EDUCATION AND SKILLS COMMITTEE

AGENDA

4th Meeting, 2020 (Session 5)

Wednesday 19 February 2020

The Committee will meet at 10.00 am in the Robert Burns Room (CR1).

1. **Disclosure (Scotland) Bill:** The Committee will take evidence from—

   Kevin Lee, Disclosure Bill Team Leader, Disclosure Scotland; and

   Gemma Grant, Lawyer, Legal Directorate, Scottish Government.

2. **STEM in early years education:** The Committee will consider the responses to its STEM in early years education report.

3. **Work programme (in private):** The Committee will consider its work programme.

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The papers for this meeting are as follows—

<u>Agenda item 1</u>

Disclosure (Scotland) Bill pack   ES/S5/20/4/1

<u>Agenda item 2</u>

STEM in early years education report responses pack   ES/S5/20/4/2

<u>Agenda item 3</u>

Work programme paper (in private)   ES/S5/20/4/3

Initial teacher education submissions pack   ES/S5/20/4/4

Initial teacher education SPICE survey analysis   ES/S5/20/4/5

Education and Skills Committee

4th Meeting, 2020 (Session 5), Wednesday, 19 February 2020

Disclosure (Scotland) Bill

Background

1. The Committee published its [Stage 1 report](#) on the Disclosure (Scotland) Bill on 17 December 2019. In its response to the Stage 1 report, the Scottish Government committed to provide the Committee with further information on its intended amendments for Stage 2 at as early a stage as possible to assist the Committee.

2. Paragraph 36 of the report stated:

   The Committee expects the Scottish Government to address these discrepancies at Stage 2, or to explain how the discrepancies highlighted during Stage 1 will otherwise be addressed. Should the Committee remain concerned by these discrepancies, the Committee may choose to take further evidence at Stage 2.

3. The Scottish Government has since provided a policy note which summarises some of the key issues it intends to address at Stage 2. The evidence session on 19 February with Bill Team officials is an opportunity for the Committee to explore this policy note in further detail ahead of formal Stage 2 proceedings which will begin on Wednesday 4 March.

Submissions pack

- [Disclosure (Scotland) Bill stage 2 policy note for Committee](#)
- [Stage 1 response from Scottish Government](#)

Disclosure (Scotland) Bill stage 2 policy note for Committee

Ministear airson Clann agus Òigridh
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6 February 2020

Dear Convener,

Please see at the annex a question and answer document to aid the Committee's consideration of the amendments the Scottish Government will bring forward at stage 2 in relation to the Rehabilitation of Offenders Act 1974 ("the 1974 Act"), and how the Bill interacts with recently passed legislation.

Yours sincerely,

MAREE TODD

Why does the 1974 Act need to be amended?

The 1974 Act governs the responsibilities of individuals to self-disclose convictions. Under common law, a person would have to answer honestly any questions put to them by employers, insurers or in court proceedings about past convictions, however old those convictions were. The 1974 Act changes the common law position to allow people to become rehabilitated from past offending behaviour after certain periods of time, known as disclosure periods, which vary according to the nature of the sentence imposed.

The state disclosure system makes use of the disclosure periods contained in the 1974 Act in determining the content of state disclosures. Once a conviction becomes spent (which means the person can legally say that it didn't happen), it can no longer appear on a basic disclosure (Level 1 disclosure under the Bill). This way, self-disclosure and state disclosure are essentially the same at this lowest level.

To change childhood convictions as we intend to in the Bill, we need to amend the 1974 Act. If we don't do this then people will have to self-disclose childhood convictions that are unlikely to appear on a state disclosure. Amendments will ensure the self and state disclosure regimes completely align.

Are you ending self-disclosure for childhood convictions?

Ending self-disclosure would mean an individual would never need to self-disclose unspent childhood convictions, no matter the offence or the sentence.

There are significant risks to this. Except for the mandatory PVG Scheme there is no obligation on an employer to obtain a state disclosure. This means that a duty to self-disclose might be the only safeguarding measure which should ensure that employers would find out about past convictions. Without such a duty in law, a person with a very serious conviction could gain employment with no obligation to disclose their past behaviour, reducing the employer's ability to make an informed recruitment decision.

The rules on self-disclosure therefore perform an important safeguarding function for roles which do not fall under the higher-level disclosure system or for which employers do not routinely request a Level 1 disclosure.

How will we achieve alignment?

Our approach will ensure the state discloses the most serious childhood convictions. The individual will also have to disclose these for as long as the matters remain unspent. And even after they become spent, convictions for the serious offences contained in List A and List B which occurred during childhood will still be included in state disclosures until they become non-disclosable or it is decided in a review process that they should no longer be disclosed.

What we propose to do by way of amendments to the Bill at stage 2 is to change the 1974 Act so that the majority of childhood convictions will become spent immediately.

This means that almost all childhood convictions could not be disclosed in any form of state disclosure and the individual would also be protected from the common law obligation to self-disclose.

We will introduce a clear set of rules into the 1974 Act which explain which types of childhood convictions will become spent immediately and which ones should be subject to the usual disclosure periods under the 1974 Act.

We think the following types of childhood convictions need to be self-disclosed for as long as they remain unspent in order to protect the public. If an employer has not asked Disclosure Scotland for a disclosure the individual will still be obliged to tell their prospective employer about these types of convictions in all cases. These convictions are:

a) a conviction which resulted in an excluded sentence (which the 1974 Act says is a custodial sentence exceeding 48 months). These sentences are reserved for the most serious types of offences. They are in effect 'excluded' from the rules on disclosure periods under the 1974 Act and hence cannot ever become spent. This would include, for instance, a life sentence for murder;

b) a conviction for an offence listed in any of paragraphs 43 to 50 of schedule 1 to the Bill (sexual offences) which resulted in a custodial sentence exceeding 12 months, for as long as that conviction remains unspent.

Childhood convictions in (a) cannot become spent under the 1974 Act and will always be disclosed regardless of the passage of time. But the individual may apply under section 33 of the Management of Offenders (Scotland) Act 2019 to a reviewer to have certain convictions be treated as spent.

For convictions covered in (b), the 1974 Act rules will work as normal. In other words, these serious childhood convictions will become spent in the course of time.

The state disclosure rules for childhood convictions will be broadly the same as the 1974 Act rules. This will ensure that in almost all cases, state disclosure of childhood convictions will be the same as the responsibilities on individuals to self-disclose under the 1974 Act.

However, there will need to be exceptions relating to the disclosure periods for driving licence endorsements and service disciplinary sentences, since these are reserved areas. It is therefore not within the Scottish Government's legislative competence to change the disclosure periods for these reserved sentences. This is consistent with the approach taken in the Management of Offenders (Scotland) Act 2019, which was also unable to amend the specific disclosure periods for these reserved matters.

In the vast majority of cases, childhood convictions will not require disclosure by either the state or the individual, giving effect to the Scottish Government's policy to end the state disclosure of childhood convictions in all but the most serious cases.

Will there be instances where childhood convictions must be disclosed?

There will be a limited set of childhood convictions which have to be disclosed for as long as they are unspent. This will ensure the most serious convictions continue to be disclosed. The approach we are taking means there will be no disclosure in the vast majority of childhood convictions.

The rules on self-disclosure perform an important safeguarding function for roles which do not fall under the higher-level disclosure system or for which employers do not routinely request a Level 1 disclosure.

For childhood convictions which are so serious that they may still be included in a Level 2 even after they are spent, it will be for Ministers to decide whether they are relevant to the disclosure purpose and ought to be included. There will be a right of review to the independent reviewer against information about childhood convictions that is included in a Level 2. This means that such convictions will not be disclosed automatically but will be subject to a tailored approach.

Will there be sufficient safeguards for when Disclosure Scotland is not involved?

Yes. It's important to remember that the lowest level of disclosure (currently a basic disclosure, changing to a Level 1 disclosure under the Bill) is available for any individual for any purpose. They tend to be used for general employment purposes but not for jobs with access to high value assets or for work with vulnerable groups.

There is no obligation for employers to get a Level 1 disclosure, so we need provision for a limited set of rules on self-disclosure to cater for situations where someone has been convicted of the most serious offences. For example, an individual convicted of murdering a young child at the age of 16 working later in life after release must always disclose their conviction under the 1974 Act rules.

Is there a risk of over or under disclosure?

No. The 1974 Act says there are certain sentences which can never become spent. We are not changing that rule for childhood convictions. The duties on the state and the individual about what to disclose and when to do it will be exactly the same.

What about children's hearings for offence grounds?

Because we are only looking at unspent convictions, this does not include children's hearing disposals which become immediately spent because of the Management of Offenders Act.

Children's Hearing disposals will never be included on a Level 1 disclosure and the individual will never have to self-disclose them.

For Level 2 disclosures only, children's hearings outcomes for the serious offences contained in List A and List B will still be included in state disclosures until they become protected or it is decided in a review process that they should no longer be disclosed. This can only happen after full consideration by Disclosure Scotland and

where appropriate, the independent reviewer about whether children's hearings outcomes are relevant to the disclosure purpose and if they ought to be disclosed.

Is the approach ECHR compliant?

We have designed this policy to be proportionate, fair and respectful of people moving on with life after childhood adversity. It is consistent with UNCRC principles to promote a child's reintegration and assumption of a constructive role in society.

How does the Bill interact with the recently passed Management of Offenders and Age of Criminal Responsibility Acts?

The Bill makes use of the disclosure periods in the 1974 Act to determine the content of state disclosures. The Management of Offenders Act will significantly shorten disclosure periods within the 1974 Act for almost all sentences i.e. they will become spent sooner. The Bill was drafted on the basis that these shorter disclosure periods would have taken effect by the time this Bill comes into force. For instance, the Bill mirrors the changes to the disclosure periods by reducing the period before List B offences are non-disclosable and making an equivalent reduction for applications for List A offences to become non-disclosable.

The Bill expands upon the role of the independent reviewer created under the Age of Criminal Responsibility Act. Second stage reviews are carried out by the independent reviewer in relation to childhood convictions, other relevant information and removable convictions. Consequential amendments to the ACR Act are necessary in light of the Bill, since the special process of review before 'relevant behaviour' can be included in a disclosure product need to reflect the new types of disclosure product being introduced by the Bill. Amendments to this effect will be brought forward at stage 2.

Was a piecemeal approach taken to reforming the disclosure system?

The Government progressed all three pieces of legislation - the Age of Criminal Responsibility (Scotland) Act 2019, the Management of Offenders (Scotland) Act 2019 and the Disclosure (Scotland) Bill - by adopting a joined-up policy model, sharing ideas, information and team members, ensuring policy coherence uniting the three.

Disclosure Scotland's Director of Policy and Protection Services chaired the ACR subcommittee on Disclosure, sat on its officials' Bill Steering Board, and had a major policy architectural role in the current Bill. All three pieces of legislation support a progressive, positive outcome for people with convictions. Fewer convictions will be disclosed for a shorter period of time, including new and progressive arrangements for the state disclosure of all childhood offending behaviour.

Why does the Management of Offenders Act refer to date of conviction but the Bill the date of the offence?

Since the 1974 Act was developed the period of disclosure has always been set from the date of conviction and the sentence. This makes sense generally but not for childhood convictions which is why we changed it for these.

Someone could commit an offence aged 17 and not be convicted until they were 18. The 1974 Act would treat them as an adult when in fact they were a 17-year-old when the offence occurred. If we relied on the date of conviction for this Bill, it would exclude that individual from the childhood conviction provisions.

The Bill does not seek to fundamentally change how the 1974 Act works, but rather seeks to make sure that behaviour by children is always treated as such in the state disclosure system. We want the new rules to benefit people whose offending behaviour took place under the age of 18 (i.e. to treat that behaviour as a childhood conviction), but otherwise to maintain the existing basis for calculation of disclosure periods under the 1974 Act.

Why were there no provisions relating to the other recently passed legislation in the Bill when it was introduced?

There were no provisions in the Bill to make necessary consequential amendments to the Age of Criminal Responsibility and Management of Offenders Acts, as neither had received Royal Assent at the time of the Bill being introduced.
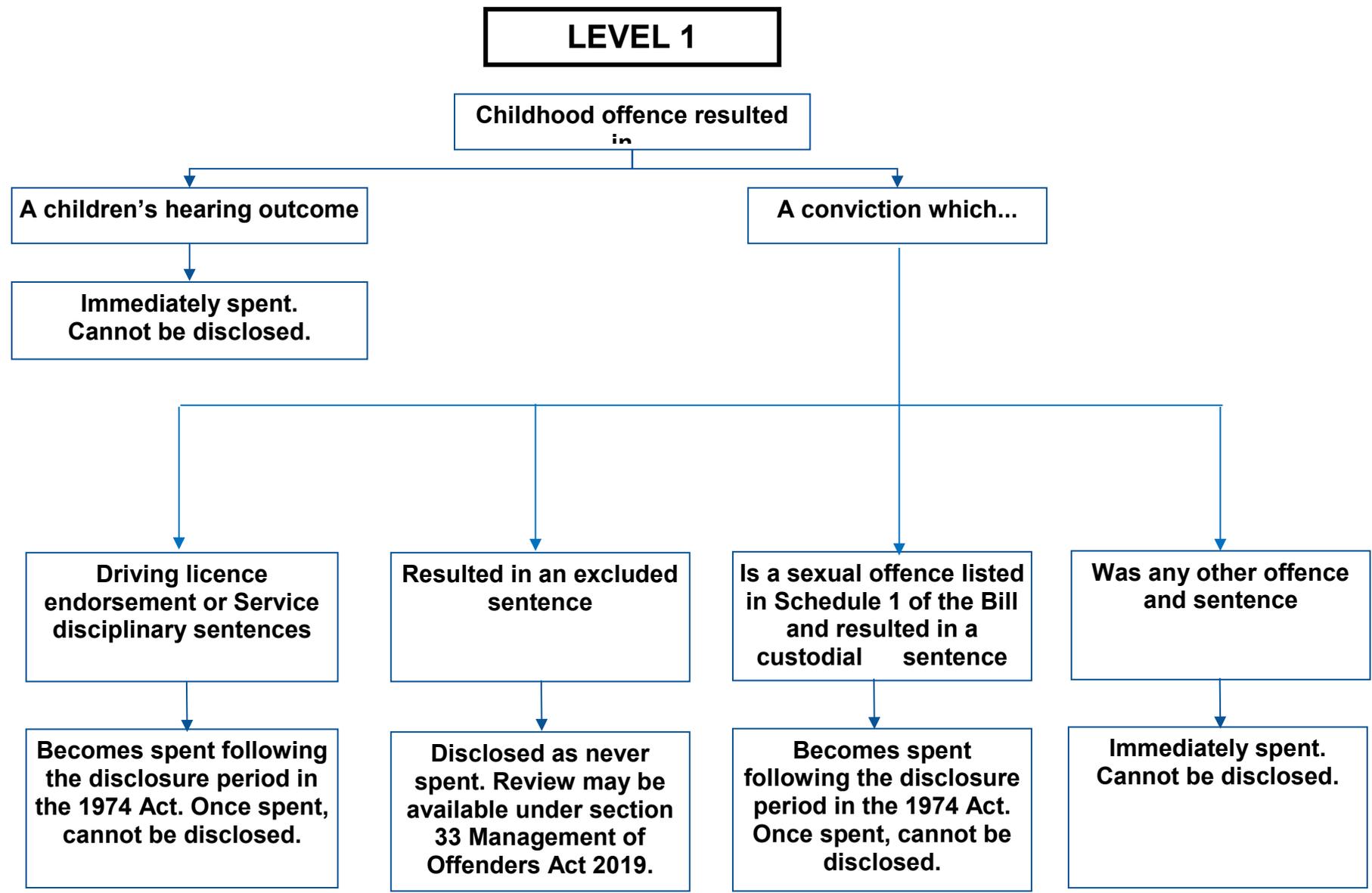
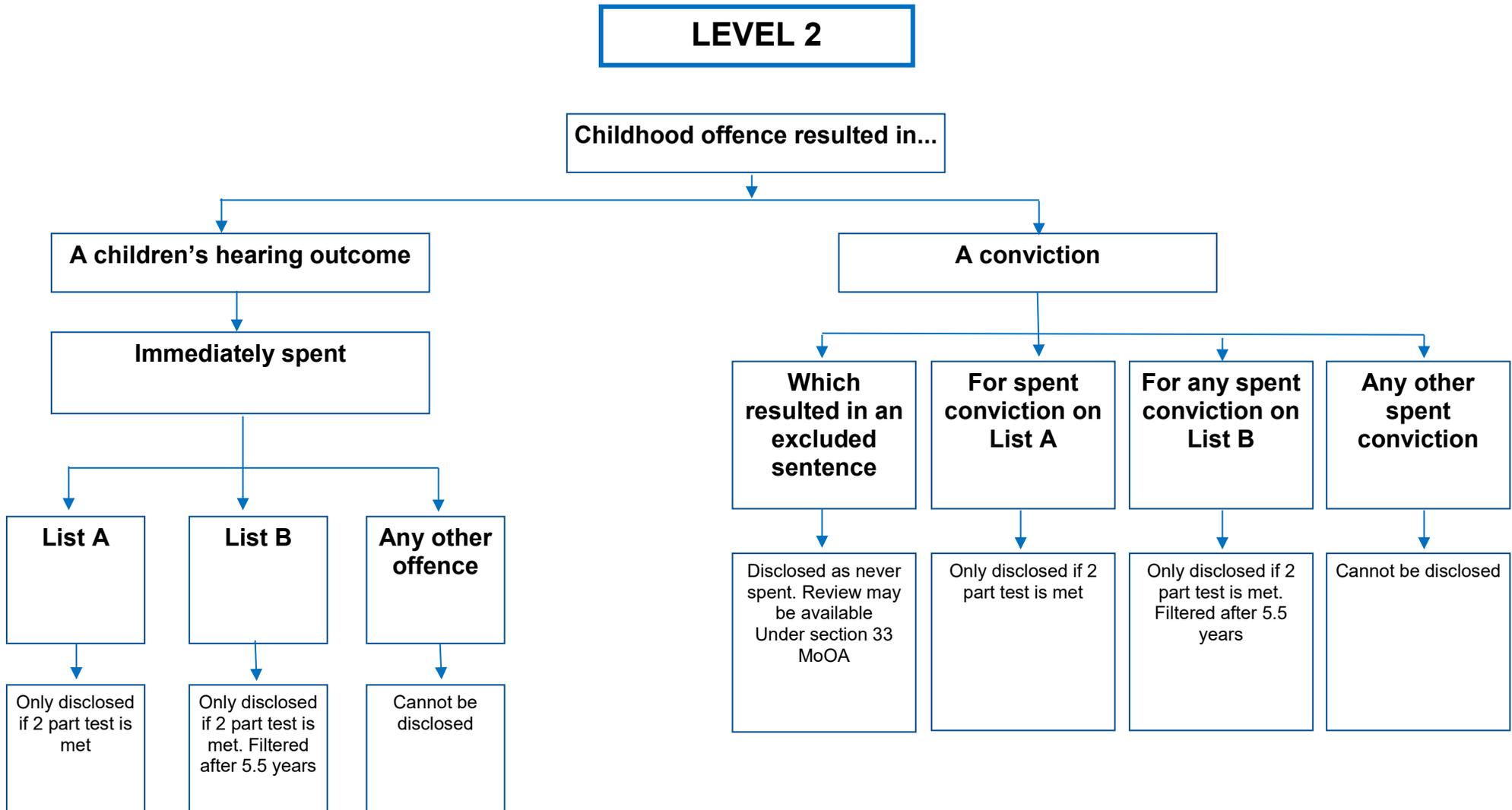**What changes are being made to Age of Criminal Responsibility Act?**

The Bill will not make fundamental changes to the ACR Act 2019.

We are only removing references to certificates issued under the 1997 Act and scheme records issued under the PVG Act. This is because all state disclosures will be issued under the Bill once it comes into force. We therefore need to bring the references to various types of disclosure products up to date with the new terminology under the Bill.

