



OFFICIAL REPORT  
AITHISG OIFIGEIL

DRAFT

# Education, Children and Young People Committee

Wednesday 6 October 2021

Session 6



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**EDUCATION, CHILDREN AND YOUNG PEOPLE COMMITTEE**  
**5<sup>th</sup> Meeting 2021, Session 6**

**CONVENER**

\*Stephen Kerr (Central Scotland) (Con)

**DEPUTY CONVENER**

\*Kaukab Stewart (Glasgow Kelvin) (SNP)

**COMMITTEE MEMBERS**

\*Stephanie Callaghan (Uddingston and Bellshill) (SNP)

\*Bob Doris (Glasgow Maryhill and Springburn) (SNP)

\*James Dornan (Glasgow Cathcart) (SNP)

\*Fergus Ewing (Inverness and Nairn) (SNP)

\*Ross Greer (West Scotland) (Green)

\*Michael Marra (North East Scotland) (Lab)

\*Oliver Mundell (Dumfriesshire) (Con)

\*Willie Rennie (North East Fife) (LD)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Shirley-Anne Somerville (Cabinet Secretary for Education and Skills)

**CLERK TO THE COMMITTEE**

Alison Walker

**LOCATION**

The Robert Burns Room (CR1)



# Scottish Parliament

## Education, Children and Young People Committee

Wednesday 6 October 2021

*[The Convener opened the meeting at 09:32]*

### Session 6 Priorities

**The Convener (Stephen Kerr):** Good morning, and welcome to the fifth meeting in 2021 of the Education, Children and Young People Committee. For those of you who are watching, we are meeting in a hybrid format.

I welcome the Cabinet Secretary for Education and Skills, Shirley-Anne Somerville MSP, and Graeme Logan, who is director of learning at the Scottish Government. This is the first time that we have met the cabinet secretary. We are delighted to have her with us, and we look forward to a long and happy time working together on this important area.

I understand that the cabinet secretary intends to make a short opening statement. We will then go straight to questions.

**The Cabinet Secretary for Education and Skills (Shirley-Anne Somerville):** Good morning, and thank you very much, convener. It is a pleasure to be able to appear in front of the committee to discuss my priorities for education in the new session. I am deeply honoured to be serving as Cabinet Secretary for Education and Skills, and I am delighted to return to the portfolio after having been a junior minister previously.

Although the latest data shows that Covid cases have, thankfully, been coming down, we remain in the midst of a pandemic, of course, and I do not underestimate how challenging that continues to be for everyone. I remain acutely aware of the impact that it is having on the lives of our young people and on the education and skills sector as a whole.

From the outset, we have been working to protect children and young people from the worst impacts of Covid-19 and to support them to recover, where they have been affected. We know that some learners will have suffered adverse consequences to their health and wellbeing or their attainment. We will continue to address those impacts, and I am determined that every child and young person in Scotland will have the opportunity to fulfil their potential as they progress through the education system and on to positive destinations.

Yesterday, the Scottish Government published "Education Recovery: Key Actions and Next Steps", which was developed with input from our partners, including young people. It outlines our on-going response to the impacts of the pandemic and sets out some of the key next steps that we will take to address them.

The document also draws on advice from our international council of education advisers. Among other things, it has highlighted that the pandemic reaffirms equity as the defining issue of our time. That is why we remain committed to closing the poverty-related attainment gap for children of all ages, which is a core part of our wider national mission to eradicate child poverty.

Although we continue to make good progress on that long-term ambition, I recognise that there is more to do and that the needs of individual learners should be central to our reforms. That is why we will provide £1 billion over this session of Parliament to close the poverty-related attainment gap and support education recovery, including a refresh of the Scottish attainment challenge programme from 2022-23. That will empower schools, support education recovery plans, and help to improve outcomes for children and young people. This autumn, I will set out to Parliament how we will refresh the attainment challenge and how that will support faster and more consistent progress for learners across the country.

It has, arguably, never been more important to ensure that our education system delivers for Scotland's children. That is why I have committed to a number of important reforms in this session. In June, I confirmed that the Scottish Qualifications Authority will be replaced and that I am minded to create a single specialist agency for curriculum and assessment. Reform of the education system aims to reduce variation in the outcomes achieved by learners and to ensure the best possible quality of support and challenge for our school environment.

A period of change is coming, but changes will be made in partnership in order to improve, achieve more and deliver for all Scotland's learners. Although there is work to be done, I am proud of what has been accomplished this year, despite all the challenges.

For example, since 1 August, we have delivered our flagship commitment to offer 1,140 funded hours of early learning and childcare to all eligible two, three and four-year-olds. We have ambitious plans in this session to expand early learning and childcare to one and two-year-olds, starting with children from low-income households. We will also deliver on our commitment to build a system of wraparound childcare before and after school all year round.

The changes that we are bringing in for young people will pay dividends over their lifetime and help to improve outcomes for their families.

I thank the committee once again for the opportunity to set out the current situation in the sector. I look forward to working with the committee on those issues in future years.

**The Convener:** Thank you for that. We will move straight to members' questions.

**Stephanie Callaghan (Uddingston and Bellshill) (SNP):** I want to ask about the poverty-related attainment gap. What lessons have been learned from the 2020-21 session? What plans do you have to incorporate those lessons? What longer-term strategies are you considering?

**Shirley-Anne Somerville:** We can learn a lot from what has happened in the most difficult of circumstances. As I said in my opening remarks, an issue that has been very clear to all of us, and which was made clear by the Government equity audit, is that the pandemic has affected people—children and young people in particular—in different ways. We are keen to ensure that we move further and faster to deal with overall attainment.

I am determined that the refreshed Scottish attainment challenge funding will deal with a number of issues, one of which will be the variation in outcomes for children and young people across Scotland. Variation in the way that things are done is a good thing, because we should absolutely not have a one-size-fits-all education policy. However, everyone who has an interest in the achievements and attainments of our children and young people should be concerned about a variation in outcomes across the country. We will look at that to see what can be done to speed up the efforts that are being made.

As I said in my opening remarks, we are seeing progress on the poverty-related attainment gap. That has been shown clearly by Audit Scotland and it has been remarked on by headteachers, but Audit Scotland and the education sector in general quite rightly want us to do more and to do it quickly. We are keen to do that. Part of that will be through the work of Education Scotland.

I will give one example of what we have to do from the experience of children and young people during the pandemic. We must look at digital devices. We know that local authorities have done a great deal of work to supply digital devices during the pandemic and, of course, money went into that through Scottish Government recovery investment, but we need to do more on that. That is why we have made a commitment that every young person will have a digital device by the end of the session. We must ensure that children,

regardless of where they live, have that support and connectivity and that their schools have connectivity to enable teachers to use digital devices in new ways.

There is a great deal that we can learn. One aspect that I would take from a difficult couple of years is how the education sector as a whole has worked well collaboratively. That has been commented on favourably in recent reports, and I would like that to continue.

I fully appreciate that, as politicians, we will disagree on different education matters—indeed, the education sector has a variety of views on the way forward on different matters—but I would very much like to continue the way that local and national Government, unions, young people, parents and others have managed to come together and work collaboratively in the most difficult of circumstances. If we work in that way, we will have a much better chance of achieving the success that we all want for children and young people.

**Stephanie Callaghan:** That is great. It is good to know that we are looking at what success looks like and taking forward the collaboration and engagement.

I want to ask about class contact time. The Organisation for Economic Co-operation and Development report raised the issue of preparation and planning. Will that have an impact on the attainment gap? Will there be a focus on that?

**Shirley-Anne Somerville:** That was highlighted in the report, and we, as a Government, take it seriously. We have a commitment to reduce class contact time for teachers by one and a half hours per week. That is going through due process with the Scottish Negotiating Committee for Teachers, and I hope that it will be able to make a big difference.

I point back to a lesson that we have learned but which did not, I think, come as a surprise to any of us who have an interest in education: the professionalism of teachers and the hard work that they undertook to support our children and young people in the most difficult of times. We need to support our teachers to have the time to be able to support our young people. One of the ways that we can do that is through reducing contact time. We will move forward with that commitment to support our teachers further on that.

**Bob Doris (Glasgow Maryhill and Springburn) (SNP):** I will follow on from Stephanie Callaghan's line of questioning about the past two years.

Under the alternative certification models, despite huge challenges, young people from the

most deprived areas have had far more qualifications awarded to them than in previous years. That is positive, even if the scenarios that they had to face were deeply harmful to them. What have been the strengths of evidence-based, teacher-led professional judgment leading to certification under the alternative certification models? What have been the successes and, more important, what are the strengths of that system that we should not throw out once Covid is no longer with us?

