

# Education Bill Provisions: Consultation

Zero Tolerance response, 18<sup>th</sup> December 2023

## Establishment of a New Qualifications Body

**Question 1: What changes should we consider in terms of how qualifications are developed and delivered that you think would improve outcomes for Scotland's pupils and students?**

Zero Tolerance is Scotland's expert organisation on preventing and eradicating men's violence against women and girls. We work to tackle the root cause: gender inequality. We have a range of work focused on children and young people, including co-chairing the Scottish Government's Gender Based Violence in Schools working group and being a member of the Gender Equality Taskforce on Education and Learning.

We are pleased to see the education reform process continuing to progress. It represents a unique opportunity to create transformative change in education for Scotland's children and young people, and embed a system which prioritises equality and rights.

We know that gender stereotypes are impacting children and young people's learning. 1 in 5 girls believe that gender stereotypes hold them back in education; this rises to 2 in 5 for LGBTQ+ girls (Girlguiding, 2022). More girls than boys attain high levels at SCQF Level 5 and above (Scottish Government, 2021), and more young men leave education without any qualifications (Scottish Government, 2022). Evidence from the UN tells us that gender stereotypes lie at the heart of boys' underperformance:

'Gendered norms and expectations impact on boys' motivation and desire to learn. In many contexts, school activities and certain subjects are considered at odds with expressions of masculinity, making education unpopular with boys.' (UNESCO, 2022)

Despite their higher performance in education, women and girls are still underrepresented in positions of leadership and well-paid jobs (Engender, 2020).

Educational outcomes do not in and of themselves facilitate gender equality in later life. Schools must prepare children to use their qualifications, and teach them what the world should look like, by promoting equality. Inspections cannot focus solely on achieving attainment targets.

It is therefore important that the changes to how qualifications are developed and delivered facilitate gender equality. Qualifications should not put children and young people off taking certain subjects and instead encourage non-gender-segregated subject choice. Gender experts should be recruited to the new body and engaged in developing qualifications to ensure this happens.

## References

Engender (2020) Sex & Power in Scotland 2020. Accessed 18/11/2022. Available online: <https://www.engender.org.uk/content/publications/Engenders-Sex-and-Power2020.pdf>

Girlguiding (2022). Girls' Attitudes Survey 2022. <https://girlguiding.foleon.com/girls-attitudes-survey/2022-report/> (Accessed 24 November 2023)

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Scottish Government (2022) National Indicator Performance: National Performance Framework. Edinburgh. Accessed 8/09/22. Available online: <https://nationalperformance.gov.scot/measuring-progress/national-indicatorperformance>

UNESCO (2022). *Leave no child behind: global report on boys' disengagement from education*. <https://unesdoc.unesco.org/ark:/48223/pf0000381105>-(Accessed 22 November 2023)

**Question 2: How best can we ensure that the views of our teaching professionals are taken into account appropriately within the new qualifications body, and do these proposals enable this?**

It is beyond the capacity and expertise of Zero Tolerance to answer this question.

**Question 3: How best can we ensure that the views of pupils, students and other learners are appropriately represented within the new qualifications body, and do these proposals enable this?**

Zero Tolerance is pleased to see such a strong emphasis on embedding learners' voices within the creation and ongoing governance of the new qualifications body. The proposals set out have the potential to be highly effective.

To ensure effective and meaningful participation, it is vital to drive this work from an equalities and rights perspective. This means, of course, representing a diverse range of learners – including those with multiple, intersecting marginalisations – at all levels of governance. It also means designing participation and governance processes with inclusion and power sharing in mind.

Zero Tolerance's forthcoming research on girls' human rights in Scotland has found that girls do not feel equally listened to or taken seriously in Scotland (Nevens and Hutchinson, 2024). 53% of 11- to 21-year-olds said that older people don't listen to people their age nor respect their opinions (Girlguiding Scotland, 2020). A survey of 14-year-olds found that boys were around 10% more likely to say it was 'always true' that adults 'pay attention to me' and 'listen to what I have to say' (Scottish Government, 2022: 24). Girls' experiences are minimised and they are routinely dismissed (Nevens and Hutchinson, 2024). This is especially the case for LGBT+ girls, Gypsy/Traveler girls, and girls in contact with the justice system.

