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Pàrlamaid na h-Alba

Official Report

EDUCATION AND CULTURE COMMITTEE

Tuesday 8 October 2013

Session 4

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EDUCATION AND CULTURE COMMITTEE
26th Meeting 2013, Session 4

CONVENER

*Stewart Maxwell (West Scotland) (SNP)

DEPUTY CONVENER

*Neil Bibby (West Scotland) (Lab)

COMMITTEE MEMBERS

*George Adam (Paisley) (SNP)
*Clare Adamson (Central Scotland) (SNP)
*Jayne Baxter (Mid Scotland and Fife) (Lab)
*Colin Beattie (Midlothian North and Musselburgh) (SNP)
*Joan McAlpine (South Scotland) (SNP)
*Liam McArthur (Orkney Islands) (LD)
*Liz Smith (Mid Scotland and Fife) (Con)

COMMITTEE SUBSTITUTES

*Marco Biagi (Edinburgh Central) (SNP)
*Kezia Dugdale (Lothian) (Lab)
*Mary Scanlon (Highlands and Islands) (Con)
*Tavish Scott (Shetland Islands) (LD)

*attended

THE FOLLOWING ALSO PARTICIPATED:

David Blair (Scottish Government)
Aileen Campbell (Minister for Children and Young People)
Gordon McNicoll (Scottish Government)
Phil Raines (Scottish Government)
Michael Russell (Cabinet Secretary for Education and Lifelong Learning) (SNP)
Andrew Scott (Scottish Government)

CLERK TO THE COMMITTEE

Terry Shevlin

LOCATION

Committee Room 5

Scottish Parliament
Education and Culture
Committee

Tuesday 8 October 2013

[The Convener *opened the meeting at 09:33*]

**Decision on Taking Business in
 Private**

The Convener (Stewart Maxwell): Good morning and welcome to the 26th meeting of the Education and Culture Committee in 2013. I remind all those present that all electronic devices should be switched off at all times in the meeting.

Our first agenda item is to decide whether to consider our draft reports on the Children and Young People (Scotland) Bill and the draft budget 2014-15 in private at future meetings. Do members agree to do so?

Members *indicated agreement.*

**Children and Young People
 (Scotland) Bill: Stage 1**

09:33

The Convener: The next item is to continue our evidence taking on the Children and Young People (Scotland) Bill. I welcome to the meeting the Minister for Children and Young People, Aileen Campbell, and her supporting officials from the Scottish Government. Phil Raines is head of child protection; David Blair is head of looked-after children; and Gordon McNicoll is a solicitor in the solicitors communities and education division.

I place on record the committee's thanks to the minister and officials for responding in a short timescale to a range of questions from the committee from last week. I am sure that that helpful response will be covered in the questioning. Before we ask questions, I invite the minister to make a short opening statement.

The Minister for Children and Young People (Aileen Campbell): Thank you, convener. Good morning and thank you for inviting me to give evidence on the Children and Young People (Scotland) Bill.

For the past eight weeks, the committee has heard evidence on a wide range of issues in quite a complex bill. We will talk about those issues today. I want to set the tone with some remarks about what binds those issues together.

With the bill, we have set out our ambition to make Scotland the best place in the world to grow up in. I think that we all share that ambition. The bill advances the ambition by drawing on well-established policies and strategies. It takes forward our long-standing recognition that we need to make a bigger impact in our children's early years, not least through early learning and childcare. It lifts to a new level Scotland's unique and internationally lauded approach to helping children and young people through getting it right for every child. Over the years, the Parliament has regularly endorsed that approach. GIRFEC has already taken seed in parts of Scotland, and we believe that the time is right for its fruits to be enjoyed by all our families.

The bill advances our national determination to improve the lives of our most vulnerable children and young people. Our proposals for looked-after children are rooted in what is needed by children who are in care, by children who are at risk of going into care and by young people who have moved on from care. The bill gives our natural and deeply embedded respect for the rights of children a statutory grounding in a way that fits Scotland's traditions and looks to our future aspirations. The

bill builds on the best practice and experience of what we have already achieved in Scotland. Our proposals and our costs are drawn from extensive experience across the country.

However, the bill is not simply a series of small steps forward. It is a huge leap, not into the unknown but towards what the evidence tells us is the right thing to do for children. That is particularly true of its commitment to early intervention. We know that a light touch applied when concerns first arise can often avoid a descent into difficulties that necessitate heavy formal measures. The preventative approach usually leads to far better outcomes for the child and their family. That is why we want to set in statute the crucial principles of proportionate, preventative and child-focused support for all children. They are the principles that Parliament espouses and we have set out what we think will best achieve those principles. As we have done throughout the huge consultation on the bill, we will continue to listen and stand ready to improve the bill where necessary.

Thank you for inviting me here today. I am happy to answer any questions—I am sure that members will have many.

The Convener: You will not be surprised to know that we do have many questions. The bill is very important and we want to cover a lot of important issues. Before we get into the detail of the bill, there are some wider points that members would like to hear your response on. Liz Smith will ask those questions.

Liz Smith (Mid Scotland and Fife) (Con): Good morning, minister, and thank you for your opening remarks. The bill is complex and, as the convener said, it is a big bill, so we must get it right.

Some of the written evidence has pointed out to the committee that there are certain points of law on which there is a difference of opinion between what the Scottish Government's advice has been and what certain groups are saying. For example, there is a difference of opinion between Scotland's Commissioner for Children and Young People and the Scottish Government about the legal advice on whether we should incorporate the United Nations Convention on the Rights of the Child into Scots law. There has also been a difference of opinion between the Faculty of Advocates and the Scottish Government over part 4 of the bill. There have also been some questions about legislative competence from the information commissioner. Is the Scottish Government confident that the legal advice that it has been given on those points of law is accurate?

Aileen Campbell: Thank you for the question. I cannot go into detail about the legal advice that we get. We know that every piece of legislation that

the Government introduces is competent, and that is no less true for this bill. I cannot comment on the legal advice that the committee has been given. I am sure that it will come out in the stage 1 report that the committee publishes. The bill is competent and that is true of any legislation that the Government proposes.

Liz Smith: I want to home in on the fact that there is a difference of interpretation of some points of law. For example, the Faculty of Advocates argues very clearly that the named person provisions in part 4 attempt to dilute the legal role of parents. That is clearly not the Government's view. The Faculty of Advocates submission says:

"It undermines family autonomy. It provides a potential platform for interference with private and family life in a way that could violate article 8 of the European Convention on Human Rights."

The Government believes differently; how have you come to that different conclusion?

Aileen Campbell: When services intervene in a child's life, the pendulum often has to swing between the parents' rights and the child's rights. The named person provisions are about providing a support network and framework for families, if they need it, and it is their right to choose to seek advice from the named person. For more complex levels of need, the named person will be there to see whether there is a cause for concern. At that point, they will seek the appropriate support to ensure that the child gets the help that they need.

On the point of law to which you point, the bill is legally competent, as is every bit of legislation that the Government introduces.

Liz Smith: I do not think that the Faculty of Advocates is arguing about the legislative competence of that part of the bill. It is making the point that it believes that there is a dilution of the role of parents.

Aileen Campbell: There is no dilution of the role of parents. The role of the named person is very different from that of the parent. We know that the parent is the most important person, and the most important educator, in a child's life. The named person offers a framework for the provision of additional support if a family decides that it needs it or for the identification of issues that might be a cause for concern. At such a point, the named person can seek to support the child to ensure that they have better outcomes in life. There is no dilution in the role of parents, which is set out clearly in the Children (Scotland) Act 1995. That is not diluted either.

Liz Smith: So the Scottish Government has no concerns about the issue that the Faculty of Advocates has raised.

Aileen Campbell: As with any proposed piece of legislation that goes through the three parliamentary stages, we will listen carefully and closely to what people have to say, but we know that the bill is competent. The named person provisions in no way dilute the role of the parent.

The Convener: An issue that is central to the bill is the UNCRC duties. Some witnesses have supported the idea of full incorporation of the UNCRC into Scots law, while others have taken a very different point of view and have said that that would not be particularly helpful or sensible. What is the Government's view of the duties that you are placing on ministers in the bill? What practical difference will those ministerial duties make to children?

Aileen Campbell: I was interested to read Kenneth Norrie's submission and the remarks that he made to the committee.

The duty in the bill is a duty on ministers to reflect the UNCRC. That will child rights proof all our decisions. A tool will be developed to support that. We will take practical actions to increase awareness of children's rights, whether through schools or with professionals or parents. As far as the practical impact is concerned, there will be a new duty on ministers to properly reflect the UNCRC in the policies that we take forward as a Government.

The Convener: That is helpful, but what will the bill allow you to do that you could not do at the moment? What difference will it make in ensuring that ministers carry out such duties? What duties are you not carrying out at the moment that the bill will force you to carry out?

Aileen Campbell: There will be a duty to ensure that the UNCRC is properly reflected in the policies that we take forward. We will have to ensure that Parliament understands that that is what we are doing. Parliament will carry out scrutiny to ensure that we have reflected the UNCRC in our policies.

The duty will child rights proof all the decisions not just of the present Government but of future Governments, so it is not just about ensuring that the present Government does all that it can to reflect the UNCRC; it is also about ensuring that, in the future, all subsequent Governments do that.

In addition, we want to ensure that we raise awareness of children's rights not just in the work that we do in government, but right across the public sector. There needs to be an understanding of the UNCRC before we can reflect the good practice and the culture in the decisions that we take.

The Convener: I want to move on to the nub of some of the argument. As I said, there is a

difference of opinion on whether the bill should incorporate the UNCRC into Scots law or whether it should incorporate the principles of the UNCRC. Why has the Government come down on the side of moving forward with some of the principles that underlie the UNCRC without going the full way and incorporating the whole convention?

Aileen Campbell: The whole premise of the bill is to ensure that we make a practical difference to children's lives. The approach that we have taken is to ensure that rights are made real for children and that there is tangible recognition that a child's rights are important in the policy decisions that we take. That has been the premise. We believe that the balance that we have struck in the bill achieves that without getting caught up in legal wrangling. This is about making rights real.

The approach that is taken in the bill sits better with Scots law. I refer again to what Professor Kenneth Norrie said. He said:

"to incorporate the convention into the domestic legal system of Scotland would be bad policy, bad practice and bad law."—[*Official Report, Education and Culture Committee*, 3 September 2013; c 2682.]

We want to ensure that this is a good move that makes rights real for children across Scotland and we believe that the bill strikes the right balance in that respect.

09:45

The Convener: I have a final question before I open it up to members. You will have seen evidence that we have received about the situation in Wales, where ministers are under a duty to pay "due regard" to the UNCRC. Why did the Scottish Government change the duty from "due regard" to "keep under consideration"?

Aileen Campbell: We have never had a duty to pay due regard to an international treaty. As I said at the start, our policy has not changed; we are committed to introducing legislation that requires a systematic consideration of children's rights, which is what our initial proposals provided for and what the bill delivers.

The Convener: But was the phrase "due regard" not mentioned in the consultation?

Aileen Campbell: Absolutely, but we want to ensure that children's rights are real and think that the approach in the bill strikes the right balance. Moreover, there was no consensus about the approach that was set out in the consultation process. What we have now is a bill that makes children's rights real without our getting caught up in legal wranglings and uncertainty about how the courts might interpret that due regard duty.

The Convener: I want to pursue this a little bit further. What is the difference between "due

regard” and “keep under consideration”? The committee has received evidence from witnesses that a duty to pay due regard to something is stronger than a duty to keep it under consideration. Do you accept that? If not—and I presume that you do not—can you explain why?

Aileen Campbell: I will ask Gordon McNicoll to comment on the more legal aspects.

Gordon McNicoll (Scottish Government): There is an interesting question about what a requirement to have due regard to anything is. For example, how much regard do you have to pay to something? In the bill, the Government has set out exactly what it wants itself, its ministers and other public authorities to do. One might argue that a requirement to pay due regard to an international legal obligation means that you must comply with it, but is that actually what we want to do? The Government’s view is that it is important not to get hung up on particular words but to set out in the bill the exact scope of the duty that we want to create for ministers and other public authorities.

Neil Bibby (West Scotland) (Lab): Children’s organisations have expressed concern that the bill does not do enough to ensure that public bodies will help to strengthen children’s rights. What action is the Scottish Government prepared to take to strengthen the duty on public bodies in the bill with regard to children’s rights?

Aileen Campbell: We have a commitment to raise awareness across the public bodies and there will also be reporting to ensure that we understand where they are on children’s rights.

Neil Bibby: A number of questions have been raised about children’s rights impact assessments. What commitment will the Scottish Government give that future legislation impacting on children and young people and their families will be subject to such an assessment?

Aileen Campbell: I am sorry—I did not catch the question.