**Shirley-Anne Somerville:** One of the strengths of that system is that, once again, it has demonstrated the trust that we can have in our teachers and their professional judgment. It was a difficult time for teachers. The alternative certification model was challenging for them to undertake but, as has been demonstrated, it was the best system that could be in place in an emergency situation.

One of the lessons that I see when I look back on the situation is that our teaching workforce, using its teacher judgment to demonstrate our young people's success, brought its professionalism to the fore. That has been critical because, at a point when examinations were not possible because of public health measures, we required a system that was credible and fair. Teachers have absolutely delivered on that, and I again take the opportunity to thank them for that.

09:45

**Bob Doris:** I certainly hope that we bake teachers' professional judgment into whatever replaces the current exam system so that we get a better balance between exit exams and what teachers see in the classroom day to day and week in, week out. Has that been recognised by the SQA, which has said that, if exams do not go ahead next year, there will be no dual assessment? I hope that I am interpreting this correctly, convener, but I think that, by saying that there will be no dual assessment, the SQA is effectively saying that it trusts the professional judgments that teachers are making this academic year if it becomes necessary yet again to have alternative certification. A comment on that would be helpful. Should that sort of thing be baked in?

**Shirley-Anne Somerville:** I will take those two issues separately, as they are separate.

With regard to next year, the SQA has plan A, which is that exams will take place, and that is what we as a Government, the SQA and, importantly, schools and young people are moving forward with in their teaching and learning. There have, of course, been discussions around contingency measures that need to be in place. For example, if the public health advice at that

point was that we could not have an exam diet, teacher judgment would be absolutely at the heart of those. However, the reassurance for teachers is that no additional assessments would need to take place. That is different from the alternative certification model.

In short, there will be no dual assessments. Normal assessments can take place and, at the end of the year, if there is no exam diet, teachers will be able to form a judgment based on what has taken place during a normal assessment year.

As for what will happen in future years, that is a very separate issue that will be looked at. I will make further announcements on that later in the autumn, as we have just had the Stobart report on what will happen in future. Exams will, of course, play a part, but the Stobart review has presented us with opportunities and questions about what these things will look like in the future. That is an issue not just for Government, and it will be taken forward very much in collaboration and discussion with others. However, as I have said, I will make further announcements in due course.

**Bob Doris:** I started this line of questioning by pointing out that, despite the really difficult time that those in the most deprived areas have had over the past two years, they have achieved greater certification than they did under the previous pre-Covid models. I note your comment that the attainment challenge will be refreshed. I would welcome your saying more about that, particularly in relation to pupil equity funding moneys, whether the new teachers will be more likely to be deployed in deprived areas, and the impact of free school meals and wraparound care. Finally, do you think that the £20 reduction in universal credit will have a direct impact on the poverty-related attainment gap?

**Shirley-Anne Somerville:** You will forgive me if I do not say too much about the refresh of the attainment challenge, as I will be making further announcements on that in due course. However, I can reassure the committee that the empowerment of schools to make decisions will remain very much at the heart of that, because they know their communities best and how best to use the PEF funding to support children and young people.

One of the challenges that the Government faces as we look to tackle the poverty-related attainment gap is that, despite the fact that we can do so much in education and despite our determination to do so, the issue of child poverty has to be tackled, too. I am working very closely with my colleague Shona Robison to see what we can do in our portfolios in that respect. The UK Government has, of course, taken away the equivalent of the Scottish child payment through its cut to universal credit, which will inevitably

impact on children and families throughout the country and, in turn, impact on their preparations for school. The Government can do what it can to support children and young people through, for example, the school clothing grant and free school meals, but it does not help when another hand takes away part of our support.

**Bob Doris:** I do not want to explore the universal credit issue any further, as the point has been well made, but can you tell me whether, under the attainment challenge, PEF is here to stay? I know that it has made a real difference to the schools in my constituency. Moreover—this will be my final question, convener—will the additional teachers be for local authorities to deploy as they see fit, or is there a real motivation to direct them to schools in more deprived, low-income areas to assist with the attainment challenge?

**Shirley-Anne Somerville:** There are different funding streams in the attainment challenge. I will look at whether what you have suggested would be the most effective use of them. When I met various committee members at the start of my time as education secretary, they had different opinions on how these things might be done in future. I have listened to those comments, but I point out that a key part of the attainment challenge has been headteachers' ability to make decisions directly, and that will remain.

On teacher numbers, the Government has committed to putting in place 3,500 additional teachers during this parliamentary session. As that commitment is separate and additional to the Scottish attainment challenge fund, it has not formed part of my discussions around the attainment challenge. Instead, it will go through the usual process of funding being distributed to local authorities.

**The Convener:** How will you ensure that the new teaching positions come with permanent contracts? I know that there was agreement over the summer on the permanence of the funding for teachers, but is the Government following through on that and measuring these things? When I recently asked a parliamentary question on the matter, I was told that one in eight teachers in Scotland were on temporary contracts, which is a situation that we will all agree needs to be changed. How is the Scottish Government monitoring and measuring that?

**Shirley-Anne Somerville:** If my memory serves me correctly, the answer to your written question also included teachers who might have been on a permanent contract but were in a temporary position. Some of those figures need to be used with caution.

That said, I have heard loud and clear, and directly from teachers, a concern about the number of them who are on temporary contracts, which is why I have taken action to baseline the funding that has been provided as part of our Covid recovery strategy. The money for the 3,500 additional teachers over this parliamentary session is additional to that. As I am sure that the committee would expect, I am keeping an exceptionally close eye on whether those teachers are additional and whether they are on permanent contracts. That is an issue for local government as the employer—I cannot insist that they are on permanent contracts—but what I would say is that, given that the money has been baselined, I see no reason for those teachers not to be on permanent contracts. However, as I have said, we are keeping an exceptionally close eye on that.

**The Convener:** As we all are. It is good to hear that, cabinet secretary.

**Willie Rennie (North East Fife) (LD):** Baselineing that funding for the additional teachers will help, but I hope that you will also look at the funding for PEF. It is allocated on an annual basis, which has an impact on the temporary arrangements that are available to schools.

On the Scottish national standardised assessments, I note that, on page 128 of its report, the OECD stated that

“the purpose and usefulness of these are already being questioned.”

It also told us that its team did not consider the SNSA

“to be the most appropriate system monitoring mechanism”.—[*Official Report, Education, Children and Young People Committee*, 8 September 2021; c 19.]

Are you therefore going to stop collecting assessment data across the country?

**Shirley-Anne Somerville:** I have listened very carefully to the discussions about what was said in the OECD report and what was said afterwards. We have to bear in mind the reasons for having national standardised assessments and what they can do and what they cannot and were never expected to do. The purpose of the national standardised assessments is primarily formative. They provide teachers with important and valuable diagnostic information on children's progress. That is what they are there for.

The assessments were never designed to be the measure of everything in the curriculum for excellence. That is why other data is gathered within schools to support the national improvement framework. I have looked carefully at what the OECD said and at the information that was gathered for the review of the standardised assessments. We are seeing teachers making



increased use of the results of the standardised assessments, and they have found those results more useful as the years have gone on.

We must look at what the assessments are for and whether teachers find them useful for what they were designed to do. We can see that teachers are finding them useful as part of formative assessment.

**Willie Rennie:** Schools have used formative assessments for generations. I understand that. My issue is that you collect the results and produce a national report that now leads to the publication of crude league tables. A school in the First Minister's constituency was highlighted as apparently being one of the worst-performing schools in the country. I do not believe that for a minute: I believe that that school is probably performing well, but that because of its demographics and background, it is assessed as being one of the worst schools. That cannot be good for the Scottish education system.

If you stopped collecting that data nationally and using it for monitoring purposes, but allowed teachers to continue using it locally, that would be the best of all worlds. Why do you not stop collecting that information?

**Shirley-Anne Somerville:** It is important that we have the correct data. That enables teachers to make informed judgements about how well pupils are progressing and headteachers to assess what is happening in their schools. That data is also useful to local authorities. It is important that the Government has the information to enable it to see whether there is any concern about the variation in outcomes for children. It is important that we gather data so that we can ensure that every child, regardless of where they are in Scotland, has the right opportunities and that there is not variation in outcomes.

