

EMPOWERING SCHOOLS

A CONSULTATION ON THE PROVISIONS OF
THE EDUCATION (SCOTLAND) BILL

BY THE SCOTTISH GOVERNMENT



RESPONSE FROM

GMB SCOTLAND

THE UNION FOR SCHOOL SUPPORT STAFF

26 JANUARY, 2018

GMB is Scotland's campaigning trades union and we are the UK's largest school support staff union. GMB Scotland represents thousands of classroom assistants, pupil support staff, janitors, cleaners and catering staff working every day in schools in every part of Scotland. GMB Scotland takes a no-nonsense approach with employers and politicians; our priority is always the defence of our members' interests.

GMB Scotland is responding to the Scottish Government's consultation, "*Empowering Schools*" on the Education (Scotland) Bill. Our response focuses on Sections 1 (the Headteachers' Charter), 4 (Regional Improvement Collaboratives) and 5 (Education Workforce Council for Scotland) of the consultation document.

1 Headteachers' Charter:

GMB Scotland is concerned with the reforms outlined in Section 1 in relation to both the staffing and funding elements of the "Headteachers' Charter" proposals.

- GMB Scotland does not believe that the principal barriers to achieving greater excellence and equity in education are to be found in school management arrangements, and is therefore unconvinced by the suggested transformation of the headteacher's leadership role into an in-school super-manager.
- GMB Scotland is concerned that the fragmentation of educational authority decision-making to individual schools would see a further diminution in the standing of school support staff and risk weakening appropriate management support.
- Forcing headteachers to take on responsibility for "hiring and firing" of all in-school staff, including support staff, would be an unwelcome development which will be resisted by support staff, and many headteachers too, leading to workplace tensions in schools which are otherwise entirely avoidable.
- More workforce and workload decisions being taken at school level may result in school support staff becoming increasingly isolated within individual school communities.
- Arbitrary decisions taken in schools have as much, if not more, potential to result in demotivated ancillary staff. Equally, decisions taken in individual schools which result in an increasing burden on overworked classroom assistants, in particular, would quite obviously risk a further decline in child attainment.
- School headteachers' are not appropriately placed to make recruitment, or other employment decisions, about school support staff. Teaching and support staff roles are fundamentally different and support staff should continue to be recruited, employed and managed by local education authorities and in line with the policies in place for other local public service workers.

- For those support staff who are local authority employees all local authority policies would have to be followed; interviews, for example, would have to be equality proofed and transparent. A better approach might be for interviews to be done as they are but that the headteacher may form part of the interview panel if they choose to be.
- The proposals are currently unclear as to the situation where catering, cleaning and janitorial services, for example, have been outsourced. The headteacher will clearly have no power or control over another company's employees and indeed will have less influence than the local authority as a whole might. It is also unclear whether it is being suggested that headteachers might have, or gain, a power to change the catering and cleaning to a different company.
- A better way would be for any reformed management arrangements to allow for school support staff to be recruited, employed and managed by local education authorities, with the same rights as other local authority employees, and improved opportunities to increase the scope of collective bargaining arrangements for lower paid staff working in school support roles, including staff employed by PFI contractors, or arms-length organisations.
- It must be ensured that any proposed transfer of further responsibilities to school headteachers is balanced to ensure that the contribution of teaching staff, classroom assistants and the other support staff, vital to the successful running of any school, are recognised, protected and enhanced to ensure that all members of the school community are valued and best able to contribute to the aim of achieving excellent and equitable educational outcomes.
- GMB Scotland does not support the devolution of funding for school support functions to individual schools or specifically headteachers. Such an approach would clearly dilute the economies of scale which can be achieved by local education authorities and would risk decisions about school support functions being marginalised against headteachers' other priorities.
- The Pupil Equity Fund and its relationship with pupil support budgets, particularly in respect of classroom assistants, has already proved controversial in some local authorities and with more budgeting decision taken by headteachers there is an increasing danger that pupil support and other support staff roles are seen as a luxury rather than an integral in-school function.
- Developing a funding formula for individual schools would be a complicated, and unnecessary task.
- Any consideration of school funding arrangements should recognise the existing economies of scale, and synergies, which come from the location of educational provision, and supporting functions, within local authorities and reject the false economy of privatisation of ancillary services.
- Any reform to school funding arrangements must recognise the cost of delivering support services and remunerating support staff fairly, and consistently.

