



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

EDUCATION AND CULTURE COMMITTEE

Tuesday 11 December 2012

Session 4

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EDUCATION AND CULTURE COMMITTEE

33rd Meeting 2012, Session 4

CONVENER

*Stewart Maxwell (West Scotland) (SNP)

DEPUTY CONVENER

*Neil Findlay (Lothian) (Lab)

COMMITTEE MEMBERS

*George Adam (Paisley) (SNP)

*Clare Adamson (Central Scotland) (SNP)

*Colin Beattie (Midlothian North and Musselburgh) (SNP)

*Neil Bibby (West Scotland) (Lab)

*Joan McAlpine (South Scotland) (SNP)

*Liam McArthur (Orkney Islands) (LD)

Liz Smith (Mid Scotland and Fife) (Con)

*attended

CLERK TO THE COMMITTEE

Terry Shevlin

LOCATION

Committee Room 3

Scottish Parliament

Education and Culture Committee

Tuesday 11 December 2012

[The Convener *opened the meeting at 11:15*]

Petitions

Education (Qualified Teachers Contact Hours) (PE1391)

The Convener (Stewart Maxwell): I welcome members to the 33rd meeting of the Education and Culture Committee in 2012. I remind members and those in the public gallery that electronic devices should be switched off at all times.

Liz Smith has given her apologies for the public part of the meeting, as she has unfortunately had to leave, but she was here for the informal discussion that we have had for the past hour on the Post-16 Education (Scotland) Bill.

The first item is consideration of PE1391. The committee is invited to agree what action, if any, it wishes to take in relation to the petition. The clerks have produced a paper that summarises the committee's previous consideration of the petition. Do members wish to make any comments?

Liam McArthur (Orkney Islands) (LD): From reading the clerks' paper, and from what has been said in the McCormac review and subsequently by the Cabinet Secretary for Education and Lifelong Learning, I am not sure that there is an awful lot more that we can do with the petition. I would be reluctant to put into legislation a provision that would potentially close off options for individual schools or local authorities. My preference would be to close the petition at this stage.

Clare Adamson (Central Scotland) (SNP): I absolutely agree with Liam McArthur. It would be an impractical solution to put such a provision into statute—I do not know how that would affect school trips, for example, or school events such as sports days. As Liam said, we should leave it to individual headteachers to make those decisions.

Neil Bibby (West Scotland) (Lab): I accept that the cabinet secretary said in his recent response to the McCormac review that he is not proposing to look at the Renfrewshire model. However, we need to reflect on the fact that the petition came about as a result of a proposal by Renfrewshire Council to replace teachers in primary schools for 10 per cent of the week with non-teaching staff from a youth employment scheme funded by European structural funds.

The cabinet secretary has said that he does not want that model to be rolled out across Scotland, but the problem remains. The petition was submitted because Renfrewshire Council proposed to introduce that model. The council did not proceed with it, not because it could not do so but because of public pressure.

There is still a potential legal loophole that could result in the primary school teaching week being reduced. At present, there are a statutory number of days for which children must receive an education, but that does not necessarily equate to hours. The petition raises the issue of the number of hours for which children are taught by a teacher.

I note what the cabinet secretary has said, but I ask the committee to ask the Scottish Government how it intends to ensure that the primary school teaching week is not reduced. As I said, there appears to be a legal loophole.

Colin Beattie (Midlothian North and Musselburgh) (SNP): I tend to agree with Liam McArthur and Clare Adamson. The clerks' paper states on page 2:

"The report ... concluded that 'no further national guidance is required with regard to the involvement of external experts'."

I do not think that the petition is really going anywhere. It is not logical or reasonable to demand such a legal requirement, as that would make the system too rigid and would not allow schools any flexibility.

The Convener: There are no other comments. Our original suggestion was that we would wait for the McCormac review. We now have the recommendation, which is contained in the clerks' paper in front of members. The paper mentions the involvement of external experts and how that should be facilitated. The review report states:

"Head teachers would determine whether these individuals may work directly with a class on their own".

On external experts, I think that Neil Bibby was referring to the Education Scotland paper, which I think is also the paper—as discussed on page 2 of the clerks' paper—from which Colin Beattie quoted.

Effectively, we must decide what action we wish to take regarding the petition. It sounds as if the majority of members believe that flexibility, as expressed by the McCormac review and Education Scotland, should probably remain. Is that a reasonable summary?