To be clear, we collect evidence about curriculum for excellence levels. We do not publish the results of the standardised assessments. Those are two very different things. What matters is the data that is being collected, what it is used for and how useful it is to different parts of the system. There is nothing in the OECD report to say that we should not collect data nationally. The challenge that the OECD has given us is to consider whether we are collecting the right data and doing the right things with it. There is a distinction between the standardised assessments and the data that we collect at a national level and how we use that.

**Willie Rennie:** We have heard evidence from others who mentioned the survey of literacy and numeracy that used to take place. It was not perfect and could have been improved, but that type of survey or census approach is better than

the use of data, including the use of the results of the SNSAs as part of the framework, to assess the performance of schools and individuals. We are not doing it the right way: we should return to a survey approach. Why will you not consider that so that we can stop having crude league tables that demoralise schools and pupils?

**Shirley-Anne Somerville:** To be clear, the Scottish Government does not, and will never, produce league tables of schools.

**Willie Rennie:** You provide the data.

**Shirley-Anne Somerville:** It is important that we have data. Is Mr Rennie saying that we should not have any national data to allow us to decide whether there is an issue with variation of outcomes? He is entitled to that viewpoint.

**Willie Rennie:** Do not misunderstand me: I am in favour of data, but I am not in favour of making available individual data on schools that can be turned into league tables. I understand that you do not produce the league tables, but newspapers have done so, and they can do so only because you publish the data. Why do you not produce surveys, which would be a far superior system? I just do not understand why you continue with the policy when it has been criticised widely by a number of people.

10:00

**Shirley-Anne Somerville:** You may say that it has been criticised widely but, in its 2015 review of education in Scotland, the OECD said that the sample approach of the Scottish survey of literacy and numeracy did not give national agencies enough evidence.

The OECD has told us in the past that sampling does not provide the right evidence to allow national agencies to take the right decisions on the right course of action. There is a balance to strike on sampling and the type of sample data that we collect. We continue to participate in the largest international survey—the programme for international student assessment, or PISA—but we have to think carefully about whether sampling provided us with the information that was required. In 2015, the OECD said:

“light sampling of literacy and numeracy at the national level has not provided sufficient evidence for other stakeholders to use in their own evaluative activities or for national agencies to identify with confidence the areas of strength in the years of the Broad General Education across the four capacities of CfE. Nor has it allowed identification of those aspects or localities where intervention might be needed.”

That is a direct quote from the OECD saying that we should be cautious about the use of sampling. There has to be some use of sampling and some use of census.

**Willie Rennie:** The crucial phrase in that was “light sampling”. You could have heavier sampling and still keep a sampling model rather than the model that you have adopted, which allows crude league tables to be published.

**Shirley-Anne Somerville:** It is important that we have the information that we use on curriculum for excellence levels on a pupil-by-pupil basis so that teachers, schools and national agencies know what is happening in our schools. If we did not have that, it would be exceptionally difficult at a national level—and even, I suggest, at a local government level—to make the correct decisions about where more support might be required, such as more staffing, additional funding or an additional initiative for a school. It would be difficult to do that if we did not have the data at the level at which we are producing it.

There must be a balance. I am absolutely conscious of the fact that there is a variety of views on the use of sample data and census data. As we respond to the OECD survey, we will, of course, consider very carefully the recommendations that the OECD has given us in the most recent report—the quote that I read out was from a previous report. I am not saying that we should do nothing on data and that I take a fixed position on absolutely everything to do with it. We should always challenge ourselves to ensure that we collect the right data in the right way and that it is used effectively.

**Willie Rennie:** The OECD was clear. Even though it was not in the headline recommendations, the text underneath those headline recommendations had some significant criticism of your current data collection process. Do you accept that recommendation?

**Shirley-Anne Somerville:** I will look at the OECD report in its entirety. My officials and I have not only read the executive summary and recommendations; we have read the report, substantial as it is, so of course I have looked at every aspect of it. As I said in my previous answer, as we respond in full to the OECD review, I will challenge myself and we will challenge ourselves about whether more needs to be done on data to ensure that people have confidence in what is collected and that it is done in the right way.

We must be clear about what the OECD report said on standardised assessments. As I said at the start, standardised assessments do not judge the totality of curriculum for excellence. That was never their point. It is not what they were designed to do and, therefore, it is not surprising that they do not do that.

**Kaukab Stewart (Glasgow Kelvin) (SNP):** Good morning. We have taken evidence from young people and from the unions, and we all

listened very carefully to what they said about the alternative certification model. A wee bit of concern came through that there were too many assessments in too short a time. What stakeholder engagement has the Scottish Government undertaken to listen to the views of young people and unions in order to inform contingency planning for the year ahead?

**Shirley-Anne Somerville:** That works very nicely into what the SQA has done—although, obviously, as Government minister, I have regular discussions with stakeholders on that issue and a variety of others, as do my officials. Last year, the SQA established the national qualifications 2021 group, on which unions, parents and young people were represented. During that time, there was an attempt to achieve consensus, whenever possible, and that was achieved on the vast majority of issues, I think, with the exception of appeals.

There was then a discussion about how the SQA could improve on that process for next year. One of the ways of doing that, about which Fiona Robertson spoke to the committee, was to ensure that young people had a greater voice and a greater capacity to have their say.

That group is exceptionally important. It allows things to be aired at length, and it continues to meet exceptionally regularly to discuss the contingencies that are in place. What was established by the SQA last year was a good example of how stakeholders can work together, and I am pleased that the SQA looked at that and refreshed it with an eye to what more could be done this year—in particular, to bring in young people more. That does not necessarily mean that there will be agreement on all aspects, but I think that the process will allow everyone to have their say.

Of course, as Government minister, as I said, I have a clear line of sight to stakeholders as they input to the discussions on that. For example, we have discussed that issue at various times at the education recovery group, which I co-chair with Councillor Stephen McCabe. Those matters are brought up there and are refreshed and discussed, if stakeholders wish.

**Kaukab Stewart:** That is great.

I am also mindful of staff. Looking at the three scenarios that have been outlined for this academic year of 2021-22, what safeguards have been considered in order to prevent additional workload for staff?

**Shirley-Anne Somerville:** That has been discussed at great length in what is now the NQ22 group. Clearly, there were understandable concerns about the workload pressures that the alternative certification model presented to staff last year. We are not in that circumstance this

year, as we are not doing the alternative certification model.

The key point that has been looked at, and on which a discussion is taking place, is about what the contingencies are, and a reassurance that no additional assessments will be required that teachers will have to carry out. That is a very important reassurance for teachers because, as I have said, they are still in the middle of dealing with the pandemic. The Government and the SQA were very keen to ensure that we took cognisance of the impact that decisions would have on teacher workload.

**The Convener:** Skills Development Scotland is a national body that is within your remit. It is responsible for skills investment plans and regional skills assessments. Regional skills assessments have been conducted for Edinburgh and south-east Scotland, Highlands and Islands, and Aberdeen city and shire. When will regional skills assessments will be conducted for the rest of Scotland?

**Shirley-Anne Somerville:** I do not think that I have with me information about when the assessments will take place for other areas of the country.

**The Convener:** Could you write to the committee to give us that information?

**Shirley-Anne Somerville:** Yes.

**The Convener:** It is clear that we all have our own local interests at heart. I am particularly keen to know when Central Scotland will figure in that vital work.

**Shirley-Anne Somerville:** That is noted, convener.

**The Convener:** Skills gaps in our economy are not a new story. We can go back to any year in the past 20 years and find warnings and reports about them. We certainly face a challenge with skills gaps now as our economy restarts. To what extent are those skills gaps structural? What is stopping us training people to move into those shortage areas?

I will elaborate a bit more. In 2014, the Care Inspectorate highlighted shortages of trained staff in social care. There have been various reports about hospitality, and there is a particular crunch in digital. What is stopping us training people? Are the gaps structural?

**Shirley-Anne Somerville:** You have raised a very important issue. That was a challenge pre-pandemic, and it has certainly been a challenge because of the pandemic. That challenge has been accentuated because of the impact of Brexit on many areas. We are seeing vacancies and gaps in particular areas.

**The Convener:** As you say, it is not a new phenomenon. I have reports on the issue that go back 20 years. There has been a series of reports about skills gaps. We should not get too caught up in any current issues. It is a structural issue, is it not?

**Shirley-Anne Somerville:** Forgive me, convener, but a variety of sectors across the country would absolutely say that some of the skills gaps have been accentuated as a result of Brexit. I do not think that that is too much of a political point; it is merely a statement of fact.