- School support staff recognise the leadership role of teachers, headteachers and other educational practitioners to deliver learning outcomes in schools. Support staff and teaching staff work closely together every day in every school. However, headteachers are not necessarily appropriate line managers of non-teaching staff.
- Accountability arrangements for school support staff should be to their employer, the local education authority, (where support functions have not already been privatised). In turn local authorities are democratically accountable to the electorate, including parents, and the wider community.
- GMB Scotland is concerned that the Scottish Government’s proposals add up to an “academies lite” approach and believes that they would have the effect of further diminishing the role of local government in Scotland.

4 Regional Improvement Collaboratives

GMB Scotland responded to the Scottish Government’s previous consultation *“Empowering teachers, parents and communities to achieve excellence and equity in education”* (2016) highlighting a number of points of concerns about regionalisation in the provision of schools education. We remain unconvinced by the rationale for the approach the Scottish Government have taken and caution strongly against any effort to utilise regionalisation to further devalue the importance of high quality ancillary services in schools.

- Local education authorities provide for the democratic accountability of local education services. GMB Scotland supports that local democratic accountability in principle and our members value the opportunity that local democratic structures provide to ensure effective scrutiny and meaningful engagement in decision making.
- GMB Scotland is unconvinced by the case for new educational regions, at least in so far as they would affect school support staff. It is GMB Scotland’s clear position that school support staff must continue to be recruited, managed and employed, by local authorities.
- Experience of centralisation elsewhere in Scottish public services makes clear that regionalisation may lead to further privatisation of those ancillary functions which headteachers would be less interested in protecting in school. This will be opposed by our members just as firmly as proposals to fragment school support staff to the control of individual headteachers; and GMB Scotland would therefore caution strongly against such an approach.
- GMB Scotland has significant concerns about any move towards regionalisation of local education services. Local education authorities are democratically accountable to parents and local communities. GMB Scotland is not aware of any demand from parents, staff or local communities to see less democratic oversight over local education decisions.

- GMB Scotland is far more concerned about the effect of year-on-year reductions in local authority education budgets. In recent years the insufficiency of available classroom assistants has combined with rising demand for individual pupil support piling on the pressure for classroom assistants and pupil support assistants, as well as teachers.
- GMB Scotland is particularly concerned about the regionalisation of school support functions such as catering, cleaning and janitorial services. Our experience of shared services to date has been that this is often used as a device for privatisation of services which rarely delivers the promised savings but does have the effect of driving down terms and conditions for workers. Commercialisation and contracting out of school support functions has already led to many low paid public services workers being taken out with the scope of the Scottish and local government Living Wage policies, for example. Shared services between local authorities would also create harmonisation challenges due to the widespread disparities between rates of pay and other conditions in the sector.
- The simple reality is that detriment will be resisted and we will see services offered to schools diminished and becoming less flexible to the needs of individual school communities.
- The Scottish Government should clarify whether it is content to see further outsourcing of school support services to private contractors who will, necessarily, put the interests of their shareholders before those of any school community.
- Further commercialisation of school support services by regional contracting out would diminish, not improve, accountability of public money in the education system and the Scottish Government should be clear about whether they wish to be agents for privatisation of public services by regionalising school support functions.

5 Education Workforce Council for Scotland

The proposal for an Education Workforce Council for Scotland is deeply flawed and reflects little understanding by the Scottish Government of the whole in-school workforce and their respective roles, relationships, or level of respect within the education system, illustrated not least by their poor remuneration and vulnerability to out-sourcing.

