



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Education and Skills Committee

**Wednesday 16 September 2020**

**Session 5**



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## EDUCATION AND SKILLS COMMITTEE

### 21<sup>st</sup> Meeting 2020, Session 5

#### CONVENER

\*Clare Adamson (Motherwell and Wishaw) (SNP)

#### DEPUTY CONVENER

\*Daniel Johnson (Edinburgh Southern) (Lab)

#### COMMITTEE MEMBERS

\*Dr Alasdair Allan (Na h-Eileanan an Iar) (SNP)  
\*Kenneth Gibson (Cunninghame North) (SNP)  
\*Iain Gray (East Lothian) (Lab)  
\*Jamie Greene (West Scotland) (Con)  
\*Ross Greer (West Scotland) (Green)  
\*Jamie Halcro Johnston (Highlands and Islands) (Con)  
\*Rona Mackay (Strathkelvin and Bearsden) (SNP)  
\*Alex Neil (Airdrie and Shotts) (SNP)  
\*Beatrice Wishart (Shetland Islands) (LD)

\*attended

#### THE FOLLOWING ALSO PARTICIPATED:

John Swinney (Deputy First Minister and Cabinet Secretary for Education and Skills)

#### CLERK TO THE COMMITTEE

Gary Cocker

#### LOCATION

The Robert Burns Room (CR1)



## Scottish Parliament

### Education and Skills Committee

*Wednesday 16 September 2020*

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

### Decision on Taking Business in Private

**The Convener (Clare Adamson):** Good morning, and welcome to the 21st meeting of the Education and Skills Committee in 2020. I remind everyone to turn mobile phones and other devices to silent during the meeting.

Our first item of business is a decision on whether to take item 3 in private. That will be a discussion of the evidence that has been taken today. Are members content to do so?

**Members:** *indicated agreement.*

## Cabinet Secretary Evidence Session

10:00

**The Convener:** For agenda item 2, we welcome John Swinney MSP, the Cabinet Secretary for Education and Skills. He is here to discuss some themes that are of interest to the committee: the return to school, additional support needs, the exam diet, and counselling and wellbeing. We will try to ask our questions in that order.

I remind members and the cabinet secretary that there is a slight delay between audio and video for those who are attending remotely, so I ask everybody to leave a short pause to ensure that broadcasting colleagues can activate the correct microphones.

I invite the cabinet secretary to make an opening statement.

**The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney):** The reopening of schools and early learning and childcare settings has been a central priority for the Scottish Government. I am delighted that, overall, the feedback from schools and local authorities since the start of term has been positive.

Our job now is to do all that we can to take account of the evolving situation and to respond accordingly to ensure that schools remain safe environments for all pupils and staff. Working with the education recovery group, we will continue to update our guidance as required—as we did recently with the guidance on face coverings—and to ensure that the best support for children, young people and staff is in place.

We are acutely aware of the impact that the pandemic has had on our children and young people, and we are conscious that it will continue to have an impact for some time. We have already published guidance to support schools to consider the wellbeing needs of children and young people, and our mental health in schools working group—which was established prior to Covid-19—is now developing a new professional learning resource.

We also know that, for some children and young people who have had negative experiences during lockdown, it may take some time for those matters to come to light. Our guidance recognises that and highlights the need for a sustained focus over time.

Child and adolescent mental health services continue their work, with emergency and urgent cases being prioritised. There has been significant progress in the provision of counselling through

schools, and authorities and schools have a wide range of whole-school and targeted approaches in place.

We are mindful of the impact on children and young people with additional support needs. In June, we published the review of additional support for learning, chaired by Angela Morgan, which found that the fundamental policies and principles that are in place at present create a solid framework to support our children and young people. Some areas for improvement were suggested, to which we will give full and careful consideration, and we are working in partnership with the Convention of Scottish Local Authorities and the Association of Directors of Education in Scotland to agree actions that will address those findings and recommendations. A full response will be published in autumn 2020.

I am also mindful of the importance of the wellbeing of school staff. That is crucial as they support our children and young people to recover from the pandemic. Earlier this week, I was pleased to confirm an additional package of support that focuses on staff wellbeing, new professional learning for post-probation teachers, a new coaching and mentoring offer and further funding for values-based leadership through the Columba 1400 programme. All of that will complement the excellent practice that is already taking place to support the wellbeing of staff in schools across Scotland.

As was set out in the programme for government, an equity audit has been established and has begun to examine the impact of the school closures on children and young people from disadvantaged backgrounds. We will publish the key findings of that audit by the end of the year. That will include evidence from a range of national and international literature as well as from schools, and it will include a dedicated focus on the voices and experiences of children and young people.

Education Scotland, in partnership with schools and local authorities, will also gather local evidence that focuses on the impact of Covid-19 on learning experiences, attainment, and health and wellbeing, as well as on the support that has been put in place to facilitate recovery.

I am keenly aware that the sector wants clarity on how national qualifications will be assessed in 2021. The real risk remains that there may be further disruptions for individual learners, individual schools and colleges, or more widely across the country during the year. There is no way of knowing what circumstances we will face in the spring next year, when, in normal circumstances, the exam diet would take place.

That uncertainty and risk of further disruption makes identifying a fair and robust approach incredibly difficult, and there are a wide range of views on the best approach to take. Our ambition remains to run a 2021 examination diet, but, in these exceptional times, the Scottish Qualifications Authority and the education recovery group are looking at contingencies that will be appropriate to the circumstances. That is especially relevant as we are seeing a disturbing increase in the number of cases of coronavirus, which could cause further disruption.

It is also imperative that we consider fully the lessons of the 2020 national qualifications. Professor Priestley will report the findings of his independent review soon, and it will include recommendations for assessment this year and will be important to my consideration of the dilemma that we are facing.

The SQA has consulted on measures to modify course assessment for this year's national qualifications and the timetabling of exams. Although I understand the need to share this information with the system as soon as possible, any such changes will need to be considered alongside the findings of the Priestley review. I want to provide as much certainty as possible in this time of great uncertainty, so I have asked the chief examiner to pause on publishing her report while I await the outcome of Professor Priestley's review. I have done so in order that the system can receive as much clarity and certainty as possible on a range of related issues, and that will be set out at the start of October.

I am happy to address questions from members.

**The Convener:** Thank you, cabinet secretary. We move to questions on theme 1, which is about returning to school. I invite Jamie Halcro Johnston to ask the first question, to be followed by Alex Neil.

**Jamie Halcro Johnston (Highlands and Islands) (Con):** I have a couple of questions about issues that I have raised previously. Cabinet secretary, you assured us that all devices, laptops and access to broadband would be with local authorities by 21 August, I think. Can you confirm that that target, which moved repeatedly over the summer, has been met?

What are the plans for the remaining £21 million of the initial funding that was provided? Has that been allocated, or are there plans to allocate it?

**John Swinney:** On the first point, I can confirm that the devices that we said would be distributed to local authorities were distributed to local authorities within the timescale that was set.

A distribution agreement for the remaining resources has been reached with individual local

authorities. It will be for individual local authorities to determine how to use the funding that is available to them most appropriately to meet the requirement of the programme, which is to tackle the digital disadvantage that affects young people in our communities.

**Jamie Halcro Johnston:** No one wants to see schools being forced to close again, but the number of cases is rising and there are concerns that that might well happen. It is vital that preparations are in place for that eventuality. Are you confident that every local authority and every school has a plan in place to ensure that they are able to deal with a situation in which they might be forced to close? Are you confident that they and individual pupils have the right resources to ensure that no one is excluded from those plans?

