

Scottish Government Climate change duties - draft statutory guidance for public bodies 23 May 2025

Introduction

NASUWT welcomes the opportunity to comment on the Climate change duties - draft statutory guidance for public bodies consultation.

NASUWT is the Teachers' Union, representing teachers and school leaders in all sectors of education and across all 32 local authorities in Scotland.

Climate change and equalities

 With respect to the protected characteristics, could the content of the Statutory Guidance be changed or added to, to strengthen any positive impacts or lessen any negative impacts as it is implemented by public bodies?

Yes

If so, how? Please give us your views.

It is a significant omission that the role of trade unions does not feature prominently within the guidance.

Union reps have a key role to play in: NASUWT The Teachers' Union

- promoting equal rights for all members, by seeking to negotiate with employer's policies and procedures that advance equality and do not lead to one group being disproportionately disadvantaged;
- creating a supportive atmosphere at work and in the union in which all members feel they can participate, that their opinions are valued and that it is safe to speak up when they suspect harassment or discrimination at work, without worrying about negative repercussions;
- challenging instances of harassment and discrimination and ensuring complaints are dealt with effectively;
- acting as a role model in treating everyone fairly¹.

Research for the TUC by Nottingham University Business School found that, where employers actively involve trade unions on equality issues, equal opportunities policies are much less likely to be 'empty shells'. For example, in such workplaces, recruitment and selection is more likely to be monitored and reviewed from an equality perspective and special procedures are more likely to be in place to encourage disabled people into work and to help women returning to work after having children. A survey of TUC-trained equality reps found that the amount of time equality reps get to spend on their duties has a corresponding impact on how effective they believe their efforts are in the workplace. However, more than a third of equality reps feel they are not given nearly enough time to do the things their role requires them to do.

In this context, it is essential that a Fair Work strategy goes hand in hand with any approach to climate change. Fair work is work that offers all individuals an effective voice, opportunity, security, fulfilment and respect. It balances the rights and responsibilities of employers and workers. It generates benefits for individuals, organisations and society. Fair Work is the Scottish Government's flagship policy for driving high quality and fair work across the labour market in Scotland and Fair Work expects employers to go beyond their legal obligations

¹ <u>https://www.tuc.org.uk/resource/equality</u>

under the Equality Act 2010, enhancing the protections for workers. In addition to a section on public engagement strategies, there should be a specific section on workers' rights, trade unions and fair work.

Equally, it is disappointing that children and young people have not been given greater prominence within the guidance. While it is highlighted that *'children have not contributed to the changing climate but are those most likely, over the coming decades and the course of their lifetimes, to feel its impacts', regrettably, the guidance stops short of outlining an engagement strategy to receive information and feedback from children and young people which could be used to form any climate change strategy. Also, while referenced within the documentation, there must be greater coalescence between local authority duties on Learning for Sustainability and any Climate Strategy.*

Severe weather events should also be highlighted as an example of the disparate impact on communities and those with protected characteristics, with a focus on future planning.

2. With respect to inequality caused by socio-economic disadvantage, could the content of the Statutory Guidance be changed or added to, to strengthen any positive impacts or lessen any negative impacts as it is implemented by public bodies?

Yes

If so, how? Please give us your views.

NASUWT has an existing campaign for universal free school meals and as a policy intervention this would have a positive impact on reducing socio-economic disadvantage as well as potentially positive climate impacts. A pro-active approach to tackling socio-economic

disadvantage, such as universal free school meals, should be modelled in the guidance to show how wins can be achieved in reducing socioeconomic disadvantage, while simultaneously meeting equality and climate duties. NASUWT in previous consultation responses has modelled this approach: for example, commenting on setting maximums for red and processed meat in school lunches we said²:

NASUWT, in light of the Scientific Advisory Committee on Nutrition evidence linking red and red processed meat to an increased risk of colorectal cancer in later life, is supportive of the introduction of a maximum level across the school week. In addition to frequency of consumption, it is also important to ensure appropriate quality checks are in place for the red and processed meat provided.

