

**Committee for Education, Sport and Culture  
Consultation on the Education Law Review  
9 March 2020**

1. The NASUWT welcomes the opportunity to contribute to the Committee for Education, Sport and Culture (CfESC) consultation on the review of the 1970 Education Law.

**GENERAL COMMENTS**

2. The NASUWT agrees that the current primary legislative framework for Education is outdated in many important respects. This framework requires reform to ensure that teachers, headteachers and the wider school workforce can continue to provide high-quality learning experiences for all children and young people.
3. The NASUWT's views on the areas for reform identified by the Committee are set out in further detail elsewhere in this submission.
4. However, while it is essential to ensure that the legislative framework is fit for purpose and addresses the current challenges the education system faces, as well as those it may face in future, it is equally essential that the development and implementation of policy within this framework is conducted on an effective basis.
5. It is, therefore, essential that the Committee not only addresses issues in respect of the legal framework underpinning the education system, but

also ensures that these legislative provisions are used purposefully to enhance the development and implementation of policy. Where appropriate, this response highlights important policy considerations that the Committee should take into account in its work to revise the Education Law.

6. The NASUWT notes with concern that a significant amount of policy development on the Law to date has been undertaken without the engagement of serving teachers or members of the wider school workforce. Instead, the opinions of headteachers and other senior personnel across the education system appear to have been privileged in the discussions that the CfESC has had with stakeholders. While the views of these colleagues are unquestionably important, it is teachers and the school workforce more generally who will be principally responsible for turning the policy ambitions set out by the Committee into day-to-day reality in Guernsey's schools and other educational settings.
7. Meaningful consultation is vital if the revised Law is to reflect the realities of the classroom adequately and to be developed with the benefit of the experience and expertise of those with direct responsibility for pupils' learning.
8. It is, therefore, essential that the Committee gives serious consideration to the evidence generated through the consultation process in its development of the Policy Letter to be presented in due course to the States. In particular, CfESC must ensure that it allows sufficient time for meaningful engagement with stakeholders during the development of the legislation. It should also give appropriate weight to the NASUWT's submission in its evaluation of consultation responses, given that the Union represents the plurality of serving teachers in Guernsey.
9. The NASUWT recognises that the purpose of a *Projet de loi*, such as the Education Law, is to institute a broad legislative framework within which subordinate Ordinances and Statutory Instruments dealing with the detail

of legal requirements and provisions can be enacted. The Union's submission acknowledges this aspect of Guernsey's constitution. However, this broader framework must be established in such a way that it permits effective legislation to be enacted that will ensure that the education system can address the challenges that it faces currently and is likely to face in the future. It should also allow effective provision to be made to address the current concerns and legitimate interests of the workforce, pupils, parents and all relevant stakeholders. Areas where CfESC's proposals meet these critical tests, as well as those where the proposals are not yet sufficient or adequate, are set out in further detail below.

## **SPECIFIC COMMENTS**

### **Inclusion, equality and universal entitlements**

10. The NASUWT agrees that the Education Law should establish guiding principles in respect of the inclusiveness of the education system, as well as its commitment to promoting equality and diversity and tackling discrimination and prejudice.
  
11. It is important to recognise that inclusion is a multifaceted construct that is used in a number of different ways: as an ideology, usually linked to a human rights agenda; as a place, usually mainstream versus special schools; as a policy, normally from central or local government; as a professional practice, such as inclusive teaching; and as a personal experience, such as how a learner experiences inclusion. Research evidence confirms the confusion that can arise as a result of these different interpretations and emphasises the need for teachers to have a workable version of the different agendas in order to make sense of the expectations made of them.
  
12. The NASUWT's definition of inclusion is a pragmatic one, recognising the importance of building a range of expertise in teaching and learning,

including expertise in teaching pupils with special educational needs and disabilities (SEND). An inclusive education system is one that offers a range of provision, including both in mainstream schools and in special schools and units. Within an inclusive education system, a child's social, emotional and educational needs must be met and should be central to determining the setting or settings within which they are educated. For example, children's significant cognitive, social and emotional needs may mean that it is more appropriate for them to be educated in a special school setting.

13. The NASUWT is also concerned about the tendency in Guernsey, as well as elsewhere, to regard pupils with SEND as a homogenous group. While it can be helpful to refer to pupils with SEND collectively, it is critical to recognise that this terminology embraces a wide spectrum of needs, abilities and conditions. Further, while it may be useful or necessary to identify pupils as having particular conditions (e.g. dyslexia, autistic spectrum disorder (ASD), or profound and multiple learning disabilities (PMLD), there are vast differences between pupils identified as having any one of these conditions in terms of their needs and abilities. Therefore, what works for one group of pupils with SEND may not be appropriate for others. SEND policy and legislation needs to reflect the complexity of needs, and schools and specialist provision must be resourced sufficiently so that these needs can be met adequately and appropriately.
  
14. The NASUWT is extremely concerned that some of the approaches to inclusion it encounters, most notably the policy of educating the majority of pupils with SEND in mainstream schools regardless of need, require considerable resources to be made available if they are to be implemented effectively. In practice, resource constraints mean that schools cannot access the support, materials and expertise necessary to meet the profound and complex needs of some pupils. Such arrangements can place unreasonable demands on staff and in schools and have a deeply adverse impact on the education of all pupils, including those with complex needs.

15. These considerations must be taken into full account in the definition of inclusion to be set out in the legislative framework. In this context, the NASUWT notes with concern the proposal in the consultation document to remove the term 'special schools' from primary legislation, on the basis that 'an appropriate educational setting based on the needs of the child' could occur within a range of schools and that, therefore, terms such as 'mainstream education' will also not be used.
16. The removal of these terms is justified on the basis that they may be perceived as 'old-fashioned and even derogatory'. The NASUWT is not aware of any evidence that this is the case. Moreover, these terms are used unproblematically in all of the other jurisdictions across the UK and the Crown dependencies in which the Union represents members. In particular, they are accepted as appropriate by all stakeholders, including SEND rights advocacy and campaigning groups.
17. This proposal gives rise to legitimate concerns that its implementation would promote an inappropriate definition of inclusion in which the distinctive role of special and alternative provision will be misunderstood or devalued. The NASUWT, therefore, opposes the proposal to remove these terms from primary legislation.
18. More broadly, the NASUWT believes that education is most properly regarded as a public good and a human right. Its conceptualisation of education is reflected in important international legal frameworks, including the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and the United Nations Convention on the Rights of the Child (UNCRC).
19. The purpose of education as seen through the prism of human rights focuses on the need to empower individuals to make the most of their talents and potential. Education's status as a public good reflects its role in serving wider economic, social, cultural, democratic and civic purposes.