**John Swinney:** It is important to recognise that, despite the fact that we are seeing a rising number of cases of coronavirus in the community, all schools in Scotland are open today. That is a significant achievement for the education system, and it has been the position since 11 August. The second point is that, fundamentally, schools have responsibility for the delivery of learning to individual young people, and they should be taking steps to ensure that the practices and priorities are in place to do that.

A lot of good work was undertaken in the spring as schools prepared for what we thought was the likely eventuality of the resumption of schooling in August on a blended learning model, with pupils in school for part of the time and learning at home for part of the time. Schools were preparing for such a scenario, and that work will be of value if we face a situation in which individuals, classes or year cohorts are affected or if we face the worst-case scenario of schools being unable to open because of the coronavirus. As I said earlier, we are, thankfully, not in that situation at the moment.

Schools are undertaking all that activity in case that occurs, but there are additional elements to complement that work. That is being undertaken principally through the work of e-Sgoil, a digital learning platform that is a collaboration across the education system in Scotland. I am pleased with the substantial progress that was made over the summer to create a strong and available digital platform that can be utilised by individual pupils, classes or schools, should they face disruption to learning during the school year. A combination of those local measures and the national proposition provide significant reassurance on that question.

It is important to focus on Mr Halcro Johnston's earlier question. We have put new resources into the system to ensure that young people who do not have access to digital connectivity are able to acquire a device and/or a connectivity package to

enable them to access learning in such circumstances.

**The Convener:** We go to Mr Neil, to be followed by Mr Johnson.

**Alex Neil (Airdrie and Shotts) (SNP):** [*Inaudible.*—testing regime. We have—

**The Convener:** I am sorry, Mr Neil, but we missed the start of that. Please start from the beginning.

**Alex Neil:** Good morning. I want to ask about the testing regime. We have seen the shambolic nature of test and trace down south and the impact on schooling and wider society of the huge backlog. Will the cabinet secretary update the committee on the situation that we face in Scotland, particularly in relation to testing and tracing in schools and the wider education system? What impact are delays having, if there are any? As we are relying on the UK system to a degree, can we guarantee that, if the crisis continues south of the border, we will not be put to the back of the queue by the UK so that our schools and staff will be denied tests because of that?

**John Swinney:** In the first week of schools returning—the week beginning 10 August—2,500 young people of school age were tested for coronavirus, and, in the third week, 25,000 were tested. That was a measure of the increased concern, I think, among parents of young people who were displaying symptoms that might have been construed as Covid symptoms but were more commonly associated with the types of bug that circulate when schools return, with which we are all very familiar. It is important to recognise that, although 2,500 tests were done in week 1 and 25,000 were done in week 3, there was no discernible difference in the number of positive cases that were identified. The number was broadly of the same order—between 30 and 40 cases out of 2,500 in week 1 and out of 25,000 in week 3.

10:15

I use that data to reassure Mr Neil that a very significant amount of testing was undertaken of young people who were presented by their parents for testing during that period. In the intervening period, there has been a significant reduction in demand from young people of school age, which has led to less demand on our testing arrangements.

I hope that that detail reassures Mr Neil that adequate capacity has been available to undertake the type of testing that he believes to be appropriate.

That brings me to the wider question of the testing arrangements. The committee will know that the arrangements are, in essence, taken forward under the auspices of a UK-wide scheme, through the Lighthouse laboratory arrangements that are in place.

At her press briefing on Monday, the First Minister made clear the importance that we attach to having fair, appropriate and equitable access to that testing capacity for tests that have to be undertaken in Scotland. Those issues are the subject of on-going dialogue with UK ministers, and, on Monday evening, the First Minister spoke directly with the Secretary of State for Health about that question.

The Scottish Government attaches the highest importance to ensuring that the concerns that have been expressed by Mr Neil in his question are fully and properly addressed by the testing arrangements that are in place.

A range of measures are being undertaken to continue to expand testing capacity, because we realise that we will need more testing capacity as each week goes by, into winter. For example, there will be an expansion of walk-in test centres; centres are fundamentally to be made available in areas of particularly intense student population over the next few weeks; and there will be a wider expansion of testing capacity.

My final point is that the protocol is in place to enable members of school staff who are concerned about their health and wellbeing—although they may not be displaying symptoms of coronavirus—to secure a test for coronavirus through the employment portal. That option is available to members of staff, to assist us in sustaining staff numbers in our schools.

**Alex Neil:** That is very helpful indeed, as a good update.

I have two supplementary questions. The first is about the expansion programme, which is very welcome, given that we are going into winter. Is that programme under the control of the Scottish Government, or is it reliant on the decisions or whims of the UK Government, which was prepared to sacrifice Scotland for higher priorities—as it saw them—elsewhere in the UK? We do not want to be in that position if we can avoid it.

Secondly, will the Deputy First Minister give an update on the current staffing position? How badly or well are we doing on staffing in schools in relation to Covid?

**John Swinney:** On the first point, about the expansion of capacity, I suppose that the best way to answer is to say that we are working on a mixed-economy set of proposals. An expansion of

testing capacity is part of the UK-wide programme, in which the Scottish Government is heavily invested, and we will co-operate with the UK Government to ensure that the commitments that have been made are fulfilled. That is the substance of the dialogue that is being undertaken by the First Minister directly with UK ministers.

We will also look at any possible ways, through our own national health service infrastructure, for example, whereby we can expand our testing capacity and maximise the capacity that is available. I totally accept the fundamental point in Mr Neil's question, which is that we must maximise testing capacity in the run-up to winter, because that will be critical to the management of outbreaks, to decisions about self-isolation and to minimising the spread of the virus in the community.

On the second point, about staffing, according to the most recent data that is available to me, about 2 per cent of staff are currently absent due to Covid-related issues—mostly the requirement to self-isolate. Obviously, the figure fluctuates on a daily basis, but it is of that order.

We are taking a number of measures to support staff in that respect, and schools are engaging with staff who, although they might be self-isolating, can continue to contribute to the education of young people through the digital approaches that were the subject of my answers to Mr Halcro Johnston. The wellbeing of pupils and staff is fundamental to us, so further surveillance work, which is being led by Public Health Scotland, will provide us with information on experiences to do with Covid across the school estate and population, to ensure that we can act accordingly to provide reassurance and assist affected individuals.

**Daniel Johnson (Edinburgh Southern) (Lab):** I know that you will agree that the resumption of full-time education goes beyond simply reopening school buildings and getting children inside them. I have previously raised with you the issues that the outdoor education sector faces. There is a petition about the matter, which has more than 4,000 signatures. The issues that the sector faces are very real, and the chief executive of Scottish Outdoor Education Centres has said that, if there is no change, the sector will face a cliff edge in March.

The issues are twofold. First, the guidance does not permit trips and residential experiences, and, secondly, there is a more imminent financial issue, because outdoor education centres did not qualify for funds such as the third sector resilience fund. What discussions and dialogue are you and the Scottish Government having, and what proposals are you making to ensure that there is no



catastrophic loss of outdoor education provision in Scotland?

**John Swinney:** Let me make two points in response to your question. First, we acknowledge the importance of outdoor learning and education for children and young people's educational and individual development and that that has been an integral part of Scottish education for many years. There are many strong examples of schools using pupil equity funding for the purpose of strengthening the resilience and individual development of young people. In no way do we dispute the importance of outdoor education and outdoor learning.

