



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

EDUCATION AND CULTURE COMMITTEE

Tuesday 10 January 2012

Session 4

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EDUCATION AND CULTURE COMMITTEE

1st Meeting 2012, Session 4

CONVENER

*Stewart Maxwell (West Scotland) (SNP)

DEPUTY CONVENER

*Neil Findlay (Lothian) (Lab)

COMMITTEE MEMBERS

Clare Adamson (Central Scotland) (SNP)

*Marco Biagi (Edinburgh Central) (SNP)

*Neil Bibby (West Scotland) (Lab)

*Joan McAlpine (South Scotland) (SNP)

*Liam McArthur (Orkney Islands) (LD)

*Liz Smith (Mid Scotland and Fife) (Con)

*Jean Urquhart (Highlands and Islands) (SNP)

COMMITTEE SUBSTITUTES

George Adam (Paisley) (SNP)

Ruth Davidson (Glasgow) (Con)

Hanzala Malik (Glasgow) (Lab)

Tavish Scott (Shetland Islands) (LD)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Aileen Campbell (Minister for Children and Young People)

Tom McNamara (Scottish Government)

CLERK TO THE COMMITTEE

Terry Shevlin

LOCATION

Committee Room 2

Scottish Parliament

Education and Culture Committee

Tuesday 10 January 2012

[The Convener *opened the meeting at 10:00*]

Interests

The Convener (Stewart Maxwell): Good morning and welcome to the first meeting in 2012 of the Education and Culture Committee. I wish everyone a happy new year and hope that you all had a nice time and survived the storms. I remind members and people in the gallery to switch off all electronic devices, mobile phones and anything else that they might have.

We have an apology from Clare Adamson, who is probably not going to make it to the meeting because of traffic congestion on the M74. I hope that she will be able to get here before the end, but she might not.

I also welcome to the committee two new members, Neil Bibby and Neil Findlay, who replace the previous deputy convener, Claire Baker, and Jenny Marra. I am sure that the rest of the committee will join me in thanking Claire and Jenny for their work on the committee since the election in May.

The first item on the agenda is to invite Neil Bibby and Neil Findlay to declare any registrable interests that are relevant to the committee's remit.

Neil Bibby (West Scotland) (Lab): I am a member of Renfrewshire Council and the trade union Unite.

Neil Findlay (Lothian) (Lab): I am a member of West Lothian Council, the General Teaching Council for Scotland and the Educational Institute of Scotland and, until May, I was a teacher.

The Convener: Thank you very much.

Deputy Convener

10:02

The Convener: Agenda item 2 is selection of a new deputy convener. Parliament has agreed that members of the Labour Party are eligible to be chosen as deputy convener of the Education and Culture Committee. I invite nominations for the position.

Neil Bibby: I nominate Neil Findlay.

The Convener: We have one nomination for the post. Does the committee agree that the convener of the Education and Culture Committee will be Neil Findlay?

Members indicated agreement.

Terry Shevlin (Clerk): The nomination was for deputy convener.

The Convener: Yes—deputy convener. I apologise.

Liam McArthur (Orkney Islands) (LD): A coup!

The Convener: I know. What a start. I thank the clerk very much for that correction.

Just for the record, the deputy convener of the Education and Culture Committee will be Neil Findlay. I welcome him to his post.

Subordinate Legislation

Equality Act 2010 (Specification of Public Authorities) (Scotland) Order 2012 [Draft]

10:03

The Convener: The third item on the agenda is evidence from Aileen Campbell, the Minister for Children and Young People, on a draft instrument that is subject to affirmative procedure. I welcome the minister and Tom McNamara, who is on the Scottish Government's children's hearings team.

I invite the minister to make a brief opening statement.

The Minister for Children and Young People (Aileen Campbell): Thank you, convener. I am pleased to be here for the first time in my new role as Minister for Children and Young People and look forward to working with all of you.

If approved, the draft affirmative order will ensure that Children's Hearings Scotland and its national convener are subject to equality responsibilities in the same way as are similar public office-holders and public bodies. The United Kingdom Equality Act 2010 introduced a public sector equality duty that came into force in April 2011 and covers the public authorities—bodies and office-holders—that are listed in part 3 of schedule 19 to the 2010 act. It is a general duty on public authorities and office-holders to pay due regard to the need to eliminate discrimination, to advance equality and to foster good relations across a range of protected characteristics. The draft order will add Children's Hearings Scotland and its national convener to the list.

