



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

JUSTICE COMMITTEE

Tuesday 11 December 2012

Session 4

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JUSTICE COMMITTEE

36th Meeting 2012, Session 4

CONVENER

*Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP)

DEPUTY CONVENER

*Jenny Marra (North East Scotland) (Lab)

COMMITTEE MEMBERS

*Roderick Campbell (North East Fife) (SNP)

*John Finnie (Highlands and Islands) (Ind)

*Colin Keir (Edinburgh Western) (SNP)

*Alison McInnes (North East Scotland) (LD)

*David McLetchie (Lothian) (Con)

*Graeme Pearson (South Scotland) (Lab)

*Sandra White (Glasgow Kelvin) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

John Butcher (Association of Directors of Education in Scotland)

Maggie Fallon (Education Scotland)

Nico Juetten (Office of Scotland's Commissioner for Children and Young People)

Kenny MacAskill (Cabinet Secretary for Justice)

Professor Susan McVie (Edinburgh Study of Youth Transitions and Crime)

Colin Morrison (Pupil Inclusion Network Scotland)

Professor Pamela Munn (Moray House School of Education)

Eileen Prior (Scottish Parent Teacher Council)

Susan Quinn (Educational Institute of Scotland)

Robert Sandeman (Scottish Government)

Alan Staff (Apex Scotland)

Vivienne Sutherland (Association of Scottish Principal Educational Psychologists)

Jim Thewliss (School Leaders Scotland)

CLERK TO THE COMMITTEE

Irene Fleming

LOCATION

Committee Room 2

Scottish Parliament

Justice Committee

Tuesday 11 December 2012

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

Subordinate Legislation

Judicial Pensions and Retirement Act 1993 (Scottish Land Court) Order 2013 [Draft]

The Convener (Christine Grahame): Good morning. I welcome everyone to the Justice Committee's 36th and final meeting in 2012.

I ask everyone to switch off mobile phones and other electronic devices completely as they interfere with the broadcasting equipment, even when switched to silent.

No apologies have been received.

I say to the Cabinet Secretary for Justice that members of the committee are scattered about the committee table because we will have a round-table discussion later. It is not a new *modus operandi* for the Justice Committee, just in case he is wondering.

Item 1 on the agenda is the first part of our consideration of an affirmative statutory instrument: the draft Judicial Pensions and Retirement Act 1993 (Scottish Land Court) Order 2013. We are taking evidence from the cabinet secretary. I welcome him, Robert Sandeman from the Scottish Government civil law and legal systems division and Michael Gilmartin from the Scottish Government legal directorate.

I invite the cabinet secretary to make an opening statement.

The Cabinet Secretary for Justice (Kenny MacAskill): Thank you for inviting me to speak about the draft order.

If approved by the Parliament, the order will do two things. First, it will remove the compulsory retirement age of 65 for members of the Scottish Land Court, which is specified in schedule 1 to the Scottish Land Court Act 1993. That retirement age compares unfavourably with the retirement age for a number of other judicial offices and we consider that it should be removed to enable competent people to continue in office.

Secondly, the draft order will add members of the Scottish Land Court to the list of offices specified in schedule 5 to the Judicial Pensions and Retirement Act 1993. By virtue of that amendment, members of the Land Court will be subject to the retirement provisions set out in

section 26 of that act. That means that the compulsory retirement age for members of the court will be 70 but that they will be able to remain in office until the age of 75.

The Convener: I am glad to hear that because I am in my 60s and rather like retirement ages being extended. I do not think that, at the moment, there is a compulsory retirement age for MSPs. That is fine by me.

Do committee members have any questions on the draft order?

Jenny Marra (North East Scotland) (Lab): Cabinet secretary, I believe that discussions took place with the Land Court on the draft order. Was there no requirement for consultation beyond that?

Kenny MacAskill: The proposal came from an individual member of the Land Court who was affected. It was put to the Lord President, who agreed that there was a lack of parity with other judicial offices, and it was felt that we should create parity across the board. No doubt the Lord President consulted his colleagues, but I do not think that there was consultation outwith the judiciary.

Jenny Marra: There was no requirement for wider consultation.

Kenny MacAskill: There is no requirement. It is a matter for the judiciary.

David McLetchie (Lothian) (Con): Does the change that is proposed in the draft order bring the rules for all judicial offices into alignment?

Kenny MacAskill: The rules for justices of the peace and tribunal members still have to be addressed. We are examining that matter, but the other issues are now addressed.

The Convener: I do not need to remind you, cabinet secretary, but because we are just taking evidence, Mr Sandeman could speak if he wished.

It would be nice to hear you, Mr Sandeman. I am sure that you have a lovely voice.

Robert Sandeman (Scottish Government): Thank you, convener.

The Convener: You can see that we need our holidays.

As there are no further questions, we move on to formal consideration of the draft order, which is item 2 on the agenda.

Motion moved,

That the Justice Committee recommends that the Judicial Pensions and Retirement Act 1993 (Scottish Land Court) Order 2013 [draft] be approved.—[*Kenny MacAskill.*]

Motion agreed to.

The Convener: That is it, cabinet secretary. It was short and sweet. I thank your officials. Mr Gilmartin did not get to speak, but I am sure that he has a lovely voice too.

I will suspend briefly to allow the next group of witnesses to come in.

10:05

Meeting suspended.

10:09

On resuming—

School Exclusions and Offending

The Convener: Item 3 on the agenda is a round-table discussion on the connection between school exclusions and offending. Alison McInnes suggested the topic back in February, but it was agreed that, due to the committee's legislative workload, the discussion would take place at the end of the year. So here we are.

We will focus on the policies and techniques that are in place to tackle negative behaviour in schools before a situation gets to the point at which exclusion is an option.

We have 11 witnesses, who are interspersed—that is a lovely word—among members around the table to encourage open and informal debate. In particular, witnesses are welcome to address one another, but before they do so, they should indicate to me that they want to speak so that they do not talk over one another. With that format, most committee members are silenced for most of the time. We want to get people's views so that they interact.

It is probably best to start with people introducing themselves around the table. You should say where you are from.

Jenny Marra: I am a member of the Scottish Parliament for North East Scotland and I am deputy convener of the committee.

Alan Staff (Apex Scotland): I am the chief executive officer of Apex Scotland. My background is in child and adolescent psychiatry and addictions.

David McLetchie: I am an MSP for Lothian.

John Butcher (Association of Directors of Education in Scotland): I am head of inclusion at Glasgow City Council and am representing ADES.

Roderick Campbell (North East Fife) (SNP): I am the MSP for North East Fife.

Vivienne Sutherland (Association of Scottish Principal Educational Psychologists): I am a depute principal educational psychologist in Fife and am representing the Association of Scottish Principal Educational Psychologists.

Colin Keir (Edinburgh Western) (SNP): I am the MSP for Edinburgh Western.

Susan Quinn (Educational Institute of Scotland): I am the president of the EIS.

John Finnie (Highlands and Islands) (Ind): I am a Highlands and Islands MSP.

Maggie Fallon (Education Scotland): I am from the rights, support and wellbeing team in Education Scotland.

Sandra White (Glasgow Kelvin) (SNP): I am the MSP for Glasgow Kelvin.

Nico Juetten (Office of Scotland's Commissioner for Children and Young People): I work for Scotland's Commissioner for Children and Young People.

Colin Morrison (Pupil Inclusion Network Scotland): I am from the pupil inclusion network.

Alison McInnes (North East Scotland) (LD): I am an MSP for North East Scotland.

Jim Thewliss (School Leaders Scotland): Good morning. In my day job, I am headteacher at Harris academy in Dundee. I am representing SLS.

Eileen Prior (Scottish Parent Teacher Council): Hello. I am from the Scottish Parent Teacher Council.

Graeme Pearson (South Scotland) (Lab): I am a member of the Scottish Parliament for South Scotland.

Professor Pamela Munn (Moray House School of Education): I am from the University of Edinburgh.

Professor Susan McVie (Edinburgh Study of Youth Transitions and Crime): I, too, am from the University of Edinburgh.

The Convener: I am the convener of the committee and the MSP for Midlothian South, Tweeddale and Lauderdale. I like saying that constituency name, as it is long.

I will throw out a question. Are we getting things wrong in the way that we exclude pupils from school? Are we making any mistakes in society? Period. "Discuss," as my history teacher used to say. Alternatively, is everything right?

Alan Staff: We are getting it wrong.

The Convener: There is controversy. Good.

Alan Staff: Absolutely.

The majority of young people who are excluded have already begun an offending background. They already commit a range of minor offences. Excluding them increases the likelihood of their increasing that activity, as it puts them together with other people who have been excluded. The process is almost self-fulfilling; the problem is created that one hoped to manage.

Susan Quinn: I do not think that we are particularly getting things wrong. Anybody in society would hope that we would never exclude any child, but there are multiple reasons for

exclusion from educational establishments. The individual child or young person must be considered, but all the other young people who are being educated in the establishment and what will happen beyond must also be considered. I do not think that anyone would exclude a young person from an educational establishment on a whim or otherwise and not take account of what might happen next for them.

I agree that there are issues around the fact that many young people who have been excluded will have difficulties, but excluding them from school is not the end point—there is what happens next. Our members would suggest that it is clear that exclusion happens only after a range of strategies has been tried in an establishment and different opportunities have been considered. Perhaps we need to consider what the options are and how they can be extended further.

