



Empowering Schools: A consultation on the provisions of the Education (Scotland) Bill

CRER Consultation Response

January 2018

The Headteachers' Charter will empower headteachers to develop their school improvement plans collaboratively with their school community. What improvements could be made to this approach?

CRER has concerns around decentralising responsibility and accountability on school policy. For example CRER has produced research indicating that the nature of current racist incident recording practice in Scotland makes it impossible to draw conclusions or make recommendations relating to the level of racist incidents (and prejudiced based bullying) or in relation to what incident recording indicates about the prevalence of racism in Scottish schools. Instead, the initial focus must be on the process and practice of racist incident recording itself. Bureaucratic approaches to recording racist incidents have damaged confidence in the concept, collecting information without using it to challenge racism. The continuing lack of progress demonstrated by recording statistics is seen as proof that the system does not work, with continued under-reporting and lack of transparency across local authorities.

Whilst the provisions laid out in this Bill will empower headteachers and will encourage them to work collaboratively as appropriate, CRER believes that there must be formal processes put in place to record racist incidents across all schools in a clear and transparent manner. At present there is no onus on local authorities to collect and report on the number of racist incidents within every school. This means that information is patchy and does not provide a solid evidence base on which to support policy making and encourage best practice.

Given the work of the short life working group on recording and monitoring of bullying, CRER believes this Bill could provide an opportunity on how to outline how prejudiced based bullying will be reported on nationally. Rather than continuing the inconsistent practices implemented from school to school.

The Headteachers' Charter will set out the freedoms which headteachers should have in relation to staffing decisions.

a. What are the advantages and disadvantages of headteachers being able to have greater input into recruitment exercises and processes adopted by their local authority?

b. What are the advantages and disadvantages of headteachers' ability to choose their teams and decide on the promoted post structure within their schools?

Our key concerns around the proposals within this Charter focus on the additional powers around recruitment, promotion and management structure. At present, these powers will be devolved from local authorities, yet with the local authority remaining as the employer, this might diminish accountability.

These concerns are not unfounded as the General Secretary of NASUWT Teachers' Union has spoken publically about the endemic racism faced by BME teachers, which risks the already low presence of BME teachers in the workforce. A survey of NASUWT BME members found that twice the proportion of BME teachers (31%) compared to their white peers had reported discrimination in the workplace in the past year. 79% of BME teachers felt that they were not being paid at a level appropriate for their skills and experiences, with 52% feeling that their work was not valued by school management.¹

The proposals included within this Bill must not erode the current provisions available within the public sector to embed the Equality Act into everyday practice. At present local authorities (and education authorities) are required to publish employee data and to detail how this data will be used in order to advance equalities. The effects of this may be eroded as head teachers will now have the autonomy to appoint, with local authorities retaining the equality duties placed on them through the Equality Act.

As this Bill currently stands there appears to be a mismatch between the powers of employment and the legal duties placed on public sector employers to support equality legislation.

What types of support and professional learning would be valuable to headteachers in preparing to take up the new powers and duties to be set out in the Headteachers' Charter?

If there are to be more powers given to Scotland's headteachers, it is crucial that they receive additional support and professional training in order to fulfil these additional roles. Kaliani Lyle, Independent Race Equality Adviser to the Scottish Government, made a key recommendation on headteacher training in her recent report "Addressing Inequality in Scotland: The way forward". Her report states:

"Given the importance of leadership to increase cultural understanding of all young people in schools and to get engagement/inclusion with the wider community right, the Scottish Government should make antiracist and intercultural competence training a mandatory requirement in the programme 'Into Headship' and other similar leadership programmes."

CRER urges the Scottish Government to implement this recommendation for professional learning to be required before the new powers take effect. This should also be rolled out for existing headteachers as well as new recruits as soon as practicable.

CRER's evidence to the Education and Skills Committee² on teacher recruitment showed that there are considerable barriers to BME individuals gaining equal employment compared to their white counterparts. The Scottish Parliament's Equal Opportunities Committee (now the Equality and

¹ NASUWT: The Teachers' Union (2017). [Many BME teachers face endemic racism](#).

