

Health & Safety

What can be done
to tackle work-
related stress?



Delivering on professionalism?

What has been achieved
with the Learning
Representatives Scheme?



VOTING CARD

AGM 2006

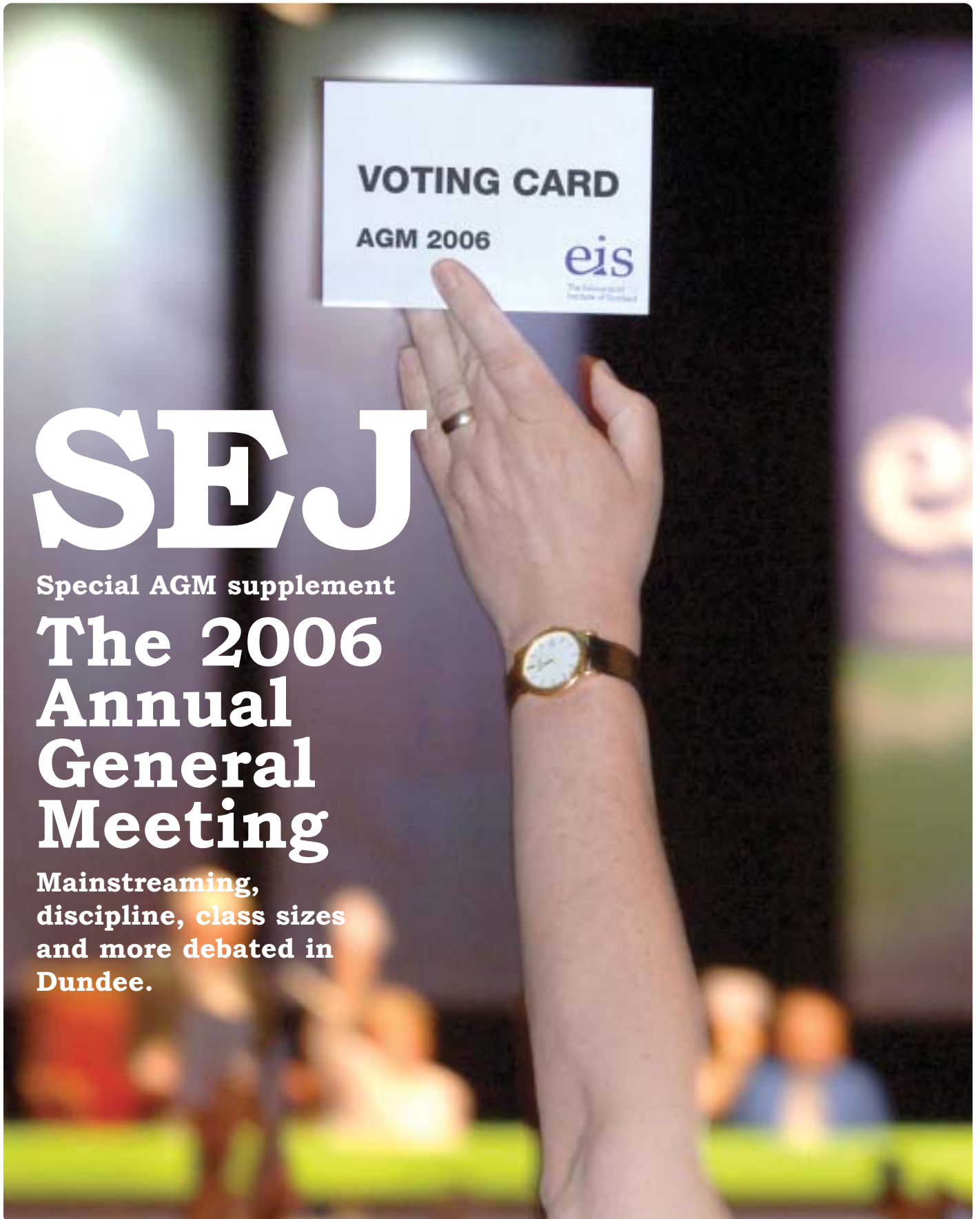
eis
The Educational
Institute of Scotland

SEJ

Special AGM supplement

The 2006 Annual General Meeting

Mainstreaming,
discipline, class sizes
and more debated in
Dundee.



Comment



In this special edition of the SEJ, we report on the 160th Annual General Meeting of the EIS, which was held at the Caird Hall in Dundee from 8-10 June, 2006. In previous years, the AGM edition of the SEJ was sent only to education establishments but this year, as the result of a decision taken at last year's AGM, this special edition is being sent to all members at their home address.

The AGM is, of course, an important event for the EIS. But the EIS AGM is also a significant event in terms of the broader educational picture in Scotland. The debates and decisions taken at the AGM send out a clear message to policy makers, politicians, local authorities and others with an interest in education.

At this year's AGM, one of the key issues was the principle of mainstreaming. If this policy is to be implemented effectively, we have to be clear that inclusive education is not a simple matter of placing all children in a mainstream school. Inclusion is not to be interpreted as a simple model of integration.

Inclusive education means that we must identify and meet the needs of each individual pupil with, as the Additional Support for Learning legislation makes clear and mandatory, appropriate additional support.

But the needs of some pupils will require the specialist resources available in special schools and units – a fact recognised by the exceptions to mainstreaming

recognised in the Standards in Scotland's Schools Act. As we review policy on inclusive education we cannot ignore the contribution of this expertise to supporting the needs of children.

Over the 16 pages of this special SEJ, we report on the key issues discussed and the decisions taken at this year's AGM. We also report on the keynote addresses by the outgoing EIS President, Jack Barnett, and by General Secretary Ronnie Smith.

We hope you enjoy reading this special AGM edition of the SEJ, and we wish all our readers the best for an enjoyable and refreshing summer break. ■

All AGM photos in this edition by Alan Richardson



HANDING OVER: Outgoing EIS President Jack Barnett (right) formally welcomes new President Peter Quigley (left) to his year of office.

Additional support for learning

The EIS is to issue new advice to members on the Additional Support for Learning Act (Scotland) 2004 and to campaign for adequate resourcing, as the result of a successful motion from Midlothian local association. Speaking in favour, Sue Burns said she supported the principle of the legislation but said that currently there were "insufficient resources" to support the process. In a separate motion, Ken Brown (East Dunbartonshire) said that many teachers "have not yet engaged with the ASL legislation. He said that he "suspected that the bureaucracy associated with the new measures will take more effort and time for teachers." There was a need for EIS local associations to enter into negotiations with each education authority, he said. In support Alison Purdie (East Dunbartonshire) spoke of the "workload implications, not least CPD." ■

Exclusion

Teachers must have the right to exclude persistently disruptive pupils from their class, Brian McLean (North Lanarkshire) persuaded the AGM. He said that the number of seriously disruptive pupils was "tiny." He was concerned that, as things stand, "the headteacher has the right to exclude, but the classroom teacher doesn't." In support, Peter Lavery, (North Lanarkshire) said that, in dealing with disruptive pupils, "the patience of colleagues and their tolerance and care are little short of heroic." He added "We don't just have a right to exclude disruptive pupils, we have a duty." In support, Frances Murray (Western Isles) said "We not only have to tolerate disruption, but we as teachers are made to feel we are the ones responsible." David Munro (Inverclyde) said that, if implemented, it would mean "giving power back to classroom teachers." ■

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Cover photo: Alan Richardson

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New inclusive education policy to be EIS priority

The EIS will update its existing policy on inclusive education, as the result of a successful AGM motion proposed by Ian Close of Renfrewshire local association. Mr Close told the AGM that “no report says that inclusion is a social or educational success.” He pointed to recent statements by Baroness Warnock which pointed to a change in her own position on inclusion since the publication of a report of a committee on inclusive education chaired by her in the 1970s. Mr Close said that inclusion currently is a “bandwagon with only three wheels on it – it’s time the EIS jumped off.” Any new EIS policy on the issue should “contain the views of the EIS membership on the issue.” Olwen McGarvey (Renfrewshire), supporting the motion, said that part of the problem was that in recent years “we have seen swingeing cuts in special education provision.” Any update in EIS policy should “make reference to a number of possible settings for pupils.”

Supporting the motion George MacBride, EIS education convener, said that the motion was “timely and opportune.” He said “Inclusion is a complex issue – related to important concepts of equality and human rights for children.” A new policy would incorporate reference to A Curriculum for Excellence (ACE) which would establish “common curricular principles for children in all parts of the country.” There would be a recognition that the needs of all children would not be met in the mainstream school setting.” The EIS Education Committee will start work on the policy update early in the new school session.

