

Equalities and Human Rights Committee

Race Equality, Employment and Skills

30 April 2020

1. The NASUWT welcomes the Equalities and Human Rights Committee inquiry into race equality, employment and skills in Scotland, with the identified aims of supporting increased employment and skills opportunities for people from minority ethnic communities in Scotland.
2. The NASUWT is the largest UK-wide teachers' union and the fastest growing teachers' union in Scotland, representing teachers and school leaders in all sectors of education.

GENERAL COMMENTS

3. The NASUWT, through its Act for Racial Justice Campaign, is committed to challenging all forms of race discrimination, injustice and inequality in education. The Act for Racial Justice Campaign was launched at the NASUWT's annual Black and Minority Ethnic (BME) Teachers' Consultation Conference, which is now the biggest event for BME teachers in Europe. The campaign was launched partly as a response to findings by the Union, which show that BME teachers believe they are being discriminated against when it comes to pay progression, access to continuing professional development (CPD), promotion prospects, and increasingly being subject to capability procedures. It also aims to address

issues around the inequality in educational provision for BME pupils, unequal academic attainment among different minority groups, and the wider problem of racism in society.

4. The NASUWT believes that addressing the issues that prevent BME teachers from both entering the teaching profession and progressing and staying in the profession is essential for a truly equitable education system. Teachers from BME backgrounds are as committed to teaching as their white colleagues, but struggle with the endemic racism that pervades the education system. Racial inequality exists at different levels within the education system and is stubbornly persistent, affecting BME teachers' morale and long-term career aspirations. For the education system to be able to deliver for all of society, discrimination has to be challenged and rooted out wherever it is found.
5. The Union also runs a programme of training courses and events specifically tailored for under-represented groups. The annual BME Teachers' Consultation Conference, highlighted above, is a highly successful part of the NASUWT's annual programme of Consultation Conferences. This Conference enables BME members to discuss the key professional issues and challenges they face, share experiences, and meet other members in a safe and inclusive environment.

SPECIFIC COMMENTS

How should employers, schools, colleges and universities work together to help people from minority ethnic communities move into work?

6. Effective strategies to address and deal with discrimination require concerted action across all spheres of society. The Government must recognise the challenges and barriers BME people face in the labour market and focus on measures which will reduce the race-related

employment gap. The key areas requiring critical reflection by the Government and other education stakeholders are set out below.

PUBLIC SECTOR INVESTMENT

7. The NASUWT is clear that in addition to setting positive aims to support BME people in the labour market, and specifically in the public sector, the Government must ensure that significant investment is given to the public sector as a whole. The education system, together with other key public services, has been subject to a stringent austerity policy since 2010. The success of Scottish Government initiatives will be directly related to the replacement of austerity by a national programme of investment in the education system. The Union remains in favour of ring-fencing to protect education funding, the absence of which undermines many of the commitments given centrally.

8. In considering how best to support BME teachers at work, and the allocation of funding to the public sector generally, the Government should reflect on the following stark statistics taken from the 2019 NASUWT Big Question Survey. The survey revealed that:

- 81% of BME teachers do not think that teaching is competitive with other professions;
- 79% do not believe that they are paid at a pay level commensurate with their skills and experiences;
- 79% believe that people are put off a career in teaching because of pay;
- 42% of teachers who experience any form of abuse by a parent/carer or pupil do not feel that their school deals with the issue in a satisfactory manner;
- 61% of teachers believe that the job has affected their physical health in the last 12 months;
- 59% say that their job satisfaction has declined in the last 12 months;
- 73% have seriously considered leaving their current job;
- 66% have considered leaving the teaching profession.

9. There must exist a strong foundation of good employment practices. The above statistics should give rise to serious concerns about the absence of

good employment and management practice within the education sector and the need for transformative change in cultures, systems and practice.

PUBLIC SECTOR EQUALITY DUTY

10. The statutory Public Sector Equality Duty (PSED) was introduced to ensure that schools and colleges play their part in advancing racial equality and tackle discrimination faced by staff and learners. However, independent NASUWT research¹ shows that the majority of schools are unaware of their duties and obligations under the PSED.