² CRER (2017) [Teacher Recruitment, Retention, and Progression: Evidence Submission from the Coalition for Racial Equality and Rights](#)

Human Rights Committee) carried out an inquiry into the barriers that BME people face in employment. They recommended that the Scottish Government should “work with the public sector to realign their policies and direct their resources at tackling underrepresentation of ethnic minorities, primarily by developing best practice, including developing projects in response to their duties under the Public Sector Equality Duty (PSED).”

In order to ensure that headteachers are best equipped to make fair appointments within their new remit, all headteachers must receive the appropriate training and support to challenge racial inequality within teaching. As per the Committee’s recommendations, this may include:

- Working to learn cultures where opportunities to access training, mentoring and shadowing opportunities are open to all and are promoted to all.
- The use of open recruitment, where jobs are advertised and potential candidates are given reasonable access to information on the role and its requirements and the selection process.
- The use of diverse interview panels.
- The use of equality-related questions in interviews.
- The provision of consistent, high quality post-interview feedback for all job applicants.³

With clear evidence suggesting that open recruitment and the use of diverse interview panels improves representation within the workforce, CRER urges the Scottish Government to include these provisions within these additional powers. There must be provisions made to ensure that key organisational appointments are not made by one person alone.

Are the broad areas for reform to the Scottish Schools (Parental Involvement) Act 2006 correct?

We welcome the broad reforms that have been included within this Bill, particularly their commitment to “duties on Parent Councils to represent the diversity of the school community”. This commitment at present lacks detail on how this is to be implemented. We look forward to receiving a more detailed planning on the actions that will be required of Parent Councils to ensure that all under-represented groups are encouraged to participate and supported within Councils.

What are your thoughts on the proposal to create a general duty to support pupil participation, rather than specific duties to create Pupil Councils, committees etc...?

CRER would reiterate our comments under question 8 in which we support mechanisms for wider participation, yet there must be clear commitments to ensure that Pupil Councils, as with Parent Councils, “represent the diversity of their school community”.

Are the proposed purpose and aims of the Education Workforce Council for Scotland appropriate?

What other purpose and aims might you suggest for the proposed Education Workforce Council for Scotland?

If duties are to be placed on a new body in order to “promote high quality professional learning, teaching and leadership to improve learner outcomes” it is imperative that they support staff as well

³ Scottish Parliament Equal Opportunities Committee (2016) [Removing Barriers: race, ethnicity and employment](#) 1st Report, 2016 Session 4

as regulate them. There is considerable under-representation of BME teachers in the Scottish education system at present. Only 1% of primary, 2% of secondary, and 2% of special school teachers come from a BME background, despite BME groups comprising 4% of the Scottish population at the 2011 Census.⁴ This is something that they should take a proactive approach on within the fair representation part of their remit.

A key function of the proposed Education Workforce Council is to “assist in reducing inequality” however this must include the inequalities faced within the teaching profession and not exclusively of those being taught. The Scottish Government’s own Race Equality Framework recommends that:

“Organisations, particularly in the public sector, need to consider how they can proactively tackle the continuing inequalities in the workforce. This means carefully examining current practices in recruitment, retention and career progression to ensure that institutional and personal discrimination do not feature.”⁵

It also commits to “work with the newly established Strategic Board for Scottish Education, which includes representatives of the Scottish Government, the Early Learning and Childcare Quality and Workforce Group, the teacher education universities, the teacher unions, local authorities and other education stakeholders, to consider how to address equality and diversity issues in the Scottish education workforce – in particular the gender balance and the ethnic diversity of the workforce.”

CRER recommends that the equality and diversity issue findings of this working group be taken into consideration as part of the Education Workforce Council’s purpose.

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⁴ The Scottish Government (2015). [Summary statistics for schools in Scotland – No. 6: 2015 edition.](#)

⁵ The Scottish Government (2016) [Race Equality Framework for Scotland 2016-2030](#)