One issue that comes to mind is that there has been a lot of very good work over the past decade on "Better Behaviour—Better Learning" and in a range of on-going projects, so that establishments have clear behaviour policies in place. We are hearing now, however, that for a range of reasons, not least budgetary issues, some policies are not being as effective as they have been. The kind of support that would have been available at the early stages has been lost in some cases. I do not think that it is a case of getting it wrong. Unless we are to include in schools young people who put themselves and others in danger, we must consider our options.

10:15

The Convener: Can you expand on what you said about some support systems no longer being available?

Susan Quinn: Absolutely. For example, a colleague approached me a month ago about a difficulty in a secondary school. I asked what the behaviour policy was and she said that it was clear on paper and that there were stages of intervention, with a time-out room, or whatever terminology you want to use for that, as the end-point before exclusion or otherwise. Unfortunately, because of staff shortages the time-out room is not always staffed, which means that it cannot be used. The point of a time-out room, particularly in secondary school, is to provide a young person with a one-to-one situation in which they can discuss the reasons for their being excluded from a class. Also, for health and safety reasons, a young person would never be sent to a time-out room that was not staffed.

That is unfortunately the situation that we find ourselves in at the moment. Some of the clear, effective policies that have been put in place are

not working as effectively as they could for a range of reasons, including budget cuts, reduced staffing levels and having to prioritise other areas. The policies exist on paper and the willingness and experience is there in practice, but there are barriers to the policies being used.

Professor Munn: I would not say that we are getting it right, but I think that we are getting it better. The vast majority of young people who are excluded from school are excluded only once and for a short time. There is therefore an issue about why that happens at all, if exclusion is a last resort. I think that we use permanent exclusion much less frequently. There is a difference between permanent exclusion, when the parent and the local authority have to find another school or other educational provision for a child, and temporary exclusion. It is mostly temporary exclusion that is used in Scotland, which is quite different from the situation in other bits of the United Kingdom. We ought not to be shy about saying that.

Where I think that we are getting it wrong is in the persistent patterns of exclusion for children and young people from disadvantaged families, those being looked after by a local authority, those who have learning support needs and so on. Although the overall numbers are declining, the persistence of the patterns is very worrying, particularly when we read in the data sets underpinning the exclusion summary tables that we all see that children are being excluded from primary 1. That raises profound questions about why that is happening.

John Butcher: In many ways, I agree with Professor Munn. I think that we are getting it right and I do not agree that we are getting it wrong. We are on the road to getting it right. National exclusion figures are reducing. For example, in Glasgow, the figures peaked in 2006-07, but there has been a 61 per cent reduction in exclusions from school since. There were 7,500 incidents in 2006-07, but there are now fewer than 3,000. There were 140 permanent exclusions from the roll in Glasgow in 2006-07, but the figure is down to fewer than four this session.

What has made the difference is the culture and ethos in schools, which has changed dramatically over the past five or six years. I think that Education Scotland has had a lot to do with that in terms of quality indicator 5.3, on meeting learners' needs. Schools are acutely aware of how to meet learners' needs.

We are acutely aware of different strategies to meet those needs, such as multi-agency working, ensuring that we have good-quality assessments of children's needs and that we work with our partners in social work, health and the voluntary sector. There are initiatives such as the nurturing

programme, for which we ensure that we have solution-focused work. There is also what Maggie Fallon's team in Education Scotland does in working with local authorities, which has helped change the culture and ethos in schools. Schools want to hold on to children and to get it right for them, which has been the huge change that has moved the agenda forward.

Jim Thewliss: In my previous life I was a geography teacher and I am married to a history teacher, so I am used to challenging and difficult questions from history teachers.

To take the discussion forward a wee bit, I am entirely with John Butcher and Alan Staff on the way in which schools are starting to adapt and develop an inclusive culture. One or two challenges exist within that, and there is no silver bullet to solve them. It is useful and encouraging to see the representation around this table of those people who can, should and do have input into ensuring that we develop a culture of inclusion within schools.

Again, as has been alluded to, there are different challenges for the various sectors in school education. Certainly, in my city, we now have youngsters coming into nursery school who present the most horrendous challenges to those who want to include them in education. Apex works in secondary schools to keep young people in the school and in education—it is my role in life to educate every child who comes through the door—but will we in the secondary sector solve the problem that is fed through from primary school? No, we will not, because there is a great deal of learned behaviour by the time the young person comes into the secondary school. Within the primary school, the same thing holds.

It is useful to note that the focus in recent months has swung around very much to looking at early intervention. Harry Burns has done work in that regard. If through early intervention we pick up on a child, even pre-nursery, and start to give them messages that are different from the messages that they get at home from the person who is supposed to love and nurture them, are we confusing that child? Is that the best way of doing things? Without wanting to undermine any of the good work that could, should and will be done at that level, I point out that we put young people back into challenging and difficult environments as soon as we put them out of school, which exacerbates the mixed message that they get.

Can we start looking a wee bit more imaginatively at the secondary school curriculum? I can identify, as can my primary colleagues, the young people in primary and secondary school who will be the challenging youngsters and the multiple offenders and excludees. Can we start using organisations such as Apex to intervene in

their education at a much earlier stage and look at the curriculum that we offer them? Can we start to look at the development of parenting skills, for example?

We are at a critical point in education just now in relation to curriculum for excellence, which gives us a huge opportunity. I would not for a minute suggest that curriculum for excellence is going to solve everyone's problems in every context, but there is a huge opportunity in what we are doing just now to look at skills for learning and for life, particularly in relation to the way in which we develop young people's parenting skills in the context of a deficit model, which we are now picking up as early as pre-school.

The Convener: Thank you. That is very interesting.

Vivienne Sutherland: I will go back to your original question, convener, and build on what my colleagues have said. We know a great deal about the evidence base for the links between exclusion and socially risky behaviour. I think that we are getting quite a lot right in addressing both school exclusion and youth offending, and there are lessons to be learned from both areas.

In the context that I work in, in Fife, exclusions from school and youth offending have been dramatically reduced in the past few years. That is largely because of the rigorous application of policy. The policy's outcomes and parameters have been clearly set out, but the practitioners and the relevant agencies have been left to identify what works in terms of the delivery of the policy, rather than being told what to do.

In youth offending, for example, a clear outcome measure has been the reduction of youth offending and referrals to the reporter. As a consequence, we need to do something with those young people that is an alternative to that. We have worked with multiagency partners to develop alternatives and we have evaluated over time the impact of the alternatives. We have found that the alternatives are more effective at reducing offending than referral to the reporter was on its own. We have developed approaches that work, within the wide parameters that have been set. That is demonstrated by our rigorous evaluation.

The same can be said in relation to the school exclusion policy. The outcomes that we are to achieve have been set out clearly but there is local flexibility that allows solutions to be found for individual schools and areas and, within that, individual young people.

What is key to both approaches is having a tiered set of interventions, so that the most intensive interventions are applied to those who are most at risk, whether it is of multiple exclusion or persistent offending, and we have tools to

identify those. Going back to what Mr Thewliss was saying, I agree that we can identify early on the people who are at risk. We need to use our most broad-based interventions with those who may be at some risk but can be quite easily diverted by interventions—those who are excluded from school only once or who offend only once—and keep our most targeted interventions, which are expensive but effective, for the young people who we know will benefit most, because they are most at risk.

Colin Morrison: In a series of seminars this year, members of the pupil inclusion network considered pupils' views of the policy—included, engaged and involved part 2: a positive approach to managing school exclusions—and what that means in practice. The one-line conclusion of that series of seminars would be that the policy is good but the practice is patchy. We need to drill down to where it is patchy. For example, the advances that we made in Glasgow were radical and impressive, but that is not the case everywhere. If we were better at using data, for example, we could see the differences within a learning community. One school might be doing great work in bringing down levels of exclusion, but a school that is not too distant from that might not be, and we need to think about why that might be the case.

A particular issue for our members was that of exclusions of degree. That seems to be a punishment model. I do not see how it can be justified in any other way. No matter how challenging they are, it is a shocking indictment of our system that the most vulnerable young people—those who are looked after and those with disabilities—are being excluded from the very place that should be the safest and most stable place in their lives. It seems especially ironic that local authorities, which have a corporate parenting responsibility, should exclude pupils from a school that should be sharing that corporate parenting role.

People across our network agree that the earliest possible intervention is necessary. That is not about labelling children or families; it is about understanding that, if they are looked after at age 2, when they come into pre-school, you can bet every penny you have that they might be the children who will need the most resources and require that nurture work, and that their parents will need support. We know that intervention and prevention at that early stage works, and that is where we should be investing if we want to see positive results down the road.

This is an issue not only for schools. We need to work together. Most of the members of the network are voluntary sector agencies. Unless we identify those children and families early and involve teachers and schools in the approaches to

those families, we will still be picking up the pieces rather than solving some of the problems.

10:30

Professor McVie: I agree with a lot of what has been said. However, one element that has not been picked up on much is the dangers of labelling. It is true that offences to the reporter are going down—that has been the track record over the past six or seven years.

However, there is still a small group of very problematic people among the statistics. The people who are coming out of the system are, arguably, the people who should never have been in the system in the first place. The people who are the most problematic and at risk are staying in the system and being recycled round the system time and again. It is all very well to say that we are getting better at not excluding—that is probably true—but for a very small minority of vulnerable disadvantaged young people, we are not getting it right and we are failing those children, who are known to all of us because they are in many systems. They are often in the education system and the children's hearings system and will be known to health workers and a range of other agencies. However, we are still not quite getting it right in relation to improving the lives of that small group of children.