Furthermore, the Government should be assessing issues of sustainability for the environment and factoring in the consumption of natural resources and the generation of carbon emissions. Learning for Sustainability is promoted within the education community to ensure pupils are taught to live within the environmental limits of our planet. Indeed, Learning for Sustainability is a priority for the Government and the Government's Action Plans for the UN Decade of Education for Sustainable Development (2005-14) set out actions for all sectors of education. The Government accepted the Learning for Sustainability report's recommendations that 'every school should have a whole school approach to Learning for Sustainability that is robust, demonstrable, evaluated and supported by leadership at all levels' and that 'a strategic national approach to supporting Learning for Sustainability should be established'. It makes sense, therefore, for these aims to be integrated within the food and drink requirement regulations.

² <u>https://consult.gov.scot/support-and-wellbeing/food-and-drink-in-schools/consultation/view_respondent?show_all_questions=0&sort=submitted&order=ascend_ing&_q__text=nasuwt&uuld=534257617</u>

Finally, it is important that equality considerations are integrated within the regulations to ensure that all pupils' needs are met. The NASUWT recommends that an equality impact assessment (EIA) is undertaken. EIAs are an important tool in considering, in a systematic way, whether any particular group may be disproportionately affected by a decision or policy, or indeed whether any further action is needed to advance equality and good relations. Such assessments and subsequent monitoring and reviews of equality evidence should form a routine part of working practices. It is insufficient merely to undertake a consultation, reach a decision and then undertake an EIA. Equalities must be mainstreamed within the planning and decision-making processes.

Taking climate into account in decision making

3. Does the guidance make it clear how public bodies can fulfil the requirement to 'best calculate' the climate impact of their actions?

No

Please provide comments below.

There may be some confusion around the word 'calculate'. The guidance states that 'one way that public bodies can incorporate climate thinking into their decision-making process is through the use of CCIA' but this is quite different to a requirement to 'best calculate' the climate impact of their actions. The guidance needs greatly improved in order to provide the clarity desired.

At the moment, public bodies have a great degree of flexibility in how they can best calculate. It would be better to have a common methodology which could better enable comparison across systems, whilst minimising bureaucracy and maintaining public transparency.

4. Does the guidance make it clear how public bodies should take future climate scenarios into account when making plans and investment decisions?

Partially

Please provide comments below.

The guidance could be strengthened by the inclusion of some examples of potential future scenarios and how this would then impact planning and decision making.

The first duty: reducing emissions (climate change mitigation)

5. Do you have any comments about the guidance provided in this chapter (chapter 5) on complying with the first duty?

Please give us your thoughts. For example, are there any gaps or are there ways that you think it could be improved.

Investments, including pensions, should be added to the section on Tackling Corporate Mitigation. NASUWT as a trade union has already committed to consider the sustainable impact of our investments: <u>https://www.nasuwt.org.uk/about-us/climate-change-sustainability-</u> position-statement.html

6. Do you think the Carbon Management Plan template is suitable for its intended purpose as outlined in Annex A?

Yes

Please give us your thoughts.

It will be advisable to keep the template under review post implementation.

7. Do you think the Climate Change Plan template for local authorities is suitable for its intended purpose as outlined in Annex B?

No

Please give us your thoughts.

We would anticipate seeing reference to emissions from school transport and this should be explicitly reported both under 'assessment of current situation' and 'corporate emission reduction targets'.

Clean Air is a key priority for NASUWT as can be seen in the following STUC Congress and NASUWT Scotland Conference motions:

STUC Congress 2024: Clean Air

Congress notes that the United Nations General Assembly has passed a historic resolution declaring that everyone on the planet has a right to a healthy environment, including clean air, water, and a stable climate.

Congress agrees that air pollution is damaging our health and increasing our risk of dying early.

Congress notes that:

- (i) children, older people, and people with chronic health problems are among the most susceptible to air pollution;
- (ii) gestation, infancy, and early childhood are vulnerable times as the body is growing and has immature immune systems;
- (iii) children spend a higher proportion of their time outdoors;
- (iv) our poorest children and adults live in areas of highest pollution thus exacerbating pre-existing health inequalities.

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Congress further notes that research on air pollution points towards effects on growth, intelligence, development of the brain and coordination.

Congress therefore calls on the STUC General Council to support the Royal College of Physicians of Edinburgh recommendation that air quality monitors be placed at all Scottish city primary, secondary and ASN schools.

Congress agrees that air quality remains an ongoing concern for workers both outside and within their workplaces.