What changes are being made to Management of Offenders?

As above, any references to state disclosures issued under the 1997 or PVG Acts will be replaced with the Bill and the disclosure products it provides for.

LEVEL 1

Childhood offence resulted in

A children's hearing outcome

A conviction which...

Immediately spent. Cannot be disclosed.

Driving licence endorsement or Service disciplinary sentences

Resulted in an excluded sentence

Is a sexual offence listed in Schedule 1 of the Bill and resulted in a custodial   sentence

Was any other offence and sentence

Becomes spent following the disclosure period in the 1974 Act. Once spent, cannot be disclosed.

Disclosed as never spent. Review may be available under section 33 Management of Offenders Act 2019.

Becomes spent following the disclosure period in the 1974 Act. Once spent, cannot be disclosed.

Immediately spent. Cannot be disclosed.

LEVEL 2

Childhood offence resulted in...

A children's hearing outcome

A conviction

Immediately spent

List A

Only disclosed if 2 part test is met

List B

Only disclosed if 2 part test is met. Filtered after 5.5 years

Any other offence

Cannot be disclosed

Which resulted in an excluded sentence

Disclosed as never spent. Review may be available Under section 33 MoOA

For spent conviction on List A

Only disclosed if 2 part test is met

For any spent conviction on List B

Only disclosed if 2 part test is met. Filtered after 5.5 years

Any other spent conviction

Cannot be disclosed

Stage 1 response from Scottish Government

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14 January 2020

Dear Convener,

Thank you for the constructive and helpful Stage 1 Report on the Disclosure (Scotland) Bill. I would also like to take this opportunity to thank all those who have engaged with us to help shape the Bill, and in particular all those who provided evidence.

It is clear that the Committee has carefully considered this complex area and I am grateful for the comments and recommendations in the report. I note that the Committee agreed to support the general principles of the Bill.

I have considered the points raised within the report, a response is attached as Annex A to this letter.

In response to the Committee's letter of 22 November 2019 requesting detail on the policy intention of amendments that seek to ensure that this legislation and legislation which received Royal Assent in 2019 can complement and coordinate with each other, and a list of all the amendments that the Scottish Government will lodge at Stage 2, a response is attached as Annex B. I can confirm that all amendments will be lodged at Stage 2 to maximise opportunities for scrutiny.

I hope the Committee finds this response helpful.

Yours sincerely

MAREE TODD

Annexe A
Response to the Stage 1 report on the Disclosure (Scotland) Bill

Overview

> 8. The Committee notes the extensive engagement work undertaken by the Scottish Government in advance of the introduction of the Bill and throughout its consultation period. The Committee welcomes the extent to which the Scottish Government sought the views of those with a direct interest in advance of the introduction of the Bill and encourages further engagement, particularly on the issues raised later in this report.

The Scottish Government response

The Scottish Government is pleased to note the Committee welcomes the extensive stakeholder engagement that has been undertaken in the development of this Bill. That engagement will continue through the Parliamentary process, transition, implementation and beyond.

Reforming the disclosure system

> 23. The Committee generally supports the reforms within the Bill, and the intention to simplify and update the disclosure system.
>
> 24. The Committee welcomes reassurances that non-digital means of seeking disclosures will remain, but urges the Scottish Government to continue to engage with stakeholders to ensure that smaller organisations or organisations without access to digital platforms remain fully supported in their use of disclosure products.

The Scottish Government response

We welcome the Committee's support of the reforms the Bill makes to the disclosure regime as well as the intention to simplify and update the disclosure system. The Scottish Government is mindful of the importance of ensuring the disclosure system is fully accessible including through non-digital means. Disclosure Scotland has already carried out user research into accessibility, they are committed to continuing this work and to work with stakeholders to ensure that those who cannot use online products are not precluded from the disclosure system.

Other legislation

> 35. The Committee is very concerned by some discrepancies between this Bill as currently drafted and related Acts recently passed by the Parliament. The Committee is further concerned, regardless of how complex the area of law may be, that such discrepancies are present in primary legislation introduced by the Scottish Government in the same parliamentary year.
>
> 36. The Committee expects the Scottish Government to address these discrepancies at Stage 2, or to explain how the discrepancies highlighted during Stage 1 will otherwise be addressed. Should the Committee remain concerned by these discrepancies, the Committee may choose to take further evidence at Stage 2.

37. Given the likelihood of proposed future legislation, such as legislation incorporating the United Nations Convention on the Rights of the Child, interacting with measures in the Bill, it is also vital that there are no discrepancies which could arise in the future. The Committee invites the Scottish Government to confirm that the measures within the Bill have been drafted in line with the policy intent of legislation which it is anticipated will be introduced later this session on children's rights.

The Scottish Government response

The Committee's concerns about the discrepancies have been noted.

The Government progressed all three pieces of legislation - the Age of Criminal Responsibility (Scotland) Act 2019, the Management of Offenders (Scotland) Act 2019 and the Disclosure (Scotland) Bill - by adopting a joined-up policy model, sharing ideas, information and team members, ensuring policy coherence uniting the three.

Each Act (or Bill) has had its own parliamentary journey and the provisions of each are absolutely consistent with each other in broad policy terms but there are inevitably procedural and technical inconsistencies between them that may require to be remedied by the development of cohesive operational solutions or by the Government making minor amendments to bring everything fully into line. It is with this in mind that we have developed a solution to self and state disclosure that offers a transformational outcome for people with convictions from childhood.

I would like to reassure the Committee that the Bill was drafted with regard to UNCRC principles and the Children and Young People (Scotland) Act 2014.

Role of the independent reviewer

50. The Committee welcomes the extended role of an independent reviewer for applications to remove certain information from an individual's disclosure record.

51. The Committee notes the suggestions made by stakeholders on measures which could improve the efficiency of the review process, such as the independent reviewer undertaking all first stage reviews. The Committee recommends the Scottish Government explores this option with a view to introducing the necessary amendments at Stage 2.

52. The Committee believes it is vital that appropriate support is provided to individuals seeking reviews, particularly in relation to childhood offences. The Committee recommends that the Scottish Government ensures appropriate support services are available, and that these are available by the time the provisions of the Bill come into force.

53. The Committee is concerned that an unsuccessful review of a List A offence cannot be reviewed for the same purpose a second time, and that this may result in these offences being disclosed for the remainder of the individual's life. The Committee recommends that the Scottish Government should introduce an amendment at Stage 2 to ensure consistency with the Age of Criminal Responsibility (Scotland) Act 2019.

54. More generally, the Committee notes the uncertainty among stakeholders regarding how review processes will work and how individuals can engage with the process. The Committee

recommends that the Scottish Government works with appropriate stakeholders to draft guidance which will clearly set out the review process.

55. The Committee would welcome confirmation from the Scottish Government of whether, in light of these suggested changes, it would expect an increase in the anticipated costs set out in the Financial Memorandum linked to the role of the independent reviewer.

Scottish Government response

The Scottish Government is pleased to note the Committee supports the extended role of the independent reviewer, to be appointed under the Age of Criminal Responsibility (Scotland) Act 2019, to review the disclosure of childhood convictions, removable convictions and other relevant information ("ORI").

The Scottish Government notes the Committee's suggestion that all first stage reviews should be undertaken by the independent reviewer to improve efficiency. We believe that this would not increase efficiency and would in fact have the opposite effect due to the large numbers of cases involved. Countless decisions are made on a daily basis by public authorities in Scotland which have an impact on members of the public. It is more efficient for Disclosure Scotland to make an initial assessment when in the process of compiling the information to be disclosed, rather than pass it off to the independent reviewer which would, in cases where information can be removed, be an unnecessary step that would build in time delays. It is also the case that the only right of appeal would then be to the sheriff, which has been widely criticised and the Government was urged to address. The Bill therefore offers a two-step process without needing to involve the sheriff.

We note the Committee's concerns that the result of an unsuccessful review is that a decision, on application of the two-part test, to disclose a conviction for a List A offence will endure for all subsequent disclosures for the same purpose. This is the situation under the existing legislation where the consequence of an unsuccessful application to a sheriff for conviction removal is that it will continue to be disclosed either indefinitely, in the case of convictions for schedule 8A offences (replaced by List A), or until it becomes "protected" in the case of convictions for schedule 8B offences (replaced by List B).

However, we agree with the Committee's recommendation to ensure consistency with the Age of Criminal Responsibility (Scotland) Act 2019 and an appropriate amendment will be brought forward for consideration at Stage 2. We also believe that subsequent reviews would further enhance proportionality, in keeping with the policy intent of the Bill.

The Scottish Government agrees with the Committee that it is vital support is provided to individuals seeking reviews and that this is particularly true in relation to convictions accrued in childhood. The Scottish Government has made a commitment to providing targeted, quality guidance and training on all aspects of the disclosure regime including the review processes.

This guidance will be provided in a range of formats for a wide range of audiences in conjunction with users and stakeholders, including young people, those with an interest in youth criminal justice and organisations who advocate for people with experience of the justice system. Scottish Government officials have begun to engage with various stakeholders to assist with the development and dissemination of guidance. In 2018, Scottish Government officials ran a workshop with the Criminal Justice Voluntary Sector seeking feedback on the current guidance available and advice on what needs to change and improve going forward.

Disclosure – the two-part test

> 83. The Committee welcomes the commitment given by the Minister for Children and Young People that, to support the application of the two-part test for disclosure, guidance will be developed in collaboration with stakeholders, and informed by existing case law.
>
> 84. The Committee considers that consultation on draft guidance should be widely publicised and adequate time given for responses. Ultimately, the final guidance should be made widely accessible in a range of formats in order to support both decision makers and others who need to understand and provide advice to individuals about the effect of the law.
>
> 85. However, in light of the evidence received about the two-part test for disclosure contained in the Bill, the Committee is concerned that it does not set out a sufficiently clear legal test for decision makers.
>
> 86. The Committee considers that the Law Society of Scotland's suggestion of the inclusion in the Bill of a set of guiding principles or criteria, which should apply to all decision making whether at first instance or through review, would provide greater legal certainty about the decision making process and improve the foreseeability of outcomes. The Committee recommends, as suggested by the Law Society of Scotland, that any such principles should be amendable through secondary legislation.

The Scottish Government response

The Scottish Government is pleased to note that the Committee welcomes the commitment to develop guidance on the application of the two-part test. As the Committee will be aware, the Bill requires Ministers to issue statutory guidance to the chief constable and the independent reviewer and, for decisions to be made by Disclosure Scotland when exercising Minister's functions, internal guidance will be developed.

We have begun early engagement with stakeholders to develop the guidance to be used by decision-makers. The guidance will make the outcome of any assessment or review processes more foreseeable and accessible to disclosure applicants. We recognise the importance of providing user-friendly and widely-available guidance in a variety of formats for both applicants themselves and those who may support them so that they can fully engage in the review processes provided under the Bill. The Scottish Government would like to reiterate its commitment to providing this guidance for users of the disclosure system.

The Scottish Government acknowledges the Committee's recommendation on including on the face of the Bill a set of guiding principles or criteria for the

application of the two-part test. As such an appropriate Stage 2 amendment will be brought forward for consideration. We also agree with the Committee's recommendation that any such provisions on the face of the Bill should be amendable through secondary legislation.

Other relevant information

106. The Committee notes the evidence from the Scottish Government about the very low percentage of PVG certificates which contain other relevant information under the current system. The Committee also notes that the Bill expands the situations where other relevant information may be included to all Level 2 disclosures, including circumstances where currently a standard disclosure would be made.

107. The Committee is concerned about the potential for the disclosure of other relevant information held by the police to undermine one policy objective of the Bill, which is to allow individuals to move on from past offending behaviour. This concern is most strongly held in connection with childhood offending and for care-experienced people.

108. The Committee welcomes the implementation of the Age of Criminal Responsibility (Scotland) Act 2019, which means that any behaviour which took place before an individual's twelfth birthday will not be considered to be criminal. However, it notes that offences committed when the individual was aged between 12 and 17 will continue to be treated as convictions and may be disclosed even when deemed spent. The Committee supports the inclusion in the Bill of provisions which will create a right of review of childhood conviction information by the independent reviewer. However, the Committee notes that such a review must be initiated by the individual concerned making an application, which may constitute a significant barrier for some people.

109. The Committee is also concerned about the possibility that disclosure of other relevant information by the chief constable could allow employers to access information related to a conviction despite the conviction itself being withheld. This concern applies generally, but particularly, given the intent of the Bill, to ORI relating to incidents that occurred in adolescence and childhood.

110. The Committee therefore invites the Scottish Government to give further consideration to the processes set out in the Bill regarding disclosure of other relevant information in order to strengthen opportunities for review and challenge by an applicant prior to disclosure to a third party.

The Scottish Government response

The Bichard Report, following the Soham murders on 4 August 2002, and the Cullen Inquiry that followed the Dunblane massacre on 13 March 1996, both highlighted the importance of managing better what is known about individuals who are known to the police and about whom there are valid safeguarding concerns. The ability to include other relevant information ("ORI") on a disclosure is a very significant part of the measures that followed these tragic cases and the Scottish Government consider that it must continue to be available for public protection.

ORI is widely accepted by the public, our courts and stakeholders as a key aspect of the disclosure regime. The Bill does not erode this vital power which can lead to

barring under PVG as well as disclosure to an employer or potential employer. The main changes will allow individuals to provide further information to the chief constable before a potential employer is made aware of its existence, have a right of review to the independent reviewer and statutory guidance will be issued to the chief constable.

The Scottish Government notes the Committee's concerns about the potential for the disclosure of ORI to undermine one policy objective of allowing individuals to move on from past offending behaviour, particularly convictions from childhood, and that ORI may be disclosed in relation to childhood convictions not otherwise disclosed.

As Sheena Brennan from Police Scotland confirmed in her evidence, all information the police have to hand is assessed before disclosing relevant information. This means that if the behaviour took place in childhood it is taken into account before a disclosure is made. Alistair Hogg from the Scottish Children's Reporter Administration also confirmed in his evidence that there are some – in which he stressed – "highly exceptional circumstances" where the behaviour exhibited by a child is of such a concern that it may point to future risk and risk to other people. The point being made by Mr Hogg is reflected in the number of higher level disclosure applications containing ORI, which is very small.

For decisions relating to Level 2 disclosures, Ministers will take account of any ORI disclosed by the chief constable before making their own determination. This will ensure there is no unnecessary duplication of information being provided on a disclosure. Information that appears as a conviction may also not tell the whole story and the police may elect to provide ORI to contextualise it. To illustrate, an individual could have a conviction which appears minor and irrelevant to participating in the Scheme in relation to children. However, the police may have information about that offence which shows the victim was a child and the conduct involved a betrayal of a position of trust. In those circumstances, the police have more information available to them than Ministers at that early application stage.

The Scottish Government is confident that Police Scotland and other UK police forces exercise utmost rigour before deciding to include ORI. Its use has also been successfully justified in UK courts. This coupled with the changes in Bill in relation to disclosure of ORI, including the opportunity for the applicant to submit representations, enhances proportionality without comprising safeguarding.

In terms of the Committee's comments regarding the disclosure of spent childhood convictions, it should be noted that spent convictions cannot appear on Level 1 disclosures. For Level 2 disclosures, only convictions that appear on List A or List B may be disclosed once they are spent and only after the individualised approach described at page 14 of the response. The Bill provisions on childhood offences must also be considered alongside the Management of Offenders (Scotland) Act 2019 which, when enacted, will reduce the disclosure periods. Of note, the disclosure period for children's hearings for offence grounds will be nil i.e. spent immediately.

The Scottish Government notes the Committee's concern in relation to the fact that any review must be initiated by the individual, which may be a barrier to some

people. We believe that an automatic review could also be a barrier. During our engagement with stakeholders during the 2015 reforms, and our further engagement with the Bill, we often found that applicants have lived with their conviction for so long and that their employers are aware of it that any automatic appeal would be unnecessary (and in some cases unwelcome) in those circumstances. We are committed to working with stakeholders to provide training and develop guidance to reduce any barriers. Disclosure Scotland user researchers will also be working with stakeholders as they develop the digital system, hoping to reduce any barriers further.

Changes to the PVG Scheme

121. The Committee supports the principle of proposed mandatory membership of the PVG scheme, and the move from lifetime membership to a renewable 5 year membership of the scheme. The Committee believes this will reduce the burden of constant monitoring of those who no longer require this, while also securing the right to privacy for those who no longer require to be part of the scheme.

122. The Committee welcomes the grace periods contained within the Bill, which should minimise the risk of employees and employers failing to hold PVG membership where necessary. However, the Committee remains concerned that some individuals and organisations might, through administrative errors, fail to renew scheme membership or realise they need to do so, and therefore potentially be subject to criminal sanctions. Additionally, the Committee notes that the proposed penalty of a short custodial sentence runs contrary to the current presumption against short sentences. The Committee therefore recommends the Scottish Government reconsiders the sentencing provisions associated with nonrenewal of scheme membership.

123. The Committee recommends that the Scottish Government clearly sets out how the transition from lifetime membership to a five-year membership will be managed for current PVG scheme members, and for those who will join in the period between the potential passage of the Bill and its subsequent implementation.

The Scottish Government response

The Scottish Government welcomes the Committee's support for a mandatory PVG Scheme as well as the move from a lifetime scheme to a time-limited scheme with periodic renewals. We also note the Committee's concerns and recommendations in relation to offences connected with the mandatory scheme and lapsed membership, and associated penalties.

The mandatory scheme can only truly work if it is supported by a criminal offence to compel PVG membership, and the offence provisions are targeted at those who intentionally try to evade the PVG Scheme. It must be stressed that it is not the intention of the Scottish Government to criminalise individuals and organisations for administrative mishaps – a common sense view is required. It is for this reason that the Bill includes provision to safeguard against unintentional lapses to ensure a scheme member will not fall out of the Scheme once their membership ends.

As the Committee notes, at least three months before the end of their membership, the scheme member and any person they carry out a regulated role for must be notified of the membership's expiry date. The Bill also makes provisions for

circumstances where a scheme member fails to apply for renewal before the end of their membership to ensure there are no safeguarding risks. This includes extending membership periods for Disclosure Scotland to conduct checks to ascertain if the individual is still carrying out a regulated role and should be in the Scheme.

Officials from the Bill team made clear during their evidence session on 4 September 2019 that in the case of lapsed membership, our approach would be to encourage the individual to renew their membership rather than to resort to criminal proceedings. This would be the ultimate sanction against a person carrying out a regulated role without being a scheme member, but many steps, as identified above, would be taken before making a report to Police Scotland.

We acknowledge the Committee's recommendation in relation to the penalties associated with nonrenewal of scheme membership within the context of the current presumption against short sentences. The penalties proposed in the Bill are consistent with those in the PVG Act relating to barred individuals doing regulated work. The Scottish Government will reconsider the offence provisions in the Bill and, given this issue extends to the provisions within the PVG Act, review those also.

We welcome the Committee's recommendations on transition. The Scottish Government are proposing a phased implementation of the Bill to allow for a smooth transition. There are different ways this can be achieved, for example, by date of joining the Scheme or by sector. However, current scheme members will not need to apply again to join the Scheme at implementation. Disclosure Scotland will make enquiries to ensure that individuals who are scheme members are aware of the new arrangements, and that where appropriate they remain in the Scheme. Disclosure Scotland will also mount a major communications exercise well in advance of any changes.

Work with stakeholders is underway to better understand and capture the transitional arrangements that are required, and officials have started early planning for what may be required for implementation. We will not commence these parts of the Bill until the fundamentals are in place to ensure a safe and smooth transition.

Removing under 16s from the PVG Scheme

137. The Committee recognises that the proposal to prevent those under the age of 16 joining the PVG scheme is based on the Scottish Government's views on children's rights. However, the Committee believes that this proposal on its own could unintentionally contribute to a decline in volunteering opportunities for young people depending on how organisations interpret the legislation and their wider safeguarding measures.

