



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Public Audit Committee

**Thursday 30 September 2021**

**Session 6**



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**PUBLIC AUDIT COMMITTEE**

**5<sup>th</sup> Meeting 2021, Session 6**

**CONVENER**

\*Richard Leonard (Central Scotland) (Lab)

**DEPUTY CONVENER**

\*Sharon Dowey (South Scotland) (Con)

**COMMITTEE MEMBERS**

\*Colin Beattie (Midlothian North and Musselburgh) (SNP)

\*Willie Coffey (Kilmarnock and Irvine Valley) (SNP)

\*Craig Hoy (South Scotland) (Con)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Stephen Boyle (Auditor General for Scotland)

Antony Clark (Audit Scotland)

Gayle Gorman (Education Scotland)

Joe Griffin (Scottish Government)

Graeme Logan (Scottish Government)

Nichola Williams (Audit Scotland)

**CLERK TO THE COMMITTEE**

Lynn Russell

**LOCATION**

The James Clerk Maxwell Room (CR4)



## Scottish Parliament

### Public Audit Committee

*Thursday 30 September 2021*

*[The Convener opened the meeting at 09:00]*

### Decision on Taking Business in Private

**The Convener (Richard Leonard):** I welcome everybody to the fifth meeting in session 6 of the Public Audit Committee. I remind members and guests that the social distancing rules of Parliament must be adhered to. If you are moving around the committee room, or if you are entering or leaving it, please wear a face covering.

The first agenda item is to decide whether to take items 4 and 5 in private. Do we agree to take those items in private?

**Members indicated agreement.**

## Section 23 Report

### “Improving outcomes for young people through school education”

09:01

**The Convener:** Our second agenda item is to look at the “Improving outcomes for young people through school education” report, which was produced earlier this year. This is an opportunity for us to speak to the accountable officer in the Scottish Government, Joe Griffin, whom I welcome this morning. I think that this is your first appearance before the committee.

**Joe Griffin (Scottish Government):** Yes, that is correct, convener.

**The Convener:** I am sure that we shall be gentle in our approach to you, in light of that. Joining us remotely are Graeme Logan, who is the director of learning at the Scottish Government, and Gayle Gorman, who is the chief inspector of education at Education Scotland. Willie Coffey, a member of the committee, is also joining us via videolink.

I remind those who are joining us remotely that, because this is a hybrid meeting, it would be helpful if you could enter an R in the chat box function if you want to come in on any of the points. Those who are in the room can simply indicate that to me or to the clerks, and we will take your questions or answers.

I want to afford Joe Griffin the opportunity of making an opening statement before we get into the question session.

**Joe Griffin:** I thank the Public Audit Committee for inviting me to give evidence alongside Graeme Logan and Gayle Gorman.

As you said, convener, this marks my first committee appearance as director general for education and justice, and I am glad that this morning provides us with the opportunity to discuss a recent key review of our education system. Audit Scotland’s report “Improving outcomes for young people through school education” outlines clearly the challenges that we face in ensuring that our education system provides fair and equal opportunities to children and young people in Scotland. I thank the Auditor General for commissioning this really helpful report and I look forward to reflecting on the recommendations in it during the evidence session.

The Scottish Government understands the significant impacts that the Covid-19 pandemic has had on the lives of our children and young people. Alongside our key partners in local

authorities and other stakeholder groups, we are committed to doing all that we can to support our young people to overcome those challenges, both through our existing measures to reduce the attainment gap and through new policy initiative investments that we have introduced since the start of the pandemic.

I take this opportunity to record my sincere thanks and appreciation to all school-age children and young people in Scotland, and their parents and carers, for all that they have done to continue their learning and to support one another during the pandemic. I also thank our education workforce, teachers, school leaders, support staff, janitors, officers and partner services working with schools for all that they have done to support our children and young people.

I thank the committee once again. I am very grateful for the opportunity to answer members' questions.

**The Convener:** Thank you for that opening statement. We will now turn to questions.

In the previous session of Parliament, a recurring theme and a cause for concern was incomplete and poor-quality data. When we look at the joint Audit Scotland-Accounts Commission report into outcomes for young people in school education, the issue seems to crop up again. The sets of data that are available, which measure outcomes, appear to be incomplete. The expression used by the Auditor General is that

“there is a lack of robust data”.—[*Official Report, Public Audit Committee*, 9 September 2021; c 4.]

Our first question is this: what are you doing to address that? Are you taking serious action to address it?

**Joe Griffin:** I think that the Audit Scotland critique is fair and reasonable. As I interpret it, our curriculum relates to four capacities. It is a broad curriculum. We talk about developing successful learners, effective contributors, responsible citizens and confident individuals. It is fair to say that most of the visibility, the narrative and the commentary relate to data around successful learners.

Every year we have a results day—it is a regular fixture in the calendar. There is then, rightly, a focus on the academic achievements of children and young people. I think that we could do more to reflect the other three capacities. For example, we already collect health data. We regularly collect information about the wellbeing of 13 and 15 year-olds as part of our information set. We publish that information in the national improvement framework. That annual document sets out our key aims and the data accompanying it. We also draw on other sources of evidence from

organisations such as the Organisation for Economic Co-operation and Development, which recently published a report showing that Scotland's young people were among the best in the world in their understanding of global issues and their responsibilities as citizens.

We need more data on health and wellbeing, not least in light of Covid. This autumn, through local authorities, we will be commissioning a health and wellbeing census that will give us a lot of rich data to better understand the rounded experiences of children and young people, particularly through the pandemic. Looking ahead, partly informed by Audit Scotland's reasonable critique and by the OECD report that we received back in the summer, we need to do more not just to collect the information, but to make it visible and to publicise it.

That work partly lies in the reform process that we are undertaking. We are examining how it might make sense to bring the curriculum and the assessment closer together in a single organisation. That could help us to develop some of the methodologies. As the OECD report says, some of the data is elusive. It is straightforward-ish to measure exam results for successful learners, but measuring confidence is something for which we might need to develop the methodologies. Our aspiration is certainly to have a broader set of data that better reflects the structure of our curriculum.

**The Convener:** Thank you. If, at any point, you want to bring in Graeme Logan or Gayle Gorman, please feel free to do so.

You mentioned the OECD—we will come on to ask some questions about its report shortly. You also spoke about the extent of data collection. One of the other rather pointed conclusions in Audit Scotland's report is in paragraph 25, which bluntly says:

“The Scottish Government's national aim is to improve outcomes for all, but it has not set out by how much or by when.”

As well as collecting more data, do you plan to address that charge in the report?

**Joe Griffin:** We have a sense of a political instruction to make demonstrable progress in reducing the poverty-related attainment gap in the short term and to eliminate it in the longer term. In our national improvement framework, we have a series of measures that we track annually to demonstrate whether we are achieving that.

We have not taken the view that we should set a specific date by which the poverty-related attainment gap would be eliminated. We feel that the nature of the challenge does not lend itself to that level of specificity. It is a highly complex process, as Audit Scotland has said. It relates to a number of variables, some of which happen well

away from the school gates and are rooted in the community. It is the kind of complex challenge on which we need data, a sense of how we are getting on and the ability to measure it, but it does not lend itself to our saying that we will have eliminated the gap by a certain date.

To elaborate on that a wee bit, we are, nevertheless, looking at whether it might be advisable to encourage local authorities more consistently to set themselves specific aims to reduce the poverty-related attainment gap. In our national improvement framework, we currently have stretch aims at a national level, but we think that a more consistent adoption of aims at the local level might assist local authorities in understanding their rate of progress. The Audit Scotland report is quite a helpful exposition of the variation that we see.

I cannot say too much more about that, convener. The Cabinet Secretary for Education and Skills will be making an announcement next month about the refresh of our approach to attainment generally, but I hope that that gives you some indication of the direction that we are following.

**The Convener:** But the Government has targets on, for example, child poverty and fuel poverty. Therefore, has any consideration been given to setting targets on reducing the attainment gap and putting a timescale next to it?

**Joe Griffin:** I might ask Graeme Logan to come in to recall the early days of developing the attainment challenge.

Again, the issue comes back to complexity and variability. We do a number of things in teaching and so on to improve performance in the classroom. A number of things are done in the community as well. We are very much taking a twin-track approach. However, the nature of a young person's attainment still rests on that individual's engagement with and response to the education system, which is a highly individual thing. To state the obvious, every year we have a different group of people sitting exams or going through the process.

That is some of the philosophy that underlies why we have not gone for a specific approach, but Graeme Logan will be able to elaborate on that and to talk about our considerations in the early days.