However, we have to observe the public health advice that is available to us, and that does not currently provide for the safe resumption of residential outdoor education in the fashion to which we are accustomed. I am sure that you understand that ministers must respect the advice that we are receiving on that point.

As I stressed in my opening remarks, we will continue to keep all issues under review, and if we have the opportunity to reflect on amended guidance from the expert advisory group that provides us with specific advice on schools and young people's education, we will do so.

My second point relates to the support that is available to outdoor education centres. The Government has funded a programme of advice and assistance to enable outdoor education providers to adapt to the difficult circumstances that they face. Of course, other funding streams are available, some of which Mr Johnson has cited, and many organisations will have applied for and utilised the support that is available through the furlough scheme. The issue that Mr Johnson raises is a good example of why it would be beneficial for the furlough scheme to be continued for a sustained period, given the challenges that the outdoor education sector faces.

**Daniel Johnson:** I suggest that the cabinet secretary discusses those funding schemes directly with the organisations, because they claim that they have not been able to access the funds.

On the point about guidance and scientific advice, there seems to be an inconsistency with regard to other forms of extracurricular activity. For example, with football, the Scottish Football Association has guidance permitting football training to resume for young people, but officials at the City of Edinburgh Council tell me that football training cannot resume in the school context because of a prohibition on contact sport and the guidance on people from outside the school coming in. We have a frustrating situation whereby young people can undertake football training as long as it is not done in connection with their

school, but they cannot resume training with their school team. Will the Scottish Government review that situation? It is obviously unsatisfactory for young people.

**John Swinney:** I am happy to explore the issues that Mr Johnson raises. If he wishes to write to me with further details on the advice that he is referring to from the City of Edinburgh Council, I am happy to consider that. The current arrangements permit the resumption of organised contact sports. Obviously, if there is any misunderstanding of those arrangements or provisions, it is important that we properly address that, because we want to ensure that, as far as possible, we open up the opportunities for young people to be physically active in an organised set of arrangements. If there are any impediments to enabling that, we need to look at those.

I completely understand the frustration that exists about, for example, indoor physical education in schools. The guidance does not currently permit indoor PE, and the rationale for that is articulated in the guidance. Again, we are keeping that under review. If there are any examples of situations where Mr Johnson or other members believe that the sentiments of the guidance are not being properly followed or where clarification is required, I am happy to explore those circumstances.

**Jamie Greene (West Scotland) (Con):** As you have confirmed, a number of school staff are off because of coronavirus—I think that you said that the figure is 2.5 per cent. My understanding is that, at any given time, a couple of hundred teachers are off. As we go into the winter season, that number may rise, although we hope that it does not. However, it is possible—perhaps inevitable—that, as we progress and the number of cases rises, more teachers will be off. Clearly, the downside is that, if a teacher is not there to teach a class, pupils cannot learn in that scenario. Did we go into the pandemic with enough teachers in the first place? Teacher absences have a knock-on effect on the ability to provide the education that our children need.

10:30

**John Swinney:** First, the teaching population was very strong as we went into the pandemic: teacher numbers were at their highest level since 2010 and the number of primary teachers was at its highest since 1980.

Secondly, I have announced additional funding to recruit more teachers. The most recent data that I have available indicates that an additional 1,118 teachers have been recruited by local authorities. There are on-going discussions between local authorities and individual

candidates in another 250 cases, which, if successful, would bring the total number to a little short of 1,400 under the current plans. Local authorities are continuing to review their staffing requirements and plans.

Thirdly, we have already authorised the General Teaching Council for Scotland to work with directors of education to identify registered members of the council who are qualified teachers but not currently teaching and those who are not currently registered, so that we can ask them whether they would be available to contribute to teaching, should there be challenges in the period ahead. My recollection is that the number of teachers involved in that exercise is between 2,000 and 2,500.

Finally, although some teachers will not be able to be at school because they are required to self-isolate, many of them will be well, healthy and able to contribute to education through the digital access opportunities that I set out in my answer to Mr Halcro Johnston.

**Jamie Greene:** Are you saying that, if a teacher is ill with coronavirus, you still expect them to teach from home?

**John Swinney:** I did not say that. I said that some teachers may be able to contribute to teaching if they are self-isolating and perfectly well. If that is the case, they may be able to contribute towards the on-going delivery of education.

**Jamie Greene:** That leads me nicely on to the discussion on contingency plans. Clearly, blended learning was the Government's plan A up until the point that it changed its mind. I welcome the decision to reopen schools fully, and I thank everyone involved for making that happen. However, it is clear that using blended learning as a contingency is still a real possibility for many, if the current direction of travel continues.

I appreciate that the cabinet secretary has said in previous answers that that would be a decision for individual schools and local authorities, but does he have an oversight of what those blended learning plans look like? They were initially highly criticised, with some local authorities offering as little as one to two days a week of in-class learning. Do you have an idea of what the contingency plans look like? If so, are you happy with them?

**John Swinney:** First, the circumstances surrounding the resumption of full-time schooling are a product of the significant progress that was made in Scotland to reduce the prevalence of coronavirus. We should warmly welcome that accomplishment of Scotland's population, because it has enabled the resumption of full-time schooling in a way that would have been

inconceivable in April or May, given the prevalence of coronavirus in our communities. That is a source of substantial encouragement.

The Government's strategy for handling the pandemic is focused unreservedly on trying to maintain that position. Ministers are clear that one of the fundamental objectives of our coronavirus strategy is to protect the reopening of our schools and the delivery of full-time education, because all the educational advice indicates that that is what is most advantageous for children and young people. The wider measures that we take, for which we are often criticised, in relation to plans for restrictions in other walks of life, have at their centre a determination to protect the reopening of schools. I make no apology for that to the committee.

Mr Greene's point on blended learning is correct, and there may be a requirement for us to use blended learning. That may be at an individual level—there may be individuals who have to self-isolate and they must be supported in their education. Fundamentally, it will be the responsibility of individual schools to ensure that that happens. There will be classes and individuals around the country today who are self-isolating who should be getting that support.

One of the tasks that we required Her Majesty's Inspectorate of Education to undertake was to review the plans that individual local authorities had made. There is an on-going dialogue with local authorities to ensure that we have appropriate and adequate educational support in place, should education be disrupted in a fashion that we all wish to avoid.

**Beatrice Wishart (Shetland Islands) (LD):** Consortium arrangements have been impacted by the new rules on classroom working. Can you indicate how many such arrangements were in place, and whether the removal of that option will have a greater impact on rural schools?

**John Swinney:** In answering that question, it is important to distinguish physical consortia arrangements—the moving of different pupils around different school facilities—which have undoubtedly been restricted as a consequence of Covid, for understandable public health reasons, because, in all circumstances, we are trying to minimise the circulation of individuals between school buildings and situations, from opportunities for consortia arrangements to be sustained through the work that is undertaken via access to digital learning. The ability to deliver such learning in several schools is at the heart of the e-Sgoil model, with which Ms Wishart will be familiar from its presence in her constituency. In that sense, remote and rural schools will not experience any particular disadvantage, because they will be more involved in such consortia arrangements rather

than those involving movement from one school to another to provide learning opportunities.

