

EQUAL OPPORTUNITIES COMMITTEE

Tuesday 23 November 1999
(*Afternoon*)

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EQUAL OPPORTUNITIES COMMITTEE 8th 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:

Brian Dempsey (Equality Network)
Tim Hopkins (Equality Network)
Ian McKay (Educational Institute of Scotland)
Margaret Nicol (Educational Institute of Scotland)
John Patton (Educational Institute of Scotland)
Veronica Rankin (Educational Institute of Scotland)
Jamie Rennie (Equality Network)

COMMITTEE CLERK:

Martin Verity

ASSISTANT CLERK:

Rodger Evans

Scottish Parliament

Equal Opportunities Committee

Tuesday 23 November 1999

(Afternoon)

[THE CONVENER *opened the meeting at 14:10*]

“Improving our Schools”

The Convener (Kate MacLean): The first item on the agenda is taking further evidence on the consultation document “Improving our Schools”. We will hear from the Equality Network, whose representatives will give evidence first, and the Educational Institute of Scotland. I welcome the Equality Network to the committee; it is not very long since you were last here.

Everybody should have received a briefing note. Members were actually sent the wrong briefing. You were sent one from Equity Group, not the Equality Network, but you should have received the correct briefing by e-mail. Does everyone have it? If you do not, there are extra copies here.

Tim Hopkins (Equality Network): I am Tim Hopkins, from the Equality Network. I would like to introduce Jamie Rennie, from the Stonewall youth project, which is the lesbian, gay, bisexual and transgender youth support project in Edinburgh, funded by Lothian Health and the City of Edinburgh Council. The other witness is Brian Dempsey, from the Equality Network and our sister organisation, Outright Scotland. Thank you for inviting us along.

As Kate said, we have produced a four-page briefing document. It is headed, “Briefing for the Equal Opportunities Committee on the *Improving our Schools* consultation document”. I will run through the key points of the document.

On the front page, we have described the background to the problem, which is that young LGBT people do not have equal opportunities in education at the moment, neither in schools nor in college environments. The biggest single problem for young people, if you ask them, is that of bullying and harassment. It is something that affects LGBT people directly, but other people too. Anybody can be homophobically bullied—they do not have to be gay to be a victim of that.

Bullying and harassment affect people who are not out, who have not identified themselves or been identified as gay. If someone is in an environment where homophobic bullying is going on all the time, the effect on someone who has not

come out is to make them terrified about telling anyone else that they are gay. It has a very bad effect on those people’s self-esteem, as well as on that of people who are directly bullied.

The bullying of pupils by pupils is the most common kind, but staff can also be harassed as well, by pupils or by other staff. In some cases, pupils are still harassed by staff. The second paragraph of our briefing document says something about the effect that that has on people. It affects their self-esteem and can cause emotional and mental health difficulties later in life. There is no doubt that the rate of attempted suicide is significantly higher among those young people who are bullied. Harassment affects people’s educational attainment, because they stop learning if they are being bullied at school. Often, they leave school as early as they can, to get out of that environment.

Bullying and harassment are not the only problems. At the bottom of page 1, we have described some of the other problems. There is a lack of awareness among staff about what it means to be gay. A lot of staff focus purely on the issue of sex, and think that being gay is all about sex, whereas, of course, it is not, especially for young people. Emotional and relationship issues will be much more important.

There is a lack of clarity in confidentiality policies, so young people do not feel confident enough to approach staff and discuss concerns about their sexual orientation. There is also an issue of invisibility: we tend to be invisible in curriculum and library materials, for example. There is no recognition of the fact that not only may pupils be gay, but so may other members of pupils’ families: brothers, sisters or, indeed, their parents.

14:15

On page 2 of our briefing we give a list of recommendations, which are based on consideration of the Executive’s “Improving our Schools” document.

The first recommendation contains a question as to whether there should be a duty on local authorities—and, perhaps, on ministers—to promote equal opportunities for all in education. There is a lot in “Improving our Schools” about opportunity—the word appears many times. However, in the mechanisms that it outlines, and certainly in its list of example performance indicators and objectives, there is very little that will actually help to promote equal opportunities. That is despite the fact that equal opportunities is a key principle of the Parliament and Executive, and is also one of the three key principles that the McIntosh commission has recommended for local

authorities. We ask whether section 1 of the Education (Scotland) Act 1980 should be amended to change the duty on local authorities, and we suggest that placing local authorities under a duty to promote equal opportunities in education should at least be considered.

The second recommendation relates to the Executive's objectives and performance indicators, and to the measures that local authorities use to check the performance of schools. The ones that are mentioned in the consultation document do not seem to do very much for equal opportunities, so—as the document asked for suggestions—we have suggested a list of performance indicators and objectives that would promote the mainstreaming of equal opportunities in schools. That has to involve pupils, parents, all the staff, including support staff, school boards and parent teacher associations. It is important that parents are involved.

I will not read them all out, but there a number of specific objectives on page 2. All of them are general equal opportunities objectives; they would apply to all kinds of equality. However, as shown on page 3, there are some specific requirements for LGBT equality.

The first key point is that it is vital that sexual orientation is explicitly included in policies, and that what is meant by sexual orientation is spelled out. All too often that does not happen. An example of that is an excellent document produced by the Scottish Office earlier this year—“A Route to Equality and Fairness”—which gives self-evaluation performance measures for schools to allow them to evaluate their equality policies and their mainstreaming of equality. Sexual orientation is not mentioned once; neither are the words lesbian, gay, bisexual or transgender. Sexual identity is mentioned in two places, in contrast to the many mentions of race, gender and disability. Nowhere is sexual identity defined. It is very important that emphasis is placed on including sexual orientation and explaining what it means.

It is also important to recognise that equal opportunities practices are not one size fits all. They have to be different for the different equal opportunities constituencies. For example, a disaggregation of statistics is very useful for monitoring equality on the grounds of gender and race, but it is no good for sexual orientation. Many young people are not out, and you certainly cannot ask young people what their sexual orientation is. Therefore, you have to ensure that your policies and your performance measures are appropriate for the kind of equality that you are talking about. Maintaining statistics on the type of bullying that goes on in schools is an appropriate way of measuring the extent of homophobic bullying,

racial bullying, and so on.

Of the particular LGBT equality issues, the two that are most often mentioned are the importance of confidentiality and an understanding of the importance of coming out. Coming out is a life-changing event for a young person, and it is very important that school staff understand the implications and can give support to people who are doing it or thinking about doing it.

Resources need to be invested in working out the right policies and practices to promote LGBT equality, and in working out suitable performance measures. There has not been the same amount of investment in that as there has been in some other areas of equality.

Point 4 on page 3 shows that there is good practice in some areas of Scotland. For example, in Edinburgh and the Lothians, several schools work closely with the Stonewall youth project to support young LGBT pupils. Another example is a document produced by the City of Edinburgh Council that gives anti-racist and anti-bullying policies for its educational establishments. It deals with homophobic bullying and contains ideas on how to monitor it. However, good practice is quite patchy. The consultation document, “Improving our Schools”, does not make it clear what the mechanism will be for promulgating good practice throughout Scotland, but there must be a mechanism in place for identifying and promoting good practice.

The fifth and sixth points are brief. Again, they are not addressed in the consultation document. It is important that the curriculum and teacher training guidelines that are issued have equal opportunities built into them.

At the top of page 4, we mention that the first thing that people say when asked how we should start to deal with inequality in schools on grounds of sexual orientation is that section 28 must be repealed and the age of consent must be equalised. I hope that both those issues are being addressed and will now go through in the ethical standards in public life bill and the Westminster Sexual Offences (Amendment) Bill.

