

# **EQUAL OPPORTUNITIES COMMITTEE**

Tuesday 2 November 1999  
*(Morning)*

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## EQUAL OPPORTUNITIES COMMITTEE

### 6<sup>th</sup> Meeting

#### CONVENER :

\*Kate MacLean (Dundee West) (Lab)

#### COMMITTEE MEMBERS :

\*Malcolm Chisholm (Edinburgh North and Leith) (Lab)  
\*Johann Lamont (Glasgow Pollok) (Lab)  
\*Marilyn Livingstone (Kirkcaldy) (Lab)  
\*Mr Jamie McGrigor (Highlands and Islands) (Con)  
\*Irene McGugan (North-East Scotland) (SNP)  
\*Mr Michael McMahon (Hamilton North and Bellshill) (Lab)  
\*Michael Matheson (Central Scotland) (SNP)  
\*Mr John Munro (Ross, Skye and Inverness West) (LD)  
\*Nora Radcliffe (Gordon) (LD)  
\*Shona Robison (North-East Scotland) (SNP)  
\*Tommy Sheridan (Glasgow) (SSP)  
\*Elaine Smith (Coatbridge and Chryston) (Lab)

\*attended

#### WITNESSES:

Heather Anderson (Equity Group)  
Enrico Barone (Equity Group)  
Miss Siobhan Ennis (Scottish Executive Education Department)  
Nancy Hansen (Equity Group)  
Anne Harkes (Equity Group)  
Mr Geoff Huggins (Scottish Executive Education Department)  
Shona McNally (Equity Group)  
Ms Mairi Macpherson (Scottish Executive Education Department)

#### COMMITTEE CLERK:

Martin Verity

#### ASSISTANT CLERK:

Rodger Evans



## Scottish Parliament

### Equal Opportunities Committee

*Tuesday 2 November 1999*

*(Morning)*

[THE CONVENER *opened the meeting at 10:06*]

**The Convener (Kate MacLean):** I welcome you all to the Equal Opportunities Committee. I am sorry about the delayed start. The access to this and other buildings is so poor for people with any kind of disability that it has taken longer for people who are giving presentations to get in. We are all aware of that problem, which needs to be addressed seriously. *[Interruption.]* That is a nice tune.

**Tommy Sheridan (Glasgow) (SSP):** I apologise for my mobile phone. I have switched it off.

### “Improving Our Schools”

**The Convener:** At the last meeting, it was decided that the committee would take an interest in the “Improving Our Schools” consultation document, and that we would organise the taking of evidence this morning. We will hear evidence from the Scottish Executive education department and from the Equity Group, which is an organisation of parents of children who have special needs.

First, I invite Geoff Huggins, Siobhan Ennis and Mairi Macpherson to give evidence for the Scottish Executive education department. I remind members that the Executive officials are here to give evidence on the consultation document, not to answer political questions. If any member has questions or comments of that nature, we can invite the minister to give evidence. I ask members to bear that in mind when they are asking questions or responding.

I do not know who is to begin. I ask Geoff Huggins to start us off.

**Mr Geoff Huggins (Scottish Executive Education Department):** I am responsible for managing the improvement of Scottish education bill and the consultation process. Accompanying me are Siobhan Ennis and Mairi Macpherson, who have been working on policy in the bill and on the consultation process. I shall begin by spending 10 minutes saying a wee bit about the bill and how the consultation process has worked, and about the main messages that have emerged from the consultation process, including what people have said to us on equality issues in that process. I will

not go into exactly what we are doing with all that information. Members will understand that we are preparing further advice for ministers, who will want to make decisions on the basis of what the consultation process has thrown up.

Members will have read the consultation document. The main elements of the bill are, in summary: new duties on ministers and education authorities to promote improvement in education; the linking of national priorities for education with local improvement objectives; a strategic framework that is to be delivered locally, which will take account of local needs; a new power of inspection of education authorities, to complement the self-evaluation in which education authorities currently engage; a new duty on local authorities to ensure that each of their schools is performing to the highest standard that it can, and a requirement to take action when that is not the case; and a new duty on authorities to secure pre-school education for those parents who want it for children in their area. With those main powers, there are some key themes that I want to emphasise.

The bill is focused on realising the potential of every child of school age who is inside or outside the school system. The intention is to use the bill, which concerns itself with structures, to focus on outcomes rather than on process, in terms of objectives and priorities. We are considering ultimate outcomes, not the implementation of particular initiatives. The bill puts partnership firmly at the heart of the way of working. It identifies partnerships between authorities and the Executive, between authorities and schools, and between schools, parents and community groups. It treats that as important in the delivery of a world-class education system.

Consultation is also treated as integral to the process at every stage. That will involve consulting people who know something about education, people who have an interest in education, at each step of the way, so that decisions and policies are informed by a range of views rather than simply by the views of particular organisations. We are also trying to build in additional transparency about performance and activity, so that people can know what is going on and will be better informed about the education system.

Siobhan will now say something about the main consultation and the way in which we have gone about talking about the bill.

**Miss Siobhan Ennis (Scottish Executive Education Department):** During the four months' consultation period, we distributed 27,000 copies of the draft bill and the summary. As a starting point, we sent five copies of the document to all schools, for the teachers, school board members, pupil councils or forums, and other school staff.

Further copies were made available on request. We also distributed the documents to education interest groups, such as local authorities, teaching unions and community education officers, as well as to other mainstream organisations, such as health boards, the police and racial equality councils. We felt that it was important to distribute the document to the widest possible range of organisations. We sent it to approximately 800 organisations, which covered a wide variety of interests.

Since the consultation process started, we have received about 200 requests from other organisations and individuals who have heard about the consultation exercise through word of mouth, the press or meetings that we have held. During the past month, we have also received requests for a Gaelic version of the document. That is being prepared and will be available later this month.

We felt that it was important to meet people, to explain the details of the bill and to obtain feedback, which has been very important to us. In total, we have given about 64 presentations on the improvement in Scottish education bill, in a variety of formats, from the seven public meetings that were hosted by ministers to the meetings that officials have held with virtually all the education authorities. We have also met teachers, members of school boards and parents, and we have given presentations to 13 other interest groups, including Steiner schools, the Accounts Commission for Scotland, Children in Scotland and the Edinburgh Young Carers Project.

One of the key aspects of the consultation process has been the involvement of young people, whose views we have heard. Mairi Macpherson will now say something about that.

**Ms Mairi Macpherson (Scottish Executive Education Department):** Scottish ministers were particularly keen to consult young people, as key stakeholders in education who are sometimes overlooked in consultation exercises. They were keen that we should do that in a meaningful way. In our consultation with young people we employed a range of methods. Now that the consultation is over, we will examine how effective each of those methods was. We are treating the consultation as a learning process, and would be interested to hear the committee's comments on how we could improve our consultation with young people in the future.

We employed three methods, which Siobhan has already outlined in relation to the main consultation. We issued copies of the document to 56 national and local youth organisations and groups as well as to schools, which could distribute them to their pupil councils and forums. Ministers and officials attended a series of

meetings, which a number of senior pupils also attended. Mr Sam Galbraith had a meeting solely with senior pupils in Edinburgh on 27 October. We also set up an interactive pupil website that ran for the period of the consultation. All pupils who had access to the internet through the national grid for learning could feed in their views through that website.

10:15

The intention was to make the consultation document clear and straightforward, but it was still fairly inaccessible to young children and we had to examine other appropriate ways that we could use to consult young people. We commissioned a series of focus groups with young people aged five to 16. That work was carried out by Save the Children and, as part of their remit, we asked them to consult young people from a range of geographical areas in Scotland, from diverse ethnic backgrounds, from various social circumstances and with a variety of experience.

We also worked with the Scottish Youth Work Partnership on production of materials for facilitation of discussion by youth groups of issues raised by the bill. Those materials were sent to 53 national and local groups and the young people who were involved were aged from 11 to the early 20s. We took a multi-modal approach and used a range of measures, which has been very much a learning experience. We welcome comments on how to improve that in future.

