

Petitioner submission of 30 May 2023

PE1953/F: Review Education Support staff roles

Thank you for contacting the Cabinet Secretary for Education, COSLA and the SSSC.

On the response from the Cabinet Secretary, 6 January 2023:

“The Scottish Government has established the Bute House Agreement Exploration Group (BHAEG) in September 2022. The Group aims to explore the options on the development of an accredited qualification and registration programme for Additional Support Needs Assistants and to present their recommendations by Autumn 2023.”

I would like to add new information as of 16 May 2023:

- Accredited qualifications are already in place across a number of councils for ESS roles in schools:
 - **Support for Learning Practitioners in Glasgow City Council** are required to hold an **SVQ 3 in Children and Young People (social services)**
 - **Pupil Support Officers in Edinburgh City Council** are required to hold an **SVQ 3 in Children and Young People (social services)**
 - **Pupil Wellbeing Officers in Inverclyde Council** are required to hold an **SVQ 3 in Children and Young People (social services)**
 - **Pupil Support practitioners in North Lanarkshire** are required to hold an **SVQ 3 in Children and Young People (social services)**
- The National Education Union in England worked with the NJC for Local Government Services to produce a very significant agreement *School Support Staff The Way Forward* that is clearly reflective of, and provides clear guidance on training and accreditation for ESS actual roles in today’s schools:

The agreement sets out:

- Grading Structures and Job Profiles.
- Teaching Assistants (Supporting Delivering and Learning), Level 1-4
- Teaching Assistants (Behaviour/ Guidance and Support), Level 1-4
- Curriculum Resource Support , Level 1-4
- Admin & Organisation, Level 1-4
- Objectives for the training and development of Support Staff in Schools
- Job Profile and Performance Appraisal
- Training and Career Progression

In conclusion:

- Local Councils already have job profiles which umbrella suitable qualifications that allow ESS in Scottish schools to work under a registered body such as the SSSC.
- It is down to local councils and not a collective or joint agreement, I would like to ask the BHAЕ group to consider **recommending national** rather than **local** agreements for the **registration and accreditation of ESS in schools.**

Would the ***Bute House Agreement Exploration Group*** kindly consider the information contained in *School Support Staff The Way Forward* as part of their **research** and **recommendations**.

This agreement already outlines similar issues the ***Bute House Agreement Exploration Group*** was set up to tackle and make recommendations for the like such as:

- training and development
- registration and accreditation
- training and career progression

I look forward to the considerations that will be put forward in Autumn 2023 and would hope they take the petition into consideration as it is relevant to their aims and policy implementation.

On the response from COSLA on 12 December 2022:

“In 1999, Scottish councils and trade unions reached the Single Status Agreement. The aim of the agreement was to harmonise local government pay and employment terms and conditions and eliminate pay inequality.”

I would like to add new information as of 16 May 2023:

- Single status agreement is clearly outdated and is almost 2 and a half decades old.
- The Single Status Agreement (SSTA) has done nothing to eliminate pay inequality. For example, the job of ESS working in Edinburgh will as of May 2023 earn approximately £28,000 a year. Whereas for Support for Learning staff in Glasgow the pay still stands at a starting salary of roughly £14,000 a year.
- The SSTA was implemented before the Equality Act of 2010 and before the Additional Support for Learning (Scotland) Act (2004). This ASL legislation changed schools and the educational landscape. After the introduction of this legislation many ASL schools shut down. Now co-located units are common throughout schools. To name a few but not all- units for nonverbal autism, enhanced nurture provisions, language and communication units and Hearing Impairment Units, well-being units, inclusion units.
- There is no additional GTCS registration needed for a teacher working in a co-located unit. There is no Additional GTCS registration needed for a Faculty Head of Additional Learning Needs or Principal Teachers of Inclusion. It is the proverbial deaf leading the blind. A Faculty Head of English, Maths or Physics would be a required specialist in their subject. Whereas for a Faculty Head of an Additional Learning Needs Unit there is **no need for subject specialism**. Between this and ESS in such units not having accreditation or registration it is a recipe for the **exclusion of disabled and vulnerable young people** in modern day ‘inclusive’ schools.
- Would the Petitions Committee kindly write to COSLA asking them to consider putting in place specialist training required for these roles?

