

# OPUS2

Scottish Covid-19 Inquiry

Day 57

November 6, 2024

Opus 2 - Official Court Reporters

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1  
2 Wednesday, 6 November 2024  
3 (10.00 am)  
4 MS VAN DER WESTHUIZEN: Good morning, my Lord.  
5 THE CHAIR: Good morning, Ms van der Westhuizen. Do you  
6 have a witness for us?  
7 MS VAN DER WESTHUIZEN: I do, my Lord. Our first witness  
8 today is Mr Graeme McAlister from the Scottish  
9 Childminding Association.  
10 THE CHAIR: Good morning, Mr McAlister.  
11 THE WITNESS: Good morning.  
12 THE CHAIR: Very good. When you're ready, Ms van der  
13 Westhuizen.  
14 MS VAN DER WESTHUIZEN: Thank you, my Lord.  
15 MR GRAEME MCALISTER (called)  
16 Questions by MS VAN DER WESTHUIZEN  
17 Q. Mr McAlister, please can I ask you to give your full  
18 name?  
19 A. My name is Graeme McAlister.  
20 Q. And you have provided a statement to the Inquiry?  
21 A. Yes.  
22 Q. For reference, my Lord, that's SCIWT032300001.  
23 Mr McAlister, you are the current Chief Executive  
24 Officer of the Scottish Childminding Association, or  
25 SCMA; is that correct?

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1 A. That is correct.  
2 Q. And you have held that role since April 2019?  
3 A. Yes.  
4 Q. In paragraph 6 of your witness statement, you note that  
5 the SCMA is the only organisation in Scotland dedicated  
6 to all aspects of childminding and that approximately 82  
7 per cent of childminders in Scotland are members, then  
8 in paragraph 8 you go on to note that the childminding  
9 workforce is currently around 3,100 members and that the  
10 SCMA has 2,500 childminding members across all 32 local  
11 authorities. That's a far lower number than it was five  
12 years ago when there was a workforce of around 4,700 and  
13 the SCMA at that point had just under 4,000 members.  
14 I'll come on to ask you in a moment about the reasons  
15 for that decline but I would first like to ask you a  
16 little bit more about childminders generally.  
17 A. Yes.  
18 Q. In terms of the demographics of your membership and the  
19 childminding workforce, in paragraph 145 of your  
20 statement, you mention that during the pandemic 99.7 per  
21 cent of childminders were female. Is that still the  
22 case today or what percentage?  
23 A. Yes, that's still correct.  
24 Q. And if you could please explain a bit more who tends to  
25 become a childminder and what sort of qualifications and

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1 training requirements there are for that?  
2 A. The main entry point to childminding is predominantly  
3 females age 30 to 39 who have a child or children of  
4 their own and have made an informed choice that they  
5 want to care for their own children but perhaps have a  
6 need to earn an income, a desire to do something more  
7 flexibly, perhaps to do something a bit more meaningful  
8 and different with their life at that time. So very,  
9 very diverse backgrounds. We have had childminders who  
10 have worked previously as early years practitioners and  
11 nurseries, teachers, people from hospitality, banking,  
12 police officers, social workers. A very, very diverse  
13 range of backgrounds coming into childminding. What you  
14 might see is that desire to make a difference for  
15 children. What they also bring is a lot of lived  
16 experience from their previous careers having cared for  
17 children themselves and most childminders when we  
18 actually speak to them find that what they find most  
19 rewarding about the profession, it's the impact they  
20 make on children, it's seeing children grow and develop  
21 in response to their care.  
22 Q. And just in terms of qualifications and training, are  
23 there any other special requirements in that regard?  
24 A. There is not a mandated qualification as such for to  
25 become a childminder. Childminding is a registered form

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1 of childcare. That's through the Care Inspectorate who  
2 is the care regulator in Scotland, so childminders  
3 undergo a whole range of quality assurance in terms of  
4 they undertake self evaluation, are regularly inspected,  
5 they undertake continued professional learning.  
6 However, if they wish to deliver what's known as funded  
7 early learning and childcare, which is a statutory  
8 entitlement from the Scottish government of funded  
9 childcare for parents of three, four and eligible  
10 two-year-olds, then to deliver that entitlement, they  
11 have to obtain an HNC. They have five years to do that  
12 if they would like to, so it can be an HNC or an SVQ3.  
13 Q. Thank you very much. If you could then just explain a  
14 little bit about what childminders do and how that  
15 differs from other forms of early learning and  
16 childcare, please?  
17 A. Yes, of course. Childminding is a unique form of child  
18 care and family support. Childminders deliver from  
19 their home on domestic premises in small numbers. About  
20 82 per cent of childminders are currently registered to  
21 care for no more than six children at any one time and  
22 there are strict ratios around that so no more than one  
23 child under 12 months, no more than three children under  
24 school age and no more than six in total but what they  
25 do in their setting is very different to other forms of

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1 childcare. They have children from birth through to 12  
 2 or indeed children with additional support needs so they  
 3 can care for children up to 16. So you have this mix of  
 4 preschool and school age childcare and what's been shown  
 5 is that there's a range of evidence now to show that by  
 6 children learning and playing together of different  
 7 ages, that can actually benefit different aspects of  
 8 development, so it's a very nurturing form of childcare.  
 9 There's a high activity, it's very sort of child-led,  
 10 high activity of play, high level of outdoors activity,  
 11 but there's also a very high quality form of childcare.  
 12 Childminders consistently annually score higher quality  
 13 ratings across all quality criteria through independent  
 14 inspection by the Care Inspectorate than what's called  
 15 Daycare of Children Services, so that's local  
 16 authorities and private nurseries combined, but there's  
 17 also a form of family support in the sense that there's  
 18 now research to show parents who use childminders  
 19 believe they are able to access non-judgmental  
 20 professional support through a childminder, it helps  
 21 them with parenting, with skills. Childminders also  
 22 support children through various transitions, so going  
 23 through nursery, going to primary school, going to high  
 24 school, so you have got very strong continuity of care  
 25 and it's quite common for childminders to be viewed as

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1 an extended part of the family so children who have been  
 2 cared for as a childminder want to become adults, will  
 3 regularly invite childminders to their weddings, to 21st  
 4 2021 celebrations. So does that give you a sense of  
 5 ...?  
 6 Q. It does very much, thank you. In terms of business  
 7 models, what business models do childminders have --  
 8 I think you mentioned 82 per cent are sole practitioners  
 9 and sole traders. What about the others?  
 10 A. The other 12 percent -- I mean childminders can operate  
 11 with what's known as an assistant. They still have to  
 12 maintain those ratios I was telling you about for caring  
 13 for children but as long as they can maintain that  
 14 through assistance, they can extend the size of their  
 15 setting. Some childminders work in partnership together  
 16 where one registered childminder goes into another  
 17 registered childminder's home and they deliver the  
 18 service together but it's more common for those who are  
 19 above the six size to have assistance. The size drops  
 20 off the further you go. The largest setting we  
 21 currently have in Scotland is for 54 children and  
 22 childminder employs nine assistants to maintain those  
 23 ratios I was describing. Where you find those larger  
 24 settings, it tends to be in open, rural areas where  
 25 there's no other form of childcare available.

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1 Q. And in those larger settings would they all be on one  
 2 site or in one home?

3 A. Yes.

4 Q. And are they bespoke settings then sort of a church hall  
 5 or would they be in somebody's home?

6 A. No, I mean childminding legally, the definition of  
 7 childminding is it can only be delivered on domestic  
 8 premises so where you have larger childminding settings,  
 9 it's basically in a large house where it's almost like  
 10 mini childminding groups within that delivered together  
 11 to maintain their ratios.

12 Q. In terms of remuneration, how well paid are  
 13 childminders?

14 A. It's not a high income profession. We undertook some  
 15 research back in 2022 which found that at that time only  
 16 13% of the childminding workforce could pay themselves a  
 17 real living wage. We do believe things have been  
 18 improving, but most people who become childminders do so  
 19 not for the pay; they do it more -- they see it as a  
 20 vocation. They really want to make a difference, but  
 21 also if it fits with their life at that time, you know,  
 22 if they have young children, they want to care for them  
 23 themselves; they want that flexibility of perhaps you  
 24 can choose the hours. They can be their own boss,  
 25 working from home.

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1 But what's quite interesting is quite a few people  
 2 go into childminding, perhaps think they'll only stay  
 3 while their own children are young, but actually  
 4 continue practising for 20, 30 years.

5 Q. Who tends to use childminders? Obviously it's parents  
 6 and carers, but is there a particular demographic?

7 A. No, not at all. I think with childminding, there are  
 8 still some outdated misperceptions, in terms of: is it  
 9 babysitting, is it looking after? It's so much more.  
 10 It's a very high quality form of childcare. So it's an  
 11 informed choice that tends to be for parents who have  
 12 some knowledge of childminders, access that, and when  
 13 they do access, they really want to stay with it. They  
 14 find it a very high quality form of childcare.

15 Q. Is it used or is it prevalent in particular areas, for  
 16 example, rural versus urban, or is it evenly spread?

17 A. It's evenly spread. I think, as with other forms of  
 18 childcare, childminding businesses have been relatively  
 19 more difficult to establish in low income communities,  
 20 in terms of perhaps people don't have the same level of  
 21 confidence to actually establish their own business,  
 22 don't have the same opportunity. So we have been doing  
 23 a lot of work to try and develop childminding businesses  
 24 more in low income areas, but they're fairly evenly  
 25 spread around the country, in both urban and rural and

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1 across socioeconomic backgrounds as well.  
 2 Q. Thank you. If you could go on to explain, you touched  
 3 on funding a moment ago, if you could explain how places  
 4 are funded in -- with childminders?  
 5 A. Most places are privately funded. But it is also -- you  
 6 were asking earlier about the business model. Within  
 7 the childminding setting, you could have babies. You  
 8 could have one-year-olds, you could have two-year-olds.  
 9 Then when you get to two to four-year-olds, you could  
 10 have some children who access their statutory  
 11 entitlement of funded ELC from the Scottish Government,  
 12 so that's part of the income, but there will also be  
 13 private arrangements. Not all parents use funded ELC.  
 14 They prefer to make their own arrangements.  
 15 Then when you get to 5 to 12 for school-age  
 16 childcare, again, that's prominently private placements,  
 17 as are additional support needs. So really it's mixed  
 18 business models that most childminders have within that.  
 19 There's not one standard model as such. It's very  
 20 variable.  
 21 Q. You've mentioned in your statement blended placements;  
 22 could you please explain what that is?  
 23 A. Yes. A blended placement is a split placement between  
 24 two different forms of childcare, so again, many  
 25 parents -- I mean, one of the reasons that parents

1 choose to use childminding is that they feel quite  
 2 guilty about having to work. So by having a child cared  
 3 for in another home, it's replicating that home from  
 4 home family experience. So that's why a lot of parents  
 5 choose childminding, and some parents, particularly of  
 6 one and two-year-olds, perhaps feel that their child  
 7 wouldn't settle in a nursery for seven or eight-hour  
 8 days. It would be quite long for them.  
 9 So some parents prefer to actually have a mix, where  
 10 a child will spend part of the time within a nursery and  
 11 part of the time within a childminding setting. Many  
 12 childminders also provide what's called wrap-around  
 13 care, which can be either before school or after school  
 14 as well. So there's a lot of flexibility around these  
 15 models.  
 16 What I would say is that childminding is much more  
 17 flexible generally than nursery provision, in the sense  
 18 where you have local authority nurseries perhaps still  
 19 close at 3.00, 3.30, you may have private nurseries open  
 20 until 5.00 or 6.00. Childminders can work longer days.  
 21 They are very responsive to families. What they found  
 22 is that parents have increasingly flexible working  
 23 patterns which they have needed to respond to, so they  
 24 really try to tailor their care to the families.  
 25 Q. We touched on earlier the dramatic decline in the

1 childminding workforce, which started pre-pandemic.  
 2 Could you please explain what the reasons for that is?  
 3 A. Yes, the childminding workforce in Scotland has been  
 4 declining since 2016. The reasons are multifactorial.  
 5 One of the main policies -- sort of backgrounds we have  
 6 had is that during this period, the Scottish Government  
 7 has been expanding the statutory entitlement of funded  
 8 early learning and childcare.  
 9 So up until about 2016, parents in Scotland could  
 10 access about 600 hours of funded childcare each week.  
 11 What the Scottish Government committed to in 2016 was  
 12 really ambitious. It was to almost double that  
 13 statutory entitlement to 1,140 hours a week(sic),  
 14 roughly 22 hours a day(sic), for parents of all three  
 15 and four-year-olds, and what are called eligible  
 16 two-year-olds. So it was low income families and  
 17 vulnerable children.  
 18 So it was a really ambitious policy which we were  
 19 supportive of. It's about closing attainment gap,  
 20 supporting of parents. But many childminders found it  
 21 very difficult to operate, if you like, during the  
 22 expansion of funded ELC. We have been on record on  
 23 previous inquiries that we are supportive of ELC policy,  
 24 but the manner in which it has been implemented has been  
 25 really challenging for childminders.

1 The Scottish Government commissions us annually to  
 2 undertake an annual independent audit to monitor local  
 3 authorities' progress and including childminders and  
 4 delivering a funded ELC. What we have been doing is  
 5 tracking the workforce during this period. So between  
 6 2016, and I think it was last year, our workforce  
 7 declined about 41%. So in real terms, that's about --  
 8 we have lost about 1,300 places for families. We have  
 9 lost about 2,300 childminding businesses. That has been  
 10 really serious.  
 11 Now, the reasons are multifactorial. Part of it, we  
 12 have an aging workforce. One in five of childminders  
 13 are currently 55 plus. Many childminders found it  
 14 difficult to compete with expansion of funded early  
 15 learning and childcare. Some local authorities were  
 16 inclusive, others less so. So it has been quite a  
 17 challenging environment.  
 18 But also there was a national recruitment drive to  
 19 recruit new workers into the workforce to support the  
 20 expansion of funded ELC. What it was anticipated and  
 21 hoped for is it would bring lots of new workers into the  
 22 sector. Instead, what hadn't been anticipated is that  
 23 it acted as a bit of a destabilising effect. What we  
 24 found was that early years practitioners working in  
 25 private nurseries who had been on lower pay, people

1 working in social care and lower paid childminders again  
 2 were attracted by the higher pay available in local  
 3 authority nurseries. So we had the sort of inadvertent  
 4 destabilisation of our workforce as well. So it is when  
 5 you run those factors together, they have all sort of  
 6 contributed collectively to the decline in our  
 7 workforce.  
 8 Q. Then in terms of the functions of the SCMA and the work  
 9 you did during the pandemic, in paragraphs 16 to 17 of  
 10 your statement, you describe the type and support and  
 11 representation that you provided for members, and then  
 12 later in paragraph 39 you describe the sorts of things  
 13 that SCMA did over the pandemic, and you mention in  
 14 particular, at (4), you mention the fact that you did  
 15 regular surveys of members to understand the impact of  
 16 opening — operation restrictions on childminding  
 17 businesses and families. I'm going to come on to ask  
 18 you to tell us a bit more about that, but just if you  
 19 could give an indication of how many and what sort of  
 20 types of surveys. What were you asking?  
 21 A. First of all, when the pandemic struck and schools  
 22 closed, and we managed to keep childminding open in a  
 23 reduced capacity, we undertook a survey to find out, you  
 24 know, how many childminding settings were still open,  
 25 who were willing to stay open to support the national

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1 response.  
 2 But it was more as the pandemic progressed, there  
 3 were lots of operating restrictions due to the pandemic  
 4 which changed frequently in relation to and in response  
 5 to the public health advice. So we would undertake  
 6 regular snapshot surveys of our workforce to understand  
 7 the impact, the operational impact of different  
 8 restrictions on our business, whether it was financial,  
 9 whether it was practical, in terms of how they operate,  
 10 to capture data to inform ongoing discussions with  
 11 Scottish Government, local authorities and others, so we  
 12 could actually understand what was happening on the  
 13 ground.  
 14 Similarly, we undertook surveys specifically on  
 15 childminders' business sustainability, to actually  
 16 understand what was the financial impact of some of  
 17 these restrictions. So it very much depended on where  
 18 we were. You spoke about blended placements earlier.  
 19 That was another example where the restrictions on  
 20 blended placements during the first national lockdown  
 21 had a very significant impact on childminding businesses  
 22 at that time. So we captured snapshot data really to  
 23 inform discussions with Scottish Government.  
 24 Where we come from, we are a national advocacy  
 25 representative body, but we try to be as evidence-based

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1 as we can. So it's very much we're trying to capture  
 2 data to inform discussions, and then to try to influence  
 3 change on behalf of childminders and the families that  
 4 they support.  
 5 Q. Thank you. If we could then turn to have a bit of a  
 6 discussion about the impact of closures on childminders  
 7 and childminding operations. In terms of closures,  
 8 I think in March 2020, the ELC settings were closed  
 9 except for vulnerable children and children of key  
 10 workers. In paragraph 45 of your statement, you say  
 11 then that SCMA did a snapshot survey of its members to  
 12 find out which were open or willing to be open, so this  
 13 was one of the surveys you mentioned. Could you  
 14 describe the situation of your members during that  
 15 period, March 2020, between March 2020 and June 2020,  
 16 when they were able to reopen with guidance.  
 17 A. Yes, of course, I'll try to.  
 18 Q. If I could just ask you in that discussion, if you could  
 19 give an indication of approximately how many remained  
 20 open, and why, what considerations were taken into  
 21 account, and any particular issues or challenges they  
 22 faced; it's quite a loaded question, captured all in  
 23 one.  
 24 A. Yes, please, if you don't mind prompting me if I don't  
 25 cover all points. One of the first things to say is

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1 what's not widely known is that childminding stayed open  
 2 more than any other form of childcare during COVID-19.  
 3 The reason for that was largely due to the smaller  
 4 setting size. Because most childminding settings have  
 5 no more than six children at any one time, it was  
 6 recognised at a public health level that the risk of  
 7 transmitting COVID in a childminding setting was less  
 8 than in larger settings.  
 9 So initially, when schools and nurseries were  
 10 instructed to close nationally, childminding was allowed  
 11 to stay open on a normal basis. In reality, that  
 12 probably only continued for about a week, ten days  
 13 maximum. Then further restrictions came in.  
 14 Childminders were offered the opportunity to  
 15 contribute to the national response, to provide critical  
 16 childcare for key workers' vulnerable children, but very  
 17 much on a reduced capacity where they could care for  
 18 children from no more than two families other than their  
 19 own at any one time. So in the course of a week, they  
 20 could care for more than two families, but no more than  
 21 two at one time.  
 22 So when we did that first snapshot survey, we found  
 23 probably about 700 or 800 childminders who were quite  
 24 keen to stay open. Now, the reasons for that were  
 25 different in the sense that prior to the pandemic, a lot

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1 of childminding businesses were quite vulnerable  
 2 financially . They struggled during the expansion of  
 3 funded ELC, as I mentioned earlier. They were quite  
 4 nervous, that if they closed, they might not reopen.  
 5 For us, as a membership organisation, if we'd had to  
 6 close, you know, reopen months later to a much reduced  
 7 membership, we would come back to a very different  
 8 place, but because we had the opportunity to support  
 9 childminders to stay open, we really thought it was an  
 10 opportunity to support families as much as we could.  
 11 So we undertook regular surveys over the three  
 12 months of the national lockdown, and it averaged between  
 13 700 and 1,000 settings were open at any one time, and we  
 14 supported those settings. As I said, the capacity was  
 15 reduced. What we had at a national level was criteria  
 16 for key workers. Again, it varied locally subject to  
 17 interpretation , but, you know, it was predominantly NHS  
 18 staff , people, frontline staff from a range of  
 19 professions who we were able to care for.  
 20 But also what we found, particularly health  
 21 professionals , doctors and nurses, became increasingly  
 22 interested in childminding, because there was less risk  
 23 of transmitting an infection in the setting. There was  
 24 quite a lot of demand. They actually preferred that  
 25 than going to a larger hub.

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1 So the childminders that stayed open, it was a  
 2 really challenging period. We had rapidly changing  
 3 operating guidance. We were involved nationally along  
 4 with the Scottish Government, Care Inspectorate and  
 5 Public Health Scotland, in developing what was called  
 6 the childminding services guidance. So that was  
 7 operating guidance that really dictated how childminding  
 8 could operate throughout the pandemic.  
 9 There was over 30 iterations of that, a really long  
 10 document, 56 pages. But also childminders who stayed  
 11 open, their practice was very different , because they  
 12 were operating not just with reduced capacity. There  
 13 was enhanced cleaning of, you know, every aspect of  
 14 their setting. Toys, there was, you know, instructions  
 15 in terms of where shoes, coats had to be kept separate  
 16 again to minimise — because at that time there was a  
 17 strong emphasis on believing that COVID—19 was  
 18 transmitted by surface contact, whereas latterly it was  
 19 more — the evidence has shown airborne. But initially,  
 20 there was a huge emphasis on any form of surface  
 21 contact, so childminders had done enhanced cleaning,  
 22 which could add two hours to the day.  
 23 So childminders who stayed open could be working  
 24 from easily 8.00 in the morning until 9.00 at night.  
 25 They then had to deal with all these changes to the

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1 operating guidance that were coming through, updates  
 2 from multiple bodies, and it was a really confusing  
 3 environment, because, you know, just speaking  
 4 objectively , this is not critical at all , our experience  
 5 of the pandemic is that the pandemic moved at such a  
 6 pace that the Scottish Government had no choice but to  
 7 make national announcements that, you know, restrictions  
 8 were going to be implemented.  
 9 At an operational level , we knew the detail had not  
 10 been worked out yet in terms of what did that actually  
 11 mean for providers. So in simple terms: can I stay  
 12 open? Parents wanted to know: is it safe to drop my  
 13 children off? If childminders were able to stay open,  
 14 under what basis?  
 15 So it was really challenging. So we had quite a lot  
 16 of communication vacuums, where sometimes it could be  
 17 three or four days before we actually get guidance  
 18 coming through from the Care Inspectorate in terms of  
 19 what this meant. So what we tried to do was to step in  
 20 and manage these communication vacuums, because they  
 21 could be damaging, quite dangerous when you have those  
 22 situations . We didn't always have the answer, but what  
 23 we set out to do was to get the answer, and what we  
 24 wanted to do was to maintain trust.  
 25 Childminders — it is very isolating . They work on

19

1 their own. They were staying open, but also  
 2 childminding is different from, say, like a hub, for  
 3 example, in the sense that a childminding setting is  
 4 also a childminder's home. So we had this unknown  
 5 quantity in the forms of COVID—19, and the childminders  
 6 who stayed open were willingly taking children into  
 7 their setting , into their family home, when their own  
 8 family were present. That was something that really  
 9 wasn't recognised at the time.  
 10 So we did as much as we could to support  
 11 childminders. You know, it was hugely challenging  
 12 during that period, when there was so much information  
 13 coming through that childminders just simply didn't have  
 14 the time to read the guidance. But it was fundamentally  
 15 important, they needed to know what was safe, what was  
 16 good practice at that time.  
 17 So we had to improvise. We found that communication  
 18 channels were getting blocked. There were so many  
 19 organisations sending things out. So I found myself  
 20 improvising where I would actually sort of pull out with  
 21 my team key points from updates to guidance, what the  
 22 changes are, record them on our mobile phone. We would  
 23 upload it to YouTube, and we would put it out on  
 24 Facebook, which was a primary communications medium for  
 25 childminders.

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1 Before the pandemic, you know, if we produced a  
 2 video, you would be lucky to get 200 or 300 views.  
 3 During a pandemic and a national lockdown, 3,000 or  
 4 4,000 people were following these videos. It wasn't  
 5 just childminders. It was local authority staff,  
 6 Care Inspectorate inspectors, parents. What we tried to  
 7 do was develop a quality-assured source of information  
 8 on childminding during that time, and to support  
 9 childminders the best we could during that period. I  
 10 have probably waffled a bit, but have I answered your  
 11 question?  
 12 Q. You've answered, we can probably just finish right  
 13 there. Thank you, that's very comprehensive. I just  
 14 wanted to ask you, you mentioned virtual contact, if  
 15 your members were operating as hubs, was that just for  
 16 key worker — or not hubs but critical childcare, in the  
 17 first lockdown, was that just for children of key  
 18 workers and/or vulnerable children?  
 19 A. Basically when the schools closed, schools were  
 20 repurposed as hubs for delivering critical childcare.  
 21 So that was really, you know, children of key workers or  
 22 vulnerable children. Thought was initially given to  
 23 would it be possible for childminders to actually go to  
 24 the hub, participate in delivering care there. But  
 25 again, if you go back to the legal definition of what a

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1 childminder is it's on domestic premises. That is what  
 2 the registration is for of the Care Inspectorate.  
 3 So it was recognised that childminders couldn't  
 4 deliver from a hub, so they had to do it from home, but,  
 5 yes, the families that they supported during those  
 6 three months of the national lockdown were predominantly  
 7 key workers, also some vulnerable children. But also  
 8 there were some informal agreements reached with local  
 9 authorities, where, for example, if you maybe had a  
 10 child with additional support needs who had already been  
 11 in that setting before the pandemic, if there was a  
 12 space in that setting without taking them over capacity,  
 13 sometimes the children who weren't children of key  
 14 workers were allowed to continue in those settings, so  
 15 there was some discretion there involved.  
 16 Similarly, we operate what are called community  
 17 childminding services, which are — we have contracts  
 18 with local authorities to support vulnerable families.  
 19 It's really for families who are perhaps one step away  
 20 from crisis. Whatever is going on at a parental level,  
 21 could be mental health, addiction, bereavement, terminal  
 22 illness, is impacting on young children. They're  
 23 perhaps developing attachment disorders, that's been  
 24 picked up by social workers or health visitors. They  
 25 are referred to our specialised services for support.