11. A further significant challenge is that employer involvement with the PSED has not resulted in any significant embedding of equalities considerations within decision making. 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.

12. A significant move to support BME workers and the PSED would be to ensure mandatory ongoing equalities training for all schools and in all Initial Teacher Education (ITE) Institutions: an issue which is revisited later on in the consultation.

EQUALITY REPORTING & DATA

13. Greater transparency in terms of BME equality reporting could also create the conditions in which employers are expected to demonstrate that they value BME workers in terms of their pay and rewards practices.

14. It is clear that a lack of robust data on BME employment levels in individual public bodies creates a challenge for the setting and monitoring of targets. Many BME teachers report fear of being victimised and excluded at work, that they will not get a job or promotion, or that they will be targeted for capability or disciplinary procedures if they reveal their

¹ NASUWT Annual BME Teachers' Consultation Conference (2018).

ethnicity to a prospective employer. The Government should be actively promoting the positive contribution that BME workers make in the workplace.

15. Gathering more and stronger data must be prioritised, moving forward, to improve BME representation. Without reliable data, public policy relating to BME communities will be ineffective.

POVERTY

16. Poverty and disadvantage can have a profound impact on pupils' educational achievement. In the UK today, children from BME communities continue to be affected disproportionately by material disadvantage. The most recent official data shows that BME children are twice as likely to grow up in poverty as their white peers.²

17. The NASUWT is clear that one of the most profound and damaging consequences of child poverty is the impact that it has on pupils' educational attainment, their wider wellbeing, and their future life chances. The Union has campaigned consistently for more effective action to ensure that no child grows up in circumstances where they are deprived of the economic, social and cultural resources they need to thrive and make the most of their potential. The right to grow up free from poverty and socio-economic insecurity is one of the most important children's rights, and the disproportionate impact of poverty on BME children must not be ignored.

NATIONAL STRUCTURES OF ACCOUNTABILITY

18. The Race Equality Action Plan contains more than 120 actions spanning employment, education, health, housing, poverty, community cohesion, and safety for all BME communities in Scotland. Published in January

² Osborne S, '6 charts that show what it's really like to be black or an ethnic minority in Britain'. *The Independent* (August 2016).

2018, the NASUWT recognises that it includes many positive aims, such as:

'We will encourage GTCS [the General Teaching Council for Scotland] to increase the profile of equality and intercultural competence in their ongoing review of professional standards for teachers by summer 2019.'

'We will work with Education Scotland and regional collaboratives in the development of new professional learning in leadership and ensure that minority ethnic teachers are encouraged and supported to join programmes. In creating new programmes of professional learning for teachers and school leaders we will ensure Education Scotland undertakes effective equalities proofing including by seeking the views of external experts.'

19. However, the NASUWT considers that without stringent accountability structures, such race equality commitments cannot effect real and long-lasting change.

20. Scotland's Race Equality Action Plan for 2017-2021, 'A Fairer Scotland for All', specifically asked the Strategic Board for Teacher Education (SBTE) to establish a short-term working group to look at how we might increase the number of teachers from under-represented groups at all levels in Scottish schools. The Diversity in the Teaching Profession Working Group was established in November 2017. It is disappointing that this working group has been earmarked as short term. A strong national approach is necessary, and while the working group has undertaken excellent work in liaising with education stakeholders and assessing the actions set out in the Diversity in the Teaching Profession report, without a permanent national accountability structure with associated funding to foster this collective work, there is a genuine risk that the current momentum will be lost. It is to be expected that where there is funding and established accountability structures, national strategies will work well. However, the pace of change within national policy often means that new priorities are identified and current issues are put to one side. Such inconsistent

management of long-term goals and aims naturally leads to national problems recurring in a cyclical fashion.

21. In addition to consistent structures of accountability, the Scottish Government must ensure the aims underpinning the Race Equality Action Plan are mainstreamed within all political decisions. The positive effect of political visibility, alongside a commitment to fiscal resource, can be seen in the impact given by teachers, schools, local authorities (LAs) and wider education stakeholders to closing the poverty-related attainment gap. Moving forward, it is essential that the national political narrative adopts the language of race equality in the same way.