Another aspect of consortia arrangements that is slightly constrained is the ability of school pupils to continue to undertake some of their learning in colleges. We are having to apply the regulations that are in place around the college infrastructure, which may well inhibit some of the arrangements that Ms Wishart might describe as consortia arrangements, whereby young people spend some of their time in school and some of their time in college. That will be a more challenging situation.

**Beatrice Wishart:** Thank you for that answer. The last part has already answered my second question, which was about the implications for colleges.

**The Convener:** Before we move on to our next theme, I have a question about the Columba 1400 programme, which you mentioned in your opening statement. Like many outdoor learning experiences, the programme is residential. How will the money be used to ensure that that leadership training continues?

**John Swinney:** In essence, that training will be undertaken remotely, using digital technology to reach the Columba 1400 candidates and to provide mentoring support to school leaders who have been involved in the programme.

We can sustain the impactful contribution of Columba 1400 in a range of ways without requiring residential arrangements, which, for the same reasons as the outdoor education arrangements, are not practical in the current context. It will also affect Columba 1400 on an ongoing basis, but that is one of the fundamental elements of leadership support that we are putting in place to assist and to strengthen the delivery of effective leadership, which I recognise to be critical in the period that we are currently facing.

**The Convener:** We now move on to the theme of additional support needs. Rona Mackay will ask the first questions, to be followed by Alasdair Allan.

**Rona Mackay (Strathkelvin and Bearsden) (SNP):** What impact is Covid-19 likely to have on taking forward the recommendations of the "Support for Learning: All our Children and All their Potential" report? In your opening statement, you said that you hope to publish a response to the review in the autumn, to which we are coming now. Is that still on track?

**John Swinney:** We published Angela Morgan's report in June, and I am keen to make sure that the recommendations and the actions that it suggests are taken forward in a substantial way by the Government and our local authority partners. I

assure the committee that I attach high significance to that.

Undoubtedly, the implementation of arrangements has slowed as a consequence of Covid, but I am working actively to minimise that delay and to get swift agreement about how we will implement Angela Morgan's recommendations and move to enhance delivery to young people of additional support needs education.

**Rona Mackay:** Angela Morgan's review said that additional support for learning is "fragmented". Last week, Jennifer King, the ADES network chair for additional support needs was a bit unclear when I asked her about how consistent the picture is throughout Scotland. Can you expand a wee bit on that? What oversight is there of all areas of Scotland, and how will that be co-ordinated?

**John Swinney:** I have to accept an inevitable degree of variation across the country in delivery of additional support needs education, but I also have to accept that there is variation around the country in delivery of education as a whole. That is because of the nature of decisions that Scotland has taken over many years about delivery of education. Fundamentally, we have a decentralised model of delivery. As the committee will know, I very much favour empowering schools to determine what is most appropriate for and relevant to the interests and wellbeing of the children and young people in their particular situations and circumstances, which vary in the different areas of the country. There is a world of difference between the area that Rona Mackay represents and the area that Beatrice Wishart represents. They are fundamentally different in character.

However, the common theme in those diverse areas is the need to ensure that the needs of every individual child are being met. That is the fundamental anchor point of the Government's policy of meeting the needs of young people who have additional support needs. It is also a fundamental point of the review that Angela Morgan undertook for us.

Therefore, although there is no uniform position across the country, I want to be assured that the needs of individual young people are being met as effectively as they can be. Schools and directors of education are also focused on that.

**Rona Mackay:** Thank you.

10:45

**Dr Alasdair Allan (Na h-Eileanan an Iar) (SNP):** I will ask about some of the same themes. Can you say more about the planned review of co-ordinated support plans? Will it take into account views that parents have expressed—with which, I

am sure, you are familiar—about ease of access to the plans and about local authorities' implementation of them?

**John Swinney:** I recognise that that is a significant issue. It is regularly raised with me in my dialogue with representatives of the parental community. It is important that the point that I made in answer to Rona Mackay is followed up assiduously within school settings, through good dialogue between parents and schools about the provision that is in place to meet the needs of young people.

I accept that, in some circumstances, those discussions can be difficult for everybody involved, because there might be differences of view about what is appropriate. However, if we start from the principle that the objective of the discussions is to ensure that the needs of every young person are fully and adequately met by the education system, we will promote an approach that can best meet the needs of individual children and young people. Good dialogue with parents on agreeing a co-ordinated support plan, where that is relevant, is important in that process.

**Dr Allan:** In relation to that point, and perhaps more generally, one of the most interesting comments in the additional support needs review, which was first announced in January 2019, is that it believes:

"The achievements and successes of children and young people with additional support needs must be celebrated ... in equivalence to attainment and exam results."

What can be done nationally to ensure that that becomes more of a reality?

**John Swinney:** That question gets to the heart of the question of what we acknowledge and recognise as achievements within our education system, because there is a strengthening record of achievement by young people with additional support needs, in relation to the awards that they are able to achieve within our education system. Inevitably, a lot of our discussion focuses on national 5, higher and advanced higher. Many other awards are achieved by young people in general in Scottish society, and many awards are achieved by young people with additional support needs.

I spend a good amount of my time encouraging the debate about recognising much more holistically the achievements of young people, rather than judging just achievements that are based on the narrow definition of specific national qualifications, however important they are. It is recognised that there are opportunities for young people to thrive, as many of them do, in overcoming some of the challenges that they face. In the words that Dr Allan quoted, that is something that we should celebrate.

**The Convener:** Thank you. We move to questions on the 2021 exam diet.

**Ross Greer (West Scotland) (Green):** Good morning, cabinet secretary. In your opening remarks, you mentioned the unprecedented situation that we are in with regard to the coming year's exams, which is markedly different to where we were earlier this year, and you mentioned the decision that had to be made. There is simply no way to guarantee that the exams will take place, regardless of any changes that are made to timetables, although I appreciate the efforts that are being made in that regard.

You and the SQA have acknowledged that a contingency plan is required. There is a lot of concern among teachers that, if they have to prepare all year for two scenarios, their workload will spiral out of control and the situation will cause potential stress for pupils who will spend the year not knowing how they will ultimately be graded and assessed. Are you able to reassure teachers, and to say now whether their workload will increase as a result of taking, throughout the year, a twin-track approach of having exams and a contingency plan?

**John Swinney:** I want at all costs to avoid there being an increased workload as a consequence of the situation that we face. In a sense, the answer to the question goes back to the start of the conversation about the resumption of full-time schooling. Our schools today are a challenging environment and are having to address and deal with many demands in the context of educating in a pandemic. Therefore, the workload is already under significant pressure, so I want to take forward the solutions to the problems with which I am wrestling in a fashion that does not in any way add to the workload of the teaching profession. Those considerations weigh heavily in the discussions that I am having in the education recovery group, and with the SQA, local authorities, professional associations and other partners.

Mr Greer asked whether I am in a position to say anything now on the issue. I am not in a position to say anything definitive, but I want to be definitive before the October break, in order to provide clarity to members of the teaching profession and to pupils.

**Ross Greer:** I appreciate that there are SQA consultation responses and Professor Priestley's report to process. However, the logic of the argument around the uncertainty and the fundamental inability to guarantee that exams will take place should lead to the conclusion that the contingency plan that is being talked about—the non-exam model—should simply be the plan. If a plan is good enough to be the contingency, it should now be the default. Teachers and young

people could go through the year with some level of certainty about how the young people will be graded. I appreciate that careful consideration needs to be given to the exact form of continuous assessment model or similar approach, but surely the only logical conclusion to the argument that you have laid out is that exams are too big a risk. We can debate, discuss and carefully consider the alternatives, but the risk of going through the year and then finding out that exams are impossible is unacceptable.

