

Education and Skills Committee

**Covid-19 and its impact on the reopening of schools,
vulnerable children and the exam diet 2020**

8 June 2020

1. The NASUWT welcomes the opportunity to comment on the re-opening of schools, vulnerable children and the exam diet 2020.
2. The NASUWT is the teachers' union, representing teachers and school leaders in all sectors of education.

Re-opening Schools & Vulnerable Children

3. It is important to recognise that schools have remained open to some children, and teachers have, throughout this crisis, worked hard to ensure that all children and young people not attending school are able to benefit from the ongoing provision of high-quality learning. Teachers have shown remarkable ingenuity and commitment to the wellbeing and education of children and young people, taking forward this work under significant pressure while facing the same challenges and privations that result from lockdown as the rest of the population.
4. On the 6th May 2020, the Union set out in writing to the Deputy First Minister the conditions that would need to be met in order to provide a basis for the successful wider reopening of schools to more pupils, including:

- the need for the Government to demonstrate that its decisions in respect of schools are led by the scientific evidence and advice and address the concerns of teachers and those working in schools and colleges;
 - the need for Government and employers to act consistently to protect those teachers affected by COVID-19 because they are being 'shielded' due to their health status, or because of underlying health conditions, or because they or someone in their household has COVID-19 or symptoms of COVID-19;
 - the need to ensure that teachers are guaranteed the same protections as other workers, as provided for in the Government's general COVID-19 advice to employers and employees;
 - the need to ensure that where the incidence of COVID-19 reproduction/transmission remains in the general population, it is important that teachers and those working in schools are protected from the spread of the virus as far as possible, including with access to PPE, and the practice of stringent social distancing; and
 - the need for robust COVID-19 risk assessments to be undertaken in consultation and agreement with the workforce and trade unions before any re-opening of schools and colleges, together with the need to ensure regular cleaning, including deep cleaning, before and when schools re-open.
5. The Scottish Government has since published the COVID-19 Route Map, the COVID-19 Education Recovery Group (CERG) has issued the Strategic Framework and most recently on 28 May 2020 supplementary guidance to support the strategic framework was published. The NASUWT has considered carefully the guidance issued so far and, notwithstanding the fact that it is a live document subject to further changes as things evolve, the Union believes that it currently lacks essential detail on a number of critical issues, including the tasks that will specifically require staff to be physically present in the workplace.

6. The NASUWT is clear that no teacher or child should be expected to go into a school that is not safe to do so. Indeed, the Union considers:

- there should be no increase in the number of pupils or staff going into schools, or requirement for any teacher not currently in school to go into work at this time, until all of the health and safety requirements set out in the coronavirus reopening of schools guidance, including relevant risk assessments, have been completed and shared;
- there is neither a fixed nor hard-and-fast date by which all staff (who do not fall within groups who should continue working from home) should return to schools in June and there is no requirement or obligation currently on any school to reopen to more pupils from that date;
- planning by schools can only take place and be concluded when the full suite of information has been issued by the Government and the CERG.

If schools are unable to open safely to staff until 11 August because they are unable to make arrangements to safeguard their staff then that position must be accepted.

7. To support the development of Local Delivery Plans and thereafter Individual School Recovery Plans risk assessments should be developed on an establishment by establishment basis. The Union has produced a health and safety checklist to inform the planning for wider opening: (<https://www.nasuwt.org.uk/advice/health-safety/coronavirus-guidance/requirements-for-reopening-of-schools/requirements-reopening-schools-Scotland.html>). Already we are seeing a wide variation in approaches being adopted by individual local authorities, schools and managers. While it is important that some degree of flexibility may be necessary to ensure that local needs and circumstances can be taken into account, the Union is concerned by the evidence of significant disparities in advice and approach across local authorities, which can only be explained by a lack of coherent guidance from the Scottish Government

COVID-19 and the Public Sector Equality Duty

8. The Committee will be aware of the well-established evidence that black and minority ethnic (BME) people are disproportionately more likely to be impacted by COVID-19 infections and deaths. It is, therefore, critical that the Scottish Government's implementation of its wider opening strategy ensures that it and every school takes positive and effective steps to assess and manage the specific risks that BME staff and pupils will face.
9. The Equality Act 2010 and the Public Sector Equality Duty places significant legal responsibilities on all public bodies, including the Government, when carrying out their functions. Legislation requires such bodies to have due regard to the need to eliminate discrimination, harassment, victimisation, advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The Scottish Government, therefore, has an unequivocal duty not only to take every possible reasonable step to address the increased risks people from BME communities face in respect of COVID-19 but also to place comprehensive details of its approach in this regard in the public domain.
10. Clarity and transparency in relation to the impact on the "R" number within black and minority ethnic populations are essential when considering the nature of social distancing and other risk mitigation measures that will be necessary locally and nationally.
11. The Committee should note that the Overview of scientific information on coronavirus (COVID19) published by the Westminster Government on 15 May 2020 states that:

This provisional analysis has shown that the risk of death involving coronavirus (COVID-19) among some ethnic groups is significantly higher than that of those of White ethnicity. Further research is needed to understand why some ethnic groups have higher death rates from coronavirus (COVID-19) than others...Schools should be especially

sensitive to the needs and worries of BAME members of staff, BAME parents and BAME pupils.¹

12. Furthermore, in the papers released by SAGE on 22 May 2020, no additional evidence was forthcoming in this regard.

13. The NASUWT is concerned to ensure that measures introduced by Government or by schools should not force the Reproduction rate of the disease - the "R" - back up over 1, either for the population as a whole or for sections of the population based on their protected characteristics. The Union has written to the First Minister seeking clarification as to how the Government's commitments to reopen schools will take into account and contribute towards meeting the Government's statutory obligations under the Equality Act 2010, including the need to prevent further discriminatory impacts related to the transmission of the Coronavirus whilst also advancing equality and securing good relations between persons with different protected characteristics.

