

PE1840/C

Scottish Government submission of 26 January 2021

Further to your letter of 17 December about the following petition:

PE01840: Addressing racism in Scottish education, Debora Kayembe on behalf of The Freedom Walk

Calling on the Scottish Parliament to urge the Scottish Government to urgently address racism in the Scottish education system by:

- *implementing anti-racist education in the classroom*
- *delivering anti-racist training to all school staff and*
- *record, monitor and address racist incidents in schools*

We submitted our initial response to the petition on 7 December 2020, and a further separate response was also issued to Ms Kayembe on 8 January 2021, in reply to a letter she sent to Mr John Swinney, Deputy First Minister and Cabinet Secretary for Education and Skills.

We have now been asked by the Committee to respond to a number of questions from the petitioner based on our initial reply. Please now find attached this further response.

I hope the Committee and the petitioner find the information helpful.

Tackling Racism in Scottish Education

1. How are all Scottish Teachers developing their practice in response to tackling racism in Scottish Education?

Education Scotland offer professional learning that supports the development of anti-racist practice at all levels of teaching, works with partners to deliver this professional learning and also signposts further learning across the system.

Teachers

The Teacher Leadership Programme (TLP) offers anti-racist workshops to participants on Critical Race Theory and Decolonising the Curriculum with these sessions taking place in December 2020 and then recorded and available to watch anytime. Sessions were led by members of SAMEE (Scottish Association of Minority Ethnic Educators). A TedTalk on Cultural Intelligence is now part of the TLP 20/21 Pre-programme reading.

As part of the Covid-19 Education Recovery Group (CERG) Workstream 6 coaching and mentoring offer, Education Scotland and the General Teaching Council for Scotland are working with SAMEE in three ways. The first, to deliver their bespoke Leadership and Mentoring Programme for Black and Minority Ethnic (BME) educators. This programme provides safe, positive spaces for BME educators to acknowledge their experiences, affirm their skills and competencies, define actions to support career progression and develop into race-cognisant advocates. The second area of this work includes peer-to-peer-mentoring. The aim of this is to prepare and support BME teachers who have undertaken the Leadership and Mentoring programme to mentor fellow teachers, building capacity within the profession. This work involves working closely with BME educators and white senior leaders to support their learning in the area of race equality and professional equity. The third area involves working with BME teachers in mentoring through preparation for promotion to leadership roles.

Post Probationers

The Stepping Stones programme, part of the same CERG package of support and aimed at teachers in their first four years post-probation, includes a workshop on culturally-responsive pedagogy.

Middle leaders

Participants in the Middle Leaders Leading Change programme engage in self-reflection around cultural intelligence, exploring work by Julia Middleton, a noted expert and campaigner for the progression of diverse leaders in a civil society. Participants also engage in reading around the importance of diversity from a leadership perspective and plan how they are going to take the leadership of cultural intelligence and anti-racism forward in future.

Aspiring school leaders

A revision and refresh of core learning modules of the Into Headship programme in 2020/21 will be undertaken with BME educators to ensure it cover intercultural and anti-racist professional learning. This means from 2021/22 all practitioners obtaining the Standard for Headship will have undergone anti-racist professional learning.

Professor Rowena Arshad provides an annual lecture to new Into Headship participants at their conference on race and 'Leading for Equality.'

School leaders

The Excellence in Headship Programme offers 'Learn' sessions for headteachers on Socially Just Leadership, designed and delivered by Khadija Mohammed, Chair of SAMEE. One session was delivered in 2020 with the remaining two sessions planned for 2021.

A new extension of the Excellence in Headship programme (EIH Stretch) facilitates headteachers to undertake collaborative enquiry. Six headteachers have elected to focus on equalities and diversity.

From the 2021/22 academic session, Excellence in Headship will be developing a new core element of the programme around cultural identity.

System leaders

The Evolving Systems Thinking Programme has the core focus of Leadership for school and System improvement. This work is based on and encompasses the principles of equity, diversity and inclusion with a strong focus on the ethical stance of school and system leaders as advocates for every child, young person and their families in our system.