138. The Committee therefore recommends that the Scottish Government sets out the ways in which it will support organisations to continue to offer volunteering opportunities to under 16s, including through the promotion of safeguarding measures or alternative disclosure products.

139. The Committee also recommends that, after an initial period of operation, the Scottish Government conducts a review of this change to measure whether there has been a negative effect on volunteering rates among under-16s.

> 140. Whether or not the Scottish Government decides to amend the current proposals within the Bill to bar under 16s from joining the PVG scheme, the Committee believes it is vital that specific guidance is developed to explain the implications of the disclosure system for young people.

The Scottish Government response

It is the case that the Scottish Government position on under 16s joining the PVG Scheme is viewed through a children's rights lens, however, it is also an issue of proportionality.

The number of under 16s applying to join the Scheme is already very low, annually there are around 300 applications for voluntary positions from people aged under 16. Further, only six people under the age of 16 have ever been listed and all of these were automatic listing cases, for context, the Protection of Vulnerable Groups (Scotland) Act 2007 (Automatic Listing) (Specified Criteria) Order 2010 covers offences such as murder of a child and rape.

As COSLA highlighted in their evidence, when children do pose a risk of this kind there are other, more appropriate, measures available to manage any risks that they may pose of harmful behaviour. The nature of these offences also means it will be impossible in most cases for the individual who is under 16 to carry out a regulated role as they would be incarcerated during the period that the Committee is concerned could be a window of risk.

It must be emphasised that the Bill does not prevent children from undertaking roles which would be regulated roles if they were 16 and over. Organisations can continue to offer opportunities to children, such as peer-to-peer mentoring. Criminal record checks are only one aspect of safeguarding and organisations should never be solely reliant on criminal background checks for their safeguarding procedures.

It is more proportionate to respond to this risk, not by subjecting under 16s to PVG membership and continuous monitoring, but through training and guidance in transitioning to the provisions under the Bill.

As already stated, the Scottish Government is committed to providing new and improved guidance and we note the Committee's recommendation that this include the implications of the disclosure system for young people.

We will ensure support is provided to organisations recruiting under 16s for voluntary work, the appropriate safeguarding measures are adopted and monitor the impact of these proposals on volunteering opportunities for young people.

Accredited bodies

> 150. The Committee welcomes the proposed extension of referral status to other public bodies such as local authorities, but it is important the Scottish Government addresses the concerns raised by COSLA and others about how this could be interpreted in relation to self-directed support. The Committee invites the Scottish Government to respond to these concerns.

The Scottish Government response

The Scottish Government is pleased to note the Committee welcomes the referral powers provided to local authorities under the Bill. Officials are engaging with relevant stakeholders, including COSLA and Social Work Scotland, to address their concerns and to ensure the intended benefits of these new referral powers are realised.

Regulated roles

163. The Committee highlights the concern and confusion it has heard from a variety of organisations over the implications of the Bill's proposals to move PVG membership from lists of jobs and workplaces (regulated work) towards a description of the work undertaken (regulated roles). The Committee believes the Scottish Government should engage with volunteering organisations and those who raised concerns with the Committee ahead of Stage 2 to identify ways in which further clarity can be provided on this change.

164. The Committee welcomes the Scottish Government's willingness to consider how the definition of a protected adult could be improved, and its commitment to engage with stakeholders ahead of Stage 2.

The Scottish Government response

The Scottish Government acknowledges that the move from "regulated work" to "regulated roles" is a big change. The PVG Scheme has been in operation for nearly nine years now and during that time, through feedback from stakeholders and Disclosure Scotland's own experience of operating the Scheme, it has been clear that regulated work is poorly understood among users and complex in definition. Disclosure Scotland's Customer Engagement Team provides extensive, free training on the current system and this engagement work with stakeholders on the definition of regulated work has indicated that many felt this had to be clarified. The fundamental change being made will ensure that we have a system which is readily understood and delivers real safeguarding

We can confirm that a number of workshops specifically on regulated roles have been held with a wide range of stakeholders to ascertain how best the Scottish Government can support and provide guidance to PVG users on this change.

An appropriate amendment will be brought forward for consideration at Stage 2 to deal with the issues identified with the protected adult definition.

Disclosure of offences

176. The Committee believes that the system for disclosing offences proposed by the Bill strikes the correct balance between public protection and individual rights. However, the Committee believes offering individuals the opportunity to provide contextual information about any disclosed offences would be a positive step and recommends that the Scottish Government considers how individuals can be given this opportunity at the appropriate juncture in the disclosure system.

The Scottish Government response

The Scottish Government is pleased to note the Committee's view that the Bill achieves the correct balance between public protection and the rights of individuals.

The Committee's recommendation that consideration is given to how individuals can, at an appropriate stage in the disclosure process, provide contextual information about offences to be disclosed is also noted. The Scottish Government do not consider that it would be appropriate for such contextualising information to be included on a state disclosure, via a free text box, as there would be a risk that employers would believe this information has been provided or endorsed by Disclosure Scotland. The Committee previously raised concerns about applicants initiating a review could be seen as a barrier, and we believe that allowing contextual evidence by the applicant could also be a barrier. There is a possibility for an applicant to over disclose when asked to provide additional information, for example, refer to other convictions or provide sensitive information. Some applicants may not engage in this process and those that do, the quality of the contextual information may vary wildly making it difficult for employers to navigate.

It is recognised however, as Sarah Latto from the Scottish Volunteering Forum described in oral evidence, that having to discuss convictions and the circumstances surrounding them can be a difficult and often re-traumatising experience for people. The Scottish Government is keenly aware of the importance of employment to desistance from offending and it is for this reason that Disclosure Scotland founded and is a leading member of the Scotland Works for You initiative.

This is an alliance group comprising of representatives across various sectors who together have produced guidance for individuals with convictions, and organisations to help them understand how to evaluate convictions. Included within this guidance for individuals with convictions is an example of a self-disclosure letter to assist people with convictions in drafting a letter to a prospective employer to tell their story.

The Scotland Works for You guidance for individuals is complemented by the guidance materials and training package aimed at employers which is designed to give employers a structured approach to making defensible, risk-based recruitment decisions whilst ensuring fair opportunity is given to applicants with previous convictions.

Lists of offences

191. The Committee supports the continuing existence of lists of offences to be disclosed when otherwise spent. However, the Committee considers that improvements can be made to ensure confidence in this system. For example, the Committee notes the example of embezzlement and fraud, two offences rooted in dishonesty, being on different lists, and recommends that the Scottish Government re-examines its proposed lists ahead of Stage 2 to ensure that offences of a similar nature are treated similarly.

192. The Committee notes the differing views on the appropriate timescales for review and disclosure of offences, and that the timescales given appear to be designed to fit with other legislation in this area rather than on an evidential basis. The Committee recommends that

> further consideration is given to whether these timescales meet the Scottish Government's stated aim to balance public protection with the right to move on from past offences and would welcome further exploration of the basis for the proposed eleven-year period at Stage 2.

The Scottish Government response

The Scottish Government notes the Committee's view on the offence lists and are considering this ahead of Stage 2.

The Scottish Government are of the view the time periods in the Bill for the disclosure of spent convictions are appropriately set.

As highlighted in the National Strategy for Community Justice, people with convictions can turn their lives around and to do so they need opportunities and support. It is also known that employment is one of the essential components for an individual's reintegration back into society. It is clear from stakeholder feedback that people believe the current legislation does not get the balance right between protecting public safety and enabling people with convictions to move on with their lives.

The consequence of having to disclose previous criminal convictions for long periods of time can be severe, which is why it is necessary to strike the right balance. The majority of people who have committed minor offences will not have to disclose these convictions once spent, therefore the disclosure period could be as short as one year.

There is a broad spectrum of interest in the disclosure periods, those who want less disclosure and those who expect the same or more disclosure. In reaching the appropriate time period we had regard to these perspectives and concluded the timescales set out in the Bill achieve the right balance between safeguarding and individual rights. The changes also take into account the reduced disclosure periods in the Management of Offenders (Scotland) Act 2019, as it is proportionate that the timescales in the Bill mirror those reductions. Further, the timescales mirror arrangements elsewhere in the UK too, which aids foreseeability for people living and working across borders.

Emerging research in relation to certain offences and reoffending supports the reduction in the extended disclosure period. However, it is important to note such research has caveats and the offence lists cover a broad spectrum of offences. The research evidence referred to in the oral evidence given to the Committee suggests disclosure of 7 to 10 years, however the Government does not consider it to be unreasonable for the disclosure of more serious offending - for instance, sexual crimes, child cruelty and violent crime - should be 11 years to balance safeguarding and proportionality.

Childhood offences

> 208. The Committee welcomes the end of automatic disclosure of childhood offences committed between the ages of 12 and 17. However, the Committee agrees that more could be done to provide opportunities for any information relating to childhood offences included on a disclosure

to be set in context. This is particularly important for care-experienced people, given their disproportionate level of engagement with the justice system.

209. The Committee notes the proposal that childhood offences on Lists A and B should have no time limit for review and a shorter period for disclosure respectively which differs from offences committed as an adult, as well as calls for a separate list entirely for childhood offences. Given the Scottish Government's opposition to creation of a separate list for childhood offences, the Committee recommends that it explores with stakeholders how childhood offending can be better assessed within these two lists.

The Scottish Government response

The Scottish Government is pleased to note the Committee's support for ending the automatic disclosure of offences committed between 12 and 17. We agree with the view expressed by the Committee and stakeholders on the disclosure of convictions from childhood. It is for this reason that the Bill includes provisions that give Ministers flexibility when disclosing convictions from childhood to disclose not as stark conviction information but as a narrative so that the offending behaviour can be put in context. It is also the case that convictions accrued in childhood will appear separately on a disclosure from any accrued aged 18 or over.

As the Committee heard from officials on 20 November 2019, List A and List B cannot be viewed in isolation in respect of childhood convictions. The offence lists must be read with section 14 of the Bill which sets out when a conviction, including a conviction from childhood, is non-disclosable. The offence lists alongside section 14 act as a filter, removing from scope convictions that are irrelevant for state disclosure. These provisions make clear that for childhood convictions for offences that do not appear on either list, representing the vast majority of offences, once spent they will no longer be capable of being disclosed. For convictions for offences appearing on List A or List B an assessment on a case-by-case basis will be made about disclosure following a decision-making framework set down in guidance and, as set out earlier, a list of matters that may be taken into account which will be brought forward as a Stage 2 amendment.

The guidance will be produced in conjunction with stakeholders, including young people with experience of the criminal justice system as well as practitioners who support them, allowing for defensible decisions about disclosure to be made whilst also providing foreseeability for applicants.

The Scottish Government consider that this individualised approach to disclosure of childhood convictions is more proportionate than introducing separate lists of offences for childhood convictions. We believe that the provisions in the Bill, building on the reforms in the Age of Criminal Responsibility (Scotland) Act 2019 and the Management of Offenders (Scotland) Act 2019, will offer a transformative opportunity with people with childhood offending in their past who now live productive, law abiding lives.

Financial Memorandum

> 223. The Committee notes the estimated costs in the Financial Memorandum and understands the need for fees to be charged in relation to disclosure products. However, it is unclear what the fee structure could mean for these estimates, and the Committee recommends that the Scottish Government acts swiftly to assuage some of the concerns raised.
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> 224. The Committee welcomes the Scottish Government's intention to waive fees relating to the PVG scheme for volunteers. However, the Committee supports the Scottish Volunteering Forum's call for all disclosure product fees to be waived for volunteers to prevent any barriers to volunteering in less affluent areas, and also asks the Scottish Government to consider how it can best support those in lower-paid jobs who require PVG checks.
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> 225. Elsewhere in this report, the Committee explores the Bill proposal for the PVG scheme being open to individuals aged 16 years or older. One possible response could be that under 16s may be required to obtain other disclosure products in order to volunteer (e.g. a Level 1 disclosure). The Committee recommends that the Scottish Government consider waiving fees of any individual under-16 applying for a disclosure check where they are doing so to undertake volunteer work.

The Scottish Government response

The proposals within the Bill can be delivered without a change to the current fee structure. However, there is a legitimate question as to whether we can deliver this in a better way. The 2018 consultation on the *Protection of Vulnerable Groups and the Disclosure of Criminal Information* set out some alternative fee models and costs.

However, responses and the information gathered from Disclosure Scotland's stakeholder advisory board made it clear that more work is needed to understand what the impact of the current fee model is and what changes may be required. Some of this early work has started and further engagement with stakeholders will take place next year.

The Scottish Government will carry out a formal consultation on fees in due course, we will be happy to ensure the points raised by the Committee, including fee waivers for all disclosure products and how scheme members - particularly those in in low paid roles - can get the best value for money are covered in the consultation. Any change to the current fee levels will be laid before Parliament for scrutiny.

General principles of the Bill

> 226. The Committee supports the general principles of the Bill. However, the Committee believes that there are a number of areas within the Bill which will require further clarification and consideration at Stage 2 to ensure that the Bill delivers on its aims in full.

The Scottish Government response

The Scottish Government welcomes the Committee's support for the general principles of the Bill.

Disclosure (Scotland) Bill stage 2 amendments: new and significant topics

Description of topic	Benefits and any additional information
Alignment between self-disclosure and state disclosure: childhood convictions Consequential amendments are required to ensure consistency between self-disclosure, which is governed by the Rehabilitation of Offenders Act 1974 ("the 1974 Act"), and state disclosure under the Disclosure (Scotland) Bill.	Consequential amendments are required to the 1974 Act to ensure alignment between both systems of disclosure. The Bill provisions on childhood convictions will be of no benefit to an individual who is already compelled by the 1974 Act to reveal an unspent conviction accrued under the age of 18. The amendments will ensure that an individual is never required under the 1974 Act to disclose a childhood conviction which the Scottish Ministers would not disclose under the Bill.
Protected adult Increasing the scope of the definition of "protected adult" to be inserted into the Protection of Vulnerable Groups (Scotland) Act 2007 ("the PVG Act") by section 76 of the Bill.	We are responding to concerns raised by stakeholders that the definition of protected adult is too narrow. The changes will ensure that the coverage provided by the existing definition under section 94 of the PVG Act is maintained and there are no safeguarding gaps.
Regulated roles Amendments in relation to regulated roles including expanding the concept of *unsupervised contact with children* in paragraph 1(2)(b)(i) of schedule 3 to more activities mentioned in Part 2 of this schedule, narrowing the exceptions to regulated roles in the course of personal relationships and removing councillors from the scope of the Scheme to maintain the status quo with the existing law.	These changes will ensure the scope of the PVG Scheme is adequately drawn.
List of matters that will apply to decision making Providing a list of matters in the Bill to be applied by all decision's makers whether at first instance or on review.	We are responding to views of stakeholders and echoed by the Committee, that a set of guiding principles or criteria for decision making would provide greater legal certainty about the decision-making process and improve the foreseeability of outcomes.
Permanence of decision making Permitting subsequent reviews against decisions to disclose information on a Level 2 disclosure where the purpose of that subsequent disclosure is the same.	We are making changes so that there is some possibility of a further review taking place in limited circumstances, to ensure that the review process is proportionate.
Part 1 of the PVG Act Reforms to the provisions on removal applications from the barred lists.	These changes will improve the operation of Part 1 of the PVG Act, making the relevancy tests clearer and broaden the Ministers powers to receive and consider late representations when it is appropriate to do so in the circumstances.
Definition of power or influence A key change to the disclosure system is the move from regulated work as the eligibility	We are responding to feedback from stakeholders seeking clarity on what is meant

criteria for PVG membership to regulated roles that will trigger mandatory scheme membership. Regulated roles are those in which a person can exercise significant power or influence over a child or protected adult.	by power or influence and making decisions that affect vulnerable groups.

Disclosure (Scotland) Bill stage 2 amendments: minor and technical topics

Description of topic	Benefit and any additional information
Guidance for the chief constable To provide that the Scottish Ministers must issue guidance about the exercise of the chief constable's functions under the PVG Act.	This will ensure that the chief constable has regard to the same guidance when exercising their functions under the Bill *and* under Part 1 and 2 of the PVG Act.
Notification requirements Expanding the power and duty on Scottish Ministers to issue notices under the PVG Act.	We are responding to feedback that regulatory bodies should be informed of a failure to renew scheme membership and allowing for notification to be sent to personal employers. These amendments will enhance safeguarding by allowing for notification to personal employers and regulatory bodies in relation to the outcome of a consideration for listing and failure to renew scheme membership.
PVG Act Offences Changes to offences to be inserted into the PVG Act by sections 74 and 77 of the Bill to: • ensure that there is an ongoing impetus for an employing organisation to ensure that an individual carrying out a regulated role for them is in the Scheme, • reduce the reach of offences connected with failure to comply with a condition imposed on a scheme member so that the offence provisions apply only to organisations and personnel suppliers.	Amendments to ensure there are no safeguarding gaps, and that individuals employing others but not in the course of a business e.g. a person arranging their own self-directed support, are not disproportionately brought into the scope of the new offence provisions.
Failure to apply for renewal of scheme membership To ensure that if Scottish Ministers decide to place an individual under consideration for listing because the individual has failed to apply for membership renewal when they should have, Ministers can consider the individual for listing on both lists.	This is consistent with provisions under section 10(1)(aa) on consideration for listing as a result of a referral made by the chief constable in relation to a person carrying out a mandatory role whilst not in the Scheme. The conduct is the same in both cases and should be responded to in the same way.
Extra territorial offences To make provision to deal with circumstances when offences under sections 34 to 36 and 45C to 45E of the PVG Act are committed outside Scotland.	The Bill makes PVG scheme membership mandatory for those doing regulated roles and extends this requirement to certain types of roles carried out overseas which would be a regulated role if done in Scotland. The amendment ensures that jurisdiction is conferred on Scottish courts for offences under

	the PVG Act which may involve conduct occurring outside of Scotland.
Accredited bodies Miscellaneous amendments to the provisions on accredited bodies.	Minor technical amendments in respect of lead signatories and counter signatories making clear the circumstances when each role is engaged.
Consequential amendments A number of consequential amendments are needed to the Age of Criminal Responsibility (Scotland) Act 2019.	The disclosure provisions for pre-12 behaviour in this Act are based on the provisions in the Police Act 1997 and a section of the PVG Act which the Bill repeals.
Children's hearings disposals Provisions to make a clear distinction between childhood convictions in a criminal court and children's hearings disposals on offence grounds.	We are addressing stakeholder concerns that children's hearings disposals are referred to as "convictions" for the purposes of disclosure.

Education and Skills Committee

4th Meeting, 2020 (Session 5), Wednesday, 19 February 2020

STEM in early years education report - responses pack

The Committee published its report on STEM in early years education on 19 November 2019. The responses to the report are provided below. The responses detail the report recommendations, and the Committee's report is available in full here:

- Scottish Government letter and response
- Education Scotland response

Annexe A

Minister for Further Education and Science
And
Minister for Children and Young People

16th January 2020

Dear Clare

STEM in the Early Years Inquiry

Thank you for the Committee's report of 19 November 2019, following its inquiry into STEM in the Early Years. As Ministers with portfolio responsibility for Science education and for Early Years education, we welcome the report and commend the Committee's focus on the early years given how crucial this stage of learning is in providing a foundation for STEM skills and in inspiring children's enthusiasm for STEM. This is why a large number of actions in our STEM Education and Training Strategy target the early years and early learning and primary settings.

STEM already forms a key part of much of the learning taking place within Early Learning and Childcare (ELC), and the expansion of funded ELC from 600 to 1140 hours per year will mean that children will be entitled to more hours of high quality, flexible learning at those critical early stages. This will help them develop skills, including STEM skills such as enquiry and creativity, and confidence prior to moving on to primary learning - helping to close the poverty-related attainment gap between our most and least disadvantaged children.

We are pleased that the Committee found high levels of commitment to, and enthusiasm for STEM in the practitioners involved in your inquiry, and that you acknowledge the amount of innovation currently underway across Scotland in relation to STEM.