Congress recognises that good ventilation has been acknowledged as a key mitigation against transmission of Covid-19 and similar respiratory viruses.

Congress therefore mandates the STUC General Council to call for action to secure air filters in every classroom, office and workplace, acknowledging that:

- (a) the benefits extend beyond Covid-19, for example, decreasing CO2 levels and air pollution have a positive impact on the ability to learn with research showing that cleaner indoor air improves cognition and productivity amongst children and adolescents;
- (b) increasing ventilation, combined with the use of air filters and enhanced cleaning routines, reduces levels of general sickness absence, again improving outcomes and reducing costs.

2024 Officers' motion - Ventilation and Clean Air

Conference agrees that air quality remains an on-going concern for workers both within and outwith their place of work. Conference notes that ventilation of learning spaces in our schools has been acknowledged as a key mitigation in the prevention of transmission of SARS-Cov-2 and other airborne pathogens.

Conference further notes that providing adequate ventilation indoors, proxy measured by the concentration of Carbon Dioxide (CO2) in the air, and reduction of air pollutants have a positive impact on the ability of pupils to learn, reduction in levels of sickness absence, improvement of educational outcomes and reduction of costs.

Conference mandates the Scotland Executive Council to campaign to: i. secure air filters in every learning space, office area and common area in all schools;

ii. maintain pressure on Public Health Scotland (PHS) and the Scottish Government to promote the use of specific concentrations of CO2 within schools to determine specific actions to increase ventilation; iii. reinforce the use of CO2 monitors with employers and members via local authority Health and Safety Committees;

iv. support the recommendation that air quality monitors are installed in Scotland's primary schools to assess levels of air pollution.

Indeed a joint letter with other organisations including ERCS was recently submitted to the Scottish Government:

https://www.ercs.scot/wp/wp-content/uploads/2025/03/Joint-letter-to-SG-on-engine-idling_Mar25.pdf

Councillors, health professionals, teachers and charities have all united to call on the Scottish Government to cut air pollution from engine idling

Engine idling, leaving a vehicle's engine running while stationary, is already prohibited in Scotland because it releases toxic exhaust fumes that are harmful to human health and the environment. Yet despite over 1,000 complaints of idling from members of the public since 2019, there has been a systemic failure to enforce the ban, according to data

uncovered by the <u>Environmental Rights Centre for Scotland</u> (ERCS) and <u>Asthma + Lung UK</u>.

There is <u>extensive evidence</u> linking vehicle emissions to diseases including lung cancer and asthma. Children, older people, pregnant women and people with existing health conditions are particularly vulnerable and exposed to toxic exhaust fumes at idling hotspots such as schools, hospitals and bus stops.

Studies <u>have found</u> that in comparison to idling, switching the engine off significantly cuts pollution, even when stopping for only 30 seconds. Yet the current enforcement regime is failing to deter engine idling – Scottish Government guidance discourages local authorities from issuing fines, which can only be issued as a last resort if drivers refuse to switch off engines. The current fine of £20 has not kept pace with inflation, remaining at the same rate as when it was introduced more than twenty years ago.

Our growing coalition, including conveners of transport and environment committees in Scotland's four largest local authorities; health professionals; children's, parents, and teachers groups; and environmental and public health charities, wrote to the Cabinet Secretary for Transport demanding action and, in particular, three measures to enforce the ban: increase the level of fines to act as a meaningful deterrent; improve the Government's guidance to extend enforcement powers; and enforce local authority monitoring and reporting requirements.

Vehicle pollution can have a long-lasting impact on the health of children and young people. But drivers, local authorities and the Scottish Government can all play their part in reducing the harms caused. Drivers can ensure they switch off their vehicles while waiting outside schools and the Scottish Government can empower local authorities to enact and enforce laws on vehicle idling to act as a NASUWT The Teachers' Union

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deterrent. Communities would all benefit from cleaner air and an improved environment at little inconvenience to drivers.

The second duty: adaptation

8. The guidance lays out an approach whereby public bodies should: review the Scottish National Adaptation Plan (SNAP); identify the objectives relevant to them; contribute towards those objectives; and, where relevant, report annually on progress in their public bodies climate change duties report.

To what extent do you agree or disagree with this proposed approach?