Specific aspects of the work covered include:

- exploring the roles of school and system leaders in terms of processes, providing and aligning resources, developing leadership capacity and ensuring productive relationships
- understanding effective practices at school and system level
- exploring in-depth the concepts of emotional and cultural intelligence
- through the online professional learning resource that sits on the Education Scotland website we have recently posted a guest blog from the Anti-Racist Educator site and signposted further reading.

The Education Scotland [Race Equality Wakelet](#) pulls together a wide range of resources for professional learning for all staff, including those supporting learners.

Other organisations offer anti-racist professional learning for teachers, for example professional associations, General Teaching Council for Scotland and third sector organisations.

2. How is the status quo being challenged in order to hear the voice of those who are marginalised and often forgotten about?

The Scottish Government recognises that the issues raised in this Petition are not new. We also know that they are intrinsically linked and cannot be tackled successfully in isolation. We have initiated a new programme of work to help focus our efforts and make progress in this area. The programme will focus on

- i. curriculum reform
- ii. diversity in the teaching profession
- iii. racism and racist bullying
- iv. professional learning and leadership

In order to better understand how these issues need to be tackled, we have carried out a number of engagement sessions with race equality and education stakeholders, Black and Minority Ethnic groups and individuals and young people. Some of those sessions have been with Ministers in order that they get to directly hear the voices of people who have experienced racism in the education system.

Throughout the lifetime of this programme, engagement with Black and Minority Ethnic groups and individuals, including young people, will continue in order that solutions and ensuing actions can be identified in collaboration. As part of the programme we will work with existing and establish new networks and opportunities for engagement and consultation to ensure that a diverse range of communities and voices are heard.

However, we know that tackling the education system in isolation is short sighted, and we will therefore align this programme with the Scottish Government's Race Equality Action Plan (REAP) as its 2021-25 iteration enters the development stage. This will ensure that any actions we develop dovetail with the Scottish Government's overarching ambitions on race equality. The next version of the REAP will also be developed in conjunction with race equality groups and Minority Ethnic groups and individuals to ensure that voices who are marginalised are included.

Similarly, this programme will also align with work being taken forward by the Human Rights Taskforce and the recommendations made by the Covid Expert Group in Ethnicity to ensure consistency and optimum delivery of outcomes.

3. Does every school and local authority have a specific published policy and strategy to tackle racism in the educational environment?

All schools and local authorities have a policy which outlines their commitment to inclusion, diversity and equality, embedding the values inherent in the Equality Act. This forms part of local authorities obligations under the Public Sector Equality Duty and tackling racism is a key component of this. Local authorities understand the benefit of taking an intersectional approach and any policies which tackle racism will consider the other protected characteristics as set out in the Equality Act as well.

These policies will link to school improvement planning, and are reviewed in line with identified improvement priorities. Quality Improvement Officers within Local Authorities have oversight of these school improvement plans.

4. What does the anti-racist training to teachers and school support staff look like – how long is it, who delivers it, is it deemed effective?

The professional learning offered to practitioners by Education Scotland is outlined in the response to question 1. Sessions are offered regularly throughout the academic year as part of the programme delivery. The offer is co-constructed and co-delivered by partners across the Scottish education system. Evaluations of anti-racist sessions by participants form part of the ongoing programme evaluation and used cyclically to plan each iteration of the programme for the next academic session.

Evaluative comments from participants on the Excellence in Headship 'Socially Just Leaders' session reveal the impact on headteachers' planning and practice.

I found the session grounding, interesting and inspiring. We are down the line with some of this work in school but really needed a refresh on some of my thoughts. In particular the frustration at the process of change. I think Khadija is honest in her approach and is excellent at creating a safe space for discussion.

Hearing from an expert in the subject of racism, like Khadija, gave me a better perspective of the reality for BME children and adults. I was aware of our white privilege but unsure how

best to tackle it, without causing offense to minority groups. I realise that the best way to do this is to be explicit and open.

Aspiring school leaders on the Into Headship programme shared their evolving understanding in light of the Professor Arshad conference session on 'Leading for Equality'.

Rowena Arshad made me think that I need to consider how diversity impacts my setting, my practice and the practice of others.

