



CONSULTATION

Scottish Government
Scotland Becoming a Fair Work Nation: Consultation
Friday 23 December 2021

Introduction

1. The NASUWT welcomes the opportunity to comment on the Consultation on Scotland becoming a Fair Work Nation.
2. The NASUWT is the Teachers' Union, representing teachers and school leaders in all sectors of education.
3. By 'putting teachers first', the NASUWT works to enhance the status of the teaching profession to deliver real improvements to teachers' working lives, seeking to ensure they are recognised and rewarded as highly skilled professionals with working conditions that enable them to focus on their core role of teaching. The NASUWT has also long championed fairness and equality at work for all. Therefore, the Fair Work Convention's Framework is one which the NASUWT wholeheartedly endorses when it says: 'Fair Work offers all individuals an effective voice, opportunity, security, fulfilment and respect; that balances the rights and responsibilities of employers and workers that can offer benefit for individuals, organisations and society.'

Terms and Conditions

4. The Consultation document suggests: 'As employment law is reserved to Westminster, the Scottish Government is unable to improve statutory rights and protections for workers.' The NASUWT would remind the Scottish Government that the original version of the Education (Scotland)

Act 1980 (section 92) suggested that, once the Consultation on pay, terms and conditions and such was complete, the Secretary of State issued an Order which, according to section 95, was mandatory across the system. This means that, prior to the 'A Teaching Profession for the 21st Century' agreement in 2001, teachers' pay and conditions had a statutory basis. The NASUWT has argued ever since that teachers' terms and conditions in Scotland should return to this situation where they had some form of legal underpinning.

5. The NASUWT endorses the aspiration expressed in the Consultation document for 'increased financial security'. However, the reality for teachers for much of the last decade has been real-terms cuts to their pay, reinforced by the latest pay offer to teachers of a 1% salary increase from April to December 2021, followed by a further 1% increase from January to March 2022 (and a one-off payment of £100 pro-rata). All of this is happening while the latest inflation rates are 5.1% (CPI) and 7.1% (RPI) respectively. This fails to value teachers properly and is an insult to them, given the work they have done throughout the pandemic to maintain high-quality education for children. Ultimately, it will negatively impact upon recruitment and retention.
6. The NASUWT welcomes the statement that 'everyone should continue to be able to get and keep a good job and progress in their career'. While the Union is pleased that some efforts have been made to enhance career opportunities in teaching with the recent development of lead teacher posts, the failure to properly fund these is likely to prove a major stumbling block to their successful implementation and this should be addressed forthwith.
7. The NASUWT fully endorses the statement in the Consultation document suggesting that we 'oppose the use of Fire and Rehire practice'. The Union currently has an active campaign on this, more details of which can be found here: <https://www.nasuwt.org.uk/news/campaigns/stop-fire-and-rehire.html>.

Key Challenge – COVID Recovery

8. The effects on society of the COVID-19 pandemic have been deep and wide-reaching, causing long-lasting issues that will undoubtedly be felt for many years. The NASUWT agrees that there is a real opportunity to achieve a fairer and more equal post-COVID Scotland. Recovery should be understood as a long-term process, given the pandemic's far-reaching impacts. It should also be viewed as an opportunity to tackle deep-rooted structural issues affecting children and young people, in all aspects of their lives, which have been exposed and exacerbated by the pandemic.
9. The NASUWT acknowledges the key point in the Consultation document about 'how we will support the wellbeing of children and young people'. The NASUWT recognises the profound impact the disruption from the pandemic has had on the educational progress and achievement of many children and young people, as well as their emotional wellbeing. This is notwithstanding the commitment, dedication and professionalism demonstrated by teachers and school leaders in delivering high-quality learning during the lengthy crisis.
10. As part of a broader approach to deliver a continuous and sustainable recovery from the pandemic, the NASUWT stands firm in its view that more investment is substantially needed to provide increased capacity to meet the needs of children, young people and families. A long-term, sustainable and properly-funded education recovery strategy which brings together the work of schools and other bodies is essential.
11. To be fair and sustainable, recovery will also need to be manageable for those in the workforce with day-to-day responsibilities for children and young people. It will need to take into account the pressures they faced before the pandemic, the increased pressures they encountered during it, and the challenges they will need to take on as it recedes.