What is worse is that some interventions risk labelling those young people. We label young people as troublemakers, but they also take on those labels and learn them. The labels stick to them and it is very difficult for the young people to shrug them off, even if their behaviour changes and they attempt to stop offending and stay in school. It is very difficult.

When we are looking at exclusion statistics, we have to be careful that we pay attention to other statistics on truancy and non-attendance. We know that some children do not get excluded because they just do not go to school any more. They exclude themselves by truanting persistently. When we talk to them, we realise that they do that for what are often very good reasons. Children stay at home because their parents go out to work. If they do not go out to work, they do not have any money, but if the children do not stay at home there is nobody to protect the home from somebody coming in during the day. There are also children doing very serious caring roles at home for younger siblings and even for parents.

Behind every statistic there is a story that needs to be listened to. The important thing is that if we direct inappropriate interventions at those young people, at best we risk doing nothing and at worst we risk damaging them even further. We can see from the statistics in Edinburgh—there are many

other statistics—that the vast majority of children who are excluded from school end up in the criminal justice system further down the line. One of the statistics from our study showed that if a child had been excluded from school by the age of 12—by the time they were at the end of primary school and heading into secondary school—it increased their odds of imprisonment by age 22 by a factor of 4. If you talk to people in any of the prisons in Scotland, you will meet lots of people who had been disaffected by education and excluded multiple times, and who were known to many agencies but did not have the level or nature of intervention that they needed.

There are positive messages coming out in terms of figures going down, but we are still talking about a small disadvantaged and vulnerable group of young people for whom we are not getting it right.

Professor Munn: I want to follow up on what Susan McVie said and reiterate points that others have made about the small minority of children who are repeatedly excluded and are probably known to a variety of agencies from quite an early age. We know quite a lot about why interagency support does not work. We know far less about what makes good interagency work effective. We need to pay attention to that. How do we get health, the criminal justice system, social work and education to work together when they operate out of different budgets, they often have different cultures of working and they have different training and so on? How do we get good interagency working?

Colin Morrison mentioned use of data. We know from research—research that I carried out—that schools with very similar pupil populations vary in respect of the numbers of young people that they exclude. Quite a lot of learning can be done among schools and within and across local authorities about developing cultures that are inclusive and effective.

The Government now publishes only summary statistics, which contain just the headline figures. Of course, you have to treat all such things with caution, but there are a lot of very detailed and useful statistics out there and there is a real issue about how widely used that information is in and across local authorities. I spend quite a lot of time trying to find the data set that underpins the exclusions data, and that information really needs to be disseminated better to the people who want to use it and learn from it.

Eileen Prior: One key point that is very easy to forget is that school is one of the few constants in the lives of many children. We assume that children have their families, their social life and so on, but for children whose families either are not there for them or have all sorts of issues

themselves, school is something that they can cling on to. Although we cannot hold schools entirely responsible—I do not think that anyone is suggesting that they are—they are nevertheless part of the corporate parenting that we talk about. The family unit is very important, but we also have to look very hard at what is going on in schools.

The evidence so far has been absolutely fascinating. John Butcher said that exclusions in Glasgow are going right down; that is true, but the fact is that most of the exclusions in the city are now happening in special schools. I find that shocking, because that is the very environment where specialist care and support is supposed to be given. I am not saying that that is having a long-term impact on the prison population, but it is still a fact about exclusions.

As a parents organisation, we are very aware that parenting is a big issue and we work with our members to find out how they can support other members of their school community in their parenting responsibility. Clearly schools can fulfil only one part of that role, but it is nonetheless a significant role for a number of pupils.

John Butcher: Eileen Prior is absolutely right: the only area of education in Glasgow where exclusions have increased is among the small number of young people in our very specialist establishments. There is a huge range of potential reasons for that; in fact, last weekend's *Times Education Supplement Scotland* highlighted certain issues about skill sets with regard to those who want to work with young people in very specialist roles. A challenge for the whole of Scotland is how we encourage people to work with some of our most vulnerable and needy children.

As Eileen Prior well knows, I am head of inclusion in Glasgow. I recently talked to my colleague in Fife, Bryan Kirkaldy, and we mused on those heady days when—if you remember—we used to belt children in Scotland.

The Convener: I was a teacher in those days.

John Butcher: I know that. Those were the days when we were all anxious that Scottish education would fall apart if we did not use the belt.

I wonder, convener, if you can imagine the day when we say, "Let's have no exclusions whatever in our schools". Is that a realistic possibility? I think so, if we use getting it right for every child legislation and are clear that any new legislation should make us work together and, indeed, make us get it right for every child. Maybe we should just do away with exclusions altogether and ensure that our schools, other agencies and the third sector are actually getting it right for children. What a great society Scotland would be then.

The Convener: You have certainly thrown something into the pot that I am sure teachers' representatives will want to comment on.

Susan Quinn: My members would welcome the day to which John Butcher aspires. However, it might be more an aspiration than a reality, given where we find ourselves.

I come back to resourcing and the reasons why excellent strategies that are proven to work fall apart within individual establishments. We have heard that schools in similar areas can get it differently right or wrong for the young people. We need to consider exactly why that is. That takes us back to the evidence behind exclusions.

My members would suggest that the reason why there are fewer exclusions now is that much more happens within the establishments before we get to the formal exclusion stage. That is exactly how it should be, but I throw out to those of you who are parents of school-age children and young people who are not in danger of being excluded the situation in which there are 30 other young people in the class who need to be given the best education that they possibly can be given.

We need to consider the balance and how young people can get the very best opportunity. Some of the strategies that are discussed, such as solution-oriented approaches or nurture groups, require a high level of staffing. They are acutely effective, but they require a really high level of resource. If a school is short of a teacher, the headteacher might have to decide whether a history class or a behaviour unit should be covered. Unfortunately, in considering some of the evidence behind exclusions, we miss some of the realities within some schools in some areas.

John Butcher is right about the challenges of getting the right staff—people who are able to work with our most vulnerable young people. It is not just about having them in our additional support needs establishments. There is a huge case for ensuring that temporary teachers and supply staff who go into our additional support needs establishments are properly trained and experienced. That is a major issue, but there is also an issue with ensuring that staff who go into mainstream schools have the time to become familiar with the young people in their classes. Many of the issues arise when a young person's background cannot be shared in good time with the teacher because they walk in the door and have to get straight in.

I will give an anecdote from a friend who is doing supply teaching. In a class that she was given, a young person was missing from his seat. The buzzer went to let him into the annexe—it was a hut in a playground—and she looked out and said, "Oh, he's got his bike." In came the young

person with his bike, and the rest of the class said, "Oh, that's John. He brings his bike into the class because he's gaunae draw it"—it was an art class. She said, "Right, okay," but he does not draw the bike: he sits and plays with it. There is a difficulty with what a supply teacher can get engaged in.

The Convener: I have done supply, so I know how tough it is.

You mentioned staff shortages. Are you talking about permanent staff shortages or seasonal shortages through sickness, for example? Teachers notoriously catch things all the time from pupils.

Susan Quinn: Some of our establishments would suggest that their permanent staffing levels are lower than they were previously because, in the past, they had enhanced staffing for a range of projects but those staff have finished and moved on to other areas.

There is clearly a current issue with seasonal shortages and there is a major difficulty with short-term supply staff within our schools.

10:45

Jim Thewliss: There is no doubt that staffing is an issue. I will not rehearse what Susan Quinn said, but it is something to keep in mind during the on-going discussion.

I have suggested that there is no magic bullet, but if we are starting to look for a way forward there is a philosophy that says that a school should operate in its own environment, because it knows its own environment, and that a headteacher should be given the opportunity to lead within that environment. I lay that in front of you. It may lead to the notion of schools that appear to be similar operating in different ways.

If a headteacher is given responsibility for taking a school forward, resources come into the argument. School Leaders Scotland has been very clear over the past six or seven years about the postcode lottery of resourcing across the country, which results in inequality of provision because of how it is organised. I will leave that there for the discussion, as well.

However, the best way to move forward is to have the agencies that input to the system working with a joined-up perspective. That approach is best able to give a headteacher—who is a leader in the local community—the opportunity to say, "Here's the solution. Here's the way forward that best suits my school." If that is resourced, for example through the GIRFEC agenda and the proposed children and young people bill, and if there is joint working that is based on a key person who knows a child and is able to speak for and

advocate for the child in a school, there will be the makings of a joined-up agenda in Scotland.

It is very interesting that we are discussing this at the Justice Committee. This discussion could quite legitimately sit in other committees that could quite legitimately take it forward. That is perhaps a way forward for the committee.

The Convener: The Education and Culture Committee knows that we are considering the matter. You talked about silos in social work, housing and education; we try not to have silos in the Scottish Parliament. Obviously, there is a substantial overlap between justice and lots of other things, which is why this committee is looking at the issue. We try to intervene in order to see whether interventions can prevent offending in the first instance.

Jim Thewliss: I think that perhaps you have picked me up wrongly.

The Convener: I am sorry.

Jim Thewliss: I am not talking about silos at all. I am talking about looking at the way in which things are developing and how the various committees in this building and the various agencies in Scotland are operating and developing. There is much hope for the future regarding joined-up working.

The Convener: Good. I have sorted myself out now. I will hear Alan Staff next, then committee members. I will tell members who they are, before Mr Staff comes in. We will hear from Colin Keir, Jenny Marra, John Finnie, Alison McInnes, Roderick Campbell, David McLetchie, Graeme Pearson then Sandra White. Now you know where you are in the list.