POLICY COHERENCE

22. Sitting at the heart of any national structures of accountability is the desire to link up policy work across the political and educational spectrum. For example, the National Strategy for Coaching and Mentoring Short Life Working group was established in February 2020. The scope of the working group was to identify existing strengths and potential gaps in current provision and to develop a plan to build on those strengths and address gaps; for example, access to coaching and mentoring approaches. Unfortunately, there was no link made to the recommendation in the Diversity in the Teaching Profession report:

'A national mentoring network for minority ethnic staff should be established by March 2019. This network should be developed and led by the GTCS, working in partnership with BME teachers and relevant groups who have experience in this area. The mentoring process should include the ability to spend time in another school or authority to shadow a promoted member of staff.'

23. Failing to consider the national mentoring network for BME staff within an overarching national strategy for coaching and mentoring is deeply unhelpful.

EDUCATION STAKEHOLDERS ENGAGEMENT

24. Even with a long-term, fully funded accountability structure, commitments made within a national race equality framework do not automatically result in change, and the NASUWT has been working hard to raise race awareness across Scotland's education stakeholders to ensure race equality is integrated within national policy discussions as a vehicle for systemic change.

25. The General Teaching Council for Scotland (GTCS), as one example, has recently consulted on the standards. The NASUWT, in its response, has been clear that one of the aims of the GTCS Standards should be to promote diversity within education and encourage people from protected groups to become involved in education and teaching and within the GTCS functions and structures.

26. The NASUWT has consistently argued that a commitment to equality should be considered a core GTCS professional value and that the suite of registration documents must feel authentic to teachers working across Scotland. Evidence from BME members has shown that many do not feel comfortable being themselves in their work setting, due to preconceptions and prejudices. Where the GTCS Standards do not reflect the challenges for teachers on the ground, and are race blind, they will further disenfranchise minority groups and act as a barrier to recruiting a diverse teaching profession in Scotland.

27. Unfortunately, the words 'equality', 'equity', 'diversity' and 'inclusion', let alone 'race', 'BME', 'gender', 'sexuality' and 'disability', were missing from the values section of the draft. All education stakeholders must work to support greater equality literacy and racial literacy, and it is important that these words appear explicitly across the standards.

28. Indeed, '*A fairer Scotland for all: race equality action plan and highlight report 2017-2021*' stipulates that:

'We will encourage GTCS to increase the profile of equality and intercultural competence in their ongoing review of professional standards for teachers by summer 2019.'

The *'Teaching in a diverse Scotland: increasing and retaining minority ethnic teachers'* report also stipulates:

'The current review of Professional Standards for teachers by the General Teaching Council for Scotland (GTCS) should ensure that race issues are explicitly referenced within the context of inclusion, equality and diversity.'

'Local authorities, ITE providers, Skills Development Scotland, the GTCS, Scottish Government and relevant third sector organisations who have experience in this area should take joint action to encourage young minority ethnic people to identify teaching as a profession of choice.'

'Universities providing ITE and the GTCS should examine national entry requirements, selection, admissions and interviewing practices to ensure that institutional barriers, conscious or unconscious bias do not deter applicants from being selected.'

'Boards and other bodies involved in the governance of Scottish education should ensure their membership includes representation from minority ethnic teachers, this includes the membership of the GTCS, the Scottish Education Council, Teachers' Panel, Curriculum Advisory Board, the Education Leaders Forum and the SBTE.'

29. There is an onus on everyone to ensure that race equality and the PSED are integrated in all policy documents. For example, the NASUWT was successful in securing, within the 'Code of Practice on Headteacher Responsibility in Recruitment and Selection of Staff', explicit mention of their responsibilities under the PSED:

'The Headteacher, working in conjunction with their local authority, will:

(g) in the exercise of their function, and as required by the Public Sector Equality Duty, have due regard to the need to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act; advance equality of opportunity between people who share a protected characteristic and those who do not and; foster good relations between people who share a protected characteristic and those who do not.