Teachers and the EIS “must reclaim

the social inclusion agenda”, Maureen Watson (North Lanarkshire) told delegates, successfully moving a separate motion calling for a campaign to raise awareness of the implications of social inclusion. She said that, as regards social inclusion, “hypocrisy lies at every turn as to what’s going on in schools.” She called for a “celebration of diversity” and as part of that, “a passionate commitment to comprehensive education in its best sense.” She said “So many teachers are opposed to social inclusion policies because they have become a charade.” Part of the campaign would be a demand for a “real” commitment to cut class sizes. In support, Andy Heron (North Lanarkshire) spoke of lesbian, gay,

bi-sexual and transgender teachers and pupils in schools. “They are the invisible teachers and pupils,” he said. “We must campaign to get rid of prejudice and discrimination for all teachers and pupils.”

A third motion approved by the AGM commits the EIS to campaigning for separate provision for pupils who are unable to cope with the demands of mainstream classrooms. Hugh Donnelly (Glasgow) spoke of the “rising number of teachers who have to take extended leave because of workplace stress.” He spoke of the “need for strategies for effective intervention.” He disagreed with some of the views on social inclusion expressed by Ian Close in his motion calling for a re-write of EIS policy. “There is a need for effective, creative, imaginative ways forward,” Mr Donnelly told delegates. “Don’t criticise pupils – criticise politicians and others responsible.” He added “Don’t dump the problem at the door of classroom teachers.” In support, Heather McGrattan (East Dunbartonshire) said she fully supported “inclusion proposals where properly supported and properly funded.” Helen Connor (North Lanarkshire) said “It’s time we told local authorities ‘You are not performing your duty of care to many youngsters.’” ■

AGM



“Inclusion is a complex issue – related to important concepts of equality and human rights for children.”

George MacBride,
EIS Education
Convener



“So many teachers are opposed to social inclusion policies because they have become a charade.”

Maureen Watson,
North Lanarkshire

Sharing key information

The issue of the sharing of information between teachers and other professionals with responsibility for supporting young people was the subject of a successful motion proposed by Gavin Roberts (North Lanarkshire).

“To build a truly professional Scotland which meets the needs of all young people, there needs to be mutual respect between teachers and others working with children in Scotland,” said Mr Roberts.

He continued, Teachers need to know vital information about the children that they are working with, to allow each child’s individual needs to be met. There needs to be more open access to information for all the professionals who need it.”

Hamish Glen (North Lanarkshire) seconded the motion, saying “A lot of pupils have contact with outside agencies, and this information should be available to teachers. The current system does not work effectively, so this issue must be addressed to allow teachers to work more effectively with each individual child.”

AGM delegates agreed that improvements are needed, and overwhelmingly backed the motion. ■

FREE School meals

The EIS will actively campaign for access to free school meals for all Scottish pupils, as a result of a successful motion from Edinburgh local association. Introducing the motion to the AGM, Linda Richardson (Edinburgh) said, “Extending the entitlement to free school meals to all pupils would help extend the disposable incomes of many less well-off households. It would also reduce the stigma associated with free school meals – if we remove the stigma we can improve the lives of many young people. This would be an important move towards improving public health.”

Charlie McKinnon (Glasgow) seconded the motion, saying “The health gap between rich and poor, particularly in my own area of Glasgow, is widening. Seven out of the 10 least healthy areas of Britain are in Glasgow.”

He went on to say, “If the benefit of a free, nutritious school meal is universal, then people will take advantage of it. Of the 27% of the population who live in poverty, only 19% currently qualify for free school meals. This is an issue that needs to be addressed.” ■

AGM snippets

Removing the ring-fences

The issue of school budgets being ring-fenced for specific purposes was the issue at the heart of a motion introduced by Bill Cooper (Fife). “The current system is not fit for purpose”, said Mr Cooper. “We need proper funding for our schools, and the issue of ring-fencing needs to be better scrutinised and evaluated.”

AGM delegates backed the motion by an overwhelming majority. ■

Teaching qualification

No teacher should be obliged to teach in a subject in which (s)he is not qualified, Ronnie Mathieson of North Lanarkshire persuaded the AGM. In certain areas, for example Personal, Social and Health education, unreasonable expectations had been placed on teachers who were “unwilling and unqualified” to teach in the area. In support, Bill Ramsey (South Lanarkshire) speculated as the possible implications of a “de-cluttered curriculum” for teachers who could be asked to teach in new subject areas. ■

Pensions Ballot

A motion to ballot on industrial action over pensions was defeated 199 votes to 109. The motion from Edinburgh, as amended by North Lanarkshire, sought to ballot members in relation to the recent Public Sector Pension Forum agreement which will retain the current pension age for existing scheme members but change it for new members.



“I share the aspirations of the motion but we already have the right to leave the profession at 55, although not with full pension rights.”

Peter Quigley



“...look beyond the apparent unblemished attractiveness of the motion.”

Eric Baillie



Annie McCrae

Annie McCrae (Edinburgh), moving the motion, said she wished to disentangle some of the myths surrounding the agreement. She said it was

wrong to say that because we are living longer, pension ages should change. “It’s a choice about how the government spends money,” she said. “Everybody should be able to retire at 60”.

Maureen Watson (North Lanarkshire), seconding the motion, said that teachers who worked to 65 had shorter life expectancy and that it would be unfair to agree to a deal which disadvantaged future generations of teachers. “We are the custodians of pensions from previous generations,” she said.

But Malcolm Maciver (Salaries Convener) rejected the idea that the deal sold out future members. Speaking against, he said “it is our responsibility to look after both current and future members and this is a package which will benefit both current and future members.” He acknowledged that the pension age for new members would be 65, but that there would be other benefits for future teachers in the proposed new scheme.

May Ferries (Salaries Vice Convener) also opposed the motion to ballot for industrial action saying that the mood of members in schools is such that current members wouldn’t be prepared to strike. She said that in her view that the current agreement would last for 40 years. “The current deal will come under attack by governments in the future and that will be the time for action,” she said.



Malcolm Maciver



A ballot on pensions action? For...



... and against.

Bob Fotheringham (Glasgow) supported the motion, however, and said that a different pension scheme for new teachers would lead to a two-tier workforce. “We should not let the employers try to divide and conquer us,” he said. Charlie McKinnon (Glasgow) also said that pension provision should be fair and equitable, and that recent strikes in France showed that we could win.

But Alan Munro (Renfrewshire) said that to pass the motion would “seize defeat from the jaws of a major victory”. He told the AGM that the agreement had been remarkable successful in that it preserved the status quo for all current teachers. Eric Baillie (Dundee) described the motion as “specious and self-indulgent”, and reminded delegates that improvements to the rules of the scheme on ill-health retiral, survivor benefits and accrual rates would apply to both new and existing members.

After a call for a count, the motion was defeated by 109 votes in favour to 199 votes against.

In a separate motion, Brian McLean (North Lanarkshire) successfully called for the EIS to campaign for teachers to be able to retire at 55 with full pension rights. “Teaching has changed considerably since when I started and going on to 60 is not always a successful strategy,” he said. “This is a long-term strategy and will cost more, but is affordable,” he argued.

But Eric Baillie (Dundee) urged delegates to “look beyond the apparent unblemished

attractiveness” and said that firefighters and police paid almost double in pension contributions than teachers and that teachers would not want such a dramatic increase in contributions imposed upon them. Bob McAlpin (Western Isles), supporting the motion, said that he believes that fewer than 1 in 4 teachers reach the age of 60 before leaving the profession through choice, ill-health or for other reasons.

Donny Gluckstein (EIS-FELA) also urged delegates to support the motion on the grounds that cost would be affordable to the Treasury. Firefighters and police could retire at 55, he said. Sid Perrie (East Dumbartonshire), in a passionate speech, said that teachers knew when they had had enough, and urged delegates to support the motion to assist teachers struggling with the stress of the job.

But Peter Quigley (President-elect) said he shared the aspirations of the motion but that teachers already have the right to leave the profession at 55, although not with full pension rights. Dougie Mackie (Argyll and Bute) opposed the motion, asking “when there are 11 million people in this country with no pension rights, mainly women, do you think we can win public support on this campaign?”

A move to remit the motion for further discussion at EIS Council was defeated and the motion itself was carried by 156 votes to 127. ■

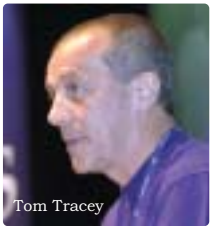
Collegiality in schools and working time for teachers

Teachers must be at the heart of decision-making in schools, the AGM heard. Moving a proposal to clarify the EIS objectives on collegiality, Bill Cairns (North Lanarkshire) argued that the agreement reached following the McCrone report provided an opportunity to make serious inroads into involving teachers in decision-making processes. He criticised the attitude of some local authorities who believed that collegiality simply means teachers implementing decisions of management. "A clear steer on what a collegiate school looks like requires clarity from the EIS," he said.