Alan Staff: My response will build on what has been said. I agree entirely that there are resource issues. Of course there are; there always will be. If we want to do more for what is a demanding and relatively small group of students, that will always be labour intensive. Surely that takes us to a position where we start to ask whether there is a way to bring in extra resources. Of course, there is; the third sector is excellent at doing that. Apex has a very good track record of providing value-for-money interventions that do not require additional resource. In fact, for about the cost of one teacher Apex can provide a whole full-time service in a school, which helps a school to reduce its exclusions and does a range of stuff that I do not have the time to explain to the committee.

There is a sense of, "Let's think outside the box. If we can't do it using our own budget—and we probably can't—let's find a more adventurous and obvious way of doing things and let's get other resources into the school."

The Convener: You can give the committee additional information in writing, if you wish.

Briefly—because members have been terribly patient and they have not been fed yet—I will bring in Susan McVie and Eileen Prior, then the committee members.

Professor McVie: I will be very quick, as Alan Staff said half of what I wanted to say.

When there are resource issues, as good Scots we think more imaginatively about how we do things. We think about bringing other people into schools—from the voluntary sector, for example—to work with young people, and we think about removing some of the barriers that prevent that from happening. Parents quite often want to get involved, but there are barriers to that as well.

The key is to ensure that once those people are in the door, they are not just there for a year before they disappear again. A consistent resource over time is needed so that relationships with young people can be built over a long period. From research on what works with offenders, we know that young people who offend need somebody there consistently. Young people need a solid person to go to who does not judge them when they go wrong, because very often they fall off the wagon and need someone to help them back on again. Resources need to be permanent.

This is an opportunity for us to really see the curriculum for excellence in action. Schools' biggest resource is the children who are in them. The children who are troubled and troublesome make friends; they have social connections with the other children, so let us try to use those other children to build a better foundation for the difficult youngsters.

There are times—I agree with Susan Quinn on this point—when, if a child is putting themselves at risk or another person at risk, they should be removed, but that should be absolutely the last resort. It should not just be, "Oh. It looks like he's not going to have a good day today, so let's take him out of the class to prevent things from happening." Let us get children to work together. Removal of a child from the class, making them different from the other children, labelling them or giving them extra attention or status all reduce the likelihood that the child will stay in school.

Eileen Prior: I will make one last point to challenge Alan Staff slightly. This is not about money. When we had lots of money, before the recession, that was when we had the biggest problem with exclusion. It is not about money; it is about attitudes and creative thinking. We have to stop looking at the cost and think about the value. We target the young people who really need support; that is about long-term value, not cost.

The Convener: Thank you. Members are coming in with questions now, but you will all be back in again to respond, so you are not silenced as our evidence-givers.

Colin Keir: I am interested in finding out a bit more about Professor McVie's Edinburgh study. How did you go about getting the information and the results? Have the results been corroborated by other studies elsewhere in Scotland?

Professor McVie: Our study is the largest study of youth offending that has been carried out in Scotland. I am disappointed to say that it has not been corroborated by many other studies in Scotland because no one has ever put the resource in to do another study of its type. However, there are some smaller-scale qualitative studies that have agreed with our study. Also, many other international studies have done similar work and have shown similar findings. Do you want to know more about how the study was done?

Colin Keir: Yes—just to get a better idea about it and to get things clear because, despite the name of the study, as an Edinburgh MSP I had never heard of it.

The Convener: I know that a lot of people want to ask questions Colin, so additional evidence on Professor McVie's methodology could come to us as a written submission.

Professor McVie: I can do that.

The Convener: That would be helpful.

Colin Keir: Will you expand on what we already know?

Professor McVie: I will give just a brief answer now.

The Convener: Please do, and then go into more detail in writing.

Professor McVie: I would be delighted to send in a written submission that has more details on the methodology.

The study involved a census of young people who started secondary school in 1998. We followed all young people right across the city from mainstream schools, special schools and private sector schools for the full six years and we collected self-reported information from them each year. We have followed them up subsequently so we have some data from later years. Our cohort are now aged about 25.

In addition to collecting self-reported data from the young people themselves, we collected extensive information from a range of other agencies, including the children's hearings system, the social work department, education records, the police and—more recently—criminal

records, so we have been following up the young people's criminal histories and we now have that information up to age 25 as well.

The study is extensive and detailed. It does not rely just on individuals giving us their responses, although young people's responses to the survey have a strong degree of similarity with other information that we have about them. We surveyed the young people's parents and their teachers. We also have a geographic information system that allows us to map all the young people's behaviour across the city.

Jenny Marra: In the past couple of weeks, a school exclusion that took place in my region has been brought to my attention. A punishment exercise had been missed. That resulted in a detention, which was missed, and that resulted in an exclusion. Is that normal policy for exclusions?

Susan Quinn: No.

John Butcher: No.

Jim Thewliss: No.

The Convener: Does anybody else say no?

Susan Quinn: Every local authority has a school exclusion policy and my experience is that such policies are much more rigorous in terms of support mechanisms and otherwise—

Jenny Marra: What does “support mechanisms and otherwise” mean?

Susan Quinn: The people who are involved would have considered using solution-oriented approaches in the school and have held such sessions. The establishment might have looked at using its nurture class or nurture approaches. It would probably have looked at the payback—for want of a better expression—for the missed punishment exercise. There would be more to it.

I have had parents or other people say that a child has been excluded for reasons that seem small, but when we have drilled down into the background, there has been more to the situation.

Jenny Marra: People's stories might differ.

Susan Quinn: In my experience, it would be unusual for a young person to be excluded from school because of a missed punishment exercise.

Jenny Marra: Is an exclusion policy set at local authority level rather than school level, or is it set at a headteacher's discretion?

The Convener: Who will answer that? Mr Butcher will answer. Jim Thewliss has been patient, so I will bring him in after John Butcher.

John Butcher: Local authorities have management circulars on exclusions that set out

their approaches to exclusions. That should be common practice across all local authorities.

Jenny Marra: A circular would set out a local authority's approach, but not thresholds. Are thresholds at headteachers' discretion?

John Butcher: The thresholds would probably be set out in a policy, but they might not necessarily be included in the exclusion policy. Everybody has an inclusion policy and I imagine that everybody has a staged intervention policy or something that is similar on dealing with children.

My personal view on the example that Jenny Marra gave is that, whatever happened in the local authority concerned, if we are still using learning as a punishment—if we are punishing children into learning—then it is a sad day. Learning should be fun and exciting; it should not be used as a punishment. That is my view, although I am sure that the view of my colleagues across ADES would be similar.

Exclusion should be absolutely the last resort. I think that Eileen Prior would take the clear view that parents should be engaged in discussing why a kid might not have been able to be supported to meet their support needs.

Jim Thewliss: I will answer directly Jenny Marra's questions with reference to my school and my authority. My authority has a strategy paper called “Managing Disruptive Behaviour”. One small section in it says that a headteacher has the devolved authority to exclude a young person from school if, in the headteacher's opinion, the young person's continued attendance would be disruptive or dangerous to other young people.

Going from that, I exclude people from Harris academy. Any exclusion from the school comes across my desk, and probably the deputy headteacher who is responsible for the relevant cohort will give me the story behind the exclusion. Members can take it from that that I would not exclude a young person from school because a punishment exercise was being chased up. I will not go into the detail of all the interventions that would take place and would continue to take place in relation to whatever provoked the punishment exercise in the first place, but members can be absolutely certain that I would know a young person who was excluded from school.

If I can indulge myself in a wee anecdote, I will take you back nearly 20 years to when I moved into my previous school as a deputy headteacher. One of the first tasks that I had was to reintegrate into school a young person who had been out of school for about four months. All sorts of agencies had been involved and all sorts of people had tried to engage with that young person and their family to bring them back into school. When I investigated how it had all started off, I found that

a member of staff had complained that the young person had used their Tipp-Ex without their permission. That is not going to happen now.

11:00

The Convener: Three people want to come in on that issue before we move on to anything else. Who have I got? I have got Pamela Munn, Nico Juetten and Vivienne Sutherland. [*Interruption.*] I beg your pardon. It is Neek-o, not Nick-o. Nico is lovely. Nico Juetten—have I got the pronunciation right?

Nico Juetten: Yes.

The Convener: Good. Nico Juetten. Where is your name from?

Nico Juetten: Germany. Most people get the first name right and the last name wrong, so you did very well.

The Convener: Ah, Germany. See—it is not Italian. There we are. It is from Germany, but Nico is not. You are not being interrogated; I am just interested. Yes. I have gone; I have lost the place—this is my senior moment for the week.

Professor Munn: I have two quick points to make. There used to be something called assertive discipline, which was practised in some schools, although by no means all, and which had a three-strikes-and-you-are-out tenor about it. For a time, there was a juxtaposition of welfare approaches and what I would call punitive approaches to behaviour. That may have been the case in the example that Jenny Marra mentioned, although I would like to think that it was not.

There is a national dimension to exclusions and the promotion of positive behaviour, which Maggie Fallon is well positioned to talk about, as well as a local authority dimension and a school dimension. In the research that I have done, Jim Thewliss's point holds true: any exclusion normally passes the desk of either a deputy headteacher or a headteacher. One would, therefore, hope that the experience of Jenny Marra's constituent would be very unusual. However, such things happen—we should not blind ourselves to that.

Nico Juetten: We do not have access to a large amount of systematic study of school exclusion practice across Scotland, but we have substantial anecdotal evidence that comes to our office, via the inquiry service, from the various partners that we work with. That evidence—which is anecdotal and on a relatively small scale—shows that thresholds vary quite significantly across the country. There can be no doubt about that. We can talk later about the heading “informal exclusion” and its many euphemisms.