Strongly agree

Please provide any additional comments below.

NASUWT is content that the proposals are comprehensive and welcomes engagement protocols outlined.

9. Do you have any other comments about the guidance provided in this chapter (chapter 6) about complying with the second duty?

Please give us your thoughts. For example, are there any gaps or are there ways that you think it could be improved.

NASUWT welcomed the references to intersectionality within the document as well as the acknowledgement that disruption to core infrastructure and services can have a significant impact on health, wellbeing and equity, including ability to access work, education, food etc. We know for example with our clean air campaign that there are disparate impacts on areas of socio-economic disadvantage and,

further, that minoritised communities are more likely to be in poverty and therefore suffering multiple disadvantages.

Equally, the references to the need for committed resources on page 170 were very welcome, although in the current financial climate there may need to be more than encouragement and this will require Scottish Government to provide sufficient investment to support public bodies to put their climate change duties into practice.

It would have been beneficial to see greater reference to the role of food and nature-based solutions within this section as well as links with education and learning for adaptation.

The third duty: acting in the most sustainable way

10. Having considered the content of the chapter (chapter 7), is it clear how public bodies should implement the third duty, to act in the most sustainable way?

Partially

Please give us your thoughts.

Section 7.3.3 on social equity is very welcome, as this recognises that 'societies where income is distributed more equally are more beneficial' and activity should 'focus on the fair distribution of both benefits and disbenefits'; however this chapter should go further and explore the concepts of fair work and worker representation, as outlined in more detail above.

NASUWT welcomes the statement in section 7.5 which recognises there are competing duties and, indeed, sometimes these may appear to be conflicting. The statement within the National Performance Framework in section 7.4.1 which talks about a successful country

where 'social, environmental and economic progress is given equal importance' is challenging to implement where public bodies, given the fiscal environment, often need to prioritise economic progress to remain viable entities. More work is needed here to ensure climate change duties are not de-prioritised in practice.

11. Do you have any other comments about the guidance provided in this chapter (chapter 7) about complying with the third duty?

Please give us your thoughts. For example, are there any gaps or are there ways that you think it could be improved.

Section 7.6 on Education is very important but currently quite sparse, which is surprising. NASUWT has long recognised the urgent need for governments, businesses and the international community to collectively address the issues that have led to the current climate crisis. As we know, the climate crisis represents one of the greatest threats to the health, welfare and future life chances of our members and the children and young people they teach. Rising temperatures are also fuelling environment damage, creating food and water insecurity, and causing weather extremes that can have devastating effects on communities and people's lives.

If the issue of climate change is not prioritised, and decisive action is not taken swiftly through a global response, there will be disastrous consequences for the future of the planet and humanity.

A key part of understanding the impact of climate change and rising global temperatures is the issue of climate justice. This looks at the human cost of the climate crisis and is recognition that the impact of climate change will not be borne equally. Many global communities, in particular in developing countries, will be disproportionately affected.

The NASUWT is also aware that many of our members, as well as the children and young people they teach, are concerned about their futures and that of the next generations and are therefore striving for long-term environmental sustainability.

We have made clear our belief that education has a critical contribution in addressing the climate crisis, securing climate justice and safeguarding a more sustainable world for future generations.

We have long argued about the importance of education on environmental issues, encompassing climate change and climate justice, within the relevant areas of the curriculum.

Our Union has strongly advocated for pupils to receive an entitlement to access a broad and balanced education which encourages learning for life. The teaching of environmental issues, including climate change and climate justice, is an important part of this. These priorities have been clearly outlined via our Scotland Conference motions as can be seen below:

2023 Scotland Conference Motion: Slavery, Redress and Education Conference believes that, given the continuing impacts of social and economic injustice, racism and discrimination, schools must be deliberate in their approach to tackling inequality and advancing equality for those who suffer disadvantage, including through the curriculum.

Conference therefore reaffirms its commitment to the decolonisation of the curriculum. Conference believes that to be impactful this must take place in tandem with national commitments to secure redress and reparation.

Conference calls on the Scottish Government to accelerate a national discussion about the implications of Scotland's involvement in slavery which

should address how Scotland's past is represented in our curriculum, streetscapes and museums.