**Mr Huggins:** What did we learn and what did we hear? The main general theme that has come out of the consultation is that people want something in the bill that sets out a vision of what the purpose of education is. People have said that the bill is technical and that it should include some means of putting the ideas of improvement and excellence into context. When we use the words improvement and excellence, we must say what we want to improve and what we want excellence in. People want the bill to include something that reflects a broad vision of what education is about, something that says that education is not merely about literacy and numeracy, but that it cuts across the range of skills that we would expect our young people to take from their education.

People are also saying that the priorities that are identified by ministers in consultation with others should also reflect that broad vision of education not being only about the key skills of literacy and numeracy. Those skills must be complemented by a wider range of other skills that young people can take with them when they leave education, that will prepare them for life beyond education and will include personal skills, learning skills and working skills.

People have also said that, when we measure performance, we must go beyond simply counting things and producing tables. The education system already uses a series of quality indicators that assess a school's ethos and evaluate its performance. We have been told that we should use more of those indicators to try to understand how well we are doing in providing our young people with skills in citizenship, with interpersonal skills and with other skills on which they cannot be examined and which cannot be counted easily. Some of those skills are central to what education is about and we must take an interest in how well we are doing in providing them.

There are two further elements. The first focuses on parents as co-educators and on giving them a greater role in the education of our young people. They are seen as sharing the responsibility with teachers and educators of ensuring that our young people have the skills that they will require for their later lives. The young themselves must participate in the learning process and a number of messages have come across through the consultation to the effect that we should encourage young people to take a degree of responsibility on themselves. They must be given the opportunity to participate in and to engage in the learning process, partly because that in itself is a good thing but also because, without those skills, it is difficult to engage in lifelong learning. It is about having the aptitudes and the abilities to buy into that at a later stage in their lives.

There have been some equality issues highlighted in the consultation and I have tried to identify those. The first is in the context of what we say education is about. Some people have suggested that we should include in a definition, or in a model that represents what education is for, some idea of non-discrimination, fairness and equity. It has been suggested that there should be some way of promoting an understanding of those issues or that a service should be offered that is consistent with those principles. There are different ways of thinking about that, but it has not been a major component of the responses. More people have talked about a broad range of social skills, but have acknowledged that education should include an understanding of how to talk about values, different viewpoints and tolerance. That has been the bigger theme in relation to equality.

Regarding performance indicators, many comments were made about the groups that might face additional challenges in the education system, which are also committed to excellence. They also want the best opportunities for young people who are in those groups. A broad model that treats them as part of a wider group is not likely to serve their needs in terms of assessing what authorities and schools are doing to promote

their best interests.

We must examine how we can ensure that each young person is given the opportunity to realise his or her potential. We must not see all young people as being the same, with some making the grade and others not making the grade. We must address the issues around groups such as bilingual children, children with special educational needs, excluded children and looked-after children. We must also ensure that we include within the performance indicators measures that ensure that we offer each of those groups, although in some cases they are quite small groups, the best opportunities and the best facilities to promote their education. We must avoid the dangers of seeing those groups simply as part of a larger group, because we would then be running the risk of focusing on only the larger part of the group.

My final point is that the consultation included a presumption that there would be inclusion rather than separateness. There have been a number of comments made that the bill does not seem to take account of children with special educational needs, looked-after children, young carers and other groups. Our philosophy is that all those groups should benefit from the new framework. On reflection, we should have been clearer that that is our intention and that there would not be a separate process for those groups. Those groups require an excellent education system as well. A positive statement that they were included in the model would have helped.

Where do we go next? We are preparing a report on the consultation process for ministers. They will have to consider exactly what it is that they want to do with the responses that have been received. Ministers have welcomed the positive and open way in which people have engaged in the consultation process. People have been keen to contribute suggestions on how to take the bill forward. That has been done constructively and new and different solutions to problems have been offered. We will be preparing the report over the next month and we hope to present a bill, the report and various other documents to the Parliament as soon as we can to give members the opportunity to fully get to grips with the issues.

**The Convener:** Thank you very much. That was very useful. Do members have questions to ask or feedback and comments that they would like to offer?

**Johann Lamont (Glasgow Pollok) (Lab):** Regarding consultation with young people, was any contact made with groups that are involved with youth parliaments? Is that seen as an option for future consultation?

**Ms Macpherson:** We did make contact with

groups that are involved in the youth parliament. That has an interim executive at the moment and, because there is not yet an elected executive, they decided that they did not want to be involved in consultation. That will be an on-going process. Ministers are keen to consult young people on this bill and on future legislation on other issues. They want to be in contact with the youth parliament and to bring them in as soon as they are in a position to be involved.

**Mr Huggins:** We also value involving young people more generally in discussing what is important in education. That requires more than consultation on this piece of legislation. We must employ on-going methodologies. Local authorities are also interested in developing on-going processes that involve young people so that they can say what is important to them. That is exciting for us.

**The Convener:** Tommy, do you have a question?

**Tommy Sheridan:** I will wait until Johann has finished.

**Johann Lamont:** Are there any recommendations about the kind of structures that schools ought to have in place to help young people to influence what goes on? That involvement depends on the schools, the structures they employ and the attitudes of the people who run the schools.

**Mr Huggins:** We have just received the report from Save the Children on the consultation they carried out. Young people showed a great degree of sophistication in their understanding of how schools work and of whether they do or do not work. The young people clearly put forward ideas, suggestions and proposals and raised issues that posed significant questions about the performance of schools in being effective and responsive to young people. The material in the report is interesting and will provide us with helpful information.

**Tommy Sheridan:** How many responses mentioned the role of physical education in the on-going pursuit of a definition of what education means and in finding out what should be important in our schools? I do not know whether sportscotland or other groups were involved in the consultation, but I am concerned that we do not, particularly at primary level, promote physical education to the degree that we should.

**Mr Huggins:** Physical education was seen as part of the development of a broad model for education. People were keen to see us move away from the concept of attainment towards that of achievement, and that achievement should be seen in music and sports as well as in academic results, to produce whole people. A small number

of responses focused on the role of sport, but it was not a major theme. It came out in the picture of what was expected of a well-rounded child in school.

**Tommy Sheridan:** Was sportscotland specifically invited to respond?

**Miss Ennis:** Yes, they would have received copies of the document.

**Tommy Sheridan:** Did they respond?

**Miss Ennis:** We have not seen a response from them but we are still receiving responses.

**Mr Huggins:** We have received a couple of responses from interest groups connected with such things as the Duke of Edinburgh's Award, but I do not recall that a group specifically related to sports has responded.

**Malcolm Chisholm (Edinburgh North and Leith) (Lab):** There are many issues related to equality and education. We are trying to decide which of those issues it would be appropriate to include in the bill and which should be dealt with in other ways. The Macpherson report, with which you will be familiar, contained sections on data on racist incidents and on evaluating quality and performance plans. We feel strongly about inclusion and we will hear about that from the next group to give evidence today.

I would like to focus on two points. I am not clear to what extent the curriculum can be determined or influenced centrally. Many of our concerns are about anti-racist education and gender equality issues and how we ensure inclusion of those in the curriculum. Is it possible to do that centrally, or would it be appropriate to facilitate that through legislation or in other ways?

This bill will rely quite a lot on the performance indicators and on ensuring that schools and education authorities realise certain performance targets. My question is about the possible scope of those indicators. Simple examples have been given relating to attainment in reading, for example, but to what extent can equality objectives be built into the performance indicators?

10:30

**Mr Huggins:** Although there is central guidance, there is no statutory curriculum in Scotland; that is largely for local authorities to decide on. Most authorities follow the curriculum, so there is room to influence what happens at local level, but we do not think that legislation is the way to do that. We intend that the curriculum should continue to be a matter for guidance.

There are two or three ways in which performance indicators might reflect equality



issues. One area of concern has been the school as a safe environment, that is, as an environment in which young people feel safe and comfortable. We are keen that issues such as bullying, on whatever basis, should be addressed in national priorities. National priorities should reflect ethos issues, which are important to child development and promoting opportunities.

That comes back to what we have heard in the consultation process. We will have to identify some specific priorities for particular groups within overall performance indicators and priorities, so that we focus on the challenges that are faced by those groups. Rather than applying the same model and expectations to all, we must divert such effort as we can to ensure that we raise expectations among groups that might be demotivated by general targets.

