and forums to be in sex and relationship education? Would you like them to be involved in some of the training? Getting buy-in from a parent council can lead to wider conversations with other parents, which could help to drive the societal change that we want to achieve. It is also important that we get pupils involved. Would you like pupils to be involved in decisions about the style and formatting of some of the materials that are rolled out in schools?

John Swinney: I take a fairly open view on such sensitive topics. There has been a bit of media coverage that has highlighted particular elements of the material that is being piloted that have caused some parental unease. Members of Parliament have written to me on behalf of constituents about that unease.

It is important that we address those issues satisfactorily for parents and make sure that we take an age-appropriate approach to those questions. I do not limit parental involvement to parent forums or parent councils; parental engagement in education is deeper than summarising it as membership of a parent council or attending a parents' evening. It is a much deeper process, and our schools are doing so much more to open up their doors to get parents in and involved in the learning of young people, which I heartily encourage and welcome. That will be helpful in this area of policy, because I quite understand the unease that some parents have expressed to members of Parliament about some of the teaching materials that they have looked at. In my response to members, I have written a number of letters addressing those concerns.

I will turn the issue on its head: as a parent, do I want my child to be educated in the importance of

understanding the question of consent? I most certainly do, and I would be hard pressed to find a parent who did not want that. If we have an engaged and open conversation about those points, we will be able to address parental unease and activate parental support to reinforce those messages in the home. We might also help to change deeper cultural attitudes in our society, which is the point that Gail Ross raised, and address the issues that the Solicitor General puts in front of me, quite fairly, when she says that she needs the education system to do more to try to reduce the rise in sexual offences in our society. I hope that a combination of all of that will have a discernible effect and command parental confidence.

The Convener: The cabinet secretary has mentioned that sometimes some of us feel uncomfortable with this topic. The important part of such a topic for young people is relationships; it is not necessarily the details of sexual relationships. I noticed online the other day that there is a nursery class in which pupils, as they entered, would pick how they wished to be greeted: with a high five, a handshake or a hug. That teaches about consent, respect and bodily autonomy. Those types of things can assist.

John Swinney: That fantastic creativity of our education system goes back to my point to Mary Fee about us not sitting in St Andrew's house prescribing: "It must be done like this. Everyone must be asked if they wish to have a high five in the morning." You have made a substantial point, convener, which is an illustration of how to educate a young person about exercising choice. We have great professionals out there, and I am very confident about the judgments that they will make in that respect. It gives us an opportunity to have an appropriate engagement with young people to identify how to proceed on those questions.

Alex Cole-Hamilton: I want to talk about the continuum between sexual harassment in the physical world and sexual exploitation, particularly in the online communities that our children and young people now inhabit. That sexual harassment has become more intangible but it is still severe. It was my privilege to serve on the ministerial task force on child sexual exploitation before I was elected. Will you update the committee on how the Government's work on the healthy respect agenda and an understanding of sexual exploitation is taking hold in our schools, given that it is far less tangible and sometimes more insidious?

John Swinney: That is a good illustration of how we constantly need to consider the content of the educational approaches that we take. It also reinforces my answer to Mary Fee's question. In

the space of probably no more than seven or eight years, our entire digital interaction as a society has been fundamentally transformed. At the start of the SNP Administration in 2007, the level of digital activity felt pretty 19th century in comparison with what there is now, when it is all consuming in society. That has happened in a very short time, and it is a perfect illustration of how our education system has had to evolve. If the current guidance on what has to be taught in classrooms was written in 2007, it would be pretty irrelevant to the classrooms that young people now occupy in 2018, because of the pace of change. All that we know about what is ahead of us is that the change will be faster than what we have experienced in the past 10 years.

It is important that we equip young people who are in the education system with an understanding of a range of issues, a large part of which will be about the dangers to which they will potentially be exposed if they do not carefully and properly safeguard themselves in online communities. That has to be part of what we educate young people about in our holistic education approach, so that they are aware of all such sentiments. I see that as integral to the educational materials and the teaching resource on RSHP that we will produce, and to the way in which we equip young people with the capacity to handle such questions.

Alex Cole-Hamilton: As I said, such sexual exploitation is particularly insidious. That is largely because, in many cases, the victims do not recognise their victimhood. We should think about the continuum of sexual harassment. If someone pings a young person's bra strap or gropes them, that is a tangible physical violation that they are likely to raise with a teacher. However, if they are in a relationship that they do not recognise as inappropriate and they think that they are in love, it is a lot harder for them to understand that victimhood and to seek help. In many cases, other young people will act as peer support for someone in such a situation. How are we supporting young people to be someone's critical friend at such a time of need? For example, they might say, "That relationship is not right for you. What does he see in you when he is 10 years older?" Is work going on to support young people in having such difficult conversations?

John Swinney: I see that as a necessary outcome of the education that we undertake on relationships, sexual health and parenthood. If that education process does not create in young people the capacity and resilience to consider offering such advice to their peer groups, it will not meet the needs of young people in 21st century Scotland.

Such considerations will be very much at the heart of the judgments that I will make about the

guidance and the content of the materials. Those will be informed by the input of young people, which is critical and which goes back to my answer to Oliver Mundell a little while ago. If young people look at the materials and say, "Fine, but they're not really relevant to where we are today," we will have to go back to the drawing board. If we engage young people properly in the formulation process, we should avoid that danger.