Liam McArthur: To pick up on Neil Bibby's point, I appreciate that there is scope for concern where something is not specifically proscribed by legislation, although I would be wary of going down that route. However, I wonder whether there

is an opportunity in closing the petition to raise with the cabinet secretary the question of what he feels would be a safeguard to prevent the sort of proposal that Renfrewshire Council came up with. The council's proposal went beyond the events that Clare Adamson indicated we would not want to end up preventing simply by trying to close down the opportunity for councils to do something on that scale.

Neil Findlay (Lothian) (Lab): There is a distinct difference between an external expert and what Renfrewshire Council was proposing. That is the issue, and I concur with Liam McArthur and Neil Bibby that we should seek clarification on how the Government intends to deal with it.

The Convener: I do not think that the two actions are mutually exclusive—we can do both without too much difficulty. I note what the McCormac review and Education Scotland have said on the matter, and I agree with Liam McArthur's opening comments. I do not think there is a role for a statutory limit in this instance.

However, it is entirely reasonable that we ask the cabinet secretary for the Government's view on the matter. The committee could write to him, and at the same time we could close the petition as it currently stands.

Neil Bibby: My preference would be that we write to the cabinet secretary and keep the petition open until we get a response.

The Convener: I do not see the purpose of that approach, but I do not have any particular problem with it. Do members feel that there is any purpose in keeping the petition open and writing to the cabinet secretary, or should we close the petition at this stage and write to the cabinet secretary to get a response?

Neil Findlay: That is a fair point. However, if there is a delay of only a week or two, I do not see much of a problem.

The Convener: Given that Christmas is coming up, it may take slightly longer than that.

Colin Beattie: I just wonder what the purpose is of keeping the petition open. We are writing to get clarification, so I would just close the petition.

The Convener: I do not have any objections to keeping the petition open. My thinking is that, given that we are writing to the cabinet secretary to get the Government's view, that would effectively be the committee's concluding decision. Closing the petition will not change anything—we will see what the letter says, and that approach will not alter the fact that we can take action on the letter if we feel that that is necessary.

Letting the petition run continually would serve no further purpose, given that our decision on the

petition is that we should write to the Government and ask for its view. However, I am open to members' views.

Clare Adamson: I do not think that the petition covers the specific concern that Neil Bibby raised. The information that we have on external experts in the clerks' paper covers most of the concerns, and we should therefore just close the petition. By all means, we can write to the cabinet secretary on that specific concern.

The Convener: Given that it was Neil Bibby's proposal, I invite him to comment. Neil, are you content with the suggestion that we close the petition and write to the Government? We can then discuss the Government's response when we receive it.

Neil Bibby: As I said, I am reluctant to close the petition until we have had the Government's response to the points that the petition raises and those that I raised earlier. It would only be fair to see what the Government has to say before we take a decision on the petition.

The Convener: Okay. The Cabinet Secretary for Education and Lifelong Learning has made a statement on the issue and Education Scotland has published a paper on it. However, I am not fussed about whether to keep the petition open. If members want to keep it open, we can do so. We can write to the cabinet secretary and then deal with the petition after receiving his response.

Colin Beattie: Like you, convener, I do not feel strongly about whether to keep the petition open, although I do not see the point in doing so.

Liam McArthur: I think that the practical effects would be the same, whether we kept it open or not.

The Convener: Yes.

Liam McArthur: I suspect that it may be neater to close the petition when we get the cabinet secretary's response, but I think that the practical effects would be the same as closing the petition now.

The Convener: Okay. We will keep the petition open, although I do not think that that will have any practical effect. Are we agreed that we will write to the cabinet secretary to ask for a Government response to this and that we will leave the petition open until we receive that response?

Clare Adamson: Convener, can I just clarify that when you refer to "a response to this", you do not mean that we are asking for a response to the petition?

The Convener: No, I mean the general issue.

Clare Adamson: Right. Thank you.

The Convener: I think that Neil Bibby made a wider point about the issue.

Neil Bibby: The petition was lodged quite some time ago in 2011, and other things have obviously happened since then.

The Convener: Right. We will write to the Government on the general issue. We will leave the petition open until we receive the cabinet secretary's response.