“ESS workers are part of the Local Government SJC national bargaining which is underpinned by local job evaluation schemes

that properly assesses the salary of workers and ensures equality of pay across the workforce”

- There is no equality of pay in the workforce of ESS. Depending on whether ESS workers live in Edinburgh City Council or Perthshire City Council they will be paid a radically different rate for the same staff doing the same jobs across ESS roles in Scotland.
- The local job evaluation of Glasgow City Council is undergoing a completely new pay and grading job evaluation and equal pay compensation is due to be paid out by June 2023. Claims will be lodged again by October 2023 and the new pay and grading system will come into force April 2024. Equal pay is not historical but, ongoing. Dundee City Council to name but one, currently has outstanding Equal Pay claims as do many other councils in Scotland.

Harper Trust Vs Brazel Judgement date: 20th July 2022

The Harper Trust VS Brazel case was a landmark case in 2022 that changed the nature of Term Time Contracts by law.

- It outlaws the advertisement of term time only (TTO) jobs before their pro-rata calculations.
- ESS jobs are still being advertised by councils across Scotland before their pro-rata calculations.
- An ESS staff that works with the council as a travel escort, in breakfast club and pupil support will typically be on 3 part time term time contracts. Working a total of 45 hours per week, from 7AM-5PM Monday to Friday. They will still be considered part time.
- The judgement from Harper and Brazel **outlawed this**. Making TTO contracts rolled into one full time job and wages based on hours rather than weeks worked in a year.
- This will have **sincere implications** for councils across Scotland as **unions file back dated claims of unfairly calculated pay**.
- This will be a **sincere financial blow** to the Scottish Government and their budget. Alongside this, Equal Pay Claims are still being lodged. And are in no way of a ‘historical’ nature as per COSLA’s response.

“(the Petitioner appears to be asking for an 85% increase from their employer)”

- This would actually be a decrease in pay for ESS in schools in Edinburgh City Council as they are now earning approximately £28,000 per year.

“having a large section of staff in a sensitive role unregistered is unusual. As noted however, it is the teacher in the classroom who is registered and ultimately responsible for supervising the work of the Pupil Support Assistant and the wellbeing and safety of the young people in their care.”

- All staff in the school setting must adhere to Child Protection and safety.
- It is not just responsibility of the registered teacher.
- As of 2022 the Scottish Government recorded in their School Support Staff Statistics a total of 470,200 hours worked per week by Pupil Support Assistants in Scotland and 6,450 hours per week by Behaviour Support Staff.
- It is not just unusual moreover, it is a sincere **child well being and safety concern** that such a **significant number of hours are being worked** by support staff with disabled children with complex physical, mental and emotional needs with no required training-unregistered by any Scottish regulatory body.

In conclusion:

I would ask the petitions committee to write to COSLA making them aware of this landmark legal ruling (Harper Trust Vs Brazel) to ensure the calculation and pay of such ESS in schools and TTO jobs are fairly and accurately calculated and advertised throughout Scotland.

I would ask the petitions committee to put pressure on COSLA in working with the Scottish Government on making it mandatory for the training and regulation of ESS or Pupil Support and Behavioural Staff in schools across Scotland to ensure the child protection, wellbeing and safety of disabled young people in schools.

I kindly look forward to their response.

On the response from the SSSC 20th of January 2023:

“If it is deemed necessary to professionally regulate these workers to protect children and to raise standards, consideration should be given as to who is best placed to do so.”

I would like to add new information as of 16 May 2023:

It is entirely necessary in terms of child protection, Bannerman High School was one of a few in Scotland that recently went on strike due to violence within the school. If ESS Support for Learning Staff in this school were given the right tools and regulatory body to raise risk, workplace violence and concerns with perhaps there would be less violence and more support in schools. By supporting ESS staff through training and regulation the right tools would be in place to help manage the most challenging of situations.