There are issues that have been going on for some time in certain areas. You quite rightly raised the issue of digital. That has been an on-going challenge.

To ensure that there are no structural challenges at the national level that have an impact on that, we are keen to ensure that SDS and the Scottish Funding Council work well together to assess skills gaps and what is happening in our education sector. The skills alignment work that has been done is very important in ensuring that, at Government level, our national agencies are working as effectively as they can from a skills point of view and an education point of view, and that they are working well together.

Another issue that we will need to look at as we move out of Covid is the challenge in providing support to key sectors. That is why there have been national transition training funds, for example, and why we have the flexible workforce development fund and individual training accounts. This year, we will evaluate the flexible workforce development fund and ITAs to assess whether more can be done to simplify and strengthen the lifelong learning offer, and to challenge ourselves on whether we can do more on that.

On digital shortages, a great deal of work is, of course, going on in that specific sector, which I probably do not have much time to go into today. However, I would be happy to give further evidence in writing on that to the committee, if that would help. Work is being done to deal with the short-term challenges that we have seen and to address the fact that we have a competitive market, which is making it difficult for small firms, for example, to take part.

At national Government level, we are looking very closely at what needs to be done by our funding streams and our national agencies to ensure that we are providing effective support to people when they need it.

**The Convener:** I hear what you are saying, but would you mind if I ask you the same question again? What is your analysis of what has been preventing us from training until now? You have

talked a lot about the present and the future, but why do such skills shortages go back so far? Let me ask you a blunt question: is Skills Development Scotland fulfilling its role? Should you be looking closely at that organisation in the same way as we are looking at the Scottish Qualifications Authority and Education Scotland?

10:15

**Shirley-Anne Somerville:** I assure you that I keep a close eye on all the agencies within my remit. I think that SDS is working effectively. I have tried to make it clear that we are not taking anything for granted, which is why we are assessing the training packages to see whether they are fit for purpose. We know that we need to do better on the alignment between the skills packages and the education packages.

**The Convener:** I am still not hearing any analysis of what has brought us to this point. To be able to fix something, we must know what we are trying to fix. What are we trying to fix? Why are we not succeeding in training Scots for highly skilled jobs?

**Shirley-Anne Somerville:** Some of the areas of skills shortage are not in highly paid jobs. One way to attract people to work in social care would be by having a fairer work policy and a better standard of pay. The health secretary made announcements on that yesterday. Some aspects of employment and fair work are reserved to Westminster. We face challenges with some areas of low-paid work—some sectors are not attractive because of the wages that are offered. It might help if the real living wage was more substantial.

In other areas, the challenge is to skill people up. During the pandemic, we looked at micro-credential courses and we are interested to see what more can be done with those. They might allow people to move from one sector to another or to upskill, which would support the need for skills across the economy. When we look at the national transition training fund, we are assessing how successful those micro-credential courses have been and whether they have allowed for upskilling or have helped people to change careers. It is important to assess what we are doing.

**The Convener:** I agree that you are doing the right things, but it is also important to assess what has gone wrong. Things have clearly gone wrong.

**Shirley-Anne Somerville:** That is why we are assessing it.

**The Convener:** We could have a longer conversation about that, but I want to bring in colleagues. Michael Marra has been jumping up and down in the corner.

**Michael Marra (North East Scotland) (Lab):** I am animated by the issue of digital skills, which pertains to my home city of Dundee and more broadly across the country. I am not convinced by the cabinet secretary's analysis. We have a situation where companies offering computer games training or universities providing computing courses cannot make it compulsory for applicants to have passed higher computing, because there are not enough teachers to enable our kids to pass those higher.

It is reasonable for the convener to say that there is an issue with SDS, but there is more in the cabinet secretary's portfolio that pertains to the issue of training. Those are not low-paid jobs; they are well paid. They are the jobs of the future and could be attracting investment.

**Shirley-Anne Somerville:** I said that I am happy to provide further detail about digital training, but I can go into that more. I gave examples of lower-pay jobs, although I stress that they are not lower-skill jobs. Digital training is key, which is why we had the Logan review to look at that particular issue. I have spoken to Mark Logan about the issue and about education. When we discussed that, we agreed that my officials would work with him to see what more can be done in the education sector.

I take your point. I have no issue with your assessment of the challenge of ensuring that we have the right skills in the teaching profession to be able to provide the courses that will allow people to go on to university. That is just one of the aspects in the Logan review. He and I have discussed what we need to do about that. I absolutely agree that more needs to be done on that, and we are keen to work with him to see what more can be done collaboratively and what we need to change.

Part of the challenge is attracting to the teaching profession people who might have other employment opportunities if they have the type of computing background that we are looking for. They might not see teaching as the attractive option. That is one area among many that we are looking at.

**The Convener:** I am sure that we will return to that issue time and again.

**Ross Greer (West Scotland) (Green):** Cabinet secretary, I would like to return to your conversation with Kaukab Stewart about the national qualifications group. Since the 2021 alternative certification model experience, have you spoken to Cameron Garrett, the member of the Scottish Youth Parliament, who was quite critical of his experience on the group, or to Bruce Adamson, the Children and Young People's

Commissioner, who was scathing about the claims of co-production by young people?

**Shirley-Anne Somerville:** I have not spoken to the commissioner, but I have absolutely heard what he had to say about that. Most of my discussions have been with Liam Fowley, who is on the Covid-19 education recovery group, and who has made clear the discussions and concerns about the NQ21—now the NQ22—group. I have listened carefully to what the commissioner has said about being careful—he probably put it more strongly than that—about the wording that the Government uses. We need to be careful that, when we talk about co-design, that genuinely means co-design. I am keen for the Government to do a lot more in that area, which is why I am setting up the children and young people's education council. It will have parity with the education council, which has been refreshed, and it will meet soon, so that children and young people have a voice.

Given my experience in my previous brief, in social security, I am acutely conscious that having people at the table does not mean that they feel empowered to have their voice heard or that having their voice heard is facilitated at that point. Regardless of where we are in Government, that is a lesson that we absolutely need to learn and take cognisance of.

I think that I have listened to the criticisms, although I am happy to be told otherwise by the commissioner if we need to do more on that. Listening does not mean that we will always agree with a children and young people's representative on a panel. For example, I had a fundamental disagreement with some points that were put forward about a no-detriment policy in relation to the appeals process for 2021. However, the key point is whether every young person in the process felt that they had the right opportunity to have their say and be listened to, whether or not I agreed with them. They clearly did not feel that way, and I have taken that exceptionally seriously. I hope that I have demonstrated that we have taken action on that since then.

**Ross Greer:** Last week, the Equality and Human Rights Commission announced that it has used its statutory powers to intervene with the Scottish Qualifications Authority. What conversations have you had with the SQA since you became aware of the EHRC's enforcement actions? What action are you taking to ensure that the public sector equality duty is being met by the agencies that are accountable to you?

**Shirley-Anne Somerville:** I take that issue exceptionally seriously. We expect the equalities duties to be taken seriously and undertaken thoroughly across our agencies. I last spoke to the SQA's chief examiner on Monday this week to

discuss the issue and to again be reassured by her about the work that is now in place to ensure that everything that needs to be done on the issue is being done. I am reassured that all the required equality impact assessments in relation to the awarding of national qualifications over the past two years were completed and have been published. That is in addition to those that were published by the Scottish Government. Clearly, there has been substandard practice in years gone by. That has been recognised, and those historical policies are being looked at and actioned.

**Ross Greer:** How did that come about? I struggle to understand it. My interpretation of what happened is that it is not the case that EQIAs took place but were unsatisfactory; they regularly simply did not take place at all. For a simple statutory duty, that stuns me. I accept that that happened long before you came into your current role, but what is your understanding about how it came about? Had it simply always been a deficiency at the SQA since the public sector equality duty was introduced or did it gradually fade away as the members of staff who were responsible for it moved on to other posts or jobs? How could it possibly come about?

**Shirley-Anne Somerville:** That is one area in which the SQA will need to learn lessons. There are also lessons for all of Government to learn to ensure that such situations never happen.

I should be clear that the issue predates not only my time in post but the time of the current chief examiner in post as well. She is keen to ensure that the SQA fulfils its duties. She knows that people are understandably and rightly concerned about the matter. That is why the SQA is already in a process to complete all the outstanding EQIAs. For example, 28 new equality impact assessments have been published since August.

Work is going on to ensure that the problem is alleviated but, having spoken to the chief examiner, I am sure that she is keen to ensure that the SQA has practices and policies in place so that it never gets into a position where there is even a doubt about whether such obligations are being fulfilled.