We make the point in our written submission that there seems to be a bit of a mismatch between the applicable law—the 1975 regulations, which set out certain criteria for exclusion—and the national guidance from last year, which is much more progressive. Given what Jim Thewliss just said about the criteria in his local authority's strategy paper, it sounds as though there might be nuance differences as well. On a national level—however that feeds all the way down to the school level—there are variations in the criteria for school exclusions, and that may be worth looking at.

Vivienne Sutherland: I will answer the question directly and build on what others have said. The specific criteria for exclusion are close to the wording that Jim Thewliss gave. The education authority must

“consider that in all the circumstances to allow the pupil to continue attendance at the school would be likely to be seriously detrimental to order and discipline in the school or the educational well-being of the pupils there.”

That is in the Schools General (Scotland) Regulations 1975. On the face of it, nobody could agree that the failure to complete a punishment exercise would fit the criteria, although it could be that, as people are saying, there is a large story behind the incident.

The policy is made at local authority level, with delegation to schools of the power to exclude being the norm. However, the policy of most, if not all, local authorities now has built into it the need for schools to have internal quality assurance mechanisms very like the ones that Jim Thewliss described, whereby, when exclusion is considered, there is consultation to identify whether that is a reasonable and proportionate response.

I agree that it is rare that the situation will be as straightforward as in the example that Jenny Marra gave—there will be a story behind a situation—but if a parent had been given that as the reason for exclusion and it was written down on official exclusion paperwork, and they chose to take that to appeal on the basis that it was a disproportionate response to an incident, the local authority might be vulnerable to losing the appeal. However, as we know, the parents of our most disadvantaged young people do not tend to appeal.

The Convener: So even though there could be a lot more to the story—I think that Jenny Marra agrees with you on that—we are teasing out the fact that there are many variations in the exclusions process and in the appeal procedure, which we have not addressed yet.

Eileen Prior: I would like to pick up on what Nico Juetten said. We heard earlier that we think that there has been an increase in truancy, so

rather than being excluded, kids are just absenting themselves. Informal exclusion is definitely a big issue. The home will be phoned and the mother—it is usually the mother—will be told, “Could you come and get wee Jimmy, because he’s not having a very good day?” That happens a lot, and it has a serious impact on family life. On the one hand, we are telling people to get out and work, earn their keep and support their family but, on the other, we are saying that they have to be at home to collect wee Jimmy if he is not having a very good day. That impacts on a lot of families. Such information never appears in the stats. That is an issue that comes to us quite a bit.

The Convener: Jim Thewliss looked as if he disagreed with that.

Jim Thewliss: I cannot comment on the picture across the country, but I disagree on my own behalf. I am quite clear that my job is to educate the kids who walk through the door—it is to include kids in the educational process in the school. If I reach a situation in which continuing to allow a child to come to school will be detrimental to the other children, I will exclude them. The practice might vary across the country, but that is definitely the line that I take in Dundee, and it is the line that Dundee promotes.

Maggie Fallon: The national inclusion policy is entitled “included, engaged and involved”. Those words were carefully chosen, because the focus is very much on including and involving our children in our schools.

The national policy makes it very clear that there is no informal exclusion. If a child is not able to be at school for whatever reason and is excluded, they are formally excluded. We are aware that there may be some schools that still make phone calls such as those that Eileen Prior described, but Education Scotland is talking to local authorities about that and local authorities are actively engaging with schools to ensure that that does not happen.

The Convener: Jenny Marra wants to come back in; then I must let other members in.

Jenny Marra: I have a question about variation. I was interested in Susan Quinn’s comment in her opening remarks that exclusions happen only when a range of other strategies fail. I accept that, but I am thinking about the disparity between schools in equally deprived areas. I know of one school where the exclusion rate is 40 per cent—all of us would probably accept that that is quite high—whereas the rate in a school in a different but equally deprived area is nowhere near that level. If exclusions happen only when a range of other strategies fail, how can that discrepancy be explained? Can anyone explain that to me?

The Convener: John Butcher and Pamela Munn would like to answer that. Nico Juetten also wants to come in—do you want to address that question or the previous one?

Nico Juetten: I wanted to comment on informal exclusions.

The Convener: Come in, then. I am sorry that I missed you. [*Interruption.*] The accusation has been made that I just like saying your name. I like saying “Pamela Munn” as well, so there you go.

Nico Juetten: I would like to say a bit more about some of the anecdotal evidence on informal exclusions that we and some of the partner organisations that I have spoken to have. The pattern that Eileen Prior alluded to—of the school calling and saying that wee Jimmy, or whoever, is not having a great day—has been described to us as being very common. I cannot prove that, or tell you what “very common” means on a local authority or national basis in terms of figures. However, that is what the people who advise parents—who take calls from parents who want to challenge that sort of thing, are simply dissatisfied or have a feeling that something unjust has happened—are telling us.

With regard to our own data, we did not get a vast amount of inquiries about school exclusion. There were about 20 in a couple of years—although, given that we do not undertake individual casework, that is perhaps quite a lot. The big pattern was that children with disabilities such as autism or attention deficit hyperactivity disorder in particular were, by and large, unofficially or informally excluded.

What struck me from looking at the data was that children and parents do not understand the process for challenging or appealing some of those decisions. Those are the people who have taken the step of contacting us or one of the organisations with which we work, so I assume that many children and families do not even take that step to begin with and simply accept what has been happening.

The Convener: Thank you for that. We will go back to Jenny Marra’s supplementary question on disparity.

Jenny Marra: My question is on the 40 per cent figure. If exclusions happen only when a range of other strategies fail, how do we explain what happens in areas of equal deprivation where a school in one area has a 40 per cent exclusion rate, whereas a school in another area has a significantly lower rate?

John Butcher: I suppose that it is difficult to know the actual circumstances in the schools that you are talking about, but—

Jenny Marra: I am sorry—I am not looking for that, because obviously we cannot discuss specific schools.

John Butcher: Sure—you are looking for the overall picture.

Jenny Marra: What I am asking is how, if exclusions happen only when the strategies that are in place fail, you account for that disparity. I know—and your evidence tells us—that deprivation is a big factor. I think that everyone around the table would accept that. However, if you are looking at disparity between schools in equally deprived areas, what is the issue there?

John Butcher: We would need to look at a whole range of things around the two schools. The issue could be as simple as staff training, skills and experience and the way in which staff implement policies, or it could relate to the other resources that go into the schools to support their understanding and interpretation of the policies, or how much support they get from their local authority. The Standards in Scotland's Schools etc Act 2000 requires local authorities to provide equality in standards of provision for children, so local authorities would have a duty to look at the reasons for such discrepancies between two schools.

I will make the point that I wanted to make earlier. I do not think that anyone has mentioned the Education (Additional Support for Learning) (Scotland) Act 2004, which was revised in 2009. That legislation places a duty on every establishment to consider children's additional support needs, to assess those needs and to plan effectively to meet them.

It is clear that we have a very good track record across Scotland in meeting the needs of children and young people with disabilities, including complex disabilities. However, we have a less than exemplary record—if I can use that terminology—in meeting the needs of children with social, emotional and behavioural difficulties and in making effective assessments so that we can plan effectively to do that. The GIRFEC agenda will help us to progress that work, but schools and education authorities have a duty in that regard.

To go back to what Jim Thewliss said earlier, that task relates to early intervention. We need to get it right in the early years and in primary schools, and we must change the culture so that we involve parents, put in place parenting strategies and set the agenda for children in the future.

Susan Quinn: In addition to John Butcher's description of why different schools have different exclusion rates, we must consider that, year on year, schools have different cohorts of young people coming through, and individual cases can

arise within those that might change the statistics on exclusion. Staffing levels may change over time: a school might have a highly experienced set of staff who have worked there for a long time and have developed skills and strategies that have worked for a group of young people who are coming through, but there may then be a turnover of staff, which results in a changed staffing complement. There might be a number of teachers who are new to teaching or a new headteacher. There might be a range of reasons. If one establishment had a yearly exclusions rate of the level that we are talking about, the local authority would be looking at it closely.

Primary headteachers in my local authority are sent the exclusion figures for every establishment in the area—

11:15

Jenny Marra: What is the average figure?

Susan Quinn: I cannot tell you off the top of my head. Those statistics sometimes show a sudden increase in one school because of one child who is experiencing difficulties—for example, perhaps they have just moved into the school or something like that. When the statistics show a sudden increase, for example, it pays to look at them over a period of time to see whether they relate to an individual issue.

The Convener: I accept that there are a lot of back issues, but I am conscious that an awful lot of people are waiting to ask questions. If you will forgive me, I am not going to persist with this point. We get the message, as they say.

Unless the witnesses have anything new to add, it would be helpful if they did not bother indicating that they want to speak because I want lots of members to ask questions. I will just let you know who is waiting: John Finnie, Alison McInnes, Roderick Campbell, David McLetchie, Graeme Pearson and Sandra White. I would like to be home before it is dark.

John Finnie: We have heard a lot of exact comments but I want to ask the witnesses about an area that might not be so exact. There are no legislative guidelines for the length of time for which a pupil can be excluded; that decision is at the discretion of the local authority. Also, in the requirement for a local authority to make alternative learning arrangements for an excluded pupil without delay, there is no definition of "undue delay". Could the witnesses comment on that?