The NASUWT believes that the revision of the Education Law provides an opportunity to set out in primary legislation the core principles that should guide the development of policy and subordinate legislation across the education system. The Union would welcome the opportunity to engage further with the Committee to explore the development of such principles.

20. It is clear that the individual and social purposes of education must fully reflect the obligation on the education system to work to secure educational, social and economic equality of opportunity.
21. In this context, the NASUWT acknowledges the planned introduction of equalities legislation later this year. The Union notes that this legislation, if passed by the States, will place important responsibilities on the Committee and schools to promote equality and diversity and tackle discrimination and prejudice. However, as the NASUWT has made clear, the proposed provisions of this legislation should go further in respect of the breadth and scope of the rights and responsibilities they confer.
22. Nevertheless, notwithstanding the introduction of this legislation, a clear statement in the revised Education Law on equality and diversity-related aims, values and purposes would confirm that securing genuine equality of opportunity is at the heart of the education system's mission.

### **School and college autonomy and governance**

23. The NASUWT notes the interest expressed by the Committee in increasing the autonomy of schools over key aspects of provision, including finance, human resources and facilities management.
24. The Union has always been clear that it is right that within the context of a universal system that secures common entitlements and rights for all learners, schools are given appropriate scope to tailor their provision to meet the particular needs and interests of the pupils they serve.

25. Evidence from other jurisdictions highlights the negative consequences that result when the right balance is not struck between school autonomy and system-level planning, authority and supervision.
26. One of the profound shortcomings of these approaches to school autonomy has been the extent to which they have undermined inter-school collaboration and hindered efforts to ensure that finite public resources are used efficiently, equitably and transparently. In many important respects, these programmes remain entirely inconsistent with the conceptualisation of education as a public good and a human right noted elsewhere in this submission. In a jurisdiction the size of Guernsey, the distortions and inefficiencies inherent in such programmes would be likely to be amplified significantly and would undermine the Committee's ability to meet its statutory obligation to provide efficient and effective education.
27. The NASUWT does not object to an evidence-based and objective review of the balance of local autonomy and central control and oversight in the current system. In this context, the NASUWT draws the Committee's attention to the ten key tests identified by the Union that must characterise the organisation of public education if it is to secure its human rights and public good dimensions. These tests are:
- i. Equality of opportunity – Any reform must guarantee that the education system can ensure equality of opportunity in terms of admissions, provision and outcomes.
  - ii. Democratic accountability – Reform of the school system must be consistent with democratic values and must ensure that all publicly funded institutions are democratically accountable to the communities they serve.
  - iii. Value for money and transparency – A school system must demonstrate transparency in its spending commitments and funding, and should seek to ensure that all spending

commitments have been tested to make certain that the value for money will be achieved.

- iv. Raising standards – All reforms of the school system must be designed to ensure that standards for pupils are raised and maintained.
- v. Union recognition – All reforms of the school system must be designed to ensure that the workforce unions are properly represented so that professional voices are heard and that conditions are created that are conducive to an effective teaching and learning environment.
- vi. System-wide pay and conditions of service – Any school reforms must support national pay and conditions as these are the best way of ensuring that all pupils receive their entitlement to a high-quality, motivated and well-trained teacher workforce, with working conditions that enable them to support the highest possible levels of pupil progress and achievement.
- vii. Viability – A school system must ensure that all individual schools and other settings are viable and sustainable financially, have stability for the long term and are not based on sectional or individual short term interests.
- viii. Supportive and collaborative approach to community education – Reforms must ensure that collaboration is at the heart of policy within schools and that there is not simply a market-driven philosophy. This principle does not necessarily preclude notions of parental or pupil choice as there can be differences between institutions and schools.
- ix. Rooted within the community – The organisation of the school system must ensure that schools are rooted within, not set apart from, their community and represent the best of the values and aspirations of the locality they serve.

- x. Evidence based – Any school reforms must be based on a genuine, considered use of evidence in educational practice, building on consultation between all stakeholders, including workforce unions.
28. Any such review of the education system is a significant undertaking, involving a detailed analysis of the strengths and weaknesses of the current system, and evaluation of options, all of which must be taken forward on the basis of extensive and meaningful consultation with relevant stakeholders.
29. Consequently, no legislative provisions in respect of reforms to the organisation of the school system should be enacted until such a review has been established and has reported its findings. It should be further noted that the proposals currently under consideration for the reconfiguration of secondary education lend further weight to the view that the implementation of provision for greater school autonomy would be untimely until this matter is settled.
30. The future role and remit of school-level governing boards referenced by the Committee can only be determined in the context of a whole system strategy for school autonomy. It would, therefore, be inappropriate to take forward any legislative provisions in this area at this stage.
31. The NASUWT is profoundly concerned by the Committee's proposal to establish a States-owned corporation for The Guernsey Institute, which is responsible currently for on-Island further and higher education.
32. Incorporation of further education institutions in England and Wales in 1992 has resulted in problems comparable to the inappropriate models of institutional autonomy noted above. It is entirely evident that the incorporated model of further education in England fails to reflect the principles for the provision of public education set out in this submission.

33. Specifically, the Committee should recognise that the Institute is a vital strategic asset for the States. It is the principle means by which young people and adult learners can acquire the skills and vocational knowledge required to secure many forms of employment. It will be central to achievement of the objective set out in the Economic Development Strategy to diversify Guernsey's economy and to ensure that its workforce has the capacity to support the future prosperity of the Island.
34. It does not, therefore, appear consistent with this strategy for the Committee to relinquish its current ability to shape the range and nature of provision made available by the Institute. While it may be argued that some degree of regulation of an incorporated body in this respect might be possible, it is likely that the fundamental aim of incorporation, namely to cede greater control over key decisions to the institution concerned, will tend to result in a diminished degree of control and influence over its affairs.
35. The NASUWT, therefore, is opposed to any proposal to incorporate The Guernsey Institute on the basis proposed by the Committee, and is clear that no provisions to this effect should be included in the revised Education Law. Instead, the Committee should work with the NASUWT and other relevant stakeholders to explore the efficacy of current governance arrangements for the Institute and, if necessary, develop plans for reform that are consistent with the principles enumerated above.

### **Compulsory education age**

36. The NASUWT notes the consideration given by the Committee to the point at which pupils begin school. The Union further notes that, at present, while compulsory education begins from the academic term following their fifth birthday, most children begin school in the September of the year in which they reach five years of age.

