



# Equality Impact Assessment

Education Scotland National e-Learning Programme

August 2020

For Scotland's learners, with Scotland's educators

## Equality Impact Assessment Record

<b>Title:</b>	Education Scotland National e-Learning Programme
<b>Senior Lead Officers</b>	Alan Armstrong, Head of National Improvement Directorate
<b>Operational Leads</b>	Joan MacKay, Assistant Director
<b>Directorate: Division: Team</b>	National Improvement Directorate
<b>Is this new policy or revision to an existing policy?</b>	This is a new programme in response to the COVID-19 pandemic.

# Screening

This Equality Impact Assessment (EQIA) aims to equality assess our National e-Learning Programme that evolved as part of the ongoing Education Scotland support offer in response to COVID-19.

The development and delivery of the National e-Learning Offer (NeLO) requires collaboration and joint leadership from key partners in the education community in Scotland. It provides an opportunity for a coherent response to the current COVID-19 pandemic. The offer aims to:

- Adopt an “added value” approach and enable all local authorities and schools to access a core offer that complements their own provision;
- Provide access to a mix of live, recorded and supported resources for practitioners and school leaders to use in their own planning;
- Provide the necessary training, advice, and support to teachers/practitioners.

The core offer will also be set in the context of a recovery curriculum.

## Who will it affect?

The activities that form the programme aim to support practitioners and leaders in early year’s settings and schools only, taking into account the protected characteristics detailed in the Equality Act.

While the programme may positively affect one or more of the protected characteristics, they may have a disproportionate negative impact on one or more of the protected characteristics. Where we identify negative impacts, we will try to mitigate or, where possible, eliminate these.

Our equality duty is not limited to negating or mitigating negative impacts however, and we have a positive duty to promote equality.

## The Scope of the Equality Impact Assessment

The National e-Learning Offer aims to provide content and support to enable the delivery of remote learning. Some of this content accessed directly by learners and some will be for teachers to use in their own delivery or to direct their learners to. This includes:

- Live content – real time delivery of lessons or study support with access to interactive learning spaces.
- Recorded – quality assured videos matched to the Scottish curriculum
- Supported – lists of resources, mapped to the Scottish curriculum that can come from a wide range of sources, including but not limited to Education Scotland.

The programme will also bring in relevant professional learning to further support teachers in their delivery. The desired outcome is improved delivery of remote learning across Scotland during the pandemic and the post pandemic delivery of remote learning.

In undertaking this assessment, Education Scotland has evaluated the impact on each of the protected characteristics and has considered measures against the three needs of the general equality duty as set out in Section 149 of the Equality Act 2010 to:

- Eliminate unlawful discrimination, harassment and victimisation;
- Advance equality of opportunity; and,
- Foster good relations.

## Key Findings

This impact assessment has identified potential positive and negative impacts around age and disability.

Furthermore, where we may not be able to mitigate all negative impacts we will continue to monitor and evaluate our activities to help drive continuous improvement.

## What might prevent the desired outcomes from being achieved?

There is a wide range of issues that might affect the activities of NeLO and prevent us from achieving the desired outcomes. However, a lack of specific data relating to the education population makes it difficult to ascertain the actual impact.

It is important that the activities outlined above are accessible to all practitioners and leaders as well as children and young people who wish to access them, taking into account the protected characteristics detailed in the Equality Act.

This programme expects to lead towards improved delivery of remote learning across Scotland during the pandemic and the post pandemic delivery of remote learning. As such, continual review of ensuring content is accessible by the target audience will be required.

# Stage 1: Framing

## Results of framing exercise

The approach taken by our National Directorate Team provided the opportunity to consider all impacts on each protected characteristic. Because of our framing exercise, we identified that there was potential for our programme to have a moderate impact on more than one protected characteristic.

### Protected characteristic: age

While there is no direct data to support this, it is possible that the focus of the promotion of the activities on social media excludes part of the education population (influenced by age as social media usage statistics indicate).

The programme provides opportunities for teachers at different ages and stages of their careers to utilise resources to provide remote teaching that may not be possible in traditional offerings.

### Protected characteristic: disability

There is currently no data available on disability that relates to the education workforce. However, population level data indicates that there is a likelihood that a proportion of the education population is disabled. Therefore, in developing activities for NeLO, we will consider the potential impact.