The types of judgments that Mr Cole-Hamilton has put to me are reasonable ones for us to expect the process to generate in young people. Fundamentally, our approach is to try to create young people who are in command of the four capacities that are identified in the curriculum for excellence and whose resilience we will have strengthened. Part of their resilience will be about knowing what consent means and what is and is not appropriate behaviour.

10:45

Mr Cole-Hamilton raises a fair point, which I think is an endemic point about cyberactivity. In a physical sense, people can understand what is acceptable and unacceptable; in a cyber sense, I do not think that people have quite the same views. I will give an example of that from a discussion that I had earlier this week on cyberresilience in the country in general. People will not think twice about locking their front door, because that is what you do, but there is no guarantee that they will in all circumstances lock down their computer, iPhone or iPad to give the same protection in their digital space and for their device that they deliver for their home by locking the front door. That is because people think about the two aspects differently.

There is a cultural attitude in society in relation to cyberactivity. We must all be much more vigilant in cyberspace. When we published the "National Action Plan on Internet Safety for Children and Young People" in April 2017, we had that type of sentiment in mind—we wanted to encourage education of young people in the home.

Alex Cole-Hamilton: I have a final question to ask, if I may, convener.

The Convener: I have a comment before you do. In no way is this a criticism of you, Mr Cole-Hamilton—I know that you were framing your question in terms of exploitation—but I want the young women lead committee to be clear that we hear it when it says that most young women do not report milder sexual harassment, and that silence and shame are strong factors in that regard.

Alex Cole-Hamilton: Thank you for that clarification, convener. I absolutely misspoke

there. That is quite right, and I thank you for putting that on the record.

I want to take the Deputy First Minister back to his comment that it was a very different world at the start of his Administration in 2007. Everyone round the table is probably an immigrant in the information superhighway, whereas our children and young people are all natives. Frontiers emerge almost weekly, such as new social media platforms and new apps. As policy makers, we are in the dark. We are making policy yet, in some cases, there are platforms that we do not even know exist. To go back to the point about hearing the voice of the child, how much are we enlisting young people at the decision-making table and in co-producing awareness raising work in the area? How much are we involving young people, who are experts in this land that is alien to adults? They could tell us what new platforms have emerged and about the latest information-sharing fads. Are they at the table?

John Swinney: I think so, but my experience of the year of young people makes me question whether they are at the table enough for those questions. Mr Cole-Hamilton's point is completely fair. Young people are closer to the issue—they are closer to the understanding of it and to the danger of it all. We have to take much greater account of that in taking forward the agenda.

One point on which I will reflect as a result of consideration of the young women lead committee's report and this committee's deliberations on the question is whether I am satisfied that we are taking adequate steps to ensure that young people are sufficiently close to the agenda.

Fulton MacGregor: In the previous evidence session, I asked the young women lead committee representatives whether there was anything that they would like to ask you. In your earlier responses to the convener and Gail Ross, you covered much of what they wanted to ask about, particularly around schools not reporting issues because of reputational concerns. However, they also wanted to know whether there was any aspect of the report that you were not aware of previously. Did it bring forward any additional factors or issues that caught your attention?

John Swinney: On reading the report, I was stunned by what young women recount as their experience. I do not think that the evidence base that has been marshalled by the young women lead committee is particularly different from evidence bases that I have seen before, but it is expressed incredibly powerfully. That part of it stunned me. The young women's direct expression of their experience was very powerful.

Fulton MacGregor: The young women lead committee has asked about the action that has been taken over the past six months and the action that is to be taken in the six months to come. In your statement, you spoke about the work that has been done. What are your priorities in the upcoming six months and further ahead?

John Swinney: We have undertaken a significant amount of activity in the area. We have had the personal and social education review and introduced the equally safe strategy, which is important in tackling the wider societal question of safety and protection from sexual harassment, principally for young women. Earlier this year, we launched measures to tackle gender-based violence in our colleges and universities in response to the effective campaign in tragic circumstances by Fiona Drouet in tribute to her late daughter Emily. I was pleased that we were able to move so quickly to implement those measures, in collaboration with colleges and universities, to address the devastating issues that Mrs Drouet raised with us. We have also introduced strengthened guidance on prejudice-based bullying.

In the coming period, once we have published the review of personal and social education, which I will reflect on over the next few weeks, the implementation work will be taken forward by the lead officer network. I want to ensure that we have an adequately strong voice for young people in that process. From that will flow the development of resources to support schools to address the issue of sexual harassment and to support young people. We will also be reviewing the guidance on relationships, sexual health and parenthood, which will flow from the work that we agreed with the LGBTI working group, on which I reported to Parliament in a statement some weeks ago. Quite a substantial agenda will come out of the LGBTI working group, which will be in a similar policy space to some of the work of the young women lead committee. I will be anxious to make sure that we dovetail those, so that they are as effective as they can be.

The Convener: I thank the cabinet secretary very much for his evidence.

Our next meeting will be on Thursday 20 December, when we will take evidence on the budget from the Minister for Older People and Equalities. I close the public part of the meeting.

10:53

Meeting continued in private until 11:17.

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