Education Staff (Training in Learning Disabilities and Autistic Spectrum Disorder) (PE1409)

The Convener: The second item is consideration of PE1409. The committee is invited to agree what action, if any, it wishes to take on the petition. Again, the clerks have produced a paper on the petition summarising the committee's previous consideration of it. Do members wish to make any comments on PE1409?

Joan McAlpine (South Scotland) (SNP): Last week I raised at the committee not the petition directly but the issues that it raises, and I was not that satisfied with the answers that I got. I got the impression that when the guidelines are being drawn up for teacher training, additional support for learning will be covered but not specifically learning disability. It would be good if we could pass the petition on to the implementation board.

The Convener: Sorry? The sound is not very good in here.

Joan McAlpine: It would be good if we could pass the petition on to the implementation board.

The Convener: The implementation board—that is what I did not catch. Thank you.

Liam McArthur: I agree with that suggestion. When we discussed the issue previously, I was not entirely convinced by the answers that we got about how the concerns that Enable Scotland raised would be picked up by the partnership group. I do not think that anything has happened since then to suggest that those have been adequately covered. The best solution would be for us to write to the implementation board with a copy of the petition. I also suggest that we keep an eye on the issue over the coming months, although I think that the implementation board is the best forum for taking it forward.

Neil Findlay: I agree. My experience of teacher training was that training on the issue to which the petition refers was pretty sketchy. When I moved into working in the area, I benefited from working beside a vastly experienced person whose work began to rub off on me. The implementation board needs to look at training in the area quite seriously.

The Convener: I think that the suggestion is that we close the petition but write to the national implementation board and bring the petition's contents to its attention, given that the board is taking forward the national partnership group's recommendations.

I suggest that we also send the petition to the General Teaching Council for Scotland, because it is responsible at the beginning of the process, while the implementation board is bringing in the partnership group's recommendations. I suggest that we write to the GTCS and the implementation board about the detail of the petition. They are the proper bodies to take forward any changes that should or could be made to teacher training. Is that agreed?

Members indicated agreement.

The Convener: We agree to close the petition and to write to the two bodies that I named about the petition's contents and detail.

Taking Children into Care Inquiry

11:30

The Convener: Item 3 concerns our inquiry into decision making on whether to take children into care. We are in the middle of a series of informal fact-finding visits to help us to build up evidence on the issue. The clerks have prepared a report on the two meetings that we have had; more meetings are planned. We now have an opportunity to discuss the two visits.

The first meeting, which most members attended and which was held in Edinburgh, was with chairs of child protection committees. The meeting was particularly useful and a number of points came out of it.

A strong message from the chairs was that the child protection system is generally working pretty well, although there are wider issues that relate to children who are not on the child protection register. An issue was clarified for me about children who are and who are not on the register. There is a clear difference, and children who are not on the register could be suffering from neglect of various sorts. That issue was helpful to understand.

The need for services to be joined up and for better working across services was also clearly recognised, as was the need for services to be much more child focused and child friendly and to consider what young people and children need from the services.

A number of other issues arose. Before I mention them all, I throw open the discussion to comments from members about the meeting with chairs of child protection committees. Do members have comments on the paper and the meeting?

Joan McAlpine: The paper represents a good summation of the discussion. The issues that are highlighted are accurate in that they are the correct concerns.

The children who are already looked after but who are not classified as being at risk seem to form a large number of children who are not covered by information sharing—that point stood out from the meeting. If professionals cannot share information about such children, it must be difficult for them to do their jobs properly. I wonder how we can explore that further in our inquiry.

Liam McArthur: I missed the meeting with the chairs, so the note was helpful in catching me up on the issues that were raised, some of which are not particularly surprising.

I recognise that the paper notes concerns that were expressed and not necessarily views that are

being taken, but I was slightly concerned by the reference on page 4 to the effect of the “increasing involvement of solicitors”. I can see why that might prove a challenge in some circumstances, but the right to advocacy, whether that is by an independent advocate or by a solicitor, needs to be protected. We want outcomes that are in the child’s best interests, but we need to be careful not to go down a route that removes the right of parents or carers to advocacy and representation.

The note of the second meeting is an accurate reflection.

The Convener: I think that you are right. The “increasing involvement of solicitors” was particularly noteworthy and, as was stated, middle-class parents are using solicitors to strengthen their ability to advocate on behalf of their children.