Neil Bibby: There was concern about children’s rights impact assessments—

Aileen Campbell: With regard to subsequent pieces of legislation?

Neil Bibby: Yes. Will the Government consider carrying out such assessments for future legislation?

Aileen Campbell: We are developing a tool for a children’s rights impact assessment to enable us to understand how subsequent legislation might impact on children’s rights.

Joan McAlpine (South Scotland) (SNP): I have a few questions about the bill’s information-sharing provisions. My understanding is that we are moving from the kind of information that can

be shared without consent, and I wonder whether you can explain how the bill changes the type of information that is shared and why such a move is necessary.

Aileen Campbell: Good practice dictates that one should always seek the consent of the parent and, where appropriate, the child, but recent advice from the information commissioner clarified that sharing without consent information about concerns of a risk to a child’s wellbeing that might lead to harm does not breach the Data Protection Act 1998, provided that the sharing is proportionate and considered. That is the key phrase—it is a matter of ensuring that that professional judgment is proportionate and considered. The commissioner has already provided clarity that, where there is a risk of harm, information can be shared, but it is always good practice to seek consent from the parent and, where appropriate, from the child, too.

Joan McAlpine: My understanding is that there is a difference between risk of harm and risk to wellbeing.

Aileen Campbell: Yes. The whole premise of the bill is about early intervention. When there are concerns about a child’s wellbeing, the information should be proportionately shared, and at an appropriate time. Those are the trigger points, and a professional would be able to make a judgment about the appropriateness of sharing the information.

Joan McAlpine: Is there not a danger that some individual information holders, such as teachers or health visitors, will have to decide on their own whether sharing information about wellbeing would breach ECHR article 8?

Aileen Campbell: There is a lot of room for ensuring clarity in the guidance that we will produce to accompany the bill so as to enable and empower professionals to make the appropriate judgment on the information that they share. Aside from the bill, the information commissioner’s letter provided useful clarity that will empower professionals to make the correct judgment. However, that needs to be strengthened and made robust in the guidance accompanying the bill, recognising the issues and concerns that have been raised with the committee. We will work with stakeholders to develop that guidance.

Bill Alexander’s evidence to you indicated that, before GIRFEC, there was “a scatter-gun approach” to sharing some information, but the approach under the bill allows that to be done in a much better way—in a much more systematic and coherent way—so that the appropriate services are provided to the child for their long-term wellbeing.

Joan McAlpine: When will we see the guidance?

Aileen Campbell: The guidance will be developed alongside the bill. I ask Phil Raines to elaborate on that.

Phil Raines (Scottish Government): Quite a lot of work has been done by the responsible teams in the Scottish Government to develop the guidance in consultation with a wide range of stakeholders. A lot of that has been done through the GIRFEC programme board, which you are probably aware of. The board has general oversight for the development of the guidance. My understanding is that the guidance has now reached the draft stage, and I think that consultation will begin over the coming months. The intention is for the guidance and the whole range of duties with respect to GIRFEC to be well in place before the commencement of any provisions.

Joan McAlpine: LGBT Youth Scotland raised the specific concern that young people's privacy could be compromised by information sharing. Perhaps teachers sharing information—with the best of intentions—about a young person's sexuality would breach that person's privacy. Can you give any reassurance to LGBT Youth Scotland that the privacy of young people will be protected?

Aileen Campbell: The whole premise of the bill is to work with the whole child and to ensure that best practice is adhered to. That involves consulting and speaking with the child. I am absolutely able to give that confirmation, and I can work with those groups as we develop guidance in the course of the bill's progression.

Liam McArthur (Orkney Islands) (LD): Apologies for my delayed arrival, which was due to flight problems.

I wish to follow up the concerns that Joan McAlpine has raised. Earlier, minister, you prayed in aid Professor Norrie in relation to the incorporation of the UNCRC. The professor's evidence to the committee was equally lurid in relation to sections 26 and 27, and he encouraged us to remove section 27 entirely, as that would serve the public very well.

I would not necessarily go that far, but we have now had evidence from a range of witnesses who have expressed concerns about the breadth of the provisions in section 27 in respect of how far they go on information sharing and the absence of consent for that information sharing in areas where the issue is wellbeing as opposed to welfare. Are you prepared to look at that again?

Aileen Campbell: We are happy to look at the evidence that the committee has received and that has been presented in the evidence sessions on

the bill. We are absolutely happy to listen to people such as Ken Norrie, who has a huge wealth of knowledge on the issues that we are considering.

Liam McArthur: Do you accept Ken Norrie's assessment that, at the moment, section 27 is potentially too open-ended with regard to how people who are exercising their professional judgment may come to the right decisions? Is the way that the section is phrased at the moment too open and vague—

Aileen Campbell: As I say, we want to make the bill the best that it can be, so we need to listen to the evidence that you have received. No doubt, the committee's stage 1 report will enable us to ensure that the bill is the best that it can be. People such as Ken Norrie, who have given of their time and knowledge to enable you to prepare that report, are well worth listening to and we give you a commitment that we will look at the evidence in detail.

The Convener: I want to follow up Liam McArthur's line of questioning. I quote Ken Macdonald, the assistant commissioner for Scotland and Northern Ireland at the Information Commissioner's Office, in the light of Professor Norrie's comments, which we have just been discussing. In his written supplementary evidence, talking about section 27, he states:

"As written, the section would override all statutory bars on the disclosure of information, many of which have been enacted in order to give children protection and it may also have implications for the independence of the judiciary where court orders prohibit disclosure. We would therefore urge that the content of this section is reconsidered."

That is quite strong language from the assistant commissioner for Scotland and Northern Ireland. What are the Government's views on both Professor Norrie's comments and Ken Macdonald's supplementary evidence to the committee?

Aileen Campbell: Gordon McNicoll can respond to those questions.

Gordon McNicoll: It is important to remember, as a starting point in addressing the question in more detail, that the provision—like any other provision—must be read in accordance with the ECHR. There can be no question of the provision overriding the ECHR; neither can it override data protection, as that would be outwith competence. As for any legislation that is passed by the Scottish Parliament, any powers conferred must be read as being constrained by the ECHR and reserved legislation such as the Data Protection Act 1998. Therefore, although in principle the power to disclose information appears relatively wide, it must be read in that context. In the

Government's view, read in that way, it is not as broad as might be suggested.

The Convener: I accept what you say. I am, therefore, slightly surprised that the assistant commissioner wrote to us as he did. He says that the issue has been reconsidered in the light of Professor Norrie's comments. I will not read out his supplementary evidence again, but he takes a very different view from the one that you have just stated. Perhaps we could get some clarity on the matter from the Government in writing, if that would be helpful to the committee. Clearly, there is a difference of opinion.

Aileen Campbell: Absolutely. We can get back to you on anything in writing. However, I make the point again that we are listening to the evidence that the committee is receiving and will use that evidence to make the bill the best that it can be.

The Convener: It would help the committee in writing its stage 1 report to have that clarity.

Aileen Campbell: Absolutely. I give that commitment. I am just making the point that we are listening to what you are being told and taking any issues seriously.

The Convener: Let us move on briefly to section 26. Professor Norrie told the committee that there are

"huge ambiguities in the drafting of the bill, which, if passed in its current form, will lead only to lots and lots of litigation."—[*Official Report, Education and Culture Committee*, 3 September 2013; c 2691.]

He went on to talk about the section in not the most shining light. His concern with section 26, among others, seems to relate particularly to section 26(1), which uses the phrase "must provide"; section 26(2)(a), which uses the phrase "might be relevant"; and section 26(2)(b), which uses the phrase "ought to be provided". He said that he had some difficulty with the clarity of those phrases. What is the Government's view of Professor Norrie's evidence to the committee on section 26?

Aileen Campbell: We will listen to the points that he raises but the bill is drafted to enable the appropriate, proportionate and timely information-sharing to happen.

10:00

The Convener: I accept that and I do not want to labour this point but Professor Norrie, some other witnesses and some who provided written evidence were concerned about the lack of clarity for those who will have to share information around the phrases, "must provide", "might be relevant" and "ought to be provided".

I would like clarity on whether there is room for improvement here or whether the Government's view is that the provision is correct as it is drafted. Will the individuals who will have to take the practical decision on the ground about what they should or should not share be clear about what those three phrases mean?

Aileen Campbell: It is worth while remembering that guidance will be developed in consultation with the folk who know best, who will be the people who work on the ground, to ensure that, alongside the bill, the guidance is robust enough to empower the practitioners and professionals who make these decisions.

There is always room to study the bill and, if there are real concerns, again we can listen to the comments that the committee has received. Along with that, we will have guidance to enable practitioners and professionals to make the best judgments in the interests of the child with whom they are dealing.

The Convener: Thank you very much for that.

Clare Adamson (Central Scotland) (SNP): I would like to ask further questions about the named person. The matter has been covered and you, minister, have been quite robust in stating that you do not see any tensions between the named person and the rights and responsibilities of the parents as set out in the Children (Scotland) Act 1995. Where disputes between parents, young people and the named person arise about what is best for a child or young person, what method will be used to resolve those conflicts?

Aileen Campbell: As I say, there is often a pendulum that swings between the parent and the child. The aim is to make sure that the best interests of the child and family are at the heart of the decisions taken. We want to make sure that the process is absolutely right.

Would you like to come in on that, Phil?

Phil Raines: There are three ways to think about the named person. First, the premise of the named person is the idea of establishing a good, trusted relationship between the individual and someone whom, based on the evidence that you have heard, the family know and see reasonably regularly. The structure is predicated on the idea that there are good communications and relationships, but that will not work in all circumstances. There exist mechanisms to raise grievances and challenge issues that arise from many of the roles that these people provide. We have talked about the named person being a teacher, health visitor or what have you.

At the moment we are considering whether it makes sense to use those mechanisms or whether there is a need for a more bespoke

mechanism. We are in listening mode and are conscious that we do not want to clutter the landscape further with regard to how people can challenge the decisions or conduct of those in this kind of role in the public service.

Clare Adamson: Thank you. During the consultation there was a considerable amount of support: 72 per cent of respondents were in favour of having a named person role in the bill. The bill states that the named person would be responsible for support and advice to parents. How do you envisage that that will happen? What kind of support and advice will be available? What implications will that have for the capacity and the role of the named person at any particular time?

Aileen Campbell: The support and advice to parents could take several different forms, for instance for the health visitor it could be about toilet training or it could be as simple as signposting to an appropriate service within the local area. In school, it could be about identifying whether there is a need for assistance with homework. It could be as light touch as that.

Of course, where there is greater need there will be a real bonus in having the named person to co-ordinate services appropriately and enable the child at a timely moment to get the best support that they can get in a co-ordinated way. There are a number of ways in which the named person can help a child and can direct and advise a family as appropriate, if the family decides that they need to seek that advice and help.

Neil Bibby: One issue raised with us is the anxiety that has developed because of a confusion between the roles of the lead professional, who is traditionally a social worker, and the named person. Do you agree that the role of the named person must be clearly defined and differentiated from that of the lead professional?

Aileen Campbell: The named person will have a statutory footing in the bill. There will also be a need to develop robust guidance to go along with the bill, to give greater clarity to professionals working with children and families across the country.

The Convener: Can I follow up on something that struck me as you were answering that question about the difference between a lead professional and a named person? Who ultimately is responsible when things go wrong? Does the named person have some sort of legal responsibility?

Aileen Campbell: No, it will be the service provider. We need to ensure that the named person is supported, but it is the department, health board or local authority that they come from that is responsible. The named person is not to be held legally to account for things that go wrong,

but we want to ensure that the named person is empowered to make decisions at an early stage, to avoid things going wrong in the first place. That is the whole point of preventative spending and of early and effective intervention.

The Convener: Absolutely. I could not agree more and I support that philosophy and direction of travel in policy, but I am trying to clarify for those who might be in that position what their level of responsibility is. If they fail, for whatever reason, to share vital information, what level of responsibility does that named person have? We are adding a level of responsibility to the role of the named person, whether they be a headteacher or a health visitor; that is the purpose at the core of the proposal. Therefore, it seems to follow logically that they must have some sort of responsibility for the actions that they take or do not take.

Aileen Campbell: That is still true regardless of the bill. People have a duty of care for the child that they are looking out for. As you will have seen from the tragic incidents in other parts of the United Kingdom, when information is not shared stock must be taken of the situation to figure out what to do and how to improve systems. The named person provides a framework for sharing information in a much more co-ordinated and appropriate way, to enable the right services to intervene at the appropriate time to stop and avoid the sort of horrible things that we have seen recently happening to children.

Phil Raines will answer the convener's specific point about responsibility lying squarely with the named person.

Phil Raines: I might distinguish it in two ways. The bill makes it clear that the legal responsibility for the named person duties lies with what we call the named person service provider. Therefore, for teachers or what have you in respect of kids in schools, it would lie with the local authority. In the case of health visitors, it would lie with the health service. So it is clear that it is a corporate responsibility.