Rowena Arshad lecture was very relevant. I really liked how she gave lots of examples of what she was talking about and I could relate to the issues of equality she was discussing and only yesterday in school had to discuss racial issue with a class.

Professor Arshad has made me consider the depth to which we address equality within school.

5. How is the whole school community being involved in tackling racism in Scottish Education?

Every child has the right to grow up fully included in their learning experience and to be treated with respect. We want all children and young people to be included fully in their learning and for all children and young people to learn tolerance, respect, equality and good citizenship to address and prevent prejudice.

Each local authority is responsible for the care, safety and welfare of pupils in school in the authority area. All adults who work in schools have a responsibility to ensure the mental, emotional, social and physical wellbeing of the children and young people in their care. This is something referred to as the 'Responsibility of All', which is in place to ensure each practitioner fulfils their role in promoting open, positive, supportive relationships across the school community.

The Scottish Government expect all schools to be safe, inclusive and welcoming environments for all children, parents and families. In order to create this environment for effective learning and teaching there should be a shared understanding of wellbeing, underpinned by children's rights, and a focus on positive relationships across the whole school community. In order to create this environment for effective learning and teaching, the four fundamental capacities of CfE should reflect and recognise the lifelong nature of education and learning, understanding the need for all children and young people to know themselves as individuals and to develop their relationships with others, in families and in communities. In addition, the four contexts recognise the knowledge, skills and attributes that children and young people need to acquire to thrive in our interconnected, digital and rapidly-changing world to enable children and young people to be democratic citizens.

We provided funding to the Coalition of Racial Equality and Rights (CRER) to publish a resource on racist bullying in line with Respect for All: The National Approach to Anti-bullying for Scotland's Children and Young People. 'Addressing Inclusion: Effectively Challenging Racism In Schools' was published in January 2019. This guidance is clear about the difference between racial bullying and racism and reinforces the importance developing a school environment where the values of inclusion and respect are uniformly applied to all students and their families. It is this inclusive ethos that addresses the root cause of prejudice-based bullying and contributes to its prevention.

Involving and engaging the whole school community

We know that when parents, carers and families are involved in the life and work of our school communities it leads to better outcomes for all children and young people. We also know that, through their work to involve parents and families from a range of backgrounds and from all parts of the school community, schools can often become a central point for community integration and for building shared understanding.

The Scottish Schools (Parental Involvement) Act, 2006, provides schools and local authorities with a statutory framework for ensuring that parents and families from all backgrounds and communities are fully involved in the life and work of their children's schools and engaged in their learning. It also sets out the importance of building effective two-way communication between schools, parents and families, taking account of any specific needs that individual parents and families may have. Additionally the Act places duties on school Parent Councils to take account of the needs of the whole school community, ensuring that it is adequately representing all members of the school's parent forum; including black and minority ethnic parents and families and parents and families for whom English is an additional language.

The Scottish Government's 'Learning Together' equalities and equities fund is providing £350,000, over two financial years, to eight projects aimed at developing best practice and recourses across a range of equalities and equities categories in the fields of parental involvement, parental engagement, family learning and learning at home. The fund, which is a key part of the Scottish Government's 'learning together' national action plan includes projects aimed at supporting parent's, families and building cohesion in areas where there are a high proportion of black and minority ethnic learners. Each of the eight projects are currently expected to conclude by December 2021 when final project reports, resources and materials will be published and shared with the wider system.

Mentors in Violence Prevention Programme

The Mentors in Violence Prevention (MVP) programme, is a bystander programme which empowers young people to safely challenge and speak out against gender-based violence, bullying, abusive and violent behaviour. In partnership with Education Scotland, this programme is delivered throughout schools across Scotland.

During the pandemic, the programme messages are being delivered online as and when schools and young people can engage. This has included monthly information wakelets for young people, and for the month of October, the focus was standing up against bullying and hate crime.

The MVP programme encourages young people to become leaders amongst their peers, speaking and standing up against harmful behaviours such as bullying and hate crimes. The programme also encourages young people to explore different scenarios around Insults and Words and the harm that language can cause which provides a useful basis for understanding some forms of hate crimes.