**Ross Greer:** Other colleagues want to come in on that issue, but I want to touch on one more issue. I am not sure whether you are aware, but the First Minister misheard my question on school ventilation during yesterday's Covid statement, so I will repeat it. If you do not have the information, I would appreciate it if you could write to the committee.

The deadline for making ventilation improvements in schools is, I believe, next

Friday—it is certainly next week. How much of the money that has been allocated has been spent? Will a report be produced and made available to the Parliament breaking down the allocation by local authority and how each local authority spent the money? How will the effectiveness of the ventilation improvements be monitored? How will we know that they are working and making classrooms safer?

**Shirley-Anne Somerville:** I heard that the First Minister answered an entirely different question from the one that you asked. I think that she misheard the question and answered a question about small businesses, so I came prepared for you to try again today.

The distribution for the £10 million has been agreed through Convention of Scottish Local Authorities leaders. Each local authority will receive an equitable share of the funding, on the strict understanding that it is for the purpose of improving ventilation. That includes covering the cost of monitors. The funding will be processed through the local government settlement. The capital element will be provided to local authorities as a one-off payment in November and the revenue element will be provided in March, as is the normal practice.

Local authorities have taken great strides to undertake their initial monitoring before the October holidays, which I stress are not all at the same time in Scotland. They are making good progress to allow that to happen. Some local authorities are reporting concerns about supply issues, which we always knew might be a challenge in some areas. We have been working closely with COSLA to give advice on procurement routes for quick supply and brokering discussions between local authorities to arrange the loan of mobile devices, if that is feasible when some councils are, perhaps, further ahead.

Once the October holidays have begun, we will collate the final position. I anticipate that we will provide a report later in October. That will allow an assessment of how the work has progressed. We will keep a close eye on what happens after October once the initial monitoring has taken place.

**Ross Greer:** Thank you. I look forward to that report.

**Oliver Mundell (Dumfriesshire) (Con):** Cabinet secretary, when were you first made aware that there had been breaches of the SQA's public sector equality duty?

10:30

**Shirley-Anne Somerville:** I was made aware of that a few weeks ago, prior to the public announcement being made.

**Oliver Mundell:** You will have seen Fiona Robertson's appearance at the committee last week. As a member of this Parliament, do you think that it is acceptable that she omitted to mention those issues when being questioned directly about how the SQA achieves equality?

**Shirley-Anne Somerville:** There has clearly been concern about the timing of the report's publication and the fact that it was the day after Fiona Robertson was here. I would like to make clear that the timing of publication was not the SQA's decision. It had been hoped to publish the report earlier, which would have been before Ms Robertson's committee appearance, and it was not the SQA's decision to have the date that was finally settled on. That was for the commission to decide.

I agree that it is disappointing that the publication did not happen earlier, so that Ms Robertson could have discussed the issues with the committee. To be absolutely clear, that decision was not of the SQA's making.

**Oliver Mundell:** The SQA might not be responsible for that but, clearly, over the past two years there has been chaos. The OECD has identified that the organisation is not fit for purpose. We now know that there have been discriminatory practices. You and the First Minister have both given Parliament your reassurance that the SQA had your full backing. Do you regret that?

**Shirley-Anne Somerville:** The OECD has not said that the SQA is not fit for purpose. We need to be very careful about putting words into the mouth of the OECD—that is not a comfortable position for anyone in Parliament to take. The OECD has pointed out that we can look to having a different type of organisation in place that deals with curriculum and assessment. That is exactly the recommendation that I have looked at and acted on.

In the meantime, while the work carries on, through the Ken Muir report on what will replace the SQA and any reforms for Education Scotland, both Education Scotland and the SQA have important roles to play. It is exceptionally important that the SQA carries on that work to ensure that we have a credible and fair exams and assessment system next year. I have full confidence that the SQA will continue to do that, and I have full confidence in the SQA.

**Oliver Mundell:** I hear what the cabinet secretary says, but I do not understand how it is possible for her to retain confidence in an

organisation that has been responsible for a catalogue of errors and has shown such poor judgment. Is it not time, cabinet secretary, to step in and assume day-to-day responsibility for decision making at the SQA, so that young people can have absolute assurance that their interests will be protected? The Scottish Conservatives would support any measures that would be needed to make that possible, given that the organisation is likely to remain in place not just this academic year but the next.

**Shirley-Anne Somerville:** I say with the greatest respect to Oliver Mundell that it would be utterly inappropriate for a politician of any colour to have direct control of qualification credits in the country. It is absolutely key that a qualifications agency is independent of Government. That allows the system to be credible and free of outside political interference. I do not intend to take over day-to-day control of the SQA.

Of course, the Government will absolutely ensure that we have a close working relationship with the SQA, as and when that is appropriate, to ensure that we have the working relationship that people would expect. I am sure that the committee would expect me to work closely with, and where appropriate challenge, the chief examiner on issues as we proceed. However, over the past year, the SQA has ensured that a fair and credible system was in place that allowed young people to receive their qualifications under the most difficult of circumstances.

I will be careful to maintain a close working relationship and to challenge where necessary. I do not think that, in my time in my remit so far, people could criticise me for not keeping a close eye on the SQA. I will continue to do that and ensure that the correct distinction is made so that the SQA is independent, as it has to be.

**Oliver Mundell:** A national newspaper had an advance draft of the education recovery plan on 14 August. Given that the plan is so uninspiring, why was its publication held back to yesterday? I ask you bluntly: have you given up on serious reform of Scottish education?

**Shirley-Anne Somerville:** I genuinely do not think that anyone who has followed what I have done since I came into this portfolio would suggest that I have given up on reform. It has been a busy time for reform in the education system.

Previous drafts of the education paper that was published yesterday were shared among members of the education recovery group on numerous occasions. We have shared the document widely with our stakeholders as we have gone through the process.

If Oliver Mundell has proposals for different policies, I would be more than happy to meet him

about those, as I said at the start of my tenure as education secretary. We are about to begin the budget process. If he does not like what is in the material that came out yesterday, I look forward to seeing the proposals that the Conservatives will make on the issue.

The document that was published yesterday was a collation of what the Government is doing. Funnily enough, the Government did not start thinking about recovery in education over the past month; it has been at the forefront of our minds since before the election. That is exactly why we have put in place a lot of the measures that we have. The Government was elected on a manifesto that was designed to assist Scotland through recovery from the pandemic, which makes it unsurprising that the recovery programme that we had in our manifesto plays loud and strong.

We have ensured that we have in place policies that turn their full attention to recovery. For example, the Scottish attainment challenge is not new but, of course, it has been examined to ensure that it takes all the lessons from the pandemic so that, when I make more announcements on the Scottish attainment challenge refresh, I will not be announcing the same types of policy and funding streams as in the past, because we are moving on.

Of course we are using the different policy levers that we have had for some time and turning their attention to the pandemic. I do not think that the committee would expect anything less.

**Oliver Mundell:** The committee might have expected that the plan would have been ready for schools going back in August, not published in October the day before you came to the committee. However, I will move on and let other members come in.

**Michael Marra:** The unholy mess at the SQA did not emerge overnight. Statutory measures are not the first action that the EHRC would take. The organisation would have had numerous chances to reform its practices over the period concerned. I have been told that the issue relates to 112 policies at the SQA, including awarding meetings for national courses, awarding body approval policy, equality of access to SQA qualifications, grading for national courses, the qualifications framework, Disclosure Scotland policy and the SQA skills framework. All of those, as overarching policies, pertain to the past two years. What analysis have your officials done of whether the situation opens the Scottish Government to any potential legal challenge from young people who feel that they have been let down?

**Shirley-Anne Somerville:** I understand that Michael Marra has received from the SQA a list of the areas of policy that still need an EQIA. I urge

caution. He has a list of the policy headings; however, I hope to reassure the committee. I have spoken directly to the chief examiner on the issue, and discussions have been on-going between the SQA and my officials. I repeat that I have had an assurance that nothing that is outstanding has implications for the awards that have been given over the past two years. This is about historical practices and policies. I have sought, and been given, the reassurance that the types of policy for which EQIAs remain outstanding have not had any implications for awards.

There are a number of areas for which there must be a signed legal agreement between an organisation and the commission; there is confidentiality about what can be publicised. Again, my understanding is that the SQA sought and got agreement from the commission that the list could be published in an attempt at reassurance that it is being as transparent as possible while abiding by the legal agreement.