May Ferries

Aileen Barrie (North Lanarkshire) seconded the motion and told the AGM that most teachers are not involved in decision-making at schools level. National objectives would assist school reps and local negotiators in creating a more collegiate environment. "Collegiality is more than deciding whether parents' evenings should be on a Tuesday or a Wednesday," she said.



Tom Tracey

Tom Tracey (Inverclyde) successfully moved a separate motion calling on the EIS to campaign vigorously to make the educational case for teachers to continue to have both 22.5 hours

maximum class contact and 7.5 hours for preparation and marking. The motion also called for the remaining time in the 35 hour week to be agreed at school level, like at present, but within a locally-agreed framework.

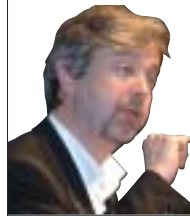
"It is important to protect our members from over zealous managers telling us how to use our non-contact time," he said. "Having an LNCT agreement on the remaining time can be used would help schools."

May Ferries (Salaries Vice-Convener) spoke in favour and pointed out that the SNCT could only agree to remove the ring-fenced preparation and marking time if it was agreed that a collegiate climate had been forged across Scotland. Also the chair of the SNCT sub-group examining the matter, she informed the AGM that the SNCT "did not have enough evidence that collegiality had broken out across the country". She reminded delegates that a sophisticated and careful approach was necessary to evaluate whether or not schools had become truly collegiate. ■



"Providing more information publicly could encourage more people to join the EIS."

John Dennis



"Having the members only section could actually be a valuable additional marketing tool which might attract new members to join the EIS."

Bill Ramsey

Password restricted EIS website for members

The EIS will create a password restricted website for the use of EIS members, so policy and advice can be readily available to all members whenever they may need it.

Introducing the motion the AGM, Henry Kilgour (South Lanarkshire) said "All EIS members should have access to current EIS policy documents when and where they need them. It would make life a lot easier to have current EIS advice available at the touch of a button."

On the issue of password protection for the site, Mr Kilgour added, "It is for our members and paid for by our members, that is why it should be password protected and available only to our members."

David Liddell (South Lanarkshire) seconded the motion, saying "Much of the advice which should be available to members is currently not on the EIS website as the site is not secure. We need to protect the interests of EIS members, not members of other unions."

But John Thompson (Dumfries & Galloway) opposed the idea of making the site password protected. "We need to make sure that everyone, not just our members" knows what we stand for", he said.

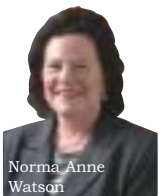
He was supported by John Dennis (Dumfries & Galloway) who said, "Providing more information publicly could encourage more people to join the EIS. We should remove the password restriction option."

But Pat Flanagan (Aberdeenshire) argued "We do not have to put everything onto the password restricted site. Some documents can still be placed on the public site which already exists, where this is felt to be appropriate. But having an additional password restricted section solely for the use of members where more sensitive documents can be placed is a very valuable option."

Bill Ramsey (South Lanarkshire) agreed, saying "Having the members only section could actually be a valuable additional marketing tool which might attract new members to join the EIS."

AGM agreed and voted overwhelmingly in favour of creating the password-restricted section of the website for EIS members. ■

Opposition to PPP schemes



Norma Anne Watson

The EIS will continue to oppose the use of PPP schemes to build new schools, as a result of a motion introduced by Charlie McKinnon (Glasgow).

"The PPP juggernaut rolls relentlessly onwards," said Mr McKinnon. "But PPP schools are neither environmentally friendly nor pupil friendly."

"The final cost of PPP schools is around six times what it would have been through direct government investment. Many leading architects don't believe that PPP buildings are sufficient quality or fit for purpose."

Bob Dow (Glasgow) seconded the motion, saying "In many PPP schools, doors are falling off, window latches

are broken, there is a lack of sports facilities – hardly any new schools have swimming pools, for example."

But Bob Peaker (Aberdeen) opposed the motion, arguing "Secretly, we support PPP, but it is a deep, dark secret that we refuse to admit. We collaborated – we took the money."

But Norma Anne Watson (West Lothian) said, "What a price we are paying for our new or refurbished schools – schools that are building sites, building sites that are schools."

And Joe Kinsey (EIS-FELA) said, "Five years into the life of our new college building, and the problems are too numerous to list."

AGM delegates re-affirmed EIS opposition to PPP schemes and overwhelmingly backed the motion. ■

Work at a time and place of our choosing

Campaigning is required to enforce the right of teachers to carry out tasks which do not require to be done on school premises at a time and place of their own choosing, the AGM agreed. Successfully moving a motion from East Dumbartonshire, Alison Purdie said that more problems existed in the primary sector than in secondary schools. "There is compelling anecdotal evidence that many primary heads

are not facilitating teachers to leave the school premises when they are not required to be there," she said. "I have heard of one headteacher who says that 'my staff won't let me down by going out of the school!'"

Frank Healy (East Dumbartonshire) seconded the motion and said that the national agreement recognised that teachers are professionals, and that decisions which seek to prevent



Heather McGrattan



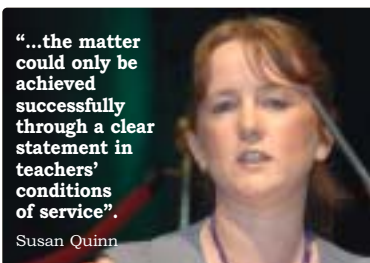
Frank Healy

teachers exercising their 'time and place' rights devalue the professionalism of teachers.

Heather McGrattan (East Dumbartonshire) told the AGM that it was inappropriate for teachers' non-contact time to be in small sections of 30 or 40 minutes. "These periods of time are too short to allow teachers to leave the school premises," she said. "Schools need to have places where teachers can go to do professional work, like a base." ■

Class sizes

The EIS could ballot for industrial action on class sizes if certain conditions are not met, the AGM agreed. A motion from Edinburgh and Glasgow local associations, amended by Council, called for the move unless the Scottish Executive's response to the interim report of the ministerial working group on class sizes showed a clear commitment to reducing class sizes in line with existing EIS policy.



"...to indicate our seriousness to win, we will not hesitate to take strike action if required and we are prepared to do that."

Larry Flanagan

Larry Flanagan (Glasgow) said that progress had been made in some areas but even existing commitments from the Scottish Executive were under attack by directors of education and some headteacher organisations. "The nub of the motion is that if we require to indicate our seriousness to win, we will not hesitate to take strike action and we are prepared to do that," he said.

are also prepared to take independent action if necessary. "The reasons why we support smaller class sizes is that it will provide better education for our children, especially the poorest and most disadvantaged," he said.

Helen Connor (North Lanarkshire), also on the ministerial working group, said that in an era of falling rolls, we should be able to lead a campaign based on information, involving all teachers who simply want to cater for their pupils better.

Hugh Donnelly (Glasgow) called for "unity in purpose of action", and noted that a timetable of action from the Scottish Executive would be "a major historical advance in terms of Scottish Education". The motion was carried without opposition.

In a separate motion from Glasgow, it was agreed that any smaller class size maxima should become fixed into the conditions of service of teachers, and

not just remain legislative guidelines. Bob Dow (Glasgow) said that rigidity of having the maxima as part of conditions of service was needed to ensure that new teachers did not come under pressure from education authorities to teach larger classes. "They must be set in tablets of stone," he said. Susan Quinn (Glasgow) seconded the motion and said that the reduction to 30 in P1-P3 showed that the matter could only be achieved successfully through a clear statement in teachers' conditions of service.

A separate motion from Glasgow called on the EIS to oppose the concept of flexibility in class sizes. Larry Flanagan (Glasgow), moving the motion, said that flexibility would be abused in some schools and in some authorities. Willie Hart (Glasgow) said that conditions of service in relation to individual class sizes must be set out in individual contracts of employment. The motion was passed with no opposition. ■

Campaign for nursery education



Alana Ross

Every nursery school and class deserves to be led by a qualified nursery teacher, Education vice-convenor Norma Anne Watson told delegates in support of a motion which instructs the EIS to campaign for nursery education to be brought within the statutory framework. "Pupils within a nursery setting deserve the same entitlement as any other group of pupils," Ms Watson told delegates. Alana Ross (Glasgow), speaking in support, reminded delegates that Glasgow council had recently decided to remove 37 nursery teachers from their nursery schools and place them in the primary sector. The EIS in Glasgow had been told by officials that taking nursery teachers from the nursery context would have no impact on education. But the EIS were clear that the council's motives were purely cost cutting in intention. In support, Margaret Scott (Falkirk) said that a nursery education "gives a child the best start in life - it's what they deserve."