There are questions about what priorities we set, and about how we work within priorities to develop a broad picture that takes account of different needs, very much starting with the model that the aim is to raise the potential of every child, and not just the 80 per cent of children who fall nicely somewhere in the middle. That is the challenge for us.

**Malcolm Chisholm:** Is it true that no performance indicators are specified in the bill and that they are couched in general terms? Is the assumption that most performance indicators are about the individual attainment of pupils, or will there be general performance indicators for school activities?

**Mr Huggins:** There will be attainment performance indicators, which will be set by authorities. We are trying to identify a range of performance indicators that reflect the broad model of education. We are considering such issues as citizenship, self-awareness, confidence and creativity, a broader range of skills than just attainment. Some of those skills are difficult to evaluate, and will require an evaluation that is based on standards rather than examination or numbers.

The bill sets a framework for performance indicators. However, many people have expressed the view that the bill should say something about what education is about and what the ultimate outcomes of education are, and that the national priorities should be linked to that definition. The process would flow from what we say education is about to deciding what should be measured and whether outcomes are being achieved. That is for ministers to consider, but it is a major issue arising from the consultation process.

**Shona Robison (North-East Scotland) (SNP):** Siobhan Ennis said that 27,000 copies of the consultation document were distributed and that

the department was responding to a request for the document to be made available in Gaelic. Were any copies made available in other minority languages, in Braille or on tape?

**Miss Ennis:** We did not receive any requests for copies in other languages. We received requests for a Gaelic version last month so we organised a translation. We made preparations for a Braille version but there were no requests for one.

**Shona Robison:** You are saying that there has to be a request for documents to be made available in a specific language or in Braille or on tape. Should people have to request that? Perhaps the committee could write to the Scottish Executive to ask that the document should be made available in other languages without people having to request it. It is a Catch 22. The process is made difficult if people have to request documents. Ideally, documents should be available in minority languages anyway.

**The Convener:** It is now quite common for local authorities, health boards and other organisations to make documents available in minority languages. Shona Robison is absolutely right, and I will be happy to raise that point on behalf of the committee with the appropriate ministers. There are very few public organisations that do not make all their information available at least in ethnic minority languages. Obviously, the accessibility of this Parliament is being talked about.

**Mr Jamie McGrigor (Highlands and Islands) (Con):** The slide on the main issues in the consultation says:

"National priorities should reflect the broad purpose of education".

I am concerned about the drift of people away from the remote rural areas where they were born and brought up. I would like some of the priorities to be more local than national. What do you mean by national? Do you mean UK or Scottish priorities? Priorities should be localised so that they are pertinent to people as they grow up, in the hope that people will stay in the area. Do you have any comment?

**Mr Huggins:** In the model of national priorities we are trying to identify the core of what any education service should deliver, based on the model of education for Scotland with which people say they are comfortable. The core includes such things as literacy and citizenship. If the education service was not delivering that, one would not call it an education service and there would be serious concerns about what it was doing.

We are trying to keep that core to a narrow group of things, and are encouraging local authorities to identify their priorities. For example, the priorities for Shetland, Highland or Glasgow

should reflect different interests and the diversity of Scotland. That requires us to be disciplined and not to think of 50 national priorities, which would squeeze out local authorities.

**Mr McGrigor:** That is my point.

**Mr Huggins:** We are conscious of the fact that if we impose an extensive set of national priorities, we will squeeze out local initiative. This bill is about partnership and about having room for both the local and the central. Authorities have to cascade responsibility down to schools. Authorities have to leave room for schools to set priorities that might not be the same as those in the school down the road.

**Elaine Smith (Coatbridge and Chryston) (Lab):** On the question of performance indicators again—I was trying to come in after Malcolm Chisholm—in the document you have listed seven performance indicators that will form the basis for initial discussion. I may be picking this up wrong, but I am concerned about the following performance indicator:

“School occupancy—the percentage occupancy of individual schools.”

Some schools might be under-occupied and it might make economic sense to amalgamate them, but that does not take into account factors such as a school having a speech and language unit. It might seem simple to provide that in another school, but there are social issues for the young people involved.

Another performance indicator about which I am concerned is:

“Special educational needs—the time taken to prepare records of needs.”

That indicator focuses on time, but should it not be about the consultation that goes on to prepare records of needs?

**Mr Huggins:** Those are very good points. They came out in the consultation exercise to such an extent that, although the document says that those indicators will form the basis of discussion, we have now decided to start from what people say education is about. Although there continues to be some value in examining occupancy, we do not regard it as being as central as whether we provide a safe environment or whether we give our young people skills in citizenship. We now want to identify a better basket of performance indicators.

Authorities and groups of head teachers and teachers have told me that one does not really learn anything about a special educational needs service if one decides whether it is a good service based on how quickly it produces a piece of paper. Assessment should be based more on how effectively the service performs and on how many psychologists it has, as it is ultimately about the

quality of service that individual pupils receive. We agree that we need a better way of examining that.

**Michael Matheson (Central Scotland) (SNP):** Will you clarify whether the performance indicators will be published at the same time as the bill or after it has been passed? I would be concerned if the performance indicators did not come out until the bill has been through Parliament. My question is about the housekeeping of the bill and about the time scale for the performance indicators.

**Mr Huggins:** Although we use performance indicators as shorthand, we should say measures of performance. The commitment in the document and the requirement in the bill is that the measures of performances should be consulted on before they are agreed. Consultation with local authorities and others with an interest is required at the moment. In response to the document, people have said that we should also specifically include parents, children and young people as groups to be consulted. We have already undertaken some of that consultation in talking with people about the bill.

Although it is clear that ministers will talk generally about their thoughts on identifying measures of performance and national priorities, it would be inappropriate for them to say what the measures of performance and national priorities will be, as that would exclude the consultation to which ministers have committed themselves.

Perhaps the best indication of the areas that we will be considering is given in paragraph 12 on page 9 of the document. It is very much an outcome-focused model of what education is intended to offer. In some ways, that has been our conceptual starting point for identifying what we measure and how we measure it. I cannot give you any commitment on behalf of ministers, as the process stipulates otherwise.

**Mr Michael McMahon (Hamilton North and Bellshill) (Lab):** I will move on to the issues of the consultation. You talked about the purpose of education. One purpose is to prepare people for when they will not be in education and will go into the workplace. I have spoken to employers who feel that, occasionally, education does not provide the type of people that they would like to employ or have to employ, given equal opportunities legislation on gender, race and disability. Whether or not it is an excuse, employers say that education does not ensure that people coming through schools are able to take up employment. How much consultation has there been with employers? What responses have they made to the document?

**Mr Huggins:** We have passed the document to various employers' organisations and employment partnerships and have had some comments back

that focus on the need to use education to prepare young people for the work environment. We certainly take those messages seriously. A number of skills that we identify as key skills that should form part of national priorities are ones that support people going into the world of work.

However, we also think that education has a wider purpose: to prepare young people for life and to give them a range of opportunities, which are not necessarily only related to work. Preparing young people for life and preparing them for work are not exclusive; they are equally important. In particular, key skills such as communication, literacy, numeracy, and being able to work with others are important. Rather than focusing on particular qualifications or examinations, employers have tended to tell us that they want skills, so that they can train people and make them effective employees. There have not been many comments from employers' groups.

**The Convener:** Are there any other questions?

**Elaine Smith:** I understand that the grant to education authorities for pre-school provision will disappear eventually and become part of the mainstream provision of funding to the authorities. They are in partnership with certain providers at the moment, and the bill will suggest that they look for others. Is that enough, to ensure that they do so and that, once the grant goes, if someone else is providing a specialist pre-school service, they continue to take that on board as a partnership arrangement?

**Mr Huggins:** The bill is carefully drafted to require education authorities to secure provision rather than to provide it themselves. It provides for ministers to issue guidance, which authorities are required to take account of in deciding how to offer a pre-school service. That has been seen as a significant protection in respect of such issues, to ensure that the most effective provision is made available to the widest group of people. We have been conscious of that issue.