The issue of informal exclusions has been picked up during the latter stages of the discussion. Such exclusions could almost be seen as an admission of defeat. Mr Juetten told us that they are very common, and we know from the

report of September this year from Mr Morrison's organisation, the pupil inclusion network, that informal exclusion is still used in some schools. However, if it is being used, there is no appeal system, and I am concerned that no records are being kept, which might make for very easy administration. Although I saw a lot of the witnesses shaking their heads, informal exclusion clearly happens and I would like some of the panel members to comment on their experience of it.

The Convener: So John Finnie is asking about the length of time for which pupils are excluded, the undue delay in providing alternative learning, and informal exclusions, record keeping and the lack of an appeal procedure. No other member wants to ask a question along the same lines, so I ask for brief responses so that other members can get their questions in. Who wants to deal with John Finnie's points?

Jim Thewliss: Although there is nothing in statute about the length of time for which a pupil can be excluded, I think that you will find that the majority of local authorities use a maximum of three days. What was the second point?

The Convener: The second question was about undue delay in providing alternatives.

Jim Thewliss: Again, there is no definition of "undue". In my local authority, if someone is excluded from school and is going to be at home the next day, they have to be contacted about the work that they are required to do before they come back. The glow network helps a wee bit with that but there is still an issue there.

To answer the third question, it is a bit of a chicken-and-egg situation. If you exclude someone by saying, "Bide at home for a couple of days", it is not going to be recorded; that is why it is done that way.

The Convener: I think that Eileen Prior has a comment on that.

Eileen Prior: I just want to say that the nature of the issue is that the families involved are those who are least empowered to deal with or challenge what is happening. They simply accept that this is the way that things are. It happens repeatedly, so it is just a way of life.

Susan Quinn: I suggest that it might be good for the committee to consider looking at local authority policies. In the local authorities that I have been involved with recently, the policy documents have been tightened up to make it clear that informal exclusions are not permitted and should not be used. On whether such exclusions are common, there is only anecdotal evidence so it depends who comes to you. My members might say, anecdotally, that both informal and formal exclusions are used

significantly less frequently now and a lot of low-level misbehaviour that would previously have been dealt with through other procedures is now expected to be accepted within the classroom. That is a difficulty, but it might be useful to look at the spread of exclusion policies among local authorities.

The Convener: I think that we should also include self-exclusion, where the individual sees the way that things are going and just does not go to school. We have got the message that we need to look at broadening what we mean by exclusion. Before we move on, does anyone else want to come in on the issues of length of exclusion or undue delay?

Maggie Fallon: Let me make the point quickly that there is guidance on length of exclusion. The national guidance includes guidance on the number of days, and local authorities have their own thresholds, if you like. Over the years, a number of authorities have lowered that threshold so that when a headteacher in Dundee is considering excluding a child for three or more days, for example, the local authority must be consulted. The decision to exclude is then taken in partnership with local authority officers, so that they are aware of, and are able to monitor, any longer-term exclusions.

The Convener: We could perhaps ask the Scottish Parliament information centre to find out information for us on what happens in different local authorities. I am conscious that Susan McVie wants to make a teeny comment on that. People indicate that they want to make a brief comment and then go on at length, but I know that she is not like that.

Professor McVie: I just want to say that, in looking at information on length of exclusion—many children are excluded for far longer than three days—it is even more important to take account of the length of time out of school, whether that is due to truancy or other reasons for poor attendance.

The Convener: Perhaps we also need to look at the cumulative amount.

Professor McVie: The cumulative amount is important.

Another point to consider is the delightful irony that, in many cases where children are disaffected at school and their parents feel that they can do little about their children's exclusion, some local authorities will try to prosecute the parents for extensive periods of truancy. That is another factor in the loop and it needs to be considered.

The Convener: Committee, we are looking at a huge can of worms, but we are here to find out

about the breadth of the issue. We will move on to the next question, which is from Alison McInnes.

Alison McInnes: I start with the observation that, early on in the debate, all members of the panel said that they could identify at an early stage in primary school which pupils would be troublesome later on. It is, I suppose, utterly depressing to hear that. I think that we need to focus much more on what interventions are needed and what those should look like. It would be useful to have further evidence—whether written or oral—on what the barriers to that early intervention are and why the interventions are not knitted together. We know that all the resources are out there somewhere, so why do they not come together?

The main focus of my question is on the impact of multiple exclusions. Those may affect a small group of people, but getting into a pattern of multiple exclusions must be considered a failure. Is there a trigger point—for example, if the child has two, three or five exclusions within a matter of months or within a year—at which the authority or the school would call a review? If there is not a trigger to look at the case in greater detail, should there be? How should we escalate that support?

The Convener: Sorry, since you were looking at Jim Thewliss, I thought for a moment that your question was directed to him personally. However, I think that John Butcher wants to speak first.

Jim Thewliss: I am quite happy to answer, but I will let John Butcher go first.

John Butcher: Thanks, Jim. Local authorities now have much better tracking and monitoring of those repeat exclusions. In many local authorities, including mine, schools bring young people who are the subject of repeated short exclusions in for a discussion, either centrally or out in their learning communities in things such as joint support teams. Those are local multi-agency teams that are based in learning communities and they look to put in resources from various agencies to support children.

What has changed and what has helped to reduce repeat exclusions is that there is now much more local accountability, with local social work departments, health providers and voluntary sector providers joining those local multi-agency groups and getting resources in to support children's needs.

We could do better at having more involvement with parents. That is a challenge right across Scotland. Everybody has made the point that it is really difficult for parents, some of whom have their own additional support needs, to be involved. How we engage those parents and actively involve them continues to be a challenge.

Jim Thewliss: We operate within the community in the west end of Dundee, and there are now close links between us and our associated primary schools. The things that John Butcher talked about—engagement with parents, engagement with agencies and, more important, continuity in that engagement between the primary and secondary sectors—are in place. Over the past six or seven years, we have been trying to ensure—do not take this in the wrong way—that we do not start off afresh when young people come into secondary schools, in respect of the support that is offered to them beside everything else that is in place.

For some youngsters, that engagement starts at about primary 3 or 4. Because we know that they will come to us eventually, we start to work in that vein at that stage. Moving through to the secondary school, and also building on what has been done within the primary school, there is the whole notion of asking whether the standard curriculum—if such a thing exists—in the first, second and third year is exactly what every child should be following. If there is a level of support and a level of engagement with parents and external agencies, we can start to look at the curriculum at a very early stage to make it suit the needs of the child, as opposed to trying to batter the child into the shape of what Harris academy is supposed to make them.

We can take that level of engagement right through to the point at which young people move out of the secondary sector—we have a level of engagement with local colleges and so on. That is one way in which to develop continuity in learning that is tailored to the needs of the child, and it takes into account that they might be severely damaged or severely disruptive—whichever way we want to look at it. We then start to target support, with key people within the system. I accept all the things that Susan Quinn said about staff moving between schools and so on, so we try to maintain a level of continuity as a child moves from primary to secondary. There is a key team of people within the school. The people within the team might change, but there is certainly a core group of people there.

That approach seems to have worked for us in ensuring that we do not exclude a young person, then bring them back in for two days and then exclude them again. That revolving door just does not happen.

The Convener: I think that you said earlier that there is also continuity between the nursery level and primary schools. There are links, and things feed through when difficulties are demonstrated at that age.

Jim Thewliss: We operate through a west end cluster. The level of engagement is such that it

exists from when the child moves into the system to when they exit the school system.

The Convener: I will take brief comments from Alan Staff, Pamela Munn and Eileen Prior—"brief" being the key word, so that I can get other people in.

Alan Staff: I will be brief, convener. A fairly obvious point, but one that has not been mentioned today, is that for a group of young people, exclusion can be a reward. If a young person acts in a certain way in their first offence—for example, violently—it is reasonable for a teacher to say, "I need to take serious action on this." If that results in an exclusion and the individual perceives that as a reward, in that it builds up their personal beliefs—their world view and sense of status—we create a system in which we get on-going exclusions. That is the psychological pattern that kicks in as soon as we start to do that.

Professor Munn: I emphasise the figures in paragraph 4 of my written evidence, in which I pointed out that, in 2010-11, nearly 1,500 pupils were excluded four times or more, and 18 pupils were excluded 10 times. Those are very small numbers, but those are the pupils whom we are concerned about and whom schools and local authorities should be picking up. I cannot understand why anybody has been excluded 10 times.

11:30

Eileen Prior: Legislation covers parental involvement. As Jim Thewliss pointed out, parental involvement is a major part of curriculum for excellence. Sadly, however, most of the contact that many parents have with their child's school relates to deficit and other problems. It is therefore no wonder that we feed their world view that school is a negative place. If that is what parents hear about their children all the time, that is what they will believe.

Alison McInnes: We have had positive comments from John Butcher and Jim Thewliss, but the evidence from Professor Munn suggests that the policy is not working and that there is no automatic trigger for a review. Should excluded young people have a right to ask for a review? What do we need to put in place to ensure that those intransigent and difficult issues are faced?

The Convener: I do not want us to try to solve that today because, as you know, this is an exploratory session, which is throwing up a lot of questions. We are picking up a whole range of issues and we will have to decide whether we proceed further having narrowed those down to specifics. If we are too broad in our approach, we will never get anywhere.

I see that Susan McVie has something to say. I am sorry, but I not going to let you in just now because I have something to say to all the witnesses: if witnesses want to add things when I have squeezed them out, as it were, please feel free to do so. Time is pressing and I want to let in other members, who have been very patient.

Roderick Campbell: I will be brief. What are people's thoughts on whether the reduction in the total number of pupils excluded would lead to a reduction in offending in later life?