In a separate motion, which calls on the EIS to seek to ensure that every nursery class is led by a nursery teacher, Alana Ross reminded delegates of the great difference a qualified teacher makes to a child's education.

Elsewhere in debate the increased workload caused by the new Care Commission inspections in Nursery Schools was raised. Lynn Leitch (Midlothian) said that, taking HMIE and Care Commission inspections together, she had had seven inspections in her school in a year. Her successful motion to the AGM will mean an investigation and report on the impact of the burden of inspection, especially the annual Care Commission inspections. In support, Fiona Grahame (Orkney) said "Annual inspections cause immense disruption to a whole day in Nursery schools which are running perfectly well." ■



"Pupils within a nursery setting deserve the same entitlement as any other group of pupils."

Norma Anne Watson

Assessing the risk... of assessing the risk

The often perilous position of teachers with regard to risk assessment and pupil safety was the subject of a motion from Fife Local Association, proposed by Mike Birkett.

"In an increasingly litigious society, risk assessment has much greater implications for teachers. Too often, risk assessments are to protect local authorities, not individual teachers. We need clear guidance on the expectations that can be placed on teachers, and better advice on our precise responsibilities with regard to risk assessment.", said Mr Birkett. The motion was seconded by Andrew McNeil (Fife) and was supported overwhelmingly by AGM delegates. ■

HE GATS

The growing commercialisation of education was the subject of a successful motion introduced by Greg McCarra (EIS-ULA) which called for the EIS to oppose the inclusion of higher education in the General Agreement of Trade in Services (GATS).

"GATS could lead to a threat to the funding of our universities and other HEIs. We came extremely close to seeing higher education included in GATS the last time it was up for discussion. We need to lobby the government to resist the move to include HE in GATS in order to protect our Higher Education Institutions", said Mr McCarra.

Andy Thompson (EIS-ULA) seconded the motion, and received further support from Education Convenor George MacBride who said, "It is crucial that we support this motion in order to protect the integrity of Scottish education."

AGM agreed and voted overwhelmingly in favour of the motion. ■



Kirsty Devaney

Teaching qualification for FE

John Cassidy of EIS-FELA told delegates of the need to identify a more straightforward route to GTCS registration for those FE lecturers who had already obtained the teaching qualification in FE (TQFE.) This new route, he said, would be a “step towards compulsory GTCS registration for FE lecturers. “The underlying purpose, both of the qualification and of registration, was to “ensure that school pupils get the best education possible when they come to FE.” New EIS Vice President Kirsty Devaney (EIS-FELA) said that she wanted “a streamlining of the process which at the moment is putting people off.” ■

Helping asylum seeker teachers and lecturers

AGM has given its overwhelming approval to a planned change to the rules and regulations of EIS membership which will now allow qualified teachers or lecturers who are seeking asylum in this country to become associate members of the EIS.



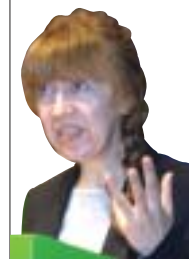
Margaret Nicol

Asylum seekers who have experience of teaching in other countries will now be eligible to join the EIS free of charge as associate members, and access a wide range of advice and support through the EIS.

recognition that the EIS welcomes and supports asylum seekers to this country. It also demonstrates to all asylum seekers that the EIS sees them as valuable members of society.”

Moving the proposed rule change on behalf of EIS Council, Equalities Convener Margaret Nicol said, “We are taking this step in an attempt to reduce the feeling of isolation experienced by many asylum seekers. Opening up EIS membership is a

Seconding the proposal, vice-convenor Sonia Kordiak (Midlothian) said, “Being part of a supporting organisation such as the EIS will reduce the isolation these people feel and allow them to feel valued and respected.” ■



“Being part of a supporting organisation such as the EIS will reduce the isolation these people can feel and allow them to feel valued and respected.”

Sonia Kordiak



New EIS Fellows celebrate degree awards

Back row: left to right: Robert Dow (Glasgow), Adeline Thomson (East Renfrewshire), Bob Birrell (Convener of Board of Examiners), Mike Birkett (Fife), William Henderson (Perth & Kinross), Philip Cairney (Glasgow).

Front row: Sheena Wardhaugh (South Lanarkshire), Moira McCrossan (Dumfries and Galloway), General Secretary Ronnie Smith, President Jack Barnett, Philip Jackson (Angus), Christine Lambert (North Lanarkshire)

AGM snippets

Student placements

There must be a fully funded national support framework for students on school placements, Aberdeenshire delegate Kay Barnett told the AGM. In support, Billy Billsland (Aberdeenshire) said that such a framework “would lead to a more consistent level of support throughout Scotland.” ■

English as an additional language

The EIS will investigate and report on the adequacy of funding from SEED and local authorities for pupils who study English as an additional language. George MacBride (Education convener) moving the motion for Glasgow local association spoke of the “need to be very clear about the value of bilingualism and plurilinguism.” In support, Alison Lachowski (Aberdeenshire) said that “parents are also entitled to e.a.l. (English as an additional language) support.” ■

Global warming and renewable energy

First time AGM delegate Matthew Wilson (Edinburgh) introduced a motion calling for the EIS to campaign for the use of renewable sources of energy to power as many schools as possible.

“We are sitting at the edge of a global disaster”, said Mr Wilson. “This is a vital issue which is about protecting the future health and wellbeing of the children in our care.” The motion was seconded by Linda Richardson (Edinburgh) and backed overwhelmingly by AGM delegates. ■

The plight of Bolivian street children

The EIS will support international programmes which aim to alleviate the plight of Bolivian street children, as the result of a successful motion introduced by Fiona Grahame (Orkney).

“One in every fifteen children in Bolivia will die before their 5th birthday”, said Ms Grahame. Countless numbers of children end up living on the street, where they face abuse, poverty, extreme hunger and lack of access to healthcare.”

No administrative tasks for teachers

Urgent action is needed to ensure teachers are relieved from non-teaching tasks, the AGM has agreed. Robin Irvine (Renfrewshire) successfully moved a motion to campaign for the full implementation of the sections of the national agreement which ensure that teachers should not routinely carry out administrative tasks. “If a local authority is not implementing Annex E, it’s tempting to say that they’ve taken the money and run,” he said. He reminded the AGM that there are 19 specific tasks that teachers should not be required to routinely undertake.

Olwen McGarvey (Renfrewshire), seconding the motion, argued that employers cannot adopt a pick and mix approach to the national agreement, and that lunchtime supervision, data-entry and photocopying are not tasks that teachers should routinely do. ■

Media Education

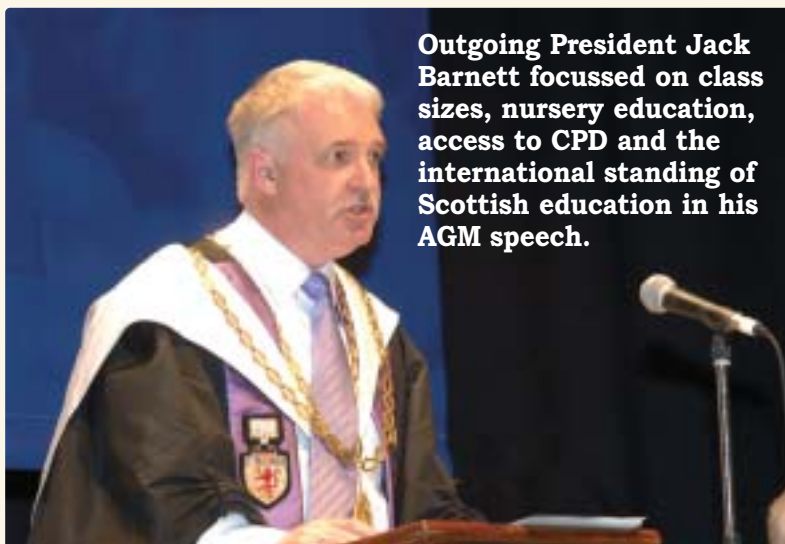
Des Murphy (Aberdeen) and Brian McLean (North Lanarkshire) persuaded delegates of the need for a Charter for Media Literacy in Scotland. “Media education is too important to be left just to Media studies teachers,” said Mr Murphy. ■



“...employers cannot adopt a pick and mix approach to the national agreement.”

Olwen McGarvey

Delivering a world class education system



Outgoing President Jack Barnett focussed on class sizes, nursery education, access to CPD and the international standing of Scottish education in his AGM speech.

I would like to express the pride I feel as EIS President at the ever impressive dedication, care and commitment I have witnessed by classroom teachers across all sectors to delivering a high quality educational experience to all the young people in their schools whatever the circumstances.