The Children's Hearings (Scotland) Act 2011 established a new non-departmental public body, Children's Hearings Scotland, which is headed by a principal officer, the national convener, who will have additional statutory responsibilities in relation to particular elements of the children's hearings system. It is right that they will be covered by the obligations relating to equality.

As required, the Equality and Human Rights Commission was consulted on the draft order. Further consultation was undertaken of the chair and national convener of Children's Hearings Scotland, who confirmed their support.

In accordance with the requirement at section 152 of the 2010 act, Scottish ministers received the Home Secretary's consent before making the order. I hope that the committee will recommend that the order be approved.

The Convener: Thank you, minister. I should, of course, have welcomed you to your post; I had

forgotten that this is your first appearance before the committee in your new role.

Do members wish to put any technical questions to, or ask for points of clarification from, the minister?

Liz Smith (Mid Scotland and Fife) (Con): I have a query that is probably due to my own ignorance. Other than when someone raises a specific problem, how do you monitor how effectively an institution is looking at its equality duty?

Aileen Campbell: The order is simply about bringing a body into line with the rest of the public bodies; it is a tidying-up order. The body will be subject to the same equality testing as other bodies, through the use of equality rights officers and such like.

Liz Smith: How do we measure just how effective that is?

Aileen Campbell: Tom McNamara will explain more fully.

Tom McNamara (Scottish Government): It might be useful to refer—as the minister did—to the general obligations on public authorities. As the minister indicated, the general equality responsibilities on public bodies will be covered—along with their other responsibilities—in their annual reporting mechanisms.

The Children's Hearings Scotland board takes a particular interest in ensuring that it adheres to its equality responsibilities. The board asked to be briefed by the head of the Scottish Government's equality unit even before it was convened for the first time; it is very interested in taking seriously its responsibilities in that regard.

The Convener: No other member wishes to ask questions.

Item 4 is formal consideration of the motion on the draft order. I invite the minister to speak to and to move motion S4M-01653.

Aileen Campbell: I move that the committee recommends that the Scottish Public Services Ombudsman Act 2002 Amendment Order 2012 be approved.

I am sorry.

I move,

That the Education and Culture Committee recommends that the Equality Act 2010 (Specification of Public Authorities) (Scotland) Order 2012 [draft] be approved.

The Convener: It is the first meeting back—perhaps we are not all fully up to speed. I thank the minister and invite comments from members.

As there are no comments, I put the question that motion S4M-01653 be agreed to.

Motion agreed to.

Scottish Public Services Ombudsman Act 2002 Amendment Order 2012 [Draft]

The Convener: We move to item 5. I invite the minister to make a brief opening statement on another affirmative instrument.

Aileen Campbell: This is the instrument that I tried to move a motion on earlier—I apologise for that. The draft order will amend part 2 of schedule 2 to the Scottish Public Services Ombudsman Act 2002, which specifies persons who are liable to investigation by the Scottish Public Services Ombudsman.

The draft order will add to that list Children's Hearings Scotland and its national convener, and the principal reporter of the Scottish Children's Reporter Administration. That flows from the Children's Hearings (Scotland) Act 2011, which establishes Children's Hearings Scotland and its national convener and removes the principal reporter from membership of the SCRA.

As the committee is aware, the Scottish Public Services Ombudsman deals with complaints about public services in Scotland, including the Scottish Government and its agencies and departments, and most Scottish public authorities. It investigates where a member of the public claims to have suffered injustice or hardship as a result of maladministration or service failure, and represents the last resort when the formal complaints procedures of the organisation concerned have been exhausted.

As with the Equality Act 2010 draft order that we just dealt with, it is intended that CHS and the office-holders will be subject to the same scrutiny and regulation as existing similar officeholders and bodies. The chair and national convener of CHS, and the principal reporter were shown the draft instrument and all offered their support for it. I hope, therefore, that the committee can recommend that the instrument be approved.

The Convener: Thank you, minister. I see that no member wishes to raise any questions or points.

We move to item 6. I invite the minister to speak to and move motion S4M-01652.

Motion moved,

That the Education and Culture Committee recommends that the Scottish Public Services Ombudsman Act 2002 Amendment Order 2012 [draft] be approved.—[*Aileen Campbell.*]

Motion agreed to.

The Convener: That was the last item on this morning's agenda.

Meeting closed at 10:10.

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