22

1 So that was not within the scope of critical  
 2 childcare or vulnerable children, but we got an  
 3 agreement that where we had these community childminding  
 4 services in place, that they could continue during the  
 5 national lockdown, provided we didn't go above capacity  
 6 in terms of the number of children in those settings.  
 7 But what we also did was again try to support other  
 8 families as much as possible in the sense that  
 9 childminding was — it wasn't unique, but we were an  
 10 outlier in terms of staying open during a national  
 11 lockdown. Many organisations within the children's  
 12 sector, family sector, had to close down. Women's Aid,  
 13 Home-Start, they weren't allowed to deliver physical  
 14 support for families.  
 15 So we managed to secure funding from the Scottish  
 16 Government, it was called the wellbeing fund, where we  
 17 were actually able to take referrals from other  
 18 charities such as Women's Aid where there was an acute  
 19 need for support, because our childminding settings were  
 20 open. The numbers weren't large. I think we supported  
 21 about 50 additional families that way. It was really  
 22 important to make a difference because what wasn't  
 23 widely known at the time, but I think the Scottish  
 24 Government has subsequently published the data for, is  
 25 that the estimates that were during the first few weeks

23

1 of the national lockdown, perhaps even the first half of  
 2 the national lockdown, probably no more than about 5% of  
 3 vulnerable children in Scotland were actually receiving  
 4 support, physical or virtual. Those — had a very high  
 5 level of need, so anything we could do or others could  
 6 do to try to support vulnerable families, we did.  
 7 Q. In terms of uptake by vulnerable families with your  
 8 childminding services, was that also relatively low,  
 9 compared to how it would be —  
 10 A. No, I would say before the pandemic — I mean,  
 11 historically, before — I came into SCMA in 2019,  
 12 I think historically SCMA had community childminding  
 13 services in quite a number of local authority areas.  
 14 Currently we only have services in four areas. What we  
 15 found was that during the expansion of funded early  
 16 learning and childcare that I mentioned earlier, local  
 17 authorities were prioritising their interest, very much  
 18 having to think: we have this big policy, we have to  
 19 deliver it.  
 20 So some local authorities were switching their  
 21 focus, their interest and funding from community  
 22 childminding to what they needed to do to support ELC  
 23 expansion. So as we went into the pandemic, we had four  
 24 community childminding services. They were already at  
 25 capacity. There was quite a high level of demand from

24

1 vulnerable families .  
 2 The pandemic intensified that acutely. What we  
 3 found, and it has been reported by other organisations  
 4 during the pandemic, is you had a lot of families who  
 5 prior to the pandemic were just coping, but you had a  
 6 pressure cooker effect. When you had the pandemic,  
 7 people were at home, couldn't get out, who then went  
 8 over into really in need of support, and we couldn't  
 9 support all the families we wanted to. The demand was  
 10 way beyond what we could support at that time.  
 11 Q. If we could perhaps move on then, Mr McAlister, to  
 12 consider, and I think some of the issues we have already  
 13 touched on, but June 2020 when childminders were allowed  
 14 to reopen beyond critical childcare and restrictions ,  
 15 did they have to close again at any point after that?  
 16 A. Not as such. It was quite a confusing period, because  
 17 as we came out from the first national lockdown, the  
 18 main emphasis was really on when could schools reopen.  
 19 When you have a national pandemic, it was an extended  
 20 national emergency. As you will be aware, exams were  
 21 cancelled, schools closed. So that was a real priority  
 22 and goal, if you like, was trying to get the schools  
 23 open in August.  
 24 So childminding was allowed to reopen, first, I  
 25 think, along with outdoor nurseries, because, again, it

25

1 was believed there was less risk in those settings. But  
 2 what we found was that over the next few months,  
 3 capacity — the restrictions incrementally eased and  
 4 incrementally improved in terms of the number of  
 5 children we would have in our settings, but the  
 6 restrictions on blended placements remain, and that was  
 7 really the core part of childminding business, and  
 8 really affected them financially. So — sorry, I've  
 9 slightly lost track of the question you asked.  
 10 Q. It was just whether you had to close again after the  
 11 first lockdown. Did you remain open?  
 12 A. No, I mean, I think individual settings had to close  
 13 individually quite often due to self-isolation. So  
 14 again, if there was an outbreak in their setting, if  
 15 they had an affected child come into the setting, they  
 16 were told self-isolate. So it was quite common for  
 17 childminders to report they maybe had to self-isolate  
 18 four or five times over a period of months.  
 19 They weren't closed formally again in the sense that  
 20 when we got to, I think it was in December of 2020, when  
 21 we all went back into level 4 restrictions, childminding  
 22 was allowed to stay open at that time, as we are aware  
 23 during the later Omicron outbreak. Where there were  
 24 restrictions were on larger childminding settings, so if  
 25 you had more than 12 children in your setting, you did

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1 have to change, you had to reduce your capacity, and  
 2 those larger settings had to follow the operating  
 3 guidance that had been developed for nurseries and other  
 4 larger settings. But childminding was largely able to  
 5 stay open once we reopened in June 2020.  
 6 Q. Thank you. We'll come on to discuss now some of the  
 7 issues that they have faced in that period from  
 8 June 2020 onwards, which you have discussed in  
 9 paragraphs 60 to 96 of your statement. I'll ask you to  
 10 elaborate on some of those. Some of them you have  
 11 touched on already, but in paragraphs 67 and 68, you  
 12 refer to the fact that in June and July 2020, SCMA  
 13 conducted a survey, because the Scottish Government had  
 14 not indicated what would happen in relation to blended  
 15 places. I'm going to come on in a second to ask you a  
 16 bit more about blended places, but you say you got  
 17 responses from 1,300 members and only 20% of the  
 18 workforce believed their businesses would still be  
 19 viable in 12 months' time if restrictions continued  
 20 after schools went back. I'm going to ask you, were  
 21 those concerns related specifically to restrictions on  
 22 blended placements, or more generally?  
 23 A. No, it was very much around blended placements, because  
 24 again, the early sort of public health advice during a  
 25 pandemic was there was a preference to maintain children

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1 or adults in small bubbles, and to minimise movement  
 2 between the bubbles. So that was why, during a national  
 3 lockdown, there was a very firm, you know: blended  
 4 placements were just not allowed unless absolutely  
 5 necessary to support key workers. So this really didn't  
 6 happen.  
 7 This had been — when you looked at it from a  
 8 local — nursery perspective, it's perhaps a small part  
 9 of the business, but within childminding it's much more  
 10 pronounced. It is quite common, particularly — I mean,  
 11 childminders will care for babies, one-year-olds,  
 12 two-year-olds. When children get to three or four,  
 13 parents perhaps start to feel some other pressures,  
 14 actually thinking: well, which nursery is my child going  
 15 to go to; which school are they going to go to; if I  
 16 want to get to that school, is it perhaps better we  
 17 start attending a nursery attached?  
 18 There's all sort of those historic dynamics, that,  
 19 you know, we've moved on from a lot of that, but parents  
 20 were actually feeling quite a lot of pressures around  
 21 that at that time. But what we found is that because  
 22 those blended placements were not allowed, when — our  
 23 members were really concerned, because it was great they  
 24 were told they can reopen. There was a lot of  
 25 discussions about when the schools could reopen. But

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1 what nobody was looking at was, well, the blended  
 2 placements. That was like the real crunch point for us,  
 3 if you like, for childminders.  
 4 So we undertook a snapshot survey, got a really good  
 5 response. I think what that found was that childminders  
 6 reported having lost about 1,200 children from their  
 7 settings during a national lockdown. In practical terms  
 8 because blended placements weren't allowed, parents were  
 9 basically being told: you can either choose a  
 10 childminding setting or a nursery. When you look at all  
 11 of those pressures that I have been describing, you  
 12 think: in future I want to go to that school; parents  
 13 reported to us they almost felt pressured or almost  
 14 forced into actually choosing nursery over childminding.  
 15 A lot of these places didn't come back. That was a  
 16 core part of childminders' businesses. They needed to  
 17 know when blended placements could come back. But also,  
 18 what we'd found is that quite often during a pandemic,  
 19 there were disparities between what was in the  
 20 sector—specific operating guidance and what was in the  
 21 social guidance for the wider public.  
 22 So there were times when our childminders would  
 23 regularly report to us that they were still being told  
 24 by the childminding services guidance they had to  
 25 maintain their bubbles, and yet much wider movement was

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1 being allowed out in social areas. People were going to  
 2 restaurants, pubs, different things. That was quite  
 3 difficult to reconcile for all of us at that time.  
 4 Again, it's not a criticism, just an observation of  
 5 where we were. It was very challenging for  
 6 childminders' businesses who relied on that income. So  
 7 we had to really push and advocate, try and get clarity  
 8 from the Scottish Government as soon as we could to know  
 9 when those restrictions would be removed.  
 10 Finally, over a period of weeks, we got confirmation  
 11 that restrictions would be eased by the time the schools  
 12 went back, but the wording was not supportive. It  
 13 wasn't saying, you know: blended placements are allowed.  
 14 It was still — I would need to refer back to my  
 15 statement I gave to you. The way it was framed didn't  
 16 encourage that, and it was the legacy effect of that,  
 17 and essentially over the next six months, we still had  
 18 childminders reporting to us that local authorities were  
 19 just simply not allowing blended placements.  
 20 Part of that was based on our earlier experience  
 21 during the pandemic. Part of that was based on their  
 22 interpretation of the guidance, which again, the way it  
 23 was worded. So what we did is where there was consent  
 24 from parents, we would take up individual cases with the  
 25 Scottish Government, with local authorities, to try to

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1 get these blended placements coming back. But even  
 2 looking at the data now, you know, blended placements  
 3 are lower than they were before the pandemic. They're  
 4 not as common. So that has kind of been almost like a  
 5 legacy effect, if you like, of the pandemic.  
 6 Q. You touched on earlier, Mr McAlister, the issue of  
 7 capacity, and you mentioned that in relation to  
 8 financial issues faced by childminders in your statement  
 9 at paragraph 64. Could you elaborate a bit on that,  
 10 because I think you mentioned that larger ones were  
 11 having to accommodate fewer children, but what were the  
 12 numbers, what numbers were allowed, and which sized  
 13 childminder businesses was this affecting? Was it all  
 14 of them or is it just the larger ones?  
 15 A. In terms of business sustainability, most childminders  
 16 were very concerned in the sense that they had had —  
 17 those that had stayed open during the national lockdown  
 18 had only been to care for children for two families at  
 19 any one time. So that was quite a sizeable hit in their  
 20 income. When they were allowed to reopen back in  
 21 June 2020, I think it was, I think the numbers increased  
 22 incrementally to three, four children. It took some  
 23 time before it got back up to six.  
 24 So there was all that sort of impact you'd had  
 25 really between March, and then probably the autumn of

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1 2020 when they'd had decreased income. But also there  
 2 were differentials, in the sense that if you were known  
 3 as what is a partner/provider, and you were contracted  
 4 to deliver funded early learning and childcare to  
 5 families in your area, a decision was taken quite early  
 6 on in the pandemic by the Scottish Government and COSLA,  
 7 to actually confirm that the funding would continue for  
 8 these placements, even if providers chose to close.  
 9 So if you are a funded provider, you could have  
 10 chosen to close during — for the three months of the  
 11 pandemic, still get paid for children who would have  
 12 been receiving funded ELC. If you're not delivering  
 13 funded ELC, it was a different picture. You had no  
 14 income. So you really had to work and try and capture  
 15 information, and again, it varied by individual business  
 16 models in terms of who was more affected than others.  
 17 Similarly, when it came to financial support, what  
 18 we tended to get was waves of financial support from the  
 19 UK Government to the Scottish Government. Different  
 20 funds would be created, and it was really just trying to  
 21 question — trying to positively influence those as much  
 22 as possible.  
 23 We also had to improvise when as a charity we  
 24 released at one point about 30,000 from reserves, got  
 25 matched funding from the Scottish Government, and we

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1 established a hardship fund just to pay small grants of  
 2 350. That was to childminders who were falling through  
 3 the cracks between different funding sources. It's a  
 4 very small sum of money, but if you had no money coming  
 5 in, that made a difference. That was actually scaled  
 6 up, but again, there were just differentials throughout.  
 7 So it's quite difficult to answer your question.

8 Q. Yes, well, in terms of being restricted to two  
 9 households at any one time, the smaller single sole  
 10 practitioner childminders, how many would they normally  
 11 have, how many children or how many households would  
 12 they normally be allowed?

13 A. Again, it was variable. If you are registered to care  
 14 for no more than six children at any one time, you could  
 15 have that maximum throughout the day. So that could be  
 16 more than six families. You may have eight or nine  
 17 families on the books throughout the week. But again,  
 18 if you are to go back to the restrictions during the  
 19 national lockdown, that was really pared back to  
 20 probably about a third of that.

21 But also, there was a lot of other issues as it came  
 22 out of the pandemic, in the sense that prior to the  
 23 pandemic, working from home was nowhere near as  
 24 extensive as it is now. So a lot of parents who had to  
 25 work from home during the national lockdown, they were

1 given a lot of flexibility, particularly those who were  
 2 actually having to teach their own children from home,  
 3 and employers gave that flexibility.

4 So what we found is that it was really uncertain as  
 5 we came out of the pandemic, what was the demand for  
 6 childcare going to be. It wasn't the same as it was  
 7 before the pandemic. What we found is some families who  
 8 perhaps, if their own family income had reduced during  
 9 the national lockdown, they were actually looking, could  
 10 they perhaps save by not paying for childcare. So there  
 11 was really uncertain demand for quite some time as a  
 12 result of the pandemic. So that really impacted on them  
 13 financially as well.

14 Q. You touched on guidance earlier, and you mention in  
 15 paragraph 91, childminders did not know what was coming  
 16 through in the massive documents, what had changed or  
 17 had time to read them. Could you elaborate a bit on  
 18 that? You go on then to say how you addressed that, but  
 19 how big an issue was that for your members?

20 A. It was a big issue. As I mentioned earlier, that for  
 21 those who had stayed open, you know, if you're receiving  
 22 a large guidance document, perhaps 50, 60 pages, at that  
 23 time, the preference from the Care Inspectorate was that  
 24 providers should read the full document. Whereas we  
 25 always very much recognised, you had a core document.

1 Obviously a lot of the content didn't change. What was  
 2 really important to providers, are what are the changes,  
 3 what do I need to know. So it was a question of pulling  
 4 out those key points for providers.

5 Again, it was going back to the comments made  
 6 earlier about the extended days that childminders were  
 7 working. They were absolutely overwhelmed through the  
 8 enhanced cleaning, working in their setting. They just  
 9 didn't have time to read those documents. So it was  
 10 fundamentally important from a safety point of view, so  
 11 that childminders didn't breach the terms of the  
 12 registration. So it was a really important sort of  
 13 interface, if you would like, almost between policy and  
 14 practice, and also as mentioned, you know, we had,  
 15 I think, 32 iterations of the guidance over the two-year  
 16 period.

17 Q. You also touched on cleaning earlier in the context of  
 18 the lockdown and the hubs being opened, and you mention  
 19 it as well in the context of opening with restrictions  
 20 at paragraph 74 onwards. You mentioned earlier the  
 21 extra time that would need to be spent by childminders  
 22 doing this additional cleaning. In paragraph 77, you  
 23 also talk about additional costs for complying with the  
 24 restriction measures. Do you care to elaborate a bit on  
 25 that as well?

1 A. Yes. It was just as I had mentioned, the public health  
 2 focus fairly early on in the pandemic was a sense that  
 3 this was an infection that was spread primarily by  
 4 surface contact, so what that entailed was, you know,  
 5 very extensive deep cleaning every day of your setting,  
 6 you know, all surfaces, anything a child had touched  
 7 also had to be cleaned before another child could touch  
 8 it. So toys, books, you know, there were restrictions  
 9 where childminders couldn't have throws on their sofas  
 10 in case it spread infection. There was rules around  
 11 what you could do with coats, separate tubs for wellies,  
 12 shoes. It was really, really intense.

13 I was actually speaking to one of our members  
 14 recently about giving evidence today. She actually, to  
 15 use her words, found it quite triggering. She remembers  
 16 literally a child would be playing in her setting, and  
 17 then once that child put their toy down, she would be  
 18 subtly trying to take the toy away and clean it behind  
 19 the child's back, so it didn't see what she was doing,  
 20 she didn't want to unsettle them.

21 That was their reality. They had to do that every  
 22 day, and obviously that frequency, that intensity of  
 23 cleaning, that meant obviously a significant increase in  
 24 the supplies you were going through, because that was  
 25 happening nationally. There was demand everywhere for



1 those supplies. I think probably some --- there was  
 2 probably an element of profiteering for some private  
 3 companies, in terms of sensing it was an opportunity.  
 4 Childminders found it really difficult sometimes to  
 5 access materials. Again, originally the thought was  
 6 that they would be able to, during the national response  
 7 when they stayed open, to provide critical childcare,  
 8 that they might be able to access supplies from the  
 9 hubs, but most cases that didn't happen. The Scottish  
 10 Government did sort of positively arrange for all  
 11 providers in Scotland being able to access account where  
 12 you could access materials at discounted rates, but  
 13 again, they weren't always available, just in terms of  
 14 the sheer demand and the level of supply at that time.  
 15 But it also meant that, you know, childminders quite  
 16 often, because of the restrictions on travel as well,  
 17 they were perhaps going to their local shop to buy these  
 18 materials, rather than being able to travel further  
 19 afield, where they might be able to get it cheaper as  
 20 well. So there was all sorts of those issues came in,  
 21 and that was also even more pronounced in remote and  
 22 rural areas as well, where the costs were more  
 23 significant .  
 24 Q. Before we turn to look at impacts on children, if I  
 25 could just touch on the impacts that all of this had on

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1 your childminders and on the childminding sector. You  
 2 discuss the impact on childminders in paragraphs 129 to  
 3 145. Could you please outline specifically the reasons  
 4 for and the impacts on mental health. It's one of the  
 5 particular issues you ---  
 6 A. Yes, I mean I think --- I mean, childminding itself, as I  
 7 mentioned earlier, just over 80% of childminders are  
 8 sole practitioners. So childminding had been quite  
 9 isolating. Before the pandemic, there were maybe about  
 10 200 what we call childminding groups around the country,  
 11 where childminders would get together with other  
 12 childminders, and the children would go out and  
 13 undertake activities. Those events weren't allowed  
 14 during the pandemic.  
 15 So childminders were very much on their own. They  
 16 were very isolated. They were dealing with the  
 17 intensity of the situation on their own, but  
 18 childminders reported to us often felt conflicted. Some  
 19 felt, you know, they absolutely wanted to stay open.  
 20 Some felt they had to stay open financially. As I  
 21 mentioned earlier, a childminder's setting is also a  
 22 childminder's home. So there is also this guilt, you  
 23 know, you had this unknown virus in terms of: am I  
 24 actually exposing my family to additional risk by doing  
 25 this? They wanted to help.

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1 So all of those issues, but also during a national  
 2 response, childminders by default were primarily  
 3 supporting key workers. Many of those worked in health.  
 4 I had mentioned earlier about the fact that families who  
 5 access childminding also view it as a form of family  
 6 support as well as childcare.  
 7 So what's also been reported to us is that you may  
 8 have frontline health professionals working in ICU units  
 9 who didn't feel able to go home and tell their own  
 10 families about what they were seeing on a daily basis.  
 11 They didn't want to worry their families, they didn't  
 12 want to scare their families. But they would actually  
 13 tell their childminder since they had such a close  
 14 relationship. So childminders were actually absorbing  
 15 all of this, really sort of providing a safe place to  
 16 talk, a non-judgmental place to talk, for a whole range.  
 17 They also had their own concerns about business  
 18 sustainability, in terms of would their business still  
 19 be viable. So all of that contributed very much to, I  
 20 suppose, an increased instance of mental health. You  
 21 know, many childminders really struggled. What we did  
 22 as an organisation was to facilitate access to  
 23 counselling, so if childminders really needed to speak  
 24 to somebody, they could do so, but also what we worked  
 25 to do as an organisation was to reduce that isolation as

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1 much as possible. So we were really trying to reach  
 2 out, make them feel connected, part of something so that  
 3 they weren't on their own, if that makes sense.  
 4 Q. Yes. You also discussed the impact on the childminding  
 5 workforce at paragraph 129 and following. You discussed  
 6 earlier the fact that this was in decline already  
 7 pre-pandemic. To what extent did the pandemic  
 8 exacerbate this, or was it always going one way anyway?  
 9 A. The childminding workforce had been, I think before the  
 10 pandemic, had declined by about 20, 24%. Certainly the  
 11 first year of the pandemic, we saw a sharp acceleration  
 12 in terms of that decline. Again, you know, some  
 13 childminding settings who had been a bit vulnerable  
 14 financially before the pandemic, it was the final straw  
 15 for them. If they had to close, if there was reduction  
 16 in income, they weren't able to reopen.  
 17 So that was why, I mean, for us, it was quite a  
 18 strange thing to do now when we look back on it, but  
 19 prior to the pandemic, we had actually been developing a  
 20 sort of three-year strategy as part of a longer ten-year  
 21 journey to reverse the decline in the workforce. We had  
 22 actually signed it off with our board about ten days  
 23 before the pandemic struck. We had to put that strategy  
 24 to one side. It was the right call, we focused on  
 25 supporting our workforce.

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1 But by the time we got through that first year of  
2 the pandemic, we thought: we actually have to go out and  
3 launch this strategy now, because if we don't, that  
4 workforce is just going to go into a level of decline  
5 they will not recover from.

6 So in May 2021 we launched that strategy. It was a  
7 time of when very few in Scotland were looking forward,  
8 because we just didn't know if we'd be forced back by  
9 restrictions. Sometimes we were, but that was the right  
10 call. What that did was bring the local authority,  
11 Scottish Government to us, organisations interested in  
12 actually thinking: right, what can we do. So we're in a  
13 different place now, but the pandemic absolutely  
14 accelerated the decline of the childminding workforce.

15 Q. Thank you. If we can turn now to have a look at impacts  
16 on children. You cover this at 97 to 120 of your  
17 statement, and at paragraph 97, you preface your  
18 comments on the impacts of COVID-19, by noting that  
19 there were many organisations involved in data  
20 collection that the SCMA did not want to duplicate other  
21 activity.

22 You make the comment there that Public Health  
23 Scotland was leading on capturing data on children's  
24 outcomes via surveys, and has published three reports.  
25 Your members' experiences on the impact of children are

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1 broadly consistent with these.

2 Could you please explain, how did your members  
3 report back to you about impacts on children if you  
4 weren't carrying out surveys specifically in relation to  
5 impacts, and how did you get that information from them  
6 about that?

7 A. A variety of channels. We're a membership organisation,  
8 so in terms of our communications channels, we have a  
9 telephone helpline; we have an email enquiries point; we  
10 actively survey members on different areas; we invite  
11 contact from members; we have networking events  
12 virtually; we have training events where we capture  
13 information.

14 But we also have a number of what we call  
15 childminding and development officers who are area staff  
16 in different parts of the country. So again, it was  
17 also they're very close to the ground on a daily basis  
18 supporting local childminders with practice.

19 So via all of those different channels, we were  
20 capturing information, so from an evidential point of  
21 view, the first thing is to say it's anecdotal. We went  
22 to the point, as I said, there was so much coming  
23 through, so many requests for surveys, childminders  
24 simply just didn't have the time. We thought, well, we  
25 had worked closely with Public Health Scotland, they

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1 were the experts on this, they were looking at outcomes  
2 on children.

3 So what we did, we made a conscious decision that  
4 instead of actually surveying our members ourselves,  
5 when it came to the impacts on children, we would  
6 actually sort of share those surveys, encourage our  
7 members to snowball in to parents, try and drive  
8 responses as much as we could.

9 I think reading those reports that were produced,  
10 you know, the findings are broadly consistent with what  
11 we experienced anecdotally, but it's also — anecdotal  
12 information sometimes can be dismissed from an  
13 evidential point of view, but that continues to  
14 increase. Even now, when I speak to childminders two  
15 years on from a pandemic, if I was to say to them: what  
16 were the main two impacts on children; the first will be  
17 emotional dysregulation; the second will be delay in  
18 speech and language all ages. Childminders are still  
19 talking about that, they're still dealing with that.

20 That was very much the experience during the  
21 pandemic that you had children whose entire life routine  
22 was interrupted. They found it really difficult to  
23 control their behaviour, different situations, how to  
24 react to situations. They didn't have routines that  
25 perhaps would have normally had. It was also families

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1 were at very different places as well, because I think  
2 it would be a mistake to just think about the national  
3 lockdown of three months as being the only impact,  
4 because what we had was that first national lockdown.  
5 You then had an incremental easing of restrictions, but  
6 then had level 4 restrictions in December. You had the  
7 Omicron outbreak later.

8 But we also found that families were at very  
9 different places. Families who had perhaps been key  
10 workers and had been working during the pandemic, it was  
11 more normal to them. They were used to going out every  
12 day. Their families were used to them going out. But  
13 if you hadn't worked for those three months, what we  
14 found was some families were a bit more nervous. Even  
15 though those restrictions eased, they were perhaps a bit  
16 nervous about actually allowing their children to go  
17 back to different settings, for fear that they might get  
18 infection.

19 So again, families were all at different places with  
20 that, so we just tried to capture as much information as  
21 we could. In terms of the main impact, as I said, it  
22 really was emotional dysregulation that was the main  
23 issue for them.

24 Q. I was just going to say that you have got quite a long  
25 list there, but as you say at paragraph 98, the best on

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1 feedback, the main adverse impacts were in terms of  
 2 socialisation skills and ability. Are you able to  
 3 elaborate a little on that, please?  
 4 A. Yes, I think in terms of socialisation skills, it's  
 5 quite interesting, because that can be experienced in  
 6 different age groups, in the sense that you had younger  
 7 preschool children who perhaps hadn't been able to  
 8 attend nursery, hadn't been able to attend the  
 9 childminding setting for a period of months. Depending  
 10 on the family and how much support they actually  
 11 received, children are at very different places, but  
 12 also because in childminding, childminders care for  
 13 children from birth through to 12, what childminders  
 14 were also reporting to us is that for children who were  
 15 perhaps leaving nursery to go to primary school, in  
 16 terms of that transition, they didn't have the  
 17 opportunity to have a sort of leaving celebration. They  
 18 didn't have the opportunity of prearranged visits to  
 19 support the transition.  
 20 Then when you extend it up the scale, to those  
 21 leaving primary going to secondary, it was the same.  
 22 You had a cohort of children who perhaps weren't able to  
 23 access the normal transition opportunities you would  
 24 have, between going from primary school to high school.  
 25 Q. So you have transitions down as a separate impact?