12. Schools will have a critical role in securing recovery, but they cannot be expected to contribute in isolation or without working in effective partnerships with other services for children and young people that are adequately resourced and appropriately supported.

13. Furthermore, the NASUWT welcomes the statements in the Consultation document about 'safer workplaces' and the 'better physical and mental health and wellbeing' of the workforce, but the Union would caution that much of what schools and teachers have experienced during the pandemic has suggested that this is often not a key priority of governments or employers: most recently, inadequate provision of CO2 monitors and a failure to ensure proper ventilation in teaching areas has been a source of major concern, alongside the development of an exemption for the education workforce to allow them to 'volunteer' to break recommended self-isolation.

14. Schools and the staff who work in them will be at the heart of any effective recovery strategy. This strategy will require a focus on the workforce to ensure that it is as well placed as possible to support children's learning and development. Such a strategy will need to encompass the following elements:

- action to tackle excessive and unnecessary workload;
- allowing for teachers and school leaders to concentrate on teaching and learning;
- maintaining of adequate teacher supply and employment;
- securing the right of every child to be taught by a qualified, professionally developed teacher;
- supporting leaders to support the workforce;
- deployment of supply teachers;
- innovation and research; and
- assessment, qualifications and accountability.

15. More detailed information on the NASUWT policy position on recovery can be accessed here: <https://www.nasuwt.org.uk/advice/health-safety/coronavirus-guidance/full-reopening-of-schools/full-reopening-of-schools-england/education-recovery-package/education-recovery-position-statement.html>.

Equalities

16. The NASUWT welcomes the following statement in the Consultation document: 'It means equal opportunities at work, including to learn and develop and progress, and to enjoy a culture and environment free of bullying and discrimination, helping people live more fulfilling lives.' Sadly, the reality for many teachers is that equality of opportunity is a mirage.

17. For example, an NASUWT survey earlier this year suggested that 36% of Black teachers had experienced discrimination at work in the last year; separately, 21% of Black teachers list a lack of access to training and development as a key concern in their job. While the Consultation document laudably aims for 'Improvements across key issues such as employment and pay gaps for women, minority ethnic and disabled workers', these worrying statistics suggest that urgent action is needed if such aspirations are to become reality.

18. Furthermore, while it is vital, as the Consultation document suggests, to 'offer flexible and family-friendly working for all workers from day one of employment', the existing reality for many NASUWT members, most of them women, is that flexible working requests are often refused on the grounds that they would impact on the 'exigencies of the service'. If there is to be genuine fairness at work for such teachers, the legislation around flexible working needs to be stronger.

19. More generally, any aspirations of equality of opportunity for workers must give practical effect to provisions set out in equalities legislation,

particularly the Public Sector Equality Duty and the specific duties and responsibilities this establishes in respect of those with protected characteristics.

Poverty

20. The NASUWT fully endorses the focus in the Consultation document on 'support for families and households on low incomes'. Before the pandemic, levels of child poverty in the UK had reached entirely unacceptable levels. Evidence confirms that in 2019/20, a total of 4.3 million children were living in poverty in the UK, with children of lone-parent or large families and Black children being among those most at risk of living in the most economically disadvantaged households.

21. A study of families on low incomes undertaken by the Child Poverty Action Group in November 2020 found that nearly nine in ten families had experienced a significant deterioration in their living standards since before the pandemic. The same study found that almost six in ten families were experiencing difficulties covering the cost of three or more essentials, including food, utilities, rent, travel or child-related costs. These concerns are compounded by evidence that the economic prospects for many economically disadvantaged households are likely to deteriorate further in the absence of meaningful action to address these risks.

22. An approach based on the continuation of previous policy in this area will serve only to hinder rather than support the development of a recovery programme that addresses the needs of the most vulnerable children in society. In the short term, the Westminster Government must address its decision to reverse the £20 per week uplift to Universal Credit and tax credits, enhance other child-related benefits, and remove current arbitrary benefits caps.

23. The ability of all children to access universal free school meals would also have a positive impact on addressing the food insecurity that many households with children continue to face.

24. The NASUWT welcomes the Scottish Government's announcement in its recent budget to double the Scottish Child Payment.

25. Given that economic disadvantage is the characteristic that has the most significant impact on pupils' learning, development, wellbeing and life chances, it is vital that the financial pressure on many households is addressed if we are to move towards a society that does not just offer Fair Work, but also fair opportunity for all.

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