'(ii) The local authority will ensure that headteachers are provided with advice in respect of

(c) the need to recruit and support a diverse workforce and to embed this responsibility firmly into recruitment processes'.

How should employers encourage more people from minority ethnic communities to apply to work with them?

30. Every year, the NASUWT carries out a Big Question Survey to gather the views and feelings of teachers on important aspects of their teaching lives. Over 12,000 teachers regularly respond. These responses are analysed by ethnic origin as well as other protected characteristics to ensure that any major disparities in experiences and outcomes are not overlooked.

31. The 2019 Survey revealed that, in terms of commitment and passion for teaching, BME teachers are driven in the same ways as their white colleagues: over 80% of BME and white teachers agreed that their main motivation for teaching was interacting with pupils and seeing young children progress.

32. However, in terms of experience and opportunities in schools, teachers' perceptions vary widely. The 2019 Survey showed that twice the proportion of BME teachers reported they had experienced discrimination in the workplace in the last 12 months (31%) compared to their white

counterparts, and a higher percentage of BME teachers (17% compared to 6%) had been threatened with capability procedures in the last 12 months.

33. To make matters worse, BME teachers have less confidence in being supported by the management in their schools. Almost half (45%) of BME teachers reported that they felt they were not viewed as professionals by school management, compared to 37% of their white peers. Additionally, two thirds (66%) of BME respondents felt that their opinions were not valued by school management in comparison with 55% of their white peers.

34. The different manifestations of inequality of treatment, such as witting and unwitting discrimination in career promotions, and overall workload pressure, are taking their toll on BME teachers. A higher number of BME teachers (45%) are unsatisfied with their job (compared to 40% of their white peers), and a higher proportion of BME teachers have considered leaving the teaching profession (66% compared to 55% of their white peers).

35. At the 2020 NASUWT BME Teachers' Consultation Conference, it was reported that 46% of BME teachers had been shouted at or sworn at by a colleague at work, and 53% had experienced verbal or non-verbal actions that they believed were demeaning to their racial heritage or identity. It is the responsibility of employers to address these concerns if they are serious about encouraging more people from BME communities to seek employment in their businesses.

36. Urgent action is required to secure racial equality in schools and colleges. Governments and inspection bodies have a duty to ensure that school and college workforces are representative of the communities they serve. There should be a zero-tolerance approach to racism in education that is communicated and monitored by all stakeholders. This would send out a very clear message to employers that racism is seen as a serious issue in

the workplace and not just something that is at the whim of leaders. The Government, employers and all key education stakeholders need to be seen to challenge and confront prejudice and discrimination at every turn.

37. Employers must also invest in the BME teachers and employees who are already in the profession, addressing wage gaps, instituting anti-racist policies, providing mandatory training and establishing appropriate accountability measures.

38. Employers must address the glass ceiling many BME employees face by exploring positive action to promote and value diversity. Target setting by itself is not a panacea, and it is important to safeguard against unintended consequences arising from the use of a target-driven approach. However, the NASUWT believes that target setting and benchmarking equalities practice are essential in order to monitor and review progress over time and to identify areas where greater intervention is required. For example, information should be collated by LAs annually to identify how many BME candidates applied for jobs, how many were selected for interview, and how many were successful. Feedback should also be sought from candidates and collated by LAs to assess how candidates felt about the questions or interactions.

39. Alongside any use of data targets, there needs to be a clear commitment to provide the support and resources needed to secure improvement. Consultation with BME workers and their representatives, including trade unions, should be integral to any reviews of progress.

40. Employers should also celebrate diversity and welcome the plethora of cultural and religious backgrounds within society and their workplaces. This is too infrequently promoted as an advantage. Greater awareness of the multitude of cultures and faiths could be provided through staff training which, in a school context, could simultaneously increase the confidence

of pupils, staff and the community that an individual's culture or religion enriches the collective educational experience.

41. Employers should ensure visibility of BME within their organisations such as at careers fairs or on their website, in order to enthuse and inspire BME learners to explore a variety of career options.