I suspect that what you are getting at, convener, is more to do with the sense of responsibility for day-to-day business and conduct, and that must be thought of in terms of the existing mechanisms for setting standards of professional conduct and—linking back to an earlier point—for grievance or redress.

Building on what the minister said, I think that one of the ways to think about it is to say that there is already a sense of responsibility in place. Many individuals are carrying out these functions already, and they are managed within the existing architecture in terms of how their roles are defined and how they are held to account. We are building

on good practice and on the architecture that is already out there.

Aileen Campbell: The committee should remember that Bill Alexander said:

“Teachers ... and midwives tell me that it does not change what they do but it changes how they are regarded ... they feel that it has empowered them.”—[*Official Report, Education and Culture Committee*, 24 September 2013; c 2861-2.]

That is an important message as well.

The Convener: That is helpful. Thank you, minister.

Liz Smith: The Finance Committee produced its report on the financial memorandum on the bill last week. It begins by saying that there are significant concerns about the robustness of the methodology and the forecasting that have been used for the financial memorandum. Will you comment on that quite severe criticism, minister?

Aileen Campbell: In developing any financial memorandum, we have to engage with the experts and base the memorandum on the research and the discussions that we have had. That is the way in which the financial memorandum was produced—in close dialogue with people who know best.

Liz Smith: Will you provide the committee with information on the methodology for compiling the statistics? Why do you consider that what the Government has produced is a satisfactory basis for estimating the financial implications of the bill?

Aileen Campbell: As I said, the financial memorandum was drafted after close dialogue and close working with the people who know best—the experts around the country who work in the day-to-day lives of children. The financial memorandum is robust and it is there for the committees to scrutinise.

There are lots of different elements to the bill, so it would be interesting to know which areas concern you in particular. Do you have an issue around one element and the methodology behind it? If so, it would be interesting to know what that is in specific terms.

Liz Smith: Yes, I do. At last week’s meeting of the Finance Committee, there were questions from John Mason, Michael McMahon, Kenny Gibson, Malcolm Chisholm and Gavin Brown, all of whom asked for specific figures to support certain policies. They said, to varying degrees, that what the Scottish Government has put forward is based on best estimates and on committee evidence that is not particularly robust. They said that, because figures are patchy in some areas and non-existent in others, it is difficult for the Finance Committee to understand what the Government believes are the statistics that make the bill financially viable.

Aileen Campbell: Are you asking me to tell you the methodology that we used for a particular part of the bill?

Liz Smith: At the Finance Committee, the bill team was repeatedly asked to come up with the figures that would support the Government’s implementation of the policy, but the information appeared not to be forthcoming. I wonder whether you can give those to us now.

Aileen Campbell: On early learning and childcare, for example, there were discussions with the Convention of Scottish Local Authorities to agree the appropriate figures in the financial memorandum, which we believe will enable us to increase provision to 600 hours.

Liz Smith: I am sorry, minister, but on some aspects of this, I really want to get at what the Finance Committee has asked for. It asked for specific evidence on training and costs. It is clear that—

Aileen Campbell: Training and costs. You talked about the bill in general, but there are many different elements to it, and many different discussions have been held with many different stakeholders to enable us to come up with the best financial memorandum that we can have. I gave as an example the discussions that we had to deliver 600 hours. If you are asking about training—

Liz Smith: The financial memorandum looks at the costs that underpin the bill. It is clear that Lothian NHS Board, the Royal College of Nursing and the City of Edinburgh Council feel that the Scottish Government is not providing sufficient money to support the ambitions of the bill. Do you agree with their concerns?

Aileen Campbell: I take it that you are homing in on the GIRFEC side of the bill as opposed to any other part of it.

Liz Smith: Well, in part, but there are other issues as well.

Aileen Campbell: Okay. I just wanted to find out which part of the bill you want to examine. Again, we liaised closely with the relevant people to ensure that the financial memorandum that we provided to accompany the bill is as good as it can be. We take on board all the different views and opinions that are going around about the financial memorandum, but we believe that we have produced the right costings to cope adequately with the implementation of the GIRFEC provisions in the bill.

Would Phil Raines like to comment further?

10:15

Phil Raines: I will comment specifically on training issues. There is clearly a different answer for different sets of costs. I am happy to provide the costs for any specific issues, but with respect to training—Liz Smith mentioned health—as the minister said, the people whom we consulted are the people who have the most experience of designing a training course, implementing it and establishing how it may develop over time.

Specific groups that we spoke to about health training include a group of managers designated by each health board who have dedicated responsibility for implementing GIRFEC in their own health board. As you will be aware, GIRFEC is not something new for health boards; it has been around as a result of chief executive letter 29 and Hall 4—“Health for All Children 4”. There is therefore quite a lot of experience of thinking about how this might roll out. We also spoke to the children, young people and families nursing advisory group. It is quite difficult to remember all these complicated acronyms and names.

There are a different set of issues with regard to local authorities, some of which perhaps have made the same criticisms about training. As you would expect, again we spoke to the people who have quite a lot of experience of putting these things into practice rather than considering the issues in the abstract. We spoke to Highland Council, the City of Edinburgh Council, South Ayrshire Council, East Lothian Council, Midlothian Council, Falkirk Council and Angus Council, which are at different stages of implementing GIRFEC.

You will notice from the evidence submitted to the committee by councils who are well advanced in implementing GIRFEC, not least the City of Edinburgh Council and South Ayrshire Council, that they have no problems with the assumptions that have been made about GIRFEC costs.

Liz Smith: Forgive me for saying so, but the Finance Committee has a problem and so do some other witnesses, who say that they believe that the money that is being put forward for GIRFEC may support it in the first instance but is not nearly enough to support it on an on-going basis. Several submissions make the same comment.

Secondly, when it comes to the provision of health visitors, the RCN has made it clear that to implement the named person provision in full would require another 450 health visitors across Scotland. It claims that there is not sufficient money to fund that. Are you absolutely confident that the research that you have done is sufficiently robust to ensure that the bill has the right amount of money behind it to support the costs?

Aileen Campbell: We have been very clear about what we believe is required of health boards to fulfil the GIRFEC duties. We have worked out the additional hours required. Phil Raines has talked about the discussions that we have had with expert groups who have expertise and knowledge of implementing GIRFEC. It is about ensuring that it is not an additional thing that people and services do but is hard-wired into the daily practice of the services, which is how we expect GIRFEC to be carried out.

Liz Smith: Okay, minister. Why then was the Finance Committee—which has members from all parties—so strong in its criticism of the financial memorandum?

Aileen Campbell: A number of different people provided evidence to the Finance Committee and it has reflected that in its report. As I say, we will listen to and look at the evidence that has been provided to you as the lead committee and ensure that, at the end of the process, we have a bill of which we can all be proud. As Phil Raines said, our approach to the financial memorandum has been to engage with the people who know best and to reflect on what they have told us in order to develop a robust methodology.

Liz Smith: I will finish on this point: do you believe that the bill has sufficient money behind it or will it need to have more behind it?

Aileen Campbell: We have a financial memorandum that we believe sets out the way in which we can deliver the bill's aspirations.

The Convener: Clare Adamson has a question.

Clare Adamson: Sorry, convener—I was listening to the minister and have lost my train of thought.

The Convener: Do you want me to come back to you?

Clare Adamson: Yes, please. Thank you.

George Adam (Paisley) (SNP): Good morning. We are asking questions about the financial memorandum. The process that you have gone through is basically the same process that would be gone through with any bill. You work with partner organisations to ensure that they are given the opportunity to provide some input to the bill and to work out how to make the bill work out there in the real world.

Aileen Campbell: Absolutely. The financial memorandum takes the same approach that is taken by any financial memorandum. It is about ensuring that we engage with the experts who know best so that we get the right information to develop something that will work alongside a bill that is being developed in policy terms.

Clare Adamson: The Finance Committee's report picked up on savings that are planned through the implementation of GIRFEC. Will you give us a bit more information about the evidence that the local authorities have given on those savings?

Aileen Campbell: There has been real evidence from the Highland pathfinder of not only cost savings, but savings in time in relation to meetings and all the different things that can perhaps impede the getting it right for every child service. Even after a short period of time, clear benefits have been generated from the GIRFEC approach. There is a lot of evidence to show that it has worked with respect to inappropriate referrals to the children's panel and such like, and that local authorities have had real benefits and savings.

Clare Adamson: Okay. There has also been evidence that questions whether the front-loaded additional moneys for year one are sufficient. Does the evidence from the roll-out in the Highland area suggest that those moneys will be enough to get the approach embedded in the normal working practices and job descriptions of the people involved so that it becomes part of their professional development?

Aileen Campbell: Yes. The evidence that the committee received from Bill Alexander was quite compelling. We are not starting from a static standpoint. A lot of work has been done through the GIRFEC implementation board and by the Government to finance greater awareness of the GIRFEC approach and its implementation. Now that we have the accompanying financial memorandum, we will have the transitional training and thereafter professionals will have that as part of their on-going training and continuing professional development. Discussions with the City of Edinburgh Council and South Ayrshire Council about the roll-out of that have been useful in helping us to develop the financial memorandum and the approach that we have outlined in the bill.

Neil Bibby: I want to follow up on the issue of resources. You are saying that you believe that there are adequate resources in the financial memorandum. However, given the concerns that the Finance Committee has raised and other concerns that the committee has heard that relate to resources, would you consider reviewing the associated costs in the financial memorandum? Concerns have been raised about the named person element of the bill and training, administration and support issues.

Aileen Campbell: We always monitor what is going on with a bill. It is important for members to realise that there is continual engagement between health boards and the Cabinet Secretary for Health and Wellbeing, for instance on ensuring

that people have the capacity to deliver the aspirations that we have set out in the bill.

The Convener: I would like to follow up on one or two questions. You have talked about the money that is required to deal with some of the issues, such as the costs of training. I want to ask about the profile of the additional hours. You have mentioned the Highland area several times. Highland Council has talked about "green shoots", which suggests that it is still early days in relation to financial savings. Given the current profile of the additional hours, the assumption in the financial memorandum about reduced training hours after the first year in relation to the named person provisions certainly seemed to a number of people who have spoken and written to us to be overly optimistic. What is your response to that?

Aileen Campbell: I have outlined some of the benefits that are already being experienced over quite a short period of time, which have been evidenced in the research on the Highland pathfinder. We have also done our own bespoke economic modelling. Every pound that is invested in the early years saves £9 in costs. A number of bits of research show us that we will see financial benefits after the initial investment in the early years has been made.

I ask Phil Raines to comment on the specific points that the convener has raised.

Phil Raines: There are different ways of thinking about this, depending on whether you are thinking more about the local authority side or the health side. It might be helpful to start with the health side. It is noticeable that there is an on-going cost associated with the role of health in implementing the GIRFEC provisions in the bill. We recognise that if we really want to make a difference in a child's life we must do so in the first couple of years of their life. It is assumed that that kind of major impact and the fact that it will be there year on year going forward will be reflected in their lives later. We therefore expect a tapering effect. We expect that, as the GIRFEC role beds down universally, there will be efficiencies and economies of scale from people getting better at doing their jobs. For example, midwives will get better at doing pre-birth screening, conferencing and handing over to health visitors, who will get very good at being able to do things in the first year of a child's life. We therefore expect that, in the second, third and fourth years of the child's life, there will be less need to support families—in particular, some of the crisis families.

When responsibility is handed over to local authorities in their role as the named person for education, we expect the early work to bear fruit and perhaps kick in quite early. The additional work that is done in the first year of a child's life should start to bear fruit in subsequent years.

The Convener: That is interesting. Obviously, we all hope that early intervention will have a knock-on effect. My top priority would not be financial savings in particular; it would be the impact on the individual's life. I am sure that we share that view.

I want to drill down a bit into how early on financial savings can be achieved from GIRFEC. Can you give us specific examples of the savings that we are talking about? Are we talking about bureaucratic savings in relation to the amount of paperwork? Are we talking about the expectation that we will not have to intervene in the child's life to the same extent in future years? How exactly will the savings be made? Will they be financial savings, time savings, or both? Are we really confident that, having made interventions in year one, we will almost immediately get savings in years two and three? That is pretty quick.

Aileen Campbell: Yes. The benefits for families should be greater clarity about which professionals to contact and earlier support to prevent problems from getting worse. There should therefore be a cost saving in terms of meetings and bureaucracy, and professionals should benefit because they should be able to free up more of their time to work with more vulnerable families. Therefore, by implementing GIRFEC, there should be clear benefits for families as well as savings in costs and professionals' time. For example, family nurse partnerships are being rolled out across the country for first-time teenage mothers and some of the evidence from that has shown that the mothers do not have subsequent children quickly after their first child. That is a quick saving, and the mothers feel empowered and are much better at being a parent. There are therefore real savings for the child and their mother. I hope that that information is helpful.