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1 A. Yes.  
 2 Q. Is that related to the socialisation skills?  
 3 A. Yes, very much so, because I think it was linked to that  
 4 in a sense that there wasn't the same level of social  
 5 contact through transitions, but in terms of actual  
 6 socialisation itself, you know, childminders also  
 7 reported to us that in terms of older children, that  
 8 they were just losing their confidence, their ability to  
 9 interact with others, because they weren't able to  
 10 physically go to school, they weren't allowed to go and  
 11 meet up with friends. There would be some online  
 12 contact, but it really affected the confidence,  
 13 communication, their ability to engage, so it was all of  
 14 that aspect of socialisation.  
 15 Q. You also mention language and communication. Would you  
 16 care to elaborate on that and what childminders provide  
 17 in terms of enrichment and teaching in relation to  
 18 language and communication?  
 19 A. Yes, absolutely. Childminding, again, I had mentioned  
 20 earlier that there can be some outdated misperceptions,  
 21 that it's just babysitting or looking after. It's also  
 22 very high quality for childcare. There is a very high  
 23 element of learning within childcare settings.  
 24 One of the benefits of smaller childminding settings  
 25 is that because of the number of children in the

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1 settings, the children won't necessarily see one-to-one  
 2 support, but they definitely will have more personalised  
 3 support. Childminders will have more time to spend with  
 4 individual children if they recognise there is an area  
 5 where they would perhaps benefit their development.  
 6 Also, as I said, because you have children of  
 7 different ages, you would actually have perhaps an older  
 8 child, maybe five or six, sitting reading to a  
 9 two-year-old. You would have younger children picking  
 10 up the language being used by older children, so again,  
 11 you had that interaction within childminding settings.  
 12 But again, when we look at the literature now, I think  
 13 the emphasis has very much been on delayed language in  
 14 younger children. I would agree with that, but equally,  
 15 I know our members would immediately say to me: no,  
 16 across all age groups, is what they experienced. It's  
 17 very much anecdotal.  
 18 Q. You mentioned play at paragraphs 105 to 108, and we have  
 19 heard something about play already in the hearings. To  
 20 what extent — how important is play in relation to the  
 21 activities that childminders provide and what impacts  
 22 were they seeing as a consequence —  
 23 A. Play is hugely important. Sometimes it can be almost —  
 24 not dismissed but perhaps viewed as not as important in  
 25 learning. We would actually argue in fact quite

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1 strongly that play really supports learning, is hugely  
 2 important. Within childminding, as I said, it can be  
 3 very child-led. There is a high element of play. But a  
 4 lot of that play is also outdoors within childminding  
 5 settings, going out exploring, playing in the garden,  
 6 going out in the local woods. So that is a very strong  
 7 part of childminding.  
 8 It's comparatively easier for a childminder to go  
 9 out with a small group of children than it would be for  
 10 a nursery to arrange a group outing if you would like.  
 11 So play to us is massively important. Again, I think  
 12 one of the adverse impacts of the pandemic, particularly  
 13 in relation to outdoors, was that families who perhaps  
 14 higher income, who had larger houses, had gardens,  
 15 COVID-19 was a much better experience for those  
 16 families. They actually report to us there was a higher  
 17 quality of life, they enjoyed spending time together  
 18 with their families.  
 19 If you compare that with a family, a low income  
 20 family in a flat that doesn't have a garden, there's no  
 21 park nearby, you're not allowed to go out very often, it  
 22 was a very different experience for those families. So  
 23 those families were not able to access outdoors and in  
 24 turn experience as much play.  
 25 Q. Thank you. You have quite a few on the list. We won't

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1 probably have time to go through all of them, but  
 2 feeding and eating, for example, is one. How was that  
 3 impacted, based on feedback from your members?  
 4 A. Again, what members reported to us is that -- it was  
 5 very common in childminding settings for children to sit  
 6 and eat together, and for the childminder to be with  
 7 them, because a lot of language, communication  
 8 development takes place -- that's interaction when those  
 9 children of different ages are together. But due to the  
 10 pandemic, if a child wasn't able to access a  
 11 childminding setting, again, it's all interlinked, the  
 12 loss, the routine, they lost that opportunity when it  
 13 came to food.  
 14 Again, it's only anecdotal, but the reports we have  
 15 is again that with lower income families, that they may  
 16 not have perhaps been able to access the nutrition they  
 17 might have done if they had been attending the  
 18 childminding setting. So again, there was quite a few  
 19 challenges around that as well.  
 20 Q. Are there any other on the list? It's quite -- language  
 21 and communication, personal skills, sleeping, parental  
 22 engagement, relationships, digital exclusion or positive  
 23 impacts you would like to touch on before we move on to  
 24 our final topic?  
 25 A. No, I think we have covered most of them. As I've said,

1 I probably sound like a stuck record, but if I'm  
 2 speaking on behalf of childminders, it's very much the  
 3 emotional dysregulation, the delayed speech and language  
 4 really, the impacts we're still -- you know, we're still  
 5 looking at, you know, what training courses do we need  
 6 to provide now to support childminders to in turn  
 7 support those children and their families who lost out  
 8 during the pandemic.  
 9 Q. I think you mentioned, are there any that your members  
 10 are still reporting, is it the whole list that they're  
 11 still reporting seeing, or are there specific ones on  
 12 the list that are sort of rectified?  
 13 A. It's still mainly those areas that we're focusing on  
 14 just now.  
 15 Q. I would just finally like to turn to just look at some  
 16 of the disproportionate impacts that you mention. You  
 17 have touched on already community childminding. At  
 18 paragraph 125, though, you talk about children with  
 19 additional support needs. Could you please elaborate on  
 20 the disproportionate impacts on those children?  
 21 A. I mean, I possibly touched a little on that earlier, in  
 22 the sense that during the national lockdown, when the  
 23 emphasis was very much on critical childcare, that it  
 24 was a mixed experience in the sense that if a child with  
 25 additional support needs had previously been in the

1 childminding setting before the pandemic, if those  
 2 capacities reduced numbers for that place to continue,  
 3 they could get a place, but if that hadn't been the  
 4 arrangement, they couldn't access support.  
 5 So it was quite a wide difference in terms of the  
 6 support that the children with additional support needs  
 7 could get at that time.  
 8 Q. You've touched on the importance in rural areas, but you  
 9 have that down as well at paragraph 126. Do you have  
 10 any further comments on that in relation to  
 11 disproportionate impacts?  
 12 A. Again, I think that's very much linking it in with the  
 13 childminding workforce. You know, I had mentioned  
 14 earlier in terms of the cost of cleaning materials.  
 15 Remote and rural areas, it's quite common unfortunately  
 16 now, due to the childcare crisis in some areas, for  
 17 parents having to drive 40, 50 miles to access  
 18 childcare. The cost of petrol can be dearer. The cost  
 19 of food can be dearer.  
 20 What we had found is that just when we actually  
 21 looked at the decline of the childminding workforce, it  
 22 was very much more pronounced in remote and rural areas.  
 23 That was why after the launch of the strategy in 2021,  
 24 we had three or four remote and rural local authorities  
 25 come to us, saying: can you help. So since then, we

1 have gone out, we've piloted a new model of childminder  
 2 recruitment. We prioritise remote and rural areas.  
 3 That's now gone urban and national. That's very much in  
 4 response to that pronounced need.  
 5 Q. Are there any other groups that were disproportionately  
 6 impacted as a consequence of the lockdown and other  
 7 restrictions, and not being able to access childminding  
 8 services?  
 9 A. I probably wouldn't have much more to say on that. It's  
 10 probably more childminders themselves who feel there was  
 11 a disproportionate impact on them, in the sense that  
 12 when we look at the data in terms of the number of  
 13 childminders who were involved in delivering funded ELC,  
 14 we're now only looking at probably about 25%, 30% of the  
 15 workforce. When we went into the pandemic, the numbers  
 16 were lower.  
 17 So when it came, for example, financial support, as  
 18 I said, funding was confirmed almost immediately,  
 19 (inaudible) payments for funded providers. When it came  
 20 to additional relief, transitional support fund, again,  
 21 the bulk of the funding was for other providers. So I  
 22 think a lot of childminders reported to us that they  
 23 felt if you weren't involved in the ELC, there was a  
 24 disproportionate -- impact on their activities.  
 25 It was the same, you know, when it came to funding

1 sources when you looked in terms of the UK Government,  
 2 first of all, they prioritised the job retention scheme  
 3 and furlough for employers. Then there would be a lot  
 4 more lobbying to get the self-employed income support  
 5 scheme. But even when you looked at that, it wasn't  
 6 what it was sold as, if you like. On the surface, the  
 7 self-employed income support scheme was supposed to  
 8 provide about 70% of income. It wasn't, it was 70% of  
 9 profit.  
 10 So if you were a low income business, 70% of profit  
 11 is not much, and the data we have showed that perhaps it  
 12 was paid quarterly. Childminders were lucky to get a  
 13 month out of three months. If you were then --- had a ---  
 14 if you were a carer, if you had maternity leave, if you  
 15 had any interruption in sort of your self-employed tax  
 16 history, again, it affected the payment you got.  
 17 So childminders just felt at each turn they were  
 18 disproportionately affected. With the blended  
 19 placements I was talking about earlier, again, because  
 20 nationally, and understandably, the main priority was  
 21 reopening schools, reopening nurseries, childminders  
 22 were a much smaller part of the workforce. They kind of  
 23 felt deprioritised, so when it came to even looking  
 24 getting schools reopened, of course that was a priority.  
 25 But what they needed was support in blended placements.

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1 That wasn't there at the time. So that was --- we had to  
 2 keep pushing. So I think they just --- as a workforce,  
 3 childminding does feel disproportionately impacted.  
 4 Q. Thank you. Are there any other matters or lessons to be  
 5 learned that your members would want to draw to the  
 6 Inquiry's attention, because I think we have covered  
 7 everything that I had intended to cover with you.  
 8 A. In terms of lessons learned, there was quite a lot for  
 9 us around communications, in the sense that as I said  
 10 earlier, we recognised that communication vacuums can be  
 11 dangerous. It was really challenging for the Scottish  
 12 Government and others because they didn't have access to  
 13 the normal press channels. So, you know, if you're a  
 14 Scottish Government director, you're trying to get  
 15 something out, you had two options. One was the First  
 16 Minister's daily televised briefing, and there's massive  
 17 competition from every policy area, or you had what was  
 18 called a private update which was an electronic  
 19 newsletter from the Care Inspectorate.  
 20 So the Scottish Government found it really  
 21 frustrating. They couldn't get the information out. So  
 22 we channelled a lot of that for them. So I think it was  
 23 important for us that, you know, we have changed as an  
 24 organisation in the sense that we didn't have the  
 25 answers, but we reassured people would get them. I

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1 think there is much more openness, you know, in a sense,  
 2 that we have seen that since the pandemic, that people  
 3 were willing to admit that perhaps we did things wrong.  
 4 I think for us, the other challenge, and it was  
 5 really difficult was that by default, the Scottish  
 6 Government, prior to the pandemic, the main childcare  
 7 priority had been expansion of funded ELC. There was a  
 8 statutory duty and responsibility on local authorities  
 9 to deliver that by August 2020. The pandemic struck  
 10 just a few months before that. So that statutory duty  
 11 was removed, but understandably the Scottish Government  
 12 was keen to bring that back on. But for childminders,  
 13 you know, what they were reporting to us was that they  
 14 just felt at each stage of the process that I have  
 15 articulated, that the priority was very much given to  
 16 funded providers.  
 17 And it was very much --- it was difficult to balance,  
 18 because there was regular discussions about: when do we  
 19 think we will be able to re-introduce the statutory duty  
 20 on local authorities, can we do that. It just felt at  
 21 times that the desire to complete the delivery of the  
 22 expansion of ELC dominated some of the decisions, some  
 23 of the discussions that were taking place. And  
 24 certainly childminders do feel that if you're not  
 25 involved in delivering funded ELC, that they lost out at

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1 each turn, whether it was financial support or other  
 2 areas. So I suppose from our point of view, it's  
 3 probably just recognising the challenge, you have a  
 4 policy to deliver, but also looking at the whole  
 5 workforce and trying --- not necessarily prioritising one  
 6 group.  
 7 MS VAN DER WESTHUIZEN: Thank you very much. My Lord,  
 8 unless your Lordship has anything, I have no further  
 9 questions.  
 10 THE CHAIR: Thank you very much indeed, Mr McAlister. We're  
 11 very grateful for your evidence. We'll take a break now  
 12 and we'll come back at 11.30, and we're going to hear  
 13 I understand, Ms van der Westhuizen, a panel of  
 14 witnesses, three witnesses.  
 15 MS VAN DER WESTHUIZEN: That's right, my Lord.  
 16 THE CHAIR: Very good, 11.30 then.  
 17 (11.08 am)  
 18 (A short break)  
 19 (11.30 am)  
 20 THE CHAIR: Good morning again, Ms van der Westhuizen. So  
 21 as you told us, we have a panel of witnesses.  
 22 MS VAN DER WESTHUIZEN: We do, my Lord. We have three  
 23 witnesses, and all three are former presidents of the  
 24 National Union of Students Scotland. We have Mr Liam  
 25 McCabe, Mr Matt Crilly and Ms Ellie Gomersall.

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1 MR LIAM MCCABE (called)  
 2 MR MATT CRILLY (called)  
 3 MS ELLIE GOMERSALL (called)  
 4 Questions by MS VAN DER WESTHUIZEN  
 5 THE CHAIR: Good morning to you all.  
 6 THE PANEL: Good morning.  
 7 MS VAN DER WESTHUIZEN: I have partially introduced you, but  
 8 if I could ask you, perhaps starting with Mr McCabe, to  
 9 just introduce yourselves, giving your full names and  
 10 the years in which you were presidents?  
 11 LIAM MCCABE: Yes. My full formal name is William John  
 12 McCabe, known as Liam McCabe, and I was president of the  
 13 National Union of Students Scotland between 2018 and  
 14 2020, so just catching the last four months — so the  
 15 first four months of the pandemic.  
 16 MATT CRILLY: Good morning. Matthew or Matt Crilly. I was  
 17 NUS Scotland president formally between July 2020 until  
 18 July 2022.  
 19 ELLIE GOMERSALL: Morning. My name is Ellie Gomersall, and  
 20 I was the president of the National Union of Students  
 21 Scotland from July 2022 to June 2024.  
 22 Q. Thank you. Ms Gomersall and Mr Crilly, you were both  
 23 students as well for part of the time, so if you could  
 24 please let his Lordship know where you were, what you  
 25 were studying, and I think you were presidents of your

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1 respective student unions as well?  
 2 ELLIE GOMERSALL: Yes, that's right, so I was a physics with  
 3 education undergraduate student of the University of the  
 4 West of Scotland, started in 2018, and then I took a  
 5 break from my studies in summer 2021, and from July 2021  
 6 until June 2022, I was president of the UWS students'  
 7 union.  
 8 MATT CRILLY: Yes, so along — I was president of the  
 9 University of Strathclyde student association until my  
 10 election in the spring of 2020 to the NUS Scotland  
 11 position, but alongside holding the role of NUS Scotland  
 12 president during the pandemic, I also was a postgraduate  
 13 Masters student in history at the University of  
 14 Strathclyde, and I completed my dissertation during the  
 15 pandemic as well.  
 16 Q. Thank you. So for the two of you, you'll presumably  
 17 bring your perspective as former presidents, but also  
 18 your perspective of having been students at the time as  
 19 well. If I could ask Ms Gomersall just to start and  
 20 sort of set the scene to tell us — explain NUS's  
 21 membership, how many members, what the structure looks  
 22 like and ...  
 23 ELLIE GOMERSALL: Yes, so the National Union of Students  
 24 Scotland is part of the National Union of Students  
 25 across the UK, and NUS UK is a membership organisation

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1 made up of student associations and student unions. So  
 2 it's the student union or the student association which  
 3 is the member of the National Union of Students in  
 4 Scotland. So that would be the student associations for  
 5 any college or university across the country, as well as  
 6 the National Society of Apprentices as well, which  
 7 represents apprentices across the UK. In Scotland, NUS  
 8 Scotland had throughout, I think, all of our terms as  
 9 president, 100% membership among the college student  
 10 associations, and among the university student  
 11 associations, all bar, I believe, four of the university  
 12 student associations across Scotland were members  
 13 throughout our times as president.  
 14 Q. Thank you, and in terms of the ones that weren't, what  
 15 engagement was there, if any, with them?  
 16 ELLIE GOMERSALL: I would maybe ask Matt to come in on this  
 17 one.  
 18 MATT CRILLY: Yes, of course. So we had strong engagement  
 19 with those student unions that were not NUS Scotland  
 20 members. We are traditionally a membership  
 21 organisation, but of course with the onset of the  
 22 COVID-19 pandemic, you know, we realised that there was  
 23 a real need to disseminate information, public health  
 24 information, to ensure that we're bringing people in.  
 25 So we held weekly or fortnightly officer calls which —

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1 of student officers around the country, bringing them  
 2 together, and again there was invitations extended to  
 3 those student unions that were non-members of NUS  
 4 Scotland. And so too when we had official engagements  
 5 with the likes of the national clinical director, for  
 6 example, who would come in and provide public health  
 7 advice to students, we would invite in the kind of  
 8 non-NUS member student associations, so that really all  
 9 student officers across Scotland got access to that  
 10 really critical public health advice, but also some of  
 11 the kind of government engagement too, at that time,  
 12 just recognising the kind of special circumstances of  
 13 the pandemic.  
 14 Q. Thank you, and just in terms of the numbers of students  
 15 overall that you were representing, and it may have  
 16 varied from time to time, but what is the approximate  
 17 number of students that were —  
 18 ELLIE GOMERSALL: Approximately 500,000 across Scotland. As  
 19 I say, NUS Scotland being part of NUS UK would also  
 20 represent significantly more in the millions across the  
 21 UK, but specifically in Scotland, the number was around  
 22 roughly just over half a million.  
 23 Q. Thank you. If I could ask perhaps Mr McCabe to come in  
 24 on this one. Effectively, we're going to move through a  
 25 few subjects of particular interest that have been

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1 raised in your respective witness statements, but  
 2 I think the first one, if I could ask Mr McCabe to talk  
 3 about your experience, because obviously you were there  
 4 at the start of the first lockdown, you were president  
 5 at the time, just to give us a flavour of what the  
 6 experiences were, what the concerns were, what the  
 7 practical impacts were on students at that time?  
 8 LIAM MCCABE: For sure. So as you can imagine, as was the  
 9 case across, you know, all sectors in all countries  
 10 affected by COVID, it was incredibly hectic, a lot of  
 11 confusion, a lot of dismay, in those kind of initial few  
 12 weeks where everyone was just kind of trying to  
 13 understand how best to respond just for everyone's  
 14 immediate safety, before we even got to a place where we  
 15 were starting to think about how we respond  
 16 constructively, and understand and getting to grips, and  
 17 allowing obviously the scientific community to get to  
 18 grips with what was happening.

19 For further and higher education specifically, there  
 20 was a few immediate concerns and impacts that kind of —  
 21 that emerged. The first one, of course, you know, the  
 22 closure of campuses immediately was a huge  
 23 consideration. That meant that students who were living  
 24 in halls of residence and the accommodation on site were  
 25 kind of almost — kind of trapped a little bit, if they

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1 hadn't, you know, raised their finger to the wind and  
 2 seen what way the wind was blowing, and decided to move  
 3 home if that was an option for them hitherto that point.

4 It meant that a huge amount of resource which was  
 5 crucial and vital to a lot of different kinds of  
 6 students on campus was simply no longer available  
 7 because a shift to providing that in a digital way was  
 8 not something which had been foreseen at that point for  
 9 a lot of these services, and was not catered for. And  
 10 also, deprivation of access to a lot of key educational  
 11 infrastructure of course as well, access to libraries,  
 12 access to labs, access to workshops and access to like  
 13 vital pieces of software, for example, that a lot of  
 14 students might not have had the hardware power to run on  
 15 their own personal devices for certain courses where  
 16 such things were required.

17 So between, you know, concerns about ability,  
 18 ability to kind of access basic necessities and the  
 19 longer term concerns that then evoked for: well, what is  
 20 this going to mean for me completing this year of study;  
 21 and especially for those final year students, or  
 22 students on one-year courses, or students coming up to  
 23 the end of a PhD or whatever it would be: well, how is  
 24 this going to affect my final grade. This was, you  
 25 know, a huge concern, naturally and understandably.

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1 So generally speaking, that would probably have been  
 2 the main things that came up, you know, and really what  
 3 my four months at the end of my presidency and working  
 4 with the government were all about, were trying to kind  
 5 of really just make sure everyone was safe, everything  
 6 was secure, and slowly but surely piecing together how  
 7 we made sure that students could complete their course  
 8 of study in a way which reflected their ability and  
 9 didn't reflect unforeseen difficulties arising from  
 10 COVID, making sure that certain accommodation issues  
 11 were handled appropriately and sensitively, and in a way  
 12 which was inclusive of the various needs of students who  
 13 had outstanding and particular needs, and, yes,  
 14 primarily those things, and of course looking out for  
 15 the mental health, wellbeing, physical wellbeing,  
 16 financial wellbeing of students too, because that was a  
 17 massive concern.

18 Q. Really you're foreshadowing everything then we saw  
 19 unraveling in the years to come?

20 LIAM MCCABE: Yes, yes, and I think not to kind of dwell on  
 21 the kind of — the foreshadowing for too long, but  
 22 certainly when it comes to the financial element, that  
 23 was a huge deal because in, you know, the way I  
 24 characterised it was that, you know, we were kind of  
 25 sitting on a kind of a ticking time bomb of student

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1 deprivation, just because the sectors that students  
 2 relied upon for financial support were most impacted  
 3 upon by COVID. Immediately, just everyone lost their  
 4 jobs in a flash, not just to supplement their income,  
 5 but also over the summer, and then also there's a cliff  
 6 where student — after which point student support ends,  
 7 and so with that ending and with no clear plan initially  
 8 for how that was going to be accommodated for, and no  
 9 new money available to students during the summer, we  
 10 were like: how are we going to handle this, what is  
 11 going to be done about this and, you know, so again it  
 12 was — that was an incredibly significant part of my  
 13 four months at that time.

14 Q. We'll come on to discuss that specifically, the  
 15 financial impacts, tied in with accommodation.

16 I should, my Lord, just outline what's to follow. I  
 17 have just realised I haven't foreshadowed that. We will  
 18 be speaking about the move to online and remote  
 19 learning. We will then be covering accommodation and  
 20 financial impacts which Mr McCabe has just touched on.  
 21 We'll then be covering academic impacts, mental health  
 22 and well-being and social impacts. Then we'll be  
 23 covering return to campus and ongoing impacts.

24 Just to say that woven through all those when you're  
 25 covering your answers, if you could bear in mind

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1 disproportionate impacts, but if we don't touch on them  
 2 during the course of the discussion, Ms Gomersall will  
 3 sweep up the end with ongoing impacts and  
 4 disproportionate impacts.  
 5 Thank you. If we could then move to online learning  
 6 and remote learning, and just the specific issues that  
 7 arose around that. I think if we ask Mr Crilly to start  
 8 and then followed by Ms Gomersall and then Mr McCabe, if  
 9 you have anything to contribute as well to that  
 10 discussion?  
 11 MATT CRILLY: Sure, yes, so I think when the COVID—19 virus  
 12 started spreading and we saw the closure, so to speak,  
 13 of campuses, I think people really understood the desire  
 14 to move to online, when that took place. I think  
 15 students themselves were — at the start of the  
 16 pandemic, were really quite frightened actually about  
 17 this unknown virus and the potential impact on  
 18 themselves, their families, their loved ones, their  
 19 friends.  
 20 So I think there was a lot of confusion at that  
 21 point about what learning, teaching, assessment would  
 22 look like, and I think at that point I probably would  
 23 pay particular credit to the staff across universities  
 24 and colleges, that — the kind of teachers, the  
 25 lecturers, the assessors, who did make a very quick

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1 pivot as best as they could to move to an online  
 2 environment, and it was a massive shift. It was a  
 3 revolution, so to speak, in how education in many ways  
 4 had been delivered, and teachers were put in a place to  
 5 change learning materials, change the way in which  
 6 classes were delivered or the way assessments were  
 7 delivered.  
 8 So I think there's a great deal of credit to be paid  
 9 there. I think from the student perspective, there were  
 10 challenges with online learning, there were challenges  
 11 around accessibility of online learning and teaching and  
 12 assessment. We heard very early on from students who  
 13 didn't have exclusive use of a laptop or a digital  
 14 device in order to take part in their learning. They  
 15 would usually under normal circumstance go on to the  
 16 campus, their college or university campus, have access  
 17 to a library, have access to a computer or the learning  
 18 materials they need.  
 19 But with that move to online learning, you didn't  
 20 have access to those facilities, and so some students  
 21 did, some students did have access to laptops and others  
 22 just simply didn't. We heard quite challenging stories  
 23 of people with whole families kind of locked down in  
 24 homes, having to kind of find the space in a corridor  
 25 and join their class on their phone, because they didn't

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1 have exclusive use of a computer, and finding it really,  
 2 really challenging in that way.  
 3 I think too, though, we did hear some feedback from  
 4 some students, including some disabled students, who  
 5 actually found some of the online learning more  
 6 accessible actually in some ways as well, but I think  
 7 overall, it was a really challenging time, and education  
 8 was being delivered in a totally different way. From  
 9 the student perspective, you know, the shift to online  
 10 learning had presented a really — a different life to  
 11 students.  
 12 So if you're a student, you're, you know, you often  
 13 enroll on a course to develop many of the soft skills  
 14 that come through education too, so confidence building,  
 15 presentation, you perhaps meet lots of different people  
 16 that you have never met before. You maybe take on some  
 17 of the additional life experiences that is sometimes  
 18 associated with being a student, so you might move out  
 19 for the first time in your life, you might meet your  
 20 life partner and all these sorts of things.  
 21 I suppose with the kind of move to online learning  
 22 through the pandemic and the lockdowns, students didn't  
 23 necessarily have those life opportunities too, those  
 24 social opportunities, those opportunities to expand  
 25 their kind of whole being, although they did, often

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1 again, due to the hard work of, I think, college and  
 2 university staff, they often did get access to some of  
 3 the learning online.  
 4 Finally, I suppose one of the key challenges during  
 5 the pandemic was whether or not courses can be delivered  
 6 in an online way. So there were some subjects where  
 7 that was easier to make that transition, some of the  
 8 humanities subjects, for example, which I was a student  
 9 in. It was somewhat easier to transition in to an  
 10 online environment in some cases.  
 11 But for those students who were studying more  
 12 practical based courses, it was very, very hard, very  
 13 hard to train — to take part in a hairdressing course  
 14 at college online. It was very difficult to learn to  
 15 become a dentist, to train to become a dentist. It was  
 16 difficult if you needed access to laboratories etc etc,  
 17 and that's where there was particular challenges through  
 18 the pandemic, ensuring those students were supported.  
 19 Q. Thank you.  
 20 ELLIE GOMERSALL: Yes, first of all, I think Matt has summed  
 21 that up really, really well, actually, and I will just  
 22 maybe take a bit of a deep dive into a couple of those  
 23 points. So I think, first of all, around the  
 24 accessibility issue and actually different students  
 25 having different experiences of the pandemic, which I

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1 think is a particularly important issue, because then it  
 2 widens the gap between different groups of students, and  
 3 actually it means that it's a lot harder to identify,  
 4 for instance, which students are — you know, whether or  
 5 not students are actually getting the grades that they  
 6 deserve, for example.  
 7 So some students actually really thrived with being  
 8 able to learn online, so disabled students, for example,  
 9 who had real issues in terms of accessing a physical  
 10 campus, being able to actually just travel to campus,  
 11 being able to afford to get things like the bus or  
 12 public transport to travel there. Actually a lot of  
 13 those issues were all of a sudden mitigated by being  
 14 able to learn from your home.  
 15 That's really good for those students. But then  
 16 actually a lot of students really, really struggling  
 17 with that move to online, particularly around things  
 18 like mental health challenges, that isolation, that  
 19 loneliness, and the challenges that arise as a result of  
 20 that.  
 21 Actually also just in terms of it's a lot harder,  
 22 and I agree with what Matt said in terms of just paying  
 23 credit to those teaching staff who really adapted just  
 24 so phenomenally, but it is much harder for a lot of  
 25 those, especially those who hadn't taught an online

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1 class before, to actually keep that interactive and  
 2 engaging. As a result, a lot of students who were  
 3 neurodiverse, for example, actually really just  
 4 struggled in terms of being able to engage with, for  
 5 instance, a three-hour lecture that's just staring at a  
 6 screen for three hours versus what might be in a  
 7 classroom, in a lecture hall, where you can have  
 8 discussions with people during breaks and things like  
 9 that, that makes it more interactive.  
 10 Some other groups of students had other impacts in  
 11 terms of being able to learn from home. So, for  
 12 example, as Matt said, often going to university or  
 13 college for the first time in particular can be a really  
 14 sort of liberating experience in terms of finding out  
 15 who you are, building those social skills. That's often  
 16 a time where, for instance, many LGBT plus students  
 17 might come out, for example, or might start exploring  
 18 their identities.  
 19 As a result of many students having to move back in  
 20 with parents, for example, who maybe they weren't as  
 21 comfortable being themselves with, that could actually  
 22 have significant impacts on their mental health and  
 23 their wellbeing too.  
 24 So there were a number of different impacts beyond,  
 25 you know, additionally the impacts around, you know,

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1 digital poverty and not having access to a desk, for  
 2 example, as well as digital devices, that would be  
 3 really, really challenging.  
 4 So there were a number of issues there in terms of  
 5 that real disparity that I think really sort of  
 6 heightened the gap between certain groups of students,  
 7 particularly with regards to — so Matt talked about  
 8 some of the more practical courses, and again, actually,  
 9 I think again, universities and colleges to their credit  
 10 did a really good job in terms of finding innovative  
 11 ways very, very quickly to deliver these types of class  
 12 and these more practical classes online, but it simply  
 13 wasn't the same.  
 14 So to use my own personal experience as someone who  
 15 was studying physics, my class, we had lab sessions that  
 16 ordinarily we would have been in the lab doing an  
 17 experiment and then writing up a report. Instead, we  
 18 were watching a YouTube video of the lecturer doing the  
 19 experiment, and then writing a report based on what they  
 20 did. It makes it so much harder to actually learn when  
 21 you're not doing it practically yourself, so there was a  
 22 particular impact there too.  
 23 Q. Thank you.  
 24 LIAM MCCABE: Yes, I suppose just to touch on at the very  
 25 outset of things how quickly it became apparent that the

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1 further and higher education sectors in Scotland simply  
 2 were not prepared for any kind of meaningful increase in  
 3 demand, and digital infrastructure under these  
 4 circumstances. I think there are more precise figures  
 5 laid out in the statement which I can't summon to mind  
 6 off the top of my head, but you were finding that even  
 7 in large universities, you were lucky if there were 100,  
 8 200 laptops available for rent or hire among students.  
 9 If you're looking at some of the larger universities  
 10 where you're looking at 19,000, 20,000, 22,000, 25,000  
 11 students, that's just not going to touch the sides of  
 12 what was required. So the infrastructure simply wasn't  
 13 there for that move, and not only that, a number of —  
 14 there was scant few institutions who had any kind of  
 15 meaningful experience or practice in digital provision.  
 16 You're looking at kind of like, you know, University of  
 17 the Highlands and Islands, for example, who use a lot of  
 18 digital provision because they have to, because of the  
 19 large geographical space. You're looking at obviously  
 20 the Open University, institutions like this.  
 21 Most universities did not have, and I'm sure there  
 22 were others who had more experience in that, but those  
 23 are the two that jump most to mind, perhaps for obvious  
 24 reasons, but most institutions didn't have that  
 25 experience, and so that's why I would just like to add

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1 my voice to Ellie and Matt's in terms of commending how  
2 quickly lecturers, tutors and all educational staff kind  
3 of really bent themselves towards trying to deliver as  
4 effective a digital education as they possibly could, on  
5 essentially an improvisational basis because they  
6 themselves had not been given training for that.