We have included a note about how this issue relates to human rights. A right to education is enshrined in the European convention on human rights. There is also a prohibition on discrimination in the enjoyment of all the convention rights, including the right to education. That prohibition includes discrimination on the grounds of sexual orientation, not explicitly but under the other grounds. Article 28 of the United Nations Convention on the Rights of the Child also enshrines a right to education and commits states to achieving equal opportunity in education.

Finally, we have included a section of fairly

dense statistics from a small number of studies that have been conducted—one in Edinburgh, one in Glasgow and a few south of the border—about the effects of discrimination on young pupils at school.

That is all I wanted to say. We will be happy to answer any questions.

The Convener: Thank you, Tim. You mentioned Edinburgh's anti-racist and anti-bullying policy document. Other local authorities have said that, because of section 28, they cannot produce documents in partnership with organisations such as Stonewall youth project. How was the City of Edinburgh Council able to get round that? Did it just do it and wait for somebody to challenge it?

Tim Hopkins: I think that that is right. The response to section 28 has been very different in different parts of the country. Section 28 has never been used in court to stop a local authority doing anything. Although some local authorities have gone ahead and done that sort of thing, others have taken the opposite view. Perth and Kinross Council refused to give a grant to Dundee Lesbian, Gay and Bisexual Switchboard, specifically citing section 28 as a reason for not giving a grant. Authorities' responses have been different because section 28 is badly worded and, legally, does not mean anything at all; its only effect is to act as a disincentive.

Jamie Rennie (Equality Network): The City of Edinburgh Council said that it was an anti-bullying issue, rather than a sexuality issue. It funds us to support young LGBT people because it is evident that schools and other youth agencies are not in a position to offer that support. The council sees the issue from a person-centred point of view, not from a section 28 point of view.

The Convener: Is it the case that the repeal of section 28 will remove from local authorities a legal excuse to hide behind?

Tim Hopkins: It is partly an issue of excuses. As I understand it, if councillors take legal advice and then go against it, that could have personal consequences. It is also a question of a general disincentive for councillors and, more important, for teachers. Section 28 does not directly affect schools or teachers, just local authorities. Nevertheless, according to the "Playing it Safe" survey by the University of London, 56 per cent of teachers surveyed said that they felt that section 28 prevented them from giving such good support and advice to young lesbian, gay and bisexual pupils as they might otherwise be able to give. There is a lot of fear about what section 28 means, and that is the real problem.

Malcolm Chisholm (Edinburgh North and Leith) (Lab): You referred to the Scottish Office document "A Route to Equality and Fairness".

Much of our work will be to consider the kind of performance indicators that could be developed. Would it be appropriate to use any of the performance indicators suggested and, if so, which? What extra indicators are required?

Tim Hopkins: A lot of the performance indicators would be suitable. Some of them are non-quantitative. A lot of them deal with issues such as examining the curriculum to see whether equality issues have been included, which is perfectly appropriate for LGBT equality as well. There is not much that is inappropriate. The problem is just that we are not included.

Malcolm Chisholm: You mentioned the need to monitor types of bullying. Are there any other specific indicators that would be particular to LGBT groups?

Tim Hopkins: I cannot think of one off the top of my head, but as we have said, that is something that needs to be worked on, especially if we want to develop quantitative indicators for which year-on-year targets could be set.

Shona Robison (North-East Scotland) (SNP): We have discussed the study to which you refer at previous meetings. The statistics are shocking and we should all take notice of them. On page 2 of your document you mention performance indicators. Can a figure be put on the reduction of bullying? Could such a performance indicator include a quantitative element?

Tim Hopkins: That is a good example of an indicator that could be quantitative. There may be problems, initially, in setting targets, given that it is unclear whether monitoring of bullying is done thoroughly in schools. If bullying starts to be monitored thoroughly, the records at first will show the numbers going up, not just because monitoring is more thorough but because pupils may become more willing to report bullying incidents. Eventually though, one would hope to be able to set targets so that numbers would go down again.

Mr John Munro (Ross, Skye and Inverness West) (LD): You will appreciate that, coming from the west Highlands of Scotland, my mailbag is pretty full on this subject. There seems to be a great deal of confusion. I accept that pupils and teachers should be aware of different sexual orientations, but people in the far north have jumped on the use of the words "teaching in schools". There is a difference between teaching and making people aware of differences. Is that an issue? Should we be being careful?

Tim Hopkins: There is a lot of concern among the public. That is caused partly by the wording of section 28, which bans the promoting of homosexuality. It is a myth that homosexuality can be promoted in the sense that people can be turned gay. That cannot happen no matter what

people are told at school. The wording is very bad. I believe that it was chosen for a reason: to promote that myth.

The message needs to be got across to the general public over the next few months. The distinction between teaching and awareness is not clear-cut. It is important that throughout teaching, where appropriate, pupils are taught that there are differences; for example, there are different kinds of religion within Christianity and within other religions. Pupils must be made aware of those differences and of the fact that different people have different beliefs. Similarly, all pupils need to be aware that there is a diversity of sexual orientation.

Society will be the better for there being tolerance and understanding of that diversity. Teachers can be proactive in setting up a school environment where diversity and tolerance are encouraged. I do not think that there is a clear distinction between awareness and the teaching environment. The issue is not about people being taught to be gay, which is an impossibility.

14:30

Mr Munro: Because of the wording, that concept is in people's minds.

The Convener: That problem has as much to do with the media as anything else. The press feeds misconceptions about the matter to the public. The committee has a duty to ensure that accurate information gets out.

Mr Munro: Quite right. Tim Hopkins mentioned that, as children are made aware of different religious attitudes, so should they be made aware of sexual diversity. I feel compelled to mention that, in many parts of north-west Scotland, the teaching of religious difference would not be acceptable either.

Johann Lamont (Glasgow Pollok) (Lab): Do you think that the situation for gay and lesbian people is better or worse in schools than it is in the rest of society? I taught for 20 years and saw that the fact that openly gay characters were being included in soap operas—which are important to young people—changed young people's attitudes. I do not know whether bullying lessened, but awareness was raised. Are there grounds for optimism, or do your surveys suggest that things are as bad as they were 10 or 15 years ago?

You talked about young people's educational attainment being affected. That would be an area on which the Executive could act on your proposals. Statistics have been gathered on truancy that results from bullying; more effective and sophisticated help could be offered to schools.

Tim Hopkins: The only figure that we have is

the self-reported figure from the study in Glasgow of lesbian and gay people of all ages, 29 per cent of whom reported that they felt that their educational attainment had been affected. Jamie Rennie has a lot of experience of this area.

Jamie Rennie: Last year's annual report details 14 crisis interventions in schools, most of which had a positive outcome for the young people involved.

I will give you some examples. A young man, whom I will call Ian, is 14 years old and cannot walk home from school without being threatened and bullied; he has to get a taxi home every day. His life is grim. A young woman called Gemma, from west Lothian, reported in her diary 14 incidents of homophobic bullying on one day in school. She said that that was not an unusual day for her. Such young people go through school terrified of what will happen to them and leave school as soon as possible. In some cases, the further education system helps them, but the situation is not desirable.

Tim Hopkins: Is the situation getting better?

Jamie Rennie: Yes, I think so. For instance, I grew up in the Highlands and never heard the words gay or lesbian mentioned in a positive manner; I now work with these young people. The problem is that teachers often feel ill-equipped and without management support in dealing with the issues.

Teachers are willing to help the young people; they see doing so as one of their responsibilities. Given support, training and access to good advice, they will be able to support these young people. There must be a top-down approach; policies must be in place that allow teachers to feel able to give support to young people.

The Convener: Thank you for coming to the meeting. We may ask you to return when the bill gets to the next stage.

We will take a short break while the next witnesses come to the table.

14:35

Meeting suspended.