**The Convener:** On behalf of the committee, I thank you for coming along this morning. I hope that you will not mind returning to speak to the committee at a later stage. That was very useful.

10:46

*Meeting suspended.*

10:49

*On resuming—*

**The Convener:** We are next taking evidence from Anne Harkes, Enrico Barone and Nancy Hansen of the Equity Group, which is an organisation of disabled adults and parents of

children with special needs that is particularly interested in inclusive education. I welcome you to the Equal Opportunities Committee. Please give your presentation, after which the committee will ask questions.

**Anne Harkes (Equity Group):** I thank the Equal Opportunities Committee for allowing us to speak this morning and I apologise that we have put this presentation together at short notice. We are not polished speakers but we will speak from the heart.

It is good to have a Parliament here in Edinburgh that is—we thought—accessible to the people. As we found out this morning, the physical accessibility is not good. However, I welcome the opportunity to speak to our MSPs.

I am the mother of a young man with significant learning difficulties who spent 20 years in special education. I am also chair of the newly set up Equity Group.

**Enrico Barone (Equity Group):** I am the father of five-year-old boy with learning difficulties.

**Nancy Hansen (Equity Group):** I am a research analyst from Statistics Canada on education leave, studying for a PhD at the University of Glasgow.

**Anne Harkes:** The Equity Group is a new voluntary group that represents disabled adults and parents of disabled children. We are strongly committed to inclusive education because we know at first hand how damaging a segregated system can be for young people.

Those of you who have read our newsletter will have seen that we have listed some aims. We believe that inclusive education is an equal opportunities issue that is being denied to most disabled children in Scotland and that all children, no matter what their differences or difficulties are, should have the opportunity to attend their local school alongside their non-disabled peers, with appropriate individual support. We believe that inclusive schools are better schools and that all children benefit from the experience of being educated and spending time together.

Scottish children with disabilities do not have equal access to mainstream education. As a consequence, they have diminishing, not equal, opportunities in education, and therefore throughout life.

**Enrico Barone:** We identified two main problems for our children. First, we do not have a clear national philosophy of equal opportunities in education for children with disabilities in Scotland. Two children with a similar psychological profile and identical educational need, living close to each other, can end up in two completely different school settings.

Secondly, professional practice is highly arbitrary. The best educational interest of the child usually lies in the parents' knowledge and determination. For most parents, choosing a school for their disabled child is not an issue of equal opportunities; it is a lottery. We all enjoy lotteries, but parents whose child's future is at stake do not enjoy them so much.

Sadly, we have numbers to back up our feelings. I do not want to bother you too much with statistics, but, as a consequence of the lack of national policy, there has been no increase in the number of children with special needs in mainstream schools in the past 13 years.

That it is a sad statistic on its own, but it is made even worse if one considers the general trend towards making society more inclusive. There are no problems of inclusion according to race, gender or sexual orientation, but we still have an issue about including children with disabilities in mainstream education. As someone in the Equity Group nicely put it:

"In a truly inclusive society, disabled people must be part of the social continuum."

We believe that the essential first step towards that social continuum is inclusive education. There is no chance for a person who has been growing apart for 15 years to be included later on in life.

Another statistic—I promise that it is the last one—is that, as far as we know, more than 95 per cent of adults with learning disabilities do not have any kind of employment. That is a dreadful waste of human potential. We can survive the waste of public money, but we do not like the waste of people.

**Nancy Hansen:** We are asking for a clear national philosophy for inclusive education, because good education is a key part of real citizenship. We are asking for true choice, enabling disabled students to reach their full potential in a truly inclusive society. Inclusive education goes beyond ramps and toilets, although people tend to fixate on them. A truly inclusive society is one in which students are actively assisted in their pursuit of inclusive education and in which that education is actively promoted.

We have to shift the balance of assumptions away from diminished expectation, to look at the untapped potential and the value of diversity in society. Excuse me—I am slightly nervous. I am a product of inclusive education. I escaped from segregated education at the age of 10. I would not be speaking to you today if I had stayed there.

**The Convener:** Thank you, Nancy. I am sorry that things seem so formal, but I hope that people feel able to relax. Perhaps this is not the best

setting for people to relax when they are giving presentations.

**Anne Harkes:** I will sum up and finish our presentation.

Within the Equity Group, there are people who for years have been actively supporting individuals and parents in campaigning against the system that segregates disabled people. We believe that the time to bring that inequality into the public arena is long overdue. We would like a debate in Parliament about inclusive education.

It is ridiculous, and a telling indictment of our society that in Scotland, at the end of 1999, we still need an unfunded and voluntary pressure group such as ours to fight for equal rights for 15 per cent of our children. We were dismayed to see that there was no mention of equal opportunities or inclusive education in the improvement in Scottish education bill. There needs to be more than a presumption of inclusion, in order for our children to be included. As was said earlier, we need a national philosophy of inclusive education.

We would like the Equal Opportunities Committee to proof read the bill or the amendments to the Scottish education act that will be going before the Parliament. We would like you to promote inclusion and fight discrimination at every level that you encounter it. Ultimately, we want all Scottish children to have equal entitlement to good-quality Scottish education in a mainstream setting.

**The Convener:** Thank you.

11:00

**Irene McGugan (North-East Scotland) (SNP):** Thank you for what you have said. Does your group have a definition of disability? Sometimes, the definition inhibits or restricts legislation to some extent because different agencies and authorities have different definitions. I noticed that you mentioned disabilities and learning difficulties. For some agencies, learning difficulties do not come under the banner of disabilities. How wide is your definition?

**Anne Harkes:** I will ask one of my colleagues to go into more detail but, as a parent, I feel that if you live in the street, you go to the school—it is that simple. As I said earlier, no matter what differences or difficulties a child has, access should be wide enough that they can attend ordinary educational establishments.

**Heather Anderson (Equity Group):** My name is Heather Anderson and I am the acting secretary of the group. When we were looking at the legislation, we wondered whether we should define disability. However, we felt that that was a slippery slope. All children should be included in

education, and all means all. Our job is to include children regardless of whether they have a sensory impairment, physical impairment or learning difficulties, not to categorise them so that they cannot be included.

**Marilyn Livingstone (Kirkcaldy) (Lab):** Thank you. I found the group's contribution to be very interesting and moving. I come from Fife, where I worked with a group of parents who were interested in what would happen to their young people with severe learning difficulties when they left school and tried to get into further education. I was interested in what Nancy Hansen said, about how she has been able to develop and, quite marvellously, is now studying for a PhD.

I have listened to everything that you have said about schools, but is it your experience that when your children are ready to leave school there are still as many barriers? I think that I know the answer to the question already: there are problems for those people in getting into further and higher education. Do you have any statistics on the number of people who leave segregated special schools and enter lifelong learning, further education colleges and training centres? Is there any information on that?

**Anne Harkes:** I do not have any statistics, but perhaps someone else has. My son was in special education for 20 years. At the age of three, he was separated. That is a form of apartheid. If a child with special needs goes to a special nursery and a special school, it is assumed that they will go to an adult training centre. It has taken years for some parents to knock down barriers and challenge professionals' preconceived ideas about what our children can do.

If I may give you some personal information, when my son left school, he had the option to go to an adult training centre special unit. With some other parents, I fought very hard and worked with the education department of the Scottish Office as it was then, and the health board and social work department in Lothian, to set up a pilot scheme for our children to go to Edinburgh's Telford College. Our children always have to jump through hoops—they are never just given the opportunity—because we have to prove that it is possible for them to do things.

The scheme was a major eye-opener for many people. My son did not leave the college as a bricklayer, and my friend's daughter did not become a hairdresser, but they spent most of their days with non-disabled people in mainstream classes. There were lots of problems. Many people felt that it would not work, and for some it did not work all the time, but it proved that our children should have the opportunity and the right to spend their time with non-disabled people. When a mainstream class worked, it worked very

well.

Sadly, that project only lasted three years, because it was just a pilot project. I do not know of any other projects or pilot schemes in Scotland in which young people who leave school are entitled to a college place.

**Nancy Hansen:** If someone wants statistical information, I can provide it, as I work for Statistics Canada. I can put this situation in a Canadian context, if I may be allowed to do so.