7 You know, even in some cases access to the software  
8 required for that kind of thing just simply wasn't in  
9 place, and the quickness with which they were — the  
10 willingness they demonstrated to just try and do  
11 something, the right thing, the best thing they could  
12 possibly do for as many of the students as possible was  
13 commendable, but certainly that would be the main thing  
14 from those that really — I was really taken aback by as  
15 NUS Scotland president in those first four months, just  
16 how poorly provisioned Scottish colleges and  
17 universities were, when it came to actually providing  
18 the facilities that students required, when as has been  
19 mentioned previously, they couldn't access a library,  
20 they couldn't access a lab, they couldn't access the  
21 software they usually would have access to. But I'm  
22 sure we can touch on — I'm sure we will touch on what  
23 the implications for that were on attainment and things  
24 like that as well as we progress.

25 Q. And you made a good point there as well about the —

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1 certain universities being set up for it, because one  
2 thing we have heard is that online learning is something  
3 specific; remote learning is really what was happening.  
4 Online learning is something that's designed to be  
5 delivered online, not an ad hoc emergency —

6 A. Totally different pedagogical approach, yes.  
7 Q. If we could then maybe turn to have a discussion about  
8 financial impacts and accommodation. Obviously that  
9 encompasses a multitude, so I will leave it to you to  
10 decide what the main impacts were from your  
11 perspectives, but yes, you touched on initially about  
12 the exacerbation of existing poverty and job loss, but  
13 then there's the housing aspect as well. So I don't  
14 have a note of who would go first on this, but perhaps  
15 we can start — do we have an indication of who  
16 would like to start? Mr Crilly?

17 MATT CRILLY: Yes. I think, as Mr McCabe touched on at the  
18 start, there was an accommodation impact at the outset  
19 of the COVID-19 outbreak, insofar as students living in  
20 purpose-built student accommodation did not have the  
21 legal right to provide notice to terminate their  
22 contract in that accommodation.

23 So at the point of the pandemic where many people  
24 were frightened, and maybe wanted to travel back and be  
25 with loved ones or family or get to a kind of safe

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1 location, students living in purpose-built student  
2 accommodation didn't have that — didn't have the  
3 ability to terminate that contract and give notice to  
4 leave. They were effectively tied into accommodation  
5 contracts which would run more or less slightly  
6 concurrent with the academic year. So in the kind of  
7 springtime, they would be tied into a contract until,  
8 say, July or August or September, they would often be  
9 tied into.

10 So that was one of the initial challenging points  
11 where people had that financial burden, students faced  
12 that financial burden of having to pay rent on  
13 accommodation that they were no longer living in. But  
14 thankfully, due to the concerns raised by students,  
15 initially some accommodation providers, often the  
16 university-owned accommodation, provided the ability for  
17 students to leave and essentially waived that contract.

18 Then the Scottish Government, through support with  
19 Ross Greer MSP, introduced a right through the temporary  
20 coronavirus legislation for students to give notice.  
21 Regarding the wider financial impacts of the pandemic,  
22 these were incredibly stark, and I think often if we  
23 think about students in a kind of education context, but  
24 as we kind of paint a picture of some students being in  
25 a corridor, or maybe a childhood bedroom, trying to

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1 access their courses, at the same time, they had lost  
2 out on the employment opportunities that they would  
3 typically have, be that working in cinemas or  
4 hospitality or retail, or — all the parts of the  
5 economy where students really rely on for additional  
6 income, because as Mr McCabe said, the reality is that  
7 the students' support loan system, grant system in  
8 Scotland, does not actually cover the ability for  
9 students to survive and to live.

10 You have to supplement that with additional  
11 part-time and sometimes even full-time work in addition  
12 to your studies. Therefore, students faced a remarkably  
13 challenging financial situation, whilst also facing the  
14 kind of health context of the coronavirus spread, and  
15 then the fear that came through that, the isolation of  
16 lockdown. Then on top of that trying to complete your  
17 studies, because, you know, there's a career or a life  
18 path that you want for yourself.

19 So they're under enormous pressure, and often in our  
20 engagement with students, they were focused less  
21 actually sometimes on their academic challenges, and  
22 were focused more on the financial pressures that they  
23 were facing, because quite simply, they couldn't afford  
24 to pay their rent or kind of keep their home warm.

25 So from an NUS Scotland perspective, we helped raise

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1 the voice of students through the pandemic, through kind  
2 of, you know, drawing awareness of Scottish Ministers to  
3 the challenges that students were facing, to conduct the  
4 research and putting that research out into the public  
5 domain, so that the — society was aware of the  
6 financial pressures which students were facing. There  
7 was some additional monies provided to students through  
8 discretionary hardship funding pots that were allocated  
9 to their university or college to then distribute out to  
10 students.

11 ELLIE GOMERSALL: Yes. If I may come in on that point in  
12 particular, so with regards to the hardship and  
13 discretionary fund, this was something that I know a lot  
14 of students in particular during COVID were able to  
15 benefit from, and actually some of the rules around  
16 those hardship funds were changed, which meant that some  
17 international students who wouldn't ordinarily be able  
18 to access discretionary and hardship funds were able to  
19 do so during the pandemic.

20 However, one of the real challenges with hardship  
21 and discretionary funds is that, as Matt said, it would  
22 be up to the university or college in terms of  
23 distributing those. There would still be a process in  
24 which that student would have to apply for those funds.  
25 That presents a real barrier to a number of students who

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1 may be in absolute sort of destitution, but still  
2 wouldn't apply for a hardship fund for a variety of  
3 different reasons.

4 A number of reasons cited by some students, and this  
5 is primarily anecdotal, but a number of students would  
6 say: there's going to be someone who needs it more than  
7 me. So it would be publicised, you know, how much money  
8 is going into that fund, and so it's a fixed pot, so  
9 students who actually are really, really suffering  
10 think: I'm not going to apply for that because someone  
11 else needs it more.

12 Also just the process of applying could be  
13 particularly difficult for a number of students, so as I  
14 say, the process varied from institution to institution,  
15 so it wasn't a sort of joined up application form, but  
16 often they would require things like bank statements,  
17 proof of your income, things like that, actually some  
18 students might simply just not want to give their  
19 university or college their full bank statements to show  
20 them everything that they have been spending. Other  
21 students might not be able to access that.

22 So with banks being closed, if a student, for  
23 example, actually isn't able to access a laptop or wifi  
24 because they don't have enough money, then the process  
25 for them to be able to get that money would require them

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1 to have a laptop or the device to be able to apply for  
2 the fund and gather all the evidence that they would  
3 require for that, which could also be quite a  
4 time-consuming process, when they're also perhaps  
5 working significant hours alongside their studies.

6 You see the real sort of combination of impacts that  
7 meant that while those hardship and discretionary funds  
8 were very, very welcome, actually they didn't manage to  
9 reach all the students who needed them.

10 With regards to the students — the impact in terms  
11 of employment, as both Matt and Liam have said,  
12 primarily students will be working in retail  
13 hospitality, and those were two sectors which were  
14 particularly affected. But actually, in terms of the  
15 way that students engage with those sectors as well  
16 might be somewhat different to the general population.

17 So, for example, a high prevalence of zero hours  
18 contracts, which would mean that things like furlough  
19 payments might actually not quite reach them in the same  
20 way as they would other members of the population; and  
21 the nature of the way in which students would typically,  
22 you know, might be having more hours during the summer,  
23 versus fewer hours during term time. When the pandemic  
24 hit in March, chances are they hadn't been working,  
25 certainly not as many hours as they might have been in

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1 the summer, and so that would mean that any furlough  
2 payments that they might get would actually be based off  
3 of how much they had been working during that period  
4 rather than during the summer.

5 So then come the summer, there wouldn't be  
6 opportunities for students who would be perhaps  
7 unemployed the rest of the year, and then would get a  
8 job during the summer, but also those students who might  
9 just have a job year round, but vary the hours, their  
10 payments wouldn't go up in the summer from furlough  
11 because it would still be based off of the hours that  
12 they were working beforehand. So that would be a  
13 particular challenge for students, particularly in the  
14 hospitality sector. In the retail sector, again, it  
15 might well be the same in terms of some aspects of the  
16 retail sector.

17 In some other aspects of the retail sector, things  
18 like supermarkets, for example, actually a number of  
19 students, because perhaps older members of staff within  
20 those supermarkets and other retail shops might be then  
21 sort of self-isolating, taking themselves out; actually  
22 a number of students ended up taking on more hours  
23 during the pandemic working in that space. As Matt  
24 said, that could then have a detrimental impact in terms  
25 of their studies to students often taking additional

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1 shifts just so that they can keep the rent paid rather  
 2 than attending class, for example.  
 3 So there were some particular detrimental impacts in  
 4 terms of finance and accommodation there. Just in terms  
 5 of accommodation, the other thing that I'll just mention  
 6 very briefly is when you consider the way that student  
 7 halls and purpose—built student accommodation, for  
 8 example, are designed, I think a lot of us, and I'm sure  
 9 everyone across the country and around the world can  
 10 relate to the isolation that you feel and that we all  
 11 felt during lockdown. But when you consider then that  
 12 actually student accommodation is often designed, the  
 13 rooms are very, very small, often it's a shared kitchen  
 14 between 8 or more people, perhaps that actually they  
 15 would be told that you can't all be in the kitchen at  
 16 the same time, for example.  
 17 And that's a really quite horrible place to be  
 18 isolating in, and again, that impact that that has on  
 19 isolation, loneliness, mental wellbeing, and the impact  
 20 that isolation, loneliness and mental wellbeing then  
 21 have on things like your ability to succeed  
 22 academically; again, you can see just how there's a sort  
 23 of domino effect of — yes, really, really affecting a  
 24 number of students.  
 25 Q. Thank you.

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1 LIAM MCCABE: Yes, just, I suppose, in relation to some of  
 2 what has been spoken about already, as Mr Crilly made  
 3 mention of in terms of the purpose—built private student  
 4 accommodation and trying to get students out of those  
 5 contracts as quickly as we possibly could with partners  
 6 in Parliament, these are not inexpensive facilities.  
 7 And so what we found was that, yes, whilst we did manage  
 8 in the second piece of emergency COVID legislation, the  
 9 specific name for which of course is in my statement,  
 10 they managed to get that in, that was a couple of months  
 11 down the line by that point, and because of the — how  
 12 expensive these facilities often can be for student  
 13 accommodation, you're talking about comparable to rent  
 14 in the private sector if not usually higher.  
 15 So by the time we get some of those students out of  
 16 those contracts, they were already several hundred  
 17 pounds out of pocket for accommodation that they didn't  
 18 use, if not perhaps in some cases, the more expensive  
 19 end, in excess of 1,000 easily and upwards. So that  
 20 will naturally have an impact on students and their  
 21 finances under those circumstances as well.  
 22 I think in particular what I wanted to touch on,  
 23 just off the back of what has already been said, was in  
 24 regards to the distribution mechanism for the support  
 25 that the government was bringing to the fore, one of the

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1 main things that I negotiated with government at the  
 2 beginning of the pandemic was for additional monies to  
 3 be brought forward, you know, again, the precise  
 4 breakdown of which is available in my statement, but it  
 5 roughly came to about 21 million worth of — some of it  
 6 expedited, some of it new, most of it expedited, a small  
 7 amount of it new.  
 8 But what we were saying to the government at that  
 9 time was we would prefer to see in a lot of those cases  
 10 an extension of bursary provision as it existed under  
 11 current parameters into the summer months, rather than  
 12 utilising the distribution mechanism of hardship and  
 13 discretionary funds, largely for the reasons that  
 14 Ms Gomersall laid out in great detail, whether it was,  
 15 you know, a level of discomfort of revealing personal  
 16 financial expenditure, a feeling that people may need it  
 17 more etc etc.  
 18 We understood ultimately that the government  
 19 thought, you know, well, there might be some  
 20 difficulties and some legislative hurdles and some  
 21 regulatory issues with SAAS and other public bodies like  
 22 that, in terms of extending these existing things, these  
 23 existing bursary mechanisms beyond their natural life  
 24 cycles that, you know, would be difficult, and it might  
 25 be more pragmatic — sorry for touching the microphone

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1 there — might be more pragmatic to use the distribution  
 2 mechanisms which exist locally, but that led then  
 3 potentially to a situation where it was disadvantaging  
 4 particular kinds of students, putting certain kinds of  
 5 students off, and again, certainly for the four months  
 6 that I was in place, there was at that time, to the best  
 7 of my recollection, no provision for the possibility  
 8 that international students could access those funds.  
 9 I think there was scarcely a hardship or a  
 10 discretionary fund available in any institution, college  
 11 or university where international students had any kind  
 12 of access to that funding. That's something which came  
 13 much later down the line. And so we did raise  
 14 objections and concerns about a lot of these things.  
 15 Don't get me wrong, the government were understanding  
 16 of, and they did hear those concerns, and of course they  
 17 did take what I thought ultimately was a pragmatic  
 18 approach to just getting money out as quick as they  
 19 possibly could under difficult circumstances, not to  
 20 kind of allow the perfect to be the enemy of the good.  
 21 But there were certain occasions, certainly even  
 22 just in those first four months where you were engaging  
 23 earnestly and in good faith with the government, and 99%  
 24 of the time you felt you were getting the exact same  
 25 back, but it just felt that certain things were being

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1 heard but not heeded.  
 2 You know, I think ultimately that arises from the  
 3 reality of the pandemic. There was scarcely a  
 4 government anywhere in the west at least who had  
 5 adequate plans in place to respond to this across any  
 6 kind of sector, never mind further and higher education  
 7 which is incredibly complicated.  
 8 But it did mean that we were throwing a lot of  
 9 things at the wall and seeing what stuck, and then just  
 10 try and make up -- fill in the gaps, sort of with what  
 11 they could thereafter, and that's something I think that  
 12 we hopefully take from this Inquiry going forward, about  
 13 how we actually build in ways of responding more quickly  
 14 to these kinds of shocks. Because ultimately, you know,  
 15 as I am sure we'll touch on perhaps later on, the  
 16 further and higher education sectors in Scotland prior  
 17 to COVID and if COVID had not even happened, were -- are  
 18 incredibly vulnerable to any kind of international  
 19 economic shock, because of the increasing reliability,  
 20 especially in the university sector, on international  
 21 student fees to kind of make the whole system work. And  
 22 the fragility that's been built in, as a result of low  
 23 public investment, means that whether it's the pandemic  
 24 or something else, there will be needs to respond to  
 25 these kinds of shocks in future, if we're not careful,

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1 and if we're not careful, they will manifest some more  
 2 problems.  
 3 Q. Thank you very much. I think if we could then turn on  
 4 to discuss academic impacts, and in particular the  
 5 impacts on learning and assessment, but included in  
 6 that, you've already touched on practical subjects, so  
 7 whichever the key impacts were in relation to academic  
 8 impacts, if we could spend some time on that now, and we  
 9 can perhaps start with Mr McCabe and work our way down  
 10 the line?  
 11 LIAM McCABE: Sure. So as I alluded to earlier, one of the  
 12 main issues that arose in those four months, the  
 13 immediate questions that needed to be answered was how  
 14 are we going to calculate what students' final grades  
 15 are, and what are, at the very least, if not the final  
 16 grade for their qualifications, what their final grade  
 17 is going to be for the year, and what that will then  
 18 augur for their final grades down the line.  
 19 As you can imagine, students were greatly exercised,  
 20 to put it diplomatically about this on campuses, after  
 21 having put in, after doing an undergraduate degree, four  
 22 years of really, really hard graft, pouring themselves  
 23 into their studies only to potentially find that because  
 24 of COVID and not being able to access this, not being  
 25 able to do that, not being able to do this particular

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1 part of the course in a way that was initially intended,  
 2 that they might find themselves with a lesser degree,  
 3 and therefore have potentially longer--term less  
 4 employability as a result of that.  
 5 Because of all those concerns, you know, that was  
 6 front of mind for students and among the membership, and  
 7 so I did work quite hard with government and with  
 8 stakeholders and other parts of the education sector to  
 9 try and, you know, find some way of resolving this.  
 10 Now, for the most part, to the best of my  
 11 recollection, colleges, I think, were very, very quick  
 12 and, you know, were very quick to, and very open about  
 13 the fact that they were not -- they were going to pursue  
 14 something called a policy of no detriment or no  
 15 detriment policies. Essentially it does what it says on  
 16 the tin, the idea being that we recognise that COVID was  
 17 unforeseen, we recognise it has inhibited people's  
 18 learning, irrespective of your course, to varying  
 19 degrees, and therefore we are going to make do whatever  
 20 we can using various different mechanisms, to try and  
 21 get in place a way of calculating your final grade which  
 22 is going to be reflective of your ability and not  
 23 reflective instead of the unforeseen circumstances that  
 24 were thrust upon you.  
 25 Several universities similarly were good at this

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1 too. There were a lot of really good and really  
 2 generous no detriment policies out there. Some  
 3 universities, for example, were saying: the way that we  
 4 will accommodate for this is we will take your worst  
 5 module, so that if you completely crashed out of a  
 6 module because of COVID, we will just take that off your  
 7 average completely, and calculate it based on this. As  
 8 you can imagine, various different universities had  
 9 various different approaches. Sometimes they had  
 10 several approaches. They would use the one that best  
 11 worked for that student to get them the best final grade  
 12 they possibly could. All of that was really admirable.  
 13 But what was disappointing was the inability of the  
 14 sector to cohere around a unified position on policies  
 15 of no detriment. This was a particular issue with  
 16 universities, and some of the more elite universities,  
 17 Russell Group universities in particular, generally  
 18 speaking, they all had good no detriment policies, in  
 19 fact they had some of the more generous no detriment  
 20 policies.  
 21 But when we were going to government and saying, I  
 22 think reasonably to make sure that we could quell the  
 23 concerns of students, ease their minds, give a guarantee  
 24 to students across all of Scotland: don't worry, we  
 25 recognise this, and all colleges, all universities are

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1 going to bend themselves entirely towards making sure  
 2 that you get the best grade possible. Just to give  
 3 everyone the reassurance of that guarantee, there was  
 4 not necessarily an agreement on how to do that. I think  
 5 again, colleges in particular, there was no concerns  
 6 there, many universities were quite all right calling  
 7 their policies no detriment policies, but some  
 8 universities, I think out of a fear of being perceived  
 9 to be soft touch, perhaps, or undermining a perception  
 10 of academic rigour, which I think should not necessarily  
 11 have been the priority at that time, given the  
 12 unforeseen circumstances, even if they had an incredibly  
 13 decent no detriment policy, refused to call it a no  
 14 detriment policy, and would not then through their  
 15 representative bodies at the national level commit to a  
 16 unified statement or position colleges, universities,  
 17 government, National Union of Students on no detriment.  
 18 That was vexing. That was really vexing, because  
 19 ultimately what we didn't want is for students to feel  
 20 like it was going to become a postcode lottery, where  
 21 depending on which college or which university you were  
 22 at, you might or you might not get a good no detriment  
 23 policy. You might or might not get, you know, the kind  
 24 of support to get the best grade you possibly could  
 25 under the circumstances.

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1 That's probably one of the examples where again, I  
 2 felt like I was very clear to the best of my  
 3 recollection with government, with senior civil servants  
 4 who I spoke to on a bi-weekly basis, the minister who I  
 5 spoke with on a bi-weekly basis, that this is something  
 6 that will go a really long way to providing peace of  
 7 mind to students, when peace of mind was not easy to  
 8 find under the circumstances; and I almost felt there  
 9 was a calculation made, that this was a battle that they  
 10 weren't willing to pick with this particular group of  
 11 stakeholders, and were just going to let universities  
 12 and colleges go off and do their own thing and say their  
 13 own thing to students.  
 14 That did cause concern, because one of the things,  
 15 as has been touched on earlier, one of the first things  
 16 I did in the first couple of weeks of the pandemic was  
 17 start the all-officer meeting that met weekly so we were  
 18 getting up-to-date, weekly, kind of, you know, weekly  
 19 touching base with officers all across the country at  
 20 all levels, affiliated unions and nonaffiliated unions  
 21 about what was going on. That was coming from almost  
 22 every direction; concerns about attainment, concerns  
 23 about access to assessment, about final grades, about  
 24 how things were going to be marked, if exams were going  
 25 to go ahead, whatever it would be.

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1 I just felt that there was a little bit of failure  
 2 in that respect on the part of the government to kind of  
 3 say: no; and put its foot down and say: we need to come  
 4 by a unified statement on this. I think in the end,  
 5 ultimately, because all the colleges and universities  
 6 were trying to do something, and they all mostly did get  
 7 to that place eventually on their own, the real impact  
 8 of that was not as severe as it otherwise could have  
 9 been, but ultimately it caused unnecessary dismay,  
 10 because there was a lack of willingness to challenge  
 11 some stakeholders to come to the table and find  
 12 agreement, which, like I said, was vexing.

13 Q. Thank you, Mr Crilly?

14 MATT CRILLY: Yes, I suppose I arrived in the post in  
 15 July 2020, formally having been elected in the spring of  
 16 2020 just before the first lockdown and having been at  
 17 the University of Strathclyde student union. As  
 18 Mr McCabe has touched on, at the outset, students were  
 19 just totally confused as to what was happening. They  
 20 were like: what, I have done 90% of my course, I'm now  
 21 being put into, you know, we're going into a lockdown,  
 22 I'm scared about our health and wellbeing, and I have  
 23 got to think about this exam which is now no longer  
 24 taking place in person, it's been moved online, but  
 25 I don't have access to a library to do it, so what is

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1 happening to my grades?

2 That was really the kind of initial concern, and as  
 3 Mr McCabe has given a kind of broad overview of the idea  
 4 of no detriment, so that for students who had clearly  
 5 demonstrated against the learning that comes in their  
 6 course, and had done their course for — 90% of their  
 7 course prior to the pandemic. They had demonstrated  
 8 their learning outcomes, and therefore you could pursue  
 9 things like a no detriment policy.

10 It got slightly more challenging with courses that  
 11 were reliant on external accreditation bodies, so if a  
 12 course was handled more locally at the college or  
 13 university, with a teacher who was in front of their  
 14 class, and knew, you know, what their students were  
 15 facing on the — at the coal face, there was a bit more  
 16 flexibility there and there was more — there was a  
 17 greater ability to give students a degree of certainty.

18 Where courses were reliant on external accreditation  
 19 bodies, that certainty often didn't come, or if it came,  
 20 it came really, really late because there was a much  
 21 broader kind of background bureaucratic process that had  
 22 to take place for general agreement on how to proceed.

23 I suppose my experience started in formally NUS  
 24 Scotland July 2020 and it moved on. It got more  
 25 difficult as the pandemic went on to offer students

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1 reassurance in these ways, so things like you could give  
2 a degree of reassurance for those final year students in  
3 the spring of 2020 as an example. That got a lot harder  
4 later on when we were talking about another year of  
5 restrictions, and where students were maybe in their  
6 second and their third year or just halfway through  
7 their college course. It became more difficult to kind  
8 of track, and that's where, I suppose, the —  
9 particularly those students that were on the more  
10 practical courses, it was tough, you know, I would take  
11 calls with students who were scratching their head about  
12 what it is they were supposed to do.

13 So they were putting in a tremendous amount of work  
14 to complete their assessments that were given to them,  
15 their course work, and they were doing it under the most  
16 incredible circumstances, much more difficult  
17 circumstances actually than kind of pre-pandemic,  
18 because they were dealing with all the wider context of  
19 COVID, but they felt like, you know, our — you know,  
20 I'm at college, will the university accept my  
21 qualification, will employers think my qualification is  
22 valid.

23 Then you also heard from people who felt frustrated  
24 at not getting access to the kind of practical teaching,  
25 and maybe didn't feel like they had that degree of

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1 confidence actually too, because, okay, they had done a  
2 lot of the online study, but hadn't had access to the  
3 kind of practical experience, and therefore did feel  
4 that — that lack of confidence and kind of progressing  
5 forward. There was a lot of work done there, I think  
6 throughout at the pandemic, NUS Scotland, we were  
7 really, really cautious about ensuring the safety of  
8 students and the safety of our communities and ensuring  
9 that, you know, the kind of wellbeing and the promoting  
10 of the public health messaging.