What support should employers give to keep people from minority ethnic communities in their organisation? For example, women returning to work.

42. It is vital that the teaching profession is inclusive and representative at all levels. The profile of the workforce in our schools sends an important message to children and young people about the kind of society we live in and about who society values most. A key challenge for public education is to address the serious under-representation of BME teachers at all levels. Our public education system should demonstrate that it values the contribution of all teachers, not simply regardless of age, gender, ethnic background, disability, religion or sexual orientation, but also by valuing the contribution that such professional diversity can make to children's learning and lives.

43. Too many BME teachers have to deal with a climate in which they are being discriminated against, isolated and excluded at work. Discrimination is blighting careers and denying pupils the benefit of their creativity, knowledge and experience. In the 2019 Big Question survey, 39% of BME teachers said they had been subject to discriminatory language or abuse by a pupil, and 16% had been subject to discriminatory language or abuse by a parent or carer. Furthermore, 87% of BME teachers in the survey believed that the job had impacted negatively on their wellbeing in the last 12 months.

44. At the most recent Scotland Equality Conference in June 2019, comments from members included:

“A pupil referred to me as the ‘curry lady’ in their notebook. When I approached my line manager, they did not deal with it. A lot of the time, racism is ignored: it is easier to pretend it hasn’t happened.”

“Colleagues do not challenge racism when exhibited by other teachers.”

45. The 2019 Conference Declaration calls for urgent action to secure equality for all teachers in schools and colleges, including action to:

- challenge bullying, harassment and discrimination in schools and colleges;
- secure compulsory equality training for all staff in schools and colleges;
- and
- campaign for and promote the embedding of equalities within the curriculum.

46. The NASUWT was actively engaged in the career pathway review for teachers, and took the lead by arranging for a roundtable discussion of NASUWT BME members to input directly into the work of the panel. Feedback from members who participated in the roundtable event included:

“Unfortunately, Scottish schools are not welcoming for people of BME backgrounds as we are not doing enough to recognise their achievements nor celebrating the diversity we have in Scottish schools. I feel that in the same way we are trying to build an acceptance and tolerance about other issues in society, there isn’t enough being done to stamp out racism and Islamophobia, it’s not seen as a priority even though it is a very real issue. I know of many Muslim women who have left teaching altogether due to suffering Islamophobic bullying, and of others who have left to work abroad due to better conditions and opportunities too.”

“I would add that some have experienced Islamophobia within the workplace - religious holidays have to be put into yearly planners so that the stigma and the feeling like a leper is removed. If you have fasted for 28

days, then a holiday to celebrate the end of it should be acknowledged in a diverse workforce.”

47. The following key points were raised at the roundtable event and forwarded to the full panel for consideration as part of the review:

- *There must be recognition that racism and prejudice exists within the system and that it is a barrier to BME teachers progressing. Without this recognition, the career pathway review looks like a 'whitewash'.*
- *It was agreed that we needed a set of open and transparent principles, but much more needed to be done. Even with good principles, if a headteacher has a veto at an interview, this can skew the system.*
- *Positive/affirmative action is needed to boost BME candidates (for example, having a BME person on the interview panel or by introducing quotas).*
- *There is an urgent need for equality training across the board, including interview processes and at inspection level. It is not just about training. There needs to be action thereafter to continue support for BME teachers (for example, LAs could use anonymous surveys).*
- *Questions were raised as to whether any of the career panel were BME. They felt that this creates an unnecessary barrier to engagement. When BME teachers feel that they are not heard, they stop engaging. They felt that the process was merely paying lip service to BME issues at best. The lack of recognition within the system has created a culture of disenfranchisement where staff are unwilling or afraid to speak up. Teaching is not a career which would be recommended to BME family/friends.*
- *When asked whether specific action was required to address BME concerns, the answer was 'yes' and the starting point was training for all. Additionally, acknowledgement and recognition are needed*

that it is more difficult for ethnic minority staff in teaching to climb the career pathway.