**The Convener:** Yes.

**Nancy Hansen:** It has been statistically proven that even though disabled people experience more difficulty finding employment when they leave school or university, those individuals with higher levels of education and training do significantly better in the job market in the long term.

**Mr McMahon:** You are asking us to consider a national philosophy of inclusive education. As politicians, we tend to look for examples of best practice, wherever they may be. Are there no examples of best practice in Scotland, or are there areas that may be used as examples of how things can be done better? Is the situation universally bad?

**Enrico Barone:** Very few local authorities are keen on inclusion. Pilot schemes are not enough. There are few areas in Scotland from which we can start to learn lessons. We need to apply an inclusive philosophy across the country. We cannot wait for another 20 years to learn lessons, because every year that goes by, hundreds of kids are not fulfilling their potential in mainstream education. Movement is being made on the issue, but it is not enough.

**Heather Anderson:** Approximately 10 authorities in Scotland are trying to do something and have attempted to make a difference. We have organised a conference on 9 December at which representatives from Sweden, Italy and New Hampshire will tell us about what they have done to their systems. Italy has not had special schools for 22 years.

We cannot read in a book how to make changes; we need to have a discussion about what would work for the kids and parents in Scotland. That is why we are asking for a debate, not a template. Italy may have done some things well, but we may not want them here. We need to increase our expectations of what is possible and draw some pictures of what could be happening in Scotland in 2005.

**The Convener:** Basically, there is a parallel education system in Scotland, in which 15 per cent of our kids are being taught. The Equity Group wants to break down that parallel system, so that eventually it does not exist.

I understand that the Equity Group will propose amendments to the education bill. What will those amendments be? I know that there is a proposed amendment in one of your newsletters.

**Anne Harkes:** We are still working on amendments. We will examine all sections of the bill and try to improve them, so that we end up with a bill that entitles every Scottish child to a good education in mainstream schools.

**Heather Anderson:** We do not have a parliamentary draftsman in the group. If anyone wishes to join, I have membership forms with me.

We have examined the bill a number of times. The sections that relate to planning for children should include all children. We wish to ensure that physical impairment, sensory impairment and intellectual incapacity are not grounds for discrimination. We are going through the bill and asking, "How can we make sure that people are not allowed to discriminate on the grounds of disability?"

**The Convener:** Is it your aim that there should be no special units at all, or are they appropriate in some cases?

**Anne Harkes:** We have to take people with us. From my years of work in this field I know that we are always more successful if we persuade people. At the moment, special education is there for people who want it, but we have not got what we want for our children. We need to work together. Although I do not like pilot schemes, we need to prove that all things are workable. If everyone has an open mind and an open heart on the issue of offering our children equal access and equal entitlement, we can achieve those aims. I hope that I live to see that day, but I do not want to be quoted on that because, at this stage, other parents do not feel that those aims are right.

Compulsory education lasts from the age of five to 16 years, a mere 11 years of a child's life. The damage that is done by a segregated system lasts for ever.

**Malcolm Chisholm:** Some of the questions that I wanted to ask were answered in that exchange. I support the group's objectives and hope to see an amendment or amendments, as you are now suggesting, that will deliver your objectives.

The details of the wording can be left to the people who draft such things, but I want to clarify the principles of your amendments, although in a sense you have partly answered that query already. I was reading the suggested amendment in your newsletter, which Irene McGugan made reference to. The first few words are, "Every disabled child". Are you proposing that everyone should have the same entitlement? That has an impact on the current debate about whether

anyone should be excluded from school for behavioural reasons. Will your amendment use the term "every child", or do you feel that we should try all alternatives to exclusion, but that, as a last resort, pupils who are severely disruptive, aggressive or whatever, may have to be excluded?

My second question concerns the fact that your proposed amendment is couched in terms of the rights of the child. Are we talking about the rights of children or the rights of parents? Anne, I take it from your last answer that you were really talking about the rights of parents. Were you saying that if parents want their children to be educated in special schools, they should be allowed to do so, or were you not going as far as that?

**Anne Harkes:** How many questions did you ask, Malcolm?

**Malcolm Chisholm:** I think that there were only two.

**Anne Harkes:** Nancy is keen to address your points.

**Nancy Hansen:** We want people to have a clear choice. Right now, there is no choice. Parents are offered segregated education, or they have to fight and be identified as disruptive, if they want their children to have a mainstream school experience. We would like a true choice to be offered. In some cases, children may need other types of support that are not readily available, but exclusion or segregation should not be the first option, if it is ever an option. I speak from personal experience.

**Heather Anderson:** I wish to echo those points. We are not taking away anyone's rights: we are trying to get an entitlement to mainstream education, not remove anyone's entitlement to special education. We want disabled adults to have the right to be in a particular college or classroom. They should have the right to say, "I am entitled to be in this classroom. I cannot be discriminated against and refused a place on account of my disability."

**Enrico Barone:** From the point of view of a parent, most of us were never told that our children could be sent to mainstream schools. It is assumed, by psychologists and others, that a special needs child goes to a special needs school. We should have a choice.

11:15

**Anne Harkes:** Malcolm, your point concerning behaviour and exclusion is raised often. We are talking about two different things. In our education system, we have exclusion policies for children who have behavioural difficulties in the classroom. Those exclusion policies—as far as I am aware, as my children are well past school age—are for

quite a short time; children are excluded for days, weeks or months. The situation for disabled children is that they are not even allowed to be excluded, because they are not included in the first place. We want inclusive education, where the system of exclusion would apply to all children who do not adopt the behaviour needed to participate in the class. Does that make it easier?

**Malcolm Chisholm:** I asked the question only because the earlier amendment that I was shown when I met someone from your group before would have given everybody the right to such education. I accept that, but I was thinking about selling the idea to the public. Your amendment would include every single person in Scotland, which may cause difficulties.

**Anne Harkes:** We are learning as we go along and realise that that may not be the right way to do things. However, we want our aims and objectives to be clear. We want all children at least to have the entitlement to be educated alongside their non-disabled peers. We want parents to be given the information in the early days that mainstream education is a possibility. At the moment, as Enrico says, nobody ever even says that it is an option. Parents of other children in nurseries are given letters saying that their child is due to go to such a local school on such a date. That does not happen to parents with children with special needs. The automatic assumption is that children with a special need will go to a special school somewhere. The child may have to be bused across the country or across the city. A child with hearing or sight difficulties in Inverness may have to be sent to Edinburgh. Few options are offered. No one comes to say that the local school will support the child's education. We are therefore asking for entitlement and information.

**Johann Lamont:** I have come from the education sector, where I worked with a project that tried to keep youngsters who had behavioural and emotional difficulties in mainstream education. The project was an interface between seeking alternative placements and staying in mainstream education. I am, therefore, conscious of the tensions.

There are clear benefits for all young people in being taught together. As adults, we all experience, at times, difficulties in being able to deal with the range of humanity, because we have been taught separately. Segregated education creates unnecessary anxieties for people and contributes to the exclusion of people with disabilities, particularly learning disabilities. Our goal must be to educate people together. I therefore support your ideas of inclusive education, entitlement and so on.

What work has been done by the Scottish Executive and the Equity Group in consultation

with young people with disabilities? What messages do young people give? Do they generally take the same view as the group? Is their experience of mainstream education, where it is attempted, or segregated education being recorded?

My next point may already have been answered. My experience is that, in certain circumstances, young people and their parents want an alternative to mainstream education, in what they perceive as a safer environment. Do you recognise that, in our education system, changing attitudes—to get to a stage where young people and their families feel confident about being sustained, with support, in mainstream education—is a long-term goal?

**Heather Anderson:** Yes.

**Johann Lamont:** There is a difference between the reality of inclusive education and the theoretical commitment to it. I have seen how the comprehensive system works: a unit or group is established, which leads to segregation within the school. In some ways, that can be more damaging to the young person than having them simply go somewhere else, where other young people with the same difficulties can support them. How would you monitor that? Often, the alternative to exclusion is for schools to hold on to young people, which can become an unhappy experience for them and for everybody in the school. Theoretically, such young people are being maintained in mainstream education, but in fact they are in another room, perhaps on their own. Has any work been done on that?

