

Special Rapporteur on the right to education Curriculum, pedagogy and assessment at the service of the right to education Children and Young People's Commissioner Scotland

January 2026

Established by the Commissioner for Children and Young People (Scotland) Act 2003, the Commissioner is responsible for promoting and safeguarding the rights of all children and young people in Scotland, giving particular attention to the United Nations Convention on the Rights of the Child (UNCRC). The Commissioner has powers to review law, policy and practice and to take action to promote and protect rights.

The Commissioner is fully independent of the Scottish Government.

Introduction

Education in Scotland has been a cause of widespread political concern over recent years, with the Covid-19 pandemic drawing attention to long-standing issues. A number of reviews into aspects of Scottish education have been commissioned in recent years including:

- Independent Review of Additional Support for Learning, led by Angela Morgan¹
- Review of Curriculum for Excellence, by the Organisation for Economic Co-operation and Development (OECD)²
- A review of national education bodies, led by ³Professor Ken Muir
- National Discussion on Education, led by Professor Carol Campbell and Professor Alma Harris⁴
- Independent Review of Qualifications and Assessment, led by Professor Louise Hayward⁵

¹ Scottish Government, 2020. *Review of additional support for learning implementation: report*. <https://www.gov.scot/publications/review-additional-support-learning-implementation/>

² OECD, 2021. *Scotland's Curriculum for Excellence*. https://www.oecd.org/en/publications/scotland-s-curriculum-for-excellence_bf624417-en.html

³ Scottish Government, 2022. *Putting Learners at the Centre: Towards a Future Vision for Scottish Education*. <https://www.gov.scot/publications/putting-learners-centre-towards-future-vision-scottish-education/>

⁴ Scottish Government, 2023. *All Learners in Scotland Matter – national discussion on education*. <https://www.gov.scot/publications/learners-scotland-matter-national-discussion-education-final-report/>

⁵ Scottish Government, 2023. *It's Our Future – Independent Review of Qualifications and Assessment*. <https://www.gov.scot/publications/future-report-independent-review-qualifications-assessment/>

The recommendations of these reviews share many common themes but the kind of co-ordinated, children's rights focused leadership of reform needed to achieve them seems elusive.

This is our lives, it matters a lot

In her first months in office, Commissioner Nicola Killean met with children and young people across Scotland in person, via online assemblies, and through surveys. Her Young Advisors worked with her to design engagement sessions. The result was the office's Strategic Plan 2024-28, which identified poverty, education and mental health as priority issues for children and young people in Scotland today.⁶

Between autumn 2023 and spring 2025, the Commissioner and her team connected with thousands of children and young people across Scotland to hear their views on education in Scotland today. This programme of engagement included targeted work to meet with children who were furthest from realising their right to education, including children with complex disabilities, Deaf and/or blind children, unaccompanied child refugees and children with a parent serving in the armed forces.

The result is our report *This is our lives, it matters a lot* which sets children's views in the context of Articles 28 and 29 and the wider UNCRC.⁷ Whilst many of our recommendations echo those of other reviews, our focus was on elevating the voices of the thousands of children we heard from with. We identified five key themes:

- Culture
- Curriculum
- Personalisation and support
- Assessment
- Purpose.

There is a strong overlap between these priorities and those identified by the Special Rapporteur and we welcome her interest in these issues. The following is a summary of our findings.

Culture

Children's experiences of culture in schools varied a lot. Some find school a happy, welcoming place where they are supported to learn and grow. They had positive experiences of teachers and other staff.

But for far too many children, that was not their experience. We heard about children being treated unfairly in schools, including disabled children. We frequently heard that children were shouted at, or even "picked on" by school staff.

Children were also frustrated that bullying and other harmful behaviours in school were not addressed effectively. Many told us they were required to conform to school

⁶ CYPSCS, 2024. *Our Plan 2024-28*. <https://www.cypscs.org.uk/resources/our-plan-2024-28/>

⁷ CYPSCS, 2025. *This is our lives, it matters a lot.* "Putting children's rights at the heart of education." <https://www.cypscs.org.uk/resources/this-is-our-lives-it-matters-a-lot-putting-childrens-rights-at-the-heart-of-education/>

rules that didn't make sense, seemed trivial or were about control rather than order. This increased tensions in the school.