Conference further calls on the Scottish Government to take into account the long-term implications of that past and how its legacy remains a shackle on the lives of working-class and marginalised communities living in those nations, and those who, through sheer determinism, have fled their homeland to seek a better future in Europe, and Britain in particular.

Conference therefore supports efforts to secure redress and reparation for UK slavery and believes this must begin with being honest about Scotland's dark past of slavery and colonialism, making formal apologies for this, as well as acknowledging that we remain materially better off than countries we formally colonised. Conference acknowledges that Scotland therefore has a moral and ethical duty to support those countries by such means as cancelling outstanding economic bilateral debt and offering educational opportunities to refugees and asylum seekers coming from those lands, while supporting infrastructural development in those countries that support their natural environment rather than further degrade it.

2022 Scotland Conference Motion: Climate Change

Conference supports the Education International Manifesto on Quality Climate Change Education for All and calls on the Scotland Executive Council to negotiate with and lobby the Scottish Government and local authorities to ensure:

(i) every student leaves education climate-literate and equipped with the skills and knowledge needed to tackle climate change, adapt to uncertainties, and take part in building a more sustainable future;

(ii) the climate change curricula is gender responsive, takes into account the inequalities experienced by girls and women, and takes an intersectional approach;

(iii) quality climate change education (CCE) is based on science, and addresses the ethical, cultural, political, social, engineering and economic dimensions of climate change;

(iv) CCE addresses the unequal contribution of countries towards causing climate change and the unequal impact of climate change today, recognising that the current system is inequitable, and levels of production and consumption are unsustainable;

(v) CCE further recognises that vulnerable populations and groups are most directly affected, including low-income countries, small island states, poor communities, indigenous peoples, people with disabilities, people of colour, women, girls and children;

(vi) CCE promotes a multicultural vision and recognises indigenous knowledge;

(vii) CCE fosters critical thinking and civic engagement. It is transformative and empowers students to consider just and sustainable alternatives, and then take action in their local communities and beyond.

Conference believes that if the issue of climate change is not prioritised, and decisive action is not taken swiftly through a global response, there will be disastrous consequences for the future of the planet and humanity.

Conference further believes that in order to do so, the impact of colonialism on climate change must be acknowledged.

Conference therefore calls for greater policy cohesion between the NASUWT campaign to fight for racial justice and to decolonise the curriculum in its commitments to campaign for climate justice.

Education, both at a school and college level, as well as more broadly within the community will be a fundamental building block upon which all action for climate change will rest and deserves greater import within Scottish Government documentation and guidance.

Reporting of scope 3 emissions

12. To what extent do you agree or disagree with the proposed baseline reporting of the scope 3 emission categories outlined in section 8.3.5.1 of the guidance?

Please provide any additional comments below.

- 13. Do you think that any other categories of scope 3 emissions should be included in the recommended baseline for reporting, where these are relevant and applicable? Please tick all that apply.
- Purchased goods, works and services
- **Capital assets (e.g. construction)**
- Upstream transportation and distribution
- Upstream leased assets
- **Downstream transportation and distribution**
- Processing of sold products
- Use of sold products
- **End-of-life treatment of sold products**
- Downstream leased assets
- Franchises
- Investments

If you ticked any of the categories of scope 3 emissions above, please provide an explanation. This field can also be used for any other comments related to this chapter.

Overall reflections

14. Do you think that the guidance fulfils its stated purpose of providing support to public bodies in putting the climate change duties into practice?

Don't know

Please provide further comments below.

The length of the guidance is substantial and may be prohibitive to implementation. Much of the narrative is aimed at senior leadership level, yet it is more likely the role of navigating and planning around the climate change duties will be delegated to others within the system. More thought needs to be given to accessibility, targeted messaging throughout systems which will land at the appropriate seniority as well as a communication and training model which will accompany any guidance.

NASUWT supports plans for schools to become more energy-efficient spaces to learn and work in and it would be good to see explicit mention of this as a priority from the Scottish Government. It would, however, be unfeasible to expect schools to finance green infrastructure when their existing budgets will clearly not accommodate this on any meaningful scale without deprioritising other needs.

Equally, focusing for example on sustainable school meals and the need to reduce food waste, without making reference to funding and resourcing being made available to schools and local authorities in order to make this activity feasible would simply promote bureaucracy over action.