There is much wonderful work taking place around STEM in early learning settings and in schools. However, we recognise that there are a number of challenges that need to be addressed if we are to equip all our young people with the STEM skills needed for future careers, and for understanding and engagement in wider society on issues such as climate change for example, and we broadly agree with the Committee's analysis of these.

We are clear too that we need to ensure there are the right number of teachers and early learning professionals with the expertise to deliver great STEM learning; that we need to tackle the gender imbalances and other inequities that exist in STEM which are unfair and undermine our ability to deliver inclusive economic growth; and, that we need to sustain and grow inspiration and enthusiasm for STEM. We are also clear that, as the Committee has remarked, we need to take a systematic and sustained approach to tackling these challenges so that the whole of Scotland benefits, and that we need to measure and evaluate the effectiveness of our actions.

The Committee's work has captured many of the challenges, and our STEM Strategy aims to meet all of these in a coordinated and joined-up way, but we accept that it will require sustained effort and focus from all the partners to make an impact. While the Scottish Government has set out the policy direction through the Strategy, we are reliant on key partners including Education Scotland, Skills Development Scotland and the Scottish Funding Council to drive forward much of the activity. We are working closely with all our stakeholders to achieve this and to monitor progress and evaluate impact.

We also accept that, as the Committee has acknowledged, change will take time and long-term interventions are needed. The Strategy was published in October 2017 and the first year focused on developing the infrastructure and partnerships needed to drive forward change. In the second year of delivery, much progress has been made and we are confident that we will start to see some of the desired improvements as we progress into the third year of delivery and beyond.

We would like to thank the Committee for such a thorough and thoughtful report which will help us adapt the approach taken to delivering the strategy as we move forward. We have outlined a detailed response to the Committee's conclusions and each of the recommendations in the attached Annex. This response complements that of Education Scotland which provides more detail on delivery of several of the initiatives funded by Scottish Government under the STEM Strategy.

RICHARD LOCHHEAD
Minister for Further Education,
Higher Education and Science

MAREE TODD
Minister for Children and Young
People

RESPONSE TO EDUCATION AND SKILLS COMMITTEE STEM IN EARLY YEARS REPORT   **Annexe A**

Summary Recommendations

Recommendation 1: The Committee believes the Scottish Government needs to be able to demonstrate, through clear measures, progress towards: improving access to training to increase teacher and early years practitioner confidence, especially in technology and engineering, and improving access to adequate internet connectivity and other resources to support STEM learning experiences, including in remote and rural areas.	We share the Committee's view of the importance of supporting practitioners to grow their confidence in STEM. That is why the Scottish Government is investing an additional £1.9 million this financial year through Education Scotland's Enhancing Professional Learning in STEM grants. Recognising that there is variability of confidence across individual STEM disciplines, a priority was placed on resources to support technology and engineering. Many of the professional learning grants are going direct to schools and local authorities to support local and regional initiatives. Education Scotland will track progress through their STEM Career Long Professional Learning (CLPL) practitioner and provider surveys and use this information to identify areas for future support where relevant. The STEM Strategy is also aiming to ensure equity of access to STEM learning, and rural schools and authorities are amongst those benefitting from the Professional Learning grants. Other activity to support those in remote and rural areas includes work to extend My World of Work Live, and the provision of more resources and training online. Activity by science centres and science festivals and STEM engagement initiatives including Generation Science and the Young Engineers and Science Clubs complement and enrich STEM learning in every local authority area. The importance of adequate internet connectivity is recognised and access to resources for supporting STEM education and provide further details below against the detailed recommendations addressing this.

| **Recommendation 2**:
The Committee also believes that gender discrimination and compounded disadvantage from living in deprivation are issues that require systemic change. The Committee is therefore recommending more of a focus on long-term interventions in school and early learning settings when the Scottish Government is measuring progress towards the STEM strategy's aims. | We agree that long-term and sustained interventions are needed to tackle systemic issues such as gender bias in STEM, and disadvantage from living in deprivation.

As the Committee is aware, improving the education and life chances of all children and young people – irrespective of their background – is one of the defining missions of the Scottish Government. We are investing £750 million during this Parliament to ensure every child has an equal chance to succeed.

We are also funding equity and excellence leads in the early learning and childcare sector. We know from our engagements with them that they are already having an impact on STEM in the most deprived areas.

This Government is absolutely committed to tackling gender inequality and other inequalities that can hold people back. We established Education Scotland's Improving Gender Balance and Equalities programme as part of the STEM strategy because we recognised that a sustained and systematic programme was needed, based on whole school approaches. I provide further details about this programme and specific work in the early years below.

We are also in the process of establishing a Task Force, chaired by the Deputy First Minister, which will consider how to better embed gender equality in all aspects of education and learning, including STEM. This is a direct response to one of the recommendations from the First Minister's National Advisory Council on Women and Girls. |

Teacher and early years practitioner confidence

Recommendation 3: The Committee recommends that teacher and early years practitioner confidence levels should only be expressed in Scottish Government progress reports as four separate percentages for the four disciplines of Science, Technology, Engineering and Maths. Presenting one overall confidence level for STEM as a whole can mask the low levels of confidence in teaching engineering and technology.	As stated above, we agree with the Committee about the importance of supporting practitioner confidence in STEM in the early years and in primary schools. It is recognised that levels of confidence will vary across the different components of STEM and that the technologies and engineering require specific support. Education Scotland already incorporates collection of information on individual disciplines into the Annual STEM Practitioner Survey and more information on this is included in their response. Moving forward, we will ensure that the full breakdown is included in any data publications, including the STEM Strategy Annual Report.
Recommendation 4: Given the evidence on very low confidence levels in technology and engineering, the Committee recommends that Education Scotland ensures, in balancing the allocation of future Enhancing Professional Learning grants, that there is sufficient emphasis on improving confidence in technology and engineering.	

Initial Teacher Education (ITE)

Recommendation 5: The Committee recommends that Education Scotland publishes a detailed breakdown of work it has undertaken since 2016 to assess the delivery of primary teacher initial teacher education. This should include all work to assess whether there has been a sufficient focus on STEM in one-year courses.	It is for Education Scotland to comment on the inspection process. However, inevitably, a one-year course offers limited opportunity to cover any curriculum area in depth and it is worth highlighting that ongoing professional learning can provide much greater benefits to ensuring practitioners are equipped to deliver high quality STEM teaching. That is why the STEM Strategy places a high focus on activity to increase the availability and accessibility of STEM professional learning opportunities; and the Strategic Board for Teacher Education (SBTE) is considering how the support and learning for probationer teachers on the Teacher Induction Scheme (TIS) and Flexible Route (FR) can be strengthened to provide greater consistency towards achieving full professional registration with the GTCS and, working with key stakeholders, what additional areas of professional learning are needed to improve the support available to post probation teachers.
Recommendation 6: At present, the GTCS accredits course content and Education Scotland assesses its delivery. The Committee considers that the evidence received to this inquiry on initial teacher education supports its previous recommendation from its Teacher Workforce Planning for Scotland's Schools inquiry. The Committee recommended that there would be merit in having the same organisation accrediting courses and assessing their delivery. The Committee invites the Scottish Government to reconsider this recommendation.	Scottish Ministers reviewed the position following the Teacher Workforce Planning for Scotland's Schools inquiry and were content with the comprehensive approach GTCS have developed in terms of accreditation. A refreshed ITE Accreditation Framework was published by the GTCS in June 2018 and a new self-evaluation framework to support universities to demonstrate the quality of their existing ITE provision and to identify areas for improvement has been developed in partnership between Education Scotland, the GTCS and the Scottish Council of Deans of Education (SCDE). This was published in June 2018 and is being used to initially focus on the quality of learning and teaching in the key priorities of numeracy, diversity, health and wellbeing, and literacy. A working group led by Education Scotland and the SCDE has been established to oversee application of the framework; and the first in a series of symposium events using this document was held on 8 October 2019 to review delivery of numeracy within ITE programmes.

Early Years Practitioners **Recommendation 7:** Private and third sector providers are key to the delivery of funded childcare including the expansion to 1,140 hours for all children over the age of three by August 2020. The Committee welcomes the Minister for Further Education, Higher Education and Science's commitment to consider the extent to which sufficient training on STEM, including from the Scottish Schools Education Research Centre, is accessible to those in private and third sector early learning settings. The Committee requests a detailed update on this work in the Scottish Government's response to this report.	All the national resources being developed to support the early learning and childcare (ELC) workforce as part of the 1140 expansion are open to staff in all sectors in ELC, including private, voluntary and independent (PVI) providers. This includes the online Continuous Professional Learning modules, as well as the new National Induction Resource and National Directory for Continuous Professional Learning. In addition, the Enhancing Professional Learning in STEM Grants are open to all providers of partnership-funded ELC. As advised above, an online programme of professional learning for the ELC sector is currently being developed that will be widely accessible and freely available to ELC practitioners in all sectors. One of the modules in this programme is designed to increase staff skills, knowledge and confidence in delivering age appropriate learning in all STEM subjects, including practical activities and examples in technology and engineering. This module is due to be available to the sector in early 2020. We will consider the impacts of this training in ELC practice in the upcoming years, and continually consider further training options for the ELC sector in the future years. Officials are also currently working with Education Scotland to refresh the national practice resource for the ELC sector - Building the Ambition. This will help highlight how to support children's learning in STEM through both the text and carefully selected images of practice. This resource will be made available to ELC practitioners and primary teachers to ensure the consistency in approaches STEM learning in early years. Copies will be sent to all ELC settings in all sectors in early 2020. Both of these valuable new/refreshed resources will be available to all ELC practitioners in all sectors including Private, Voluntary and Independent Settings, and including those in remote and rural areas. The Scottish Schools Education Research Centre (SSERC) grant agreement with the Scottish Government requires them to offer a minimum of four experiential learning programmes for Early Years practitioners, comprising a maximum of 80 Training Days. In line with the SSERC digital offer, SSERC will endeavour to undertake "SSERC Meets" that are designed to address the specific needs of ELC practitioners. The Scottish Government ELC team is in

| | discussions with SSERC around possible other options in the future years. It has also been clarified that, under the current grant agreement, all funded ELC providers should be able to receive the same training opportunities provided by SSERC without additional costs to them. This includes private, voluntary and independent ELC funded providers. |
| | Through Education Scotland's Enhancing Professional Learning in STEM grants, Scottish Childminding Association (SCMA) has also been funded to work with SSERC to promote and increase involvement with STEM learning for childminders across Scotland. SCMA will develop three STEM interactive eLearning courses in partnership with SSERC. Professional learning opportunities will be available online and through face-to-face workshops. A resource pack will be developed to accompany the professional learning and will include activities that childminders can offer to parents to support family learning. The materials will be made available on the SCMA website and in the quarterly Childminding magazine to raise the profile of STEM and encourage practitioners to participate in the professional learning opportunities |

Continuing Professional Development (CPD)

Recommendation 8:	
The Committee welcomes the commitment from the Minister to produce a new measure to understand "how the whole country is benefitting" from STEM training opportunities. The Committee recommends that such a measure should provide an indication of the extent to which teachers and early years practitioners face barriers to accessing training. The Committee recognises the existing pressures on practitioners and therefore recommends that Education Scotland should be responsible for the work required to collate this new data.	We are grateful for the Committee's analysis of some of the barriers to practitioners being able to access career long professional learning in STEM and agree that there is a need for sustained, effective and co-ordinated approaches to meeting practitioner's needs for professional learning in STEM. As the Committee recognises, remote access and online delivery of CLPL are important in enabling practitioners to access learning at a time and a place that suits them as are opportunities for practitioners to meet in small groups to learn from one another. Through SSERC, the Education Scotland STEM CLPL grants, the RAISE programme, the college-led STEM Hubs, and the development of an online platform for STEM professional learning, the aim is to achieve an appropriate balance between online and remote access and face to face learning for practitioners and to create time and space for collaborative professional learning locally and regionally. Information on practitioner confidence is already being collected through Education Scotland's Annual STEM Practitioner Survey which complements their STEM CLPL provider survey and asks practitioners about their learning needs and barriers. Findings are available from 2017 and 2018 and will also be compared with 2019 findings when they are available early in 2020. This will continue to be tracked on an annual basis over the lifetime of the strategy. The findings of the survey in 2018 were used to guide the priorities for Education Scotland's STEM CLPL grants programme in 2019. Education Scotland will also be conducting an evaluation of their activity which will include consideration of how practitioners across Scotland a are benefitting from the STEM training opportunities.

Knowledge sharing opportunities

Recommendation 9:	As the Committee noted, there is scope for better connections between practitioners and STEM resources and expertise. There are a number of existing mechanisms that are seeking to signpost sources of information and expertise.
The Committee recommends that an existing initiative, such as the regional hubs or the national e-portfolio, should be expanded to include an online platform that enables connections between those keen to share expertise and practitioners seeking experience. The Committee has no desire to recommend additional initiatives when so many already exist in relation to STEM, many of which are in their early stages.	Making connections such as these already falls within the remit of the college led STEM Hubs and DYW Regional Groups as well as the RAiSE Primary Science Development Officers, the Regional STEM Advisers, SDS's Marketplace portal also supports connections between schools and employers. Education Scotland is also developing an online directory to guide teachers and practitioners towards relevant high-quality resources and support as well as an online platform to aid ease of access to STEM professional learning.
	Officials and Education Scotland will continue to monitor this situation to see if further support or co-ordination is required. Whether use could be made of the national e-portfolio would be a matter for the GTCS.

Collaboration between schools – working in clusters

Recommendation 10:	We agree with the Committee's analysis about the importance of school cluster working to support positive STEM learning experiences.
The Committee recommends that Regional Improvement Collaboratives should map cluster working across their regions. This work could help establish where cluster working between schools is well established and where there are gaps in support for cluster working.	Education Scotland's Regional STEM Advisors are working closely with their counterparts in local authorities and Regional Improvement Collaboratives (RICs) to identify gaps and clusters requiring additional support. Many clusters are being supported through the Leadership and Collegiate Professional Learning Fund component of the STEM professional learning grants.
	This was introduced in FY19/20 and one of its clearly indicated priorities was to support and encourage more effective cluster working.

| Recommendation 11:
The Committee recommends that this work should include mapping cluster work between early learning and childcare settings and primary schools, as well as mapping collaborative work between primary and secondary schools. | A full mapping of the extent suggested would be a significant task and may require additional capacity, and it would be for local authorities and their RIC leads to comment on the feasibility of this.

However, Education Scotland's STEM Advisors will continue to liaise with local authority and RIC leads to gather information and address gaps, as far as capacity allows. |

STEM's place in the curriculum

| Recommendation 12:
The Committee recommends that the Scottish Government considers the extent of the focus in the education system on literacy, numeracy, health and wellbeing.

This includes in: The National Improvement Framework; Education Scotland guidance; school improvement plans, and the inspection regime. The extent of the focus on literacy and numeracy and the practice of teaching them as stand-alone topics in large blocks of primary school timetables, limits the opportunity for interdisciplinary learning. | The National Improvement Framework (NIF) places an understandable emphasis on literacy, numeracy and health & wellbeing which are the responsibilities for all within Curriculum for Excellence and which provide the foundation for wider learning across the whole curriculum.

Learning within each of the eight individual curriculum areas within the Broad General Education, including Mathematics, Science and Technologies has also always been a part of Curriculum for Excellence at all ages and stages.

This has been reinforced through the refreshed curriculum guidance. Indeed, each curriculum area (including those relevant to STEM) offers a wide range of opportunities for learners to experience literacy, numeracy and health & wellbeing. |

Recommendation 13: The Committee recommends that the Scottish Government and its agencies, and by extension the leadership within schools, ensure a sufficient emphasis on interdisciplinary learning in early education. The Committee highlights to the Scottish Government the positive evidence received on the potential of interdisciplinary learning. This includes how it reflects the ethos of Curriculum for Excellence and how it can contribute towards curricular priorities including literacy and numeracy.	wellbeing outcomes in different contexts and through interdisciplinary learning (IDL). The Scottish Government agrees IDL is a valuable educational approach as it can provide coherence in curriculum delivery, allow learners to develop a deeper understanding of disciplinary areas and provide learners with skills vital to later life, learning and work. That is why IDL has a significant place within Curriculum for Excellence as one of the 'four contexts for learning', a fact that is promoted in the refreshed curriculum narrative which was published in September 2019. STEM is interdisciplinary by nature as it brings together the subject disciplines of science, technology, engineering and mathematics in coherent ways that allow effective learning within each constituent discipline, as well as having strong links with other areas of the curriculum such as the expressive arts and social studies.

Quality of internet connectivity in schools

Recommendation 14: Given the evidence received, the Committee recommends that the Scottish Government, in conjunction with local authorities, explore the extent to which STEM learning experiences are being limited by the standard of the internet connection in schools across Scotland.	The Scottish Government offers to fund a high-speed broadband connection through the Scottish Wide Area Network (SWAN) to all of Scotland's local authorities. Only Edinburgh City Council does not take up this offer. Connectivity within schools themselves (e.g. WiFi) is a matter for local authorities. The £400 million Digital Scotland Superfast Broadband (DSSB) programme met its target to extend fibre broadband access to 95% of premises across the country by December 2017, with further rollout planned into 2020. Over 940,000 additional premises are now able to access fibre broadband services as a direct result of the roll-out.

	The Scottish Government has committed £600 million to the procurement phase of the Reaching 100% programme, as per its commitment to deliver 100% superfast broadband access across the country, regardless of remoteness or rurality.

Deprivation

Recommendation 15:	Local authorities are directly responsible for setting school budgets and for the provision of resources in schools, so it would not be appropriate for Scottish Government to carry out a survey of schools on this matter.
The Committee is concerned at anecdotal evidence that some school staff are paying for resources and also that parents are often called upon to fund and support activities.	Policies governing charges for in-school activities are delegated to school level, therefore analysis of these charges would necessitate inclusion of all schools in Scotland. Analysis of this scale would be bureaucratic and the likelihood of producing robust, operational data is questionable due to the variation in approach between and within schools.
The Committee recommends that Education Scotland works with the Learned Societies Group to repeat the 2014 study which found that "98% of [primary school] respondents drew on additional funding for practical activities, with parental sources the most common for extra-curriculum activity."	In June 2019, along with COSLA, the Government published revised guidelines for Devolved School Management, including advice on this matter. This makes clear that Headteachers are expected to ensure that any costs on families are minimised to ensure equality of access.
Recommendation 16: The Committee recommended in its inquiry into Attainment and Achievement of School Aged Children Experiencing Poverty that the Scottish Government assess the extent to which there is charging for access to school education. The Committee seeks an update on this work, including in relation to STEM learning experiences.	Where charges are deemed unavoidable, schools should publish details of anticipated pupil charges for curricular or extra-curricular activities requiring funding contributions from parents/carers at the start of the academic session alongside information about potential financial assistance, discounts or exemptions available to pupils.
	As part of this, in 2019-20, the Scottish Government is providing over £120m Pupil Equity Funding directly to schools for headteachers to spend at their discretion to close the poverty related attainment gap.
	Through the Attainment Scotland Fund, we are also supporting the Child Poverty Action Group to continue their work to reduce the impact of financial costs at school, as part of the Cost of the School Day project.

