



Close the Gap submission to the Scottish Government consultation on the provisions of the Education Bill

December 2023

1. Introduction

Close the Gap is Scotland's policy advocacy organisation working on women's labour market equality. We have been working with employers and policymakers for over 20 years to influence and enable positive action to address the causes of women's inequality in the workplace.

Close the Gap welcomes the opportunity to respond to this consultation. Education and skills policy is a strategic focus for Close the Gap as areas that influence women's labour market inequality. Close the Gap engages 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.

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.¹

¹ 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

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.² 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 gender 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.³ 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, 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.⁴

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. Education policy design and

² 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

³ 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> Accessed December 2023.

⁴ Girlguiding (2022) *Girls' Attitudes Survey 2022*. Available at: <https://girlguiding.foleon.com/girls-attitudes-survey/2022-report/> Accessed December 2023

delivery must therefore tackle the causes of gender inequality in early years settings and schools.

This necessitates a gender-competent system of inspection, with gender equality considerations shaping the creation of the system from the outset.

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

Close the Gap is broadly supportive of the purposes set out; however we feel they are incomplete. Close the Gap calls for the specific inclusion of the provision of public accountability and assurance on the quality of education environments. The purposes must also include accountability on advancing gender, and broader, equality in the education system. The quality of education environments is inextricable from the quality of education. Children and young people learn best in environments that are inclusive and safe. This is a critical issue for girls and young women, many of whom are learning in education environments that do not feel inclusive to them, and where they experience high levels of gender-based violence.⁵ There is more detail on this in our response to question 9.

In our submission to the call for views on the draft Terms of Reference of the Expert Panel and the Practitioner & Stakeholder Advisory Group, Close the Gap called for the Adviser and Expert Group to engage with gender expertise in order to ensure that gender inequality in education and skills could inform the development of education reform. We specifically highlighted the need to engage with the Gender Equality Taskforce in Education and Learning (GETEL), which is chaired by the Cabinet Secretary for Education and Skills, and was convened to identify measures to address the lack of gender equality in education and learning settings⁶. This taskforce was created as a response to the 2018 recommendation of the First Minister's National Advisory Council on Women and Girls to "[e]stablish a Commission on Gender Equality in Education and Learning, covering Early Years, Primary and Secondary Education and

⁵ YouGov (2010) *End Violence Against Women Poll*

⁶ <https://www.gov.scot/groups/gender-equality-in-education-and-learning-taskforce/>

Learning, tasked with providing bold and far-reaching recommendations on how gender equality can be embedded in all aspects of learning (from teacher training, to school behaviours/cultures, to the curriculum and CLD practice)”⁷.

Close the Gap is concerned that the Muir Review failed to engage with any gender expertise in its work. This is reflected in the report of the Review, which does not mention gender inequality.⁸ There is no recognition of the different experiences of girls and young women in education, despite the epidemic levels of gender-based violence in schools, and lack of safety in education environments. This lack of consideration of gender inequality in the foundational report of the current programme of education reform risks the creation of a new inspection system that fails to embed action to help tackle the persistent gendered inequalities in education.

Under the Scottish-specific duties of the public sector equality duty Scottish Government is required to mainstream equality across all of its functions. This means it must begin engagement with gender expertise now as part of the development of a new system of inspection. There is an opportunity now to mainstream gender equality into the core of education reform, by ensuring the new system of inspection includes within its purpose an acknowledgement of the importance of education environments and the safety thereof. It will not be possible to deliver public accountability and assurance on the quality of education to learners, their parents/carers, or to the Scottish Parliament without doing so.