14:37

On resuming—

The Convener: We welcome the representatives from the Educational Institute of Scotland. You may be invited to give evidence to the Education, Culture and Sport Committee, but this committee is concentrating on the equality aspects of the bill. I do not know whether you have had the opportunity to read some of the evidence

that we have already heard. Please feel free to comment on it if you have.

John Patton (Educational Institute of Scotland): Good afternoon. I am John Patton, the president of the Educational Institute of Scotland, and I thank the committee for this opportunity to give evidence and to expand on our written submission.

Our response to the improving education bill was written in professional language. I would like to make a general opening statement and then allow others with more expertise in the field to talk.

I want to introduce the vice-president of the EIS, Margaret Nicol, who is the former convener of the EIS equal opportunities committee, Veronica Rankin, who is our equality officer, and Ian McKay, assistant secretary, who is responsible for parliamentary business.

We recognise and applaud the attempt in the bill to allow for local divergence when proposing a national framework for education. The EIS believes that those responsible for the management and delivery of the education service must ensure that it meets the needs of all pupils in their separate and different communities. We are committed to the ideal of a high-quality education service that is accessible to all. We recognise that developing an understanding of and commitment to equal opportunities is fundamental to the delivery of education of the highest quality. That is a long-standing commitment of the EIS, manifested in the fact that one of our standing committees is an equal opportunities committee.

At the same time, there is a clear requirement in comprehensive education for substantial support structures in the form of national guidance on the curriculum, provision of resource materials, a national examination structure and the support of local authorities. We welcome the attempt to involve wider civic society and, in particular, the broad educational community in the development of policy. It is important that each recognises its ability to make positive contributions to the process; it is also important that encouragement of involvement is sustained. Schools and the EIS recognise the requirement to involve in decision making the parents of pupils who are experiencing disadvantage, regardless of the reasons for that disadvantage.

Schools are places where pupils learn and where high attainment is fostered by teachers and all the staff who work in them. However, we believe that the purpose of education extends beyond examination success, important though that is for pupils, parents and school ethos. The promotion of self-esteem and confidence in all pupils is integral to professionalism and a fundamental prerequisite for effective learning and

teaching. Mechanistic subject-based performance measures present a distorted view of child development and, in some circumstances, may inhibit opportunity if educational policy development is predicated solely on examination success.

The EIS has concerns about proposals in the bill that may diminish opportunity for some. Unfettered devolved management to schools may severely inhibit the ability of local authorities to provide for special needs. There are also circumstances in which some of our members are disfranchised of their right to serve on school boards as parents. Although we support parental choice, we recognise that current placing request legislation has implications for the resources of those schools that are not the preferred option for parents.

I will end there. I hope that you will take the opportunity to listen to what the vice-president has to say.

The Convener: Thank you.

Margaret Nicol (Educational Institute of Scotland): As John Patton said, the EIS welcomes much of the content of the improvement in Scottish education bill. However, as representatives of teachers, we are concerned about a number of issues, as you will know from our submission. In particular, we are concerned about the relationships between the Scottish Executive and local authorities, between local authorities and schools, between employers and teachers and between local authorities and the inspectorate.

It would be fair to associate those concerns with the dangers that we identify in mechanistic measures of performance and value. We believe not only that such an approach affects our ability to deliver education to Scottish children, but that a system based on mechanistic measures of performance and value cannot address equal opportunities issues in Scottish schools. Equal opportunities should be in the main stream of the education system, from policy making through to legislation, and should be monitored rigorously. We welcome, for example, the statement that schools are not in competition with one another.

In our view, social inclusion is the most important equal opportunities issue that arises from the bill. We would highlight practices such as target setting or benchmarking by publishing measurable indicators including free school meals and aggregated five-to-14 scores, especially in a crude form. Those are extremely broad indicators, which were not intended to be and are not capable of serving as a measure of a school's performance—they were intended to be a measure of an individual's progress.

Low results do not reflect the real progress that

is being made in schools and their use as performance indicators is inimical to social inclusion. Coupled with placement requests, they can lead to parents who have the resources moving their children to apparently more successful schools. That causes an increase in the difficulties that are faced by the non-preferred school, a dilution of the whole system of comprehensive education and, frequently, the loss of curricular opportunities. Worst of all, it results in children moving from a school that, in a variety of ways, is meeting their needs to one that is simply achieving better results and may be no better equipped to deal with the individual's needs.

14:45

We welcome the fact that the Scottish Executive has defined a formal relationship with local authorities. However, in establishing performance indicators, we want equity and ethos to be central indicators. We do not want only mechanical assessment measures. I give an example of what I mean by that. The performance indicators with which we are most familiar are those that are outlined in "How Good Is Our School?". Those indicators were launched by the inspectorate, with huge press coverage. They are encompassed by in-service training for senior school managers and underpin every inspection that now takes place in Scottish schools.

There is an expectation that those performance indicators will be satisfied. At no time was the word equality used in any of those indicators. However, after some pressure, the inspectorate produced another set of performance indicators, in "A route to equality and fairness". I do not know whether committee members are familiar with those. They are equality indicators. There was no press coverage of them, there has been no in-service training and there is no expectation that they will underpin the inspections of schools as the other performance indicators will. The measurable will be measured, while the immeasurable will be lost. In setting up the performance indicators and in considering the role of the inspectorate in schools, the Executive should take equality issues on board and not base performance only on the measurable.

Our submission outlines our concerns about the roles of the inspectorate as policy makers, judges and juries in schools. We do not believe that the inspectorate has no role to play, but we do not think that there should be an over-reliance on it when local authorities are being examined. It is difficult to imagine how equality and other educational issues can be properly monitored if the people who are setting the agenda are also those who are inspecting and finding out whether the service is satisfactory.

Similarly, best value schemes—in which best value is simply the cheapest option—cannot deliver equality of opportunity for all children. We support the principle of best value in local government, but it must be recognised that raising standards can be done only in partnership. If equality issues—such as access to education, special educational resources and bilingual teaching—are not built into the system, we will get the cheapest provision and not the best value.

We welcome the fact that local improvement objectives will be determined locally. However, all such proposals must be costed for resources. The number of initiatives that have not had the success that they should have achieved in Scottish education because they were not costed financially, materially or in human terms are too numerous for me to begin to describe. If we are to deliver an equality agenda, we must resource it properly.

Schools and local authorities must be able to meet their own needs. There must also be a national education agenda. We think that there is a tension between those areas. There must be formulas for resolving that so that, for example, schools in disadvantaged areas can set priorities that other schools may not want to set, and so that local authorities can undertake initiatives that will ensure equality of opportunity throughout all schools. That has big resourcing implications.

I propose to stop there, on the equal opportunities aspects of the bill. Clearly, there are other equal opportunities issues in Scottish education, particularly in relation to race, gender, and the feminisation of teaching. We can cover those issues in questions.

Elaine Smith (Coatbridge and Chryston) (Lab): In another briefing, we heard that there were issues relating to male teachers in primary schools. The problem can partly be addressed through advertising, but it is important to attract men into teacher training for primary schools. How can that be done?

Margaret Nicol: It is difficult to talk about some of the deeper equal opportunities issues that are linked to the bill. The bill does not address what is happening to the teaching profession, although that is fundamental to improving Scottish education.

There are many reasons why we are not attracting men into teaching. The statistics are worse than they look. About 90 per cent of primary teachers are women, as are 80 per cent of secondary teachers under the age of about 32, so this is not just an issue for primary schools.

One has to consider what happens to teachers when they go into teaching. After a four-year degree, they are probably faced with a fairly long

period of instability. They are likely to be temporary or supply teachers and not to have a particularly high salary. They do not get General Teaching Council registration for a fair length of time. One could argue that that is a less attractive prospect for men than it is for women. The number of men who go into secondary teaching is far greater than the number who go into primary teaching. One would also have to conclude that another factor is the career structure that is available in secondary but not in primary education.