The Convener: I see that Susan McVie has her hand up—you know how to work the system now.

Professor McVie: I put my hand up quickly.

If you want me to be brief, the short answer is yes. As we see from some of the statistics that I provided, by the age of 18, a third of kids who have been excluded will have been convicted of a crime. By the time that they get to the age of 24, that will have increased to a half—although that figure does not include all the other crimes that are not measured because they do not come to the attention of the authorities.

The longer answer is that simply not excluding pupils would not resolve all the problems. That is like saying, "We will not convict anyone of a crime and then we won't have any crime any more." Exclusion is not an act; it is a process that happens over a long period in which there are lots of sanctions and punishments. We need more positive reinforcement and less punishment in how we deal with young people.

The Convener: I bring in Vivienne Sutherland.

Sandra White: I am sorry to interrupt, convener, but I want to come in on the back of Roderick Campbell's question, which is really important.

The Convener: We will hear from two more witnesses and then you can come in.

Vivienne Sutherland: The short answer is yes but, as Professor McVie said, it is not about simply not excluding and then simply not imprisoning. All effective policy to reduce exclusion and offending has the same four elements: sanctions, safety, care and welfare. Sanctions are about having effective consequences for people's actions; safety is about identifying future risk and putting things in place to manage that, as well as addressing the needs of the people harmed, whether that is an exclusion incident in school or an offence; and care and welfare are about prevention and working with a young person or adult to ensure that whatever has happened does not happen again. We need to get the balance of those elements right in both areas. When we get both right, one leads to a reduction in the other.

Alan Staff: I basically agree with the two witnesses who have just spoken. On its own, including people does not change the situation; what changes things is what we do with that. Apex is a criminal justice organisation, so why are we working in schools? We specifically build desistance and we tackle the mindset that offending is okay. That is what makes the difference in whether a person will go on to reoffend.

The Convener: What is your supplementary question, Sandra?

Sandra White: We are talking about connections between exclusions and offending, and interventions that take place before someone is excluded. Does exclusion in itself lead to offending behaviour?

The Convener: I think that that was answered by Professor McVie's statistics.

Sandra White: I do not think that it was.

Professor McVie: If you think of exclusion as a child being in school one day and not being in school the next then, no, that act does not necessarily cause offending. However, if you think of exclusion as a process of exclusionary practices in schools and other agencies that label young people as troublemakers and make them believe that they are troublemakers and will never amount to anything more than that, that is a different story. We need to think about changing the way in which we talk about young people and shift the language from exclusion to inclusion.

Sandra White: This agenda item is concerned with the connection between school exclusion and offending. However, what has been said is that there are lots of things that happen to make people offend. It is not necessarily just exclusion from school that makes them offend. Perhaps I am playing the devil's advocate, but that is the point that I wanted to make.

Professor McVie: It is true that there are lots of other factors. However, in our research—a large-scale study that is one of the biggest in the world—when we controlled out lots of other things, such as people's behaviour and family background, the process of school exclusion came out as one of the strongest factors that led to offending and, especially later, conviction.

David McLetchie: Our paper on the issue starts with a discussion of the link between exclusion and offending. As the evidence has been laid out in the discussion, we have discovered that informal exclusion is a major element, which, by its nature, is presumably not tracked by any formal study. We have also found that there is self-exclusion through truancy. Those are two major

elements that go along with the formal exclusion process.

To be honest, I do not believe for a moment that the 40 per cent decline in exclusions has anything to do with behaviour in schools over the past six years. I am not saying that it has got worse, but I am sceptical that it is 40 per cent better than it was six years ago. We have to be realistic about that. We have not yet talked about the consequences in schools of things such as assaults on staff and pupils. A few weeks ago, there was a tragic trial involving a boy who had killed one of his classmates. That was a terrible situation. I am not saying that the event was linked to an exclusion, but we cannot ignore the fact that it happened and is a reality for the parents of both those boys. What evidence is there that behaviour in schools is better or worse?

Nico Juetten: A study—which I think Pamela Munn was involved in—called "Behaviour in Scottish Schools 2009", found that behaviour, as reported by headteachers, teachers and others in the school community, had improved when compared with the results of the study from three years before that, which had the same name but, of course, with 2006 instead of 2009.

The most recent study in the triannual series—"Behaviour in Scottish Schools 2012"—said that there has been a further improvement in behaviour in schools, when compared with the findings of the 2009 report. The study also showed that there are persistent incidents that are quite worrying. That information is there, and ties into the discussion that we are having, up to a point. However, with regard to the general picture, there is evidence from the people who work in schools that behaviour is getting better.

Maggie Fallon: Following on from Nico Juetten's point, three surveys have been conducted. There were surveys in 2006 and 2009, and there has been a recent one, which was published in October this year. The survey collated data from about 5,000 teachers. The feedback from those teachers is that behaviour in schools is good. A large number of Scottish teachers are saying that behaviour in schools is good, and headteachers are saying that, too.

The Convener: That is not what my sister says. She is a primary teacher. Does it not depend which class you have that year and which pupils are in it?

Susan Quinn: I have looked at those surveys over the piece. Our members would suggest that there is no improvement in our schools in low-level persistent misbehaviour. We have had a range of high-priority strategies to deal with high-level misbehaviour, so we have fewer exclusions. However, the low-level misbehaviour is

considerably more worrying for our members, in terms of what is experienced and accepted in our classrooms now compared to the situation in the past. Parents as well as Eileen Prior's group and other such groups raise concerns about individual young people and what is going on in classrooms. Dealing with low-level misbehaviour now is not just about telling children to stop swinging on their chairs; there are other aspects.

If our members did not have the perception that low-level misbehaviour was still an issue, we would not have motions at every annual general meeting on ensuring that the issue is considered by our organisation's education committee. There is still a perception that the low-level persistent misbehaviour is messing with opportunities.

Professor Munn: I agree with Susan Quinn. Such behaviour is characterised as low level, but that is the wrong description, because it is wearisome for teachers to deal with. The high-profile violent assaults are terrible, of course, but they are very rare. That does not excuse any of those assaults, but it is easy to get a misperception of the total state of behaviour in schools from one or two very poor incidents.

It is important to recognise that the surveys have shown that verbal and sometimes physical abuse in relations between children is still quite common—more common than any of us would like to be the case.

We should not think of children as either misbehaved or well-behaved and falling unambiguously into one category or the other. It is a bit more complicated than that. Children cross boundaries all the time.

The Convener: I think that I crossed them far too often. If we had confessionals around here, you would find quite a few of us. I was always in the front row. In those days, a ruler was put across my fingers for being naughty. Yes, Miss Luck, I am telling on you now.

I want to stop there, because we could go on for ages, but we are not going to. It was a very interesting discussion. Lots of things have been thrown up. This is a cliché, but we have more questions than answers.

Graeme Pearson: Convener—

The Convener: Graeme Pearson—I am so sorry.

Graeme Pearson: I am crushed.

The Convener: Please do not take it personally. How could I miss you?

Graeme Pearson: I want to make two general points and invite a response, and then ask John Butcher a specific question.

The first general point is that some schools have introduced breakfast clubs because it is perceived that, if a child comes to school hungry, it has an impact on behaviour management throughout the day and throughout that child's school career. Is that a pertinent issue? Is it something that we should bear in mind or is it just one of those side issues?

Secondly, many comments have been made about children who come from backgrounds of challenging behaviour or from families who might have other difficulties. A lot has been said in Parliament about looked-after children and children in care. Do you wish to highlight any specific issues about such children in the school environment? Do they present a challenge and, if so, do we meet it properly?

11:45

The Convener: I am sorry about missing you out earlier, Graeme. This is bad stuff—I will have to buy you a meal now.

Graeme Pearson: I look forward to that.

The Convener: It will be a wee piece sangwidge.

Can we have some comments about breakfast clubs and children in care?

Jim Thewliss: There is no doubt that providing breakfast to a group of young people at school makes a significant difference on a number of grounds. It impacts not only on their individual behaviour, but on their social engagement in the school and their preparedness for learning, and it is a hugely beneficial thing to have in schools—so please give us some money for it. [*Laughter.*] I say that because the breakfast club in my school was run by teachers in the home economics department, who would beg Tesco to give them, for example, bread that was just about to go out of code. We have been talking about joined-up thinking, but I simply point out that we got into trouble with the health police in Dundee because we were making the children toast with white instead of brown bread.

The Convener: Your plea is on the record now, Mr Thewliss.

Jim Thewliss: Thank you.

The Convener: I should say that this is not an invitation to other people to make pleas for money.

Susan Quinn: Breakfast clubs are interesting. In due course, they will require careful evaluation. As Jim Thewliss has pointed out, they work for those who attend them, but my concern—and I am speaking now as Susan Quinn, not as a representative of the EIS—is that the reasons why young people do not get breakfast at home are

multifaceted. Where I work, the children who are most in need of breakfast clubs are those who are least likely to attend them. The barriers that prevent parents from providing breakfast at home are the same barriers that prevent them from getting their children to school at quarter past 8 in the morning for a breakfast club. The children do not necessarily get there and, as a result, I think that there is a lot to be said for evaluating breakfast clubs.

The second part of your question has gone right out of my head.

Graeme Pearson: It was about looked-after children.

The Convener: Leave it for now. I will bring in Alan Staff to talk about looked-after children, but that was a very valuable point about the barriers to attending breakfast clubs.