Colin Beattie: On that particular point, coincidentally I have recently been getting feedback that solicitors are now more or less ambulance chasing for these cases. Clearly they see that there is money to be made. All too often now, solicitors are arguing on legal points within those hearings and it is causing problems. I have heard anecdotally that in some cases the best outcome for the child is not achieved—the legal points are winning through. I am not sure that the system was intended to work as a mini-court when it was set up.

I apologise for mentioning another paper but I notice that Enable Scotland is asking for easier access to lawyers, which is exactly what seems to be causing the problem.

Liam McArthur: I take Colin’s point and I suspect that there is probably a limited amount that we can do. The challenge for us is to ensure that the law is as clear as it can be and that the scope for exploiting loopholes is minimised to the greatest degree possible, rather than complain that lawyers are going about representing their clients, which is what they will always do.

The Convener: Part of this process is to ensure that the papers—the notes from those meetings—are in the public domain. They will be put on the Parliament website so, after today, they will be available for various groups to examine. The papers will also form part of the evidence that we take forward in the inquiry.

With that in mind, I move on to the paper on the second meeting. Do members have any brief comments on it? Unfortunately, I was unable to attend at short notice. I apologise for that but I know that Clare Adamson, Neil Bibby, Liam McArthur and Liz Smith were all there. Do they want to make any comments on that meeting in particular?

Liam McArthur: I think that the paper is an accurate reflection of the discussion that we had at the second meeting. It differed from the previous meeting in that a large part of the discussion was around how, with appropriate support, those with learning difficulties are perfectly capable of looking after their children and bringing them up very well indeed. The message was that, too often, that support is not there at all; is there but is then removed; or is patchy in the main.

Whereas the message from the first meeting was about being perhaps overoptimistic about a parent's ability to meet the needs of their child, the strong message from the second meeting was that there are parents who are very committed to looking after their children but who recognise that there are support needs that have to be met in order for them to be able to do that.

Clare Adamson: For me, two main points came out of the second meeting. One is the difficulty related to the fact that social work involvement involves a social worker quite often for the child but only sometimes for the parent. There was an argument that people should be looked at as a family unit to assess the real support needs that are required, which does not currently seem to be part of the process at all.

The second point was a level of disappointment because, although a lot of good work has been done, the guidance is there and easy-read formats of documents are available, the professionals seem to be unaware of that, so the documents are not being used as effectively as perhaps they could be.

Neil Findlay: I was not at that meeting, but on that point I had a meeting recently with an organisation that assists agencies in putting documents into easy-read formats. It was interesting to hear the organisation describe how its system works. It uses models who are relevant to the people who will be reading the documents, so for example it uses young people with Down's syndrome to exemplify a point.

The organisation showed examples of good and bad practice. For example, a local authority had tried to do the same thing with instructions on how to make an emergency call, or something like that, by using a picture of a young woman with Down's syndrome on the telephone. The local authority thought that it was doing the right thing but, for each instruction, the same picture was used, so the clients thought that they were being asked to do the same thing three times. If a different picture had been used for each stage with the same model, the instructions would have been much more easily understandable.

I have raised that issue in the Parliament, because it was illuminating for me to see that

system compared with just writing in plain English. For some people, plain English is no good. We need to rethink that sort of stuff, not just in this area but across society. It might be worth while for the committee to speak to that organisation at some point.

The Convener: Both meetings and the notes of them have been helpful. The evidence that we received beforehand from the People First (Scotland) parents group was illuminating and interesting. Many issues arise, but one was that the group would like consistency in children's panel members. People rarely see the same panel member twice. We have heard that from other groups but, in this particular case, the issue might be more relevant and consistency might be more appropriate.

We can debate and discuss all those issues as we proceed with the inquiry. I thank the clerks for preparing the notes and I thank members for attending the meetings. No doubt, the process will assist our future discussions.

European Union Reporter (Update)

11:41

The Convener: The next item on the agenda is a report back from the deputy convener Neil Findlay, who is our European Union reporter, on his recent visit to Brussels as part of an induction programme for EU reporters and officials from the Parliament. Over to you, Neil.

Neil Findlay: I know that committee members speak a wide variety of European languages but, unfortunately, I do not, so you are going to get English from me—or a version of it.