**Anne Harkes:** I would like to bring in Shona McNally on the question of the views of people who have been in segregated education.

**Shona McNally (Equity Group):** I am a full-time student at the University of Edinburgh. Last year, I worked with Carina Mitchell from Dundee to gather research from young people and parents on what they felt that they would gain from inclusive education. We wanted to know whether the young people wanted to access mainstream education. We consulted more than 90 young people and parents all over Edinburgh, Aberdeen and Glasgow.

The feedback from children without a disability in mainstream education was very positive. They felt that they were missing out and wanted to encourage children with disabilities to work alongside them. We also spoke to young adults who had been through the special educational system. They said that they felt that they had missed out and that they would have liked to access mainstream education, but did not have the choice. We spoke, too, to children who were in a specialist setting. They said that they encountered problems that many people assumed

would occur within the mainstream setting—bullying, not having any friends outside the specialist setting and not knowing anybody in their community. They expressed a deep wish to be with their peers in their communities in a mainstream setting. The extensive research, which is available, was done over a three-month period.

**Heather Anderson:** Membership of the group is open to anyone over 14 who agrees with the group's aims, so any young person who wants to join can. We are a new group. We have sent out membership forms and membership is growing. Young people are welcome to take part.

It will take a long time to change attitudes, and the longer that we separate children, so that they do not learn about one another, the longer it will take. We are perpetuating the system that you talked about, where children grow up not knowing anybody.

**Anne Harkes:** What was the other part of your question?

**Johann Lamont:** What about the parallel universe within the same building?

**Nancy Hansen:** I will speak from my experience in Canada, if I may. Although I live in Scotland, members will be able to tell from my accent that I am not from here.

To be segregated is to be second class—always. Special is never equal; it is different. I got all my social and coping skills from dealing with everyday school and university activities. Those are skills that one uses in every aspect of one's daily life outside education, without even being aware of it. Inclusive education also educates one's non-disabled peers. I do not necessarily bond with people because they happen to have disabilities. There is, however, an understanding that I have been able to develop as an adult—a middle-aged one now, but an adult none the less—as effectively as I have, because of my educational experience. One cannot put a price on that and it cannot be found in a textbook, because nobody talks about it.

**Anne Harkes:** You also mentioned parents' fears, which are a major problem. Nobody who talks about inclusive education is talking about dumping a child with a special need in a class of 30 people; it is about supporting children with special needs appropriately within a mainstream setting. If a child needs an auxiliary, a speech therapist or whatever, that support would be provided in a mainstream school alongside other children doing similar activities. As Heather said earlier, we do not have a template—we do not have all the answers—but we do know that such an approach can work.

There is an excellent example in Edinburgh of a young boy with quite profound learning and physical disabilities who has been successfully integrated into a local school. The trigger was the mother seeing early on that her twin sons were being separated, because one of them had significant learning and physical disabilities. She was an articulate and determined young woman, so her son has been in Liberton Primary School for the past five or six years. Thanks to his mother's hard work, he and she are now looking forward to the boy being placed with his classmates in the local secondary school.

Parents have many fears, but it is up to us, to educationalists and to our Parliament to ensure that they do not have to fear something that will benefit their children in later life.

**The Convener:** I may open up a can of worms with this question. You said that some parents are still in favour of separate units. Could it be that, although a child's educational needs can be met in a local mainstream school, parents find it difficult to cope because adequate respite and other provision is not made? Do kids perhaps end up in residential schools, not necessarily because of their educational needs, but because the social work department is not providing enough support outwith school?

**Anne Harkes:** That can be the case whether one's child is in a special school or not. Back-up systems for respite for children with special needs are not adequate. If a child moves to a local primary school from a residential school, there will certainly be a need for further support for the family.

**Shona Robison:** Thank you for your thought-provoking input this morning. I want to touch on what is perhaps a thorny issue, but one that will be raised with you: the issue of resources. Assisting and meeting the individual needs of children in mainstream education has cost implications, whether such support entails nursing, one-to-one educational assistance or whatever. What are your thoughts on that? Do you anticipate that resources will be diverted from the special needs sector, which will presumably decline, as parents, I am sure, take up the opportunity of mainstream education, albeit over a long period of time? Will some kind of bridging finance be required?

My second question is quite direct. You have obviously come here today with expectations of what the committee will do. Is it your hope that the committee will consider putting through the amendment to the bill that you are supporting?

**Anne Harkes:** The committee has not yet seen our amendments, but we did ask in the early part of the presentation that the committee proof read the bill from an equal opportunities perspective. I



imagine that it is the committee's job to examine all the bills that go through our new Parliament. I would ask the committee to be very circumspect when it considers this bill to ensure that what we are asking for—an entitlement and equal opportunity for all our children—is achieved. I also want the committee to promote inclusion and to challenge discrimination on all levels at every opportunity.

**Heather Anderson:** We know that running a parallel system is extremely expensive. The transport costs alone of busing many children out of their local communities to different schools are enormous. The statistic that shocked me when I was researching this was that, if the Parliament decides to mainstream the system, every primary school in Scotland would have to accept only two children with special needs, and every secondary school nine. The support that the children already receive would go with them.

While all the money and resources are invested in special support settings, they are not being invested in the mainstream, so children who go into the mainstream are being supported by the least-qualified, lowest-paid members of staff, that is, the auxiliaries. Bridging finance would, therefore, be a great idea.

**The Convener:** Has the Equity Group also made representations to the Education, Culture and Sport Committee?

**Anne Harkes:** Yes.

11:30

**Nora Radcliffe (Gordon) (LD):** I have another point on resource implications. If children in mainstream schools are faced with teachers who have not had specialist training in coping with special needs, are we putting the cart before the horse a little?

**Nancy Hansen:** I believe that, at present, only 18 per cent of teachers in the special education sector have had specialist training.

**Enrico Barone:** To put it another way, 82 per cent have not had such training.

**Nora Radcliffe:** So we should tackle that at teacher training level?

**Anne Harkes:** Absolutely. Teacher training will be covered in our submission to the Education, Culture and Sport Committee. Teacher training courses do not include very much on children with special needs, but every teacher needs those skills.

**Nora Radcliffe:** I would have thought that it would be a basic requirement.

**Heather Anderson:** The people who are

coming from Sweden to our conference have produced a report on teacher training for mainstream education in Sweden. I believe that all Swedish teachers are trained to cope with a range of need.

Part of the argument is that the better trained the teacher at dealing with a range of need, the better the teacher will be. There does not need to be a child with special needs in the class for all the children in that class to benefit.

**The Convener:** When you have a draft of your group's amendments, will you forward them to the committee for consideration? We may also want to discuss them with you. Thank you very much for coming along.

I also thank the people in the gallery and apologise again for the fact that access is so difficult. I am glad that our witnesses have been able to come along and make representations to the committee.

**Anne Harkes:** Thank you for your interest.

**The Convener:** You are welcome to stay for the rest of the meeting. I will suspend the meeting briefly while people leave.

11:32

*Meeting suspended.*

11:33

*On resuming—*

**The Convener:** When we hear back from the Equity Group, we can feed its views into our discussions. We are trying to organise further representations on this matter for our next meeting. Is that correct, Martin?

**Martin Verity (Committee Clerk):** Yes. We have written to a number of organisations. We have not yet had written responses, but I know that at least some of them, such as the Commission for Racial Equality and the Centre for Education for Racial Equality in Scotland, would be interested in coming if the committee wants them to.

**The Convener:** Is it agreed that we should try to get more organisations to come along? We can have our discussion after we have heard from everyone.

**Members indicated agreement.**

## Progress Reports

**The Convener:** The next item on the agenda is reporters' progress reports. We will take them in the order that they appear on the agenda. Michael, you are first.

**Michael Matheson:** The first meeting of the disability reporters group took place on 26 October. Michael McMahon, Irene McGugan and I were present. A number of points were highlighted, the first of which was the consultation paper on "Improving our Schools" and the need for it to address disability issues.