**Graeme Logan (Scottish Government):** Good morning. I can reassure the committee that, from the outset of the Scottish attainment challenge, it was part of our thinking, and part of the conditions that were set, that schools and local authorities had to have their own success criteria and their own measures in place for the ways in which they used the additional funding to close the poverty-

related attainment gap. We did not choose two or three measures at that point because of the research on the perverse incentives that that could cause. It could encourage quite a reductionist, narrow approach. As Mr Griffin said, we wanted to encourage people to think about learning and teaching and families and communities, and to take a broad approach.

We did a consultation on the measures that we should develop in the national improvement framework. As a result of that, 11 measures for closing the poverty-related attainment gap were developed, which include some of the traditional attainment measures but also a participation measure and other important indicators. As Mr Griffin said, the challenge now, in the light of the Audit Scotland report, is to develop a clearer line of sight from those national aims through to school and local level. There is perhaps agreement that we need more consistency on some of those core measures.

**The Convener:** Thank you. We may return to some of those themes before the session finishes, but my final question for now is simply to ask whether you accept all the recommendations in the report.

**Joe Griffin:** Yes, we do. We have been speaking to our colleagues in local government. In the system as a whole, there has been a collective response to a very reasonable report. We are already incorporating some of the recommendations, and we plan to respond to all of them in due course.

**The Convener:** Thank you. Colin Beattie has a series of questions.

**Colin Beattie (Midlothian North and Musselburgh) (SNP):** Good morning. I refer you to the Auditor General's finding in paragraphs 136, 137 and 138 of the report that there was not a link between spending per pupil and educational attainment. The Auditor General has listed a number of different elements. Are you satisfied that each education authority is capturing data in the same way so that it is directly comparable? I know that there is always a problem with data. However, are you satisfied that, in this case, we are capturing the same data?

09:15

**Joe Griffin:** Thank you, Mr Beattie. I may ask Gayle Gorman or Graeme Logan to elaborate, but I will make a start.

We have the 11 key measures in the national improvement framework, so there is a system that ensures consistency. That means that the data that we get from local authorities on each of those measures is consistent. In addition to that, there is

quite a lot of variation on measures that local authorities themselves choose to collect from schools so that they can build up their own local picture for local purposes. However, as far as the national data is concerned, the national improvement framework guarantees consistency. Graeme Logan and Gayle Gorman may want to add to that.

**Colin Beattie:** I think that that is probably a no.

In paragraph 138, the Auditor General has listed a number of issues, many of which are not directly to do with a student's tuition, but one factor that is missing is the family circumstances of the individual student. All the other factors that are listed might affect students from a financial point of view, with regard to loading the costs and so forth, but we know that the family situation impacts heavily on a student's performance. I realise that the family element is a difficult one to capture, but no indication is given of the impact of family circumstances or of what can be done by way of a joined-up approach to help students to make the best of their education.

**Joe Griffin:** That is a really important point. I will talk a bit about "big data and small data", which is a phrase that is used by the Finnish educationalist Pasi Sahlberg. What that means is that there is some data that we need at a national level in order to understand the return on an investment in the development of a strategy, but there is some data that we need at a local level. An individual teacher needs to know about the family circumstances of the young person in front of them.

With regard to our understanding of the family situation as a theme and a generic issue, it is clear to us from a range of reports that we have commissioned, such as the equity report that we published in January on the impact of the pandemic and the report on five years of the Scottish attainment challenge, which is our strategic approach, and from the international evidence, that the family circumstances have a huge bearing.

I have spoken to three headteachers in the course of the past fortnight, from Dundee, Alloa and just outside Kilmarnock, respectively. They all told me exactly what you are telling me, which is that some of the funding that they get from the Government—in a number of our schools, it is left to the headteacher to decide best how she or he thinks that that money should be spent—is spent on things that help with family circumstances. That could be the provision of a home link worker to make better connections between the school and the family and to support the family in supporting the learner, or it could be something as simple as enabling the boy or the girl to play football at the

weekend, which the family could not otherwise afford to do.

Through our approach to attainment, funding is being used in highly flexible ways that rely on the judgment of teachers and headteachers about where the money is best dedicated. We have had extremely positive feedback from headteachers about the impact of taking family circumstances into account in thinking about attainment and funding.

**Colin Beattie:** With all such things, the issue comes back to the spending of public money. How do we measure and evidence the impact of that? How do we make comparisons between local authorities to measure their performance when it is so variable?

**Joe Griffin:** In Scotland, we do not publish league tables of local authorities by performance. We take the view that the risk of doing so is that it could lead to oversimplified conclusions. That can be demoralising, most importantly for the teaching workforce, all of whom are doing their absolute best in difficult circumstances. We think that the effect that the publication of a league table that shows that a particular authority is at or near the bottom can have is not good.

**Colin Beattie:** I was not suggesting a league table.

**Joe Griffin:** Of course.

**Colin Beattie:** What I am trying to understand is whether some local authorities are better at this than others. I want to know whether some authorities are following a more successful methodology than others and, if so, how we can transfer that.

**Joe Griffin:** I will ask Gayle Gorman to comment as head of improvement in Scotland. We have very good information on each local authority. Education Scotland collects that information. We have an Education Scotland expert embedded in all 32 local authorities and there is a two-way flow of information. Data and intelligence about what is happening in a local authority come back to Gayle Gorman and her colleagues in the central education system, and Education Scotland provides expertise and shares best practice. We have done a lot to set up a community of best practice, including at regional level, through what we call regional improvement collaboratives, whereby practice can be shared. Within a regional entity, a local authority that is strong on one aspect can share that practice with colleagues across the region.

Gayle Gorman oversees the system as a whole, Mr Beattie, and, if you like, she may be able to elaborate.

**The Convener:** Okay.

**Gayle Gorman (Education Scotland):** Thank you. I appreciate being at the committee.

On Mr Beattie's point about how we monitor, learn about and share best practice, the inspectorate carried out a series of inspections of the nine Scottish attainment challenge authorities in 2017 and 2018. In partnership with colleagues from Audit Scotland and directors of education, we audited the work that had gone on in those authorities, to identify best practice and areas for improvement. The reports were published and are in the public domain. Local authorities then developed action plans to address the improvement agenda; there was also a summary report. We do such work regularly, as Mr Griffin suggested.

You might be aware that we announced this week that we are beginning to restart our school inspections, which were paused because of Covid. We pick up on things like how the pupil equity fund is being used in schools, and the most effective practice and how it works.

Before and during Covid, we published a series of sketch notes. They are visual representations, based on individual best practice models in schools, local authorities, community learning and development teams and elsewhere. Quite a number of sketch notes have focused on recovery. We have published a significant number of them over the past 18 months to demonstrate and share best practice across the system, because we need to learn what is working well, and, equally important, the system needs to know what is not working well, so that energy, time and capacity are not wasted.

On the inspection side, we carried out a series of national thematic inspections. We looked at themes across the country and we visited schools and talked to school leaders, teachers, parents and young people. From that work, we put together a series of summary reports to help to shape the support and direction of travel of the targeted workforce that we now have at regional and local authority level. Those people are practitioners themselves, who work directly with schools to provide support and challenge, to bring about a faster pace of improvement.

**Colin Beattie:** This committee looks at the public expenditure and outcomes from that public expenditure. The Auditor General's report does not pick up the work that you described as a component of the cost per pupil, and I wonder why. You said that all those measures are in place and good practice is being transferred back and forth. There must be some measurement in there, because if there is no link between spending per pupil and educational attainment, do we know whether the money is being spent in the right place, for the right purpose?

I recognise that some of the issues that the Auditor General picked up are technical, which adds to the cost. If we strip that out, do we have any idea how much the outreach to pupils' families—that sort of wraparound approach—is costing and how effective it is? Is it being targeted in the right way? Is the volume of expenditure enough? I am trying to grope towards where the most effective expenditure of public funds is to achieve the outcome that the Government is looking for.

**Joe Griffin:** Graeme Logan might say something about the review of the attainment challenge, which captured five years of data and learning from our approach.

We have different reporting requirements on the different streams of money. The attainment Scotland fund is the overall pot of money, and we have clear reporting requirements on different aspects of that. The area that is quite delegated and pretty light touch in terms of reporting is pupil equity funding, to which Gayle Gorman referred. That is a budget of £1,200 per pupil in specific parts of Scotland where levels of deprivation suggest that it is most needed.

We have a good sense of what the approaches are in aggregate and whether they are effective and ineffective, but I do not think that we can point to a particular local authority and say, "It has used that £1,200 per pupil in these specific ways," because the spending and flexibility are delegated right down to headteacher level. Local authorities might track the expenditure.

Graeme Logan might want to say more about what five years of experience tell us and about how we audit and account for the spend.

**Graeme Logan:** At the same time as the Audit Scotland report was published, the Scottish Government published "Closing the poverty-related attainment gap: progress report 2016 to 2021", which highlighted the progress that had been made on the Scottish attainment challenge and headteachers' professional evaluation of how the money had been used and how effective it had been. Of course, schools account for how they use the pupil equity funding and what impact it has, through the school improvement plans and standards and quality reports that they produce annually and share with parents. That is important. There is also an attainment adviser in each local authority who is looking at the issue, engaging in professional dialogue and sharing good practice.