**John Swinney:** Although there are similarities between the situation in 2020 and the situation that we face for 2021, there are also striking and significant differences. In 2020, we essentially had 40 hours' notice that the schools were going to close. That was closely followed by it becoming impractical for us to enable teachers to gather evidence to support the estimation process because they were prevented from accessing school buildings, where much of the evidence lay.

We are not in that situation this year. We are some months away from the exam diet, which the current plan presumes will take place in late April and in May. Therefore, we have the opportunity to reflect on the issues that Mr Greer raises on this important question. We also have the opportunity to reflect on the conclusions of Professor Priestley's work, which will be delivered to me by the end of the month, and on the extensive feedback to the SQA's consultation exercise.

I assure the committee that all those issues are being considered. I have to consider the very significant issue of the level of risk. None of us can foresee just how much disruption to education there will be at individual, class, school and even local authority levels between now and the start of the proposed exam diet in April next year, nor can we be certain that it will be possible for us to undertake in April and May the examination process that we would normally and habitually undertake.

As a practical example, for some subjects and qualifications, some schools will need to accommodate more than 200 young people in an exam setting in order that they are able to take the exam. The largest number of physically distanced individuals that we can have in a school hall is probably about 50. We therefore have to wrestle with practical and logistical issues in order that we enable safe and fair delivery of the exam diet to individual young people.

I want to take time, with the education recovery group, to think through the questions to make sure that we consider all possible contingencies. Notwithstanding the important points that Mr Greer highlighted around making sure that we do not add to teacher workload in the process of wrestling

with that dilemma, we have time to consider contingency arrangements.

**Kenneth Gibson (Cunninghame North) (SNP):** I disagree completely with Ross Greer, who is clearly in favour of abolishing exams and moving to a continuous assessment system.

Given that many parents assist their children and are able to afford tutors to assist with on-going assessment, is it not the case that exams are crucial to narrowing the attainment gap? An exam offers children a greater opportunity to shine as individuals without their parents—or, indeed, tutors—helping them to complete their homework along the way.

**John Swinney:** Debate about the most appropriate method of assessment of the achievements of young people has occupied education systems around the world for many years. We can look forward to consideration of that question in the review of curriculum for excellence and methods of assessment that we have invited the OECD to undertake, which will report in June 2021.

There will be very strongly held views among people who believe in an exam methodology for assessment and among those who believe in a more holistic continuous assessment model. Those issues are played out regularly in education-related debate.

For as long as I can remember, the approach that has been favoured in Scotland has, obviously, been the exam-based model. Indeed, the committee has been involved in debate around whether—for many reasons such as those that Mr Gibson marshalled in his question—exams should be added to the national 4 qualification, which currently does not have an exit exam.

There is a substantive education debate to be had. However, I have to be certain that qualifications will have appropriate standing to enable young people to go on to the next stages in their learning journeys. I also have to be mindful that the qualifications that are achieved properly assess learning and teaching. That is the fundamental point—young people must have undertaken the learning and teaching that are implicit in any particular qualification.

11:00

**Kenneth Gibson:** Prior to the reversal of the downgrading, was there a wide variance in awards in subjects between schools, relative to previous years, or was the pattern consistent? What do you put that down to?

**John Swinney:** The data that the SQA has published broadly shows that teacher estimates in relation to SQA qualifications are accurate on

about 50 per cent of occasions. The remainder are either overestimated or underestimated.

I put that down to the necessity of ensuring that the understanding of standards is appreciated broadly throughout the education system. The SQA did some very good work through the SQA academy work that was undertaken in extremis earlier this year to assist teachers to strengthen their ability to undertake estimation work. Indeed, a lot of expertise has been developed within the SQA over many years in relation to the understanding and moderation of standards by SQA appointees, who, of course, are the teachers in our classrooms who do extra and specific tasks to moderate and examine the work that individual young people have undertaken.

If we are to rely on teacher estimates, we have to work with the profession to ensure that there is a deep understanding of standards and the ability to apply it consistently to the work that is undertaken across the country.

**Kenneth Gibson:** Given the increase in the grades that were subsequently awarded, there has been an increase of 2,000 to 3,000 in the number of university places. Some young people who would not previously have been able to go to university because their grades would not have been high enough will now go. What concerns do you have about the ability of young people on the margins to cope with university life? Do you have any concerns about a potential increase in the drop-out rate, and, if so, what support is being given to young people and the universities to minimise that and help young people to get through their first year of university?

**John Swinney:** There will be an increase in the number of students from Scotland who go to university as a consequence of the awarding process. I welcome that, because it will broaden the range of young people who can go to university and have that experience.

Secondly, when I discussed the steps that I was going to take on basing awarding on teacher estimates, one of the key issues that university principals raised was the importance of addressing exactly the point that Mr Gibson has just raised. They were wholly committed to making sure that it would be addressed. They recognised that some young people might face greater challenges in adapting to university life as a consequence. Indeed, adapting to university life will be different this year because of the context in which the universities are returning to their activities.

I assure Mr Gibson that his point is understood clearly by university principals. They expressed to me their whole-hearted commitment to making sure that those young people would be warmly welcomed into the institutions and supported to

enable them to fulfil their potential in a university context. That will be the subject of on-going discussion between me and Richard Lochhead, the higher education minister, and universities and colleges throughout the country.

**Kenneth Gibson:** Thank you, Mr Swinney, and if I may, finally—

**The Convener:** Mr Gibson, I am sorry to cut you off, but I have cut off other members. I will bring you in again at the end if we have time, but I am going to move to Mr Gray, to be followed by Mr Greene.

**Iain Gray (East Lothian) (Lab):** Thank you, convener.

Cabinet secretary, you will have seen the evidence that was provided to the committee by Dr Kirk, of the University of Glasgow, who is an expert in children's rights. Dr Kirk said:

"It is important to note that the whole SQA system is not human rights compliant, therefore breaches the legal obligations SQA and Scottish Government has under the CRC. This breach in legal obligations occurred when the right to appeal was removed. Since this time there has been an erosion of the abilities of young people to appeal, through their schools."

That is a damning indictment. It applies not just to what happened this year but to the system that was in place pre-pandemic. Will you address Dr Kirk's point? How can you assure the committee that when you reach a conclusion about future arrangements, those arrangements will be human rights compliant?

**John Swinney:** The Government attaches the highest importance to ensuring that all our measures are undertaken on a basis that is compliant with our human rights obligations. The committee is aware that we are moving to legislate to incorporate the United Nations Convention on the Rights of the Child into domestic law during this parliamentary year. We attach the greatest significance to such questions.

I am familiar with the points that Dr Kirk raised. Indeed, I have discussed issues to do with SQA appeals with young people who have articulated points in that regard through the SQA's "Where's our say?" initiative. We are keen to address any issues that emerge from the discussions as part of the work that we undertake.

In the appeals process that we bring forward and that is exercised at any given time, it is vital that there are appropriate opportunities for young people to have their say and to draw on the appropriate evidence to support an appeal. We have taken the view that that approach is most effectively undertaken when young people can act in partnership with their schools in advancing their appeals.

I will give further consideration to the issues that Dr Kirk raised, particularly in the context of the Government's determination to ensure that all our measures are human rights compliant.