Nursery teachers

Nowhere was this more obvious than in the nursery classes I have visited where our fully qualified nursery teachers demonstrated what all the available evidence—from research studies, HMIE reports and statements from the Scottish Executive Education Department itself makes clear - that the employment of highly trained and qualified nursery teachers provides added value to the educational experience of Scottish 3 and 4 year old children and gives them the best possible start in life - and in particular for children from disadvantaged backgrounds who are most at risk of missing out as the attainment gap between rich and poor widens.

To me one of the greatest challenges we face in Scottish education today, in maintaining and improving the quality of learning and teaching within a coherent 3-18 curriculum structure - for all young people - whatever their background, is the defence of quality nursery education provision.

And it is simply not good enough for the Scottish Executive Education Department to stand idly by - as they have also done over management restructuring in the secondary sector out with the National Agreement - and protest that it has nothing to do with them while some Education

Authorities cynically take advantage of the abolition of the 1956 Code to replace nursery teachers with less well trained, less well qualified and less well paid early years workers.

International standing

The ambition of developing a world class education system in Scotland is one which in the past year I have heard frequently expressed by representatives of SEED and indeed the Minister for Education and Young People himself and is one which we of course all share.

And within that context Scotland's educational performance is constantly compared and benchmarked against that of other countries both in Europe and further afield.

What has emerged from these studies - and we cannot make this point often enough is that whatever measure you care to use Scotland's educational performance compares favourably with most of the countries in Western Europe and indeed the world.

But of course we should not be complacent and should aspire to be even better - good, as we are now reminded by HMIE, is not good enough.

There is little doubt in my mind that one key area directly related to improving the quality of the teaching and learning experience and hence of educational performance - is class size.

Because all the available research evidence supports what teachers, parents and pupils already know and expressed in the National Debate on Education - that cutting class sizes can play a significant role in improving

pupil motivation, pupil behaviour and pupil attainment.

So where does Scotland sit in terms of class sizes compared with our European counterparts?

Well, the latest OECD figures for average class sizes in Primary schools reveal that Scotland lies 19th in a league table of 21 European countries with only Ireland and England having a higher average.

And of course average class sizes are only part of the picture.

Because many classes in both primary schools and the early years of secondary schools in Scotland have up to a contractual maximum of 33 pupils.

This creates a nigh impossible task for both Scottish teachers and Scottish school pupils in terms of meeting the educational outcomes expected of them.

Because the reality for both teachers and learners in Scottish classrooms today—as defined by the Curriculum for Excellence - which in principle we welcome - is of a much more individualised and personalised approach to teaching and learning with a far greater emphasis on personal learning planning and quality dialogue between the teacher and individual pupils.

But with the best will in the world, how can teachers provide that level of individual attention with class sizes of up to 33 pupils?

That is why we of course welcome the commitments made by the Scottish Executive to reduce class sizes in Primary 1 and in Secondary S1/2 (English and Maths) from August 2007.

More class size cuts

But we need to do more beyond 2007—because, while the first year of primary school is of undoubted importance and English and Maths are undeniably central to the curriculum of every secondary school pupil in Scotland, class sizes of 30 or over in other primary year groups and other curricular areas in secondary school are unrealistic and should be unacceptable to us.

That is why in the course of the last year the EIS has campaigned for and continues to campaign for a radical reduction in the maximum class size in which any and all of Scotland's

With the best will in the world, how can teachers provide individual attention with class sizes of up to 33 pupils?

Jack Barnett, EIS President

young people may be taught.

If we are to progress further on the journey to international excellence then reducing class sizes so that pupils can receive the individual attention modern teaching methods demand must be a key priority shared by all with a genuine interest in improving Scottish Education.

The EIS has of course a dual function - as a Trade Union in protecting and promoting the interests of all our members, and as a professional association in promoting a high quality educational experience in comprehensive schools which meet the needs of all learners in every local community.

It is my belief that these roles are complementary to each other because the development of a highly qualified, trained and motivated teaching and lecturing force is central to the provision of a quality educational experience for all our young people.

CPD

We can only recruit and retain such a teaching and lecturing force if we address the issues which make the job attractive or unattractive relative to other professions.

And nowhere, in my view, more importantly than in the area of professional development and support where the National Agreement has established a quality framework for the professional development and support of all teachers.

It is an initiative which recognises that union learning is not just about helping non-traditional learners access learning-important though that is but is a rights agenda - a lifelong learning rights agenda - that applies to all workers including teachers and lecturers. Because teachers and lecturers are learners too and EIS Learning Representatives have an important role to play in supporting their learning. That is why we aspire to having at least one Learning Representative in every school in Scotland.

Of course, there are still barriers to overcome and one of the most significant of these is the negative attitude of some employers.

And we need to challenge these employers.

Nowhere is there a greater desire for access to high quality relevant CPD as a professional entitlement than in the Further Education sector - not least to meet the challenges faced by lecturers in relation to the implementation of school-college partnerships.

This has been recognised by the EIS through our aim of having a minimum of one learning representative in every Further Education College in Scotland

- a target we are on the way to achieving.

GTCS registration

But we are bitterly disappointed that - at least in the short term - the Minister has decided that "the time is not yet right" for the creation of a professional body for FE college lecturers.

Is it not ironic that it is the Trade Union side - often portrayed as dinosaurs resistant to all change - who are advocating compulsory registration of lecturers with the General Teaching Council (Scotland)?

While the Association of Scottish Colleges have opposed this out of what can only be described as thinly disguised self-interest.

The time has never been better for the mandatory registration of all college lecturers with the GTCS - how much longer must we wait?

One of my first duties as President was to represent the EIS nationally at the Make Poverty History rally in Edinburgh on 2 July last year and one of my last duties was to speak in support of the Global Campaign for Education alongside teaching colleagues from Guyana, Nepal and Mozambique at the Talking Teachers Event also in Edinburgh on 11 May this year.

Nothing has given me greater pride - on both occasions - than to demonstrate our commitment to the provision of free good quality education for all young people and to the removal of barriers hindering access to such provision - so that the potential of all children everywhere can be developed.

Because these are aims which are entirely consistent with our own long and proud tradition as a professional association committed to the promotion of learning and as a trade union committed to the elimination of discrimination and prejudice wherever and in whatever form it might be manifested.

We support the teaching of Global Citizenship as part of the school curriculum - in order to raise the awareness of our young people on the importance of these global issues, because we are committed to the development of our own young people as responsible citizens - not only within their own local communities, or within society at large, but within a global context. Because we are all now global citizens.

World class system

This speech has been a description - a very personal description - of some of the key issues and events in which I have been involved in my year as your President - and that seem to me to be of particular importance.

There are, of course, other issues that I could have mentioned or mentioned in more detail, but have not, not because they are unimportant but simply because I do not have enough time.

But let me conclude by returning to a theme I referred to earlier in my speech:

The central importance of teachers and lecturers in transmitting a high quality educational experience to all the young people in the local communities they serve and the need for all who are genuinely interested in the development of Scottish education to work in partnership to defend and build on what we have already achieved.

So, let us send out a clear message from this AGM to those who would seek to undermine what we and others in the Scottish Educational Community are striving to achieve.

We will not be deflected from our goal of creating in Scotland a world class education system based on the principles of comprehensive education and life long learning.

An education system which is geared to meeting the needs of all learners across all sectors in their own individual local communities.

And an education system, which promotes high quality teaching and learning delivered by a well motivated, fully trained, fully qualified and fully registered teaching and lecturing force. ■

The full text of the President's speech is available from www.eis.org.uk.

AGM snippets

HMIE

Aberdeenshire local association had concerns as to HMIE procedures, expressed in two separate motions. In the first, John Black convinced delegates that the EIS should campaign for a review of the procedures and processes involved in the inspection of schools in the light of the increased emphasis on collegiality. Elizabeth Fairley, supporting said "At no time do HMIE processes take account of the resources needed, particularly teachers' time." In the second, Kay McKintosh said that the EIS should review its own monitoring procedure on HMIE inspections. "The current advice monitors the process rather than the experience," she argued. ■

Management for promoted staff

Greater clarity is needed on management time for PTs, the AGM heard. A successful motion from Midlothian and Highland called on the EIS to investigate and report on the amount of management time agreed by LNCTs for promoted staff, and the actual time then available to them. ■

"Of course, there are still barriers to overcome and one of the most significant of these is the negative attitude of some employers."

Jack Barnett, Outgoing EIS President

Invest now for the future of education

In his 12th report as General Secretary to the Annual General Meeting, Ronnie Smith issued a challenge to Scotland's political leaders.

I want to begin by expressing my gratitude to everyone who has contributed to another successful year for the EIS, both in terms of continuing membership growth and the results achieved for members, sometimes at individual, sometimes at a collective level.