A person with a desire to teach is faced with an uncertain profession and a depressed salary. If that person has qualifications that give easy access to a higher-paid profession in, for example, engineering or information technology, they are more likely to change their mind and move in that direction. Statistics from universities and colleges show that the majority of students on courses such as engineering or IT are still men.

There are options for men in secondary education that do not exist in primary education. Uncertainties in both sectors tend to deter people from entering teaching careers. There are perhaps more opportunities for men outside teaching, as the areas in which it is easier to get jobs tend to be those that are dominated by men. I do not know whether advertising would help, as the problem is more fundamental than that. A range of issues have to be addressed in the primary sector, including stereotyping, before there is an impact on men.

Veronica Rankin (Educational Institute of Scotland): Margaret Nicol has covered most of what I want to say. The age at which people are recruited for primary teaching is 16, 17 or 18. Primary teaching should be made more attractive to boys in that age group. A much deeper issue is the perceived hierarchy within the education system, in which the older the age group that one teaches, the more important one is and the higher one's salary is.

We have received tales from men—I am reluctant to mention this because it has not come up a great deal and the evidence is anecdotal—who say that they are unwilling to teach early age groups because of other pressures and other perceptions of working with those age groups. That may be why we have failed to attract many men even to be classroom assistants.

Johann Lamont: I would be interested in any comments that you have on boys' attainment relative to girls'. It seems remarkable that, in the past, girls were blamed for not being ambitious enough to do well, but that, when boys are not doing well, girls—in the shape of women teachers and mums who do not have partners—are still being blamed. The issue is not necessarily one of

attracting men into primary school teaching; it is about what kind of stereotyping has already taken place. In fact, one of the lessons is that, if there is a man in a primary school, he is more than likely to be the head teacher.

One of the matters that we are discussing is the role of schools in delivering our aspirations of equality. We are interested in how schools can undermine that through their structures and the messages that they give out about where the power is, from the head teacher to the janitors and cleaning staff, whose roles are clearly defined. I would welcome your comments on that.

I am also interested in the tension that exists in schools. We had a presentation from members of the Equity Group, who talked about the entitlement of young people, whatever their disability—be it a learning or physical disability—to a place in a mainstream secondary school. Obviously, that would include youngsters who display difficult behaviours. What is your view on the tensions that that sets up in a school, with regard to different kinds of rights? Do you feel that the entitlement of all to a mainstream place is a legitimate, or realistic, aspiration?

John Patton: I should say that I am a primary school head teacher; the janitor and I are the only men in my school.

On policy making in schools, devolved management of schools is not devolved management to head teachers. Devolved management means that all staff are now involved in policy making. As a trade union, the EIS encourages participative management, which is now happening in many schools. Teachers have more access to decision making through school development planning in particular and through departmental meetings. Equal opportunities and equality issues are always taken into consideration at all stages of policy making in schools, whether in curricular policies or pastoral policies. I hope that that addresses some of the issues that you raised, Johann.

Margaret Nicol: Also, one tends to forget in all the blaze of publicity about the underachievement of boys that there are also underachieving girls. There is not the same blaze of publicity about them, because they tend not to be loud or attention-seeking, and so tend not to be mentioned in press headlines. This issue is that of all underachievement in schools, not just the underachievement of boys.

In terms of the entitlement of all young people to a mainstream education, clearly, we support that, and we have discussed it at length. However, an inclusive education is not inclusive if all you do is put a child in the classroom. If they are just there, that is not inclusive education. If education is to be

inclusive, resources must be provided. Special education, whether it is required for behavioural and emotional support, or because of special educational needs of another kind, is a demand-led resource. There are tensions, for example, with regard to the provision of special educational needs auxiliaries. There are tensions over how you help a child in a class when you identify that they need support for 27.5 hours, when the authorities are only able to provide support for 15 hours or 20 hours. We do not have the answers to those problems, but I am sure that for all children who are able to receive a mainstream education the resources should be there. If they are not, they are not receiving an education: they are just being put in a classroom.

It is also reasonable to say that some children, for a variety of reasons, can benefit from a non-mainstream education. I am thinking, in particular, of children who are hearing impaired and who use British sign language. When those children go to a school such as Donaldson's, which is designed for children who are hearing impaired, they are in a community where people use the same language as they do. They get many benefits from that, which they would not get if they were isolated in the mainstream. Mainstream education is not the only answer, although all children who would benefit most from mainstream education should be entitled to it, provided that it is resourced.

15:00

Johann Lamont: Who should make that decision? The tension for parents is that while they may think that their child would benefit from mainstream education, they do not make the decision about whether such education would be appropriate. Is it realistic to think that we could have a policy whereby if the parent thought that a non-mainstream place would be appropriate, the child would go there, but if the parent said, "No, I would like every effort to be made to sustain my child in the mainstream," the authority would be obliged to work on that?

Ian McKay (Educational Institute of Scotland): I will take that question on. At that specific level, much of the new social inclusion policy can be helpful, in as much as you are trying to bring together the different agencies concerned, to work out, with input from those agencies, the best decision.

Previously, we have criticised the way in which parental choice works with regard to placement. In the same way, you cannot have a system on mainstream education that is driven solely by parental wishes. In both health and education, professionals are employed to assess people and one should listen to what they have to say.

Overall, we support the development, perhaps in a more basic way, of what is spoken of more grandly as social inclusion. I will broaden the question out a little, to consider what we have to face up to. When your committee, and the Education, Culture and Sport Committee, discuss the bill, we would like you to consider the different demands on the education system in general, and on teachers in particular, with regard to what we are supposed to be delivering. On the one hand, we have social inclusion issues, which the EIS fully supports and endorses. Indeed, the institute has fought for those issues for many years. On the other hand, we have academic achievement. Only yesterday, we saw the publication of quite spurious academic standards league tables and the intense interest that everyone takes in them.

In our view, those demands do not sit neatly together. If we are to be measured as an education service, someone in authority—the Executive, the Parliament or whoever—has to give the education service more of a steer as to what is expected of it. Are we looking for improved academic standards and everything that goes with them? Or are we looking for a more socially inclusive service, which addresses the needs that we were the first to identify?

To augment our submission on the bill, we make the point that we cannot meet both those demands in a simple way; similarly, the demands cannot be measured in a simple way. Ministers and the Parliament need to provide the education service with some direction on what the priorities actually are.

The Convener: On Johann Lamont's specific point, the Equity Group will be asking the committee to support an amendment, or perhaps several amendments, to the bill at stage 1. That amendment, if it is accepted, would have a massive impact on the teachers that you represent, because the Equity Group is in favour, eventually, of completely doing away with the parallel system for special needs education. I got the impression, from the Equity Group's presentation, that the group wants no special needs provision at all. It would be useful for the committee to know whether you support that view, or whether you feel that there will always be a need for special provision, such as the provision that Margaret Nicol mentioned for kids with hearing impairments.

Ian McKay: The difficulty that we have is that—as you are aware, convener—there is a separate consultation exercise taking place on the special educational needs aspects of the bill. As recently as Friday, we agreed on our submission to that consultation, which I imagine you will not have. I am sitting looking at it now; but rather than trying to summarise a 12-page document in a few words,

we would be very happy to provide you with copies. On another day, if you can find time in what I am sure is a busy agenda, we would be more than happy to come and discuss the document with you.

The Convener: Thank you. If you could pass it to Martin Verity for copying, that would be very useful.

Elaine Smith: I have a couple of questions—one general and one a bit more specific—for Veronica Rankin.

In paragraph 2.3 of your paper, under the heading of “The Improvement Framework”, you say that you

“continue to have concern at the absence of teachers and other representatives of the educational community in education policy making in some Councils.”