Although the concept of "pupil voice" is well embedded in Scottish education, many children described few or no opportunities to meaningfully participate in decision-making either at school or at a local or national level.

Curriculum

Children have lots of constructive ideas on how to improve their school experience and children at secondary school had particularly strong views about curriculum.

Many older children told us about the "gear change" they experienced as they moved from primary school to secondary school (typically at age 11-12 in Scotland). They talked about fewer opportunities for extracurricular activities, more homework and, even in the first year of secondary school an increasing focus on exams and resultant pressure placed on them.

Scotland's Curriculum for Excellence is a non-prescriptive curriculum with a focus on experiences and outcomes. In 2021, the OECD⁸ concluded that it "remains valid for its bold, aspirational, future orientated approach and continues to be an inspiring international example, with its four capacities focussed on holistic student learning, which combines knowledge, skills and attitudes for the future".

However, children in secondary school told us that they could not always study their first choice of subjects, particularly in smaller schools in rural or island communities. There is innovative practice in Scotland delivering online teaching and learning, however access to this depended on the school or education authority's policies.

Children saw the value in learning practical skills for life, including learning about rental agreements, mobile phone contracts, mortgages and taxes. Whilst these are covered by Personal and Social Education (PSE) in Scottish schools, we still hear that PSE is inconsistently delivered with some children not receiving regular PSE lessons, particularly in the final three years of secondary school.⁹

We were concerned about the number of children in secondary school who described spending hours at night and all weekend on homework. Some spent more than 40 hours a week between school and homework and having little time for rest, leisure and play. We are concerned about the impact on a number of children's rights, including health. Some described feelings of burnout.

Personalisation and support

Children frequently tell us that they do not always get the support they need to learn. Scotland's legislation on additional support for learning covers a wide range of support needs for disabled children, those with care experience or who are young

⁸ OECD, 2021. *Scotland's Curriculum for Excellence*. https://www.oecd.org/en/publications/scotland-s-curriculum-for-excellence_bf624417-en.html

⁹ Scottish Youth Parliament, 2021. *Personal and Social Education (PSE) Curriculum, Strengthening Learner Voice*. <https://syp.org.uk/wp-content/uploads/2021/08/SYP-Report-PSE-Curriculum-Strengthening-Learner-Voice.pdf>

carers, as well as those with short-term support needs, for example due to bereavement or illness. However, resourcing for this remains an ongoing challenge, despite multiple reviews by both government and parliament. There is an urgent need for additional analysis of the gaps in support services children need, and investment to support this.

Access to diagnosis, particularly for neurodivergent conditions, can be difficult with many children facing long waiting lists. Children told us that as a result they sometimes received inappropriate responses to their needs and in some cases experienced discrimination.

Assessment and qualifications

In 2021, the OECD found that “the emphasis on exams in secondary education seems to widen the gap between the vision set in Curriculum for Excellence and the practice”.¹⁰ It is fair to say that exams dominate children’s secondary school experiences in Scotland.

Unlike other jurisdictions, very little use is made of continuous improvement with children sitting formal exams for national qualifications in the 4th, 5th and 6th year of high school. Preparation for these exams, including “prelims” (mock exams) sat in December or January and other formal assessments, shape the school year. We have previously raised concerns about access to the appeals process and inflexible systems which fail to take account of individual children’s circumstances through the school year.¹¹

We were concerned that many children told us they were exhausted, stressed and that exams had a lasting impact on their mental health. Younger children were already aware of the importance of these exams, with one child still in primary school telling us *“even though I am only in P7, I am already worried about exams.”*

Children described their schools as “stats obsessed” and adults turning education into a competition. The focus is on attainment and a specific and narrow model of academic attainment, based on entrance requirements for university, with wider achievement at best selectively recognised. In some cases, access to wider opportunities is tied to academic attainment, behaviour or attendance.