The contribution of elected lay volunteers, of whom ever more is being demanded, especially at local level, is immense. A lay volunteer force that is growing with the advance of Learning Representatives who are helping to move forward the lifelong learning agenda for, as much as by, teachers.

And I also acknowledge the hard work and support of the staff of the EIS over the year. Working together, we are ensuring that the EIS both retains its pre-eminent position among teachers' organisations in Scotland and contributes significantly to shaping and influencing the agenda of change for the Scottish education system.

The year that has gone has not been marked by any spectacular or earth-moving developments in Scottish education. Instead we have seen a lot of solid work and steady, incremental progress on a number of issues.

Work has been going on to develop the Curriculum for Excellence – to ensure we adjust to reflect the changing needs and expectations of our schools. It is still early days in what will be a protracted process, but we should expect to see emerge more concrete proposals in the coming year. That will be unsettling for many teachers and I am sure there will be much jostling for position in a limited curricular space among many competing interests.

But any system has to strike a balance between the drive for constant change and the need, at the same time, every day, to deliver the service expected by pupils and students.

Political picture

It is one of the risks associated with devolution that politicians will always want to be seen to be doing something about the services for which they have responsibility. As we approach the end of the second term of the Scottish Parliament since its reformation in 1999, we see the seeds being sown for a major debate to come on the agenda for public service reform.

At one extreme, some will argue that we should diminish, if not remove, local authority involvement with our schools and leave them to get on with it.

At the other extreme, some will argue that local authorities need an enhanced role – not only in facilitating the necessary interactions among different services for children – but also in doing that which is better done at authority level.

There is no simple answer and I do hope we will have an intelligent debate when it comes.

It has become fashionable to argue for enhancing devolution to schools. But devolution is not an end in itself. It is about getting the right things done at the right level.

We are told we face problems in enticing people to apply for Headships and that it is all down to job-sizing and the McCrone agreement. Maybe it has more to do with the steady transfer of responsibilities to schools from the centre and the incremental increase in expectations and accountabilities headteachers face.

It is surely ironic that in parts of Scotland, our approach is to give heads responsibility for more than one school.

We have a long way to go in making a reality of the talk of collegiality and so-called distributed leadership in our schools. Until that happens, their jobs will simply be “undoable” and we will struggle to recruit the quality of Headteacher we need.

The 21st Century Agreement

This year 2006, marks the last stages in the implementation of the 2001 Agreement – an Agreement that continues to attract huge interest in many quarters. Indeed, I cannot recall any collective agreement on pay and conditions that has been, and continues to be, so intensively scrutinised and dissected.

As I have said many times, no Agreement ever satisfies everyone in every respect. But it is worth restating that this was a freely entered-into Agreement, the outcome of a major exercise in free collective bargaining, and subscribed to by the Scottish Executive, by COSLA on behalf of 32 local authority employers and by the 6

teacher unions represented in the Teachers' Panel of the SNCT.

This needs restated clearly because some of the attitudes and pronouncements abroad might lead one to wonder where now is to be found anyone who endorsed or voted for the deal in 2001.

The recent Audit Scotland report on the Agreement deserves to be read itself. Of course it suffers from being constructed through the restricted vision of auditors. But even with that constraint, it is a generally positive assessment.

The Agreement has to be considered on a much wider basis – from a holistic perspective- to assess its worth and impact.

Yes, the Agreement brought long overdue pay increases for teachers to compensate for years of relative decline. And it provided the stable platform on which was built an unprecedented 4-year pay agreement starting in 2004, with the last installment due in April 2007. Pay stability that has made teaching competitive with comparable professions and which is attracting sufficient new entrants to meet the growing demand for new teachers.

An Induction Scheme that guarantees a stable one-year training place for all new entrants with proper mentoring support and time to learn, as well as practice, their craft.

The result is that a higher proportion than ever of those graduating as teachers are entering the profession. And, on completing Induction, a higher proportion than ever are staying on in the profession.

From August this year, maximum class contact time will move to 22 hours across all sectors – guaranteeing time for necessary preparatory work associated with actually teaching classes.

The Chartered Teacher Programme is an idea that is attracting huge international interest. Of course, it has been slow off the blocks with just over 200 teachers now fully chartered, mainly through the accreditation route, and some of the early trailblazers coming through the university route. But several thousand more are now on their way.

“At one extreme, some will argue that we should diminish, if not remove, local authority involvement with our schools and leave them to get on with it.”

Ronnie Smith, EIS General Secretary

The Agreement has also levered in around 3,000 additional support staff, intended to free teachers to do what they are best at doing – teach. Of course, more is to be done. It is not to the credit of some local authorities that they have failed to live up to their obligations here.

It is worth restating the Audit Scotland report's conclusion,

"We have found much good practice, and although the long term impact of the Agreement remains unproven, the early evidence suggests that good progress is being made."

I would go further. While agreeing there is much still to do to deliver fully and sustain the Agreement, the industrial relations calm and stability we have now secured, since the low-point reached prior to the establishment of the McCrone Committee, can never be overstated. Any doubters should simply pause and reflect on the state we would now be in, but for this Agreement being struck.

Of course, education too suffers from the "Scottish cringe", where we think everything is as bad as our football team and we cannot find the will to recognise and credit ourselves for doing well. But we are doing well. Our system is fundamentally sound.

We have a high quality public examination and qualifications system which is attracting significant international interest. We are leading the rest of Europe in the development of Qualifications Frameworks.

We have one of the least socially divided education systems in the world – unlike our southern neighbours or the USA. That is not only a good thing per se – but it is also linked to better academic achievement. It is to the credit of the Scottish Executive that they remain committed to a modern comprehensive education system in Scotland.

Indiscipline & Class sizes

There is scarcely a teacher anywhere who will say other than that maintaining discipline has become the major problem to address. That is why we appointed an ad hoc committee whose report was published just a short time ago.

There is no easy answer.

Early this year a study reported that one in 11 young persons live in homes where one or both parents misuse alcohol.

In an international study of 11-15 year-olds, over a third of Scottish girls had been engaged in a fight, and around 60% of boys – putting us above England and Wales in that league table.



"I hope all our politicians will be bold. I hope they will lift their line of sight beyond just the next four years."

Ronnie Smith,
EIS General Secretary

Just a month ago we read reports that the incidence of diagnosis of autism in Scottish secondary schools had risen 600% over the last 6 years. Shortly before that, a Glasgow University report stated,

"children on the autistic spectrum may exhibit behaviour that is incongruous and challenging, and which severely disrupts teaching and learning. It is possible that the perceived rise in the incidence of challenging behaviour in schools, and, indeed in the overall incidence of SEBD, is related to the reported increase in the number of children on the autistic spectrum."

This gives a flavour of the context – the background against which we are delivering outstanding results.

The context is that our public schools educate all comers – regardless of background, circumstances or disposition.

But we do not have a level playing field.

We should adopt the objective of cutting our class sizes to match those in the private sector. The 2005 annual report of the Scottish Council for Independent Schools shows that the main reason parents elect to go private is that they can buy small classes and individual attention for their child.

Credit is due to the Scottish Executive for the commitments on class size made after the last election. We both await – and expect – full delivery. But politicians need to be bolder. They need to go further to make a real difference. Rarely will they have a better opportunity to do so as pupil rolls are projected to fall.

There is a great deal still to be done – not only to consolidate, but to build on the sound foundations we have laid for our education system.

But there is a grave risk that some will begin to see education as yesterday's issue. That education has had its turn and the spotlight now moves elsewhere.

There are insidious trends already at work that we must challenge.

Nursery Education & the Comprehensive ideal

While we do well in the level of pre-school enrolments, it is Scotland's

shame that 43% of our pre-school education centres have not a single GTC registered teacher and overall, only 17% of the staff in the sector are GTC registered.

Why should our 3 & 4 year olds be denied the right accorded to their five year old siblings?

Again, I acknowledge the commitment, hitherto, of the Executive to support the local comprehensive school and accept contributions only where they fit with public policy objectives. But the temptation will grow as the fiscal regime tightens.

It would be a shame to squander the legacy, to allow complacency to erode what we have achieved over the last five years. Or to adopt short-sighted dilutionary measures to circumvent a fiscal squeeze.

We are in the run-up to the next election in May 2007. A time when politicians turn their minds to the prospectus they will offer the electorate. Most pundits see the result as almost certainly less clear-cut than ever before.

I hope all our politicians will be bold. I hope they will lift their line of sight beyond just the next four years.

We need to sustain the promised 53,000 teachers beyond 2007 and not see their number eroded as pupil rolls begin to fall.

And for those who do not fulfil their potential at school, we need to look at ways of enhancing access to second chance learning – as well as ongoing learning, and re-learning, for everyone, whether at work, college or university.