To provide a further regulatory underpinning to this, any new inspection body should be designated as a listed public authority and subject to the Scottish-specific duties of the public sector equality duty. However, in recognition of wide-ranging concerns about the lack of impact of the duties, and concomitant reform process underway, the duties alone cannot be relied upon to ensure the new inspection system effectively mainstreams gender equality into its

⁷ First Minister’s National Advisory Council on Women and Girls (2018) *2018 First Report and Recommendations*. Available at: <https://onescotland.org/nacwg-news/2018-first-report-and-recommendations/> Accessed December 2023

⁸ Muir, Prof. K. (2022) *Putting Learners at the Centre: Towards a Future Vision for Scottish Education*. Available at: <https://www.gov.scot/publications/putting-learners-centre-towards-future-vision-scottish-education/documents/> Accessed December 2023

functions. Rather, this work must be made explicit and embedded throughout a new system of inspection, from the outset.

Where institutions and individuals are not directed to act on gender inequality, evidence shows that this work is unlikely to be prioritised. Homogenised calls to “embed equality education” are proven to be insufficient. This is an opportunity to tackle the impact of gender norms on girls’ and young women’s experiences and pathways in education and deliver long overdue change.

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

Close the Gap is supportive of the range of establishments proposed to be inspected. Including the core establishments that make up the education and skills pipeline will enable a whole-system view of education, and of action to tackle gender inequality therein.

In Close the Gap’s work on gender inequality in education we have engaged with numerous teachers and practitioners who have raised concerns about the lack of a joined-up approach. There are pockets of good practice happening in early years settings, and in primary and secondary schools, but often practitioners in one setting have no information on what, if any, activity on gender is happening in other settings. This drives frustration and “engagement fatigue” in teachers and practitioners who do work on gender inequality, who feel unsupported, ineffectual, and as if they are operating alone.

The majority of action on gender segregation in subject and career choice happens in secondary schools. Secondary school teachers, particularly those working with pupils at the time of subject choice decisions, and in the senior phase, often raise concerns that by the time young people get to this point the damage of gender stereotyping is done and there is little they can do to challenge it. This is a significant concern and a risk to coherent progression throughout the learner journey. Substantive and consistent action around gender inequality in education is required throughout the learner journey to

challenge the impact of gender norms on children's and young people's subject and career choices, and their wellbeing and self-efficacy.

Tackling gender segregation in subject and career choice requires a strategic approach and a focus on tackling gender norms and endemic sexual harassment and sexualised bullying in all education settings, which combine to undermine girls' and young women's rights and sustain gender inequality in the labour market and wider society. An inspection system that works across the full education and skills pipeline could provide a strong foundation for this approach.

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

Initial teacher education is a critical stage at which capacity should be built in teachers around gender equality. In particular, teachers require knowledge and capacity around gender norms, occupational segregation, and gender-based violence. The content of initial teacher education programmes varies by institution. The inclusion of content on gender equality is variable and insufficient to build the level of gender competence that teachers need to be able to embed gender equality in their work. In particular, there is a lack of focus on gender norms and stereotypes, occupational segregation, and gender-based violence. The development of a new system of inspection must give consideration to how it can effectively scrutinise the gender-sensitivity of initial teacher through the inclusion of this in its evaluation schema.

In 2005, the Equal Opportunities Commission (EOC) carried out a General Formal Investigation (GFI) into occupational segregation in the MA programme, identifying extensive gender segregation.⁹ Almost 20 years later, gender segregation is an intractable problem across the apprenticeship

⁹ Thomson, E. McKay, A. Campbell, J. & Gillespie, M. (2005) *Jobs for the boys and girls: promoting a smart successful and equal Scotland*, Equal Opportunities Commission

programme, particularly in Modern Apprenticeships.¹⁰ Male-dominated frameworks are associated with higher rates of pay than female-dominated frameworks, and have a greater positive impact on career outcomes after completion. The apprenticeship programme delivers positive outcomes for young men, but the same cannot always be said for young women.