Recommendation 17: The Committee also recommends that the inspection regime ensures that the fabric of a school, including required apparatus and technology to deliver STEM learning experiences, is a sufficient focus of the inspection process.	It is for Education Scotland to respond regarding school inspections.
Recommendation 18: The Committee recommends that the Scottish Government develops a means of measuring targeted long-term interventions within early learning and primary settings in deprived areas. The Committee has heard in evidence that closing the deprivation 'equity gap' in relation to STEM has been a long-held policy ambition and that long-term interventions are key to making progress.	We agree with the Committee that the STEM engagement opportunities provided by the science centres and festivals and other STEM partners such as the Learned Societies should complement the delivery of STEM in the curriculum. As described elsewhere, we are providing significant funding to support the professional development of teachers and other practitioners in STEM to this end. The strategy is also clear that deprivation and other inequalities and inequities in STEM need to be tackled. One of the STEM strategy KPIs is measuring the deprivation related gap in school leaver's attainment in one or more STEM qualifications at SCQF level 6. The latest available data from 2017-18 shows that the gap increased to 36.6 percentage points from 35.6 percentage points, but that attainment increased in both the most and least deprived quintiles with both at the highest level they have been since 2013-14. Full details will be published with the annual report. Scottish Government also evaluates the effectiveness of the Scottish Attainment Challenge funding through the National Improvement Framework (NIF). There are no plans for developing additional measurements for deprived areas. To help close the poverty-related outcome gap in the early years sector, the Scottish Government is funding 435 equity and excellence leads. We know from our engagements with the leads that they are already having an impact on STEM in the most deprived areas. Several authorities, such as Edinburgh, have focused their efforts on closing the attainment gap in early numeracy. We will continue to support the science centres to target activities at particular groups currently under-served by science engagement activities, through the

	School and Community Subsidies as part of their annual funding. Science Centres and larger science festivals are also working with the CLD sector to develop community STEM plans, and Education Scotland are working with the science centres and festivals in Glasgow, Aberdeen, Dundee and Edinburgh to extend the reach of their programmes to parents and families in deprived areas.

Remote and Rural Areas

Recommendation 19: The Committee recommends that the Scottish Government reviews its approach to publicly funded large STEM related initiatives to ensure the approach taken by such initiatives focuses sufficiently on remote and rural areas. Such a review should take into account the need to counteract the urban bias and 'self-selection' bias of numerous smaller projects.	We recognise the challenge of ensuring equity of access to STEM initiatives and support for remote and rural areas, and the matter of 'self-selection'. Education Scotland is already tracking the support being provided to rural and remote areas through the Enhancing Professional Learning in STEM Grants and through the Annual STEM Practitioner and Provider Surveys. Their STEM Advisors will continue to work with local authorities, RICs and STEM partner organisations to identify and address any gaps. The college-led STEM hubs have been established in order to ensure that partners are working together to improve STEM engagement and learning across all parts of Scotland., and Education Scotland's online directory of STEM engagement opportunities should also help to ensure more equity of access.
Recommendation 20: In relation to the Raising Aspirations in Science Education programme, the Committee welcomes the decision to roll out the programme to all interested local authorities as a result of the positive outcomes generated by the initial pilots. However, the Committee would be concerned if the continuity of such a valuable programme was lost where the pilot has already run in remote and rural areas. The Committee requests an update on the sustainability of all pilots in the Government response to this report. Progress	Scottish Government has provided £590,000 to the RAISE programme to date and will continue to support the programme for the duration of the Strategy in partnership with local authorities and the Wood Foundation. This includes additional funding provided by Scottish Government to support some authorities to retain their Primary Science Development Officers at the end of their 23-month programme where it was identified that this was needed to help them transition to a more sustainable position. Education Scotland will provide more detail in their response as to how they are working with local authorities participating in the RAiSE programme to sustain their work on STEM once the initial 23 months of funding comes to an end.

in mainstreaming STEM is being pursued through various initiatives and it is important that large scale publicly funded initiatives with the potential for long-term positive impact are sustained.	

Gender

Recommendation 21: The Committee recommends that the Improving Gender Balance and Equalities programme should specifically monitor whether the new Education Scotland IGBE team has the staff numbers and the capacity to provide support that can reach schools and early learning settings across Scotland in a meaningful way.	Scottish Government and its partners are committed to addressing gender stereotyping in Early Years settings and beyond. Education Scotland will respond regarding their capacity to support schools through the IGBE team, and how this work is being cascaded. They have recently published an invitation to tender to commission an external evaluation of the regional STEM approach and support, including IGBE. This will help to track the impact and reach of IGBE Programmes and where necessary highlight further opportunities for improvement. This work is being complemented in a number of ways, including: Initial Teacher Education Universities are also working to strengthen the gender content of ITE courses. Additional specific work is being undertaken in the Early Years sector. The Care Inspectorate have worked with Zero Tolerance to publish a new resource, Gender Equal Play, to promote gender equal play in early learning, in order to help practitioners, enhance gender equality for children across ELC sector. The Scottish Government also recently published a National Induction Resource for early learning and childcare professionals who are new to the sector, which highlights the importance of gender aware practice and includes a reflective question on this. Tackling gender stereotyping in ELC will also be a key theme within the new national online professional learning module on STEM.

	Education Scotland will also be represented on the Deputy First Minister's Task Force on Gender Equality in Education and Learning, (see response to recommendation 2 above) and the work of the IGBE programme will be considered as part of its deliberations.
Recommendation 22: The Committee recommends that the Scottish Government, in its work measuring progress against the aims of its STEM strategy, develops a means of measuring tangible progress in schools and early years settings in relation to gender balance. The Committee considers there is a need to be able to assess progress, including where the Minister suggests that some work may deliver "long-term impacts".	The Committee view has been noted. As above, Education Scotland plans to commission an external evaluation to track the impact and reach of IGBE Programmes and, where necessary, identify further actions that will lead to long-term tangible outcomes. At this stage, there would be concerns about setting a specific measure on gender balance in the early years as it would be difficult to source suitable robust data without significant additional work for schools, teachers and early learning and childcare practitioners and providers. The STEM strategy and its impacts will also be considered as part of the work of the previously mentioned Deputy First Minister's Task Force on Gender Equality in Education and Learning.

Annexe B

Education Scotland
Foghlam Alba

Clare Adamson MSP
Convenor
Education and Skills Committee
The Scottish Parliament

via Email

19 December 2019

Dear Ms Adamson

Thank you for your letter of 25 November following the publication of the Committee's report on STEM in early years education. We will be happy to respond by 19 January 2020 as requested.

As you know, Education Scotland operates within an empowered education system, working in partnership with the Regional Improvement Collaboratives (RICs). The RICs, while not legal entities in their own right, are comprised of constituent local authorities who each retain the duties of Education Authority. As such, it would not be appropriate for an external body such as ourselves to compel them to undertake certain tasks, for example in relation to the recommendation on cluster working which may better sit with Local Authorities.

We will, however, make the report available to them through the RIC leads and will highlight your recommendations to them.

Yours sincerely

Gayle Gorman
HM Chief Inspector of Education

RESPONSE FROM EDUCATION SCOTLAND

Summary of recommendations	Response
1. The Committee believes the Scottish Government needs to be able to demonstrate, through clear measures, progress towards: improving access to training to increase teacher and early years practitioner confidence, especially in technology and engineering, and improving access to adequate internet connectivity and other resources to support STEM learning experiences, including in remote and rural areas.	Through its Enhancing Professional Learning in STEM Grants Programme, Education Scotland is providing £1.9 million of financial support for STEM Professional Learning in financial year 2019/20. Many of these grants are going direct to early learning and childcare establishments, schools and local authorities to support local and regional initiatives. Rural centres and authorities were identified as a priority. Amongst other examples, Comhairle nan Eilean Siar is receiving £59,908 in financial year 2019/20 and The Highland Council is receiving £127,112. Education Scotland has also used the grants programme to enable providers to make professional learning available online to ensure those in rural and remote areas have access to support. In the grant guidance this year, the areas of technologies and engineering were identified as priority areas for support. Education Scotland will continue track the access and provision of STEM professional learning through the annual STEM CLPL practitioner and provider surveys. These surveys already track progress in practitioner confidence. Through the STEM grants programme and the team of regional advisors, we will seek to address any gaps identified.

2. The Committee also believes that gender discrimination and compounded disadvantage from living in deprivation are issues that require systemic change. The Committee is therefore recommending more of a focus on long-term interventions in school and early learning settings when the Scottish Government is measuring progress towards the STEM strategy's aims.	Education Scotland has recruited six Improving Gender Balance and Equalities (IGBE) Officers to extend the learning from the successful pilot programme to clusters across Scotland. These officers are now embedded in Education Scotland's regional teams and are working closely with early learning and childcare settings, schools, local authorities and regional improvement collaboratives to promote whole setting approaches to equality. The focus of this work is to enable schools and settings to adopt a long-term whole school and community approach to equality to support changes in practice and culture. The IGBE officers are also working strategically with a range of partner organisations to ensure gender balance approaches are embedded within their programmes. In addition, expectations regarding equity and equality have been embedded within the grant conditions for Education Scotland's STEM grants programme in financial year 2019/20. Equity is one of the four key themes within the STEM Education and Training Strategy and is a strong focus of the work of the Regional STEM Advisors. These advisors will continue to work with colleagues in authorities and regional improvement collaboratives to target support at areas of deprivation. This will include close partnership working with Education Scotland's Attainment Advisors.

Teacher and early years practitioner confidence	
3. The Committee recommends that teacher and early years practitioner confidence levels should only be expressed in Scottish Government progress reports as four separate percentages for the four disciplines of Science, Technology, Engineering and Maths. Presenting one overall confidence level for STEM as a whole can mask the low levels of confidence in teaching engineering and technology.	Education Scotland has already incorporated the collection of information on individual disciplines into the Annual STEM Practitioner Survey for this year. This data will be collated and analysed for inclusion in the Second Annual STEM Strategy Report.
4. Given the evidence on very low confidence levels in technology and engineering, the Committee recommends that Education Scotland ensures, in balancing the allocation of future Enhancing Professional Learning grants, that there is sufficient emphasis on improving confidence in technology and engineering.	Education Scotland has already identified technologies and engineering as priority areas for Round 2 grant funding for FY 19/20. This was in response to the Annual STEM Practitioner Survey findings in 2018/19. These priority areas were clearly articulated in the grant guidance and supported through numerous engagement events. Technologies and engineering will continue to be a focus in FY 20/21 should grant funding be made available next financial year. Education Scotland is also working with policy colleagues to develop an online programme of professional learning for the Early Learning and Childcare (ELC) sector that will be widely accessible and freely available to ELC practitioners in all sectors. One of the modules in this programme is designed to increase staff skills, knowledge and confidence in delivering age appropriate learning in all STEM subjects, including technology and engineering. This module is due to be available to the sector in early 2020.

Initial Teacher Education (ITE	
5. The Committee recommends that Education Scotland publishes a detailed breakdown of work it has undertaken since 2016 to assess the delivery of primary teacher initial teacher education. This should include all work to assess whether there has been a sufficient focus on STEM in one-year courses.	Education Scotland has not undertaken specific scrutiny in this area since 2016. Education Scotland has worked in partnership with the General Teaching Council for Scotland (GTCS) and the Scottish Council of Deans of Education (SCDE) to develop a new self-evaluation framework to support universities to demonstrate the quality of their existing initial teacher education (ITE) provision and to identify areas for improvement. This was published in June 2018 and is being used to initially focus on the quality of learning and teaching in the key priorities of numeracy, diversity, health and wellbeing and literacy. In October 2019, the SCDE and Education Scotland co-hosted a symposium using the framework to focus on numeracy in ITE. The symposium included keynote speakers, sessions led by each ITE institution and was attended by representatives from regional improvement collaboratives, universities, Education Scotland, GTCS and Scottish Government.
Early Years Practitioners	
7. Private and third sector providers are key to the delivery of funded childcare including the expansion to 1,140 hours for all children over the age of three by August 2020. The Committee welcomes the Minister for Further Education, Higher Education and Science's commitment to consider the extent to which sufficient training on STEM, including from the Scottish Schools Education Research Centre, is accessible to those in private and third sector early learning settings. The Committee requests a detailed update on this work in the	Education Scotland's Enhancing Professional Learning in STEM Grants Programme is open to all providers of partnership-funded ELC. An estimated 2446 ELC practitioners will benefit from this funding in financial year 2019/20. In addition, Education Scotland is working with ELC policy colleagues to develop a new online Continuous Professional Learning module in STEM that will be available to staff in all sectors in ELC, including private, voluntary and independent providers. Similarly, Education Scotland is working with policy colleagues to refresh the national practice resource for the ELC sector - Building the Ambition. This will help to highlight how to support children's learning in STEM through both the text and carefully selected images of practice. This resource will be made available to ELC practitioners and primary teachers to

Scottish Government's response to this report.	ensure the consistency in approaches STEM learning in early years. Copies will be sent to all ELC settings in all sectors in early 2020.
Continuing Professional Development (CPD)	
8. The Committee welcomes the commitment from the Minister to produce a new measure to understand "how the whole country is benefitting" from STEM training opportunities. The Committee recommends that such a measure should provide an indication of the extent to which teachers and early years practitioners face barriers to accessing training. The Committee recognises the existing pressures on practitioners and therefore recommends that Education Scotland should be responsible for the work required to collate this new data.	This information is already being collected through Education Scotland's Annual STEM Practitioner Survey. Findings are available from 2017 and 2018 and will also be compared with 2019 findings when they are available early in 2020. Education Scotland will continue to track this on an annual basis over the lifetime of the strategy. In addition, Education Scotland has issued an Invitation to Tender for the national evaluation of the STEM Education and Training Strategy. This will explore the impact of the professional learning activities being supported through the STEM grants programme and regional working. It will also explore the extent to which practitioners across Scotland are benefitting from this support.
Knowledge sharing opportunities	
9. The Committee recommends that an existing initiative, such as the regional hubs or the national eportfolio, should be expanded to include an online platform that enables connections between those keen to share expertise and practitioners seeking experience. The Committee has no desire to recommend additional initiatives when so many already exist in relation to STEM, many of which are in their early stages.	Making connections such as these has been a key role of the Raising Aspirations in Science Education (RAiSE) Primary Science Development Officer network. They have played an important role in promoting professional learning and other opportunities within their authorities and regions. Many STEM partners have commented on how the RAiSE Officers have more effectively connected them to practitioner networks and increased uptake of their resources and support programmes. Education Scotland's Regional STEM Advisers are now playing a similar role on a regional level by working closely in partnership with authorities, college STEM hubs and DYW Regional Groups to ensure the support being made available is fully aligned to identified needs of practitioners. In addition, Education Scotland is in the process of developing an online directory to effectively guide teachers and practitioners towards relevant high-quality resources and support.

STEM's place in the curriculum	
12. The Committee recommends that the Scottish Government considers the extent of the focus in the education system on literacy, numeracy, health and wellbeing. This includes in: The National Improvement Framework; Education Scotland guidance; school improvement plans, and the inspection regime. The extent of the focus on literacy and numeracy and the practice of teaching them as stand-alone topics in large blocks of primary school timetables, limits the opportunity for interdisciplinary learning.	Literacy, numeracy and health and wellbeing are responsibilities for all within Curriculum for Excellence and are key priorities within the National Improvement Framework. The emphasis placed on literacy, numeracy and health and wellbeing is understandable given the vital role they play in allowing learners to access other areas of the curriculum, including STEM. Education Scotland will continue to promote a holistic approach to curriculum planning and design which allows all curriculum areas and skills to be taught effectively through the four contexts of learning (curriculum areas and subjects; interdisciplinary learning; ethos and life of the school; and opportunities for personal achievement). Through our RAiSE programme, for example, Primary Science Development Officers have been supporting learning in literacy and numeracy in schools by using exciting and motivating STEM contexts. The STEAM-aStory Programme is one example of the interdisciplinary approaches being supported.
13. The Committee recommends that the Scottish Government and its agencies, and by extension the leadership within schools, ensure a sufficient emphasis on interdisciplinary learning in early education. The Committee highlights to the Scottish Government the positive evidence received on the potential of interdisciplinary learning. This includes how it reflects the ethos of Curriculum for Excellence and how it can contribute towards curricular priorities including literacy and numeracy.	Education Scotland continues to promote interdisciplinary learning as one of four key contexts for learning within Curriculum for Excellence (CfE). The refreshed CfE narrative that has been launched is further supporting reflection on the role of interdisciplinary learning to enrich learning and to provide learners with the opportunity to apply their learning in new contexts. Education Scotland has published details of a series of workshops (for ELC, primary and secondary sectors) being held to support interdisciplinary learning. STEM, by its very nature, is interdisciplinary, and the national STEM Strategy is being used to raise the profile and to increase the support being made available for interdisciplinary and project-based learning. This is being done in a wide range of ways including through the STEM Grants Programme. Education Scotland's National Improvement Hub includes a number of STEM resources which exemplify how interdisciplinary learning contributes

	towards other curriculum areas, including literacy and numeracy.
Deprivation	
15. The Committee is concerned at anecdotal evidence that some school staff are paying for resources and also that parents are often called upon to fund and support activities. The Committee recommends that Education Scotland works with the Learned Societies Group to repeat the 2014 study which found that "98% of [primary school] respondents drew on additional funding for practical activities, with parental sources the most common for extra curriculum activity."	Responsibility for resourcing the curriculum lies with local authorities and it would not be appropriate for Education Scotland to conduct a survey of this nature. Practical science and STEM activities play a central role in STEM learning and help to engage learners and enable development of skills for learning, life and work. Resources are important but are often free or need not be expensive for learners aged 3-7 years. At this stage, learners should experience science and STEM of the everyday by, amongst other things, observing nature, playing with loose parts or tinkering with broken equipment.
17. The Committee also recommends that the inspection regime ensures that the fabric of a school, including required apparatus and technology to deliver STEM learning experiences is a sufficient focus of the inspection process.	During inspections, HM Inspectors of Education focus on children's and young people's learning experiences; their achievements, and the impact of the school on improving outcomes for children and young people. HM Inspectors comment on the fabric of a school or apparatus where it is having an impact on children's and young people's learning. During school inspections, HM Inspectors consider the appropriate use of digital technology when evaluating learning, teaching and assessment.
Remote and Rural Areas	
19. The Committee recommends that the Scottish Government reviews its approach to publicly funded large STEM related initiatives to ensure the approach taken by such initiatives focuses sufficiently on remote and rural areas. Such a review should take into account the need to counteract the urban bias and 'self-selection' bias of numerous smaller projects.	Education Scotland is already tracking the support being provided to rural and remote areas through the STEM Grants Programme and through the Annual STEM Practitioner and Provider Surveys. Our team of Regional STEM Advisors will continue to work with local authorities, RICs and STEM partner organisations to proactively address gaps to ensure rural and remote areas get the support they need. We are pleased to be funding many grant programmes this year in rural and remote areas including Kinlochbervie (Western Highlands), Western Isles, Argyll and Bute. Our Regional STEM Advisors have undertaken extensive engagement in rural areas since they have been appointed.