11 I think where we were kind of discussing, and I'm  
12 sure we'll come on to it when we turn to campus, was  
13 that there was often needing a degree of priority for  
14 those students where the courses were more or less  
15 entirely practical, or a lot of the learning took place  
16 on a practical basis. There were challenges around how  
17 assessment would be delivered. So again, you found that  
18 again sometimes related to whether or not a course  
19 was — had an external accreditation body where —  
20 through different points, even when we were under  
21 different coronavirus restrictions, there was maybe a  
22 move to have an exam in person, because that's how it  
23 had always taken place.

24 So you had to get people back in person to sit down  
25 at a table, so that they could be monitored etc. So

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1 there was a degree sometimes of kind of falling back on:  
2 that's how it has always been done so we need to get  
3 back to that as quickly as possible; even though the  
4 virus was still spreading and students were still a  
5 little bit anxious about going back in person. We often  
6 heard concerns about that where people were worried  
7 about the virus, but, you know, their assessment had  
8 been scheduled to take place in person, and they felt  
9 anxious about that as well.

10 ELLIE GOMERSALL: I'll try and keep it super brief and not  
11 repeat anything that has already been said. I think the  
12 key things that I think I wanted to focus on, in terms  
13 of many of the impacts around assessment in particular,  
14 are going back to that idea that many students were  
15 impacted by the pandemic quite differently, and in some  
16 ways, if everyone had all been affected a lot, but at  
17 least everyone was affected the same amount, that would  
18 perhaps make things a little bit easier, because then  
19 you can sort of adjust accordingly. But because  
20 different people were affected in different ways, I  
21 think that makes it really, really challenging. It  
22 meant that no detriment policies had to be able to be  
23 adaptable for different students' circumstances.

24 I think one of the issues around the PSRBs,  
25 professional statutory and regulatory bodies, meant that

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1 you might have most students in one particular  
2 university, for example, who actually the university has  
3 taken one particular approach to assessments. So, for  
4 example, moving away from timed exams, moving more  
5 towards the sort of coursework model, which actually a  
6 lot of universities were moving more towards  
7 pre-pandemic anyway.

8 But then you might have one PSRB, one regulatory  
9 body that says: no, you have to have an exam in order to  
10 have your degree accredited by this body. Therefore the  
11 university would then have to put that provision in  
12 place, and the no detriment policy might then affect  
13 those different students differently. You might even,  
14 in some circumstances, you might have multiple courses  
15 within — you know, similar courses within an  
16 institution that share modules where one of those  
17 qualifications is accredited by a PSRB, and another  
18 isn't, but because they share modules, they all have to  
19 be examined in the same way.

20 So someone whose qualification wouldn't even be  
21 accredited by the PSRB would still have to have the  
22 stricter exam regulation under the PSRB rules for the  
23 qualifications that it shares a module with. So you can  
24 see how actually, it just meant that there was a lot of  
25 uncertainty, and it meant that any sort of policies, any

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1 adaptations that were being designed by an individual  
 2 university which could well be a postcode lottery, had  
 3 to be really able to adapt to the different  
 4 circumstances of the different students. I don't think  
 5 it would have been possible to have come up with  
 6 necessarily a policy that would have succeeded at that  
 7 in every single regard.  
 8 Some of the requirements by PSRBs and some  
 9 universities in terms of the way that they did  
 10 assessments, for example, you know, many as I say moved  
 11 just towards coursework. Some moved more towards  
 12 saying: okay, here's the exam paper, you have got a week  
 13 to complete it. Some would say: here's the exam paper,  
 14 you've got two hours to complete it; as it would be if  
 15 it was a more formal in-person exam, except you're at  
 16 home. And if you're a student who has got a desk and  
 17 got access to a computer and all of that, then great,  
 18 but if you're a student who has got caring  
 19 responsibilities, the kids might be knocking on the  
 20 door, you might just not have somewhere that you can  
 21 actually sit and do that exam.  
 22 It just widens that gap and it means that those  
 23 students, particularly working class students, students  
 24 from most disadvantaged backgrounds, would be impacted  
 25 disproportionately by that, and as I say, just then

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1 finding a way to make sure that those students get the  
 2 grade that they then deserve, incredibly, incredibly  
 3 challenging.  
 4 Q. Thank you very much. Do you have any comments on  
 5 lessons good or bad and any changes that have been made  
 6 in relation to learning and...  
 7 ELLIE GOMERSALL: I think it's interesting at the moment in  
 8 particular, actually even thinking post-pandemic,  
 9 because as I say, before the pandemic, actually, a lot  
 10 of institutions were exploring how they can adapt their,  
 11 you know, academic provision, how they can adapt things  
 12 like assessments. We are, I think, starting to have a  
 13 culture shift, even beyond tertiary education in  
 14 Scotland, having that conversation about moving away  
 15 from formal examinations, for example.  
 16 So some institutions might have been having that  
 17 conversation beforehand, and I think many of them will  
 18 have been better prepared for then having to adapt very  
 19 quickly for the pandemic.  
 20 There's another interesting thing, I think, in terms  
 21 of the difference between the way that assessments were  
 22 done in 2020 versus 2021, because the first lockdown  
 23 happened at the end of March in 2020. So if you think  
 24 about it, most institutions would then be having exams  
 25 in that sort of April/May period, so very, very quick

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1 after lockdown, so having to adapt very, very fast, and  
 2 sort of, you know, often just come up with: okay, what  
 3 is a solution that we can put in place quickly.  
 4 Whereas in 2021, it was much more thought through,  
 5 but actually in some ways that disadvantaged some other  
 6 students, because in 2020, it was much more likely to be  
 7 that sort of approach of: okay, we're going to find, you  
 8 can — here's the assessment, you have got a week or so  
 9 to complete it. It was much more sort of lenient, I  
 10 think in some ways, that many institutions, I'm  
 11 generalising here, because it did vary from place to  
 12 place. Whereas in 2021, I think you have much more of a  
 13 situation where — because then the universities were  
 14 then sort of trying to fit more that mould of how  
 15 perhaps they used to do things before or try to, you  
 16 know, appease things like the professional regulatory  
 17 bodies; or thinking about how, as Liam said, that sort  
 18 of idea of making sure that their degrees were still  
 19 competitive. They didn't want people to think that a  
 20 qualification from their university that had been got in  
 21 those years would be worth less than the same  
 22 qualification in another year or the same qualification  
 23 from a different institution.  
 24 So that, I think, had a lot of challenges. I think  
 25 one of the key lessons to be learnt is that I think

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1 there's a lot of data that does show that, you know,  
 2 formal examinations aren't necessarily the best way of  
 3 measuring a student's success. They do  
 4 disproportionately impact, for example, working class  
 5 students, and actually those institutions that are maybe  
 6 going down that different approach, even post pandemic,  
 7 I think actually if we have got a model that is more  
 8 based on things like course work, for example, or other  
 9 forms of assessment, if another pandemic or another sort  
 10 of major emergency hit, then actually you won't need  
 11 these big adaptations, because actually we have a model  
 12 that works better regardless of the mode of study.  
 13 So I think that's one of the key lessons that  
 14 actually is — that we need to be adapting the way we do  
 15 things even outwith pandemic times, so that when  
 16 pandemics and other events do hit, we don't have to  
 17 change as much.  
 18 Q. Thank you very much. I think if we could then move on  
 19 and starting with you, Ms Gomersall, again, to mental  
 20 health and wellbeing and social impacts, so roll them up  
 21 together, and obviously it's wider than just the mental  
 22 health and wellbeing, so things like I think you touched  
 23 on the confidence aspect, et cetera, so if you could  
 24 please start and we'll work our way back?  
 25 ELLIE GOMERSALL: Yes, absolutely, and actually I think I

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1 have covered some of this already, so I'll try not to  
 2 repeat any of that, just around — some of the issues  
 3 around increased loneliness, isolation, the way that  
 4 student accommodation is designed, being unable to see  
 5 people. I think it's important to recognise that —  
 6 I would certainly consider that we have had a student  
 7 mental health crisis for a very long time, including  
 8 pre-pandemic, and when you look at the statistics of  
 9 students who are experiencing severe symptoms of  
 10 depression, suicidality, suicidal ideation, things like  
 11 that, this was a really big issue pre-pandemic too.

12 So then when you add in the combination of, you  
 13 know, the loneliness and isolation that comes as a  
 14 result of the pandemic, that exacerbates an already  
 15 severe problem. One of the good things that the  
 16 Scottish Government did, again, this was pre-pandemic  
 17 but I think it had a really positive impact throughout  
 18 the pandemic, was the provision of mental health  
 19 counsellors throughout Scottish universities and  
 20 colleges. So those were funded by the Scottish  
 21 Government. That was a five-year scheme that I believe  
 22 first started in 2019, and that came to an end just this  
 23 academic year in fact.

24 But actually, students being able rather than, you  
 25 know, we know the pressures that the NHS were facing

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1 particularly during the pandemic, access to mental  
 2 health services and in particular really long waiting  
 3 lists, and actually, a lot of students were able to  
 4 access a mental health counsellor on campus. When I say  
 5 on campus, that might be more likely to have been a  
 6 virtual appointment, but within the university or  
 7 college throughout that time, which has a positive  
 8 impact. Of course, there would still be waiting lists  
 9 but that would — still probably shorter than with the  
 10 NHS more broadly. As I say, that funding has just come  
 11 to an end now.

12 So if there were to be another pandemic, then there  
 13 might be a more urgent response that would be required  
 14 there, in terms of dealing with those particular  
 15 exacerbations, but actually I think one of the key  
 16 things that the Scottish Government needs to be doing is  
 17 looking at the different root causes of student mental  
 18 health issues more broadly, so that when we have things  
 19 like pandemics hit, that the exacerbations are perhaps  
 20 not quite as severe.

21 In particular when you look at the root causes, so  
 22 the Thriving Learners survey, for example, which I think  
 23 you have received as part of our evidence, that shows  
 24 very clearly a link between things like food insecurity  
 25 and poor mental health among students, particularly

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1 around student poverty and the link between student  
 2 poverty and poor mental health. And as we spoke about  
 3 earlier on, those things, particularly around poverty,  
 4 and obviously poverty then has an impact on food  
 5 security, are massively exacerbated by the pandemic too.

6 So not only did you have student mental health  
 7 worsened by things like the loneliness and isolation as  
 8 more sort of direct impacts, but then also those  
 9 secondary impacts, because the pandemic impacted  
 10 people's finances, and their financial situation then  
 11 impacted their mental health.

12 So, yes, I think some of the wider issues in terms  
 13 of the social impacts. I mean — and actually this ties  
 14 into the academic impact as well, because I think a  
 15 huge, huge amount of the learning that comes from being  
 16 at college or university, it's not necessarily the —  
 17 what, you know, someone is standing up in front of you  
 18 in a classroom and teaching you, it's all the things  
 19 that happen outwith the classroom, but also those sort  
 20 of side conversations that you might have within a  
 21 lecture. You know, having a wee break and then chatting  
 22 about the material with someone sat next to you to learn  
 23 and understand more about their perspective on what you  
 24 have just been taught.

25 All of that disappears during online and remote

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1 learning where you're not able to have those sort of  
 2 side conversations, those more informal, more casual  
 3 chats with people. That has a real impact, I think,  
 4 just in terms of your academic ability, as well as of  
 5 course the social impacts of that.

6 University, particularly if you are a school leaver,  
 7 you know, often it's the first time you have lived away  
 8 from home, for example, and building up and developing  
 9 all of those really crucial social skills that are going  
 10 to really help you throughout life. We have got a whole  
 11 generation of students who actually never really got  
 12 that, and I really worry about the impact there.

13 Then also, I think, the other impact that I think is  
 14 slightly outwith, you know, I suppose, the direct remit,  
 15 within NUS during the pandemic, but actually that we're  
 16 now seeing the impact of, is students who were at school  
 17 during the pandemic and had their school years  
 18 incredibly disrupted, and now are sort of flying the  
 19 nest, going to college or university for the first time,  
 20 but maybe not having had learnt those social skills that  
 21 they might have learnt at school otherwise. So you can  
 22 see how the sort of social element of it, I think is  
 23 going to have a real knock-on effect actually for years  
 24 to come, beyond just the pandemic period itself.

25 Q. Thank you. Mr Crilly?

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1 MATT CRILLY: Yes, Ms Gomersall, I think, has covered a lot  
2 of the impacts to a large degree. As kind of touched  
3 on, it really exacerbated some of the challenges that  
4 already existed around student mental health. I did see  
5 through my time as NUS Scotland president, those, again,  
6 kind of publicly funded counselling and mental wellbeing  
7 facilities for students. Again, a lot of them did pivot  
8 to online delivery as well, which was a positive  
9 development, you know, when the lockdowns occurred.

10 Just regards to mental wellbeing support, and I know  
11 we'll come to return to campus, but there were  
12 particular challenges for those students that were in  
13 student accommodation, so where there were coronavirus  
14 outbreaks within student accommodation, and whole  
15 accommodation blocks were locked down, you had — at  
16 that point a lot of the students who were in those  
17 accommodation blocks had newly arrived, they were  
18 potentially in a new city or a new country for the first  
19 time where they didn't know anyone, and they were, due  
20 to the kind of spread of the virus within those  
21 environments, and I know we'll touch on that, they were  
22 isolated into a small accommodation room, and didn't  
23 have access to much welfare support.

24 Really, the welfare support was difficult to come  
25 by, and the circumstances were just incredibly,

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1 incredibly difficult for those students. It was a  
2 really, really challenging time. And I suppose that  
3 relates to the wider isolation that will be felt across  
4 society really through the COVID—19 pandemic and  
5 lockdowns. It's not necessarily just specific to  
6 students around, you know, being isolated, but as  
7 Ms Gomersall touched on, the data kind of bears out just  
8 how challenging the mental health and wellbeing  
9 landscape was for students at the outset of the  
10 pandemic, and just how more difficult that got when  
11 employment opportunities dried up and added additional  
12 pressures, when there was uncertainties around whether  
13 or not you could secure housing, or what your housing  
14 situation would look like on top of, you know: am I  
15 going to get my course, am I getting my grades, am I  
16 qualifying, what's happening to my life, am I going to  
17 have to drop out and come back and redo this part of my  
18 life? As well as those wider social developmental  
19 opportunities that often come with being at college or  
20 university too.

21 Q. Thank you. Mr McCabe?

22 LIAM MCCABE: Yes. Just further to what has already been  
23 said, I think wherever you looked, irrespective of the  
24 circumstances, there were impacts upon some students'  
25 mental health, most students. I think in the ideal

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1 scenario, you know, if a student did kind of get a sense  
2 that things were going to get quite tightly restricted  
3 quite quickly, and they had a functional family home to  
4 go to with space, then their mental health may actually  
5 have fared better than most. But that's an ideal type.  
6 That wasn't the case for a lot of people.

7 As has been remarked, some people were going back to  
8 busy houses, busy homes, if they had one to go to, not a  
9 lot of space, not only people joining lectures from  
10 phones in stairwells, you know, or in the stairs of  
11 their own home; I heard horror stories again from those  
12 all—officer meetings of students trying to write  
13 dissertations on their mobile phones, you know, and  
14 anyone who has tried to do any kind of document longer  
15 than one side of A4 on Microsoft Word app, you know how  
16 impossible it would be to construct a document of that  
17 type, especially if you're trying to do any form of  
18 citation.

19 So it just — and that ties back into, again, the  
20 total lack of readiness when it came to digital  
21 provision that I spoke to earlier. All these things  
22 have a knock—on impact, as has already been touched on,  
23 you know, like the kind of difficulty in accessing the  
24 right kind of stuff to get your academic work completed  
25 to a standard that you're happy with, all leads to

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1 mounting worry which then has an impact on that mental  
2 health bit. That then coupled with, you know, the  
3 reality that that ideal type I spoke to wasn't the case  
4 for many people. A lot of people didn't have functional  
5 family homes to go back to, or could not go back to them  
6 if they had them.

7 Shortly after I finished NUS Scotland, I went to  
8 work for a now no longer operational charity called  
9 Stand Alone, which represented or advocated for the  
10 interests of estranged students, an often  
11 under—appreciated and under—represented group within the  
12 cohort of Scottish education, who experienced, just to  
13 put it in very straightforward terms to keep things  
14 relatively brief, much of the same social and economic  
15 challenges of care—experienced students, but with none  
16 of the kind of corporate parenting, the bursaries or  
17 anything like it, because their circumstances can be  
18 more complex, more difficult to understand and  
19 characterise, and they miss out on the kind of statutory  
20 support which makes them easier to identify for  
21 additional support from institutions, colleges and  
22 universities.

23 Whether it was care—experienced students, estranged  
24 students, international students who just simply could  
25 not get back to wherever they had come from, they found

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1 themselves, as Mr Crilly noted, in their  
2 accommodation — where they might not have anyone  
3 available to them who were family, sometimes like with  
4 friends because they hadn't had the opportunity in some  
5 cases to make them, because of the pandemic, confidantes  
6 and all the stuff that you often require, the support  
7 network which is necessary to get you through your time  
8 in further and higher education. Because it is a  
9 rigorous process, it is challenging, it is difficult and  
10 it is that social element in the support network that  
11 comes from the social element oftentimes that makes it  
12 doable, that makes it realisable, that makes it possible  
13 for students to actually get their academic work over  
14 the line because they have this ballast that keeps them  
15 grounded, keeps them centred, and provides them with  
16 that outlet. Being isolated in accommodation made it  
17 incredibly difficult to do that.

18 Now, credit to a lot of colleges and universities,  
19 they did have accommodation teams and things like that,  
20 you know, back office staff in and around those kinds of  
21 facilities, were working really hard, to make sure that  
22 they were dropping things off at people's doors,  
23 socially distancing where they could, checking in on  
24 people who they knew had vulnerabilities and particular  
25 needs. You know, I know that students became very

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1 active in certain places. One example that jumps to  
2 mind is at the University of Glasgow, one of the  
3 non-affiliates that we work closely with, the SRUC, they  
4 coordinated with student volunteers safely, social  
5 distance, of course, doing medicine drops, food delivery  
6 drops in all their student halls of accommodation,  
7 supported by the university as well, I believe, to kind  
8 of provide, you know, just those outlets, and just  
9 touching base with people, which did have a positive  
10 impact. But again, the extent to which that was  
11 remedying anything, it just simply wasn't. It was  
12 mitigating, but it could never remedy.

13 One final thing I would want to touch on when it  
14 comes to the mental health and wellbeing side of things  
15 is all of this mounting pressure, leading to knock-on  
16 impacts on mental health, isolation, loneliness etc, the  
17 support mechanisms that Ms Gomersall touched on in terms  
18 of the counselling provision and things of that nature  
19 as well, in many cases, a lot of times, whether they  
20 were additional places which were funded by the  
21 government, which was agreed during my tenure as  
22 president and started during that period and rolled  
23 across both my successors here; or the university or  
24 college's own counselling provision which they had had  
25 in place beforehand, a lot of times that would be

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1 provided person to person, sometimes online, sometimes  
2 not.

3 And moving from delivering, you know, something  
4 which is therapeutic, like therapeutic provision for  
5 mental health and wellbeing, how you change the setting  
6 of that, kind of a major impact on how people experience  
7 it and what people get out of it. And for some people,  
8 that would have been detrimental, deleterious perhaps  
9 even to their ability to engage with that to get as much  
10 out of that as they needed to improve their mental  
11 health.

12 Not only that, the demand on these services  
13 increased well beyond the point of feasibility as a  
14 result of what was going on during the pandemic as well.  
15 And so I suppose that kind of brings me kind of back to  
16 something which as I have touched on briefly here and  
17 there, which is the fragility that we see in further and  
18 higher education. It's not just about the fragility of  
19 the economic wellbeing of our institutions due to  
20 overreliance on, you know, international markets and  
21 international recruitment markets. It's the fragility  
22 that's built into the support structure and  
23 infrastructure which exists for students, because of the  
24 lack of meaningful public investment for a very long  
25 time in colleges and universities, and that then meant

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1 that in the context of health and wellbeing, when  
2 students needed support from that the most, during an  
3 unforeseen pandemic, is simply (a) was not there and (b)  
4 there was not the resource to create it.

5 Q. Thank you. If we can move on then to the penultimate  
6 topic, and it's the return to campus in September 2020,  
7 and, Mr Crilly, you were there leading the charge, so if  
8 you would like to lead the charge now as well?

9 MATT CRILLY: Yes, so I think this is the most challenging  
10 time that I experienced, certainly as president of NUS  
11 Scotland. I suppose I took on the role formally in  
12 July 2020, and again, very quickly, the conversation was  
13 what happens in September of 2020, in August of 2020.  
14 So we had moved from kind of immediate pandemic  
15 response, you know, things moving very quickly online  
16 and getting things over the line to what happens next a  
17 little bit.

18 My recollection is that during that summer, a lot of  
19 the conversations were still relatively cautious about  
20 the return to campus, but that — and I know the Inquiry  
21 I'm sure will be looking at some of the decisions that  
22 were taken, but certainly the final guidance, Scottish  
23 Government guidance that went out to the sector, I think  
24 didn't include some of the cautious language in the  
25 earlier drafts of the guidance which would have advised

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1 against large scale, large lectures, for example, for  
 2 students gathering.  
 3 So the Scottish Government guidance that went out to  
 4 the college and university sector opened the door  
 5 essentially for more in-person provision, and in-person  
 6 learning and teaching, for that return to campus.  
 7 During that period in particular, students were really  
 8 looking for certainty as to what was happening with  
 9 their education, and at that point we're still fairly  
 10 cautious about returning to normal, so to speak. So,  
 11 you know, we were still relatively new to the pandemic.  
 12 There was a high degree of anxiety around potentially  
 13 large scale gatherings, and people's worry about the  
 14 kind of safety of that, and that was very much the --  
 15 what we were seeking to convey during this period.  
 16 But we were probably taken aback somewhat in  
 17 September 2020, I think the -- through this time, the  
 18 university and colleges were, on an institutional basis  
 19 at a senior level, were keen to have as much of an  
 20 in-person teaching offer to students as possible, and at  
 21 that time, as has been touched on through our sessions  
 22 so far, the highest single source of income for many of  
 23 our universities comes from international and  
 24 postgraduate taught private tuition fees.  
 25 My understanding at that time through engagements

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1 that I was involved in, is that there was a fear that if  
 2 learning was to be delivered -- learning/teaching was to  
 3 be delivered exclusively online or predominantly online,  
 4 that if that was the offer presented to students, many  
 5 international students might not want to come and enroll  
 6 on a 20,000 a year fee-paying course at a university in  
 7 Scotland. They might choose to study locally, or to  
 8 choose an alternative path.  
 9 So there was a fear that if universities in  
 10 particular weren't able to say to students that their  
 11 teaching would be in person that many students would not  
 12 seek to enroll or -- on courses, on fee-paying courses  
 13 in that period. So we saw on the return to campus, we  
 14 saw very large scale outbreaks as students returned in  
 15 high numbers to student accommodation because they were  
 16 told that they were to receive in-person blended  
 17 learning, but they would have to essentially be close to  
 18 the university because they would have to access the  
 19 in-person teaching provision that was being kind of  
 20 delivered.  
 21 So students had to be close to the university which  
 22 meant they arrived in large numbers to the student  
 23 accommodation, which as colleagues have touched on,  
 24 there was often eight people to a flat, and so there was  
 25 a big movement of students into accommodation, densely

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1 populated accommodation, and we saw the virus spread,  
 2 and there were in September of 2020, October of 2020,  
 3 there were large scale coronavirus outbreaks in student  
 4 accommodation across Scotland.  
 5 It was an incredibly challenging time to make sure  
 6 that those students received the support that they  
 7 required, and as I touched on, many of these students  
 8 were coming in through a new environment, moving away  
 9 for the first time without having social support  
 10 networks in place.  
 11 So we saw students in several cases go without  
 12 access to food because, you know, there was an outbreak  
 13 in accommodation, an entire accommodation block of  
 14 hundreds and hundreds of students would be shut down,  
 15 and there was a scramble to try and make sure that those  
 16 students had access to food, they had access to, you  
 17 know, the necessities that they needed to live, and it  
 18 was really, really difficult.  
 19 Through this time we heard of the concerns of  
 20 students who were struggling with that. They were also  
 21 struggling because they were contracting the virus. You  
 22 know, there was no vaccinations at this point. People  
 23 were contracting the virus, and were really worried  
 24 about their health and the spreading of the virus.  
 25 At this point too, we had students that were in

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1 incredible distress, and we spoke and worked with the  
 2 Scottish Government to ensure that the guidance was  
 3 flexible enough that if students were in a severe level  
 4 of distress, that they could leave the accommodation  
 5 too, but those outbreaks in accommodation were really  
 6 quite incredible.  
 7 If we talk about the impacts as well, there was a  
 8 breakdown of trust, I think, from students at that  
 9 point, and those that held the positions of authority  
 10 because they had been told to return to campus because  
 11 they had to access in-person teaching. They then  
 12 returned. There was big outbreaks. The learning and  
 13 teaching then went online anyway, so they had arrived at  
 14 campus, they had paid their fees, they had paid their  
 15 rent, they were then learning online anyway. Then the  
 16 rubber hit the road when that was the case where owing  
 17 to the outbreaks that occurred in campus, Universities  
 18 Scotland issued a request that all students essentially  
 19 stay at home.  
 20 So it placed students in Scotland in a semi-official  
 21 national lockdown that came from a voice of authority  
 22 within the country. Again, there was just a mass degree  
 23 of confusion among students, because this semi-official  
 24 lockdown was announced, and many students were like:  
 25 well, I'm not living in student accommodation; I'm a

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1 mature student that lives at home with my family, you  
 2 know, I'm a postgraduate, I'm a college student, I'm a  
 3 college student; does this statement that's been issued  
 4 by Universities Scotland, does this apply to me, I'm not  
 5 enrolled at a university, so does this student lockdown  
 6 apply to me; what does it mean by way of my employment;  
 7 so there's a semi official lockdown for students being  
 8 announced, do I still have to attend my work; do I still  
 9 have to attend my job; if I don't, what are the  
 10 ramifications for that?

11 So because this announcement did not — was not a  
 12 formal government announcement, it created these really  
 13 intense implications for students, and as I say, it  
 14 damaged the relationship and the trust between students  
 15 and their institutions and also government too. It made  
 16 it really, really challenging, and students at that  
 17 point too felt isolated from the rest of society,  
 18 because they essentially, they felt like they were being  
 19 seen as the cause of the pandemic and the cause of the  
 20 virus spreading, and they felt that they were being  
 21 judged because of that, you know, despite the fact that  
 22 they were kind of told that they had to be there, and  
 23 they had to arrive on campus to take part in their  
 24 education.

25 So they felt like, you know, they were being

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1 unfairly blamed for the circumstances that had occurred,  
 2 and so there was a degree of social impact between  
 3 students and kind of wider communities and the wider  
 4 communities across Scotland and that was — that was a  
 5 really challenging point, I think, to recover from  
 6 through the pandemic, because it really — it really  
 7 impacted the relationships at that key time, you know,  
 8 the kind of trust from students through the process was  
 9 damaged.