37. The NASUWT can identify no credible reason for changing these arrangements. In particular, the Union agrees with the Committee that the risks of allowing 'summer-born' children to defer starting school for one year would probably outweigh any possible benefits, especially in light of the possibility that such a provision might lead to children to leaving school at 16 with no qualifications. The Committee will note that jurisdictions elsewhere across the UK and Crown Dependencies have rejected similar proposals for this reason.
38. There is, therefore, no objection in principle to retaining the existing definition of 'compulsory school age'. The NASUWT also has no objection to amending the term 'compulsory school age' in current legislation to 'compulsory educational age' on the basis that some children and young people are educated in settings other than schools.
39. In relation to early childhood education, the NASUWT notes that no OECD jurisdiction has sought to incorporate such provision into its legal framework for compulsory schooling. The Union can, therefore, identify no justification for Guernsey to depart from well-established international practice in this respect.

### **Participation age**

40. The NASUWT has supported in other jurisdictions an increase to 18 of the age at which young people must be involved in some form of regulated education or training, and believes that a similar reform in Guernsey would be worthy of further consideration. The Union shares the Committee's concern that retention rates for post-16 learners on level 1 and 2 courses in Guernsey are lower than the equivalent rates in the UK, and evidence from elsewhere suggests that raising the participation age may be helpful in this respect.
41. However, while it may be sensible to make provision for an increased participation age in primary legislation, it is essential to guarantee, that

before enactment of this provision by Ordinance, careful consideration is given to ensuring that it is implemented sustainably and in a way that identifies and takes full account of its workforce-related, financial and organisational implications.

42. This consideration is emphasised by the NASUWT's experience in other jurisdictions of the importance of effective strategic planning in securing an effective approach to an increase in the statutory participation age.
43. The NASUWT does not accept arguments against increasing the participation age based on assertions about its adverse labour market impacts in respect of reductions in the supply of 16 to 19-year-olds available to take up paid employment. It is clear that, implemented effectively, an increase in the participation age can allow young people to enhance their skills, future earning potential and overall life chances. In effectively organised systems, young people are given the option to take up employment as long as they are able to access high-quality further education and training. This principle should guide the development of any increase in the participation age in Guernsey.

#### **Age range for SEND learners**

44. The NASUWT supports in principle extending the age at which young people with SEND can access support to 25. The introduction of similar provisions elsewhere has been based on a recognition of the fact that transitions from school to further education, training and employment can be challenging for some young people and is often a time when they may need significant additional intervention, guidance and assistance.
45. Before any such provision is enacted, it will be important to ensure that a full resource, workforce, financial and organisational impact assessment is undertaken in consultation with the NASUWT and other relevant stakeholders.

## **The legal status of early childhood education**

46. The NASUWT agrees that good-quality early childhood education is essential to educational achievement, high levels of child wellbeing and the maximisation of children's future life chances.
47. The Union, therefore, notes with concern that while the provision of pre-school education is subject to statutory States resolutions, it is not established on a secure legal footing. The NASUWT believes that this shortcoming in the current legislative framework must be addressed and looks forward to engaging further with the Committee on this critical matter.

## **Learners with SEND**

48. Notwithstanding the specific observations on SEND-related terminology noted above, the NASUWT believes that it would be helpful to replace the term 'learning difficulty' with 'barriers to learning' in the text of primary legislation. The latter term avoids the deficit model with which the former can be associated and reflects the more helpful perspective that SEND provision should be focused on supporting the participation and achievement of pupils who may need additional support.
49. However, it will be necessary for formal definitions in legislation to be clear that not all children and young people with special educational needs (SEN) would have a disability under the terms of the pending equalities legislation referenced above.

## **SEND assessments**

50. Currently, provisions for the assessment of children and young people's SEN are incorporated into the SEND Code of Practice. While the detail of assessment arrangements are set out in comparable documents in other jurisdictions, it is established practice across the UK that fundamental

requirements on the assessment of needs, including, in broad terms, the procedure to be followed for assessments, rights of appeal against decisions, the production of reports and the ways in which identified needs should be met in practice are provided for in primary legislation. It should be noted that the Isle of Man Education Bill currently before Tynwald includes provisions of this type. The NASUWT can identify no reason why similar arrangements should not be introduced in Guernsey.

### **Scope of the responsibility for pupils with SEND**

51. The NASUWT is clear that it is a core duty of the States to ensure that all children and young people with SEND can access the support they need to remove any barriers to achievement they may face. This duty extends to all children and young people, regardless of the type of setting in which they happened to be educated.
  
52. It is, therefore, right that the revised Education Law should, as a minimum expectation, require independent and voluntary schools to share their SEND registers with the Committee and establish minimum standards for these registers.
  
53. The NASUWT notes that the scope of the Committee's duty in respect of the settings within which pupils with SEND are educated will be addressed in a review of special and alternative provision to be undertaken later in 2020. While such a review is welcome, the NASUWT is concerned that its findings are unlikely to be finalised before the passage of the Education Law through the States is complete. It is clear that the review will need to address important aspects of Guernsey's current system for special educational needs provision. In particular, provision for SEN pupils in fee-paying schools raises fundamental issues about how the States can and should fulfil its responsibilities for pupils in settings over which it has limited control and influence.

54. This review may, therefore, result in a requirement for changes in primary legislation as well as in respect of related Ordinances and Statutory Instruments. The NASUWT looks forward to engaging with the Committee on the critical matters that the SEND review will address. Prior to the commencement of the review, the Committee will need to set out how any changes in primary legislation that might be required to implement the review's findings would be taken forward, given its timing relative to that of the passage of the revised Education Law.

### **Behaviour and bullying**

55. Feedback from NASUWT members indicates that pupil behaviour and bullying are significant and growing issues across the education system. In this context, the Union notes with concern that schools are not currently required to have anti-bullying and behaviour policies and are, instead, expected to take account of CfESC guidance on these issues. While universal advice and guidance has a critical role to play in promoting good behaviour in schools, the absence of a requirement on schools to develop their own policies tailored to their own circumstances is not appropriate. The NASUWT agrees that legislation should be amended to require schools to have policies and practices in place to safeguard the wellbeing of learners and to secure and maintain good order and discipline in all settings.

56. The Committee will need to ensure that it consults with the NASUWT on the provisions of the subordinate legislation and guidance that will need to be developed to accompany provisions included in primary legislation.

57. The NASUWT is clear that while provisions in a revised Education Law mandating school behaviour policies will be welcome, there are other dimensions of behaviour-related policy and practice that should be underpinned by primary legislation. Particular issues in this respect include:

- use of force, restraint and restrictive interventions;
- confiscation of offensive weapons and other prescribed items and substances;
- powers to search pupils;
- addressing pupil behaviour away from school sites; and
- tackling the misuse of social media by pupils, their relatives or their present or former associates.