The Convener: Before we move on to another section of the bill, I have a final question, which is on health visitors. We have touched on the issue already, but can you provide the committee with some detail around the workforce planning that the Scottish Government is undertaking on health visitors? It has come up repeatedly in evidence that the bill and its various accompanying documents do not provide for sufficient health visitor cover for successful implementation of the bill's provisions—the Government might agree or disagree with that evidence. What workforce planning is being undertaken to ensure that we have the correct number of health visitors? Never mind midwives and others; let us focus on health visitors for a moment.

Aileen Campbell: In a lot of the work that we do, we inform health boards about their responsibilities with regard to workforce planning. Nurse directors and chief executives of national

health service boards will make the appropriate provision in light of the fact that there is a new bill on the landscape. There will also be regular discussions with the cabinet secretary through his regular contact with NHS boards.

The Convener: Irrespective of the bill and the roll-out of family nurse partnerships, there has been comment to this committee and in the press that we have an insufficient number of health visitors, on whom there is already pressure. In what way will the bill and the roll-out of family nurse partnerships impact on individual health visitors? Are we sure that we have sufficient numbers to achieve the ends that we all want?

10:30

Aileen Campbell: I go back to what Bill Alexander said. Health visitors in Highland feel empowered and much more highly regarded for their professional work. We are already seeing growth in the profession. There are other issues. The ratio of health visitors to the children they deal with is quite healthy in Scotland. Phil Raines might like to comment on that.

Phil Raines: Some specific things are going on. The financial memorandum sets out a cost but it does not set out the funding required. As you would expect, it does not say how the work that will be generated through the bill will be taken forward by individual health boards. That is something that health boards have to reflect on and bring into discussion as part of the natural process of budget negotiations.

It is important to recognise that the bill sits among a number of other issues with regard to health visitors, their workload and our expectations of them. A lot of work has been going on with the children, young people and families nursing advisory group, which I mentioned earlier, to develop tools that will enable health boards, given all the possible demands in future with regard to health visitors, to assess much more quickly what demand might look like and how it might translate into the numbers that are needed. As you would expect, that work will feed into future budget negotiations. Clearly, given the commencement of the duties that we are talking about, those budgets are not envisaged at the moment.

Workforce planning is going on. To be honest, health boards have been well aware of the need to do that. Ever since Hall 4 and CEL 29, they have known that GIRFEC was coming and they have been putting mechanisms in place to think about what GIRFEC might look like locally.

George Adam: I would like to ask about early education and care. The minister talked about the 600 hours of nursery care that the Government is offering, which will give parents greater flexibility.

In evidence to the committee, Lori Summers said that childcare

“needs to be more flexible so that a place is available not just in the morning or afternoon”.—[*Official Report, Education and Culture Committee*, 10 September 2013; c 2751.]

Do you believe that what you have put in place offers that flexibility to people such as Lori Summers?

Aileen Campbell: The reason for increasing the hours is to help families who are struggling to balance work and life. The flexibility should help families, and they will be able to have an input in the way in which the local authority configures services, which will enable parents to enter work or training. That is why that flexibility and the way in which the additional hours are delivered will be crucial. This is an important part of the bill. It is not just about adding on extra hours; it is about changing the way in which services are delivered.

George Adam: I want to ask another question, just so that we have your answer on the record. Obviously, you will have to work with partner organisations to deliver on this part of the bill. You have had conversations with COSLA. Are things at a reasonable stage so that it will be delivered?

Aileen Campbell: Yes, absolutely. There has been close working with COSLA to develop the figures.

Aside from work on the bill, there is the early years task force, of which COSLA is part and parcel. In fact, COSLA co-chairs it with me and the chief medical officer. An enormous amount of work has been done on the delivery of early learning and childcare and to develop the financial memorandum. This is about close working. We have to recognise that COSLA is a big partner in delivering the aspiration to increase both hours and flexibility.

George Adam: Another point that has been made is that the scheme will offer children more access to qualified teachers. At the same time, not just qualified teachers will be involved. Can you explain some of that thinking?

Aileen Campbell: The other reason for making sure that we deliver this in a good way is that we recognise that it has to be a quality offering to children during their earliest years. Teachers are part of the workforce, but those who have a BA in childhood practice and nursery managers are also a crucial part of the mix of professionals who work with children. A lot of work is being done to make sure that those professionals have the appropriate skills to allow us to be confident that children are being offered a quality service.

Last year, Education Scotland published a report that showed the positive benefits of

upskilling the workforce. It also showed how good progress is being made with the delivery of something that will be good for the development of three and four-year-olds.

George Adam: You are saying that, regardless of the make-up of nursery staff, the quality of the service that is being delivered on the ground is the most important thing.

Aileen Campbell: Absolutely. We have talked about how we want to deliver the service in a flexible way for families, but what is being provided has to be of a quality that will respond to the real needs of children of that age. Last year's Education Scotland report was useful because it showed that the work that has been on-going in Scotland for a number of years to make sure that the workforce is appropriately trained is paying dividends. It also showed that there is a real need for a mix of abilities within the workforce—a mix of professionals—so that we can have confidence that we are delivering a quality offering for three and four-year-olds, as well as being flexible and meeting the needs of parents and carers.

Liam McArthur: I want to follow up the point about quality. As Liz Smith and Neil Bibby have indicated, the Finance Committee's assessment of the financial memorandum raises some very serious questions. I cannot remember seeing a Finance Committee report that raised quite so many serious concerns about a bill.

One of those concerns is about funding for partner providers, which I presume is linked to the issue of the quality of provision to which George Adam referred. In its evidence to the Finance Committee and to this committee, the National Day Nurseries Association highlighted fairly significant discrepancies in the rates that are paid. The average is £3.28 per child per hour, but it goes from £4.09 per hour at the top end to £2.72 per hour—which Glasgow pays—at the low end. Given that the uprating process is based on assumptions about payments made, what is the status of those presumed rates? Does more need to be done to ensure that adequate payments are being made to allow for provision of the quality that we want to see?

Aileen Campbell: It is up to local authorities to decide fair and sustainable settlements with partner providers. The budget that is associated with the bill covers an uplift for the additional 125 hours that local authorities will pay partner providers.

Liam McArthur: But you are making assumptions about the funding that is required, and there is an assumed rationale behind the figures on payments to partner providers. Ought there to be more consistency in what is paid? There might not need to be payment at a specific

rate, but there should not be discrepancies between payments of £4.09 per child per hour and £2.72 per child per hour.

Aileen Campbell: It is for local authorities to decide with their partner providers what the settlement will look like. From my point of view, the settlement must be fair and sustainable, and it is in the best interests of the child for the local authority to secure good-quality provision. The financial memorandum covers the uplift for the additional 125 hours.

Liam McArthur: Another issue that has been flagged up with the Finance Committee and which I think raises concerns about the assumptions made in the financial memorandum is the provision for looked-after two-year-olds.

Last month, you announced that funding for that provision was being increased from £1.1 million to £4.5 million. Although that is welcome as it addresses concerns that had been raised with you directly about the costs of providing for this group, a witness told the Finance Committee:

“If one element of costs can go up fourfold after they have been thought about more, can other elements of costs do the same? If they could, the shortfall would be significant.”—[*Official Report, Finance Committee*, 18 September 2013; c 2956.]

Can you explain the thinking or the process that resulted in a fourfold increase in the funding for this element of the bill?

Aileen Campbell: I set out our reasons for reaching that decision in my letter to the Finance Committee. We are integrating money as well as providing additional new money, which would ordinarily be recognised as a good thing.

Liam McArthur: I do not dispute that—and it is better that it is done now than at some point hence. However, as you will understand, it has raised concerns about the adequacy of the assumptions that were made when the bill and its financial memorandum were put together. You have indicated that the £3.4 million increase is additional funding rather than a realignment of funding through the early years change fund. Is that correct?

Aileen Campbell: Again, I would have thought people would welcome our putting in additional money to ensure that we can deliver for our looked-after two-year-olds something that we are proud of. I made it clear in my letter to the Finance Committee that it is to be read alongside the financial memorandum, and we have developed many of these figures in conjunction with COSLA.

Liam McArthur: That is fine.

Mr Raines suggested that to make a major impact you need to intervene in the first couple of years of a child’s life. Clearly that is being

addressed with regard to looked-after two-year-olds, but it will be no secret to the minister that, on the basis of the evidence that we have received, I believe that we ought to go further—

George Adam: This is Liam’s party piece.

Liam McArthur: As opposed to your party piece, George. Unlike you, I am trying to hold the Government to account.

Members: Oh!

Liam McArthur: Save the Children has said that it supports

“an extension to ... all two-year-olds, starting with children living in poverty”

as much as anything

“to tackle inequalities in the early years”.—[*Official Report, Education and Culture Committee*, 10 September 2013; c 2752.]

That is in recognition of the fact that many two-year-olds from better-off backgrounds already enjoy early education and nursery provision.

Are you prepared to concede any ground in this area? I ask that not least given Claire Telfer’s subsequent comment:

“we support priority being given to children living in poverty. We want to see that taken forward immediately, looking at how and whether that is possible ... in this session of Parliament”.—[*Official Report, Education and Culture Committee*, 10 September 2013; c 2755.]

Aileen Campbell: As I have said to George Adam, I am keen to deliver something with quality as its hallmark to the children whom we are dealing with—in other words, three and four-year-olds and looked-after two-year-olds, who are the most vulnerable two-year-olds in society—and to ensure that we can do so in a sustainable and manageable way. I am not prepared to announce something that we cannot deliver on later, as has been the case in other parts of the UK, where announcements have been made, only for the sectors then to say that they cannot deliver on them and that they are beyond capacity.

Liam McArthur: To be honest and with all due respect, minister, I think that you are guilty of doing that. You published a bill and a financial memorandum in which the funding for provision to looked-after two-year-olds was a quarter of what was actually required.

Aileen Campbell: We are putting forward a bill with a financial memorandum. I have announced extra money to go into that, which COSLA is content with—we have worked in conjunction with COSLA. In the bill, I have announced a system of childcare that will deliver for three and four-year-olds, which is not contrary to the capacity that we have in the country and which will ensure that, at the end of the bill, 600 hours will be delivered in a

quality way to three and four-year-olds and looked-after two-year-olds.

There is provision in the bill to extend that coverage at a later date, if we need to, but this is a first step in transforming childcare. Making sure that we make that step in a sustainable way is important, because we do not want to say something that we cannot deliver on when the bill is enacted.

The Convener: This is your last question, Liam.

Liam McArthur: I have to say that on the basis that the announcement was made without the adequate funding—

Aileen Campbell: No; we have made this financial memorandum—

The Convener: I am going to interrupt you, minister. Liam McArthur can ask his question, and then you can come back briefly.

Aileen Campbell: Okay. I apologise.

10:45

Liam McArthur: I appreciate that any bill of this nature is likely to introduce something in a phased way. Save the Children is telling us that part of the phased introduction of early learning and childcare can be done by extending it to two-year-olds living in poverty over the course of this parliamentary session. Therefore, I am trying to ascertain whether you are in any way open—as you demonstrated or indicated that you are in relation to other parts of the bill—to listening to those arguments and looking to review whether the bill in its current form can be extended to include such support.

Aileen Campbell: It can be extended with secondary legislation.

Liam McArthur: So you are not prepared to do that as part—

Aileen Campbell: What I am doing is making sure that what we deliver for three and four-year-olds and looked-after two-year-olds is done in a manageable way. What I do not want is to see headlines in the paper like we have seen in other parts of the UK, where the sector has said that the capacity is not there. We have seen arguments over ratios and uncertainty there. I am not prepared to allow that when we are delivering childcare for three and four-year-olds. We want it to be a quality offering, done in a manageable and sustainable way, and that is what we are achieving through the provisions in the bill and the funding that goes along with it.

Liam McArthur: Okay. In a country where the issues are higher—

The Convener: I am sorry, Liam. I interrupted the minister and I am going to interrupt you. We will conclude it there and move on to the next area of questioning. We are running out of time, and I want to get through some important issues.

Jayne Baxter (Mid Scotland and Fife) (Lab): Good morning. Will the minister support the proposal by Who Cares? Scotland, Aberlour Child Care Trust and Barnardo's Scotland to rename "aftercare" as "continuing care services" for the purpose of part 8? The bill seeks to align part 8 with part 7's corporate parenting duties, which place a continued duty on corporate parents towards young care leavers to 26 years of age.

Aileen Campbell: I have been listening with real interest to the discussions that you have had with the providers of the information that you have. I have looked with real interest at and valued the committee's input in terms of looked-after children as well—particularly the issue of throughcare and aftercare, because that is crucial. We want to get things right, based on the needs of the child, and provide throughcare and aftercare at a point that is relevant to that child.