Any reporting and data-gathering mechanisms which will impact on education must not be onerous – there is always a concern this will become an additional task for schools to undertake, and one which could become onerous.

There is also a significant role for Local Authorities in managing local school uniform guidance, an issue raised within our recent NASUWT Scotland Conference 2025:

SUSTAINABILITY AND SCHOOL UNIFORM

Conference believes that

(i) the climate crisis represents one of the greatest threats to peace and security and to the quality of life of teachers and the children and young people they teach;

(ii) education has a critical contribution to make to securing climate justice and a sustainable planet for future generations.
Conference supports the Learning for Sustainability Action Plan, published following the Vision 2030+ (2016) report.

Conference commends the 'School uniform and clothing: Guidance for schools and education authorities' which encourages schools to consider their clothing and uniform policy within the context of Learning for Sustainability; this approach can support pupils to understand wider social impacts of sustainable approaches, such as ethical procurement and human rights within supply chains.

Conference calls on the Scotland Executive Council to:

(a) lobby the Scottish Government to make the national school clothing guidance statutory;

(b) promote with government, local authorities and schools the importance of sustainability in school clothing;

(c) campaign to ensure ethical sourcing is a core part of all school clothing policies;

(d) raise public awareness, including with teachers, the risks associated with fast fashion, including links to criminality and human rights breaches;

(e) lobby the Scottish Government to meet the priorities set out in the Vision 2030+ report;

(f) seek to build international solidarity with third sector organisations supporting workers abroad and campaigning against child labour.

Given the number of unique challenges within Education it might be sensible to consider sector-specific guidance.

Do you have any further comments about the guidance?

Please give us your thoughts. For example, are there any gaps or are there ways that you think it could be improved.

It is not clear that lessons have been learned from the review of the Public Sector Equality Duty recently undertaken in order to support this duty being more than a tick-box exercise. The following is taken from the NASUWT response to the Equalities, Human Rights and Civil Justice Committee inquiry in to 'The operation of the Public Sector Equality Duty in Scotland' in February 2025:

'While the statutory PSED was introduced to ensure that schools and colleges play their part in advancing equality and tackling discrimination faced by staff and learners, NASUWT research shows that the majority of schools are unaware of their duties and obligations.

Without rigorous inspection and enforcement, the PSED will remain largely a tick-box exercise among many public sector employers, who only pay lip service to the legislation and whose commitment to equalities remains tokenistic at best.

While it is welcome that the current duty to assess impact applies to new or revised policies as well as to existing policies, the broadness of the definition has resulted in considerable variation on the ground, given that 'relevance' and 'proportionality' are open to considerable interpretation. The Union has called for greater facilitation for the sharing of best practice models to foster consistency in approach across Scotland.

Listed authorities should also be meeting their responsibilities under the PSED by collecting and using evidence when developing policies. When undertaking national consultation processes, this should mean that the papers explain the evidence, issues and potential adverse impact, as well as how they plan to mitigate any adverse impact. Respondents to the consultation

should be invited to comment on this information as well as any gaps in the evidence base. Unfortunately, in almost all cases, public authorities ask equality impact questions passively, expecting others to identify the issues and the evidence'

As highlighted earlier in the response, NASUWT is concerned with the absence of Learning for Sustainability (LfS) in the Strategic Framework, in particular given the recognition of Children's Rights and the crucial role the education system has in preparing future generations to deal with the consequences of climate change. The guidance should also make clear how LfS is integral to addressing both the climate and nature crises. The impact on food, food security and resilience also need to be addressed and prioritised within the guidance.

Greater links need to be made too between educational outcomes, climate disadvantage alongside equality and socio-economic impacts. For example, the effects of extreme temperatures are even more striking when considering that each additional school day with a temperature in the 30s (°C) reduces pupil achievement by one sixth of a percent of a year's worth of learning. Disadvantaged pupils also suffer up to three times the impact of excessive temperatures than other pupils. The holistic approach needs to consider in the broadest sense the impact of poorer attainment or the impact of the poverty-related attainment gap growing on longer-term outcomes, including on climate change.

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NASUWT is happy for this response to be published with our name and to be contacted again by the Scottish Government in relation to this consultation exercise. We confirm that the privacy policy has been read and consent to the data we have provided being used as set out in the policy.