Given what has just been said about devolved school management, could you explain that a wee bit further and say exactly what you mean? Are you talking about the education committees in councils? And what kind of input are you suggesting?

My second question is on the issue of teacher training, which the Equality Network and the Equal Opportunities Commission commented on. What are your views on the equal opportunities and social inclusion issues that are integrated into teacher training at the moment?

Veronica Rankin: From time to time, we write to institutions and ask them how they have managed to integrate equal opportunities issues into initial teacher training. Most of them have some kind of separate equal opportunities course or unit. We would prefer that, on top of that, equal opportunities issues were integrated into all aspects of courses.

Some issues, such as special educational needs, were easier to identify than others. However, I know that section 28 issues surrounding gay and lesbian teachers and pupils are not universally addressed. The picture varies. A couple of years ago, I was involved in training on those issues, so I know that it happens. But the problem is the degree to which it happens. That, and the quality of the training, depend very much on the people in the institution.

The publication of “A Route to Equality and Fairness” has been quite helpful in focusing people’s minds on the fact that this is an essential part of initial teacher training. However, once such a course is in place, it will be just another course unless the training is continued throughout a teacher’s professional development.

People also look on equal opportunities as being simply an issue of gender or race. They do not

take a holistic approach. Poverty can also have an effect on issues of gender, race and disability.

Elaine Smith: Are you saying that the equal opportunities element of teacher training would be a choice element?

Veronica Rankin: In some places it is a choice element; in others it is integrated throughout.

The other teacher training issue that we should mention is the role of the EIS in developing equal opportunities policies and joint training with the local authorities. We have experience of that, and it has been especially helpful. However, that should not be a one-off: it should be revisited every year.

Malcolm Chisholm: Margaret Nicol said quite a bit about performance indicators. You were critical of some indicators, such as that used by the Accounts Commission. You asked for local consultation, and I think that you said that HM inspectors of schools did not really understand or pay much attention to the performance indicators for equality.

My main question is on the actual document, “A Route to Equality and Fairness”. Is it quite a good foundation for equality indicators, or does it leave a lot to be desired?

Margaret Nicol: It does leave something to be desired. There has been a top-down approach, which is not something that we would support. Reading the indicators in the document, I am not sure that the inspectorate has entirely got to grips with the equality agenda. You are quite right, Malcolm. The agenda is not being pursued.

It is not an expectation that the inspectorate will ask how a school has met the performance indicators in “A Route to Equality and Fairness”, which has been available for a year or 18 months now. The inspection is underpinned by the performance indicators in “How Good Is Our School?”

Measurement and delivery of equality in schools must always be considered at the heart of other measures of performance. That approach has been lacking in school inspections, and is likely still to be lacking for local authority inspections. When the Scottish Executive set up performance indicators, they should not be mechanistic, but should take account of the other aspects of authorities and schools that cannot be easily measured or cannot be measured without care.

Malcolm Chisholm: Have you or anyone else done work on the issue of performance indicators that would allow us to make some progress?

Veronica Rankin: In terms of equality and fairness?

Malcolm Chisholm: Yes, in terms of improving

on equality and fairness.

Veronica Rankin: I would not quarrel with the actual document. It is particularly good, because, I was told, whenever HMI asked questions about the consultation process, it took EIS's comments into consideration.

I caution against a mechanistic approach to equal opportunities, in which there can be tick boxes to say that this, that and the next thing have been done, that the inspectors have been satisfied. Since I did work with the technical vocational educational initiative, which also had indicators, I have found this to be a huge problem: equal opportunities must be part and parcel of the curriculum, and situational discrimination must always be challenged.

Malcolm Chisholm: That is interesting. In the language of the bill, performance indicators seem to be an obvious mechanism, but are you saying that other things, including the curriculum, are more important? If so, can that be built into the bill? Could PIs be achieved through curriculum guidelines? How can that be done?

Ian McKay: Part of the difficulty that we have is that equal opportunities indicators are much like other indicators that we have tried to convince HMI and others to use. They are professional indicators, which show ways in which people teach and learn, rather than relying too much on number crunching indicators.

That is a problem that we have all come across throughout the public sector. Because PIs were, in the main, developed from accountancy practices and from things that were easy to measure, whenever we come up against something that is more difficult to measure, people will default and look for the easy way out. The difficulty is that equal opportunity indicators are generally not easy to quantify, and require a wee bit more thought.

A good example in another, recently developed area of education, educational psychology, was that of HMI which, with trade union support, has developed a whole range of professional indicators. Hardly a number is crunched in the whole book of PIs. We would propose that kind of thing for further development in other educational areas. One hopes that MSPs might return to it and to how the measures may be carried out when they consider the bill.

I will say one last thing, just to contradict myself. One very good, ordinary number crunching measure, which we have argued in favour of for something like 10 years—we were trying to remember how long it has been before we came into the meeting—would be the establishment of race monitoring in the Scottish teaching profession. EIS has argued for it with the Scottish Office as was, and we have drawn it to the

attention of the current Administration. It is something that must be brought to Scottish schools in the form in which it currently exists south of the border.

In trying to monitor our own membership, to see if our own profile in such matters shaped up to that of teachers in general, we could not achieve that monitoring, because there was no reliable measure from the Scottish Executive, or from the Scottish Office before it, of race monitoring among teachers. We think that that would be an easy and—I admit—number-crunching measure that could be brought in. It should form part of the act when the bill is finally passed by the Parliament.

15:15

John Patton: People's public pronouncements seem to contain a greater emphasis on the ends than on the process. Learning and teaching are important processes that our members are involved in on a daily basis. One of the inspectors is on record—and Brian Boyd often quotes this—as saying that if it cannot be measured, it does not exist. As Margaret said, many things happen at school that are extremely difficult to measure but are essential to the process. If there is to be increased attainment across the board for all pupils, and not just the select few who get five or more highers, the bill should give some substance to the process of learning and teaching in schools.

Margaret Nicol: Ian was not contradicting himself, because we are not talking about number crunching, but about a statistic. Statistics, when they are used for information, are extremely useful. It is not just the Scottish Executive that needs to look at the breakdown of issues by race in Scottish schools; it is not being done north of the border at all. The Scottish Qualifications Authority, for example, can supply all sorts of statistics about educational results by gender, but it does not have any information about educational results by race. One of the problems—it was a problem for us when we started monitoring—is that people think that asking that question is being racist, which means that people duck the issue by not asking the question.

That is more or less the answer we received from the Scottish Office when we asked that question. It is the answer I received from the SQA, which is now considering it. There is a desperate need for statistics about children of different ethnic backgrounds.

Veronica Rankin: I want to give Malcolm an example of the use of statistics that give the wrong message because they may give the appearance that equal opportunities are being pursued. It brings us back to what Johann was saying about the underachievement of boys and the apparent

success of girls. The lesson is that, regardless of their success at school, girls are still being shunted into gender-disaggregated occupations and still experiencing discrimination. After years of legislation, there is still a 20 per cent pay gap between men and women, so while we welcome certain aspects, we have to be careful what we extrapolate from the apparent success of girls at school.

Mr Michael McMahon (Hamilton North and Bellshill) (Lab): Elaine Smith's question was in two parts, the first of which was about the absence of teachers—and other representatives involved in education—in local authority policy development committees. I want to give you an opportunity to answer that part of the question.

Ian McKay: What we were alluding to in that part of our submission was—as you may be aware—the tortuous history of the previous UK Government on the role of teachers and other representatives on education committees. The Local Government and Housing Act 1988 removed teacher representatives from local authority education committees, although—happily—that piece of legislation has never been brought into effect. Unfortunately, however, the legal departments of some councils decided that they would point out the act to their leaderships. Our understanding is that the vast majority of local councils have had the good sense to continue with teacher representation on education committees.