### Extent/Level of EQIA required

The framing exercise has highlighted the following actions:

- The programme provides a coherent response to the current COVID-19 pandemic.
- The first stage of the NeLO work focussed on necessity because of the pandemic and at pace on providing an eLearning offer that was accessible to as wide an audience as possible.
- Evaluation will continue as an ongoing process, adapting and shaping the programme on an iterative basis informed by the ongoing gathering of quantitative and qualitative feedback and data.

## Stage 2: Data and evidence gathering, involvement and consultation

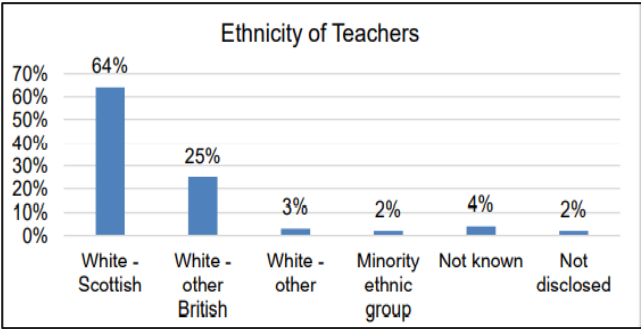
Characteristic <sup>1</sup>	Evidence gathered and Strength/quality of evidence	Source	Data gaps identified and action taken														
<p><b>Age</b></p>	<p>Age profile of learners (children and young people) well understood.</p> <p>The age profile of the teaching practitioner workforce in Scotland is illustrated below:</p> <table border="1"> <caption>Age of teachers in Scotland</caption> <thead> <tr> <th>Age Group</th> <th>Percentage</th> </tr> </thead> <tbody> <tr> <td>20 - 30</td> <td>22%</td> </tr> <tr> <td>31 - 40</td> <td>29%</td> </tr> <tr> <td>41 - 50</td> <td>25%</td> </tr> <tr> <td>51 - 60</td> <td>19%</td> </tr> <tr> <td>61 - 70</td> <td>4%</td> </tr> <tr> <td>71+</td> <td>0%</td> </tr> </tbody> </table> <p>Promotion of the online Blethers series has focused primarily on social media (Twitter and Facebook). While engagement has been positive, an estimated 16% of Twitter users are 55 and over highlighting that, it is slightly more popular among younger people.</p> <p>This may mean that some teachers are not receiving messaging/ communications about the</p>	Age Group	Percentage	20 - 30	22%	31 - 40	29%	41 - 50	25%	51 - 60	19%	61 - 70	4%	71+	0%	<p>Feedback reports from NeLO partners.</p> <p>Scottish Government teacher census: <a href="http://www.gov.scot">Teacher census supplementary statistics - gov.scot (www.gov.scot)</a></p> <p>Scotland’s digital strategy: evidence discussion paper: <a href="http://www.gov.scot">Scotland's digital strategy: evidence discussion paper - gov.scot (www.gov.scot)</a></p> <p>Enhancing learning and teaching through the use of digital technology: <a href="http://www.gov.scot">Enhancing learning and teaching through the use of digital technology - gov.scot (www.gov.scot)</a></p> <p>Consultation on the development of a digital learning and teaching strategy for Scotland: Supporting school years education: <a href="http://www.gov.scot">Consultation on digital learning</a></p>	<p>Data gathered from the school staff census covers all publicly funded schools in Scotland (i.e. local authority and grant-aided schools) and considered high quality evidence. Data collection is local authority level and aggregated by the Scottish Government.</p> <p>However, we acknowledge that the census only covers the teaching profession.</p>
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<sup>1</sup> Refer to Definitions of Protected Characteristics document for information on the characteristics

	<p>online support available. Additionally, digital literacy and confidence using digital tools varies across the workforce and age can influence this. While 81% of adults in Scotland reported having basic digital competency (competent in all five basic digital skills areas, including: managing information, problem solving, communicating, creating, and transacting) feedback from teachers suggests varying levels of skills and confidence in using digital tools.</p> <p>Conclusions from the consultation on the development of a digital learning and teaching strategy for Scotland suggested at the time “many teachers have limited access to appropriate training and as such the full benefits of digital learning and teaching often remain unrealised. Work needs to be done to ensure that all teachers in Scotland have the opportunity to realise their skills and confidence in this area”.</p>	<p><a href="#">and teaching strategy consultation document.pdf</a></p>	
<p><b>Disability</b></p>	<p>We recognise that there is a gap in the understanding of the breakdown of disability numbers for children and young people across Scotland.</p> <p>There is no data available on the proportion of disabled teachers within the education workforce. However, available population level data indicates that there is a likelihood that some teachers are disabled.</p>	<p>Education Scotland</p> <p>Scotland’s Census 2011</p>	<p>Ongoing monitoring required.</p>