The Scottish Government commissioned Professor Louise Hayward to conduct a review of qualifications and assessment. Professor Hayward recommended a range of changes, including the development of a Scottish Diploma of Achievement, which recognised and individualised achievement¹². The review proposed a strengths-based qualifications model which recognises the value and unique experiences of each child. Directors of Education in Scotland support a move towards this model, but despite this, so far, the Scottish Government has taken only tentative steps towards assessment reform, with the focus so far being on institutional re-

¹⁰ OECD, 2021. *Scotland’s Curriculum for Excellence*. https://www.oecd.org/en/publications/scotland-s-curriculum-for-excellence_bf624417-en.html

¹¹ CYPSCS, 2024. *Education (Scotland) Bill Stage 1 evidence*. <https://www.cypscs.org.uk/resources/ed-bill-2024/>

¹² Scottish Government, 2023. *It’s Our Future - Independent Review of Qualifications and Assessment: report*. <https://www.gov.scot/publications/future-report-independent-review-qualifications-assessment/>

organisation of national education bodies and changes to the assessment model of a small number of specific curriculum subjects.¹³

Purpose – what is school for?

In 2023, the Scottish Government commissioned Professor Carol Campbell and Professor Alma Harris to lead a “national discussion” on education in Scotland. The result set out a vision for education in Scotland that was more aligned with the UNCRC and children’s rights, however we continued to hear from children that their experiences do not reflect this vision.

Children recognise the importance of wider learning, that education should help them to develop new skills, gain knowledge and improve their existing abilities. They also value school for opportunities to socialise, for leisure and cultural activities and for developing and maintaining good mental and physical health. They understand their rights and recognise that school helps them realise the full range of their rights.

Further work

Following publication of *This is our lives, it matters a lot*, we committed to targeted work on the rights of children less likely to have their views heard. We have taken a range of approaches with different groups of children, including those with experience of alternative care, deaf children, children with long-term health condition and children with a close family member in the armed forces. Much of this work is due to be published in the coming months.

Who Cares? Scotland Report

We commissioned Who Cares? Scotland to produce a report based on issues which children had raised through their advocacy services. Who Cares? Scotland is a national organisation led by children, young people and adults with care experience. They provide support nationally and is contracted to provide independent advocacy for children who are “in care”.

*Exclusion labelled as support*¹⁴ raised serious concerns about whether the rights of children in alternative care are having their right to an education fully realised. Experiences of education were varied. In some cases, school could represent a place of stability and support. But in many, children reported experiencing stigma and prejudice and not receiving the support they were entitled to. Changes of schools further disrupted learning and some remained outwith education for extended periods until a school place could be found.

Children in alternative care are more likely to be excluded from school. Many experienced formal exclusion or informal (and unlawful) exclusions such as part-time timetables. At times these were framed as supportive, but the result was children receiving as little as one hour of education a week.

Our statutory remit extends to care experienced children aged under 21. In common with many organisations in Scotland, Who Cares? Scotland uses the term “young

¹³ CYPCS, 2024. *Education (Scotland) Bill Stage 1 evidence*. <https://www.cypcs.org.uk/resources/ed-bill-2024/>

¹⁴ Who Cares? Scotland, 2024. *Exclusion labelled as support*. <https://www.cypcs.org.uk/wp-content/uploads/2025/06/Who-Cares-Education-Report.pdf>

person” to describe older children as well as young adults. In this report “young person” should be read as meaning a teenage child unless indicated otherwise.

Other issues in Scottish education

Additional Support for Learning

Scotland uses the term Additional Support for Learning (ASL) to describe support given to disabled children and children with a range of other support needs including experience of alternative care, English as an additional language, children with caring responsibilities and short-term needs such as bereavement or extended absence due to illness. In recent years, the number of children with ASL has increased significantly, with over 40% of children now identified as having additional support needs.

The issues surrounding ASL are complex and it is difficult to provide a summary in this context. We would welcome the opportunity to discuss these with the Special Rapporteur further. There have been two major reviews on ASL in recent years, the Morgan Review¹⁵ and an inquiry by the Education, Children and Young People Committee of the Scottish Parliament. We engaged with the former and provided written evidence to the latter. The Scottish Government has recently announced a further review.