As we review the Scottish attainment challenge, we want to look at how we can further strengthen the support and challenge, and the consistency and transparency of reporting of outcomes. As Mr Griffin said, the cabinet secretary is due to set out for Parliament, in October, how the Scottish

attainment challenge has been redesigned to build on the learning from the past five years, for the next five years, for which there is a spending commitment of £1 billion—it was £750 million in the previous session of the Parliament—to ensure that we make better and more intense progress across the country.

**The Convener:** We might come back to funding and the extent to which it is additional. You mentioned the OECD report. Sharon Dowey has some questions about that.

**Sharon Dowey (South Scotland) (Con):** It seems that the OECD's report on its review of the curriculum for excellence has the potential to address many of the issues that the Auditor General raised. We understand that the Scottish Government has accepted the report's recommendations in full, including the recommendation on improved data to deliver outcomes. In the absence of improved data, how is the Scottish Government addressing the educational outcomes of pupils who are currently in the senior phase of education and who will not benefit from future reforms?

**Joe Griffin:** Thank you, Ms Dowey. Some of that goes back to the question of breadth, which I covered earlier, so I will not repeat myself. It is about making sure that we collect data that reflects all four capacities and not just successful learners.

I think that you asked how we ensure that we have good data for pupils who are in the system now, pending the review. I do not think—although I am happy to be corrected—that anybody is saying that we lack data on educational attainment, that is, the successful learner part of the curriculum. We have a well-established system of national qualifications, which is presided over by the Scottish Qualifications Authority, and we collect additional measures through the curriculum levels process, to gain an understanding of progress on literacy and numeracy at different points at primary and secondary school. I do not think that we are hearing that there is a problem with that approach as currently constituted.

09:30

Having said that, there are clearly a couple of challenges. One is the OECD view that the data is not well aligned with how we think about our curriculum. The second is the impact of Covid: we have had a couple of years of the system having to draw up an alternative certification model, and that has produced a set of results that are not directly comparable with the previous years. The Auditor General's report sets that out as a challenge.

Every Administration in the world is grappling with that issue. It is a similar situation to the one when a qualification system changes: it is not possible to make a direct, like-for-like comparison.

Nevertheless, the results that we have are valid. They are what young people achieved in those years. In the case of school leavers, we also have evidence of their assessments from previous years, to build into the picture. We do not intend to go in and somehow try to play around with the data to try to make it more directly comparable. We do not think that that would be fair or indeed technically possible.

We have a couple of years of interrupted data—Tricia Meldrum talked about that when you met the Audit Scotland team—and I described how we are proposing to deal with it. The results are there but we have to recognise that in those two years a different situation and context pertained, and we need to treat the results with a bit of caution.

**Sharon Dowey:** My next question is on positive outcomes. What work has been done to reduce the 4.6 per cent of young people who leave with an unknown classification? Also, what is classed as a positive destination? Does it mean going to a job, getting on a course or getting a qualification? Is any workforce planning done to ensure that courses that young people take will provide a job at the end?

**Joe Griffin:** On the first point, I am pleased to report some progress since you heard from the Audit Scotland team. Skills Development Scotland, which as you know runs the skills system, has reached an agreement with the Department for Work and Pensions to share information about young people going on to collect universal credit. We did not have that before, which is partly what swelled the numbers—the 4.6 per cent—of those for whom we did not know the destination. Our colleagues at Skills Development Scotland are optimistic that that can reduce the cohort of people for whom the outcome is unknown. At the moment, to quote Donald Rumsfeld, it is a bit of an unknown unknown—we do not know by how much that will reduce the figure, but it is a positive step forward that ought to plug that specific data gap.

You are right that a positive destination is defined as someone going into education, employment or training. We measure that through Skills Development Scotland, which carries out a survey asking the cohort of people what activity they most typically undertook during the year. We think that that is methodologically the soundest approach. The figures are encouraging. The most recent figure was that 92.2 per cent of young people had a positive destination, which was 1.1 percentage points up on the previous year.

You asked about people who do not go on to successful outcomes and who are at risk of falling through the cracks. We also track those people. Quite often, individual schools, who know their young people best, will continue with a close level of engagement. The careers service sometimes also does that on behalf of Skills Development Scotland. Also, in November last year, the Government introduced the young persons guarantee, through which we are looking to simplify and align the different data streams so that we have a clearer idea of who is going into positive destinations that we know about. There will be a progress report on that in November this year and, in 2022, we will produce the first set of data relating to the young persons guarantee, which will set out data on the key performance indicators. That will further illuminate the picture.

I hope that that addresses your questions.

**Sharon Dowey:** Thank you—I look forward to reading that report.

**The Convener:** I now turn to Willie Coffey, who, as I mentioned, is joining us remotely. Willie, the floor is yours.

**Willie Coffey (Kilmarnock and Irvine Valley) (SNP):** I will focus on the current impact of Covid on young people and will also invite you to look ahead to what the future might look like. Has Covid changed the way that we think about education and how we help young people to make successful transitions, either into the world of work or into further and higher education? I am thinking about digital technology, which largely came to the rescue for school pupils by allowing them to study remotely and from home.

Looking ahead, will the world look the same as it did before Covid? Do we provide youngsters with the right skills? Are we matching up those skills with what employers want? Is there a job of work to be done by the Government to help employers with the recruitment process? I would be obliged if you could give us a perspective on the impact that Covid has had and how things might change.

**Joe Griffin:** I will invite Graeme Logan and Gayle Gorman to come in, as they are educationalists and experts, but I will first have a stab at answering your questions as best I can.

I was struck by a quote from our international council of education advisers, who have said that the pandemic has reinforced equity as the defining issue of our age. From a lot of what we have seen during Covid, we know that the impact has been differential—we have commissioned extensive evidence and we have what children and young people have told us about the impact, through Young Scot and other organisations.

We can talk more about that evidence but, to an extent, it reinforced the importance of a curriculum that is broadly based and that does not overly emphasise the accumulation of facts and academic achievement but is also concerned with young people's progress in terms of their health and wellbeing and their resilience. If there is anything to test young people's resilience, it is a global pandemic. What we hear from our education advisers is that the steps that we took to build a progressive curriculum have put us in quite a good place in dealing with the challenges that Covid throws up. We have talked a bit about the poverty-related attainment gap. A number of the measures that relate to that also play into Covid.

Will the world look the same in the future? I think that the realisation that young people and, crucially, their families need digital skills, access to the kit and good connections has brought home to us that we need to do more. In the Scottish Government's programme for government, there is a commitment to the provision of devices for every young person in education. There is already progress on the number of additional connections that we made during the pandemic and that we now plan to make through the connected Scotland programme. The aim is to realise the shift to digital platforms generally and to prepare for further disruption, because who knows what lies ahead.

That is my take on it. I think that the pandemic has exacerbated a lot of tendencies that already existed, but our curriculum puts us in a strong place to be able to respond. Gayle Gorman and Graeme Logan may wish to make additional observations.

**Gayle Gorman:** All of us in education are reflecting on and thinking about those issues. One silver lining of this horrific Covid pandemic has been some of the changes that have come about through the innovation and creativity of our workforce—our teachers and head teachers—and of young people and their families. I have been invested for years in the use of digital technology to support learning, and we saw that happen overnight. There were some bumps along the road—it was not consistent everywhere and it was not perfect, but we know from our inspection work on remote learning during the second lockdown that, my goodness, the learning curve for teachers and young people was almost vertical.

We saw a positive side. Mr Griffin has described some of the concerns and issues for deprived young people and for children living in rural communities without connectivity but, in general, we saw self-directed learning. Young people strengthened their independence and their ability to focus on self-directed learning. The focus on timetabling provided confidence in planning and reflection.

Teachers thought about their methods and delivered in a very different way. Covid changed our pedagogy, which is the word that we use to talk about teaching and learning. It changed the methodologies that we use for teaching, because talking through a digital medium is very different from sitting beside someone in a classroom and showing them something if they get stuck. Teachers and the profession learned a lot, and we supported that with our webinars and online support materials and other things.

Interestingly, children and young people challenged the methodologies and said, "Actually, we really like this." We had live lessons, which I know parents were keen on, but young people said that they most enjoyed recorded lessons, because they could revisit them if there was an issue or a challenge, or they could rewatch a lesson with a family member or peer and try to work through the issues. Young people also liked some of the supported learning, which allowed them to work in a parallel way. Teachers' methodology was challenged, but they rose to the challenge and they and our young people have gained skills.