At times, we are rather doubtful about the method by which representatives get on committees. We favour a normal elective system. Sometimes, teachers are appointed. In other local authority areas, there continue to be difficulties with the consultative mechanism. We are keen for not only teachers, but other community representatives, to be involved in that process. In the past, education committees had the involvement of churches and the local community. We think that that was a good process. Local councils should seek the involvement of other community interests in consultation on the education service. We certainly need to involve teachers.

Those forums are tried and trusted, as opposed to other mechanisms that have been developed more recently, such as citizens juries, which are too often a pick and mix by people in positions of power. If a jury comes up with the answer that is being sought, that jury is the one that will be brought forward and four others will be left aside. A transparent mechanism, such as an education committee with representatives of teachers and the local community, would achieve a representative voice in the discussion of educational policy.

We want some improvement and clarification,

given that the legislation in the area is only half enacted at present.

Nora Radcliffe (Gordon) (LD): Could you expand on your concerns about the role of HMI?

John Patton: Our chief concern is that it operates as both policy former and assurer. The promotion of modern languages in primary schools, for example, was a policy that was devised by the inspectorate. At the time, the advice was that there would be difficulties; turning a willing volunteer in a primary school into a modern language teacher after 26 days of training was a serious expectation.

The pilot scheme was remarkably well resourced—as is often the case with pilot schemes. Secondary school modern language teachers went out to support colleagues in primary education. However, when the pilot scheme was mainstreamed, the level of resources was not maintained and primary school teachers were left alone to deliver modern languages to primary 6 and primary 7.

In last year's report "Standards and Quality in Primary and Secondary Schools 1994-98: Modern Languages", the inspectorate gave primary teachers a hammering, but stood back and admitted no responsibility. That is only one of several examples of our concerns about the inspectorate.

As Veronica Rankin and Margaret Nicol have suggested, the inspectorate is thirled to performance indicators—I came through the process only a year ago—as the only measure of a school's performance. There are 22 performance indicators that are listed at the back of inspectors' reports. Those of us who are old hands at reading such reports check the back page to see how a school did on those 22 indicators. There is much more happening in schools than can be measured by those performance indicators. We believe that the inspectorate must broaden its vision of the process.

Nora Radcliffe: Should we be limiting the quantitative aspects to a certain percentage of the total report?

John Patton: At the moment, there are different types of report. There is the focused inspection in which, for their own purposes, inspectors may decide to examine language teaching in a primary school or history teaching in a secondary school, for example. There is also the broad—or standard—inspection, which covers a school's entire activity.

We believe that inspectors should move towards a more supportive role, to increase morale in schools by highlighting the good that is going on.

Those who interpret inspectors' reports tend to focus on the findings that indicate that a school is not performing well.

Nora Radcliffe: Should there be a separate body that takes the setting of an agenda away from the inspectorate?

John Patton: There should be a broader-based body than the current inspectorate.

Margaret Nicol: Tension is caused by both making the policy and implementing it.

Nora Radcliffe: Is there a conflict between those roles?

Margaret Nicol: Yes. Our submission says that we will go down that same road only if it is assumed that, if local authorities are to be evaluated, that will be done by the inspectorate. We would be involving inspectors in everything. We should be examining the other options.

Nora Radcliffe: We would almost be compromising their interpretive role.

The Convener: Do other members have questions?

Johann Lamont: You have mentioned the process, the results and the difficulties. You have also alluded to the fact that one of the consequences of placing requests and devolved management is that schools' ability or willingness to meet special educational needs, or the needs of marginalised youngsters, is affected. Is that quantifiable? Has any work been done on that?

We should argue for statistics on such subjects. Popular schools can always claim to be too busy to take some youngsters, so the unpopular schools must take them. Those schools might be willing to take them but they might not have the appropriate resources. Divisions between schools become greater and greater. Do you think that it is possible to quantify how schools make the hard decisions about how the school will do better by being selective about offering spaces to youngsters?

John Patton: That could not happen because of regulations, but parents can be selective and that has an effect. Resourcing of schools depends on capitation.

I was once head teacher of a smaller school where what Johann Lamont described happened. The school was in an area of social disadvantage. Because of the small number of pupils, we had difficulty addressing educational needs without the education authority's support. If there is unfettered devolved management, if all the money goes to the schools and if there is no top slicing for the authority to address special educational needs, there will be real difficulties for small schools. They must—as Margaret Nicol said—provide for the

number of hours that will be required of a special duty attendant or of a learning support teacher to address those needs.

I do not know about any research. Perhaps Veronica Rankin knows of work that answers your question.

Veronica Rankin: Substantial work has been done in England. Devolved management of resources is different there and some local authorities have looked carefully at its effect, particularly in urban areas. The placing requests legislation did not have the same impact in rural areas. I am fairly certain that I have that work and I will gladly give it to the committee when I can put my hands on it.

From the evidence that came to us, it was not just a question of skewing the curriculums of the schools that had become magnet schools; there were also difficulties for schools who were losing pupils, in terms of provision for pupils and in-service training. There were also problems with prioritising such things as staff development. The full panoply of educational support was not available to all schools.

Pupils with particular needs who ended up at magnet schools ended up disadvantaged. That has a serious effect on learning outcomes.

Elaine Smith: In section 5.5 of your response, on pre-school education, you talk about the provisions of the Schools (Scotland) Code 1956, and whether registered teachers, who hold the appropriate qualifications for nursery education, should be employed. Are you suggesting that there should be an amendment to the bill to that effect? Are you saying that a council should not be in a partnership agreement with a private nursery school, for example, unless that private nursery school employs registered teachers rather than nursery nurses? Could you explain that to me?

15:30

Ian McKay: We are trying to underline that we have always supported the expansion of pre-school provision, but it must be done in a high-quality way. The 1956 code set out certain standards for staffing, the important thing being that a nursery class should have a registered teacher, although a class of 30 might have a registered teacher and two nursery nurses, to provide a 1:10 ratio of adults to children. That should not be watered down—with the greatest respect to nursery nurses—by the removal of the educational professional.

The short answer to your question is yes. We do not think that setting up a pre-five establishment that does not meet the appropriate standards should be permitted. Local authorities should not

go down that road. The private sector is required, if we are to have expansion, as local authorities are not tooled up to support it. We are happy for the private sector to be involved, but we are concerned that standards should be maintained. The bill would place a statutory duty on authorities, but the quality must not be lost. We strongly feel that the work that is done at pre-five and during the first couple of years of primary school is essential for everything that follows. If it is done wrongly, money is thrown away.

We want the code to be revised—it was previously considered in 1956—and we are concerned that the only apparent revision seems to be a watering down, which does not ensure the continued presence of teachers in such provision.

Michael Matheson (Central Scotland) (SNP): As I understand it, inspectors inspect a school, then detail their 20 or so performance indicators at the end of their report. If a school fails to meet the objectives of one of those indicators, does the inspector detail the reasons for that?

John Patton: Yes. There is a detailed briefing in the follow-up to the inspection. There is always a dichotomy between what is written in the report and the verbal support from the inspectors. In my own case—to be anecdotal—I found that what the inspectors had to say was professionally extremely helpful. I do not know whether I should allow that to go on record.

The Convener: You have said it. I am afraid that it already has.

John Patton: There is always a follow-up inspection within 18 months to two years, at which the school, in consultation with the education authority, draws up an action plan to address the areas in which the school is regarded to be experiencing some difficulty.

Michael Matheson: Would the inspector, in that case, be able to refer directly to resources and comment on whether they were adequate?

John Patton: It is known from inspectors' reports when the fault lies with the authority, as the inspectors will draw attention in the report to any lack of resourcing that gives rise to a situation in a school.