10 And through the pandemic, we had worked really,  
 11 really closely and really well with the Scottish  
 12 Government, with public health advisors, Public Health  
 13 Scotland, wider bodies, to really further the guidance  
 14 and the message and the public health messaging that was  
 15 being shared.

16 So we tried our utmost during that period to really  
 17 share that messaging and really encourage a sense of  
 18 social solidarity from students to kind of look out for  
 19 each other and look out for their wider communities, and  
 20 keep themselves safe and keep their wider communities  
 21 safe. I think that process during the autumn of 2020  
 22 was incredibly, incredibly difficult and, you know, had  
 23 really quite strong impacts on students.

24 Q. Thank you, Mr Crilly. We have seven minutes left, and  
 25 I'm conscious that we still need to hear about ongoing

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1 impacts and a sweep-up on any disproportionate, so if  
 2 it's all right with the rest of the panel, if I can turn  
 3 to Ms Gomersall to finish off the session, please?

4 ELLIE GOMERSALL: Yes, no problem at all. So I think in  
 5 terms of some of the longer-term impacts, and some of  
 6 these we've already mentioned, particularly with regards  
 7 to some of the social impacts, I think there's some  
 8 particular impact with regards to — so we saw in the  
 9 return to campus in 2020, we had a particular challenge  
 10 with regards to housing and student accommodation, and  
 11 actually also provision of other local services.

12 Because one of the things that happened in 2020,  
 13 following on from what Matt was just explaining there,  
 14 with that return to campus, is that actually that whole  
 15 situation, so the prediction of that situation, many  
 16 students chose not to go to university in 2021, they  
 17 might have otherwise chosen to do so, and to instead  
 18 defer their studies to a later year, 2021 or 2022.

19 The Scottish Government and the Scottish Funding  
 20 Council provided additional funded places for those  
 21 later years up until this academic year now, but what  
 22 that meant was that we had more students coming to  
 23 university and college in 2022 in particular, and that  
 24 put a particular strain on services such as  
 25 accommodation, students finding it really, really

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1 difficult finding somewhere to live, in addition to the  
 2 challenges that were happening during the pandemic and  
 3 before the pandemic as well, and there was particularly  
 4 high rates of homelessness among students as a result of  
 5 accommodation challenges, and the challenge of finding  
 6 affordable and high quality accommodation for students  
 7 to live in.

8 So we found during — you know, two surveys that  
 9 were done during the pandemic, we found that 12% of  
 10 students across Scotland had experienced homelessness at  
 11 some point during their studies? That actually raised  
 12 to 22% for international students as well, so  
 13 international students were disproportionate, so more  
 14 than one in five international students experiencing  
 15 homelessness. Horror stories of international students  
 16 arriving in the country, and one student who I know  
 17 spent his first couple of weeks in Scotland sleeping in  
 18 the bus station in Edinburgh, just down the road from  
 19 here. Really, really horrifying to start off with.

20 And then the additional pressures as a result of the  
 21 additional students who had deferred their studies  
 22 created this really sort of spiralling situation where  
 23 we saw even higher rates, as I say, of homelessness and  
 24 horror stories such as the one I just mentioned.

25 So that was a particular impact too, and I think the

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1 provision of affordable high quality accommodation in  
 2 Scotland for students has been a long—running issue, but  
 3 as I say, the pandemic exacerbated that as we were sort  
 4 of coming out of the tail end of it there, so that was  
 5 particularly impactful. In terms of some of the  
 6 disproportionate impacts that I just wanted to touch on  
 7 as well, and this relates to the return to campuses as  
 8 well, and what Matt was explaining in terms of students  
 9 being stuck inside, you know, sort of student  
 10 accommodation, rooms and, you know, food being provided  
 11 for them, for instance, by the facilities, that there  
 12 were a number of students who reported that their  
 13 dietary requirements weren't being met.

14 So students with allergens, but also Jewish and  
 15 Muslim students not receiving kosher and halal meals.  
 16 That was a particular disproportionate impact on that  
 17 group of students then too. And in terms of some of the  
 18 wider sort of disproportionate impacts, I think we've  
 19 already covered. You know, some of the ways that, for  
 20 instance, LGBT plus students were impacted;  
 21 care—experienced, estranged students, disabled students.  
 22 Students with caring responsibilities, a real particular  
 23 issue there. So students who — and in multiple regards  
 24 so, for example, one of the big barriers to a lot of  
 25 students who have caring responsibilities is finding

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1 childcare for their students whilst they — when they go  
 2 to campus to study, and obviously that was mitigated  
 3 during the pandemic.

4 But of course with the schools being shut, and then  
 5 students also having to then study from home, having to  
 6 do a course at a university or college in the same room  
 7 while you're also looking after young children, really,  
 8 really challenging for those students with caring  
 9 responsibilities. When you look at the reports that  
 10 were produced by NUS Scotland during the pandemic years,  
 11 it was care—experienced students and students with  
 12 caring responsibilities, those were the two groups who  
 13 consistently had the highest rates of student poverty as  
 14 well. So you can see how those groups, it was really  
 15 just building upon building upon building on other  
 16 challenges.

17 I think that there are, in terms of some of the  
 18 longer term implications and in terms of some of, I  
 19 think, the lessons learnt as well I think when we look  
 20 at some of the biggest challenges that students faced  
 21 during the pandemic period itself, these are challenges  
 22 actually that existed before the pandemic, and still  
 23 exist after the pandemic, and were worsened during that  
 24 period.

25 So, for example, the issue around students not being

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1 able to end contracts in purpose—built student  
 2 accommodation, that is something that now that that  
 3 emergency legislation that was put in place during the  
 4 pandemic has ended, we're back in the same situation we  
 5 were in before. That means that if another major  
 6 incident were to hit, students would be in the exact  
 7 same position as they were in back in 2020. And of  
 8 course it's not always just a pandemic that can be this  
 9 sort of issue that a student might face; for example, if  
 10 a student has experienced sexual assault by someone else  
 11 living in the same flat as them, they don't have a right  
 12 to move flat, they don't have a right to end that  
 13 contract. That's horrifying.

14 So some of these issues that if there were to be  
 15 another pandemic, actually it feels like we've not  
 16 really learnt any lessons because the structural issues  
 17 that are baked in to the student experience right now  
 18 after the pandemic is over, we have just bounced  
 19 straight back to how things were before, and students  
 20 are still being disproportionately impacted.

21 The challenges with regards to the funding model of  
 22 universities in particular and the real sort of reliance  
 23 on international markets, we've seen just in the past  
 24 year or so the impact that the knock—on effect that for  
 25 instance the financial crash in another country in the

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1 world can have then on the rate of those students then  
 2 coming and choosing to study in Scotland; and because  
 3 the amount of money that the Scottish Funding Council  
 4 and the Scottish Government provides to each university  
 5 to fund a Scottish student's course isn't enough to  
 6 actually cover the cost of that student, it means that  
 7 as we saw in particular in the pandemic and has really,  
 8 really exacerbated some of the issues particularly with  
 9 regards to the return to campus, decisions are being  
 10 made based on, you know, the financial impact that  
 11 they're going to have with regards to these  
 12 international markets, rather than necessarily what was  
 13 in the interests of students and the safety of the  
 14 general population.

15 So you see again how some of these longer term  
 16 issues that existed before the pandemic, and that we've  
 17 just bounced straight back to afterwards, if another  
 18 pandemic were to hit tomorrow then actually we would be  
 19 completely unprepared again, and we would literally just  
 20 be repeating the exact same mistakes over and over. I  
 21 think that's a real shame and something that the  
 22 Scottish Government should be taking cognisance of.

23 MS VAN DER WESTHUIZEN: Thank you all so much for your time.

24 It has been very enlightening.

25 My Lord, unless you have further questions, I don't.

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1 THE CHAIR: Thank you all very much. We'll take lunch now  
2 and come back at 2 o'clock, thank you.  
3 (1.02 pm)  
4 (Luncheon adjournment)  
5 (2.01 pm)  
6 MS STEWART: Our final witness evidence today, my Lord,  
7 comes from a panel of two: Mr Hutton, who is the current  
8 general secretary of School Leaders Scotland, or SLS,  
9 and Mr Thewliss who held that role during the pandemic.  
10 MR GRAHAM HUTTON (called)  
11 MR JIM THEWLISS (called)  
12 Questions by MS STEWART  
13 THE CHAIR: Thank you. Good afternoon, Mr Hutton, and good  
14 afternoon, Mr Thewliss. Ms Stewart, when you're ready,  
15 please.  
16 MS STEWART: Mr Thewliss, can you please confirm your full  
17 name?  
18 JIM THEWLISS: Good afternoon, my name is Jim Thewliss.  
19 Q. And you have provided a statement to the Inquiry?  
20 JIM THEWLISS: I did, yes.  
21 Q. And for the benefit of the transcript, that's to be  
22 found at WT0373. Mr Hutton could you please confirm  
23 your full name?  
24 GRAHAM HUTTON: Graham William Hutton.  
25 Q. Again, you also have provided a statement to the

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1 Inquiry, and for the benefit of the transcript that  
2 statement can be found at WT0504-000001. Now, Mr  
3 Hutton, prior to drafting your own witness statement,  
4 you had had sight of that prepared by Mr Thewliss and  
5 had drafted a confirmatory statement?  
6 GRAHAM HUTTON: I did.  
7 Q. That, my Lord, is at number WT0504-000003.  
8 I'll come to you first of all, Mr Thewliss. You  
9 retired in August 2023 but immediately before your  
10 retirement, between 2015 and your retirement, you were  
11 general secretary of SLS?  
12 JIM THEWLISS: Yes, I was.  
13 Q. Thank you. Before going on to tell us about your role  
14 with that organisation during the pandemic, can you tell  
15 us a little bit about the organisation, its aims and its  
16 purpose?  
17 JIM THEWLISS: Yes indeed. School Leaders Scotland is the  
18 professional association which represents those in  
19 Scottish secondary schools who hold a leadership  
20 responsibility. So it extends within secondary schools,  
21 through head teachers, deputy head teachers, and the  
22 group immediately thereafter of principal teachers,  
23 faculty heads, those who have a leadership  
24 responsibility. It also includes school business  
25 managers, bursars, and there are a few members who have

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1 moved outwith the formal school sector and who work with  
2 local authorities and have applied to retain their  
3 membership in School Leaders Scotland, who still do  
4 retain membership.  
5 Q. And is it exclusively for those working in secondary  
6 education?  
7 JIM THEWLISS: Secondary education and Scottish secondary —  
8 in Scottish secondary schools, both state sector and  
9 private sector.  
10 Q. And does that include special schools?  
11 JIM THEWLISS: It does. There are some members in special  
12 schools, yes.  
13 Q. Thank you. Mr Hutton, do you have anything to add in  
14 terms of the current membership?  
15 GRAHAM HUTTON: Yes, we have a current membership of 1,266  
16 and over 75% of Scottish secondary heads are members,  
17 and we have representation in about 90% of secondary  
18 schools in Scotland.  
19 Q. Thank you. Coming back to you, Mr Thewliss, in terms of  
20 your role as general secretary during the pandemic  
21 period, what did that entail?  
22 JIM THEWLISS: During the pandemic period, as perhaps within  
23 other periods but in perhaps a more acute way, my  
24 responsibility was to represent members, represent the  
25 views of members and communicate information and

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1 guidance coming from government, COSLA and various other  
2 national organisations to our members, in areas which  
3 were relevant to the way in which they conducted their  
4 professional duties.  
5 Q. Mr Hutton, that is a role you now hold since  
6 Mr Thewliss' retirement last August?  
7 GRAHAM HUTTON: Yes, I do.  
8 Q. Immediately prior to taking up that role, Mr Hutton, you  
9 were a head teacher of a Scottish secondary school, of  
10 Grove Academy, and that is a post that you held for  
11 12 years; is that correct?  
12 GRAHAM HUTTON: That's correct.  
13 THE CHAIR: Can you tell us a little bit about Grove  
14 Academy. For example, is it a state or private school,  
15 and what's its size?  
16 GRAHAM HUTTON: Grove Academy is a state school run by  
17 Dundee City Council. It is a six-year comprehensive in  
18 Broughty Ferry, and the roll in my day was 1,350. It's  
19 quite a big school. It serves, as I say, Broughty Ferry  
20 and the surroundings, and due to its reputation, the  
21 school attracts pupils from across Dundee and further.  
22 The school was opened in 1889 and moved into a brand new  
23 PPP building in 2009. It has a teaching staff of  
24 approximately 98 full-time equivalent, including four —  
25 obviously one head teacher, four deputies, 18 — sorry,

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1 that was the case when I was there. 18 principal  
2 teachers, now 10 faculty heads and eight principal  
3 teachers of guidance to look after the pastoral  
4 wellbeing of the young people. The school is also  
5 fortunate in the quality of its support staff.

6 Q. Thank you. Can you tell us a little bit about your role  
7 as a head teacher and in particular what that role  
8 involved during the pandemic period?

9 GRAHAM HUTTON: Yes, I would say, as I say, the main  
10 responsibilities were ensuring the quality of learning  
11 and teaching in the school, about leading and managing  
12 the school, involving pupils, staff, parents and  
13 partners. It was about building a team to help support  
14 our young people, and it was about building a suitable  
15 and relevant curriculum for the young people to follow.  
16 It was also about dealing with the health and wellbeing  
17 of pupils, particularly through the guidance system, and  
18 the health and wellbeing of my staff as well through a  
19 duty of care.

20 It was also about organising budgets, staffing,  
21 health and safety aspects and resources. I think during  
22 COVID, it was --- definitely number 1 was ensuring the  
23 health and safety and wellbeing of pupils and staff in  
24 school and outwith school. It was about organising the  
25 hubs and having responsibility for their function, a

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1 responsibility I shared with three primary heads in the  
2 cluster during the first lockdown.

3 It was ensuring sufficient PPE was available for  
4 all, and it was about making sure that the guidance  
5 staff were in contact with pupils and were checking on  
6 their welfare as well, as far as they could in their  
7 capabilities. It was also about maintaining social  
8 distance within the school building and ensuring that  
9 bubbles of young people, as it were, the first year  
10 separated from --- that they didn't mix.

11 It was also involving timetabling appropriately in  
12 very difficult circumstances, particularly when after  
13 they returned to schools, after the first lockdown, and  
14 just ensuring all the other things that I mentioned  
15 earlier, which is the normal responsibilities of a head  
16 teacher, were also still being done.

17 Q. Thank you, that's helpful. You mentioned there  
18 coordination of hub schools, and that's something that  
19 we'll come on to speak about in a short while. Were you  
20 a member of SLS at the time of the pandemic?

21 GRAHAM HUTTON: Yes, I was.

22 Q. Thank you, and were you in communication with them  
23 regarding impacts and observations you had about how  
24 things were going within schools?

25 GRAHAM HUTTON: I was indeed. I was at that point president

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1 of School Leaders Scotland. I just started in November  
2 and was kind of halfway through my term when the first  
3 lockdown came. So I was in quite constant contact with  
4 Jim, as president and through the presidential team that  
5 we have there, discussing things that we felt: how do we  
6 take this forward with our members. And Jim had  
7 consulted very widely with the presidential team, with  
8 the core team, and we did work very well as a team to  
9 make sure that we were supplying as much information as  
10 possible to our members in schools across Scotland.

11 Q. Thank you. The first matter I want to discuss with you  
12 is the closure, which --- we're referring to it as a  
13 closure of schools. Of course we know they didn't  
14 completely close, because there were hub schools and  
15 learning and teaching continued, but I want to speak to  
16 you essentially about what we are calling the closure  
17 and the move to online learning and teaching.

18 Mr Hutton, you speak in your statement at paragraph  
19 12 and following on this matter, and you express there  
20 that learning and teaching in this online format was a  
21 challenge for both pupils and staff. Can you first  
22 explain about the challenges met by pupils?

23 GRAHAM HUTTON: There were various challenges met by pupils.  
24 First of all, they were not in class. They were missing  
25 the very important input of the teacher, and although we

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1 have online learning now, and we talk about AI taking  
2 over from teachers, the actual physical being in the  
3 classroom has a huge impact on young people. And the  
4 body language was missing, the encouragement, the signs  
5 of encouragement and help were not there as well.

6 Young people found it frustrating that if when they  
7 contacted their teacher, it maybe took a number of days  
8 or a number of hours at least for them to respond,  
9 whereas in class with their hand up, they would get  
10 almost instant feedback on their work.

11 So I think it was also the issue that young people  
12 felt isolated, they felt lonely. I spoke to one young  
13 man later on in my five a day with my daily  
14 conversations with pupils in school about what were the  
15 impacts of the lockdown. And one boy who --- a very  
16 intelligent boy with tears welling in his eyes said:  
17 I was just so lonely, I was not --- I did not have the  
18 contact that I needed, I didn't have the contact with my  
19 teachers, I found that frustrating as well.

20 I think for --- also for young people was they  
21 weren't sure how this would progress and they didn't  
22 have the learn --- the teaching that they normally would  
23 have had in class. Therefore when they came up against  
24 an issue, they quite often came to a stop and they had  
25 to wait until they had some sort of contact with a

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1 teacher to take that further, whereas that would not  
2 have happened in class. So they then realised that  
3 there were going to be gaps in their learning and maybe  
4 we'll come back to that later on.

5 For staff it was very difficult to adapt from being  
6 the teacher in the classroom, being — on the stage, on  
7 the stage, but to be actually with the young people.  
8 Teaching is a very social activity in that you're  
9 interacting everyday with between up to 30 young people  
10 in the class, and if we're not having that, and not  
11 having the immediacy of the young people in the room,  
12 and the atmosphere in the room and the banter, as it  
13 were, that is missing from your experience as a teacher.

14 The move to online learning was very difficult for a  
15 lot of members of staff, (a) because they had no  
16 experience in it, (b) because they had not the ability  
17 to do it and (c) they'd never had the training on how to  
18 use Teams, Google Meet, or whatever, Zoom. Then there  
19 was also the issues that in some local authorities, Zoom  
20 in particular was banned and it was blocked, and  
21 therefore they had to make sure that they were using the  
22 appropriate method of communicating to the young people  
23 how they were to be learning.

24 Q. Thank you. You mention in your statement about issues  
25 in terms of what we might term digital inclusion,

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1 connectivity issues and issues to do with devices. Was  
2 that in your view a barrier to learning for some or all  
3 pupils?

4 GRAHAM HUTTON: That was a definite barrier to learning.  
5 Schools were closed very quickly, and we didn't really  
6 have any time to prepare properly for the move to online  
7 learning. At that point in my school, every member of  
8 staff had an iPad, but the young people hadn't, and that  
9 was in the plan to come, that each person would  
10 eventually have — each young person would have an iPad,  
11 and in some local authorities, they were lucky enough to  
12 have a one-to-one device for each young person, and that  
13 was not always possible for the young people in my  
14 school. Probably more so in my school — sorry, it  
15 would have been worse in one of the other schools in  
16 Dundee where I had previously taught.

17 So at home, there may not have been a lot of devices  
18 which were connected to the internet. It may well be  
19 that in a family of maybe two young people and a mother  
20 and father who were both working from home, that they  
21 maybe only had one device between them, and therefore  
22 for the parents, what's important is that they had to do  
23 their — you know, be involved in their work, and  
24 therefore that left the access to the internet and to  
25 online learning later on in the day.

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1 And what we found then was that young people were  
2 moving their experience to later on in the day. Some of  
3 my staff were amazed that they were getting work sent to  
4 them at 3 o'clock in the morning, and therefore their  
5 day began to shift as well. There was the issue of even  
6 if they have a device at home, the connectivity was  
7 poor, or they didn't have any connectivity because of  
8 the cost involved in doing so.

9 So that meant we had to look at this very carefully,  
10 and we cannibalised as many things as we had — devices  
11 that we had in school, some of them quite old and clunky  
12 and slow. Then, we tried to provide dongles that would  
13 help them access the internet through — access the  
14 internet easily enough, and made sure that if they  
15 needed a device, the guidance staff would contact them.  
16 People we thought maybe didn't have any device or whom  
17 staff had seen, there was no response from them, and  
18 then later on, the Scottish Government provided more  
19 laptops for young people, and they were distributed  
20 through the local authority as well.

21 So slowly but surely, we did get to the point where  
22 just about every young person had access either through  
23 a device provided by the school, or by the local  
24 authority to ensure that they were — that they were —  
25 they had a connection to the internet.

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1 Q. Mr Thewliss, is that picture that has been given by  
2 Mr Hutton one that was replicated across the country?

3 JIM THEWLISS: Yes and no, in that there were at the point  
4 of the first lockdown, the first school closures, some  
5 local authorities in which young people were better  
6 served than others, and better able to prepare for  
7 learning at home than others. Some were in worse  
8 positions than Mr Hutton found himself, in that there  
9 were large parts of Scotland where broadband access was  
10 an issue. There were individual young people and  
11 individual schools where access and accessibility was  
12 much, much more of a problem, just depending on the  
13 nature of the school.

14 So it was a mixed picture across the country. Some  
15 areas served better than others, some areas really quite  
16 poorly served, and that was just a matter of fact  
17 related to the closure of a system at a particular point  
18 in time. From then on, the sort of catching up part of  
19 it, as Mr Hutton has described, took place at a varied  
20 rate across the country, related to where people were  
21 starting from, and the way in which local authorities in  
22 particular made accessibility available to the young  
23 people who were in schools.

24 THE CHAIR: Thank you.

25 GRAHAM HUTTON: Could I just go back and add something to

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1 the problems involved for staff, in that this was for  
 2 many staff something totally new, working online, and  
 3 providing online lessons either by recording them or to  
 4 trying to do them live, and doing them live became very,  
 5 very difficult because nobody turned up. As I say, the  
 6 young people's days had turned around, and therefore  
 7 they thought: if I do a live lesson, there's only two  
 8 young people in the class out of 30, it is a total waste  
 9 of time. Not for those two young people, but for the  
 10 rest. Then the gaps then appear that you go into the  
 11 next live lesson and half the class has maybe not been  
 12 there.

13 So we then move to recording the lessons, and that  
 14 involved an issue of training, professional learning on  
 15 how to do that. Therefore my computing department took  
 16 on another responsibility of trying to train people,  
 17 colleagues about how to use Zoom, how to use --  
 18 Microsoft Teams and Google Meet, and to make sure that  
 19 was done properly, and how did they do that with various  
 20 spreadsheets and sharing the screens and what not. This  
 21 was all new technology, this was all a new experience  
 22 for them, and it was quite frightening for a lot of  
 23 people, a lot of colleagues, because change is very  
 24 difficult in some cases.

25 Q. In terms of the national picture, Mr Thewliss, the theme

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1 of digital learning and its challenges is one that you  
 2 have brought out throughout your statement, and you  
 3 speak about the pandemic having tested systems that were  
 4 then found wanting. At paragraph 25 of your statement,  
 5 you say:

6 "SLS has always known that digital poverty was a  
 7 major problem for certain sections of the population,  
 8 and suspected that Education Scotland, the national body  
 9 tasked with providing digital learning was not up to  
 10 scratch."

11 Can you perhaps, first of all, explain to us just  
 12 very briefly Education Scotland's role in general terms?

13 JIM THEWLISS: Education Scotland had a national role in --  
 14 I could spend a good hour and a half or more explaining  
 15 this one, but to try and cut it short, in a national  
 16 role and kind of three main areas, one was the support  
 17 of the curriculum and the support of teachers in the  
 18 delivery of the curriculum. Second role was in  
 19 educational leadership in the area of  
 20 Education Scotland, which was previously SCEL and which  
 21 was taken into Education Scotland. The third role was  
 22 to do with Her Majesty's Inspectorate as it was at the  
 23 time.

24 Q. Thank you. In respect of digital learning in  
 25 particular, how was it that SLS saw their role?

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1 JIM THEWLISS: Saw --  
 2 Q. Education Scotland's role in relation to digital  
 3 learning in particular?  
 4 JIM THEWLISS: There was -- pre-pandemic, there was an  
 5 expectation that digital learning would become part of  
 6 what learning was, and it was natural to assume that  
 7 Education Scotland would be in the fore and the delivery  
 8 of training for staff, materials for the training of  
 9 staff and materials to use with young people. So that  
 10 expectation was there pre-pandemic.

11 When the pandemic came about, when young people were  
 12 at school, the situation which Mr Hutton described where  
 13 schools were to an extent kind of left on their own to  
 14 work out how to make this work was the way in which it  
 15 started to pan out. There was not a great deal of  
 16 support, certainly in the very early stages available  
 17 from Education Scotland on their website. And it took a  
 18 long time for it to start to wind up within the  
 19 organisation to let them understand what the education  
 20 community needed in terms of support in relation to  
 21 digital learning.

22 Q. Thank you. You mention there that there was an  
 23 expectation pre-pandemic. Was that in the immediacy  
 24 before the pandemic, or is that quite a long-standing  
 25 expectation?

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1 JIM THEWLISS: It was long-standing, and it was tied into  
 2 the government's commitment making digital devices  
 3 available to all young people, so that expectation was  
 4 an expectation of Education Scotland as an organisation  
 5 in taking forward educational thinking in the early 21st  
 6 century, and also an expectation of the government  
 7 providing hardware out there into the educational  
 8 community, which that training could then be used to  
 9 take forward were there to have been no pandemic.

10 Q. And it's clear from what you just said that you don't  
 11 consider that that role was fulfilled or at least not  
 12 fully realised?

13 JIM THEWLISS: It would be perhaps unkind to say that it was  
 14 not fulfilled, but given what happened happened quite so  
 15 suddenly and when it did, then the organisation was  
 16 found wanting in being ready and prepared to upscale in  
 17 a way which could support the profession and support  
 18 young people's learning in a way consistent with not  
 19 having to actually be in the school building.

20 Q. And again, is that as a result of that, the impacts that  
 21 we've heard about in connection with online learning and  
 22 the impacts on teachers and learners?

23 JIM THEWLISS: Yes.

24 Q. Thank you. You mentioned there that they were able to  
 25 provide, was it resources or ...?

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1 JIM THEWLISS: It was not so much resources, but guidance,  
2 and when e-Sgoil became available, then  
3 Education Scotland leapt on to that one and made that  
4 one work and made that available across the country in a  
5 way which provided the support which was not there in  
6 the early stages.

7 Q. And at what stage was it that e-Sgoil became available?

8 JIM THEWLISS: My recollection of it would be maybe three to  
9 four weeks in.

10 Q. And was e-Sgoil an organisation that SLS was aware of  
11 pre-pandemic?

12 MR EDWARDS: We were all aware of e-Sgoil. We were aware of  
13 what it was and what it was intended to do, and whoever  
14 it was, whether Education Scotland, I suspect it would  
15 be Education Scotland, grasped a hold of it to say: if  
16 we expand this, if we upscale this, then it will fill at  
17 the gap which is now very, very apparent; and it had  
18 become apparent that young people were not going to be  
19 in school for quite some time. It wasn't going to be  
20 something that was going to be past in three or four  
21 weeks. It was going to be longer term than that, and  
22 that's when it was upscaled and started to be introduced  
23 to higher capacity than it was originally intended.