School Community Police Officers

Police Scotland school community based officers, form part of a whole school community approach to fostering good relationships and helping young people feel safe. They play a vital role in helping to build positive relationships with young people to prevent and reduce the harm from all forms of violence, including verbal, physical and/or emotional threats,

abuse and violence. They provide a positive interaction between young people, the police and the community in order to promote the wellbeing and reputation of young people within that community, addressing any disorder associated and the community perception of crime, particularly that which relates to young people. Their role with young people will be varied and subject to local issues arising within each community.

UNICEF's Rights Respecting Schools Award

Rights Respecting is available to schools across the UK and provides a framework through which schools can embed the UN Convention on the Rights of the Child at the heart of their practice. To obtain accreditation as a UN Rights Respecting School, an establishment must display evidence that it has delivered outcomes in three areas:

- teaching and learning about rights;
- teaching and learning through rights (ethos and relationships);
- teaching and learning for rights (participation, empowerment and action)

As the duty to deliver education sits with local authorities Scottish Government do not prescribe or formally endorse approaches at national level. This includes initiatives such as the UN's Rights Respecting Schools, although the positive outcomes of these initiatives are widely recognised and used in Scottish schools.

6. Who is being held accountable for tackling racism in Scottish education?

Everyone involved in Scottish education is accountable for tackling racism. Accountability for the programme of work designed to tackle racism in Scottish schools ultimately rests with the Cabinet Secretary for Education and Skills.

Curriculum for Excellence is based on four values - wisdom, compassion, justice and integrity - which everyone in the Scottish education system is responsible for upholding. On a day-to-day basis, teachers must respond to any accusations of racism which are made, using the recording and monitoring process as set out in SEEMIS. However, responding to and recording to racist incidents is only a small part of the picture and teachers and the Senior Leadership Teams in schools are responsible for establishing and maintaining a culture which demonstrates zero tolerance for racism.

The Difference Between Racism and Bullying – Ensuring Effective Recording

1. As racism is a hate crime, are schools recording and reporting racist incidents to Police Scotland to record as hate crime?

We all need to be vigilant in challenging any racist and abusive behaviour in our schools. Where it occurs, it must be challenged through educating children about all faiths and belief systems, and ensuring they learn tolerance, respect and equality as well as healthy relationships. Promoting the principles of inclusion amongst children and young people is key to preventing hate crime.

We expect schools to record any racist incidents. Schools and local authorities may use their own systems for recording such incidents or can use SEEMIS, the school management information system which enables schools to record and incidents appropriately and refer to Police Scotland as necessary. However, the presumption should always be against criminalising children and young people wherever possible unless it is in the public interest.

Building environments where racial stereotypes and prejudice-based views can be challenged constructively by everyone can help to create inclusive learning environments. Promoting respectful relationships and ensuring we respond to all forms of prejudice will help create these environments. We need to challenge prejudice and offer the opportunity to learn and change behaviour.

In November 2017, the Scottish Government updated its anti-bullying guidance 'Respect for All: The National Approach to Anti-bullying for Scotland's Children and Young People'. The guidance is clear that some behaviours can be perceived as or assumed to be bullying.

However, certain incidents can often be more serious and, in fact, criminal in nature. Understanding the individual circumstances is important to ensure that there is a clear distinction between bullying and criminal offences such as hate crime. There are laws to protect children and young people from this very serious type of behaviour.

The Lord Advocate has issued guidelines about which category of offence will be reported to the Procurator Fiscal for consideration of prosecution. Children who do not come within these guidelines may be referred to the Children's Reporter or made subject to Police direct measures, depending on the circumstances. The Procurator Fiscal and the Children's Reporter discuss cases which are subject to joint referral and the Procurator Fiscal will decide where the case is best dealt with. The presumption should be against criminalising children and young people wherever possible unless it is in the public interest. Adults and children and young people can seek appropriate advice and guidance from Police Scotland if they feel a crime may have taken place.

2. Does every school and local authority in Scotland use the SEEMiS System to record and report racism? The Freedom Walk campaign has heard evidence from practitioners that states this is not the actual case.