I appreciate where Mr Marra is coming from, and I would wish that the SQA could say more. It has to seek agreement from the commission in order to be able to make areas public. It is not a comfortable position for the SQA either, because I think that it might wish to be able to reassure people more than is possible. It has tried to do so through getting the list and making it available to Mr Marra.

**Michael Marra:** Being transparent would have meant trying to do something at committee, when under direct questioning on equalities issues, to highlight the fact that this had been coming for a very long time. The cabinet secretary has said that agreement was needed. I look forward to seeing the correspondence between the SQA and the EHRC in which it asked for that to be brought forward so that it could discuss the matter before the committee.

I move to an associated issue. My view, which I think is shared by other members of the committee—and certainly by members of the public to whom I have spoken—is that the performance by the leadership of the SQA in front of our committee last week was poor, even before the information came out the next day. I have had representations from the trade unions, which wrote to you at the start of September about their on-going role and with a submission about the terms of reference of the reform process. They have characterised your response of 21 September as “appalling”. You have said that you are very interested in that reform. I have looked at your response and I share their characterisation of it. Will you give them assurances, in the context of the comments that they made about the hundreds of members of staff who have been ignored by the leadership of the SQA throughout the past two

years—in particular, over the debacle of the algorithm—as to whether their viewpoints are being taken into that reform process, and on how you are doing that?

**Shirley-Anne Somerville:** Just to be clear, the intention, as I understand it, was that the report would be out before Fiona Robertson’s appearance at the committee, but the commission required a change in date. That decision was made by the commission. It could not be changed by the SQA.

**Michael Marra:** We will wait to see the correspondence—

**Shirley-Anne Somerville:** The SQA cannot ask for the date to be brought forward if the commission says that a delay is needed. That was the reason behind that.

When it comes to the terms of reference of the review, and the feelings of the unions and staff, I fully appreciate that, given my announcement that the SQA would be replaced, this is a time of great concern for staff. They are exceptionally passionate about their jobs and they are good at their jobs. As we go through the review process, there is clearly a concern about how they can be heard.

10:45

Different stakeholders made a number of points when we looked at the draft terms of reference in order for Ken Muir to take up his position. Again, as with all these processes, not all the suggestions of changes to terms of reference can be made. However, I hope that, since Ken Muir came into post, the unions have seen that they will absolutely have an ability to have direct discussions with him. My understanding is that that has happened already, and I am sure that it will continue to happen, although it is for Ken Muir to decide on that process. All staff will be able to feed into the process of the review. It is not the case that senior management will have discussions with Ken Muir, while the staff will be kept separate or that there will be one voice of the SQA that will be assumed to represent all staff. All staff, unions and, as people would expect, senior management on the board will be able to have their say in the review process.

**Michael Marra:** You will understand that, when the chief executive of an organisation—the person who leads that organisation—welcomes the announcement that the organisation is to be folded, the hundreds of staff who work for that individual and who she is charged with leading would be incredibly disappointed. Dr Robertson’s welcome for your announcement is a dereliction of leadership, in fact. Staff have made it clear that they want separate representation on that body—



they do not have faith in the leadership of the SQA to represent their expert opinions and experience. I hope that you might consider that and write again to the trade unions on that basis.

If I could move to my last question—

**Shirley-Anne Somerville:** May I just make it clear that staff have the ability to have direct discussions with Ken Muir as part of his work? There is nothing stopping the unions having direct discussions with him. My understanding is that those discussions have happened already, so I do not need to interfere in that process, because there is nothing stopping them having those discussions.

**Michael Marra:** From the correspondence that I have received, it sounds as though I have had contact with staff more recently than you. On that basis, it would be good if you could follow that up with staff, to check that the process is as you have described and that they are satisfied with it. If we can clear that up, that would be great.

**Shirley-Anne Somerville:** I will certainly undertake to do that and get back to you in writing on that.

**Michael Marra:** Thank you. That would be great. Please respond to them in writing.

**Shirley-Anne Somerville:** I can assure you that I have had very regular conversations with my officials on that.

**Michael Marra:** That is superb. My last point is on a separate issue. A significant theme emerged from the evidence that the committee took and the conversations that we had with pupils across Scotland. They have all been very concerned about qualifications, as we have all been, but the challenge relates to what they have learned over the past two years. They have had a huge amount of time out of school. Have you and your officials assessed the knowledge and learning gaps and the impact of those? Has that informed your recovery plan?

**Shirley-Anne Somerville:** In many ways, that question goes back to my earlier answers to Willie Rennie about what information is collated. Part of that is the curriculum for excellence levels data, which we gather in order to assess young people's progression through the levels. It is very important to look at what has been learned over that period, and the data is there. It is also important to look at the health and wellbeing of young people through that process. In December, there will be another survey on health and wellbeing, so that we can assure ourselves about where we are on that aspect. Of course, we expect the Government to keep a close eye on that not just because of the pandemic but generally. The national improvement framework interactive evidence report provides an

overview of what we know about education and the context of young people's progress, so that is being looked at.

Work is also under way to gather additional evidence for the 2022 national improvement framework from the lockdown lowdown survey as well as from surveys of headteachers and from the health and wellbeing census of pupils from P5 to S6.

**Michael Marra:** That is critical. The document that you published yesterday does not contain any data about that loss. It talks about the equalities audit that took place in January. Everyone in Parliament and in the country would want to see a response that is based on what has happened. What has been lost? How much time has been lost? It does not seem to me that you have a full grasp of what that is. It is great that some measures might be forthcoming, but those must be in response to what has happened. I worry that the Government has not grasped the scale of the challenge.

**Shirley-Anne Somerville:** I assure you that we do have a grasp of the scale of the challenge. As the committee would expect, we speak regularly to the teaching unions, which give us feedback about what is happening in classrooms. We speak directly to young people themselves.

We have a well-established monitoring and evaluation programme on the improvement of attainment and wellbeing. I have mentioned some of the areas involved. That programme will report in due course.

We are not waiting. We are working to support young people with additional teachers and funding. That work has not waited and is already being actioned, because we know that there has been an impact on attainment.

**Michael Marra:** You just do not know how much.

**Shirley-Anne Somerville:** Forgive me, Mr Marra, but there are timings to when those reports will come out and data must be collated. I do not need the report to tell me that there has been an impact. That is why the Government has already acted to put in place additional teachers and additional pupil equity funding to support schools through Covid.

We have not waited and are already taking action. With the greatest respect, we cannot be both criticised for there being nothing new in a report about education recovery and told that we should not wait. We have not waited. We have already taken action. When further detail, such as the information about health and wellbeing or the data about curriculum for excellence levels comes out, we will self-check at that point.

**Michael Marra:** You will respond further.

**Shirley-Anne Somerville:** It is an on-going process. It is not about a point in time. As I have kept saying, schools are still in the midst of dealing with the pandemic. I will not look only at what happened last year; I will look at what is continuing to happen and the Government will adapt its progress accordingly.

**The Convener:** Bob Doris and Stephanie Callaghan have supplementary questions. I know that they will be mindful of time.

**Bob Doris:** I have a brief supplementary question about the agreement between the SQA and the Equalities and Human Rights Commission that Mr Marra referred to. I note that the EHRC was very positive about the two-year agreement to drive up standards and that it believes that that will happen. Lynne Welsh from the EHRC also says:

“This agreement sends a clear message to other public bodies that considering the impact of their work on people from protected groups is critical in fulfilling their legal duties.”

It is important to put that on the record, too. What is the Scottish Government doing to ensure that public bodies across Scotland learn lessons from the SQA’s experience and can drive up their own standards?

**Shirley-Anne Somerville:** We must ensure that that area is working not just well but up to the standard that people would expect. That is why, as part of the programme for government, we have undertaken to implement an equality and human rights mainstreaming strategy, which will ensure that that is being looked at as thoroughly as the committee would expect. I am sure that lessons can be learned from what has happened in the SQA, and that issues with historical policies and practices can be dealt with expeditiously if they are found.

**Bob Doris:** I hope that that was brief enough.

**The Convener:** That was very good.

**Stephanie Callaghan:** I will pick up on the comments about the wellbeing and confidence of children.

Michael Marra talked about data. The Audit Scotland report on education outcomes noted that better data is needed to understand whether outcomes such as wellbeing and confidence are improving. It was mentioned that a survey will come out in December. What plans are there to work with stakeholders to develop and publish consistent and robust national data that reflects those priorities of health, wellbeing and confidence? Will that be built into the national framework through its being updated to reflect that data and the fact that it is a priority that impacts outcomes?