Re-thinking educational provision during the COVID-19 outbreak

14. Uncertainties remain about how the COVID-19 outbreak will impact on the education system over the course of the next academic year. In this context, it is clear that attempts by Government or employers to impose or permit approaches based on the reestablishment of 'business as usual' ways of working or operating will not be sustainable and will not meet the needs of the pupils that the education system exists to serve.

15. Instead, Government and those with decision-making power and authority across the education system will need to develop new ways of organising provision in a way that supports the work of teachers and other members of the school workforce who will be operating in very different circumstances. These new ways of working are still being explored via the CERG. Still, it is becoming increasingly clear during the course of the

¹ Department for Education (2020). *Overview of scientific information on coronavirus (COVID-19)*. Available at: (<https://www.gov.uk/government/publications/overview-of-scientific-information-on-coronavirus-covid-19>), accessed on 27.05.20.

COVID-19 outbreak that trusting the professional judgement and expertise of teachers to test and develop approaches to teaching and learning are those that are proving the most enduring and impactful. Putting teachers at the heart of the development of COVID-resilient pedagogy, within a setting-level and national policy context that supports the appropriate use of professional autonomy will ensure that children and young people can continue to benefit from the high-quality learning experiences to which they are entitled.

16. Consideration will also need to be given to how accountability and inspection will be organised and implemented while the outbreak continues to have a disruptive effect on schools. These systems are based on expectations that pertained prior to the COVID-19 outbreak and it will be important to ensure in future that they are aligned to the redesigned nature of school provision that will be necessary during this period.

Supporting the workforce to meet the needs of children and young people

17. As well as ensuring that the highest possible standards of health and safety are in place in all settings, a critical consideration in this respect will be on maintaining adequate teacher supply. The Union has for a number of years been highlighting the following drivers of a national recruitment crisis: excessive workload; inconsistent and ineffective regard for teacher mental health and wellbeing; poor pay and pay progression prospects; and the prevalence of adverse management practices that undermine the right and expectation of all teachers to work in a respectful and supportive environment.
18. The need to address these contributors to poor levels of teacher recruitment, retention and morale are made even more pressing by the implications of the COVID-19 outbreak for the education system. As has been accepted by the CERG, teacher supply issues may become even more significant if the organisation of learning is dependent on practices

such as smaller group sizes and blended approaches to provision based on a combination of on-site and remote approaches.

19. It is for these reasons that the NASUWT believes that it is no longer tenable for Scottish Government to continue to seek to tackle these issues through approaches that have, to date, fallen short of those required. The Government must instead, as part of its COVID-recovery strategy for education, work with the NASUWT and other appropriate bodies, to ensure that the needs and legitimate expectations of the teaching workforce are at the heart of its plans for the future.

Exam Diet

20. The SQA is faced with a range of significant challenges in implementing arrangements for certification this summer. The NASUWT does not understate the scale and complexity of this task in any way.

21. However, teachers and leaders across the country continue to express concern that while they understand that arrangements will need to be different this year, they remain unclear about the reasons for some of these arrangements and how critical matters of importance will be addressed. In particular, they remain unclear about the methodology that the SQA will adopt to ensure the fair and consistent awarding of grades, why they are required to submit rankings of estimated performance, how any potential bias will be addressed and arrangements for candidates to appeal their grades. It is also difficult to understand how decisions are being taken in the absence of any completed Equality Impact Assessment.

22. Moving forward clear, candid national information, advice and consultation is needed to overcome the following areas of concern:

(1) The process around estimates/rank ordering

Teachers have experienced: difficulties accessing evidence in schools; lack of clarity on what constituted appropriate evidence; inconsistencies in the acceptance of teachers' professional judgements; inappropriate pressure to amend some estimates,

difficulties in splitting candidates by rank order (especially in larger schools with multiple teachers involved) and; problems in uploading data efficiently to SQA Connect. All of which has resulted in increased stress, anxiety and significant additional workload.

(2) Moderation/Appeals Processes

Teachers remain concerned about the potential impact on attainment of the Moderation process (especially for candidates/cohorts that have performed above the recent average of a school/Centre) and the uncertainty of an appeals process and any impact on teacher professionalism and judgement.

(3) Plans for the 2020/21 Academic Year

Many schools/centres have already begun National Qualification courses for the 2020/21 academic year and teachers are seeking clarity on:

- Whether there will be a full examination diet next year;
- If yes, will it be significantly delayed to allow for better course coverage;
- Will any significant changes be made to courses;
- Will teachers be given guidance/advice on evidence-gathering during the academic year

23. The NASUWT has repeatedly been calling for the SQA to share its developing thinking in these important areas and to take the teaching profession into its confidence as its plans in these respects begin to take shape. The SQA's prospects of reaching the best possible arrangements for certification will be enhanced, not hindered, if it consults more widely with the teaching profession and professional associations, is open about the difficult choices that lie ahead, and makes the fullest possible use of the experience and expertise of classroom practitioners in its decision-making.

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

rc-scotland@mail.nasuwt.org.uk