- *When asked to comment on whether the structure was satisfactory but the way it was being applied was the problem, it was stressed that you could not disassociate the two and the current structure should be considered inherently discriminatory. The panel reinforced the issue of institutional racism as defined in the Macpherson report (it is a collective failure of BME workers). The career pathways need to acknowledge the existence of 'White Privilege' in Scottish education, as revealed by 'Critical Race Theory' and Kalwant Bhopal's 'White Privilege: The Myth of a Post-Racial Society', and act accordingly.*

48. The Career Pathway review does provide an opportunity to support and encourage greater diversity in the teaching profession through the three SNCT Working Groups; for example, by the creation of a Lead Teacher of Equalities. The NASUWT has been advocating for equality impact assessments to ensure that the sabbaticals, the lead teacher and headship and beyond working groups do not lose sight of the opportunity to support BME teachers to enter and be promoted throughout their career.

49. Our members' concerns are further reflected in recent motions to the Scottish Trades Union Congress (STUC) Black Workers Conferences, which over 2018 and 2019 have called for:

- *'mandatory race equality and cultural diversity awareness training across the education service;*
- *'education on diversity and challenging racism and religious intolerance as an essential vehicle to combat institutionalised racism;*
- *'the need for a national conversation about racism in the education system, with all key stakeholders, including the Government, taking ownership of the agenda;*
- *'all teachers have an entitlement to and are provided with race equality training both at ITE and throughout their career;*

- *‘education bodies, such as the GTCS and HMiE, embed race issues within core workstreams and identify steps to tackle institutional racism;*
- *‘all education leaders commit not only to undertake race equality training, but also to actively challenge institutional racism;*
- *‘all employers follow appropriate reporting procedures for discrimination and harassment’;*
- *‘the PSED is promoted as a vehicle for effecting system-wide change within education.’*

50. As outlined above, the NASUWT regularly engages with its BME teachers to examine what can be done to tackle everyday racism in workplaces, and the responses are varied. One of the most important and recurrent issues for our members is to ensure the issue is raised with employers. This suggests that the current practices in schools are failing BME teachers. Policies such as ‘grievance’ and ‘dignity at work’ are potentially failing the very people they are supposed to help. As a minimum, employers should ensure that such policies are communicated to all staff and negotiated correctly with trade unions. Having clear policies and a determination to implement them correctly should be a given.

51. Another important issue is to ensure BME teachers have the opportunity to discuss issues of concern with other BME teachers. Employers should consider the feelings of isolation some BME teachers feel in the workplace. At the 2020 NASUWT BME Consultation Conference, 59% of BME members reported experiencing everyday attempts to exclude or deny the validity of their identity, thoughts, feelings and experiences in the workplace.

52. It is important to have a safe space to discuss concerns, without the fear of isolation and punishment, when raising issues of racism. Such safe spaces can be created through BME mentoring programmes within the organisation and/or outwith the organisation, as with the Scottish Association for Minority Ethnic Educators. Employers should be supportive

by letting their BME employees take the time off they need for these developmental opportunities.

53. In examining the appropriate supports, employers must also look to the challenges and barriers facing BME teachers in their careers. Bush, Glover and Sood³, in their 'Black and minority ethnic leaders in England' study set out the following key issues. The first key barrier identified is being educated and/or employed outside of Britain. The second barrier is having a lack of geographical mobility, which particularly applies to Muslim women. When considering the large geographical area in Scotland, employers must be made cognisant of this as a very real issue. The third barrier is being based in a predominantly white school, which can be a particular challenge in some of Scotland's rural areas. The final barrier identified is applying for promotion at an older age than their white counterparts. Evidence that the NASUWT has obtained from our own surveys and conferences suggests that this data still persists in education today.

54. Feedback from our BME members has further suggested that increased opportunities for part-time or flexible working, to increase job uptake and opportunities for BME women, and regular breaks and facilities provided to allow religious obligations to be observed, may also be supportive.

How do employers deal with racism and discrimination at work? For example, does everyone know their responsibilities?

55. Schools can make a vital contribution in relation to educating, safeguarding and creating a climate in which all staff and pupils feel safe and are treated with respect.

