



Close the Gap submission to Scottish Government call for views: Education (Scotland) Bill

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Close the Gap is Scotland's policy advocacy organisation working on women's labour market participation. For more than two decades, we have been working with policymakers, employers and employees to influence and enable action that will address the causes of women's labour market inequality.

Introduction

Education and skills policy is a strategic focus for Close the Gap as areas that influence women's labour market inequality. Close the Gap therefore welcomes the opportunity to respond to this call for views on the Education (Scotland) Bill. We engage with a wide range of education stakeholders on key education policy frameworks and programmes, including on Curriculum for Excellence, Getting It Right for Every Child, and Developing the Young Workforce, and as part of the Gender Equality Taskforce in Education and Learning. Throughout this work we have advocated for a gender mainstreaming approach alongside the delivery of specific commitments on gender equality, providing support at a strategic and delivery level to a range of education stakeholders.

The Education (Scotland) Bill is an opportunity to establish a new His Majesty's Chief Inspector of Education in Scotland that embeds tackling gender inequality in education in its approach to inspections and reporting. This new inspectorate must provide public accountability and assurance on the quality of education environments. The quality of an education environment is inextricable from the quality of the education being provided. Students learn best in environments that are inclusive and safe. This is of particular importance for girls and young women, as many feel the education environments are not inclusive to them, and they experience high levels of gender-based violence at school.¹ Moreover, many young women and girls have voiced concerns about gender inequality and gender-based violence in various educational settings for many years, but so far, this has not resulted in any substantive or meaningful change to address these issues.

School inspections, therefore, have a critical role in ensuring the education environment is safe, inclusive and able to provide quality education to learners. As such, it is important that

¹ Scottish Government. *Gender Equality Taskforce in Education and Learning – Overview*, available at: <https://www.gov.scot/groups/gender-equality-in-education-and-learning-taskforce/>

the establishment and delivery of new education inspectorate body is gender competent, with considerations of equality embedded from the outset.

Answers to specific questions

Q4: Part 2 of the Bill establishes the role of HM Chief Inspector of Education in Scotland, setting out what they will do and how they will operate. What are your views of these proposals? E.g. Do they allow for sufficient independence?

Close the Gap is generally supportive of the establishment of the new inspectorate; however, we are concerned that the content of the Bill itself is insufficient to ensure that the Chief Inspector takes meaningful account of the gendered inequalities faced by women and girls in the education system, and uses its role to tackle them.

Gender inequality is a problem spanning the cradle to the labour market, and beyond. Girls and boys have different experiences in school which shape their lives and their futures, and influence their decisions on entering post-school education, and the labour market. Evidence shows that gender stereotyping from a very early age has an impact on the decisions that girls and boys, and young women and men, make about subject and career choice.²

Research shows that as children and young people progress through the education system, their ideas about gender and work become increasingly fixed, and results in their concentration in subjects, based on gender stereotypes.³ Gender segregation in subject choice in schools is a primary cause of gender segregation in apprenticeships, and in colleges and universities, where similar patterns of segregation can be seen.

This all feeds into a labour market characterised by gender inequality. Despite young women outperforming young men at all levels and in almost all subjects, this does not translate into the equivalent in positive employment outcomes. Women are still concentrated into low paid, low status, undervalued work, such as in childcare, social care, administration, cleaning, and retail, and under-represented in senior roles across all sectors. For graduates, there is a gender pay gap from the moment they step into the labour market.⁴ Women's employment inequality contributes to women's higher levels of poverty, particularly in-work poverty, and consequently child poverty.

While there are commonalities experienced by all women, disabled women, BME women, women of particular faiths, lesbian and bisexual women, trans women, refugee women,

² Chambers, N. Kashefpakdel, E.T. Rehill, J. & Percy, C. (2018) *Drawing the Future: Exploring the career aspirations of primary school children from around the world*, Education and Employers

³ Van der Vleuten, Maaïke, Eva Jaspers, Ineke Maas & Tanya van der Lippe (2016) "Boys' and girls' educational choices in secondary education: The role of gender ideology", *Educational Studies*, 42:2, 181-200

⁴ Higher Education Statistics Agency (2022) *Higher Education Graduate Outcomes Statistics: UK, 2020/21 – Summary*. Available at: <https://www.hesa.ac.uk/news/31-05-2023/sb266-higher-education-graduate-outcomes-statistics/salary>

young women, and older women experience different, multiple barriers to participation in the labour market, and to progression within their occupation as a result of the intersecting inequalities they face. Girls and young women will face a similar problem of this intersectional inequality in education and learning. Education outcomes are poorer for girls and young women who are from racially-minoritised communities, or who are disabled. Moreover, Girlguiding found that girls and young women of colour are significantly less likely to feel safe at school than their white counterparts.⁵