	<p>It is important that the workforce consider the impact of the activities on those who have one or more disabilities given the online delivery of many of the activities.</p> <p>Additionally, equality and diversity monitoring data gathered by the Professional learning and Leadership Directorate suggests 6% of participants on professional learning programmes identify as being disabled.</p>		
<b>Sex</b>	<p>Data from the Teacher Census states that 77% of teachers in Scotland are women.</p> <p>Equality and Diversity Monitoring data gathered by the Professional learning and Leadership Directorate focusing on the participants on Professional Learning and Leadership Programmes suggests 72% of participants in Professional Learning and Leadership programmes are female.</p>	<p>Scottish Government teacher census: <a href="http://www.gov.scot">Teacher census supplementary statistics - gov.scot (www.gov.scot)</a></p> <p>Education Scotland</p>	<p>Data gathered from the school staff census covers all publicly funded schools in Scotland (i.e. local authority and grant-aided schools) and considered high quality evidence. Data collection is local authority level and aggregated by the Scottish Government.</p> <p>However, we acknowledge that the census only covers the teaching profession.</p>
<b>Pregnancy and maternity</b>	<p>No data available specifically related to education workforce.</p> <p>Equality and Diversity Monitoring data gathered by the Professional learning and Leadership Directorate focusing on the participants on Professional Learning and Leadership Programmes suggests 5% of participants in</p>	<p>Education Scotland</p>	<p>No other relevant data was available on the teaching support workforce.</p>



	Professional Learning and Leadership programmes are pregnant/ have been in the last year.																
<b>Gender reassignment</b>	No data available specifically related to the education workforce.		No other relevant data was available on the teaching support workforce.														
<b>Sexual orientation</b>	No data available specifically related to the education workforce.  Equality and Diversity Monitoring data gathered by the Professional Learning and Leadership Directorate focusing on the participants on Professional Learning and Leadership Programmes suggests 86% of participants on Professional Learning and Leadership Programmes identify as heterosexual/ straight.	Education Scotland	No other relevant data was available on the teaching support workforce.														
<b>Race</b>	The ethnic profile of the teaching practitioner workforce in Scotland is illustrated below:   <table border="1"> <caption>Ethnicity of Teachers</caption> <thead> <tr> <th>Ethnicity</th> <th>Percentage</th> </tr> </thead> <tbody> <tr> <td>White - Scottish</td> <td>64%</td> </tr> <tr> <td>White - other British</td> <td>25%</td> </tr> <tr> <td>White - other</td> <td>3%</td> </tr> <tr> <td>Minority ethnic group</td> <td>2%</td> </tr> <tr> <td>Not known</td> <td>4%</td> </tr> <tr> <td>Not disclosed</td> <td>2%</td> </tr> </tbody> </table> Equality and Diversity Monitoring data gathered by the Professional learning and Leadership	Ethnicity	Percentage	White - Scottish	64%	White - other British	25%	White - other	3%	Minority ethnic group	2%	Not known	4%	Not disclosed	2%	Education Scotland	No other relevant data was available on the teaching support workforce.
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	<p>Directorate focusing on the participants on Professional Learning and Leadership Programmes suggests that 94% of participants on Professional Learning and Leadership programmes are white with other ethnicities making up 6% of participants.</p> <p>The Teaching in a diverse Scotland: increasing and retaining minority ethnic teachers’ 2018 report highlighted that: “Scottish national data show that the makeup of the teacher workforce is not reflective of the Scottish population”.</p> <p>Additionally, the report added, “CRER's research into the 2017 Public Sector Equality Duties outcomes demonstrated that public bodies need to do far more to take action on race equality and to do so beyond provision of English language support”.</p> <p>While this particular NeLO does not considered to have either a positive or a negative impact on race all involved are aware of the issues and recommendations raised in the report and the importance of reflecting these issues in all activities.</p>		
<p><b>Religion or belief</b></p>	<p>There is no data available specifically related to the education workforce. Data from Scotland’s Census 2011 shows the population of Scotland have the following religion/ belief:</p> <ul style="list-style-type: none"> <li>• Church of Scotland (32.4%)</li> <li>• Roman Catholic (15.9%)</li> </ul>	<p>Scotland’s population census 2011: <a href="http://www.gov.uk">Scotland's census: 2011 - GOV.UK (www.gov.uk)</a></p> <p>Education Scotland</p>	<p>No other relevant data was available on the teaching support workforce.</p>

