



CONSULTATION

Scottish Government
Wellbeing and Sustainable Development Bill:
Consultation
14 February 2024

Introduction

1. NASUWT welcomes the opportunity to comment on the Wellbeing and Sustainable Development Bill consultation.
2. NASUWT is the Teachers' Union, representing teachers and school leaders in all sectors of education.

General

3. NASUWT is leading the way on teachers' mental health and wellbeing, having addressed the issue with governments and policymakers, supported members across the UK in industrial action against adverse management practices, and developed a suite of training resources that include mental health training courses. From easy-to-use toolkits and checklists to in-depth advice and support, we have produced resources for teachers on issues such as stress, workload, mental health, and abusive behaviour.
4. NASUWT is also working with sister trade unions and organisations around the world to ensure issues around stress, mental health and wellbeing are firmly on the global agenda.

Specific Comments

5. NASUWT is concerned that by focusing overly on definitions and statutory policy drivers, the Scottish Government is seeking to divert attention from issues such as poverty, inequalities, trauma or poor housing, all of which will impact wellbeing and sustainable development.

6. Everyone will have a different baseline experience and expectation of mental health and wellbeing, given their own positionality and life experience. It was anticipated that there would be some explicit recognition that there is inherent inequality in society alongside institutional discrimination and that the Scottish Government would adopt an intersectional approach within this consultation. The intersectionality across protected characteristics is important to acknowledge as it increases the multitude of individual and societal pressures on mental health and wellbeing. It also affects an individual's likelihood of being in poverty, a further driver for mental ill health.

7. The Scottish Government should also be meeting its responsibilities under the PSED by collecting and using evidence when developing policies and approaches. When undertaking national consultation processes, such as this one, the papers should explain the evidence, issues and potential adverse impact (as well as how they plan to mitigate any adverse impact). Respondents to the consultation should be invited to comment on this information, as well as any gaps in the evidence base. Unfortunately, in almost all cases, public authorities ask equality impact questions while passively expecting others to identify the issues and the evidence.

8. There is a clear connection between wellbeing, sustainable development, race discrimination and colonialism. Please see this set out in more detail in the following Scotland Conference motions:

2023 Scotland Conference Motion: Slavery, Redress and Education

Conference believes that, given the continuing impacts of social and economic injustice, racism and discrimination, schools must be deliberate in their approach to tackling inequality and advancing equality for those who suffer disadvantage, including through the curriculum.

Conference therefore reaffirms its commitment to the decolonisation of the curriculum. Conference believes that to be impactful this must take place in tandem with national commitments to secure redress and reparation.

Conference calls on the Scottish Government to accelerate a national discussion about the implications of Scotland's involvement in slavery which should address how Scotland's past is represented in our curriculum, streetscapes and museums.

Conference further calls on the Scottish Government to take into account the long-term implications of that past and how its legacy remains a shackle on the lives of working-class and marginalised communities living in those nations, and those who, through sheer determinism, have fled their homeland to seek a better future in Europe, and Britain in particular.

Conference therefore supports efforts to secure redress and reparation for UK slavery and believes this must begin with being honest about Scotland's dark past of slavery and colonialism, making formal apologies for this, as well as acknowledging that we remain materially better off than countries we formally colonised. Conference acknowledges that Scotland therefore has a moral and ethical duty to support those countries by such means as cancelling outstanding economic bilateral debt and offering educational opportunities to refugees and asylum seekers coming from those lands, while supporting infrastructural development in those countries that support their natural environment rather than further degrade it.