We can look at and discuss amendments at stage 2. We would welcome the committee's views in its stage 1 report and will continue to take a real interest in the on-going discussions on that issue.

Jayne Baxter: The minister will be aware that birth parents have a legal duty to care for their children up to the age of 18, even if that child leaves at the age of 16 and decides to return home for further support. Why does the corporate parent's duty of care to looked-after children finish when those children turn 16?

Aileen Campbell: As I said, we want to make sure that decisions taken about when a child leaves care are made in the child's best interests and are sensitive to the child's needs. It is not our policy to encourage young people to leave care before they are ready, and that is reflected in all our current regulations and guidance.

Jayne Baxter: Would the minister agree therefore that part 8, as it is currently proposed, places an unnecessary responsibility on vulnerable young people to seek the help that they need? Do you think that it would be better for them to be consistently, routinely and appropriately assessed, rather than for them to have to seek out the help they need on an on-going basis?

Aileen Campbell: The point at which a young person makes the transition into independent living is a time when they are very vulnerable and need to be supported. If they want that help, they can get it. We want to make sure that, when they make the transition to independence at that very vulnerable point in their lives, they have the

necessary support that they want, to enable them to flourish.

Jayne Baxter: Do you agree that they might need additional support to know what facilities and resources are available to them? Should it be up to them to go and find them? Should someone be looking out for them?

Aileen Campbell: If there is a need for support at the point they transition to independence, that need should be met. There are provisions throughout the bill—in terms of the named person and other elements and areas of the bill—to make sure that that support is provided to the young person.

I am interested in the dialogue and discussions that the committee has been having with the likes of Who Cares? Scotland and others about how we can ensure that we get part 8 of the bill absolutely right. Far too often, we hear stories in which support has not always been there. We need to ensure that support is in place.

I am also interested in the discussions that the committee is having about support being provided until someone is 26 years old to ensure that the support that we have in place is adequate and allows the young folk in question to have outcomes that are no different from those of their peers who are not looked after.

Jayne Baxter: The eligibility criteria are fundamental to that. The criteria for aftercare set the qualifying threshold for support as being in care on the day that the child can legally leave school. Do you agree that the qualifying threshold for aftercare support should recognise the impact of a child's journey through the care system, regardless of when they cease to be looked after?

Aileen Campbell: Yet again, I am sympathetic to some of the views that are coming through as the bill makes its way through Parliament. I stress my keen interest in the discussions that the committee has been having on that area, which we need to get right if we are to enable those young people who leave care to get the right support and to go on and have the outcomes that they deserve.

The Convener: Liam McArthur has a brief supplementary question.

Liam McArthur: I echo the sentiments of Jayne Baxter, and I am grateful for the willingness that the minister has shown to take them on board.

I have a follow-up question on the role that local authorities have in, and the decisions that they take about, the care that is provided. Some concern has been expressed about the scope for appealing decisions by local authorities. It has been suggested that steps need to be taken to address that and that, as part of that,

consideration should perhaps be given to advocacy support so that such cases can be prosecuted as effectively as possible. Are those areas in which work is being done, or would you be prepared to look at them at stages 2 and 3?

Aileen Campbell: Work has been done on advocacy. During the summer, there was a consultation on it, which we will reflect on.

I go back to the point that we want to make the bill work. If there are gaps in the provisions that we have laid out, we will listen to what the committee has been told and to what it says in its report.

David Blair might like to comment on some of the specifics. Where did you suggest that there might be a gap?

Liam McArthur: In relation to how decisions that local authorities take might be appealed when there is a lack of provision or inadequate provision.

David Blair (Scottish Government): We have been working with Who Cares? Scotland on that issue in relation to care leavers in particular. We are trying to avoid creating more and more bureaucratic systems to compensate for the existing bureaucratic systems. The whole principle of the care-leaving provisions is about normalising the care experience for young people who leave care. One of the things that we are looking at—this is not Government policy; it is about the legitimate work that we are doing to help pin down exactly what is sought—is moving in the direction of putting more emphasis on the quality of the relationship between the social worker or the relevant person in the child's life who makes a decision and the child or young person.

What that means is another question, which requires a bit more work. It would be preferable from the point of view of what we are trying to achieve with the bill if we could move to a system more like that, because that would replicate the sort of relationship that a child in a normal family has when they ask for something from a parent. That is what we are trying to get at. We are working with Who Cares? on some of the detail in advance of stage 2 to help put some meat on the bones so that we know how to scope the issue and react.

The Convener: Thank you very much—that was helpful.

Neil Bibby: I want to ask a couple of questions about kinship care. Some kinship carers—particularly the kinship carers of looked-after children—have expressed concern that they might get a lower level of support if they were to obtain a kinship care order. What is the incentive for a kinship carer of a looked-after child to apply for one of the new kinship care orders?

Aileen Campbell: The kinship care order is about providing an enhanced form of permanence in kinship care. It is also about recognising the best interests of the child and the fact that they are not always best served by having the formal looked-after status. The order would allow anyone making the transition from being formally looked after into an informal kinship care setting to receive support. That recognises that there might be issues in areas where the family needs support, but without the intrusive intervention of the state, which is what being formally looked after means.

Neil Bibby: If the child is moved from looked-after to non-looked-after status, the kinship carer may gain entitlement to welfare benefits such as child tax credit and child benefit. Can you clarify whether the value of those benefits would be deducted from any transitional financial allowance paid by the local authority?

Aileen Campbell: The bill contains a right to transitional support, so the package of support that existed for the child and carer continues for a period once the child leaves care. There are details on page 28 of the policy memorandum.

As regards financial support, in general, carers of looked-after children are not eligible for child benefit or child tax credit. The local authority pays allowances. Informal carers, including those with a kinship care order, are generally eligible. The kinship care order should help to shift some of the burden to the benefits system.

Neil Bibby: So the benefits gained from the Department for Work and Pensions would be deducted from any transitional financial allowance paid by the local authority.

Aileen Campbell: For an informal or formal carer?

Neil Bibby: If a child is moved from looked-after to non-looked-after status through the kinship care order, the carer would be entitled to benefits, as you have said. Can you clarify whether those benefits would be deducted from the transitional financial allowance paid by the local authority?

Aileen Campbell: There should not be a problem with informal kinship carers interacting with the DWP. The issue is always around the formal kinship carer. David Blair has an example.

David Blair: We did not design the measures to be complicated. I refer to paragraph 121 on page 28 of the policy memorandum. Where a kinship carer has petitioned for a kinship care order and the effect of it is that a child leaves care, the carer is not currently entitled to any on-going financial support.

Let us suppose, for instance, that a carer had an allowance of about £150 a week from a local

authority while the child was looked after. Once the child leaves care, we would expect the carer, if they rely on benefits, to have a cleaner relationship with the benefits system. They would claim child benefit and child tax credit in the normal course of things, which would take them up to a certain level. We modelled a top-up payment from local authorities to ensure that there was parity while the carer received transitional support. That is what the measures are designed to do.

Neil Bibby: So the benefits would be deducted.

David Blair: The carers would not be entitled to the same allowance under the kinship care order. It would not make any sense to squeeze out of the benefits system people who would have an underlying entitlement.

The Convener: For absolute clarity, if things were not done in the way that you have suggested, it would possibly mean that moving from looked-after status to non-looked-after status would result in an increase in payments.

David Blair: Yes.

The Convener: And that would be rather perverse.

David Blair: Yes.

The Convener: The effect is to level out the payments. That is the purpose.

David Blair: Yes.

The Convener: That is helpful. Thank you.

Colin Beattie (Midlothian North and Musselburgh) (SNP): Part 5 of the bill allows for a child's plan, should a child require targeted intervention. A number of submissions have been made to the committee, expressing concern about how that might work. In particular, there is concern about how a child's plan would operate alongside statutory and non-statutory plans, which are also required. How would that all be brought together into one plan? Does the bill adequately address that situation?

Aileen Campbell: The bill is not intended to increase any bureaucracy; it aims to ensure that what we have in the end is much more co-ordinated in its approach. The intention is not to alter the specific statutory duties to prepare a co-ordinated support plan or a plan for a child who is looked after. All those plans would be considered part of the broader framework in supporting the wellbeing of the individual or young person. Much of the detail would be included in any subordinate legislation that we make or in any guidance that we prepare.

Colin Beattie: Is it an obstacle to GIRFEC being adequately introduced if the integration that is detailed in the bill does not happen?

11:00

Aileen Campbell: The bill provides a framework to ensure that adequate integration allows the child to benefit from the best possible service. Again, I point to the information that the committee has had from Bill Alexander and Highland about how the much more co-ordinated approach has reduced bureaucracy and cut out a lot of the things that prevent a child from getting the right services that they need. The bill is intended to enhance the service that children get.

Colin Beattie: Does the framework of wellbeing and the introduction of the child's plan create a need to review the Education (Additional Support for Learning) (Scotland) Act 2004 and the Looked After Children (Scotland) Regulations 2009, as well as the guidance and assessment reporting on curriculum for excellence? Is there a knock-on effect?

Aileen Campbell: GIRFEC is not something that is added on to the way in which we deal with young people and children in Scotland. We are making it part and parcel of how we do business. Cognisance will therefore need to be taken of the new legislative landscape once the bill is passed. For the child's plan, we will need to make sure that all the different parts of the legislation properly dovetail to enable the best possible service to be given to a child.

Neil Bibby: On the financial memorandum, obviously you believe that there are sufficient resources to implement the provisions in the bill. Given the points raised by the Finance Committee and the evidence that we have heard, I urge you to review the costs as laid out in the financial memorandum. What happens if there are not sufficient resources? What is the Government's back-up plan if extra resources are required for implementation of the bill?

Aileen Campbell: We will always monitor the impact. Aside from what is set out in the financial memorandum, the Government has regular dialogue with appropriate providers about budgets.

Neil Bibby: I hear you saying that you will monitor the situation. The Scottish Government has undertaken to fully fund the implementation of the provisions in the bill, but if there is not enough money for that, what will happen? Will the costs fall to be paid by local authorities or will the Scottish Government step in? Is there a contingency plan for what will happen if there is not enough money?

Aileen Campbell: The provisions in the financial memorandum sit apart from the fact that, in the new legislative landscape, there will be on-going and regular dialogue about budgets between Government and the local authorities and health boards.

The Convener: Thank you, minister. That concludes our evidence taking at stage 1. I thank all the organisations and individuals who have taken the time to provide oral and written evidence to the committee. As ever, the material will assist us as we consider our stage 1 report.

Minister, before you go, I should inform you that there is a number of questions that we have been unable to cover this morning. We will write to you about them.

Aileen Campbell: I understand that the bill is big and complex, so if the committee wants to raise additional issues, by all means get in contact. As I have said, the Government is in dialogue with other stakeholders and we want to keep a dialogue going with the committee to make sure that we get the bill that we want to achieve.

The Convener: Thank you. I suspend the meeting while we change witnesses.

11:03

Meeting suspended.

11:06

On resuming—

Draft Budget Scrutiny 2014-15

The Convener: The third item is evidence on the Scottish Government's 2014-15 draft budget. We have agreed to focus our scrutiny on the Scottish Government's youth employability commitments, funding for those and how the policy focus on younger learners is impacting on lifelong learning.

I welcome Michael Russell, the Cabinet Secretary for Education and Lifelong Learning, and his supporting officials from the Scottish Government. They are Mike Foulis, who is the director of children and families, Andrew Scott, who is the director of employability, skills and lifelong learning, and Fiona Robertson, who is the director of learning. I ask the cabinet secretary to make some brief opening remarks before we begin our questions.

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell): I shall be brief, convener. I would like to give an overview of what is before you in the budget. I am always grateful for the opportunity to discuss these issues, and there is a considerable amount of detail in the draft budget.

I would sum up what we have been trying to do last year and this year as closing the attainment gap—those of you who have heard Pasi Sahlberg talk about that during his visits to Scotland will know how important it is that we demand greater equity from our education system—while, at the same time, creating opportunities for people to develop skills in our colleges, and encouraging excellence and ambition in our universities. Our aim is to make a good system a great system once again, and we have a clear framework and a programme of investment amounting to about £3 billion a year to make that happen.

In terms of the early years, we are trying to deliver the best childcare package in the UK. The committee has taken evidence on the Children and Young People (Scotland) Bill this morning, and I am sure that you will continue to consider that. The increase from 470 hours to a minimum of 600 hours will benefit 121,000 Scottish children, and hard-pressed Scottish families will save the equivalent cost of £707 per child a year. Over the period of the spending review, we are providing £50 million to support a range of early years initiatives, £10 million for the third sector strategic funding partnerships and £20 million for the third sector early intervention fund. That represents a sizeable increase in our early years support. Those investments will be significant in helping us to get it right for every child in Scotland.