Last week, during our online Scottish learning festival, I talked about the resilience, ingenuity, creativity, confidence and responsibility that this generation has taken from the pandemic. Those are the global competences that the Organisation for Economic Co-operation and Development and business leaders are looking for. I therefore hope that the world does not look the same. We must build back and move forward, rather than go back just because it was comfortable and easy. My challenge to the system in the past few months has been about the need to listen to our young people and their families about what they responded well to and to think about how we build into our programmes the things that worked positively.

Once we iron out some of the rural connectivity and other issues, the digital options will allow us to address some of the curriculum challenges, particularly in smaller secondary schools, around the breadth and depth of the offer and issues such as access to highers and advanced highers. Some of the collaborative work that was happening physically between schools is now happening digitally. I hope that, as we grapple with the issues, we will be able to move forward on some of the barriers to access to a global curriculum.

**Willie Coffey:** Last week, we chatted to Colleges Scotland. One challenge that we as elected members face—I think that everybody faces it—is how to move young people into the world of work. Do we need to do more with employers to understand their needs? You will know that recruitment almost dried up during

Covid and it is fair to say that it has not recovered yet. On the other hand, we are hearing about the number of vacancies right across various sectors in Scotland. Do we need to do more to understand employers' needs and to promote those needs in the education setting to assist and encourage youngsters to make positive transitions into the world of work and beyond?

**Joe Griffin:** Members will know that a number of years ago—forgive me, I forget the year; it might have been 2010, but I apologise if I have that wrong—Sir Ian Wood produced a report on developing the young workforce. It looked exactly at a number of the issues that you have talked about around how to get closer dialogue between young people, schools and employers. As a result, a framework was put in place that involves local partnerships that include major employers, schools, the careers service and colleges, precisely to try to better align them. Generally, we are seeing quite good results from that. For example, the participation rate is quite strong and labour market outcomes for young people are still quite strong, although they have declined moderately in the past year. I have those figures if you would like them.

Looking ahead, the young persons guarantee takes us back to the agenda of how we improve the system. There is a premium on simplifying some of the arrangements. There are a number of funding streams and groups, and, through the young persons guarantee, we are looking to simplify things behind the scene and to simplify access for the young person. However, the foundations that we have built up over a number of years are strong. They include, for example, a developing the young workforce co-ordinator in every school, so that there is someone who has a link back to the partnership with employers and who can, through the careers service, share some perspective and insight. The foundations are strong, but they could of course be improved. Those are some of the things that we are looking to work on in the months and years ahead.

09:45

**The Convener:** We have a further series of questions covering the poverty gap and some of the funding aspects of that. Craig Hoy will begin on that.

**Craig Hoy (South Scotland) (Con):** From an almost philosophical or top-line perspective, what factors do you believe make the biggest difference in closing the poverty-related attainment gap? What are the key barriers to making more rapid progress? Although progress is being made in some areas of the country, the issue persists, and it is clearly a stubborn problem.

**Joe Griffin:** I will ask Gayle Gorman for her comments as our national expert but, as a layman, I think of it as being two baskets of activity.

We look at the interventions that we need to make outside the school gates, and some of that extends way beyond the education system to how we think about poverty more generally, how we support our communities, how we think about the aspirations of communities and how they look at education, as well as addressing some material needs and so on. Every year, we set out a strong evidence base in the national improvement framework about the kind of interventions that can be made in school to engage young people with their learning, irrespective of their background but thinking particularly about some of the poverty-related obstacles that might be in their paths. A lot of that goes back to the word “pedagogy”, which is the professional skill of the teacher.

What I understand from Gayle Gorman and other experts is that the ability to form a relationship with a young person that takes account of and looks to strengthen the connection with their family background is one of the most important tools that we have. Gayle Gorman is a real expert and she can expand on that further.

**Gayle Gorman:** As always, it is a complex picture in education. It is always the thing that we focus in on, but teaching, learning and assessment fundamentally are the drivers of improvement. The quality of teaching then drives the quality and pace of learning and the assessment of that to identify the next gaps and how to move forward. Part of that is a greater understanding of differentiation so that you meet the needs of all the learners in front of you and you are able to adapt your teaching, learning and assessment to make sure that your teaching is targeted at the right level and at the right time for those young people.

Behind that, there is also the effective use of performance data. How do we track pupil progress and the different cohorts in our classes, departments, schools and local authorities? When we see effective factors and accelerated progress, high-quality teaching, learning and assessment are combined with an effective use of data to drive improvement.

Part of that, and driving that agenda, is leadership of learning at a classroom and school level, at local authority RICs level and at national level. Leadership sets the aspiration and aim for our young people, and it sets up the culture for improvement within any establishment as we go forward.

As Mr Griffin said, another key element is partnership not only with pupils but with families and the community. To enable effective teaching

and learning, you have to know your learners, their interests and their experiences. A positive thing to come out of the experience of Covid is that teachers, through the work that they have done either by physically going to young people’s homes to deliver materials or school lunch, or through an online medium, have seen into young people’s homes and been able to engage with them and their families. Because of that, relationships have been strengthened, and we all know that teaching and learning is about relationships.

The key areas are therefore teaching, learning and assessment, the use of that with effective differentiation to meet individual learners’ needs, using and analysing to drive improvement, leadership underpinned by professional learning, and partnership with children, young people and their families.

**Craig Hoy:** Before I go on to my next question, I draw attention to my entry in the register of members’ interests, which details that I am a member of the East Lothian Council education committee.

How effective do you think the Scottish index of multiple deprivation is as the measure of poverty to target additional support? Have you seen any deficiencies in the outcomes that its use has resulted in?

**Joe Griffin:** We were grateful to the Auditor General’s team for raising that issue. We are looking at it as part of our review of the attainment challenge that we will come back to; the cabinet secretary will talk about that next month.

The problem is that SIMD covers postcodes and there can be variability within postcodes, sometimes even within streets. We are considering the children in low-income families—CILIF—methodology, which goes right down to the household level, and whether that is a better foundation for some of the poverty-related interventions that we need to make. We have not reached a final view on that, and it will be part of the cabinet secretary’s announcement, but it was reasonable for the Auditor General and his colleagues to have pointed that out.

**Craig Hoy:** Exhibit 4 on page 28 of the report shows the gap between the most deprived and least deprived gaining five or more awards at level 5. I was aware of the problem in East Lothian but I was slightly shocked to see it presented in such graphic terms. When you see a very large gap with very low levels of attainment at SIMD quintile 5, are you concerned about the somewhat blunt approach of effectively having attainment challenge councils with high deprivation throughout the council area? In East Lothian, there is a very variable level of deprivation, particularly

between the east and the west of the county, and it strikes me that we are seeing the product of an indiscriminate and blunt system.

To a certain extent, we could wonder what on earth is going on with the attainment adviser. East Lothian has the lowest attainment among the most deprived anywhere in the country, and the second largest attainment gap. Is that not a cause for concern? If you are looking at every child in every part of the country, that shows that the current system of funding to try to close the attainment gap is clearly not working in the areas where there is a very wide disparity between the wealthiest and those with the least.

**Joe Griffin:** Again, I may ask Gayle Gorman to come in. Partly for the reasons that I referred to earlier about not discussing individual local authorities, you will forgive me if I do not comment specifically on East Lothian. To be clear, we are not relaxed about the variation. We are absolutely determined that, in the years to come, there should be less variation across Scotland in the poverty-related attainment gap and equity and excellence overall. That is one of the reasons why we are reviewing our approach to the attainment challenge and specifically looking at the funding. I mentioned SIMD as opposed to CILIF as one example, but I think that the way in which we have constructed the funds until now has its source in the representation from some councils and the critique that we have here in the Audit Scotland report.

In keeping with our approach to an awful lot of what the Auditor General has said, we are listening, and we are very open to making adjustments. I cannot comment yet on the conclusions that we have reached; that is for the cabinet secretary to do, but she will be doing so very clearly in early course. I do not know whether Gayle Gorman wants to add anything about the Education Scotland approach to a council that has an issue of the kind that Mr Hoy illustrated.

**Gayle Gorman:** I should point out that Mr Hoy's example of East Lothian is a universal support authority, so it did not have the additional targeted support money or support from the Scottish attainment challenge.

The work of the attainment adviser and the wider regional teams supports and works alongside the local authority strategic leadership—the head of service and the director—to look at the challenge, improvement and pace of the strategic planning, and to analyse the data so that we can identify where the gaps and the challenges are, and what challenges the communities in East Lothian are facing that are reflected in their schools. We have targeted support at primary and secondary schools in every local authority where the attainment adviser and my curriculum team

and curriculum and leadership experts work directly with teachers and practitioners to review what they are doing, to help them with the latest research and methodology, and to move that forward.

We also work quite closely with the improvement advisers at the children and young people's improvement collaborative so that we use the same methodology. There is an evaluation strand and we can track the progress over time.

