

John Swinney MSP  
Cabinet Secretary for Education and Skills  
Scottish Government  
St Andrew's House  
Regent Road  
Edinburgh  
EH1 3DG

22 December 2020

Dear Mr Swinney,

### **Right to education**

I write further to my letter of 16 December 2020, following the decision to close schools and move to online learning in January.

The coronavirus pandemic is a public health emergency for Scotland, but since schools first closed in March I have been clear that this is a children's human rights emergency as well. In order to tackle the pandemic, I understand the government's focus on the right to health — and, indeed, the right to life — but we must do everything in our power to mitigate the significant impact on children. All children's human rights need to be respected, protected, and fulfilled as we address the prevalence of coronavirus in Scotland.

Closing schools presents a serious risk of harm to the wellbeing of children and young people, and to the fulfilment of their rights. The closure must be limited and defined and under review.

The decision must be backed up by swift, national action to ensure that children and families are able to engage with learning and all other supports required, particularly vulnerable children who are most affected by such decisions.

The Scottish Government must prioritise supporting children and families facing another period of school closures by ensuring the national roll out of digital devices has reached all in need. I understand that by the end of November, almost 50,000 of 70,000 devices ordered (a mix of iPads, Chromebooks and Windows devices) and over 9,000 of 13,000 connectivity solutions had been distributed to learners in need of support.

I remain deeply concerned that the provision of online learning is being provided inconsistently across the country and there is not enough national guidance and support for schools from Scottish Government. Inconsistent delivery of online learning, between local authorities and individual schools, continues to widen the attainment gap between rich and poor children and young people.

As outlined in Scottish Government guidance<sup>1</sup> issued on 21 December 2020, the national offer of support for e-learning includes access to live, recorded and supported learning resources. This appears primarily to be accessed via GLOW and has been designed to complement the curriculum and remote learning being provided by schools and local authorities across Scotland.

- What is the minimum provision of online education that students at all levels can expect to receive?
- What national guidance exists for local authorities and schools to set out expected standards of online learning?
- Have you have assessed whether any students are at particular risk of disadvantage, if so, what additional measures are being put in place to support them?

Additional support for teaching staff is key to delivering meaningful online learning in this period of school closure. This must be led by Government. Although local authorities and schools deliver education, Ministers continue to have the ultimate responsibility to ensure children's rights to education are realised.

Teachers are doing an incredible job in supporting children to learn both at school and online but they must be properly supported with more digital resources, additional staffing where possible and the acknowledgement that many will be working with their own children at home at the same time.

Pupils sitting National Qualifications this year need urgent reassurance about how their progress will be assessed. I have particular concerns for senior students who are still awaiting details on the alternative assessment approach to their qualifications.

Hearing about the alternative to exams when at home and with limited access to support from teachers will create more stress at an already anxious time. Young people need reassurance that alternative assessment will be fair and take account of the interruptions they have experienced to their learning since March.

Many students are worried about the quality of the education they are receiving and how this may affect their future. Education is not just about academic achievement, but also about developing the personalities, talents, and the mental and physical abilities of all children to their greatest potential.

I commend to you, the work of the WHO Technical Advisory Group (TAG) high-level meetings on schooling during the Covid-19 pandemic<sup>2</sup>, the latest of which heard directly

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<sup>1</sup> Coronavirus (COVID-19): school re-opening arrangements for January 2021  
<https://www.gov.scot/publications/coronavirus-covid-19-school-re-opening-arrangements-for-january-2021/>

<sup>2</sup> [WHO/Europe | Child and adolescent health - Youth perspectives in focus at high-level meeting on schooling during COVID-19 pandemic](#)

from young people on their concerns. It is vital we share learning and collaborate with other nations.

In light of ongoing interest from the Scottish Parliament's Education and Skills Committee I will also send a copy of this letter to the Committee Convenor to inform their consideration.

Yours sincerely,



**Bruce Adamson**  
**Children and Young People's Commissioner Scotland**

CC: Convener, Education and Skills Committee, Scottish Parliament