Zero Tolerance's research notes that, 'Scotland appears not to be taking a gender-sensitive approach beyond ensuring a balanced gender representation. More attention must be given to the barriers girls are likely to face in being heard and being taken seriously as this affects policy and practice decisions' (Nevens and Hutchinson, 2024).

There are many participation tools in Scotland focused on children, but they do not account for girls' specific needs, nor do outputs analyse girls' specific experiences (Nevens and Hutchinson, 2024).

Appropriate representation means more than a seat at the table; it must include consistent support to meaningfully participate. Zero Tolerance's girls' rights research makes a number of recommendations on how to do this, including financial reimbursement for participation; meaningful ongoing support; girl-only spaces; capacity building for girls taking part; accessible, fun and age-appropriate activities; and challenging the power adults hold in these spaces (Nevens and Hutchison, 2024).

## References

Girlguiding Scotland (2020) Girls in Scotland 2020. Available at: [https://www.girlguidingscotland.org.uk/wp-content/uploads/2020/11/GGS\\_GirlsInScotland\\_2020.pdf](https://www.girlguidingscotland.org.uk/wp-content/uploads/2020/11/GGS_GirlsInScotland_2020.pdf) (Accessed: 15 September 2023).

Nevens, K., and Hutchison, E., 2024. 'Falling between the cracks: girls' rights are human rights,' *Zero Tolerance*. (Forthcoming)

Scottish Government (2022) Life at Age 14: Initial Findings from the Growing Up in Scotland Study. Available at: <https://www.gov.scot/publications/life-age-14-initial-findings-growing-up-scotland-study/> (Accessed: 15 September 2023).

## **Question 4: How can we ensure qualifications being offered in Scotland are reliable, of a high standard and fit for purpose?**

Men's violence against women and girls is caused by gender inequality (Hester and Westmarland, 2005). Achieving structural equality between men and women, boys and girls, in education, skills and employment is part of the solution (Global Partnership for Education, 2019). Therefore, to be fit for purpose, they must be designed with gender equality in mind. Zero Tolerance recommends that this be included within the core

criteria from which all qualifications and assessments will be developed to ensure sustained attention to the issue.

## References

Global Partnership for Education. (2019). 'Achieving Gender Equality in and Through Education'. Available online: [2019-07-kix-gender-final-english.pdf \(globalpartnership.org\)](https://www.globalpartnership.org/publication/2019-07-kix-gender-final-english.pdf) (Accessed 4 December 2023).

Hester, M., Westmarland, N. (2005). 'Tackling Domestic Violence: effective interventions and approaches.' Home Office Research Paper 290. Available online: <https://dro.dur.ac.uk/2556/1/2556.pdf> (Accessed 13 September 2022).

**Question 5: How do you think the qualifications body can best work with others across the education and skills system to deliver better outcomes for all?**

It is beyond the capacity and expertise of Zero Tolerance to answer this question.

## Reform of education inspection

**Question 6: Do you agree or disagree with the purposes set out? Is there anything in addition you would like to see included?**

In order to ensure sustained focus on equality and rights within inspection, Zero Tolerance would recommend adding the following to the first bullet point:

"To provide public accountability and assurance on the quality and equity of education to learners, their parents/carers and the Scottish Parliament."

**Question 7: Do you agree or disagree with the range of establishments to be inspected by HM Inspectors of Education? Is there anything you would add or change?**

Zero Tolerance agrees strongly that the full range of establishments and services should be inspected by HM Inspectors of Education. We know that early years, schools and youth work can play an important role in modelling gender equality, which helps prevent VAWG (Fawcett Society, 2020). We also know that children and young people

learn from the environments around them, and that prevention approaches are most effective when they are holistic (Griffin et al, 2021). If all establishments and services are inspected, inspections could then play an important role in creating accountability for these institutions to embed gender equality into curriculums, cultures, policy and practice.