58. Current legal provisions in these respects are not adequate. The Committee should, therefore, ensure that these issues are reflected appropriately in its Policy Letter. With particular regard to the misuse of social media, the NASUWT draws the Committee's attention to provisions in the Isle of Man Education Bill, referenced elsewhere in this submission, on the misuse of social media. These provisions, if enacted, would establish the most effective legislative framework across the UK and the Crown Dependencies for addressing social media-related concerns and represent a model that Guernsey could follow to good effect.

### **Exclusions**

59. The NASUWT is clear that a central aim of all schools, the education system more broadly and all public agencies with responsibility for children and young people's welfare, safety and future life chances should be work to ensure that pupils' behaviour does not deteriorate to such an extent that exclusion might reasonably be contemplated. However, the Committee is right to note that headteachers must have the power to exclude a learner in order to create a consequence for learners for behaviour that significantly falls below expected standards, becomes disruptive or puts other learners and staff at risk.

60. While there are circumstances in which a fixed-term exclusion can represent an effective means of addressing concerns related to pupil conduct, the NASUWT is clear that cases can arise when permanent

exclusion represents the most appropriate response to significant episodes of pupil indiscipline. It is, therefore, a matter of ongoing concern that there is no power in the Education Law for the permanent exclusion of pupils.

61. The NASUWT is seriously concerned that the Committee does not intend to rectify this situation through provisions in the revised Education Law. The Union does not accept the suggestion that permanent exclusion may not be compatible with the United Nations Convention on the Rights of the Child (UNCRC). It should be noted in this respect that the Joint Human Rights Committee report on UK compliance with the UNCRC has not questioned the compatibility of permanent exclusion with the terms of the Convention. In respect of the high standards established by the European Convention on Human Rights (ECHR), it has been held that permanent exclusion does not, of itself, breach pupils' Convention rights.
62. It is the NASUWT's experience elsewhere that permanent exclusion can often be a means by which pupils can access the support they need but have not had access to previously. Policies that seek to contain pupils in school in these circumstances are potentially discriminatory and breach the rights of the child to receive an education tailored to their needs and circumstances.
63. The NASUWT notes that other small jurisdictions, including Jersey and the Isle of Man, permit permanent exclusion and have established arrangements to ensure that the rights of children to education under Article 28 of the UNCRC are respected when permanent exclusion is undertaken. The Committee should, therefore, take steps to ensure that the alternative provision system has the resources and capacity to meet the needs of excluded pupils and to support schools, pupils and their families to prevent circumstances arising were permanent exclusion may need to be contemplated.

64. It is recognised that cases arise when, as an alternative to permanent exclusion, pupils may be subject to an agreed move to an alternative provider. The NASUWT agrees that such moves should be underpinned by a clear legal framework that ensures that the views of all involved parties are taken into effective account and that any such move follows an assessment of pupils' needs and the capacity of alternative providers to meet these needs effectively.

### **Attendance**

65. The importance of regular attendance at school for children and young people's educational progress and achievement, as well as their wider wellbeing, is well established. The NASUWT, therefore, supports effective measures to secure the highest possible attendance rates across the system.
66. As the Committee observes, the most effective means of achieving this critical policy objective is to ensure that pupils facing challenges in this respect are able to benefit from timely and tailored support. However, the NASUWT notes the Committee's proposal to establish powers to pursue a criminal prosecution against those parents who consistently fail to comply with a school attendance order when alternative approaches have been exhausted. The Union does not object in principle to the introduction of such a provision, although it remains unconvinced by the efficacy of the use of such powers in other jurisdictions in which they have been made available.
67. If such provisions are to be introduced in the revised Education Law, it will be important that they are accompanied by clear guidance that sets out the circumstances in which criminal prosecution would be contemplated. Specifically, it should make clear that the power to issue orders and pursue sanctions should rest with the Guernsey Law Officers and the Criminal Prosecutions Team.

68. The NASUWT would support the retention of requirements for schools to maintain registers of attendance as provided for in current legislation.
69. The Union notes the Committee's proposal that governing bodies should have a duty to improve attendance. In light of the observations made elsewhere in this submission on the role and function of governing bodies, the NASUWT does not believe that it would be sensible to introduce such a requirement at this time.

### **Fees and charges**

70. In light of the status of education as a human right, it is critical that legal provisions are in place to prohibit the charging of fees for admission to education in any States school or the provision of services provided by these schools. It is critical that the opportunity created by the revision of the Education Law is taken to establish clear and enforceable provisions on charging in States schools.
71. Requirements in this respect should make clear that no charges will be made for:
- admission to a States school;
  - education provided during school hours;
  - education provided outside school hours if it is part of the Bailiwick Curriculum or relates to public examinations for which pupils have been entered;
  - instrumental or vocal tuition; and
  - entering or re-siting an examination for which pupils have been prepared in a States school.
72. Particular care will need to be taken to ensure that inappropriate charging practices, especially those too often evident in England, are not allowed to take root in Guernsey. Through its long-running Cost of Education

campaign, focused on exposing and challenging financial barriers to educational access, the Union has particular concerns in relation to:

- 'voluntary' contributions to school funds;
- charging for lunchtime supervision;
- charging for so-called 'optional extras', which are, in many cases, used to restrict access to core educational entitlements; and
- abuse of schools' ability to levy charges for non-educational off-site visits to deprive pupils of access to activities that form part of their core education entitlement.

73. The NASUWT looks forward to engaging further with the Committee on the development of more effective guidance and regulations on charging in schools.

#### **Provision of funding support to learners**

74. It is important that current provisions for financial assistance for learners are retained in the revised Education Law. It is clear that support for pupils to access off-Island placements, where appropriate, is an important means by which children and young people from socio-economically deprived households can access the same range of educational opportunities as their peers.

75. The revision of the Education Law provides a timely opportunity to review the effectiveness of current arrangements to ensure that they contribute as effectively as possible to removing the barriers to access that disadvantaged pupils can face.

#### **Transport and school travel**

76. The Committee will be aware that issues related to the travel of pupils to and from schools and other educational settings give rise to significant

grounds for concern for staff, learners and their families. The NASUWT has continued to express its disappointment that the specific travel-related dimensions of current plans for the reconfiguration of secondary education have yet to be taken into adequate account by the Committee.