2022 Scotland Conference Motion: Climate Change

Conference supports the Education International Manifesto on Quality Climate Change Education for All and calls on the Scotland Executive Council to negotiate with and lobby the Scottish Government and local authorities to ensure:

- (i) every student leaves education climate-literate and equipped with the skills and knowledge needed to tackle climate change, adapt to uncertainties, and take part in building a more sustainable future;
- (ii) the climate change curricula is gender responsive, takes into account the inequalities experienced by girls and women, and takes an intersectional approach;
- (iii) quality climate change education (CCE) is based on science, and addresses the ethical, cultural, political, social, engineering and economic dimensions of climate change;
- (iv) CCE addresses the unequal contribution of countries towards causing climate change and the unequal impact of climate change today, recognising that the current system is inequitable, and levels of production and consumption are unsustainable;
- (v) CCE further recognises that vulnerable populations and groups are most directly affected, including low-income countries, small island states, poor communities, indigenous peoples, people with disabilities, people of colour, women, girls and children;
- (vi) CCE promotes a multicultural vision and recognises indigenous knowledge;
- (vii) CCE fosters critical thinking and civic engagement. It is transformative and empowers students to consider just and sustainable alternatives, and then take action in their local communities and beyond.

Conference believes that if the issue of climate change is not prioritised, and decisive action is not taken swiftly through a global response, there will be disastrous consequences for the future of the planet and humanity.

Conference further believes that in order to do so, the impact of colonialism on climate change must be acknowledged.

Conference therefore calls for greater policy cohesion between the NASUWT campaign to fight for racial justice and to decolonise the curriculum in its commitments to campaign for climate justice.

9. It is crucial that links are made across policy outcomes. As an example, the Scottish Government's suicide prevention strategy and any self-harm strategy for Scotland should dovetail with this proposal. NASUWT remains concerned that employee suicides are still largely treated as an individual mental health problem that has no link to work or the workplace. Furthermore, no data is collected on suicides that occur in the workplace or that are identified as work-related. A suicide that takes place in the workplace, or is related to work, does not need to be reported to any public agency, and no official investigation takes place in the workplace following an employee suicide or suicide(s).
10. The risk of this is that toxic cultures that have led to, or contributed to, the death of an individual by suicide are not investigated. They are therefore left unchallenged and no changes are legally required to be made to policies or practices. Other developed nations, including France, the U.S. and Japan, monitor, investigate, regulate and legally recognise work-related suicides. NASUWT would support a recommendation to include suicide in the list of work-related deaths that must be reported to the Health and Safety Executive (HSE) for investigation, as well as an explicit and enforceable legal requirement that oblige employers to take responsibility for suicide prevention.
11. The Union strongly suggests that the Scottish Government returns and reconsiders the following questions before the consultation and legislative process proceeds any further:
 - Would the Act be capable of being widely understood?

- How will the proposals work alongside pre-existing legal rights and entitlements?
- Will intersectionality be truly understood or will the proposal further entrench disadvantage?
- Has sufficient money been set aside to support not only dissemination of information but also implementation?

12. The Union is keen to see a national approach from the government which will, inter alia, support existing policy around: health, safety and wellbeing, human rights, the right to food and universal free school meals; sexual harassment; addressing climate change and anti-racism, to name a few areas. In a busy policy landscape, it would be useful to have these proposals more clearly framed with other work being undertaken nationally; for example, in relation to human rights and fair work. The risk in not doing so is that changes are rushed through without first establishing policy coherence.

13. It is not clear from the proposals that any lessons have been learned from the approach undertaken with the Public Sector Equality Duty (PSED). With the PSED there has been a failure to link data gathering and equality outcomes. This disconnect is in some part attributable to variations in the availability of data and an unwillingness to see the narrative of lived experience as of equivalent import when viewed alongside a numbers-based dataset. How would wellbeing be approached differently? NASUWT is strongly in favour of any proposal which mandates bodies to report on how they have used lived experiences, or the organisations representing people with lived experiences.

14. Looking further at the PSED, many of the key concerns with its implementation might apply here: an overemphasis on processes, the limited use of data, the limited engagement with people with lived experience, the narrow focus on assessments to minimise legal claims as opposed to reflecting on the intention; and transparency of decision

making. It is not clear that these potential barriers were considered or mitigated in these proposals.