	In addition, rural and remote areas are well-represented in the RAiSE Programme with Highlands, Dumfries and Galloway, Moray and Angus all having participated to date and with Western Isles and Orkney coming onto the programme in 2020.
20. In relation to the Raising Aspirations in Science Education programme, the Committee welcomes the decision to roll out the programme to all interested local authorities as a result of the positive outcomes generated by the initial pilots. However, the Committee would be concerned if the continuity of such a valuable programme was lost where the pilot has already run in remote and rural areas. The Committee requests an update on the sustainability of all pilots in the Government response to this report. Progress in mainstreaming STEM is being pursued through various initiatives and it is important that large scale publicly funded initiatives with the potential for long-term positive impact are sustained.	The RAiSE programme provides funding for a Primary Science Development Officer (PSDO) for 23 months, in line with the standard secondment period for teachers. From the outset, conversations have been held with all pilot authorities to ensure that sustainable approaches have been developed e.g. growing and empowering local networks, training Science/STEM leads within schools and clusters, rolling out professional learning, developing a national resource guide for Science, creating industry and community partnerships and signposting existing offerings. This was put in place to ensure that there was a legacy for the programme. Additional funding has been provided to some authorities (those with larger populations or large rural populations) to ensure that they are able to provide sufficient support to all teachers – Dumfries and Galloway, Highland and Glasgow for example. Six out of the eight pilot authorities have been able to retain their development officer role beyond their involvement in RAiSE. These have been supported through authority funding. Additional funding was provided by Scottish Government to support some authorities to retain their PSDOs at the end of their 23-month programme to support their transition to a more sustainable model. All pilot authorities remain engaged in the RAISE network and are able to access meetings and support from the national officer for RAiSE. Support is also being provided to these authorities through Education Scotland's regional STEM advisors.
GENDER	
21. The Committee recommends that the Improving Gender Balance and Equalities programme should specifically monitor whether the new Education Scotland IGBE team has the staff numbers and the capacity to provide support that	Education Scotland's Improving Gender Balance and Equalities (IGBE) Officers are working on a regional basis to address the underlying causes of gender imbalances in participation and attainment at every stage from ages 3 to 18. The IGBE Officers have recently established local networks of teachers to support and spread

can reach schools and early learning settings across Scotland in a meaningful way.	interesting and effective practice. IGBE activity is being supported by STEM Advisors and other staff within Education Scotland's regional teams to ensure the impact and reach of messaging is maximised. The IGBE Team are also working with other STEM organisations and partners such as the science centres and festivals, museums, Skills Development Scotland etc. to embed IGBE principles and approaches in their practice to further extend reach and impact. Education Scotland has published an invitation to tender to commission an external evaluation of the regional STEM approach and support, including IGBE. This will help to track the impact and reach of IGBE Programmes and, where necessary, highlight further opportunities for improvement.
22. The Committee recommends that the Scottish Government, in its work measuring progress against the aims of its STEM strategy, develops a means of measuring tangible progress in schools and early years settings in relation to gender balance. The Committee considers there is a need to be able to assess progress, including where the Minister suggests that some work may deliver "long-term impacts".	Education Scotland has published an invitation to tender to commission an external evaluation of the regional STEM approach. Should this tender be successfully awarded, then from April 2020 onwards it is anticipated that the contractor will evaluate the impact of regional and national STEM interventions aligned with the STEM Education and Training Strategy, including the Improving Gender Balance and Equality Programme. One of the aims of this evaluation will be to track the impact and reach of IGBE Programme and, where necessary, identify further actions that will lead to long-term tangible outcomes.

Education and Skills Committee

4th Meeting, 2020 (Session 5), Wednesday, 19 February 2020

ITE and the early phase of teaching - Submission Pack

This pack contains correspondence from Scottish Government in response to an initial letter from the Convener in respect of Initial teacher education. The pack also contains links to the submissions received to the inquiry. These submissions are intended to inform the Committee's deliberations on next steps for its inquiry within its work programme discussion.

The Committee agreed to issue a call for views on the progress made against recommendations on teacher recruitment and training from its 2017 inquiry report *Teacher Workforce Planning for Scotland's Schools.* The written responses refer to the specific recommendation numbers and so for ease of reference the recommendations are listed below. Members should cross refer to this list when reading submissions.

Recommendation 1: The Committee recommends that the Government reviews the practice of raising the number of training places to improve recruitment levels. This approach does not address the factors influencing interest in becoming a teacher. These factors include: the perception of teaching in society (including the perspective of pupils and parents); the experiences of existing teachers; and pay. Teachers are crucial to the success of the education system and addressing challenges facing existing teachers is fundamental to increasing the number of people who want to become a teacher.

Recommendation 2: The Committee commends the work of Moray House in constructing its MSc in Transformative Learning and Teaching course in a way that enables students to achieve the required Higher English qualification on completing the course. This is as opposed to having Higher English as an entry requirement. This approach ensures that eligible candidates are not overlooked by overly restrictive course entry thresholds. The Committee encourages other teacher training institutions to highlight to the GTCS how an increased number of suitable candidates could gain entry to their courses.

Recommendation 3: The Committee also recommends that the GTCS reviews all of its entry requirements to ensure that innovative solutions such as these are being implemented wherever possible but without compromising on the ability of the individuals coming into teaching.

Recommendation 4: The Committee recommends that, where a teacher training institution is not able to provide a place to a student because the student does not meet the institution's specific standards, the institution should direct the individual to the GTCS. The GTCS should then provide advice on which institutions the candidate would be eligible to apply to.

Literacy and numeracy

Recommendation 5: Having teachers that understand, and are able to teach, the core skills of literacy and numeracy to children in their formative years is an absolutely fundamental requirement in improving attainment in literacy and numeracy. The Committee notes the evidence from teacher training institutions explaining the complexities of ITE course content and that counting hours is too simplistic as a stand-alone approach to assessing ITE. The Committee is concerned that the baseline of quality in relation to course content, and student ability, may be lacking in some instances.

Recommendation 6: The Committee welcomes the Government's acknowledgement of the issues raised in evidence. The Committee recommends that the actions to be undertaken in response include an investigation into the extent of the problems raised in relation to literacy and numeracy. This should include assessing baseline standards on all courses for student primary teachers. It should also include an assessment of the entry requirements for these courses and the standards achieved on qualification. The Committee notes that certain issues, including in relation to primary school courses and student entry levels, have been raised previously by the 2011 Donaldson Report and the 2016 STEMEC Report.

GTCS' role

Recommendation 7: The Committee recommends that the cycle of revisiting existing courses to renew accreditation should be shorter to ensure course content is responsive to the changing needs of Scottish education. The Committee recommends that the Government considers the benefits of making one organisation responsible for the accreditation of ITE courses and the assessment of the delivery of these courses.

Additional Support Needs

Recommendation 8: The Committee welcomes the evidence received from student teachers highlighting the variation across different teacher training institutions and placements regarding training on supporting pupils with additional support needs, including that education on additional support needs is not guaranteed in some courses, which has left some student teachers unprepared to support those pupils with additional needs.

Recommendation 9: The Committee recommends that the Scottish Government works with the GTCS to address the inconsistency in additional support needs education during Initial Teacher Education, with the aim of ensuring that all teachers receive high quality baseline training which prepares them to assist pupils with a range of additional needs, regardless of which institution and course they receive their initial teacher education in.

Online safety

Recommendation 10: The Committee is also concerned at evidence from student teachers reflecting a lack of content in their courses on online safety for children. The Committee welcomes the Government's acknowledgement of this issue and recommends that the Government works with the GTCS to ensure high quality baseline training is received by all student teachers.

Student placements

Recommendation 11: The Committee recommends that there should be service level agreements between teacher training institutions and education authorities as standard for student placements. These should set out the requirements on each body and also establish a means for students to feedback their experiences. Any deficiencies with the quality of work placements should then be reported to the GTCS for mediation and resolution.

Recommendation 12: The Committee also recommends that, in moving to the opt-out system, there should be a system for schools to highlight to education authorities instances where a school is stopping short of opting-out but has real concerns in relation to its ability to support student placements due to limited resources including teacher time. This information should be used to assist education authorities in performing their duty of care role. It should also be used to inform the GTCS in its role overseeing how the Student Placement System is functioning. This information should also be collated and made publicly available as a means of assessing the number of schools that consider themselves to be under significant pressure.

Recommendation 13: Given the increased number of teachers that are likely to become mentors under the opt-out system, and that all teachers should be prepared to take on such a role for student teachers or probationers where possible and beneficial, the Committee recommends that emphasis on the importance of mentoring should feature in local working time agreements. This could include a specific allocation of non-contact time.

Recommendation 14: In relation to the logic of which student is placed where, the system does not seem very sophisticated to the Committee, with students reporting a lack of recognition of childcare and other practical considerations. The Committee welcomes the efforts to improve the placement system, including longer lead in times for students and schools planning placements. The Committee requests a progress report from the GTCS at the end of the next academic year on how the system is being tailored to individual circumstances (including feedback from student teachers). This is to ensure the "lottery" reported by some students is not a common experience in the future.

Written submissions

The Committee wrote to the Scottish Government seeking details of work undertaken in response to the Committee's recommendations since 2017. The responses are reproduced in this paper:

- Read the Scottish Government letter regarding recommendation responses. 24 January 2020
- Read the Scottish Government letter regarding intake Targets for 2020-21. 23 January 2020

The responses to the call for views are all hyperlinked below and are all available on the Committee's inquiry webpage.

- GTC Scotland

Initial Teacher Education providers
- Scottish Council of Deans of Education
- University of Edinburgh
- University of Glasgow
- University of Strathclyde
- University of West of Scotland

Local Authorities
- Aberdeen City Council
- Aberdeenshire Council
- Comhairle nan Eilean Siar Council
- East Lothian Council
- Fife Council
- Moray Council
- Renfrewshire Council

Academics
- Learned Societies Group
- Dr Jane Essex
- Professor Douglas Weir
- Dr Beng Huat See, Professor Stephen Gorard, Rebecca Morris and Ourania Ventista
- Dr Jamie Harle

Other organisations
- Bòrd na Gàidhlig
- Catholic Head Teachers Association Scotland (CHAS)
- Children in Scotland
- Comann nam Pàrant
- National Parent Forum of Scotland
- Place2Be
- Sabhal Mòr Ostaig

- [Scottish Catholic Education Service](#)
- [Scottish Funding Council](#)
- [Swire Chinese Language Centre, Edinburgh](#)

Student teachers
- [Jehan Al-Azzawi](#)
- [Scott Mathers](#)
- [Anonymous student 1](#)
- [Anonymous student 2](#)
- [Anonymous student 3](#)
- [Anonymous student 4](#)

Teachers and teaching unions
- [NASUWT](#)
- [Peter Easson](#)
- [Hollie Edgar](#)
- [John Mason](#)
- [Sandra Richardson](#)
- [Linda Robertson](#)
- [Judith Williams](#)
- [Anonymous Teacher 1](#)
- [Anonymous Teacher 2](#)
- [Anonymous Teacher 3](#)
- [Anonymous Teacher 4](#)
- [Anonymous Teacher 5](#)
- [Anonymous Teacher 6](#)
- [Anonymous Teacher 7](#)
- [Anonymous Teacher 8](#)
- [Anonymous Teacher 9](#)

Petitioner
- [Anne Glennie](#)
- [Link to Anne Glennie's petition](#)

Other Individuals
- [Anonymous individual 1](#)
- [Anonymous individual 2](#)
- [Anonymous individual 3 (education officer)](#)

Annexe A
Letter from the Scottish Government

Deputy First Minister and Cabinet
Secretary for Education and Skills
John Swinney MSP

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Ms Clare Adamson MSP
Convener
Scottish Parliament Education and Skills
Committee

By e-mail: es.committee@parliament.scot

23 January 2020

Dear Clare

Initial Teacher Educations (ITE) Intake Targets for 2020-21

In view of the Committee's current inquiry into initial teacher education I thought I would take the opportunity to update you on proposed ITE intake targets for 2020/21. I have agreed with the advice of the Teacher Workforce Planning Advisory Group that the overall target for recruitment into ITE courses for 2020/21 will be 4,070, which is a small reduction compared to last year's target of 4,180. This includes a reduction of 110 Primary PGDE places. This information will be recommended to the Scottish Funding Council later this week.

The Teacher Workforce Planning Advisory Group's advice to make a modest reduction in the Primary PGDE intake target is based on the teacher workforce planning modelling which takes into consideration a range of information, including population projections and a wide range of data on the teaching workforce from the annual teacher census. The Teacher Workforce Planning Advisory Group is co-chaired by Learning Directorate officials and a member of the Scottish Council of Deans of Education, who represent schools of education in the ITE universities.

This modelling fits with a wider picture of evidence which suggests that, if numbers going into Primary PGDE courses remain at current levels, this could very likely lead to an oversupply of primary teachers in coming years, including:

- A substantial fall in teacher vacancies at primary level.
- Challenges around securing places for a large number of primary probationers (227) on the 2019 Teacher Induction Scheme.

- A reduction in the number of primary teachers employed in schools the year after they have completed the teacher induction scheme.
- A steady increase in teacher numbers over the last 4 years, with primary teacher numbers now at their highest level since 1980.

The impact of not beginning a reduction in primary ITE provision at this stage, and the resulting oversupply that could lead to, could mean either more teachers leaving the profession across all career stages, or more likely, early career teachers finding it much harder to find employment. It is worth noting that teacher unemployment was a significant issue when teacher numbers were at a peak in 2009, which led to substantial reductions in ITE targets over subsequent years.

The overall workforce planning modelling actually projects the requirement for a much greater decrease in Primary PGDE places. However, the Teacher Workforce Planning Advisory Group's advice is to take a measured and phased approach to reducing ITE intakes to primary, beginning with a modest reduction of 110 places in 2020/21.

JOHN SWINNEY

Annexe B
Letter from the Scottish Government

Deputy First Minister and Cabinet
Secretary for Education and Skills
John Swinney MSP

F/T: 0300 244 4000
E: dfmcse@gov.scot

Clare Adamson MSP
Convenor
Education and Skills Committee
The Scottish Parliament
Edinburgh
EH99 1SP

24 January 2020

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Dear Clare

Thank you for your letter dated 6 December 2019 asking for information on the work that has been undertaken or initiated by the Scottish Government in response to the recommendations made for initial teacher education within the Committee's 2017 report on Teacher Workforce Planning for Scotland's Schools.

As I acknowledged at the time of the original report, maintaining teacher numbers is a key priority of this Government's ambition to achieve excellence and equity in Scottish education. It is clear that initial teacher education plays an important role in supporting delivery of that ambition and the Committee's follow up inquiry provides a welcome opportunity to highlight the range of actions that have been taken since publication of the 2017 report.

Please find attached a response to those recommendations directed at the Scottish Government and the Teacher Workforce Planning Advisory Group (TWPAG). I understand that both the General Teaching Council for Scotland (GTCS) and the Scottish Council of Deans of Education (SCDE) will be responding separately to confirm the actions they have taken following publication of the report.

Yours Sincerely

JOHN SWINNEY

Recommendation	Proposed update to Committee	
Recommendation 1 (Recommendation 12 in the original report) The Committee recommends that the Government reviews the practice of raising the number of training places to improve recruitment levels. This approach does not address the factors influencing interest in becoming a teacher. These factors include: the perception of teaching in society (including the perspective of pupils and parents); the experiences of existing teachers; and pay. Teachers are crucial to the success of the education system and addressing challenges facing existing teachers is fundamental to increasing the number of people who want to become a teacher.	As I confirmed in my response to the Committee on 30 October 2017, we do not agree with the link made in this recommendation between ITE intake targets and perceptions of the teaching profession. Student teacher intake targets continue to be agreed with universities on an annual basis. These are not intended to address other issues regarding the perception of teaching and are set at a level that the Teacher Workforce Planning Advisory Group (TWPAG) considers necessary to address future workforce needs. I remain firmly of the view that the teacher workforce planning system is soundly based and responsive to local needs. We have been working with key partners to improve the process and further increase student teacher numbers. This is not without its challenges, and whilst student teacher intakes have been increasing over the past four years, the increase in targets set last year for universities has remained a challenge, especially in certain subjects and geographical locations. In addition we are also offering bursaries of £20,000 for career changers to give up paid employment and train as teachers in Maths, Computing Science, Technical Education, Physics, Home Economics and Chemistry. These are the STEM subjects with the greatest demand for teachers. Since its introduction in 2018, a total of 218 bursaries have been awarded. We are continuing to take action to address recruitment through the Teaching Makes People recruitment campaign. The key messages of the campaign are to show that teaching provides unique satisfaction and rewards for graduates and career changers, provides personal growth, stimulation, creativity and challenge, as well as the satisfaction of helping others to develop and interacting with young people. The Teaching Makes People campaign highlights the importance of teachers not just to education but to Scotland's economy as a whole. I recognise that in addition to recruitment campaign activity at both national and local level, it is important to ensure that access to the profession is made as flexible as possible to best suit both individual circumstance as well as workforce need. That is why we have invested in a total of 18 alternative routes into teaching which, over the past few months, have been the subject of an interim evaluation to assess their impact and to identify emerging lessons. In addition to the 799 starts on these programmes over the past two academic years, the interim findings confirm they are: Attracting individuals from diverse academic and professional backgrounds to access the teaching profession, particularly career changers Contributing towards the number of ITE students going into the priority STEM subjects Developing the professional competence of existing teaching staff through the mentoring support being given to students Supporting the qualification of teachers with masters degrees able to teach across both the primary and secondary school settings	

We have also taken a range of actions to enhance the perception of teaching through our endeavours to improve conditions for teachers as demonstrated by the pay deal agreed last year. This delivers a 13% rise over three years and provides a shared agenda with employers and teacher unions on addressing workload, additional support for learning and empowering schools for the next two years. This range of actions to address conditions that affect wellbeing and enhance the working environment for teachers includes reducing teacher workload, acting to simplify the curriculum framework, and removing unnecessary bureaucracy. In addition, we are currently working in partnership with the teaching profession, including EIS, on the development of new professional learning opportunities for teachers focussing on their health and wellbeing; and also taking forward the recommendations set out in the Teaching in a diverse Scotland: increasing and retaining minority ethnic teachers report.

Finally, an approximation of the additional investment made by Scottish Government over the past three financial years to support recruitment, development and delivery as well as research into the quality of initial teacher education in Scotland has been as follows:

Year	£ (million)
2017/18	13.8
2018/19	18.0
2019/20	18.4

Recommendation	Proposed update to Committee
Recommendation 6 (Recommendation 17 in the original report) The Committee welcomes the Government's acknowledgement of the issues raised in evidence. The Committee recommends that the actions to be undertaken in response include an investigation into the extent of the problems raised in relation to literacy and numeracy. This should include assessing baseline standards on all courses for student primary teachers. It should also include an assessment of the entry requirements for these courses and the standards achieved on qualification. The Committee notes that certain issues, including in relation to primary school courses and student entry levels, have been raised previously by the 2011 Donaldson Report and the 2016 STEMEC Report.	A new self-evaluation framework intended to support universities in demonstrating the quality of their existing ITE provision and for identifying areas for improvement has been developed in partnership between Education Scotland, the General Teaching Council for Scotland (GTCS) and the Scottish Council of Deans of Education (SCDE). This was published in June 2018 and is being used to initially focus on the quality of learning and teaching in the priority areas of numeracy, diversity, health and wellbeing and literacy. A working group led by Education Scotland and the SCDE has been established to oversee application of the framework; and the first in a series of symposium events using this document was held on 8 October 2019 to review delivery of numeracy within ITE programmes. This framework is designed to work with existing university quality assurance systems and to recognise the range of quality assurance processes and national benchmarks already set by the Quality Assurance Agency for Higher Education (QAA), the benchmarking of courses against the Scottish Credit and Qualifications Framework (SCQF), the GTCS Standard for Provisional Registration, and emerging findings from the Measuring Quality in Initial Teacher Education (MQuITE) research project. Education Scotland are also continuing to work closely with the SCDE to agree how the lessons learned from application of the framework are both implemented and reviewed as well as ensuring the student voice is captured throughout the process.

Recommendation	Proposed update to Committee
Recommendation 7 (Recommendation 18 in the original report) The Committee recommends that the cycle of revisiting existing courses to renew accreditation should be shorter to ensure course content is responsive to the changing needs of Scottish education. The Committee recommends that the Government considers the benefits of making one organisation responsible for the accreditation of ITE courses and the assessment of the delivery of these courses.	My response to recommendation 6 refers.
Recommendation 9 (Recommendation 20 in the original report) The Committee recommends that the Scottish Government works with the GTCS to address the inconsistency in additional support needs education during Initial Teacher Education, with the aim of ensuring that all teachers receive high quality baseline training which prepares them to assist pupils with a range of additional needs, regardless of which institution and course they receive their initial teacher education in.	The requirement for ensuring additional support needs education is covered during Initial Teacher Education is reflected in both the GTCS Professional Standards, which are currently the subject of review; and the GTCS Evaluation Framework: Accreditation of Programmes of Initial Teacher Education in Scotland. The Scottish Council of Deans of Education have also recently led work supported by Scottish Government and key stakeholders to ensure that a common baseline of content on Autism is developed for delivery across all ITE institutions and programmes.