Particular focus goes into professional learning. As I said in my earlier answer, what makes the biggest difference is the leadership and professional learning of teachers. We help them to understand the most effective methodologies, what makes the biggest difference and where the learning can take place.

There is a team around the local authority that we support, but we work in partnership with the local authority and the regional improvement collaborative to make sure that we see where the targeted work is and where there might be challenges because of the wider issues that our communities are facing these days, not just in-school issues. We then work out a bespoke plan for every local authority that picks up on where there needs to be further support, how they can draw on the national team, and challenge and support the work that is going on in local authorities.

The authorities where Audit Scotland rightly identified a large or increasing gap are very much a focus of our work and have been for the last while. We focus on what the challenges are, how we address them and how the system can support that authority collectively.

We developed a programme called collaborative improvement in partnership with the Association of Directors of Education in Scotland. The programme is bespoke and quite innovative where the system comes together, and we have already carried out a couple of programmes where we go in and work with a local authority over a period of days or a week or so. We review the improvement work that it is doing and its focus, and then we collectively come up with an action plan to address how the system can support those who are facing greater challenges. We are planning to do about six or eight of those programmes during this academic year, targeted at authorities.

**Craig Hoy:** I do not want to pre-empt the cabinet secretary's announcement, but I have a very quick question. How can we expect the £1 billion investment that has been announced to be targeted? Is it the Scottish Government's view that that sum is sufficient in light of the pandemic?

**Joe Griffin:** It is difficult for me to answer that without pre-empting what the cabinet secretary

might conclude and announce. I draw your attention to the review of the attainment challenge that we published in March, which has five years of data and learning. It is fair to say that our deliberations about the future structure and shape of the funding are informed by that—as you would expect—and by the Auditor General's findings. I hope that that gives something of a preview. I probably cannot say too much more without getting into trouble.

Forgive me, Mr Hoy, what was the second part of your question?

**Craig Hoy:** Do you think that that sum is sufficient in light of the pandemic?

**Joe Griffin:** I think that it relates to what we were saying earlier on about there not being a strong correlation between spend and performance. There are so many different aspects that we need to improve. In some authorities, performance is first class and others need to learn from it, but I do not think that it is a question of a sum of money being right or wrong. It is a substantial amount of money and it is informed by the £750 million that was spent in the previous session of Parliament, so of course there is an uplift there. There are also different aspects, such as the £450 million or so that was spent in direct response to Covid.

The funding is important to some extent, but some of the improvements that we need to make and actions that we need to take are not financial. Some of this is about the performance in schools that Gayle Gorman talked about. Some of it is about support for the community, the young people and their families. Of course, that is not the sole sum of money. Money is also going in through Ms Robison's portfolio for child poverty and a series of other measures.

I imagine that Audit Scotland will track our progress during this parliamentary session, as I am sure the committee will. As accountable officer, I am encouraged by the extent of the evidence that we have—evidence that we have published and also evidence that Education Scotland collects in the ways that we have been discussing. I imagine that time will tell whether £1 billion is the right figure.

10:00

**The Convener:** Thank you. I will conclude the morning's session by picking up on that last area of discussion. We cannot pre-empt the cabinet secretary either, but we can reflect on the data in and the recommendations made by the Audit Scotland report earlier this year. One of the things that struck me about its analysis was that it said that, although real-terms spending on education increased by 0.7 per cent between 2013-14 and

2018-19, the increase was not reflected in all councils. In fact, it went on to say that there was a drop in real-terms funding for education in the attainment challenge councils, with the exception of Glasgow City Council. Most people would think that the attainment challenge fund was additional money to help those local authorities that have the biggest challenges in closing the attainment gap. Can you give us an explanation of why that was?

**Joe Griffin:** Yes, of course, and I will ask Graeme Logan to come in with a bit more detail. You are absolutely right that the money is intended to be additional but that is within a context of a set of highly devolved and delegated funding decisions around education that are primarily for local authorities.

The Audit Scotland report shows that the attainment challenge funding is a relatively small percentage of overall education spend. We have a system of devolved school management that allows a high degree of transparency at the local level about decisions that local authorities are making. We have good data and good information on the risk of school spending going down through that core spend and the risk of that somehow being substituted for by attainment challenge funding.

Graeme Logan can say a bit more about what we have done when we have uncovered that situation, and to what extent our review of processes intends to guard against it happening in the future.

**Graeme Logan:** As Joe Griffin said, local authorities are responsible for education in their areas and for the variation in education expenditure, which often reflects local factors, local context and so on. The latest data that we have is that spending on education in 2019-20 was £6 billion, up from £5.6 billion in 2018-19.

Mr Leonard referred to additionality. What we can say to reassure the committee is that, where our teams have seen examples of attainment challenge money being used in place of other funding to continue services that already existed, we have intervened and challenged the local authority on that. We have met senior officers to look at that and to ensure that the money is additional and targeted.

Of course, local authorities sign up to grant terms and conditions. They report to us annually on how they have spent the additional funding. We use that to engage in dialogue with authorities to ensure that, as far as possible, the additional interventions are targeted at the children who need them most.

**The Convener:** Thank you. I am sure that if those local authority voices were around the table today, they would say that their settlements have

also been reduced in the past 10 years and that that might be one of the reasons why overall spending has not gone up in the predicted way.

Thank you very much indeed for your evidence this morning, Mr Griffin. We very much appreciate the time that you have given up and the information that you have shared with us. I think that there were a couple of points on which you mentioned you might be able to provide us with some further detail, and that would certainly be helpful. We will await the cabinet secretary's announcement. Will that be before or after the recess?

**Joe Griffin:** I do not think that we have set a specific date for it. I am looking at Graeme Logan. Is that right? Do we have a date yet?

**Graeme Logan:** Not as yet. We are expecting the announcement to be in October.

**The Convener:** My guess is that it probably will be after recess. I also thank Graeme Logan and Gayle Gorman for joining us online. I am sure that we will see you again at some point in the future.

10:04

*Meeting suspended.*

10:06

*On resuming—*

## **“Community justice: Sustainable alternatives to custody”**

**The Convener:** I reconvene the meeting.

We have an important item on our agenda about the Audit Scotland report entitled “Community justice: Sustainable alternatives to custody”. However, before we get to that, I want to refer to the briefing on the vaccination programme that has been published today, I think. It struck me that that is an important piece of work and pretty much a good-news story that reflects on the success of the vaccination programme. Exhibit 2 is a particularly striking demonstration of the extent to which the vaccination programme has reduced hospitalisations, case numbers and people dying from Covid-19.

It is also clear from the briefing that there are still some obstacles that are built on inequalities, and that the level of vaccine hesitancy in some groups—by age and ethnicity, for example—is greater than it is in others. I think that there will need to be further work that looks into the underlying reasons for that. I do not know whether Audit Scotland or others will carry out that work, but that is clearly a challenge that we as a society face. I am sure that we as a committee will consider the briefing in detail in the fullness of time.

Do you want to make any comments on the briefing, Auditor General?

**Stephen Boyle (Auditor General for Scotland):** Thanks, convener.

We look forward to briefing the committee in due course on our briefing paper on vaccinations. The situation is very much as you have described it, convener. We concluded that the national health service in Scotland has made excellent progress in the delivery of the vaccination programme for Covid-19. We referred to evidence sources on the drop in hospitalisations and deaths arising from Covid-19 since the introduction of the vaccination programme, but we also drew attention to the point that you ended on. There is still some work to do, particularly to address vaccine hesitancy and the roll-out of the vaccination programme to younger people and people from ethnic minority backgrounds, and to follow and track the Government's progress as it rolls out future phases of the vaccination programme. The programme has now been rolled out to the 12-to-15 age group, and the booster programme has been rolled out to other parts of Scottish society. We will continue to track that progress, and we

look forward to briefing the committee on that in due course.

**The Convener:** Thank you very much. We will now go back to the agenda.

I thank Stephen Boyle for joining us once again, and we are pleased to welcome by videolink Antony Clark, who is interim director of performance audit and best value at Audit Scotland, and Nichola Williams, who is a senior auditor at Audit Scotland. Once again, Willie Coffey, who is of our own, is joining us by videolink.

I ask the Auditor General to give us a brief introductory statement. We would then like to ask questions about the community justice report.

**Stephen Boyle:** Good morning, committee.

Our report looks at the development of community justice in Scotland in recent years. It focuses on sentencing data, funding and reconvictions, and it also looks at the Scottish Government's overall objectives for community justice.

The Government's aim is to shift sentencing towards community-based options and away from prisons, particularly for short-term sentences. However, we have noted that the progress in shifting that balance has been slow and that Scotland still imprisons people at a higher rate than most countries in western Europe do. In 2019-20, 59 per cent of people who were convicted were given community sentences. That is the same proportion as in 2016-17, when the latest community justice strategy was published.