15. NASUWT agree the Scottish Government needs to take more of a strategic leadership role in prioritising national outcomes; however, this needs to be qualified at local level. Where local authorities for example adopt national outcomes, these authorities should demonstrate that they are appropriate in their local context to avoid an approach which is simply ticking the box or using 'out of the box' solutions. Furthermore, the setting of national outcomes should only be considered as a short-term measure with a clear plan to assess and review impact.

16. Central leadership from the Scottish Government is required to provide expertise and support at local level to meet the aims of the Bill. Training which encompasses all local partners, including trade unions, would also be useful to create a shared narrative to support local negotiations and budgetary discussions.

17. NASUWT is in favour of actions which will ensure social, emotional and mental wellbeing are embedded in all school policies and procedures. These policies and procedures should then be reviewed regularly to make sure that they promote social, emotional and mental wellbeing positively and consistently. There must also be mechanisms to monitor and evaluate the impact and effectiveness of any whole-school approach as part of the school improvement strategy.

18. Ultimately, while this consultation is looking at high level outcome drivers, this will be insufficient on its own to create the conditions for good mental health and wellbeing, in particular in schools. Some positive suggestions which would have a more immediate impact are set out below:

Supervision: NASUWT believes that teachers in Scotland should have access to professional support to help them process the increasingly complex and stressful demands associated with managing the welfare of children and young people. Increasing numbers of teachers report that they are

experiencing debilitating levels of stress and anxiety and are being forced to seek out medication and counselling as a result of the pressures of the job. Access for all teachers to regular opportunities to discuss the challenges they face would help to alleviate some of the emotional burden which comes with the job and help prevent teachers becoming ill or leaving the profession because of the stresses they experience.

School-based counselling: NASUWT welcomed the 2018/19 Programme for the Scottish Government which included a commitment to invest in access to school counselling services across education. The commitment was to ensure that every secondary school has access to counselling services, while improving the ability of local primary and special schools to access counselling. Increasingly, schools are reporting that there is little distinction between upper primary pupils and the first years of secondary schools in terms of the types of issues reported by children and young people. It is therefore an artificial policy delineation between primary and secondary settings. Guidance, published for education authorities in March 2020, while providing a national overarching framework and context for designing and developing an Access to Counsellors in Schools Service, stops short of providing a national entitlement.

Tackling workload: Teachers and headteachers are at breaking point. Urgent action is needed to tackle the root causes of the mental health crisis in our schools and colleges. Too many schools and mental health initiatives within the teaching profession are narrowly focused on secondary measures. These are implemented to deal with rising occurrences of mental health illness. They include wellbeing days, resilience training and Mental Health First Aid. While NASUWT recognises that these actions do have a place in addressing poor mental health, they need to be part of a wider strategy that looks at the root cause of the problem. If primary measures are not considered first – in the case of teachers, introducing robust measures to drive down workload – then secondary measures will be superfluous for many employees. NASUWT will continue to campaign for teachers and school

leaders to have a reduction in their class contact time, a right to a work/life balance, and a commitment from the Government to reduce workload for teachers.

Resourcing of HSE: HSE has developed a Stress Indicator Tool that explores stress risks, gathering data anonymously from employees. This data can then be used in the risk assessment element of the HSE's Management Standards approach. This tool currently has to be paid for by employers with more than 50 employees. Local authorities would therefore have to pay to access it. NASUWT believes there is a strong case for this tool to be offered free of charge to all schools and local authorities. This would allow meaningful data to be used to tackle the drivers of stress at both school level and on a national basis.

NASUWT is also concerned that many employers are not fully meeting the requirements of the Management of Health and Safety Regulations 1999 in respect of work-related stress. These regulations require all workplace hazards to be appropriately risk assessed, yet many employers do not appear to have general stress risk assessments in place, and instead carry out an individual risk assessment when someone becomes ill. It is important that employers are vigilant and have proactive general stress risk assessments in place, in the same way employers introduce pre-emptive measures to prevent workplace accidents.