56. Schools and colleges need to take steps to ensure that:

³ Bush, T, Glover, D and Sood, K, 2006, 'Black and minority ethnic leaders in England: A portrait', *School Leadership & Management*, 26 (3), 289–305.

- the school/college promotes a climate of respect for diverse beliefs and customs;
- every student, member of staff, and parent/carer within the school/college community feels valued and secure;
- the curriculum reflects and represents accurately the racial, cultural and religious diversity of Scotland and the world, and addresses issues of difference and diversity in ways that counter prejudiced assumptions about ethnic, cultural and faith groups;
- false assumptions and stereotypes are challenged with sound factual information;
- they are vigilant for any signs of name-calling, abuse or bullying involving any member of the school/college community;
- all incidents of name-calling, abuse and bullying are reported, recorded and dealt with promptly and sensitively;
- the views and needs of staff and students from all religious and ethnic backgrounds are identified, including through consultation, and used in policy planning and decision-making;
- policy proposals and decisions are assessed and monitored to establish their impact on ethnic, cultural and religious grounds;
- arrangements for appointing, promoting and developing staff are open, fair, transparent and non-discriminatory;
- all staff are given appropriate training and support to enable them to tackle discrimination, bullying and harassment, promote equality of opportunity and tackle issues of racial, cultural and religious diversity;
- appropriate systems for monitoring by ethnicity and religious group are in place, and monitoring includes pupil attainment and progress, school admissions, sanctions (including exclusion), staff recruitment and selection, promotions (including the award of responsibility points) and professional development; and
- where monitoring identifies differences/gaps between groups of students/staff, measures, including positive action strategies, are put in place to address inequalities and improve outcomes.

57. In light of the points listed above, school and college leaders have a critical role to play in ensuring that issues related to racism and discrimination are identified and addressed appropriately and effectively. They need to ensure that:

- equality matters are identified and addressed through strategic planning and decision-making;
- all staff and students know about equality policy and procedures, and that they are being implemented consistently and coherently across the establishment;
- responsibility for tackling racism and promoting good practice is a collective one; and
- all staff are appropriately trained and supported so that they can fulfil their roles and responsibilities.

58. Furthermore, school and college leaders should ensure that individual staff are not isolated or placed in a vulnerable position because they challenge racism or because they promote equality and diversity through their teaching. School leaders should be aware that some staff, notably Muslim staff and staff from BME backgrounds, may be particularly vulnerable if the school does not adopt a collective approach to tackling these issues.

59. It is also vital that schools and colleges identify and challenge prejudice and discrimination related to dress code. Establishing a dress code policy that is sensitive to the needs of BME groups will help to raise staff and students' awareness of discrimination and prejudice. Furthermore, it will help schools and colleges to avoid discrimination and promote social and community cohesion.

60. It is good practice to provide facilities to enable students and staff to pray, or engage in personal reflection. Schools and colleges need to ensure that facilities provided for prayer and personal reflection meet the needs of those who use or might use the facility. Schools and colleges should consult staff and students about their needs and engage them in discussions and decisions about prayer and quiet room facilities. They

should also monitor the use of facilities and seek feedback to identify and address any issues or concerns.

61. Finally, it is disappointing that LAs and schools are not always cognisant of their duties and responsibilities, not only under the Equality Act, but also the PSED. The PSED specifies that:

- a school must assess whether any decision it makes, or action it takes, may have implications for people with particular protected characteristics;
- such equality implications should not be an afterthought. They should be considered before and at the time a policy is developed or a decision is taken;
- each strand of the duty should be considered consciously and separately (eliminating discrimination is different to advancing equality);
- the risk and extent of any adverse impact that might result from a policy or decision should be assessed and consideration given to the ways in which that risk may be eliminated before the adoption of a proposed policy;
- this is not just a box-ticking exercise. The equality duty should be integrated into all of the work of the school – to comply with the duty, the school should conduct the necessary analysis robustly and with an open mind; and
- schools and LAs must carry out this duty themselves. It cannot be delegated to an outside agency. They must also record all the steps they have taken to meet the duty.