- The document fails to recognise the particular roles of classroom and other pupil support assistants, failing to indicate whether it believes that classroom and pupil support assistants are actually educational professionals at all. Neither does it place sufficient value on the other school support roles. Given this starting point, support staff have no confidence that their roles will be understood in the process of establishing a new regulator of the schools' workforce.

- Classroom assistants, for example, are not being recognised for their essential contribution to learning in schools. The fact is that many teachers rely on the support of classroom assistants to fulfil their own roles. Equally, parents value the support provided by classroom assistants for individual children, particularly those in danger of falling behind as a result of their additional support needs.
- Classroom assistants are not, however, teachers and before any further change is imposed on this workforce there should be a national review of classroom assistant numbers, roles, training, appropriate regulation and pay.
- The biggest challenge facing the classroom assistants' workforce collaborating more effectively with teachers and other education practitioners is workload pressure. When sufficient numbers of classroom assistants are not available, children and teachers lose out on a vital source of support. Overworked classroom assistants find themselves pulled between competing demands, morale falls and individual productivity is reduced. Adding a burden of regulation on top of these challenges may simply make matters worse.
- The challenge facing overworked and in-demand support staff is very real, and has serious consequences. Freedom of Information research conducted by GMB Scotland, and previously brought to the Scottish Government's attention, showed that in 2016 there were an average of 35 incidents of violence and aggression per school day recorded against 13,000 school support staff - an increase of nearly 30 per cent over a two year period.
- Numbers of children identified with additional support needs has doubled since 2010, yet numbers of pupil support workers and classroom assistants have not kept pace. Our members have told us that the shocking rise in attacks against them is due to the workload pressure that they are trying to manage meaning that pupils with support needs are not getting the time or individual support that they require.
- The Scottish Government and local education authorities should continue to monitor the numbers of classroom assistants in place across Scotland's schools and discourage headteachers from seeing the needs of school support staff and school teachers as being in competition. All members of the school workforce should be valued. Government, councils and headteachers should recognise that teaching and non-teaching staff alike are vital to the successful running of any school and to achieving the outcomes parents and communities want to see for pupils.
- Increasing professionalisation of standards cannot go alongside poverty pay. As in other public service areas it is the case that pay, terms and conditions, and bargaining rights, can be most efficiently and fairly progressed through national agreements, for example between representatives of the Scottish school workforce and the Convention of Scottish Local Authorities, (CoSLA).

- GMB Scotland believes that Scotland needs a national schools support staff negotiation committee, under the CoSLA umbrella, but specific to support staff in schools, to lift the pay culture to reflect the demands of support roles. Such a mechanism could be similar to the SSSNB (School Support Staff Negotiating Body) which was previously in place for English schools prior to removal by Michael Gove in 2010.
- National pay bargaining, through CoSLA, for all school staff, including support staff, would assist in improving industrial relations within schools and reduce the iniquities which currently exist between staff doing very similar jobs in different parts of the country.
- The drive to impose professional regulation on low paid staff is not a new idea and there is important learning to be obtained from studying the actual experience of low paid, particularly women, workers in social care who have been brought under the ambit of the Scottish Social Services Council (SSSC)
- Regulation should be proportioned where it is needed and clearly child protection should be an overriding concern of everyone employed in a school. However, the burden of *professional* regulation should not fall disproportionately upon overworked support staff, including classroom assistants, who are not currently provided with professional levels of pay or support. GMB Scotland would and instead call upon the Scottish Government to acknowledge, and learn from, the difficulties which are currently experienced by care workers subject to regulation by SSSC in framing its proposals for school staff. These care workers are required to bear the costs of registration, loss of earning as a result of the slow pace of investigations and often subject to an inequality of arms in representations before SSSC.
- A similar insistence that low paid school staff, who are again often women working part-time, are to be expected to bear the cost of registration, or any of these other detriments, would be wholly unacceptable.
- A regulator predominately concerned with teachers' and others' professional standards will not successfully regulate school support staff and the Scottish Government will instead be responsible for yet another forum where school support staff are simply treated as second class.

GMB Scotland

26 January, 2018