**Iain Gray:** It is good that you have discussed those concerns with the young people with whom Dr Kirk has worked, but I gently point out that you clearly have not convinced them that enough importance has been attached to making the SQA's procedures human rights compliant.

A particular group of young people who feel that their rights have been abrogated this year is those young people—and their parents—who feel that the school assessments of their awards were incorrect. Those young people have been unable to appeal, given that the sole route of appeal is via the examination centres—that is, the schools—against which, in these circumstances, they would be appealing. What do you say to them?

**John Swinney:** We faced uniquely difficult circumstances in 2020, when we had to put in place a means of certifying the achievements of young people at very short notice. The only possible approach was to base certification on teachers' assessments of the work that had been undertaken. Teachers were encouraged to make that assessment on the basis of the evidence of young people's performance of which they were aware, and I acknowledge that accessing some of that evidence will have been a challenge for teachers, given the restrictions that were in place in the spring. That made the situation even more difficult.

We have had to adapt to a circumstance that is particularly unique and challenging. In reference to my answer to Ross Greer, I am anxious to avoid circumstances in which we face any of those difficulties in the future.

In all circumstances, the measures that we take are designed to take the broadest assessment of the performance of young people, to ensure that those estimates are well informed by teachers and to enable young people to be assessed on that basis.

There are opportunities in the appeal system for young people who believe that they have been the subject of, for example, some form of discrimination in the award that has been suggested by their teacher, to have that considered by the SQA, so there are routes available in the current context to enable that to be considered as an appeal by the SQA.

**Iain Gray:** For those young people who believe that they have been assessed incorrectly or unfairly, but not as a result of discrimination in the way that you have described, there was no route to appeal their award. What do you have to say to those young people?

**John Swinney:** There were routes available to young people in given circumstances—

**Iain Gray:** No, there were no routes available to those young people. If they felt that they were simply incorrectly assessed or, for example, no account was taken of illness at the time of sitting a prelim, there was no route for them.

**John Swinney:** If a case can be put together that assesses that some form of prejudice, disadvantage or discrimination was experienced by a young person, that can be the subject of appeal. That route has been available to young people as a consequence of the opportunities for appeal that have been put in place by the SQA in these extremely difficult circumstances.

**Iain Gray:** The cabinet secretary needs to examine the arrangements that he has in place, because that is not the case.

**Jamie Greene:** I will continue that line of discussion. By the end of May, teachers had submitted around 500,000 grade estimates. Cabinet secretary, you held a meeting with the SQA on 12 June where this issue was discussed, and it was clearly identified that there was a large divergence between the SQA data and the teacher estimates.

Previously, the committee received evidence from witnesses who said that, if that situation were to occur and such divergence should come about, their ask of the SQA was that it should engage with teachers and schools. According to the minutes of the meeting that you held, which I received as a result of a freedom of information request, the SQA said that it was unlikely to engage in such a discussion because of resource cost. What is the resource cost limitation and why did the SQA not engage with schools and teachers on the divergence issue? Was that a mistake?

**John Swinney:** The evidence that the SQA gave the committee shows that the resource issue at stake was the ability of the SQA to properly and fairly engage with the number of centres that would be involved in such an exercise. The SQA felt that it would have been almost impossible to undertake that task while respecting fairness to all learners, to engage in that dialogue on the scale that would have been required at that time and to enable it to be done in a fashion that would not have in any way disrupted the ability to determine the awards that were being undertaken. That is the explanation of the resource questions that the SQA raised on that occasion.

**Jamie Greene:** In fairness, was that an error of judgment on the SQA's part? Surely the way to deal with that is not to engage with nobody. There was clear evidence that, had the SQA engaged with schools where there was a large divergence between estimates and SQA data, the level of

moderation that had to take place could have been avoided. There is a clear assumption there. As we look ahead to next year, if teachers are required to give estimates again, how can they be certain that the level of blanket moderation and lack of engagement that they saw this year will not be repeated?

11:15

**John Swinney:** In my earlier answer, I made it clear to Mr Greene that the scale of the exercise was what made the SQA judge that it would be difficult to provide assurance on the fairness to all learners. Fundamentally, that adds an element of further subjectivity into the discussions about grades, which may not be available to all learners in all circumstances. That therefore creates the difficulty of assuring that the system is fair to all candidates and learners. That is the difficulty that has to be overcome, and I do not really think that Mr Greene can marshal any evidence that demonstrates a contrary point of view in that respect.

In my answers to Mr Greer, I made it clear that, as we look forward, we are considering contingency issues. In my answer to Mr Gibson, I made it clear that we have to rely on the strength and quality of teacher estimates in certain circumstances. We have to make sure that those teacher estimates are as robust as possible and that there is professional support to enable teachers to undertake those estimates. All those issues are part of the consideration that has been given to what approaches we might take in the period going forward.

**Beatrice Wishart:** Cabinet secretary, it has been reported from a meeting last week with the National Parent Forum of Scotland that you indicated that the SQA has consulted on what steps it could take to reduce the burden of assessments before the exam diet of 2021, and on which elements could be removed. Could you give more detail on that, please?

**John Swinney:** I am not in a position today to give more detail on that. The SQA has undertaken a consultation exercise, which has attracted a tremendous amount of feedback. I have to say that that feedback is not universal or unanimous; a lot of different views have been expressed, which is invariably the case with any aspect of education policy.

In my opening remarks, I indicated that, because of the work that we are undertaking with the SQA and the education recovery group to look at contingency arrangements for the exam diet in 2021, I have asked the chief examiner to hold back on publishing the response to the SQA's consultation. It is at my request that the SQA will

not publish that material. That will enable us, at the earliest possible opportunity, to provide clarity and certainty about any changes that are being made to the exam diet in 2021 in, essentially, one publication. I appreciate that the system would like that clarity in early course and I provide the assurance that it will be available to the system before the October break.

**Beatrice Wishart:** Concern has been expressed that reducing coursework could be a risk. There would also be a ripple effect on any higher and advanced higher coursework in coming years. Is that concern being taken account of in the assessments that are going forward with the SQA?

**John Swinney:** In my response to Mr Gibson, I referred to the debate that rolls on in education about the most appropriate method of assessment and the extent to which we should rely on a final examination, coursework and continuous assessment. The matter of where any education system should properly construct its balance is a live debate. Those issues are integral to the discussion on what evidence should be utilised to assess the performance of a young person. Should it all be dependent on exams? To what extent would that be appropriate?

We will reflect on some of those questions in our approach to the exam diet in 2021. Those questions, and a set of questions that look at the longer term, will also be the subject of discussion by the Organisation for Economic Co-operation and Development in its review of how the issue should be progressed in Scottish education. I appreciate that a range of views exist on the questions, and we have to make sure that that is reflected in our deliberations.

**Alex Neil:** In your introductory remarks, you referred quite rightly to—[Inaudible.]—and I know that you have laid aside some of the £135 million for catch-up. You also mentioned that some pupils will take longer to catch up than others. As we are talking about the exams or whatever assessment system will be used next year, clearly, in order to maximise the chances of every pupil, we need to make sure that, as far as possible, they have caught up on what they lost out on during the lockdown earlier this year. What are the plans for ensuring that, at the appropriate and earliest opportunity, pupils have caught up, so that we maximise their chances of getting good results next year?

**John Swinney:** Fundamentally, the work to ensure that young people are supported to reach their full potential and have the opportunity to undertake all the learning and teaching that is required to enable them to perform well in exams or assessments will be progressed by individual schools.