Data also shows that people who serve community sentences are less likely than people who serve short-term prison sentences to be convicted of another offence. In 2017-18, 49 per cent of people who were released from prison after serving a sentence of less than one year were reconvicted within one year, whereas the reconviction rate for those with community sentences was 30 per cent.

People who have been convicted of a crime are more likely to come from a deprived background or to have experienced other hardships. There is a lack of published data on wider outcomes, such as in health or employment, for people who have completed either type of sentence.

The report concludes with a number of questions for the Scottish Government about the roles and responsibilities of those involved in the planning and delivery of community justice as well as those involved in the variation of use, success and cost of community justice across the country. It is important that the wider outcomes of community sentencing beyond reducing reoffending are defined and that data are collected

to be able to assess whether they are being achieved. The Scottish Government's recover, renew and transform programme may provide an opportunity to address some of those issues and further progress the shift to greater use of sustainable alternatives to custody, but that programme is at an early stage.

Following the publication of our report, the Scottish Government launched this week its consultation on its next national strategy for community justice. My intention is to keep developments under review and to consider further audit work in the near future.

My colleagues Antony Clark and Nichola Williams and I look forward to answering the committee's questions.

**The Convener:** Thank you very much. Without further ado, I invite Willie Coffey, who is joining us via videolink, to ask the first question.

**Willie Coffey:** I want to kick off the discussion on a point that Stephen Boyle made. Clearly, despite the success that we have seen—*[Inaudible.]*—for those who get a community sentence, as you have said, the numbers of those who get a community sentence have basically flatlined for the past four or five years. What are the reasons behind that? What can we possibly do about it?

**Stephen Boyle:** I am happy to start; I will probably invite Nichola Williams and Antony Clark to contribute, as well.

The fundamental point about sentencing is that the judiciary is independent and it will, rightly, determine the sentencing arrangements at its discretion. That is how sentencing happens in this country. The guidance that accompanies that is one factor; the availability, awareness and success of community sentences relative to prison sentences are also factors.

The recent volatility in the presumption against shorter sentences will be a further factor in their use across the country. The report touches on that, but there is more scope to consider it. We have seen really clearly the extent of regional variations in the use of community sentencing across Scotland. There will inevitably be factors behind that. The variability is quite stark from some of the data. We referred to a number of local authorities to illustrate that point. To build on themes that we have touched on in other aspects of our recent reporting, the data is not yet clear enough on why there is that regional variation and what the intended outcomes are from the use of community sentencing relative to prison sentences.

Willie Coffey's point is absolutely clear. There is flatlining in the extent to which community sentences are being used in Scotland.

I invite Nichola Williams to say a bit more about some of the data that we have seen.

10:15

**Nichola Williams (Audit Scotland):** I will go a bit more into the variation that the Auditor General has spoken about.

We know that, overall, the proportion of people who got community sentences as opposed to going into custody was the same in the latest year, at 59 per cent, as it was back in 2016-17. However, if we look underneath that at main crime types, we see that there are some areas in which that proportion has increased. For example, the proportion of people who are getting community sentences for motor vehicle offences has increased. If we look across the regional variations, we see that there has been an increase in some council areas and that there is quite a stark difference between the lowest and highest uses of community sentences.

Understanding a bit more about that variation and why that is happening for some crime types and some areas could help the Scottish Government to better understand why it is not happening overall and how to overcome some of the barriers.

**Antony Clark (Audit Scotland):** I do not have much to add to the various factors that Stephen Boyle and Nichola Williams have identified which might influence the variability of performance. I think that the issue has been acknowledged by Community Justice Scotland and the Scottish Government, and it was picked up in the consultation paper that the Auditor General mentioned earlier.

At the back of the report, we made the specific recommendation that more work should be done to try to better understand the factors that are causing variation and the barriers to making the shift from custodial sentences to community-based sentences. We hope that that will be picked up through the—*[Inaudible.]*—Scottish Government and the community justice partnerships.

**Willie Coffey:** Thank you very much.

**The Convener:** It strikes me that the figures in the briefing are quite stark. In your introduction you mentioned that, for those who are imprisoned for a year or less, 49 per cent will be reconvicted within a year, whereas for those who are put on a community sentence, the reconviction rate is down to less than a third—30 per cent. We know that the balance between custodial sentences and community sentences has plateaued—that

expression has been used already. A couple of years ago, the balance between community and custodial sentences was 59 per cent in favour of community sentences, which dropped to 55 per cent and then went back up to 59 per cent. Does the Scottish Government have a target that it wishes to reach in the balance between custodial sentences and community sentences?

**Stephen Boyle:** I am not sure I know the answer to that, convener. The team can maybe help me out on whether a target has been set. I will check in with Nichola Williams on that.

**Nichola Williams:** No, we have not seen any evidence of a target that the Scottish Government is aiming to reach. I do not think that there is a target.

**The Convener:** The extent of the current pressure on the capacity of Scotland's prisons is a matter of public policy concern. Based on your analysis, do you have any sense of the reduction or change in the balance of those figures that would address that concern? You have reported on the state of the Scottish Prison Service before. Do you have a view about the extent to which the balance needs to be tilted from custodial to community sentences to relieve the pressure in the prison service?

**Stephen Boyle:** I am happy to address all those points. On there not being a target, it will be for the Government and its advisers to determine the nature of the Government's ambition and what is achievable in setting a target. One of the wider points in this paper—echoed by Community Justice Scotland in some of its commentary on it—is the need for clearer data to support any measurable target and delivery of outcomes.

In recent weeks, in relation to some of our other work, we have talked about the extent of Covid and its implications for backlogs in the delivery of public services and in the NHS, as well as in the justice system, which is relevant to the briefing. You mentioned Audit Scotland. In 2019, my predecessor prepared a section 22 report on the Scottish Prison Service, highlighting some of the challenges in relation to capacity, funding and other factors in that organisation.

As and when throughput through the justice system reaches a pre-pandemic rate, that stress and pressure will be pending. The Government's initial objectives around community justice were twofold. The first objective is around the reconviction rates and that difference between community and prison sentences, as well as the wider outcomes in terms of employment, family connections and health outcomes that are anticipated to be better through a community justice approach.

The other factor is the difference between the costs of the prison population and community sentences. We looked to exemplify that difference in cost in the report in exhibit 3, which gives an indication of the cost of a prison place at £37,000 or so per annum compared to the cost of a community payback order at less than £2,000. All those factors will be important considerations for the Government and the community justice sector as the Government looks to launch its consultation on the next strategy for community justice in the country.

**The Convener:** Finally, if the reconviction rate is demonstrably so much better for community sentences as opposed to custodial sentences, the cost is considerably different and it is clear that the impact on the prison population and the overcrowding of prisons must be a consideration, why has so little progress been made?

**Stephen Boyle:** We looked to highlight those very issues through the report, but ultimately we did not get into more of that analysis and judgment of the progress that has yet to be seen—that will probably be for our next piece of work following the consultation. There are very clear issues about the scale of spending, the backlog in the justice system, and the lack of progress around shifting that balance in sentencing. However, we are awaiting the conclusion of the consultation and some of the judgments that the Government and Community Justice Scotland will make in plans to change some of those issues.

An issue worth highlighting that comes through in the report is the difference in the accountability arrangements across the country. We have the national agency, which is Community Justice Scotland and—as we set out in exhibit 2 in the report—we have 30 community justice partnerships, which is where the management work and the interventions through social work services are undertaken. However, there are quite varied accountability arrangements, and the ability of Community Justice Scotland to influence and lead some of that work is questionable. All of that would be fertile ground for the Government and Community Justice Scotland to consider to see whether the system is working as intended.

**The Convener:** Thank you. We may want to probe a little bit more into that.

**Sharon Dowey:** On data and outcomes—about which our predecessor committee raised significant concerns—there is a recurring key audit theme about incomplete and poor-quality data, which prevents us from measuring the progress and success of a policy and whether it is delivering value for money. It is particularly frustrating that the impact of a lack of data was previously highlighted in Audit Scotland's 2012 report, "Reducing reoffending in Scotland". Are you aware

of any improvements that have been made in that area over the past nine years?

**Stephen Boyle:** In relation to one part of the delivery of public services, it is frustrating that incomplete data, inconsistent data and not having a feel for whether or not the investment is delivering as intended is a recurring theme. We recognise the finding in the legacy report from the previous committee and we are not seeing that translated into the delivery of services in this sector of Scottish public life, public service and public spending.

One of the key findings from the Audit Scotland report is about the various factors that can influence the wider outcomes in public service delivery and people's lives. This perhaps echoes some of your earlier discussion this morning: from our work, it is not clear whether public spending is delivering improved health outcomes, education outcomes and employment prospects for people who have gone through the justice system. It is an important issue, and one of the questions that we posed to the Government and Community Justice Scotland—no doubt to be considered through their consultation—concerns how they intend to have more consistent high-quality data that allows for the tracking and monitoring of data and outcomes.