## **References**

Fawcett Society (2020) Unlimited Potential: Report of the Commission on Gender Stereotypes in Early Childhood. Accessed 24/11/2022. Available: <https://www.fawcettsociety.org.uk/Handlers/Download.ashx?IDMF=17fb0c11-f904-469c-a62e-173583d441c8>

Griffin, H., Redai, D. and Guerrini, V. (2021) 'A Whole-School Approach to Gender Equality: Rationale and Country Contexts' in M. Tsouroufli and D. Redai Gender Equality and Stereotyping in Secondary Schools in England, Hungary and Italy (London: Palgrave Macmillan) pp. 1-36.

### **Question 8: Do you have any specific comments on the role of the inspectorate of education in the inspection of publicly funded colleges, initial teacher education, early learning and childcare and / or modern apprenticeships?**

Currently, ELC is inspected by both HM Inspectors of Education and the Care Inspectorate, and Ken Muir noted in his report the frustration and confusion this caused for practitioners (Muir, 2022). In order to deliver high quality, gender equal ELC, practitioners need clarity, and for both inspections to equally value embedding gender equal practice. Inspection should empower rather than over-burden practitioners, and increasing coherence in terms of inspection should be a priority as Reform progresses.

Initial teacher education (ITE) plays a vital role in setting the culture of our schools and equipping practitioners with the skills they need. Teachers are telling us that they are witnessing sexual harassment, misogyny and gender stereotyping in schools, and that they need support with how to respond to it (Zero Tolerance, 2023). As well as responding to specific incidents, we know that children and young people learn from the

behaviour of adults around them, making gender equal practice a powerful tool for prevention.

Delivering a culture shift is a significant and long-term undertaking, which teaching staff will necessarily be at the frontline of achieving. In order to facilitate success in the reformed education system, teachers must be valued, well rewarded, supported, respected and allowed the work-life balance necessary to be effective in their roles. Education reform is an opportunity for a sea-change in how we view teaching in Scotland, and the Scottish Government must lead on this.

Related to this, in order for all teachers to be able to confidently challenge sexism, racism, homophobia, transphobia, ableism and classism, and deliver an equality focused education, they must receive adequate training, leadership and support. All teachers must be absolutely clear of their responsibilities relating to this, but also that the leadership within their school, local authorities, and the Scottish Government are there to support action they take to end inequality and violence. Regular, high-quality training on gender and intersecting equalities designed by expert organisations must be mandatory for all teachers – pre-qualification and throughout their careers.

Therefore, ITE inspections should have a strong emphasis on equality and rights, asking the questions: in what ways is an understanding of sexism, racism, ableism, homophobia, transphobia and classism threaded throughout ITE? How are teachers empowered by their training to challenge these power dynamics through their everyday practice?

## **References**

Zero Tolerance (2023) Gender inequality and violence against women and girls in Scottish schools. Available online: <https://www.zerotolerance.org.uk/resources/VAWG-in-schools---evidence-Nov-23.pdf> (Accessed 24 November 2023)

**Question 9: Do you agree or disagree with the priorities set out? Is there anything in addition that you would like to see inspection cover?**

Zero Tolerance agrees that the priorities set out are important. However, an emphasis on equality, rights and the everyday culture of education settings is missing. Violence against women and girls is rife in Scottish schools.

- Almost 70% of pupils in Scotland experienced sexual harassment in the 3 months prior to being asked. 34% experienced unwanted sexual touching (Sweeting et al, 2022).
- In over 70% of cases, pupils don't report sexual harassment, even if it is severe and includes unwanted sexual touching (Sweeting et al, 2022).
- Six times as many women have experienced serious sexual assault compared to men (Scottish Government, 2021a).
- 55% of survivors experienced their first sexual assault between ages 16 and 20 (Scottish Government, 2021a).
- Around 1 in 5 girls and young women don't feel safe in school. Girls of colour are less likely than white girls to feel safe at school (Girlguiding, 2022).
- Around 4 in 5 young women agree that girls are coerced into sex acts because they are frightened their boyfriend will leave if they don't comply (85%), or that they will be bullied for being 'frigid' (79%) (Girlguiding, 2015).