Despite this there is little clarity and urgency around what could be done to create change. The Developing the Young Workforce strategy required specific action to tackle gender segregation in apprenticeships, however its last progress report indicated almost no progress.¹¹ Despite the public sector equality duty being in place for over ten years, and the requirements it places on listed public bodies to mainstream equality in all of their functions, action taken by Skills Development Scotland has been light touch, and has failed to engage with the substantive causes of gender segregation. A new inspectorate must therefore deliver robust scrutiny of action to tackle gender segregation in modern apprenticeships.

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

Scottish Government must fulfil its legal duty to use equality impact assessment as an integral part of policy development: gender inequality must inform the development of the priorities of a new system of inspection. A significant barrier to the prioritisation and effective delivery of action on gender inequality is a lack of monitoring and accountability. Institutions will always place priority on actions that are likely to be scrutinised. Put simply, what gets measured gets managed.

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

¹⁰ Close the Gap (2020) *A gender review of Developing the Young Workforce: Scotland's youth unemployment strategy*. Available at: <https://www.closesthegap.org.uk/content/resources/A-gender-review-of-Developing-the-Young-Workforce--Scotlands-youth-unemployment-strategy.pdf> Accessed December 2023

¹¹ Scottish Government (2019) *Developing the young workforce: fifth annual progress report 2018-2019*. Available at: <https://www.gov.scot/publications/developing-young-workforce-fifth-annual-progress-report-2018-19/> Accessed December 2023

“slag” towards girls at school daily or a few times per week and 29% say they have experienced unwanted sexual touching at school.¹² 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.¹³

In 2022 the Children’s Parliament undertook research on the experiences and views of girls and young women in Scotland on gender equality.¹⁴ 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 harassment of other pupils at least once in the last

¹² YouGov (2010) *End Violence Against Women Poll*

¹³ 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> Accessed December 2023

¹⁴ 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/> Accessed December 2023

week.¹⁵ 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.¹⁶ 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.¹⁷

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.¹⁸ 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.

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.¹⁹

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/> Accessed December 2023

¹⁶ Ibid.

¹⁷ 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/> Accessed December 2023

¹⁸ Ibid.

¹⁹ Chambers, Nick, Dr Elnaz T Kashfekpakdel, Jordan Rehill, Christian Percy (2018) *Drawing the Future: Exploring the career aspirations of primary school children from around the world*, Education and Employers

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.²⁰ 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 gender segregation can be seen.

The report of the Muir Review highlighted the opportunity to “align inspection with the vision of putting learners at the centre and incorporate the implications of the UNCRC” and to “integrate wider health and wellbeing priorities, poverty and attainment issues, and inequality, child protection, discrimination and harassment scrutiny into the re-imagining of inspection”.²¹

Girls and young women have been voicing their concerns about gender inequality and gender-based violence in education settings for years, but this has not resulted in meaningful action to address these fundamental harms.²² Their lived experience must be central to a new inspection process. Further, it is not possible for children’s rights under articles 28 and 29 of the UNCRC to be realised without consideration of how girls’ and young women’s experiences of education differ from those of boys and young men, and how their rights are impeded by persistent gender inequality and gender-based violence in education.

The inspectorate must prioritise scrutiny of the quality and safety of education and learning environments, with an explicit focus on gender-based violence and gender inequality, if it is to properly fulfil its obligations to all stakeholders.

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

²⁰ 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

²¹ Muir, Prof. K. (2022) *Putting Learners at the Centre: Towards a Future Vision for Scottish Education*. Available at: <https://www.gov.scot/publications/putting-learners-centre-towards-future-vision-scottish-education/documents/> Accessed December 2023

²² 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> Accessed December 2023

In order that evidence from inspections can be used effectively it is critical that a new inspection system is gender competent from the outset. In line with the legal duty to use equality impact assessment as an integral part of policy development this will require early engagement with gender expertise as part of the development process.

Further, 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.²³ If gender is not considered from the outset, 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 is able to drive improvement on these issues.

In addition to this, 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 effectively identify whether education settings are sustaining or reducing gendered inequalities.

²³ 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> Accessed December 2023