77. It is, therefore, clear that the Committee should take the opportunity provided by the review of the Education Law to revisit its existing approach to school travel.
78. This work should examine the scope for reducing travel to school by car for children living both within and beyond the statutory school walking distance.
79. It is recognised that changing work and family-life patterns mean that many parents are not able to walk with their children to school. Also, for many parents, their children's safety on their journeys to school is a critical concern and many find that taking their children to school by car is not only more convenient and time-efficient, but also gives them peace of mind that their child has arrived at school unharmed.
80. Therefore, the Committee should ensure that it has a legal duty to issue guidance on school travel. This guidance should encourage approaches that reduce the use of cars to transport pupils to school. For example, in many jurisdictions, walking bus schemes, where children join a 'human bus' at stops along a pre-determined route, have proved very popular with parents and pupils. As children are escorted by appropriate adults, parents have found that these schemes address their concerns about safety and free them from the time demands of the school run. The benefits of these schemes impact on broader initiatives to promote exercise and healthy lifestyles among children and young people.
81. However, it is clear that for many children, the provision of transport will remain critical to their ability to access their educational entitlement. In particular, the NASUWT notes that, unlike other jurisdictions, transport for

pupils with SEND is provided on a discretionary rather than a statutory basis. These arrangements are not appropriate and it should be a matter of legal entitlement that the pupils who need support with travel to school or other educational settings have access to it as of right.

82. Similar issues apply in respect of children from families on low incomes who are assessed as having no viable alternative to motorised transport as a means to access education but who find the costs of accessing such transport from their households' resource are prohibitive. Children living in remote locations beyond the statutory walking limit may also have few options other than to rely on such modes of transport.
83. For these reasons, the NASUWT would have serious reservations about any attempt to remove statutory walking distances from primary legislation. Not only could such an amendment to the current framework compound existing educational and social disadvantage but it may also result in increased car use for school-travel purposes.

### **Home education**

84. The NASUWT would support steps to review the legal basis on which the right to home-educate currently rest. In particular, the Union is concerned that there is no legal provision in place at present to identify those children who may not be receiving their education entitlement.
85. In assessing the legal and policy framework for home education, it should be recognised at the outset that it is by no means a matter of expert consensus that the States is obliged by international law to continue to permit home education. In particular, Article 29 of the UNCRC sets out a fundamental right for all children to an education that is directed to the development of their personalities, talents and mental and physical abilities. The social dimensions of education also establish important considerations in this context. The Universal Declaration of Human Rights establishes that the whole purpose of education is the strengthening of

respect for human rights and fundamental freedoms. The Declaration confirms that education should promote understanding, tolerance and friendship among 'nations, racial or religious groups'.

86. Further, it is not at all clear that the States is required by the ECHR to permit home education in all circumstances. It is also the case that the European Court of Human Rights has upheld the rights of States to withdraw or mediate the right to home education. Other European countries, including Sweden and Germany, have considerably more constrained rights to home educate than is the case currently in Guernsey. Most European jurisdictions require mandatory registration of home-educated children, while in New Zealand, the relevant legal framework demands that home-educated children are 'taught at least as regularly and as well as in registered school'.
87. In light of the considerations set out above, it is evident that the appropriateness of current rights of parents to home educate must be evaluated in the context of education as a human right and a public good. The NASUWT remains clear that high-quality education requires the deployment of appropriately qualified teachers and, therefore, continues to find difficulty in reconciling a general right to home education with this principle. It should be noted that the right to be taught by appropriately qualified persons is also found in the universally applicable United Nations Sustainable Development Goals.
88. Therefore, the Committee must recognise in its development of policy in this area that international law does not obstruct it from considering a wide range of options in regulating and restricting the rights of parents to home educate.
89. The States has significant responsibilities in relation to the safeguarding of all children, including those educated at home, as well as the suitability of the education they receive. It is clear that the Committee cannot fulfil these requirements effectively if it does not have accurate records of all home-

educated children. Therefore, if the Committee intends to continue to give parents a right to educate their children at home, then it is entirely reasonable, as a minimum expectation, for it to establish a system of mandatory registration of all children educated in this way. The scope of any registration requirements must include those children who receive a combination of school-based and home education.

90. For these reasons, the NASUWT would support provisions in the Education Law to establish a home-education roll. However, notwithstanding the importance of registration, it should be recognised that registration, by itself, is insufficient to ensure that home-educated children and young people are kept safe and are benefitting from their educational entitlements. It is, therefore, necessary that the revised Education Law should give the Committee a duty to assess the educational development of children receiving home education.

91. The Education Law should also place the Committee under a duty to issue subordinate legislation and guidance on the methodology used to monitor home education. The Union believes that these regulations should:

- oblige home educators to provide a clear statement of their intended educational approach, intent and planned outcomes for each child for which they will be responsible over the following 12 months; and
- confirm that the Committee has the power to:
  - access the dwelling places of home-educated children;
  - designate properly qualified officers to speak with each child alone if it is deemed appropriate, or, if a child is particularly vulnerable or has particular communication needs, in the company of a trusted person who is not the home educator or the child's parents;
  - oblige parents to allow the child, through exhibition or other means, to demonstrate that both attainment and progress

- are in accord with minimum expected standards and the statement of intent lodged at the time of registration;
- ensure that all officials engaged in the monitoring and support of home-educated children and their families are suitably trained;
  - require all public services for children, young people and adults to inform those charged with the monitoring and support of home education of any properly evidenced concerns that they have about parents' ability to provide a suitable education, irrespective of whether or not they are known to children's social services; and
  - confirm the circumstances in which the Committee may refuse or revoke registration.

### **Health, hygiene and cleanliness**

92. The Committee rightly identifies the particularly outdated nature of provisions in the 1970 Education Law on pupils' health and hygiene and cleanliness. The NASUWT notes with specific concern the powers contained within the Law in respect of children 'infested with vermin' or who are in 'a foul condition', including powers to fine parents for any failure to resolve such 'infestations' or their children's 'foul conditions'.
93. The NASUWT agrees with the Committee that while these outmoded features of the current Law should be replaced, it is appropriate for the Committee to retain its power to conduct universal health screening programmes, given that for many children, such programmes may represent the only viable means by which they can be assessed by a medical professional on a regular basis. These provisions should confirm that suitably qualified medical personnel and not teachers or school leaders should be given responsibility for conducting such examinations.
94. The NASUWT recognises that parents have a right to refuse to allow their child to participate in school health screening programmes and that this

right should be reflected in legislation. However, such a refusal should trigger a statutory safeguarding referral to the Multi Agency Support Hub (MASH) and the Committee should satisfy itself that schools are clear about their responsibilities in this important respect.

95. The Committee is right to propose that the Law should give headteachers the power to direct pupils not to attend school if their attendance would be detrimental to their health, safety and welfare, or those of other pupils and staff. However, given the significant nature of this power, it would be important for the Committee to work with the NASUWT and other relevant stakeholders to develop statutory guidance on its use.