Fear of violence impacts girls' ability to participate fully in education. Fear of sexual harassment prevents a quarter of girls from speaking out in class (Girlguiding, 2015). Fear of being raped, followed home and/or kidnapped affects girls' sleep, concentration and ability to participate fully in learning (Children's Parliament, 2022). Girls living in deprived areas are more likely to say that fear of sexual harassment holds them back at school (Girlguiding, 2022).

However, this violence is preventable. Violence against women and girls is a cause and consequence of gender inequality. We can end it by challenging the social attitudes, values, and structures that allow it to thrive.

Schools in Scotland are not gender equal. This is clear from the levels of VAWG, but also other evidence. When we focus on measuring attainment, we can see that more

girls than boys attained at high levels at SCQF Level 5 and above (Scottish Government, 2021b), with more young men leaving education without any qualifications (Scottish Government, 2022a).

However, girls face barriers to accessing their right to safe, fulfilling education in Scotland (Nevens and Hutchinson, 2024).

- 64% of secondary teachers hear sexist language in school on at least a weekly basis (UK Feminista, 2017).
- In a report about prejudice-based bullying in Scottish schools, sexist bullying, or bullying based on gender, was among the least understood forms of bullying (Dennell and Logan, 2015: 65).
- Girls and young women of colour were more likely than white girls to believe that the Covid-19 pandemic has negatively impacted their education (Girlguiding, 2022: 6).
- At age 14, Scottish girls are more likely than boys to say that they feel 'a lot' of pressure or 'quite a lot' of pressure from schoolwork, that they 'never' misbehave or cause trouble in class, and that they have skipped school (Scottish Government, 2022b).

Beyond the obvious gendered difference in attainment and subject choice, we know that children and young people learn from a 'hidden curriculum' while at school. The 'hidden curriculum' represents everything children and young people learn about the world from the behaviour, attitudes, and language adults around them use on a day-to-day basis. Without realising, adults in schools contribute to setting the culture, and can teach children harmful ideas about gender.

1 in 5 girls believe that gender stereotypes hold them back in education; but this rises to 2 in 5 for LGBTQ+ girls (Girlguiding, 2022: 8). Indeed, closer analysis shows that gender stereotypes are the root cause of boys' low attainment, meaning that tackling them in the everyday culture of education settings is beneficial for children of all genders. This was evidenced by research by the United Nations:

*'Gendered norms and expectations impact on boys' motivation and desire to learn. In many contexts, school activities and certain subjects are considered at odds with expressions of masculinity, making education unpopular with boys.'* (UNESCO, 2022)

Indeed, as argued by Griffin et al, schools, as micro-societies, provide a unique opportunity to intervene and embed gender equality:

*'Schools are themselves important sites where gender inequality is normalised unless it is challenged'* (Griffin et al., 2021: 2).

Gender equality in education tackles violence against women and girls, as well as other forms of violence, bullying, issues with school attendance, and educational attainment. Whilst structural equality – such as ending subject segregation – helps prevent VAWG, it cannot do so alone. It depends also on changing attitudes and culture. We need whole-school approaches to embedding gender equality. This will support the Scottish Government's other work to end VAWG, close the poverty-related attainment gap, improve boys' attainment, achieve equal pay for women, and embed anti-racist education.

Therefore, Zero Tolerance strongly recommends that inspections evaluate the everyday culture in schools, considering whether they have genuinely embedded gender equality, anti-racism, disability inclusion, LGBT+ representation and class equality into the everyday fabric of school life. The specificities of each of these issues and attention to their overlap must be central. The issues cannot be diluted to homogenous yet meaningless 'equality.'

Whilst we cannot provide comprehensive inspection criteria in this response, inspecting on gender equality may include:

- Assessing the presence and quality of the school's gender equality policy, including its integration into other policies, such as the school uniform policy and the behaviour policy, and what action the school is taking to implement its gender equality policy.
- Subject choice segregation.

- How listened to and respected children of different genders feel at school.
- How safe children of different genders feel at school.
- The quality of responses to VAWG – including realising the survivors’ right to safety, justice and healing, and ensuring accountability and changed behaviour from the person who harmed them.
- Levels of everyday sexism and misogyny in the culture of the school – among both pupils and teachers.
- How confident pupils and staff feel to report and record incidents of gender-based violence and misogyny.