The visit was arranged by the European and External Relations Committee. A group of officials from the Parliament and EU reporters attended Brussels for a two-day visit. We spoke to a number of people and had presentations from the European Commission on the EU budget and on the history of the European Union, which was very interesting—although the interest kind of faded away by the 58th slide, but not to worry. We also had a presentation on the crisis in the eurozone, which was very interesting indeed.

We had a range of meetings with various officials. One was on higher and vocational education and some of the programmes that are being run across Europe. Those officials were particularly interested in the Post-16 Education (Scotland) Bill. There appears to be a difference between the general direction in Europe and what is happening here, so we might want to look into that.

We also spoke to people from the Commission about the rights of children and child protection issues. Again, that was a difficult discussion, because it confirmed the view that we all have that the area is extremely difficult and that nobody has a magic bullet. There are various approaches across Europe that we can consider. An exchange of documents has taken place between the clerks and others. The issue is not easy and all countries appear to be wrestling with it.

That is an overview of what we did in Brussels. I hope that some of our documentation will inform the European Commission and others and that, equally, we will get stuff back from them on what is happening across Europe, which, I hope, will feed into some of our inquiries.

The Convener: Thank you very much for giving us that report back on the visit by EU reporters to Brussels.

Before we move on, I want to point out something for members' information. We have

discussed this issue on a number of occasions, so members will be aware that we recently wrote for the third time to the BBC—this time to Lord Patten—to endeavour to get BBC management to come to the committee.

I hope that members are aware of a letter from Lord Patten that arrived last week, which was circulated. It said that BBC management would come along to the committee. We have agreement from BBC management for an evidence session on 22 January, although we do not yet know who the witnesses will be.

I am delighted that the BBC has finally agreed to attend. That shows that if we try, try and try again, we will sometimes succeed, even in getting BBC management to come along to the committee. I am delighted to report to members that that evidence session will occur on 22 January.

11:45

Joan McAlpine: While we are on the subject of the BBC, convener, I sent you a letter on 1 November, after we heard from the trade union witnesses, in which I corrected something that I said during our questioning. I checked to see whether the letter was on the website, but I did not see it.

The Convener: For the committee's information, I received that letter. Joan McAlpine may remember that we briefly discussed it at the time. It was to do with the questioning of the previous—

Joan McAlpine: Yes. The former director general of the BBC, Mark Thompson, gave evidence to the committee in May, in which he said that he expected to spend more on the referendum coverage than on the coverage of the US presidential election. When I was recollecting that, I misremembered it and made a comparison with the Olympics. The principle was the same, but I simply wanted to clarify the matter for the record.

The Convener: Okay. For members' information, Joan McAlpine is correct. She wrote to me immediately and corrected what she said. I am not sure whether the letter will go on the website. I ask the clerks about that.

Terry Shevlin (Clerk): We can put it on the website if you choose to do so.

Joan McAlpine: That is fine. I just wanted to keep things right. Thanks.

Neil Findlay: On a separate issue, I think that members received from Terry Shevlin this morning the letter from Skills Development Scotland about its evidence the week before last, which put significant new information into the public domain.

One thing in particular that was quite startling was the amount that SDS has spent on a website. The witnesses could not inform us about that at the time, so we could not delve into the matter a bit deeper.

I am disappointed overall by the way in which Skills Development Scotland responds to requests for information and, indeed, does not provide information. That applies to when it comes to the committee and to when members have written to it. I know that a number of Labour members have written to SDS over the past year or 18 months to try to extract information. Doing so feels like pulling teeth. There is a problem with that organisation providing information freely so that it can be held to account for its work.

The Convener: Okay. That was not on the agenda, but it is now on the record. I am grateful to Neil Findlay for making that point. I do not think that all members will have had an opportunity yet to read the letter, as it has just been received.

Neil Bibby: We had a debate in the chamber on the careers service last week. It is regrettable that we did not have that information prior to that debate.

The Convener: I think that the member made that point in the chamber at the time.

This is our last formal meeting of the year, as the committee will undertake an informal visit next week as part of our inquiry into decision making on whether children should be taken into care. We will also undertake a visit on Tuesday 8 January, which would have been the date of our first formal committee meeting in 2013. Given that we have those two visits outwith the Parliament, I wish all members and officials a very merry Christmas and a happy new year. I thank the clerks, the official report and the Scottish Parliament information centre for all the support and assistance that they have given us throughout 2012.

We agreed last week to take the next item on the agenda in private.

11:49

Meeting continued in private until 12:10.

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