

Citizen Participation and Public Petitions Committee

9th Meeting, 2023 (Session 6), Wednesday
31 May 2023

PE1953: Review Education Support staff roles

Petitioner	Roisin Taylor-Young
Petition summary	<p>Calling on the Scottish Parliament to urge the Scottish Government to review Education Support (ES) staff roles in order to consider:</p> <ul style="list-style-type: none">• Urgently raising wages for Education Support Staff across primary and secondary sectors to £26K p/a• Increasing the hours of the working day for ES staff from 27.5 to 35 hours• Allowing ESS to work on Personal Learning Plans with teachers/ take part in multiagency meetings.• Requiring ESS to register with Scottish Social Services Council• Paying ES staff monthly
Webpage	https://petitions.parliament.scot/petitions/PE1953

Introduction

1. The Committee last considered this petition at its meeting on 9 November 2022. At that meeting, the Committee agreed to write to the Scottish Government, COSLA and the Scottish Social Services Council.
2. A petition summary briefing can be found at **Annexe A** and the Official Report of the Committee's last consideration of this petition is at **Annexe B**.
3. The Committee has received two written submissions from COSLA, the then Cabinet Secretary for Education and Skills, Shirley-Ann Somerville MSP, and the Scottish Social Service Council which can be found at **Annexe C**.

4. Written submissions received prior to the Committee's last consideration can be found on the [petition's webpage](#).
5. Further background information about this petition can be found in the [SPICe briefing](#) for this petition.
6. The Scottish Government's initial position on this petition can be found on the [petition's webpage](#).
7. Every petition collects signatures while it remains under consideration. At the time of writing, 37 signatures have been received on this petition.

Action

The Committee is invited to consider what action it wishes to take on this petition.

Clerk to the Committee

Annexe A

PE1953: Review Education Support staff roles

Petitioner

Roisin Taylor-Young

Date lodged

18 August 2022

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to review Education Support (ES) staff roles in order to consider:

- Urgently raising wages for Education Support Staff across primary and secondary sectors to £26K p/a
- Increasing the hours of the working day for ES staff from 27.5 to 35 hours
- Allowing ESS to work on Personal Learning Plans with teachers/ take part in multiagency meetings.
- Requiring ESS to register with Scottish Social Services Council
- Paying ES staff monthly

Previous action

In my capacity working in Education, I have raised my concerns with various Scottish Ministers and my local MSP.

I have also written to various politicians including, Shirley Anne-Somerville MSP, Clare Haughey MSP, Maree Todd MSP, Carol Mochan MSP, Michael Marra MSP, Paul Sweeney MSP, Alison Thewliss MP and Susan Aitken (leader of Glasgow City Council)

I have so far not heard anything back from any of those I contacted.

Background information

ESS work with children and YP (CYP) with Autism, Dyspraxia, Dyscalculia, Down Syndrome, visually impaired, Hearing impairments, Mosaic Downs Syndrome, trauma, care experienced, EAL, asylum seekers, unaccompanied refugees, Social, Emotional and Behavioural Needs, CYP at risk of self-harm/ suicide, CYP with risk assessments.

- ESS are not involved in ASN Plans/multiagency work
- No SSSC registration deprives ESS of basic working standards
- ESS are not paid remuneration based on qualifications. In comparison to 5.5% wage rise for teachers in 2020 starting £27-32K whereas, ESS are paid est. £14K. Low wages mean Universal Credit dependency
- Many ESS are paid on a four-weekly basis, meaning sanctions 2/3 p/a by UC
- Many ESS are female and this affects women, including their children
- ESS roles are left unfilled. The wages are not attracting talent. People are leaving jobs facing a wage crisis.
- The Scottish Government has a legal duty to comply with (Additional Support for Learning) (Scotland) Act (2004), Inclusion, GIRFEC, UNCRC.

Annexe B

Extract from Official Report of last consideration of PE1953 on 9th November 2022

The Convener: PE1953, on education support staff roles, was lodged by Roisin Taylor-Young. The petition calls on the Scottish Parliament to urge the Scottish Government to review education support staff roles to consider: urgently raising wages for ESS across primary and secondary sectors to £26,000 per annum; increasing the hours of the working day for ESS from 27.5 to 35 hours; allowing ESS to work on personal learning plans with teachers and take part in multi-agency meetings; requiring ESS to register with the Scottish Social Services Council; and paying ESS staff monthly.