I welcome what the convener said about writing to organisations. Our group had planned to ask the committee to write to organisations that may have a specific interest. The Equity Group gave an excellent presentation and I am sure that a number of other disability organisations also have strong views and would like specific issues to be addressed. It is obvious that that is being progressed. This morning's meeting has shown that—although consultation has taken place, of which ministers will take account—the committee has a responsibility to consider how much consultation input is reflected in the bill. Can we obtain copies of the consultation responses, so that we have a clear view of what was presented to ministers? We could then see which parts of the consultation have been incorporated in any published bill.

We discussed published bills in which our input on disability issues may be relevant. We noted that the Adults with Incapacity (Scotland) Bill has now been published and that it will have implications for individuals with a disability. We request that the committee write to relevant interested organisations so that we can consider their views on the bill. Where necessary, we could take evidence or suggest appropriate amendments.

We also discussed the issue of the disability rights commission, which had already been raised in the committee. We request that the committee be provided with a full briefing on the workings of the disability rights commission, with particular reference to Scottish provisions. If possible, that could take the form of an informal briefing for the committee as a whole.

We also discussed the Disability Discrimination Act 1995, as the second part of that act has now come into force. Given the act's relevance, we request that the committee arrange for an informal briefing for all members. We also suggest that the committee consider writing to the Scottish Parliamentary Corporate Body, with a view to its making briefings available to all MSPs, particularly in relation to their working arrangements. The act has specific relevance to matters such as access to offices and access to information. It would be helpful if the SPCB were willing to arrange briefings so that MSPs can ensure that they do not break the law.

Those were the primary areas discussed at the meeting.

**The Convener:** Thank you. Does anyone else who was present at the meeting have anything to add? No.

On "Improving our Schools", we can ask for copies of the consultation responses. I do not know whether we will be given them, but we can certainly ask.

We have said before that the committee would consider the Adults with Incapacity (Scotland) Bill. We can write to all the organisations that deal with the issues that the committee is concerned with, including sexual orientation and gender issues. Did you say that you wanted us to arrange briefings or to request written responses?

**Michael Matheson:** At this stage, the group considered written requests for submissions. We would seek to have further briefings later.

**The Convener:** That is fine. The group also wants us to arrange briefings about the Disability Discrimination Act 1995 from the disability rights commission and another organisation. We will organise that as soon as possible. Is everyone happy with that?

**Members indicated agreement.**

**Mr McGrigor:** During a visit, islanders on Bute raised a small point with me about the ferries, which are very difficult for disabled people. People asked whether I could get Caledonian MacBrayne to send a deputation to the committee to talk about that. Perhaps this should be discussed under any other business.

**The Convener:** No, it is relevant to this part of our meeting.

**Mr McGrigor:** Of course, it also came to my notice that everyone complained about the price of the ferries. Improvements would have to be made in such a way that people would not have to pay any more.

**The Convener:** If we were considering transport in general, we could invite the ferry company, but perhaps whoever comes to the meeting to speak about the Disability Discrimination Act 1995 could address transport at the same time.

**Mr McGrigor:** Anyway, the issue has reared its head.

**Michael Matheson:** I go along with that.

**The Convener:** Thank you. As I said, I will write to the minister about access to information. I am surprised that materials are not made available in accessible formats. Local authorities and other public bodies had that battle 10 years ago; I am surprised to hear about it now. We should action that as soon as possible, in general rather than in response to the education bill.

**Johann Lamont:** As reporter for the group on gender issues, I have provided a written report, from which I will highlight a few points. It was obvious—this will be true for all the groups—that there is a huge amount of work that we could do. It is a question of identifying some priorities in the short term.

As our report states, we agreed to examine two strands concerning women in the judicial system. The first is how women are treated as witnesses or victims—when they have experienced crime—and the document referred to in our report has now been circulated to the group. I have yet to determine the status of that document, but we can make progress on that point.

The group believes that the way in which women come into the criminal system and are treated as offenders raises many issues. A number of groups have recognised that, when women offend, there is a connection with prostitution, drugs and so on. We can explore that whole area.

Our report refers to a document by Sheila McLean on the treatment of women offenders, which I understand is in the process of being published. We can examine that once it is available.

We felt that we wanted to pursue the issue of women's appointments to public bodies. We discussed whether the committee could lodge questions on that, as such questions would carry more authority than those lodged by individual MSPs. I am more than happy to draw up the questions, if the committee agrees that it wants to do that. Perhaps we could find out whether that is possible. In particular, we want to find out the numbers involved if the figures are disaggregated and the figure for women in the panel system is removed. We also want to consider some aspects of the appointment system, such as whether the criteria for appropriate candidates on the boards are discriminatory and how the appointments are publicised. People sit in judgment on the applications and we need to examine the system, because it is obviously unsatisfactory.

If members so desire, I can report later on the consultative forum that I attended yesterday. Several recommendations are listed at the end of our report, for which we seek the committee's approval. On zero tolerance, it was suggested that we hear from Rape Crisis and Sexually Abused Young Women, a group that offers housing and support.

We need to strike a balance, however; the full committee cannot listen to every group and every briefing. The idea behind the sub-groups is to give us the opportunity to tap into more external organisations. However, we should remember that meetings of the whole committee are on the public

record, while those of the sub-groups are not, and that there will be occasions when it is important to get things on to the public record so that they are accessible. I would argue that that would be the case if we invite the Zero Tolerance Trust, SAY Women and the Rape Crisis Centre to a full committee meeting.

On a practical point, we have agreed to meet next Tuesday. If the sub-groups are to operate properly, I am keen that we keep every other Tuesday free, as it is an obvious slot for sub-groups.

11:45

**The Convener:** Are there any other comments or questions?

**Malcolm Chisholm:** I ask that the committee request briefing from those organisations. Can we decide on that now?

**The Convener:** Yes, we can organise that.

I do not know about lodging a question, Johann, although Martin Verity has the standing orders. I imagine that you would have to lodge a question as an individual but that, if you said that you were asking the question with the unanimous support of the Equal Opportunities Committee, the effect would be the same as if the whole committee had lodged it. I do not think that the committee can lodge a question.

**Johann Lamont:** Do you want me to pursue that?

**The Convener:** Yes. If the committee is agreed, when you ask the question you can say that it is with the support of the committee.

**Michael Matheson:** On Johann's point, can we clarify how frequently reporters groups are expected to meet—there was some confusion in our group. I know that every second Tuesday was going to be the slot for those meetings. Is it expected that we meet every second Tuesday, or should we meet as needs be?

**The Convener:** It should be as needs be. People should keep that time free in case groups want to take evidence. I think that Johann meant that members should not fill up their diaries, but there is no expectation that groups have to meet so often—that is not necessary.

**Marilyn Livingstone:** Is it just the morning that we are keeping clear?

**The Convener:** Yes. If we had decided to meet weekly, there would be a committee meeting every Tuesday morning. The expectation was that members would spend time on committee work every other Tuesday, but it is up to groups to find the most suitable arrangement.

**Mr McMahon:** Given that the group on race issues had already done a report, I felt that it would be appropriate to allow other groups to meet without having to find convenient dates for members with an interest in more than one area. Johann Lamont asked when and how frequently meetings should be held. The race issues group will hold a meeting in November at which we will set out a programme of work. We did not hold a meeting in October, to allow other groups to hold their first meeting.

**The Convener:** That is fine.

**Mr McGrigor:** Will sub-group meetings always be on the Tuesdays on which the full committee does not meet? I do not know what other members think about that, but is there any chance that such meetings could be held on the same day as committee meetings?

**The Convener:** That is up to the groups. It is not up to the committee or convener to prescribe when people have meetings, but when we discussed whether we should have weekly or fortnightly meetings, it was suggested that every other Tuesday could be kept free because people had already pencilled in meetings for that time in their diaries. You should discuss it with the other members of your group.

As for the sexual orientation issues sub-group, Nora was appointed as reporter only last week, but has managed to get section 28 of the Local Government Act 1988 repealed already—fantastic work.

**Nora Radcliffe:** We have not met as a group yet. A meeting with the Equality Network is provisionally arranged either for tomorrow night or a week tomorrow night, depending on when most people are available.