Sexual harassment and sexualised bullying are a cause and a consequence of gender inequality and persist at epidemic levels in education settings. 71% of 16-18-year-olds say they have heard sexual name-calling such as “slut” or “slag” towards girls at school daily or a few times per week and 29% say they have experienced unwanted sexual touching at school.⁶ The 2023 Girlguiding Girls’ Attitudes Survey found that more than two in three girls or young women reported that boys or young men in their school have made comments about girls and young women that have made them feel uncomfortable, and that they would describe as toxic. More than two in five girls or young women (44%) revealed boys or young men at their school have made comments about girls and women that have made them feel scared for their safety. Concerningly, just one in four girls (27%) believe that sexist comments are dealt with seriously at school.⁷

In 2022, the Children’s Parliament undertook research on the experiences and views of girls and young women in Scotland on gender equality.⁸ The findings around gender-based violence were stark. Girls spoke of having to leave class five minutes early to avoid harassment from boys in school corridors. The experiences that girls shared casually were shocking depictions of sexism and sexual violence. However, in many cases they were not even recognising them as such because of how pervasive and common they were. Many were not reporting these instances, and felt girls were not able or encouraged to share their experiences of sexism or anxieties linked to their gender. Moreover, their experiences were minimised where they did communicate them. Girls also expressed concern around the level of sexism faced by female teachers, which goes unchallenged. They felt that their teachers often seem resigned to sexism in school and powerless to change things.

Furthermore, the Behaviour in Scottish Schools report found that 10% of primary school teachers and 27% of secondary school teachers reported witnessing sexist abuse or

⁵ Girlguiding (2022) *Girls’ Attitudes Survey 2022*. Available at: <https://girlguiding.foleon.com/girls-attitudes-survey/2022-report/>. Accessed December 2023

⁶ YouGov (2010) *End Violence Against Women Poll*

⁷ Girlguiding (2023) *Girls’ Attitudes Survey 2023*. Available at: <https://www.girlguiding.org.uk/globalassets/docs-and-resources/research-and-campaigns/girls-attitudes-survey-2023.pdf>

⁸ Scottish Government (2022) *Children’s Parliament: Gender Equality in Education and Learning*. Available at: <https://www.gov.scot/publications/childrens-parliament-gender-equality-education-learning-theory-change-model/documents/>

harassment of other pupils at least once in the last week.⁹ It is not acceptable that education environments remain such an unsafe place for girls and young women.

The same must be said for female teachers. The Behaviour in Scottish Schools report also found a rise in sexist abuse towards staff, with 18% reporting an experience of sexist abuse or harassment within the last week.¹⁰ For support staff, the vast majority of whom are women, the figure was 22%. Levels of sexist abuse have risen for all groups, but have risen more for support staff than among headteachers and teachers. Support staff were more likely than headteachers or teachers to encounter almost all types of serious disruptive behaviours between pupils. A higher proportion of support staff reported having experienced the greatest number (21 or more) instances of physical aggression and violence towards them in the last 12 months compared with other staff.¹¹

Participants in this research also reported a rise in misogynistic views expressed by male pupils, giving examples of male pupils directing abusive and sexist language and more disruptive behaviour towards female teachers in a way that they did not towards male teachers.¹² Education settings where sexism and sexual harassment are not effectively challenged enable these behaviours and attitudes to flourish and create a conducive context for toxic workplace cultures.

Education settings that do not challenge gender norms and stereotypes entrench gender segregation in subject choice, occupational segregation in the labour market and wider gender inequality. The new inspectorate must therefore use its role to help tackle the causes of gender inequality in early years settings and schools.

Consequently, Close the Gap is concerned that gender inequality in education has been given only minimal consideration in the development of the Education Bill. It is notable that the Equality Impact Assessment (EqIA) carried out on the Bill contains no information on gender segregation in subject or career choice, two central features of girls' and young women's inequality in education and in the labour market, despite this data being widely available. The only gender-disaggregated data included is on attainment and participation levels, neither of which illuminates the entrenched inequality in the education system. Further, the EqIA fails to mention sexual harassment at all. This is a significant concern, given the extensive data available on girls' and women's experience of sexual harassment and sexualised bullying in schools and other education settings – as both pupils and teachers. The failure to include this key data in the EqIA suggested that tackling these serious issues has not been considered in the development of the Bill.

⁹ Scottish Centre for Social Research (2023) *Behaviour in Scottish schools: research report 2023*. Available at: <https://www.gov.scot/publications/behaviour-scottish-schools-research-report-2023/documents/>

¹⁰ Ibid.

¹¹ Scottish Centre for Social Research (2023) *Behaviour in Scottish schools: research report 2023*. Available at: <https://www.gov.scot/publications/behaviour-scottish-schools-research-report-2023/documents/>

¹² Ibid.

It is vital that Committee considers how tackling gender equality can be mainstreamed within the Bill, to ensure it leads to the establishment of a gender-competent system of inspection. This is essential to ensure the specific needs of young women and girls are met and the challenges they face are recognised.

Close the Gap welcomes the new inspectorate body being subject to the Scottish-specific duties of the public sector equality duty (PSED). However, in recognition of wide-ranging concerns about the lack of impact of the duties, and concomitant reform process underway, they cannot alone be relied on to ensure a new inspectorate mainstreams gender equality across its functions. Rather, the Bill must make an explicit commitment to embed gender equality considerations in inspection plans and reports thereon.