Roisin emphasises the importance of support staff, stating that they are absolutely essential to children's education, support, care and wellbeing. She tells us that support staff are "bitterly overworked and chronically underpaid" and that there have been a number of equal pay claims for Scottish councils.

The Scottish Parliament information centre briefing states that classroom assistants are not required to have a professional registration currently. However, SPICe goes on to say that the Scottish Government is committed to exploring options for the development of an accredited qualification and registration programme for additional support needs assistants in collaboration with trade unions and other key stakeholders. That will result in final proposals, which are due to be brought forward by autumn next year.

The Scottish Government highlights that a pupil support staff working group has been established to consider how pupil support staff can be empowered and supported. The group is currently engaged with and seeking the views of pupil support staff on its work.

Do members have any comments or suggestions on the petition? Mr Stewart, you are stepping forward again. Thank you.

Alexander Stewart: I suggest that we write to the Scottish Government to ask how it intends to engage with stakeholders in its delivery of the commitment to explore options for the development of an accredited qualification and registration programme for additional support needs assistants, and how the petitioner can engage with the pupil support staff working group.

We could also write to the Convention of Scottish Local Authorities, seeking a view on the issues that are raised in the petition and requesting information on the frequency and cost of equal pay claims that have been lodged in relation to education support staff roles. In addition, we could write to the Scottish Social Services Council, seeking a view on the issues that are raised in the petition and requesting information on the requirements for and processes of registration.

The Convener: As there are no other suggestions, are members content to progress as recommended?

Members *indicated agreement.*

Annexe C

COSLA submission of 12 December 2022 PE1953/C: Review Education Support staff roles

Thank you for asking COSLA to provide a response on the above Petition. COSLA and all our member local authorities are fully committed to the provision of Additional Support for Learning by providing the right kind of support to enable all children and young people to be fully included and to achieve the best they can.

You have asked us to provide information on the frequency and cost of Equal Pay claims lodged in relation to Education Support staff roles.

This is information that COSLA does not hold nor would be able to provide any breakdown in relation to.

On the points made by the Petitioner on the potential costs for current equal pay claims, the Petitioner appears to be using figures which relate to historical claims that have been settled across Councils in relation to a wide range of jobs and roles.

Historically local authorities did pay out large sums to staff, generally speaking this related to men and women doing similar roles but being paid differently. In 1999, Scottish councils and trade unions reached the Single Status Agreement. The aim of the agreement was to harmonise local government pay and employment terms and conditions and eliminate pay inequality.

In 2017 Audit Scotland published their Report [Equal Pay in Scottish Councils](#). Which notes that in 1997, a UK-wide agreement was reached to unify the pay structures of different groups of council employees. This became known as the Single Status Agreement or the 'Red Book'. This agreement covered around 1.4 million workers across the UK. Scottish councils and trade unions negotiated the Scottish version of the SSA in 1999. By harmonising employment terms and conditions and grading all jobs on the same scale.

ESS workers are part of the Local Government SJC national bargaining which is underpinned by local job evaluation schemes that properly assesses the salary of workers and ensures equality of pay across the

workforce. They are represented in this by the trade unions that they are members of.

In relation to the Petition, we provide the following comment on the five asks the Petitioner has raised:

Urgently raising wages for Education Support Staff across primary and secondary sectors to £26K p/a

The Petitioner is correct that there are no national rates for non-teachers employed by local authorities to support pupils in roles which are called different things such as Pupil Support Assistants. The Petitioner makes reference to equal pay. Under the Single Status Agreement jobs within a local authority are subject to Job Evaluation which compares the skills and attributes required for different roles and determines pay levels. If one part of the local authority workforce was to have their salary increased separately (the Petitioner appears to be asking for an 85% increase from their employer) there would be a knock-on effect and all other roles would also need to be updated in line with that increase and that therefore brings wider affordability issues that must be considered and accounted for.

Whilst various existing qualifications will be held by post holders, and these may enhance their ability to do the job, it is the job itself which will determine the pay level. Scottish Government has established a working group to look at qualifications for Pupil Support Assistants and COSLA officers are members of the working group which has been engaging with both learners and Pupil Support Staff working through what qualifications may be appropriate. This work is ongoing and is an acknowledgment of the important role support assistants play in the learning of children and young people.