Michael Matheson: It is then down to the local authority's action plan to address those issues?

John Patton: Yes. There will be issues in the action plan that are mainly for the school to address but, obviously, any authority-provisional resource requirement is for the authority to address. There is little that teachers can do about the fabric of the building and such matters.

Michael Matheson: I am conscious that you will issue another response to this consultation

document. Would it be fair to say that one of your concerns about the inclusion of a performance indicator on the mainstreaming of special needs education is that it would not necessarily be backed up with resources?

John Patton: There is always a fear in education that, when schools are asked to focus on an issue, the resources will not be provided—I have already given the example of modern languages in primary schools. From bitter experience, we have learned to live with that, but we do not accept it.

Michael Matheson: However, in principle, you would welcome such an indicator?

John Patton: Yes.

The Convener: Thank you very much for coming to this afternoon's meeting. The Education, Culture and Sport Committee is the lead committee on this bill and we will make representations to it later.

John Patton: Thank you for the opportunity to appear before the committee. As we have indicated, we will ensure that you receive copies of our submission on special needs. We would be happy to be invited back to address those issues.

The Convener: Thank you.

Progress Reports

The Convener: The next item on our agenda is progress reports from reporters. The first to speak will be Michael Matheson.

Michael Matheson: I do not have anything specific to report.

Malcolm Chisholm: Could somebody clarify for me what we decided last week about the Stirling disability in housing conference?

Michael Matheson: Is that something for the convener or for Martin Verity to come back on?

Martin Verity (Committee Clerk): The committee agreed that it will meet here on 14 December.

Malcolm Chisholm: So nobody is going to the conference in the morning?

The Convener: I do not think that we agreed that nobody is going in the morning; we were going to try to find somebody who can go. I cannot go because our meeting cannot go ahead unless I am here. The issue is still unresolved. The organisers of the conference would still like someone from this committee to attend.

Malcolm Chisholm: I am going in the afternoon. I do not know whether Michael wants to

go in the morning. I assume that we both have the same problem: we do not know what is on the agenda for the morning of 14 December, but in general we do not want to miss a committee meeting.

Michael Matheson: My primary concern was missing a committee meeting, especially given that it is the last committee meeting before the recess.

Malcolm Chisholm: I have the same concern.

The Convener: At our meeting on 14 December we may take more evidence on the improvement in Scottish education bill. However, I think that the organisers of the Stirling conference would like one of us to attend in the morning. I will ask Martin Verity to speak to members of the committee about that after this meeting. If anyone has an interest in disability issues and is prepared to go along, they will have to miss a committee meeting. That is just unfortunate. If we had a deputy convener, I would go and miss the committee meeting, but unfortunately we do not. Martin will get in touch with members by phone over the next day or so, so that we can get back to the organisers. I do not think that we can do any more than that.

Johann Lamont: I want to offer my apologies for not being able to attend our previous meeting. My reporter's group has not met since then, but I have had a response from Professor McLean to my letter asking about the document that she is producing on women offenders.

The document is on the verge of being published but, because it was commissioned by the Scottish Executive, I am not sure at what stage we will have access to it. However, Professor McLean indicated that she is more than happy to meet the group to discuss the issue of women offenders.

We are still waiting for information about "Towards a Just Conclusion: Vulnerable and intimidated witnesses in Scottish civil and criminal cases", which the group wanted to examine in relation to women. As for the visit to Cornton Vale prison, I have asked Sylvia Jackson, who is organising the visit, to report to the small group, which is probably the most useful way of finding out the important issues concerning the treatment of women in prison. Perhaps the full committee will want to examine the matter or organise its own visit. I am concerned about simply going for a look at the prison, as if the women there were in a goldfish bowl.

Having spoken informally to women and women's organisations, I have found that the issue of women in the justice system opens up huge areas of debate such as provocation. Women's aid organisations have a lot of information and

concerns that we would want to tap into. Perhaps the group should meet very briefly at the end of this meeting to plan our next moves.

We agreed that we would invite Zero Tolerance, SAY Women and the Scottish human rights group to speak to the full committee. Perhaps this topic came up at the previous committee meeting and I missed it, but I would like to know how those invitations are going. As I am concerned that some of the group's discussions are not in the public domain, it is important that those presentations are held in public to bring the issues to the wider world.

The Convener: As there have been many requests from organisations to appear before the committee, Martin Verity will put together a list of those organisations and a timetable so that their appearances fit in with our discussions on bills and so on. That paper will be available for the next committee meeting. Does any member have any questions or comments for Johann?

Elaine Smith: On a general point, when Martin produces that paper, will it be up to the committee to prioritise who comes before it?

The Convener: The paper will have a list of which organisations have been asked, but it will be up to us to decide the priorities.

We will now move on to Michael McMahon's report on race issues.

Mr McMahon: I am circulating the minutes of this morning's meeting. We were asked by the committee to discuss as the meeting's first two items the Act of Settlement and the asylum and immigration bill. I have spoken to Martin Verity, because part of our problem with the act was working out what the committee could do with our report, which is very much still in progress. There was consensus on some areas, but not on others, which was a problem that we had to resolve.

What came out of our discussion was the idea that the committee could ask the Parliament for a debate on the issue. As the minutes show, although the group agreed that a debate would be useful, it could not agree on the form of such a debate. However, the group was not totally au fait with procedures and could not decide on how the committee should approach the issue.

At the previous meeting, Shona Robison asked whether the asylum and immigration bill could be put on the agenda. All members of the group agreed that we should invite the Scottish Refugee Council to speak to the committee about the bill. We suggest that we invite that organisation to the same meeting as that attended by the Scottish Human Rights Centre—we could take evidence from both groups. We would like that issue to be given a high priority.

15:45

We then looked at how we, as a small group, could have an input into the work of the committee; there was total agreement that we should be proactive. Rather than waiting for issues to arise, we should take a step ahead. We agreed that we should take evidence on housing and that we should invite Positive Action in Housing to the committee, as it has a strong agenda on equal opportunities for black and ethnic minority communities—again, we wanted to place that issue firmly on the committee's agenda.

We considered the briefings that we received during the recess, which were to guide the committee's work. Number crunching was one issue that arose—it was reflected in what the EIS representatives said earlier. Several organisations asked us to examine data collection. Tommy Sheridan, who cannot be here today, specifically wanted me to say that we must find a mechanism of obtaining statistics on employment, levels of pay and so on for those who are affected by discrimination. The group felt that that issue must be put on the agenda. Perhaps the equality unit can help us with this, but we must ensure that there is adequate data collection, to allow us to make good decisions that are based on facts.

Under other business, we noted that there are a number of organisations that want to meet the committee and which we would like to meet, although there is no timetable for such meetings. When we considered the areas that are being examined by the sub-groups, it seemed to us that we bring many of those areas back to the committee, yet we still meet only once a fortnight. The view of the group was that we would have to reconsider that approach. We said that we would revisit the issue, but there is a feeling that the committee might need to meet weekly in the new year, so that it can meet the number of groups that want to come. At the moment, fortnightly meetings do not allow us to deal with the education bill—and other legislation that is being introduced. At the same time, we do not have enough time to consider the general issues.

I was asked to raise those matters, so that the committee could consider them.

The Convener: Are there any questions or comments for Michael?

Johann Lamont: I know that work on housing is being undertaken by the Social Inclusion, Housing and Voluntary Sector Committee—it is producing a report on housing. Has that committee sought representations from Positive Action in Housing? I expect that it will have done so. Would it be useful to have that evidence as a first base, so that we are not simply bringing people before the committee who have already made presentations

to other committees? I agree absolutely that we should consider the issues that Michael raised, but if much of the information gathering has already been done, we could start from a different base.