In our schools, we continue to invest in the curriculum for excellence, as well as in driving up attainment. Indeed, the curriculum for excellence is the context in which we drive up attainment. In particular, we will reduce the inequity in education outcomes for children from deprived backgrounds.

Between 2014 and 2016, resource spending will fall slightly, but we will see continued investment to implement the curriculum for excellence and the new national qualifications. We continue to invest in our schools estate through the £1.25 billion Scotland's schools for the future programme.

The committee has, of course, been interested in our ambitious post-16 reforms, and I have particularly welcomed your focus on colleges. Throughout the budget, I have placed emphasis on colleges, so I am pleased that we have been able to increase the funding floor from £522 million in 2014-15 to £526 million in 2015-16. That allows us to maintain our commitments on student numbers and will support implementation of some of Sir Ian Wood's recommendations. This afternoon's debate will provide a welcome opportunity to discuss Sir Ian's interim findings and, although we have still to receive the final report, it is clear that colleges and schools will be involved in our efforts to improve job prospects for Scotland's young people.

Regionalisation is transforming the sector, and it is important to emphasise how much Wood rests his argument both on the success of CFE and on the success of regionalisation, although our focus is not on institutions themselves, but on helping young people at every stage into jobs and on meeting the needs of employers. We are supporting non-profit-distributing investment and exciting college developments.

We are also ensuring that our universities remain internationally competitive, as we invest to ensure that no funding gap opens up between them and the universities elsewhere in these islands. We have allocated an additional £19.3 million of resource funding to our higher education sector in 2014-15, which will ensure that we maintain our commitment to free higher education for all Scotland-domiciled students. Of course, a substantial proportion—up to 20 per cent, or perhaps more—of our higher education is delivered in colleges. For as long as this Government is in power, education in Scotland will always be based on the ability to learn, and not on the ability to pay. Our student support packages, which are the best in these islands, provide students with annual support of up to £7,250.

Finally, the committee is focusing on youth unemployment, which is also one of our key focuses. Last year, youth unemployment was below the UK rate, and was down 0.3 per cent on the previous year. Our investment in training

opportunities for young people is working. That is why, with this budget, we have extended the funding for 25,000 modern apprenticeships per year into 2015-16. We continue to fund opportunities for all, to guarantee every young person a place in education or training, and we will continue to deliver the employability fund, which is providing better support for those who are in pre-employment training.

Alas, along with other budgets in Scotland, ours continues to bear the mark of UK Government cuts, but we have identified savings where we can and have produced a programme that will continue to protect and enhance education in Scotland. I believe that Scottish education continues to improve, but there is always room for improvement, so in the referendum year, we are investing to make it better still. We are investing in early years, in our curriculum, in our colleges, in employment and in our universities. I welcome questions from the committee on how we intend to do that.

The Convener: Thank you, cabinet secretary

George Adam: Increasing youth employment through a range of training and learning opportunities is central to the Scottish Government's strategy. With the current challenges in the landscape out there in the real world, and with a limited number of employers being available to recruit young people, can youth employability initiatives realistically lead to large numbers of young people achieving sustainable employment?

Michael Russell: I believe that they can, but we need to proselytise for those initiatives everywhere we can, and we need to encourage employers of every size to take them up. As Joan McAlpine knows, I went to Dumfries yesterday afternoon and in the early evening I spoke to a group of employers of varying sizes at Dumfries academy. I emphasised the need for every employer to consider what they can do and to play a part. Of course, the second part of the Wood process is to look at employers, employment and the wider scene and to see how business and industry can be further engaged.

I pay tribute to the fantastic work that my colleague Angela Constance is doing as Europe's first—and only, so far—Minister for Youth Employment in constantly encouraging a range of initiatives. Some MSPs have held individual jobs fairs—I have done so myself—and have seen the effect that they can have in drawing employers into a dialogue that produces results. We should be unstinting in our efforts to continue with those initiatives, because they are working and can continue to work.

George Adam: Some of the discussions that we have had about youth employment have been about communication and about ensuring that businesses and colleges work together, and I know that the intention of the post-16 reforms is to make it easier for everyone to work in that context. Is there proof that things are moving in that direction?

Michael Russell: I see a positivity surrounding the post-16 reforms now, which is important. We have been through a difficult process with the Post-16 Education (Scotland) Act 2013 and there have been differing views expressed about it, but now is the time to ensure that the whole Parliament gets behind the college sector and behind the employment initiatives, in order to ensure that they work. That requires that we go out and talk positively about what can be done, because a great deal can be done. There are signs that it is working; we see signs in the figures themselves. There has been a constant attempt to ensure that young people get opportunities. Opportunities for all is a positive thing, as well.

I do not believe in coercion, or in systems that force people to do things and which disadvantage them if they do not do them. However, the power of persuasion in this system has been such that we are seeing a positive uptake, and that will continue.

The Convener: Thank you.

11:15

Liz Smith: By what criteria is the Scottish Government measuring which initiatives are most successful when it comes to solving youth unemployment?

Michael Russell: There are a number of criteria, including uptake both by individual young people and by employers. Although I suppose that we could say that that is a slightly subjective criterion, it is important. If initiatives do not attract support from either young people or employers, we have a problem. By that measure, the modern apprenticeships programme is outstandingly successful, because we meet our target year on year. Young people go into that programme, and of course they are employed young people. That is one criterion.

The broad criterion is to look at the youth employment figures and ask, "Is this working?" One of the difficulties—Liz Smith and I have discussed this before at committee—is with getting data that drill down to the next stage of that. That is why the provisions in the Post-16 Education (Scotland) Act 2013 on data exchange and sharing activity—which people paid not much attention to—are important. I think that we will see the benefits of that.

Also important is the senior phase benchmarking tool. That sounds like a technical thing, but you will know what it is and how we are rolling it out. Its first iteration—the sample iteration—was released at the learning festival. As a result of Ian Wood's recommendations, we have taken it on board that the tool should include information on vocational qualifications, and I think that it will extend outwards over a period of time to give us some detailed information on how the systems work.

When we had the debate last year about so-called waiting lists, there was an attempt to use them as an indication of whether demand existed and whether people were being served. I hope that we have gone past that rather crude measure, because there are no such waiting lists. College principals will tell you that.

However, we can get more information on outcomes of college courses. I was at Cardonald College yesterday before I went down to Dumfries, and one of the courses that I visited was the digital media skills course. The uptake that it gets for the various courses, whether it is a foundation course, an HNC or an HND, is a good indication of what works and of the state of the market and how the college can push the market. I also saw some student nurses. Again, we need to know more about the various levels. Some come in from school, some come in from a variety of youth initiatives and some come in later in life; we need to know more about how they come out.

Essentially, there are a wide range of ways in which we can measure outcomes. I am always looking for more, and I encourage the Scottish Further and Higher Education Funding Council to do the same, provided that we do not get into information overload.

Liz Smith: You said that you see improvements because of the outcome agreements. Do you expect that, in the current academic year, the new colleges under the regionalisation process will—if we forget about the waiting-lists argument—meet their recruitment targets?

Michael Russell: I very much hope that they will, and I hope that the universities will meet their targets as well. Among the most important things that a college or university can do is say accurately what it thinks demand is and what it needs in order to meet that demand, and ask to ensure that it has the resource to do that. That is the outcome agreement process.

So, the answer is yes: my expectation is that the colleges will meet their targets. If they do not, I want to know about it early on. The outcome agreement process is a rolling process and it has moved on substantially from the early discussions. In the college sector and the university sector,

there is a rolling process by which both sides know what is being done and how, so I expect that to be picked up quite quickly.

Liz Smith: Okay. Are you concerned that, in the context of the budget, because you are placing an emphasis on 16 to 19-year-olds, other college students including part-time students and adult learners—we have some pretty worrying statistics on each of those—are suffering?

Michael Russell: No, but I am always conscious of the fact that the role and reach of colleges is much wider than just to address 16 to 19-year-olds. There continues to be an imperative to tackle the issues of actual and potential youth unemployment. I do not want to rehearse the argument forever, but those of us who have lived through a considerable period of youth unemployment and who have seen its effects, including its long-term effects—it still exists in some communities in Scotland—were quite determined, as the financial crisis unfolded, that we would focus resource on that issue.

I think that it is possible, however, for colleges to have a wider and broader view than they do. In two areas in particular where I have accepted concerns that there might be problems, we have acted. First, we put an additional £10 million into women returners, and we have encouraged the colleges to work hard on spending that money. One or two members here have been to the cross-party group on learning disability, so they will know that I have—secondly—encouraged charities that work in learning disability to work with colleges and the funding council to find imaginative and ambitious ways to ensure that the reach of colleges to people with learning disabilities is maintained and enhanced.

I am always open to discussion about people who appear to be disadvantaged, but I think that the full-time equivalent figures bear out very strongly the depth and breadth of college activity.

Liz Smith: I do not deny that, but I am interested in the basis for your budget scrutiny and the Scottish Government's aims and ambitions for the Scottish economy. Statistics show that college participation for the 25 to 59 age group since 2008-09 has gone down from 161,000 to 106,000, and that the figure for part-time learners has gone down from 398,000 to about 280,000. Those are quite significant drops.

Michael Russell: You must put those figures in context—in fact, they must be seen in a number of contexts. I say that quite genuinely. The first context is that we have focused much more on full-time equivalent places. I really believe that that is the best and safest measure, because all other measures do not compare like with like. There is a huge range of things that colleges might not do

any more, for a variety of reasons. For example, the difference in regulation for individual learning accounts has reduced the ability of people who might want to take college courses—retired people or whoever—to take short-term college courses. I am not saying that there is anything wrong in their doing such courses, but that that kind of provision has had to take second place to youth unemployment. I think that everybody in society would accept that that is an important thing to do.

The second context is that the pattern of learning has changed. Many people learn in different ways and are continuing to do so online. It continues to be the case that there is a vast range of different ways in which to learn, even compared with five years ago. Nobody is denying that there has been a change in the way in which colleges operate, which is now focused substantially on issues of employment and, for a period, in particular on youth employment. However, when I see evidence that there are people who need additional help, we will try to give that help.

Liz Smith: John Henderson said to us last week that he is concerned about statistics such as I gave you, which he says put at risk the idea of lifelong learning. Do you think that he is right?

Michael Russell: No, I do not think that he is right. I work very closely with the regional leads and the principals, and none of them has made that point to me. All of them are conscious of the need to be aware constantly of the breadth that is required in what they offer, and they want to have that breadth.

In terms of adult learning and lifelong learning, I chaired last Thursday morning the first ever strategic forum for adult learning. I am very keen that we engage closely with adult learning organisations and others, and that there is a strong link to the college sector. As you will know, we established, as a result of the von Prondzynski review, the strategic forum for higher education and we established, as a result of the Griggs review, the strategic forum for further education. I was very keen that we put a forum in place for adult and lifelong learning, which has never been done before. We have therefore brought to the table the main organisations—we will continue to expand the forum—and there is an interface with colleges so that we focus on adult learning and lifelong learning.

The first purpose of the forum is to develop a statement of ambition and an indication of how it can be delivered. I think that what we are trying to do in times of difficulty is to re-emphasise the importance of lifelong learning, in which I believe very strongly. It is in my job title; across Europe, very few ministers have it in their job title. I want to

ensure that we continue to do that, so we will try to do so.

Neil Bibby: You mentioned the uptake of specific schemes. I understand that the £25 million youth employment Scotland fund, which was set up in April 2013, aims to get 10,000 jobs for 16 to 24-year-olds. I understand that uptake of the fund has been low and that there is—or certainly there was—a significant underspend. Can you inform us of the uptake of and underspend in the fund?

Michael Russell: Yes, of course. The youth employment Scotland fund was a one-off opportunity to boost youth employment. Of the jobs that were predicted, about 5,000 plus are starting in 2013-14. The wider eligibility criteria will increase the number of places that are funded this year, so I think that it will produce the number of jobs that we anticipated or thereabouts. The scheme is continuing, but it is a one-off. If further European Union money becomes available, it is the type of thing that we would do again. There were some issues about criteria that had to be sorted out. Perhaps Dr Scott wants to say something about it.

Andrew Scott (Scottish Government): The scheme has started and will continue until April and, in due course, we will take a view on whether it should continue further. We are examining whether the eligibility criteria should be widened to include larger employers than at present, which could affect the success of the scheme in due course. Since the scheme was considered, the youth labour market has of course improved considerably—unemployment is down and employment is up—so that will come into the mix, too.

Joan McAlpine: To continue on the theme of youth employment, will the cabinet secretary update us on the opportunities for all initiative, which is the Scottish Government's commitment to offer a place in learning or training to every 16 to 19-year-old who is not already in education, employment or training? It is now two years since the initiative was announced. Are you happy with the way in which it is being implemented?