62. The paragraphs above set out a good practice model of how employers can deal with racism and discrimination at work. There is no quick fix to transform Scottish education, but more long-term funding should be allocated to train managers and LA staff. Permanent structures need to be put in place, such as an increase in diversity and inclusion posts, to ensure that equality is given the necessary time and effort.

63. As a result of endemic racism within the Scottish education system, there is a deficit of trust within the BME community. Many members, when they have confided in others about discrimination, feel that their experience is disbelieved and that there is an unwillingness to challenge prejudice directly within the system. While improved and effective policies for reporting would enable incidents of discrimination to be followed up, greater emphasis on supporting restorative conversations to foster positive working relationships and rebuild trust in the system are also required.

What training and development opportunities should employers have to encourage a diverse workforce?

64. In order to better support the implementation of the PSED, the NASUWT has been campaigning for mandatory race equality and cultural diversity awareness training across the whole education service, including all Initial Teacher Education (ITE) Institutions.

65. In order to secure the best outcomes, we must: ensure that the Scottish Government, Education Scotland and the Convention of Scottish Local Authorities (COSLA) develop and implement an appropriate programme of race equality training for the school workforce; ensure that access to appropriate professional learning, including equality training, is a contractual right of all teachers and headteachers, and require all employees with line management responsibilities in schools to be trained and to understand fully their equalities duties and responsibilities.

66. To tackle institutional racism and support the outcomes and recommendations of the *Teaching in a Diverse Scotland* report, more emphasis must also be given to developing allyship and ensuring all teachers are fully involved in tackling institutional racism.

67. Training must be about more than just being talked to or undertaking an online tick-box course. External organisations could be used to support staff training and raise awareness of issues such as racism, sectarianism

or Islamophobia. The training must be followed up to establish its effectiveness.

68. Opportunities for leadership and collaboration should be provided, in addition to training, to support BME teacher development and allow individuals the opportunity to work with a variety of staff. Such collaborative endeavours, like training, should be available to all and not exclusive; they must be designed to support, not inhibit, access.

69. BME teachers need a safe space which will foster a strong sense of agency, such as the BME Leadership and Mentoring programme launched by the Scottish Association for Minority Ethnic Educators.

70. Training and development programmes need to reflect the diverse workforce that employers are seeking to attract. They should also lead to promotion opportunities, not simply an entry point to the profession.

71. Finally, it is important to emphasise that training and development should not just be for BME workers. White workers, especially in positions of power, are often identified by BME workers as the ones who need training and development; for example, on raising racial literacy or on engaging in difficult conversations about race.

CONCLUSION

72. It is noted that the recent Scottish Government publication, *Coronavirus (COVID-19): framework for decision-making*, states:

'We must take these lessons into how we recover from this crisis. The austerity-driven response to the 2008 financial crash did not work and worsened the inequality that was part of its cause; we must not repeat those mistakes. Inequality is also worsening the outcomes for those people impacted by the coronavirus. Our younger people deserve a fairer and more secure economic future.'

73. It is critical that the Scottish Government does more than just espouse equality and that it actively seeks to address the societal inequalities, discrimination and prejudice faced by BME communities, building a future founded upon the trade union principles of equality and fairness. In doing so, the disproportionate impact of coronavirus on BME workers, and the race-related abuse and harassment, which was targeted at BME pupils and staff around the coronavirus outbreak, cannot be ignored.

74. A diverse teaching profession is vital to securing high educational standards for all children and young people. BME teachers are committed and dedicated professionals who strive to deliver an education system that is fit for a multicultural and diverse society. The Scottish Government must play its part to support increased employment and skills opportunities and deliver supportive and inclusive workplaces for people from BME communities in Scotland.

Dr Patrick Roach

General Secretary

For further information on the Union's response contact Jane Peckham,
National Official (Scotland)

NASUWT Scotland
35 Young Street North Lane
Edinburgh
EH2 4JD

0131 226 8480

www.nasuwt.org.uk

nasuwt@mail.nasuwt.org.uk