### **Corporal punishment**

96. It is entirely inappropriate that corporal punishment remains legally permissible in Guernsey's schools. As the Committee notes, the use of corporal punishment is prohibited by the ECHR and has been found to be inconsistent with the provisions of the UNCRC. It is therefore right that the revised Education Law will confirm that corporal punishment is unlawful in all schools.

97. It is important that the Law should also draw a clear distinction between corporal punishment and the legitimate use of force and physical restraint. This consideration should be reflected in the development of guidance on the use of force advocated by the Union elsewhere in this submission.

### **Provision of clothing**

98. The NASUWT notes that powers to provide clothing to pupils are currently discharged by the Committee for Employment and Social Security (CfESS) on behalf of the CfESC. The Union further notes the intention for the provision of clothing to be integrated into CfESS's income-support scheme in future.

99. It is right that the Education Law should empower the Committee, if necessary, to provide any clothing required to support pupils' participation in education until a revised income-support scheme is in operation. In respect of the Committee's proposal to include powers to recover sums from parents in respect of the provision of clothing, it will be important for it to set out detailed proposals on how it intends this power to be used in practice prior to the passage for the revised Law through the States, so that the appropriateness or otherwise of this provision can be considered on a fully informed basis by all stakeholders.

### **Employment of children**

100. All UK jurisdictions place legal restrictions on the ability of children and young people to take up employment. It is clear that circumstances can arise when the employment of children can have adverse implications for their health and safety and welfare.

101. It is, therefore, appropriate for such provision to be included in an updated Education Law. The NASUWT looks forward to reviewing the CfESC's plans in this respect when its Policy Letter is published.

### **Data sharing**

102. Schools and other public bodies and agencies with relevant statutory responsibilities must be able to share relevant data and information about the children and young people for whom they have responsibility. Provision to this end should, therefore, be included in the revised Education Law.

103. The introduction of the revised Law creates a timely opportunity to review current regulations and guidance on the collection and sharing of data and information across the children and young people's sector. In particular, it is important to confirm that current arrangements are manageable for schools and ensure that relevant staff have the support, training and

capacity to store, use and share data and information lawfully and purposefully.

## **Reporting**

104. Given its responsibilities for the provision of publicly funded education, it is right that the Committee is placed under a legal duty to provide information about its activities and to account publicly for the contribution these activities have made to supporting teachers and school leaders in their work to secure and sustain high standards in all Guernsey's schools.
105. Reporting requirements to the Committee placed on schools and other settings should ensure that the information they are expected to provide is proportionate and that requirements do not create excessive and unnecessary burdens for staff. This critical principle should be reflected in primary legislation.
106. The NASUWT recognises that it is important that parents are given information about their children's progress and achievements and does not object to provisions to this effect being included in the revised Education Law. The Union looks forward to engaging with the Committee on the detail of relevant supporting legislation in this respect in due course, including how it can ensure that requirements on schools in this respect do not add to teachers' and school leaders' workloads and do not involve them in tasks and activities that distract them from their core responsibilities for teaching and leading teaching and learning.

## **Curriculum**

107. The Bailiwick Curriculum should establish a universal, high-quality, engaging and personally relevant learning entitlement for all pupils regardless of the school or setting in which they are educated. It should be developed through a process of engagement and consultation with teachers and members of the wider school workforce and all others with a

stake in the success of Guernsey's education system. In other jurisdictions, an independent curriculum council is established to take forward this work and to make recommendations, with final decision making resting with democratically accountable representatives of the Island's population.

108. The NASUWT recognises that schools should have the scope to address areas of learning that reflect their circumstances and context. In calling for a system-wide curricular framework, the NASUWT does not insist that a centrally determined curriculum should seek to encapsulate all the skills, knowledge and understanding that pupils might be expected to acquire during the course of their schooling. The Union also does not advocate a curriculum that would constrain the ability of teachers to make appropriate use of their professional judgement and autonomy to make suitably informed decisions about teaching and learning.
109. However, a fit-for-purpose, system-wide curriculum, as well as establishing a common learning entitlement for pupils, would support effective transition between primary, secondary and further education, giving receiving schools and settings more certainty about pupils' prior learning experiences.
110. For this reason, the NASUWT is clear that, as in other jurisdictions such as Jersey and England, primary legislation should include a statement of curriculum entitlements and defined aspects of study. As in these education systems, the precise details of these provisions should be set out in subordinate legislation following a process of full public consultation.
111. The Committee has suggested that the Education Law should be changed to remove express requirements on schools to teach Religious Education. The NASUWT does not believe that this proposal is appropriate and believes that this subject should, instead, be given equal status to all other subjects and areas of learning to be specified in the Education Law.

112. The NASUWT notes the proposal to remove parents' rights to withdraw their children from Religious Education lessons. It is appropriate that the curriculum for the subject should be designed in such a way that it does not conflict with parents' rights under the ECHR to raise their children in accordance with their beliefs and from which, therefore, no right of withdrawal need apply. However, in light of the absence of any detail on the Committee's plans for curriculum content in Religious Education, it is not possible to give a fully considered view of this proposal at this stage.
113. In line with the views set out above, the NASUWT is clear that provision should be made in legislation for the inclusion of sexual health and relationships education (SHARE) in schools' curricular programmes.

### **Assessment**

114. The NASUWT agrees that matters relating to assessment and the use of benchmarking data should be regulated through subordinate legislation and guidance, as is longstanding practice in UK jurisdictions and in the other Crown Dependencies.
115. However, the development of a revised Education Law provides a timely opportunity to consider the appropriateness of current arrangements. Particular consideration should be given to the use of the Attainment 8 imported from England. Notwithstanding the crude nature of Attainment 8 as a performance measure, the relatively small size of Guernsey's education system means that it is difficult to make valid and longitudinally reliable comparisons with the education system in England. It should be noted that Attainment 8 is regarded by the Department for Education (DfE) in England as a subordinate indicator of school and system performance, given that it is intended deliberately not to report explicitly on the progress made by pupils during the course of their secondary education.
116. Moreover, Attainment 8 reflects the imperatives of curricular policy in England in respect of its privileging of subjects included in the English

Baccalaureate performance measure. There is, therefore, a significant degree of incoherence between the Committee's stated ambitions for the Bailiwick Curriculum and the basis upon which the Attainment 8 indicator is constructed. The Committee should, therefore, review the use of this measure in consultation with the NASUWT and other relevant stakeholders.