It is vital that a supportive approach to inspection is taken. Higher levels of recognising, reporting and recording of gender-based violence and misogyny can be indicators of change starting to happen. Accurate recording also helps education leaders to understand the problem and start to solve it. Inspections should support schools to improve – and not label them as ‘bad’ or ‘problematic.’ There must be a holistic approach where schools with high levels of incidents but accurate recording and genuine attempts to take action are praised for what they are doing well. Likewise, schools with seemingly low incidents with little effort must be questioned on their recording practices. Ultimately, girls and young women’s lived experiences of misogyny, violence, intervention and culture change are the most accurate indicator of progress (or lack thereof), and inspections should engage with them directly.

We would recommend using the [Accountability for Gender Equality in Education \(AGEE\) Framework](#) - developed by universities in Malawi, South Africa and the UK, working with selected UN agencies, bilateral donors and a range of civil society organisations – to develop a robust set of outcomes and indicators.

However, inspections cannot come without support to achieve high standards. Over half (58%) of primary and secondary school teachers have never received any training to recognise and tackle sexism (UK Feminista, 2017). This means that the Scottish Government must also commit to investing in expert organisations which can support schools, promoting whole school approaches, and funding training and ongoing

development for school staff on embedding equality and rights into their everyday practice. Head teachers will require particular guidance as leaders who set school cultures.

## References

Children's Parliament (2022). Gender Equality in Education and Learning: Theory of Change Model. <https://www.childrensparliament.org.uk/gender-equality-education-learning/> (Accessed 24 November 2023)

Dennell, B. L. and Logan, C. (2015) Prejudice-based Bullying in Scottish Schools: A Research Report. Equality and Human Rights Commission. Available at: [https://www.equalityhumanrights.com/sites/default/files/prejudice-based\\_bullying\\_in\\_scottish\\_schools\\_research\\_report\\_0.pdf](https://www.equalityhumanrights.com/sites/default/files/prejudice-based_bullying_in_scottish_schools_research_report_0.pdf) (Accessed: 15 September 2023).

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UK Feminista (2017). 'It's just everywhere': A study on sexism in schools - and how we tackle it. <https://ukfeminista.org.uk/wp-content/uploads/2017/12/Report-Its-just-everywhere.pdf> (Accessed 24 November 2023)

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**Question 10: Do you have a view on these options for establishing the new approach to inspection?**

Zero Tolerance supports the second option – establishing a HM Chief Inspector for Scotland – as this would ensure maximum independence and accountability. There must be checks and balances in place to ensure that the individual appointed has adequate competence on issues of equality and rights – and has access to gender experts to improve their knowledge and receive constructive challenge. Indeed, although this person's independence would maximise the system's accountability, they

must also be held accountable for their decisions and work to support wider Scottish Government strategies, including Equally Safe.

**Question 11: Do you have a view on how governance arrangements for the inspectorate could be developed to better involve providers, including teachers and other practitioners, pupils and students and parents / carers in inspection?**

As well as the key stakeholders mentioned in the question, Zero Tolerance would strongly recommend that the Chief Inspector's Advisory Council include gender experts. It is our experience that when gender experts are not engaged early in the process, the outputs require significantly more development to be gender competent.

**Question 12: Do you have a view on how we make sure evidence from inspections is being used as fully as possible to drive improvement and inform policy and on who the inspectorate should report to?**

For the evidence from inspections to be used as fully as possible to drive improvement and inform policy, gender sensitivity must be central. This means that all data should be sex-disaggregated and processed by analysts with a strong understanding of gendered power and intersectionality. Findings on VAW and gender parity must be collated nationally and reported on annually, and this reporting must be meaningful. It cannot be reduced to a tokenistic, box-ticking exercise. The public and third sector organisations must have access to the findings so that they can hold the Scottish Government to account, and the Scottish Government must act on national trends found in the data.

## **For Further Information**

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## About Us

Zero Tolerance is a Scottish charity working to end all forms of men's violence against women by tackling its root cause: gender inequality.