Schools do have the facility to record racist incidents through a specific module on the SEEMiS system. However, there is no national guidance on this and procedures for recording racist incidents will vary across schools and local authorities.

3. How effective is the recording and reporting of racist incidents on the SEEMiS system? The Freedom Walk campaign has heard evidence from practitioners and parents that there are gaps with how different schools and local authorities are reporting which contradicts the guidance provided by the Scottish Government as mentioned in its response to committee.

As outlined above, schools and local authorities will have their own procedures for recording racist incidents. This is not monitored centrally.

The Freedom Walk campaign may be referring to guidance produced for schools to record and monitor bullying incidents in schools which is a different approach to recording racist incidents. An evaluation will be undertaken in 2021 to assess how successfully the new system to recording and monitoring bullying incidents in schools has been embedded.

The guidance published by Coalition of Racial Equality and Rights (CRER) is clear that if a bullying incident is serious in nature, with clear criminal aspects, it must be reported to Police Scotland. Adults and children and young people can also seek appropriate advice and guidance from relevant authorities if they feel a crime may have taken place.

4. Do all schools and local authorities have A) a Tackling Racism policy B) an Equalities Policy that reflect latest legislation and guidance?

As stated in response to an earlier question, all schools and local authorities have policies which outline their commitment to inclusion, diversity and equality, embedding the values inherent in the Equality Act. This forms part of local authorities obligations under the Public Sector Equality Duty and tackling racism is a key component of this. Local authorities understand the benefit of taking an intersectional approach and any policies which tackle racism will consider the other protected characteristics as set out in the Equality Act as well.

These policies link to school improvement planning, and are reviewed in line with the identified improvement priorities. Quality Improvement Officers within Local Authorities have oversight of these plans.

'How Good is Our School 4' (HGIOS4) is designed to promote effective self-evaluation as the first important stage in a process of achieving self-improvement. This includes quality illustrations, features of highly-effective practice and challenge questions for a range of quality indicators including one specifically linked to ensuring wellbeing, equality and inclusion to support schools policies and practices to be well grounded in current legislation and a shared understanding of the value of every individual.

The quality illustration in HGIOS4 for inclusion and equality states – *We ensure inclusion and equality leads to improved outcomes for all learners. All learners are included, engaged and involved in the life of the school. All children and young people feel very well supported to do their best. Learners, parents and carers, staff and partners feel that they are treated with respect and in a fair and just manner. We understand, value and celebrate diversity and challenge discrimination. In our school age, disability, gender reassignment, marriage and civil partnership, pregnancy, race, religion or belief, sex and sexual orientation are not barriers to participation and achievement. We have effective strategies in place which are improving attainment and achievement for children and young people facing challenges such as those from our most deprived areas, young carers, those who are looked after and those with additional support needs.*

During school inspections, schools are required to submit evidence in relation to safeguarding. Inspectors subsequently engage in discussion with the school leadership team regarding how well the school meets its equality duties and supports learners from all protected characteristics groups.

The Equality Act 2010 (section 149) places a duty all public authorities to: eliminate discrimination, harassment and victimisation; advance equality of opportunity; and to foster good relations between persons who share a protected characteristic and those who do not. This is known as the public sector equality duty.

Although the Equality Act is largely reserved, the Scottish Government introduced regulations in the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 to help public authorities implement the public sector equality duty. Under these regulations Local Authorities have duties in their role as Education Authorities, which include a requirement to report on the work to mainstream equality and to publish equality outcomes and report progress on them.

Local Authority and school policies including inclusion/diversity/equality and anti-bullying policies should directly reference the Equality Act 2010 and include an explicit commitment to challenge all types of prejudice based bullying and language and should reflect the underlying principles of a race equality approach. These policies should be available to pupils, staff and the wider school community, and be easily understood by all.

5. When were these policies published or recently revised? The Freedom Walk Campaign has heard that local authorities such as Falkirk do not have a Tackling Racism Policy and its Equalities Policy was last revised in 2006.

Local Authorities will review policies in line with their legal obligations.