Recommendation	Proposed update to Committee
Recommendation 10 (Recommendation 21 in the original report) The Committee is also concerned at evidence from student teachers reflecting a lack of content in their courses on online safety for children. The Committee welcomes the Government's acknowledgement of this issue and recommends that the Government works with the GTCS to ensure high quality baseline training is received by all student teachers.	Through the Scottish Government's Digital Learning and Teaching Strategy, work was instigated with the Scottish Council of Deans of Education to develop a Digital Literacy Framework for Initial Teacher Education. The framework will include a number of strands related to the use of digital technology in schools, including cyber resilience and internet safety; and aims to support universities in designing their curricula with adequate digital provision. The framework is in the latter stages of development and will be launched later this year.
Recommendation 13 (Recommendation 24 in the original report) Given the increased number of teachers that are likely to become mentors under the opt-out system, and that all teachers should be prepared to take on such a role for student teachers or probationers where possible and beneficial, the Committee recommends that emphasis on the importance of mentoring should feature in local working time agreements. This could include a specific allocation of non-contact time.	As set out to the Committee in my original response to this recommendation, teachers working time is set nationally by the Scottish Negotiating Committee for Teachers (SNCT). Class contact time is set nationally at 22.5 hours per week with the remainder of the 35 hour working week designated as non-contact time. Local working time arrangements are agreed locally at school level and the SNCT advises schools to take cognisance of workload when developing these agreements. There is a contractual obligation in the SNCT for teachers to contribute to the professional development of colleagues including probationary and student teachers. The Scottish Government provides local authorities with funding of 0.1 (FTE) per probationer as part of the teacher induction scheme funding arrangements to support mentoring. Education Scotland is also leading work on development of a national Coaching and Mentoring strategy for teachers to support professional learning and leadership development. Linked to this, work is also being taken forward by the Strategic Board for Teacher Education on how we can better support recently qualified teachers in the early phase of their careers.

Education and Skills Committee
Initial Teacher Education and early phase of teaching - Questionnaire
Wednesday 19 February 2020

INTRODUCTION

The Committee is shortly undertaking an inquiry on recruiting and training new teachers. This work is a follow up on some of the issues raised during the Committee's 2017 inquiry _Teacher Workforce Planning for Scotland's Schools_. In advance of this inquiry, the Committee produced a questionnaire seeking views from people who are taking part in, or who have recently completed, Initial Teacher Education ("ITE") in Scotland. The questionnaire received 653 responses.

The purposes of the questionnaire were: to help the Committee frame the inquiry and identify areas the Committee may wish to explore in more detail; and to support further engagement activities as part of the inquiry.

The questionnaire was open for responses between 6 December 2019 and 27 January 2020 and was promoted through social media platforms and the Committee's mailing list. Respondents were self-selecting and it is not possible to know how well the views expressed in the questionnaire reflect the population. **Members should be cautious about using the results of the questionnaire to draw conclusions about the views of all individuals who are taking part in, or who have recently completed, ITE in Scotland.**

As noted above, one of the purposes of the questionnaire was to support engagement in other aspects and activities of the Committee's inquiry (e.g. written submissions or focus groups). This means that the Committee may have opportunity to deepen its understanding of the results of the questionnaire. The Committee should be aware that some individuals may be contributing to the inquiry in more than one way. For example someone responding to the survey may also have made a written submission.

Structure of the Questionnaire

The questionnaire was purposefully brief to encourage uptake and completion. The questions were in the following broad areas.

- About the responders and the ITE courses they have undertaken.

- Responders experience of ITE.

- Responders experience student placement(s).

- Responders experience of their probation year.

- Responders view of their future in teaching.

- Responders future participation in the inquiry.

The remainder of this paper outlines the results from these broad areas, aside from the final bullet.

ABOUT THE RESPONDERS AND THE ITE COURSES

The questionnaire was purposefully brief and few questions were asked about personal characteristics. The focus was on where the individuals lived, the types of ITE courses the individuals undertook, and what stage of their career the respondents are at.

Which local authority area do you currently live in?
Percentage of respondents and all teachers
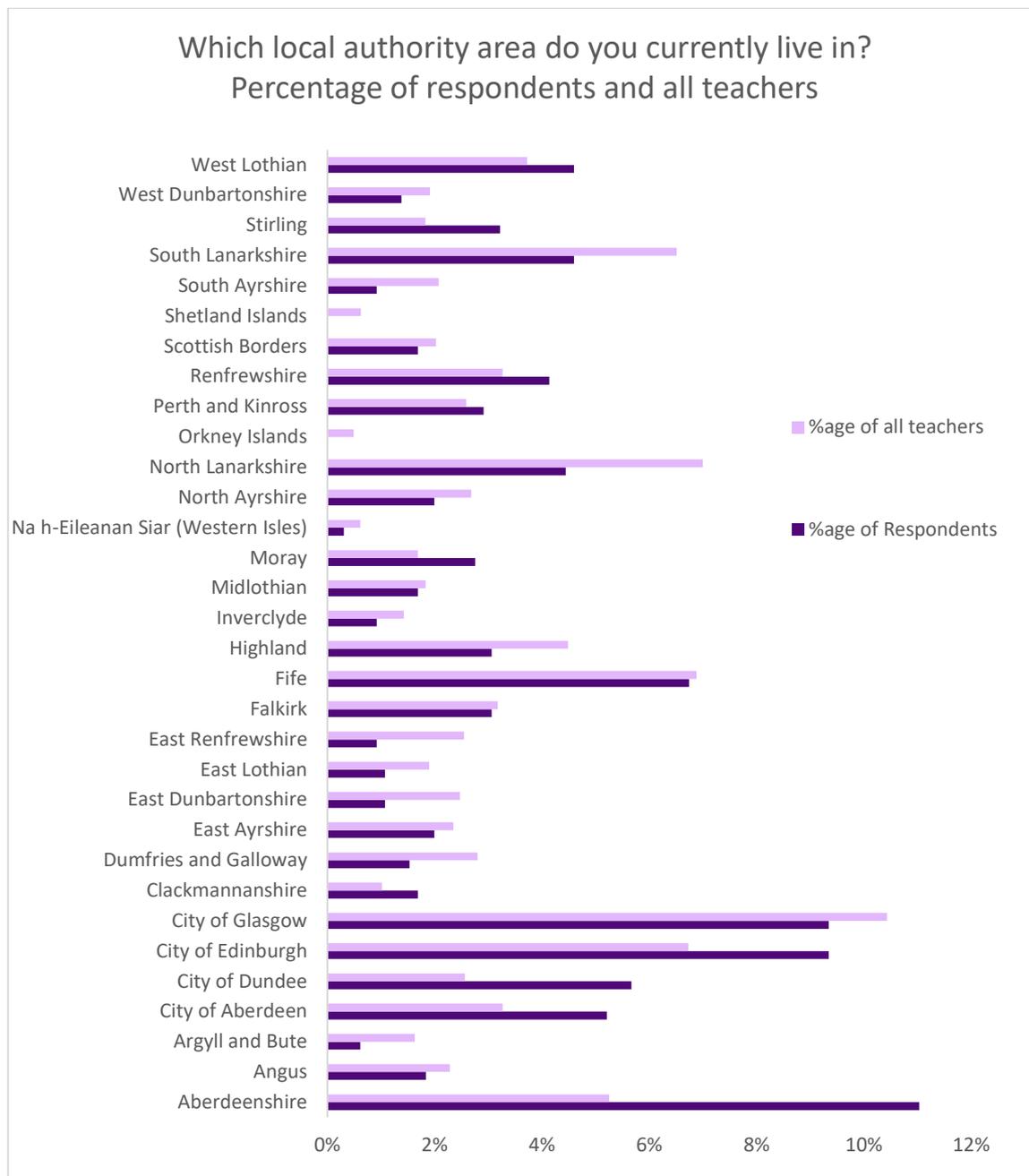
Responders to the questionnaire were from a reasonably broad geographic spread.

By comparing where responders are from to the most recent teacher census, we can see how closely the questionnaire mirrors the population of teachers. However, the questionnaire was also aimed at individuals still in ITE and therefore the comparison is not perfect. The Chart above shows that the larger cities and the North East appear to be over-represented in the responses to the questionnaire and other areas are under-

represented (e.g. North and South Lanarkshire, Highland, East Dunbartonshire, East Lothian, Argyll and Bute). Two local authorities had zero responses (Shetland Islands and Orkney Islands).

What year did you (or will you) complete your initial teacher education programme? What year did you (or will you) complete your initial teacher education programme?

Around 50% of responders finished, or will be finishing, ITE in 2019 and 2020. Around 10% of responders are due to finish their ITE in 2021 or later. Around 20% of responders finished their ITE before 2017.

Please choose the type of initial teacher education programme you took part in (or are taking part in).

Course Types

PGDE FT, 413

Degree FT, 198

Distance learning / flexible programme, 20

Other, 11

PGDE PT, 10
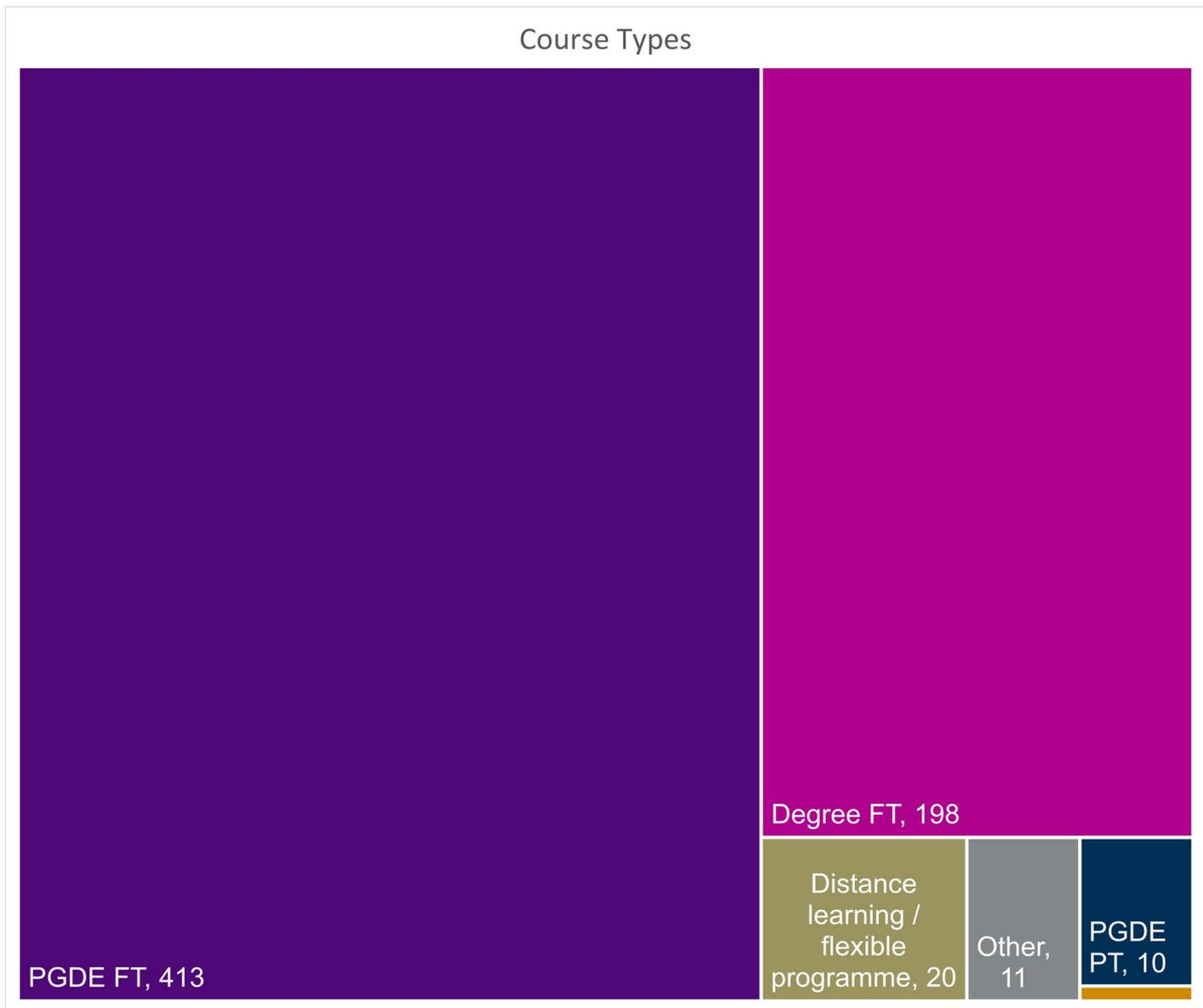
65% of respondents are or were full time (FT) or part time (PT) PGDE students. 30% of responders are or were undergraduate degree students.[1] 42 respondents were not or had not undertaken a full-time degree or PGDE and had undertaken another route such as part-time or flexible study.

PGDE courses can be for both primary and secondary school educators. Of the 413 who are or had undertaken a FT PGDE course, around 55% were primary teachers or student teachers and 44% were secondary teachers or student teachers.[2] 82% of respondents who had embarked on a degree programme had focused on primary education, with the remainder, 18%, on secondary education.

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[1] 1 person was a PT degree student. This response is represented by the small sliver of orange in the bottom right corner of the diagram.
[2] One respondent was "other".

Please choose the specialism you pursued (you are pursuing) through your initial teacher education programme

65% of respondents were, or training to be, primary school teachers. 34% of respondents were, or training to be, secondary school teachers. Four individuals responded "other" to this question.

What stage of your teaching career are you at now?

Responders' stage of career
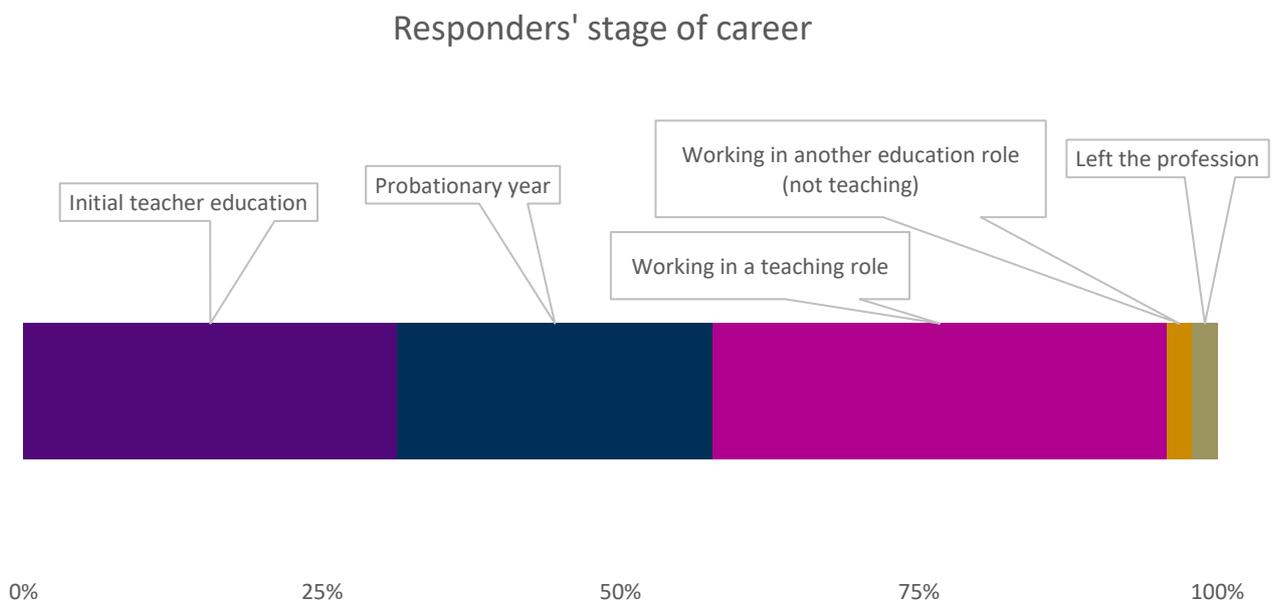
The largest categories of responses to this question were "Initial teacher education" (31%), "probationary year" (26%) and "Working in a teaching role" (38%).

RESPONDERS' EXPERIENCE OF ITE

This set of questions focused on individuals views on how they rated their ITE to prepare them to:

- Teach literacy;

- Teach numeracy; and

- Support Pupils with ASN.

The questionnaire also asked questions on online safety issues.

Members should note that the questionnaire did not explore nor attempt to define what is meant by preparedness in this context. It is a subjective measure and might depend on a number of factors other than the quality of ITE, for example different experiences in a classroom or expectations of what an ITE course could do or ought to do.

Literacy, numeracy and ASN

How responders rated ITE in preparing teachers to teacher/support...
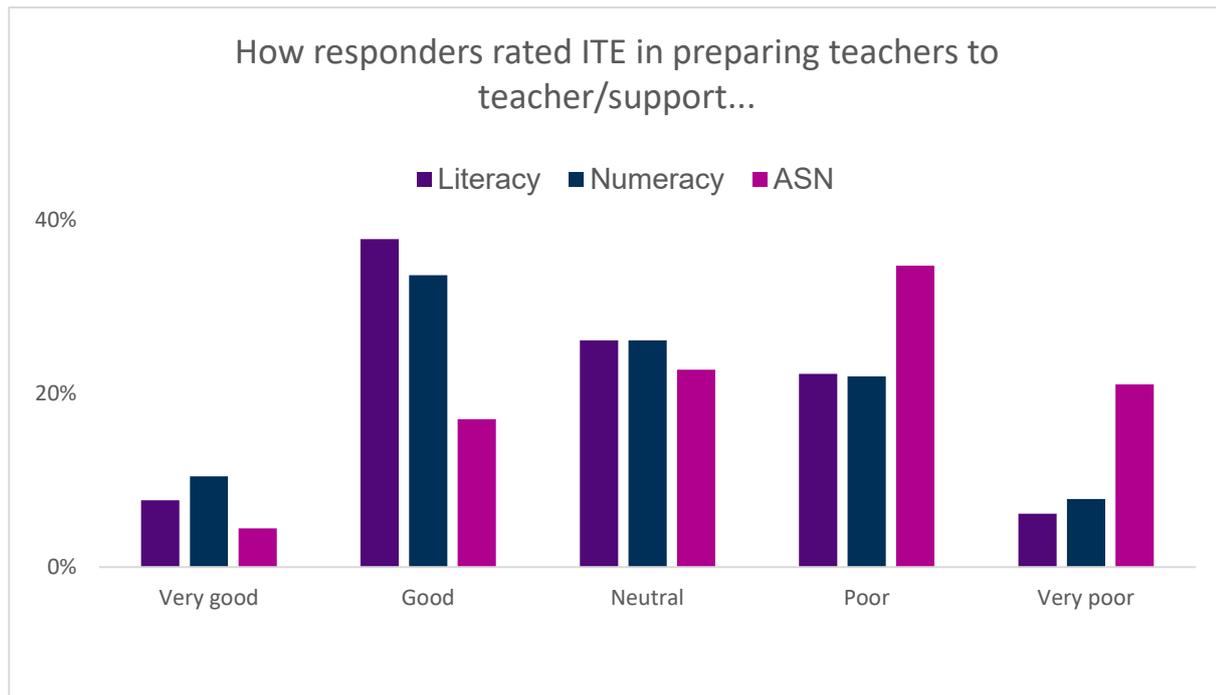
The chart above shows that individuals rated ITE's preparation to deliver literacy and numeracy similarly (around 45% thought it "very good" or good"). The data for individuals' views on how ITE prepared them to support ASN was less positive, with over 50% of responders rating this as "poor" or "very poor".

The different cohorts of responders to the questionnaire responded, on average, differently to these questions. In reading the chart below, members should recall the differing sizes of those cohorts[3].

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[3] The chart shows the cohorts of those responding to the survey (n=X). For each of the three questions two individuals chose not to answer, but not the same two individuals.