24 Q. Thank you, and was the impact of that to alleviate some  
25 of the challenges?

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1 JIM THEWLISS: Yes.

2 Q. Thank you. I want to move on now to discussing hub  
3 schools with you and I want to ask you about that first  
4 of all, Mr Hutton, because you were in practice during  
5 the pandemic as well as having your national role with  
6 SLS, and you have provided quite a bit of detail on this  
7 in your statement, but before I go on to hub schools,  
8 I want to ask you, Mr Thewliss, about something that you  
9 say in your statement at paragraph 15. You talk about a  
10 dual aspect to education involving learning on the one  
11 hand and what you term a social care aspect. Can you  
12 explain to us what it is you mean by that social care  
13 aspect?

14 JIM THEWLISS: I think perhaps to give this a bit of  
15 context, and to give a bit of understanding, in that  
16 schools by their very nature in that they drew young  
17 people together into one place at a certain and  
18 acknowledged point in time were useful in two ways:  
19 Firstly, it made education formal. Young people  
20 understood that they were coming to school, their  
21 parents understood that they were coming to school and  
22 they were coming to school to learn. But in that young  
23 people were in the building for five-and-a-half hours a  
24 day, it then became kind of apparent to other agencies  
25 out there within the community that this was a uniquely

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1 useful way of gaining access to and supporting young  
2 people who were vulnerable out there within the  
3 community.

4 So the school picked up not just the educational  
5 imperative, but it also picked up part of the social  
6 care imperative, and that was built into the statutory  
7 functions of the school that they had to liaise with  
8 external agencies in support of young people, not just  
9 in their learning but as a duty of care to young people.

10 Q. Thank you. We'll come on to speak a bit about  
11 cross-sector working and partnership working with  
12 agencies such as social services or speech and language  
13 in a short while, but perhaps you could explain to us  
14 just now how a school discharged that statutory  
15 obligation pre-pandemic in connection with social care?

16 JIM THEWLISS: Every secondary school had a guidance staff,  
17 and the guidance staff, part of their responsibility was  
18 for the pastoral care of young people. Now, if they  
19 became aware during the course of the support which they  
20 were giving young people that there were issues at home  
21 or within the community, then those issues were shared  
22 with social work department among other agencies. If  
23 social work or other agencies were aware of issues out  
24 there within the community, then they shared them within  
25 the school. So although we operated with different

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1 protocols, we'll perhaps talk about these later on, the  
2 protocols kind of emphasised the joint working as it was  
3 displayed with respect of care, duty of care to  
4 individual children.

5 Q. How was it that the closure of schools and the move to  
6 online learning impacted a school's ability to discharge  
7 that obligation?

8 JIM THEWLISS: As I said earlier, one of the advantages of  
9 the school was that young people came to school. They  
10 were in the building. Hence there was a point of  
11 contact there, and the guidance teacher was the point of  
12 contact within the school. If there was a concern, then  
13 case meetings would be set up, parental visits would  
14 take place, various other agencies would be contacted,  
15 and we would start to look at working around the child.

16 That work started to fall away as soon as you could  
17 not get physical contact with the people who were out  
18 there. Now, this was taking place at a time when there  
19 were all sorts of other things going on out there.  
20 There was a pandemic, people were ill, people within the  
21 various agencies within the schools were ill, so contact  
22 and information became much, much more difficult as soon  
23 as you did not have a place where the young person was  
24 there and could be visited by the agencies that were  
25 required to support that child.

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1 Q. In terms of the teacher, the classroom teacher or the  
2 guidance staff, being aware that there was an issue, how  
3 did the school closure impact their ability to discern  
4 when there was something to pick up on.

5 JIM THEWLISS: Unless young people were in the hub and were  
6 able to observe within the hub, then there was no way  
7 the school could — unless somebody informed us, that  
8 the school could observe and pick up any issues which  
9 were ongoing in a child's life .

10 Q. Thank you. Mr Hutton, I want to come to you now about  
11 some of the practical considerations relating to  
12 operating a hub school. I understand from your  
13 statement that Grove Academy operated, indeed you have  
14 said it today, as a cluster hub, and you have said in  
15 your statement that you are a little bit uncomfortable  
16 with how it operated. Can you tell us a little bit  
17 about the source of that discomfort?

18 GRAHAM HUTTON: Yes, I had a cluster of three primary  
19 schools, three quite large primary schools and Grove  
20 itself , and up until then, we had worked very, very  
21 closely together as a cluster , and we all got on very  
22 well, which is a kind of team mentality that was very  
23 positive .

24 When it came to the first hub, suddenly I only had a  
25 certain amount of young people, children of key workers

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1 plus young people from my own school, and suddenly all  
2 these young people from the three primaries, and I  
3 wasn't used to, I suppose, younger children and dealing  
4 with them. And also it was strange, I had never used  
5 the word "my school", but I found it strange to have  
6 other people in my school and my building and having to  
7 share it with them, but I soon got over that, I have to  
8 say, and we did settle down to work as we had done  
9 before very, very successfully .

10 I think for the young people from the primary, it  
11 was far more intimidating to come into a huge secondary  
12 school, and we therefore made sure that they were only  
13 going as short a distance from the front door as  
14 possible, and that they always had the same classroom,  
15 no matter which — young people were in, because it did  
16 vary between particularly with the children of key  
17 workers, because they didn't always have to come in each  
18 day, because their parents were maybe at home looking  
19 after them.

20 So there was a suite of rooms allocated to each of  
21 the primary schools, and another set of rooms that we  
22 used at secondary. I think that worked particularly  
23 well. There was always a member of the primary school,  
24 usually one of the heads or the deputies there, so each  
25 school still operated on its own within Grove Academy.

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1 I think the office staff there, they also interchanged,  
2 so we had people from — support staff from other  
3 schools as well coming in to help them support any  
4 inquiries that came from parents.

5 Q. In connection with the staffing of hub schools, how was  
6 that organised?

7 GRAHAM HUTTON: That was — well, there were two different  
8 ways of doing it. First of all, when we were in the  
9 first lockdown and we had the cluster hub, then we all  
10 did our individual staffing issues for each primary, and  
11 then when we went into the second lockdown, when it was  
12 just every school had its own hub and so it was just  
13 back to being the secondary school again, it was  
14 organised within school. I organised my own school with  
15 the staffing . I felt it was important that I did that  
16 because I knew all the ins and outs of some of my staff,  
17 and the issues that they had, particularly if they were  
18 shielding , they were shielding either themselves or they  
19 were shielding somebody very vulnerable in their family.

20 Again, it was this balancing of ordinary teachers  
21 and principal teachers' responsibilities as teachers, in  
22 ensuring the teaching and learning of the young people  
23 went on; and also be being there in school to support  
24 the hubs, and thirdly to put the stuff online as well .

25 So there was, I suppose, a couple of balls that they

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1 were all trying to juggle at the same time. So when I  
2 was building up a rota, we made sure that it was in a  
3 way voluntary, but we made sure that it was spread  
4 evenly over the time. People would say to me: I have  
5 got a class at that point and I want to do a live  
6 lesson, I'm recording this; or I have made an  
7 arrangement with a young person to speak to them, can I  
8 move it. And we were quite flexible with that, because  
9 I think — in some schools I know that they use the  
10 support staff, lab technicians and support for learning  
11 assistants to look after young people.

12 I wasn't keen to do that because I think at the end  
13 of the day, it should have been teachers, qualified  
14 teachers who did that. The other issue in running a hub  
15 was to make sure that the vulnerable young people had —  
16 particularly the ASN. We might be coming on to this  
17 later on, and I can speak —

18 Q. Yes, we will come on to speak about the ASN provision in  
19 a short while, but you touched there on the importance  
20 in your view of having teaching staff manning the hubs.  
21 What was the format of the lessons within hub schools?  
22 Were children present there to be cared for and to be  
23 supervised and accessing online learning , or were they  
24 getting a live lesson in class?

25 GRAHAM HUTTON: Because it was a different number of people

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1 at the end of the day, and a different — on a kind of  
 2 rota, it wasn't — and because in the secondary, there  
 3 was a wide range of vulnerable young people from S1 to 4  
 4 mainly, not so many, maybe one or two in S5, or they  
 5 were the children of key workers. That changed every  
 6 day. They were all doing different subjects and  
 7 particularly when you get to S3/4, at 4 and 5 in  
 8 particular, they all have a different curriculum in many  
 9 ways.

10 So it was absolutely impossible to have a live  
 11 lesson for each of them, but what we did have was if a  
 12 young person had a problem, the teacher looking after  
 13 them, supervising them, would try and help as best they  
 14 can, or send them to somebody else who might be in the  
 15 school whose subject speciality that was. So for the  
 16 most part, they were doing online, and for the secondary  
 17 young people who were in the hubs, they were mainly  
 18 based in computing rooms and the library, so that they  
 19 had access online to lessons, and therefore the  
 20 supervising teacher may go round and help and support,  
 21 but may also have been trying to support young people  
 22 online themselves at the same time, so again it's this  
 23 idea of balancing various different things at the one  
 24 time.

25 Q. Thank you. Mr Thewliss, in connection with the

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1 description there of what happened, certainly with a  
 2 state school and Dundee City Council, is that something  
 3 that was replicated across local authorities to your  
 4 knowledge, or was it varied?

5 JIM THEWLISS: It was more or less replicated across local  
 6 authorities, the experience of young people was more or  
 7 less the same, given that there was a limited  
 8 availability of access to learning, just by the nature  
 9 of the groups of young people who were coming into  
 10 schools, and schools falling in the same sort of pattern  
 11 as Grove Academy did, made the best of what they could  
 12 do.

13 Q. Thank you, I want to ask now about the eligibility  
 14 criteria for attendance at hub schools, and the Inquiry  
 15 is aware that these hubs were open to the children of  
 16 key workers and to the vulnerable children. I want to  
 17 look with you at the application of that, Mr Hutton. At  
 18 paragraph 22 of your statement, you say:

19 "The children of key workers had to register with  
 20 the school or the local authority, with vulnerable  
 21 pupils being highlighted by guidance and support for  
 22 learning departments in the school."

23 Am I to understand from that, Mr Hutton, that  
 24 schools were determining eligibility in connection with  
 25 who was vulnerable, and local authorities were

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1 determining eligibility for key workers?

2 GRAHAM HUTTON: Yes and no, in the sense of when you're  
 3 dealing with vulnerable young people, it definitely was  
 4 from the school's point of view from recommendations  
 5 from guidance, and from the support for learning  
 6 department in particular, about which young people we  
 7 felt needed to come into school and that had to be  
 8 really agreed with the parents as well that they felt  
 9 they would benefit.

10 Now, most parents when offered the opportunity to  
 11 have their children still go to school, basically seized  
 12 that. One or two didn't, but I think when you  
 13 categorised the young people, most of these young people  
 14 would be what I would call level 3 to 5 in the ASN  
 15 scale, that they needed support in some way. That may  
 16 be that they had physical needs, it might mean that they  
 17 had personal needs, health needs, or that they had  
 18 dyslexia, autism and other such examples.

19 So therefore they needed possibly individualised  
 20 learning, usually with a support for learning teacher or  
 21 a support for learning assistant, and for some of these  
 22 young people, they need consistency, they need a routine  
 23 and they need to be usually looked after by one constant  
 24 person. That doesn't happen all the time, but they get  
 25 to know the young people, and so one of the issues we

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1 had for some of the vulnerable young people was that  
 2 they were not getting the usual support person that they  
 3 were used to, and therefore that caused one or two  
 4 issues as well.

5 Q. You mentioned there an ASN scale, and gave some examples  
 6 of those who might be in 1 to 3. Is that a national  
 7 scale that's applied?

8 JIM THEWLISS: There is a national scale of sorts,  
 9 determined in different ways in different local  
 10 authorities, but more or less it's the same.

11 Q. But just perhaps it's a concept that's recognised  
 12 nationally —

13 JIM THEWLISS: Absolutely.

14 Q. — that may have differences. Thank you. Was there  
 15 scope, Mr Hutton, for parents and carers or indeed  
 16 pupils to self-refer for a hub school place on account  
 17 of vulnerability, or did it need to be flagged by the  
 18 school first?

19 GRAHAM HUTTON: That's a good question. I would hope that  
 20 if they self-referred, they would be taken up without  
 21 any shadow of a doubt, because our whole being is about  
 22 the protection of young people and making sure that they  
 23 get the support that they need. If some parent came to  
 24 me and said: look, my young person needs the routine  
 25 that they always have, could he or she come in, we would

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1 probably have said: absolutely, yes.  
 2 JIM THEWLISS: Can I perhaps contribute to that one in that  
 3 at the start as it was with a great many other parts of  
 4 what we were doing at that point in time, no one knew  
 5 what we were doing, and we had never done this before.  
 6 It was something we didn't know or didn't kind of —  
 7 weren't able to anticipate how it was going to turn out.  
 8 So in the very early stages, the kind of narrow  
 9 criteria in relation to those who were entitled to come  
 10 to hub was applied, but once we got a grasp of the  
 11 numbers who were coming into the hub, once we gained an  
 12 understanding of the number of staff who were going to  
 13 be available to support young people within the hub,  
 14 then all schools across the country kind of started to  
 15 blur the edges of who they were going to bring in.  
 16 To give a very good example, if the young person was  
 17 the son or daughter of a school teacher who could be  
 18 employed by being in a hub, if their child was in the  
 19 hub of their own local secondary school, then it would  
 20 be obvious and common sense to deal with that in that  
 21 kind of fringe area of the eligibility to come to the  
 22 hub, but it evolved as time went on from the narrow  
 23 interpretation of the criteria at the early stages, then  
 24 to something which was workable and sensible later on.  
 25 GRAHAM HUTTON: And actually suited the needs of the young

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1 people in the school, and if I can go on to the key  
 2 workers because I think you asked me about that.  
 3 Q. Yes, was that eligibility determined by the local  
 4 authority or by the school or a combination of both?  
 5 GRAHAM HUTTON: A combination of both if my memory serves me  
 6 correctly, but they had to, initially in Dundee anyways,  
 7 apply through the local council but there was a wee bit  
 8 of inundation of applications for that, and then we had  
 9 the problem so we took them in the school, there were  
 10 criteria, if I remember rightly, of what a key worker  
 11 was, and sometimes that was difficult to gauge,  
 12 obviously if they work for the medical services or the  
 13 fire brigade or the police, that was a given, but when  
 14 they were on in careers which stretched out from that,  
 15 there was the question of how far do you stretch the key  
 16 worker idea.  
 17 By the end of the day, I would say most schools just  
 18 said: yes, we'll take them; but there was always that  
 19 caveat that if you began to take everybody, more young  
 20 people would come back and we would be back in the  
 21 situation of there's a risk of contamination, and again,  
 22 that was something else that we had to make sure in the  
 23 hubs that there was still social distancing between the  
 24 young people. So in a classroom that normally would  
 25 have taken maybe 30 young people, you could only have 12

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1 to make sure that they still had the 2-metre distancing.  
 2 That, I think, for the primaries was very, very,  
 3 very difficult to make sure that young people of 5 or 6  
 4 actually kept 2-metre distancing. It was difficult  
 5 enough with S1 and 2, but it was something we had to  
 6 keep in mind. So therefore, although you maybe only had  
 7 30 young people in, you had to look maybe three to four  
 8 classrooms where they were spread out.  
 9 Q. You both set out in your statements that in your view  
 10 hub schools didn't cater particularly well, or perhaps  
 11 not at all for those who had ASN, especially those with  
 12 profound learning needs. If I can come to you,  
 13 Mr Thewliss, at paragraph 50 of your statement, you say:  
 14 "A significant number of young people with health  
 15 and personal care needs who could have been supported  
 16 within school were not due to it being unsafe to do so  
 17 at the outset. The missed learning of these young  
 18 people was difficult to catch up on."  
 19 I suppose the first question is, were hub school  
 20 places offered to such learners?  
 21 JIM THEWLISS: At the beginning, once we kind of recognised  
 22 that schools were not going to be opening, again to  
 23 reflect on the membership of SLS, there was membership  
 24 from mainstream secondary schools to special schools,  
 25 and special schools that catered for young people who

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1 required very personal support. Schools shut down  
 2 overnight, and to bring young people who required such  
 3 quite significant personal support into school without  
 4 PPE, because it wasn't available, was an issue in the  
 5 early stages of this.  
 6 The professional associations, not just School  
 7 Leaders Scotland, all the professional associations,  
 8 made the case very early on, in terms of equity, young  
 9 people should not be prohibited because there was not  
 10 PPE available there. That started — it picked up very,  
 11 very quickly and we got round a bit — not so much round  
 12 about it, but we started to support those young people.  
 13 Within mainstream schools, the availability of hand  
 14 cleansing and masks and so on picked up very, very  
 15 quickly. So from a standing start across the various  
 16 sectors of secondary education, going from special  
 17 schools through ASN within mainstream schools, we got to  
 18 grips fairly quickly with what was required to enable  
 19 those schools to operate on the basis of hub.  
 20 Given that if we're looking at ASN, generally  
 21 speaking, education can go from being one to one to  
 22 small group education, which quite obviously is much  
 23 closer contact than 12 young people in a standard sized  
 24 classroom, with one member of staff somewhere distant  
 25 from them. So it took a wee bit of working around, but

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1 we got there, we got there reasonably quickly, I would  
2 like to suggest, as well.  
3 Q. Thank you. You've touched on this before in connection  
4 with cross-sector working and partnership working when  
5 you spoke about the social care aspect of education. At  
6 paragraph 45 of your statement, Mr Thewliss, you speak  
7 about some aspects of cross-sector working. Can you  
8 explain to the Inquiry, please, what sort of  
9 cross-sector working is necessary for a school leader,  
10 for example, with whom and to what end?

11 JIM THEWLISS: There are aspects of duty of care which are  
12 statutory duties of schools and school leaders, and Her  
13 Majesty's Inspectors will check up when they come to  
14 inspect schools if these duties are being carried out.  
15 It's a matter of law that these things should be done.

16 Generally speaking, when you start to work in that  
17 way, you're working cross sector with various other  
18 agencies, largely social work department, but various  
19 other support agencies out there. And to take these  
20 things forward, on almost every occasion there will be  
21 some sort of case conference to set that up, and at the  
22 case conference within the protocols of the various  
23 groups who are there supporting the child, certain  
24 things will be agreed. But the majority of these things  
25 require coming together of the professionals to make

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1 sure that these are being carried out properly. Once  
2 you start to get into a situation where you can't  
3 meet — you can't bring a speech therapist into school,  
4 for example, then life becomes very, very difficult and  
5 very, very challenging.

6 Now, the kind of legal part of this, the statutory  
7 duties of care, is kind of perhaps the easiest part of  
8 this, because it's laid down there and it's quite clear  
9 what this young person can be expected to get in terms  
10 of support.

11 A level kind of above that or beyond that, there is  
12 a significant cohort of young people within the school  
13 who require care of some sort of a more informal nature.  
14 If you're struggling to do the very formal stuff, and  
15 you're trying to find ways round about doing that and  
16 spending time doing that, there's not as much time left  
17 to deal with the other cohort of young people who don't  
18 fall within the statutory part of it, but do deserve  
19 care and fit into the care network which the school is  
20 going to operate.

21 So it became very, very challenging in all aspects  
22 of providing care to vulnerable young people, however  
23 vulnerable, more or less they be, given the nature of  
24 the pandemic, and that you didn't know how to make  
25 contact, you certainly couldn't have face-to-face

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1 contact at times, and if people were going to be absent  
2 from work, they were going to be shielding themselves,  
3 that started to put more gaps into the care system.

4 So it was a very, very fraught and challenging time  
5 in the early stages of making sure that continuity of  
6 care and support was available to young people, given  
7 the kind of pressures that staff were working under.

8 Q. And I suppose — is it fair to deduce from what you said  
9 there in connection with the obligations and the care  
10 network for those who already require that informal care  
11 network, that should such a vulnerability or need arise  
12 during the period they're not within the school  
13 premises, that would be more difficult for you to know?

14 JIM THEWLISS: It's much more difficult in that they are not  
15 on the premises, and more so than that, if they are not  
16 in the premises, they're out there in the community and  
17 many young people, the difficulties were with — the  
18 difficulties which they faced were difficulties on  
19 account of being out there in the community. If they  
20 were in school for five-and-a-half hours a day, we knew  
21 where they were and we knew what to do and we knew that  
22 we could support them. It became a huge, huge challenge  
23 when we didn't know for a great many young people where  
24 they were and what they were doing.

25 Q. You mentioned at paragraph 47, Mr Thewliss, that

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1 partnership working or this cross-sector working has not  
2 recovered post pandemic. Why is that?

3 JIM THEWLISS: Due to what we missed out during the pandemic  
4 and due to the fact that the pandemic has put more  
5 people into the position of requiring of care and  
6 special care.

7 Q. I want to move on now to looking at the changes to the  
8 SQA exam diet and the alternative certification model I  
9 refer to as "ACM". Both of you speak about this in your  
10 statements and it's clear from your statements that you  
11 consider the ACM to have been a successful process.  
12 First of all, just to give us a bit of grounding on what  
13 it is we're speaking about, can I ask you, Mr Thewliss,  
14 to explain to us, just briefly, how the exam diet was  
15 altered in 2020 and '21 and also what the ACM was?

16 JIM THEWLISS: Again to give a background to that, the  
17 examination system as such was always its strength was  
18 its formality within school and it comes back to what  
19 happened overnight pre-pandemic and pandemic in relation  
20 to what happened in schools. The examination system was  
21 based on the principle that young people attended school  
22 for 300 — 295 days per year and at some point during  
23 that period of attendance there was an examination diet  
24 where young people went into the assembly hall or  
25 wherever it was within the school, sat down at a desk

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1 and sat an examination which tested the learning which  
 2 they had obtained over the previous year within school.  
 3 Now, it's a very straightforward and simple system and  
 4 it was never seriously called in to question — perhaps  
 5 it should have been, that's another argument for another  
 6 time and another place — but that's the system as was.  
 7 Pupils knew it; teachers knew it; and parents knew it.  
 8 All of a sudden March 2019, that stopped because there  
 9 are going to be no exams. SQA was left in a very, very  
 10 difficult and challenging situation at that point in  
 11 time in that there are young people who are very close  
 12 to the point of certification but could no longer finish  
 13 off that part of the education which required them to  
 14 get to the exams, that kind of six-week final period  
 15 when they're able to sit exams, so the SQA had to find a  
 16 way to make sure that those young people were given due  
 17 credit for the learning which they had gone through and  
 18 which the level of attainment and achievement which they  
 19 had exhibited. Now, it would be safe to say that there  
 20 could have been better ways of doing it in certainly the  
 21 first exam diet and we all know the controversy that  
 22 happened in the August of that year when the exam  
 23 results came out. But to be fair to SQA, they had to  
 24 come up with a system and come up with a system very,  
 25 very quickly to deal with that. However, thereafter,

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1 having gone through that and having understood the  
 2 challenges, the difficulties and the mistakes that were  
 3 made at that time, SQA engaged with the profession very,  
 4 very quickly in relation to making sure that in the  
 5 following year were there to be no exams and were there  
 6 be major disruptions to education throughout the year  
 7 that they were going to be in a better position to make  
 8 sure that young people actually did gain true and  
 9 accurate accreditation for what they had done and what  
 10 they had achieved. Discussions started off very, very  
 11 early on, immediately after the first — after the  
 12 August fiasco in terms of results to make sure that  
 13 people understood the changes which were going to be  
 14 made, changes to curriculum, changes to assessment  
 15 procedures, and changes to the way in which the exam  
 16 system if it was going to happen would take place. And  
 17 between August and through until May and June of the  
 18 following year was a meeting every — I attended a  
 19 meeting every Friday morning along with other members of  
 20 the professional associations with SQA to come up with  
 21 the so-called ACM model to make sure that the system was  
 22 robust and more so that people understood the system and  
 23 what was going to happen and the way in which it was  
 24 going to impact on qualifications if there were to be no  
 25 exam diet the following year.