Q5. What are your views on the reporting requirements set out in the Bill, including the requirement to report on the performance of the Scottish education system?

It is critical that reporting within the new inspectorate is able to identify and report on gendered inequalities in education settings if it is to lead to tangible improvement in the education system. For reporting to achieve this, inspection criteria must include an assessment of gendered inequalities in education settings. While the Bill may not go so far as to set out the structure of inspections themselves, the Bill is the framework from which inspections will follow, therefore it is essential that the section 36.2 of the Bill provides clear direction on the need for gender equality considerations to be included in inspection plans and inspection criteria.

This is essential in order to ensure that implementation work embeds the necessary actions and competence to identify gendered inequalities in education establishments. For example, in order to effectively use evidence, the right data must be gathered. Gender-sensitive sex-disaggregated data is data that is broken down by sex, so that it is possible to compare and contrast differences between boys and young men and girls and young women. However, it is not merely about counting boys and young men and girls and young women, but also about utilising statistics and other information that adequately reflect gendered differences and inequalities in the situation of women and men.¹³ If gender inequality considerations are not embedded in inspection criteria, it is likely that a new inspectorate will fail to gather the right data that enables identification of gendered inequalities within the education system, and can drive improvement on these issues.

In addition, effective use of evidence will require adequate training for inspectors and staff involved in evidence analysis to build their gender competence and enable them to

¹³ Engender (2020) *COVID-19: Gathering and using data to ensure that the response integrates women's equality and rights*. Available at: <https://www.engender.org.uk/content/publications/Covid-19-Gathering-and-using-data-to-ensure-that-the-response-integrates-womens-equality-and-rights.pdf>

effectively identify whether education settings are sustaining or reducing gendered inequalities.

Evidence shows that, where a requirement to consider gender inequality is not made explicit, for example in inspection plans and criteria, it is unlikely to be embedded in practice. We therefore call for section 36.2 of the Bill to require inspection plans to include assessment of gendered inequalities in education.

Q7. In your view, what should the outcomes of the Bill be?

Close the Gap believes that one of the key outcomes of the Bill should be that the inequalities faced by girls and young women in education are successfully addressed, and teaching environments are free from sexual harassment and sexualised bullying, of both pupils and teachers. Tackling the gender inequalities within educational settings is crucial for addressing the systemic and lifelong gender inequalities women and girls face. In addition, addressing the sexualised bullying and sexual harassment that female pupils and teachers face is likely to result in a safer and more inclusive learning environment, which will improve the quality of education pupils receive.

We would also like to see the establishment of a gender-competent school inspectorate, which has gender mainstreamed in its functions and inspection plans, as an outcome of the Bill. Ensuring the inspection system is gender competent is vital for it to be able to effectively identify and make recommendations to tackle gender inequality in education. Without explicitly embedding gender as a core consideration for the inspectorate, it is unlikely that the new inspection system will be able to adequately address gendered issues in the education system.

Q8. Do you have any other comments about the Bill?

Advisory Council

The Bill sets out that the new Chief Inspector will have to create and maintain an Advisory Council. If the Inspectorate is to help address systemic gender inequalities throughout the education pipeline, it is vital that the Advisory Council includes gender expertise. This will ensure that the Advisory Council is able to give effective advice to the Chief Inspector on how they may best deploy inspection to tackle gender inequality in education. Without this, the specific experiences of girls and young women, and the inequalities they face in education settings, are likely to be rendered invisible in implementation.

Equality impact assessment

As set out in our response to question 4, the Equality Impact Assessment (EqIA) for the Bill has missed out critical aspects of the educational experiences for young women and girls –

particularly around sexual harassment and sexualised bullying. Sexual harassment and sexualised bullying are a cause and a consequence of gender inequality and persist at epidemic levels in education settings. For example, more than two in five girls or young women (44%) revealed boys or young men at their school have made comments about girls and women that have made them feel scared for their safety, and just one in four girls (27%) believe that sexist comments are dealt with seriously at school.¹⁴ Previous research has found female students, teachers and support staff have felt their experiences of sexism and sexualised harassment were not taken seriously, and have raised concerns over a rise in misogynistic views expressed by male pupils.¹⁵ It is not acceptable that education environments remain such an unsafe place for girls and young women. Education environments where sexism and sexual harassment are not effectively challenged enable these behaviours and attitudes to flourish, and create a conducive context for toxic workplace cultures.

The omission of this key data from the EqIA indicates that gender inequality in education has not been adequately considered in development of the Bill. This demonstrates the necessity of ensuring gender competence in the development of inspection plans and standards, and putting equality on the face of the Bill.

¹⁴ Girlguiding (2023) *Girls' Attitudes Survey 2023*, available at: <https://www.girlguiding.org.uk/globalassets/docs-and-resources/research-and-campaigns/girls-attitudes-survey-2023.pdf>

¹⁵ Scottish Centre for Social Research (2023) *Behaviour in Scottish schools: research report 2023*, available at: <https://www.gov.scot/publications/behaviour-scottish-schools-research-report-2023/documents/>