Percentage responding "good" or "very good" by year completing of ITE
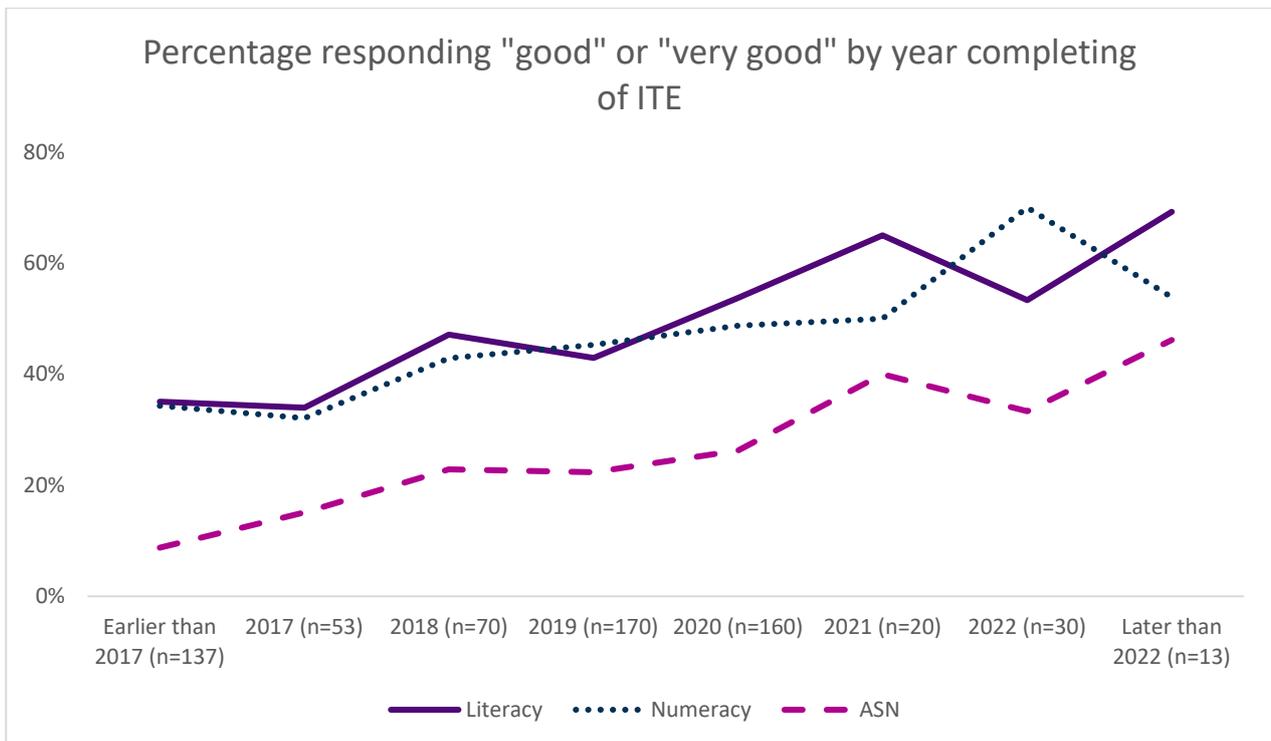
There appears to be an upward trend in this data where those who are still in ITE or recently completed ITE are generally likely to have a positive view of how well ITE prepares teachers in these three aspects. There are a number of possible interpretations to this data and there could be a mix of any or all of these reasons. For example, this data could potentially be suggesting that: ITE is improving over time; or that people forget the content of ITE; or that greater teaching practice time decreases the value respondents place on ITE.

The last option could be construed both positively or negatively. Positively as – in the context of continuing professional development, reflective practice and collegiate support – the comparative value of the content of ITE diminishes over time. Or it could be interpreted negatively because perhaps experience shows up deficiencies in ITE.

The reasons for this apparent relationship might be something the Committee wishes to explore further.

Online safety

30% of responders indicated that online issues are/were covered in their ITE. Of those who answered that it was included, 13% thought it prepared them support "pupils to deal with online safety issues" "very well"; 76% "partially" and 11% "not well".[4]

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[4] Excluding "N/A".

Online safety in ITE
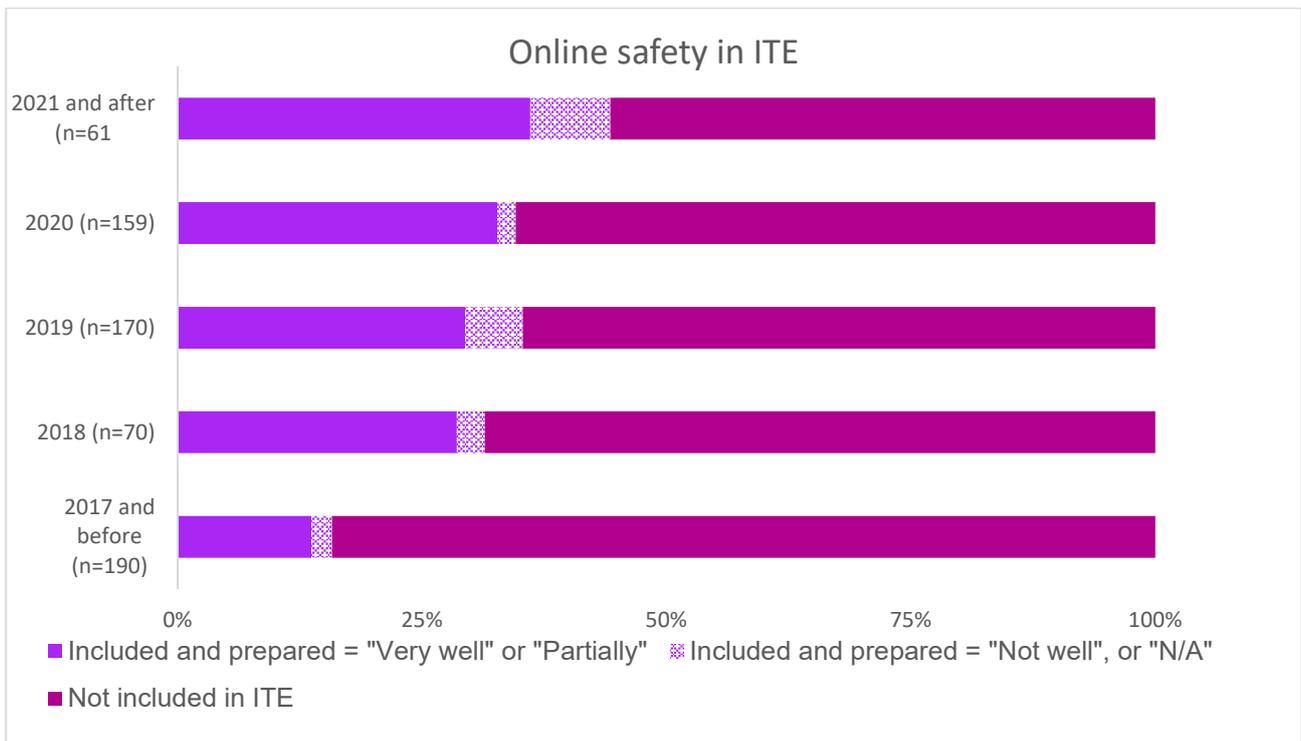
The chart above shows the results from two questions. The first is whether online safety was included in ITE and the second was how well it prepared the individual to support pupils with online safety issues. The chart is again split by year the individual has completed, or will be completing, ITE[5]. The first part of each bar in solid purple represents the percentage of responses that said that the online safety issues were both included and prepared the "very well" or "partially"; the second part of each bar in purple dots represents those that said that it was included but had "not well" prepared them; and the final maroon part of each bar represents those who said that online safety was not, or has not been, included in their ITE.
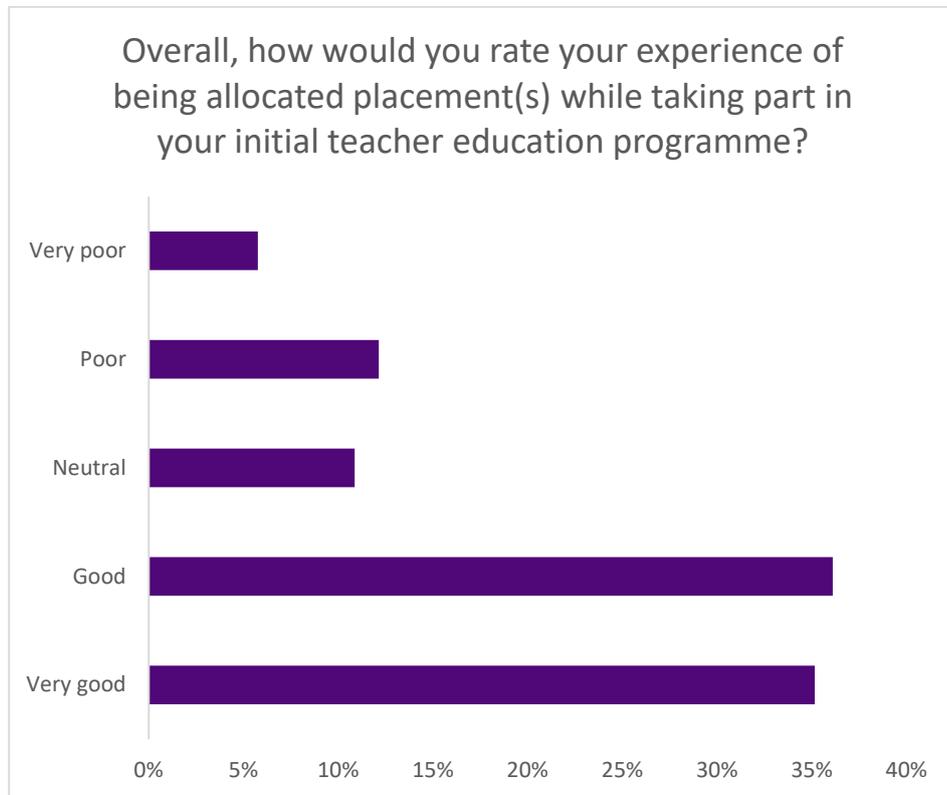
As with the data for literacy, numeracy and ASN in the previous subsection, there appears to greater recognition that online safety was included in ITE for cohorts leaving in 2019 and 2020 than in previous years. Again, one could interpret this in a number of different ways.

Interestingly, of those that answered that online safety was not included in their ITE, 14% nonetheless thought that the ITE had "partially" well prepared the individuals to support pupils with online safety issues ("not well" or "N/A" = 86%). This could be due to errors in the responses or could show that aspects of ITE which do not directly link to online safety are considered partially useful preparation to support pupils' online safety.
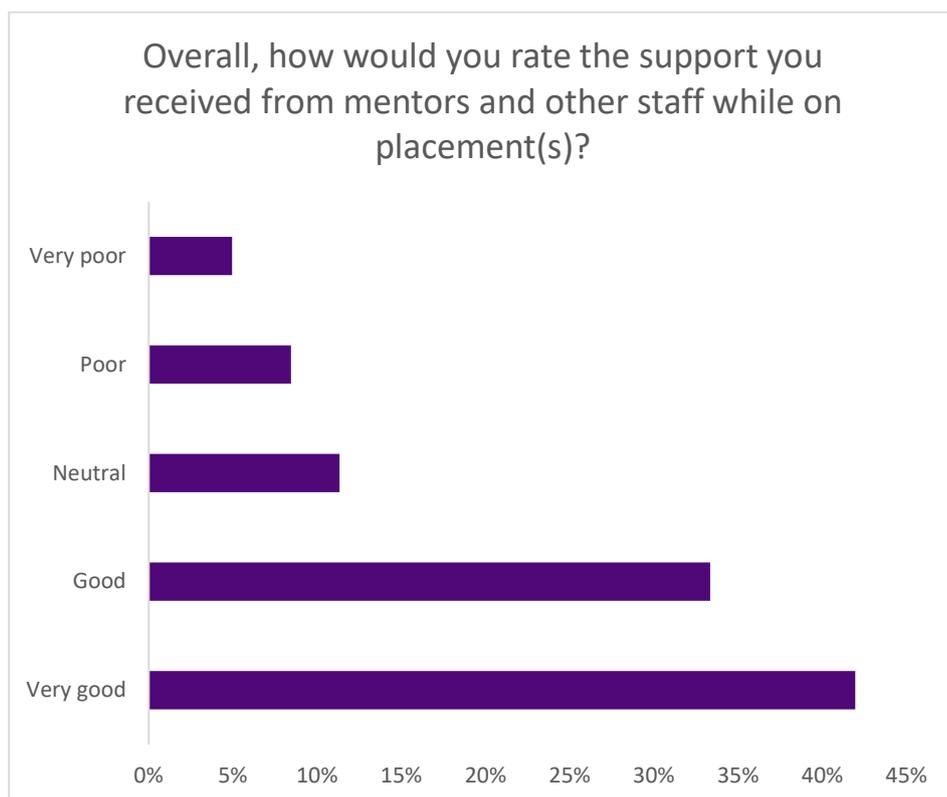
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[5] n=X here denotes the responses to the questions.

PLACEMENTS

As part of ITE, students will undertake placements at educational establishments during which the student's teaching practice is developed and assessed.

Overall, how would you rate your experience of being allocated placement(s) while taking part in your initial teacher education programme?

626 responses were received for this question. Less than a fifth (18%) of responders considered their experience of being allocated a placement as "Very poor" or "poor". 71% considered the experience "good" or "very good".

Overall, how would you rate the support you received from mentors and other staff while on placement(s)?

627 responses were received for this question. Again, responses were broadly positive. 13% of responders considered the support they received when on a placement as "Very poor" or "poor". 75% considered the support "good" or "very good".

For both these questions there was not a clear difference in the responses from individuals on different types of courses or who had or will complete ITE in different years.

PROBATIONARY YEAR

Once completing their teaching qualification, individuals will be able to apply for provisional registration at the GTCS which will allow them to teach during their probationary year.

Overall, how would you rate the support you received (or are receiving) while on your probationary year?
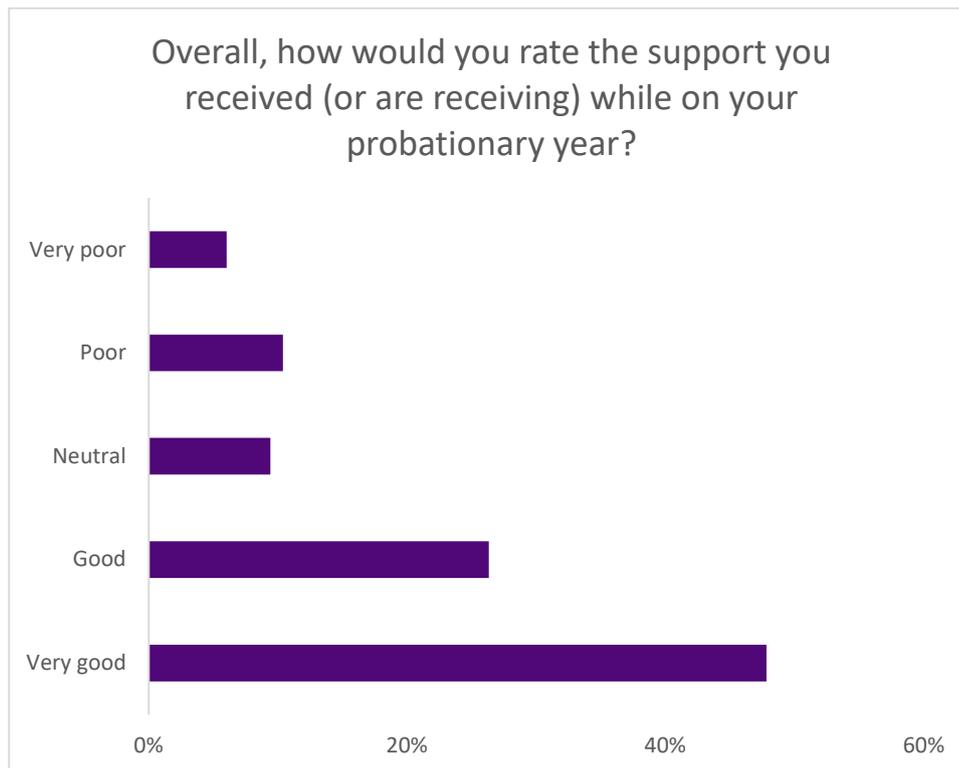
This question drew 414 responses and, as the chart shows, respondents were, on the whole, positive about their experience in their probationary year. 16% described the support as "poor" or "very poor". 74% considered the support "good" or "very good".

The responses from more recent graduates were more likely to say that the probationary year experience was "very good" than earlier graduates who responded to the questionnaire. Taking the responses "very good" or "good" together, every relevant cohort's response for these categories was over 65%.

INTENTIONS TO CONTINUE TEACHING

How long do you anticipate continuing to teach?
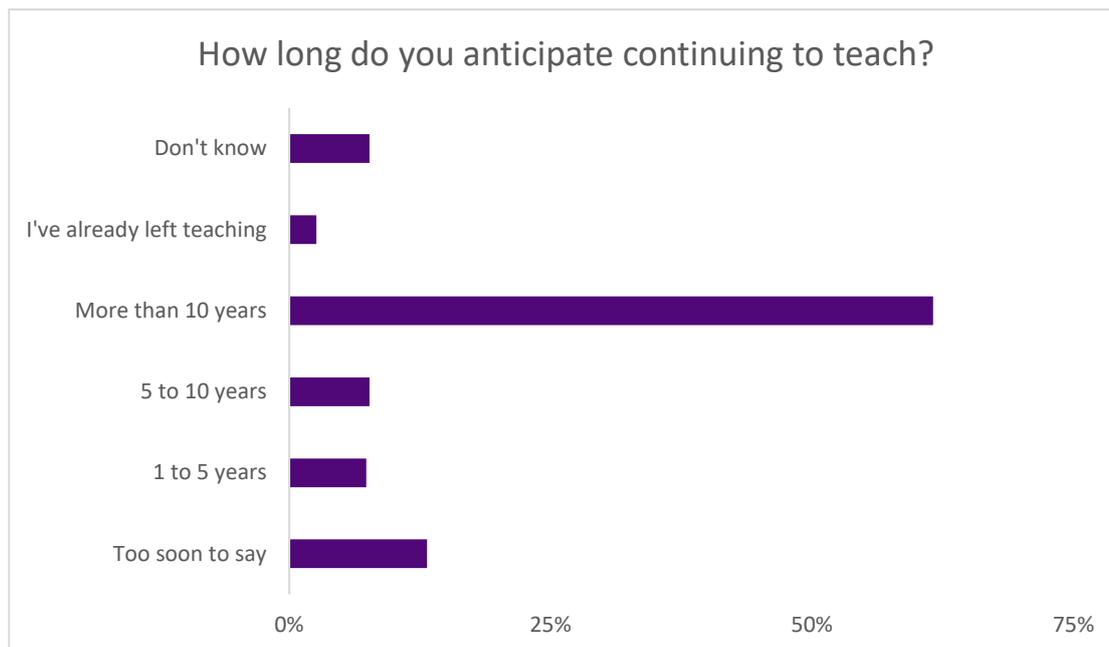
This question received 653 responses. 62% of all responders indicated that they intend to stay over 10 years. A further 8% said they would continue teaching for between 5 and 10 years. 7% indicated that they anticipated to continue teaching for 1-5 years and 3% of respondents indicated they had left or would not be joining the profession.

Removing the responses that said, "don't know" and "too early to say", changes the percentages to: "More than 10 years" 78%, "5 to 10 years" 10%, "1-5 years" 9%, "left teaching" 3%.

72% of respondents who are currently undertaking ITE said that they intend to stay in the profession for more than 10 years. This figure falls for respondents who had qualified in 2019 (64%) and 2018 (50%) before rising again for individuals who qualified before 2018 (57%). Percentages in this paragraph exclude individuals who had already left the profession

If you do not plan to work in teaching long term, or if you have already left teaching, can you briefly tell us why?

160 out of 653 responders answered this question, although several were along the lines of "Not Applicable" and these are removed. The intention was that those who suggested in answer to the previous question that they did not intend to remain in teaching in the long term would specify why this was the case. The responses to this question are reproduced in full here and on the Committee's inquiry webpage. Themes to responses include:

- Workload;

- Lack of resource;

- Unable to meet ASN;

- Culture.

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13 February 2020