117. The Committee continues to publish crude league tables of individual school performance based, on attainment data. Given the nature of Guernsey's education system, including the continued existence of selective provision, it is clear that the prior attainment of pupils differs significantly between secondary schools. For this reason, the publication of performance in such tables is highly misleading, as it fails to reflect the full nature of the contribution that each school makes to the progress and achievement of the pupils they serve.

118. The NASUWT notes in this context that the Committee has appointed Ofsted as its provider of external school inspection. The Union expressed disappointment that the Committee did not take advantage of the opportunity provided by the review of inspection arrangements to develop a bespoke approach to inspection, tailored to Guernsey's needs and circumstances. Nevertheless, it occurs to the NASUWT that the process of Ofsted inspection provides a more robust and reliable means of holding schools to account. Given that Ofsted inspections take account of official performance data but seek to contextualise this data within a broader and more holistic evaluation of school performance, the publication of school-by-school attainment data will be rendered redundant. The introduction of a revised inspection system, therefore, provides the Committee with an opportunity to discontinue the publication of performance tables.

## **Inspection**

119. The NASUWT agrees that it is important that all schools, regardless of status, are subject to a common system of school inspection. However, it

is essential that the framework within which inspection is undertaken is clear and widely understood across the education system.

120. As noted above, the Committee has introduced a revised framework for inspection based on the model used by Ofsted in England and will deploy Ofsted-trained inspectors for this purpose. It is, therefore, important that all inspections are undertaken in full accordance with this framework by suitably trained personnel. This framework contains important and welcome provisions in relation to: the wellbeing and workload of teachers, school leaders and the wider school workforce; seeking the views of a representative cross section of staff of the effectiveness of the leadership of behaviour management; its greater emphasis on whole school performance rather than individual teacher judgements; and shift in emphasis away from pupil performance data towards schools approaches to the curriculum.

121. For these reasons, the NASUWT would not support the inclusion of provisions in the revised Education Law that would permit the Committee to undertake inspections outwith the terms of this framework and allocate this task to any individuals it deems fit. The Committee should recognise in this context that the effectiveness of inspection depends in large part on schools understanding the basis on which it will be undertaken.

122. It should be noted that in all UK jurisdictions, the need to ensure that the requirements of inspection are not subject to misinterpretation has resulted in an approach in which a single designated body is given statutory responsibility for the conduct of inspections within a common framework. The NASUWT can identify no coherent rationale for Guernsey's education system to depart from well-established practice elsewhere.

123. It is right that those who willfully impede a lawful inspection should be held to account for their actions and should face appropriate consequences for any unacceptable conduct in this respect. However, the current Law allows for the imposition of a custodial sentence in such circumstances. The

NASUWT is clear that given the nature of this offence, a custodial sentence would be entirely disproportionate and this provision should be removed from the legislative framework.

### **School admissions and parental preferences**

124. The NASUWT notes the proposal to continue with arrangements in primary legislation for admissions to primary schools to be determined through the operation of a catchment area system.
125. In principle, the NASUWT does not object to admissions criteria established on the basis of catchment areas. However, it will be important to ensure that exemption criteria are established that ensure that these arrangements can operate equitably and transparently.
126. In particular, catchment area boundaries must not lead to excessive class sizes in some cases. It will also be important to allow parents to send siblings to the same school if they wish, including in circumstances where they may have moved from the relevant catchment area of a school attended by their other children, or if the boundaries of the catchment area are redrawn. For some children with additional and special needs, consideration will also need to be given as to whether their catchment area school is best placed to meet these needs. Arrangements for admission to voluntary schools will also need to be set out clearly in any revised admissions framework.
127. Given the importance of this issue, the Committee must establish regulations on the operation of catchment areas and ensure that its proposals are subject to full public consultation.

## **Appeals and complaints**

128. It is important that parents and pupils have an effective means by which they can raise any concerns they have about the provision of education for their children and seek resolution of these concerns appropriately.
129. However, the terms on which complaints are managed must be clear, proportionate and are focused on finding practical solutions to concerns. Therefore, while it is established practice in all UK jurisdictions for arrangements for managing appeals and complaints to be subject to regulations and statutory guidance, these provisions must reflect the principles set out above and be subject to full and meaningful public consultation prior to their implementation. The NASUWT, therefore, looks forward to engaging further with the Committee's on its plans in this respect.

## **Voluntary schools**

130. The NASUWT has no objection in principle to establishing a basis in primary legislation for voluntary schools. The revised Education Law should aim to ensure that these schools are subject to the same provisions that apply in States schools in respect of the terms and conditions of the workforce and the provision of education generally, subject to the lawful scope available to them to give appropriate effect to their religious character.
131. The Union also has no objections to the inclusion in the Education Law of provisions that would limit the number of voluntary schools to those in operation currently. However, it will be important to ensure that such a provision does not prohibit the expansion of these schools if the numbers of pupils applying that meet the admissions criteria exceed current capacity.

132. The Committee has indicated its intention to allow for the introduction of faith-based criteria for admission to voluntary schools on the same basis as admission to schools with a religious character is provided for in England. In light of this position, it will be necessary for the admissions criteria for these schools to be incorporated into a statutory admissions code to prevent any form of discrimination that would be unlawful under the proposed equalities legislation referenced elsewhere in this submission, notwithstanding the ability of these schools to take faith considerations into account in their admissions policies.
133. However, the NASUWT is not convinced that this provision should extend to allowing schools to discriminate against those who would not identify as practising Catholics in considering applications for senior posts. It does not occur to the Union that self-identification as a practising Catholic would represent a genuine occupational requirement for such posts. Instead, schools should be able to assess candidates on the extent to which they can demonstrate that they can promote the ethos and values of the school. Candidates for posts who can demonstrate this capacity should not be disadvantaged for not identifying as practising Catholics.
134. The NASUWT would support provisions in the Education Law to give the Committee the power to take over the management of voluntary schools when their managers are incapable or unwilling to do so. The circumstances when such powers could be used should be set out in subordinate legislation and guidance and subject to consultation with the NASUWT.

### **Independent schools**

135. It is appropriate that the Committee should establish a definition of 'independent school' in Law that includes all non-States schools. This provision should apply to all existing non-States schools and any that are opened in future.

136. The revision of the Education Law creates an opportunity for the Committee to work with the NASUWT and other relevant stakeholders to revise the regulatory framework that applies to independent schools. This review should proceed on the basis that the States has responsibility for the education and wellbeing of all Guernsey's children and young people, including those enrolled in independent schools. The regulatory framework should include requirements in respect of inspection, the curriculum, the terms and conditions of staff, health and safety, provision for learners with SEND, and safeguarding, and set out the circumstances in which registration of proprietors of independent schools may be revoked. It should also make clear that independent schools will be inspected under the same framework that applies to States and voluntary schools. The NASUWT agrees that it should be an indictable offence to operate an unregistered school.