**Sharon Dowey:** Have they given any explanation at all of why there have not been any improvements?

**Stephen Boyle:** Nichola Williams has been looking at some of the work on data, and I will ask her to come in again in a moment. I go back to our discussion a moment or two ago about the accountability arrangements, which are undoubtedly a factor. Exhibit 2 tries to set out the flow of funding and the accountability arrangements. Looking at the system as it is set out in exhibit 2, we see that we have a structure of 30 community justice partnerships, comprising of a range of public bodies that are accountable for their own arrangements and spending.

I refer to some of our other recent commentary on data and measures, where we tend to find that public bodies perform to the measures for which they are accountable. A local authority, an NHS board and the police or fire services are each responsible for a set of accountabilities, and what we have here is almost a parallel set of accountabilities, but not necessarily the ones that are the most dominant. Those are all factors that we are finding. Again, we have seen commentary from Community Justice Scotland about its enthusiasm to explore some of the accountability arrangements and improve the quality of data, ultimately to lead to better outcomes. I invite Nichola Williams to come in on some of the commentary and discussion on that.

**Nichola Williams:** With regard to some of the differences in the data collection since the 2012 report, in 2016, the Government published a new outcomes improvement and performance framework alongside the justice strategy. That was to allow Community Justice Scotland to publish an annual report, where it would report on progress against the national community justice outcomes. What it has said in the most recent reports is that the data that it is getting from the partnerships is not allowing it to do that.

Although Community Justice Scotland is getting examples of good practice happening and improving outcomes at a local level, the data that the framework provides does not allow it to compare between areas. It is just not comparable data, which also means that it cannot aggregate it out to a national level, so it cannot look at the national progress against outcomes. It is currently having a look at refreshing that framework and it will be making recommendations to the Government about a future framework, which will hopefully improve that, but the current framework just does not allow it to do that.

**Sharon Dowe:** Accountability seems to be a recurring theme in most of our meetings just now. Exhibit 2 of your briefing sets out the role of Community Justice Scotland and says that it oversees and reports on the performance of community justice services. It appears that, although the 30 community justice partnerships must provide information to Community Justice Scotland, individual partners remain accountable through their usual accountability arrangements. Can you tell us what powers Community Justice Scotland has as part of its overseeing role? Is it correct to say that, should there be an issue with any of the partners, Community Justice Scotland would have no power to take any action other than to report the issue to Scottish ministers?

**Stephen Boyle:** Generally speaking, that is the case. We describe Community Justice Scotland as having a power of promotion, support, oversight and reporting on performance, as distinct from one of intervention to require the members of community justice partnerships to do something at its direction—that is not the model that we are operating with. Again, I think that that allows us to infer the conclusion that that is part of the reason why we see such variability and incomplete data, which we refer to in the report. Therefore, there is a need to get underneath that and to have good examples of good practice, so that there is more promotion of community justice and more clarity about its impact and the improvement in outcomes that is intended to be delivered. Again, I will pause and see if Nichola Williams wants to add anything to that.

**Nichola Williams:** I do not have anything to add. Community Justice Scotland will report on the performance to ministers rather than take action itself, but the difficulty in getting that comparable data to be able to look at how performance compares across areas will make that more of a challenge.

10:30

**The Convener:** Thank you. Craig Hoy will ask some questions on a related theme.

**Craig Hoy:** Good morning. One of the key issues that was identified in your briefing is that Community Justice Scotland has reported that data deficiencies mean that progress against national community justice outcomes is still not being effectively measured. Have you been able to ascertain yet whether Community Justice Scotland has identified where those deficiencies exist and who is ultimately responsible for them?

**Stephen Boyle:** I will say a bit about who is responsible for data deficiencies. In the structure that we have, the accountability rests with the individual bodies that comprise the community justice partnerships. In part, we can infer that that is one of the reasons for the complex accountability nature of the structure. It is interesting to note that, when Audit Scotland produced the 2012 report about reducing reoffending, one of its conclusions was about the complex structure and accountability arrangements that existed in Scotland around community justice, with eight community justice authorities and a sense of confusion about roles and responsibilities.

When the new structure was created in 2016 and 2017, with the creation of Community Justice Scotland, there were similar voices who questioned whether it was sufficient to allow for that clarity and accountability and to bring about the change in outcomes that we had hoped for. On the point about inconsistency, Nichola Williams can say whether there are any examples that we can offer to the committee.

**Nichola Williams:** In terms of gaps in the data and the inconsistencies, Community Justice Scotland has been quite clear in its most recent report about what is missing and the fact that it is not getting that data because of the performance framework. Specifically, some of the community justice outcomes are around the wider outcomes: employability, health and housing, which are the kind of things that people might be struggling with when they go into the justice system. That is what it has identified is missing and is not comparable between areas. It is currently carrying out work involving stakeholders to look at what should be recorded so that it can make good

recommendations to the Government to refresh that framework, so there is work happening on it now.

**Craig Hoy:** You have broadly answered the second question that I was going to ask. When you said there was little evidence of a shift towards the use of community-based sentences or of improved outcomes, is that due to a lack of data? You have pretty much said that is not the case. I want to broaden that out. As we look at the wider use of community justice and community payback orders, if that trend is achieved, will that be a more difficult environment to audit and to benchmark and in which to assess outcomes and people's experience than a custodial environment? Obviously, if somebody goes into prison, you know the amount of time that they are in for and you know their release date, but, in relation to doing community justice payback orders, for example, how easy is it to monitor the hours that an individual has undertaken?

Finally, in relation to that, community payback orders and the performance is not included in the victim notification scheme. Is that a policy decision or does that point to any doubts that you may have about the integrity of the data?

**Stephen Boyle:** Again, I will invite colleagues to come in in a moment or two. Part of the work will involve input data, so that it will be clear how many community payback orders have been completed. It is also clear how many prison sentences have been served. I think that what is coming through in the paper and the conversation is that there are data gaps that go beyond that.

To an extent, we know about the reconviction rates and how they vary between prison sentences and community-based sentences, but we need to go beyond that. What is the impact of those sentences on some of the wider outcomes—health, employability arrangements and so forth—that we have not seen? That is the data that will allow that wider judgment, not just by us, but by Community Justice Scotland, by Government and the people who are using these services to get a much stronger feel for whether the money is being spent well and properly supports the ambition to transition to fewer prison sentences and more into community-based arrangements.

I am not sure that I know the answer to your question on the victim notification scheme. Perhaps my colleagues can answer that.

Unfortunately, we are shaking our heads on that one, so we will do our best to come back to the committee in writing on that point.

**Craig Hoy:** I have a final question about the complexities of the data and comparing apples with apples and pears with pears. As community justice grows as a concept and, presumably, first

offenders and those who have committed less serious crimes go down the community justice route, whereas repeat offenders and those who have committed more serious crimes go down the custodial route, how will you continue to compare the two? Obviously, a repeat offender of a more serious crime is probably more likely to offend again than a first offender of a relatively minor crime. In terms of accountability in presenting the data, will we have to be more granular and maybe add more caveats to explain that we are not comparing apples with apples and pears with pears between the two forms of justice?

**Stephen Boyle:** We absolutely agree. There needs to be a robustness around the data, so that it is comparable over time. There will be limitations to that of course, as people enter and leave the justice system, so I suppose that the approach will involve trends and an overall view, albeit, of course, that there are individual factors therein.

I guess that that is the important point for Community Justice Scotland: if it wishes to make the impact that it aspires to, the data must be measurable and the accountability arrangements must also be clear.

Regrettably, a recurring theme is that the data on the implementation of policy is not clear enough. There are lots of factors behind that, but I refer back to our report of 2018, "Planning for outcomes", on the need for high-quality data milestones to be set at the outset, so that measurable interventions and changes can be applied.

**The Convener:** I will now bring in Colin Beattie, who has a number of questions.

**Colin Beattie:** Auditor General, in paragraph 13 you say that, to take forward any new or revised approach to community justice, the Scottish Government needs to consider and understand

"Whether all stakeholders involved in the planning and delivery of community justice have a shared understanding of lines of accountability and areas of responsibility."

That suggests that that is not happening at the moment. How do you see it being put into place in practice?

**Stephen Boyle:** That is indeed what we would observe: that there is not that shared understanding of accountability. As we have touched on already, exhibit 2 in the report sets out the 30 community justice partnerships and the role of Community Justice Scotland. What we are seeing, exemplified by the data gaps, is the variation in practice that is happening across Scotland, which can perhaps be attributed to the lack of a shared understanding.