**Shirley-Anne Somerville:** As I think I said earlier, we need to look at that to ensure that we are gathering the correct data about the correct areas. Although that is more challenging in some areas of curriculum for excellence than in others, we need to be up to that challenge.

There will be a review of the national improvement framework measurements in 2022. That will allow stakeholders to assess, with Government, how we have measured for the NIF in the past, whether that is correct, what needs to change, and what they would like to change it to. Although areas to do with health and wellbeing are, of course, already part of our analysis, it is the right time—as we move out of Covid—to ensure that we are doing that correctly. That consultation will happen early next year.

**James Dornan (Glasgow Cathcart) (SNP):** Good morning, cabinet secretary. I will ask a couple of questions about the OECD report, which was, in general, very positive. However, the OECD raised a number of areas where there is room for improvement by the Scottish Government. Have you reflected on your approach and, if so, how?

**Shirley-Anne Somerville:** First, I note that the OECD report was very welcome and timely. We have accepted in full all the recommendations of the review, and I will make further announcements with more detail of how we will take forward their implementation in due course.

One of the aspects that came through loud and clear in the report was that there was wide support for curriculum for excellence. For example, it states that:

“Scotland’s Curriculum for Excellence continues to be a bold and widely supported initiative, and its design offers the flexibility needed to improve student learning further”.

The foundations that we have are correct. Professor Stobart said in his report that it is

“an inspiring example equated with good curriculum practice”,

so we have good foundations to build on.

Curriculum for excellence has been in place for some time now, so it is quite right that we look at it. The OECD has challenged the Government to see what more can be done to ensure that it is fit for purpose. I will say more in due course about how we ensure that it is right for the challenges ahead. It is timely for us to do that, given that it has been in place for more than a decade. It is not surprising that changes need to be made.

**James Dornan:** I suspect that you will give a statement at some stage. Nonetheless, will your implementation of the report reflect the OECD’s suggested approach?

**Shirley-Anne Somerville:** We will look very carefully at what the OECD has recommended. One of the challenges that we will have in taking the report forward is that there is a lot of change in it. Some of those changes can happen at the same time and some of them will have to happen on different timescales. Part of the reason for that is that our collaborative work with stakeholders to get the details of that change correct—which I believe that we should do—will take some time.

11:00

There is a lot to do. Some of it is work that we can undertake quite quickly, and in some areas, as I have said, it will take time. As I look to make further announcements on this, I will try to set out what we can do in the short term and to highlight the areas that will take longer. Part of the OECD's suggestions about how to take things forward involved the time that it takes to take them forward.

The manner in which we do that is exceptionally important. As I said in earlier remarks, I am determined to play a collaborative role as education secretary. The committee and the Parliament will decide how it wants to take forward any work on these issues, but I will be more than happy to work with anyone and everyone who has a role. There are a number of challenges in the report, and not all of them can be addressed at the same time or quickly.

**James Dornan:** On a slightly different matter, but one that is still to do with the OECD, how have the impacts on the college and training sectors been factored into any responses to the OECD report that you have made to date?

**Shirley-Anne Somerville:** It is important that we look at this issue in the round, particularly when we look at the senior phase. Our school-college partnerships are exceptionally important and becoming even more so.

We are linking in with the colleges, as demonstrated by the fact that Colleges Scotland has been invited on to the Scottish education council, which it was not on previously. I hope that that demonstrates our commitment to look at this in the round and to recognise that we cannot look only at what happens in schools. When we look at attainment and achievement, we need to view it in a wider sense, and colleges play a very important role in that.

**James Dornan:** Is that the message that you will be taking forward?

**Shirley-Anne Somerville:** It is an area of education on which I am keen to attempt to build consensus as far as possible. The refreshed and reformed Scottish education council is quite a

large body, but it brings together representatives from local government, some of the trade unions and, importantly, more children and young people and more representatives of children and young people's rights to have that type of discussion.

**Fergus Ewing (Inverness and Nairn) (SNP):** Good morning, cabinet secretary. In the OECD's evidence, there were a great deal of positive endorsements of the quality of education in Scotland. I do not have the time to run through them all, but it found that we are a leading country in global competence and proficiency, that our education system produces "confident" and "articulate" children, that there are good partnerships between universities and schools, and that curriculum for excellence has expanded opportunities.

I want to focus on what I took to be its central criticism, which is that although CFE has the four capacities of producing successful learners, confident individuals, responsible citizens and effective contributors, the system does not necessarily provide a means of assessing and ensuring that each of those four capacities has been achieved. That is what I took from the report; it might not be your view.

I want to ask you three questions. Do you think that I have accurately described the central thrust of the OECD's criticism? How, in practice, do you think it can be—[Inaudible.]—successful learners, confident individuals, responsible citizens and effective contributors? Do we have a means of demonstrating that that is seen as reliable, objective and fair?

**The Convener:** Did you catch that, cabinet secretary? Did you get a sense of what Mr Ewing said?

**Shirley-Anne Somerville:** I think so. I am sure that Mr Ewing will correct me if I miss a point. He glitched out during part of his question, but I have no doubt that he will keep me right.

One of the things that I have found refreshing about being education secretary is having discussions with the OECD, taking part in discussions with the international council of education advisers, taking part in some webinars that the OECD organised and discussing with a global audience the successes of Scottish education and, in particular, curriculum for excellence. I do not sit here as education secretary and say that there is nothing that we need to improve or that we cannot do better, but it is refreshing to have a global perspective on Scottish education. The positive points to which Mr Ewing alluded at the start have come through strongly from colleagues around the globe in the webinars that I have attended.

One area on which the OECD has rightly challenged us is how our broad general education fits or does not fit with our senior phase and, within that, our assessment and qualifications set-up. I am giving a great deal of thought to that, and I know that various members of the committee have strongly held opinions on that issue as well. I will make further announcements about what we will do about that when I respond to the OECD in due course. The OECD has given us a challenge that curriculum for excellence needs work to ensure that it is ready for the challenges that are ahead of us as a society, but one of the biggest challenges that the OECD gave us was about how to ensure that curriculum for excellence flows all the way through to the senior phase.

How we do that—which was the bit that I got at the end of Mr Ewing’s question—concerns ensuring that the system is reliable and credible. That absolutely must be the case. Whatever qualifications and assessment process we have, it has to be reliable and credible. There are different ways that we can do that. We can make changes to the current system, but I stress that it is one area on which we will engage in discussions with stakeholders, because there are a variety of views about how it can be done and I would like to build in as much collaboration and consensus about it as possible.

**Fergus Ewing:** I am happy with that answer and look forward to further details and the statement. I hope that the cabinet secretary will be able to give even more consideration to the matter because it is important that we ensure that people in colleges, universities and business—the adult world—can have full confidence in the validity of the awards that we issue to children through the processes that we employ.

The second of the three questions that I wanted to ask was about that. With the massive disruption that the lockdown caused, we have had to do things differently and examinations have made way for the use of assessment in general. How we can ensure that the outside world—the adult world, if you like—has confidence, and can place confidence, in the accuracy of the results that flow from an assessment process, which we had of necessity over lockdown in the past two years, as opposed to traditional examinations? Can you reassure the adult world about the value and confidence that we can place in those results and awards?

**Shirley-Anne Somerville:** Ensuring the credibility of the process is important. The past two years have been like no others that we could have imagined or planned for when it came to what happened with the exams.

I made a point earlier about the professional judgment of our teachers. That has come to the

fore over the past few years, proving that there are different ways of carrying out an assessment process that can lead to a qualification that is still credible.

Members do not have to take my word for it—or even the word of the SQA, even though one of its guiding principles is to ensure the credibility of the process and even though it works exceptionally hard to allow that to happen. We need only look at how the process was received by employers. I was heartened by a letter led by Sandy Begbie and signed by many other employers that credited our children and young people for going through what might have been a different process and facing challenges that none of the rest of us had to face when we were going through our exams—no matter how long ago that was—and which made it clear that employers had faith in what young people received at the end of the day.

Again, I pay tribute to the university sector, which worked in an exceptionally close way with Government and the SQA to understand the process and, as a result, to have faith in it when it came to entry requirements. The reaction of both universities and employers demonstrates the credibility of the approach that has been taken in the past couple of years and the fact that there are different ways of having a credible assessment system.