Michael Russell: I am. In the first year, colleges were probably a little uncertain about how the initiative might work out for them, but it is a guarantee that we make and one that has been honoured. It is important to say that it is not a compulsion. There has been a lot of discussion and debate about compulsion and whether people should be forced to do things. I would much rather encourage people to do things. Because the offer is not a compulsion, it has been particularly useful. People have said, "Here are some opportunities—why don't you take them?", and that has encouraged people to take them.

I am encouraged by how the scheme has gone. It will continue to be in place and to be an important part of the mix. In Europe, there is a strong desire and demand—which have been resisted by the UK Government—to extend the guarantee to cover 24 and 25-year-olds. Angela Constance has said that she is keen for that to happen. We should ensure that there is a good strong offer for as long as possible, so let us see what we can do with that.

Joan McAlpine: Can you give us more details on the timescale for extending the offer?

Michael Russell: Well, if the people of Scotland were to choose independence, I would see that as a key issue. Let us campaign on that type of vision of a Scotland where the prospect of offering opportunity to young people is as strong as it possibly can be.

Joan McAlpine: You made the point that you have not gone down the road of compulsion, but do you have targets for the opportunities for all programme?

Michael Russell: My target is 100 per cent. It has to be, because I want everybody to take it up. However, that will not happen, because some young people will not do that. The question is whether we should say to young people, “Either you do this, or—.” I just do not think that that type of society works. I want to encourage young people to do things and to find ways of giving them real excitement at the prospects that lie ahead of them. That is what we are strongly endeavouring to do and what we will go on doing.

The Convener: To follow that up, what does success look like? We all want 100 per cent take-up, but if we cannot achieve it, what would be successful?

11:30

Michael Russell: If we say that 100 per cent is success and 80 per cent is not success, we will get into a bit of trouble. I want every young person who is at school to say, “What do I want to do? How can I be excited by the prospects that are in front of me?” To quote a school motto that I am familiar with:

“Here lies a field open to the talents”.

Everyone has some skill or ability to do something and we need to help them to find that and to move forward.

I do not want to rehearse this afternoon’s debate too much, but the Wood review gives us another opportunity. Within the context of curriculum for excellence and a broad general education that then moves into a more specialised senior phase, there is a real foundation on which we can build. If

we can get the implementation of the Wood recommendations right, it will mean that there is richness of choice, but that is not about either/or, or about the much-used phrase parity of esteem. We are saying that a complete education that provides opportunities right across the board in vocational and academic subjects gives people the chance to choose and encourages them to do so. We need that type of society; it goes wider than education because education does not solve all our problems. We need to bring to bear welfare, tax benefits, and labour market regulation to close the equity gap. If we can close the equity gap in Scottish education, more people will be inspired and excited.

Success looks like the type of system that I have just described operating well for all young people. There will always be young people who do not wish to take part in anything, but I would like to see as much work as possible being done by inspiring teachers and others to make the system work.

The Convener: Last week, the committee had some discussion about the ability of the Government and public sector bodies to follow up young people. Are we sure that those who take up those opportunities in the first place are moving on to what we often call positive destinations, and in the longer term to sustainable employment?

Michael Russell: Skills Development Scotland’s statistics show that the outcomes are pretty good. The latest SDS statistics for this year show that the outcomes were good and that we are getting better.

We also instituted data-sharing arrangements under the Post-16 Education (Scotland) Act 2013 precisely for those reasons, as you know convener. We felt that the information that was being exchanged and that could follow young people was not good enough. I go back to the senior phase benchmarking tool, which is another part of it. All that stuff is not an increase in the data burden. Asking the right questions and putting information into the system in the right way will help us to follow up those young people.

The Convener: Will that work and the other work that is going on be effective in ensuring that someone, whoever it is, is given the responsibility to ask questions of those who drop out or refuse to take part?

Michael Russell: Yes. That responsibility should exist, either in SDS or more widely in the community through training providers or schools. Will it happen on every occasion? That will probably take some time, but it should happen. We have a small country so the numbers that we are talking about are not enormous.

Jayne Baxter: Earlier, Liz Smith asked about the role of colleges in encouraging and supporting adult learners. Has the Scottish Government completed a full equality impact assessment on the move to prioritising young people at college? Has the impact on women and people with disabilities and additional support needs been assessed?

Michael Russell: John Swinney gave evidence on that at the Economy, Energy and Tourism Committee when he talked about the way in which we had assessed the impact of those changes. I am happy to make sure that that evidence is provided to you.

I became Cabinet Secretary for Education and Lifelong Learning in December 2009. As the impact of youth unemployment began to hit us, it was important to make sure that we put as much into the front line as quickly as possible so that we did not have a tsunami of youth unemployment that lasted for a long time. We do not know each other very well, Ms Baxter, but I hazard a guess that in Fife you are familiar with communities that still bear the scars of massive youth unemployment and you know, as I know, families who have been through several generations of worklessness as a result.

I was passionately committed—I think that I am allowed to use the word “passionately”—to doing whatever we could to ensure that that did not happen, and one of the several tools that we used, which included the modern apprenticeship tool, the SDS tool and the way in which we increased SDS’s capacity and made it fully functioning, was a focus on youth issues, youth training in colleges and the guarantee that we introduced. If there has been any concomitant effect on other groups of adult learners, we have looked at that where we believe that it has happened and have tried to help, and I will continue to do so. However, I think that this judgment was the right one at the right time to do the right things. Mr Swinney has addressed some of the wider issues and we will let you have that evidence.

Jayne Baxter: When you say that the Government will take steps to help, what steps can it take to mitigate those impacts?

Michael Russell: I have already indicated some of them. For example, I was very keen to focus additional resource entirely on women returners. Interesting issues have arisen with bursaries; where we have had any evidence of pressure on bursaries from groups because of childcare or whatever, the SFC has stepped in and tried to help.

With regard to learning disabilities, I have met the charities on two separate occasions, have attended cross-party group meetings, have

provided additional resource, have sought projects from organisations, have asked how we can spend money to help with the matter—and will continue to do so. The very strong adult learning strategic forum, which I have already mentioned, arose out of an event at Newbattle College that I attended last March—I also attended a follow-up event—at which it seemed to me that one of the things that we could bring to bear to ensure that lifelong and adult learning was given the focus and priority that it had not had for some time was to bring it into parity in our strategic approach and in terms of Government support. I chair the forum for higher and further education, and I will chair the adult learning forum as well. As a result, the cabinet secretary will focus on ensuring that each part of that continuum gets strong attention and that we build the right strategy for it.

I am open to other ideas. If you see things happening in Fife in what is an emerging and perhaps very strong college situation—after all, the situation in south Fife has not been without its problems, which have not been to do with resource—please come and talk to me about them. I am more than willing to discuss them.

Jayne Baxter: Thank you.

Neil Bibby: You said that you would send us what John Swinney said about the equality impact assessment. Can you also send us any equality impact assessments that the education department has carried out?

Michael Russell: I will ensure that you receive documentation on this but, as I have already told your colleague and as I will make clear again, the decision to prioritise young people and youth training was based on very strong experience of and feeling about what had happened in previous generations. I would have hoped that our approach would have had wide support across Parliament.

Neil Bibby: You have said that you have increased the funding floor for colleges. Can you confirm that there will be a real-terms cut to the college budget in 2014-15 and 2015-16?

Michael Russell: You would not expect me to confirm that, Mr Bibby, and I am not going to. The figures are in front of you and you can see exactly what the situation is.

We have made substantive changes to the college sector. Last year, I promised that I would create a funding floor of £522 million, which is what I have done. That will continue in 2014-15 with a small but significant increase in 2015-16. That is substantially better than people’s expectation this time last year. The figures in front of you indicate that, with the Office for National Statistics reclassification, overall college operational expenditure is £687 million and that

non-governmental operational income is £165 million. The net figure, therefore, is £521.7 million.

Now that the ONS classification has to be used, the figures show that the college capital expenditure is £46.1 million, expenditure receipts on capital £19.5 million and net college capital £26.6 million. That is a more complete set of figures on college funding than we have ever given before but you may, of course, draw your own conclusions from them.

Neil Bibby: Can you confirm that the baseline in 2013-14 was £521.7 million and that, at 2013 prices, it will be £512 million in 2014-15 and £506.8 million in 2015-16?

Michael Russell: If you wish to put those figures on the record, you are, of course, able to do so. I have indicated to you what is taking place, which is a substantial improvement on earlier plans. It indicates precisely what we believe needs to happen in a sector that required reform. That reform has taken place, and regionalisation is producing benefits. I think that Ian Wood made that point in his report.

Neil Bibby: You mentioned a massive improvement on previous plans. Can you confirm that, in 2012-13, the total figure for college funding was £546.4 million and that, in 2014-15, the figure will be £521.7 million in cash terms? That is a £25 million cut in two years.

Michael Russell: As I said, if you wish to read out the figures that are in front of you, you are absolutely at liberty to do so. My position is that the published plans for colleges have been in the public domain for a considerable period of time. They are the result of a series of changes and mergers that will produce significant savings for the colleges. The reports on that from the Accounts Commission and the SFC are absolutely clear.

If we are all putting things on the record, I might add into the mix that the figures for 2013-14 and 2014-15 will remain higher than the figure for the last year of our predecessor Administration. We are therefore spending more than our predecessor Administration spent. I put that fact on the record, too.

Neil Bibby: And you are spending nearly £100 million less in real terms compared with—

Michael Russell: I put my figures on the record and I stand by them. I regret that the important process of changing colleges, on which many commentators have warmly commented, including Sir Ian Wood in his report, was opposed by the Labour Party, which also voted against widening access and against, regrettably, a single set of terms and conditions for staff. I simply put that on the record.

Neil Bibby: We have heard concerns from Unison and others about the implication of reductions in college staffing for quality. According to Colleges Scotland, we have seen a reduction in staff from 16,900 in 2009 to 13,600 in 2013. That is a drop of 3,300 in that period, or nearly one in five staff. If the regionalisation agenda is to save around £50 million, how many more job losses will we see over the coming years?

Michael Russell: The colleges are the employers, not the Scottish Government. Colleges decide how they deliver their courses. I am sure that Mr Bibby will agree that the right way to decide what is delivered in colleges is not to take an arbitrary figure for staff or the budget, but to focus on the individual needs of individual learners, decide what the appropriate curriculum is to fulfil those needs, and then decide the appropriate place in which those things are delivered. It is absolutely meaningless to do things in any other way. We are seeing a college sector that has been strengthened by the process of regionalisation to focus on its core mission, and I am glad that that fact is being welcomed right across the sector.

Neil Bibby: I simply stated that we have seen a staff reduction of 3,300 over the past couple of years and I asked for an indication of how many more job losses we are likely to see.

Michael Russell: You would have to ask each college what its plans are. When I visit the colleges, I see colleges of scale and ambition that are delivering significant courses to a very large number of people of every age. The staff are fully focused on that activity and, indeed, are very supportive of the change that has taken place. Nobody denies that reform is a difficult process. It was a difficult process, but it was necessary to ensure that we have a college sector that is fit for the 21st century. We have done that, and there is a widespread view that that was the right thing to do.

Neil Bibby: On full-time courses and quality, you have said that the priority has to be the full-time courses. Why, then, have you reduced the number of hours that a full-time course can consist of, from 720 hours a year to 640?

Michael Russell: I did not reduce the number of hours. The funding council reduced the number of hours.

There is always a debate about how courses are delivered and in what sort of way they are delivered and it is important that we talk to and listen to the professionals in these fields on the way in which they deliver courses. If they believe that they can deliver courses more effectively and efficiently for public money, my role as a minister is to say that that is a good thing so that we can

get more bangs for our buck. That is the reality of what we are trying to do at difficult financial times. I pay tribute to the work of every college lecturer and college manager who has managed to do that and has continued to increase the quality of college learning.

11:45

Yesterday at Cardonald, I not only saw the digital media students but spent a little time in the department that does fashion and design. I saw world-beating work that is going on with a number of local employers in Scotland. Some of us are old enough to remember the demise of the lace industry up in the valley in Ayrshire. I think that one company still produces it, and it is working with Cardonald on stunning designs and ways of producing new material that is being sold all over the world.

Those students are going from basic one-year courses through to articulation to Heriot-Watt University to do degree courses and on into good, solid jobs in which they are producing things in Scotland. There is the reality of the college sector. My job is to present that reality, to encourage that kind of thing to take place and to ensure that it continues to take place.

You are entitled to have these kind of arbitrary discussions, but the economy needs to get behind the college sector and make it work. It is working, and you do it a disservice if it is run down in the way in which it is being run down by your questions.

Neil Bibby: I asked you about the number of hours for full-time courses being reduced from 720 hours a year to 640. You said that it was a Scottish funding council decision and not your decision. Did you support that decision? Presumably you did.