	<ul style="list-style-type: none"> <li>• Other Christian (5.5%)</li> <li>• Not religious (36.7%)</li> <li>• Islam (1.4%)</li> <li>• Other religion (1.2%)</li> <li>• Not stated (7%)</li> </ul> <p>Equality and Diversity Monitoring data gathered by the Professional learning and Leadership Directorate focusing on the participants on Professional Learning and Leadership Programmes suggests that participants in Professional Learning and Leadership programmes have the following religion/ belief:</p> <ul style="list-style-type: none"> <li>• Church of Scotland 34%</li> <li>• None 29%</li> <li>• Other Christian 14%</li> <li>• Prefer not to say 1%</li> <li>• Roman Catholic 16%</li> <li>• Sikh 1%</li> </ul>		
<b>Marriage and civil partnership</b>	We are not aware of any relevant existing evidence at this time.		No other relevant data was available on the teaching support workforce.

## Stage 3: Assessing the impacts and identifying opportunities to promote equality

Do you think that the recovery NeLO affects people because of their age?

Age	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The activity of NeLO neither will positively nor negatively affects this.

Advancing equality of opportunity	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Digital teaching and learning has potential to reduce inequalities between learners as well as the opposite. We do not expect age inequalities.</p> <p>It is also recognised that uptake of digital learning and teaching may be different by pupil age group, with the delivery of senior phase, for example, more effective than the delivery for early years.</p> <p>While there is no direct data to support this, it is possible that the focus on digital solutions excludes part of the teaching population (influenced by age as social media usage statistics indicate) however the programme will monitor this. There is currently no defined direct correlation between age and uptake.</p>
Promoting good relations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The programme provides opportunities for practitioners and learners to form communities when learning remotely/away from school.

### Do you think the recovery NeLO impacts on people because of their disability?

Disability	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The activity of the programme will neither positively nor negatively affect upon this.
Advancing equality of opportunity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Whilst the specific numbers are unknown, we recognise that a proportion of pupils will have a disability. Some disabilities may affect the ability for pupils to participate in remote learning and we will seek further data and on this in order to identify actions to address any such impact.</p> <p>Additional consideration given to the potential impact on those with a social/ communication impairment, learning difficulty, mental health difficulty and physical impairment/ mobility issue.</p>

Promoting good relations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The activity of this programme may enable learners to participate in learning more fully than in traditional building settings.
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Do you think the recovery NeLO impacts on people proposing to undergo, undergoing, or who have undergone a process for reassigning their sex?

Gender reassignment	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The activity of NeLO neither positively nor negatively affects this.
Advancing equality of opportunity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Promoting good relations	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Do you think the recovery NeLO impacts on people because of their marriage or civil partnership?

Marriage and Civil Partnership <sup>2</sup>	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The activity of NeLO neither positively nor negatively affects this, as it does not relate to work or HR policy.
Advancing equality of opportunity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Promoting good relations	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

<sup>2</sup> In respect of this protected characteristic, a body subject to the Public Sector Equality Duty (which includes Scottish Government) only needs to comply with the first need of the duty (to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010) and only in relation to work. This is because the parts of the Act covering services and public functions, premises, education etc. do not apply to that protected characteristic. Equality impact assessment within the Scottish Government does not require assessment against the protected characteristic of Marriage and Civil Partnership unless the policy or practice relates to work, for example HR policies and practices.

Do you think the recovery NeLO impacts on men and women in different ways?

Sex	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The activity of NeLO neither positively nor negatively affects this.
Advancing equality of opportunity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Promoting good relations	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Do you think the recovery NeLO impacts on women, who are proposing to take maternity leave, are currently taking maternity leave and are returning from maternity leave or those who are pregnant?

Pregnancy and Maternity	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The activity of NeLO neither positively nor negatively affects this.
Advancing equality of opportunity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Promoting good relations	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Do you think the recovery NeLO impacts on people on the grounds of their race?

Race	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The activity of NeLO neither positively nor negatively affects this.
Advancing equality of opportunity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Promoting good relations	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Do you think the recovery NeLO on people because of their religion or belief?