**Fergus Ewing:** I imagine that, in her discussions with everybody involved, the cabinet secretary will include the business world—the chambers of commerce, the Federation of Small Businesses, the Scottish Council for Development and Industry, the Institute of Directors and so on—to ensure that business is confident about the way ahead. It is important to get that buy-in, as it shows that we have an excellent system that people can put their confidence in.

The last of my three questions is slightly different and is perhaps a bit left field, cabinet secretary, but please do not look too worried. At the beginning of the session, you mentioned the pledge—which was made, I believe, by the Deputy First Minister earlier this year—to give every child a laptop or tablet. I welcome that; even though I suspect that many children already have such devices, I think it important that we reach out to all, particularly those who are unable to afford them.

That said, laptops and tablets are simply tools—they do not achieve anything by themselves. Does the cabinet secretary agree that it would be extremely useful for children to acquire the skill of touch typing using the QWERTY keyboard on a laptop or tablet? There are many things that I completely failed to learn in my life, such as a foreign language—that is my fault—but I had an opportunity through a friend of my mother’s to learn how to touch type. Frankly, it is the most

useful skill that I have ever learned. Whenever I see children tapping away at a mobile phone with two fingers, I think, “This is not great,” because it just does not equip them for the many walks of life where the ability to type effectively and quickly is an extraordinary benefit, not just in our world but in almost every area where communication through the written word is appropriate.

I have asked my question at some length to give the cabinet secretary time to compose her answer. To be serious, though—and maybe this is just me—I think that it is an extremely useful skill, and I wonder whether the tool of a tablet or iPad can be made really useful by enabling children to learn how to touch type and give them a skill that might well transform what they can get out of their employment and their life in general.

**Shirley-Anne Somerville:** You are correct to say that that is a bit of a left-field question, Mr Ewing, but I shall do my best to answer it.

You have raised an important point about the use of technology. However, this is not just about having a device, and I will broaden things out slightly to talk about connectivity, which is important, too. I am being reassured that the experiences and outcomes include the use of technology. They may not go as far as Mr Ewing wishes on touch typing, but I hope that I have given him as much reassurance as I can that the use of technology is in the technologies Es and Os.

11:15

**The Convener:** Thank you, cabinet secretary. If we can detain you slightly longer, we have a couple of other questions.

**Willie Rennie:** What evidence have you gathered to justify the inclusion of children’s services in the national care service?

**Shirley-Anne Somerville:** That is still up for consultation. The Feeley review of social care considered including adult services in a national care service, but there is a concern that having adult services in such a service and keeping children’s services separate would lead to more difficult transitions and challenges.

One of the areas on which we are genuinely keen to seek people’s views—I know that there will be different views on it—as we look to establish the national care service is how we get the best outcomes for children out of it, particularly with a view to transition. That is part of the consultation. The Government has not taken a view on it, as I hope Willie Rennie would expect, given the fact that the consultation is still live.

We will, of course, analyse the responses to that consultation. However, there is an understandable

body of opinion that having adult services separate from children’s services would be detrimental to how the system operates. It is one body of opinion—there are others—but that is the position that we are considering at the moment.

**Willie Rennie:** Do you accept that it appears like it is an afterthought? It was not included in the Feeley report and there was no children’s equivalent of the Feeley report. Fiona Duncan from The Promise Scotland has expressed what I would classify as real concern. Is it an afterthought or have you gathered evidence on it?

**Shirley-Anne Somerville:** It is not an afterthought. When the Feeley review was established, there was a clear need and drive for it, given some of the issues that have been shown up through the pandemic. Adult care services are obviously included in the proposed national care service, but we need to check whether we can provide consistent delivery of services to our most vulnerable children and young people. We must also acknowledge that a number of children and young people who have contact with social work services do so because they have an adult family member who receives support from adult services, so the question is whether it makes sense for those services to be more seamless than they would be if they were separate.

It is not an afterthought by any means. The comments from Fiona Duncan and others are challenging us to ensure that there are no unintended consequences or gaps and challenging us on how best we can deliver on the promise. That is the right challenge to give to Government and we will consider it closely as we move out of consultation and analyse the recommendations from different bodies, which might have very different opinions on the matter.

**Willie Rennie:** Are you delivering the promise?

**Shirley-Anne Somerville:** The whole point of the promise was that it was never going to be an overnight challenge on which the Government could say no, we are not delivering it, or yes, we are delivering it. We are making good progress on it.

The work that the Government has taken on in relation to the promise has ensured that we are considering matters differently. It was never something that could be done overnight, but we are making good progress towards delivery. We are absolutely determined to deliver for every child and young person who is part of the care system. It is our obligation to do just that.

**The Convener:** Before we conclude, I will ask a couple of questions. What research is being done into the impact on young people’s physical and mental health of having to wear face coverings for protracted periods?

**Shirley-Anne Somerville:** The evidence on face coverings is considered by our sub-group that looks at all the mitigation measures that are part of our Covid strategy. That evidence is regularly reviewed; the sub-group met yesterday and I await its updated suggestions, which we will discuss at the Covid-19 education recovery group. The sub-group considers the four harms approach, as we do in relation to all aspects of the direct impact of Covid, indirect health issues and issues around health and wellbeing. It is the sub-group's role to provide advice on that basis and I am sure that I will receive advice from it that we will discuss tomorrow at CERG.

**The Convener:** Have you received anything from the sub-group about the impact that the conditions in which young people are attending school are having on them?

**Shirley-Anne Somerville:** I have received advice from it previously.

**The Convener:** What did it say?

**Shirley-Anne Somerville:** Its advice, considering the four harms approach, was that given the fact that one of our main concerns was to reduce the disruption to children's education through prolonged periods of being off school—

**The Convener:** Sure, but what about the young people? What did the sub-group say that having to wear face coverings for many hours a day is doing to young people?

**Shirley-Anne Somerville:** As I said, it is considering the four harms approach as a whole. Disruption to learning is one of the key issues. The sub-group advised that face coverings should be included in the mitigations that are in place in our schools, because the balance of the four harms approach included face masks as an important mitigation measure that allows less disruption in schools, which has a major impact on children's health and wellbeing.

**The Convener:** I understand all that. I am just asking you what the impact of that measure is on young people. Maybe you will come back and tell us what the mental and physical impact is, because there is an impact.

How much will it cost to make all the structural changes regarding the SQA? Nowhere does it say how much has been set aside or how much it is anticipated that replacing the SQA will cost. What do you expect the cost will be of carrying out those reforms?

**Shirley-Anne Somerville:** We will have a new agency; the SQA will be replaced. When that happens, we will not have the SQA; we will have a different body. It is important that what that will look like is being left to Ken Muir's independent review. At this point, the exact make-up of the

agency is for Mr Muir to consider and give recommendations on. The functions that he is looking at are in many ways already being carried out by different parts of Government—for example, he is considering what functions should go to the replacement of the SQA and where inspections should sit. We are not necessarily inventing new functions as part of that process.

**The Convener:** There will be costs, will there not? All those things inevitably carry costs.

**Shirley-Anne Somerville:** We already carry out functions in relation to the curriculum.

**The Convener:** Might there be savings, then?

**Shirley-Anne Somerville:** That very much depends on what Mr Muir recommends. It will not be an expensive process, because we are not inventing new agencies for the sake of it. We are challenging ourselves to make sure that the structures, functions and, importantly, the cultures of those organisations are fit for purpose.

**The Convener:** As you will be aware, the Supreme Court this morning unanimously decided that four provisions of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill and two provisions of the European Charter of Local Self-Government (Incorporation) (Scotland) Bill are outside the competence of the Scottish Parliament. When did your office first receive legal advice that that was the most likely outcome of the case?

**Shirley-Anne Somerville:** As you will appreciate, convener, discussions about the case have been on-going for some time, but the Supreme Court's judgment has come out while I have been at committee.

**The Convener:** Yes.

**Shirley-Anne Somerville:** I understand that the Deputy First Minister will make a statement to Parliament, so I refer the committee to that statement and the chance to ask questions about the matter then, as I have not had the opportunity to analyse what has been made public while I have been at committee.

**The Convener:** Will you be able to tell us at some future point when your office first received legal advice that that was the most likely outcome of the case?

**Shirley-Anne Somerville:** If that is a question that the convener wishes to ask the Deputy First Minister later on, he will have the opportunity to get into the matter in much more detail than I can now. I am sure that the Deputy First Minister would be delighted to answer.

**The Convener:** I thank the cabinet secretary and Graeme Logan for joining us. Today's meeting is now at an end. Parliament will be in recess for

two weeks, so our next meeting will be on 27  
October.

*Meeting closed at 11:26.*





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