Education (Scotland) Act 2025

During 2025, the major focus for education reform was on national institutions, with the Scottish Qualifications Authority replaced by Qualifications Scotland and the recreation of an independent inspectorate of education through the Education (Scotland) Act 2025. We expressed concerns that there was a need for substantial culture change in Scottish education and the Act would do little to address that.¹⁶ Nonetheless we remain hopeful that some changes we argued for, such as guaranteed participation for children in the new bodies, will begin to effect change.

Optional Protocol on Education

Our office submitted a response to the call for views on the proposed additional optional protocol to the UNCRC on education¹⁷. We also supported our Young Advisors to respond to the children’s consultation and one of our Young Advisors travelled to Geneva as a member of the children’s advisory group to the Open-Ended Intergovernmental Working Group.

Although both secondary and pre-primary education in Scotland are free, we highlighted barriers to participation in both. In the case of pre-primary education this included a lack of suitable placements (particularly flexibility for parents who work) and transport in rural and island areas.

¹⁵ Scottish Government, 2020. *Review of additional support for learning implementation: report*. <https://www.gov.scot/publications/review-additional-support-learning-implementation/>

¹⁶ CYPSCS, 2024. *Education Scotland Bill Stage 1 evidence*. <https://www.cypcs.org.uk/resources/ed-bill-2024/>

¹⁷ CYPSCS, 2025. *Optional Protocol to the Convention on the Rights of the Child*. <https://www.cypcs.org.uk/resources/optional-protocol-to-the-convention-on-the-rights-of-the-child/>

For secondary education, we raised issues such as the number of children leaving school before the end of secondary school and persistent numbers of children recorded as not in education, employment and training. We also noted that certain groups of children, including disabled children, those with poor attendance (including for medical reasons), those with experience of alternative care and asylum-seeking children were less likely to remain in school beyond the leaving age of 16.

We also highlighted positive developments such as models like i-Sgoil – an online school programme for children not attending mainstream school but noted that it is currently unable to meet the demand for its places.

Young Advisors Views

We also supported our Young Advisors to respond to the open-ended intergovernmental working group's call for views.¹⁸ Their discussion focussed on senior phase, the final three years of secondary education, aged approximately 15-18. Please note that education is only compulsory until the December or June after a child's 16th birthday (whichever falls earlier).

The group highlighted the cost of secondary school as a potential barrier. Despite education being free, they had to purchase their own text books and equipment. One said *"it's like an in-app purchase"*. Free school meals are means tested in secondary school and one child noted that, for example, the eligibility criteria meant children from a large family did not qualify despite being in poverty.

Several of the group had friends who had been absent from school for health reasons. They noted that it is hard for these children to catch up and that they often did not get support to do so. Sometimes children were unable to complete qualifications due to absence.

Several of the group were aware that additional support for learning had been cut at their school, with this being a barrier to accessing education.

Transport was highlighted as a barrier, despite children in Scotland being provided with a pass for free bus travel throughout Scotland. Bus timetables and routes often meant transport to activities were reduced.

The group also noted they had experienced difference in teaching styles and teacher attitudes which could have a significant impact on their learning and that bad experiences could result in ongoing difficulties.

Shoogle Lab

In December 2025, the Commissioner hosted the Shoogle¹⁹ Lab, an event for education leaders highlighting the importance of participation – at all levels – in schools.²⁰ The event was developed by our Young Advisors Group who worked with Professor Laura Lundy and the keynote speaker was percussionist Dame Evelyn

¹⁸ CYCPS YAG, 2025. *YAG submission – new Optional Protocol on education*.

<https://www.cypcs.org.uk/resources/yag-submission-new-optional-protocol-on-education/>

¹⁹ A Scots word meaning wiggle or shake

²⁰ CYPSCS, 2025. *Shoogle Lab*. <https://www.cypcs.org.uk/news-and-stories/changing-the-tune-commissioner-hosts-young-people-dame-evelyn-glennie-and-experts-to-improve-education-system/>

Glennie who works to highlight the importance of listening.²¹ Professor Lundy produced an article on the importance of participation in education to complement the event.²²

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²¹ Evelyn Glennie Foundation. <https://www.evelynglennie.foundation/>

²² Professor Laura Lundy, 2025. *Why we must really listen to children in education*. <https://www.cypcs.org.uk/wp-content/uploads/2025/12/listen-to-children.pdf>