Michael Russell: What I do is to let the Scottish funding council do its job so that we can have a really effective sector in Scotland. I would be very keen for you to engage in that process and in encouraging the excellence of the Scottish college sector. It is about ensuring that we do not have mass youth unemployment and that we contribute to the future prosperity of Scotland and individuals in Scotland. That is the reality.

We had a long debate on the Post-16 Education (Scotland) Bill in the past year. The bill was passed and is now law. Regionalisation is in place and is producing colleges of scale. The excellence of what takes place in those colleges is undoubted. That is where our focus should be.

I was glad to see Neil Bibby and Kezia Dugdale at the first birthday party of Edinburgh College last Tuesday. It was an encouraging sign that you

were celebrating the success of the college in Edinburgh, which had gone through a difficult process of merger and was succeeding in things. That type of work with the colleges will produce dividends. I endorse your presence there, Mr Bibby—I am glad to have seen you there.

Liam McArthur: Good morning, cabinet secretary. I want to follow up on Neil Bibby's point about quality. The colleges have said that, whatever budget they have, they will make it go as far as they can. However, they also made the point that, as well as the constraints on their budgets, additional responsibilities are being placed on them. We have seen in this evidence session, as we saw last year, that the reductions in staffing that Mr Bibby has referred to, alongside rising weighted student unit of measurement targets, are creating pressure and some anxieties about the quality of the provision.

I assume from the Government's policies until now on primary school education that ratios are seen as directly relevant to the quality of provision. Does that not hold to the same extent in colleges? Are you prepared to accept that expanding those ratios may have a bearing on the quality of what is provided?

Michael Russell: That is an interesting point. I have argued that the biggest effect of smaller class sizes lies in primary 1 to 3, so I suppose that the logical extension of my argument is that how much the effect diminishes depends on how much older someone is. In those circumstances, I do not think that ratios have the same effect in colleges.

Mr McArthur, I am not unsympathetic to evidence-led argument on this. If the inspection process of colleges indicates problems there, by all means that should be looked at, but I do not see that evidence. I see evidence of colleges that have gone through a process of change and merger and now deliver higher than ever quality courses to a very focused range of students.

I am always open to discussion on issues that arise. If individual colleges say at any stage that there is a difficulty here, that is something that should be addressed first by college management, within their resources, and then by the funding council. I am by no means unsympathetic to that, but I think that, now that we have gone through the process of merger and change and got the regional colleges to operate and have heard very positive things about that process, we should continue to build and support that.

Colin Beattie: The SCDI carried out a survey of employers' skill requirements in summer 2013. The results showed that 59 per cent of employers surveyed found some of their vacancies hard to fill for several reasons, which included the skills of the applicants. What steps is the Scottish

Government taking to ensure that the workforce has the skills needed to meet the current and future labour requirements?

Michael Russell: There is a close liaison between employers, employers' associations, SDS and the Government—Angela Constance in particular—to ensure that that issue is constantly addressed. Colleges have an important role in that too. They are close to the labour market.

One of the ideas of reorganisation to create colleges of scale is that, on a regional level, they can be even closer to the labour market. They have great sensitivity to what takes place. Their doors are open to employers who will come forward and say where there are skill shortages. Some areas are glaringly obvious. When you go to the north-east of Scotland, it is clear that there are areas in engineering and the oil industry where training needs to take place. There is a big focus on that. I was in Banff and Buchan College this summer, when the Cabinet met in Fraserburgh. It is very focused on making sure that the specific needs are met. Other colleges that I have been in recently have the same focus. I would not point to one thing. I would point to the context in which we all work to be sensitive to that. The SCDI plays a role in that, as does Scottish Engineering. Organisations point to where the issues are and where training is needed.

There is a pipeline issue behind it that is even more significant. It is not just a question of specific training for work, it is also a matter of readiness for work and employers talk about that regularly. I addressed the issue in Dumfries last night. The certificate of work readiness that is now available helps to address that. We constantly consider how that works and how it should work.

Colin Beattie: Some evidence has been given—and I think that Unison was one of the organisations that highlighted the issue—that there is insufficient interaction between the colleges and the smaller employers, who perhaps do not have the same resources to be able to engage with the colleges as the bigger employers do.

Michael Russell: I have encouraged colleges regularly to address that issue, and I am sure that they do. A persistent issue is engaging small and medium-sized enterprises in research activity. One of the issues in the horizon 2020 planning has been to ask how we get SMEs into research and development activity. The funding council addresses that through the interface and other programmes.

We need to do that constantly. Some SMEs by definition are not group players. They are not members of organisations, so it is difficult to do. Constant visibility and presence are important for

colleges, as are inviting people in and leading by example. If you can get one small employer in a small town to take on board one modern apprentice and that works well, the effect of word of mouth is fantastic. If one MSP organises a jobs fair in a smallish community and gets small and large employers interested in seeing what is there, they can begin to create an atmosphere that says that this is important to us. We had a very successful fair in Dunoon in the summer.

Colin Beattie: What steps are being taken to help working-age adults—those aged 25 and over—to gain access to reskilling or upskilling, in order to cope with the changing labour market?

Michael Russell: Colleges are effective attractors of older students who are often motivated to change. When you visit college courses, you will find quite a number of older students who are retraining in one way or another. Earlier this year at Falkirk, on the test rig—a rig that simulates offshore engineering conditions—I met a very interesting youngish lady. She would be in her late 20s, I would say, and had previously been a travel agent. She had decided that being a travel agent was not particularly fun—sitting behind a desk, talking to people—and that she wanted to retrain as a process engineer. She was out there on the test rig and was planning to go offshore.

People get motivated and they need to have access to colleges. Colleges of scale can provide that and are providing that—so is SDS.

Clare Adamson: The European and External Relations Committee took evidence from the Latvian ambassador. Latvia has just taken over the presidency of the European Union for the next six months.

Michael Russell: Lithuania.

Clare Adamson: Sorry—I beg your pardon. When we asked the Lithuanian ambassador about the priorities for the next six months, youth employability and job creation were key, given the problems across Europe. You have explained the use of one-off funding for tackling youth employability, but can you give us an indication of what progress has been made on accessing structural funds in the coming year?

Michael Russell: The progress of the availability of the new structural funds grinds on—I think that that is a good word to use—but Angela Constance is very active in the European sphere, both in Brussels and more widely, with other ministers who have an engagement in this issue and with other ministers in these islands. She continues to take that forward. We anticipate that resource will be made available and, when it is, we will apply it in the best way possible.

Liam McArthur: You opened the session today with a wide sweep over all the areas that fall under your purview in the context of the budget. In that spirit, I will ask you about higher education funding, particularly the grants that are available. Will you write to the committee with an estimate of how much will be spent on non-repayable student support in each year from 2012-13 onwards, as far as figures currently exist?

Michael Russell: I am happy to do so.

Liam McArthur: Good. I ask that to some extent on the back of an article published at the end of last week, in which a former official of your department, Lucy Hunter, stated that, on the basis of the figures that are available at the moment,

“by 2015-16, students from lower-income backgrounds will need to borrow well over £20m more every year, because the Scottish Government has replaced this lost grant with student loan. This additional borrowing will confer no extra spending power and is additional to the extra loan being used to achieve a ‘minimum income’ for students ... it is safe to say that these spending plans must be underpinned by a significant raid on the future earnings of students from low-income homes – pretty much the same group who elsewhere are the target of widening access policies.”

Even at this stage, are you able to say what the pattern of spend is from 2012-13 onwards?

Michael Russell: When a commentator uses the phrase

“it is safe to say”,

I always wonder where they might be coming from. It is not safe to say that. I found the article very curious, and I will tell you why. I am happy to provide figures.

First, we are looking at the continuous improvement of student support packages. We will do that and we will talk about that. The options that Lucy Hunter gave for dealing with what she called a

“continued squeeze on student funding in higher education”—

which actually does not exist—were an end to the practice of increasing grants by at least the rate of inflation, reducing other grants, such as disabled students allowance, or a planned reduction in student numbers. If you forgive me, convener, I want to address all of those, because her position on all of them was plain wrong, unfortunately.

The cost of disabled students allowance represents less than 1 per cent of the universities budget. Any suggestion that the answer to supposed funding pressures would be to squeeze that would be nonsensical, because it would not make any difference at all.

There is no planned reduction in student numbers. Our policy position on that has been absolutely clear. We offer free tuition precisely

because we recognise the importance of putting as many of our young people through the university system as we possibly can, so there is no planned reduction. Far from a planned reduction—which I think is her phrase in the article—we actually have a record number of full-time students at universities in Scotland. The number of Scots accepted into Scottish universities has risen to a record number this year. That was published. I am surprised that Lucy Hunter was unable to access published information.

Moreover, in order to meet our commitment to widen access, we are planning to fund even more places. To use the phrase a planned reduction is utterly wrong. To base an entire article on that is simply not on. It has clearly misled some people, and Lucy Hunter should probably apologise to those people whom she has misled. That is not happening. Therefore, the thesis is wrong. I am happy to provide the information, but Lucy Hunter’s article is based on an entirely false premise, and that needs to be said.

12:00

Liam McArthur: I am grateful for that commitment regarding the additional funding.

The one other issue that I wanted to raise with you is one of your favoured straplines in relation to HE: a funding package for students that is the best anywhere in these isles or in the UK—the terms seem to be interchangeable. Is that still your belief? Would you be willing to provide the comparative analysis that underpins that?

Michael Russell: Yes, it is my belief. Overall, that is the case. It remains the best package. There have been attempts to salami-slice it and to indicate bits here or there that might not be as good as bits elsewhere. Overall, however, it is the best funding package in these islands, and it has been warmly welcomed as such by the former National Union of Students Scotland president Robin Parker, whose quote I just happen to have with me. He said, in August 2012:

“From next year, Scotland will have the best support package in the whole of the UK available to college and university students studying at higher education level.”

Those are not my words.

Liam McArthur: I am surprised that you have not got that tattooed, and that you only carry that around on a piece of paper. Whoever’s phrase it was—I think that it originally emanated from the Scottish Government—will you be prepared to share the comparative analysis?

Michael Russell: I am quite prepared to demonstrate to you why, overall, this is the best package. There have been attempts to decry it for

a variety of reasons, but we should be very pleased that what we have tried to do in Scotland we will continue to do, and it seems to me that the sensible position is to support that rather than to talk it down.

The Convener: It was very fortunate that you happened to have that quote on your person, cabinet secretary.

My final question is a request for an update on the position in relation to the ONS's reclassification of the status of incorporated colleges. A change is happening throughout the UK that has implications for colleges and the Government here in Scotland. Could you set out what is happening, what discussions are going on and what the next steps are?

Michael Russell: You have seen the presentation figures today. Those are done in a different way, because of the ONS reclassification. The regional leads have a practice of operating through a lead person, so that one of the regional leads takes prominence in this matter. That is Michael Yuille, who chairs West College Scotland.

A considerable amount of work has been done involving the Scottish funding council and the Government, and we are in the very final stages of that. I am confident that we have a set of arrangements that will work for the colleges, and I think that the colleges are confident about it, too. The best thing that I could do, given that the arrangements are still being finalised, is to undertake to write to the committee as soon as we have them in place. I am happy either to come back to the committee and discuss the matter, if it is sufficiently important to you, or to provide other information. We have progressed very significantly, thanks to the work of the colleges, the SFC and Scottish Government officials.

The Convener: I would be very grateful if you could write to the committee with the detail of that.

Michael Russell: Absolutely.

The Convener: It is an issue that has concerned committee members.

Michael Russell: It will be a few weeks.

The Convener: As soon as it becomes available—that would be greatly appreciated.

I thank the cabinet secretary and his officials for attending this morning. That concludes our evidence taking on the draft budget. I thank all those who have contributed both oral and written evidence to the committee. We will take all of it into account as we consider our draft report.

12:03

Meeting suspended.

12:04

On resuming—

Subordinate Legislation

Angus College (Transfer and Closure) (Scotland) Order 2013 (SSI 2013/267)

Banff and Buchan College of Further Education (Transfer and Closure) (Scotland) Order 2013 (SSI 2013/268)

Cumbernauld College (Transfer and Closure) (Scotland) Order 2013 (SSI 2013/269)

John Wheatley College and Stow College (Transfer and Closure) (Scotland) Order 2013 (SSI 2013/270)

The Convener: Our last item today is to consider four negative instruments. All four orders have the same overall policy intention: to transfer colleges' property, rights, liabilities and obligations, as specified in each order. The orders help to give effect to the college regionalisation programme, which will create 13 college regions.

Members have no comments to make on the instruments. I will therefore put a single question on all four orders. Does the committee agree to make no recommendation to the Parliament on the orders?

Members indicated agreement.

The Convener: That concludes today's meeting. Our next meeting will be on 29 October, when we will consider our draft report on the budget.

Meeting closed at 12:05.

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