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1 Q. Is that group the SQA Strategic Overview Group —  
 2 JIM THEWLISS: Yes.  
 3 Q. — that you were a member of. Thank you, Mr Hutton, you  
 4 set out in your statement at paragraph 61 that SQA  
 5 removed some sections from the formal assessments and  
 6 that this was for reasons of accessibility. Can you  
 7 explain how that made the exams more accessible?  
 8 GRAHAM HUTTON: Yes, so that SQA issues a curriculum, a  
 9 syllabus, on which they will base the exams for Higher,  
 10 National 5 or Advanced Higher, and in some of the  
 11 subjects they decided that often options of what they  
 12 can do and so they limited the options that were  
 13 available to the schools that were in the ACM that  
 14 needed to be tested. To a great extent that was a good  
 15 idea but if — it came quite late on and therefore some  
 16 schools and some departments, subject areas, had already  
 17 decided they were going to do this option and then it  
 18 wasn't going to be examined and so that time had been  
 19 lost and so there was a mad rush to get other options  
 20 done. The practical subjects had a major issue because  
 21 of the restrictions imposed by Scottish Government quite  
 22 rightly in the schools that they couldn't do some of the  
 23 practical work, A, because they were at school, B,  
 24 because when they came back they were still social  
 25 distancing and, C, they did not have the time left to

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1 finish their models, their artwork or whatever. And for  
 2 music in particular there was an issue with practising,  
 3 because they have to perform, they have to have a  
 4 performance, that for brass and woodwind they could not  
 5 use them in the school. Now, in the summer that's fine  
 6 because they could go outside and stand in the gazebo  
 7 but in the winter it was very difficult to stand out in  
 8 the cold and practice trumpet, flute and whatnot, so  
 9 there was an issue there with the practical subjects.  
 10 Q. Again that same paragraph you say there may have been  
 11 some — while it made the exams more accessible, there  
 12 may have been some longer-term negative impacts arising  
 13 from that decision. Can you tell us a bit more about  
 14 what these impacts are?  
 15 GRAHAM HUTTON: Because the syllabus had been restricted  
 16 somewhat. Therefore, there were gaps in that young  
 17 person's knowledge which normally they would have. So  
 18 if they'd been doing higher maths, the amount of areas  
 19 being covered in the exam was reduced. So when they  
 20 come — they came to do advanced higher eventually, they  
 21 had stuff — knowledge missing and there was gaps that  
 22 they had to then fill in to find out how they got on.  
 23 Obviously, when they went to university, they were  
 24 also having — had gaps in their higher courses or their  
 25 advanced higher courses. They were not prepared to take

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1 on the next stage of — if they were doing a degree.  
 2 And that compared to maybe what happened elsewhere in  
 3 the UK where I don't think, if I recollect, that they  
 4 took that approach and that they still had the full red  
 5 syllabus for A-levels or whatever the qualification was.  
 6 So that has continued, I suppose, into university or  
 7 college in the courses that they're doing. So the  
 8 gaps — with the best will in the world, to try and ease  
 9 the situation and make it more practical, there was,  
 10 I suppose, a negative impact. For every action, there's  
 11 an equal action — reaction. The reaction was that they  
 12 had gaps in their knowledge.  
 13 JIM THEWLISS: Could I perhaps add a bit on what — the kind  
 14 of difference between the first exam diet and the second  
 15 exam diet in that much of — the results for the first  
 16 exam diet were very largely based on teacher evaluation  
 17 of what the young people had been doing through the  
 18 majority of the course of that year. When we looked at  
 19 the ACM model, it was made very clear to teachers very,  
 20 very early on that they had to be absolutely robust in  
 21 the way in which they did their assessments based on the  
 22 standards which the SQA had done there, and taking that  
 23 sort of level of robustness on early on, made sure that  
 24 as the year went on, the teacher estimates were actually  
 25 pretty much more spot on than they had been in the

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1 previous year in relation to making the ACM model work.  
 2 GRAHAM HUTTON: I would agree with that, and I think in the  
 3 2020 results, they were mainly based, because we're  
 4 nearly the end of the academic year, on prelims and  
 5 examinations and evidence that was quite clear to many  
 6 teachers about how their young person — the young  
 7 people in their class had performed. But obviously,  
 8 there's still a bit after the prelim where it's not been  
 9 examined that they have to then — they had to then make  
 10 a judgment.  
 11 The schools then had to make sure they were quality  
 12 assuring that by looking at trends from the past, by  
 13 looking at the individual young people. And I spent  
 14 an awful lot of time with all my 17 departments, at  
 15 least a couple of hours with them, to look at: how did  
 16 they come to that — come to make that decision of their  
 17 estimates? Now, we normally do have estimates.  
 18 Estimates go in every year to the SQA, which are —  
 19 which are part and parcel of the procedures, and  
 20 particularly when they come to appeals. But with the  
 21 ACM, that was a different ballgame.  
 22 We should have had plenty time as schools — one of  
 23 the issues, I think, is that also, some schools were  
 24 absolutely convinced that there would be no exams again  
 25 in 2021 and therefore, they did, as Jim — as

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1 Mr Thewliss has said, they had prepared. But other  
 2 schools lived in a kind of fairy land where they  
 3 thought, actually, there will be exams. Exams will come  
 4 back, because the highers have to be there, and  
 5 therefore, didn't do as thoroughly the preparation for  
 6 the young people to have the evidence that they based  
 7 their ACM on.  
 8 So there was a wee bit of a disparity there.  
 9 I wouldn't be able to quantify the difference between  
 10 the different schools, but there was that. And,  
 11 therefore, when — if a school had built up or  
 12 a department had built up the evidence, they were in  
 13 a very strong position to give a very accurate estimate  
 14 of how that young person had performed, apart, of  
 15 course, in the practical subjects, which was a bit more  
 16 tricky, as I said earlier.  
 17 Again, the quality assurance had to take place  
 18 within schools, within the departments, with either  
 19 the — in my case, with me and with the link depute for  
 20 that department and going through — not just looking at  
 21 the statistics and the trends from the past, but  
 22 actually at the individual young people and why we —  
 23 I felt that that young person, given what they had  
 24 achieved the year before, had achieved this year.  
 25 And then there was a step where the local authority,

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1 in my case, Dundee, came in to our education officers  
 2 and verified and checked with us and discussed with us  
 3 how we had — the processes that we'd gone through to  
 4 arrive at the ACM estimates and whether there had been  
 5 quality assurance. So I would actually say it was far  
 6 more thorough.  
 7 One other thing that Mr Thewliss has said is about  
 8 applying the standard, because there's — a silver  
 9 lining here is the fact that many more teachers had to  
 10 be more aware of the standard of the — that the SQA  
 11 sets and, more importantly, how to apply that, because  
 12 usually, that was the bailiwick of markers, who are  
 13 teachers of the school who volunteered to mark, and the  
 14 examination teams, who then do the quality assurance of  
 15 the marking and then come to awarding the cut-off  
 16 scores, which are all of the grades, the grades A, B, C.  
 17 So I think that is something that was difficult for  
 18 a lot of the teachers, who were not involved in the SQA  
 19 or who had never done marking, to actually learn what  
 20 the standard was and thus how to apply it.  
 21 Q. Thank you. I just want to build a little on what you  
 22 have explained there, the impacts on staff, and you've  
 23 set that out a little bit earlier on. Mr Hutton, you  
 24 speak at paragraph 41 of your statement about  
 25 institutions that schools work alongside. You say:

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1 "Institutions such as Education Scotland and His  
2 Majesty's Inspectorate of Education were unresponsive  
3 and effectively missing in action. I had no contract  
4 with either of these bodies during the pandemic."

5 And I understand from your statement that that's  
6 something that you concur with also, Mr Thewliss.

7 Mr Hutton, what is the --- what was the impact of  
8 that reality for school leaders?

9 GRAHAM HUTTON: Well, there was no impact in the sense that  
10 they didn't do anything and they were, I suppose,  
11 separate from the rest of education, because they  
12 weren't actually in the schools. I think it would have  
13 been very useful if they had offered to come in to  
14 schools and help particularly with the standards of  
15 education, particularly with the HMIE, how --- and  
16 Education Scotland about what the standard was to help  
17 and support the ACM, and also to help and support  
18 covering staff.

19 Now, we've talked about the hubs. We've talked  
20 about the return to schools where staff were juggling  
21 various things together, both teaching in the classroom  
22 and providing online work for those that were off or who  
23 had been told to isolate, because at that time, although  
24 we were back, we were still having to isolate young  
25 people and, you know, I would get a call on a Saturday

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1 this saying, "This young person is now infected with  
2 COVID. Can you then tell me all the people round about  
3 who were sitting within 2 --- within 2 metres?"

4 And, therefore, there were also staff who were ill,  
5 and in the second --- after --- after the second lockdown,  
6 there was more staff absence from COVID in my school  
7 than there had been during the first outbreak and,  
8 therefore, we were trying to struggle --- we were  
9 struggling covering classes.

10 And it would have been quite useful --- I know  
11 there's not maybe a great number of people involved in  
12 Education Scotland and HMIE compared to the number of  
13 teachers in Scotland, but every little helps, as they  
14 say, and if there had been an offer there, I think most  
15 headteachers would have bitten their hand off to get  
16 them into school to support and get their expertise and  
17 use that, because they are, all of them, school leaders  
18 as well, or have been leaders in the past.

19 Q. Mr Thewliss.

20 JIM THEWLISS: Can I perhaps come into that one, and it  
21 comes back to the start of the earlier description of  
22 the kind of three functions of Education Scotland. Take  
23 them in reverse order, perhaps, in that Her Majesty's  
24 Inspectors visit schools and they visit schools on the  
25 basis of determining quality and standards. They pride

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1 themselves on their strapline of challenge and support.

2 Now, quite obviously, going out to inspect schools  
3 just couldn't be done. Therefore, the challenge part of  
4 it was not gonna be there, but there was not a great  
5 deal of evidence of any kind of support that came from  
6 the HMIE part of Education Scotland during the pandemic.

7 The Scottish College for Educational Leadership,  
8 that bit that sat in there as well, again kind of ceased  
9 to function a wee bit because it just --- it was not  
10 feasible to do that, and I have got no complaint  
11 whatsoever, concern at all, over the scaled part of  
12 Education Scotland.

13 Q. What is the SCEL part?

14 JIM THEWLISS: Scottish College for Educational Leadership.  
15 What they do is support and develop leadership  
16 strategies to bring on the next generation of school  
17 leaders. So from my organisation's part of it ---  
18 perspective, very, very useful indeed. But, again, not  
19 a great deal for them to kind of contribute at that  
20 point. I'll come back to the contribution part later  
21 on.

22 The third part was the curriculum development and  
23 support part. Now, given the pre-pandemic situation, in  
24 that they --- you know, there wasn't really a great deal  
25 came to us as a profession from Education Scotland and

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1 that part of Education Scotland. If you kind of sort it  
2 out, you might find --- might have found bits or piece.  
3 Their website in particular was, you know, virtually no  
4 use at all. When the pandemic came, therefore, there  
5 was not really very much there for that part of  
6 Education Scotland to provide to us.

7 And what Mr Hutton described earlier on in terms of  
8 a school preparing itself and engaging with its  
9 community was what happened across the country. There's  
10 not a great deal of support coming our way from  
11 Education Scotland.

12 I have, in my statement at one point, kind of  
13 related an incident later on, and it was when we were  
14 starting to come back out of the pandemic and schools  
15 were starting to get themselves back up and running  
16 again, and Scottish Government tasked Her Majesty's  
17 Inspectorate with getting out there and finding out what  
18 had happened within schools and start looking at the way  
19 in which we can make things better should this happen in  
20 the future.

21 I was on a Zoom call or a Teams --- Teams, perhaps,  
22 with various other of the professional associations and  
23 representatives from the HMIE part of Education Scotland  
24 and they were describing that what they would like to do  
25 is come out into schools, have meetings with school

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1 leaders, couple of hours, to find out what was happening  
 2 and how we could take things forward from here.  
 3 And at which point --- it's touching something Graham  
 4 said earlier --- I said quite clearly to them, "If you  
 5 phone up a headteacher today and say, 'I'm from  
 6 Education Scotland, what can I do to help you,' the  
 7 answer would be, 'Come in here and teach classes because  
 8 we really are struggling. Things are getting better,  
 9 but we really are struggling.'"  
 10 Second point: if you want to find out what's  
 11 happening within schools, if you send somebody out to  
 12 meet a headteacher for a couple of hours, you'll maybe  
 13 find out something, but headteachers have got much more  
 14 important things to do at this point in time. And  
 15 they'll spend time with you, because they do, but you'll  
 16 find out something; perhaps not an awful lot.  
 17 And the third thing is you're not really doing  
 18 yourself any favours in terms of PR if this is what you  
 19 think headteachers need just now, because we need to try  
 20 and get schools back up and working, young people back  
 21 into learning. If you want to find out what's happening  
 22 in schools, tell me how many people you have in here  
 23 within Education Scotland who are GTC registered.  
 24 I'll tell you the number of schools that you could send  
 25 one of these people to and embed one of them in a school

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1 and embed them in schools for three or four weeks.  
 2 Over that period, they could cover classes. They  
 3 can talk to staff. They can talk to pupils. They can  
 4 talk to parents. They can see how the school  
 5 headteacher is dealing with what's going on. If you  
 6 want to find out the impact and if you want to find out  
 7 what's needing to be done in the future, do it that way  
 8 and you'll find out an awful lot more. You'll  
 9 increase --- you'll increase your street cred among the  
 10 profession and you will actually find out much, much  
 11 more about schools than you will do in any other way.  
 12 It went nowhere. It didn't happen. I have to ---  
 13 I have got to say I never thought that it would.  
 14 Q. Thank you, and the Inquiry, of course, will be going on  
 15 to look at decisions and the implementation of these  
 16 decisions, so that's helpful information for us there.  
 17 I want to ask you --- we have spoken about impacts on  
 18 learners in connection with digital inclusion and you  
 19 have mentioned a lot about practical subjects and  
 20 assessments.  
 21 Mr Hutton, you say at paragraph 76 and following of  
 22 your statement that there have been some negative and  
 23 what appear to be, from what you have said, ongoing  
 24 impacts in relation to the behaviour of children, young  
 25 people and attendance at school, and also parental

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1 engagement, and of course, these are quite discrete, but  
 2 perhaps linked issues.  
 3 Can you explain to us why you think these impacts  
 4 have arisen?  
 5 GRAHAM HUTTON: If I deal with the attendance first, I think  
 6 that has gone down by 5 to 10 --- I think it is slowly  
 7 increase --- improving again, but there still is a large  
 8 gap, far larger than they had pre-pandemic, of young  
 9 people actually attending school.  
 10 And I think as Mr Thewliss said earlier, there is  
 11 this concept that, "Well, we didn't --- we still got our  
 12 exams, but we weren't there all the time and, therefore,  
 13 do we need to be there all the time?" And I think young  
 14 people have become more independent in many ways through  
 15 the COVID pandemic and have been left to their own  
 16 devices and now think, "I'm not engaged with school.  
 17 What I'm doing here is not really relevant to what  
 18 I want to do later on in life", and therefore, there is  
 19 a kind of, you know, "I'm not going to play ball any  
 20 more".  
 21 And that is where we are challenged to make sure  
 22 that the curriculum we are offering our young people  
 23 meets their needs and suits their needs and that's ---  
 24 again, that's a long-term implication of the COVID  
 25 situation.

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1 There's also, or has tended to be in many schools ---  
 2 and the current President of SLS wrote an article about  
 3 it that we submitted to the Inquiry about young people  
 4 who don't truant out with the school, but truant within  
 5 the school and are refusing to go to classes, who  
 6 congregate in the toilets or in sneaky corners of the  
 7 school, and they then build up a following and then they  
 8 lap the school. In other words, they go round and  
 9 round, avoiding going to classes and disrupting lessons.  
 10 And, therefore, even in the best schools, if you  
 11 want to call them that, where there's usually not been  
 12 a lot of discipline issues, these have still arisen, and  
 13 that young people have been turned off by the curriculum  
 14 and been turned off by their experiences and the gaps in  
 15 their knowledge that they are not playing ball with  
 16 staff.  
 17 And, therefore, that involves, as it was in my own  
 18 school, the senior leadership team going out into the  
 19 corridors far more and trying to get these young people  
 20 to go back to school --- sorry, back to class and learn,  
 21 and they're wary of the way of doing that in many ways.  
 22 And it's been a long, long process and it's just one  
 23 of these hidden implications of the damage that has been  
 24 done to young people that will go on for many years to  
 25 come, I'm afraid.

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1 There was other one aspect ---  
 2 Q. Behaviour was another aspect.  
 3 GRAHAM HUTTON: Behaviour, yes. Again, young people had  
 4 been left, in many ways, to their own devices. They  
 5 were lonely. They had that lack of social involvement  
 6 and, therefore, when we came back into a routine that  
 7 was almost anathema to some of them --- not all of them.  
 8 I mean, the vast majority of young people fell back into  
 9 school very easily. A large majority were absolutely  
 10 relieved to get back to school. They were --- because  
 11 they were then learning again. They were also  
 12 socialising again and they were getting some human  
 13 contact from their colleagues, their classmates and also  
 14 from the --- from their teachers.  
 15 And, therefore, for a small minority --- there's  
 16 always been a small minority in schools who would not  
 17 behave and who you have to coax and give a bit more  
 18 support, and that grew in many ways as a result of the  
 19 pandemic.  
 20 And a lot of it was low level, I have to say;  
 21 an increase in low level in discipline. But, again, as  
 22 we're hearing now --- and the Cabinet Secretary has been  
 23 trying to deal with us with various summits about how we  
 24 improve behaviour in young people, and my own feeling is  
 25 it has to be about making sure they have got the support

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1 there and that they have a curriculum that suits their  
 2 needs and also that the learning and teaching is  
 3 quality.  
 4 Q. Yes, the one other aspect there --- sorry, I'd rolled up  
 5 so many questions into one there, mindful I only have  
 6 15 minutes at most left.  
 7 You mention at 78 that there is more parental  
 8 conflict. First of all, attendance has decreased and  
 9 both parents and children don't see anything wrong with  
 10 that, so it's not just the children's perception. You  
 11 say there's more parental conflict than there used to be  
 12 with schools. Some parents could not cope with children  
 13 being at home during the pandemic and they maybe let  
 14 their children do what they wanted.  
 15 So this aspect of parental engagement being  
 16 diminished as a result of the experience during the  
 17 pandemic period, can you expand on that?  
 18 GRAHAM HUTTON: What I'm hearing from my colleagues, in the  
 19 SLS across Scotland, there has been a rise in the amount  
 20 of arguments, shall I put it that way, that they're  
 21 having with parents that they probably wouldn't have had  
 22 in the past, where the parents is --- the parents are  
 23 absolutely adamant that their child is right and will  
 24 not --- even when evidence is put to them will not agree  
 25 to that.

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1 So in many ways, it looks to us as if there is ---  
 2 they take the past of least resistance. They have maybe  
 3 not been able to deal appropriately with the young  
 4 people when they have been off school and at home all  
 5 the time. And they have been doing their own work,  
 6 their employment, if they work --- having to work at home  
 7 and, therefore, they've allowed the young people to do  
 8 as they wished or been rather weak with setting  
 9 parameters.  
 10 And we've now found out that that has grown and that  
 11 parents take their young people's side whereas before,  
 12 that would not have been the case. But this may be  
 13 a societal change, in many ways, about how we approach,  
 14 but our view is that we always want to work together  
 15 with the parents and --- because, at the end of the day,  
 16 we all have one thing in common; is we want to see the  
 17 young people in our care and in their care, obviously,  
 18 do well.  
 19 Q. You mention there that it may be societal. Is it  
 20 linked, in your view, to the pandemic experience of  
 21 lockdown and restrictions and school closures?  
 22 GRAHAM HUTTON: I would say so.  
 23 Q. You mention there in your response to my question about  
 24 conflict and perhaps what might perhaps be viewed as  
 25 negative engagement. Is that what you're seeing more

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1 than disengagement?  
 2 GRAHAM HUTTON: That's a difficult question for me now that  
 3 I have been out of school for over a year to say  
 4 exactly, but I think there probably is more  
 5 disengagement in a way than there is with arguments with  
 6 parents.  
 7 THE CHAIR: Thank you, and the Inquiry is hearing from  
 8 organisations who represent parents, so we'll be able to  
 9 speak to them about similar issues to what were raised  
 10 with you there.  
 11 Just one final question for you both, and you can  
 12 decide yourselves who wishes to answer first, and that's  
 13 to ask if you have any key lessons that you consider  
 14 should be applied to ensure the impact you've spoken  
 15 about, be they on school leaders, on their staff, on the  
 16 learners, and addressed and mitigated.  
 17 JIM THEWLISS: That's --- you know, very easy to answer  
 18 yes ---  
 19 Q. Mr Hutton is looking at you, Mr Thewliss, so ---  
 20 GRAHAM HUTTON: Yes.  
 21 Q. --- thank you.  
 22 JIM THEWLISS: I think, given the system was tested by the  
 23 pandemic and what happened within the pandemic ensured  
 24 that the system was not as robust as perhaps we thought  
 25 that it was, that the time is now opportune for starting

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1 to look at kind of key aspects of education in Scotland  
2 and the way in which we run it, on the basis and on the  
3 understanding that to do so would mitigate the worst  
4 excesses if we ever find ourselves in this position  
5 again, but it would also make Scottish education a much,  
6 much better — put it in a much, much better place than  
7 it is just now.

8 On the day schools shut down, a significant number  
9 of teachers, parents and young people did not understand  
10 that there could be a different way of running  
11 education. Scottish education has run in the way in  
12 which it has run in terms of schools since the  
13 Education Act of 1740. Young people, at that point,  
14 were obliged to go to a place where they would meet  
15 an adult and be in a room and that adult would conduct  
16 their learning, and that has been more or less the  
17 situation since. It has expanded in some ways. It has  
18 developed in some ways, but essentially, up until the  
19 day schools closed down at the pandemic, that's the way  
20 in which it was.

21 We have got to become much more flexible, adaptable  
22 and responsible — and responsive to the way in which  
23 young people live their lives and the way in which  
24 society out there has developed in terms of engaging in  
25 a way in which young people can develop skills and then

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1 use those skills in life beyond school. And bringing  
2 young people into a building, essentially sitting them  
3 in a room with an adult who tells them a story at the  
4 front of the room is not the way to be doing it in the  
5 early 21st century, and we've got to look at that.

6 And that has major implications for teacher  
7 training. It has major implications for the way in  
8 which we design schools and it has major implications  
9 for the way in which we spend money and the amount of  
10 money which we spend within schools, because we are not  
11 meeting needs of an early 21st century society in the  
12 way in which the school system runs.

13 Now, added to that, the exam — the exam system  
14 which we have is a system which was developed in kind of  
15 the late part of the 19th Century in response to being  
16 able to train people to pass a Civil Service exam, and  
17 it's evolved slightly since then, but it's essentially  
18 the same things. People sit more exams in different  
19 subjects, but it's essentially the same. At a period  
20 of — at the end of a period of learning, you're put  
21 into a situation where you sit down with a pencil —  
22 a pen and a piece of paper and you write down what you  
23 have remembered about your learning.

24 That also is not the type of way in which early  
25 21st Century society should be working. There are

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1 better ways, more effective ways, in ensuring that we  
2 use the assessment system to promote, support and  
3 enhance learning, and that is going to take major input,  
4 major thought and major — and has major implications  
5 for the way in which we train teachers and the way in  
6 which we manage the expectations of young people and  
7 their parents and employers in relation to the way in  
8 which schools operate and what young people are at the  
9 point in time when they decide to leave formal  
10 education.

11 Now, maybe as you will have perhaps kind of worked  
12 out from that, there are major, major discussions to be  
13 had within that, but essentially, we cannot carry on  
14 doing what we're doing just now in the way in which  
15 we're doing it. If we get another pandemic, we might be  
16 slightly better prepared, but we won't be prepared — as  
17 prepared as we could be.

18 And what the pandemic — if any good has come out of  
19 this, what it has done is made us look at, understand  
20 and reflect upon the quality, standards, effectiveness,  
21 relevance of education that we are providing in Scotland  
22 just now.

23 Q. Thank you. Yes, that links to something you said in  
24 your statement at paragraph 48 about normality within  
25 the system now is a different normality to 2019, so that

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1 was really helpful of you to build on that. Thank you.

2 I want to come to you now, Mr Hutton. I don't want  
3 to cut you off prematurely, but I'm mindful the  
4 stenographers will require a break at 3.30 and, indeed,  
5 that's when we're scheduled to finish. So I know you  
6 may have quite an extensive answer for me, but just —  
7 if you can explain briefly any of the key lessons that  
8 you think could mitigate some of the impacts you set out  
9 for us.

10 GRAHAM HUTTON: I would, first of all, wholly and  
11 wholeheartedly agree with what Mr Thewliss has just said  
12 about the system. It is not fit for the 21st Century  
13 and the status quo cannot continue, and I think the  
14 stress test of COVID proved that to all extents and  
15 purposes.

16 I think there is a lack of an integrated system of  
17 how Education Scotland, His Majesty's Inspectorate, now  
18 separate, SQA, or Qualification Scotland as it is about  
19 to become, The Centre for Teaching Excellence and all  
20 the other various bodies that deal with Scottish  
21 education — they don't hold together. They don't join  
22 up and then there has to be a better vision for how they  
23 will work and how they will support teachers in order to  
24 support the young people. They have to be at the centre  
25 and everybody has to be focused on helping them out.

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1 I think Mr Thewliss, you know, has highlighted very  
 2 carefully that the assessment system is — did want  
 3 work. It failed again the stress test. The ACM, to  
 4 an extent, actually worked very well if it's well  
 5 prepared in advance and the workload issues are looked  
 6 into to make sure that that is spread over the year.  
 7 The Hayward review, which was released — released  
 8 in June of last year, came forward with a new structure  
 9 that would have suited exactly what Mr Thewliss has said  
 10 about meeting the needs of young people in the  
 11 21st Century, focused on knowledge and skills and how we  
 12 prepare our young people in order to engage with school  
 13 for the future.  
 14 They have to see a relevance, and that was what's  
 15 maybe come out of the COVID situation of the schools  
 16 being closed. They could not see what really the  
 17 relevance was here and how it would impact on there.  
 18 And if we want to have a successful country and a better  
 19 economy, we have to make sure that the young people who  
 20 are going into that in the future, who will look after  
 21 us in our old age, that they are better trained, that  
 22 they are better prepared for life in the 21st Century.  
 23 I think also we've talked about IT, and I think that  
 24 has to be looked at very carefully; not just the online  
 25 resources, not just the hardware and the devices being

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1 available on a one to one, and I'm hoping that the  
 2 Scottish Government will be able eventually to come up  
 3 with the promise that they made that each young person  
 4 would have a device and connected to the internet, which  
 5 will help them. And it is a question of equity there to  
 6 make sure that a lot of young people have an equal  
 7 chance.  
 8 I think Mr Thewliss has indicated the pandemic did  
 9 have a negative impact right across the board, but we  
 10 were not prepared for it. In many ways, we were  
 11 fumbling around in the dark to make sure we did the best  
 12 by our young people and, therefore, we need to make sure  
 13 that if each school has a business continuity plan,  
 14 usually in the case of a fire, that we need to look at  
 15 other things, other scenarios, that will — could erupt  
 16 in the future in order to protect the young people and  
 17 make sure that their learning goes on.  
 18 And in that case, there has to be really good  
 19 communication, and I think that was one of the things  
 20 I learned; that the communication we got from  
 21 School Leaders Scotland to headteachers and other school  
 22 leaders was exemplary and therefore, we were able to  
 23 pass that on. And where we were able to pass it on to  
 24 our staff and explain the mitigations that had been put  
 25 in place by the Scottish Government, the better that

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1 staff understood and were able to support the young  
 2 people.  
 3 That's at the crux of the matter. You know, you get  
 4 my passion about how the young people are why we are in  
 5 the job.  
 6 Q. Thank you.  
 7 GRAHAM HUTTON: And I think, finally, if you're talking  
 8 about — go back to what I said originally. The SQA in  
 9 particular has to be more adaptive and flexible and  
 10 empathetic to young people and, I think, involve  
 11 teachers far more. And I think there is a definite  
 12 movement there. I think they have learned something  
 13 from the pandemic that is enabling them to move forward  
 14 as an — as an organisation and to become  
 15 Qualification Scotland.  
 16 So I think there's a lot of lessons to be learned  
 17 for the whole of Scottish education and how we bring it  
 18 together for our young people.  
 19 MS STEWART: Thank you.  
 20 Thank you very much, my Lord. I don't have any  
 21 further questions for the witness, unless your Lordship  
 22 has anything to ask.  
 23 THE CHAIR: I don't have any questions to ask, but I would  
 24 like to say something, unusually, directed primarily at  
 25 Mr Thewliss, but also taking in what Mr Hutton said, and

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1 it's Mr Thewliss' last remarks.  
 2 If I may say so, Mr Thewliss, what you have said was  
 3 one of, if not possibly the most forceful and potent  
 4 observations in relation to the implications and  
 5 possible lessons that might be learned from this  
 6 Inquiry, from this pandemic and therefore by the  
 7 Inquiry, certainly in the context of education.  
 8 I can assure you that what you have said will be  
 9 considered by us in the Inquiry very, very carefully,  
 10 because I did find it very, very powerful. I regret to  
 11 say at least my initial impression is, and it is  
 12 an initial impression because I only heard what you said  
 13 five minutes ago, that much of what you envisage or  
 14 consider might or, in your view, should be done we will  
 15 consider to be beyond the scope of our terms of  
 16 reference, and I feel that it may require other  
 17 inquiries or methods of investigation and reporting to  
 18 achieve what you want, but rest assured we will think  
 19 very hard on what you said.  
 20 JIM THEWLISS: Thank you very much.  
 21 THE CHAIR: Thank you. Thank you both for your very helpful  
 22 evidence.  
 23 MS STEWART: Obligated, my Lord.  
 24 THE CHAIR: Right. That brings us to the end of today.  
 25 We're back tomorrow morning at 10 o'clock and I look

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1 forward to seeing you all then. Thank you again.  
 2 (3.30 pm)  
 3 (The hearing was adjourned to 10.00 am on the following day)  
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