Antony Clark might want to talk about some of the changes that the Government is thinking about

with its recover, renew and transform programme and, through its consultation on Community Justice Scotland, its next community justice strategy for Scotland. There are opportunities to make interventions to address some of the gaps and the lack of consistency that we have seen across Scotland. We hope that that will happen, but I invite Antony Clark to say a bit more about how that is progressing.

**Colin Beattie:** Just before we bring in Antony Clark, do you have a timescale for that, or is it open ended?

**Stephen Boyle:** As I mentioned in my introductory remarks, the thinking around the community justice recover, renew and transform programme is at an early stage. Two consultations are planned. One was launched this week and is designed to be stakeholder led. Another is planned for the months ahead. It will be much wider and will perhaps speak to Mr Hoy's earlier point that, ultimately, citizens are touched by the justice system and people should have the opportunity to make a contribution.

I ask Antony Clark to say a bit more about timescales and ambitions.

**Antony Clark:** I will touch on two points. First, I make the general point that the recover, renew and transform programme goes wider than community justice. It is about how the Scottish Government will deal with the impact of Covid-19 across the whole justice sector. A significant part of that will involve investing in additional court capacity to deal with the backlogs and also thinking through how to deal with workforce gaps.

The aspects of the strategy that relate to community justice are very much framed around having a better understanding of how community-based justice interventions can be made more effective—there is an evaluation aspect to that—and thinking through the interplay between community justice activity and the prison population.

Stephen Boyle mentioned the consultation exercise that is taking place—we have mentioned it a few times. Community Justice Scotland is consulting its stakeholders on how it can make things work more effectively. That touches on quite a few of the points that the committee has already mentioned today. I think that Community Justice Scotland wants to explore how it can get better data and how it can have more impact and influence in order to shape change across the system.

As part of that consultation, it is quite likely that Community Justice Scotland may get feedback on some of the difficulties that are well known and have been rehearsed, not just around the organisation itself but around partnership working

more generally, where people operate with multiple accountabilities—the Auditor General has raised that point several times.

I hope that that begins to answer your question, Mr Beattie, but I am happy to follow up if you have any further questions.

**Colin Beattie:** We seem to be back to the hoary old issue of data, which, as you know, we encounter not only in this area. There are deficiencies in data pretty much across the board: data is not up-to-date, it is not produced in a common format and so on. Are data collection requirements not keeping up because events change so quickly? Five years ago, the range of data indicators might be adequate, but we have not transitioned to new and more effective data collection. As we know, because of the size of the public sector, it takes a long time to make these changes. Could you give us a little bit of information around that?

**Stephen Boyle:** I am happy take that one, Mr Beattie.

All the factors that you listed are components of why the data is not as strong as it needs to be. They relate not just to the evaluation of how well public policy has been implemented, whether value for money has been achieved and what opportunities there are for change and intervention. There will be other factors, some of which are fundamental, and we have discussed them with the committee in recent times. This builds on our "Planning for outcomes" report and whether the milestones that are set are supported by the right data from the outset of the implementation of a policy.

We also recognise that we are operating in a fluid environment. Clearly, Covid has influenced that environment yet further. Some of the policy changes that will happen alongside that, such as changes to sentencing arrangements, the presumption against short sentencing and so on, will all be components. The factors around the accountability arrangements will no doubt have played a part, too. Accountability rests with individual bodies in the community justice partnerships, and perhaps there is a lack of direction through the national body being able to require certain data in certain formats at a certain time.

We are enthusiastic about one of the questions that we raise in the report. In order to evaluate, make interventions and improve outcomes, the fundamentals of high-quality data need to be resolved.

10:45

**Colin Beattie:** You mentioned Covid, which brings me neatly on to the recover, renew and transform programme and how it affects community justice. Do you see the programme as an opportunity to push forward the shift to sustainable community-based alternatives to custody?

**Stephen Boyle:** I will invite Antony Clark to come in, given his familiarity with the Government's plans. As he rightly said, the recover, renew and transform programme is part of the Government's wider approach to the delivery of public services and goes beyond community justice. This is perhaps borne out by what appears to be, as the convener mentioned, a fairly static level of progress in shifting the balance in sentencing, particularly for short sentences, away from a prison-based model to a community justice arrangement. I refer to factors such as data supporting a reduction in reoffending rates, or cheaper and less cost-led models of community justice relative to prison populations.

Perhaps the biggest factor is that there should be improved clarity about the wider outcomes for people who have engaged with the justice system. For example, what are the prospects in terms of employment, health outcomes and the wider contributions that will be on offer? All that thinking will be important.

I invite Antony Clark to say a bit more.

**Antony Clark:** It is fair to say that it is quite difficult to give a categorical answer on the extent to which the recover, renew and transform programme will deliver the improvements that you are asking for, Mr Beattie. It is still at a relative early stage of development, beyond the thinking that has gone into additional court services to deal with the backlogs.

It is clear that there are both opportunities and risks at the moment. There is an opportunity to think differently, in the way that you suggested, about how the opportunities that are presented through the recover, renew and transform programme can help people to make that shift towards community-based interventions. There is also a risk that the need to deal with the backlog in the courts might end up being more of a driver of the programme.

We are aware that community justice is at the table and it is part of the consultation. We need to wait and see what comes out of the discussions that are taking place, as the programme is firmed up and we get more clarity about the strands of work that will flow from it. It certainly is something we are keeping a watching eye on.

**Colin Beattie:** It certainly appears that, as we have discussed, if all the stakeholders are not on board and pointing in the same direction, the programme will not be as effective as it should be. One should precede the other.

**Stephen Boyle:** There is no doubt that a lack of a shared vision around delivery and accountability will be a threat to the delivery of change and therefore implementation. The variation in accountability arrangements is one of the factors that we point to in the report, along with the data gaps and regional variation. All those factors will need to be considered and, we hope, addressed to make the shift and achieve the change that was envisaged in the original policy.

**The Convener:** On that point, I want to end our discussion by reflecting on what you are saying, which is that it is quite clear that the roles and lines of accountability are perhaps not as clear as they ought to be, and that that might be one of the factors in the object of the Government not being met as comprehensively as it would hope and many people would expect.

I want to finish by asking a little bit more about funding. We know that, in the funds for the recover, renew and transform programme, an additional £11.8 million—it is mentioned the report—has been made available for criminal justice social work services. That sounds quite a small amount of money to me. Do you think that it is sufficient to make any difference at all?

**Stephen Boyle:** Ultimately, time will tell how well that money is used. Clearly, it is a matter of policy for the Government to determine the allocation of funding. The scale of the funding that is invested is one of the factors, convener, but it is perhaps not the sole one, as we have seen in relation to the accountability arrangements. We have talked about high-quality data and getting beneath the factors around regional variation, and those will all be components of improving how the system works. As Antony Clark mentioned, and as we touch on in the report, we intend to keep the matter under review following the consultation and will undertake further work, on which we will report back to the committee.

**The Convener:** At the start, you mentioned the high incarceration rates in Scotland compared with those in other parts of western Europe. In your report, you say that around 5 per cent of the overall justice budget is spent on community-based sentences. What is the international picture, and what does the situation in Scotland look like in comparison with other countries that have much lower rates of imprisonment of people who have committed crimes?

**Stephen Boyle:** I will quickly turn to Nichola Williams to give you some of the data that we looked at.

We looked at the world prison brief as the source for incarceration rates, in order to compare where Scotland sits against other jurisdictions. As we conclude in the report, we are at the higher end of the western European scale for imprisonment rates. The whole justice system is captured—the throughput in our court system, our policing arrangements and all the other components. How that all compares and which factors led to different outcomes will be pretty complex and varied. The role of the judiciary and sentencing arrangements are also involved.

We will continue to look at the issue and will report publicly, following clarity from the Government on its next steps.

I ask Nichola Williams to say whether we can enlighten you on some of the data.

**Nichola Williams:** As we said in the report, just under 5 per cent of total justice funding goes to community justice—mostly to partnerships. Despite the aim to shift, that has not significantly changed over time. We have not compared that balance with what happens in other countries, so I am not sure how that prison versus community spend compares with what happens in other countries that incarcerate at a lower rate than we do.

**The Convener:** Thank you. If you come across any useful comparators where there is robust data, we would be interested to see that. I think that that might be a matter of public interest as well as being of interest to the Public Audit Committee.

**Stephen Boyle:** I am happy to do that, convener. As we think about our next steps in further audit work in this area, we will consider comparability with other parts of the United Kingdom and beyond. If we have any useful sources, we will happily share them with the committee.

**The Convener:** Thank you very much indeed for your evidence this morning and for the report, which contains a clear analysis of where things are and what might need to change.

I thank Antony Clark and Nichola Williams, for joining us remotely, and the Auditor General, Stephen Boyle, for being here with us at the committee.

I close the public part of today's proceedings.

10:53

*Meeting continued in private until 11:38.*

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