Religion or belief	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The activity of NeLO neither positively nor negatively affects this.
Advancing equality of opportunity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Promoting good relations	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Do you think the recovery NeLO impacts on people because of their sexual orientation?

Sexual orientation	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The activity of NeLO neither positively nor negatively affects this.
Advancing equality of opportunity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Promoting good relations	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

## Stage 4: Decision making and monitoring

### Identifying and establishing any required mitigating action

Are there any positive and negative impacts?	Yes.
Is the policy directly or indirectly discriminatory under the Equality Act 2010?	No.
If the policy is indirectly discriminatory, how is it justified under the relevant legislation?	N/a
If not justified, what mitigating action will be undertaken?	<p>The impact of the NeLO and specifically e-Sgoil's offer is subject to continuous and ongoing assessment.</p> <p>The development of the programme will continue to be iterative, addressing identified impacts on an ongoing basis. A range of support is available to practitioners through our People work to support them in delivering Digital Learning and Teaching, including relevant professional learning to further support teachers in their delivery.</p> <ul style="list-style-type: none"> <li>• To support children and young people with Additional Support Needs during the closure of schools the production of Wakelets help to signpost schools materials stored online which support all children and young people with a range of barriers to learning. Specific resources to support autistic and dyslexic learners are available on webinars, and the Autism Toolbox will help to support autistic learners.</li> <li>• Health and wellbeing resources are available on the National Improvement Hub, and cover a range of interventions to support children and young people with ASN.</li> <li>• To re-refresh and remind staff of the resources and approaches available to support CYP with ASN ES have, and continue to offer, staff development through a series of seven webinars, hosted on Google Classrooms on Glow. The Webinars provide important opportunities for staff to share their work, anxieties, and thoughts in a safe place.</li> </ul>



	<ul style="list-style-type: none"> <li>• We have also been providing specific support for pupils with additional support needs through Scotland Learns. Scotland Learns launched on 14th May 2020 and provides a resource bank of straightforward, open-ended learning activities that develop independence in learning. It also includes a fortnightly newsletter for practitioners, which contains an additional section on 'supporting parents and carers'.</li> <li>• From May-July, the weekly parent/carer newsletter contained a specific focus on supporting parents of learners with ASN including topics such as supporting learners with autism, supporting learners with social and emotional barriers to learning and support for parents of children with visual impairment.</li> <li>• In December, a winter edition was published which included a dedicated section of information and resources to support parents whose children have ASN. Data analysis will ascertain which groups of learners are taking part and to identify barriers to access.</li> <li>• The programme will be monitoring delivery and the potential impact and identifying mitigating actions. The programme will also be addressing support for teachers in the delivery of remote learning rather than provide the content for remote learning, focussing on the pedagogy and practical approaches to assist in the effective delivery of remote learning and teaching.</li> </ul>
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### Monitoring and Review

This assessment is on the evidence currently available and further work will be undertaken.

Evaluation and feedback sought from partners and participants on the activities of the programme will be regular. As part of our ongoing monitoring and review of this activity further data will also be gathered and analysed to ascertain which groups of learners are engaging. We will therefore publish an updated version of this document as more data becomes available.

This programme is developing at pace in response to the COVID-19 pandemic and this documents sets out our assessment at this time. However, in line with the need to continue to monitor and review the impact, further iteration(s) of this document as further data and evidence becomes available.

## Stage 5 - Authorisation of EQIA

Please confirm that:

This Equality Impact Assessment has informed the development of the National e-Learning Programme:

Yes  No

Opportunities to promote equality in respect of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation have been considered, i.e.:

- Eliminating unlawful discrimination, harassment, victimisation;
- Removing or minimising any barriers and/or disadvantages;
- Taking steps which assist with promoting equality and meeting people's different needs;
- Encouraging participation (e.g. in public life);
- Fostering good relations, tackling prejudice and promoting understanding

Yes  No

If the Marriage and Civil Partnership protected characteristic applies to this policy, the Equality Impact Assessment has also assessed against the duty to eliminate unlawful discrimination, harassment and victimisation in respect of this protected characteristic:

Yes  No  not applicable

### Declaration

**I am satisfied with the equality impact assessment that has been undertaken and give my authorisation for the results of this assessment to be published on the Education Scotland website.**

**Name:** *Alan Armstrong*  
**Position:** *Strategic Director*  
*National Improvement Directorate*  
**Authorisation date:** *19 August 2020*

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