I am concerned about having weekly committee meetings, as there should be space for the sub-groups to work effectively—they were to meet in the week in which the full committee was not meeting. I understand Michael's point, but the benefit was that the fortnightly arrangement allowed the sub-groups to consider issues in some depth—it is a balancing act.

The Convener: We can take briefings from different organisations in areas in which people are interested, but they might not necessarily fit into our work programme or inform the committee's work. We have agreed to consider specific matters, such as the education bill and any other legislation.

I am not sure whether there has been any advice on the Act of Settlement. My understanding is that the committees have 12 half days a year of parliamentary time to use for committee business. I am not sure what the procedure for that is.

Martin Verity: The Parliamentary Bureau draws up the programme of business.

The Convener: Yes, but this committee can put in a request to use some of the committee time in Parliament for whatever it wants. I am not necessarily saying that we would want to use it for that.

Malcolm Chisholm: We had not remembered that. It is an obvious third option.

The Convener: The committee would have to decide whether it wanted to use its one half day a year to discuss that issue.

Martin Verity: The committee can decide what it wants to advise the Parliament to do or, with the committee's agreement, the convener can put in a request to the bureau. If the committee intended to produce a report on the issue, that could include a recommendation, but there is a time factor.

The Convener: I am not sure that the convener can simply put in a request to the bureau. There are 12 half days a year for committee business. Committees can request some of that time to initiate a debate or to bring forward a proposal.

Elaine Smith: Mike Russell has lodged a motion to which the majority of MSPs have given their support. The issue is a matter for Westminster. What would the committee hope to achieve by debating the issue for a half day?

Johann Lamont: If there is to be a debate about how we want to use our half day, it must be honest, open and full. We do not want to be driven by the fact that this issue has generated much

publicity and interest. We might conclude that we want to use our half day to debate the Act of Settlement, but we should not decide that now. What about the work that has come out of the sub-groups, which has not been done elsewhere?

I have an open mind on the matter, but we need clarification on what our entitlement is—is it a half day or is it more? Is there a bidding system? At some stage, although not necessarily today, the committee must decide the priority. What is the first thing that the Equal Opportunities Committee of the new Scottish Parliament wants to bring to the chamber for debate? That will be a hard decision. There are many competing interests. If we make a move on the Act of Settlement now, we will not take the other issues that concern us into the round.

Mr McMahon: Essentially I agree, but at the moment we are not even in a position to discuss the Act of Settlement. I have given members of the race reporter's group a draft statement and a date for the next meeting, but we already have a full agenda. If we need to discuss the Act of Settlement before the full committee next meets on 14 December, I can call another meeting of the reporter's group quite quickly. However, there was general agreement on the statement. It has to be typed up and some items need to be added, including an extra paragraph. We cannot take a decision on it today; we must wait for the statement to be agreed by the committee.

We could make a report, but what would we do with it after that? That is what we need to find out. We cannot do anything until the matter has come before the committee and an agreement has been reached on how to proceed.

I agree entirely with Johann Lamont. Once we have decided what we want to say on the Act of Settlement, we must decide which issue we will use to secure time for a debate in the chamber. It may be this one, or there may be more pressing issues, but we cannot decide today either way, and there is still a long way to go in debating the Act of Settlement.

Shona Robison: That is right. Nobody expects us to decide our priorities today. Johann usefully suggested that we need clarification as to what opportunities are available. It might be that there are opportunities beyond the 12 half days that are officially allocated; I would like to know whether there are other mechanisms for committees to raise with the bureau issues of concern that might arise during a parliamentary year.

The Convener: At any time, conveners can raise with the bureau issues that arise. There are guidelines for debates in the chamber—they are reasonably strict because of the restricted time that is available. The committees may have 12 half

days, but that does not mean that every committee has a half day. Opposition groups have time allocated, as does the Executive, and that time is already limited. I could raise anything at all with the bureau if the committee wants me to, but I cannot necessarily put in a bid for time in the chamber. However, I will seek clarification on the procedures.

Martin Verity: I shall clarify that and notify members as soon as possible. I could also include it in our future work programme.

The Convener: That would be useful.

Mr McMahon: At the reporter's group it was broadly agreed that, given the cross-party support for the motion, there should be a debate to express Parliament's views and draw a line under the issue, rather than the motion just falling off the business bulletin. Our discussions focused on whether it should be a members' business debate, a non-Executive debate or an Executive debate.

Martin Verity: Johann Lamont asked about Positive Action in Housing. The Social Inclusion, Housing and Voluntary Sector Committee will be inviting that organisation to give evidence, probably in late January or early February.

Malcolm Chisholm: That raises a general question about the role of the Equal Opportunities Committee. We are covering all the other committee areas as well, so I do not think that the fact that that organisation is going to the Social Inclusion, Housing and Voluntary Sector Committee should prevent it from also coming here. We have a particular interest in promoting its concerns, although I am not saying that members of the Social Inclusion, Housing and Voluntary Sector Committee do not.

The Convener: I do not think that anybody was suggesting that that was the case. We have already indicated to Positive Action in Housing that it could come here.

Johann Lamont: I thought that we might have a joint meeting with the other committee. I am concerned that witnesses might come to separate committees as if the other committees were not aware of which witnesses were being interviewed. We could have a joint meeting, or we could meet representatives from Positive Action in Housing after they had been to the first meeting, so that we could build on the first round of evidence.

The Convener: That is up to the committee. The difficulty with joint meetings is one of timetabling.

16:00

Mr McMahon: I should like to raise one other issue. It is another request for people to come to

the committee. Last week, we had an opportunity to go to the international conference centre to meet the Commission for Racial Equality. Representatives from the Fife and Central Scotland racial equality councils were there. They would like to come to our committee. They do not mean just their own groups, which represent specific areas of Scotland—they want all the racial equality councils to be involved.

I do not know whether the best way to do that would be to get all the councils along at one time, or whether the race reporter's group should invite a delegation and bring information to the committee. I am open to suggestions on how to handle it.

Do you think that it would be best if representatives of those organisations came to the full committee?

The Convener: To give evidence or as visitors?

Mr McMahon: To give evidence.

The Convener: There are quite a lot of racial equality councils.

Mr McMahon: I know—that is the difficulty. How do we decide which councils should come, or should we arrange a delegation that represents them all?

The Convener: There are six racial equality councils, so it is not inconceivable that we could ask each to send a representative. When we take evidence, we might find that different issues are raised that relate to local matters, for example, local authority funding and problems in specific areas.

Mr McMahon: Will I contact the racial equality councils to see what they think?

The Convener: Yes. They would be welcome to come to the committee.

Elaine Smith: Do the racial equality councils want to give evidence on a specific issue that we are dealing with? We have had briefings from other groups. Could the full committee get an informal briefing from them?

Mr McMahon: I will speak to them again, to find out what they think is the best way of dealing with the matter.

The Convener: We said that we would consider meeting weekly again when we were coming to the end of the committee cycle. I am reluctant to meet weekly, because I do not think that that would give enough time for individual groups. If we focus more on the work that we want to do with an end goal, such as feeding into the legislative programme or producing reports, we can continue to meet every other week. It is up to the committee how often we meet.

Shona Robison: Perhaps that matter should be considered at the next meeting. We will know what the timetable looks like by then and will be able to make a decision.

The Convener: The turnround for a weekly committee meeting means that there is barely time for anybody to get anything done.

Is the next meeting the last one in the cycle?

Martin Verity: Yes. It is on 14 December.

The Convener: Nora Radcliffe has gone, so we will move on to the next item on the agenda.

Correspondence

The Convener: The next item on the agenda is correspondence.

Martin Verity: There is no correspondence.

The Convener: That is all the business. Thank you.

Meeting closed at 16:02.

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