Shona Robison and I discussed what the group should consider. Section 28 was obviously top of the agenda. Speaking personally, I am delighted that section 28 will go at the first opportunity. We were invited to send a representative to the launch on Friday of a community safety partnership report by the City of Edinburgh Lesbian, Gay, Bisexual and Transgender Community Safety Forum. Shona went to that launch.

The area that we want to examine next will be civil recognition of same-sex partnerships. That has implications for the Adults with Incapacity (Scotland) Bill.

That is all, unless Shona wants to say something about the launch that she attended.

**Shona Robison:** The launch was a very interesting morning. There was a lot of press interest—generally, the press coverage of section 28 was mixed, to say the least, and some of the language that was used in the tabloid press left a

lot to be desired.

The launch highlighted some frightening statistics about people's experiences—violent experiences in particular—as they go about their daily business on the streets of Edinburgh. I asked for copies of that report to be sent to members of this committee, so we may have an opportunity to discuss some of the detail.

More generally, it is important that we maintain our input into the issue of the repeal of section 28. I want to flag up that we may want members of this committee to attend the meeting of the Local Government Committee when the local government and ethics bill is discussed.

**The Convener:** I was involved in local government when section 28 was brought in. It was vigorously opposed as a vindictive piece of legislation. Some sections of the press have handled the whole issue very maturely, but some of the language and comments in the press and from some organisations have been disgraceful. This committee should put on record the fact that we welcome the abolition of section 28.

We are considering issues such as same-sex relationships in relation to the Adults with Incapacity (Scotland) Bill. The Justice and Home Affairs Committee is considering that issue in relation to the Matrimonial Homes (Family Protection) (Scotland) Act 1981. We are keen that that area of equality be finally dealt with in a mature way, which has not happened in the past. I hope that everybody agrees that we should put on record the fact that we welcome the repeal of section 28 and that we abhor the attitudes and the way in which the matter has been handled in some sections of Scottish life.

**Mr McMahon:** Shona Robison asked about representation on the Local Government Committee. A practical point is that Johann and I are on that committee and can bring up anything that this committee wants to raise collectively. That is not to say that members could not make separate representations, but it would be a good way of raising issues that have to be dealt with immediately.

**The Convener:** I have discussed with Michael and a few others the fact that there is no formal mechanism for this committee to become involved when the bureau designates lead committees. We need to become engaged in that process. I hope that I will be able to report back to the committee on that. I feel that we should be notified when a lead committee has been designated so that we can lay down a marker. A committee will probably not refuse to hear representatives from this committee, but I would like a more formal procedure to be in place.

**Nora Radcliffe:** I have a general point, which

arose from the consultation on the Scottish education bill and the fact that there had been no requests for minority language versions. When we are consulting, do we ask people, in their own languages, if they want to be involved? If we do not, we should. Perhaps we should consider the cost implications of translating material into the main minority languages in use in Scotland.

**The Convener:** If material is not translated into accessible formats, we will not be consulting grass-roots opinion. People working at the grass roots of equal opportunity organisations will not necessarily be able to use the kind of formats in which information is currently provided. I will raise that matter, perhaps in question time, to push the process on.

**Marilyn Livingstone:** I want to raise a different issue. Last week, Johann Lamont and I attended the meeting of the cross-party working group on human rights. Human rights organisations want to set up a commission for human rights and would like to make representations to the Equal Opportunities Committee. Johann and I were asked by the cross-party group to find out whether any of those organisations had been invited to appear before the committee.

**Johann Lamont:** The committee previously agreed to invite the Scottish Human Rights Centre to give a presentation, but it has said that it was not yet aware of such an invitation.

**The Convener:** We will get that sorted out. Several presentations have now been requested and those will take us through until next year.

## Correspondence

**The Convener:** We have received quite a lot of correspondence; if members are interested in looking at it, they should contact the clerks, Martin or Rodger. It includes a couple of invitations and if members are interested in those they should also contact the clerks.

**Johann Lamont:** Before he left, Malcolm Chisholm asked me to ask whether there had been a decision on Disability Scotland. He has been approached to chair the afternoon session of the symposium in Stirling and wants to know whether he can attend on our behalf.

**The Convener:** Yes, I am happy with that.

**Shona Robison:** A few meetings ago, when Jim Wallace came to speak to us, we agreed to send him a letter expressing concern about the handling of the consultation process and the lack of consultation. Have we had any response?

**The Convener:** No, we have not. However, the letter did not get sent until recently. That was a hiccup on my part. As soon as I get a response, I

will circulate it to members of the committee.

**Elaine Smith:** I should perhaps mention that I went to the Communication Workers Union conference on Saturday. The committee was asked to send someone to speak on disability and I did that.

**The Convener:** Thank you very much.

**Michael Matheson:** It would be wrong for the committee to meet today without referring to the recent debate in the press about the Act of Settlement 1701 and the discrimination at the heart of it. I am raising the issue, because I want to know whether the committee should take a position on it, or whether it should be referred to the reporters group for consideration. The act represents discrimination and bigotry that is intolerable in today's society.

12:00

**The Convener:** If the committee was going to discuss the issue, I would rather it was as an agenda item, as agendas are in the public domain. It would be unfair to discuss issues of public interest without the public's prior knowledge. I would prefer the reporters to prepare a report for the committee or for the committee to put the issue on the agenda for a future meeting so that any interested members of the public could be present. Major items are not taken as any other committee business for that very reason.

**Mr McMahon:** The committee agreed that the issue of sectarianism would be raised with the race reporters group. Perhaps Michael Matheson and I could discuss that at the race group's next meeting.

**The Convener:** Are all members agreed? That is agreed.

Is there any other business?

**Johann Lamont:** I have a very brief report on the Women in Scotland Consultative Forum meeting that I attended yesterday. Would you prefer that in writing?

**The Convener:** It is up to you.

**Johann Lamont:** I just want to get on the record the fact that a number of women MSPs—including me—attended the forum. The event was attended by more than 200 women from a range of organisations at the sharp end of working with women, particularly with women experiencing male violence. Jackie Baillie gave a presentation and Dr Fiona Mackay of the University of Edinburgh spoke on the impact of the increased number of women in the Parliament. Although women's representation in the Parliament may be high, the question is how such representation impacts on decision making.

Wendy Alexander spoke at the beginning of the afternoon and Jackie Baillie stayed for the whole day, which sent out a positive message about the organisation's importance. There were a number of workshops on issues such as violence against women, health, social inclusion and poverty, and children and families. Although I was able to attend the violence against women workshop only for a short time, to say that the discussion was lively would be an understatement.

Some issues that we might want to examine, such as disaggregated statistics, emerged from the meeting. The minister was certainly positive in her response to that problem. The committee is pursuing the matter of women in public bodies. Someone made the point that the voluntary organisation Engender carries out a gender audit and that perhaps the Government should take over such work. We might want to raise that issue with the Executive.

There was a discussion about the rights of groups to bid into the domestic abuse service development fund. Those who attended wondered whether such funding would apply only to what might be characterised as domestic violence in the home or whether organisations such as Rape Crisis and SAY Women could also apply. Jackie Baillie thought that that was a question of identifying need and making a case and that there would be no unnecessary restrictions on who could bid into the fund. However, someone made the point that this pot of money could set groups against one another. The minister said that she would consider that.

At some stage, we will need to discuss the role of the Women in Scotland Consultative Forum and how this committee and the Executive can work with it. I told the forum officials that any committee representation at forum meetings would be informal—committee members would not attend as delegates. We need to ensure that we hear what these women are saying and feed that information back to the committee.

**The Convener:** Does the committee wish to designate a member who would attend these forum meetings?

**Johann Lamont:** Our small women's group felt that that would be useful.

**Mr McMahon:** I represented the committee at a Capability Scotland conference on the new reasonable adjustments element of the Disability Discrimination Act 1995. The main part of the conference was a presentation by some legal experts on the legality of that element; the presentation contained some practical examples of reasonable adjustments. I can pass on to Martin Verity the name of the organisation that gave the presentation, as it might be a useful point of

contact for the briefings that Michael Matheson mentioned.

**The Convener:** I think that our business is concluded. Thank you very much.

*Meeting closed at 12:05.*

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