137. The Committee has not set out a convincing case for ending the appointment of States appointees to the governing bodies of independent schools. In particular, it seems appropriate that schools in receipt of public funds should be accountable for how these funds are used. At present, the appointment of States representatives on governing boards appears to be a proportionate means of securing this aim. As a minimum expectation, the States should set out a clear rationale for this proposal before it is progressed, confirming how accountability for the use of public funds would continue to be secured in future.

### **Accommodation**

138. The NASUWT agrees that a power should be retained in the revised Education Law to enable the Committee to provide for the boarding of learners where appropriate. The Union notes the importance of these provisions for pupils from Alderney, Herm and Sark who need to attend schools in Guernsey, and for some provision for Guernsey children and young people that is located off-Island. Before provisions are established to permit the recovery of costs incurred by the States in this respect,

proposals for the circumstances in which this power would be operationalised through subordinate legislation or guidance should be published and subject to public consultation.

## **Research**

139. The 1970 Education Law gives the Committee the power to conduct research or participate in or organise conferences. The NASUWT notes that while the Committee recognises the value of such activities, it has indicated that such activities are 'fundamental to the Committee's mandate' and should, therefore, not be subject to defined powers in Law.
140. The rationale for this conclusion is not clear given that the current arrangement does not require the Committee to conduct research, but merely gives it the power to do so. The Committee should, therefore, clarify its motivations in this respect before progressing this proposal. In particular, the Union would oppose any provision that would constrain the availability of the education system in Guernsey to benefit from relevant research that is tailored to the distinctive nature and needs of pupils.

## **Consultation with stakeholders and the voice of the learner**

141. The NASUWT agrees that the voices of learners should be taken into effective account in matters that affect their lives, both individually and collectively, as well as in the development of policy. Similar considerations apply in respect of parents and other stakeholders, including workforce trade unions.
142. However, the Union is concerned that it is not always the case that the views and concerns of members of the school workforce are given due weight in the development of policy. For example, and as noted above, the involvement of the NASUWT in the development of the Education Law has been confined to a very late stage in the process. The NASUWT believes that the Committee needs to broaden and deepen its stakeholder

engagement if it is to develop policy on a suitably informed basis. For this reason, the NASUWT believes that requirements on the Committee to consult with stakeholders should be subject to a duty in primary legislation, with detailed provisions set out in accompanying subordinate legislation and guidance.

### **Teacher registration and qualifications**

143. The NASUWT is concerned that there remains no statutory requirement specifying the qualifications that those employed as teachers in educational settings in Guernsey should possess.
144. This absence creates circumstances in which unqualified individuals can be employed to teach without legal restriction. Employment of such staff is profoundly detrimental to the provision of high-quality education and undermines the right of every child and young person to be taught by a suitably qualified teacher.
145. The NASUWT recognises that for practical reasons, teacher supply in Guernsey is supported by those trained and qualified in the UK and the Republic of Ireland. The Union, therefore, continues to believe that legislation should be introduced to ensure that only those individuals eligible for recognition as qualified teachers in a UK jurisdiction, the Isle of Man, the Bailiwick of Jersey or in the Republic of Ireland can be employed as teachers in Guernsey schools.
146. The Education Law should, therefore, include provision for the establishment of a formal register of teachers to assure parents, learners and the public that only qualified teachers, or those on a pathway to such status, can be employed to teach in the Island's education system. The Union also believes that this register should be extended to cover those offering private tuition services.

147. The revision of the Education Law creates an opportunity for the Committee to consider its school and college workforce strategy. As the OECD has continued to note, access to qualified and experienced teachers has a major impact on children's educational outcomes. Therefore, if governments are to be taken seriously in respect of their stated objectives in respect of securing social mobility and excellence for all children, then they must begin by ensuring that all pupils are taught by qualified and experienced teachers. This means having appropriate levers in place to recruit and retain qualified teachers and to ensure the continuous development of teacher quality.
148. It is clear that, to date, Guernsey has not benefitted from a coherent workforce strategy directed towards these critical aims. Instead, teacher and school leader workforce policy has tended to be developed on a piecemeal basis. The NASUWT is clear that there are important aspects of current arrangements in respect of workforce policy that should be retained in future, including the maintenance of a common pay and conditions framework for teachers, lecturers and school and college leaders. However, it is clear that, aspects of these arrangements have been introduced or changed without reference to an overarching plan for the workforce and the contribution it makes to supporting the highest possible levels of learner progress and achievement.
149. Guernsey's education system has many strengths, not least the professionalism, skill and dedication of its hardworking teachers and school leaders. To take full advantage of these strengths, it is now clear that the Committee should work with the NASUWT and other relevant stakeholders to develop a workforce strategy based on the following principles:
- i. Continuing to improve standards of educational progress and achievement in Guernsey is a goal that all stakeholders must acknowledge and work actively to secure.

- ii. Continued improvement of the quality of educational provision and enhancing the working conditions of teachers and school leaders are mutually-inclusive goals. One of these goals cannot be advanced to the detriment of the other.
- iii. Teachers and school leaders who are distracted by tasks and responsibilities that do not allow them to make effective use of their skills, talents and expertise cannot focus to a sufficient extent on meeting the needs of individual learners and, thereby, sustaining improvements in levels of educational attainment.
- iv. Similarly, teachers who face excessive workloads and unsupportive working environments are not well-placed to support the highest possible levels of learner progress and achievement.
- v. The success of Guernsey's education system depends on securing adequate levels of teacher supply. Addressing issues related to the pay, workload, wider working conditions and the ability of teachers to focus on teaching and learning is central to making teaching an attractive career option for graduates, and ensuring that those already working as teachers are incentivised to remain.
- vi. Further to the above principle, the recruitment and retention of teachers is supported by the development of clear career and pay progression pathways. These pathways should enable teachers to be rewarded for taking roles and responsibilities focused on teaching and learning, and that, thereby, help support work to improve further the quality of educational provision. Pathways to headship are critical but progression options need to be developed for those teachers who wish to advance their careers while remaining rooted in classroom practice.
- vii. Development of the teaching workforce on this basis must involve a clear entitlement to benefit from high quality, relevant professional development, as well as a responsibility to participate in it.

- viii. Every teacher should have the opportunity to benefit from terms and conditions of employment that ensure equality of treatment as well as equitable and clearly articulated entitlements and responsibilities.
- ix. Reform should be taken forward on the basis of evidence of the experiences of learners and teachers as well as that of successful reforms undertaken elsewhere, while recognising that all reforms must be tailored to Guernsey's specific context.

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