Some of those issues are relevant to the amount of time that is available for learning and teaching. One of the options that the SQA consulted on was a delay to the exams timetable. For example, the exams could start later than mid-April, thereby providing more opportunities for learning and teaching to accomplish exactly the task that Mr Neil has referred to. That is one option that the SQA has suggested and is considering.

My objective during this year, working with local authorities, is to maximise the available time for learning and teaching, given that some young people are at different stages, have different circumstances and will have lost time in the early part of the year.

The other element that we are bringing in is the provision of additional learning opportunities through the e-Sgoil programme. That originates in the Western Isles, but it is, essentially, a mainstream platform that is available and accessible to all learners. Education Scotland, e-Sgoil and directors of education, working through the regional improvement collaboratives, for example, are progressing a joint venture in which learning undertaken in schools is being drawn together. Lessons are being recorded and being made available for young people to access through the e-Sgoil network. The network can provide live lessons into the bargain.

In addition, e-Sgoil is also providing extra study sessions out of hours, in the early evening. They run for about 45 minutes at, I think, 5, 6 and 7 o'clock, and are available to young people to log into from wherever they want to around the country. I have been seeing excellent levels of uptake and participation in those sessions, which are designed to reinforce learning and address exactly the point that Mr Neil raises. A wide range of subjects is now available at national 5 and higher levels, and we are working to constantly recruit more and more teachers to record lessons to be part of that work, to make sure that there is an additional facility to reinforce young people's learning and address the point that Mr Neil has raised.

**Alex Neil:** I know that some of the £135 million is for other things, such as £80 million for the additional teachers, which will obviously help with the catch-up, but is there an amount in the £135 million that is specifically for catch-up initiatives?

**John Swinney:** Some of the resources that are allocated for additional staffing will be designed to address the issues on catch-up learning. I suspect that resource will be allocated there to support the expansion of the e-Sgoil venture, which will assist us in broadening the availability of that support. We are constantly looking at that work, to make sure that we have in place all the arrangements

that will enable us to address the point that is being made.

**Alex Neil:** My final question is on a slightly separate subject. The appeals for this year had to be lodged with the SQA by 7 September. Have we any indication from the SQA of the number of appeals that were lodged, the main issues that were raised and any patterns in the appeals, or is it too early to say?

**John Swinney:** I do not yet have any information on the pattern of appeals that have been submitted. I would be happy to update the committee when I do.

**Jamie Halcro Johnston:** Fiona Robertson of the SQA appeared before the committee to talk about the results. She said:

"I do not think that we will be able to compare this year's results with previous years' results or future results in the same way, because the basis on which the awards have been made is different."—[*Official Report, Education and Skills Committee*, 12 August 2020; c 29.]

Do you agree with that, and what concerns do you have over the potential consequences?

**John Swinney:** That is an entirely reasonable and understandable position from the chief examiner, and I agree with it. The model of assessment was very different. I do not have concerns about the point, because everybody acknowledges that, in 2020, we are operating in a unique set of circumstances, in which significant damage has been done to the wellbeing of young people. The decisions that we took were commensurate with addressing those particular issues.

**Jamie Halcro Johnston:** Richard Lochhead, the Minister for Further Education, Higher Education and Science, appeared before the committee and spoke about funding of university and college places. He said:

"one person's definition of the full cost of that might be different from another person's."—[*Official Report, Education and Skills Committee*, 2 September 2020; c 9.]

The cost referred to relates to the funding that the Scottish Government was providing for the additional places that might result due to the return to teacher-estimated grades. What will the funding costs be? Are you looking to fund the full teaching cost, or will funding of the additional university places be done on the basis of the existing funding model?

**John Swinney:** We have indicated to universities that the Government will fully fund those places. Obviously, the detail of the arrangements are taken forward by the Scottish Funding Council, which operates at arm's length from the Government on such questions.

**Jamie Halcro Johnston:** Do you mean fully funded in terms of the full cost to those universities or in line with the Scottish Government's existing funding model?

**John Swinney:** I am not sure that I understand the distinction that Mr Halcro Johnston is making. The Scottish Funding Council takes forward those judgments based on the Government's commitment to fully fund the additional places that are being allocated.

**The Convener:** Dr Allan's question has been answered so I will take a couple of supplementaries, first from Kenneth Gibson and then from Ross Greer.

11:30

**Kenneth Gibson:** Some years ago, a constituent came to see me because her daughter had been refused a place at medical school. The young woman met every single criterion except one, and it was one that I was not aware of: her parents had no education. Even though she had done exceptionally well at school and had worked as a volunteer for the national health service and so on, she was refused a place because her parents had not an O grade between them. I lobbied the then cabinet secretary, Mike Russell, and he intervened. The young woman was given a place at medical school and she subsequently graduated seventh in her year.

I am raising this because I want to ask whether that kind of glass ceiling, whereby parental education is considered by at least some medical schools, if not in a broader way across the university system, has now been completely eliminated from Scottish education so that young people and others who apply for university places can be judged on their own individual merit.

**John Swinney:** I would be very surprised if such an approach was taken by any of our universities or medical schools. Indeed, the work that has been undertaken by the Government in partnership with universities in pursuing the widening access agenda has resulted in significant increases in the number of young people whose background would, in the past, have been an obstacle, entering higher and further education. I expect more achievements in that respect in relation to the entrants to the university system in 2020.

**Kenneth Gibson:** Thank you for that reassurance.

**The Convener:** I remind members that we are moving into supplementary territory, but we still have two topics to cover in full. We will have very quick supplementaries from Ross Greer and Jamie Greene.

**Ross Greer:** Returning to this year's courses, I have been contacted by a number of teachers of more practical subjects, such as drama, but particularly home economics. A couple of weeks ago, they were reporting inconsistent approaches across the country. In many cases, teachers were unable to perform practical lessons with their pupils, which in subjects such as home economics presents huge barriers. That was explained to them as being because national subject-specific guidance from Education Scotland in those areas had not yet been published. That essentially created a postcode lottery. In some schools, teachers were able to conduct practical lessons, but in most they could not because the guidance was not available. That was about a fortnight ago, so three weeks has now been lost since the start of term. Could you confirm whether subject-specific guidance has been published for subjects, or, if not, what the timescale for that is?

**John Swinney:** Subject-specific guidance has been published for a number of subjects but not for all. However, I expect that to be complete probably within the next week to 10 days. That would be a reasonable estimate.

**Ross Greer:** That is useful. Thank you.

**Jamie Greene:** This is a niche but important question, cabinet secretary. I have had a lot of emails from people about their communication with the Student Awards Agency Scotland. Many dozens, if not hundreds, of people are experiencing extreme difficulty in contacting the agency and getting answers. Most people seem to be resorting to Facebook to have any sort of communication with the agency, and some of the comments on its Facebook page show that the lack of communication is horrendous. I just want to flag the issue up with you and your department and ask you to take it up with some senior folk at SAAS. They either need more resources or more ability to deal with queries. This is a critical time for those students and parents who are desperately trying to contact them.

**John Swinney:** I will certainly explore that issue.

**Iain Gray:** Cabinet secretary, you have referred once or twice—reasonably, I think—to the funding that has been made available for additional teachers. In evidence to the committee, however, the EIS describes that funding as

“insufficient to make a meaningful difference”.

It points out that

“There are still a large number of recently qualified teachers that have no posts or have been put in supply pools to backfill future vacancies.”