Alan Staff: It goes without saying that, no matter how well looked-after children have been looked after, they already perceive themselves as being different and special, they already know how to play systems and they have already built a network of similarly looked-after and similarly potentially damaged young people. They require a lot of care and specialised attention and very often the best approach is through peer mentors.

The Convener: Does Eileen Prior wish to comment? I should say that this will be the last comment.

Eileen Prior: Do I get the last word?

The Convener: Yes.

Eileen Prior: Okay. I want to make two points. First, going back to Susan Quinn's comments, I point out that children who are looked after at home are a more significant issue than children who are looked after in care.

Secondly, I absolutely acknowledge Jim Thewliss's point about breakfast clubs. However, we also need to look at the issue of nutrition in general, which I think is a major can of worms. Kids in every high school right across the country are drinking caffeine drinks at lunchtime and coming back to school buzzing and presenting schools with all sorts of issues.

The Convener: You had to throw that in at the very end. When I was convener of the Health and Sport Committee, we looked at that very issue.

I am not going to reprise what I said earlier when I pre-empted Graeme Pearson. If the witnesses wish to provide supplementary evidence on questions that members have raised or indeed anything else, please write to us with it. We will consider the matter into the new year, have a look at the evidence that we have heard today and

decide where we take things from there. Does that suit members?

Members indicated agreement.

The Convener: I thank the witnesses for attending and contributing to what has been a very long session. I will now suspend the meeting. Do members want a five or 10-minute break?

Jenny Marra: Five.

Roderick Campbell: Ten.

The Convener: I will go in between: we will have an eight-minute suspension.

11:50

Meeting suspended.

12:00

On resuming—

Petition

Justice for Megrahi (PE1370)

The Convener: I do not use the bing-bong button very often, but I used it there. I will not name names, but members have had 10 minutes.

Agenda item 4 is petition PE1370, from the Justice for Megrahi campaign. Members have a paper from the clerk, which sets out the background for our consideration of the petition and includes a submission from the petitioners. Members will note that paragraph 7 of the clerk's paper says that the petitioners have asked that the committee keep the petition open while Dumfries and Galloway Constabulary considers their allegations.

I declare that I am a member of the Justice for Megrahi campaign.

Do members have any comments?

John Finnie: I hope that the committee agrees to keep the petition open. The papers that we have from the Justice for Megrahi committee mention significant issues.

We should draw a distinction between complaints about service delivery by organisations such as the Crown Office and the police service, and serious accusations against individuals who work for those organisations. There are issues for others to speak about relating to confidential covers that are put on letters and what the expectations about them are from all sides. I certainly understand why the Justice for Megrahi people feel aggrieved about the manner in which the issue came into the public domain.

I refer to the end of the first paragraph under the heading "Discussion" on page 5 of paper 3. It seems to me that there is a classic catch-22 situation. There is understandable frustration where there are serious allegations for the Crown Office, which may be expected to act in the roles of judge, jury and accused.

There are a number of unresolved issues. For that reason, I sincerely hope that committee members will agree to keep the petition open. That would certainly be the public expectation.

Roderick Campbell: It remains the case that the Scottish Criminal Cases Review Commission can consider a previously abandoned appeal. I think that Mr Megrahi died in May. That is not that long a period of time for his family, for example, to have reached a full view on the matter, particularly given the current position in Libya. Therefore, it would be inappropriate to take any formal step

and, given the position and the on-going Dumfries and Galloway Constabulary investigation, it seems inappropriate to take a final view on the matter. We should therefore keep the petition open for the time being.

Colin Keir: I agree.

David McLetchie: I concur with what John Finnie and Roderick Campbell have said. We should keep the petition open until we get information back from Dumfries and Galloway Constabulary in response to the complaint.

There is one thing that I query. As I understood the legislation that we passed in the Parliament earlier this year, it is open to a family member of one of the bereaved to trigger a process. In light of the political background, I understand why that might be difficult for Mr Megrahi's family who are based in Libya, but I do not quite see why a family member of one of the Lockerbie victims cannot institute that process. We would then be on our way.

The Convener: You may remember that there must be title and interest in pursuing a case. It would probably be a matter for the court to decide whether there was a close enough association, although I am not saying that a bereaved family member could not do that. Therefore, I think that it is not mandatory.

I fully agree with keeping the matter open, but I would separate the possible appellate procedure—the resuscitation of it or somebody stepping into the appellant's shoes—from allegations that are made about the way in which the case was handled. Those matters may collide at some point, but they are distinct from each other at the moment. I agree with John Finnie that, with both of those aspects still alive, there is a public interest issue, and people would expect the committee to allow this petition to continue to breathe oxygen.

Jenny Marra: I think that the petition should be kept open, for all the reasons that have been rehearsed, but particularly because there seem to be unanswered questions with regard to Dumfries and Galloway Constabulary. I would like to see the conclusion of that investigation.

Sandra White: I concur.

Alison McInnes: I also concur.

Graeme Pearson: So do I.

The Convener: It is unanimous.

John Finnie: It would be appropriate for the committee to keep a watching brief on the issue of the complaint against the Crown Office, which could have implications beyond this specific case. We would need to understand the position of someone tendering such a complaint and how that

would be responded to. I would hope, at the very least, that we would maintain an interest in the issue, even if we do not inquire further.

The Convener: Can we think about what we might do in that regard on another occasion, rather than today? Rather than being proactive, we are keeping the petition open and allowing it to take its own course. The issue that you raise could be dealt with in more detail at another meeting.

John Finnie: Yes.

The Convener: Thank you. We will keep the petition open, pro tem.

Subordinate Legislation

International Recovery of Maintenance (Hague Convention 2007) (Scotland) Regulations 2012 (SSI 2012/301)

The Convener: The regulations enable the recognition and enforcement of maintenance decisions in non-European Union states that have signed up to the Hague convention. This is to bring into force the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, which was agreed on 23 November 2007 and is set to be concluded by the EU in due course.

Is the committee content to make no recommendation in relation to the instrument?

Members *indicated agreement.*

Criminal Legal Aid (Scotland) (Fees) Amendment (No 2) Regulations 2012 (SSI 2012/305)

The Convener: The regulations correct an error—which we know about—in the Criminal Legal Aid (Scotland) (Fees) Amendment Regulations 2012 (SSI 2012/276), which were considered by the committee on 20 November, where a reference to “the Road Traffic Act 1998” should instead have been made to the Road Traffic Act 1988.

Is the committee content to make no recommendation in relation to the instrument?

Members *indicated agreement.*

David McLetchie: No wonder we get this European Union stuff wrong.

Police Grant (Variation) (Scotland) Order 2012 (SSI 2012/316)

The Convener: The order redetermines the amount of police grant paid to police authorities and joint police boards in 2012-13.

Is the committee content to make no recommendation in relation to the instrument?

Members *indicated agreement.*

Court Fees (Miscellaneous Amendments) Scotland Order 2012 (SSI 2012/322)

The Convener: The order corrects defects in three instruments that we considered on 27 November: the Court of Session etc Fees Amendment Order 2012 (SSI 2012/290); the High Court of Justiciary Fees Amendment Order 2012 (SSI 2012/291); and the Sheriff Court Fees

Amendment Order 2012 (SSI 2012/293)—now I know how the Presiding Officer feels.

Members will note that the order breaches section 28(2) of the Interpretation and Legislative Reform (Scotland) Act 2010. The order came into force on Sunday 9 December, and section 28(2) states that there must be at least 28 days between a negative instrument being laid and it coming into force. Members will note the Scottish Government's letter to the Presiding Officer, which states that the reason for the breach was to allow the provisions to come into force before the three instruments that they amend came into force on 10 December.

If you followed that, you are definitely not in need of a holiday.

We will next meet on 8 January, when we will consider some subordinate legislation and our response to the Standards, Procedures and Public Appointments Committee's inquiry into post-legislative scrutiny. We will also include something about today's discussion. It would be useful to deal with that while it is fresh. That would be better than leaving too big a gap. We will also write to the witnesses and tell them that, if they want to add anything, they should do so before we produce our internal discussion paper.

John Finnie: On the work programme, can we include the process by which an individual can make allegations against named individuals in the Crown Office? How can that be dealt with? It is a potentially significant matter.

The Convener: We can put that in the work programme. When we return to the petition, we will deal with that, as well as the matter that you raised about how we deal with the Crown Office and the steps that we want to take.

I do not really want to put that on the agenda for the next meeting, but we will put it on an agenda, if necessary.

John Finnie: The two issues are unrelated in one respect.

The Convener: Is it all right if we deal with it at a future meeting?

John Finnie: Yes.

The Convener: Members will see that an update from the Scottish fire and rescue service on progress towards a single service was circulated with their papers for information—it is paper 8. The Scottish Police Authority and the chief constable have confirmed that, after the SPA meeting on 19 December, they should be in a position to provide an update on progress on resolving their issues. They may be sending each other Christmas cards. Who knows? I understand that the SPA meeting will be held in public and

that papers will be published a few days before the meeting. I intend, therefore, to include an item on our agenda for the first meeting back—on 8 January—to discuss the updates from the Scottish fire and rescue service, the SPA and the chief constable.

David McLetchie: Is that not two weeks later than we were advised?

The Convener: The meeting on 5 December was an informal meeting, and the meeting on 19 December will involve the public meeting of minds.

Sandra White: And the decision.

The Convener: And the decision.

I will see you all again, so even though it is written on my brief, I will not wish you a merry Christmas and a happy new year. I will do that next Tuesday when we have an informal meeting in private, for the best of reasons: lunch.

Meeting closed at 12:11.

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