Julius Nyerere wrote in *"The Power of Teachers"*,

"Any nation is as great, as good, as its citizens make it... It is teachers more than any other single group of people who determine attitudes, and who shape the ideas and aspirations of the nation".

Our challenge as teachers over the coming period is to do just that, and to secure the central position of education and sound learning in the fabric of this country. ■

The full text of the General Secretary's speech is available from www.eis.org.uk.

AGM snippet

Specialist subjects in the secondary curriculum

The EIS is to campaign against any reduction in specialist subject provision for non-educational reasons. Ken Brown (East Dunbartonshire) said that the issue had focused mostly around the teaching of history, in the context of the new Curriculum for Excellence. He warned against any "dumbing down over content level" or "de-skilling." Is this what "de-cluttering the curriculum" means? he asked. Anticipating further developments in these areas he asked also "Does the vocational tail wag the curricular dog?" ■

Tackling work-related stress in education what is HSE doing?



Those of you working in the education sector won't be surprised to learn that recent surveys suggest that 13% of all work-related stress incidence is attributable to that sector, and around half of all work-related absence in that sector is stress-related. You may be interested to discover, however, that the Health and Safety Executive (HSE) considers it a priority to tackle work-related stress in education, along with four other sectors where the incidence of stress is greatest (Health, local Government, central Government & Financial Services), and is working to do something about it.

Paul McCormack, Senior Policy Adviser, Stress Programme Team, HSE

Work-related stress is often seen as a taboo that is too complicated to tackle. HSE, however, believes that it can be treated like any other workplace hazard. Over the past few years it has developed the Management Standards for work-related stress, which enable employers to conduct assessments of the risks involved in certain aspects of activity. These Standards apply to the six areas of work identified from research as being potential stressors. Three relate to job content - Demands, Control, Support; and, the other three to job context - Role, Relationships and Change.

We are now working to raise awareness of the Management Standards and promote their use. This awareness raising campaign is not enforcement led. Rather, it is a partnership approach with Local Authorities, Acas, ISMA UK, CIPD and others. For phase one, which started in April 2005, We are actively supporting around 70 organisations, including 10 drawn from education, to implement a structured programme of solutions through one Management Standards cycle. This support takes the form of specially trained HSE inspectors working with individual organisations and drawing on support from both HSE's Occupational Psychologists and Acas senior advisers as necessary. In return, participating organisations are providing case studies and evaluation that will help inform wider implementation of the Standards in phase two.

In Phase Two, HSE is actively encouraging take up of the Management Standards or equivalent by the remaining organisations within education. This started in April 2006, with HSE being represented at the main Headteacher and teaching union conferences over the Easter period. HSE headlined the centrepiece of its phase two activity - working in partnership with key stakeholders to organise a series of 24 free one day "Healthy Workplace Solutions" workshops. These will take place regionally across the country in

September/October 2006 and will focus on reducing sickness absences in education by tackling work-related stress and managing sickness absence. These workshops form part of a series of 67 such events across the five priority sectors.

The workshops, which will be practical and participative, will outline the business case for managing attendance, provide relevant information and case studies, and give step by step guidance on how to introduce the management standards approach.

Of the 24 workshops for the education sector, three will be taking place in Stirling in September/October 2006. One will be designed specifically for Local Authorities as employers of school staff. They will have the opportunity to learn about both the Management Standards and also Work Life Support's 'streamlined' National Well-Being Programme - an organisational approach to tackling work-related stress broadly equivalent to the Standards and tailored specifically to the needs of schools. The other two workshops will be tailored to the needs of Further and Higher Education Institutions, and will focus on the Management Standards. All three workshops will be held jointly with the Scottish Executive and formal invitations will be sent out in late May, early June.

Delegates who attend the workshops will be offered follow up support by HSE to help them with Standards implementation, including access to a dedicated helpline and problem solving 'masterclasses', and advice on choosing specialist help and support. In return for this free help and advice. HSE expects organisations to start taking action on sickness absence and work-related stress. Workshop delegates will have a major advantage in meeting this challenge.

Through this work HSE aims to help employers access the tools to manage staff well-being effectively at a time of considerable challenge and change in education. ■

Occupational stress claims



Colin Sandilands

Modern professional life involves many stresses and strains. Sometimes those stresses can lead to illness but does that mean there is a legal claim for damages?

Recent decisions of the Court make it clear that common law claims for occupational stress are still very difficult to advance. Certainly, that is always part of the advice that I offer to claimants and is the strong message emphasised in recent court decisions, such as that of the House of Lords in Barber -v- Somerset County Council. In Scotland, we still await the first decision from the Courts in favour of a claimant.

What are the Legal Tests?

The starting point is that an employer has a duty to provide his employee with a reasonably safe system of work and to take reasonable steps to protect him from risks which are reasonably foreseeable. This general proposition can be broken down to a number of different legal tests which all have to be overcome if a claim is to be successful:-

1. Psychiatric injury

A diagnosis of a psychiatric illness must have been made. It is not enough that the claimant has suffered "stress, anxiety, loss of confidence or low mood" alone.

2. Foreseeability

Only if it was reasonably foreseeable that the particular employee would suffer psychiatric injury, rather than distress or upset, will the duty of care arise. What matters is the employer's state of knowledge.

The court in Fraser -v- State Hospitals Board for Scotland said "it is a considerable leap to go from a position whereby a Manager knows or ought to anticipate that his decisions will cause an employee emotional upset... to the stage where he knows or ought to

For further information
On HSE's work to tackle work-related stress in education
email education.stress@hse.gsi.gov.uk

Press enquiries
Elizabeth Timms 020 7717 6712
Out of hours 020 7928 8382

For further information
On the Management Standards
www.hse.gov.uk/stress/standards
On the National Well-Being Programme from
Worklife Support - www.worklifesupport.com

Improving Teachers' Wellbeing

The charity Teacher Support Scotland is working with Fife and Renfrewshire Councils to pilot a project designed to improve wellbeing among teachers in twenty schools.

At the heart of the project is the 'Wellbeing Programme' developed successfully in England. An organisational self-review (OSRM) is carried out by schools' staff which provides a snapshot of the school's 'wellbeing'. The review generates detailed reports which are presented to the school by specially trained Coordinators. Volunteer Facilitators work to support changes and developments determined by all school staff. Recommendations may be incorporated into development plans. The OSRM is repeated after a year.

Research shows that when attention is paid to individual and

organisational wellbeing positive outcome follow. Management and leadership issues are more likely to be addressed and individuals become more resilient. Collegiate working is facilitated.

The local authority and external agencies play an important role in supporting schools. This support can be tailored to the specific needs of the school. The Coordinator has a vital role in assisting the school to obtain the support it needs, while helping the school to take ownership and responsibility for its own wellbeing and effectiveness. Initial indications from participating schools are encouraging.

More information on the project can be found on the Teacher Support Scotland Website www.teachersupport.info along with lots of useful information and advice on health, wellbeing and lifestyle issues for teachers: or call them on 0131 220 0872. ■

AGM snippet

Tackling stress related illness

The growing problem of stress-related illness in the teaching profession was the subject of a motion proposed by Robin Irvine (Renfrewshire).

"It is estimated that teacher absences through illness costs in excess of £43M per year, and this is probably a conservative estimate", said Mr Irvine. "The issue of teacher health and wellbeing needs to be addressed, and multi-level approaches are needed to tackle occupational health issues.

Occupational health for teachers should be standardised across Scotland, and should specifically target the causes of stress related illness in teachers."

Pat Swanson (Renfrewshire) seconded the motion, saying "This needs to be properly funded. We cannot tackle the issue of occupational health on a shoestring."

AGM delegates shared these concerns, and overwhelmingly voted in favour of the motion. ■

anticipate that it will cause the employee to suffer psychiatric illness". It is only in the latter case that the duty arises.

Hatton vs Sutherland tells us that employers are entitled to assume that the employee can withstand the normal pressures of a job, unless they know of a particular vulnerability in the employee. The onus is on the employee to make sure that the employer knew or ought to have known about the likelihood of psychiatric injury.

3. Breach of Duty

The duty on the employer, if it arises, is to take reasonable care to try to prevent injury occurring. What constitutes reasonable care will depend on the particular circumstances of any given case. Guidance in Hatton -v- Sutherland was approved by the House of Lords in Barber -v- Somerset County Council. That guidance tells us:-

- (i) There will only be a breach if the employer failed to take reasonable care, having regard to the magnitude of the risk, the gravity of the harm which may occur and the cost and practicability of preventing it.
- (ii) It must be shown that any steps which the employer could and should have taken would in fact have done some good.
- (iii) The interests of other employees must be considered.

- (iv) An employer will not be expected to sack/demote an employee for the employee's own good.