Furthermore, NASUWT is deeply concerned that although work-related stress, anxiety and depression is the leading cause of work-related ill health, the Union is not aware of a single prosecution brought by the HSE relating to this. The HSE must be given sufficient resources in order to enforce the regulations and hold poor employers to account.

Free School Meals: The ability of all children to access universal free school meals would have a positive impact on addressing the food insecurity that many households with children continue to face.

Partnership working: Better partnership working between the NHS and the education system needs to be instilled. The education and health sectors operate very differently, which can often lead to blockages in communication between these two areas. Policy reform needs to work across these two sectors, not in isolation, if it is to have any impact. Collaborative working has to be supported and facilitated and requires the investment of time and financial resources. Multi-agency working is too often subject to excessive and unjustifiable local variation, ineffective management, and unequal distribution of services and agencies. There needs to be a consistent and coherent national approach.

Availability of Services: while not the fault of the NHS and rather the result of years of budget cuts, additional funding for children and young people's social and health care needs to be provided as a matter of urgency. For example, Child and Adolescent Mental Health Services (CAMHS) saw funding savagely cut before the coronavirus pandemic and were unable to meet levels of demand – it is now vital that spending on services provided by CAMHS is significantly increased. Evidence gathered through the NASUWT's member engagement activities has uncovered the problems that schools are facing in supporting pupils with mental health difficulties. Excessive waiting times and lack of swift access to support are common challenges reported. The consequence is that teachers have to fill the gaps where support is not available, even though they are educators and not mental health specialists. Children and young people are being failed, with the lack of prompt and appropriate support also having negative consequences for the health and wellbeing of teachers, leaders and other staff in schools.

Institutional racism: Greater understanding and action around the interaction between mental health and protected characteristics is required as highlighted above. Stigma is strongly linked to health and wellbeing. There are existing institutional barriers facing particular groups, including Black and Minority Ethnic (BME) young people, accessing support services. The Intercultural Youth Scotland (IYS) draft report on race and mental health

specifically calls out the lack of acknowledgement of racial trauma in current services, the trust gap with existing mental health services, and the need for specialised mental health support in order to overcome this. A diverse teaching profession is vital to securing high educational standards and supporting the mental health and wellbeing for all children and young people. The Scottish Government must play its part to support increased employment and skills opportunities and deliver supportive and inclusive workplaces for people from Black communities in Scotland.

Disability employment: Looking at the societal impact beyond schools, there remains evidence that disabled people face stigmatisation as ‘benefit scroungers’; this links to increases in disability hate crime. Disabled members confirm that it is becoming more difficult to get or keep a job, at the same time that the Government has decided to make it even harder to access benefits. Disabled people can, as a result, become increasingly isolated and withdrawn due to stigma. A dramatic narrative change around welfare is required to destigmatise disabled people and improve mental health.

Domestic Abuse: Looking at the experience of women, NASUWT has supported the call of the UK Women’s Budget Group for an increase in funding for women’s organisations, such as refuges, to respond to an increasing demand for safety from violence and abuse. More resources and money are needed for women’s welfare groups and helplines. Stigma and mental ill health can affect domestic violence survivors, both adults and children.

Public Sector Funding: The UNCRC confirms that it is the responsibility of the state to ensure that children and young people, as well as having access to an effective education, are safe, secure and able to make a contribution to society and enjoy good physical and mental health. Health, social care, youth justice and cultural and leisure services, working in partnership with schools, all have a critical part to play in ensuring that every child has the best possible start in life, as well as good future life chances. There have been reductions in the resources available to these services and ineffective frameworks for collaboration between them. Critical areas of concern, including child

protection and promoting good mental health among young people, depend on a well-funded public service framework.

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