It goes on to say that it is still the case that

“Scottish education has amongst the largest average class size in the OECD”.

As the EIS says, without an increase in teacher numbers, the high pupil density in our schools means that they will be more

“vulnerable to Covid-19 outbreaks relative to other OECD countries.”

It is clearly not a happy situation.

Can you explain two things? First, will those additional posts be permanent, to address the systemic problem of large class sizes? Secondly, what further things will you do to be able to provide sufficient new teachers?

**John Swinney:** If I could just add some detail to my previous answer to Mr Greer, the guidance on home economics is now available, and the guidance on music and drama will be available by the end of this week. The guidance on physical education has been available for a couple of weeks.

In relation to Mr Gray's points, the maintenance of a safe school environment for staff and pupils is critical in the period going forward. I believe that schools and local authorities have worked incredibly hard, within the guidance that we have available, to enable that to be the case.

We have supplemented the availability of teaching personnel by the levels that I have set out today, and I am pleased that that recruitment has been undertaken. I cannot give a definitive answer about every single contractual situation that a local authority will have entered into—I do not write the contracts for those staff—but, given the degree of turnover in the teaching profession, I see no reason why those individuals would not be offered permanent posts.

We have put in place significantly increased resources to support the delivery of education, through the £135 million that is available for education recovery, £80 million of which has been allocated for staff. We are working with local authorities to make sure that that is utilised to the full to enhance the delivery of education in Scotland.

**The Convener:** We move on to the theme of counselling and wellbeing—the committee returned to its work on that last week.

**Rona Mackay:** We know that young people have been through a terrible time this year, with missing school and then having to go back to school in restricted circumstances. Can I ask for an update on whether counselling services will be available to all secondary school pupils and ASN primary school pupils aged 10 and over? Will that be universal, and will the commitment be met by the end of next month?

**John Swinney:** Yes. The commitment will be met by the end of October. Almost all local authorities have fulfilled that commitment already, but there are a few whose recruitment processes were interrupted and delayed by Covid. However, our expectation is that that commitment will be fulfilled by the end of October.

**Rona Mackay:** That is excellent news. How will the impact of the policy on young people's mental health at a national level be evaluated? Will that be an on-going process?

**John Swinney:** A series of reporting streams are in place between local authorities and the Government on the implementation of that commitment. There is also some work to identify the impact on the wellbeing of young people who have utilised the services. That will be a source of on-going dialogue as part of the wider work that is undertaken, which involves a whole range of different interventions to support the mental health and wellbeing of children and young people.

Not all of it will be a compartmentalised assessment of the impact of the particular commitment—some of it will involve considering the wider range of assessment of the work that is done across Government to support young people.

**Rona Mackay:** Finally, will there be an oversight to make sure that the money that is allocated for that purpose is spent on counselling? How were the funding allocations agreed?

**John Swinney:** A reporting structure is in place that accounts for the distribution of those resources annually. The distribution of the resources was agreed with local authorities. We put weighting into the formula to address issues of rurality, as we wanted to make sure that there was coverage of all areas of the country, to make sure that all young people in every part of the country had access to such support. Therefore, weighting was put in to address the requirement for remote and rural areas, which was agreed to the satisfaction of local authorities. There will be reporting on the performance of delivery against those budgeted amounts.

**Daniel Johnson:** I originally wanted to ask about college funding, but I will write to the cabinet secretary about that. I will return to the question of rights, and children's rights in particular, because I think that there are some issues that we need to re-examine.

In my mind, there are two clear principles regarding children's rights and education. The first is that they are assessed and judged on their own merits, which Kenneth Gibson usefully highlighted. The second is that they are empowered to make their own decisions, which is integral to any processes that we have in education.

If we look at the appeals process that we have in place, and even considering the answer that the cabinet secretary has already given, if young people felt that there was evidence or circumstances that were not taken into consideration, they required the consent of their schools in order for the appeals to be submitted. In doing so, there is an issue for schools, because they would have to admit or acknowledge that, somehow, their assessment or estimation process was incomplete. We can therefore understand why schools might not want to consent, but the young people could only submit an appeal if the school agreed to it. For young people in such circumstances, does the cabinet secretary not recognise that there is a rights issue?

**John Swinney:** It is important to recognise that any decision-making process on the question of an appeal will have to be determined by the availability of evidence to support such an undertaking. In any circumstance, the availability of evidence will affect the ability to determine a different position. The marshalling of that evidence is fundamentally an integral part of the educational experience of every child and young person. It is quite difficult to conceive of an evidence base that can be provided that is not linked to the work that is undertaken in school by a young person and informed by the professional judgment of teachers. Those factors need to be considered in assessing the points that Mr Johnson has put to me about the way in which appeals can be taken forward and the context in which they can be considered.

There is an inextricable link between the gathering of the evidence in the school context and the contribution that can be made through the professional judgment of teachers.

**Daniel Johnson:** Forgive me, cabinet secretary, but that is a different question. I agree that, in any appeals process, there will be the question of the grounds on which the appeal will be made—the admissibility of the appeal, based on evidence.

However, the question is who ultimately decides whether an appeal can proceed. Do you not concede that, in the current circumstances, that decision is for the school rather than the candidate? Surely, it is for the SQA to determine whether the evidence that is provided offers sufficient grounds for an appeal, whether it is submitted by the school or by the child. That question is different from the question on whether to proceed with an application to appeal.

11:45

**John Swinney:** It is difficult to determine the answer to that, given that we are dealing with uniquely different circumstances in 2020 when it comes to how the results were ultimately

determined. We had no alternative other than to base the results on teacher estimates, which, in essence, became the foundation of the assessment system that was undertaken. We looked to the teaching profession to consider the evidence that was available to inform such judgments. It is therefore difficult to determine a different position based on the experience in 2020.

Having said that, there are of course issues that we must be mindful of and attentive to in relation to the judgments that are arrived at about appeals and other circumstances where young people feel that there was no fair and appropriate assessment of their contribution. As I said earlier, there are routes by which young people could pursue appeals if they felt that they were entitled to do so.

There is a wider set of issues that we need to consider in assessing any approach to appeals, in any given year; my point about this year is that we found ourselves in very different circumstances because of the exclusive reliance that we had to have on the estimates that teachers had made, in the absence of any other available evidence.

**Daniel Johnson:** I politely submit that, when it comes to children's rights, it is about principles rather than circumstances. I will leave it there.

**The Convener:** Ms Wishart has the very last question.

**Beatrice Wishart:** Cabinet secretary, will you ask the Organisation for Economic Co-operation and Development to publish an interim report before the Holyrood elections next May?

**John Swinney:** We have had to extend the timetable that is available to the OECD in carrying out the review that we have asked it to undertake. I remind the committee that not only have we expanded the remit to include the wider issues to do with the broad general education and the senior phase and the articulation between the two, but we have had to acknowledge the constraints under which the OECD is operating due to the effects of the pandemic.

Engagement on the OECD review is commencing—evidently—and there will be extensive dialogue with the education system. Whether that enables the OECD to formulate interim thoughts in advance of the 2021 election is for the OECD to determine; I will be happy to discuss that with it. I am certain that it will want to ensure that whatever it concludes is based on its interaction with the Scottish education system, to provide the strongest foundation for its analysis.

**The Convener:** Mr Swinney, thank you for attending the committee this morning.

11:49

*Meeting continued in private until 12:18.*

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