4. Causation

It must be established, with medical evidence, that the breach of duty has caused, at least in part, the psychiatric illness.

Conclusions

My experience of dealing with these tests in practice highlights the difficulties they present.

For example, the employer of one claimant, returning after an absence of several weeks due to stress brought on by problems in her working relationship with a colleague, made arrangements to try to address the problems. The arrangements did not operate as anticipated, failed to improve things and the individual again became ill. Nevertheless, the claim did not proceed because, although the steps taken by the employer did not prevent further illness, they were probably enough to satisfy the duty to take reasonable care for their employee.

Given the many potential pitfalls, it is only the most cogent of claims which should be advanced. ■

Colin Sandilands is an associate in the Commercial Litigation and Advocacy department of Maclay, Murray and Spens.

SCOTTISH RETIRED TEACHERS ASSOCIATION

The Pensions Struggle

A history of the challenges faced by retired teachers.

"This lady was the first graduate woman teacher in her area. She had retired in 1948 on an occupational pension of £3.00 per week. On this she survived into her eighties. Her clothes never varied in colour or style – she unpicked the seams, reversed the material and stitched it all up again."

"I feel things becoming more and more difficult. It is three years since I had a holiday, and it seems unlikely that I will ever get one again – a sad reward for over thirty years service in a city school. I have to plan with the greatest care not only what and where to buy, but when to make my purchases. I find the cost of living goes up at the end of the week."

- Two views from retired teachers over 50 years ago.

To say that the SRTA owes its existence to desperation is no overstatement. The year was 1950. Those, who were pensioners then, had worked for small salaries made smaller by the "Geddes Axe" in the 1920s, and by further cuts in the Depression of the 1930s. By 1950 inflation was well under way, and the plight of the older pensioner in particular was not to be envied.

The Association has some tasks ahead of it, eg to persuade Scottish Parliament to keep a weather eye on pensions not only for retired teachers but for ALL retired persons; and to continue to promote long-term help for the elderly.

All this and more will be found in the about-to-be published history of the Association. Members of the Association will receive a free copy along with the annual "Bulletin". Join now to have a copy and read about "The Pensions Struggle". ■



CORRECTION: Edinburgh local association - New contact details Please note that the new contact telephone number for Edinburgh Local Association, published in last month's SEJ, was incorrect. The correct contact number for the Edinburgh Local Association office is 0131 477 0866. Please use this number for any future contact with the Edinburgh Local Association office.

Contact for further details:
National Secretary, Douglas N Currie,
129 Mayfield Road, Edinburgh EH9 3AN
0131 667 6494



Helping to deliver professionalism?

The story so far of the EIS' Learning Representatives Scheme as written by Alex Alexandrou, current chair of the International Professional Development Association who is also about to publish an evaluation of the EIS Learning Representative project.

Since the beginning of 2005 I have been evaluating the first cohort of 31 authority based EIS Learning Representatives (LRs) as part of my ongoing research into the phenomenon that is union learning representatives (ULRs). The aim of my evaluation was to examine developments to date and what had been achieved. The findings of my research I believe make for interesting reading but also serve as a warning to certain stakeholders within the Scottish education system.

My research revealed that key strategic stakeholders such as the Scottish Executive, General Teaching Council Scotland (GTCS) and Learning and Teaching Scotland (LTS) are fully and openly supportive of the LRs scheme. Mathew MacIver, the Chief Executive of GTCS feels that the LRs "...continue to operate at a level which is of critical importance to the practising teacher. They will know the needs of classroom teachers better than anyone. It is in that critical area then that Learning Representatives are crucial. They will have the credibility in the classroom that others will not". He is backed up in his belief as to the importance of the LRs by Bernard McLeary, the LTS Chief Executive who states "...we fully support them; we support them in principle and want to offer

"...there is a disturbing lack of knowledge and understanding as to who LRs are and what they do..."

Alex Alexandrou

them practical support to develop their role". They believe that the LRs are not only part of the partnership approach to the professional development of teachers but an important element in helping to deliver on the CPD aspects of the McCrone Agreement.

It is safe to say that the EIS was taking a major risk when it embarked on creating a new layer of lay representation within the Institute but my evaluation shows that the risk was worth taking and the LRs are proving to be an integral part of CPD in Scottish education. This first cohort of LRs are a dedicated and enthusiastic group who are committed to the cause of teacher professional development and in a number of cases are working very closely with CPD co-ordinators to devise

strategies and plans to help teachers deal with significant CPD decisions. In Dundee and North Lanarkshire, the respective LRs have gone as far as setting up websites for their colleagues in these areas that keep them updated on CPD developments and how the LRs can help them. The LRs have not only demonstrated their initiative and resourcefulness when it has come to establishing themselves but also in overcoming obstacles that have been put in their way deliberately or inadvertently.

Significantly, the majority of the LRs are what is termed "new activists". These are members that have never held any type of position within the Institute prior to volunteering to become a LR. This achievement should be celebrated for two reasons. Firstly,



the EIS proportionately recruits more than twice as many new activists as most other unions and secondly because of the reasons why these new activists became LR's. My research revealed that the main reason the LR's volunteered was to help their colleagues in relation to their professional development partly based on their experiences and partly because of their deeply held belief that professional development of teachers is integral to the success of the Scottish education system. They also joined up because they had a genuine interest in the role rather than being driven by any personal ambition or interest.

The EIS is far more advanced than most other unions when it comes to having the structures in place to aid the LR's. For example, it has a dedicated LR's administrator and two national officials who help to oversee developments; a specialist LR's training course run by the University of Paisley that is far more advanced than the basic five day course run by the STUC; a dedicated LR's website; informative handbook and regular updates and meetings. This package ensures that the LR's are well prepared and supported and in turn are able to advise and guide colleagues in an informed manner that for example makes the decision of embarking on the Chartered Teacher Status (CTS) journey less intimidating and more comfortable.

Unfortunately not all is rosy in the LR's garden through no fault of their own and has much to do with the operational stakeholders within the education system, most notably, local authorities and head teachers. My research has revealed that these two stakeholders are making life difficult for LR's, particularly when it comes to giving them reasonable time-off to carry out their duties. This is despite the fact that time-off for LR's is enshrined in law in the form of the Employment Act 2002 and has been in force since April 2003.

There is evidence to suggest that local authorities and head teachers are suspicious of LR's but there is no logical explanation for this as there is no logical explanation for CPD co-ordinators fearing LR's. The evidence suggests that a number of co-ordinators fear that the LR's will take their jobs. This is not the case. The LR's are lay representatives who have volunteered to take up their posts in order to help advise and guide their colleagues in relation to CPD particularly CTS and should be seen as an additional resource that is extremely cost effective.

My research also shows that amongst these operational stakeholders there is a disturbing lack of knowledge and understanding as to who LR's are and what they do, which may explain the above mentioned unfounded suspicions. In a survey of head teachers almost 41% of those who participated did not know who a LR is. Those that did know where not only able to describe what a LR does but a number of them highlighted what an asset they can be.

My research also highlighted the continuing scepticism of teachers in relation to the McCrone Agreement and the CTS initiative in particular, with many deciding not to pursue CTS. However, it is not only scepticism that is at the root of them not taking up this opportunity. Other reasons were

cited such as the current workload; significant increase in bureaucracy and accountability; work-life balance issues and having to pay for CTS. There is also the belief that CPD is not a significant priority for a lot of school managers and that if there is to be professional development then it has to be based on the needs of a school rather than the individual. Unfortunately, this negative attitude has knock-on effects in schools where some teachers will criticise colleagues who decide to do CTS, whilst others do not tell anyone that they have embarked on the CTS journey.

In turn because of this negativity a lot of teachers are not taking advantage of seeking advice and guidance from the EIS LR's, which makes their job much harder, particularly as they are unpaid volunteers who are motivated by helping teachers make informed decisions on professional development.

However, the LR's are a determined lot who remain undaunted by some of the obstacles put in their way and they are here for the long haul and what keeps them going is not only that they want to help fellow teachers but they can also see results when they do as the following example highlights – "...I was taken aback when a colleague asking for advice became very emotional as she lacked confidence to take on a course. I believe my experience on the LR module did allow me to expect this and I have been successful in working with the teacher who is now enrolled on Module One".

A positive note to end on that shows the LR's have confidence in their own ability to help teachers based on their training and understanding of their colleagues needs. The LR's are there to help and EIS members should take advantage of the service they offer. ■

Alex Alexandrou



Alex Alexandrou is a freelance academic specialising in the fields of education, human resource management and trade unions. He is currently Chair of the International Professional Development Association and sits on the Editorial Board of the Journal of In-Service Education. He has published widely and has recently co-edited *The Continuing Professional Development of Educators: Emerging European Issues* (Symposium Books, 2005).

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