Increasing the hours of the working day for ES staff from 27.5 to 35 hours

The Petitioner would like parity in contracted hours with teachers. Different hours will be worked by Pupil Support Assistants, to some extent this is about choice and meeting the needs of the pupils in the individual school, who may not require support in all activities and classroom activities. Additionally, teachers have designated non-contact time in their contracts. Pupil Support Assistants tend to be on sessional contracts, as are some other employees with roles linked to schools. In this case, when the school is closed for holidays, they are not

renumerated. Changing this would have financial implications related not only to those in support assistant roles but other roles within councils.

Allowing ESS to work on Personal Learning Plans with teachers/ take part in multiagency meetings.

As we note later, in relation to registration, the teacher in the classroom is registered and ultimately responsible for supervising the work of the Pupil Support Assistant and the wellbeing and safety of the young people in their care. Decisions on what role the Pupil Support Assistant does or does not take in Personal Learning Plans and in multiagency meetings will be determined locally. Whilst it is the Petitioner's experience that they are not involved in these activities, others may be involved subject to school and teacher practice and discretion. Where that is the case local job evaluation will consider these factors.

Requiring ESS to register with Scottish Social Services Council

The Petitioner is calling for registration of Pupil Support Assistants, by either the GTCS or the SSSC. We understand this ask and note that the Scottish Government have committed to registering Instrumental Music instructors with the GTCS (though this is a much smaller workforce than those working as Pupil Support Assistants). Both the GTCS and the SSSC hold those registered to account in relation to their practice and having a large section of staff in a sensitive role unregistered is unusual. As noted however, it is the teacher in the classroom who is registered and ultimately responsible for supervising the work of the Pupil Support Assistant and the wellbeing and safety of the young people in their care.

Paying ES staff monthly

In relation to changing pay periods to impact Universal Credit payment sanctions, that question should be directed to those responsible for UK benefits. The Petitioner could also ask their employer to review pay dates however, it should be noted that unless an employee discloses to their employer that they are on Universal Credit they have no way of knowing this information, and payroll systems must cater for the whole workforce. Where individual employees do require assistance, many councils have in place access to financial inclusion services that can assist them, and this information should be readily available through employer communication channels.

Thank you for asking us to comment on the Petition.

Cabinet Secretary for Education and Skills submission of 6 January 2023

PE1953/D: Review Education Support staff roles

I am writing in response to your correspondence dated 14 November 2022 in relation to the petition calling on the Scottish Parliament to urge the Scottish Government to review Education Support (ES) staff roles.

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

The Group has begun investigating what accreditation provisions are already in place inside the educational sector and what model could be adopted. The Group will work closely with the Unions. The Pupil Support Staff Engagement Program led by Education Scotland, which is currently in progress, aims to get input from the workforce on the necessity of accrediting training and registration for assistants for additional support needs.

The secretariat of the Pupil Support Staff Working Group can assist the petitioner in engaging with the Group.

Scottish Social Service Council submission of 20 January 2023

PE1953/E: Review Education Support staff (ESS) roles

Many thanks for your 19 December 2022 e-mail asking for the Scottish Social Services Council's (SSSC) view on [Petition PE1953: Review Education Support staff \(ESS\) roles](#). Our response focuses on the registration of ESS workers.

The SSSC

The SSSC is the regulator for the social work, social care and children and young people workforce in Scotland. We regulate workers and promote their education and training. We protect the public by

registering the social work, social care and children and young people workforce, setting standards for their practice, conduct, training and education and by supporting their professional development. Where people fall below the standards of practice and conduct, we can investigate and act.

Regulation of ESS workers

The [briefing by the Scottish Parliament Information Centre](#) notes that the ESS role may refer to staff delivering learning support in the classroom, such as classroom assistants or pupil support officers. We regulate the social work, social care and children and young workforce, including some roles delivering care within, or attached to, educational settings. If it is deemed necessary to professionally regulate these workers to protect children and to raise standards, consideration should be given as to who is best placed to do so. We note the discussion about whether some of these workers should register with the General Teaching Council Scotland. We also note the [July 2022 submission by the Cabinet Secretary for Education and Skills](#) setting out the Scottish Government's approach to supporting the ESS workforce.

I hope this is helpful. Please let me know if you require any further information.